

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approving a Decision on Reconsideration Upholding the Approval of Planning Docket E-02-23, Approval of an Agri-tourism Use Permit for Tax Lot No. 4312-00400; Adopting Findings in Support of the Decision on Reconsideration

Board Order 23-344

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on August 31, 2023 Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

IT APPEARING TO THE BOARD as follows:

WHEREAS, The applicant, Scott Picker, submitted an application to allow up to eighteen (18) agri-tourism events per calendar year on Tax Lot No. 4312-00400, located at 22100 NE Riverwood Road in Dayton, Oregon; and

WHEREAS, The Yamhill County Planning Director issued a decision letter approving the request on April 26, 2023; and

WHEREAS, The Planning Director's decision was appealed and considered by the Board at a hearing held on June 8, 2023; and

WHEREAS, After deliberation, the Board voted unanimously to uphold the Planning Director's decision, deny the appeal, and approve the application (the "Decision"); and

WHEREAS, On June 29, 2023, the Board formally adopted written findings in support of the Decision via Board Order No. 23-295; and

WHEREAS, The County received notice on July 17, 2023 that the Decision was being appealed to LUBA under LUBA Case No. 2023-057; and

WHEREAS, On July 27, 2023, the applicant requested that the Board withdraw the Decision for reconsideration so that the County can adopt more robust findings; and

WHEREAS, On August 3, 2023, the Board approved a formal withdrawl of the Decision pursuant to the provisions of OAR 661-010-0021 and ORS 197.830(13)(b); and

WHEREAS, LUBA formally accepted the County's withdrawl of the Decision on August 7, 2023; and now, therefore,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. Planning Docket E-02-23 is hereby approved, subject to the following conditions:

1. The events shall be incidental and subordinate to the existing commercial farm use of the parcel. The primary purpose of the events shall be to promote and sell livestock grown on the property for meat. At each event, the Applicant shall provide promotional materials to event guests regarding the availability of longhorn beef meat from animals raised on the property, available for purchase by the ¼, ½ or whole. Applicant must make the purchase of livestock raised on the subject farm available to event guests.
2. The events shall not, individually, exceed 72 consecutive hours.
3. The maximum attendance for the event shall not exceed 150 people at any given time.
4. The maximum number of vehicles at any one time shall not exceed 75 vehicles and an area to provide up to 75 parking spaces shall be maintained during the events. No on-street parking is allowed.
5. One of the 18 events may allow the artificial amplification of voice or music, which shall begin no earlier than 8 a.m. and shall end no later than 10 p.m.
6. All events, except weddings, family reunions, and funerals need to apply for a temporary restaurant license through Yamhill County Environmental Health.
7. Property raised meat used at all events must be processed through an approved USDA processing facility.
8. The Applicant shall obtain approval from the Oregon Liquor Control Commission (OLCC) for the service of alcohol.
9. During events the applicant shall provide portable toilets, as appropriate, with a hand-wash station.
10. Prior to holding events, use of any of the existing buildings shall be approved for event use by the Yamhill County Building Official.
11. Access to the property and any buildings or temporary structures which the public is allowed to enter into shall be inspected by the Dayton Rural Fire Department.
12. This approval is personal to the applicant and is not transferred by, or transferrable with conveyance of the tract.

13. This approval shall expire one year from the date of this letter but may be renewed for a four-year period subject to a renewal application and compliance with the above conditions of approval and the standards of Section 1013 of the YCZO.

Section 2. The Board hereby adopts the findings attached hereto as Exhibit A in support of this Decision on Reconsideration.

Section 3. County staff shall submit a copy of this Decision on Reconsideration to LUBA within seven days of the date of this decision, with copies being served on all parties subject to service under OAR 661-010-0021.

DONE this 31st day of August, 2023, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS



KERI HINTON

County Clerk

Chair

LINDSAY BERSCHAUER

By: Carolina Rook

Deputy Carolina Rook

Commissioner

KIT JOHNSTON

FORM APPROVED BY:

Commissioner

MARY STARRETT

Jodi M. Gollehon

Assistant County Counsel

Accepted by Yamhill County
Board of Commissioners on
8.31.23 by Board Order
B.O. 23-344

YAMHILL COUNTY BOARD OF COMMISSIONERS ADOPTED FINDINGS FOR
DOCKET E-02-23

DATE: August 31, 2023

BOARD ORDER: B.O. 23-247, Planning Docket: E-02-23

REQUEST: To allow up to eighteen (18) agri-tourism events per calendar year.

APPLICANT: Scott Picker

OWNER: A&S Investments, LLC

TAX LOT: 4312-00400

LOCATION: 22100 NE Riverwood Road, Dayton

ZONE: EF-80, Exclusive Farm District

CRITERIA: Sections 402.02(X) and 1013.01(A)(4) of the *Yamhill County Zoning Ordinance* and Oregon Revised Statute 215.296.

COMMENTS: *SWCD* – No comments received to date.
Public Works – No comments received to date.
Dayton Rural Fire Department – No comments received to date.
Watermaster – No comments received to date.
Public Health – No comments received to date.
County Sanitarian – See letter dated March 14, 2023, from the County Sanitarian.
Friends of Yamhill County, P.O. Box 1083, McMinnville: See letter submitted on March 26, 2023.

FINDINGS:

A. Background Facts

1. *Parcel Size:* 319.7-acres
2. *Access:* The property has direct access to NE Riverwood Road, a paved county road. Access to the events will be via an existing driveway that accesses NE Riverwood Road.
3. *On-site Land Use and Zoning:* The tract is located within the Exclusive Farm District, the EF-80 zone. The tract is predominantly used for farming activities with 4.5-acres of wine grapes, 165-acres of grass seed production, 90-acres of pasture for the Applicant's longhorn cattle and 90-acres of former hazelnut trees recently converted into additional grass production. The property has a principal dwelling, a (1) pole barn for cattle, two (2) equipment pole buildings, and three (3) poultry barns. The southern boundary of the property is bordered by the Yamhill River, the eastern boundary is bordered by the Willamette River.

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4. *Surrounding Land Use and Zoning:* The surrounding properties to the north, south, and west are all located within the Exclusive Farm Use District, EF-80. To the east is the Willamette River and properties that are outside of Yamhill County but appear to all be in agricultural use. To the west is a 100-acre field currently in perennial rye, and to the west of that is a large hazelnut orchard. To the north is pasture with cattle and goats, blueberries, vineyards, hazelnuts and grass seed.
5. *Water:* The Applicant has indicated that water is provided from an on-site well.
6. *Sewage Disposal:* An on-site septic system serves the residence. The Applicant is proposing the use of portable toilets and hand washing stations for the proposed events.
7. *Fire Protection:* Dayton Rural Fire Protection District.
8. *Previous Actions:* An 18-event agri-tourism event request was approved in 2020, Docket E-12-19. That approval was not renewed and has expired.
9. *Deferral:* The Assessor's office records indicate that 318.7-acres of the property are receiving farm tax deferral.
10. *Overlay Districts:* A significant area of the subject parcel is located within an identified 100-year floodplain and floodway for the Willamette River and the Yamhill River, per FIRM panels 41071C0435D and 41071C0455D. The eastern property line is located within the Willamette River Greenway however there are no structures or development planned within the Willamette River Greenway, so a Willamette River Greenway permit is not required. The subject property does not lie within an airport overlay district. It should be noted that the current buildings on the property, including the building for the proposed events, are not located in the Floodplain Overlay District or Willamette River Greenway District.
11. *Request:* The applicant is requesting to use an existing barn and surrounding outdoor area to host up to 18 agri-tourism events per calendar year. The events listed are "weddings, charity auctions, meetings, longhorn auctions and events to support nature/wildlife." The applicant proposes up to 150 attendees at any given time per event. The events will use when possible the longhorn beef and grapes (used in Argyle wines), which are grown on-site, on the menu, and make longhorn beef available for direct-sale purchase to event attendees.
12. *Approval:* The Yamhill County Planning Director approved the application with 13 conditions on April 25, 2023.
13. *Appeal:* Appellant Friends of Yamhill County filed an appeal of the Planning Director's approval on May 11, 2023.
14. *Public Hearing and Decision:* The Board of Commissioners held a public hearing on the

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appeal on June 8, 2023. Following the closing of the hearing and deliberations, the Board unanimously voted to deny the appeal and approve the application.

15. *Adoption of Findings:* On June 29, 2023, the Board of Commissioners adopted findings to deny the appeal and approve the application.
16. *LUBA Appeal:* On July 14, 2023, Friends of Yamhill County filed an appeal of the Board of Commissioners' decision to the Land Use Board of Appeals.
17. *Withdrawal of Decision:* On August 4, Yamhill County withdrew the decision for reconsideration.

B. Prior Land Use Actions

As noted above, under item 8, on February 20, 2020, the County approved a substantially similar application. One of its conditions of approval stated that it would expire in one year unless renewed for a four-year period. The applicant conducted events under that 2020 approval but did not renew it and it expired.

C. Oregon Revised Statutes (ORS) Provisions and Analysis

1. ORS 215.283(4) provides that the County may approve "agri-tourism and other commercial events or activities that are related to and supportive of agriculture" subject to local and particular state approval standards. Yamhill County Ordinance 871 adopted Subsection 1013 to the Yamhill County Zoning Ordinance are the County's local standards and include the standards required by ORS 215.293(4). YCZO 1013.01 allows certain "Agri-Tourism" events on farmland under certain circumstances. The application at issue here was made under Subsection 1013.01(A)(4) of the *Yamhill County Zoning Ordinance* which states:

In the alternative to 1, 2 and 3 above, up to 18 events on a tract may be permitted in a calendar year subject to the following:

- a. The events or activities are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area and;*

Appellant Friends of Yamhill County's (Friends) grounds for appeal and arguments focused upon the standards set forth under this approval criterion. Their appeal statement provides three related grounds for appeal under this standard:

- They allege that the Applicant has failed to demonstrate that the various events are related to agriculture.
- They allege that the Applicant has failed to demonstrate that the various events are incidental and subordinate to the farm use of the property.
- They allege that the Applicant has failed to demonstrate that the various events

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are necessary to support commercial farm uses on the property or commercial agricultural enterprises in the area.

The Board respectfully disagrees with those assertions and finds that the application complies with all relevant approval standards. These findings address approval standards as well as each of appellants' arguments below.

Related to Agriculture

Friends argue that agri-tourism activities must "relate to" agriculture. They also assert that some of the proposed events such as the weddings, charity events, meetings, and reunions, are not sufficiently related to agriculture. Friends stated that the proposed cattle auction events are a type of event that can be an agri-tourism event that relates to agriculture. However, Friends argued that activities such as weddings cannot be related to agriculture and should not be permitted agri-tourism uses.

The Board of Commissioners notes that the phrase "related to" does not appear in YCZO 1013.01, which are the "Standards and Criteria" for agri-tourism permit applications and similarly does not appear as an approval standard in ORS 215.283(4)(a). The phrase "related to" appears in the introduction section for the agri-tourism section, YCZO 1013 (and ORS 215.283(4)), and characterizes the types of events or activities that may be approved in areas zoned for exclusive farm use, subject to the listed standards and criteria. It is the listed standards and criteria under YCZO 1013.01 (which implements ORS 215.283(4)) that constitute the relevant mandatory approval criteria. *See* ORS 215.416(8) (the standards and criteria for permit application must be those listed as such in the County's zoning ordinance). The Board specifically interprets its zoning ordinance to mean that the applicable standards and criteria for an agri-tourism application are those that the YCZO expressly lists as the "Standards and Criteria" in YCZO 1013.01. An application that satisfies all of the applicable standards and criteria listed under YCZO 1013.01 cannot be denied on the grounds it is perceived to not "relate to" agriculture.

As for specific uses, the Board of Commissioners further notes that the agri-tourism provisions in the County's code as well as state law, much like the provisions that regulate wineries, do not identify specific activities that are included or excluded under the standard. The Board of Commissioners interprets the approval standards to allow a broad range of activities, with the understanding that different commercial activities that can constitute agri-tourism can be necessary for the agricultural uses on a property in different ways. So long as the uses identified in an application comply with the listed approval criteria, the proposal can be approved. Nothing in the applicable approval criteria requires or limits permissible agri-tourism uses "and other commercial uses" to those that have a particular type of relationship to the agricultural use of the property as suggested by Friends. The issue is whether the proposed events meet the standards of YCZO 1013.01, which implement the standards of ORS 215.283(4)(a).

However, in the alternative only and without waiving the above, the Board also finds that even if there were a mandatory approval standard that required agri-tourism "and other

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commercial events or activities” to relate to and support agricultural activities on an applicant’s property, that the evidence in the record demonstrates that the requested agri-tourism activities proposed here do relate to and support the agricultural uses of the subject property.

Testimony at the public hearing and evidence in the record demonstrates that the unique type of farming undertaken at the property – raising of longhorn cattle – is a difficult and expensive one that cannot succeed without reaching the consumer market through marketing techniques that directly expose potential customers to the longhorn cattle in order to succeed. Applicant’s longhorn cattle are primarily raised for their meat. There are few USDA options for butchering longhorn cattle and what options are available are extremely expensive. This is because of the unique processing issues posed by butchering longhorn cattle. At the same time, the law makes it necessary to utilize USDA butchering in order to sell cattle products to the general public (*i.e.* to caterers and restaurants). The evidence in the record demonstrates that butchering cattle using USDA facilities cannot be profitable due to the cost of raising the cattle and the cost of USDA butchering together exceed any potential profit from general public sales (which means sales to caterers and restaurants.)

Profitable sales are those sales that occur in the private market, to private parties for their own personal use/consumption. These types of sales can utilize more normative cattle butchering - mobile butchering – which is far less expensive than USDA butchering and enables the Applicant to turn a profit from the sale of his longhorns for meat. The Applicant sells his longhorns to private parties by the ¼, ½ or whole cow. Private party sales occur through auctions, and through specific individual requests that come from customers who learn about the cattle at the Applicant’s events. In order for potential customers to be drawn to attend the Applicant’s cattle sale auctions, potential buyers must be aware of and interested in the Applicant’s longhorn cattle meat, which is otherwise more expensive to buy than traditional beef options. For potential customers to purchase Applicant’s longhorns for meat but not at action, they learn about the opportunity to buy a ¼, ½ or whole longhorn for meat at the Applicant’s events. Therefore, the Board finds the testimony and evidence in the record persuasive and credible that the Applicant’s events are related to the agriculture (raising longhorns) on the subject property.

The Board further finds the Applicant’s testimony persuasive and credible that the willingness of potential private customers to become private party sales buyers of Applicant’s longhorn cattle, depends upon them being familiar with the cattle and are improved by them having opportunities to taste the meat. Therefore, to make raising this specific type of cattle profitable as a farm use, the Board finds the Applicant’s testimony persuasive and credible that particularly targeted marketing is required and that the proposed agri-tourism events are the type of particularly targeted marketing that experience demonstrates gains the requisite exposure for the Applicant’s longhorn cattle resulting in profitable sales.

The Board further finds the evidence persuasive and credible that the proposed range of

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agri-tourism uses affords the Applicant a means to directly market and sell the longhorn beef that is produced on the subject property by attracting potential customers to the property, exposing them to the longhorns, and that such direct marketing is not only related to the farm use of the property, it is also necessary for longhorn sales to occur at a profit. While the link between agri-tourism and agricultural products is obvious in the cattle auction example, the Applicant's unchallenged oral testimony in the record is that under the previous (now expired) agri-tourism permit, a sale of beef (or in some cases breeding stock) resulted from every agri-tourism event held at the property, regardless of the nature of the event (to include weddings). When directly questioned by the Board whether a wedding event would result in a cattle-related sale, Applicant responded that such events resulted in either the sale of a quarter, half or whole head of his longhorn cattle, or in a referral that led to such a sale. The Board finds persuasive and credible that Applicant testimony explaining that such sales were not by accident but rather through the Applicant's events. Specifically, in addition to encouraging the use of caterers that use the Applicant's farm's beef products so they can be showcased at events, Applicant's marketing strategy includes activities during events designed to create interest in the purchase of his longhorn cattle for meat. People are generally fascinated by the sight of longhorn cattle. The Board finds the Applicant's testimony persuasive and credible that the Applicant's marketing strategy is to get as many people as possible to see his particular cattle, ask about them, learn they are for sale for meat, and to be persuaded that they are worth buying in a private sale, rather than other competing alternatives. The Board is persuaded that achieving these marketing objectives requires potential purchasers to be exposed to the Applicant's cattle and that the Applicant's events provide the required exposure.

For example, the Applicant testified that he places salt blocks in areas adjacent to the event venue to attract his longhorn cattle so that event participants can see the cattle from a close distance and then ask about them, giving the Applicant the opportunity to make a sales pitch. Additionally, Applicant testified he is generally available at events to explain the farm products that are for sale from the farm and to make sales pitches to event guests. And, as noted above, those sales pitches were successful at every event that was conducted under the Applicant's now expired permit for the identical agri-tourism approval. Therefore, the Board of Commissioners finds the Applicant's testimony regarding the effectiveness of the direct marketing and sales efforts under the 2020 agri-tourism permit to be credible and persuasive, and that it is credible and persuasive that each agri-tourism event held under the prior agri-tourism permit resulted in the sale of agricultural products from the Applicant's farm. Friends offered no evidence to the contrary and did not claim that was not the case under the prior permit, which the present permit application mirrors. Nothing in the record indicates that the proposed agri-tourism activities would have any different outcomes regarding longhorn sales than those conducted under the 2020 permit.

While the direct sales from such other events do not rise to the level of the 52 cows sold in the auction event held under the 2020 permit, as testified by the Applicant, such sales can only be said to relate to and support the agricultural uses at the subject property, primarily the raising and selling of longhorn cattle.

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The Board also notes that event caterers are not only encouraged to use and sell the Applicant's longhorn beef so event participants can taste it but also Argyle wines, which uses grapes from the subject property. The Board finds that this is another example of how the proposed events relate to and support agriculture on the Applicant's property – to the extent such a finding is required.

The evidence in the record supports the conclusion that the types of agri-tourism uses proposed by the Applicant represent a means of direct marketing and direct sales to a larger public who may otherwise not become aware of the longhorn beef that is available directly from the Applicant's farm. As the Applicant explained in written testimony, "The more people we get to the farm, the more we can share our longhorns and the health benefits of lean, grass-fed beef. While it may not seem like a wedding or event is the place to 'sell' our beef we have made many sales once people come to the ranch." The Board of Commissioners finds that statement credible and persuasive.

The Board of Commissioners concludes that the proposed activities are related to and supportive of the existing agricultural uses on the subject property even though no state law and none of the YCZO 1013.01 standards and criteria, impose such a requirement.

Incidental and Subordinate to the Farm Use of the Property

As an initial matter, the Board of Commissioners observes that at the public hearing Friends stated that they do not challenge the fact that Applicant has a legitimate, ongoing commercial farming operation. That concession is confirmed by the credible evidence and testimony the Applicant has entered into the record, which discusses the variety of agricultural activities that are and have occurred on the Applicant's property over recent years. In addition to continuing the grass and vineyard operations on the property, the Applicant has introduced raising longhorn cattle for genetic breeding stock and meat sales as part of the farm operations. That part of the farm operation has continued to expand, with the Applicant testifying at the public hearing the herd has grown from 220 longhorn cows at the time of the application to over 240 head of cattle by the time of the public hearing. The Applicant has also cleared 26 acres of weedy blueberry and blackberries from the farm and placed 27 acres of river frontage into a Conservation Reserve Enhancement Program (CREP) contract that included interplanting over 65,000 native plants among the existing trees. The Board of Commissioners finds that the credible evidence and testimony in the record demonstrates that the Applicant is engaged in commercial agricultural activity as the primary use of the property.

Friends' sole "incidental and subordinate" argument is that the staff findings that the proposed agri-tourism uses will be incidental and subordinate to the agricultural use of the property are not supported by any substantial evidence whatsoever. The Board of Commissioners disagrees and, as discussed below, bases their decision on the evidence and testimony submitted by the Applicant, which the Board finds to be credible, substantial, and persuasive. To the extent that Friends' testimony and submitted materials can be said to constitute evidence as opposed to legal argument, the Board of

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Commissioners finds that evidence less credible and less persuasive than the Applicant's evidence and testimony. As for Friends' legal arguments, the Board disagrees with Friends' position that the activities requested by the Applicant cannot be considered agri-tourism uses. As explained above, the proposed activities are "agri-tourism or other commercial events or activities related to and supportive of agriculture."

As the case cited by Friends explains, the "incidental and subordinate" analysis involves consideration of a range of relevant factors to include frequency, nature, intensity and economic value of the respective uses. *Friends of Yamhill County v. Yamhill County (DeBenedetti)*, 80 Or LUBA 135 (2019), *rev'd on other grounds* 301 Or App 726, 739, 458 P3d 1130 (2020). The record provides evidentiary support that the proposal satisfies the "incidental and subordinate" requirement under the above analysis.

There is no dispute that there is a year-round commercial farming operation on the subject property. The number of events permitted and the maximum duration of each event for the different types of agri-tourism events authorized under the permit, operate to limit events so that they, individually and cumulatively, will be incidental and subordinate to existing farm uses on the subject property. The approved permit authorizes no more than a maximum of 18 events per year and, at most, the permit allows 54 days of activity, well short of the number of days of the Applicant's active farming operation. Furthermore, as the Applicant testified, most of the events are likely to occur on weekends and most, based on Applicant's experience with their 2020 agri-tourism permit (now expired), will last only a single day. The Board finds Applicant's testimony to be credible and persuasive. Even assuming all events occurred on weekends, having events on, at most, 18 of 52 weekends in a given year, as compared to the year-round commercial farming that takes place on the subject property, weighs towards considering such uses and activities to be incidental and subordinate to the year-long commercial farming activity that no one disputes takes place on the subject property.

The limited number of events also lessens the economic benefit to be gained collectively from the permitted agri-tourism activities and events on their own, operating to keep any revenue stream from such events to incidental levels and levels that are subordinate to the existing commercial farm use. As discussed in more detail under the "necessary" standard below, the primary purpose and benefit to the Applicant from the agri-tourism events are the associated direct marketing and sales of longhorn beef to event participants and referrals from those participants. The Applicant testified that under the 2020 agri-tourism permit, every event resulted in a direct sale or referral that led to a direct sale. The Board of Commissioners finds that testimony persuasive and credible. The Applicant did not testify that the events conducted under the 2020 agri-tourism permit brought in significant funds themselves, but rather the testimony was that those events helped increase the direct sales of longhorn meat so as to make the raising of longhorn beef part of Applicant's farming operations profitable. Of course, the cattle auction with its associated sale of 52 cows is the best example of the benefits that can flow from direct marketing and sales at an event, but the uncontested evidence is that such sales occurred at every agri-tourism event that was held under the 2020 permit. The Board finds credible and persuasive Applicant's hearing testimony that the value from the agri-tourism events

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flows from direct marketing and sales that result from guests that attend each event and the fact that such direct sales allow for sales of a quarter, half or whole cow at a significantly higher rate than can be obtained from traditional markets.

The nature and intensity of the permitted agri-tourism uses also support a conclusion that those activities will be incidental and subordinate to the primary agricultural uses on the property. As Applicant testified, the event area – dairy barn, shed barn and parking area – constitutes only 10,000 square feet of property, roughly the size of a residential lot. Applicant explained that the area that will be used for events is only 1/10 of 1% of the subject property. Furthermore, Applicant testified, and the application materials demonstrate, that none of the area used for events is or ever has been in agricultural production and that the event activities will not inhibit any agricultural activity on the subject property or surrounding properties. The Board of Commissioners finds Friends' supposition that it is possible that farming activity on adjacent properties could raise dust that interferes with events, resulting in complaints about farm activity, to be mere supposition, not based on any evidence in the record and to not be credible. The Board also finds Applicant's testimony that most events would likely occur on weekends, when farm activity tends to be minimal, to be credible and supported by testimony evidence that the events held under the 2020 agri-tourism permit were conducted on weekends.

The Applicant's uncontested evidence in the record further explains that the open areas that will be used for events are dual use areas that, when not used for parking, are used throughout the year as staging areas for harvesting and crop spraying and for temporarily storing equipment. The Board of Commissioners finds this evidence and testimony credible and persuasive as to the nature and intensity of the agri-tourism uses allowed under the permit and to weigh in favor of concluding that the proposed agri-tourism uses will be incidental and subordinate to primary agricultural uses on the subject properties.

Some of the permitted agri-tourism activities are directly related to activities occurring on the farm, such as the cattle auctions and the events to support nature and wildlife, which are related to the CRP areas of the property. The nature of the other permitted activities will also have a tie-in to the agricultural uses of the property through the condition of approval that requires the promotion of the farm products at such events and as discussed above under the related to agriculture heading. The Applicant's testimony in the record about the similar activities conducted under the 2020 agri-tourism permit demonstrates that the nature and intensity of those activities did not dominate the agricultural use of the property and that, collectively, they were incidental and subordinate to the primary longhorn cattle, grape, grass seed and, at the time, hazelnut farm operations. The Board of Commissioners finds credible and persuasive the testimony that the same relationship between the subordinate agri-tourism activities and events and the primary agricultural use of the property that resulted under the now expired agri-tourism permit will result under this permit.

Furthermore, given that each permitted activity is limited by conditions of approval to 150 people and 75 vehicles at any given time per event, there is nothing about that level of use that undermines the conclusion that the proposed events will be no more than

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incidental or subordinate to the ongoing commercial farm use of the property. Nobody has submitted any evidence that would lead a decision maker to conclude otherwise.

Considering the nature, intensity, frequency, and economic value of the permitted agri-tourism uses versus the established commercial farm uses on the subject property, the Board of Commissioners concludes that the permitted agri-tourism events and activities will be incidental and subordinate to the existing commercial farm use of the subject property tract.

Necessary to Support Commercial Farm Uses on the Property

Friends' final argument under this standard contends that Applicant has not demonstrated that the requested events are necessary to support the commercial farm uses on the property. The Board of Commissioners disagrees.

LUBA in its *DeBeneditti* opinion explained that "necessary" means that the "events are essential in order to maintain the existence of either the commercial farm use or the commercial agricultural enterprises in the area." 80 Or LUBA at 156. The Board finds, as explained below, that the Applicant has demonstrated that the agri-tourism events are essential to maintaining the existence of the commercial longhorn cattle use of the subject farm. The Board also finds that the application does not claim that the proposed uses are necessary for other commercial agricultural enterprises in the area.

The application materials, written responses and Applicant's hearing testimony explain the farm's longhorn cattle operation, the challenges that operation faces, and the benefits afforded by direct marketing and sales of longhorn cattle, either at auction or through direct-sales as part of the agri-tourism events as demonstrated under the expired 2020 permit. The Board of Commissioners finds Applicant's evidence and testimony on these points to be credible and persuasive.

The application materials explain there are two components to Applicant's longhorn cattle operations – raising genetic longhorn breeding stock (registered longhorn cattle) and providing longhorn beef from the longhorn cattle determined not to be suitable for as registered longhorn cattle. The Applicant faces particular challenges developing a market for longhorn beef sales. The evidence in the record indicates that there are no USDA butchering facilities in the immediate area that can take longhorn cattle from Applicant's farm. At the public hearing, Applicant explained that there is only one (1) facility in Oregon capable of processing horned cattle and that facility is limited to cattle with 55" horns. Applicant explained that they have one bull with 97" horns, that most of their longhorn cattle exceed 55" horns and that most are usually marketed with 75" horns. Consequently, most packers will not accept the cattle grown on the Applicant's farm for butchering. Applicant testified that they had an agreement with Red Hills Market to sell their beef, but the inability to locate an affordable USDA facility to pack the meat meant the agreement was cancelled. The Board of Commissioners finds the above evidence and testimony concerning the Applicant's longhorn cattle operations and difficulties in bringing the cattle to market to be credible and persuasive and was unchallenged by

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Friends.

Applicant also testified that he tried to sell cattle at the now closed Woodburn Livestock auction and sold two (2) yearlings for only \$243.00 per yearling. Applicant testified that it costs the farm \$660.00 per cow per year to raise. The Board finds that testimony to be credible. That evidence demonstrates that trying to sell longhorn cattle in a general beef auction market not suited for longhorn cattle results in a significant economic loss per cow. Applicant testified that they cannot run a profit for their beef cattle operations by following the normal processes in the cattle industry. The Board finds the Applicant's testimony credible and that Friends make no argument, nonetheless present any evidence, that Applicant's evidence and testimony regarding the raising and selling of longhorn cattle in Oregon is inaccurate.

Applicant testified that selling portions of a longhorn cow directly to consumers, in either quarter, halves or wholes, and then having a mobile butcher process the meat for the customer, is the only way they can run a profit with their longhorn beef operation. Again, the Board finds that testimony credible and persuasive and Friends does not challenge that testimony. As explained by the Applicant and application materials, the "direct sales to the customer" marketing approach eliminates the middleman and provides Applicant the margins necessary to run a commercial profit on sales of their longhorn beef. The issue for the Applicant then becomes getting people to the farm and making them aware of the availability of their grass-fed longhorn beef.

At the public hearing, the Applicant testified that, based on the prior experience under the expired 2020 permit, the farm had a sale or referral at every event that led to either a ¼, ½, or whole cow sale, and that the cattle auction event conducted under the 2020 agri-tourism permit sold 52 cows. Written testimony states that under this direct-marketing business model, the more people they get to the farm, the higher their sales are, in part, because people are interested in buying locally but were unaware that the longhorn beef was available. At the hearing, the Applicant testified that he has learned that the only way to make a profit with their longhorn beef operation is through direct sales from such agri-tourism events, which will include an annual on-site auction. In rebuttal testimony at the public hearing, Applicant reiterated that point by saying that they need the direct-sales opportunities the agri-tourism events bring to the property for the longhorn beef operation to work and to overcome cash-flow issues. The Board of Commissioners finds Applicant's uncontested evidence and testimony that direct marketing and sales is effective and necessary to run a profit with the longhorn beef operation to be credible and persuasive.

The Board of Commissioners finds that the above credible evidence and testimony is not challenged by any evidence submitted by any party to the proceeding. No commercial cattle operation can afford to lose \$400.00 per cow per year and stay in business. The Board of Commissioners concludes that the evidence and testimony in the record demonstrates that the direct sales that will result from the proposed agri-tourism events are essential to maintaining the Applicant's operations to commercially raise and sell longhorn cattle on the subject property, which includes not only sales of breeding stock

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but also sales of longhorns for beef that are unsuited as breeding stock.

The Board of Commissioners ultimately concludes that the proposed agri-tourism events or activities are incidental and subordinate to existing commercial farm use of the property and are necessary to support the commercial farm uses.

2. *Shall comply with Section 1013.01 (A) (3) (b) through (h);*

b. Shall not, individually, exceed 72 consecutive hours;

Regarding criterion (b), the Applicant explained during the public hearing that under the previous permit approval most events were 1-day events that lasted 12-16 hours, to include set-up and post-event cleanup, and that the only event that was a 2-day event was a cattle auction. No event lasted 72 hours. The Board of Commissioners finds the Applicant's description of the duration of events held under the expired 2020 permit to be credible and persuasive. The Board notes that Friends did not challenge Applicant's statements. The Applicant stated that he expected that the duration of events under this permit to be similar to those and that Applicant will comply with any duration requirements for events. The Board finds these Applicant statements to be credible and persuasive. This time restriction is imposed as a condition of approval.

3. *c. One of the six events may allow the artificial amplification of voice or music from 8 a.m. to 10 p.m..*

Regarding criterion (c), the Applicant indicates that there will be artificial amplification of voice or sound "only as the rules and regulations allow". The Board finds this statement credible and persuasive that the proposed uses will comply with all amplification requirements. At the public hearing, staff explained that the use of artificial amplification inside closed buildings is permitted, and this limitation applies to the use of artificial amplification outside of buildings. In conformance with this section of the zoning ordinance, a condition of approval is imposed that will allow the applicant to have one event with artificially amplified voice or music outdoors.

4. *d. Shall comply with ORS 215.296;*

Regarding criterion (d), see Section C. of this staff report, below. The conclusion from that section is that the proposal complies with the requirements of ORS 215.296.

5. *e. Shall occur outdoors, in temporary structures, or in existing permitted structures. Shall not require or involve the construction, use or occupancy of a new permanent structure in conjunction with the activities or events;*

Regarding criterion (e), the Applicant has noted that some events will take place outdoors and other events, or some portion of the events, will be held within an existing 40'x80' dairy barn that was significantly remodeled by a previous owner, and an existing open-sided 30'x90' shed. The outdoor area around these structures is graveled and would be

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used as a parking area for guests attending the proposed events. The dairy barn is identified as the “event barn” on the site plan submitted with the application. The Board of Commissioners finds the Applicant’s evidence and testimony of where permitted activities will take place to be credible and persuasive, that the structures to be used for events are existing permanent structures or temporary structures, and that there will be no new permanent structures constructed in conjunction with the proposed activities. Prior to using the dairy barn for events, the structure will need to be inspected by the county building department and approved for event use by the Yamhill County Building Official. This requirement is imposed as a condition of approval.

6. *f. Shall comply with any applicable health and fire and life safety requirements;*

Criterion (f) requires the consideration of all health and fire and life and safety requirements as well as traffic safety and parking.

Sanitation: The County Sanitarian has stated that the existing septic system is very minimal and would not be capable of supporting events. The Sanitarian has indicated that if the events are limited then temporary portable sanitation units (aka “porta-potties”) may be used. The Sanitarian states that a minimum of three (3) portable toilets, with at least one (1) that meets ADA standards should be provided at each event, and a fourth (4) portable toilet will be required for any event that includes alcohol service. Given the limited size of the existing septic system, the Applicant is required by a condition of approval to use portable toilets for the events until the septic system has been improved to a point that satisfies the County Sanitarian for the proposed events. The site plan in the record demonstrates that there is adequate outdoor space for that number of portable toilets.

Food handling and alcohol service: Food and alcohol service will need to be permitted with both the OLCC and the Public Health Department. During the comment period for the 2019 event application, a comment was submitted from the Yamhill County Public Health Supervising Environmental Health Specialist, Gary Van Der Veen. Mr. Van Der Veen stated that the conditions his department would request would be the following:

“1.) All events, except weddings, family reunions, and funerals need to apply for a temporary restaurant license through Yamhill County Environmental Health.

2.) Property raised meat used at all events including weddings must be processed through an approved USDA processing facility.”

Staff found that the requested conditions from the Public Health Department are still applicable and are included as conditions of approval.

Parking and Access: The Applicant noted that there is an area available for up to 75 parking spaces at the identified parking areas, denoted as “Parking 1” and “Parking 2” on the site plan (Exhibit A) submitted with the application. The Board finds this evidence to be credible and uncontested by Friends. With a maximum expected attendance for the events to be no more than 150 people at any given time, the 75 parking spaces identified

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by the applicant offers sufficient space to satisfy parking requirements. Access to the facility is from an existing driveway off NE Riverwood Dr. A condition of approval requires that an emergency access plan, approved by the Dayton Rural Fire District, shall be submitted to the Planning Department. A condition of approval will ensure that the parking areas identified on the site plan, "Parking 1" and "Parking 2", are used to satisfy all parking needs.

Traffic Safety: The evidence in the record shows that the property has direct access to Riverwood Road. This road is a paved county-maintained road which terminates at the gravel driveway that provides access to the subject parcel. The Applicant's written evidence shows and the Applicant testified that the property has sufficient driveways, to include an internal loop road, for internal circulation of traffic. The Board of Commissioners finds this evidence and testimony to be credible and persuasive. The access will need to be inspected and approved by the Dayton Fire Department as required by a condition of approval.

7. *(g) Shall not, in combination with other agri-tourism or other commercial events or activities in the area, materially alter the stability of the land use pattern in the area; and*

Friends' appeal arguments also contended the Applicant has not demonstrated through substantial evidence that the proposal complies with this standard. At the outset, the Board of Commissioner notes that this is a local standard, not a state law standard that applies to agri-tourism proposals. While it is true that a similar standard is used in state law for nonfarm dwellings, the proposal does not seek approval of a nonfarm dwelling and, therefore, the state law does not apply here. Because the state law standard and its interpretation are inapplicable, the County governing body is free to interpret the meaning of this standard in its own ordinance. *See Clark v. Jackson County*, 313 Or 508 (1994) (governing body free to interpret "generally unsuitable" standard in the context of a mining approval in a manner that is different than the similarly worded state law standard for non-farm dwellings). The Board interprets this standard to require the proposal not to, either in combination with other *permitted* agri-tourism or other commercial events or activities in the area, materially alter the stability of the land use pattern of the area. If there are unlawful commercial uses or activities in the area, they need not be analyzed under this standard because they are not allowed to affect the stability of the land use pattern at all and are subject to either County or citizen enforcement proceedings to discontinue any such uses to the extent that they are occurring. The Board rejects' Friend's insinuation that this standard requires an analysis of unpermitted, illegal commercial uses or activities.

The staff report states that the surrounding area consists primarily of farm uses including hay and grass seed production, orchards, and established vineyard with some rural residences. The Board finds the staff report to be credible. The staff report did not identify any commercial events or activities in the area, or any other agri-tourism permits issued in the area and the Board is not aware of any. At the public hearing, the Applicant testified that he has spoken with all of his neighbors who are farmers, and none stated that activities conducted under the previous permit interfered with their farm activities in any way or caused them to alter their land use patterns or practices. The Board finds Applicant's

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testimony credible and persuasive. No farmers from the area submitted any testimony opposing the application or claiming that the permitted activities would alter, nonetheless materially alter, their established farm practices or the land use pattern in the area. The evidence in the record is also that the proposed events will occur on a very small portion of the subject 319-acre farm and so are unlikely to destabilize the land use pattern of the area, materially or otherwise. Furthermore, at the public hearing, Mr. Friedman speaking on behalf of Friends of Yamhill County testified that, while some of Friends' members reside within sight and sound of Applicant's farm, none had filed any complaints against the agri-tourism activities conducted under the previous 2020 permit.

At the public hearing staff discussed Del Mar Villa, the only other permitted non-agricultural commercial activity in the greater area north of the Yamhill River and West of the Willamette River. Friends identified Del Mar Villa in their June 8, 2023 written testimony. Staff explained that Del Mar Villa has received land use approval for only a bed and breakfast use as part of an existing vineyard but has neither applied for nor received approval to host events. Regarding Friend's claim that the Del Mar Villa is advertising its availability for events, staff responded that staff was unaware of any such events having been held, and no one has filed a complaint that unpermitted events are being hosted at Del Mar Villa, but that if Del Mar Villa applied for an agri-tourism permit, that application would be processed as would any other application. Staff further explained that even if Del Mar Villa is operating events, that it does so in violation of its bed and breakfast permit, that it has no permit to do so and that should not affect review of the application. The Board of Commissioners concurs with staff's statements and analysis and reinforces that the County's "materially alter the stability of the land use pattern of the area" standard looks to permitted agri-tourism or other commercial events and does not require an analysis of illegal ones. If Del Mar Villa is conducting agri-tourism events or other commercial uses or activities than a bed and breakfast use, those uses are unpermitted and need not be considered here under this standard.

The Board further notes that Friends does not claim that the commercial activity at Del Mar Villa in conjunction with the agri-tourism events and activities that would be permitted under Applicant's proposal would materially alter the stability of the land use pattern in the area, only that, "The staff decision fails to analyze the combined impact of the applicant's event center, the Del Mar Villa event center, and the other commercial activities that are in the area." Based upon the Board's discussion with staff during the public hearing, the Board finds that staff has analyzed whether the combined effects of other permitted commercial uses and activities in conjunction with the proposed uses would materially alter the stability of the land use pattern in the area and concluded they would not. The Board concurs that the credible and persuasive evidence demonstrates that the proposal together with the Del Mar Villa lawful operation will not materially alter the stability of the land use pattern of the area. The Board also observes that regardless, the combination of the proposed types of uses and the Del Mar Villa commercial uses or activities – whether legal or not – did not materially alter the stability of the land use pattern of the area while both were being undertaken during the period that the Applicant's previous agri-tourism permit was in place and will not materially alter the stability of the land use pattern of the area if the proposal is approved.

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Friends' written testimony asserts there are likely several other commercial activities in the area but did not identify any such other activities and the Board is not aware of any. The Board of Commissioners disagrees with Friends that there are likely other commercial uses or activities to be analyzed. The record indicates that staff followed up with the applicant on multiple occasions to obtain additional information regarding several of the approval criteria, to include how the proposed activities might impact area uses. If there had been additional commercial and event activities in the area, the Board understands staff would have raised those uses and activities with the Applicant as part of the permit review process, as staff did with other issues, and would have indicated in the staff report that the surrounding area includes other agri-tourism uses or commercial events or activities that Applicants needed to address. The staff report does not indicate such other uses exist in the area. Additionally, the Board finds that staff would have mentioned other agri-tourism or other commercial events or activities in the area when being questioned by the Board at the public hearing. Staff did not indicate there were any such events or activities.

The staff report concludes that the Applicant's proposed eighteen (18) events per calendar year is not anticipated to materially alter the stability of the land use pattern in the area, either by itself or in conjunction with other permitted commercial uses in the area (there are no other agri-tourism approvals and the only other commercial use approval is the Bed and Breakfast discussed above). The Board of Commissioners finds that the surrounding area will remain predominantly in agricultural and related rural residential use if the application is approved. Furthermore, as explained by staff at the public hearing, one purpose of the initial 1-year duration of the agri-tourism permit, which can then be renewed for 4-year periods, is to assess the actual impacts from the permitted uses to ensure they remain consistent with the approval criteria. The Board agrees with that analysis. Any unanticipated impacts to the land use pattern in the area will be examined after the one-year duration of this approval before any four-year extension is granted. If additional conditions need to be imposed to restrict agri-tourism uses and their impacts, or if the impacts from activities so warrant, the renewal application can be appropriately conditioned or even denied.

The Board of Commissioners is cognizant of the adverse impacts that cumulative effects from non-agricultural commercial activities can have on agricultural uses. However, the credible evidence and testimony in the record supports the conclusion that the proposed agri-tourism activities in combination with the other commercial activity in the area (Bed and Breakfast) will not materially alter the established agricultural and rural residential land use pattern in the area.

8. *(h) Must comply with any conditions established for:*

(i). The types of events or activities that are authorized during each calendar year, including the number and duration of events and activities, the anticipated daily attendance and the hours of operation;

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(ii). The location of existing structures and the location of proposed temporary structures to be used in connection with the events or activities;

(iii). The location of access and egress and parking facilities to be used in connection with the events or activities;

(iv). Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(v). Sanitation and solid waste.

The application materials describe the types of events that will take place under the permit and includes site plans. The Board of Commissioners finds that evidence to be credible. That evidence shows the existing structures and open areas that demonstrate it is feasible to comply with the requirements of this standard. The Applicant has stated that the events will comply with any conditions established under criterion (h). The Board finds that statement to be credible based upon the Applicant's prior conduct under the 2020 agri-tourism permit. Furthermore, these standards have been addressed in the above findings and imposed through conditions of approval. Those conditions of approval were present in the staff report and Friends has not argued that the conditions are inadequate under this standard or that it is impossible for the Applicant to comply with the imposed conditions of approval.

The Board of Commissioners notes that Friends submitted evidence that a website was up advertising "Riverwood Ranch" (the subject property) as available for event booking and requesting that the county "advise the applicant that no agri-tourism events can be held unless and until he obtains land use approval to do so." At the public hearing Applicant responded that the website was developed at significant cost as part of the now-expired 2020 permit and that they are accepting no bookings at this time and will not unless and until the agri-tourism permit is approved. The Board of Commissioners further notes that on the website screen shots submitted by Friends is the statement, "All bookings are subject to county land use approval, pending." The Board finds that the Applicant has not preemptively engaged in any agri-tourism activity without the respective land use approval and that the County does not need to advise the Applicant as requested by Friends.

9. *c. Shall occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;*

The subject parcel is approximately 320-acres in size and is located in a zone with an 80-acre minimum lot size, the EF-80 zone. This criterion is met.

10. *(i) Permits approved under this subsection expire one year from the date of approval but may be renewed for four-year periods subject to an application for renewal, public notice and public comment as part of the review process; and demonstration of compliance with conditions of approval and the standards of this subsection.*

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Regarding criteria (i) above, this approval will be for one year with the option for renewal in four-year intervals.

11. *Overnight camping may be allowed for the duration of the one yearly activity or event approved under Section 1013.01(A)(2), (3) or (4). Applications involving overnight camping shall be subject to the Type B procedures set forth in Section 1301.*

The Applicant has not requested camping for any of the events.

C. Oregon Revised Statute 215.296

1. Criterion (d) requires compliance with Oregon Revised Statute 215.296 which states:
1. *The use will not force significant change in accepted farming or forest practices on surrounding lands devoted to farm or forest use.*
 2. *The use will not significantly increase the cost of accepted farming or forest practices on surrounding lands devoted to farm or forest use.*

The proposed use is not expected to generate any adverse impacts upon surrounding lands that would lead to changes in farming practices or an increase in the cost of farming. Applicant's testimony in the record demonstrates that the building and land area proposed for event use represents 1/10th of 1 percent of the subject property, is presently existing and serves dual uses. For example, the Applicant testified that the area proposed for guest parking is the location where they prepare equipment for spraying on the farm and where farmers stage equipment during harvesting. The Board of Commissioners finds the above evidence and testimony to be credible. Significantly, the Applicant stated no land is being taken out of production to support the proposed use. The Board finds that testimony to be credible and persuasive that the uses will not change farming practices or increase its costs either on the subject property or on surrounding lands under other ownership. Other evidence explains and shows a loop road from Riverwood Road that loops around the event area, house and vineyard on the subject property. That loop road provides access to other areas of the property. Applicant testimony explained that farm activity has occurred on the property at least twice during events conducted under the 2020 permit and the event did not interfere with the on-site farm activity. The Board finds that testimony credible.

As explained above, Applicant testified that discussions with neighbors indicate that none objected to events similar to those that took place under the 2020 agri-tourism permit and that would take place on the subject property under a new agri-tourism permit. The Board also finds that testimony to be credible. If such prior uses had resulted in surrounding farms needing to change their farming practices or that resulted in increased costs of their farming practices, the Board believes the neighbors would have said so, either directly in written testimony to the County or to the Applicant. No such comments have been received. Indeed, Friends testified that its own members that live within sight and sound of the subject property did not file any complaints against the agri-tourism

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activities conducted under the 2020 permit, and they do not allege that such activities forced a significant change in farming practices or increased farming costs on their properties. All evidence is that the proposed agri-tourism events will have the same effect on accepted farming practices and cost of farming on surrounding lands as the events conducted under the 2020 permit, which is none at all.

Friends argue, among other points, that “some so-called agri-tourism” activities have nothing to do with agriculture, will drive up the price of farmland and will create unacceptable conflicts for neighbors. Other than evidence pertaining to the website created for the Applicant to promote activities under the 2020 permit and the Del Mar Villa website pages, Friends submitted no evidence in support of its contentions generally, or its claim that the events proposed under this application will force significant changes in accepted farming practices or significantly increase the cost thereof. The Board of Commissioners finds the evidence submitted by Friends to not be credible or persuasive that the proposal, as conditioned by this decision, will not be consistent with ORS 215.296. To the contrary, the Board finds that the evidence credible and persuasive that the proposal is wholly consistent with ORS 215.296.

The Applicant’s parcel will continue to be used primarily for farm uses. The proposed events are intended to promote the farm use on the subject parcel and are ancillary to the agricultural activities conducted on the entire farm. The evidence in the record that the Board of Commissioners has found credible demonstrates that the footprint where the proposed agri-tourism events will occur is small, does not remove from production any land that has been used for agricultural production, and is located such that agricultural uses can occur even during event activities. Given the limit of eighteen (18) events per year, there is no evidence in the record to indicate that the proposed agri-tourism events would significantly change or significantly increase the cost of accepted farming or forest practices on surrounding lands. The Board finds that the credible and persuasive evidence in the record supports their determination that the proposal will not significantly increase the cost of accepted farm (or forest) practices on surrounding lands. Concerning the latter, the Board notes that there are no forest uses on any surrounding lands.

CONCLUSIONS FOR APPROVAL:

1. The request is to allow up to eighteen (18) agri-tourism events per calendar year.
2. With conditions, the request is consistent with the Agri-Tourism Event approval criteria of Section 1013.01(A)(4) of the *Yamhill County Zoning Ordinance (YCZO)*.
3. Based on the evidence in the record, the request is consistent with the requirements of ORS 215.296.

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DECISION:

Based upon the above findings and conclusions, the request by Scott Picker to host up to eighteen (18) agri-tourism events in a calendar year on a Tax Lot 4312-00400, is hereby approved with the following conditions:

1. The events shall be incidental and subordinate to the existing commercial farm use of the parcel. The primary purpose of the events shall be to promote and sell livestock grown on the property for meat. At each event, the Applicant shall provide promotional materials to event guests regarding the availability of longhorn beef meat from animals raised on the property, available for purchase by the ¼, ½ or whole. Applicant must make the purchase of livestock raised on the subject farm available to event guests.
2. The events shall not, individually, exceed 72 consecutive hours.
3. The maximum attendance for the event shall not exceed 150 people at any given time.
4. The maximum number of vehicles at any one time shall not exceed 75 vehicles and an area to provide up to 75 parking spaces shall be maintained during the events. No on-street parking is allowed.
5. One of the 18 events may allow the artificial amplification of voice or music, which shall begin no earlier than 8 a.m. and shall end no later than 10 p.m.
6. All events, except weddings, family reunions, and funerals need to apply for a temporary restaurant license through Yamhill County Environmental Health.
7. Property raised meat used at all events must be processed through an approved USDA processing facility.
8. The Applicant shall obtain approval from the Oregon Liquor Control Commission (OLCC) for the service of alcohol.
9. During events the applicant shall provide portable toilets, as appropriate, with a hand-wash station.
10. Prior to holding events, use of any of the existing buildings shall be approved for event use by the Yamhill County Building Official.
11. Access to the property and any buildings or temporary structures which the public is allowed to enter into shall be inspected by the Dayton Rural Fire Department.
12. This approval is personal to the applicant and is not transferred by, or transferrable with conveyance of the tract.
13. This approval shall expire one year from the date of this letter but may be renewed for a

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four-year period subject to a renewal application and compliance with the above conditions of approval and the standards of Section 1013 of the YCZO.

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