

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUISNESS

In the Matter of Denial of the Appeal and)	
Approval of Docket C-22-19/SDR-35-19,)	
Conditional Use and Site Design Review to)	
Operate a Flour Processing Facility and)	Board Order 20-351
On-site Bakery as a Commercial Activity in)	
Conjunction with Farm Use, From Within an)	
Existing, to be Remodeled Agricultural Building)	
(Granary); Applicant: Bram Yoffie)	

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on October 8, 2020, Commissioners Casey Kulla, Mary Starrett and Richard L. “Rick” Olson being present.

IT APPEARING TO THE BOARD as follows:

A. The applicant, Bram Yoffie, applied for conditional use authority to operate a bakery in an existing agricultural building located on farm parcels just east of a residence located at 14601 SW Winch Road, Amity, Tax Lots 6501-1100, 6502-500, 6502-700, 6502-400, 6502-600, 6502-800, 6502-1300/6502CD-100, and 6502-801. After seeking public comment, the Planning Director approved the application on March 3, 2020.

B. The Planning Director’s decision was appealed, and the applicant entered into negotiations with the appellant, Friends of Yamhill County, and reached a settlement agreement to the applicant’s acceptance of additional conditions of approval. At that point, the Director’s decision to approve the application with new conditions was appealed to the Board by a different appellant, and the Board considered the appeal at a hearing held on September 24, 2020. Following the close of the hearing and deliberation, the Board voted unanimously to approve the application. NOW, THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. Docket C-22-19/SDR-35-19 is hereby approved.

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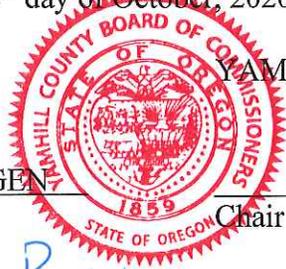
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Section 2. The findings and conditions attached as Exhibit A, and incorporated herein by reference, are hereby adopted in support of this Order.

DONE this 8th day of October, 2020 at McMinnville, Oregon.

ATTEST:



MCMINNVILLE COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

Chair

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CASEY KULLA

By: 
Deputy Carolina Rook

Commissioner

Handwritten signature of Mary Starrett in black ink.

MARY STARRETT

FORM APPROVED BY:

Commissioner

Handwritten signature of Richard L. "Rick" Olson in blue ink.

RICHARD L. "RICK" OLSON

Handwritten signature of Timothy S. Sadlo in blue ink.

Timothy S. Sadlo
Office of County Counsel

EXHIBIT A-Board Order 20-351 Findings in Support of Approval

DATE: October 8, 2020

DOCKET NO.: C-22-19/SDR-35-19

REQUEST: Conditional use permit request and site design review to operate a flour processing facility and on-site bakery as a commercial activity in conjunction with farm use from within an existing, to be remodeled, agricultural building (granary).

APPLICANT: Bram Yoffie

APPELLANT: Anthony Boutard

OWNER: Susan Stoller

TAX LOT: 6501-1100, 6502-500, 6502-700, 6502-400, 6502-600, 6502-800, 6502-1300/6502CD-100, and 6502-801.

LOCATION: An existing agricultural building located on a parcel just east of the residence located at 14601 SW Winch Road, Amity.

ZONE: EF-80 Exclusive Farm Use

CRITERIA: The request is subject to Sections 402.02(B), 402.02(E), 402.04(G), 402.07(A), 1101.00 and 1202.02 of the *Yamhill County Zoning Ordinance*. Comprehensive Plan policies may also be applicable.

COMMENTS: *County Engineer:* No response to the referral.
Amity Fire Department: No response to the referral.
Sheridan Fire Department: No response to the referral.
County Sanitarian: Please see letter submitted on December 13th, 2019.
Polk County Planning Department: No response to the referral.
Watermaster: No response to the referral.
Soil and Water Conservation District: Please see letter submitted on January 13th, 2020.
Public Health: No response to the referral.
OLCC: No response to the referral.
Jennifer Stoller, no address provided: Please see email in support of the request. Email submitted on January 11th, 2020.
1000 Friends of Oregon & Friends of Yamhill County, 133 SW 2nd Avenue, Suite 201, Portland, OR 97204: Please see letter in opposition to the request, jointly submitted by 1000 Friends of Oregon and Friends of Yamhill County. Letter received on December 30th, 2019.
Gerald A. Leslie, 11165 Kroenig Road, Amity, OR 97101: Please see letter in support of the request. Letter received on December 23rd, 2019.

FINDINGS:

A. Background Facts

1. *Tract Size:* The farm is composed of eight (8) Tax Lots in Yamhill County, which includes 6501-1100 (68-acres), 6502-500, 6502-700, 6502-400 (147.88-acres), 6502-600, 6502-800, 6502-1300/6502CD-100 (approximately 33.5-acres), and 6502-801 (approximately 27-acres). The total area of farmland, identified by the owner, used to support the proposed flour mill, bakery, and farm stand is approximately 281.6-acres.
2. *Access:* The tract has direct access to Winch Road which provides access to SW Broadmead Road which becomes Ballston Road once it crosses into Polk County, approximately 0.3-miles to the south of the subject tract.
3. *On-site Land Use and Zoning:* The subject tract is located within the EF-80 zone, the Exclusive Farm Use District. The approximately 281.6-acre tract is predominantly used for farm use. There is a dwelling and additional agricultural buildings present on Tax Lot 6502-800. The application also notes that there is an existing granary on the tract which will be used to store grains grown on the tract. The existing agricultural building the applicant is proposing for use as the flour mill, bakery, and farm stand is located on multiple parcels including Tax Lots 6502-500, 6502-600, 6502-700, and 6502-801. The agent for the legal owner, Wesley Stoller representing Susan Stoller, has indicated that approximately 250-acres of the farming operation is being transitioned to an organic poly-cropping method of grain cultivation, and these fields are located in both Yamhill and Polk Counties, on Tax Lots 6502-400 (147.88-acres), 6501-1100 (68-acres), and 6502-1300/6502CD-100 (approximately 33.5-acres), and 6502-801 (approximately 27-acres).
4. *Surrounding Land Use and Zoning:* The surrounding parcels are all located within the EF-80 zone, the Exclusive Farm Use District. Parcels in Polk County, south of the applicant's tract, are also zoned for Exclusive Farm use. Land use in the area consists predominantly of larger agricultural operations, including fruit or nut orchards, grass seed and hay cultivation, grain crops, with some limited livestock pasturage. Properties in the surrounding area are generally larger lots, ranging in size from 1,277-acres to 0.7-acres. There is a farm dwelling located on an adjoining parcel to the north, located 850-feet from the proposed flour mill, bakery, and farm stand, which is also under the ownership of the co-applicant, Susan Stoller. The next nearest residence is located in Polk County, and is approximately 2,000-feet to the southeast of the proposed flour mill, bakery, and farm stand.
5. *Water:* The applicant indicates that water is provided to the site by the Perrydale Domestic Water Association.
6. *Sewage Disposal:* The applicant has indicated a willingness to work with the County Sanitarian to ensure the design of the septic system complies with all applicable county and state standards and requirements.
7. *Fire Protection:* Amity Rural Fire Protection District.

8. *Soils:* The tract is predominantly composed of high-value farmland with Woodburn Silt Loam (WuB), at 0 to 7 percent slopes, a Class II soil; also, Woodburn Silt Loam (WuD), at 12 to 20 percent slopes, a Class III soil; additionally, Woodburn Silt Loam (WuC), at 7 to 12 percent slopes, a Class II soil. The soils on the surrounding farmland, owned by the Stoller family, that will be used to plant grains in support of the proposed flour mill, bakery, and farm stand, predominantly include the aforementioned Woodburn Silt Loam soils (WuB, WuD, and WuC) as well as the following soils: Amity Silt Loam (Am), a Class II high-value soil; Dayton Silt Loam (Dc), a Class III high-value soil; Waldo Silty Clay Loam (Wa), a poorly-drained soil normally associated with the depressions and concave areas of floodplains which is located along the Salt Creek bed; Terrace Escarpments (Te), a Class VI, non-high value soil that is located adjacent to Salt Creek; and a small area of the tract composed of Cove Silty Clay Loam (Cn), a Class IV non-high value soil.
9. *Previous Actions:* In 2017, an agri-tourism application was submitted on a tract composed of parcels 6502-500, 6502-600, 6502-700, 6502-800, 6502-801, Docket E-01-17; the application was deemed incomplete and the missing application materials were not submitted within the 180-days required, per ORS 215.427, therefore the application was void per ORS 215.427(4).
10. *Deferral:* The Assessor's office records show that approximately 244-acres of the tract is receiving farm tax deferral, in Yamhill County. The applicant did not indicate whether, or to what degree, the parcels in Polk County are receiving farm/forest tax deferral.
11. *Overlay Districts:* Salt Creek flows through a number of parcels that compose the applicant's tract and there is a 100-year floodplain associated with Salt Creek, pursuant to FIRM Panel 41071C0585D. The existing structure the applicant has identified as the site of the flour mill, bakery, and farm stand is located approximately 500-feet from the 100-year floodplain. The tract is not within an identified sensitive wildlife habitat area, the Willamette River Greenway, or an airport overlay district.
12. *Explanation of the request:* The request is for a conditional use permit and site design review for a processing facility (flour mill), a farm stand, and the operation of a bakery as a commercial activity in conjunction with farm use. The flour mill component of this request will be reviewed under the site design review, pursuant to subsection 402.02(E) of the YCZO, which permits the operation of a facility for the processing of farm crops located on a farm operation which provides at least one-quarter of the farm crops processed at the facility. The applicant's proposed flour mill will be evaluated pursuant to the site design review standards, in Section C. of this staff report. Initially, the applicant's request includes the service of wine and beer in conjunction with the operation of the bakery. The applicant has since rescinded the request to serve wine and/or beer at the bakery and farm stand but is proposing offering water and coffee at the bakery. The sale of coffee would constitute incidental sales and must be accounted for annually by the applicant. The applicant has indicated that coffee and water may be served in conjunction with samples of the baked goods produced at the bakery. Wesley Stoller, the agent for the co-applicant (Susan Stoller), has indicated that approximately 250-acres of farmland will be transitioned from a conventional farming operation to an organic and biodynamic farming operation, in support of the proposed flour mill and bakery. The applicant states that approximately 40-acres of

wheat and other grains are currently planted on the farm operation. The applicant indicates that a conservative yield during this transitional period is 30 to 35 bushels per acre which the applicant estimates would produce over 400,000 pounds of grain for flour which will be processed at the proposed mill. The applicant states in addenda to the application that the processing facility will encompass approximately 2,100 square feet of the existing agricultural building. The flour mill, bakery, and farm stand uses, combined, will utilize approximately 3,800 square feet of the existing agricultural building. The applicant plans to sell flour wholesale and is also requesting approval to operate a bakery as a commercial activity in conjunction with farm use (e.g., the cultivation of grains and subsequent processing of the grains into flour). Additionally, the applicant is requesting the sale of bread and other baked goods to patrons visiting the farm stand and/or bakery.

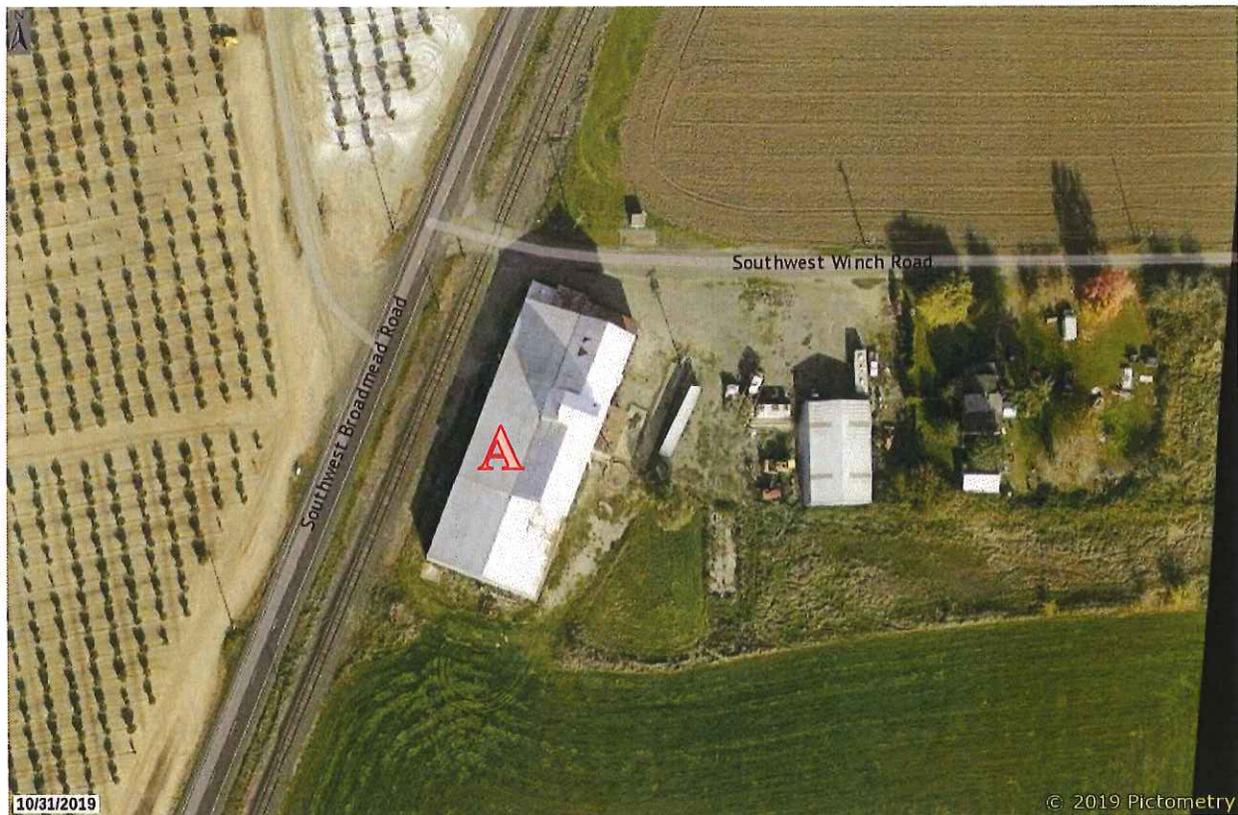


Figure 1: An aerial image of the granary building, structure “A”, which the applicant is proposing will host the flour mill, bakery, and farm stand uses. Aerial image collected on October 31st, 2019.

B. Conditional Use Provisions and Analysis

1. Section 402.04(G) lists commercial activities that are in conjunction with farm use as a conditional use and a site design review. Section 402.10(B)(2) authorizes “*Retail sales and promotion of agricultural products, supplies and services directly related to the production, harvesting, and processing of agricultural products. Such uses include, but are not limited to, the following: ...*” and the ordinance then goes on to list various examples of commercial activities that could be considered conjunctive to farm uses. The most comparable uses listed in the ordinance would be either, “*Wineries not listed as a permitted use*” or the “*Slaughtering of animals, including attendant retail and wholesale sales*”, both of these listed examples include the cultivation or raising of a farm commodity, the processing of that commodity into a consumable product, and the marketing of the farm commodities and products directly to the public. For example, the ordinance appears to allow for a rancher to raise livestock, butcher the livestock raised on the farm or on local farms, process the meat, and sell steaks, ground meat, ribs, and other cuts of meat through wholesale and retail sales. The applicant’s request to produce and sell baked goods directly related to the harvesting and processing of agricultural products cultivated on the tract (e.g., wheat and other grains), are comparable to the listed examples of commercial activities that are in conjunction with farm uses. It is reasonable to conclude that the applicant’s proposed sale of baked goods derived from the agricultural uses and activities occurring on the property (e.g., the cultivation of wheat and other grains, the grinding of flour at the proposed on-site flour mill, and the production of baked goods using the flour produced on-site) is a valid commercial activity in conjunction with a farm use. The conditional use criteria of YCZO Section 1202.02 are as follows:

(A) *The use is listed as a conditional use in the underlying zoning district;*

Regarding criterion (A), as noted above, the applicant is requesting a conditional use permit for the operation of a bakery in conjunction with a proposed on-site flour mill, pursuant to subsection 402.04(G)(2) of the YCZO, which allows for the retail sales and promotion of agricultural products, supplies and services directly related to the production, harvesting, and processing of agricultural products, subject to the conditional use criteria and site design review standards. The applicant states that freshly baked goods will be sold on-site at the bakery, which is the retail sales component of the application. Initially, the applicant was seeking to pair a variety of food products or beverages with the baked goods produced at the bakery. These included cheese, coffee, beer, and wine. The applicant has since rescinded the request to offer wine or beer with the baked goods produced on-site. Additionally, the applicant has stated that bags of flour will be also be sold on-site to customers who may be looking for a wholesale outlet for their own baking needs. The applicant has stated that flour used at the proposed bakery will be produced on-site, at the proposed flour mill. Flour ground at the proposed flour mill will be derived from wheat and other grains cultivated on approximately 40-acres, in 2020, with the applicant noting that more fields will be planted to support the bakery, if approved. The applicant has indicated an interest in purchasing wheat and/or other grains from local farmers while acknowledging that at least one-quarter (25%) of the farm crops processed at the mill must be supplied by crops grown on the applicant’s farm operation or from local farms. The applicant’s request satisfies subsection

402.04(G)(2) of the YCZO, by promoting agricultural products (i.e., flour and freshly baked goods derived from wheat and grains grown on-site and on local farms), the promotion of an agricultural service (i.e., the milling of wheat and grains), which are both directly related to the production, harvesting, and processing of agricultural products. With conditions, the request is consistent with criterion (A).

2. (B) *The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;*

Regarding criterion (B), Yamhill County goals and policies do not provide specific standards or review criteria for flour mills or bakeries, but rather provide aspirational guidance that informed the drafting and implementation of the Yamhill County Zoning Ordinance. Still, the Comprehensive Plan can prove helpful as a guidepost especially when an applicant is proposing a novel agricultural activity in the county. In this instance, the applicant is requesting the operation of a flour mill and bakery, both uses that would be unique additions to the catalogue of farming activities currently operating in the county. When looking to the Comprehensive Plan for guidance in Section II.(A.)(1.)(a.), the Policy implementing the first Goal Statement for the Agricultural Lands subsection of the Land and Water section of the Comprehensive Plan, states that *“Yamhill County will provide for the preservation of farm lands through appropriate zoning, recognizing comparative economic returns to agriculture and alternative uses, changing ownership patterns and management practices, changing market conditions for agricultural produce, and various public financial incentives.”* When evaluating the applicant’s request with this Comprehensive Goal Policy in mind, there are no new buildings proposed in conjunction with the proposed flour mill or bakery. Rather, the applicant states that an existing granary will be used for the storage of grains, and that an existing agricultural building will be used to serve the processing facility (e.g., flour mill), the bakery, and the farm stand. There is no farmland taken out of productive use to facilitate the development of the proposed flour mill, bakery, and farm stand. The applicant’s request notes that there will be a change to the management practices employed on the tract by transitioning approximately 250-acres of tillable land from a “conventionally farmed” operation to a biodynamic management plan that involves crop rotation and running field trials for 31 varieties of Spring and Winter wheats. The applicant’s proposed flour mill, bakery, and farm stand indicate a plan designed to support the farming operations conducted on the tract and locally. The *County Comprehensive Plan* states that agriculture and forestry play a dominant role in the County’s economy and calls for preserving that role while increasing economic diversification and employment. The applicant’s proposed flour mill, farm stand, and bakery will diversify the types of agriculture conducted in the County, may create new jobs, and are in keeping with the guidance provided by the *Yamhill County Comprehensive Plan*.

The subject tract is not located in an area which is designated as sensitive wildlife habitat, nor is it in the Willamette River Greenway, or airport overlay district. Salt Creek meanders through the applicant’s parcel, and there is a 100-year floodplain associated with Salt Creek on the applicant’s parcel, however there are no developments proposed that lie within the 100-year floodplain. With conditions, the request satisfies criterion

(B).

3. (C) *The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features.*

Regarding criterion (C), the application needs to demonstrate that the tract is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features. The tract is generally very level, with gentle slopes along the creek bed, and the applicant's narrative states that the topography is ideal for the cultivation of cereal grains, and specifically wheat, and the property owner states that the process to begin cultivating a variety of cereals grains is currently underway. The applicant and property owner indicate that it is possible the flour mill and bakery can be fully supported by the on-site production of cereal grains by Autumn of 2020, although they are willing to support other local farmers, that may be producing grains or would like to begin producing grains, by cleaning and milling the grains. The property owner indicates that there is approximately 275-acres under ownership of the Stoller family, in the local area, that could be planted to wheat or other cereal grains.

There is a graveled area on the tract which appears to be adequately sized to serve as a parking area without needing to take any farmland out of production. The structure is located near the junction of SW Broadmead Road and SW Winch Road, and the sightlines in both directions appear to be clear and unimpeded. SW Winch Road does cross a railroad near the junction of SW Broadmead and SW Winch Roads. The applicant stated at a site visit that there is an occasional train that uses this railroad. An inspection by the local fire department will be required prior to operation of the flour mill, bakery, and farm stand, or the issuance of building permits. The applicant must work with the fire department and Public Works Department to ensure that any required safety signage or other improvements must be made to the property prior to the issuance of building permits or operation of the flour mill, bakery, and farm stand. Additionally, the existing granary straddles multiple tax lots. A portion of the building lies within Tax Lots R6502-00500, R6502-00600, R6502-00700, and R6502-00801. If approved, the applicant must receive approval of a lot line adjustment or tax lot consolidation to assure that the structure and the location of the wastewater treatment on a single parcel prior to issuance of building permits or operation of the flour mill, bakery, and farm stand.

Staff did receive a response from the County Sanitarian which provided some guidance to the applicant. The Sanitarian notes that there is no record of a septic system serving the building proposed by the applicant as the site for the mill, bakery, and farm stand. The Sanitarian has indicated that the structure and the septic system serving the building must be located on a single parcel. If approved, the applicant must receive all requisite approvals and permits from the County Sanitarian prior to installation of a septic system or operation of the flour mill, bakery, and farm stand. Nothing in the record appears to indicate that the tract is not suitable for the proposed use when considering the size, shape, location, natural features, or topography. As mentioned above there are improvements that will be required prior to operation of the flour mill, bakery, and farm stand, and with conditions the applicant's request satisfies criterion (C).



Figure 2: View, looking to the southwest, of the applicant's granary building and proposed location of the flour mill, bakery, and farm stand. The graveled area in the foreground is proposed for use as a parking area, and there is additional parking to the left (east) of this image. The entrance to the bakery and farm stand is the shadowed doorway, along the northern face of the building, labeled "B". Deliveries of wheat and flour will utilize an existing, but derelict, delivery infrastructure along the eastern face of the granary, labeled "C". Photograph taken during a site visit by staff, on February 18th, 2020.

4. (D) *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district.*

Regarding criterion (D), the surrounding area is predominantly dedicated to farm uses, most notably nut orchards, grass seed and hay production, as well as wheat and grain cultivation. The applicant has indicated that farming practices on the tract will include transitioning from "traditional" farming practices to a biodynamic, organic cereal grain operation. There are no new buildings proposed in conjunction with the proposed use. As mentioned above, the applicant is proposing to renovate and improve the existing on-site granary, including the addition of a stone grist mill, and making other improvements necessary to serve the proposed bakery and farm stand uses. There is a cleared and graveled area adjacent to the structure that appears to be a sufficiently sized parking area for guests and for delivery and pick-up of wholesale products. If the applicant's request is approved, an evaluation of the access and on-site parking area must be conducted and comply with the Amity Fire District's standards prior to the issuance of building permits

or operation of the flour mill, bakery, and farm stand.

The proposed use of the property will be for the promotion of a product derived from crops grown on the tract, and potentially grown in the local area. It is the County policy to protect agricultural and forest operations from conflicting land uses in such designated areas. Among the accepted forest and farming practices of the area there are many that could be in conflict with this use. Some examples are spraying pesticides, burning fence lines, and plowing fields which may create a significant amount of dust or noise. Since this parcel is in the Exclusive Farm use District the declaratory statement noted in subsection 402.07(A) will be required to be recorded prior to operation. These statements are meant to inform the property owners that it is not the responsibility of the neighboring resource users to modify their legal farming practices.

The character of the surrounding area is one of large-scale agricultural activities. There is a filbert orchard of approximately 500-acres located directly across SW Broadmead Road from the applicant's property. There are multiple large tracts in the surrounding area that appear to be dedicated to grass seed and hay production. The applicant has planted a variety of wheats and other cereal grains on their tract, of approximately 275-acres. There is a possibility that the proposed on-site developments could substantially benefit local property owners by providing an agricultural service (e.g., the milling of wheat and other grains) heretofore unavailable in the local area. With conditions, the use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district. With conditions the request satisfies criterion (D).

5. (E) *The proposed use is appropriate, considering the adequacy of the public facilities and services existing or planned for the area affected; and*

Regarding criterion (E), the proposed use shall be required to meet the access and water supply standards and requirements established by the Amity Fire Department as a condition for approval. The applicant's tract has direct access to SW Broadmead Road and SW Winch Road. The applicant's narrative indicates that the County Engineer was consulted prior to the submission of the application and the applicant was told that the SW Broadmead Road could facilitate the projected increased traffic. Staff also sent a referral to the Public Works Department and did not receive a response. There is nothing in the record to suggest that the surrounding roads will not be able to adequately serve the slight to modest increase in traffic to the applicant's property.

The applicant will be required to establish and maintain a parking area that is sufficiently sized for all employees on a maximum working shift, one (1) parking space per 100-square feet of area, and one (1) parking space per 300-square feet of farm stand area, pursuant to Section 1007 of the YCZO in the bakery space of the facility. The application states that a consultation was conducted with Portland General Electric (PGE) and the proposed building should qualify for re-electrifying the flour mill, bakery, and farm stand without negatively impacting surrounding property owners. The applicant notes that the proposed flour mill, bakery, and farm stand structure has an existing water hook-up which is served by the Perrydale Domestic Water Association (PDWA). The

applicant has estimated that the milling and baking activities planned at the facility will require approximately 300-gallons of water per month. The applicant contends that the volume of water used at the facility will not exceed the PDWA Rules and Regulations. As mentioned above, the applicant has received guidance from the county sanitarian regarding the implementation of a septic system to serve the mill, bakery, and farm stand. With conditions, the request satisfies criterion (E).



Figure 3: View from the applicant's graveled parking area, looking northeast. Please note the existing fire hydrant in the foreground, and SW Winch Road running just north of the applicant's parking area. Photograph taken during a site visit by staff, on February 18th, 2020.



Figure 4: View of the northern face of the granary building, looking eastward, indicating the entrance to the farm stand and bakery components of the proposed facility. The applicant stated during the site visit that an ADA-compliant ramp will be built along this side of the granary. The farm stand will be located to the left of the entrance and the bakery will be located directly as one walks through the entrance. Please note the parking area along the front of the granary and beyond where the vehicles are parked in the background of the photograph. Photograph taken during a site visit by staff, on February 18th, 2020.

6. (F) *The use is or can be made compatible with existing uses and other allowable uses in the area.*

Regarding criterion (F), the applicant's proposed flour mill, bakery, and farm stand appear to be compatible with the predominantly agricultural uses conducted and allowed in the surrounding area. The applicant's proposed mill will process wheat and other grains grown on the property owner's tract of land, and the applicant has indicated a willingness to process other locally produced grains not grown on the tract. The applicant's proposed bakery will produce baked goods derived from farm crops grown on the tract, and potentially the wider agricultural area. The proposed flour mill, bakery, and farm stand will be located within an existing agricultural building. With conditions, the proposed use can be made compatible with existing and other allowable uses in the area.

C. Site Design Review Criteria

1. Section 1101.02(A) of the *Yamhill County Zoning Ordinance* governs site design review.

Review of a site development plan shall be based upon consideration of the following:

Section 1101.02(A)(1): Characteristics of adjoining and surrounding uses;

Regarding standard (1) above, the surrounding parcels are all located within the EF-80 zone, the Exclusive Farm Use District. Parcels in Polk County, south of the applicant's tract, are also zoned for Exclusive Farm use. Land use in the area is predominantly larger agricultural operations, including fruit and nut orchards, grass seed and hay cultivation, grain crops, with some limited livestock pasturage. Properties in the surrounding area are generally larger lots, ranging in size from 1,277-acres to 0.7-acres. Salt Creek meanders through the applicant's tract and there is a 100-year floodplain mapped on the tract, however no portion of the applicant's proposed use will lie within, or near, the 100-year floodplain. The applicant's tract measures approximately 275-acres and is planted to wheat and other cereal grains. The size and use of the applicant's tract are similar to agricultural operations in the surrounding area. While the surrounding area is predominantly dedicated to agricultural uses there are scattered farm dwellings on parcels in the area. The nearest farm dwelling is located on an adjoining parcel to the north, approximately 850-feet from the proposed flour mill, bakery, and farm stand, and this home is under the ownership of the co-applicant, Susan Stoller. The next nearest residence to the proposed use is located in Polk County, approximately 2,000-feet to the southeast. As described in Section B. of this staff report, the applicant is proposing to remodel an existing granary building for use as a flour mill, bakery, and farm stand. The processing area will encompass approximately 2,100 square feet of the agricultural building. The remainder of the structure will be used to host the bakery operation, the farm stand, for wholesaling and storage of the grains and flour.

2. *Section 1101.02(A)(2): Economic factors relating to the proposed use;*

Regarding standard (2) above, the application states that, if approved, the proposed flour mill, bakery, and farm stand will create jobs to assist with the storage, seed cleaning, milling, production, and the sale and distribution of flour and baked goods produced on-site. The applicant anticipates that up to five (5) employees will work on-site at a maximum work shift. The applicant hopes that once the mill is up and running the applicant will be able to offer organic seed saving and grain cleaning services to other farmers in the area. The application states that wheat for grain grown in Yamhill County was valued at \$14.5 million dollars, in 2012, and the applicant hopes that by opening an organic seed cleaning and flour processing facility it could benefit other local farmers and improve the local agricultural economy.

3. *Section 1101.02(A)(3): Traffic safety, internal circulation and parking;*

Regarding standard (3) above, the property has direct access to SW Winch Road by way of a private driveway. Access to the mill, bakery, farm stand building is approximately 150-feet from the junction of SW Broadmead Road and SW Winch Road. The applicant indicates that they have corresponded with the County Engineer regarding traffic generated from the mill, bakery, and farm stand. The applicant states that the facility will be open to the public Thursday and Friday, from 11:00 a.m. to 8:00 p.m., and Saturday and Sunday, from 9:30 a.m. to 8:00 p.m.. The applicant anticipates that peak daily visitation to the property will be 60-patrons on the weekdays and approximately 90-patrons on weekend days. There is nothing in the record to indicate that SW Broadmead Road and SW Winch Road cannot adequately serve the slight to modest increase in traffic from employees, deliveries, and customers generated by the proposed uses. The application states that approximately 1/3 of an acre is ready for use as parking for employees, deliveries, and patrons. There is a circular drive in place, that used to serve the granary when it was operational in the past, and the applicant states that he will use that driveway for vehicles delivering farm crops for processing, please see Figure 5 and Figure 6 below. While the access, internal vehicular circulation, and the parking area appear adequate to serve employees and guests to the property, the applicant must have an inspection of the site by the Amity Fire Department prior to the issuance of building permits or operation of the mill, bakery, and farm stand. As addressed in Section B.5., the applicant will be required to establish and maintain a parking area that is sufficiently sized for all employees on a maximum working shift, as well as one (1) parking space per 100-square feet of area, open to the public, in the bakery space of the facility.



Figure 5: View looking south-southwest along the applicant’s property line with a view of the west face of the granary building. Please note the gravelled driveway between the granary and the railroad tracks which was historically used for grain deliveries to the granary, and the applicant is proposing to use the driveway for deliveries to the mill, upon final approval. Photograph taken during a site visit by staff, on February 18th, 2020.



Figure 6: A view of the western-face of the granary, looking south-southwest, which indicates the area that has been and will be used by the applicant for deliveries to the mill, upon final approval. The processing facility (e.g., flour mill) will be located beyond this delivery area, within the granary building. Photograph taken during a site visit by staff, on February 18th, 2020.

4. *Section 1101.02(A)(4): Provisions for adequate noise and/or visual buffering from noncompatible uses;*

Regarding standard (4) above, while farming activities on-site (i.e. growing, harvesting, cleaning, and processing of wheat and other grains) will generate noise typically associated with farm uses, and such noise is expected in the farm zone, is seasonal, and is compatible with surrounding uses. The baking and farm stand activities will occur within the existing agricultural building, and there is no indication that the bakery or farm stand components of the project will emit noise that is not associated with farming, aside from the arguably alluring aroma of freshly baked bread and pastries. The granary building, within which the mill, bakery, and farm stand are located, is adjacent to the junction of SW Broadmead Road and SW Winch Road. This existing granary building is one that is typically found within the Exclusive Farm use zone. The applicant has indicated that raw and processed farm crops and the processed flour will be stored in the existing grain building. The nearest neighboring home is owned by the co-applicant and is partially screened by existing, mature trees and other vegetation. The property is surrounded by farmland, with an extensive filbert orchard to the west, the applicant's own wheat and grain fields to the north, south, and east of the proposed facility. The surrounding land use appears to be compatible with the applicant's proposed flour mill, bakery, and farm stand.

5. *Section 1101.02(A)(5): Retention of existing natural features on site;*

Regarding standard (5) above, the applicant has indicated that no natural features will be disturbed or removed to facilitate the implementation of the flour mill, bakery, and farm stand. The application states that construction work will predominantly entail interior remodeling and repairs to the existing granary to facilitate the flour mill, bakery, and farm stand uses. The applicant has indicated that there will be some exterior work including the construction of egress stairs for an existing sliding barn door, along the western façade of the building, and the construction of an ADA-compliant ramp along the northern side of the granary. The applicant has indicated that there is approximately 1/3 of an acre that is already graveled or paved which will provide adequate parking for employees, delivery vehicles, and patrons visiting the flour mill, bakery, and farm stand. Based upon the applicant's narrative and site plan, it appears as though there will be no farmland disturbed to facilitate the proposed remodeling to the existing granary building. There are mapped wetlands and 100-year floodplain on the applicant's tract, however the existing agricultural building that is proposed to host the flour mill, bakery, and farm stand is well away from the wetlands and 100-year floodplain identified on the property. There are no other identified, protected natural features that could be disturbed or lost due to the applicant's proposed use.

6. *Section 1101.02(A)(6): Problems that may arise due to development within potential hazard areas.*

Regarding standard (6) above, while there is a portion of the applicant's tract located within the 100-year floodplain, and there are also some mapped wetlands located on the tract. The existing agricultural building is located approximately 500-feet from the 100-year floodplain. As mentioned above, the applicant's construction activities will occur predominantly within the existing granary with some minor modifications to the exterior, in the form of egress stairs along the west-side of the building. The property is not located in an area which is designated as sensitive wildlife habitat, nor is it in the Willamette River Greenway, or airport overlay district, and there are no apparent hazards associated with the property or area that may arise or be exacerbated by the applicant's proposed establishment of a flour mill, bakery, and farm stand.

7. *Section 1101.02(A)(7): Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.*

Regarding standard (7) above, the Planning Department received comments in support in addition to statements of concern from several sources. Staff received a letter supporting the applicant's proposed use from Gerald Leslie, a neighboring property owner in Polk County, who lives approximately ½ mile from the applicant's proposed use. Staff also received a letter of support from Jennifer Stoller, a Portland resident. Staff also received a letter of support from Chatanika Farms and Wesley Stoller, explaining to staff how the proposed flour mill, bakery, and farm stand would benefit the Stoller Family farm.

Staff also received a referral response from the Yamhill Soil and Water Conservation District (SWCD). The SWCD expressed concern that the applicant's proposal may not be in conjunction with, or directly supportive of, farm uses occurring on the tract or in the surrounding area. The SWCD expressed that the applicant had not fully detailed the milling process. The SWCD also states that there was no description of wine grape cultivation on the property which could be used as a justification for wine production or service on the property. The SWCD shared information regarding the Yamhill Basin Agricultural Water Quality Management Area Plan (Area Plan) and noting that the Area Plan is under the jurisdiction of the Oregon Department of Agriculture (ODA). As mentioned above, the applicant notes that there is an existing Perrydale Domestic Water Association connection at the granary which the applicant will utilize with milling and baking activities. Additionally, the applicant has indicated that they will not be irrigating the wheat and other cereal grains grown on the tract, in keeping with their biodynamic permaculture farming system. The applicant's response to SWCD included noting that there is no request to process wine grapes on-site, and the applicant has submitted addenda to the application which remove the offering of tastings of beer and wine at the facility from the proposed use of the property. The applicant has contacted the County Sanitarian regarding the management of wastewater generated from the proposed facility and indicates a willingness to work with the Sanitation Department to ensure that effluent from the facility is properly managed in according with all applicable requirements and standards. The SWCD also noted that the property owner and applicant are responsible to control noxious weeds. The applicant and property owner responded to SWCD's

comments, noting that the farm will be managed, and crops cultivated using biodynamic agricultural practices, and that unviable farmland will be transitioned to habitat for native plants and animals.

Staff received a comment, jointly submitted, from 1000 Friends of Oregon and Friends of Yamhill County (Friends), submitted on December 30th, 2019. Staff received a response to Friends' concerns, from the applicant, on January 6th, 2020. Friends expressed concern that the applicant's request did not satisfy the farm crop processing facility standards, pursuant to Subsection 402.02(E) of the YCZO. Friends believes that the type of wheat typically used in bread making is not grown in Yamhill County or the local agricultural community. Friends also made a mention that the proposed processing facility may not be approved if the facility exceeded 10,000 square feet in area. The applicant states that the processing facility (e.g., the flour mill) will encompass approximately 2,100 square feet of area within the existing agricultural building, falling far below the 10,000 square foot limitation for a farm crop processing facility. The applicant also notes that there are thirty-one (31) varieties of Spring and Winter wheats planted on approximately 40-acres of the applicant's tract. The applicant is expecting that at least one of these 31-varieties can be effectively grown on-site. The applicant further states that 100% of all grains utilized in the baked goods prepared on-site will be sourced directly from either the applicant's own farm or from other farms in the local area. The applicant anticipates that this goal will be realized by Autumn of 2020. The applicant's response included a detailed and exhaustive history of bread grains and milling. The applicant is not proposing the operation of an industrial-style roller mill which can only be used to effectively mill hard wheat varieties, as Friends contend. Rather, the applicant has indicated that the proposed flour mill will utilize a stone grist mill which can successfully mill the predominantly soft wheat varieties growing on the applicant's tract. The applicant states that he has successfully grown varieties on the tract including Einkorn, Spelt, Emmer, Rouge De Bordeaux, and others, has also successfully milled these wheats, and successfully baked goods from flour derived from these grains. The applicant also provides his professional experience cultivating, milling, and baking in the Burgundy and Champaign regions of France. The applicant asserts that northern Burgundy and Champaign have similar climate regimes as those found in the Willamette Valley, and this is one of the factors that led the applicant to pursue the proposed milling and baking agricultural activities in Yamhill County.

Friends also asserts that the applicant's proposed bakery with direct consumer sales, wholesaling, and delivery does not qualify as a processing facility or a farm stand. As noted in Section B.1 of this staff report, the applicant is requesting operation of the bakery as a commercial activity in conjunction with a farm use. The applicant has indicated that there are presently 40-acres of wheat and other cereals planted on the tract, with plans to significantly increase the acreage of planted wheat and grains in the near future. The bakery will be served by the proposed on-site processing facility (flour mill) which will be grinding the wheat and other grains and cereals grown on the applicant's farm operation or on farms in the local area. Please refer to Section B. of this staff report for the evaluation of the applicant's conditional use request for the operation of a bakery as a commercial activity in conjunction with a farm use.

Friends also expressed concern that the applicant would operate the bakery as a restaurant. In the Exclusive Farm use zone restaurants are only permitted in conjunction with approved large wineries, pursuant to ORS 215.453 and ORS 624.010. The applicant has stated that the bakery will not function as a restaurant. The applicant has indicated that guests will be able to sample bread produced at the bakery and derived from grains cultivated on the tract. There will be a condition of approval placed on the applicant's request that will not allow the applicant's bakery to function as a restaurant. The applicant's bakery must be operated under the restaurant exemption requirements provided by ORS 624.038(3), which state: "*A food product promotion where only samples of a food or foods are offered to demonstrate the characteristics of the food product. For the purposes of this subsection, a sample may not include a meal, an individual hot dish or a whole sandwich.*"

D. EF-80 Conditional Use Standards

Section 402.07(A) requires that prior to establishment of a conditional use; the applicant shall demonstrate compliance with the following criteria:

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 applicant is requesting the operation of a permitted use farm crop processing facility (e.g., the operation of the flour mill), the operation of a permitted use farm stand to sell vegetables and other farm goods produced as part of the Stoller farm operation, as well as a conditional use permit for a commercial activity in conjunction with farm use, for the establishment of a bakery. The operation of the bakery is the only component that is considered a conditional use, so this is the only component of the facility that will be evaluated under the Section 402.07(A) review criteria. Access to the property is provided by a private driveway which connects with NE Winch Road, near the junction of NE Broadmead Road and NE Winch Road. The surrounding area is predominantly dedicated to farm uses. Surrounding farm uses include large nut orchards, grass seed and hay production, and wheat and other grain fields. There are a few scattered farm residences, with the closest residence located approximately 850-feet from the proposed flour mill, bakery, and farm stand, which is also under the ownership of the co-applicant, Susan Stoller. The next nearest residence is located in Polk County, and is approximately 2,000-feet to the southeast of the proposed flour mill, bakery, and farm stand. The proposed flour mill, bakery, and farm stand will be located within an existing granary building and no new construction will be required to facilitate the operation of the mill, bakery, and farm stand. The applicant has stated that the flour mill will offer cleaning, milling, and processing services to other wheat and grain farmers in the area. The applicant's bakery will be producing goods derived from the farm crops processed at the flour mill. The farm stand will be selling vegetables and other farm crops grown on the Stoller family farm operation. None of these proposed uses, as proposed by the applicant, could significantly change or increase the cost of accepted farm or forest practices on surrounding lands.

E. Farm Stand Standards

Section 402.02(B) of the Yamhill County Zoning Ordinance lists farm stands as a permitted use, subject to a miscellaneous land use application to evaluate health and safety requirements such as access, parking and sewage disposal, and to determine if:

1. *The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand;*

The application states the farm stand will be used to sell farm crops grown on the Stoller farm operation, although the farm stand may also offer farm crops or livestock grown on other farm operations in the local area. The farm stand component of the operation will be co-located within the same, existing agricultural building that will host the flour mill and bakery components of the facility. As discussed in Sections B.3, B.4., B.5., and C.3. of this staff report, access to the proposed facility is adequate to safely serve the entire facility, including the farm stand operation. As discussed in Sections B.3. and B.5. of this staff report, the applicant must construct a septic system that is adequately engineered to satisfy all applicable wastewater standards prior to operation of the flour mill, bakery, or farm stand. The application states that there is an existing Perrydale Domestic Water Association (PDWA) connection that can provide potable water to the structure. The applicant states that water consumption in association with the flour mill, bakery, and farm stand will not exceed the PDWA Rules and Regulations. A condition of approval will limit the applicant from annually selling incidental items or promotional activities in excess of 25% of the total annual sales of the farm stand.

2. *The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.*

The farm stand will be located within an approximately 550 square foot area of an existing granary building and will be co-located in the same structure with the flour mill and bakery. The farm stand will not be located in a structure designed for occupancy as a residence. The applicant is not seeking approval to host banquets, gatherings, or other events designed to entertain the public, and would not be permitted to host these types of gatherings or events without additional land use approval.

F. Regarding the Applicant and Appellant Settlement and Agreed Upon Conditions

1. The conditions of approval are unique for their number and specificity. The following is an explanation as to why. The Applicant's request was initially approved by the Planning Director, on March 9th, 2020 with 26 conditions of approval. An appeal of the Planning Director's decision was submitted on March 13th, 2020, by 1000 Friends of Oregon and Friends of Yamhill County. Shortly thereafter began a protracted period of negotiating between the Applicant and the Appellants that was not fully resolved until the final week of July 2020. It should be noted that, while very supportive of the negotiations, Yamhill County was not directly involved with them. The Planning Director would like to note that the conditions of approval that have been agreed to by the Applicant and Appellants are not indicative of ones that the Planning Department would normally place on a permitted use farm crop processing facility, a permitted use farm stand, or a commercial activity in conjunction with farm use. While quasi-judicial land use approvals are not precedent setting, occasionally an interested party will bring up previous conditions and request that they be imposed on a future decision. It should be noted that these conditions have arisen from a distinct and unique agreement by the property owner, Applicant, and Appellant and should not be looked to as a template for future decisions from this office.

CONCLUSIONS FOR APPROVAL:

1. The request is for the operation of a farm crop processing facility, not to exceed 10,000 square feet in area, on a farm operation that provides at least 25% of the farm crops processed at the facility.
2. The request is for the operation of a farm stand in a structure designed and used for the sale of farm crops or livestock grown on the farm operation or grown on the farm operation and other farm operations in the local agricultural area. Incidental retail sales at the farm stand may not exceed 25% of the total annual sales of the farm stand.
3. The request is for a commercial activity in conjunction with farm use for a bakery.
4. With conditions, the request complies with the farm stand requirements listed in Section 402.02(B) of the *Yamhill County Zoning Ordinance*.
5. With conditions, the request complies with the farm crop processing requirements listed in Section 402.02(E) of the *Yamhill County Zoning Ordinance*.
6. With conditions, the request complies with the additional standards for approval of conditional uses within the Exclusive Farm use zone, listed in Section 402.07(A) of the *Yamhill County Zoning Ordinance*.
7. With conditions, the request complies with the conditional use criteria listed in Section 1202.02 of the *Yamhill County Zoning Ordinance*.
8. With conditions, the request complies with the site design review standards listed in Section 1101 of the *Yamhill County Zoning Ordinance*.

DECISION:

Based upon the above findings and conclusions the request by the applicant, Bram Yoffie, and property owner, Susan Stoller, for the site design review of a farm crop processing facility (flour mill) on a farm operation that provides at least one-quarter of the farm crops processed at a facility not to exceed 10,000-square feet, a conditional use request for the operation of a bakery as a commercial activity in conjunction with farm use, and the operation of a farm stand in a structure designed and used for the sale of farm crops or livestock grown on the farm operation or grown on the farm operation and other farm operations in the local agricultural area, on a tract consisting of parcels identified as Tax Lots 6502-400, 6502-500, 6502-600, 6502-700, and 6502-800 is approved with the following conditions:

1. This permit decision approves the following uses, a flour mill, bakery, and farm stand. All uses described below are permitted subject to the condition that no alcohol will be served on the subject property.
2. The development shall substantially conform to the site plans submitted with this application.
3. The flour mill, bakery, and farm stand shall be operated from within the existing agricultural building (granary) identified on the site plans submitted with the application.
4. Any seating allowed as part of this permit is limited to the indoor area of the farm stand only and cannot include tables or bar-style seating. This condition is not intended to exclude a transaction counter for farm stand sales and transactions. No off-site food or beverage consumption is allowed by the public on the premises or the subject property.
5. Prior to operation, all required building, plumbing, and electrical permits shall be obtained from the Yamhill County Building Department for conversion of the building to a flour mill, bakery, and farm stand.
6. The applicant shall receive approval of a lot line adjustment that consolidates the structure and attendant septic system on a single lot prior to issuance of building permits or operation of the flour mill, bakery, and farm stand.
7. Prior to issuance of building permits, the applicant shall obtain authorization from the County Sanitarian for a new septic system to serve the flour mill, bakery, and farm stand.
8. Prior to issuance of building permits, the water supply and access will be required to meet the Amity Fire Department standards.
9. Prior to operation of the flour mill, bakery, and farm stand, the applicant shall obtain all permits required by the Department of Environmental Quality (DEQ), the Oregon Health Authority, and the Oregon Department of Agriculture (ODA).

10. Prior to issuance of building permits for the proposed use, the applicant shall provide any required traffic information for the proposed development to the Public Works Department and obtain a statement from the Public Works Director, or his representative, that the proposed development complies with Ordinance 787.
11. For the purpose of the flour mill, bakery, and farm stand, the “local agricultural area” is “the Willamette Valley” as defined by ORS 215.010(6).”
12. This approval shall be deemed personal to the current property owner, Susan Stoller, her son, Wesley Stoller, and the applicant, Bram Yoffie (collectively “the permittees”). The permit cannot be transferred and shall not run with the land.

Mill

13. Any grain processed at the mill shall be sourced from the permittee’s farm operation or the local agricultural area.
14. At least 25 percent of the grain processed at the mill shall be sourced from the permittees’ farm operation.

Bakery

15. Approval of the bakery is limited to one, wood-fired oven with a capacity of no more than 500 loaves of bread per day. The oven shall be located in the existing granary in the area identified for the bakery on the site plan submitted with the application.
16. As part of a condition of approval for the bakery, the permittees agree not to expand or seek a permit to expand the bakery use beyond the one, wood-fired oven described above or expand the footprint of the bakery beyond the area identified for the bakery on the site plan submitted with the application.
17. The uses allowed in this approval for the bakery are limited to use of an on-site wood-fired oven and bakery production space for the following activities: baking, management of bakery operations, wholesale sales of baked goods, off-site retail sales, and a limited number of promotional baking classes as described below. On-site retail sales or provision of free samples of bread or other baked goods shall be conducted through the farm stand only. As described below, the permittees must include any on-site sales of bread or other baked goods in the accounting of annual sales and incidental items for the farm stand. No other uses or activities are allowed pursuant to the bakery use.
18. The bakery shall produce only “bread” and the “other baked goods” as defined below and no other bakery products.
19. All of the flour used to make any bread or other baked goods at the bakery must be from grains milled on the subject property.
20. At least 25 percent of all flour used to make any bread or other baked goods at the bakery

must be from grains grown on the subject property.

21. The applicant may host promotional baking classes at the bakery for no more than 8 participants per class and up to 100 participants per calendar year for the purpose of promoting the grains processed at the mill and sold at the farm stand. The permittees must include any fees charged for the classes in the 25 percent incidental sales cap for the farm stand.
22. As used in this permit, the term “bread” means white bread, milk bread, raisin bread, Vienna, French and Italian breads as stated in ORS 625.212(1) and other breads as identified in definitions and standards adopted by the ODA under ORS 625.160.
23. As used in this permit, the term “other baked goods” is limited to (1) fruit pies, so long as all of the fruit used in the pie was grown on the farm operation, and (2) the following listed cookies and pastries or those similar to the cookies and pastries listed below.

Listed cookies and pastries include:

Canelé
Spelt/Hazelnut cookie
Sablé Breton
Petit Four
Brioche Feuilletée
Gouger
Palmier Inversée
Whole Wheat Madeleine
Einkorn Financier
Choux
Egg Tart
Meringue

The term “other baked goods” does not include other baked desserts or prepared food items such as cakes, pies not described above, bagels, muffins, quiches, lasagnas, pizzas, calzones, roasts, gratins, casseroles, or similar items.

Farm Stand

24. With the following exception, the farm stand shall only sell farm crops or livestock grown on the permittees’ farm operation. If the farm stand sells farm crops or livestock grown on the permittees’ farm operation, then the farm stand may also sell farm crops or livestock grown on other farm operations in the local agricultural area. The farm stand shall not sell any farm crops or livestock grown outside the local agricultural area.

25. The annual sale of incidental items and fees from promotional activities shall not make up more than one-quarter (25%) of the total annual sales of the farm stand (“25 percent incidental sales cap”).
26. The farm stand may sell “bread” prepared by the bakery as a “farm crop” and may sell “other baked goods” prepared by the on-site bakery as “incidental items,” subject to the 25 percent sales cap. The farm stand may only sell bread and other baked goods that are produced on-site at the bakery. Left over items not sold, may be donated to charity.
27. Other than “bread” and “other baked goods” produced by the on-site bakery the farm stand shall not provide any prepared food items for sale.

Hours Open to the Public

28. The bakery and farm stand may be open to the public Thursday and Friday, from 11:00 a.m. to 8:00 p.m., and Saturday and Sunday, from 9:30 a.m. to 8:00 p.m.

Reporting

29. Annually, beginning one year from the approval date for the flour mill, bakery, and farm stand, and for five years thereafter, the applicant shall submit to Yamhill County Planning Director a written statement prepared by a certified public accountant that certifies compliance with the sourcing requirements in conditions 13, 14, 19, 20, 24, the number of loaves of bread produced by the bakery in condition 15, and the 25 percent incidental sales limits in conditions 25, 26, and 21. Following the fifth year, the applicant shall submit the written statement prepared by a certified public accountant on a every other year basis (e.g. year 7, 9, 11, etc.) that demonstrates compliance with the conditions listed above (13, 14, 15, 19, 20, 21, 24, 25, and 26) for the preceding two years’ production and sales.
30. For the purpose of reporting the incidental farm stand sales, the reports shall certify that bread and other baked goods produced for wholesale and off-site sales are not included in the total farm stand sales for the purpose of determining the 25 percent sales cap. The report shall specifically state the number of loaves of bread sold on site through the farm stand. The report shall specify the number of classes held and the number of people who attended each class.
31. Any lighting used for illumination shall be placed, shielded, or deflected so as not to shine onto adjacent dwellings or create excessive glare along adjacent roads.
32. Parking shall be established and permanently maintained as long as the flour mill, bakery, and farm stand are operating so that there is a minimum of one parking space for each employee on maximum working shift and one (1) parking space per 100-square feet of bakery area, and one (1) parking space per 300-square feet of farm stand area pursuant to Section 1007 of the *Yamhill County Zoning Ordinance*. Parking shall not be permitted on the street or public right-of-way.
33. The use of outdoor amplified music or sound is not permitted.

34. Pursuant to Section 1006.07 (A) of the *Yamhill County Zoning Ordinance*, the use shall be allowed two signs, one on each frontage not to exceed twenty-four (24) square feet in area, or a single sign not to exceed forty-eight (48) square feet in area, subject to permit approval.
35. The farm stand may not be located in a structure designed for occupancy as a residence or for activities other than the sale of farm crops or livestock. The hosting of banquets, public gatherings, or other events designed for public entertainment are not permitted without additional land use approval and must be consistent with the conditions of this approval.
36. The number of persons allowed in any portion of the bakery and farm stand shall not exceed the maximum number of persons allowed pursuant to the occupancy permit for such portion of the structure, if applicable.
37. Other commercial events and activities, including agri-tourism events, shall not be hosted without additional land use approval, and must be consistent with the conditions of this approval.
38. Prior to initiation of the operation, the landowner shall sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Yamhill County:

"The subject property is located in an area designated by Yamhill County for agricultural and forest uses. It is the county policy to protect agricultural and forest operations from conflicting land uses in such designated areas. Accepted agricultural and forest practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural or timber operator's responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of state law."
39. This approval shall expire two years from the date of this letter unless the use has been initiated.
40. The construction of any additional structures in association with the flour mill, bakery, or farm stand, or modification to the footprint of the existing structure used in conjunction with the flour mill, bakery, or farm stand shall require the submission and approval of a Site Design Review application and approval under Section 1202.05 of the *Yamhill County Zoning Ordinance*.

EXHIBIT A-Board Order 20-351 Findings in Support of Approval

41. Modification of any of the above conditions requires approval under Section 1202.05 of the *Yamhill County Zoning Ordinance*. Violation of any of the above conditions may result in revocation of the conditional use permit with the process detailed in Section 1202.07 and 1202.08 of the *Yamhill County Zoning Ordinance*.

END