

IN 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 Upholding the Planning Director's Decision to Approve Planning Docket C-15-23, a Conditional Use Permit for Tax Lot No. 3523-02400; Applicant: Ground 152, LLC

BOARD ORDER 24-26

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on February 8, 2024, Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

IT APPEARING TO THE BOARD as follows:

WHEREAS, The Applicant, Ground 152, LLC, submitted a conditional use request for the operation of a commercial activity in conjunction with farm use to allow the sale of locally produced wine, beer, cider, and other malt beverages at the existing onsite farmstand; and

WHEREAS, The Planning Director approved the request on December 1, 2023, as provided in the attached Exhibit A; and

WHEREAS, The Planning Director's decision was appealed to the Board and a hearing was held on January 25, 2024; and

WHEREAS, Following deliberation, the Board voted unanimously to uphold the Planning Director's decision, deny the appeal, and approve the request; and now, therefore,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. Planning Docket C-15-23 is hereby approved, subject to the following conditions:

1. The development shall substantially conform to the site maps submitted with the Applicant's application.
2. The wine tasting service and alcohol sales shall occur within the existing farmstand building located on Tax Lot 3523-02400.
3. Alcohol sales at the farmstand shall be limited to locally produced wine, locally produced beer and other malt beverages, and locally produced cider. The local area is defined as all counties in Oregon.

4. The farmstand shall only sell farm crops and livestock grown on the Applicant's farm operation and other farm operations in the local agricultural area, including the retail sale of incidental items and fee-based activities to promote the sale of farm crops or livestock sold at the farmstand. 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 farmstand. The "local agricultural area" is defined as all counties in Oregon.
5. Prior to issuance of building permits, the Applicant shall obtain authorization from the County Sanitarian for the farmstand to use the existing septic system or shall receive approval for a new septic system to serve the farmstand.
6. Parking shall be established and permanently maintained as long as the farmstand is 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 wine tasting area, and one (1) parking space per 300 square feet of farmstand area pursuant to Section 1007 of the Yamhill County Zoning Ordinance. Parking shall not be permitted along the NW Red Shot Lane, NW Panther Creek Road, or NW Meadow Lake Road right-of-way.
7. The use of outdoor amplified music or sound shall not be permitted.
8. Prior to the provision of wine tasting service or sale of locally produced wine, locally produced beer and other malt beverages, and locally produced cider, the Applicant shall obtain all permits required by the Oregon Liquor Control Commission (OLCC).
9. Prior to issuance of building permits, the water supply and access driveway will be required to meet the Carlton Fire Department standards.
10. Any lighting for the farmstand shall be shielded, deflected, or directed onto the Applicant's property, so it does not shine onto the county road or adjacent lots.
11. "Agri-tourism or other commercial events" shall not occur on the subject parcel without additional land use approval. "Agri-tourism or other commercial events" include outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, and celebratory gatherings.
12. This approval shall expire two years from the date of this letter unless the use has been initiated.
13. This approval shall be deemed personal to the Applicant (Ground 152, LLC), Frank Foti and the current property owner (15660 Ground, LLC) and shall not run with the land.
14. This approval shall expire two years from the date of this letter unless the use has been initiated.

15. The construction of any additional structures or modification to the footprint of existing structure(s) used in conjunction with the farmstand shall require the submission and approval of a Site Design Review application.
16. 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*.

Section 2. The Board hereby adopts the findings set forth in Exhibit B, attached hereto and incorporated herein, in support of this approval.

DATED this 8th day of February 2024, at McMinnville, Oregon.

ATTEST: AYE: 3
NAY: 0



YAMHILL COUNTY BOARD OF
COMMISSIONERS

Chair LINDSAY BERSCHAUER

KERI HINTON
County Clerk

By:
Deputy CAROLINA ROOK

Commissioner KIT JOHNSTON

FORM APPROVED BY:

JODI GOLLEHON
Assistant Yamhill County Counsel

Commissioner MARY STARRETT

EXHIBIT A

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4TH STREET • McMINNVILLE, OREGON 97128

Phone: 503-434-7516 • Fax: 503-434-7544 • TTY: 800-735-2900 • Internet Address: <http://www.co.yamhill.or.us/planning>

December 1, 2023

Ground 152, LLC
Attn: Frank Foti
15990 NW Red Shot Lane
Carlton, OR 97111

Re: **Docket No. C-15-23, Tax Lot 3523-02400**

In reference to the conditional use permit and site design review request for a commercial activity in conjunction to allow the sale of locally produced wine, beer, cider, and other malt beverages at the existing onsite farmstand with no onsite wine, beer, or cider production, Planning staff has reviewed your application and finds that it complies with the requirements of the Yamhill County Zoning Ordinance. Your application has been approved with the following conditions:

1. The development shall substantially conform to the site maps submitted with this application (see enclosures).
2. The wine tasting service and alcohol sales shall occur within the existing farmstand building located on Tax Lot 3523-02400.
3. Alcohol sales at the farmstand shall be limited to locally produced wine, locally produced beer and other malt beverages, and locally produced cider. The local area is defined as all counties in Oregon.
4. The farmstand shall only sell farm crops and livestock grown on the Applicant's farm operation and other farm operations in the local agricultural area, including the retail sale of incidental items and fee-based activities to promote the sale of farm crops or livestock sold at the farmstand. 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 farmstand. The "local agricultural area" is defined as all counties in Oregon.
5. Prior to issuance of building permits, the Applicant shall obtain authorization from the County Sanitarian for the farmstand to use the existing septic system or shall receive approval for a new septic system to serve the farmstand.
6. Parking shall be established and permanently maintained as long as the farmstand is 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 wine tasting area, and one (1) parking space per 300 square feet of farmstand area pursuant to Section 1007 of the Yamhill County Zoning Ordinance. Parking shall not be permitted along the NW Red Shot Lane, NW Panther Creek Road, or NW Meadow Lake Road right-of-way.

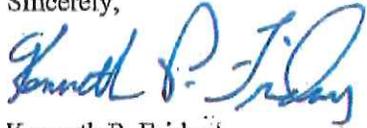
7. The use of outdoor amplified music or sound shall not be permitted.
8. Prior to the provision of wine tasting service or sale of locally produced wine, locally produced beer and other malt beverages, and locally produced cider, the Applicant shall obtain all permits required by the Oregon Liquor Control Commission (OLCC).
9. Prior to issuance of building permits, the water supply and access driveway will be required to meet the Carlton Fire Department standards.
10. Any lighting for the farmstand shall be shielded, deflected, or directed onto the Applicant's property, so it does not shine onto the county road or adjacent lots.
11. "Agri-tourism or other commercial events" shall not occur on the subject parcel without additional land use approval. "Agri-tourism or other commercial events" include outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, and celebratory gatherings.
12. This approval shall expire two years from the date of this letter unless the use has been initiated.
13. This approval shall be deemed personal to the Applicant (Ground 152, LLC), Frank Foti and the current property owner (15660 Ground, LLC) and shall not run with the land.
14. This approval shall expire two years from the date of this letter unless the use has been initiated.
15. The construction of any additional structures or modification to the footprint of existing structure(s) used in conjunction with the farmstand shall require the submission and approval of a Site Design Review application.
16. 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*.

The Yamhill County Zoning Ordinance provides for appeal of any action or ruling of the Planning Director to the Board of Commissioners within fifteen (15) days of the decision on a proposed action. Anyone wishing to appeal the Director's decision must file an appeal form, together with a \$250.00 fee, with this department no later than **5:00 p.m., December 18, 2023**. If no appeal is filed, the Director's decision will be final and this letter will serve as your official notice of approval of your application.

Docket C-15-23
Ground 152, LLC
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If you have any questions, please contact this office.

Sincerely,



Kenneth P. Friday
Planning Director

Enclosure

cc: Board of Commissioners
Public Works
Assessor
SPOs
Public Health
Carlton Fire Department
Sanitarian
Watermaster
Soil & Water Conservation District

EXHIBIT B
FINDINGS IN SUPPORT OF APPROVAL
(Board Order 24- 26)

HEARING DATE: January 25, 2023

DOCKET NO.: C-15-23

REQUEST: A conditional use request for the operation of a commercial activity in conjunction with farm use to allow the tasting of locally produced wine and the sale of locally produced wine, beer, and other malt beverages, and cider at the existing approved onsite farmstand. The farmstand was approved on June 20, 2023, by Docket SDR-12-23.

APPLICANT: Ground 152, LLC

OWNER: 15660 Ground, LLC

TAX LOT: 3523-02400

LOCATION: 15250 NW Panther Creek Road, Carlton

ZONE: The subject parcel is split-zoned with the majority of the parcel located in the EF-80, Exclusive Farm Use zone and a small portion within the AF-20, Agriculture/Forestry Large Holding zone. The farmstand is located in the EF-80 zoned area of the subject lot.

CRITERIA: Sections 402.02(B), 402.04(G), 402.07(A), 1101, and 1202.02 of the *Yamhill County Zoning Ordinance*. Comprehensive Plan policies may also be applicable.

FINDINGS OF FACT:

A. Background Facts

1. *Parcel Size:* Approximately 81.5 acres.
2. *Access:* NW Panther Creek Road.
3. *On-site Land Use and Zoning:* The property has an existing single-family dwelling (manufactured home) and agricultural barns, garage/shop pole building and residential accessory structures. Construction is underway for a replacement dwelling that will replace the existing manufactured home. The Applicant currently farms chickens, pigs, and cows.
4. *Surrounding Land Use and Zoning:* The surrounding properties to the west, south, and northwest are located in the Agriculture/Forestry Large Holding District, with land to the

east, southeast, north, and northwest located in the AF-40 zone, land to the west located in the AF-20 zone, and land to the south located in the AF-80 zone. Surrounding properties to the north, east and southeast are located in the Exclusive Farm Use District, with land to the north and east located in the EF-20 zone and land to the southeast located in the EF-80 zone. Land use in the surrounding area runs the gamut of residential, residential with some small farm uses, agricultural uses, and forest uses (predominantly passive). Many of the lots in this surrounding area are composed of lots being used residentially with some small hobby farming activities (livestock grazing, egg collection, small orchards, gardening, etc.), a few larger commercial agricultural uses including grass seed cultivation and cattle grazing. The County did not identify any commercial forestry uses occurring in the surrounding area.

5. *Water:* The Applicant has indicated that there is an onsite well and access to city water
6. *Sewage Disposal:* Septic system.
7. *Fire Protection:* Carlton Fire Protection District.
8. *Previous Actions:* The subject farmstand was approved for operation on the parcel in 2023, Docket SDR-12-23. A sign permit was also issued in 2023, through Docket SP-03-23. A single agri-tourism event was approved on the parcel in 2022, Docket E-11-22. An existing dwelling was approved for replacement in 2021, Docket RDI-29-21. A conditional use permit for the operation of a nine (9) guestroom bed and breakfast was approved by the County Board of Commissioners in 2021, Docket C-28-21; this decision is currently under appeal at the Land Use Board of Appeals. A lot line adjustment involving Tax Lots 3523-02200, 3523-02300, and 3523-02400 was approved in 2021, Docket L-04-21. A lot line adjustment involving Tax Lots 3523-00500 and 3523-02400 was approved in 2020, Docket L-16-20. The City of Carlton received site design review and floodplain development approval to replace water distribution pipes that cross a portion of the subject parcel and connect a reservoir serving the city to the city water system, Docket FP-01-20/SDR-03-20. A lot line adjustment involving Tax Lots 33523-01800 and 3523-02400 was approved in 1992, Docket L-11-92.
9. *Deferral:* The Assessor's office records indicate that 75.49-acres of the property are receiving farm tax deferral.
10. *Overlay Districts:* The property is not located in an area identified as sensitive wildlife habitat, nor is it located within the Willamette River Greenway, and the property is not within an airport overlay district. The subject parcel is partially located within the 100-year floodplain of Panther Creek, per FIRM panel 41071C0175D. The farmstand and access to the farmstand are not located within the identified floodplain.
11. *Applicant:* The Applicant is part of a collection of farm entities called The Ground. The Ground's farm operation spans 440 acres and is home to over 80 cattle, 75 pigs, 1,000 chickens, 500 ducks, 200 turkeys, and 150 species of veggies and edible flowers. The Ground includes the farmstands in this application and companion application (C-15-23 /

C-14-23), bed and breakfasts immersed within the farm, a restaurant in McMinnville serving farm-fresh food, and others. The farm ties all these together. The Ground describes its work in terms of connecting farm, food, and people with hospitality to all species. The Ground helps patrons develop a profound understanding and appreciation of where their food grows when they visit The Ground's farmstands, tour The Ground's farming operations, and stay at The Ground's agricultural B&Bs, where cows graze mere yards away from the front porch and eight miles of trails pass through The Ground's animal husbandry and crop cultivation. The Ground has an integrated farm operation that uses creative strategies to derive profit from farming and benefit the entire agricultural community. The integration of The Ground's farming operation is necessary to support The Ground's commercial farm uses.

12. *Explanation of Request:* The Applicant is requesting approval for the sale of alcohol and to provide wine-tasting service from the existing approved farmstand on the subject parcel. This would complement core meat and veggies sales. If approved, there will be minimal construction activities required to the farmstand and the Applicant notes that these improvements will be to the interior of the farmstand.

On October 4th, 2023, the Applicant submitted an addendum to the application which states that the Applicant is requesting the alcohol sales to include wine, cider, beer, other malt beverages, and alcoholic drinks as approved by the OLCC. Because the Applicant has only explicitly defined these beverages to include wine, cider beer and other malt beverages, that is what the County evaluated and considered for approval, the County does not find that the Applicant has sufficiently defined or justified a carte blanche approach to approving alcohol sales from a farmstand or attempted to justify how every type of alcohol permitted by OLCC could be considered a commercial activity in conjunction with farm use [emphasis added]. On November 2nd, the Applicant submitted an addendum to the application which provided a farm impacts analysis.

The request effectively maintains the status quo. The Ground had a farmstand on Meadow Lake Road with a license for alcohol sales that is being replaced. This application merely facilitates moving the location of that old farmstand across the street to a different parcel also owned by The Ground.

13. *Procedural History:* The Planning Director approved the application with conditions. That approval was appealed by Friends of Yamhill County. Notice for the appeal hearing was provided consistent with County code. The Applicant supported the conditions proposed by the Planning Director and agreed that approval included sales of wine, beer and other malt beverages, and cider. Appeal hearings for farmstand applications C-15-23 and C-14-23 were consolidated due to significant similarity after Friends of Yamhill County confirmed in writing that it did not object. After considering all the information in the record, the County Commission unanimously voted to affirm the Planning Director's decision based on the reasons included in the staff report (incorporated herein by reference), in addition to the findings herein.

B. Conditional Use Provisions and Analysis

1. Section 402.04(G) lists commercial activities that are conducted in conjunction with farm use as a conditionally permitted use subject to site design review in the Exclusive Farm Use District. These uses are defined in Section 402.10(B)(2) which lists uses that provide for the *“Retail sales and promotion of agricultural products, supplies and services directly related to the production, harvesting, and processing of agricultural products.”* The Applicant’s proposed use is for the provision of wine tasting service and alcohol sales from an existing, approved farmstand on a parcel with no onsite wine production and no onsite vineyard.

The farmstand already sells meat and veggies. Livestock and poultry are farmed on the subject parcel, which produces meat sold at the farmstand along with selling farm products produced by the applicant on nearby property.

The Applicant’s proposed use is for the retail sales and promotion of processed agricultural products, in the form of alcohol and wine produced by farmers in the local area. State law defines the local area as the State of Oregon. If approved, the farmstand will be limited to wine tasting and the sale of alcohol that has been produced in Oregon. Because the Applicant has only explicitly defined these beverages to include wine, cider, beer and other malt beverages, that is what was evaluated and considered for approval. Wines, ciders, beer or other malt beverages sold at the farmstand that are from outside the local area would be considered incidental items, and the sale of any incidental items at the farmstand shall not account for more than 25% of the total sales at the farmstand.

Friends of Yamhill County submitted comments regarding the Applicant’s request and notes that a request for a commercial activity in conjunction with farm use must be directly related to farming and processing activities, and notes that the Applicant does not produce, harvest, or process wine grapes so the proposed use does not satisfy the definition of a commercial activity in conjunction with farm use. At the hearing, Friends of Yamhill County argued that wine is not a farm product and reiterated prior arguments.

Section 402.10(B)(2) of the YCZO states that a commercial activity in conjunction with farm use is authorized to include, *“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 ... livestock auctions or sale yards; farm equipment storage and repair facilities; storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture; veterinarian clinics; slaughtering of animals, including attendant retail and wholesale sales ...”*. Friends of Yamhill County’s analysis of this section of the county zoning ordinance is an incomplete reading and appears to incorrectly assume that a commercial activity in conjunction with farm use is a use permitted to only commercially market products derived from onsite farm uses. Friends of Yamhill County’s appeal argued that: *“Since the applicant does not produce, harvest, or process the fruit for alcoholic beverages or the beverages themselves, the proposed use does not satisfy the definition of a commercial activity in conjunction with farm use.”* Appeal Attachment, page 2.

Friends of Yamhill County's argument contradicts the plain language of Yamhill County's Code, as well as decades of case law. The County's approval is based on two independently sufficient reasons: (1) state case law and (2) the County's interpretation of its own code.

Oregon Courts have held that:

to be 'in conjunction with farm use,' the commercial activity must enhance the farming enterprises of the local agricultural community to which the EFU land hosting that commercial activity relates. The agricultural and commercial activities must occur together in the local community to satisfy the statute.

Friends of Yamhill Cnty. v. Yamhill Cnty., 255 Or. App. 636, 644, 298 P.3d 586, 590–91 (2013) (quoting *Craven v. Jackson County*, 308 Or. 281, 289, 779 P.2d 1011 (1989)) (emphasis added). The Court recognized the benefits of "provid[ing] a local market outlet" and selling products that help advertise and cause people to "come to the area and buy the produce of the vineyards and farms. . . [which] may reinforce the profitability of operations and the likelihood that agricultural use of the land will continue." *Id.*

This application falls squarely within longtime legal precedent by providing an additional local market outlet for both (1) direct sale of alcohol products from local wineries and farm breweries and (2) indirect sale of locally grown hops, grapes, and other fruits that are processed into those alcohol products.

Separate and apart from consideration of state case law, the County's interpretation of its own code is based on a more comprehensive reading of the ordinance, which makes it clear that a proposed commercial activity in conjunction with farm use is intended to promote or support farm activities occurring in the local area. For example, veterinarian clinics and slaughterhouses are both permitted, but veterinarian clinics that only serve onsite livestock, or slaughterhouses that only process onsite livestock would not be viable commercial activities. Further, the plain reading of this section of the ordinance twice references commercial activities in conjunction with farm use that shall be directly related to promotion of a product harvested or processed on the site (emphasis added):

- "*Rental or lease of facilities, with or without a fee, in conjunction with an agricultural use for events such as parties, receptions, and banquets with the primary intent of indirect promotion of the product harvested or processed on the site" and*
- "*Four or more promotional events in a calendar year that are directly related to the marketing of products harvested or processed on the site that are reasonably expected to attract more than 750 visitors daily. An "event" shall not exceed three consecutive days."*

Similar limits do not apply to the entire section.

YCZO 402.10(B)(2) includes "Retail sales and promotion of agricultural products, supplies and services directly related to the production, harvesting, and processing of agricultural products." Nothing in YCZO 402.10(B)(2) limits farm sales only to what is produced by the operator's farm. To the contrary, YCZO 402.10(B)(2) goes on to specify that Commercial Activities in Conjunction with Farm Use can include:

- Selling irrigation pipe, pumps, fertilizer, and chemicals even though farms obviously cannot manufacture those products in EF zones.
- Livestock auction yards, veterinary clinics, and slaughterhouses are allowed even if no animals are raised on the site or by the operator.
- Farm equipment storage and repair facilities are allowed even if no farm equipment is manufactured or otherwise used for farming on the site or by the operator.
- Wineries not otherwise permitted are allowed, which can include selling alcohol without having a vineyard (similar to the farmstands here).

Further, County code specifically allows farmstands to sell products produced at “other farm operations in the local agricultural area.” YCZO 402.02(B)(1) (e.g. a farmer can partner with a neighbor to sell eggs at the neighbor’s farmstand). Friends of Yamhill County’s misinterpretation will harm farmstands and farms across the county, make it harder to connect customers with local farm products, and further disconnect people from farms.

Robust farmstands are symbiotic with the agriculture surrounding them. Selling alcohol produced by nearby vineyards and farm breweries will not make the Applicant any less a farm. Instead, the entire county’s farming is furthered. The Applicant will also have an additional profit source to benefit overall farming operations and draw in customers for the veggies and meats that the Applicant produces and which serve as the core of farmstand sales.

Due to inflation, international trade pressure, taxes, red tape, and other factors, it is increasingly difficult for farmers to make a profit. Friends of Yamhill County’s arguments would make it harder for farmers to earn a living from farming; all farms and farmstands would be harmed.

Friends of Yamhill County appears to contend that allowing a small amount of alcohol sales and tasting at an existing farmstand to complement the core meat and veggie sales will somehow adversely alter the character of the area. Such concerns are simply unfounded. A low-volume use that is similar to many surrounding uses does not adversely impact the surrounding area. Rather, these applications further the local economic synergy of the wine industry. For decades, expanding wine-related agriculture has been a goal of Yamhill County.

The County finds that the Applicant’s request meets the definition of a commercial activity in conjunction with farm use because the other example uses authorized as commercial activities conducted in conjunction with farm use are deliberately not intended to serve only the onsite farm activities but to collectively serve the local farming community.

As addressed in Section B.1. above, the County has found that the Applicant’s request meets the definition of a commercial activity in conjunction with farm use, which is a use that is conditionally permitted in the Exclusive Farm Use District. The County finds that the Applicant’s request to provide a sales outlet to local wineries, breweries, and cideries is a valid request under Sections 402.04(G) and 402.10(B)(2) of the YCZO.

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), the Applicant is requesting a conditional use permit approval for the sale of alcohol and to provide wine-tasting service from an existing, approved farmstand as a commercial activity in conjunction with farm use. A commercial activity in conjunction with farm use is a conditionally permitted use in the Exclusive Farm Use zone, per Sections 402.04(G) and 402.10(B) of the YCZO subject to Site Design Review, Section 1101 of the YCZO. The Applicant states that the farmstand currently sells local farm products, including pork, beef, poultry, lamb, and vegetables. The Applicant asserts that the sale of these farm products will be enhanced and promoted by pairing with alcohol sales, and the proposed sale of wine, cider, beer, and other malt beverages will further promote local agricultural uses (e.g., wineries, breweries, cideries, etc.). The County finds the Applicant's assertion is persuasive and adopts it. A condition of approval will limit wine-tasting service or alcohol sales to wine and alcohol produced in the State of Oregon.

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

Regarding criterion (B), the Yamhill County goals and policies do not provide specific standards or review criteria for a use that provides for the sale of alcohol or the provision of wine tasting service with no complementary onsite agricultural production from which the wine or other alcohols are produced. As noted above, the Applicant is requesting approval for the provision of wine tasting service and alcohol sales from an existing farmstand as a commercial activity in conjunction with farm use, per Sections 402.04(G) and 402.10(B) of the YCZO. This will be a secondary use that is in conjunction with the primary use on the property. 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 states that the request is consistent with Section II(A), Goal 1, Section II(A), Policy 1, and Section II(A), Goal 2 of the County's Comprehensive Plan because the request will utilize an existing approved farmstand which will encourage customers to purchase local farm products from the farmstand. The County finds the Applicant's analysis is persuasive and adopts it. The County has defined the local area as the State of Oregon, and in the spirit of the Applicant's request, any wines or alcohols offered for sale at the farmstand shall be limited to those produced in Oregon.

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 parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features. The subject parcel measures approximately 80.5-acres in size and includes farming and grazing integrated with the farmstand in this application

and an agricultural bed and breakfast immersed within the farm. This integration allows patrons to develop a profound understanding and appreciation of where their food comes from when they use the same property to tour farming operations, buy farm products from the farmstand, and stay at the agricultural B&B, where cows graze mere yards away from the front porch and eight miles of adjacent trails pass through The Ground's animal husbandry and crop cultivation. The farm ties all these uses together. The improvements to the property needed to support the business are already in place on the property because the farmstand has been operating with land use approval, the size, topography, shape, and natural features of the property have not been an obstacle to the operation of the farmstand. A condition of approval will require that any improvements to the farmstand to facilitate the wine tasting service or alcohol sales first receive approved building and/or septic permits prior to construction. Access to the farmstand is via a paved driveway with access to NW Panther Creek Road, a public roadway. The Applicant notes that the County previously approved the operation of the farmstand on the subject parcel and that the existing improvements were found to be satisfactory which justifies the addition of the wine tasting service and the sale of alcohol from the farmstand. The County did not receive comments or concerns from government agencies such as the Carlton Fire Department, Watermaster, County Sanitarian, or Public Works Department regarding the Applicant's proposed wine tasting service or alcohol sales negatively impacting the local transportation service providing access to the parcel or other public services of the surrounding area.

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 Applicant is requesting approval for the sale of alcohol and the provision of wine tasting service from an existing, approved farmstand building. Surrounding parcels are located either in the Agriculture/Forestry Large Holding District to the west, southwest, and northwest or in the Exclusive Farm Use District to the east and southeast of the subject parcel. Land use in the surrounding area includes rural residential uses, residential uses with some small farm uses, agricultural uses, and forest uses (predominantly passive). It appears the majority of the surrounding area is composed of lots that are being used residentially with some small hobby farming activities evident (livestock grazing, egg collection, small orchards, gardening, etc.), there are also a few larger commercial agricultural lots in the surrounding area with farm uses that include grass seed cultivation and cattle grazing.

The Applicant addresses this criterion by stating that the sale of wine, beer and other malt beverages, as well as cider at the farmstand will not alter the character of the surrounding area in a way that limits the use of surrounding properties. The Applicant also noted that there are numerous wineries in the area that already sell alcohol and have wine tastings without any issue. The County finds the Applicant's analysis is persuasive and adopts it.

The Planning Department received comments from Friends of Yamhill County regarding the Applicant's request for alcohol sales and wine tasting service from an existing,

approved farmstand. Friends of Yamhill County noted that the Applicant's findings addressing this criterion are conclusory in nature with no analysis presented to support the conclusion that selling alcohol at the existing, permitted farmstand will not alter the character of the surrounding area in a way that limits use of surrounding properties. Friends also contended that numerous wineries in the surrounding area create issues that impede or negatively impact the character of the surrounding area and contends that numerous tasting rooms in the area places a heavier burden on the Applicant to show that an additional tasting room will cumulatively alter the character of the area. Friends of Yamhill County asserted that the Applicant did not adequately define or characterize the area surrounding the subject parcel in a manner that sufficiently evaluates the proposed use and how the surrounding area would or would not be negatively impacted by the addition of wine tasting and alcohol sales from the farmstand. Friends of Yamhill County argued that the proposed use should be denied, at least in part, based on the lack of findings to support the conclusion presented in the justifying narrative submitted with the application form.

On October 4th, 2023, the Applicant submitted an addendum to the application addressing comments submitted by Friends of Yamhill County. The County finds the Applicant's analysis is persuasive and adopts it. The Applicant notes that commercial activities in conjunction with farm use can include the selling of irrigation pipes, pumps, fertilizer, and chemicals even though farms obviously cannot manufacture those products in EF zones. The Applicant further notes that a veterinary clinic is allowed even if no animals are raised on site or by the operator. A farm equipment repair facility is allowed even if no farm equipment is otherwise used for farming on the site or by the operator. The Applicant goes on to point out that a commercial activity in conjunction with farm use can include wineries or tasting rooms that can sell wine without having an onsite vineyard. The Applicant also argues that the primary purpose of the farmstand is to sell meat and vegetables and that the sale of alcohol and the provision of a wine tasting service is intended to be a small component of the farmstand's operation and also complementary in nature to the sale of locally produced meat and vegetables. The Applicant asserts that the sale of alcohol is not intended to broaden the customer base of the farmstand but rather provide additional goods and services to the existing customer base. The Applicant then concludes that the wine tasting service and the sale of wine, cider, and beer or other malt beverages is similar to many of the surrounding winery and tasting room uses commonly found in the surrounding area and that the use will not adversely impact the surrounding area. As part of the addendum to the application submitted on October 4th, 2023, the Applicant also submitted a map of area around the greater Yamhill and Carlton area that provides the locations of wineries and tasting rooms shown on a map created using the Google Earth website/application. The Applicant notes that the Yamhill-Carlton American Viticulture Area (AVA) includes more than 2,600-acres of vineyard and more than 50 wineries, and additional tasting rooms. On October 9th, 2023, the Applicant submitted a *Yamhill County Agri-Business Economic and Community Development Plan, Summary Report* prepared by a number of consultants that looked at the agricultural, tourism, and infrastructure of Yamhill County and presented some aspirational goals for growing or taking advantage of the agricultural uses occurring in the county.

On November 2nd, 2023, the Applicant submitted a second addendum to the application which provided a farm impacts analysis in order to more comprehensively address section 402.07(A) of the YCZO, and this component of the application will be presented in Section C. Friends of Yamhill County did not challenge this farm impacts analysis on appeal. The County finds the Applicant's farm impacts analysis is persuasive and adopts it.

The County notes that no comments were submitted by surrounding property owners asserting that the proposed wine tasting service or alcohol sales will limit, impair, or prevent the use of farm and/or forest use on surrounding properties. The County did not receive comments or concerns from any surrounding property owners regarding the proposed use regarding the proposed use negatively impacting the permitted residential use of surrounding properties, in terms of safe access to surrounding properties, increased noise, or an increase in traffic due to the proposed wine tasting service and alcohol sales.

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 Applicant states that selling alcohol at the existing, permitted farmstand will not change the burden on existing public facilities and services beyond the existing farmstand use. The County finds the Applicant's analysis is persuasive and adopts it.

Friends of Yamhill County argued to staff that the Applicant addressed this criterion by making a conclusory statement without submitting any supporting evidence. Friends of Yamhill County asserted that an applicant should identify and address existing public facilities and services available or planned to serve the existing use and proposed modification to the existing onsite use of a farmstand. Friends of Yamhill County more specifically called out potential negative impacts to local roadways due to the potential increase in traffic due to customers seeking out wine tasting service or alcohol sales who may not have visited the farmstand if local produce or meats were only being offered onsite. Friends of Yamhill County appeared to suggest that a traffic impact analysis should have been conducted by the Applicant to fully evaluate the potential impacts to traffic on the surrounding roadways. However, Friends of Yamhill County did not reiterate these arguments on appeal before the County Commission.

Ordinance 787 was adopted by the county to address public safety infrastructure standards for on-site and off-site traffic safety improvements in connection with commercial development, industrial development, and residential subdivision development in unincorporated Yamhill County. Ordinance 787 authorizes the Public Works Director to request that the planning department impose a condition of approval requiring county road and/or infrastructure improvements. The County notes that no comments or concerns were submitted by the Public Works Department regarding imposing such a condition, nor did the County receive any comments or concerns from the Carlton Fire Department, from surrounding property owners, nor did the County receive any concerns from the District Watermaster, the County Sanitarian, or any other local government agency. Still, the County agrees with Friends of Yamhill County that the introduction of wine tasting, and

alcohol sales may potentially lead to an increase in traffic to the site whether that increase in traffic is intentional or incidental to the existing meat and vegetable sales. Still, there is no evidence in the record that the proposed use will lead to a significant increase in traffic to a degree that exceeds the traffic budget of the surrounding roadways. Absent any evidence, and absent a request from the Public Works Director, the County finds that the traffic to the farmstand is appropriate when considering the adequacy of the surrounding transportation system that provides access to the farmstand. A condition of approval will require that the Applicant have a septic evaluation and/or approval from the County Sanitarian prior to the issuance of building permits or the commencement of wine tasting service or sale of alcoholic beverages from the farmstand. Additionally, the driveway providing access from Panther Creek Road to the farmstand must be inspected and approved by the Carlton Fire Department prior to issuance of building permits or provision of wine tasting service or sale of alcoholic beverages. The Applicant must receive any necessary building, plumbing, mechanical permits, and inspections prior to any new construction activities conducted to facilitate the wine tasting service or alcohol sales.

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 addresses this criterion by concluding that selling alcohol at the existing, permitted farmstand is entirely compatible with existing and allowed uses in the area. The Applicant observes that there are numerous wineries in the area that already sell alcohol and have wine tastings without any issue. On November 2nd, 2023, the Applicant submitted an addendum to the application which provides a more in-depth analysis of the existing and other allowable uses in the surrounding area. The County finds the Applicant's analysis is persuasive and adopts it. This analysis and the County's findings are presented in Section C.

The County observes that notice of the Applicant's proposed wine tasting service and alcohol sales was sent to neighboring property owners for comment, and the County did not receive any comments or concerns from surrounding property owners. The County finds that following the submission of the more in-depth farm impacts analysis that the Applicant has sufficiently demonstrated that the use is or can be made compatible with existing and other allowable uses in the area through the imposition of fair and proportional conditions of approval. The farm impacts analysis is provided in greater detail in Section C below.

C. Exclusive Farm Use District 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 Planning Department received comments from Friends of Yamhill County observing that these criteria direct an applicant to identify accepted farming and forestry practices occurring on surrounding lands and that an applicant should address potential negative effects, or lack thereof, on the practice(s) occurring on each of the farm and/or forest operations occurring on the individual surrounding parcels.

The Oregon Supreme Court weighed in on the methodology for conducting a farm impacts test as outlined by these two conditional use criteria, and this decision was issued relatively recently, in the *Stop the Dump Coalition v. Yamhill County and Riverbend Landfill Co.* (SC S064894) decision issued in 2019. The Supreme Court stated that an applicant must first: properly identify the surrounding lands, the farms on those lands, the accepted farm practices on each farm, and the impacts of the proposed nonfarm use on each farm practice; second, that the local government to determine whether the proposed nonfarm use will force a “significant” change to, or cost increase in, an accepted farm practice, as that term is ordinarily used; and, thirdly, if there is a significant change, the local government to determine whether the applicant has demonstrated that, with conditions of approval imposed pursuant to subsection (2) of the statute, the nonfarm use meets the test.

The Applicant initially addressed these criteria by concluding that selling alcohol at an existing, permitted farmstand will not force any change on surrounding lands in the Exclusive Farm Use District. However, the Applicant submitted an addendum on November 2, 2023, that provided additional and more in-depth analysis of the potential impacts to farm and/or forest operations in the surrounding area. Friends of Yamhill County did not challenge this analysis on appeal before the County Commission. The County finds the Applicant’s analysis is persuasive and adopts it.

The Applicant analyzed an area within 1/3 of a mile from the subject parcel. The Applicant found a total of 16 tax lots within the study area, please see Applicant’s table #1 for the complete list of tax lots and identified land use occurring on each of the lots. The Applicant found that land use in the analysis area predominantly consisted of rural residential uses, many of which included small-scale gardening or personal farming activities. The Applicant also identified two parcels without residences that are used as for-profit farm operations in the form of grass seed cultivation and cattle grazing. The Applicant identified a lack of for-profit forestry operations in the analysis area. The Applicant notes that rural residential uses are the most common land use occurring in the analysis area, although many of these lots also exhibited some degree of small-scale or hobby farming uses which were identified as livestock pasturage, poultry farming, small-scale vegetable gardens, and the cultivation of small orchards. Farming practices commonly associated with these farm uses include feeding and pasturing of livestock, egg collection, composting, planting, fertilizing, and harvesting of fruit and vegetables. The two Tax Lots (3523-01800 & 3526-00600) the Applicant identified that appear to be farmed at a for-profit scale are used for grass seed production, and found that planting, irrigation, fertilization, flail mowing, disking, and harvesting are common practices

associated with grass seed farming. The Applicant notes that many of these farm practices involve the use of large-scale heavy machinery such as tractors, dump trucks, and harvesters. In some cases, these farm vehicles may either be stored on-site or transported to the farm when needed. Traffic to and from these farm lots is seasonal and typically aligns with times of planting and harvesting when crops need to be transported from the farm to a place of storage or to market. The Applicant identified traffic to and from the farm stand as a potential conflicting activity with these two parcels used for grass seed production.

The Applicant identified that seven of the sixteen lots within the analysis area exhibited evidence of for-profit livestock production and/or grazing. The Applicant notes that cattle, hogs, and poultry are the livestock found in the analysis area. Feeding, grazing, herding, and the gathering of eggs are activities commonly associated with the livestock production identified in the analysis area. The Applicant notes that traffic would be the most likely potential impact to these livestock farming operations, and again notes that traffic to these lots would largely be seasonal and/or sporadic with traffic generally occurring when livestock is being sent to market or when new livestock is being delivered to the farm.

The Applicant finds that an increase in traffic to the farmstand from the addition of alcohol sales and wine tasting will be in keeping with other uses permitted outright in the farm zone, including farmstands without alcohol sales and wineries. The Applicant finds that traffic to the subject parcel will not significantly increase the cost of the grass seed farm operation, nor will it force a significant change in accepted farming practices associated with the farming operations identified in the analysis area that extends approximately 1/3 of a mile from the subject parcel. Further, the fully integrated nature of the farm, farmstand, and agricultural B&B on the same property reduce impacts on the surrounding area and promote the agricultural character of the area.

The County notes that the Applicant has addressed a comment submitted by an interested party regarding an initial lack of a farm impacts test. The Applicant's addendum provided an evaluation of the existing farm and/or forest uses occurring within 1/3 of a mile from the subject lot. The County notes that no comments or concerns were submitted by any of the surrounding farmers regarding the Applicant's proposed use. The County concurs with the farm impacts analysis and findings submitted by the Applicant in their November 2nd, addendum, and finds that the proposed wine tasting and alcohol sales at an approved farmstand can be mitigated by conditions of approval. The County finds that, with the implementation of conditions, the Applicant's request will not force a significant change in accepted farming or forest practices on surrounding lands devoted to farm or forest use, nor will the proposed use significantly increase the cost of accepted farming or forest practices on surrounding lands devoted to farm or forest use.

D. Site Design Review

1. Section 1101.02(A) of the YCZO 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 properties to the west, south, and northwest are located in the Agriculture/Forestry Large Holding District, with land to the east, southeast, north, and northwest located in the AF-40 zone, land to the west located in the AF-20 zone, and land to the south located in the AF-80 zone. Surrounding properties to the north, east and southeast are located in the Exclusive Farm Use District, with land to the north and east located in the EF-20 zone and land to the southeast located in the EF-80 zone. Land use in the surrounding area runs the gamut of residential, residential with some small farm uses, agricultural uses, and forest uses (predominantly passive). Many of the lots in this surrounding area are composed of lots being used residentially with some small hobby farming activities (livestock grazing, egg collection, small orchards, gardening, etc.), a few larger commercial agricultural uses including grass seed cultivation and cattle grazing. There does not appear to be any commercial forestry uses occurring in the surrounding area.

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

Regarding standard (2) above, a farmstand was approved on the subject parcel earlier this calendar year (2023) and the Applicant notes that that farmstand will market locally produced meat and produce. The Applicant's request is to provide wine-tasting service at the farmstand and to allow for the sale of locally produced alcohol in the form of wine, cider, beer and other malt beverages. The County has defined the local area as the State of Oregon, so if approved, the Applicant would be able to sell locally produced wine, cider, beer and other malt beverages, at the farmstand.

The County finds that there are no identifiable economic factors that would prohibit the proposed project from being successfully implemented, if approved. The County finds that, with conditions, the proposed farm stand will benefit the local economy.

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

Regarding standard (3) above, the wine tasting service and alcohol sales would be conducted from an existing farmstand that received site design review approval earlier this year (2023). Friends of Yamhill County submitted comments to staff regarding the current traffic levels and whether the addition of wine tasting service and alcohol sales will have a significant negative impact to projected traffic levels on surrounding roadways, but Friends of Yamhill County did not raise similar concerns on appeal before the County Commission. The County solicited comment from the Public Works Department and received no request for a traffic impact analysis under County Ordinance 787. There is no evidence in the record that demonstrates that the roads in the surrounding area are operating above or close to planned traffic capacity levels. A condition of approval will require that the driveway providing access to the farmstand be inspected and approved by the Carlton Fire Department prior to the issuance of building permits for improvements to the farmstand and/or prior to the commencement of wine tasting services and/or the sale of alcoholic beverages.

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

Regarding standard (4) above, the wine tasting service and alcohol sales will occur within an existing farmstand on the subject 80.49-acre parcel. The County did not receive any comments or concerns regarding an increase in noise or visual blight from the farmstand or from the addition of wine tasting or alcohol sales to the farmstand. The County will place a condition on any approval that prohibits the outdoor artificial amplification of voice or sound in conjunction with the farmstand use, the proposed wine tasting use, and/or the sale of alcohol from the farmstand. The County also finds that visual buffering is not necessary for the proposed farmstand as the County did not identify any noncompatible uses in the surrounding area. While farming activities on-site may generate noise typical of farm uses, such noise is expected in the farm zone, is seasonal, and with conditions is compatible with surrounding uses.

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

Regarding standard (5) above, there are no existing natural features of note located on the property that will be disturbed or lost due to the construction activities that will occur within the existing farmstand. The footprint for the existing farmstand will not be expanded if the proposed use is approved. The request complies with this review standard.

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

Regarding standard (6) above, while a small area in the southeastern area of the subject parcel is partially located in the Floodplain Overlay District of Panther Creek, the subject farmstand is not located within the Panther Creek floodplain or other identifiable hazard area. The County finds that there are no reasonably foreseeable problems that may arise due to the addition of wine tasting service and alcohol sales from the existing, approved farmstand.

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, this application was processed as a Type B application so comments and/or recommendations of vicinity property owners were solicited by the County, but while no comments or concerns were submitted by surrounding property owners the County did receive comments and concerns from Friends of Yamhill County that were addressed in Sections B. and C., along with the Applicant's response to the comments submitted by Friends of Yamhill County.

CONCLUSIONS FOR APPROVAL:

1. The request is for a conditional use and site design review for a commercial activity in conjunction with farm use for the provision of wine tasting service and sale of locally produced alcohol including wine, cider, beer and other malt beverages, from the existing

farmstand. This request does not include any onsite wine, beer or other malt beverage, or cider production.

2. With conditions, the request can be made compatible with the applicable conditional use review criteria listed in Sections 1202.02, 402.04(G), and 402.07(A) of the *Yamhill County Zoning Ordinance*.
3. With conditions, the request can conform with the site design review standards listed in Section 1101.02 of the *Yamhill County Zoning Ordinance*.
4. The request complies with the goals and policies of the *Yamhill County Comprehensive Plan*.

DECISION:

Based upon the above findings and conclusions, the request by Ground 152, LLC for a conditional use permit and site design review approval for the provision of wine tasting service and the sale of wine, cider, beer and other malt beverages, from the existing, approved onsite farmstand as a commercial activity in conjunction with farm use, on Exclusive Farm use zoned property has been approved with the following conditions:

1. The development shall substantially conform to the site maps submitted with this application (see enclosures).
2. The wine tasting service and alcohol sales shall occur within the existing farmstand building located on Tax Lot 3523-02400.
3. Alcohol sales at the farmstand shall be limited to locally produced wine, locally produced beer and other malt beverages, and locally produced cider. The local area is defined as all counties in Oregon.
4. The farmstand shall only sell farm crops and livestock grown on the Applicant's farm operation and other farm operations in the local agricultural area, including the retail sale of incidental items and fee-based activities to promote the sale of farm crops or livestock sold at the farmstand. 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 farmstand. The "local agricultural area" is defined as all counties in Oregon.
5. Prior to issuance of building permits, the Applicant shall obtain authorization from the County Sanitarian for the farmstand to use the existing septic system or shall receive approval for a new septic system to serve the farmstand.
6. Parking shall be established and permanently maintained as long as the farmstand is 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 wine tasting area, and one

- (1) parking space per 300 square feet of farmstand area pursuant to Section 1007 of the Yamhill County Zoning Ordinance. Parking shall not be permitted along the NW Red Shot Lane, NW Panther Creek Road, or NW Meadow Lake Road right-of-way.
7. The use of outdoor amplified music or sound shall not be permitted.
 8. Prior to the provision of wine tasting service or sale of locally produced wine, locally produced beer and other malt beverages, and locally produced cider, the Applicant shall obtain all permits required by the Oregon Liquor Control Commission (OLCC).
 9. Prior to issuance of building permits, the water supply and access driveway will be required to meet the Carlton Fire Department standards.
 10. Any lighting for the farmstand shall be shielded, deflected, or directed onto the Applicant's property, so it does not shine onto the county road or adjacent lots.
 11. "Agri-tourism or other commercial events" shall not occur on the subject parcel without additional land use approval. "Agri-tourism or other commercial events" include outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, and celebratory gatherings.
 12. This approval shall expire two years from the date of this letter unless the use has been initiated.
 13. This approval shall be deemed personal to the Applicant (Ground 152, LLC), Frank Foti and the current property owner (15660 Ground, LLC) and shall not run with the land.
 14. This approval shall expire two years from the date of this letter unless the use has been initiated.
 15. The construction of any additional structures or modification to the footprint of existing structure(s) used in conjunction with the farmstand shall require the submission and approval of a Site Design Review application.
 16. 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*.