

I. Decision Letter & Staff Report

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, OREGON 97128

Phone:(503) 434-7516 | Fax:(503)434-7544 | TTY: (800) 735-2900 | Internet Address: <http://www.yamhillcounty.gov>

September 12, 2025

Javier Ceja
10431 NE Equestrian Drive
McMinnville, OR 97128

Re: **Docket No. C-01-25, Tax Lot 4401-02300**

In reference to the conditional use permit and site design review request for the operation of a loss mitigation business as a home occupation, Planning staff has reviewed your application and finds that it complies with the requirements of the *Yamhill County Zoning Ordinance*. Tentative approval is contingent on obtaining building and septic permits and inspections and compliance with the following conditions:

1. Activities conducted in conjunction with the loss mitigation business shall be substantially conducted from within the accessory building identified on the site plan.
2. The accessory building shall receive all necessary improvements required to meet the applicable occupancy rating as provided in the most recent Oregon state building code standards. All required building, plumbing, septic, and electrical permits shall be obtained from the Yamhill County Building Department.
3. An erosion control permit shall be applied for when any earthmoving activities of sufficient size require such a permit under state or local standards.
4. The use shall employ no more than five (5) full or part time employees.
5. All hazardous wastes shall be handled, treated, and disposed of in compliance with all applicable federal, state, and local laws and regulations. Acids, gasolines, or other flammable or toxic materials shall not be drained or deposited onto the ground or into the septic system.
6. The operation of the loss mitigation business is personal to Javier Ceja and does not run with the land.
7. Prior to issuance of permits, the driveway access shall be inspected and approved by the McMinnville Fire Department.
8. Uses or activities which are substantially different in nature from the operation of a loss mitigation business constitute a second home occupation and such activities shall be prohibited without additional land use approval.
9. No outside evidence of the home occupation shall be visible except for a sign not to exceed 24 square feet, which shall be subject to permit and land use approval prior to installation pursuant to Section 1006 of the Yamhill County Zoning Ordinance.

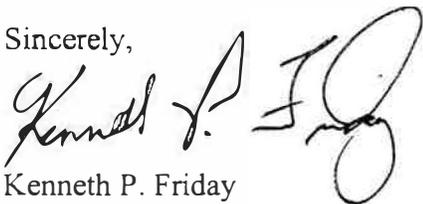
10. Any lighting shall be shielded, deflected, or directed onto the Applicant's property so it does not shine onto the adjacent roadway or neighboring lots.
11. The use of outdoor amplified music or sound in conjunction with the proposed use shall be prohibited.
12. An area to provide a minimum of one (1) parking space for each employee on maximum working shift shall be established on the subject parcel. The parking area shall be maintained for as long as the business operates onsite. There shall be no parking along the NE Equestrian Drive right-of-way.
13. This approval is valid for one (1) year following the date of final approval and shall expire at that time unless the use has been initiated.
14. A review of the home occupation shall be required one year following the date of final approval. The home occupation may be renewed if it continues to comply with the requirements of Section 1004.01 of the Yamhill County Zoning Ordinance and the conditions of approval. A fee may be charged for renewal of the permit.
15. 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.

This decision is based on findings and conclusions as contained in the staff report. This approval shall expire two years from the date of this letter unless construction or the use has been initiated.

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., September 29, 2025**. 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.

If you have any questions, please contact this office.

Sincerely,



Kenneth P. Friday
Planning Director

Enclosure

cc:	Board of Commissioners	Assessor
	McMinnville Fire Department	ODA
	Sanitarian	Public Health
	Building Department	Soil and Water Conservation District
	Public Works	SPOs

YAMHILL COUNTY TAX LOT INFORMATION & CONTEXTUAL MAP



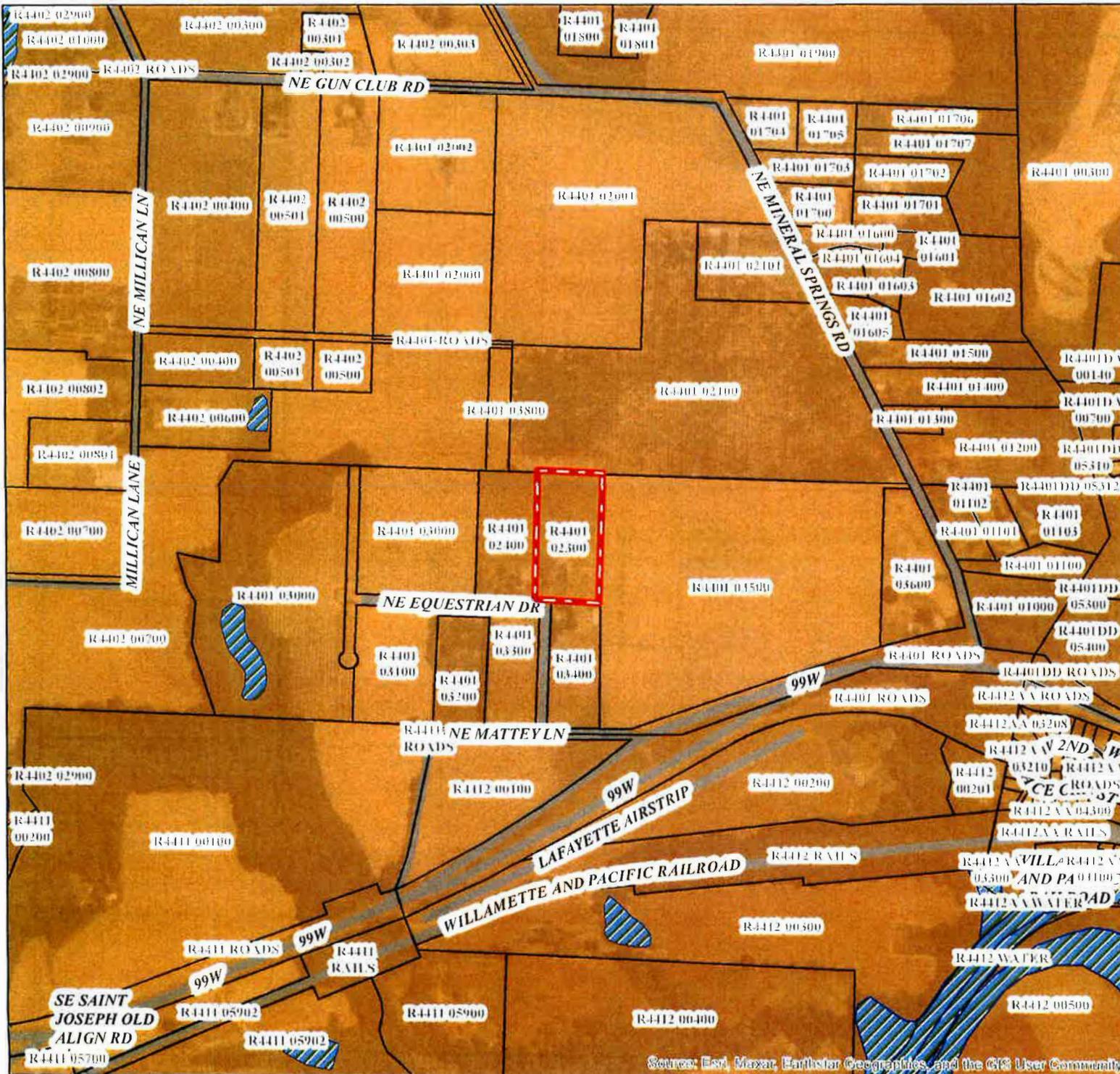
Property Information Docket: C-01-25

10431 NE Equestrian Dr



Subject Parcel(s)

Tax Lot: R4401 02300
Lot Acreage: 5.5



Wetland

FEMA Flood Zone
 Base Flood Elev (ft)

100 Year Zone

Floodway

Approximate Locations & Dimensions
1 inch = 700 feet



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Last Update: July 08, 2025

R4401 03200
HILL LEAH L
HILL RICHARD A
10221 NE MATTEY LN
MCMINNVILLE, OR 97128

R4401 03300
GOODROE HEIDI S
GOODROE LAURANCE W III &
10450 NE EQUESTRIAN DR
MCMINNVILLE, OR 97128

R4401 03400
WINKELMAN MELISSA S
WINKELMAN STEVE L
10445 NE EQUESTRIAN
MCMINNVILLE, OR 97128

R4401 02300
CONTRERAS SARA H
CEJA ISIDRO J
10431 NE EQUESTRIAN DR
MCMINNVILLE, OR 97128

R4401 02400
BRUCK PENNY L
BRUCK VERNON E
10331 NE EQUESTRIAN DR
MCMINNVILLE, OR 97128

R4412 00100
GMB INVESTORS LLC
1118 NORTHSHORE RD
LAKE OSWEGO, OR 97034

R4401 03100
HILL LEAH L
HILL RICHARD A
10221 NE MATTEY LN
MCMINNVILLE, OR 97128

R4401 03500
SIMONSON LIVING TRUST
SIMONSON BRUCE L & SUSAN J TRUSTEES
FOR
10900 SW LANCEFIELD RD
MCMINNVILLE, OR 97128

R4401 03000
SMITH RANDAL L
SMITH SHERYL
29661 NE PUTMAN RD
NEWBERG, OR 97132

R4401 03800
WILLIAMS JOHN CO-TRUSTEE WILLIAMS
EILEEN CO-TRUSTEE
WILLIAMS JOHN & EILEEN TRUST
61867 LIME QUARRY RD
ENTERPRISE, OR 97828

R4402 00700
WILLIAMS EILEEN CO-TRUSTEE
WILLIAMS JOHN & EILEEN TRUST
61867 LIME QUARRY RD
ENTERPRISE, OR 97828

R4401 02000
AJLJ LLC
14750 SW HIDDEN HILLS RD
MCMINNVILLE, OR 97128

R4401 02001
WILLIAMS EILEEN CO-TRUSTEE
WILLIAMS JOHN & EILEEN TRUST
61867 LIME QUARRY RD
ENTERPRISE, OR 97828

R4401 02100
CHRISTENSON LARRY D TRUST CHRISTENSON
CINDY A CO-TRUSTEE
CHRISTENSON LARRY D CO-TRUSTEE
16107 SE WALLACE RD
DAYTON, OR 97114

C-01-25
R4401 02300
CEJA / M&H OREGON CONSTRUCTION
07/08/2025

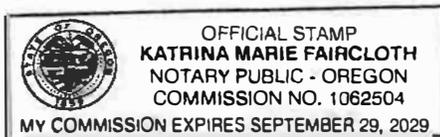
M&H OREGON CONSTRUCTION, LLC
1524 SE ESSEX ST
MCMINNVILLE, OR 97128

APPLICANT: M&H Construction, LLC
1524 SE Essex St
McMinnville, OR 97128

I, Stephanie Curran, on the 12th day of September, 2025
sent the attached public notice of Docket No. C-01-25 to the property owners identified by the PIN
numbers listed above, and interested persons listed on this sheet.

STATE OF OREGON
County of Yamhill

The foregoing instrument was acknowledged before me this 6th day of October, 2025
by Stephanie Curran.



Katrina Marie Faircloth
Notary Public For Oregon
My Commission Expires 9/29/29

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
STAFF REPORT

DATE: August 29, 2025

DOCKET NO.: C-01-25

REQUEST: Conditional use permit request for the operation of a loss mitigation business as a home occupation. The proposed business would provide support and assistance to property owners in managing and reducing damage that may occur due to water or fire damage, or other emergencies.

APPLICANT: M & H Oregon Construction, LLC

OWNER: Javier Ceja

TAX LOT: 4401-02300

LOCATION: 10431 NE Equestrian Drive, McMinnville

ZONE: EF-40, Exclusive Farm Use District

CRITERIA: Sections 402.04(I), 402.07(A), 1004.01, and 1202.02 of the *Yamhill County Zoning Ordinance*. Comprehensive Plan policies may also be applicable.

COMMENTS: *Public Works Department:* No response to date.
Building Department: No response to date.
McMinnville Fire Department: “The owner has agreed to provide firefighting water on site for this commercial project. The application is now **CONDITIONALLY APPROVED**. I will continue to work with the developer to get the right valves and connection points.”
County Sanitarian: “We have reviewed the file and find no conflicts with her interests. Permit issued included sizing for business.”
Water Master: No response to date.
Soil & Water Conservation District (SWCD): Please see letter received on July 17, 2025.
Public Health Department: No response to date.
Department of Agriculture: No response to date.

FINDINGS:

A. Background Facts

1. *Parcel Size:* The subject parcel measures approximately 5.5-acres in size.
2. *Access:* The lot has direct access to NE Equestrian Drive.

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3. *On-Site Land Use:* The subject tract is located in the Exclusive Farm Use District, the EF-40 zone. There is a single-family dwelling, and two (2) accessory buildings currently located on the lot, including a new shop building that is under construction for use as a shop and to store vehicles and personal belongings. The shop building under construction is where the Applicant is proposing the business office be located in and the home occupation to be operated from. The Applicant notes that farm uses are also occurring onsite, in the form of Christmas trees and poultry raised onsite.
4. *Surrounding Zoning and Land Uses:* All of the surrounding lots are located in the EF-40 zone. Land use in the surrounding area consists of rural residential and commercial farm uses, predominantly in the form of hazelnut orchards, grass seed, wheat and hay fields, and livestock pasturage. Rural residential uses are present on four (4) of the nearest lots (Tax Lots 4401-03400, 4401-02400, 4401-03300, and 4401-03200), including the three adjacent lots to the south, southwest, and west. This cluster of five lots, including the Applicant's lot, that are predominantly used residentially are all roughly the same size, ranging between 3.75-acres and 5.5-acres. The Applicant's lot is the largest of the lots in this cluster.
5. *Water:* On site well.
6. *Sewage Disposal:* Will be served by an existing septic system.
7. *Fire Protection:* McMinnville Rural Fire Protection District.
8. *Taxes:* The county Tax Assessor's office records show that 4.5-acres of the subject lot is receiving farm deferral.
9. *Previous Actions:* A temporary health hardship dwelling approval was issued on February 7, 2025, for the care of three family members by the Applicant (Javier Ceja) and Sara Herrerea, Docket CTS-01-25. The subject lot was created through an approved land partition in 1969, Docket P-12-69.

B. Conditional Use Provisions and Analysis

1. The conditional use criteria are provided in Section 1202.02 of the *Yamhill County Zoning Ordinance* (YCZO) and 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 for the operation of a loss mitigation business that will be operated predominantly from within a newly-constructed shop building as a home occupation. The operation of a loss mitigation business is a recognized home occupation when operated within the bounds of a home occupation as provided in Section 1004 of the YCZO, therefore the request

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complies with criterion 1202.02(A) of the YCZO, above. The review criteria for a home occupation, as provided in Section 1004.01 of the YCZO, will be described in Section C. of this staff report, below.

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 standards or criteria for review of home occupations. While these are not in themselves criteria, they are in part what the criteria was based upon. Applicable goals and policies from the *Yamhill County Comprehensive Plan* are addressed below.

Section I.E Goal 1 Policy i. states:

A reasonable expansion of the concept and definition of home occupation will apply to very low density residential and agricultural small and large holding areas where small-scale, family-operated, home-craft industry or repair service has been traditionally carried on, and such uses will be reasonably regulated, subject to limitations on location, scale, performance characteristics, commercial character, and visibility from bounding roads or adjoining property.

The definition of a home occupation consists of an activity involving the provision of a service and/or the manufacturing of a product by a resident of the property on which the business is located and shall be carried on in compliance with Section 1004 of the YCZO. The Applicant is proposing the use of a shop building in conjunction with the loss mitigation business. The business office and storage areas will be hosted in the shop building. The Applicant describes the loss mitigation business as a 24-hour emergency service that responds to incidents that may threaten the structural integrity, safety, or functionality of homes and commercial buildings. Typical loss mitigation services include water extraction and drying after flooding, leaks, or burst pipes, fire and smoke remediation, mold detection and removal, odor control, board-up and tarping to protect structures from the elements, structural drying and stabilization, and assessment and documentation of loss for insurance purposes as the most common examples of services the proposed home occupation provides to the community. The Applicant notes that a numerous types of equipment will be stored in the accessory building including moisture meters, thermal imaging cameras, air scrubbers, dehumidifiers, water extraction units, ozone and hydroxyl generators, negative air machines, drying fans and air movers, infrared thermometers, data loggers, as well as protective personal equipment. Along with hosting the business office, the shop building will be used to organize and store the equipment, apparati, and other material that the Applicant uses in the loss mitigation services provided to clients. Staff finds that the Applicant's request complies with this criterion.

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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 lot measures approximately 5.5-acres in size with an existing single-family dwelling and accessory buildings (shops) currently on the property one of which will partially be used for the loss mitigation business activities. The subject parcel is relatively flat with little appreciable slope or other natural feature that would impede the operation of the loss mitigation business. There are no existing, identifiable natural features of note that will be disturbed by the operation of the home occupation on the subject property. The Yamhill County Soil & Water Conservation District submitted a document that provides the Applicant with guidance regarding noxious weed control and responsible water use management.

The property has direct access to NE Equestrian Drive, a gravel public road. Traffic to and from the subject lot in conjunction with the proposed home occupation may occur at any time, day or night, because the business provides 24-hour emergency loss mitigation services to property owners who may be experiencing property damage due to water, fire, natural disaster, or other unexpected destructive circumstance. The Applicant asserts that traffic to and from the subject parcel has increased recently, at least in part, due to the construction activities occurring on the subject parcel—for the conversion of an existing structure to a hardship dwelling to care for family and to build the accessory building that will be used in part in conjunction with the proposed home occupation—and also because they are a large and active family with residents who are of driving age. but the loss mitigation business itself does provide 24-hour emergency services to residents and businesses in the area. Once a call is received then a “response team” may mobilize from the subject parcel, which may entail loading equipment into vehicles and departing to the site of an emergency. Staff did not receive a response from the Public Works Department regarding the status of NE Equestrian Drive, and there is nothing in the record to suggest that the roadway is operating above the engineered traffic load.

The subject parcel is surrounded by lots zoned for Exclusive Farm use. Land use in the surrounding area consists of rural residential and commercial farm uses, predominantly in the form of hazelnut orchards, grass seed, wheat and hay fields, and livestock pasturage. There are residential uses are present on four (4) of the nearest lots (Tax Lots 4401-03400, 4401-02400, 4401-03300, and 4401-03200), including the three adjacent lots to the south, southwest, and west. The subject parcel is comparable in size to many of the surrounding lots, especially those that are predominantly being used residentially. The County Sanitarian noted that the septic system recently installed was sized to accommodate the needs of the business should it receive land use approval. There are no identifiable additional service improvements that would be needed on the property to support the proposed loss mitigation business as other services that may need to be used

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in conjunction with the proposed business are already in place to serve the existing home and other structures. With conditions, the subject parcel appears to be suitable for the home occupation use when considering the size, shape, location, topography, existence of improvements, and natural features. With conditions, the request complies with this criterion.

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 use of an accessory (shop) building in conjunction with a loss mitigation business. The Applicant notes that the accessory building will be used to host the business office and single secretarial staff person who will be working consistently from this location. The structure will also be used to safely and securely store equipment used in conjunction with the loss mitigation business. The Applicant states that having a centralized location for the storage of equipment, in a climate-controlled setting with appropriate security measures, ensures that the equipment may be quickly accessed and mobilized when an emergency response is needed to serve a resident or business owner in the community. The business office will be operated between 7 a.m. and 5 p.m., Monday through Saturday, and common office tasks will include answering phone calls, scheduling appointments and dispatches, billing and invoicing, etc. The Applicant asserts that the safe-storage and care for the equipment used in conjunction with the business is of the highest priority and notes that he is a state-certified mitigation contractor with AHERA Asbestos Inspector certification, with certifications in mold and fire restoration, that the business is an IICRC (Institute of Inspection, Cleaning and Restoration Certification) certified firm, following the IICRC S500 standards for professional water damage restoration. The Applicant notes that the servicing and maintenance of the equipment used in conjunction with the loss mitigation business will largely take place off-site or within controlled environments to minimize the chance for noisy or other potentially disruptive activities impacting neighboring property owners. The shop building itself is similar in size and shape to other accessory buildings commonly found in the Exclusive Farm use zone. There will be no on-site retail component to this business or customers visiting the subject lot so traffic to and from the site that is associated with the business will be for employees and for vehicles to be picked up and dropped off for mobilization and demobilization.

Land use in the area surrounding the subject parcel is predominantly for farm use, in the form of hazelnut orchards, grass seed, hay, grain cultivation, livestock pasturage, however the Applicant's lot is neighboring a cluster of five (5) smaller lots, excluding the Applicant's—ranging in size from 3.75-acres to 6.7-acres—that appear to be used predominantly for rural residential use. Staff received comments and concerns from three of property owners with neighboring lots to the south, west, and southwest of the Applicant's lots, which are from this cluster of smaller lots.

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The comments and concerns submitted from surrounding property owners regarding the proposed home business fall broadly into the following categories:

Increased Traffic

Several surrounding property owners who reside on NE Equestrian Drive have expressed concern about the increase in the volume and type of traffic since the Applicant and his family moved to the subject lot. One comment claimed that traffic has increased dramatically and is higher than what would normally be generated in a “strict” EF-40 zoned location. Some of the neighbors have also noticed that business-related vans and trucks have been travelling along NE Equestrian Drive consistently throughout the day. Neighbors have stated that children, pets, and livestock cross Equestrian Drive and are concerned about the recent increase in traffic to the site, and that some of these motorists may be driving faster than the posted or recommended speed limit.

The Applicant has responded to this concern by stating there has been construction ongoing for much of the year. The construction activities have been related to the approval of a temporary health hardship dwelling for the care of three (3) family members that was final on February 24, 2025, Docket CTS-01-25. This approval was for the conversion of an existing structure to a residential space for the family members receiving care by the Applicant. In addition to the construction activities associated with the hardship dwelling, the Applicant also received building permits for an accessory building which will be used to store personal belongings but is now also the subject of the home occupation request. The Applicant states that since receiving feedback from surrounding property owners that he has spoken with those folks working on the property to following the posted speed limit. The Applicant also noted that he has a fairly large and active family, and that many of the family members have their own vehicles so traffic along NE Equestrian Drive has increased due normal family errands and trips. The Applicant acknowledges that these family trips generate dust due to the gravel nature of the road but that the family travels along Equestrian Drive but that they follow the posted speed limit to minimize the amount of dust generated to as great an extent as possible.

Noise

Some neighbors have experienced extended periods of noise generated from the subject parcel since the Applicant has moved in.

The Applicant has addressed this concern by stating that noise generated from the subject lot is related to the construction activities occurring onsite, and that they have limited construction activities to begin no earlier than 7 a.m. and to end no later than 6 p.m. The home occupation will be conducted within the accessory building and that much of the business-related activities will occur between 7 a.m. and 5 p.m., Monday through Saturday, and common office tasks will include answering phone calls, scheduling appointments and dispatches, and billing to name a few of the more common activities.

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The Applicant notes that the building will not be used 24/7 even if an employee residing onsite needs to respond to an emergency late in the evening or early in the morning. The Applicant noted that the location of the accessory building was selected in order to minimize any potential impacts to surrounding property owners. Additionally, because the loss mitigation activities will occur indoors there will be minimal noise generated from the business will be comparable to noise commonly associated with and generated by the farm activities permitted in the farm zone and that commonly occur in the county.

Staff will also place a condition of approval that prohibits the outdoor artificial amplification of voice or sound in conjunction with the proposed home occupation.

Unpermitted Signage

Some neighbors identified that signage was being displayed on the property without land use approval.

The Applicant notes that they were unaware that placing signs required a separate land use process, but that the signs were taken down once the Applicant was contacted by county staff regarding the complaint.

Staff will place a condition of approval prohibiting the placement of signage unless a separate land use request is submitted and approved.

Erosion Control

Some neighbors have expressed concerns that the recent development activities will lead to significant amount of uncontrolled erosion with muddy runoff negatively impacting surrounding property owners.

The Applicant responded to this concern by stating that the dirt mounds identified by neighbors was temporary and were being actively distributed around the property to level uneven areas on the property but required the rental of heavy machinery which delayed this distribution.

Staff will put a condition of approval requiring the Applicant to apply for an erosion control permit as part of the building permitting process.

Water Consumption & Contamination

Neighbors have expressed concern that the proposed home occupation could lead to contaminated groundwater which could negatively impact surrounding residents and livestock. A neighbor also claimed that diversion piping was installed on the subject lot which will redirect groundwater onto a neighboring orchard.

The Applicant responded to this concern by providing the various certifications (IICRC, AHERA, mold, fire) and the 20-years' experience he has with handling various

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contaminated jobsites and materials. The Applicant also notes that his family resides on the property and that he would not endanger his family, the neighborhood, or the environment by improperly handling contaminated materials. The Applicant also noted that the piping identified by the neighbor was installed to manage stormwater and redistribute rainwater and the piping received permit approval by the building department and that it will not negatively impact the groundwater in the area. The Applicant stated that water tanks were installed on the property for any possible fire disaster, and that the tanks were approved by the fire department in order to effectively respond to a fire onsite or in the neighborhood should the need arise.

Operating Business Prior to Receiving Land Use Approval

Some neighbors believe that the Applicant was operating the loss mitigation company prior to initiating the land-use process due to the volume of traffic that has increased since the Applicant and their family moved to the subject lot.

The Applicant responded to this concern by stating that there has been no equipment stored on the subject parcel and that the accessory building was being built in order to permit the storage of equipment used in conjunction with the loss mitigation business. The Applicant agreed that work vehicles are parked on the subject parcel because that is where they live and that allows the Applicant, and family members also residing onsite and working at the loss mitigation business to more expeditiously respond to emergency calls.

Environmental Concerns

Some neighbors have expressed concerns that contaminated items removed from loss mitigation worksites will be stored and/or decontaminated inside the accessory building used in conjunction with the home occupation.

In the Applicant's addendum to the application he stated that the accessory building will be used for equipment storage and that all servicing, maintenance, and noisy operations take place off-site or within controlled environments.

Uncontrolled Expansion to the Home Occupation if Permitted

Staff received a concern from a surrounding property owner that if the request for the home occupation is approved then the Applicant will be able to scale-up their business beyond what is permitted to a home occupation under Section 1004 of the YCZO.

The Home Occupation section of the county code, Section 1004, allows for a condition of approval to be placed on any home occupation approval requiring a review every 12-months from the date of final approval. Staff will be placing this as a condition of approval which will act as a means for staff to evaluate the operation of this business regularly to ensure the business is being operated responsibly and in accordance with the conditions of approval. If so, then the home occupation approval may be renewed if it

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continues to comply with the requirements set forth in Section 1004 of the YCZO.

Staff finds that with the imposition of conditions of approval that the Applicant's request will not materially alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the uses permitted in an Exclusive Farm use zone.

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), as mentioned previously, the Sanitarian noted that the recent, permitted improvements to the septic system included sizing that would allow for service to a business should the property owner receive land use approval. A condition of approval will be put in place that any necessary permits and inspections be issued and approved for the use of the accessory building in conjunction with the loss mitigation business prior to the operation of the business from the accessory building. The Applicant has noted that traffic to and from the business will entail employees being dispatched to worksites. There is no retail component to the proposed home occupation, and there will be no clients visiting the site so all traffic will be generated by residents and employees accessing the accessory building where the equipment used in conjunction with the loss mitigation business is stored. Regarding access to the property, NE Equestrian Drive is a public graveled road and while the road may emit dust during the dry season and be muddy during the rainy season, it appears to be adequate to meet the traffic needs for the business. With conditions, the existing public facilities and services appear to be adequate to support the proposed home occupation. Staff finds that with the imposition of conditions of approval, the request complies with this criterion.

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

Regarding criterion (F), the request is for the operation of a loss mitigation business from an existing shop building. Please see Section B.4. of the staff report above for a more comprehensive review of the comments and concerns submitted by surrounding property owners and the Applicant's response to surrounding property owners. The most common uses in the surrounding area include farm use (hazelnut orchards, grass seed, hay, grains, livestock pasturage, etc.) with a cluster of predominantly rural residential use on the lots in the most proximal area to the subject lot. As discussed previously, the proposed use will generate limited amounts of traffic to the parcel due to employees being the only people accessing the property beyond trips made by residents. Traffic to and from the site, while limited, may occur at any time of the day due to the loss mitigation business providing emergency support services to residents and business owners in the community who may be experiencing property damage due to water, fire, or other situation causing property damage. The Applicant asserts that work activities will be conducted indoors

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and that no work activities will occur outdoors aside from the parking of work vehicles. Other onsite uses include the storage of work material and office/clerical work being conducted in the accessory building located adjacent to the dwelling. The Applicant notes that cleaning activities will be conducted offsite or in tightly controlled environments. Staff will place a condition of approval that all hazardous wastes shall be handled, treated, and disposed of in compliance with all applicable federal, state, and local laws and regulations and shall not be drained or deposited onto the ground or into the septic system. Noise from the proposed use will be minimal because the loss mitigation activities will occur substantially within the existing accessory building which will be used to store work material and equipment, and to host the business office that will be manned by a single employee providing office and clerical support. There were no concerns submitted by farmers in the surrounding area who expressed concern about negative impacts to crops, aside from a comment that was submitted expressing concern about errant livestock that may be walking along NE Equestrian Drive that could be hit by motorists, although the link between the proposed home occupation and errant livestock was not expressed. There is no argument in the record suggesting that the operation of the loss mitigation business with fewer than five (5) total employees will negatively impact the farm or forest operations occurring in the surrounding area. With conditions, staff finds that the proposed home occupation use can be made compatible with the uses occurring and allowed in the surrounding Exclusive Farm use zones. Staff finds that, with conditions the request complies with the above criterion.

C. Home Occupation Review Criteria

1. The following standards and limitations shall apply to home occupations:
 - A. *The home occupation will be operated by a resident of the property on which the business is located.*

Regarding criterion (A) above, the Applicant is a resident of the property and will continue to reside on the property while operating the loss mitigation business. Based on this information, staff finds that the request complies the above criterion.

2.
 - B. *The home occupation will employ on the site no more than five full or part-time employees.*

Regarding criterion (B) above, the Applicant states no more than five (5) employees will ever be employed at this location. A condition of approval will be established that prohibits the home occupied business from employing more than five full or part-time employees and violation of this condition of approval may result in a revocation of this conditional use permit. Staff finds that with conditions, the request complies with this criterion.

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3. C. *The home occupation will be operated substantially in the dwelling or in other buildings normally associated with uses permitted in the zone in which the property is located.*

Regarding criterion (C), the loss mitigation business will be operated substantially within an accessory shop building and the shop is similar in size and shape to other accessory buildings commonly found in the Exclusive Farm use zone. This type of accessory building is in keeping with other accessory buildings commonly found in the Exclusive Farm Use District and in the surrounding area. Future owners can use this structure in conjunction with farm uses and/or for personal storage needs and would be permitted in the Exclusive Farm use zone. Staff finds that with conditions the request complies with the above criterion.

4. D. *The home occupation will not unreasonably interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located.*

Regarding criterion (D), the proposed home business will be operated from an access shop building located on a lot in the Exclusive Farm Use District, the EF-80 zone. The loss mitigation business will include no on-site retail use, and no clients will be visiting the site, so traffic to and from the site will be from employees and residents. The Planning Department provided notice of the Applicant's proposed home occupation to neighboring property owners for comment, and the Planning Department did receive comments and concerns from surrounding property owners predominantly related to the residential uses occurring on the cluster of smaller lots neighboring the Applicant's parcel, please see Sections B.4. and E.1. of this staff report for a more comprehensive discussion of the topics raised by surrounding property owners. The Applicant notes that the loss mitigation activities will predominantly occur within an existing accessory building, although work vehicles may be parked outside. Staff finds that with conditions, the proposed home occupation use can operate in a manner that will not unreasonably interfere with existing uses on nearby lands or with other uses permitted in the Exclusive Farm Use District.

5. E. *No more than one (1) home occupation shall be permitted in conjunction with any dwelling or parcel. Activities which are substantially different in nature shall be considered separate home occupations.*

Regarding criterion 1004.01(E), the Applicant's request is for the operation of a loss mitigation business predominantly from an existing shop building. This will be the sole home business operating on the subject parcel. Staff finds that the Applicant's request complies with this criterion.

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6. F. *A home occupation shall not be used to permit construction of any structure that would not otherwise be allowed in the zone in which the home occupation is established, nor shall a home occupation be used as justification for a zone change.*

Regarding criterion (F), the Applicant is requesting the use of an accessory building for the loss mitigation activities and this structure is similar in size and shape to other accessory buildings located in the farm zone in the surrounding area. A condition of approval will be put in place that all necessary building, electrical, and septic permits, and inspections are approved prior to and during construction activities. Staff finds that the shop building that will be used in conjunction with the home occupation is of a size and use commonly found in the Exclusive Farm Use zone. The Applicant is not requesting a zone change to accommodate the proposed home occupation. With conditions, staff finds that the proposed home occupation complies with this criterion.

7. G. *The total area used for outdoor storage shall not exceed the allowable parcel coverage in the zone in which the home occupation is established.*

Regarding criterion (G), the proposed home occupation is located in the Exclusive Farm Use District, the EF-80 zone, and parcel coverage standards do not apply for lots that are larger than one (1) acre in size. The subject lot measures approximately 5.5-acres in size therefore the parcel coverage standard is not applicable for this request. With that being said, the Applicant has noted that an accessory building will be used for the loss mitigation activities which the Applicant describes as occurring at the location where unexpected events have occurred, such as water damage, fire, natural disasters, or other emergencies that have caused damage to a structure. The Applicant has not described or requested for the outdoor storage of equipment or materials but rather has described the need for the accessory building to store the wide range of specialized equipment commonly used in conjunction with the loss mitigation business. Examples of equipment that will be stored within the accessory building include moisture meters, thermal imaging cameras, air scrubbers, dehumidifiers, water extraction units, ozone and hydroxyl generators, negative air machines, drying fans and air movers, infrared thermometers, data loggers, as well as protective personal equipment. Along with hosting the business office. The Applicant notes how vital it is for the business to have a structure that can be used to securely store and manage this equipment, and that there will be security measures put in place to ensure the equipment is secured and protected. There is no indication that the Applicant will be storing equipment outdoors, and any proposed outdoor storage area shall be screened by sight-obscuring fencing and/or landscaped vegetation that is properly maintained to act as a visual buffer from the adjacent roadway and neighboring properties. Staff finds that, with conditions the request complies with this criterion.

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8. H. *There shall be no visible evidence of the conduct of a home occupation from any road or adjacent property, other than permitted signs. Any outdoor storage or outdoor work areas shall be effectively screened by vegetation or by a sight obscuring fence.*

Regarding criterion (H), the Applicant notes that loss mitigation business activities conducted onsite will predominantly entail the use of an accessory building to safely and securely store vital equipment and to act as the business office. The Applicant is not proposing to conduct any loss mitigation activities outdoors on the subject parcel. As noted earlier, any outdoor storage area will need to be effectively screened from the adjacent roadway and adjacent lots by the installation of a sight-obscuring fence and/or the planting of landscaped vegetation that will function as a screen. Staff finds that with conditions, the request can comply with the above criterion.

9. I. *A home occupation shall not generate noise, vibration, glare, fumes, odor, electrical interference or other disturbance beyond what normally occurs in the applicable zoning district.*

Regarding criterion (I), the Applicant's proposed loss mitigation business will be conducted within an accessory building. The Applicant has asserted that there will be no generation of noise, vibration, glare, fumes, odor, electrical interference or other disturbance beyond what normally occurs in the Exclusive Farm use zone. The Applicant states that the accessory building will be used as a business office and for the storage of equipment used to operate the loss mitigation business. Office activities will be conducted regularly by a single secretarial staff person at the accessory building will include answering client phone calls and emails, scheduling appointments and dispatches, updating records for insurance documentation, billing and invoicing, and coordinating with technicians in the field. Equipment stored in the accessory building may be loaded into vehicles for transportation to work sites. The Applicant notes that all servicing, maintenance and noisy operations will take place off-site or indoors within controlled environments so that there will be no noise generated to impact neighboring property owners. The Applicant concludes that there should be no discernible noise, vibration, glare, fumes, odor, electrical interference, or other disturbance beyond what normally occurs in the Exclusive Farm Use District. Staff will place as a condition of approval that all lighting used to illuminate the accessory building used in conjunction with the loss mitigation business shall be shielded, deflected, or directed onto the Applicant's property so it does not shine onto the roadway or neighboring lots. Staff finds that with conditions, the request complies with the above criterion.

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10. *J. A home occupation shall not generate traffic or parking beyond what normally occurs in the applicable zoning district.*

Regarding criterion (J), the Applicant notes that there will be no on-site retail activities and no clients visiting the subject lot. The marginal increase in traffic from employees is in keeping with traffic generated from the farm uses commonly found in the county and the surrounding area that may include having hired farm labor visiting the farm for work. Staff finds that the Applicant's proposed business will not generate traffic beyond what normally occurs in the EF-40 zone, therefore the request complies with the above criterion.

11. *K. Off-street parking spaces shall be provided for clients or patrons and shall not be located in any required yard.*

Regarding criterion (K), the Applicant asserts that there is sufficient space on the property to serve the parking needs for employees. There will be no clients visiting the site and no retail activities associated with the business so parking requirements will be limited to employees and work vehicles. A condition of approval will require that an off-street parking area be maintained of sufficient size to serve the needs of employees for as long as the home occupation use is operated on-site. A condition of approval will be put in place that prohibits on-street parking in conjunction with the proposed home occupation use. Staff finds that with conditions, the request complies with the above criterion.

12. *L. One (1) on-premise sign shall be permitted in conjunction with a home occupation, subject to the sign provisions set forth in Section 1006.*

Regarding criterion (L), the Applicant did not submit a sign permit request in conjunction with the home occupation request but agrees to abide by the 24-square foot sign standard for any future signage that may be requested in the future and will abide by the requirements and standards provided in Section 1006 of the YCZO. A condition of approval will require that any future request for a sign must satisfy the provisions set forth in Section 1006 of the YCZO.

13. *M. The nature of a proposed home occupation shall be specified at the time of application. Any proposed change in the nature of an approved home occupation shall require a new conditional use permit. Any departure from the uses and activities initially specified shall be considered grounds for revocation of the conditional use permit.*

Regarding criterion (M), this is a regulation that applies to all home occupations and the Applicant describes the home occupation as a loss mitigation business which provides support and assistance to property owners in managing and reducing damage that may

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occur due to water or fire damage, or other emergencies. As proposed, this business will be substantially operated from a shop building. A condition of approval will be put in place that requires the Applicant to receive all necessary building, septic, electrical permits to modify the shop building to meet building code standard. Staff finds that with conditions, the proposed home occupation request complies with this criterion.

14. *N. A permit for a home occupation shall be deemed personal to the applicant and shall not run with the land. Upon notification by the county such permit shall expire two (2) years from the date of issuance, at which time the permit may be renewed by the Director upon a finding that the requirements of this ordinance are being met. A fee for renewal of the permit may be imposed by the Director.*

Regarding criterion (N), this is a regulation that applies to all home occupations. This requirement will be included as a condition on any approval.

15. *O. A condition of approval may be placed on a home occupation requiring a review every 12 months following the date the permit was issued. The home occupation may be renewed if it continues to comply with the requirements of this ordinance and any other conditions of approval.*

Regarding criterion (O), this is a regulation that applies to all home occupations. This requirement will be included as a condition on any approval.

16. *P. Pursuant to the nonconforming use provisions of Section 1205 of this ordinance, any proposed expansion or change in the nature of a home occupation in operation prior to adoption of this ordinance shall be subject to the requirements of this section and shall require a conditional use permit. In the event of denial of such an application, the home occupation shall be allowed to continue at its original scale and nature as a nonconforming use.*

Regarding criterion (P), this request is for a new home occupation, not the continuation or modification of a nonconforming use.

D. EF-40 Conditional Use Standards

Section 402.07(A) of the YCZO 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.*

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The Applicant is requesting a conditional use permit for the operation of a loss mitigation business as a home occupation to be predominantly operated from within an existing accessory building. The operation of the home occupation will be evaluated under the conditional use standards provided by Section 402.07(A) of the YCZO. Access to the property is provided by a private driveway with ingress/egress to NE Equestrian Drive, a public gravel road. Land use in the surrounding area consists of a mix of residential and farm uses—including hazelnut orchards, haying, grass seed, grain crops, livestock pasturage—with rural residential uses and activities occasionally occurring in conjunction with the farm uses. This home occupation request was processed under the Type B application processes provided in Section 1301.01 of the YCZO, so staff provided notice of the request to surrounding property owners. Staff did receive comments and concerns from surrounding property owners regarding the operation of loss mitigation as a home occupation, although the majority of the concerns were directed towards potential negative impacts to the residential uses occurring in the surrounding area although there were some comments directed to farm uses in the area and a more detailed analyses of comments is presented in Sections B.4. and E.1. of this staff report. One of the concerns submitted expressed by a neighboring property owner was a worry about potential groundwater contamination that would negatively impact water provided to livestock. The Applicant responded to this concern by stating that cleaning activities will occur offsite or in tightly controlled indoor environments, further staff will place a condition of approval that will prohibit the no hazardous waste will be deposited on the ground or into the septic system. Further, a condition of approval that any potentially hazardous byproducts are disposed of in a manner consistent with federal, state, and local regulations. Some neighbors also note that livestock and pedestrians will sometimes cross NE Equestrian Drive so employees and residents driving on Equestrian Drive will need to be alert, cautious, and responsible motorists. The Applicant affirmed that employees and family residing on the subject lot will abide by the posted speed limit and will not drive recklessly. No on-site or off-site farm crops or farmland will be lost to facilitate the home occupation use. There may be a limited number of work vehicles parked onsite because several employees are family members of the Applicant and reside onsite. Employees may access the site to pick up or deliver equipment used in the loss mitigation business but this limited storage and the clerical activities occurring in the business office within the accessory building will have impacts that appear to be limited to a slight increase in traffic on NE Equestrian Drive, but do not appear to negatively impact surrounding farm or forest uses that are permitted in the Exclusive Farm use zone occurring on surrounding parcels. A reasonable assessment of the proposed use, as described by the Applicant, finds that the operation of the loss mitigation business as a home occupation will not significantly change or significantly increase the cost of accepted farm or forest practices on surrounding lands.

E. Surrounding Property Owner Comments & Concerns

1. The comments and concerns submitted from surrounding property owners regarding the proposed home business fall broadly into the following categories:

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Increased Traffic

Several surrounding property owners who reside on NE Equestrian Drive have expressed concern about the increase in the volume and type of traffic since the Applicant and his family moved to the subject lot. One comment claimed that traffic has increased dramatically and is higher than what would normally be generated in a “strict” EF-40 zoned location. Some of the neighbors have also noticed that business-related vans and trucks have been travelling along NE Equestrian Drive consistently throughout the day. Neighbors have stated that children, pets, and livestock cross Equestrian Drive and are concerned about the recent increase in traffic to the site, and that some of these motorists may be driving faster than the posted or recommended speed limit.

The Applicant has responded to this concern by stating there has been construction ongoing for much of the year. The construction activities have been related to the approval of a temporary health hardship dwelling for the care of three (3) family members that was final on February 24, 2025, Docket CTS-01-25. This approval was for the conversion of an existing structure to a residential space for the family members receiving care by the Applicant. In addition to the construction activities associated with the hardship dwelling, the Applicant also received building permits for an accessory building which will be used to store personal belongings but is now also the subject of the home occupation request. The Applicant states that since receiving feedback from surrounding property owners that he has spoken with those folks working on the property to following the posted speed limit. The Applicant also noted that he has a fairly large and active family, and that many of the family members have their own vehicles so traffic along NE Equestrian Drive has increased due normal family errands and trips. The Applicant acknowledges that these family trips generate dust due to the gravel nature of the road but that the family travels along Equestrian Drive but that they follow the posted speed limit to minimize the amount of dust generated to as great an extent as possible.

Noise

Some neighbors have experienced extended periods of noise generated from the subject parcel since the Applicant has moved in.

The Applicant has addressed this concern by stating that noise generated from the subject lot is related to the construction activities occurring onsite, and that they have limited construction activities to begin no earlier than 7 a.m. and to end no later than 6 p.m. The home occupation will be conducted within the accessory building and that much of the business-related activities will occur between 7 a.m. and 5 p.m., Monday through Saturday, and common office tasks will include answering phone calls, scheduling appointments and dispatches, and billing to name a few of the more common activities. The Applicant notes that the building will not be used 24/7 even if an employee residing onsite needs to respond to an emergency late in the evening or early in the morning. The Applicant noted that the location of the accessory building was selected in order to minimize any potential impacts to surrounding property owners. Additionally, because

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the loss mitigation activities will occur indoors there will be minimal noise generated from the business will be comparable to noise commonly associated with and generated by the farm activities permitted in the farm zone and that commonly occur in the county.

Staff will also place a condition of approval that prohibits the outdoor artificial amplification of voice or sound in-conjunction with the proposed home occupation.

Unpermitted Signage

Some neighbors identified that signage was being displayed on the property without land use approval.

The Applicant notes that they were unaware that placing signs required a separate land use process, but that the signs were taken down once the Applicant was contacted by county staff regarding the complaint.

Staff will place a condition of approval prohibiting the placement of signage unless a separate land use request is submitted and approved.

Erosion Control

Some neighbors have expressed concerns that the recent development activities will lead to significant amount of uncontrolled erosion with muddy runoff negatively impacting surrounding property owners.

The Applicant responded to this concern by stating that the dirt mounds identified by neighbors was temporary and were being actively distributed around the property to level uneven areas on the property but required the rental of heavy machinery which delayed this distribution.

Staff will put a condition of approval requiring the Applicant to apply for an erosion control permit as part of the building permitting process.

Water Consumption & Contamination

Neighbors have expressed concern that the proposed home occupation could lead to contaminated groundwater which could negatively impact surrounding residents and livestock. A neighbor also claimed that diversion piping was installed on the subject lot which will redirect groundwater onto a neighboring orchard.

The Applicant responded to this concern by providing the various certifications (IICRC, AHERA, mold, fire) and the 20-years' experience he has with handling various contaminated jobsites and materials. The Applicant also notes that his family resides on the property and that he would not endanger his family, the neighborhood, or the environment by improperly handling contaminated materials. The Applicant also noted that the piping identified by the neighbor was installed to manage stormwater and

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redistribute rainwater and the piping received permit approval by the building department and that it will not negatively impact the groundwater in the area. The Applicant stated that water tanks were installed on the property for any possible fire disaster, and that the tanks were approved by the fire department in order to effectively respond to a fire onsite or in the neighborhood should the need arise.

Operating Business Prior to Receiving Land Use Approval

Some neighbors believe that the Applicant was operating the loss mitigation company prior to initiating the land use process due to the volume of traffic that has increased since the Applicant and their family moved to the subject lot.

The Applicant responded to this concern by stating that there has been no equipment stored on the subject parcel and that the accessory building was being built in order to permit the storage of equipment used in conjunction with the loss mitigation business. The Applicant agreed that work vehicles are parked on the subject parcel because that is where they live and that allows the Applicant, and family members also residing onsite and working at the loss mitigation business to more expeditiously respond to emergency calls.

Environmental Concerns

Some neighbors have expressed concerns that contaminated items removed from loss mitigation worksites will be stored and/or decontaminated inside the accessory building used in conjunction with the home occupation.

In the Applicant's addendum to the application he stated that the accessory building will be used for equipment storage and that all servicing, maintenance, and noisy operations take place off-site or within controlled environments.

Uncontrolled Expansion to the Home Occupation if Permitted

Staff received a concern from a surrounding property owner that if the request for the home occupation is approved then the Applicant will be able to scale-up their business beyond what is permitted to a home occupation under Section 1004 of the YCZO.

The Home Occupation section of the county code, Section 1004, allows for a condition of approval to be placed on any home occupation approval requiring a review every 12-months from the date of final approval. Staff will be placing this as a condition of approval which will act as a means for staff to evaluate the operation of this business regularly to ensure the business is being operated responsibly and in accordance with the conditions of approval. If so, then the home occupation approval may be renewed if it continues to comply with the requirements set forth in Section 1004 of the YCZO.

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CONCLUSIONS FOR APPROVAL:

1. The request is for a conditional use permit to allow the operation of a loss mitigation business as a home occupation. This business will be operated predominantly from an existing accessory building.
2. With conditions, the request complies with the conditional use criteria listed in Section 1202.02 of the *Yamhill County Zoning Ordinance*.
3. With conditions, the request complies with the conditional use criteria listed in Subsection 402.07(A) of the *Yamhill County Zoning Ordinance*.
4. ~~With conditions, the request complies with the home occupation criteria listed in Section 1004 of the *Yamhill County Zoning Ordinance*.~~

DECISION:

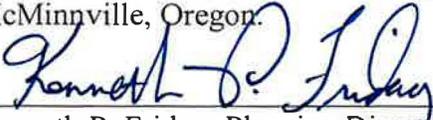
Based upon the above findings and conclusions, the request by Javier Ceja for a conditional use permit approval for the operation of a loss mitigation business as a home occupation on a parcel identified as Tax Lots 4401-02300, is approved with the following conditions:

1. Activities conducted in conjunction with the loss mitigation business shall be substantially conducted from within the accessory building identified on the site plan.
2. The accessory building shall receive all necessary improvements required to meet the applicable occupancy rating as provided in the most recent Oregon state building code standards. All required building, plumbing, septic, and electrical permits shall be obtained from the Yamhill County Building Department.
3. An erosion control permit shall be applied for when any earthmoving activities of sufficient size require such a permit under state or local standards.
4. The use shall employ no more than five (5) full or part time employees.
5. All hazardous wastes shall be handled, treated, and disposed of in compliance with all applicable federal, state, and local laws and regulations. Acids, gasolines, or other flammable or toxic materials shall not be drained or deposited onto the ground or into the septic system.
6. The operation of the loss mitigation business is personal to Javier Ceja and does not run with the land.

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7. Prior to issuance of permits, the driveway access shall be inspected and approved by the McMinnville Fire Department.
8. Uses or activities which are substantially different in nature from the operation of a loss mitigation business constitute a second home occupation and such activities shall be prohibited without additional land use approval.
9. No outside evidence of the home occupation shall be visible except for a sign not to exceed 24 square feet, which shall be subject to permit and land use approval prior to installation pursuant to Section 1006 of the *Yamhill County Zoning Ordinance*.
10. Any lighting shall be shielded, deflected, or directed onto the Applicant's property so it does not shine onto the adjacent roadway or neighboring lots.
11. The use of outdoor amplified music or sound in conjunction with the proposed use shall be prohibited.
12. An area to provide a minimum of one (1) parking space for each employee on maximum working shift shall be established on the subject parcel. The parking area shall be maintained for as long as the business operates onsite. There shall be no parking along the NE Equestrian Drive right-of-way.
13. This approval is valid for one (1) year following the date of final approval and shall expire at that time unless the use has been initiated.
14. A review of the home occupation shall be required one year following the date of final approval. The home occupation may be renewed if it continues to comply with the requirements of Section 1004.01 of the *Yamhill County Zoning Ordinance* and the conditions of approval. A fee may be charged for renewal of the permit.
15. 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*.

DATED AND SIGNED this 11th day of September, 2025, at McMinnville, Oregon.



Kenneth P. Friday, Planning Director
Yamhill County Planning and Development

KF:lw

YAMHILL COUNTY TAX LOT INFORMATION & CONTEXTUAL MAP



Property Information

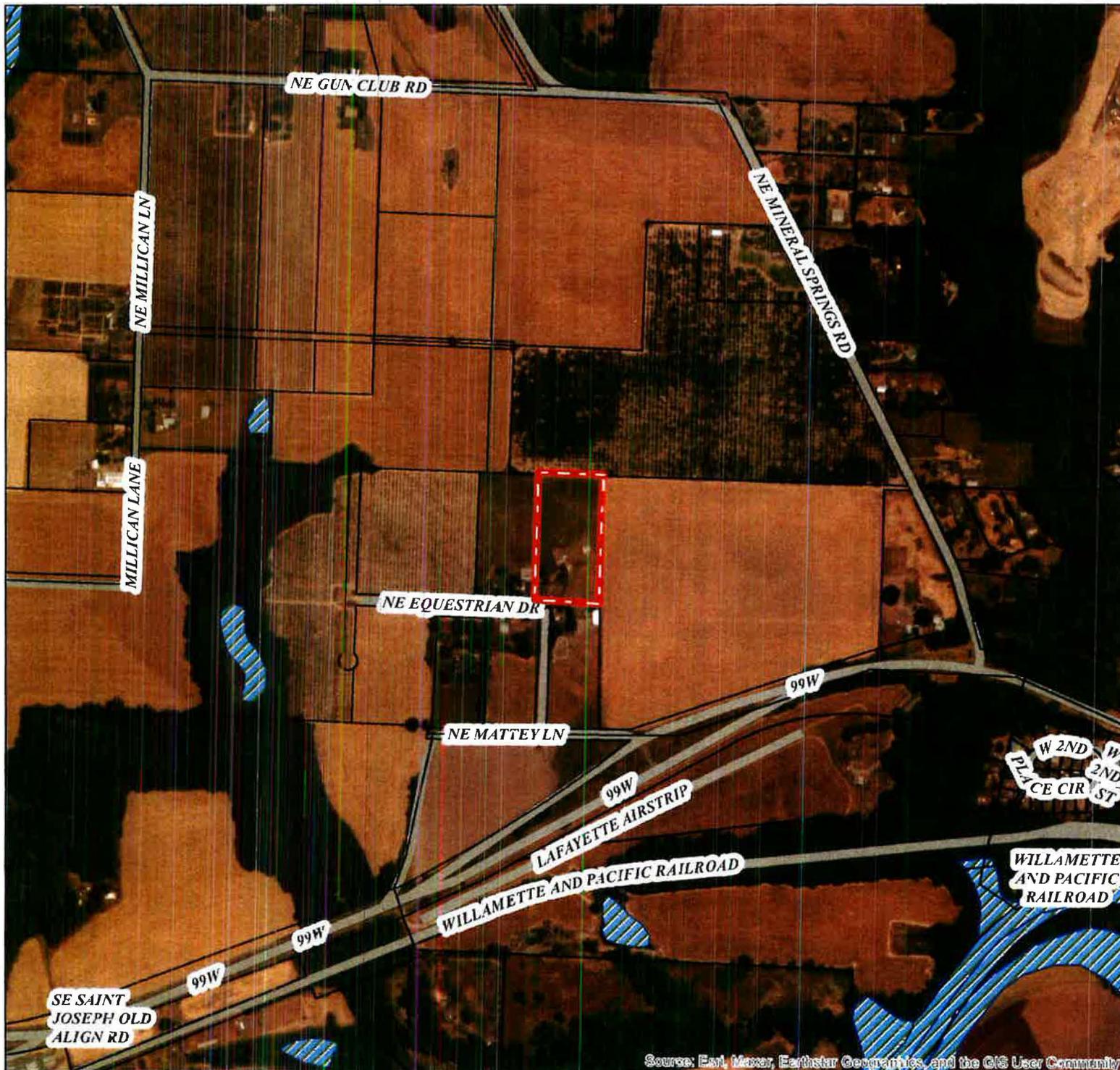
Docket: C-01-25

10431 NE Equestrian Dr

 Subject Parcel(s)

Tax Lot: R4401 02300

Lot Acreage: 5.5



 Wetland

FEMA Flood Zone

 Base Flood Elev (ft)

 100 Year Zone

 Floodway

Approximate Locations & Dimensions

1 inch = 700 feet



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Last Update: July 08, 2025

**YAMHILL COUNTY
TAX LOT INFORMATION
&
CONTEXTUAL MAP**



Property Information
Docket: C-01-25

10431 NE Equestrian Dr

 Subject Parcel(s)

Tax Lot: R4401 02300
Lot Acreage: 5.5

 Wetland

FEMA Flood Zone
 Base Flood Elev (ft)

 100 Year Zone

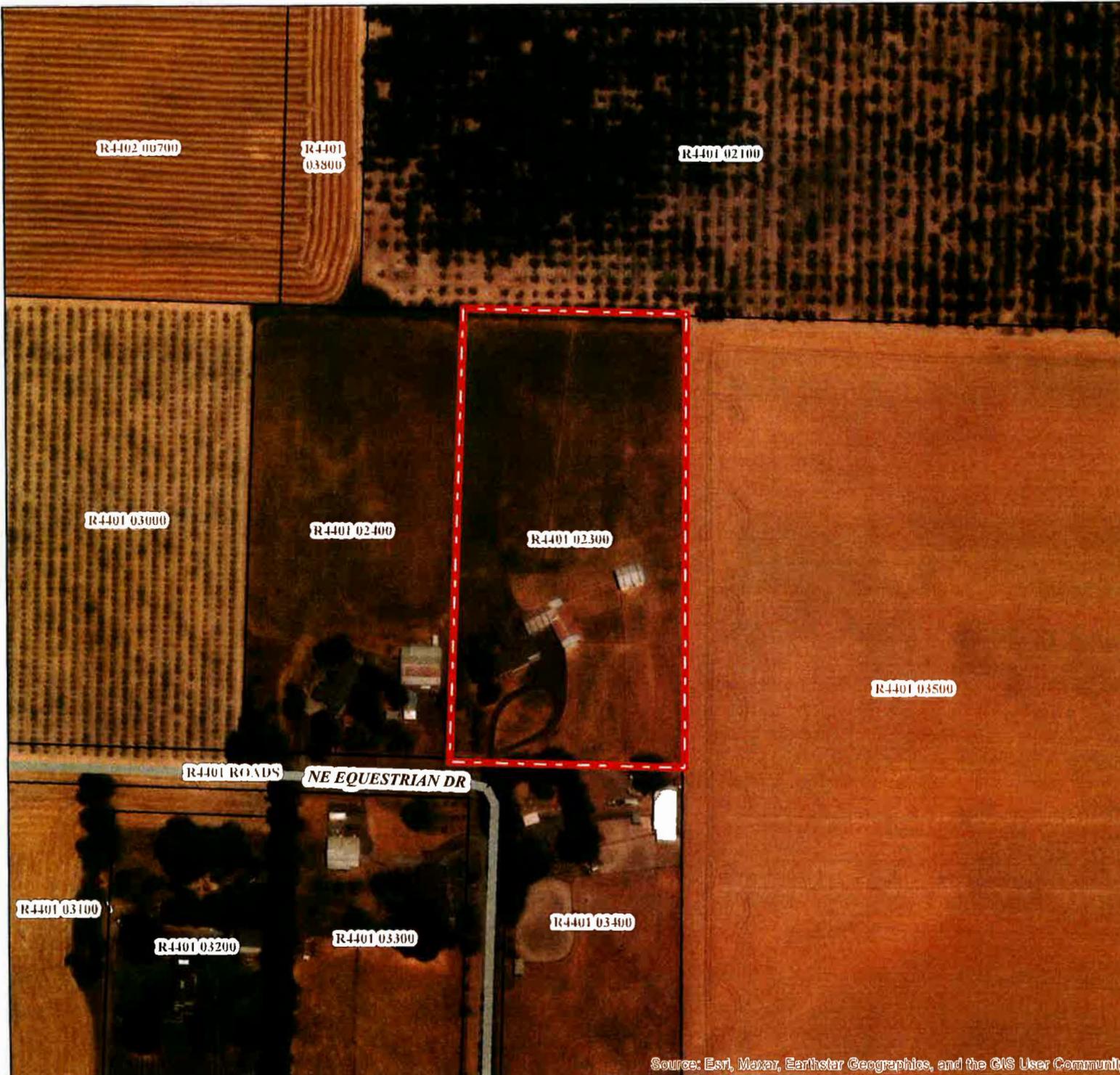
 Floodway

Approximate Locations & Dimensions
1 inch = 200 feet



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Last Update: July 08, 2025



II. Application

979-25-125-PLNG

YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

LAND USE APPLICATION

Docket C-01-25
 Date 1-24-25
 Rec'd by [Signature]
 Receipt # 81843/93 461
 Fee \$ 1627.00

400 NE Baker Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

APPLICANT				LEGAL OWNER (IF DIFFERENT)			
<u>M & H OREGON CONSTRUCTION LLC</u>				<u>Ceja JAVIER</u>			
Last name	First	MI		Last name	First	MI	
<u>1524 SE ESSEX ST</u>				<u>10431 NE EQUESTRIAN DR</u>			
Mailing address (Street or PO Box)				Mailing address (Street or PO Box)			
<u>McMINNVILLE</u>	<u>OREGON</u>	<u>97128</u>		<u>McMINNVILLE</u>	<u>OREGON</u>	<u>97128</u>	
City	State	Zip		City	State	Zip	
<u>503-857-5224</u>				<u>971-241-6533</u>			
Telephone				Telephone			
<u>sales@mhoregon.com</u>				<u>JCEJAS227@yahoo.com</u>			
E-mail address				E-mail address			

If the applicant is not the legal owner, state interest in property:

AUTHORIZED REPRESENTATIVE

PROPERTY INFORMATION

Tax Lot(s): R4401-2300 Zone: EF-40

Size of Tract (include all adjacent tax lots) _____

1. TYPE OF APPLICATION (what is requested?): Home Occupation

2. JUSTIFICATION FOR REQUEST YCZO Section(s): 1202 +

A Planner will assist you in identifying the review criteria that apply to your request. The review criteria are used to determine whether your application will be approved or denied. It is your responsibility to provide adequate written justification and any other evidence you feel is relevant to explain how your request complies with the review criteria. Failure to provide adequate justification may result in your application being denied or deemed incomplete until additional information is provided.

3. Present use of property: Primary dwelling, Hardship Dwelling/Garage, Storage Barn and proposed tree farm

4. Please list the type of buildings that are currently on the property (i.e. manufactured home, pole building, agricultural barn, etc.):
See above stand built buildings

5. Is there a septic system on the property? Yes No

6. How will water be provided? Well City Other _____

7. What road and/or easement is the property accessed from?
Equestrian Dr.

8. To your knowledge, do any of the following natural hazards exist on the property?

Floodplain

Areas of erosion

Steep slopes

Fish or wildlife habitat

Soil limitations for building or septic

THE APPLICANT MUST SUBMIT:

1. Completed application form, signed by the applicant and property owner (if different). The owner's signature must be notarized.
2. Site plan drawn to scale showing property lines, location and size of all existing buildings, existing and proposed access roads, and location and size of any proposed new buildings.
3. Written justification of how the application complies with the approval criteria. Attach additional sheets to this form.
4. Filing fee (make check payable to Yamhill County).

General land use application used for Conditional Use, Variance, Site Design Review, Floodplain, Willamette River Greenway, Comprehensive Plan Amendment and Zoning District Boundary Amendment, Comprehensive Plan Amendment, and Zone Change.

NOTE: Fees are not transferrable or refundable.

I hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of my knowledge. I understand that issuance of an approval based on this application will not excuse me from complying with other effective ordinances and laws regulating the use of the land and buildings.

I hereby grant permission for and consent to Yamhill County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.


 Applicant's signature _____ Date 12-9-24

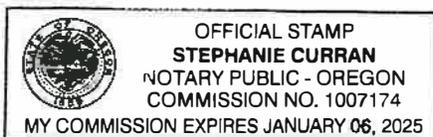
 Property owner's signature (if different) _____ Date _____

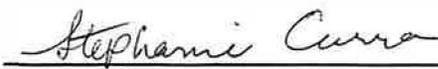
State of Oregon

County of Yamhill

Signed before me on this 20th day of December, 2024

by Javier Ceja




 Notary Public for Oregon
 My Commission expires 01-06-25

Zoning Ordinance

Section 1004.00 - Home Occupation

1004.01 Standards and Limitations

Except as provided in the Minor Home Occupation standards listed in Subsection 1004.01, the following standards and limitations shall apply to home occupations:

A. The home occupation will be operated by a resident of the property on which the business is located.

A: The occupation will be operated by Javier Ceja

B. The home occupation will employ on the site no more than five full or part-time employees. [Amended 8/13/98, Ord. 657]

A: The property will be occupied no more than 5 employees.

C. The home occupation will be operated substantially in the dwelling or in other buildings normally associated with uses permitted in the zone in which the property is located. [Amended 8/13/98, Ord. 657]

A: Building will only be used with permitted associated.

D. The home occupation will not unreasonably interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. [Amended 8/13/98, Ord. 657]

A: The occupation will not interfere with existing properties.

E. No more than one (1) home occupation shall be permitted in conjunction with any dwelling or parcel. Activities which are substantially different in nature shall be considered separate home occupations.

A: The occupation will be exclusively for the purpose described.

F. A home occupation shall not be used to permit construction of any structure that would not otherwise be allowed in the zone in which the home occupation is established, nor shall a home occupation be used as justification for a zone change.

A: Building should only be used as described in this statement.

G. The total area used for outdoor storage shall not exceed the allowable parcel coverage in the zone in which the home occupation is established.

A: Storage space will be respected as storage!

H. There shall be no visible evidence of the conduct of a home occupation from any road or adjacent property, other than permitted signs. Any outdoor storage or outdoor work areas shall be effectively screened by vegetation or by a sight obscuring fence.

A: All storage will be appropriately protected.

I. A home occupation shall not generate noise, vibration, glare, fumes, odor, electrical interference or other disturbance beyond what normally occurs in the applicable zoning district.

A: The occupation will be used as the project described, for commercial storage.

J. A home occupation shall not generate traffic or parking beyond what normally occurs in the applicable zoning district.

A: Parking will be respected for the purpose of the building .

K. Off-street parking spaces shall be provided for clients or patrons and shall not be located in any required yard. [Amended 8/13/98, Ord. 657]

A: we will respect parking for clients and patrons.

L. One (1) on-premise sign shall be permitted in conjunction with a home occupation, subject to the sign provisions set forth in Section 1006.

A: We will respect section 1006

M. The nature of a proposed home occupation shall be specified at the time of application. Any proposed change in the nature of an approved home occupation shall require a new conditional use permit. Any departure from the uses and activities initially specified shall be considered grounds for revocation of the conditional use permit.

A: We will notify you and submit any changes that may be required for the use of the building.

N. A permit for a home occupation shall be deemed personal to the applicant and shall not run with the land. Upon notification by the county such permit shall expire two (2) years from the date of issuance, at which time the permit may be renewed by the Director upon a finding that the requirements of this ordinance are being met. A fee for renewal of the permit may be imposed by the Director.

A: We are conscious of the time we have to build and if not of the cost of renewals.

O. A condition of approval may be placed on a home occupation requiring a review every 12 months following the date the permit was issued. The home occupation may be renewed if it continues to comply with the requirements of this ordinance and any other conditions of approval.

[Amended 8/13/98, Ord. 657]

A: we will respect the Amendments established.

P. Pursuant to the nonconforming use provisions of Section 1205 of this ordinance, any proposed expansion or change in the nature of a home occupation in operation prior to adoption of this ordinance shall be subject to the requirements of this section and shall require a conditional

use permit. In the event of denial of such an application, the home occupation shall be allowed to continue at its original scale and nature as a nonconforming use.

A: We are aware that if there were to be changes in use, we require permits.

Zoning Ordinance

Section 1202.00 - Conditional Use Criteria and Requirements

1202.02 Review Criteria

A conditional use may be authorized, subject to the Type B application procedure set forth in Section 1301, upon adequate demonstration by the applicant that the proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria;

A. The use is listed as a conditional use in the underlying zoning district;

A: We understand the use of zoning

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

A: We will respect the initial plans proposed

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

A: We are in the zoning limits proposed.

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;

A: We will not affect in any way the properties listed in our surrounding zone district.

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

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

A: The purpose of use will be adequate and appropriate.

SECTION 400 NATURAL RESOURCE DISTRICT

402.07 Additional Standards for Approval of Conditional Uses

A. In the Exclusive Farm Use District, prior to establishment of a conditional use, the applicant shall demonstrate compliance with the following criteria in addition to other requirements of this ordinance:

1. The use will not force significant change in accepted farming or forest practices on surrounding lands devoted to farm or forest use.

A: No agricultural activities will be affected by our property 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.

A: We will not affect cost of farming or forest practices in our surroundings.

a. Letter of Incompleteness

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, OREGON 97128

Phone:(503) 434-7516 | Fax:(503)434-7544 | TTY: (800) 735-2900 | Internet Address: www.yamhillcounty.gov

February 13, 2025

M & H Oregon Construction, LLC
1524 SE Essex Street
McMinnville, OR 97128

Re: **Docket C-01-25, Tax Lot 4401-02300**

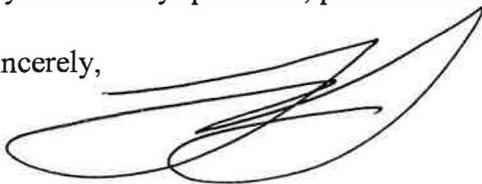
On January 24th, 2025, our office received a land use application requesting approval for the operation of a home occupation. Our office has reviewed the application and has determined that more information is needed in order to evaluate the request. The following information is needed in order for our office to evaluate the request:

- A detailed description of the business that is being requested as a home occupation, including such information as the nature of the business, the number of employees, the days and hours of operation, etc.
- A written narrative that addresses the review criteria listed in Section 1004.01 of the Yamhill County Zoning Ordinance (YCZO), enclosed.
- A written narrative that addresses the review criteria listed in Section 1202.02 of the YCZO, enclosed.
- A written narrative that addresses the review criteria listed in subsection 402.07(A) of the YCZO, enclosed.
- A floor plan that provides the layout and design of the structure proposed for use in conjunction with the home occupation.

Your application will be considered incomplete until you submit the information indicated above. Pursuant to ORS 215.428, you have 180 days from the date the application was first submitted in which to submit the requested information in order to have your application considered under the land use regulations in effect at the time the application was first submitted. If you prefer not to submit the requested information, please inform our office in writing and we will process the application as is (which may result in the application being denied).

If you have any questions, please feel free to call this office.

Sincerely,



Lance E. Woods
Senior Planner

b. Response to Letter of Incompleteness

J&S Restoration and Reconstruction LLC Description of a Loss Mitigation Company and Operational Details

Services, Equipment, and Community Considerations

A loss mitigation company plays a crucial role in assisting property owners, insurance companies, and businesses in managing and reducing damage that may occur due to unexpected events such as water damage, fire, natural disasters, or other emergencies. These companies are often the first responders in scenarios where immediate action is required to prevent further loss of property and to begin the process of restoration.

- **Overview of Loss Mitigation Services**

A loss mitigation company provides 24-hour emergency services designed to respond promptly to incidents that threaten the structural integrity, safety, or functionality of homes and commercial buildings. The primary objective is to minimize the impact of damage, control the environment, and set the stage for a successful restoration. These services are available around the clock, every day of the year, ensuring that whenever a disaster strikes, whether midday or in the darkest hours of the night, help is available.

Loss mitigation services typically include, but are not limited to:

- Water extraction and drying after flooding, leaks, or burst pipes
- Fire and smoke remediation
- Mold detection and removal
- Odor control
- Board-up and tarping to protect from the elements
- Dehumidification and moisture control
- Structural drying and stabilization
- Assessment and documentation of loss for insurance purposes

Equipment Used to Evaluate and Mitigate Losses

A loss mitigation company relies on a wide range of specialized equipment to evaluate damage, control the environment, and begin restoration. Some of the key equipment includes:

- **Moisture Meters:** Electronic devices used to measure the moisture levels within walls, floors, and ceilings. These meters help to identify hidden dampness that could lead to mold growth or structural degradation.

- **Thermal Imaging Cameras:** Used to detect temperature variations in building materials, allowing technicians to see behind walls and ceilings for hidden water leaks or trapped moisture.
- **Air Scrubbers:** Machines equipped with HEPA filters to remove contaminants, dust, and spores from the air during remediation work, improving air quality and safety.
- **Dehumidifiers:** Industrial-grade units designed to remove excess moisture from the air, critical for drying out flooded spaces and preventing mold growth.
- **Water Extraction Units:** Powerful pumps and vacuums used to remove standing water quickly and efficiently from affected areas.
- **Ozone and Hydroxyl Generators:** Used to neutralize odors, particularly after fire or water damage, and to sanitize the air.
- **Negative Air Machines:** Create negative pressure environments to contain contaminants within work areas, especially during mold remediation.
- **Personal Protective Equipment (PPE):** Includes masks, gloves, goggles, and protective suits for worker safety in hazardous environments.
- **Drying Fans and Air Movers:** High-velocity fans to speed up evaporation and drying of building materials and contents.
- **Infrared Thermometers:** Allow for quick surface temperature measurements to detect wet or cold spots that indicate potential water intrusion.
- **Data Loggers:** Devices to track temperature and humidity levels over time, aiding in documentation for insurance and ensuring that drying is proceeding as planned.

This equipment is essential for a rapid and thorough response to property loss situations. Every tool is specially chosen to ensure that the mitigation process is as effective and efficient as possible, protecting property, health, and peace of mind.

24-Hour Emergency Services

A defining feature of a reputable loss mitigation company is its commitment to providing 24-hour emergency services. Emergencies do not wait for business hours, and neither do a loss mitigation team. Calls are answered day and night, and response teams are mobilized as soon as notification arrives. Their rapid response can make a substantial difference in the extent of recoverable property and in preventing secondary damage, such as mold growth or worsening structural issues.

This around-the-clock availability demonstrates dedication to client welfare and emphasizes the reliability that property owners require in times of crisis.

Equipment Storage and Control Procedures

For organizational control and safety, all equipment used in mitigation and restoration is securely stored in a dedicated barn. This barn is not used for operational activities, but exclusively for storage and efficient management of all technical apparatus. The barn is equipped with proper shelving, climate control if required, and security measures to ensure all equipment remains in optimal condition and is quickly accessible when an emergency response is needed.

Having a centralized storage facility keeps equipment organized, in good repair, and ready for immediate deployment. This approach also ensures that equipment is not left scattered across sites or in locations where it could pose a hazard or be improperly maintained.

Office Management and Staff Responsibilities

Adjoining or nearby the equipment barn is a fully equipped office that serves as the operational hub for the business. Within this office, a single secretary is responsible for monitoring the inventory of all equipment entering and leaving the barn. This individual maintains accurate logs, checks equipment in and out, schedules maintenance, and coordinates dispatches for emergency calls.

The secretary also handles administrative tasks such as:

- Answering client calls and emails
- Scheduling appointments and dispatches
- Updating records for insurance documentation
- Billing and invoicing
- Coordinating with technicians in the field

This streamlined approach to staffing ensures both efficiency and accountability, as one dedicated individual manages all equipment logistics and administrative needs.

Office Hours and Community Considerations

The office operates from 7:00 am to 5:00 pm, Monday through Saturday. During these hours, the secretary manages all equipment transfers, administrative duties, and customer service tasks. Outside these hours, calls and requests for emergency service are handled through an on-call system, ensuring uninterrupted support for clients at any time of day or night.

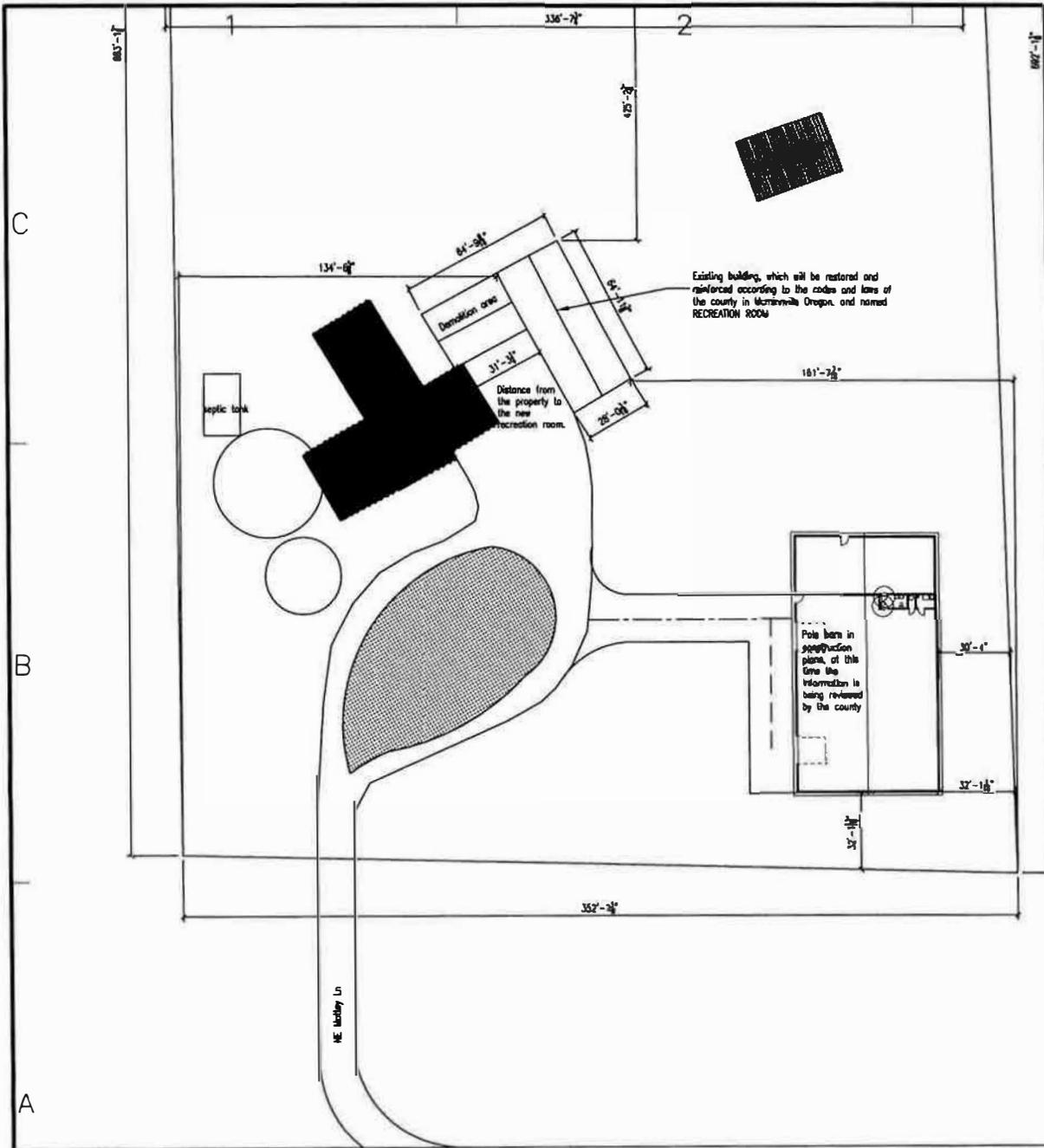
A vital aspect of the company's commitment to its community is minimizing any impact on neighboring properties. The barn used for equipment storage is solely for storage and control; all servicing, maintenance, and noisy operations take place off-site or within

controlled environments, ensuring that there are no noises interfering with neighbors. The location and construction of the barn are chosen to further reduce any possibility of sound disturbance, emphasizing that the company values the peace and comfort of those living nearby.

The company's approach is built on respect for its community, ensuring that the presence of both office and storage operations is as unobtrusive as possible.

Conclusion

In summary, a loss mitigation company provides indispensable 24-hour emergency services to reduce and control property damage from various disasters. Utilizing advanced equipment—meticulously stored and managed from a dedicated barn—and coordinated through a central office staffed by a single responsible secretary, the company ensures fast, accountable, and effective responses. With regular office hours and a firm commitment to minimizing neighborhood impact, this operational model exemplifies both preparedness and respect for the surrounding community, ensuring essential protection for property while preserving the peace of residents.



**M&H OREGON
CONSTRUCTION LLC**

CONSULTANTS

Mayra Horto Chavez
503-857-5224

Neri Roales
971-241-4492

For the preparation of these plans, the following was used as a reference:
BUILDING CODES DIVISION
<https://www.oregon.gov/bcd/permit-services/Documents/2014-02-pole-bldg.pdf>

**JAVIER CEJA
RECREATION ROOM**

OWNER

10431 NE Equestrian Drive
McMinnville, Oregon 97128

MARK	DATE	DESCRIPTION

PROJECT NO: **010**
 CAD DWG FILE: **010-A-02 RECREATION SITE PLAN.CAD**
 DRAWN BY: **-**
 CHK'D BY: **-**
 COPYRIGHT: **-**

RECROOM SITE PLAN

A-02

III. Appeal Application

LARRY & HEIDI GOODROE
10450 NE EQUESTRIAN DR.
MCMINNVILLE OR 970128

VIA HAND DELIVERY

Yamhill County Board of Commissioners
c/o Ken Friday, Director, Dept. of Planning & Development
525 NE 4th Street
McMinnville, OR 97128

*Re: Appeal of Docket Number C-01-25
Home Occupation / Javier Ceja
Subject property: 10431 NE Equestrian Drive, McMinnville, OR 97128
Tax Lot 4401-02300*

Dear Mr. Friday,

Please accept this letter as the written appeal document required by YCZO 1301.01(B)(4) and YCZO 1404.03. It is filed along with the necessary \$250 appeal fee and a Planning Department Appeal Application signed by the appellants. We are appealing the attached staff approval, and respectfully ask the Board of Commissioners to deny the applicant's request after a *de novo* hearing. If the Board of Commissioners does approve the application, a number of conditions are required to ensure compliance with applicable approval standards.

I. Standing

Standing to appeal is governed by YCZO 1404.03, which is quoted below.

1404.03 prescribed by the Director. Such written appeal shall be filed with the Director within fifteen (15) days of the decision on a proposed action and shall be accompanied by the appropriate filing fee. The Board, on its own motion, may order review of any decision of the Commission or Hearings Officer within fifteen (15) days of the decision, pursuant to Section 1403 for Board review.

Standing to Appeal.

A. A decision by the Director, Board of Commissioners or Board of Commissioners to approve or deny an application or docket item request may be appealed provided the appellant has satisfied Subsections 1, 2, and 3:

B. 1. Filed a written appeal, accompanied by the appropriate filing fee, with the Director within the time required by this ordinance submitted in accordance with Subsection B of this section;

Appellant: The appellant has submitted this written statement, the appeal form, and the filing fee before COB on September 29, 2025, which is the filing deadline.

2. Appeared before the Commission, hearings officer or Board orally or in writing; and

Appellant: The appellant has appeared in writing via counsel. *See* Letter dated July 22, 2025.

3. Meets one of the following criteria:

(a) Was entitled by this ordinance to notice and hearing prior to decision appealed; or

Appellant: The appellants are entitled to notice because they live within the notice area.

(b) Is aggrieved or has interests adversely affected by the decision.

Appellant: The appellants are both “aggrieved” within the meaning of Oregon law and have interests which are “adversely affected” by the decision. The appellant will experience an increase in noise, dust, and glare from headlights.

Any appeal filed shall be in writing, shall explain the basis of the appeal and shall include one or more of the following:

- 1. A reference to the ordinance provisions or plan policies providing the basis of the appeal.**
- 2. Reasons why the decision is factually or legally incorrect.**
- 3. A description of new information or additional facts which should have been considered in the decision.**
- 4. A description of any mitigating factors which might be taken to make the decision acceptable.**

Appellant: This appeal is in writing and lists the applicable ordinance provisions or plan policies providing the basis of the appeal. This narrative explains why the applicant has not addressed the applicable standards in a manner that complies with Oregon law and the Yamhill County Zoning Ordinance and Comprehensive Plan.

II. Applicable Regulations – State Statutes and Administrative Rules

A. ORS 215.283(2) and ORS 215.448.

In the various EFU zones, a home occupation business is considered a “non-farm use.” The provision of non-farm uses should be interpreted narrowly in the EFU zones. *See e.g., Friends of Yamhill County v. Yamhill County*, ___ Or LUBA __ (LUBA No. 2018-144 Aug 2, 2019); *Warburton v. Harney County*, 174 Or App 322 (2001). LUBA and the courts typically interpret statutes and administrative rules governing resource land narrowly to carry out legislative policy favoring the preservation of resource lands for resource uses. ORS 215.243. As the Court of Appeals explained in *Hopper v. Clackamas County*, 87 Or App 167, 172, 741

P2d 921 (1987), *rev den* 304 Or 680 748 P2d 142 (1988) “there is an overriding statutory and regulatory policy to prevent agricultural land from being diverted to non-agricultural use.”

Home occupations proposed in the EFU zones are regulated by ORS 215.283(2)(i):

(2) The following nonfarm uses may be established, subject to the approval of the governing body or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

*** * * * ***

(i) Home occupations as provided in ORS 215.448.

ORS 215.448 provides certain minimum standards for home occupations, including limits on the number of employees, requirements related to the types of buildings which can be used for a home occupation, and an “unreasonable interference” standard with regard to other uses permitted in the zone:

215.448 Home occupations; parking; where allowed; conditions. (1) The governing body of a county or its designate may allow, subject to the approval of the governing body or its designate, the establishment of a home occupation and the parking of vehicles in any zone. However, in an exclusive farm use zone, forest zone or a mixed farm and forest zone that allows residential uses, the following standards apply to the home occupation:

(a) It shall be operated by a resident or employee of a resident of the property on which the business is located;

(b) It shall employ on the site no more than five full-time or part-time persons;

(c) It shall be operated substantially in:

(A) The dwelling; or

(B) Other buildings normally associated with uses permitted in the zone in which the property is located; and

(d) It shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

(2) The governing body of the county or its designate may establish additional reasonable conditions of approval for the

establishment of a home occupation under subsection (1) of this section.

(3) Nothing in this section authorizes the governing body or its designate to permit construction of any structure that would not otherwise be allowed in the zone in which the home occupation is to be established.

(4) The existence of home occupations shall not be used as justification for a zone change. [1983 c.743 §2; 1995 c.465 §1]

DLCD has adopted somewhat redundant administrative rules to implement ORS 215.283(2) and ORS 215.448. These rules were recently amended in 2024 to add a new subsection (C). Among other things, OAR 660-033-0130(14)(c) brings back the “accessory use” test, which requires the home occupation to be “incidental and subordinate to the primary residential use of a dwelling on the property.”

OAR 660-033-0130(14) provides:

(14) Home occupations and the parking of vehicles may be authorized.

(a) Home occupations shall be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.

(b) A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located, and shall employ on the site no more than five full-time or part-time persons.

(c) A governing body may only approve a use provided in OAR 660-033-0120 as a home occupation if:

(A) The scale and intensity of the use is no more intensive than the limitations and conditions otherwise specified for the use in OAR 660-033-0120, and

(B) The use is accessory, incidental and subordinate to the primary residential use of a dwelling on the property.

In this case, the applicant has not demonstrated compliance with ORS 215.448 and OAR 660-033-0130(14) in four particulars.

1. The applicant has not demonstrated that the 24/7 loss mitigation business will be conducted substantially in a “*building normally associated with uses permitted in the zone*” in which the property is located.” The applicant has not demonstrated that the building in which the applicant proposed to engage in the home occupation is allowed in the EFU zone.
2. The applicant has not demonstrated with substantial evidence that the home occupation business has five (5) employees or less, one of which is a resident of the subject property.
3. The applicant has not demonstrated that it will not unreasonably interfere with uses permitted in the zone. A business that runs “24/7” can never be approved as a home occupation because it will always “unreasonably interfere” with neighboring residences. The applicant has not identified how it can operate the business 24/7 and still meet applicable noise regulations.
4. The applicant has not demonstrated that the 24/7 loss mitigation business is accessory, incidental and subordinate to the primary residential use of a dwelling on the property. In this regard, a business that runs “24/7” can never be approved as a home occupation because it can never be “accessory, incidental and subordinate” to a residence due to its round-the-clock activities and impacts. The applicant has not demonstrated that the scope and intensity of the business is accessory to the residence, including, but not limited to, providing the following information:
 - ❖ The exact size of the residence and accessory buildings,
 - ❖ The number and type of vehicles associated with the business
 - ❖ The number of trailers and towed equipment associated with the business,
 - ❖ The number of trips per day generated by the business,
 - ❖ Whether the employees will work on site or otherwise travel to the subject property to pick up and return vehicles and equipment.

The applicant notes that a numerous types of equipment will be stored in the accessory building including moisture meters, thermal imaging cameras, air scrubbers, dehumidifiers, water extraction units, ozone and hydroxyl generators, negative air machines, drying fans and air movers, infrared thermometers, data loggers, as well as protective personal equipment. However, the applicant does not list the exact quality of such equipment, making it impossible to judge the scale and intensity of the operation. Without this key information, it is impossible to analyze whether the proposed 24/7 loss mitigation business is “accessory, incidental and subordinate” to a residence.

The applicant also noted that he has a fairly large and active family, and that many of the family members have their own vehicles so traffic along NE Equestrian Drive has increased due to normal family errands and trips. The problem with that analysis is that the scale and intensity of the home occupation needs to be established at the outset as part of this decision, so that the county can ensure accountability of the five (5) employee limit. For this reason, more information is needed to distinguish “family-related” trips from “home occupation”

trips. Persons residing at the subject property who work as part of the home occupation need to be identified as such. Vehicles associated with the home occupation must be identified as such. Vehicles used both for personal trips and home occupation trips must be counted as home occupation-related trips. *Compare Jacobs v. Clackamas County*, 73 Or LUBA 262 (2016).

I. ORS 215.296(1).

Conditional Uses proposed in EFU zones must also comply with ORS 215.296:

ORS 215.296'

Standards for approval of certain uses in exclusive farm use zones

(1) A use allowed under ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) (2) or (11) or 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (2) or (4) may be approved only where the local governing body or its designee finds that the use will not:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Appeal issues: The Decision errs by simply stating the following:

There were no concerns submitted by farmers in the surrounding area who expressed concern about negative impacts to crops, aside from a comment that was submitted expressing concern about errant livestock that may be walking along NE Equestrian Drive that could be hit by motorists, although the link between the proposed home occupation and errant livestock was not expressed. There is no argument in the record suggesting that the operation of the loss mitigation business with fewer than five (5) total employees will negatively impact the farm or forest operations occurring in the surrounding area.

The lack of feedback from farmers is not a substitute for the analysis required by ORS 215.296(1).

Yamhill County implements ORS 215.296(1) via YCZO 402.07(A), which contains language that is the functional equivalent of the statute:

YCZO 402.07 Additional Standards for Approval of Conditional Uses

A. In the Exclusive Farm Use District, prior to establishment of a

conditional use, the applicant shall demonstrate compliance with the following criteria in addition to other requirements of this ordinance:

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.

Pertinent findings for purposes of ORS 215.296(1)(a) and (b) must at least:

- (1) describe the farm *practices* on surrounding lands devoted to farm use;
- (2) explain why the proposed use will not force a significant change in those practices;
and
- (3) also explain why the proposed use will not significantly increase the cost of those practices.

Brown v. Union County, 32 Or LUBA 168 (1996). Here, the applicants have not adequately demonstrated that the proposed use will force no significant change in accepted farming or forestry practices or their cost.

Thus far, there has been insufficient analysis of the three steps to lead to a conclusion of compliance:

- (1) describe the farm and forest *practices* on surrounding lands devoted to farm and forest use;

As mentioned above, LUBA has explained that the first step in completing the necessary findings is to describe the farm practices on surrounding lands devoted to farm use. This task can be further broken down into three parts.

Step 1, Part 1: Define the Analysis Area. Because the focus of ORS 215.296(1) is on the impacts of the proposed conditional use on agricultural practices in the proximate surrounding area, it is important to define an analysis area based on the reach of expected impacts of the proposed use. In this regard, it is inconsistent with ORS 215.296(1) to arbitrarily limit the scope of analysis to properties to a certain distance without regard to impacts. *Wilbur Residents v. Douglas County*, 37 Or LUBA 156 (1999). Nonetheless, LUBA generally takes a practical approach to the analysis, and therefore the County's failure to separately analyze more distant properties in the study area or identify its outer boundaries is not reversible error, where the County found no significant impacts on parcels adjacent to the subject property and, given the homogeneity of the surrounding area, significant impacts on non-adjointing parcels are unlikely. *Sisters Forest Planning Comm. v. Deschutes County*, 48 Or LUBA 78 (2004).

In this case, the applicant has not defined what will be considered the "surrounding lands" based on anticipated impacts.

Step 1, Part 2: Inventory Properties Within the Analysis Area that are in "Farm or Forest Use".

Once "surrounding lands" is defined, the applicant must provide an inventory of surrounding lands and uses.

ORS 215.203(3)(c) defines the term "farm use" as follows:

(2)(a) As used in this section, "farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (3) or 321.824 (3).

Goal 4 defines "forest lands" as follows:

"Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources."

The scope of "accepted farming or forest practices" that must be evaluated under the no significant change/increase standard is a fact-specific inquiry. Also, any inquiry into what is a "customarily accepted" agricultural activity necessarily requires examining whether other similar

farms have engaged in the proposed activity. *Ehler v. Washington County*, 52 Or LUBA 663 (2006). It does not require consideration of activities that are not “customary” in the area.

Step 1, Part 3: Identify the Farm Practices Employed by the Inventoried Farms.

The next aspect of the first step identified by LUBA is to identify the accepted farming practices occurring on the farms that have been identified and inventoried in Step 1, Part 2. Note that the two phrases “farm practices” and “farm uses” connote discrete elements for purposes of ORS 215.296(1); the former occurs on lands devoted to the latter.

This task is most often accomplished by means of a visual survey, which is then supplemented by information gained via the public hearing process:

Based on [the survey of farms uses], it is also appropriate to identify the accepted farming practices that are associated with the observed farm and forest uses. Unless some question is raised about the accuracy or completeness of the survey, the analysis required by ORS 215.296(1) may be limited to the farm uses and accepted farming practices identified through such a visual survey. However, once petitioner advised the county and applicant that he was in the process of changing the existing farm use of the property to an organic herb farm and botanical garden, the applicant and the county were no longer entitled to rely on the visual survey as the sole basis for determining the farm use to which petitioner's property is devoted.

Dierking v. Clackamas County, 38 Or LUBA 106, 120-121 (2000), *aff'd*, 170 Or App 683 (2000).

LUBA has confirmed that a county may properly base its identification of "accepted farm or forest practices," as those terms are used in ORS 215.296(1), on the definition of "accepted farming practice" in ORS 215.203(2)(c). *Schellenberg v. Polk County*, 22 Or LUBA 673 (1992). ORS 215.203(3)(c) defines the phrase “accepted farm practice” as follows:

As used in this subsection, “accepted farming practice” means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

In this case, the applicant has not identified the farm practices occurring on parcels in the Analysis Area.

Step 2: Explain Why the Proposed Use Will Not Force a Significant Change in the Identified farm practices.

One the applicant has inventoried the surrounding farms uses and identified the accepted

farm practices occurring on those farms, the next “step” identified by LUBA is to explain why the proposed use will not force a significant change in those *practices*. This step can also be further broken down into two subparts:

Step 2, Part 1: Describe the Impacts Created by the Proposed Use. The proposed use will create a number of impacts, the most common and significant of which might generally include noise, exhaust odor / fumes, traffic, dust, and glare from headlights.

Step 2, Part 2: Determine Whether any of the Identified Impacts Associated with the Proposed Use Will Force a Significant Change in Farm Practices.

Once the findings identify the impacts created by the proposed use, the next step is to evaluate each impact and the effect it will have on nearby farming and forestry practices. According to the Oregon Supreme Court, “the legislature intended the ‘significant change’ in a farm practice or ‘significantly increased cost’ of a farm practice standard to apply practice by practice and farm by farm.” *Stop the Dump Coalition v. Yamhill County*, 364 Or 432, 435 P.3d 698 (2019). LUBA and the courts have clarified that the scope of “accepted farming or forest practices” that must be evaluated under the “no significant change/increase” standard is a fact-specific inquiry.

ORS 215.296(1) uses the term “significantly” in the context of defining what is an unacceptable impact. The use of this qualifier suggests that some impacts –*i.e.* those that are deemed to be insignificant – are allowable. Because the term “significant” is undefined, and of common usage, it is permissible to consult dictionary definitions. The most pertinent definition of “significant” in *Webster’s Third New International Dictionary* (2002), p. 2116, appears to be “3 a : having or likely to have influence or effect : deserving to be considered[.]” In *Von Lubken v. Hood River County*, 118 Or App 246, 250, 846 P2d 1178 (1993), *rev. den.*, 316 Or 529, 854 P2d 940 (1993), the Court of Appeals observed that the word “significant” “connotes a question of degree that is more a matter of fact than of law.” The court rejected a proposed definition of “significant” that would have prohibited changes or increased costs that are “anything more than trivial or frivolous.” *Id.* The court stated that “[t]he words “significant” and “significantly” limit, rather than supplement, the protections that the statute affords. *Id.*

Caselaw provides some examples of how the term significantly affects the analysis in practice. *Van Dyke v. Yamhill County*, __ OR LUBA __ (LUBA No. 2019-047, Oct. 11, 2019) (*Van Dyke II*). As an example, in *Johnson v. Marion County*, 58 Or LUBA 459 (2009), LUBA held that a county does not err in concluding that, as conditioned, a personal use airport will not “significantly” impact a neighboring equine facility, where the only adverse impact identified by the facility owner is that guests are advised to delay mounting or dismounting horses until after planes land or take-off, and conditions of approval limit operations to 20 flights per month.

In *Von Lubken v. Hood River County*, 28 Or LUBA 362 (1994), LUBA stated:

Where a golf course adjoining an orchard will force alterations in accepted farming practices and increase the costs associated with such practices, the relevant question under ORS 215.296(1) is

whether such alterations and increased costs will be *significant*. Where there is evidence in the whole record that would allow a local government decision maker to answer that question either way, LUBA is required by ORS 197.835(7)(a)(C) to defer to the local government's judgment. *Von Lubken v. Hood River County*, 24 Or LUBA 271 (1992).

The applicant needs to address the externalities created by his business, including such impacts as noise, exhaust odor / fumes, traffic, dust, and glare from headlights. None of this critical analysis has been completed.

III. Applicable Regulations - Yamhill County Zoning Ordinance.

A. Base Zone Provisions.

Home occupations are a conditional use in the EF-40 zone:

402.04 Conditional Uses. The following uses are allowed in the Exclusive Farm Use District upon conditional use approval. Approval of these uses is subject to the Conditional Use criteria and requirements of Section 1202, and subsection 402.07(A) of this ordinance and any other provision set forth below. Applications shall be reviewed under the Type B procedure of Section 1301:

*** * * * ***

I. Home occupation, subject to the standards and limitations set forth in Section 1004.

YCZO 1004 is discussed below.

B. Home Occupation Criteria.

Yamhill County defines the term "home occupation" as follows:

HOME OCCUPATION: An activity involving off-site sales, the manufacture of a product or the provision of a service carried on in compliance with Section 1004 of this ordinance by a resident of the property on which the business is located. "Home occupation" does not include the retail sale of products unless such sales are secondary to the primary home occupation use.

In this case, the applicant seeks to "provide a service * * * by a resident."

1004.01 Standards and Limitations Except as provided in the Minor Home Occupation

standards listed in Subsection 1004.01, the following standards and limitations shall apply to home occupations:

A. The home occupation will be operated by a resident of the property on which the business is located.

Appeal Issue: The applicant has not provided substantial evidence to demonstrate that the proposed business will be operated by a resident of the property on which the business is located. The applicant states that the business will be run by "Javier Ceja," but does not provide proof of residency for Mr. Ceja.

B. The home occupation will employ on the site no more than five full or part-time employees. [Amended 8/13/98, Ord. 657]

Appeal Issue: The applicant has not provided substantial evidence to prove that there will be no more than five full or part-time employees.

C. The home occupation will be operated substantially in the dwelling or in other buildings normally associated with uses permitted in the zone in which the property is located. [Amended 8/13/98, Ord. 657]

Appeal Issue: The applicant has not provided substantial evidence to prove that the building being proposed for the business is one that is "normally associated with uses permitted in the zone in which the property is located." Staff makes the following conclusion, which is not supported by any evidence in the record:

This type of accessory building is in keeping with other accessory buildings commonly found in the Exclusive Farm Use District and in the surrounding area. Future owners can use this structure in conjunction with farm uses and/or for personal storage needs and would be permitted in the Exclusive Farm use zone.

This finding is improper in the absence of substantial evidence. Furthermore, the finding does not address the "accessory" nature of the building, which is a fact-based inquiry.

D. The home occupation will not unreasonably interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. [Amended 8/13/98, Ord. 657]

Appeal Issue: The applicant has not provided substantial evidence to prove that it will not unreasonably interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. In particular, the applicant does not explain how a business that runs "24/7" will not interfere with the residential use of neighboring property. The applicant also provided mixed signals about whether the loss mitigation business will include an on-site retail component of the use, and whether clients will be visiting the site. If the traffic to and from the

site will only be from employees and residents, then a condition of approval needs to be added to the decision to that effect.

- E. No more than one (1) home occupation shall be permitted in conjunction with any dwelling or parcel. Activities which are substantially different in nature shall be considered separate home occupations.**

Appeal Issue: The applicant has not provided substantial evidence to prove that there is only one home occupation proposed for the subject property.

- F. A home occupation shall not be used to permit construction of any structure that would not otherwise be allowed in the zone in which the home occupation is established, nor shall a home occupation be used as justification for a zone change.**

Appeal Issue: The applicant has not provided substantial evidence to prove that a 60 ft x 84 ft structure unrelated to agriculture would be allowed in the EFU Zone. ORS 215.283(1)(e) allows the following:

Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily provided in conjunction with farm use.

ORS 215.279 provides:

215.279 Farm income standard for dwelling in conjunction with farm use. In any rule adopted by the Land Conservation and Development Commission that establishes a farm income standard to determine whether a dwelling is customarily provided in conjunction with farm use on a tract, the commission shall allow a farm operator to satisfy the income standard by earning the required amount or more of farm income on the tract:

- (1) In at least three of the last five years;**
- (2) In each of the last two years; or**
- (3) Based on the average farm income earned on the tract in the best three of the last five years. [2011 c.459 §1]**

Thus, farm operators are allowed to apply for farm dwellings and “other buildings customarily provided in conjunction with farm use.” Here, the applicant does not have a farm operation on the subject property, so it cannot obtain a permit for an “other buildings customarily provided in conjunction with farm use.”

YCZO 402.04(G) allow “accessory uses,” including buildings other than farm dwellings customarily provided with farm use. A 64x84 building unrelated to farm use does not fall with the ambit of YCZO 402.04(G). The decision notes that the “applicant also received building

permits for an accessory building which will be used to store personal belongings * * *.”

Nor is a 64x84 building considered an “accessory structure” to a residence. The Yamhill County Zoning Code defines the terms “accessory use” and “accessory structure” as follows:

ACCESSORY STRUCTURE: A structure or building, the use of which is incidental and secondary to the principal structure or building on the same parcel.

ACCESSORY USE: A use which is incidental and secondary to the principal use on the same parcel.

The applicant cannot demonstrate how a 64x84 building unrelated to farm use is accessory to a smaller residence. The findings state:

the Applicant is requesting the use of an accessory building for the loss mitigation activities and this structure is similar in size and shape to other accessory buildings located in the farm zone in the surrounding area.

Decision at 12. There is no evidence in the record to support this finding, and the finding appears to be erroneous. It is unclear how an 64 ft x 84 ft commercial building can be accessory to a much smaller residence.

G. The total area used for outdoor storage shall not exceed the allowable parcel coverage in the zone in which the home occupation is established.

Appeal Issue: The applicant has not provided substantial evidence to demonstrate that a 5,376 sf commercial building is “incidental and secondary to the principal structure or building on the same parcel.”

The Decision erroneously makes the following finding:

There is no indication that the Applicant will be storing equipment outdoors, and any proposed outdoor storage area shall be screened by sight-obscuring fencing and/or landscaped vegetation that is properly maintained to act as a visual buffer from the adjacent roadway and neighboring properties

Decision at p. 12. The decision does not set forth a condition requiring a sight-obscuring fence landscaped vegetation. If this was an oversight, it should be corrected by the Board of Commissioners.

H. There shall be no visible evidence of the conduct of a home occupation from any road or adjacent property, other than permitted signs. Any outdoor storage or outdoor

work areas shall be effectively screened by vegetation or by a sight obscuring fence.

Appeal Issue: This standard is considerably more strict than state law. *Compare Jacobs v. Clackamas County*, 73 Or LUBA 262 (2016). The applicant has not provided substantial evidence to prove that there will be no visible evidence of the conduct of a home occupation from any road or adjacent property. As currently configured, the conduct of the home occupation is open for all to see, which violates YCZO 1004.01(H). There is no sight-obscuring fence or vegetative screening. Also, the vehicles have logos printed on them which identify the business as the vehicles enter and exit the subject property. The findings state that “[t]he applicant notes that the loss mitigation activities will predominantly occur within an existing accessory building, although work vehicles may be parked outside.” Decision at 11. The findings do not explain how parked work vehicles do not constitute “visible evidence of the conduct of a home occupation.”

The Decision erroneously makes the following finding:

The Applicant is not proposing to conduct any loss mitigation activities outdoors on the subject parcel. As noted earlier, any outdoor storage area will need to be effectively screened from the adjacent roadway and adjacent lots by the installation of a sight-obscuring fence and/or the planting of landscaped vegetation that will function as a screen. Staff finds that with conditions, the request can comply with the above criterion.

Decision at p. 13. The decision does not set forth a condition requiring a sight-obscuring fence or landscaped vegetation. If this was an oversight, it should be corrected by the Board of Commissioners.

- I. A home occupation shall not generate noise, vibration, glare, fumes, odor, electrical interference or other disturbance beyond what normally occurs in the applicable zoning district.**

Appeal Issue: The applicant has not provided substantial evidence to prove that the proposed home occupation will not generate noise, vibration, glare, fumes, odor, electrical interference or other disturbance beyond what normally occurs in the applicable zoning district. This standard requires analysis as to what type of noise, vibration, glare, fumes, odor, electrical interference or other disturbance is typically allowed in the EF-40 Zone. There has been no effort to quantify the types and levels of noise, vibration, glare, fumes, odor, and/or electrical interference which normally occur in this zone.

The applicant states that “the barn used for equipment storage is solely for storage and control. All servicing, maintenance, and noisy operations take place off-site or within controlled environments.” If this is true, then the county must impose a condition of approval to ensure compliance with this promise because that promise was made in an effort to show compliance with an approval standard.

Furthermore, the applicant has not shown compliance with the Yamhill County Noise Control Ordinance (“YCNCO”), YCC 4.25, or DEQ’s Noise rules found at OAR 340-035-0035.

Compliance with YCC 4.25, or DEQ’s Noise rules found at OAR 340-035-0035 is required and therefore sets the standard for what “normally occurs in the applicable zoning district.” While noise generated by normal farming practices are exempt from YCC 4.25, that exemption does not apply to home occupations and other commercial uses.

For purposes of this case, the applicable DEQ noise regulation is the one that applies to new industrial and commercial noise sources. That regulation provides that such facilities may not “increase the ambient statistical noise levels, L10 or L50, by more than 10 dBA [decibels] in any one hour * * *.” OAR 340-035-0035(1)(b)(B)(i). The DEQ rules also set forth the following decibel limits:

OAR 340-035-0035	
Table 7	
Existing Industrial and Commercial Noise Source Standards	
Allowable Statistical Noise Levels In Any One Hour	
7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
L ₅₀ – 55 dBA	L ₅₀ – 50 dBA
L ₁₀ – 60 dBA	L ₁₀ – 55 dBA
L ₁ – 75 dBA	L ₁ – 60 dBA

The measurement point is 25 feet from a noise sensitive building.

The YCNCO is largely derived from a Model Ordinance developed in the 1970s. Having said that, some portions of the YCNCO are modified versions of a commonly-used code that dates back to at least the early 1950s. *See People v. New York Trap Rock Corp*, 57 N.Y.2d 371, 456 N.Y.S.2d 711, 442 N.E.2d 1222 (N.Y. 1982); *Stoffel Seals Corp. v. Village of Truckahoe*, 134 N.Y.S.2d 114 (1954).

Most of the model codes have two operative sections: (1) a list of “enumerated acts” which the Ordinance deems to be *per se* evidence of a violation, and (2) provisions which are known by courts and legal scholars as a “catch-all” provision. The YCNCO only features the catch-all language, but does not have a list of “enumerated acts.” YCNCO 4.25.08 states:

4.25.08 Standards Generally. a) It is unlawful for any person to make, continue or cause to be made or continued, any noise which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any person of normal sensitivity in a noise sensitive unit. The standard which shall be utilized in determining whether a violation of the provisions of this ordinance exists may include, but not be limited to, the following:

- (i) The volume of the noise;**

- (ii) **The intensity of the noise;**
- (iii) **Whether the nature of the noise is usual or unusual;**
- (iv) **Whether the origin of the noise is natural or unnatural;**
- (v) **The volume and intensity of the background noise, if any;**
- (vi) **Whether the noise is plainly audible within a noise sensitive unit;**
- (vii) **The nature and zoning of the area within which the noise emanates;**
- (viii) **The density of the inhabitation of the area within which the noise emanates;**
- (ix) **The time of day or night the noise occurs;**
- (x) **The duration of the noise;**
- (xi) **Whether the noise is recurrent, intermittent, or constant; and**
- (xii) **The willingness or unwillingness of the noise producer to timely cease or abate the noise.**

In a nutshell, a catch-all noise prohibition essentially makes it unlawful to make an unreasonable amount of noise. Unlike “enumerated acts” provisions, the “catch-all” section is intended to be flexible enough to apply in a myriad of situations. At its core, YCC 4.25.08 applies a tort standard similar to nuisance: it prohibits people from making noise which *unreasonably* annoys or disturbs a person of “normal sensibility” who is physically located within a “noise sensitive unit” at the time the noise is created.

The catch all provision, therefore, has limited applicability insomuch as it only applies in cases where a “noise sensitive unit” exists in proximity to the noise. Stated another way, there must be a “noise sensitive unit” present to trigger a violation of the Ordinance. The YCNCO defines the term “noise sensitive unit,” as follows:

“Noise sensitive unit” means any building or portion thereof, vehicle, boat or other structure used as a church, day care center, hospital, nursing care center, school, or place lawfully used for overnight accommodations of persons, including, but not limited to, individual homes, individual apartments, trailers and nursing homes, and the curtilage thereof.

YCC 4.25.01(c). Further note that the receptor location from which the “reasonableness” evaluation is measured is *in the noise sensitive unit*. YCC 4.25.08.

Here, the applicant has not conducted a noise study to determine if the activities on the site, such as loading and unloading of equipment, violate the conditional use standards, the home occupation standards, the comprehensive plan standards, etc.

J. A home occupation shall not generate traffic or parking beyond what normally occurs in the applicable zoning district.

Appeal Issue: The applicant has not provided substantial evidence to prove that it will not generate traffic or parking beyond what normally occurs in the applicable zoning district. The applicant has not provided any factual analysis specifying how many trips it will generate. The applicant has not quantified what is the “normal” amount of trips which occur in the applicable zoning district. Without this key analysis, compliance with this criterion cannot be established.

K. Off-street parking spaces shall be provided for clients or patrons and shall not be located in any required yard. [Amended 8/13/98, Ord. 657]

Appeal Issue: The applicant has not provided substantial evidence to prove compliance with this provision. The applicant states that it will “respect parking for clients and patrons,” but gives no indication of how many “clients” or “patrons” it is expecting on a regular basis. Elsewhere the applicant states that no clients will come to the site. This discrepancy in the evidence needs to be addressed. To the extent that client trips exist, all of these trips need to be accounted for in the traffic analysis.

L. One (1) on-premise sign shall be permitted in conjunction with a home occupation, subject to the sign provisions set forth in Section 1006.

Appeal Issue: The applicant has not provided substantial evidence to prove that it is feasible to comply with this criterion. The proposed sign needs to be set forth in the application.

M. The nature of a proposed home occupation shall be specified at the time of application. Any proposed change in the nature of an approved home occupation shall require a new conditional use permit. Any departure from the uses and activities initially specified shall be considered grounds for revocation of the conditional use permit.

Appeal Issue: The applicant has not provided substantial evidence to prove the “nature” of the proposed operation. The applicant provides general information regarding a loss mitigation business, but that information is not specific enough to determine the exact scale and intensity of the proposed operation. The applicant needs to list the exact number of employees, the exact number and types of vehicles, and trailers, and the types and amount of equipment discussed in the application narrative.

N. A permit for a home occupation shall be deemed personal to the applicant and shall not run with the land. Upon notification by the county such permit shall expire two (2) years from the date of issuance, at which time the permit may be renewed by the Director upon a finding that the requirements of this ordinance are being met. A fee for renewal of the permit may be imposed by the Director.

Appeal Issue: If the application is approved, the county should impose a 2-year expiration date.

- O. A condition of approval may be placed on a home occupation requiring a review every 12 months following the date the permit was issued. The home occupation may be renewed if it continues to comply with the requirements of this ordinance and any other conditions of approval. [Amended 8/13/98, Ord. 657]**

Appeal Issue: If the application is approved, the applicant should be required to demonstrate compliance anew on a continuous 12-month basis.

- P. Pursuant to the nonconforming use provisions of Section 1205 of this ordinance, any proposed expansion or change in the nature of a home occupation in operation prior to adoption of this ordinance shall be subject to the requirements of this section and shall require a conditional use permit. In the event of denial of such an application, the home occupation shall be allowed to continue at its original scale and nature as a nonconforming use.**

This provision is not applicable.

C. Conditional Use Criteria.

ORS 215.283(2) and YCZO 402.02(I) require that a home occupation is approved via a “conditional use permit” process. Conditional uses differ from uses allowed by right by virtue of the fact that not every application will result in an approval. *See generally Anderson v. Peden*, 284 Or. 313, 587 P.2d 59 (1978). *See also Adler v. City of Portland*, 24 Or LUBA 1 (1992) (In the absence of a local code requirement to the contrary, a local government has no legal obligation to impose conditions of approval in lieu of denying an application for conditional use approval.); *Simonson v. Marion County*, 21 Or LUBA 313 (1991) (A local government may impose conditions and rely on those conditions in determining that an application for discretionary permit approval meets applicable approval standards. However, there is no general requirement that a local government must apply conditions to modify a proposal so that applicable standards are met.). In fact, by the very nature of a conditional use permit, not every property will be appropriate for the proposed use – the inquiry being highly fact specific. Thus, whereas a “use allowed by right” always results in a permit approval, a CUP may result in a denial, and not every property is suitable for every use listed in the code as being eligible for a CUP.

The conditional use approval criteria contained in YCZO §1202 are set forth below comments for each, as follows:

1202.02 Review Criteria

A conditional use may be authorized, subject to the Type B application procedure set forth in Section 1301, upon adequate demonstration by the applicant that the proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general

criteria;

A. The use is listed as a conditional use in the underlying zoning district;

As discussed above, YCZO §402.04(I) lists a home occupation as a Conditional Use in the EF-40 District, consistent with ORS 215.283(2).

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

Appeal Issue: Consistency with the goals and policies of the Comprehensive Plan has not been demonstrated. This is discussed *infra* at pp. ____.

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

Appeal Issue: Under YCZO §1202.02(C), the Board of Commissioners is required to find that the parcel is “suitable” for the proposed public road use, considering six factors or prongs, including size, shape, location, topography, existence of improvements and natural features. YCZO §1202.02(C) is focused on the relationship between the parcel and the requested use.

To interpret the meaning of terms set forth in approval criteria, the Board of Commissioners should first look to its definition section of the Code to see if the terms are defined. In the event they are not defined, the Board of Commissioners looks to the zoning code for interpretational rules. One of these rules is set forth at YCZO 201.01(F), and states:

F. Any word or term not defined herein shall be used with a meaning of common standard use. Any words, terms or phrases not defined herein, shall be construed according to their common, ordinary and accepted meaning.

For this reason, the Board of Commissioners should look to the dictionary to determine the plain meaning of undefined terms. The dictionary defines “suitable” as meaning: “...2.a. adapted to a use or purpose; fit... b. appropriate from the viewpoint of propriety, convenience, or fitness...” Webster's Third New Int'l Dictionary Unabridged (2002), at p. 2286. The Board of Commissioners should interpret the word “suitable” consistent with its plain meaning.

Each of the six prongs must be analyzed separately.

First, the Board of Commissioners must consider whether the *size* of the parcel is suitable for a 24/7 loss mitigation business. At 5.5 acres, the property is relatively small which means that noise and odors

Second, the Board of Commissioners determines that the *shape* of the parcel is suitable for a 24/7 loss mitigation business. We see no issues with the shape of the property.

Third, the Board of Commissioners determines that the *location* of the parcel is suitable for a 24/7 loss mitigation business. The Location of the land is in what amounts to a rural residential subdivision. The findings

Fourth, the Board of Commissioners must analyze the topography of the parcel to determine if it is suitable for a 24/7 loss mitigation business. As noted by the opponents, the property is relatively flat. For this reason, the dangers of flooding caused by increases in the impervious surface of the new building and driveways must be studied by experts. The applicant has not completed the required stormwater study to determine if solutions to potential flooding problems are feasible.

The decision states that “[t]he Applicant also noted that the piping identified by the neighbor was installed to manage stormwater and redistribute rainwater and the piping received permit approval by the building department and that it will not negatively impact the groundwater in the area.” It is not legal to “redistribute” or “divert” rainwater in Oregon. The Oregon Court of Appeals defined what is meant by the phrase “diverting water:”

Water is “diverted” when its flow is turned from the course it would otherwise follow. Thus, water can be diverted from one natural watercourse to another natural watercourse, *See, Brattain v. Conn*, 50 Or 156, 91 P 458 (1907), or from one artificial water conduit to another artificial water conduit. The most common use of the term, however, is when water is diverted from a natural watercourse to an artificial conduit.

Vandehey v. Wheeler, 13 Or App 25, 499 P2d 1319 (1972), *opinion withdrawn by* 13 Or App 25, 507 P2d 831 (1973). *See also Oregon Wash R. & N. Co. v. Reed*, 87 Or 398, 169 P342, *rehg. den.*, 170 P 300 (1918). Diverting water can include an action as significant as rerouting an entire stream, or as minor as rerouting a roof downspout to a direction that the water would not have otherwise flowed. Sometimes this principle is stated in terms of “increasing” the amount of water. Water is most frequently “increased” when the upper landowner diverts channelized water from one drainage basin to another. In this case, the applicant needs to conduct a stormwater analysis to ensure that the parcel is suitable for the proposed use.

Fifth, the Board of Commissioners must analyze if there are any “improvements” on the parcel that make it not suitable for a 24/7 loss mitigation business. Here, the applicant has not demonstrated that the additional impervious surface created by the business that will have negative impacts on the drainage system in the area.

Sixth, the Board of Commissioners must analyze if there are any “natural features” on the parcels that might get in the way of the proposed road. The record is not developed sufficiently to make findings regarding the presence or lack of natural features on the property.

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;

Appeal Issue: YCZO §1202.02(D) allows approval of a conditional use so long as it does not substantially limit, impair, or preclude the use of surrounding properties. This criterion requires findings which describe the character of the area. *Compare Broetje-McLaughlin v. Clackamas County*, 22 Or LUBA 198, 213 (1991). The focus of YCZO §1202.02(D) is on the impacts that the proposed “use” will have on other “uses” which are “permitted” in the zoning district applicable to those uses. According to the definition section, the term “use” means “[t]he purpose for which land or a building or structure is used, designed, arranged or intended, or for which it is occupied or maintained.”

The Board of Commissioners must consider the meaning of the phrase “substantially limits, impairs or prevents...”. As relevant here, Webster's Third New International Dictionary (unabridged ed. 2002) defines those terms as follows:

"limit * * * 2 a : something that bounds, restrains, or confines[.]"
Id. at 1312.

"impair * * * to make worse : diminish in quantity, value, excellence, or strength : do harm to : DAMAGE, LESSEN[.]" *Id.*
at 1131.

"Prevent: * * * to keep from happening or existing" *Id.* at 1798.

LUBA has noted that when an approval standard such as the one at issue here uses three different words with different meanings, all three prongs must be separately analyzed. *See York v. Clackamas County*, 79 Or LUBA 278, 288-9 (2019). In *York*, LUBA said that is error for a hearing officer to distill those terms into a single inquiry.

In particular, a business with operates 24/7 limits and does harm to neighboring residences because it result in light glare and noise during all hours of the night.

The decision states that “[s]taff will place a condition of approval that prohibits the outdoor artificial amplification of voice or sound in conjunction with the proposed home occupation.” Decision at 7. The condition that ended up in the decision did not accomplish this. Instead, it is limited to amplified music or sound:

[Existing] Condition 11. The use of outdoor amplified music or sound in conjunction with the proposed use shall be prohibited.

This condition is insufficient to meet the approval standard. The condition should be rewritten to read:

[Proposed] Condition 11. Outdoor sound in conjunction with the proposed use that exceeds the limits set forth in YCC 4.25 or DEQ’s Noise rules set forth at OAR 340-035-0035 shall be

prohibited. Loading and unloading of equipment shall occur inside a building.

Neighbors have expressed concerns that the recent development activities will lead to significant amount of uncontrolled erosion with muddy runoff negatively impacting surrounding property owners. The flat nature of the property makes this a serious issue that has not been adequately addressed. The decision addresses this by stating that “[s]taff will put a condition of approval requiring the applicant to apply for an erosion control permit as part of the building permitting process.” Staff then imposed the following condition:

[Existing] Condition 3. “An erosion control permit shall be applied for when any earthmoving activity of sufficient size requires such a permit under state or local rules.”

Conditions of approval cannot substitute for findings demonstrating compliance with an approval criterion. *Sigurdson v. Marion County*, 9 Or LUBA 163, 170 (1983); *Vizina v. Douglas County*, 16 Or LUBA 936 (1988); *Gilson v. City of Portland*, 22 Or LUBA 343 (1992); *Rhyne v. Multnomah County*, 23 Or LUBA 442 (1992). There is no feasibility finding

A county cannot improperly defer discretionary decision-making to a later stage in the approval process without affording opponents the opportunity to participate in the deferred proceeding. In *Meyer v. City of Portland*, 67 Or App 274, 280 n.3, 678 P2d 741 (1984), the Court of Appeals explained that their required finding of “feasibility” for the first stage approval requires “more than feasibility from a technical engineering perspective.” The Court explained:

“It means that substantial evidence supports findings that solutions to certain problems (*i.e.*, land slide potential) posed by a project are possible, likely and reasonably certain to succeed.”

Provided this required “feasibility” determination is made when first stage approval is granted, precise solutions for problems posed by a subdivision and other detail technical matters may “be worked out between the applicant and city’s experts during the second stage approval process for the final plan.” *Id.* at 282 n.6. Resolution of precise solutions and technical matters and final approval of the subdivision need not include public hearings. *Id.* See also *Golf Holding Co. v. McEachron*, 39 Or App 675, 593 P2d 1202, *rev den*, 287 Or 477 (1979); *Meyer v. City of Portland*, 7 Or LUBA 184, 196 (1983), *aff’d*, 67 Or App 274, 687 P2d 741 (1984); *Rhyne v. Multnomah County*, 23 Or LUBA 42, 46-47 (1992)

The concept of “feasibility” findings is well established in Oregon. An applicant is not required to “supply immediate and detailed solutions to each and every potential problem.” *Meyer v. City of Portland*, 7 Or LUBA 184, 196 (1983), *aff’d*, 67 Or App 274, 687 P2d 741 (1984). A finding of initial feasibility of a project (or any aspect thereof) is sufficient if the experts have concluded that solutions to the problem encountered are possible and likely. *Id.* at 196. A feasibility finding that is equivocal or wavering is not sufficient. *Griffith v. City of Corvallis*, 16 Or LUBA 64 (1987); *Dougherty v. Tillamook County*, 12 Or LUBA 20, 31 (1984).

No feasibility determination has been made by a stormwater engineer. For this reason, staff cannot simply punt the issue of stormwater to the building permit stage.

Some neighbors have expressed concerns that contaminated items removed from loss mitigation worksites will be stored and/or decontaminated inside the accessory building used in conjunction with the home occupation. The decision notes that the applicant's addendum to the application states that the accessory building will be used for equipment storage and that all ~~servicing, maintenance, and noisy operations take place off-site or within controlled environments.~~ However, staff does not add any condition to specifically ensure that this promise is complied with. Such a condition needs to be added to the decision.

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

Appeal Issue: This criterion requires the Board of Commissioners to evaluate the sufficiency of public facilities and services need to support the proposed use. Webster's Third New International Dictionary Unabridged, 2002, defines "appropriate" as "specially suitable" (p. 106) and "adequacy" as "sufficiency for a purpose" (p.25).

The term "public facilities" must be defined in a manner that is consistent with the way that term is used in the Comprehensive Plan, which includes "public lands and buildings, parks and recreation areas and facilities, schools, police and fire protection, domestic water supply, sanitary and storm sewerage and other drainage facilities, and power, gas and telephone services." Yamhill County Comprehensive Plan §IV.A.1. As an example, fire protection is a relevant "public facilit[y] and servic[e]" under YCZO 1202.02(E), which must be determined to be adequate to serve the proposed use. *Wissusik v. Yamhill County*, 20 Or. LUBA 246 (1990).

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

Appeal Issue: YCZO 1202(F) requires the Board to adopt findings demonstrating that "the use is or can be made compatible with existing uses and other allowable uses in the area."

The Board must first determine the correct meaning of the phrase "compatible with existing uses and other allowable uses in the area." The term "compatible" is not defined in the Code. Turning to Webster's Third New International Dictionary, the term "compatible" is defined as follows:

"Capable of existing together in harmony." Capable of existing together without discord or disharmony.

Webster's Third New International Dictionary Unabridged, 2002, p. 463. *See generally Vincent v. Benton County*, 5 Or LUBA 266 (1982), *aff'd*, 60 Or App 324, 653 P2d 279 (1982) (noting this definition). The same dictionary offers the following definitions of the terms used in the definition above.

Harmony: “Correspondence, accord” <lives in *harmony* with her neighbors>

Correspondence: “the agreement of things with one another, a particular similarity.”

Accord: “to bring into agreement : reconcile.”

Thus, compatibility does not mean “no impacts whatsoever.” Rather, it means living together harmoniously. *La Pine Pumice Co. v. Deschutes County Board of Commissioners*, 13 Or LUBA 242 (1985). LUBA has stated that even though compatibility is defined as there being an “agreement,” it does not require that the surrounding landowners necessarily agree that the proposed use is compatible. *Clark v. Coos County*, 53 Or LUBA 325 (2007). Rather, it is up to the decision-maker to make a determination, based on the evidence in the record, whether the proposed use is compatible with its surroundings. In other words, neighbors do not necessarily have “veto” power over an application. Nonetheless, neighbor testimony is important when evaluating whether two land uses are going to be able to live in harmony with one another.

The applicant has not demonstrated that the parcel can be made compatible with regard to stormwater, noise, fumes, exhaust odor, traffic, dust, glare from headlights, and visual screening. These issues has been discussed *supra*.

Compatibility findings require a number of analytical steps, which we discuss below.

Step 1: Define the proposed use.

The first step in analyzing this criterion is to determine the nature and scope of the proposed use. *See generally Columbia Riverkeeper v. Columbia County*, 70 Or LUBA 171 (2014), Slip op at 58 (“We generally agree with petitioners that because the compatibility standard focuses on “adverse impacts,” it cannot be meaningfully addressed unless the “proposed use” is described sufficiently to identify and evaluate its likely adverse impacts.”).

Step 2: Define the Geographic Study Area: What is Meant by the Term “Area.”

When approval standards require an examination of impacts on a geographic area, the decision maker must delineate the area that is being examined. *DLCD v. Curry County*, 21 Or LUBA 130, 135 (1991); *Benjamin v. City of Ashland*, 20 Or LUBA 265, 271 (1990); *Multnomah County v. City of Fairview*, 18 Or LUBA 8 (1989).

The term “area” is capable of more than one possible meaning and, therefore, requires interpretation. Unfortunately, the zoning code does not define the term “area.” The Comprehensive Plan also does not define the term either. *See generally O'Mara v. Douglas County*, 25 Or LUBA 25, 37, *rev'd and rem'd on other grounds*, 121 Or App 113, 854 P2d 470, *rev'd*, 318 Or 72, 862 P2d 499 (1993) (county must apply the “adjacent” language in zoning code consistently with the county's comprehensive plan, which defined the term.).

The dictionary defines “area” to mean “5.b. an expanse or tract of the earth’s surface...b: a section, district, or zone of a town or city”. Webster’s Third New International Dictionary Unabridged, 2002, p. 115.

One possibility is that the phrase is intended to identify properties that directly abut the subject property. The phrase “surrounding area” can be interpreted as being more limited in scope. *Leathers Oil Co. v. City of Newberg*, 63 Or LUBA 176 2011 (surrounding “area” only refers to those land uses that are across the street and adjacent). On the other hand, the term “area” can also mean “nearby.” In similar contexts, LUBA has held that could interpret terms such as “surrounding area” and “adjacent” to mean “nearby.” *Stefan v. Yamhill County*, 18 Or LUBA 820, 844-45 (1990); *Marineau v. City of Bandon*, 15 Or LUBA 375 (1987). The Board of Commissioners can interpret the word “area” to be consistent with, and synonymous to, the term “surrounding area” as used in YCZO §1202.02(D). The “area” includes adjacent parcels to the subject property as well as other nearby parcels that could be impacted by the proposed home occupation.

Step 3: Discuss What is Meant by “Other Allowable Uses” which are “Anticipated” in the “Area.”

This criterion requires the decision-maker to not only consider impacts on uses that are “existing” in the area but also those potential future uses that are “allowable” in the area. See generally *Horizon Construction, Inc. v. City of Newberg*, 28 Or LUBA 632 (1995) (conditional use standard requiring reasonable compatibility with, and no more than minimal impact on, “appropriate development” of surrounding properties authorizes the local government to consider a proposed conditional use’s compatibility with, and impact on, future development of vacant properties). Similarly, in *Vizina v. Douglas County*, 16 Or LUBA 936 (1988), Douglas County approved a CUP for a gravel aggregate mine. One of the approval criteria was quite similar to YCZO 1202(F) inasmuch that it required the applicant to demonstrate that “[t]he proposed use is or may be made compatible with existing adjacent permitted uses and other uses permitted in the underlying zone.” On appeal to LUBA, Petitioners argued that County failed to adopt findings that the proposed use is or may be made compatible not only with the existing adjacent uses, but also with every other use permitted within the FF and FG zones. LUBA agreed, and remanded the County’s decision for additional findings regarding the proposed uses’ compatibility with potential future uses which are permitted in the zones applicable to those properties.

Step 4: Identify the existing uses and anticipated future uses in the area.

In *Thomas v. Wasco County*, 35 Or LUBA 173 (1998), LUBA stated that a local provision requiring compatibility between a proposed use and development of abutting properties by outright permitted uses does not require an exhaustive listing and discussion of every subcategory of use permitted in the area. Rather, a county’s general description of permitted uses and explanation why the proposed use is compatible with types of permitted uses is adequate.

Step 5: Explain how the proposed use is “compatible” with existing uses and anticipated future uses.

The applicant made no effort to describe the externalities associated with his business. These include:

- ❖ Noise
- ❖ Stormwater
- ❖ Exhaust Odor
- ❖ Traffic
- ❖ Dust
- ❖ Glare from headlights
- ❖ Visual screening

The applicant needs to address each issue and explain how the use is compatible with the adjacent residences and farms.

IV. Applicable Comprehensive Plan Policies.

Under YCZO 1202.02(B), the county is required to find that the proposed road is consistent with the applicable comprehensive plan goals and policies. *Van Dyke v. Yamhill County*, __ Or LUBA __ (LUBA No 2019-047, Oct 11, 2019).

There are a number of Comprehensive Plan Provisions that could potentially be approval standards for a CUP for a home occupation. These provisions are discussed below.

SECTION I. Urban Growth and Change and Economic Development

11.05.01.02 Rural Area Development

Policy 3. All proposed rural area development and facilities:

- a. Shall be appropriately, if not uniquely, suited to the area or site proposed for development;**
- b. Shall not be located in any natural hazard area, such as a floodplain or area of geologic hazard, steep slope, severe drainage problems or soil limitations for building or sub-surface sewage disposal, if relevant;**
- c. Shall be furnished with adequate access and an adequate individual or community water supply, if required; and shall not be justified solely or even primarily on the argument that the land is less costly than alternative better sites or that federal or state aid is available in the form of subsidized water supply or sewerage extensions from nearby urban centers.**

Appeal point: Access to a commercial 24/7 business through a rural residential neighborhood is not considered “adequate.”

SECTION II. The Land and Water

11.05.02.01 Agricultural Lands

b) Goal Statement. To conserve Yamhill County's farmlands for the production of crops and livestock and to ensure that the conversion of farmland to urban use where necessary and appropriate occurs in an orderly and economical manner.

(i) POLICIES

- 8. No proposed rural area development shall substantially impair or conflict with the use of farm or forest land, or be justified solely or even primarily on the argument that the land is unsuitable for farming or forestry or, due to ownership, is not currently part of an economic farming or forestry enterprise.**

Appeal point: The applicant has not demonstrated that its use will not substantially impair or conflict with the use of farm or forest land.

c) Goal Statement. To conserve Yamhill County's soil resources in a manner reflecting their suitability for forestry, agriculture and urban development and their sustained use for the purposes designated on the county plan map.

(i) Policies.

- 1. Yamhill County will continue to preserve those areas for farm use which exhibit Class I through IV soils as identified in the Capability Classification System of the U.S. Soil Conservation Service.**

Appeal issue: This criterion prohibits the county from approving a new non-farm structure serving a home occupation on lands which are classified as Class I through IV agricultural soils. This criterion requires the county to "preserve" those lands for "farm use."

- 4. Yamhill County will require that construction permits contain provisions to protect sites from soil erosion.**

Appeal issue: The applicant's construction permits do not contain adequate provisions to protect sites from soil erosion.

Section 5 – Environmental Quality.

11.05.05.01 Air, Water and Land Resources Quality.

b) Goal Statement. To conserve and to protect natural resources, including air, water, soil

Ltr to: Appeal letter to Yamhill County
September 29, 2025
Page 29

and vegetation and wildlife, from pollution or deterioration which would dangerously alter the ecological balance, be detrimental to human health, or compromise the beauty and tranquility of the natural environment.

(i) Policies.

3. Yamhill County will cooperate with the State Department of Environmental Quality in implementing noise control regulations.

Appeal issue: The decision does not ensure compliance with noise regulations.

IV. Public Notice

R4401 03200
HILL LEAH L
HILL RICHARD A
10221 NE MATTEY LN
MCMINNVILLE, OR 97128

R4401 03300
GOODROE HEIDI S
GOODROE LAURANCE W III &
10450 NE EQUESTRIAN DR
MCMINNVILLE, OR 97128

R4401 03400
WINKELMAN MELISSA S
WINKELMAN STEVE L
10445 NE EQUESTRIAN
MCMINNVILLE, OR 97128

R4401 02300
CONTRERAS SARA H
CEJA ISIDRO J
10431 NE EQUESTRIAN DR
MCMINNVILLE, OR 97128

R4401 02400
BRUCK PENNY L
BRUCK VERNON E
10331 NE EQUESTRIAN DR
MCMINNVILLE, OR 97128

R4412 00100
GMB INVESTORS LLC
1118 NORTHSHORE RD
LAKE OSWEGO, OR 97034

R4401 03100
HILL LEAH L
HILL RICHARD A
10221 NE MATTEY LN
MCMINNVILLE, OR 97128

R4401 03500
SIMONSON LIVING TRUST
SIMONSON BRUCE L & SUSAN J TRUSTEES
FOR
10900 SW LANCEFIELD RD
MCMINNVILLE, OR 97128

R4401 03000
SMITH RANDAL L
SMITH SHERYL
29661 NE PUTMAN RD
NEWBERG, OR 97132

R4401 03800
WILLIAMS JOHN CO-TRUSTEE WILLIAMS
EILEEN CO-TRUSTEE
WILLIAMS JOHN & EILEEN TRUST
61867 LIME QUARRY RD
ENTERPRISE, OR 97828

R4402 00700
WILLIAMS EILEEN CO-TRUSTEE
WILLIAMS JOHN & EILEEN TRUST
61867 LIME QUARRY RD
ENTERPRISE, OR 97828

R4401 02000
AJLJ LLC
14750 SW HIDDEN HILLS RD
MCMINNVILLE, OR 97128

R4401 02001
WILLIAMS EILEEN CO-TRUSTEE
WILLIAMS JOHN & EILEEN TRUST
61867 LIME QUARRY RD
ENTERPRISE, OR 97828

R4401 02100
CHRISTENSON LARRY D TRUST CHRISTENSON
CINDY A CO-TRUSTEE
CHRISTENSON LARRY D CO-TRUSTEE
16107 SE WALLACE RD
DAYTON, OR 97114

C-01-25
R4401 02300
CEJA / M&H OREGON CONSTRUCTION
07/08/2025

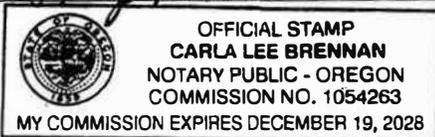
M&H OREGON CONSTRUCTION, LLC
1524 SE ESSEX ST
MCMINNVILLE, OR 97128

APPLICANT: M&H Construction
1524 SE Essex St
McMinnville OR 97128

I, Stephanie Curran, on the 11th day of July, 2025
sent the attached public notice of Docket No. C-01-25 to the property owners identified by the PIN
numbers listed above, and interested persons listed on this sheet.

STATE OF OREGON
County of Yamhill

The foregoing instrument was acknowledged before me this 14th day of July, 2025
by Stephanie Curran



Carla Lee Brennan
Notary Public For Oregon
My Commission Expires 12-19-2028

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, Oregon 97128

Phone: (503) 434-7516 | Fax: (503) 434-7544 | TTY: (800) 735-2900 | Internet Address: <http://www.yamhillcounty.gov>

NOTICE OF PENDING ADMINISTRATIVE ACTION

Notice is hereby given that the Director of the Yamhill County Department of Planning and Development has received an application to approve the request described below. For further information, contact Lance Woods (woodsl@yamhillcounty.gov) at the Yamhill County Department of Planning and Development.

DOCKET NO.: C-01-25

REQUEST: Conditional use permit request for the operation of a loss mitigation business as a home occupation. The proposed business would provide support and assistance to property owners in managing and reducing damage that may occur due to water or fire damage, or other emergencies.

APPLICANT: M & H Oregon Construction, LLC

OWNER: Javier Ceja

TAX LOT: 4401-02300

LOCATION: 10431 NE Equestrian Drive, McMinnville

ZONE: EF-40, Exclusive Farm Use District

REVIEW CRITERIA: Sections 402.04(I), 402.07(A), 1004.01, and 1202.02 of the *Yamhill County Zoning Ordinance*. Comprehensive Plan policies may also be applicable.

Interested parties are invited to review the application and make comments or suggestions regarding the proposed use. Provide comments in the following space or attach additional sheets as necessary.

Signature

Alternatively, you may request that the application be considered at a public hearing before the Planning Commission. A request for hearing must state the basis for the request and be accompanied by a \$250.00 hearing fee. Dated July 11, 2025

COMMENTS OR REQUESTS FOR HEARING MUST BE RECEIVED NO LATER THAN
5:00 p.m., July 28, 2025

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLERS: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

YAMHILL COUNTY TAX LOT INFORMATION & CONTEXTUAL MAP



Property Information Docket: C-01-25

10431 NE Equestrian Dr



Subject Parcel(s)

Tax Lot: R4401 02300
Lot Acreage: 5.5



Wetland

FEMA Flood Zone



Base Flood Elev (ft)



100 Year Zone



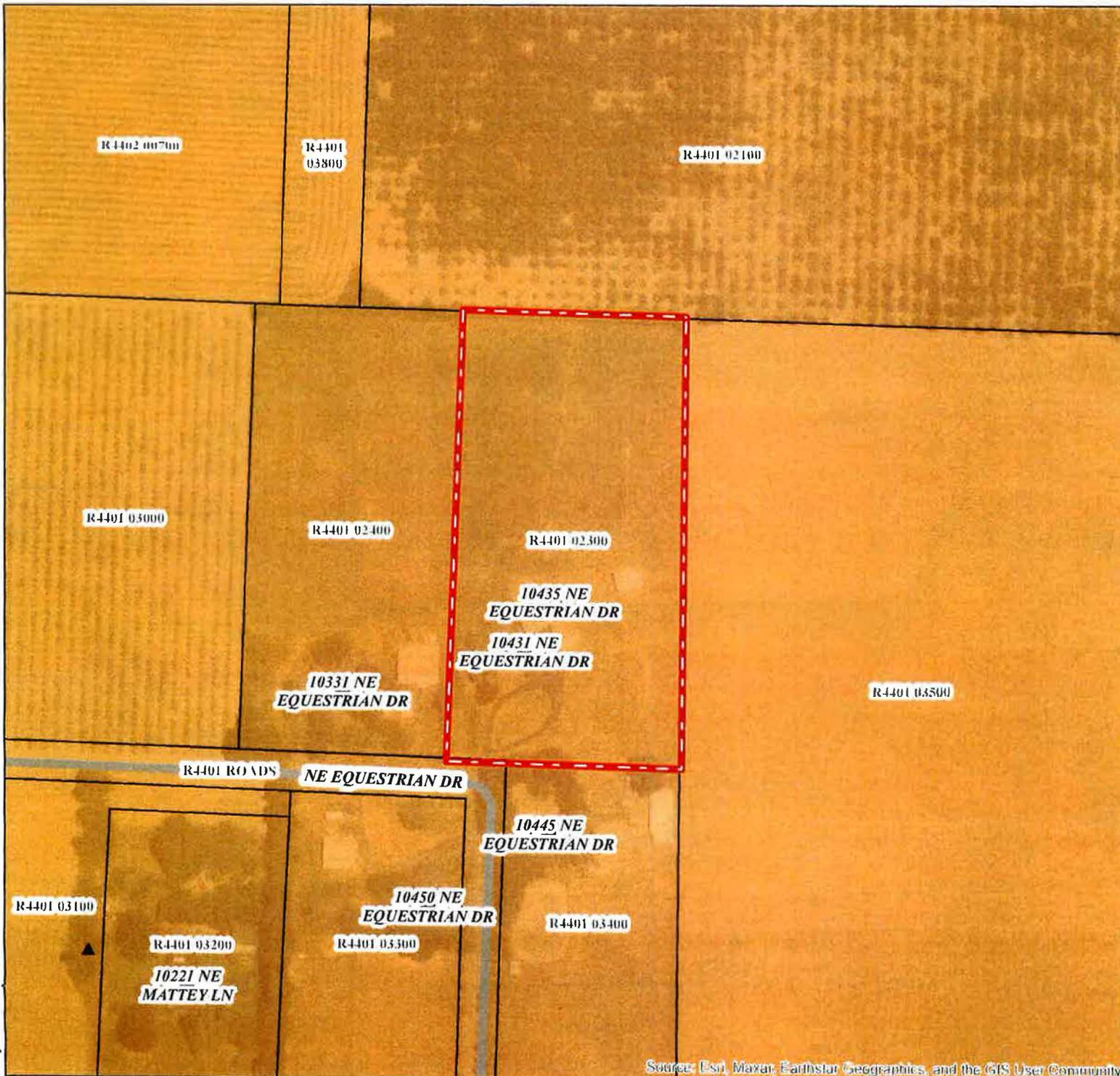
Floodway

Approximate Locations & Dimensions
1 inch = 200 feet



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Last Update: July 08, 2025



YAMHILL COUNTY TAX LOT INFORMATION & CONTEXTUAL MAP



Property Information Docket: C-01-25

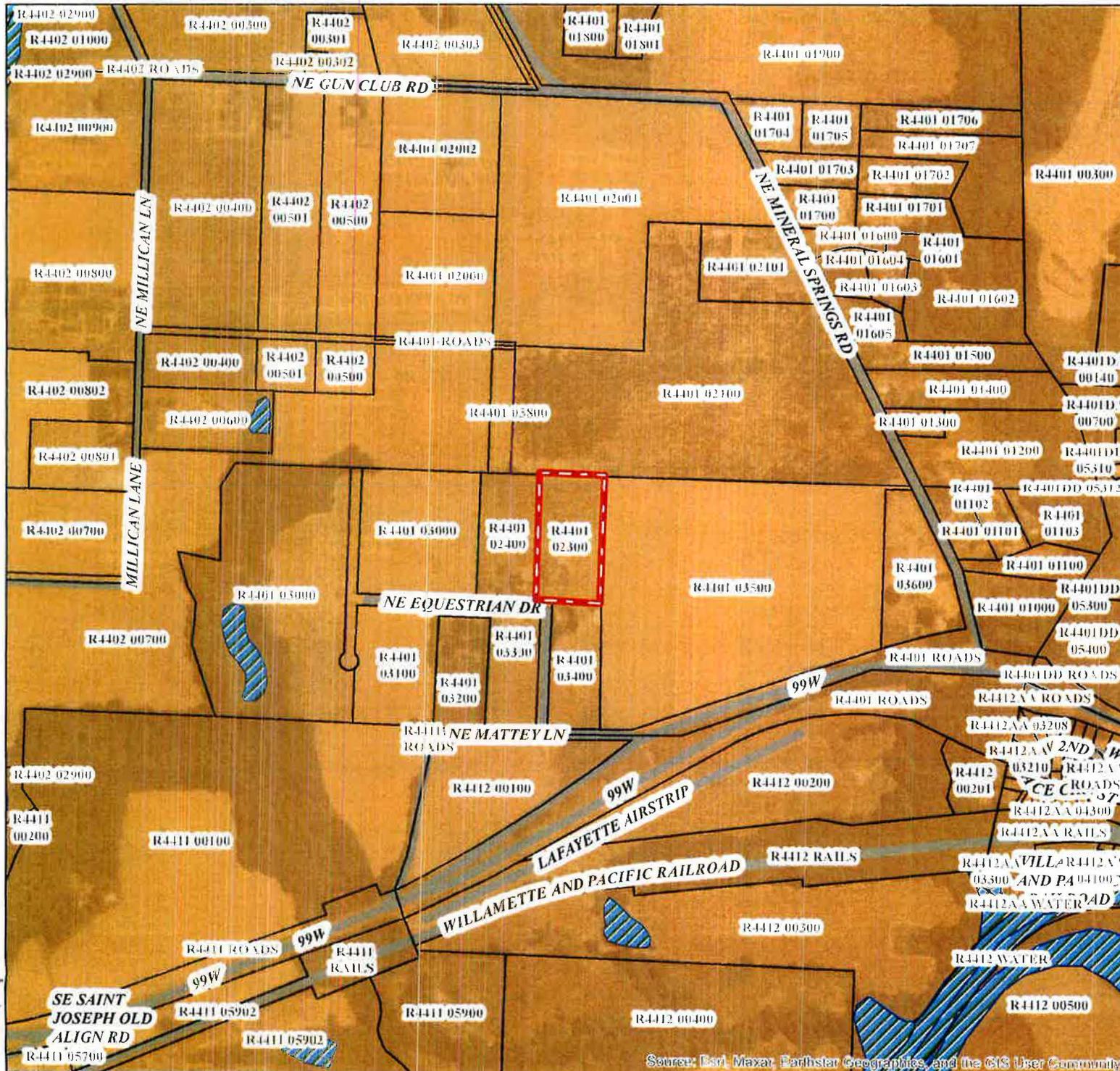
10431 NE Equestrian Dr



Subject Parcel(s)

Tax Lot: R4401 02300

Lot Acreage: 5.5



Wetland

FEMA Flood Zone



Base Flood Elev (ft)



100 Year Zone



Floodway

Approximate Locations & Dimensions
1 inch = 700 feet



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Last Update: July 08, 2025

V. Public Agency Reports



YAMHILL SOIL & WATER
CONSERVATION DISTRICT

RECEIVED
JUL 17 2025
YAMHILL COUNTY
PLANNING DEPARTMENT

July 17, 2025

Ken Friday, Planning Division Manager
Yamhill County Planning Department
525 NE Fourth Street
McMinnville, OR 97128

Re: C-01-25

Dear Ken,

Thank you for the opportunity to comment on C-01-25 a request for the operation of a loss mitigation business as a home occupation. The Yamhill Soil and Water Conservation District requests that the County inform the applicant of the following responsibilities as landowners in rural Yamhill County.

1. Responsibility to comply with the Yamhill Basin Agricultural Water Quality Management Area Plan. The Area Plan provides guidance for addressing water quality related to agricultural activities and identifies strategies to prevent and control water pollution from agricultural lands. Related Oregon Administrative Rules are enforced by the Oregon Department of Agriculture. More information is available on the District's website at: <https://yamhillswcd.org/wp-content/uploads/2022/08/Yamhill-Basin-Agricultural-Water-Quality-Management-Area-Plan-2017-Final.pdf>. If a well is proposed, the applicant should consult with the Oregon Water Resources Department; withdrawals may affect nearby historic wells.
2. Responsibility to control noxious weeds on the applicant's property. Noxious weeds have a negative economic impact on agricultural and forestry working lands, and degrade wildlife habitat and public rights-of-way. Yamhill County noxious weeds of concern are posted on the District's website at: <https://yamhillswcd.org/wp-content/uploads/2023/07/Yamhill-Noxious-Weed-List-2023-2024.pdf>

These landowner management responsibilities help protect lands for current and future agricultural operation and for management of wildlife habitat. Thank you for considering the District's recommendations.

Respectfully submitted on behalf of the District Board,

Barbara Boyer, District Chair

Yamhill County
DEPARTMENT OF PLANNING AND DEVELOPMENT
 400 NE BAKER STREET | McMinnville, OREGON 97128
 Phone: (503) 434-7516 | Fax: (503)434-7544 | TTY: (800) 735-2900
 Internet Address: <http://www.yamhillcounty.gov>

Date: July 11, 2025

- To: Public Works Water Master
 McMinnville Fire Department Public Health
 Department of Agriculture Sanitarian
 SWCD Building Department

Re: **Docket C-01-25**
 M & H Oregon Construction, LLC & Javier Ceja, Tax Lot 4401-02300

The referenced docket is currently under consideration by Yamhill County. A conditional use permit request for the operation of a loss mitigation business as a home occupation. The proposed business would provide support and assistance to property owners in managing and reducing damage that may occur due to water or fire damage, or other emergencies. The request is on the parcel located at 10431 NE Equestrian Drive, McMinnville. The enclosed material has been referred to you for your inspection and official comments. Your recommendations and suggestions will be used to guide the decision-maker when reviewing this request. If you wish to have your comments on the enclosed material considered, please return this form by this date: **July 28, 2025.**

Your prompt reply will facilitate the processing of this application and will ensure consideration of your recommendations. Please check the appropriate space below and provide any comments you wish in the space provided, or on additional sheets.

PLEASE NOTE

If a comment is not received by the deadline indicated, the decision-making authority will assume that there is no conflict between the request and the interests of your agency or organization and make its decision accordingly.

- | | |
|---|--|
| <input checked="" type="checkbox"/> 1. We have reviewed the file and find no conflicts with our interests. | <input type="checkbox"/> 3. We would like to suggest some changes to the proposal. |
| <input type="checkbox"/> 2. A formal recommendation is under consideration and will be submitted to you by: _____ | <input type="checkbox"/> 4. Please refer to the enclosed letter. |

Comments:

*PERMIT ISSUED INCLUDED SIZING
 FOR BUSINESS*

Signed  Title REUS Date 7/21/2025

C-01-25

Pat Lisle

From: Steve Candela <steve.candela@mcminnvillefiredistrict.gov>
Sent: Wednesday, February 26, 2025 2:02 PM
To: Jessica Biggs; Pat Lisle
Subject: Conditional Approval for commercial project at 10431 NE Equestrian Street
Attachments: IMG_3389.jpeg

Caution: This email originated outside of the Yamhill County email system

Pat/Jessica.

The owner has agreed to provide firefighting water on site for this commercial project. The application is now **CONDITIONALLY APPROVED**. I will continue to work with the developer to get the right valves and connection points.

Respectfully,
Steve Candela
Deputy Fire Marshal
McMinnville Fire District
971-241-6177 (work cell)



From: Juan Jose Mejia Contreras <mjuanjoc@mhoregon.com>
Sent: Wednesday, February 26, 2025 12:16 PM
To: Steve Candela <steve.candela@mcminnvillefiredistrict.gov>
Subject: Re: Based on building volume estimate, 10,000 gallons will be required on site

Hi Steve, I marked the location of the tanks with a gray circle, it's about 40 ft from the barn, will that location be fine?

Get [Outlook for iOS](#)

From: Steve Candela <steve.candela@mcminnvillefiredistrict.gov>
Sent: Tuesday, February 25, 2025 1:21:19 PM
To: Juan Jose Mejia Contreras <mjuanjoc@mhoregon.com>
Subject: Re: Based on building volume estimate, 10,000 gallons will be required on site

Technically, the water tanks should be on site and filled before combustible wood construction begins. I will accept construction beginning while we wait for the tanks to arrive. As long as they are set and Approved prior to occupying the building.

We still need to establish the location for the tanks. Where does Javier propose locating the tanks?

Respectfully,
Steve Candela
Deputy Fire Marshal
McMinnville Fire District
971-241-6177 (work cell)



From: Juan Jose Mejia Contreras <mjuanjoc@mhoregon.com>
Sent: Tuesday, February 25, 2025 10:55 AM
To: Steve Candela <steve.candela@mcminnvillefiredistrict.gov>
Cc: mayra@mhoregon.com <mayra@mhoregon.com>
Subject: Re: Based on building volume estimate, 10,000 gallons will be required on site

Hi Steve, just spoke to Javier and he agrees to have the 2 tanks of 5000 gallons each on the property, he only has 1 question, will they have to be placed while construction is ongoing or after driveway is set?

Get [Outlook for iOS](#)

From: Steve Candela <steve.candela@mcminnvillefiredistrict.gov>
Sent: Tuesday, February 25, 2025 8:40:24 AM
To: Juan Jose Mejia Contreras <mjuanjoc@mhoregon.com>
Cc: mayra@mhoregon.com <mayra@mhoregon.com>
Subject: Re: Based on building volume estimate, 10,000 gallons will be required on site

Please let me know if you get this email.



Use NFPA 1142 to get an exact gallon number.

A tank anywhere in this area would be good. Please let me know what he thinks.

Respectfully,
Steve Candela

VI. Comments Received

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, OREGON 97128

Phone: (503) 434-7516 | Fax: (503) 434-7544 | TTY: (800) 735-2900 | Internet Address: <http://www.yamhillcounty.gov>

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DOCKET NO.: C-01-25

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APPLICANT: M & H Oregon Construction, LLC

OWNER: Javier Ceja

TAX LOT: 4401-02300

LOCATION: 10431 NE Equestrian Drive, McMinnville

ZONE: EF-40, Exclusive Farm Use District

REVIEW CRITERIA: Sections 402.04(1), 402.07(A), 1004.01, and 1202.02 of the *Yamhill County Zoning Ordinance*. Comprehensive Plan policies may also be applicable.

RECEIVED

JUL 28 2025

YAMHILL COUNTY
PLANNING DEPARTMENT

Interested parties are invited to review the application and make comments or suggestions regarding the proposed use. Provide comments in the following space or attach additional sheets as necessary.

See attached

Vernon & Penny Bruck 10331 N.E. Equestrian Dr. McMinnville, OR 97128
503 919-9868 Signature *Vernon Bruck*
Penny Bruck
vernon.bruck@gmail.com

Alternatively, you may request that the application be considered at a public hearing before the Planning Commission. A request for hearing must state the basis for the request and be accompanied by a \$250.00 hearing fee. Dated July 11, 2025

COMMENTS OR REQUESTS FOR HEARING MUST BE RECEIVED NO LATER THAN
5:00 p.m., July 28, 2025

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLERS: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

July 27, 2025

Lance Woods
Yamhill County Department of Planning and Development
400 NE Baber Street
McMinnville, OR 97128

RE: Yamhill County Department of Planning and Development docket number C-01-25

Dear Mr. Woods,

We are Vernon & Penny Bruck, married for 43 years and counting, from a rural/farming background, just retired last year. When we bought our house in October, 2024, located at 10331 N.E. Equestrian Dr. in McMinnville, OR, all the houses/neighbors on this dead end gravel road were zoned Exclusive Farm Use (EFU) with single family residence, even right next door at 10431 N.E. Equestrian Dr., was a quiet 1 house family home with small outbuilding, unoccupied at that time. Later last winter (Jan/Feb) we met the neighbors Mr. & Mrs. Ceja and learned they had elderly parents that needed extra care and we have no problem with the county approval of document number CTS-01-25 to use an existing structure as a temporary health hardship dwelling for their parents.

Since then we have learned Mr. & Mrs. Ceja have applied for a conditional use permit to change the zoning to allow commercial use - not EFU-related - to have a loss mitigation/construction business. We have grave concerns of allowing any commercial business that is now agriculture in this EFU residential neighborhood.

We have attached a letter from another neighbor (Larry, Heidi Goodroe: 10450 N.E. Equestrian Dr.) thru attorney, Theneil Law Group; Daniel Theneil in Lake Oswego, OR. dated July 22, 2025. We 100% agree with all the points in that letter. In addition we want to add/reiterate our own list of concerns.

- ① Too much traffic: in and out daily, big construction/mitigation equipment not EFU.
- ② Too much dangerous chemicals: chemicals used in loss mitigation business
- ③ Too much water usage: large amounts of domestic water used to clean loss mitigation items leading to groundwater contamination and/or our neighborhood individual wells going dry water level down
- ④ Too much contaminated items: items/furnishings/etc with smoke/mold being brought onsite to treat/store
- ⑤ Lots of loose soil and potential for soil erosion & migration off site. A 6" buried water drainline runs along our east property line coming from new buildings; how much water will be dumped into drainage ditch (flows in winter) at North^E end of property - is this gutter rainwater or waste water from cleaning?

Vernon & Penny Bruck



THENELL LAW GROUP, P.C.

Oregon ♦ Washington ♦ Idaho ♦ Nevada ♦ Alaska ♦ Utah

Daniel E. Thenell, Partner

Admitted in Oregon & Washington
Idaho, Utah & Alaska

Dan@Thenelllawgroup.com

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P: (503) 372-6450

F: (503) 372-6496

July 22, 2025

2025-036

Lance Woods
Yamhill County Department of Planning and Development
400 NE Baker Street
McMinnville, OR 97128
woodsl@yamhillcounty.gov

RE: Yamhill County Department of Planning and Development docket number C-01-25.

Mr. Woods,

My client (Larry Goodroe) strongly disagrees with the conditional use permit being granted to Javier Ceja to allow for a home occupation on his EF-40 zoned property. Granting this conditional use permit will cause a substantial disruption and undue hardship to Mr. Goodroe's neighborhood and brings with it many environmental concerns. This property and the surrounding properties are zoned EF-40. Mr. Goodroe's stance is that the property should be exclusively used for farming purposes.

Potential disruptions caused are as follows:

- Increased traffic during all hours of the day and night due to the business being available 24/7 to their customers. Their company website states that their business is open 24/7 (<https://jandsrestorationandreconstruction.com/>).
- Mr. Goodroe has already experienced a very large increase in traffic in his small neighborhood due to Mr. Ceja's mitigation business. This is a small farming neighborhood with children, pets, and livestock that cross Equestrian Dr. Many people coming to and from 10431 NE Equestrian Dr have been observed driving at high rates of speed. There is a significant concern that someone or something will lose its life or become severely injured/damaged.
- Extended periods of noise generated on the property when responding to locations that need mitigation.
- Signage being displayed to advertise the business; Mr. Goodroe has already seen signs posted on the property and had to ask the county to remove them. This request was made to Yamhill County on July 8th.

Washington Office
1030 N. Center Parkway
Kennewick, WA 99336

Oregon Office
6 Centerpointe Dr. Ste 450
Lake Oswego, OR 97035

Environmental concerns are those arising from storage and cleaning of items that have been contaminated by smoke, water, and mold. In loss mitigation businesses, personal belongings such as furniture are transported from the point of loss and cleaned offsite at the loss mitigation location. In this instance these items are to be cleaned with unknown chemicals that would be disposed of either in their onsite septic system or directly into the ground.

All of the surrounding residents rely on well water for drinking, both for themselves and their livestock. Mr. Goodroe is very concerned about contamination of his neighborhood's drinking water. ~~There is also a concern that the mold and requisite cleaning chemicals will contaminate the air surrounding local farmland, causing unforeseen damage to crops and animal feed.~~

Another environmental concern is a lack of erosion control onsite. A very significant amount of dirt has been dug up and relocated with no clear plan put in place for mitigating muddy water runoff from the property to surrounding properties. The entire property is in a state of disarray, with fill dirt scattered over the entire property. There are no visible signs of straw, grass seed, or erosion control bags placed on the boundaries of the property. Photos have been attached for reference.

It is my client's belief that J&S Restoration and Reconstruction LLC has been operating from 10431 NE Equestrian Dr. for quite some time. The neighborhood has experienced a substantial increase in traffic due to company-branded vehicles travelling during all hours of the day and night. Household products that appear to be a result of a mitigation have travelled to and from the property as well.

In review of Javier Ceja's land use application, the following subsections of Yamhill County Zoning Ordinance Section 1004.00 – Home Occupation are found to be inaccurate or of concern:

H. How will "all storage be appropriately protected?" More specifics should be provided as this property currently has little to no vegetation.

I. Noise has already been generated at all hours of the day and night. The building will have lights on it which will emit glare. The building will not just be used for commercial storage as outlined in this response.

J. Traffic has already increased dramatically due to the business operating from this location and is higher than what would normally be generated in a strict EF-40 zoned location.

L. Mr. Ceja has already demonstrated that he has not respected this provision by placing signs on the property.

P. If a conditional use permit is granted, the business may expand without notification to the county. A clear disregard for the current rules and laws has already been demonstrated, such as posted signs and constructing the building for business use prior to obtaining a conditional use permit.

July 22, 2025

Page 3

Additionally, the site plan provided in the notice shows a "pole building." What is currently being constructed is not a pole building.

We strongly encourage Yamhill County to deny the conditional use permit request. The community would be better served with a rapid response mitigation business being located within city limits on a properly zoned lot closer to their prospective customers.

A handwritten signature in black ink that reads "Daniel E. Thenell". The signature is written in a cursive style with a large initial "D".

Daniel E. Thenell, Partner
Thenell Law Group

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Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, OREGON 97128

Phone:(503) 434-7516 | Fax:(503)434-7544 | TTY: (800) 735-2900 | Internet Address: <http://www.yamhillcounty.gov>

NOTICE OF PENDING ADMINISTRATIVE ACTION

Notice is hereby given that the Director of the Yamhill County Department of Planning and Development has received an application to approve the request described below. For further information, contact Lance Woods (woods1@yamhillcounty.gov) at the Yamhill County Department of Planning and Development.

DOCKET NO.: C-01-25

REQUEST: Conditional use permit request for the operation of a loss mitigation business as a home occupation. The proposed business would provide support and assistance to property owners in managing and reducing damage that may occur due to water or fire damage, or other emergencies.

APPLICANT: M & H Oregon Construction, LLC

OWNER: Javier Ceja

TAX LOT: 4401-02300

LOCATION: 10431 NE Equestrian Drive, McMinnville

ZONE: EF-40, Exclusive Farm Use District

REVIEW CRITERIA: Sections 402.04(I), 402.07(A), 1004.01, and 1202.02 of the *Yamhill County Zoning Ordinance*. Comprehensive Plan policies may also be applicable.

RECEIVED
JUL 28 2025
YAMHILL COUNTY
PLANNING DEPARTMENT

Interested parties are invited to review the application and make comments or suggestions regarding the proposed use. Provide comments in the following space or attach additional sheets as necessary.

PLEASE see ATTACHED response letter

Signature 

Alternatively, you may request that the application be considered at a public hearing before the Planning Commission. A request for hearing must state the basis for the request and be accompanied by a \$250.00 hearing fee. Dated July 11, 2025

COMMENTS OR REQUESTS FOR HEARING MUST BE RECEIVED NO LATER THAN
5:00 p.m., July 28, 2025

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLERS: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.



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July 22, 2025

2025-036

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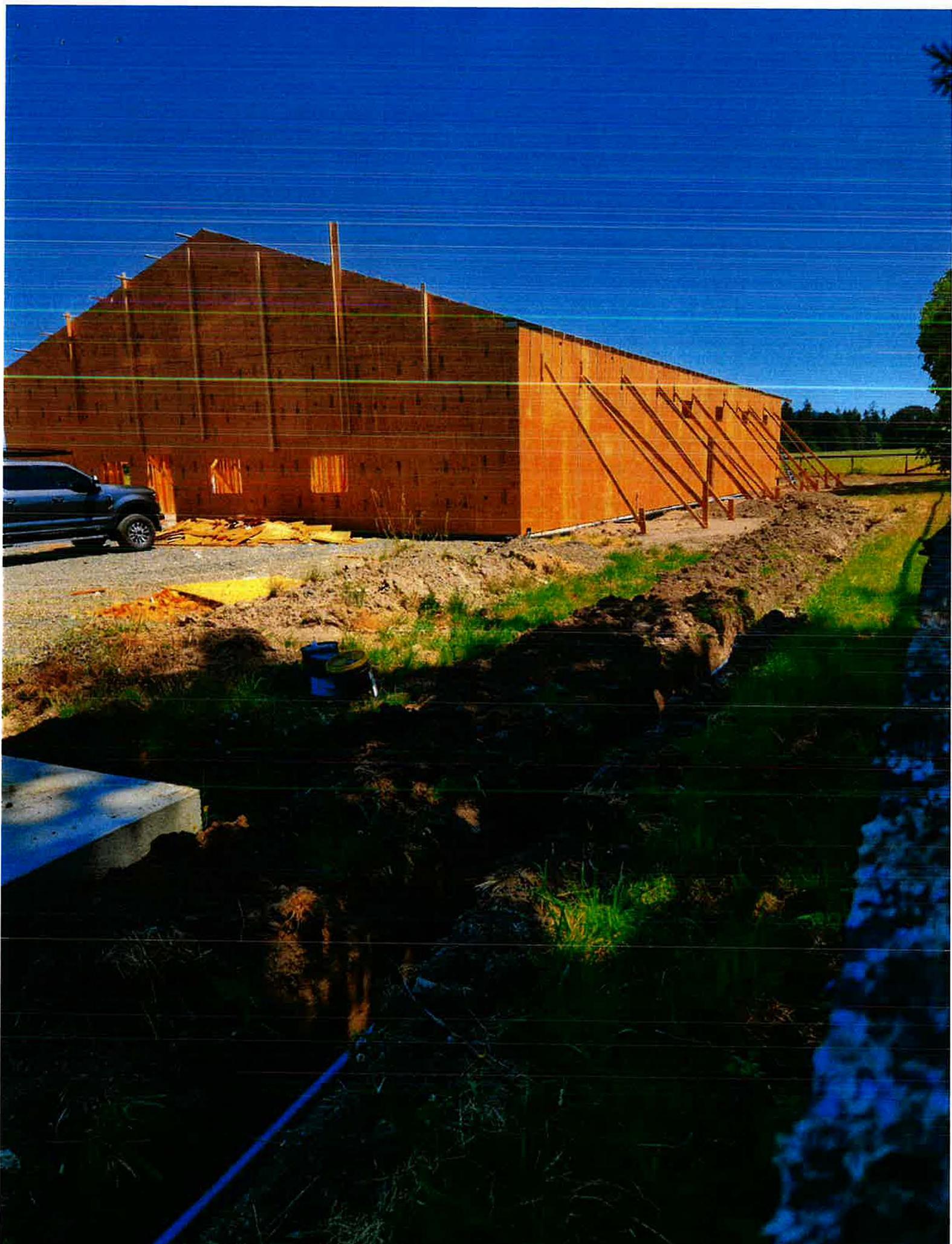
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Daniel E. Thenell, Partner
Thenell Law Group





July 24, 2025

Yamhill County Dept. of Planning and Development

400 NE Baker St

McMinnville, OR 97128

RECEIVED

JUL 28 2025

YAMHILL COUNTY
PLANNING DEPARTMENT

Re: Docket C-01-25

To whom it may concern;

As residents of 10445 NE Equestrian Dr, we would like to state our opposition to the requested conditional use permit of 10431 NE Equestrian Dr. This neighborhood has been our home for almost 30 years. It is zoned for farming and we absolutely want it to *remain that way*.

For the past year, the residents of 10431 NE Equestrian Dr have been surreptitiously using their residence for business purposes. They have repeatedly been purposely misleading in their stated use of their property.

-There has been an incredible increase of traffic on our one lane, dead end gravel road that has raised both dust and noise levels to intolerable levels. Business related vans and trucks have been traveling the road at all hours.

-Their property has been almost entirely excavated to the point that we have serious concerns about mud and erosion in the coming rainy months.

-We are also extremely concerned about the quantity of our well water as they have installed diversion piping that shunts ground water into a neighboring orchard.

We respectfully ask you to deny this permit request.

Thank you for your consideration,

Steve and Melissa Winkelman

1
melissawinkelman03@gmail.com
(503) 703-4422 cell