

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Upholding the Planning )  
Director's Approval and Denying the Appeal )  
of Docket E-06-16; Approval of a Permit to Allow )  
up to 18 Agri-tourism/Commercial Events per ) Board Order 17-74  
Calendar Year on Property located at 30203 NE )  
Benjamin Road, Tax Lot 3215-500, Applicant: )  
Christian DeBenedetti )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on March 9, 2017, Commissioners Stan Primozech, Mary Starrett and Richard L. "Rick" Olson being present.

IT APPEARING TO THE BOARD as follows:

A. By application dated August 30, 2016, Christian DeBenedetti requested county approval of a permit to allow up to 18 agri-tourism/commercial events per year at his existing, previously permitted brewery in an historic barn located at 30203 NE Benjamin Road, Newberg. The property, also identified as Tax Lot 3215-500, is approximately 21.53 acres and is zoned EF-20;

B. On October 25, 2016, following notice and an opportunity for interested persons to submit written comments, the Planning Director approved the application, with conditions. A timely appeal was filed, and a hearing was held before the Board on January 19, 2017. The hearing was then continued to February 16, 2017 for deliberation, following a three-week period in which the record remained open for additional written testimony and evidence, rebuttal, and the applicant's 'final word'; and

C. On February 16, 2017, following receipt of a staff recommendation to approve the application, the Board voted 3-0 to uphold the Planning Director's decision, and to deny the appeal, with staff directed to prepare written findings for final adoption on March 9, 2017; NOW THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. The Planning Director's decision to approve Docket E-06-16 is hereby upheld, and the appeal filed in this matter is denied.

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

DONE this 9<sup>th</sup> day of March, 2017 at McMinnville, Oregon.

ATTEST:



YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN

County Clerk

Chair

STAN PRIMOZICH

By: Crystal Cox

Deputy Crystal Cox

Commissioner

MARY STARRETT

FORM APPROVED BY:

Timothy S. Sadlo

Timothy S. Sadlo

Senior Assistant County Counsel

Commissioner

RICHARD L. "RICK" OLSON

Accepted by Yamhill County  
Board of Commissioners on

3-9-17 by Board Order

# 17-74

**EXHIBIT A – BOARD ORDER 17-74  
FINDINGS FOR APPROVAL AND CONDITIONS**

**DOCKET NO.:** E-06-16

**REQUEST:** To allow up to 18 agri-tourism/commercial events per calendar year on property located at 30203 NE Benjamin Road.

**APPLICANT:** Christian DeBenedetti

**OWNER:** Charles J. McClure

**TAX LOT:** 3215-500

**LOCATION:** 30203 NE Benjamin Road, Newberg

**ZONE DESIGNATION:** EF-20, Exclusive Farm use

**REVIEW CRITERIA:** Section 1013.01(A)(4) of the Yamhill County Zoning Ordinance and Oregon Revised Statute 215.296

**FINDINGS:**

**A. Background Facts**

1. *Lot Size:* 21.53 acres
2. *Access:* NE Benjamin Road, a paved County road.
3. *On-Site Land Use:* The parcel currently has a brewery and tasting room, a residence, guest house and a hazelnut orchard.
4. *Surrounding Land Use and Zoning:* The surrounding properties to the north, south and east are all zoned EF-20 Exclusive Farm District and are generally farm parcels that contain orchards, vineyards and forested areas. Properties to the southwest are in the City of Newberg and zoned for commercial or residential uses. Properties to the west and northwest are zoned VLDR 2.5 and contains rural residential uses.
5. *Water:* Provided by an on-site well.
6. *Sewage Disposal:* There is an on-site septic system serving the dwelling. The applicant is in the process of expanding the existing septic system for two indoor bathrooms in the brewery. The County Sanitarian has approved this system for up to five employees and 50 tasters, any more than 50 tasters requires portable toilets.
7. *Fire Protection:* Newberg Rural Fire District.
8. *Previous Actions:* The property has an extensive list of previous land use actions that are in the tax lot file. The most relevant land use decisions include an approval for the

establishment of a winery in the barn, which now houses the applicant's brewery and tasting facility (Docket C-05-00/SDR-06-00) and the approval for the brewery and tasting room (Docket C-10-14). Docket C-16-89 allowed for a home occupation bed and breakfast on the property that is no longer operating.

9. *Applicant's Request:* Page 2 of the application states: "These events will bring customers of all ages to the farm brewery to enjoy beers brewed on-site and catered foods prepared to go with them, often using farm produce and local produce whenever possible. Currently, lacking the availability of food options, the farm brewery cannot serve minors. These events will support the brewery operations by increasing visitor durations and allowing families with children to visit and enjoy our products."

## **B. Ordinance Provisions and Analysis**

1. The county's decision to issue the requested permit was based on the applicant's demonstration of compliance with the review criteria in section 1013 of the Yamhill County Zoning Ordinance. Subsection 1013 was adopted through Yamhill County Ordinance 871, and allows "agri-tourism" and "other commercial" events in farm zones, in a manner that reflects authority granted to the county to approve such events by ORS 215.283(4). Section 1013 states:

*"Agri-tourism and other commercial events or activities related to and supportive of agriculture may be approved in an area zoned for exclusive farm use subject to the standards and criteria in this section. Any permitted event or activity is personal to the applicant and is not transferred by, or transferrable with, a conveyance of the tract."*

The subject property is 21.53 acres. The predominant use of the property is as a hazelnut orchard. The previously- approved brewery and tasting room are contained in an existing historic barn, with some seating outside, adjacent to the barn. The applicant is requesting permission to serve food, catered and/or from a food cart, for up to eighteen 72-hour periods, during which the brewery will typically be open for a total of 18 hours. (Operating hours for the events are Friday, 4-9 p.m., Saturday, 2-10 p.m. and Sunday, 12-5 p.m.) Food service is a "commercial" event or activity and in this case, may also be characterized as an "agri-tourism" event or activity, due to the location of the brewery (in an historic barn adjacent to a filbert orchard) and because the applicant has indicated that the events are for beer tasting, with a food truck (or other caterer) to provide food. The brewery produces beer made with recipes that include ingredients grown on-site such as hops, fruits, filberts, conifer and strains of wild yeast. Outside seating adjacent to the barn and facing the filbert orchard showcases the natural beauty of rural Yamhill County and presumably encourages patrons from outside the county to return for other agri-tourist events or to visit other agri-tourist venues. In this way, the proposed events are "related to" and "supportive of" agriculture.

The application was made under Subsection 1013.01(A)(4) of the Yamhill County Zoning Ordinance, which states:

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

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

2. The events will be held in conjunction with the tasting of beer produced on site in a historic barn and in a seating area adjacent to the barn. Testimony received by the county that questioned whether the property is in farm use is rejected by the county as not credible. The county finds credible, and accepts, the applicant’s statements and other testimony in the record indicating that the property contains a filbert orchard and that other crops grown on the site by the applicant and/or the owner include hops, fruits, filberts, conifer and wild yeasts that are used in the production of beer. The property is currently employed for the primary purpose of obtaining a profit in money by raising, harvesting and selling hazelnuts as well as a variety of other farm products that can be, and are, used to make and flavor beer.

The statute and county ordinance allow “events” or “activities” that are “incidental” in relation to the “existing farm use on the tract.” Like the dictionary, the county considers “incidental” to mean “subordinate, nonessential, or attendant in position or significance: as \* \* \* occurring as a minor concomitant” (Webster’s Third New international Dictionary). Events or activities that are incidental to existing farm uses would be those that are less important, and subordinate to the existing farm uses on the tract.

The county finds that the proposal to have a single food cart operating on the site, for no more than 72 hours per “event,” no more than 18 times per year, is unquestionably incidental to the existing farm uses taking place on the property. The hours of operation for the events at the brewery are Friday, 4-9 p.m., Saturday, 2-10 p.m. and Sunday 12-5 p.m., meaning that the food cart will operate fewer than the 72 hours allowed under the statute and ordinance. Under the approval granted by the county, the applicant can only operate the food cart over the course of 54 days out of the 365 available. Farm uses take place on the property 365 days per year. By infrequency alone, the operation of the food cart as allowed under the approval is incidental to the farm use of the property. The infrequency of operation also supports the county’s conclusion that operation of the food cart is a “minor concomitant” when compared to the continued predominant use of the property to produce filberts and the other crops identified by the applicant.

As noted above, the dictionary definition of “incidental” contains the phrase “subordinate to.” There are degrees of subordination, ranging from ‘extremely minor’ in comparison

to the main use, or 'just barely' less, or less important, than the main use. The county interprets "subordinate" as used in the statute and ordinance to mean that the events or uses are clearly less important or less dominant than the main use. The approval allows service by a caterer or food cart at the site of an existing, approved brewery adjacent to a filbert orchard, for up to eighteen-72 hour periods per year, during which the events will take place for no more than 18 hours during the 72-hour period. Both the previously approved brewery and the service of food at the level approved by this Order are clearly subordinate to the existing farm uses on the 21-acre site. The "commercial farm uses" on the property include the filbert orchard, along with other fruits and vegetables raised on the property that are sold or used in the production of beer. The brewery is a permitted 'commercial use in conjunction with farm use' that cannot be collaterally attacked in this proceeding. The "commercial agricultural enterprises in the area" include the production of crops, including filberts and grapes. Other agriculturally related uses, including wineries, benefit from visitors to the county, who might come to sample beer at the brewery, and from their visit decide to return and visit other locations in Yamhill County that make wine or sell other farm products or market direct 'farm to table' or 'farm to fork' dining. The intent of the applicant is to feature, in the food served, locally produced food products. The applicant also indicated that spent grain from the brewery is provided to an area farmer who raises high quality pigs and produces bacon and other specialty pork products. He also stated that he plans to grow more of the ingredients used to make and flavor beer as the business grows, such as peaches, apricots, cherries and additional hops. Extensive testimony was received by the county in support of the brewery, from persons who live within, and outside of Yamhill County, suggesting that the brewery is already benefitting the agri-tourism industry in the county, and thus the agricultural industry in the county. At the same time, the applicant and others indicated that starting and maintaining a small business is difficult and tenuous. It is appropriate that the county do what it can, under statutory and ordinance authority, to allow small business/agricultural producers to promote the agricultural economy of the county and the natural beauty and products of the county's farms, when it can be done with minimal impact to surrounding uses.

"Necessary" generally means "absolutely needed." The applicant presented testimony that agri-tourism generally, and events promoting agriculture at the proposed site specifically, are necessary to support commercial farm uses taking place on the property, and/or are necessary to support the commercial agricultural enterprises in the area. The county interprets the term "necessary" to be more than merely "convenient." At the same time, a literal interpretation of the requirement could very well result in the inability of any agri-tourism or commercial use to qualify for approval. The intent of the statute and of the ordinance is to provide an opportunity for farm owners to make economic use of their farms by sponsoring events of the kind that wineries can already sponsor and conduct. Considering the especially limited, low-impact request being made in this instance, there is no basis for interpreting "necessary," as used in the statute and in the county's ordinance, in a manner that makes the standard impossible to meet. The county finds that the 18 proposed events are necessary for the applicant and landowner to continue to make a profit in money from farm uses taking place on the property. The county also finds that agri-

tourism is, and will continue to be, an essential component of commercial agricultural enterprises in most areas of the county, and even more so at the point where a major state highway enters the county from the Portland metropolitan area.

In this case, the applicant has demonstrated that the proposed 18 food service events to take place in conjunction with operation of his previously approved brewery are incidental and subordinate to existing farm use on the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area.

*“b. Shall comply with Section 1013.01 (A)(3)(b) through (h) outlined below;*

*Section 1013.01 (A)(3);*

*(b) Shall not, individually, exceed 72 consecutive hours;”*

Subsection (b) is not an approval standard. None of the events approved under this Order exceed 72 hours and, given the allowed hours of operation are not expected to occupy more than 18 hours of each 72 hour “event.”

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

Subsections (c) is not an approval standard. The county interprets the limitation of this section as referring to outdoor amplified music capable of traveling off-site. It does not limit the amplified music that might be played inside the barn/brewery or from small “bookshelf”-style speakers in the outdoor seating area that are played quietly and in a manner that is not projected off of the site. A condition of approval limits the type of amplified music limited by this subsection to a single event per year during the hours of 8 a.m. to 10 p.m., and which is further limited by the hours of operation.

*“(d) Shall comply with ORS 215.296;”*

ORS 215.296 requires that the local governing body approve uses listed in ORS 215.283(4) only if it 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.”*

Subsection (2) of ORS 215.296 states:

*“(2) An applicant for a use allowed under ORS 215.213(2) or (11) or 215.283(2) or (4) may demonstrate that the standards for approval set forth in subsection (1) of this section will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.”*

Under this standard, the county is required to identify the accepted farm and forest practices occurring on surrounding farm and forest lands, and to then consider whether the proposed use will force a significant change in, or significantly increase the cost of, those practices. The “surrounding lands devoted to farm or forest use” include all of the abutting farm parcels east of Benjamin Road. For the purpose of this analysis, it is not necessary to consider farm and forest uses taking place south of Highway 99W, because the highway corridor isolates the farm parcel where the events will take place from lands to the south. There is no scenario under which the proposed events could have an impact on farms south of Highway 99W, significant or otherwise.

All of the land west of Benjamin Road is zoned by the county for residential uses, or by the City of Newberg for residential or commercial uses. This analysis therefore focuses on abutting lands that are east of Benjamin Road and north of Highway 99W.

The area of consideration includes, predominantly, orchards, vineyards, and forested hills. Property to the north, like the subject property, contains a large filbert orchard. To the east are vineyards and a large winery. The owner of the vineyards and winery submitted testimony into the record in support of the applicant.

ORS 215.203 defines “farm use,” and contains the following definition of “accepted farming practice” that is appropriate to reference in this circumstance. ORS 215.203(2)(c) states:

*“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.”*

Generally, automated machinery and farm labor maintain vineyards and orchards in the area, and that includes the filbert orchard on the subject property. Disking of filbert orchards can create dust, and the use of pesticides and herbicides can create problems for nonfarm uses. No conflicts have been identified that will be caused by the proposed events and that have the potential to impact any farm or forest use or practice in the area.

The proposed use will take place adjacent to a county road and rural residential uses. The use (catered food service) is otherwise buffered on three sides by the farm on which the brewery is located. Approval of the event permit, in this case, will not “force” any of the adjacent or nearby farm users to change any of their farm practices. Benjamin Road is a county road that is capable of accommodating farm and rural residential uses, and to also

provide access to neighborhoods in the City of Newberg. The proposed events will not create sufficient traffic to interfere with existing use of the county road or to hinder in any significant way the movement of farm equipment or farm labor on the county road. The applicant's efforts to run a successful brewery on the site, in part by staging events that will bring people onto the site, is evidence that the presence of such people at such events will not interfere, significantly or at all, with the accepted farm practices associated with the operation of a filbert orchard. In like manner, the fact that the brewery operates adjacent to a filbert orchard and that the owner favors events that will likely bring more people onto the site is evidence that the events will not increase the costs of growing and harvesting filberts on the site or elsewhere. The owner of the neighboring vineyard and winery submitted testimony in support of the proposed events, suggesting that no off site impacts are anticipated at the vineyard that might stem from the occasional serving of food at the existing brewery next door. The winery's testimony is that "having food accompany \* \* \*." In this instance, the location of the proposed events almost guarantees that there will be no impact whatsoever to off-site agricultural practices or the cost of those practices. This is not a close case. Not only were no impacts alleged to farm practices or costs during the proceedings to consider whether to allow the requested events—there is no reasonable basis for concluding that the events, to take place in an area adjacent to a rural residential area and the City of Newberg to the west; adjacent to a major state highway to the south; and surrounded by on-site filbert orchards to the north and east, will have any impact whatsoever on agricultural practices or the costs of those practices on surrounding lands.

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

Subsection (e) is not an approval standard. The events will take place both indoors, in the existing brewery and tasting room, as well as in an existing outdoor seating area adjacent to the brewery. No new permanent structures are proposed, nor is the construction of any new permanent structure allowed by this Order.

*“(f) Shall comply with any applicable health and fire and life safety requirements;”*

The proposed events will take place in compliance with all health, fire and life safety requirements, as follows:

*Sanitation:* The applicant currently has approval from the county sanitarian for two indoor bathrooms connected to a septic system and the applicant is currently working on installing these facilities, which will be inspected by the county. The applicant has noted that the existing portable toilets will be removed, but may be returned for certain events as needed, because the septic system is approved for up to 50 tasters. The county sanitarian has stated

that four portable toilets would be required for up to 250 people. A condition of approval states: “During events in which the applicant anticipates that more than 50 person will be on site at the same time, the applicant shall provide four portable toilets with a hand-wash station.”

*Food handling and alcohol service:* The applicant is aware of his responsibility to obtain all necessary permits from the OLCC and the Public Health Department. Conditions of approval ensure compliance with these requirements, by requiring that the applicant obtain approval from the OLCC for the service of alcohol, and requiring that “Any food service provided shall be prepared from an approved source that is licensed and inspected by the Public Health Department.”

*Parking and Access:* There are currently 150 parking spaces available at the brewery, and the maximum expected attendance for the events is 250 people. The amount of parking now available is more than adequate to accommodate the maximum attendance. A condition of approval limits the maximum number of persons that may be on the site during an event to no more than 250. Another conditions states: “The maximum number of vehicles at any one time shall not exceed 125 vehicles and an area to provide up to 125 parking spaces shall be maintained during the events. No on-street parking is allowed.” It is feasible for the applicant to park up to 125 vehicles on the site, and the conditions of approval help to ensure that adequate parking areas will be provided. The single access to the brewery was approved by the Public Works Department and the Fire Marshall prior to the opening of the brewery. There are no other allowed access points to the existing brewery, where the events will take place.

*Traffic Safety:* The property is accessed by NE Benjamin Road, from its nearby intersection with Highway 99W. The entrance to Benjamin Road from the east has good sight distance. A median lane allows safe entry to Benjamin Road from the west. Benjamin Road is narrow and without adequate shoulders, just like almost every other County Road, but sight distance at the entrance to the brewery is also good. Testimony was received indicating that Benjamin Road is unsafe, but evidence in the record supports a conclusion that the level of traffic anticipated to be generated by the proposed events is insignificant, and will have no impact on the safety of NE Benjamin Road. There have not been any traffic accidents related to the brewery or its parking lot entrance since the brewery and its tasting room opened. The county also accepts as credible the applicant’s statements regarding the seriousness with which his employees take legal requirements prohibiting service of alcohol to anyone who is visibly intoxicated. The levels of additional traffic anticipated to be generated by the proposed events is *de minimis*, and not anticipated to affect the safety of the public using NE Benjamin Road.

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

For purposes of this analysis, the “area” includes the land surrounding the barn and outdoor seating area where food service events will take place, and extending approximately one-half mile in every direction. The area could be extended further, but extending it would only bring in additional farm and forest land that is much like the subject property, and additional urban areas. As noted elsewhere in these findings, the area includes land zoned EFU (EF-20) along Benjamin Road to the north and east, containing forested hills, filbert orchards and vineyards. The area under consideration also includes a section of Highway 99W, a four-lane highway with a center median lane and shoulders. There are also forested and farmed hills, agricultural buildings and residences to the south of, and adjacent to 99W, and some of that area is zoned AF-10. The area south of the highway is effectively separated from the proposed use by a very busy transportation corridor. Immediately across Benjamin Road to the west are single family, rural residential dwellings, on lands zoned VLDR-2.5. Also just across Benjamin Road are lands within the City Limits of the City of Newberg that are zoned residential and commercial.

The brewery is in an historic barn, and part of a “farm ensemble” that is on The National Register of Historic Places. There is also a residence and guesthouse, a pond, fruit trees and fruit/vegetable/herb gardens in the southwest corner of the property, but the predominant use of the 21.53-acre property is as a filbert orchard. There are forests, filbert orchards, vineyards and a major winery with a tasting room (A to Z Wineworks, zoned Resource Industrial) in the area under consideration for this analysis. A significant level of commercial events and activities take place at the winery, and once constructed, it is presumed that commercial events and activities will take place in areas zoned for those uses in the City of Newberg.

The “land use pattern in the area” is decidedly mixed, including extensive, established farm uses (mostly filberts and grapes) along with rural residential uses and commercial and residentially zoned land within the City of Newberg. While mixed, the uses appear to be “stable,” in that they are all established or expected to take place in existing zones.

The proposal, once again, is for a use that is not permanent and is limited by conditions of approval. It involves what can only be described as the “occasional” service of food, catered or from a food cart, at an existing, permitted brewery located in an historic barn. Eighteen 72-hour events are allowed, that are further constrained by the hours of event operations during the proscribed 72-hour period (totaling 18 hours). The permit can be terminated after one year, or renewed at that time for four years. Given the already mixed nature of the uses in the area, between urban and rural, it is reasonable for the county to conclude that allowing the service of food in this way within or adjacent to an existing structure where brewing and tasting beer are allowed, will have no direct, material, substantial, economic, causal effect on any use in the area, and will have no impact whatsoever on the economic stability of the area.

The county predicts that no uses (zero acres) in the study area will potentially change if food is served in a barn and seating area adjacent to a barn, up to 18 times per year, at the

site. Benjamin Road is suitable for use by both farm equipment and by residents and brewery patrons, and there is no other conceivable interference that the proposed events will cause to farm or residential uses in the area. "Material" means that some significant level of alteration will occur. It is perhaps conceivable that the success of Wolves and People will encourage the creation of other "farmhouse" breweries, somewhere in the county, serving food under an "event" permit, but creation of the brewery in the first place would require an application for a conditional use permit, and the consideration of potentially conflicting uses.

The county is also considering the cumulative effect of historical, current and projected nonfarm development in the area to conclude that issuance of the requested event permit will not materially alter the stability of the land use pattern in the area. If there is any "trend" taking place in the area, it is toward the development of more intensive urban uses. Issuance of the event permit in this case will have a negligible impact, especially in comparison to the changes anticipated development within the city will likely bring.

In conclusion: the impacts of issuing the requested permit are negligible with regard to the stability of the land use pattern in the area, over both the short and long term. There is no immediate, significant short-term threat to the stability of the area, and no long-term threat, considering development trends and possible cumulative impacts. The standard is met.

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

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

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

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

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

*(v). Sanitation and solid waste.*

Subsection (h) does not contain standards for approval of an event permit. The applicant has indicated a willingness and ability to comply with all established conditions of approval, including those referenced in subsection (h).

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

The minimum lot size applicable to the subject property is 20 acres, and the subject parcel is 21.53 acres. The application meets this requirement.

*d. Permits approved under this subsection expire one year from the date of approval;*

*e. Such permits may be renewed at four year intervals subject to:*

*(i). An application for renewal;*

*(ii). Public notice and public comment as part of the review process;*  
*and*

*(iii). Demonstration of compliance with conditions of approval and the standards of this subsection.*

Under a condition of approval, the permit being issued will expire one year from the date of approval. The county's consideration of a renewal request will be subject to the requirements of subsection e., above.

#### **CONDITIONS OF APPROVAL:**

Based upon the above findings and conclusions, the request by Christian DeBenedetti for permission to have a food cart or caterer present for up to eighteen "agri-tourism events" per year in conjunction with beer tasting at his existing brewery on Tax Lot 3215-500, is hereby approved with the following conditions:

1. The events shall not, individually, exceed 72 consecutive hours and shall not exceed the hours of operation as noted in the application, which are: Friday 4-9 p.m., Saturday 2-10 p.m. and Sunday 12-5 p.m.
2. The maximum number of persons that may be on the site during an event shall not exceed 250.
3. The maximum number of vehicles at any one time shall not exceed 125 vehicles and an area to provide up to 125 parking spaces shall be maintained during the events. No on-street parking is allowed.
4. The artificial amplification of voice or music is allowed for one yearly event only between the hours of 8 a.m. to 10 p.m.

5. The applicant shall obtain approval from the Oregon Liquor Control Commission (OLCC) for the service of alcohol.
6. One food cart is allowed for the 18 approved events per calendar year. Any food service provided shall be prepared from an approved source that is licensed and inspected by the Public Health Department.
7. During events in which the applicant anticipates that more than 50 persons will be on site at the same time, the applicant shall provide four portable toilets with a hand-wash station.
8. This approval is personal to the applicant and is not transferred by, or transferrable with conveyance of the tract.
9. This approval shall expire one year from the date of this letter but may be renewed for a four-year period subject to a renewal application and compliance with the above conditions of approval and the standards of Section 1013 of the YCZO.