

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 Approval and Denying)
the Appeal of Planning Docket SDR-19-21 (Site design) Board Order 21-439
review for construction of an awning to [an] existing)
brewery) to be located on Tax Lot 3215-500)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on October 14, 2021, Commissioners Mary Starrett, Lindsay Berschauer and Casey Kulla being present.

IT APPEARING TO THE BOARD as follows:

A. On September 3, 2021, the Planning Director issued his Notice of Approval approving Applicant's site design, with conditions.

B. The Planning Director's decision was appealed to the Board, which held a public hearing regarding the application on October 14, 2021. On October 14, 2021, the Board deliberated and voted unanimously to uphold the Planning Director's decision, and to deny the appeal and to approve the application with conditions.

NOW THEREFORE, IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. The Planning Director's decision to approve Planning Docket SDR-19-21 is hereby upheld, the appeal filed in this matter is denied, and the application is approved.

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

DONE this 28th day of October, 2021, at McMinnville, Oregon.

ATTEST:



YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

Chair

MARY STARRETT

By:
Deputy Carolina Rook

Commissioner

LINDSAY BERSCHAUER

Commissioner

CASEY KULLA

FORM APPROVED BY:

Christian Boenisch
County Counsel

EXHIBIT A
FINDINGS IN SUPPORT OF BOARD'S APPROVAL
OF DOCKET SDR-19-21

I. FINDINGS

A. Background Facts

1. *Lot Size:* 21.53 acres.
2. *Access:* The property has direct access to Benjamin Road.
3. *On-site Land Use:* The parcel currently has a brewery and tasting room (Docket C-10-14), a residence, guest house and a hazelnut orchard as well as growing barley.
4. *Surrounding Zoning and Land Use:* The surrounding properties to the north, south and east are all zoned EF-20 Exclusive Farm District and are generally farm parcels which contain orchards, vineyards and forested areas. To the southwest the property is in the city limits of Newberg. Property to the northwest is zoned VLDR 2.5 and contains rural residential uses.
5. *Water:* The applicant has indicated that water is provided from a well.
6. *Sewage Disposal:* The brewery and tasting room is served by an existing septic system.
7. *Fire Protection:* Tualatin Valley Fire District.
8. *Overlay Districts:* The property is not located in an area identified as sensitive wildlife habitat, nor is it located within the Floodplain Overlay District or the Willamette River Greenway, and the property does not lie within an airport overlay district. The property is not located in a Ground Water-Limited Area as designated by the Oregon Water Resources Department.
9. *Request:* The proposed awning will be attached to the existing brewery and will provide shelter during inclement weather for employees during production as well as for customers. The awning will not have permanent side walls or doors and will extend from the existing roof line of the brewery.

B. Site Design Review

Section 1101.02(A) of the YCZO governs site design review. Review of a site development plan shall be based upon consideration of the following:

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

Regarding standard (1), the characteristics of adjoining and surrounding uses are addressed under standard (4) below.
2. *Section 1101.02(A)(2): Economic factors relating to the proposed use;*

Regarding standard (2), there have been no economic challenges identified that may prevent the applicant from completing the proposed development. Agriculture and forestry play a dominate role in the County's economy, and the County's Comprehensive Plan calls for preserving that role while increasing economic diversification and employment. The applicant's proposal appears to comply with that goal.
3. *Section 1101.02(A)(3): Traffic safety, internal circulation and parking;*

Regarding standard (3), the proposed awning will have no impact on traffic safety, internal circulation, or parking.

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

Regarding the visual buffering requirements under standard (4), the applicant notes that the awning will be “tastefully lit”. Therefore, a condition of approval will require that the lighting shall be shielded and directed as to not shine onto the road or any adjacent properties. The awning will extend out from the existing brewery, which is approximately 15 feet from the property line. Section 1203.08 of the Yamhill County Zoning Ordinance allows an addition to an existing structure that does not meet the setbacks listed in the underlying zoning district, provided that the addition will be located no closer to the property line or to any off-site dwelling than the existing structure. The awning will be setback further than the existing brewery building from the property line by a couple of feet. Additionally, setbacks to property lines can be adjusted through the site design review process. In this case, the awning will be attached to an existing structure and will cover an existing area that is currently utilized by the brewery. The awning allows more effective use of the space, especially during the COVID pandemic. The applicant has also stated that he will be constructing a site obscuring fence along Benjamin Road. This will be included as a condition of approval to assist with visually screening the area.

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

Regarding standard (5), the addition of the awnings will not have any impact on existing natural features as the location of the awning is already used in the brewery business and there are no proposed changes to the natural features.

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

Regarding standard (6), the property is not within the Floodplain Overlay District, and there are no apparent hazard areas associated with the proposed development.

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

Regarding standard (7), no comments were solicited because the request is processed as a Type “A” application per Section 1101.03(B) of the YCZO. Additional comments will be presented if the decision is appealed. The applicant has submitted two emails from neighbors that live on Benjamin Road that support the addition of the awning.

II. DECISION

1. The request is for a site design review for construction of an awning to the existing brewery.
2. The request complies with the criteria listed in Section 1101.02 of the *Yamhill County Zoning Ordinance*, provided the applicant complies with each of the conditions provided under Section III, conditions of approval.

III. CONDITIONS OF APPROVAL

1. The development shall substantially conform to the site map submitted with this application.
2. All required building, mechanical and electrical permits and inspections shall be obtained from the Yamhill County Planning Department.
3. Any lighting for the facility shall be shielded, deflected, or directed onto the applicant’s property, so it does not shine onto the county road or adjacent lots.
4. The applicant shall install site obscuring fencing and/or landscaping measuring at least 6 feet in height, along the western property boundary bordering Benjamin Road. Said fencing and/or landscaping shall be from the awning to approximately 60 feet to the

north, to facilitate the screening of the outdoor seating area.

5. This approval is issued for one year and expires unless substantial construction has taken place before that time.
6. The construction of any additional structures for use as part of the brewery or tasting room, or modification to the footprint of the proposed brewery or tasting room or change in use of the current structures shall require the submission and approval of a Site Design Review application.
7. Modification of any of the above conditions requires approval under Section 1101.02 of the *Yamhill County Zoning Ordinance*. Violation of any of the above conditions may result in revocation of the site design review permit with the process detailed in Sections 1101.06 and 1101.07 of the *Yamhill County Zoning Ordinance*.