



Washington County  
Department of Land Use and Transportation  
Current Planning Services  
155 N First Ave, Suite 350  
Hillsboro, OR 97124

## RECOMMENDATION & STAFF REPORT

PROCEDURE TYPE: III

CPO: 14 COMMUNITY PLAN:  
Rural/Natural Resource

ASSESSOR MAP NO.: 2N3 30

TAX LOT NO: 101

ADDRESS: 41410 NW Lodge Road

SITE SIZE: 5.32 acres

LAND USE DISTRICT:

AF-10 District (Agriculture and Forest)

CASEFILE: L2300295-SU

APPLICANT:

Inayoshi Family Farms LLC

Shigematsu Inayoshi

41410 NW Lodge Road

Banks OR 97106

APPLICANT'S REPRESENTATIVE:

NW Engineers (Matt Newman)

3409 NE John Olsen Avenue

Hillsboro OR 97124

OWNER:

Shigematsu and Elizabeth Inayoshi Revocable

Living Trust

Same address as applicant

LOCATION: Approximately 1000 feet east of

NW Lodge Road and 1500 feet north of NW

Sunset Highway 26

PROPOSED DEVELOPMENT ACTION: Special Use Review for a Winery and Tasting Room in the AF-10 District

April 18, 2024

### RECOMMENDATION:

Staff recommends the Hearing Officer approve the Special Use Review for a Winery and Tasting Room in the AF-10 District, subject to the Recommended Conditions of Approval in Attachment B.

Attachments    A.    Vicinity Map  
                      B.    **RECOMMENDED CONDITIONS OF APPROVAL**  
                      C.    Staff Report

Staff Planner: Maitreyee Sinha, 503-846-3835



↑ NORTH



AREA OF CONSIDERATION

NOT TO SCALE

**SITE & SURROUNDING LAND USE DISTRICTS:**

AF-10 District (Agriculture and Forest)

AF-5 District (Agriculture and Forest)

AF-20 District (Agriculture and Forest)

**REVIEW STANDARDS FROM CURRENT OR APPLICABLE ORDINANCE OR PLAN**

- A. Washington County Comprehensive Plan
- B. Applicable Community Plan (See Front of Notice)
- C. Transportation System Plan
- D. Washington County Community Development Code:
  - ARTICLE I, Introduction & General Provisions
  - ARTICLE II, Procedures
  - ARTICLE III, Land Use Districts
  - ARTICLE IV, Development Standards
  - ARTICLE V, Public Facilities and Services
  - ARTICLE VI, Land Divisions & Lot Line Adjustments
  - ARTICLE VII, Public Transportation Facilities
- E. R & O 86-95 Traffic Safety Improvements
- F. ORD. NO. 738, Road Design and Construction Standards
- G. ORD.691-A, 729, 741, 746, 751, 793-A Transp. Development Tax

**Attachment B**

## **RECOMMENDED CONDITIONS OF APPROVAL**

- I. In accordance with Section 201-4, the permit shall automatically expire within four (4) years of the date of this Approval, unless: the permit is revoked as provided by Section 201-7; an application for a permit extension is filed pursuant to Section 201-5; or, development has commenced as provided in Section 201-6.
  
- II. Prior to any Ground-Disturbing Activities, Applicant shall submit a grading permit application to the Building Services Division (503-846-2846). (Sections 410 and 426). Application requirements may include the following, as determined necessary by the Building Engineer (503-846-3470):
  - A. Private road/parking lot structural details on the plans per site specific geotechnical engineering recommendations.
  - B. All requirements stated on the Building Services grading permit form, as determined necessary by the Building Engineer.
  - C. Evidence of issued right-of-way permit for commercial access to the subject site at the existing access approach on to NW Lodge Road. The permit will confirm that the access approach meets the applicable sight distance standards. (Section 501-9)  
  
*\*NOTE: Please contact the county Operations Division (503-846-7623) for permit application requirements.*
  
- III. Prior to issuance of building permits, the applicant shall submit to Current Planning Services (503-846-8761):
  - A. Evidence of an issued commercial right-of-way permit for the existing access on to NW Lodge Road to serve the winery and tasting room. The permit will confirm that the access approach meets the applicable sight distance standards. (Section 501-9)  
  
*\*NOTE: Please contact the county Operations Division (503-846-7623) for permit application requirements.*
  - B. Copy of service provider letters from the Washington County Sheriff's Office and the District 18 Watermaster's office demonstrating adequate service levels for the proposed use. (Section 423-11)
  - C. Evidence of Department of Environmental Quality (DEQ) approval for the winery's disposal of processed wastewater and organic by-products, or evidence that a permit is not required. (Section 423-10)
  
- IV. Prior to Issuance of Building Permits (including Electrical, Plumbing, or Mechanical Permits) for the winery, storage structure, and tasting room, submit to the Building Services Division (503-846-3470):
  - A. Any required electrical, mechanical, plumbing permit applications for uses in conjunction with the structures. Contact the Building Services staff at 503-846-3470. (Section 207-5)
  - B. Site plan consistent with the plan stamped "Final Approval" in the casefile. (Section 207-5)

- C. Evidence of approved authorization from the Washington County Department of Health and Human Services, indicating adequacy of the on-site waste disposal system to accommodate the proposed development, or a permit to construct an adequately sized on-site sanitary waste disposal system to serve the winery and tasting room facilities. (Section 423-10)
- D. Pay System Development Charges as applicable for change of occupancy of existing structure(s) to commercial use or for a new structure(s) to serve as the winery and/or tasting room. (Section 207-5)

**NOTE:** *Transportation Development Tax (TDT) shall apply as determined by Ordinance #793-A. Applicant is encouraged to complete a TDT Estimate form prior to submittal for building permits. The form is available at the Current Planning Services counter (503-846-8761).*

**V. Prior to Final Inspection/Occupancy of the winery and tasting room facilities, submit to Current Planning Services (503-846-8761):**

- A. Evidence the required parking areas for the winery and tasting room building has been constructed to minimum standards: gravel surface with four (4) inches of base rock and two (2) inches of three-quarter (3/4) inch minus leveling course. Required parking consists of a minimum of 8 spaces for the winery production, storage facilities, and tasting room. Overflow parking is not subject to the surfacing requirement. (Section 413-4.3)
- B. Evidence of final inspection approval of the Right-of-Way Permit (commercial) for the existing access on to NW Lodge Road from the Operations Division (503-846-7623), from Condition III.A. above. (Sections 207-5, 501-9)

**VI. If Building Permits are not required, Prior to Commencing Winery and Tasting Room Operations, submit to Project Planner (Maitreyee Sinha, 503-846-3835) evidence of the following:**

- A. Final approval of the grading permit.
- B. Approved authorization from the Washington County Department of Health and Human Services, indicating adequacy of the on-site waste disposal system to accommodate the proposed development, or a permit to construct an adequately sized on-site sanitary waste disposal system to serve the winery facilities. (Section 423-10)
- C. Final inspection approval of the Right-of-way Permit (commercial) for the existing access on to NW Lodge Road from the Operations Division (503-846-7623), from Condition III.A. above. (Sections 207-5, 501-9)
- D. Payment of System Development Charges as applicable for change of occupancy of existing structure(s) to commercial use. (Section 207-5)
- E. Service provider letters from the Washington County Sheriff's Office and the District 18 Watermaster's Office demonstrating adequate service levels for the proposed use. (Section 423-11)
- F. Department of Environmental Quality (DEQ) approval for the winery and tasting room's disposal of processed wastewater and organic by-products, or evidence that a permit is not required. (Section 423-10)

**VII. Miscellaneous Conditions:**

- A.** This approval is based on the site plan stamped "Final Approval," in the casefile, and the uses described in the application. All uses and activities at the winery and tasting room shall be limited to those described therein. Any changes to the approved use, including changes that result in additional trip generation, may require subsequent land use review and approval through the special use and development review process. (Section 207-5)
- B.** No outdoor music or amplified noise is permitted with this approval. Applicant/owner is responsible for understanding and complying with the Washington County Noise Ordinance (Washington County Code of Ordinances Chapter 8.24, or as subsequently amended). (Section 207-5)
- C.** The activities on the site shall be managed to ensure all parking associated with the winery and tasting room are contained within the parcel boundaries. No parking shall be permitted on public roads. (Section 207-5)
- D.** Applicant/owner shall obtain sign permit(s) as applicable to all signage for the winery/tasting room. (Sections 207-5 and 414)
- E.** Access onto the public road for the winery and tasting room is limited to the access location depicted on the plan stamped "Final Approval," in the casefile. Any additional or revised access points shall be approved via final right-of-way permit(s) for access and shall require additional certification from an engineer to confirm the access meets minimum sight distance standards. (Section 207-5, 501-9.3)
- F.** Sale of incidental items and/or services may not exceed twenty-five (25) percent of the gross income from the on-site sale of wine, related products and authorized activities. (Section 430-145.9)
- G.** Hours of operation of the tasting room is limited to 12pm-5pm seven days a week. (Section 207-5)
- H.** This development shall be constructed in accordance with the conditions of this decision, the approved plans, and the standards of the Community Development Code. (Section 207-5)
- I.** Transferability of this permit may occur only as allowed by law (ORS 195.305 (I)).
- J.** Applicant/owner shall be responsible for obtaining all appropriate building permits for any structure used for commercial uses in conjunction with the winery and tasting room. (Section 207-5)
- K.** Applicant/owner shall be responsible for continuous maintenance of sight distance at the site access points onto NW Lodge Road for the winery and tasting room. This may require periodic removal of obstructing vegetation from the road right-of-way and on site. (Section 501-9)
- L.** The applicant is required to obtain and maintain all applicable Federal, State and County permits. (Section 207-5)

# Attachment C STAFF REPORT

## I. APPLICABLE STANDARDS

- A. Washington County Comprehensive Framework Plan (Rural/Natural Resource Plan Element)
- B. Washington County Community Development Code:
  - 1. **Article II, Procedures:**
    - Section 202-3 Type III Procedure
    - Section 202-5 Determination of Proper Procedure Type
    - Section 207-5 Conditions of Approval
  - 2. **Article III, Land Use Districts:**
    - Section 346 AF-10 (Agriculture and Forest) District Standards
  - 3. **Article IV, Development Standards:**
    - Section 403 Applicability
    - Section 406 Building, Siting and Architectural Design
    - Section 409 Private Streets
    - Section 410 Grading and Drainage
    - Section 411 Screening and Buffering
    - Section 413 Parking and Loading
    - Section 414 Signs
    - Section 415 Lighting
    - Section 423 Environmental Performance Standards
    - Section 426 Erosion Control
    - Section 430-145 Special Use Standards – Winery
  - 4. **Article V, Public Facilities and Services:**
    - Section 501-9 Limited Application of the Public Facility and Service Standards Outside the UGB
- C. Washington County Transportation Plan
- D. Ordinance No. 793-A Transportation Development Tax

## II. AFFECTED JURISDICTIONS

Banks Rural Fire District  
 Washington County Sheriff's Office  
 Washington County Health and Human Services Division  
 Oregon Water Resources Department

## III. FINDINGS

### Background:

1. The applicant requests approval to establish a winery and tasting room on Tax Lot 2N3 30 101. The applicant states that the winery operation would be limited to wine production within an existing agricultural structure and a tasting room for a small number of guests by appointment. The property currently produces wine in an existing structure in the northern portion of the site and stores it in a building to the south. Even though the applicant states it is has been a non-commercial venture for experimenting, and a state winery license has not been applied for, the processing of grapes onsite is subject to Code standards. This application (Prehearing Exhibit PH1) will bring this processing facility into compliance with the Code. The parcel lies within the AF-10 District.
2. The dwelling and most additional structures are confined to the northern portion of the subject site; the central and southern portions support the two-acre vineyard. The dwelling and the agricultural building used for wine production are located in the northeast portion. A structure marked 'existing studio' (336 square feet) in the applicant's site plan (Applicant's Exhibit 2) will be converted to a tasting room or replaced at that location with a new structure. The garden in the northwest portion of the property will be available as an outdoor area for visitors to the tasting room. A building further south is used to store wine. The applicant also raises chicken and ducks onsite.

3. Aerials (Prehearing Exhibit PH2, 2022 imagery) show the site is within an area characterized by small rural residential properties, most of which support single family residences and some small farms. Forested properties within the AF-20 (Agriculture and Forest District) and EFC (Exclusive Forest and Conservation District) lie to the northeast and further northwest of the subject site.
4. The subject property is 5.32 acres and is planted with two acres of wine grapes with plans to expand the vineyard in the future. The grapes from the onsite planting only will be used for wine production at the site. Application materials indicate the anticipated production to be approximately 500 cases per year. The winery and tasting room are being proposed to allow the applicant to process their own wine and to promote their own brand by introducing customers to the applicant's vineyard and increasing direct customer sales. No retail sales other than direct onsite consumer sales are proposed.
5. Wineries that are production facilities only and employ less than ten (10) people may be classified as Exempt-Agricultural Buildings that are not subject to State of Oregon Structure Specialty Code (structural building permits). The two agricultural structures on site that are currently used for wine production (828 square feet) and storage (1,728 square feet) will require these permits. Any electrical, mechanical, or plumbing services to the building(s) for wine production and storage will require additional building permits--recommended as a condition of approval. The tasting room is not exempt from building permit requirements and the required permits will be determined during the building permit review process.
6. The 336 square foot tasting room will include seating for up to 16 visitors with a small area dedicated to a small ADA-compliant restroom. The portion adjoining the tasting room and breezeway will also serve as storage for the tasting room. Associated parking requirements have been addressed in the recommended conditions of approval, and in the applicable section later in this report (Prehearing Exhibit PH4).
7. According to the applicant, the tasting room will focus on wine marketing and sales and will not include large events. The applicant plans to host wine tastings, vineyard tours and wine club activities on the property through appointment only between the hours of noon to 5pm during the week, limiting visits to daylight hours. No evening operations are planned, and though seating is available for up to 16 visitors, the typical number of visitors is anticipated to be no more than eight at a time.
8. There are no identified flood hazard areas on the subject site, nor does the Rural/Natural Resource Plan map any Goal 5 resources on the property. Therefore Sections 421 and 422 do not apply to this review.
9. No comment letters were received in response to the public notice for this application or prior to completion of this report.

**A. WASHINGTON COUNTY COMPREHENSIVE FRAMEWORK PLAN (Rural/Natural Resource Plan Element):**

**STAFF:** The goals and policies which relate to the development of land are implemented by the code. The applicant is not required to address, consider, or implement any goal, policy, or strategy of the plan except as required by the code.

The County's Rural/Natural Resource Plan does not identify any significant natural resource areas on the subject property. Accordingly, the application is not subject to review under Section 422, as mentioned in the findings earlier.

**B. WASHINGTON COUNTY COMMUNITY DEVELOPMENT CODE:**

**1. Article II, Procedure**

**Section 202 Procedure Types and Determination of Proper Procedure**

**202-3 Type III**

*202-3.1 Type III actions involve development or uses which may be approved or denied, thus requiring the exercise of discretion and judgement when applying the development criteria contained in this Code or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan*

*202-3.2 The following are Type III :*

*A. Those identified in this Code as Type III;*

**STAFF:** Wineries (with accessory tasting room and incidental sales) are listed in Section 346 as uses subject to the Type III procedure of the Community Development Code. Public notice was mailed to surrounding property owners within 1,000 feet of the subject site and the applicant has submitted an affidavit stating that a public notice sign was posted on the site. No letters of comment were received in response to the public notice as of the date of completion of this staff report. Any letters received between that date and the commencement of the Public Hearing for this application shall be identified and presented to the Hearings Officer during the hearing proceedings.

**203-3 Neighborhood Meeting**

**STAFF:** For Type III Special Uses proposed outside the Urban Growth Boundary (UGB), Code Section 203-3.2.B. requires the applicant to conduct a neighborhood meeting prior to application submittal. The applicant has submitted documentation that the required neighborhood meeting was held virtually on June 27, 2023.

**Section 207 Decision**

**207-5 Conditions of Approval**

*207-5.1 The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this code.*

**STAFF:** If this request is approved, the applicant shall comply with all applicable Code regulations and departmental conditions adopted by the Hearings Officer. Attachment B of this report lists conditions recommended for this approval.

**2. ARTICLE III, LAND USE DISTRICTS**

**Section 346 Agriculture and Forest District (AF-10)**



### 348-4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 348-4.2.

#### 346-4.1 Uses which may be allowed:

- S. *Winery – May include accessory tasting room and sales- Section 430-145.8.*

**STAFF:** The applicant requests approval to establish a winery and tasting room on the subject site. The applicable standards of Section 430-145 are addressed later in this report.

The applicant operates an unpermitted 828 square feet winery on the site and this proposal will bring that winery into compliance with applicable Code standards. The structure will include the use of space typical to a winery structure, such as an office, a de-stemming and crushing area, wine laboratory, processing area, barrel aging, and bottling machinery. A separate 1,728 square feet building is used for wine storage. A tasting room is also proposed within a separate existing studio (336 square feet) to accommodate no more than 16 guests, with the typical number of visitors anticipated to be eight at a time. Wine tasting will be organized by appointment within the hours of noon to 5 pm through the week. An outdoor garden area and patio will be available for visitors to the tasting room and vineyard with outdoor noise being limited to ambient conversation. A part time employee may assist with the tasting room operations as needed.

The subject site has two acres of planted grapes which will be utilized for wine production.

The applicant will be the primary employee responsible for processing as well as undertaking the associated administrative tasks. During harvest season (late September and October), an additional part time employee may be onsite to assist with the processing operation. The working hours will typically be 8 am to 5pm, to be varied as needed. Traffic generated for delivery of finished products or raw materials is expected to be no more than 10 to 15 trips annually for the finished product to be bottled offsite. Th bottled goods will be stored onsite for direct sale to customers.

Vehicle access to the winery and tasting room has been proposed via an existing private road over adjoining tax lots to the west leading to the access approach onto NW Lodge Road. The applicant also proposes a parking area to the south of the tasting room to include eight (8) parking spaces with adequate room to accommodate overflow parking for at least 10 more cars; these exceed the parking requirements for uses proposed at this facility. Employee parking and delivery trucks will park to the east of the winery building, near the residence.

#### 346-4.2 Required findings:

- A. *The requested use is compatible with the surrounding uses or may be made more compatible through conditions of approval.*
- B. *The proposed use does not seriously interfere with 'accepted farming practices' as defined in ORS 215.203(2)(c) or forestry uses on adjacent lands devoted to farm or forest use.*

- C. *The applicant has signed and recorded in the Department of Assessment & Taxation, Recording Division, a waiver to the right to remonstrate against customarily accepted farming practices.*

**STAFF:** The applicant has submitted an analysis and findings regarding Section 346-4.2 A. and B. The applicant's analysis (pages 6-9 of the applicant's narrative) includes written findings of the inventory of surrounding land uses obtained through the neighborhood meeting, aerials, and a site visit. The following is staff's summary of the applicant's findings.

### **Analysis Area**

The analysis area is defined by the applicant as those properties adjoining the project site within 1000 feet of the subject site boundary and includes 38 parcels (including the subject site). All but three parcels are located on AF-5 and AF-10 designated properties. The remaining three parcels lie within the farm resource AF-20 District to the northeast. All of the AF-5 and AF-10 District lots are primarily residential, some support hobby farm or are woodlots. Most parcels are relatively small and range in size from approximately one to seven acres. Staff finds the analysis area adequate to capture the range of uses and activities in the surrounding area, as well as to capture any expected externalities from approval of this application.

### **Uses Proposed with the Winery:**

Activities associated with the winery include processing of grapes inside the proposed structure. Indoor use areas include storage of raw materials, waste, and finished products. A tasting room is also proposed with outdoor use areas available to visitors during favorable weather. The outdoor use areas are limited to the garden area in the northwest portion of the property and is separated from adjoining properties by existing dense vegetated screening, or by intervening distances in excess of 200 feet. Typically, no more than eight visitors at a time are anticipated on any given day. Wine tasting will be by appointment only between the hours of noon and 5pm, seven days a week. Outdoor amplified music is not proposed, and most tastings will be indoors except during nice weather when the only outdoor noise generated will be ambient conversation among visitors. A condition of approval has been recommended restricting outdoor music or amplified noises in association with the winery and tasting room activities. A part-time employee may be hired during late summer and fall to assist with the processing. Traffic to the site from the proposed uses is not anticipated to be impactful to surrounding neighbors given the limited visitation that is expected.

### **Activities within the Analysis Area**

The primary use identified within the analysis area is residential. Activities associated with residential use include typical residential outdoor activities, such as use of patio and lawn areas, driveway, and general activity areas. Most properties support agricultural barns with limited farming such as production of grains, grass seed or hay, a Christmas tree farm to the northeast, livestock to the west of NW Lodge Road and to the east of the subject site, and a vineyard to the southeast and to the west of NW Lodge Road.

Activities associated with the existing vineyard on the subject site includes maintenance for much of the year, with harvesting in September and October. The harvested grapes will be processed in the winery and stored in the storage building located south of the residence. Potential conflicts would be minimal since the proposed use would be within an existing structure and screened from surrounding farm uses by dense vegetation or significant intervening distances.

A description of surrounding farm and forest operations is presented below:

**Livestock:** Activities associated with horse keeping may include pasture grazing, manure management, riding of horses around the property, and pasture management practices (e.g. ground application of fertilizer). Chicken management typically includes the use of a hen house, cleaning the hen house of manure, feeding, watering, and management of the surrounding area.

**Grass seed, grain, and hay production:** Grass seed and hay are perennial crops that need to be replanted every three to five years depending on the variety. Wheat, clover, or other grain crops are usually planted as a one season crop in the fall or spring when there is ample moisture for germination. Clover is planted in rotation with grass. Some irrigation may be needed. Fertilizer is applied twice, usually in late winter. Pesticides are applied at various times of the year for diseases such as rust, mold, and insects through ground spray. Harvest is usually in July-August and is often dusty but is completed within a few days.

**Vineyards:** These are typically planted on the south or west facing slopes at an elevation of 200-300 feet with good airflow to limit frost damage. These crops are intended to last for decades and are pruned, fertilized, and pesticides applied for diseases and insects through ground application. These activities are typically done early in the year or after harvest. Vines are planted during the cool season and irrigated only for the first few years. Harvest is in late summer or early fall. The proposed tasting room is shielded from the vineyard on the subject site by dense onsite vegetation between the two, and by over 1,500 feet of intervening distance from the nearest offsite vineyard to the southeast and to the west.

**Woodlot/Commercial Forest:** Christmas tree farms and woodlots are considered a farm use. Practices associated with their management include thinning and harvesting with heavy equipment including log trucks, burning, chipping small trees, and restocking and spraying by hand or machine. Restocking and spraying occur shortly after harvest. Spraying also occurs after thinning every few years. Potential impacts to surrounding properties are limited to dust and noise during the harvest period, and from periodic spraying. The tasting room is located well over 500 feet from the nearest forested properties (to the northeast and southwest) and impacts from the tasting room will be limited due to low number of anticipated visitors to the site and the fact that the tasting room is proposed to be located within an area densely clustered with trees.

### **Compatibility Analysis**

This section requires the applicant to demonstrate that the proposed use is compatible with all uses in the area, not just farm or forest uses. Key factors regarding the compatibility of the proposed use with other uses in the area are visual compatibility, noise, and traffic issues.

The subject site itself supports two acres of grapes. All winery-related activities are proposed indoors within an existing structure. Traffic from visitors to the tasting room is restricted since they are by appointment only and a very low number of visitors (no more than eight at a time) are anticipated during the hours of noon to 5pm.

The winery and tasting room structures are not located within a significant view corridor of other dwellings in the area. Most residential sites include accessory structures, so the two buildings on the subject site will be in keeping with established development patterns in the area, especially considering that they are preexisting structures. The structure proposed for the tasting room may be replaced with a similarly sized structure. The applicant has submitted elevations of the two buildings, which demonstrates that they are similar in height to existing barns/accessory structures in the area and will not appear commercial or industrial in design, size or scale.

As such, the daily operation is not expected to result in a significant increase in vehicle trips to the site, since the applicant will be the primary processor. In late summer/early fall a part-time employee will likely be hired. As stated earlier, the proposed tasting room will have limited hours of operation with few visitors to the site at any given time. A part time employee may assist with the tasting room as needed. Amplified music is not proposed, and outdoor noise will be limited to ambient conversation among guests. The outdoor use areas are well screened from the nearest properties by dense vegetation. Due to the above factors, traffic and noise impacts from the site should be minimal.

No letters of comment were received in response to the public notice or prior to completion of this report indicating surrounding neighbors do not have concerns regarding the proposed use.

### **Summary and Conclusion**

Staff finds that upon compliance with recommended conditions of approval, the winery and tasting room will be compatible with other uses in the area and that it will not seriously interfere with accepted farming practices and forest uses in the area. This conclusion is based on the limited scope of the proposed operation, limited timeframe of production and tasting activities, the number of employees, and the negligible changes to traffic patterns on the private street.

The required waiver of the right to remonstrate against customarily accepted farming practices has been included as a recommended condition of approval in Attachment B of this report.

### **346-6 Dimensional Requirements**

#### *346-6.2 Yard Requirements:*

*The minimum yard requirements shall be:*

- A. *Thirty (30) foot front yard;*
- B. *Ten (10) foot side yard;*
- C. *Twenty (20) foot rear yard;*
- D. *Thirty (30) foot street side yard; and*
- E. *Additional setbacks may be required as specified in Section 418.*

**STAFF:** Per the preliminary site plan (Applicant's Exhibit No. 5) all existing structures on the site exceed the setback standards of the AF-10 District, including the structures proposed for the winery and tasting room. Final compliance shall be confirmed during the building permit review process.

#### *346-6.3 Height:*

- A. *Maximum height of dwellings and residential accessory structures shall be thirty-five (35) feet.*

**STAFF:** No dwellings or residential accessory structures are proposed. The applicant proposes continued use of an existing barn as a wine processing facility and conversion of an existing studio to a tasting room, neither of which exceed the height requirements stipulated in this section.

### **346-7 Access**

*All lots in this District shall either:*

*346-7.1 Abut a public street; or*

*346-7.2 Have an easement of record at least 30 feet wide at the street or as approved by the appropriate fire marshal.*

**STAFF:** The subject parcel is landlocked and uses a private road over the adjoining tax lots to the west to access NW Lodge Road. A 20-foot wide access easement for use of the private road by the subject site is recorded in Warranty Deed # 2018-075838. The width of the access approach, private road and driveway extensions on the subject site that will serve the winery and tasting room building will be reviewed through the grading permit application for conformance with Oregon Fire Code (OFC) standards. The access approach will require a right-of-way permit for commercial uses—this is a recommended condition of approval in Attachment B of this report.

## **3. ARTICLE IV, DEVELOPMENT STANDARDS**

### **Section 403 Applicability**

#### **403-2 Master Plan - Minimum Requirements for All Development:**

**STAFF:** The applicant submitted a site plan and written findings that demonstrate compliance with this Section.

### **Section 406 Building, Siting, and Architectural Design**

**STAFF:** Addressing the review standards of Section 406-1, a winery with tasting facility is a permitted use in the AF-10 District via the Type III procedure. The applicant submitted a site plan showing the winery and tasting room meeting the height and setback requirements of the district. Compliance will also be addressed during the building permit process.

Section 406-2.5 A. requires that structures and use areas be arranged for compatibility with surrounding land uses. In this case, the applicant proposes to convert existing buildings on site into a winery and tasting room. The structures will retain their existing appearance of a typical agricultural building, though will be upgraded to meet current building code standards for commercial use. The exterior of the structures will retain the current appearance, and therefore will be compatible with the rural character of the site and surrounding properties.

The parking and delivery areas for the winery and tasting room are interior to the site near the winery building at the terminus of the existing driveway. These areas are shielded from surrounding properties by existing dense vegetation and the vineyard.

Staff finds that the use areas are arranged for compatibility with surrounding land uses, in accordance with this code section.

### **Section 409 Private Streets**

#### **409-5 Private Streets Outside an Urban Growth Boundary**

*409-5.1 Private streets (driveways), or portions thereof, shall demonstrate adequate accessibility for emergency vehicles. The private street (driveway) shall comply with the access road requirements of the Oregon Fire Code. If new parcels are created, Section 409-5.2, below, applies.*

A. *Fire Marshal Review*

*To demonstrate compliance, the applicant shall provide a site plan signed by the Fire Marshal or designee illustrating all required improvements to the entire driveway between the development and the public street providing access. The signature serves to acknowledge that the length of the private street (driveway), once improved as shown on the site plan, can meet District standards for access for emergency vehicles.*

**STAFF:** As stated earlier, the applicant has provided a service provider letter signed by a representative of the Banks Rural Fire District indicating preliminary approval of the existing private street for emergency vehicle access to the winery. Compliance of the shared private road, and onsite vehicular driveways with Oregon Fire Code (OFC) will be confirmed during the grading permit review for this project.

**Section 411 Screening and Buffering**

**STAFF:** This section does not include specific screening/buffering measures for rural development. Typical application of screening/buffering requirements would be to screen a proposed commercial use from view of surrounding residential properties. In this case, the proposed winery and tasting room will be created in an existing barn and existing studio well within the boundaries of the property owned by the applicant. The winery structure is closer to the north property line but is shielded from view of neighboring properties by vegetation along the property line to the north. Staff finds that existing vegetation along the west and north property lines, and to the immediate south of the tasting room location provides adequate screening of the tasting room and outdoor use areas from the residential uses to the west and north. The properties to the east and south are buffered from the winery, tasting room and associated parking by an intervening distance of over 200 feet, the onsite planted vineyard, and dense onsite vegetation obscuring the use areas from view. The topography will largely shield the winery from the southern properties. Staff finds additional screening is not required for the proposed use areas. The winery and tasting room will have limited visibility from any direction outside the subject property.

**Section 410 Grading and Drainage  
Section 426 Erosion Control**

**STAFF:** Any grading on the subject property is subject to the approval criteria of Section 410-3 and the standards of Section 409-5. Although certain grading activities may be exempt from permit requirements, any grading, exempt or not, must be for a use permitted in the AF-10 District and must be preceded by approved grading, drainage and erosion control plans.

The Building Engineer has determined that a grading permit will be required (Prehearing Exhibit PH3). Grading will be limited to improvements to the existing driveway and its expansion as needed, and creation of parking areas for the winery and tasting room. All grading will be reviewed via the building permit process and must conform to Chapter 14.12 of the Washington County Code. Staff has included recommended a condition of approval in Attachment B requiring a grading permit prior to any ground disturbing activities on the site.

Section 426-5.2 allows the erosion control plan submission and review to be deferred until time of construction. An erosion control plan meeting the requirements of Section 426 is required prior to any construction on the site. All construction plans shall be reviewed for compliance with Sections 410 and 426 prior to issuance of a grading permit.

### **Section 413 Parking and Loading**

**STAFF:** Section 413 does not provide parking requirements specific to wineries or tasting rooms. The applicant will be the primary operator of the wine processing facility, along with a part-time employee in late summer and fall. The applicant proposes a parking area to the immediate south of the tasting room building which can accommodate eight (8) cars. Additional space will be provided for overflow parking south of the proposed parking area. Delivery vehicles to bring in raw materials and transfer of finished products will briefly park along the driveway portion near the winery. Employee parking for the winery and tasting room is proposed to the east of the winery building at the terminus of the driveway.

As noted in the recommended conditions of approval, all required off-street parking areas must be surfaced with 4 inches of base rock and 2 inches of ¾ inch minus, but overflow parking areas are not required to be improved.

Wine tasting rooms are not specifically addressed in Section 413-6. However, Section 413-6.C.(7) addresses 'Establishments for sale and consumption on the premises of beverages, food or refreshments'. Of all categories under the subsection, this entry appears most comparable to the proposed use. Section 413-6.C.(7) requires a minimum of eight (8) parking spaces per thousand square feet of gross floor area. The entire tasting room site is less than 1000 square feet and hence the eight parking spaces are adequate for the tasting room. There is adequate space to the south of the use areas to accommodate any overflow parking if needed. The minimum parking requirements are met for this proposal.

### **Section 414 Signs**

**STAFF:** Any new signs for the winery and tasting room are subject to permitting requirements, and the standards of this section. Any sign installed in the future will require appropriate sign permits and will comply with the standards of Section 414-5.

### **Section 415 Lighting**

**STAFF:** The applicant states that all events will be hosted between noon and 5pm, and within daylight hours. Wine tastings during the evening are not planned; there is existing lighting on the winery and tasting room building and no additional lights are proposed. Motion-sensor lights are installed on the winery building for security. These lights are not in use unless activated by motion. Dense tree plantings along the property lines to the north, west and to the east of the winery prevent any glare from lighting on neighboring properties. As such, the intervening distance between the structure and the property line to the south is sufficient to prevent lighting from being a nuisance. Staff finds the requirements of this section are met.

### **Section 423 Environmental Performance Standards**

*The provisions of Section 423 are known as performance standards. All uses and activities shall observe these standards in order to achieve the purpose and objectives of this Code. Continued compliance is required and may be required to be demonstrated by the owner, if the Director has reason to believe incidence of noncompliance has occurred.*

#### **423-1 Existing Uses**

*Activities, uses, equipment and processes existing as of the effective date of this Code that do not meet the standards set forth in this Section are subject to the following requirements:*

*423-1.1 Building expansions or installations of new uses shall conform to the applicable standards of this Section and are subject to the procedures and regulations of the nonconforming use section of this Code.*

423-1.2 *All uses not otherwise prescribed by this Section shall conform to applicable federal, state, and local laws and regulations.*

**423-2 New Uses**

*Development after the effective date of this Code shall observe the following requirements:*

423-2.1 *When federal, state and local standards apply, the most restrictive shall govern.*

423-2.2 *Prior to issuance of a development permit or certificate of occupancy, the Director may require:*

A. *Evidence that mandatory federal, state and local permits have been or will be obtained.*

B. *Information demonstrating that the proposed development complies with applicable standards set forth in this Section. This information may be required as a report of findings prepared by qualified engineers or other technical consultants.*

**423-3 Measurements**

*Accurate and representative measurements, as necessary, shall be made according to accepted engineering practice. Measurements shall be made at or anywhere outside the property lines of the property from which an emission is generated.*

**423-4 Air Quality**

*All development shall comply with the State Department of Environmental Quality Air Quality Standards.*

**423-5 Odor**

*All development shall comply with the State Department of Environmental Quality Standards pertaining to odor.*

**STAFF:** The applicant states that air quality will remain unaffected and no significant odor will be produced by the winery and tasting room facilities since all processing and storage will be indoors.

**423-6 Noise**

*All development shall comply with the State Department of Environmental Quality Standards relating to noise. Demonstration of compliance may be required by the Review Authority.*

**STAFF:** The applicant states that noise from the wine production facility will be minimal. Noise associated with wineries are typically from occasional use of equipment such as a forklift, destemmer-crusher, and press. Staff notes these are noises associated with permitted farm activity. While tasting events are proposed, they will be organized by appointment only and limited in scale to typically accommodate eight visitors at a time. Most tasting events will be inside the tasting room. Outdoor amplified noise of any form is not proposed and sounds will be limited to ambient conversation among very few guests. Thus, noise is not anticipated to be an issue with this facility. It is the applicant's responsibility to ensure compliance with the Washington County Code (WCC) Chapter 8.24: Noise Ordinance.



**423-7 Vibration**

*No development shall generate ground vibration which is perceptible by the Director beyond the property line of origin without use of instruments. Ground vibrations caused by motor vehicles, trains, aircraft, or temporary construction work are exempt from strict application of these standards, but good faith efforts to control such vibrations shall be made by the originator.*

**STAFF:** The applicant states the proposed uses/development will generate no vibrations.

**423-8 Heat and Glare**

*Heat and glare shall be limited as follows:*

*423-8.1 Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.*

*423-8.2 Exterior lighting shall be directed entirely away from adjacent properties.*

**STAFF:** The applicant states that no outside activities producing heat or glare are proposed. Existing exterior lighting (motion sensor lights on the winery building for security) is already present and no new lighting is proposed. Adequate screening through dense vegetation is already present to avoid any potential glare on properties to the north, east and west. In addition, the intervening distance to the south will prevent light spillage onto adjoining properties.

**423-9 Storage**

*423-9.1 All materials, including wastes, shall be stored and all grounds maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.*

*423-9.2 No open storage of materials and equipment shall be permitted unless contained by a site obscuring fence or landscaped screening.*

*423-9.3 Fencing will be allowed between the required landscaping and use where necessary to protect the property concerned or to protect the public from a dangerous condition subject to the following provisions:*

*A. No fence shall be constructed in the required setback from the public road right-of-way.*

*B. Fences shall be constructed as required through development review.*

*C. Fencing or sight obscuring screening for storage areas must be at least six (6) feet, but no more than ten (10) feet high.*

**423-9.4 Storage of Hazardous Materials**

*Developments which store hazardous materials must comply with state standards, OAR 340-063, and the federal standards, 40 CFR Part 262 and 264 and shall demonstrate such compliance. All hazardous materials must be stored above ground. Transport of and disposal of such materials shall be in conformance with all applicable local, state and federal regulations with such compliance demonstrated.*

**STAFF:** The submitted plans indicate that no outdoor storage is proposed. All raw materials, waste material and finished products will be stored within the winery, tasting room, and wine storage buildings. No hazardous materials will be stored on site.

#### **423-10 Drainage and Waste Water**

*All development shall comply with the state Department of Environmental Quality Water Quality Standards for all runoff, drainage and waste water.*

**STAFF:** The applicant intends to use the existing septic system to serve the winery and tasting room. This request will be evaluated by the County's Health and Human Services; improvements to the existing system, or a new septic system to serve the new uses may be required. Approval by the Department of Health and Human Services prior to issuance of building permits has been included as a recommended condition of approval. Management of surface water runoff will be addressed during the grading permit review for parking lot and driveway improvements.

In addition, the applicant is required to demonstrate that they have a DEQ permit for the winery's disposal of organic by-products and processed wastewater including the water used to clean and sterilize bottles, tanks, barrels and equipment during processing of the grapes and during fermentation. This requirement has been included as a recommended condition in Attachment B.

#### **423-11 Adequate Water Supply**

*All development shall be required to have an adequate water supply. Adequacy shall include:*

*423-11.1 Adequate supply for the use prior to issuance of a building permit (see Section 501-7.1, Critical Services).*

*423-11.2 Outside the UGB, when any Special Use of Article IV will require an amount of water in excess of what would normally be used if the property were developed for rural homesites, the following information:*

- A. An explanation of how the water will be supplied; and*
- B. An explanation of the potential impact of the proposed water system on the surrounding properties.*
- C. Approval of a subdivision outside the UGB proposing a community water supply shall be subject to the provisions of Section 423-11.2 A. and B.*

**STAFF:** The applicant states that the existing well on the subject site serves the residence and the winery. The Department of Water Resources exempts from review commercial uses up to 5,000 gallons per day. The applicant states that it is unlikely for the proposed use to exceed this threshold. A recommended condition of approval requires the applicant to provide a service provider letter from the District 18 Watermaster's Office confirming adequacy of water supply for the proposed winery and tasting room operations.

#### **423-12 Radioactive Materials**

*The handling and storage of radioactive materials, the discharge of radioactive materials into air or water, and the disposal of radioactive waste in connection with all uses shall be in conformance with all applicable local, state, and federal regulations with such compliance demonstrated.*

**423-13 Toxic or Noxious Matter**

*All development shall comply with the state Department of Environmental Quality standards pertaining to omission of toxic or noxious matter and such compliance shall be demonstrated.*

**423-15 Conflicting Provisions**

*Where standards set forth in this Section conflict with provisions elsewhere in the law, the more stringent shall govern.*

**STAFF:** The applicant states that no radioactive, toxic or noxious materials are involved with the proposed uses.

**Section 430 Special Use Standards**

**430-145 Winery**

*Wineries are structures where the grapes or other fruits or produce of the applicant or others may be processed and converted to wine bottled, blended, stored, sold at wholesale or directly to a consumer for consumption off or on the premises.*

**430-145.8** *A winery in the AF-10, AF-5, RR-5, Rural Commercial, Rural Industrial and MAE Districts may be permitted subject to the following standards:*

- A. Comply with all State and Federal requirements;*
- B. Have an access based upon the maximum number of people expected at the tasting room, including times of special events. Access shall be approved by the appropriate fire marshal;*
- C. Parking requirements shall:
  - (1) Be based upon the maximum number of employees at the winery; and ;*
  - (2) The size of the tasting room and expected visitors;**
- D. On premise temporary parking shall be available for special winery events; and*
- E. A festival permit (Section 430-135.1.E) shall be required for special events in excess of one (1) day.*

**STAFF:** The applicant states that the proposed winery and tasting room will comply with all state and federal requirements including obtaining a Winery License.

The applicant states that a tasting room is proposed within an existing 336 square foot studio. The structure may be replaced depending on potential improvements to the structure required under the Building Code for commercial use. The Banks Rural Fire District Fire Marshal has reviewed the site plan and supplied a letter conditionally approving the proposal to ensure the proposed access meets Oregon Fire Code requirements. The Fire Marshal will have an opportunity to review the private driveway during the grading permit review process.

The tasting room will be open to visitors by appointment only, during daylight hours between noon and 5pm all through the year. Though the tasting room floor plan shows seating arrangements for 16 visitors, the applicant anticipates no more than eight visitors at any given time. Outdoor areas to the west within the garden and patio will be available to visitors during warm weather. The applicant states that he will be the primary

employee responsible for making wine, tending to barrels, and for administrative functions. In addition, it is anticipated that one part-time employee will be on the premises as needed to help with processing of grapes. The applicant has shown an eight-stall parking area for visitors, and parking areas near the winery building sufficient to accommodate employees and occasional delivery trucks.

For further information regarding parking and loading at the site, refer to Section 413 of this report.

Given the limited nature of the application as proposed, staff anticipates that sufficient temporary parking is available on the site for any special winery events. Should special winery events be held on site, and in excess of one day, a festival permit will first be obtained.

#### 4. Article V, Public Facilities and Services:

##### 501-9 Limited Application of the Public Facility and Service Standards Outside the UGB

*501-9.1 For the purpose of determining the impact and adequacy of public facilities and service outside the UGB only this Section of Article V applies.*

**STAFF:** Outside the UGB, the county applies the Public Facilities Standards in a limited way. The application is subject to the standards cited below.

*501-9.2 For all Type II and Type III applications, with the exceptions noted below, impact on the following public facilities shall be considered: school, fire, police protection and public roads.*

**STAFF:** The applicant has submitted service provider letters from the Banks Rural Fire District confirming they have capability of providing service to the proposed winery and tasting room. Service provider letters will be required from the Washington County Sheriff's Office and the District 18 Watermaster's Office, as recommended in Attachment B of this report. The proposal will have no effect on schools.

*501-9.3 For the purpose of determining impact and adequacy of public roads, Section 501-8.5 F. (Sight Distance), 501-8.5 H. (Road Standards), and 501-8.4 (Dedication of Right-of-way) of this article shall apply except as provided in Sections 501-9.4 and 501-9.5. However, in all instances, traffic safety issues shall be addressed. Consideration of traffic safety shall include but not be limited to the following: [Remainder not applicable]*

*501-9.4 Applications for Type II replacement dwellings, property line adjustments, nonbuildable parcels, temporary housing permits, home occupations and Type II and Type III applications for one (1) dwelling on an existing vacant parcel, are not subject to the requirements of Section 501-8.4 (Dedication of Right-of-way).*

*501-9.5 The standards of Section 501-8.5 F. (Sight Distance Standards) shall apply to all property line adjustment applications except as specifically provided in this subsection. Property line adjustments for parcels or lots which do not meet the sight distance standards of Section 501-8.5 F, (including existing accesses), shall be approved if the parcel or lot's sight distance is not decreased as a result of the property line adjustment.*

**STAFF:** Pursuant to Section 501-9.3, a Type III development application is subject to compliance with the sight distance requirements of Section 501-8.5. F. As stated in Section 501-8.5. F, the required minimum sight distance is the ability for a vehicle driver who is exiting the site to see in both directions on the public road for a distance equal to 10 times the posted speed limit. In

this case, since that section of NW Lodge Road does not have a posted speed limit, the basic speed rule applies where the traveled speed is assumed to be 55 miles per hour. Therefore, a sight distance of 550 feet to the north and to the west of the access approach is required. The applicant has provided a sight distance certification (Applicant's Exhibit 13) prepared by a professional engineer confirming that required sight distance is available in both directions. This will be verified by County Operations staff during the right-of-way permitting process and has been included as a recommended condition of approval in Attachment B of this report.

Pursuant to Sections 501-9.3 and -8.4, the proposed development will result in additional vehicle trips to the site and therefore this application is subject to requirements for dedication of right-of-way. However, the site does not have frontage on a public road and therefore this requirement does not apply.

**C. Washington County Transportation Plan**

**STAFF:** With regard to this request, the policies of the Transportation Plan element of the Washington County Comprehensive Plan are limited to the classification of NW Hartley Road as a rural local street.

**IV. SUMMARY**

Based on the findings in this report and the findings and evidence in the casefile, staff concludes that the applicant has adequately demonstrated compliance with applicable Sections of the Community Development Code (CDC). When implemented in accord with the Recommended Conditions of Approval and the approved final plans, the project will be in compliance with the CDC. Staff therefore recommends the Hearings Officer approve the applicant's request for a winery (no tasting room) on the subject property subject to the Recommended Conditions of Approval in Attachment B of this Report.