

Yamhill County  
Docket No: E-02-18  
November 8, 2018

Yamhill County Commissioners,

Commissioners, thank you for taking the time to hear my testimony.

I am opposed to the four year renewal of Mr. DeBenedetti's application Docket No: E-02-18.

I can only hope as you listen to the testimony today you each ask yourselves; Is this commercial business something you want in your neighborhood? Across from your mother, grandmother children or grandchildren. We as neighbors have lived in the area long before this enterprise was thought of, it is not fair to us.

In the initial application (C-10-14) this was to be a brewery to produce beer with a small tasting room. Typically a tasting room or winery would serve approximately 2-3 ounce samples, not sell 12 ounces of beer in a glass or 16 ounces of beer in a can. The applicant now also sells wine. Regardless of how you look at this or what you call it, it really has become a drinking establishment, this business belongs in the city. **Not on agricultural land.** Is a tavern really an agriculture farm use, especially when only 10 acres of hazelnuts are farmed with a EF-20 zoning? The applicant now says he has a **small patch** of barley but is that being grown only for the convenience of the permit.

The McClure's in 2012 sold 45.73 acres to A-Z Winery. A-Z Winery borders the east and north side of this land. The southern border is 99W which separates the land from other agricultural areas. The west side of the property borders rural residents. The applicant has stated in previous testimony he is not an owner of this land but lives on the property and pays rent. He also has stated in public testimony that this commercial business is one of the main subsidies of the EF-20 zoning permit.

The previous winery (JK Carrier) was very incidental to this rural neighborhood. They would have very few patrons maybe 5-10, they were inside the barn not seated outside as it is currently and were open only a few hours on weekends. We as neighbors never even knew they were open. That has all changed with Wolves and People.

Those of us living on Benjamin Road are concerned with the increased traffic and the dangers it has brought. Mr. DeBenedetti's public testimony to the Newberg City Council on May 7, 2018 seeking a \$110,000 grant for a walking trail and pavilion stated "last year we have had about 25,000 visitors". Mind you Benjamin Road is approximately one mile long, very narrow with steep drop offs, dangerous curves and an unsighted hill along with a speed limit of 40 MPH. Add to that school buses arriving at the tavern, large tourists buses, and the 25,000 visitors. The buses cannot make the turn into the tavern without using both lanes of traffic, delivery trucks have the same problems. In fact there was a tour bus that while turning onto Benjamin went off the roadway and stopped traffic for hours. The tour buses are now a regular occurrence; Premier Tours, Cascadia Cruiser, Alfa Omega and my least favorite who almost ran me off the road Lucky Tours. We have skid marks on the road surface in several places where drivers did burnouts and this summer two young women who had been at the tavern went four wheeling in A-Z's field next to the tavern and then proceeded onto Benjamin whooping and hollering. This is the reality of what we have been living with. It is becoming increasingly more dangerous for the neighbors just to get their mail.

I know the applicant will talk of his wonderful following, he has 6,500 on Instagram and stated to the Newberg Council on May 7th, 2018 he has 35,000 on a mailing list, he also has over 4,500 on Face book. Unfortunately for those of us opposing this application they all like beer and with the stroke of a keyboard they may inundate the planning department with their positive outlook on why this application should be approved. A lot of these people live out of the area and out of state and in other countries. I have to say the emails don't live here, we do! I would hope you put more weight in the testimony of those who live nearby rather than those who live afar in Hawaii, Washington DC and Europe. That being said yes there are a few neighbors who have delighted in having a tavern near their home. Rachel & Greg Williams in a positive written testimony wrote "The seating area is basically in our front yard". Wow I can't think of

anything more enticing than having a tavern in your front yard. There are also neighbors who have told stories of how drunk some patrons have been. The applicant will testify he does not over serve but how about the guy or girl whose friend buys and brings them the beer. Those tending bar cannot regulate all. We thought with prior approval this was to be a tasting room not a full out tavern where 12 and 16 ounce beer was being served.

In his application for grant money from the City of Newberg he stated that the business has realized **his dreams** of creating unique and valuable additions to his industry. We neighbors too **had dreams**, our dreams were of living in a quite rural neighborhood being able to enjoy our peaceful surroundings. Joyce Damman and David Wall who live directly across from the tavern have headlights shining into their homes day and night, There was also a concern this summer when patrons of the tavern were seen smoking near the roadway ditches with the tall grass growing in them. Joyce also had two young ladies smoking in her driveway because there is no smoking allowed at the tavern. They were trespassing; you can ask why didn't Joyce call the police but I do hope you realize how long it would have taken the police to respond to the far reaches of Yamhill County. Personally my husband and I have had to post Private Driveway signs as patrons of the tavern have come onto our property and done damage. I know the fire department has given approval to this application in the past but we are a rural residential area with no fire hydrants. I should not have to remind anyone of the tragedy that was done in the gorge or of the many other fires in rural areas this year. I only hope the applicant and Yamhill County have enough insurance to cover us all.

In a letter to the planning Department dated February 2, 2017 the applicant states "we have every desire to work with supportive neighbors and Yamhill County to make sure we are doing things by the book, to build a safe neighborly business for all to enjoy." He states he has no complaints from the neighbors. Personally I do not feel like it is my place to complain to the applicant. My complaints and concerns have been directed to the Yamhill County Planning department and you the Commissioners. The applicant has never approached myself or any other neighbors that I know of with his plans or ideas to make things better for our community. In fact the applicants grant money for a \$30,000 one and a half mile walking path is to be accessed by the tavern and A-Z Winery patrons only. Public money but not public access.

The applicant also did not follow the orders given for his business hours. On June 21, 2018 he had a 2nd annual Felicitation Event that was clearly outside the approval of his expired event permit. Signage rules set forth by the county and state are also not being followed. Why are the rules not being enforced?

The County has left to many gray areas as to the definition of an event. Is an event the hours of operation, is it only when a food truck is present, is it in the middle of the week. This business is now open six days a week even though they have some limited hours. The County Planners say 72 hours is an event. Well the business is open every weekend does that mean every weekend is an event? There should be very clear guidelines for an event because, as for the neighbors, we believe there is an event every weekend.

Commissioners I know you have a lot of decisions coming before you; what is next Cider Houses, Breweries and Pot House on agricultural land? Yamhill County has a great expanse of rich land and the rural roadways that bind them. Is it really necessary to have people drinking and high endangering those we love in this beautiful area. I do not believe this is acceptable, this is not the values Yamhill County should accept.

Respectfully,

Vicki Shepherd  
30230 NE Benjamin Rd  
Newberg, OR 97132