

BOARD ORDERS AND MINUTES

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY (“the Board”) sat for the transaction of county business in formal session on January 24, 2019, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Richard L. “Rick” Olson, Mary Starrett, and Casey Kulla being present.

Also present were Ken Huffer, County Administrator; Justin Hogue, Business Services Director; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Josephine Ko, Assistant County Counsel; Mikalie Frei, County Counsel staff; Ken Friday, Planning Director; Lance Woods, Associate Planner; Dave Adams, KLYC Radio; Nicole Montesano, News-Register; and others as listed on the sign-in sheet.

Commissioner Olson called the meeting to order at 10:02 a.m. The invocation was offered by John Palacios.

Welcome! Thank you for attending today’s meeting. Public participation is encouraged. If you wish to address the Commissioners on any item not on the agenda you may do so as part of the public comment period at the beginning of the meeting. If you desire to speak on any agenda item please raise your hand to be recognized after the Chair announces the agenda item. Please fill out a public comment card to indicate your intent to speak.

A. PUBLIC COMMENT: This thirty-minute time period is reserved for public comment on any topic other than: 1) agenda items, 2) a quasi-judicial land use matter, or 3) a topic scheduled for public hearing. Unless extended or restricted by the Chair or majority of the Board, public comment will be limited to three minutes per person.

Mary Bryant commented regarding the locked gate on High Heaven Road. She spoke about the timeline of the county’s progress and the transfer of permit to Weyerhaeuser.

Kris Gabrielsen commented against holding the invocation / prayer.

B. CONSENT AGENDA:

Commissioner Starrett moved approval of items B1 through B7. Commissioner Kulla abstained from voting. The motion passed, Commissioners Olson and Starrett voting aye. Commissioner Kulla abstained.

Minutes

1. a. **B.O. 19-18** - November 29, 2018 - Formal Session

Contracts/Grants

2. **B.O. 19-19** - Approval of an inter-governmental agreement between Yamhill County Community Corrections and the Department of Corrections (DOC) #5783 to pay the cost of a one-time, 9-month duration DOC Program Analysis of the current DOC information system in the amount of \$2,395, through December 31, 2019.

3. **B.O. 19-20** - Approval of declaring Tax Lot #R4416DC00502, located at 1235 NE 14th Street, McMinnville, OR and all improvements thereon (the “Property”) to be surplus property and authorizing the execution of a purchase and sale agreement for the sale of the Property to the Yamhill County Mission, an Oregon public benefit corporation, in the amount of \$10,591.31, plus closing costs and fees.

4. **B.O. 19-21** - Approval of declaring the following tax lots: (i) #R6701DB 07600, located at 210 Ash Street, Willamina, OR 97396, (ii) #R4317AD 01400, located at 303 2nd Street, Dayton, OR 97114, (iii) #R4307BA 04500, located at 954 E. 5th Street, Lafayette, OR 97127, (iv) #R4317CC 01028 located, at 1130 Church Street, Dayton, OR 97114 and all improvements located thereon (the “Properties”), to be surplus property and authorizing the execution of purchase and sale agreements for the sale of the Properties to the Yamhill County Affordable Housing Corporation, a public benefit corporation under the Oregon Nonprofit Corporation Act, in the amounts to be negotiated between the parties, plus closing costs and fees.

Policy

5. **B.O. 19-22** - Approval of amending the Yamhill County Investment Policy changing Section 5.c.iii Standards of Care from five to seven voting members and from three citizens to five.

Committees

6. **B.O. 19-23** - Approval of the appointment of Kris Bledsoe, Diane Edwards and Jim Schlotfeldt to the Investment Committee for a three-year term through August 6, 2022.

7. **B.O. 19-24** - Approval of the re-appointment of Phillip Griffin to the HAYC Board of Commissioners for a five-year term to expire December 31, 2023.

C. OLD BUSINESS: None.

D. NON-CONSENT AGENDA ITEMS OTHER TOPICS FOR DISCUSSION: (Add to consent agenda or leave off)

1. **B.O. 19-25** - Discussion and consideration of an Inclusivity Proclamation.

Susan Meredith commented the proposed use of the word “unborn” in the proclamation is unnecessary due to an unborn child already being part of a woman’s body and therefore included by default in any inclusivity proclamation.

Joni Zimmerman commented in support of the language provided by Commissioner Kulla and rejected the language submitted by Commissioner Starrett.

Susan Delventhal's comments reflected support of Commissioner Kulla's proclamation. Written testimony was submitted. Audio recording difficulty.

Tanya Thomkins' comments reflected support of Commissioner Kulla's proclamation. Written testimony was submitted. Audio recording difficulty.

John Peterson's comments reflected support of Commissioner Kullas's proclamation and spoke regarding the optics of the proclamation language. Audio recording difficulty.

Commissioner Kulla moved to approve the original draft with changes made by county counsel. Commissioner Starrett asked Commissioner Kulla to provide the designations of people he would like removed. Commissioner Kulla clarified his motion to approve the Inclusivity Proclamation as written, removing the language with reference to preborn. Mr. Boenisch asked Commissioner Kulla to rescind his previous motion. Commissioner Kulla rescinded both previous motions and moved to approve the Inclusivity Proclamation with the change of removing the word "preborn". Commissioner Starrett commented on the variety of county programs that support women and families, both pre and post-natal. She noted that pregnant women and their unborn babies should fall under the list of vulnerable constituents. Commissioner Olson stated he was against including the word "preborn" based on federal and state law abortion protections. Commissioner Starrett responded saying that the county continues to advocate for the unborn through various prenatal programs and does not put the county at risk with federal or state laws. Commissioner Kulla read a comment from HHS stating that the use of "unborn" or "preborn" may indicate a policy position that isn't inclusive to the community or may not be in line with trauma informed practices.

Commissioner Olson read Resolution 19-01-21-1 in its entirety with changes approved by county counsel, however striking the word "preborn". The motion passed, Commissioners Olson and Kulla voting aye, Commissioner Starrett voting nay.

E. PUBLIC HEARINGS:

1. Docket #SDR-28-18: An appeal of the Planning Commission's approval for a winery and tasting room within an existing structure (converted horse barn/arena), on a parcel with at least 15 acres of vineyard planted on-site. Applicant: SANDAN, LLC (dba Abbey Road Farms).

Commissioner Olson opened the public hearing at 10:46 a.m.

There were no abstentions by the Board. There were no objections by the party's jurisdiction for the Board to hear the matter. There were no ex-parte contacts or site visits reported by the Board. Ken Friday read the raise-it-or waive it rule and other statements required by ORS 197.763.

Staff Report: Lance Woods provided the staff report describing the applicant's proposal.

Applicant: Elaine Albrich, applicant's legal counsel, gave a visual presentation of the overview of the proposed property site plan. She reported that the applicant has worked to respect the conditions of nearby residents and local building conditions. The winery location is going to be in the same location as an existing horse barn which does not alter the footprint of the existing property layout. She addressed a separate conditional approval for an event center, and restaurant uses that have relocated to Newberg due to the applicant's non-compliance with earlier-imposed conditions. The application before the Board is for a permitted use winery in an EFU location. There were 17 conditions contained in the Planning Commission's letter ensuring that any modifications go back for site review amendments. Ms. Albrich responded to errors in the Planning Commissioner's decision alleged by the appellant Friends of Yamhill County received shortly before today's hearing. She noted that the appeal filed by Friends did not raise any concerns with the Planning Commission's findings on the site design review criteria. She said they were not properly raised at this point in the appeal and asked that the Board approve the application. Commissioner Starrett questioned Ms. Albrich regarding the appellant's failure to address zoning ordinance section 1101.02 in its appeal. Ms. Albrich responded stating that there was not an alleged error noted in the intent to appeal or standard that the applicant failed to meet.

Opponents: Kathryn Jernstedt, Friends of Yamhill County, spoke in opposition to SDR-28-18. She submitted written testimony and noted that the site design review failed to focus on characteristics of adjoining and surrounding uses such as an event center and the installation of twelve toilets which are not permitted under ag-building code. She stated that language in the conditions should be strengthened by the Planning Commission to avoid interpretations. If they exceed more than five thousand gallons of water per day, they should apply for a water right. She expressed concern that the conditions do not express the specific intent and representations by the applicant and the expansion of private business on high value farmland. She asked the Board to overturn the Planning Commission's decision. The conditions she requested be strengthened are #4 (proof of usage of water) and #6 (septic and waste management).

Public Agency Report: Mr. Woods stated that the response from Public Works found no conflicting interests. The Department of Water Resources responded with the reminder that the applicant would need to establish a water right prior to diverting water for commercial irrigation if more than five thousand gallons per day are required. The Carlton Fire District responded regarding a lack of reference to a water supply in the event of a fire and suggested access improvements to Abbey Road.

Mr. Friday commended the applicant for taking all necessary steps to bring the site into compliance with prior land use approvals.

Rebuttal by Applicant: Elaine Albrich commented on the uniqueness of the property and the pre-existing land use approvals which allow overnight stays and events. The applicant is currently preparing applications with the Oregon Water Resources Department for storage of irrigation and use of additional ground water. Ms. Albrich noted a long-term plan would be to collect rainwater to fill a fire suppression pond. Commissioner Kulla asked about monitoring onsite

water use data beyond what was required by the Planning Commission. Ms. Albrich noted it is not required to monitor ground water levels but will share water usage. Ms. Albrich asked to close public testimony.

Staff Recommendation: Mr. Woods stated that the applicant has satisfied all applicable county zoning ordinances. He recommended approval of the Planning Commission’s decision with the proposed conditions.

Commissioner Olson closed the public hearing at 11:58 a.m.

Commissioner Starrett moved to deny the appeal, uphold the Planning Commission’s decision and approve the application with the stated conditions. The motion passed, Commissioners Olson, Starrett and Kulla voting aye.

F. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to the county’s website, www.co.yamhill.or.us/content/volunteer-opportunities , or call the Board of Commissioners’ office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).

For questions regarding accessibility or to request an accommodation contact the Board of Commissioners’ office at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at bocinfo@co.yamhill.or.us

Following Commissioner announcements, the meeting adjourned at 12:02 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair RICHARD L. “RICK” OLSON

Commissioner MARY STARRETT

Commissioner CASEY KULLA