

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 February 2, 2012, at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

Also present were Laura Tschabold, County Administrator; Rick Sanai, County Counsel; Mike Brandt, Planning Director; and Denise Bacon, candidate for commissioner.

Commissioner Lewis called the meeting to order at 10:00 a.m.

A. **PUBLIC COMMENT:** This thirty-minute time period is reserved for public comment on any topic other than a quasi-judicial land use matter or other 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. None offered.

B. **CONSENT AGENDA:** Ms. Stern moved approval of the consent agenda. The motion passed, Commissioners Lewis, George, and Stern voting aye.

Minutes

1. Approve the following formal session minutes:
 - a. **B. O. 12-61** - December 8, 2011;
 - b. **B. O. 12-62** - December 12, 2011;
 - c. **B. O. 12-63** - December 15, 2011;
 - d. **B. O. 12-64** - December 19, 2011;
 - e. **B. O. 12-65** - January 5, 2012.

Personnel

2. **B. O. 12-66** - Ratify the emergency hire of Jeffrey Carter as Deputy District Attorney 1 in the District Attorney’s Office, temporary full-time, \$23/hour, retroactive to January 30, 2012, through March 30, 2012.
3. **B. O. 12-67** - Approve the change of status of the following employees in the Sheriff’s Office, effective February 9, 2012:
 - a. Jeffrey Donahoo, Corrections Deputy in the Jail, .5 FTE, and Deputy Sheriff in Patrol, .5 FTE;
 - b. Todd Steele, Deputy Sheriff in Patrol, Range 12, Step 8;
 - c. Brian Young, Sergeant in Patrol, Range 16, Step 6;
 - d. Jeremy Ruby, Corrections Sergeant in the Jail, Range 16, Step 4.

C. **OLD BUSINESS:** None.

D. **OTHER BUSINESS** (Add-ons and non-consent items):

1. Discussion of the appeal of the Board's approval of Planning Docket C-15-11/SDR-14-11, applicant Stoller Vineyards. *[Consensus for county counsel to vigorously pursue defense of the appeal.]*

Ms. Stern stated that the Board's approval of the Stoller application has been appealed by Friends of Yamhill County. She said that the county's Ordinance 582 is really what's being challenged, so it is important for the county to support its position and be active in the appeal. Mike Brandt stated that Mr. Stoller is committed to going through with the appeal, despite what it will cost him financially, because it is an important issue for the wine industry. He noted that Mr. Stoller could do everything he has requested under House Bill 3280 except for the food service restaurant.

Mr. Brandt stated that for the last 17 years, the county has used a conditional use process for wineries that don't meet the acreage requirements and want to hold more than three events per year and/or more than a limited food service restaurant. He said that this language was deemed acknowledged by the fact that the Department of Land Conservation and Development (DLCD) did not appeal it when it was first sent to them in 1994. He stated that the conditional use process allows the county to place conditions that provide extra levels of protection for consumers, and that gives the process credence.

Ms. Lewis explained that a limited food service restaurant can only serve certain packaged foods, and pointed out that most wineries in the county are not compliant with that limitation, but have not come in to request conditional use approval. She said that the legislature has failed to address this issue, but the county has an approval process in place that has never been challenged, and it needs to defend its ordinance and historic practice, not just for the sake of wineries, but for other agricultural operations as well. She added that the county has been encouraging wineries to come in and go through the conditional use process to get approval for what they are already doing, but this appeal puts a black mark on that.

Mr. Brandt stated that it looks like the Department of Agriculture will join Friends of Yamhill County in the appeal because it doesn't feel that a winery can be a "commercial activity in conjunction with farm use." He said that that position is a misreading of statute and case law. Ms. Stern stated that Ordinance 582 is not contrary to the state's intent to protect farmland. Ms. George stated that small farms depend on being able to market their products and may not be able to afford this kind of appeal process, so it has the potential long-term impact of putting small farms out of business.

After further discussion, the Board agreed to have Mr. Sanai vigorously pursue defense of the appeal. Ms. Stern offered to draft a letter to the Department of Agriculture to communicate the concerns of the Board. Ms. George suggested that the letter also be sent to the state legislators representing Yamhill County.

E. **PUBLIC HEARINGS:** None.

F. **ANNOUNCEMENTS:**

1. The following positions are open to the public. Contact the Commissioners' Office for applications.

- a. Local Investment Advisory Committee, one position;
- b. Parks & Recreation Board, three positions;
- c. Road Improvement Advisory Committee, two positions;
- d. Special Transportation Advisory Commission (STF), two positions;
- e. Yamhill County Transit Area (YCTA) Advisory Committee, one position.

The meeting adjourned at 10:32 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LESLIE LEWIS

Commissioner KATHY GEORGE

Commissioner MARY P. STERN