

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/informal session on May 19, 2011, at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Mary P. Stern, Leslie Lewis, and Kathy George being present.

Also present were Laura Tschabold, County Administrator; Christian Boenisch, Deputy County Counsel; Ken Friday, Planning Division Manager; Stephanie Armstrong, Associate Planner; Hannah Hoffman, News-Register; and Edward Insley, 20501 Russell Creek Rd, Yamhill.

Commissioner Stern called the meeting to order at 10:15 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. **AGENDA:**

Personnel

1. **B. O. 11-267** - Consideration of the employment of Janet Williamson as Senior Accounting Clerk in HHS Adult Mental Health, regular full-time, Range 12, Step 2, effective May 31, 2011.

Ms. George moved approval of item B(1). The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. **B. O. 11-268** - Consideration of the change of status of Jacob Blair and José Molina to regular full-time employment in Juvenile Detention, effective May 24, 2011.

Ms. Stern moved approval of item B(2). The motion passed, Commissioners Stern, Lewis, and George voting aye

3. **B. O. 11-269** - Consideration of the change of status of the following individuals to part-time on-call employment in the Sheriff’s Office Marine Patrol, effective May 24, 2011, through October 8, 2011:

- a. Christopher Menne, \$11/hour;
- b. Robert Wissinger, Donald Schmidt, \$14/hour;
- c. Christopher Bryant, \$16.05/hour;
- d. Tonya Zindel, \$16.71/hour;
- e. David Palen and Joseph Tarmichael, \$19/hour.

Ms. Stern moved approval of item B(3). The motion passed, Commissioners Stern, Lewis, and George voting aye

4. **B. O. 11-270** - Consideration of the change of status of Christina Eastman to Marine Patrol

Cadet, temporary full-time, \$14/hour in Marine Patrol and \$10/hour in Dog Control, effective May 24, 2011, through October 8, 2011.

Ms. Stern moved approval of item B(4). The motion passed, Commissioners Stern, Lewis, and George voting aye

5. **B. O. 11-271** - Consideration of the employment of Shawni Kroeker as Marine Patrol Cadet in Marine Patrol and Extra Help in Dog Control, temporary full-time, \$10/hour, effective May 24, 2011, through October 8, 2011.

Ms. Stern moved approval of item B(5). The motion passed, Commissioners Stern, Lewis, and George voting aye

#### Contracts/Grants

6. **B. O. 11-272** - Consideration of approval of Service Element Prior Authorization (SEPA) Approval Unit #528328 for the 2009-11 Financial Assistance Agreement #127319 between Health & Human Services and Oregon Department of Human Services, net increase \$18.

Ms. George moved approval of item B(6). The motion passed, Commissioners Stern, Lewis, and George voting aye

7. **B. O. 11-273** - Consideration of ratification of a host site agreement between HHS Public Health and Oregon Health Authority for Americorps VISTA services, effective August 22, 2011, through August 22, 2012.

Ms. George moved approval of item B(7). The motion passed, Commissioners Stern, Lewis, and George voting aye

8. **B. O. 11-274** - Consideration of Amendment #1 to Contract #4083 between Yamhill County, licensee, and Tillamook County for a non-exclusive communications site license for the Mt. Hebo tower site, \$500/year rental fee.

Ms. Lewis moved approval of item B(8). The motion passed, Commissioners Stern, Lewis, and George voting aye

#### Surplus Property

9. **B. O. 11-275** - Consideration of declaring computer equipment as surplus county property, some to be sold on the county's website and some to be recycled.

Ms. Stern moved approval of item B(9). The motion passed, Commissioners Stern, Lewis, and George voting aye

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

1. Discussion of a proposal by Angel Aguiar for an event to commemorate the men and women who lost their lives on September 11, 2001. *[No action taken.]*

D. **OLD BUSINESS:** None.

E. **PUBLIC HEARINGS:**

1. Consideration of Planning Docket C-04-11/SDR-02-11(SA), a request for conditional use and site design review for commercial activity in conjunction with farm use for tasting room events up to twelve times per year, applicant Edward Insley. [*Application tentatively approved for up to three events per year, findings to be adopted May 26, 2011.*]

Ms. Stern opened the public hearing. There were no abstentions or objections to jurisdiction. Ms. Stern noted that the three commissioners had taken a site visit the previous Friday. Ken Friday read the statement required for land use hearings relating to the requirement that parties must raise all issues at the hearing or waive their right to raise the issues on appeal.

Staff Report - Stephanie Armstrong described the subject property, surrounding zoning, request for conditional use and site design review, and approval criteria.

Proponents' Case - Edward Insley stated that the subject property currently has four acres planted, but there is space for more and he plans to increase that over time. He presented background information about his family and vineyard, explaining that it is not currently profitable and he needs to start making a profit in the next year or two in order to become a viable company. He said that he hopes to have a winery on site in the next ten to fifteen years.

He said that he is appealing the condition that would limit the number of events to three per year, based on the need for commercial viability and the minimal environmental impact compared to events covered by a winery license, which have more guests and a longer duration. He reviewed the tentative schedule of up to twelve tasting events per year.

Ms. George thanked him for his comments and stated that the commissioners have been asked to give input on statewide issues relating to the growing wine industry and the changing uses of rural areas.

Opponents' Case - None.

Public Agency Reports - Ms. Armstrong stated that she had received no responses to the referrals that were sent out. Ms. Lewis said that the Board should find out why the county's own Public Works Department did not respond.

Staff Recommendation - Ms. Armstrong stated that staff had looked at the permitted use section of the ordinance to guide them in this decision, and did not stick to it strictly, as a vineyard of this size would only be allowed one event per year. She recommended that the Board uphold the Planning Director's approval of the request with the condition limiting it to three events per year. She noted that each event could be up to three days in duration.

Close of Public Hearing / Deliberation - Ms. Lewis stated the Board has talked about the need for more conversation about what the current county ordinance allows, but has put that internal discussion on hold while the statewide effort regarding agri-business goes forward. She said that this is a difficult decision and she understands Mr. Insley's business plan, but the Board should uphold the Planning Director's recommendation until it has a discussion about changing the county's ordinance.

She moved tentative approval of Planning Docket C-04-11/SDR-02-11 for tasting room events up to three times per year, with findings to be adopted May 26, 2011. She said that depending on what comes out of the legislature and the Board's subsequent discussion, she might be amenable to modifying Mr. Insley's application. Ms. George agreed with the need to have a broader discussion before going against the county's ordinance. She said that she wants vineyards and wineries to be profitable, but there

are many small vineyards that aren't holding more than the permitted three events per year. Ms. Stern stated that if the county were to adopt SB 960, Mr. Insley's application could be amended to allow up to six events of one to three days each. She said that balancing agriculture with business in the community is a fine line.

The motion passed, Commissioners Stern, Lewis, and George voting aye. Ms. Stern stated that if SB 960 passes and the county decides to use its provisions, the Board would get in touch with Mr. Insley to work it out.

**F. ANNOUNCEMENTS:**

1. The following positions are open to the public. Contact the Commissioners' Office for applications.
  - a. Commission on Children & Families, four full members and three alternate members;
  - b. Parks & Recreation Board, one position.

**G. EXECUTIVE SESSION** pursuant to ORS 192.660(2)(d) to discuss labor negotiations.

The meeting recessed to executive session at 11:20 a.m. and reconvened at 11:53 a.m. with no final decisions made and the sense of the Board conveyed to those authorized to conduct labor negotiations for the county.

The meeting adjourned at 11:53 a.m.

Anne Britt  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair MARY P. STERN

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Commissioner LESLIE LEWIS

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Commissioner KATHY GEORGE