

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 June 1, 2017 at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett, Stan Primozych, and Richard L. Olson being present.

Also present were Laura Tschabold, County Administrator; Ken Huffer, Deputy County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Ken Friday, Planning Director; Lance Woods, Associate Planner; Dave Adams, KLYC Radio; Nicole Montesano, News-Register.

Commissioner Primozych called the meeting to order at 10:00 a.m. The invocation was offered by Suzanne Brockie, Congregational Care Pastor at Church on the Hill.

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.

Susan Meredith read a statement before the Board (see exhibit A).

Leonard Rydell stated his opposition to the landfill. He provided two separate documents to the Board (see exhibit B and C).

Ramsey McPhillips discussed the study from DEQ, stating he feels there is a serious problem at the landfill. Mr. McPhillips said people are having to stay in hotels to escape the smell. He discussed the recent loss in revenue that the landfill receives from Portland Metro.

Marilyn Walter addressed her concerns regarding Commissioner Primozych’s phone call to Portland Metro Council member Kathryn Harrington.

Sid Friedman stated his concerns also regarding the phone call made to Metro Council member, adding he believes the County is owed an explanation.

B. CONSENT AGENDA:

Contracts

1. **B.O. 17-175** - Approval of an agreement between Yamhill County Health and Human Services and Benton County for community health assessment services effective July 1, 2017 through June 30, 2018.
2. **B.O. 17-176** - Approval of Amendment #1 to Agreement # 147926 between Yamhill County District Attorney and the State of Oregon Department of Human Services (DHS) for a one year extension of the current contract whereby the State reimburses some expenses related to providing legal representation in DHS dependency cases, effective July 1, 2017 through June 30, 2018, \$105,390.
3. **B.O. 17-177** - Approval of Amendment #1 to an agreement between Yamhill County Community Justice - Juvenile Division and Higher Ground Counseling, Inc. for juvenile sex offender treatment, effective July 1, 2017 through June 30, 2018, not to exceed \$10,000.
4. **B.O. 17-178** - Approval of an agreement between Yamhill County and Tom O'Connor to continue to provide technical assistance to Community Justice, and the Evidence-Based Making Initiative Policy Team, effective July 1, 2017 through June 30, 2018.
5. **B.O. 17-179** - Approval of a Notice of Intent to Award the Palmer Creek Bridge Consulting Engineering Services Project to OBEC Consulting Engineers, Inc.
6. **B.O. 17-180** - Approval of the ratification of the collective bargaining agreement between Yamhill County and the Yamhill County Deputy District Attorneys Association (YCDDAA), effective through June 30, 2020.

Resolution

7. **B.O. 17-181** - Approve Resolution 17-06-01-1 honoring RD2 Garry Bradbury Hodgson, USN and the 73 other lost souls of the USS Destroyer Frank E. Evans who gave of their lives in service to their country.

Commissioner Olson moved approval of the consent agenda. The motion passed unanimously, Commissioner Primozich, Olson, and Starrett voting aye.

C. **OLD BUSINESS:** None.

D. **OTHER BUSINESS** (Add-ons and non-consent items): None.

E. **PUBLIC HEARINGS:**

1. Docket SDR-01-17: An appeal of a Planning Director approval for a marijuana processing facility. Applicant: Richard E. Wagner. Appellants: Harihara Mahesh, et. al.

Commissioner Primozich opened the public hearing at 10:27 a.m.

Mr. Friday addressed the Board regarding an objection from the opposing counsel about two May 18th letters from the Wagner's because they contained new evidence. Mr. Friday stated the options before the board would be to either reopen the record to allow for additional rebuttal or to have these letters rejected. He stated he passed on those concerns to the applicant's attorney and they have decided not to object to these letters being stricken from the record. Mr. Friday stated what he would need from the Board is to pass a motion to formally reject the May 18th letters from Mary Wagner and Richard Wagner.

Commissioner Starrett moved to reject the May 18th letters from Mary Wagner and Richard Wagner. The motion passed unanimously, Commissioners Primozych, Olson and Starrett voting aye.

Mr. Friday gave an overview of the open record period stating his department had reviewed an extensive amount of testimony and information submitted by both parties. Many of the letters in opposition objected to the grow operation, but Mr. Friday reminded the commissioners that is not part of the request. He stated the outdoor grow operation is allowed by House Bill 3400, and was passed by the legislature in 2015. Mr. Friday added some of the opposing testimony stated the County did not have marijuana regulations but he said that is not entirely accurate because the County does have regulations, they just happen to be the same regulations that apply to other farm processing facilities. Mr. Friday said in this case the request is for a marijuana processing facility located on a farm operation which provides at least one-quarter of the farm crops processed at the site. He added this request is evaluated under the site design review standards and the site design review does not evaluate the use, but rather the design of the facility and whether the design is appropriate. Mr. Friday stated his department has looked at the testimony, evidence, and regulations and have crafted conditions to try and address the concerns voiced during the hearing process.

Lance Woods discussed all fifteen conditions (see exhibit D) stating that conditions one through six and fifteen were established prior to the appeal, and conditions seven through fourteen were added after a thorough review of testimony and evidence that had been submitted. Mr. Armstrong stated he therefore recommends approval with the fifteen conditions approved by the Planning Commission and as modified further by staff.

Commissioner Olson asked Mr. Friday and Mr. Woods if the County has a policy that would ensure that the applicant is adhering to all of the conditions listed by staff. Mr. Friday confirmed that Yamhill County currently does not do site visits or inspections after applications are approved and that all inquiries are complaint driven. The public hearing closed at 10:41 a.m.

Deliberation commenced among the commissioners regarding road safety, availability and use of local water sources, and the differences between rural and industrial areas for processing plants. Commissioner Starrett stated she felt the conditions set by staff were more than adequate at addressing safety, water, neighbor concerns, and the road. She added that she believes this application needs to be looked at with the same opportunities, guidelines, and parameters as any other application removing any

biased opinions regarding the use or growth of marijuana. Commissioners Primozich and Olson both agreeing the location of the property was a major safety concern.

Commissioner Olson moved to uphold the appeal and deny the application. The motion passed, Commissioner Primozich and Olson voting aye and Commissioner Starrett voting nay. Mr. Sadlo added that the final written decision and findings will be prepared and brought before the Board for adoption on June 22, 2017.

The meeting recessed at 10:53 a.m. and reconvened at 10:55 a.m.

Christian Boenisch discussed a purchase and sale agreement of a 5.5 acre parcel of land to McMinnville Water and Light. Mr. Boenisch discussed a few recent provisions listed in sections 7.1, 7.2, 7.7, and 16.0.

Commissioner Starrett moved to declare Tax Lot R4327 00900 as surplus property and authorizing the execution of a purchase and sale agreement between Yamhill County and the City of McMinnville (Water & Light) for the sale of the property. The motion passed unanimously, Commissioners Primozich, Olson and Starrett 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 coxcr@co.yamhill.or.us

The meeting adjourned at 11:02 am.

Crystal Cox
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair Stan Primozich

Commissioner Mary Starrett

Commissioner Richard L. “Rick” Olson