

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 September 1, 2016, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett, Stan Primozych and Allen Springer present.

Also present were Laura Tschabold, County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Mikalie Frei, County Counsel staff; Ken Friday, Planning Director; Stephanie Armstrong, Planning Department; Nicole Montesano, News-Register; and others as listed on the attendance sheet.

Commissioner Starrett called the meeting to order at 10:03 a.m. The invocation was offered by Matt Johnson.

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:** Commissioner Primozych moved approval of the consent agenda as presented. The motion passed unanimously. Commissioners Starrett, Primozych and Springer voting aye.

Contracts

1. Approve amendments to the agreements between Yamhill County Health and Human Services (HHS) and the following counties for regional acute care services, retroactive to July 1, 2015 through June 30, 2016:
  - a. **B.O. 16-349** - Benton County, \$5,050.29;
  - b. **B.O. 16-350** - Lincoln County \$2,754.89;
  - c. **B.O. 16-351** - Linn County, \$6,887.23;
  - d. **B.O. 16-352** - Marion County \$22,535.65;
  - e. **B.O. 16-353** - Polk County, \$4,132.34; and
  - f. **B.O. 16-354** - Tillamook County, \$2,295.92.
2. **B.O. 16-355** - Approve an agreement between Yamhill County and the Oregon Department of Transportation (ODOT) for new transit buses, total not-to-exceed amount of \$942,165, retroactive to July 1, 2016 through June 30, 2018.
3. **B.O. 16-356** - Approve Intergovernmental Agreement #31519 between Yamhill County and the Oregon Department of Transportation (ODOT) for single trip permit

authorization, effective once fully executed by all parties.

Committees

4. **B.O. 16-357** - Appoint Jennifer Goodman as a member of the Board of Health to serve a 4-year term to expire February 1, 2020.
  
5. **B.O. 16-358** - Approve the following appointments to the Local Public Safety Coordinating Council (LPSCC) to serve a 3-year term to expire July 2019:
  - a. Reappoint John Demay, citizen;
  - b. Reappoint Lt. Doug Shugart, Oregon State Police; and
  - c. Appoint Judge Ladd Wiles, Yamhill County Judge.

\* Accept the resignation of Lee Vasquez.
  
6. **B.O. 16-359** - Appoint Dean Schulze as a member of the Fair Board to serve a 3-year term to expire September 1, 2019.

Deeds

7. **B.O. 16-360** - Approve the sale of real property located in the City of Sheridan to Acuff Properties, LLC in the amount of \$390 plus costs.

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C. **OLD BUSINESS:** None.

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

E. **PUBLIC HEARINGS:**

1. Docket C-04-16/SDR (SA): An appeal of the Planning Commission's approval of a conditional use and site design review for a solar facility consisting of approximately 12 acres located off of Mill Creek Road, Sheridan; applicant: SP Solar 5, LLC.  
*[Continued to September 29, 2016 in Room 32 of the courthouse at the point of staff recommendation; record to remain open until 5:00 p.m. on September 8, 2016 for submission of written testimony/evidence by any party; until 5:00 p.m. on September 15, 2016 for submission of written rebuttal; and to remain open for the applicant's final written testimony until 5:00 p.m. on September 22, 2016.]*

Commissioner Starrett opened the public hearing at 10:09 a.m.

There being no abstentions or objections from staff, Mr. Sadlo proceeded to read the land use statement regarding the requirements that all parties must raise all issues at the public hearing or waive their right to raise the issues on appeal.

Staff Report - Stephanie presented the request by SP Solar 5, LLC for a conditional use and site design review and proposing to establish an approximately 12 acre commercial solar power generating facility and related ancillary uses, including solar panels, electrical equipment

and access roads on Tax Lots 500 and 700 composed of predominantly high-value farmland.

Proponents - Jeff Webber discussed the history of Cypress Creek Renewables, explaining the difference between solar photovoltaic and solar thermal; solar photovoltaic is sunlight to electricity and solar thermal is sunlight to heat. There was a brief presentation about the industry, safety, vegetation and how to maintain it to prevent overgrowth. Mr. Webber noted that there aren't any safety risks to the community.

Damien Hall and Jason Clark presented a slide show and overview of Cypress Creek Renewables. Mr. Clark explained that Cypress Creek Renewables is a developer that works closely with landowners and community members to build solar farms that benefit the community-adding that they are the largest and fastest growing provider of local solar farms and provide affordable, clean energy. Mr. Clark stated that projects have no impact on rates for existing customers nor are they using state tax credits for solar projects. He discussed the community outreach process that includes an evaluation to determine if the site is buildable. Tax lot information is then gathered for the planning process, with a pre-application submitted to the Planning Department. Mr. Clark anticipates an investment of \$6M in the construction and installation of a single project including an estimated \$3M invested into the local economy. Mr. Hall submitted a revised site plan moving the array farther away from the nearest residence.

The meeting recessed at 11:36 a.m. and the public hearing reconvened at 11:45 a.m.

Opponents - Jane Baer said that she was not aware of any changes being made to the placements of the array. She said she supports the solar project but not as proposed. She stated that home values will decrease and the citizens of Yamhill County will not be receiving green power. She also expressed her concerns about traffic safety being compromised due to the glare of the panels. Ms. Baer requested that the record remain open.

James Molloy provided new written testimony for the Commissioners and proponents. He discussed concerns regarding a storm water run off study not being done on the Mill Creek. He requested a study be completed. He stated his primary concern is the impact it will have on the migratory birds coming into the area. He urged the Board to contract with the Oregon Department of Fish and Wildlife for comment.

Attorney Ian Simpson stated that he strongly supports expanding solar power however, such facilities should only be allowed in appropriate areas. He said that neighbors will be impacted by the construction process, noise, and glare. He discussed code violations and noted that the landscape plan includes noise buffering, but the plan itself does not seem adequate. Mr. Simpson asked for the record to stay open to have questions answered.

Jalena Juarez expressed her concerns regarding the application. She discussed sound waves bouncing off of the panels and the effects of electro magnetic fields on livestock.

Public Agency Reports - Stephanie Armstrong stated that all of the public agency reports were included in the packets that were already distributed.

Rebuttal - Jeff Webber addressed road hazards, glare, sound, storm water and erosion concerns.

Damien Hall stated that ODOT has chosen not to weigh in on safety concerns. He stated that the project does not represent any negative impact to agriculture.

Based on multiple requests for an open-record period, staff proposed the following schedule: Hearing to be continued at 10:00 a.m., September 29, 2016 in Room 32 of the Courthouse at the point of staff recommendation; record to remain open until 5:00 p.m. on September 8, 2016 for submission of written testimony and evidence by any party; record to remain open until 5:00 p.m. on September 15, 2016 for submission of written rebuttal; and record to remain open for the applicant's final written testimony until 5:00 p.m. on September 22, 2016.

Commissioner Springer moved to approve the schedule as recommended by staff. Motion passed unanimously. Commissioners Starrett, Primozych, and Springer voting aye.

The public hearing recessed at 2:28 p.m. and reconvened at 2:34 p.m.

2. **B.O. 16-361** - Consideration of a resolution to annex property into the Yamhill Fire Protection District, at the request of the property owner.

Commissioner Starrett opened the public hearing at 2:34 p.m. There being no public testimony nor further discussion, the public hearing closed at 2:35 p.m. Commissioner Springer moved approval of item D(2). The motion passed unanimously. Commissioners Starrett, Primozych and Springer voting aye.

F. **ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to our website, [www.co.yamhill.or.us/content/volunteer-opportunities](http://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 please contact the Board of Commissioners' office 48 hours in advance of the meeting at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at [mendezl@co.yamhill.or.us](mailto:mendezl@co.yamhill.or.us).

The meeting adjourned at 2:36 p.m.

Lucy Flores Mendez  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair MARY STARRETT

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Commissioner STAN PRIMOZICH

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Commissioner ALLEN SPRINGER