

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 combined session on September 17, 2020, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Casey Kulla, Mary Starrett and Richard L. “Rick” Olson being present.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Brian Young, Emergency Management Manager; Ken Friday, Planning Director, Gary Wertz, Fair Manager and Keri Hinton, BOC Staff and others as listed on the sign-in sheet

*Welcome! Due to COVID-19 and physical distancing requirements, attending the meeting is discouraged. The public can view the meeting via the YouTube link on the Yamhill County Meetings page. <https://www.co.yamhill.or.us/meetings>. See below for instructions regarding submitting general public comment or comments on agenda items.*

**A. CALL TO ORDER:** Commissioner Kulla called the meeting to order at 10:00 a.m.

**B. FLAG SALUTE**

**C. PUBLIC COMMENT:** *Due to COVID-19 and physical distancing requirements, anyone wishing to submit general public comment or comments related to a specific agenda item may do so in written format via email at [bocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us) or by mail at 535 NE Fifth St., McMinnville, OR 97128. Any comments received prior to the meeting will be shared with the Board of Commissioners and submitted to the record.*

There were no general public comments received.

**D. WORK SESSION:** This time is reserved for topics of discussion scheduled for the Commissioners in advance. If a work session is not needed, the balance of the meeting will begin at 10:00 a.m.

Brian Young, Emergency Management Manager and Gary Wertz, Fairgrounds Manager, provided updates regarding the county’s efforts to assist with the recent fires. Mr. Young explained the evacuation and fire operation efforts in response to the recent fires in Yamhill County and other areas in Oregon. He credited the use of the Emergency Notification System for its usefulness in notifying registered users of emergency information but also highlighted areas of improvement for its future use. He noted that although three barns were lost, 200 homes were saved from fire damage and so far, there had been no loss of life or livestock in Yamhill

County. Mr. Young also recommended proactively expanding disaster preparedness training to county staff and community partners. Mr. Huffer recommended that post-action reviews be held until after the recovery is complete. The Board expressed its appreciation to Emergency Management staff and all those who participated during the emergency response.

Gary Wertz addressed the Fairgrounds response to the housing of livestock and displaced citizens during the fire emergency. He noted that staff and over 400 volunteers were able to support over 700 animals and multiple evacuated families. He stated the outpouring of community response was overwhelming and the resources donated to the Fairgrounds helped evacuees in Yamhill County as well as other surrounding counties. He identified areas of improvement but overall was pleased with the support response that they were able to provide and thanked his staff and all the volunteers that assisted. The Board expressed their appreciation to all who responded to the needs of the community.

**E. CONSENT AGENDA:** None.

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**F. OLD BUSINESS:**

1. **B.O. 20-320** - Consideration of approval of Amendment #1 to an agreement between Yamhill County and DOWL, LLC., previously OBEC Consulting Engineers (B.O. 19-79) for consulting and engineering services, extending the completion date to March 1, 2021 for bridge design and construction of the Stag Hollow Bridge on the Yamhelas Westsider Trail.

Commissioner Olson moved approval of item F1. The motion passed, Commissioners Kulla and Olson voting aye. Commissioner Starrett voting nay.

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

1. **B.O. 20-321** - Consideration of the renewal of ShoreTel yearly maintenance and support in the amount of \$35,166.72 for fiscal year 2020-21.

Commissioner Kulla moved approval of item G1. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

2. **B.O. 20-322** - Consideration of declaring tax lot R3219AD, a parcel of undeveloped real property acquired by the County through property tax foreclosure, as surplus property and authorize the sale of this parcel to Dayna Mink-Coats & Jeff Coats, 700 E 5<sup>th</sup> St., Newberg, OR, for \$3,001, plus fees and cost.

Mr. Boenisch clarified the tax lot number as R3219AD-09499. Commissioner Kulla moved approval of item G2. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

The meeting was recessed at 11:05 a.m. and reconvened at 11:09 a.m.

## **H. PUBLIC HEARINGS:**

1. Consideration of Planning Docket Z-02-20/SU-02-20/SDR-16-20 a request by Integrated Beverage Group, LLC, for a limited use overlay zone amendment, similar use determination and site design review. The applicant is seeking to co-locate a distillery and related spirit tastings within the exiting winery facilities. Applicant/Owner: Integrated Beverage Group, LLC.

Commissioner Kulla opened the public hearing at 11:10 a.m. There were no abstentions, objections to the jurisdiction of the hearing and there were no reports of ex-parte contact. Ken Friday read the “raise it or waive it” statement required by ORS 197.763(5).

Staff Report: Ken Friday presented the staff report, recommending the Planning Commission’s approval of the application with modification to condition #1 to allow production of distilled spirits on site in addition to tastings.

The meeting was recessed at 11:19 a.m. to address audio issues and reconvened at 11:33 a.m.

Applicant: Allen Dodge presented an overview of IBG, LLC. which is the parent company of Duck Pond Vineyards, Stone Wolf Vineyards and Ransom Spirits. The applicant’s representative Elaine Albrich stated they were seeking Board approval for the limited use overlay zone amendment. This would allow the applicant to co-locate a distillery and serve spirit tastings within the existing Duck Pond Winery facilities located on the portion of the property designated as Resource Industrial (RI) zoning.

Appellant: Kathryn Jernstedt, representing Friends of Yamhill County, stated she had not received any of the follow up activity after the Planning Commission’s decision. She noted an application for permit is not the same as constructing distillation equipment. She expressed concerns that this would become an onsite retail and consumption location. She suggested that they be conditioned to operate in the 25% incidental sale range pending online production.

Rebuttal: Ms. Albrich clarified that the year-long condition would allow brandy and grappa distillation at the co-located Duck Pond property with the intention of keeping their remaining production at the Sheridan facility.

Public Agency Reports: There were no additional public agency reports presented at the public hearing.

Staff Recommendation: Mr. Friday recommended modification of condition #1, to remove the last sentence and add the proposed condition by the applicant.

The public hearing was closed at 12:08 p.m.

Deliberations: Commissioner Starrett noted that the distillery would be maintained in existing buildings which would not alter the land or require additional structures.

Commissioner Kulla addressed the conditions language which Ms. Albrich noted did not accommodate the applicant's projected year-long timeline for application approvals and proposed alternative language to accommodate the Tobacco Tax and Trade Bureau (TTB) application process. After discussion, Commissioner Kulla moved approval of the application with the last line of condition #1 modified to read: "the distillery may include production and tastings, pending approval of a TTB application". Ms. Albrich expressed concern that the language would not accommodate the applicant's facility transition timeline, given that the TTB application process could take up to six months to complete. Mr. Sadlo asked to clarify language in the motion that the distillery may include unlimited tastings once TTB approval is received but did not foreclose any current spirits tastings under their winery permit.

After further discussion of condition language, Ms. Albrich asked to withdraw their recommendation and asked the Board to refer back to the Planning Commission's original condition language as drafted. Mr. Friday stated he had no issue with the Planning Commission's recommendation. He noted tastings were already allowed under a limited basis. After discussion, Commissioner Kulla amended his motion to approve the Planning Commission's original recommendation with condition #1. The motion passed, Commissioners Kulla, Starrett and Olson voting aye. Mr. Sadlo stated findings will be ready for adoption on October 1, 2020.

#### **I. ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to the county's website, <https://www.co.yamhill.or.us/content/board-commissioners-committees>, or call the Board of Commissioners' office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).
2. 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](mailto:bocinfo@co.yamhill.or.us)
3. Electronic versions of all meeting agendas and meeting information packets can be found at the county's website: <https://www.co.yamhill.or.us/meetings>

Following Commissioner announcements, the meeting adjourned at 12:35 p.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair CASEY KULLA

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Commissioner MARY STARRETT

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Commissioner RICHARD L. "RICK" OLSON