

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 November 29, 2018, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett, Richard L. “Rick” Olson and Stan Primozich being present.

Also present were Laura Tschabold, County Administrator; Ken Huffer, Deputy County Administrator; Justin Hogue, Business Services Director; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Josephine Ko, Assistant County Counsel, Mikalie Frei, County Counsel staff; Silas Halloran-Steiner, HHS Director; Ken Friday, Planning Director; Matt Vogt, Assistant Planner; Carrie Martin, Grants and Special Projects; Nicole Montesano, News-Register; and others as listed on the sign-in sheet.

Commissioner Starrett called the meeting to order at 10:00 a.m. The invocation was offered by Jasper Abeyta.

*Welcome! Thank you for attending today's meeting. Public participation is encouraged. If you wish to address the Commissioners on any item not on the agenda you may do so as part of the public comment period at the beginning of the meeting. If you desire to speak on any agenda item please raise your hand to be recognized after the Chair announces the agenda item. Please fill out a public comment card to indicate your intent to speak.*

**SPECIAL PRESENTATION OF CHECKS FOR SPECIAL FUNDING:**

1. Lutheran Community Services – A Family Place West Valley Expansion.
2. Yamhill County Gospel Rescue Mission Phase 3 – Women and Children’s Facility.

**A. PUBLIC COMMENT:** This thirty-minute time period is reserved for public comment on any topic other than: 1) agenda items, 2) a quasi-judicial land use matter, or 3) a 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.

Mary Bryant gave comment regarding language in B.O. 18-398 and asked for a moment of silence for the victims of California fires.

**B. CONSENT AGENDA:**

Commissioner Primozich moved approval of the consent agenda. Mr. Boenisch requested that item B2 be approved, subject to the final review and approval by county counsel. The motion passed, Commissioners Starrett, Olson and Primozich voting aye.

## Minutes

1. a. **B.O. 18-410** - August 28, 2018, Informal Session;
- b. **B.O. 18-411** - August 30, 2018, Formal Session;
- c. **B.O. 18-412** - September 6, 2018, Formal Session;
- d. **B.O. 18-413** - September 11, 2018, Informal Session;
- e. **B.O. 18-414** - September 20, 2018, Formal Session;
- f. **B.O. 18-415** - October 2, 2018, Informal Session;
- g. **B.O. 18-416** - October 9, 2018, Informal Session;
- h. **B.O. 18-417** - October 11, 2018, Formal Session and;
- i. **B.O. 18-418** - October 23, 2018, Informal Session.

## Contracts/Grants

2. **B.O. 18-419** - Approval of amendment #5 to the agreement between Yamhill County Health and Human Services and Oregon Family Support Network (B.O. 14-850), retroactive from November 15, 2018 through September 30, 2019.
3. **B.O. 18-420** - Approval of the agreement between Yamhill County and Cambridge Medical Corporation for the recruitment of qualified Licensed Medical Professionals (LMP's), effective November 13, 2018.
4. **B.O. 18-421** - Approval of an amendment to the master subscription agreement between Yamhill County and Relias Learning (B.O. 17-288) to add fifty additional users in the amount of \$5,455.65.
5. **B.O. 18-422** - Approval of amendment #10 to the agreement between Yamhill County and the Oregon Health Authority #154134 (B.O. 17-255) for \$16,912, retroactive July 1, 2018 through June 30, 2019.
6. **B.O. 18-423** - Approval of amendment #5 to the agreement between Yamhill County and the Department of Human Services #148087-5 (B.O. 15-297) for the financing of our Community Developmental Disabilities Program, effective December 1, 2018.
7. **B.O. 18-424** - Approval to authorize Silas Halloran-Steiner on behalf of Yamhill County Public Health to submit an application for Domestic Well Safety Program grant funds from the State of Oregon.
8. **B.O. 18-425** - Approval of the agreement between Yamhill County Health and Human Services and Parker & Griffith, PC for establishing legal guardianships, not to exceed \$15,000.
9. **B.O. 18-426** - Approval of application #18-259 requesting funding from the Oregon Military Department (OMD)-Oregon Emergency Management (OEM) Homeland Security grant program (B.O. 18-12), retroactive October 1, 2018 through September 30, 2019 in the amount of \$100,000 for the Yamhill County Sheriff's Office purchase and deployment of mobile and portable radios.

10. **B.O. 18-427** - Approval to submit a no-match grant application to the Firehouse Subs Public Safety Foundation in the amount of \$24,500 for the replacement of expiring bulletproof vests for patrol and corrections deputies. The application deadline is November 29, 2018.
11. **B.O. 18-428** - Approval of application #01-2018 requesting funding from the Karpel Foundation grant program in the amount of \$10,500, retroactive November 1, 2018 through March 30, 2019 for the purpose of developing a media tool kit for the District Attorney's Office.
12. **B.O. 18-429** - Approval of an agreement between the Yamhill County Sheriff's Office and the City of Amity for police services, effective December 1, 2018 through June 30, 2020 in the amount of \$136,717.21.

Authority

13. **B.O. 18-430** - Approval of increasing position authority in the Sheriff's Office budget (10-43) for Deputy Sheriff by 2.0 FTE.

Land Use

14. **B.O. 18-431** - Approval of two deeds, from Yamhill County, to Yamhill County, required for a lot line adjustment for the 621 NE Davis Street property.

Fees

15. **B.O. 18-432** - Approval of the addition of a \$30 fee for attorney key card renewals to the Sheriff's Office Fee Schedule, effective January 1, 2019.

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**C. OLD BUSINESS:** None.

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

1. **B.O. 18-433** - Consideration of a change order to the agreement between Yamhill County and Integrity Builders (B.O. 17-365) for the Davis Street renovations in the amount of \$69,128.

Commissioner Primozich moved approval of item D1. The motion passed, Commissioners Starrett, Olson and Primozich voting aye.

Commissioner Olson discussed the county's downtown lease/owned properties. He outlined tax losses and the risk of monetary investments which the county incurs by investing in and remodeling older buildings. Commissioner Starrett cited the values of having county services in a central location which provides convenience for public citizens as well as economic benefit to the downtown area by utilizing existing county owned properties.

**E. PUBLIC HEARINGS:**

1. Docket SDR-15-18: An appeal of the Planning Commissioner's approval of a site design review for the construction of a new wine production facility (winery) and wine tasting room on a parcel that has at least 15 acres of vineyard planted on-site. Applicant: Ryan Grenell; Appellant: Jerry Seeberger.

Commissioner Starrett opened the public hearing at 10:32 a.m.

There being no abstentions or objections to jurisdiction, Mr. Sadlo read the land use statement required by ORS 197.763(5) regarding the requirement that parties must raise all issues on appeal. He also asked if any commissioners had any ex parte contacts or sight visits to report. Commissioners Olson and Primozech both noted that they have driven Fairview Road recently but reported no site visits. Mr. Sadlo asked the Board to end the public hearing today after public testimony and resume at the point of Public Agency Reports on Thursday, December 6, 2018 to allow the Public Works director, John Phalen an opportunity to submit written comments, as Mr. Phalen was unavailable due to health reasons.

**Staff Report** - Assistant Planner Matt Vogt provided the staff report describing the request.

**Applicant** - Elaine Albrich, attorney for the applicant Erath/St. Michelle, presented testimony regarding the relocation of Erath's winery production facility which produces less than fifty thousand gallons annually. Ms. Albrich highlighted some of the seventeen conditions of site design approval and commented on a supplemental traffic memo addressing concerns raised at the Dundee city council meeting on November 20, 2018.

Angela Roque, an Oregon licensed engineer, discussed the traffic impact study. She reviewed the traffic analysis which shows that the facility is not projected to exceed beyond its projected site area and that the facility would not have a significant impact on the safety in the study area. Ms. Roque stated the analysis meets the requirements of the county's operation mobility targets for traffic and safety.

**Proponents** - Dr. Donald Olson, Tori Mor Winery Owner which is an adjacent property to the proposed facility site, gave comment in favor of building the facility but noted concern of road safety.

**Appellant** - Jerry Seeberger gave comment opposed to the facility. The Seeberger's are immediate neighbors to the proposed facility and noted the potential traffic and road problems. Mr. Seeberger noted he is not against a smaller tasting room but has concerns regarding the expansive size of the proposed facility and the danger of large trucks traveling on Fairview Drive and other local roads into Dundee and to Highway 240.

Elizabeth Seeberger provided and read written testimony stating the traffic impact analysis is incomplete and the county did not enforce its completion before the deadline of September 20, 2018. Fairview Road, a rural road, has hairpin turns and lacks paved shoulder space for pedestrians or cyclists and is not built for industrial traffic such as delivery trucks and tour buses.

Commissioner Starrett called for a break at 11:31 a.m. due to recording issues and the public hearing reconvened at 11:40 a.m.

**Opponents** - Rick Lipinski, a resident on Fairview Road, stated his concerns regarding the traffic impact analysis. Mr. Lipinski asked that the application be rejected based on the incomplete traffic study.

Dr. Bruce Dickson gave comment regarding water in the Dundee Hills and the concern of St. Michelle's water usage for private profit, thereby creating a shortage to surrounding property ground water wells. Dr. Dickson gave his overview of state water rights.

Commissioner Starrett asked Mr. Friday a procedural question regarding the consideration of water rights or prior appropriation in the Board's decision. Mr. Friday responded that there is nothing currently in the Planning code regarding prior appropriation on a site design review and any water regulation or prior appropriation decisions would come from the Water Resources Department. There were no comments received from the Water Resources Department.

Catherine Jurnsted, representing Friends of Yamhill County, stated concern and opposition of the proposed St. Michelle winery on Fairview Road. She noted the surplus capacity for processing wine grapes. Clear and enforceable conditions should be followed if the application is approved.

Commissioner Starrett asked Mr. Friday if an address and tax lot number is provided to surrounding residents to give context of a proposed site location when sending out public notices. Mr. Friday responded that the Planning Department does provide address detail and maps in the notices sent to surrounding residents.

Kristen Svicarovich, a State of Oregon civil engineer and City Council president for the City of Dundee, addressed a letter submitted to the Board asking for additional information to be provided by the applicant to address the study of two intersections in Dundee. The supplemental traffic impact analysis was to address the intersections located at 9<sup>th</sup> Street and Alder Street and 9<sup>th</sup> Street and 99W. She noted a weekend p.m. peak traffic impact study was not included and has not been addressed. Ms. Svicarovich addressed the letter submitted by the City of Dundee outlining recommended proportionally mitigated conditions to be imposed on the applicant by Yamhill County if the conformability or safety standard issues found in the updated traffic analysis are not addressed.

Joseph Bolkovatz commented that he did not receive notification because they are out of the 750 feet limit of surrounding residents. He stated that the utilities visible from the road are of industrial nature such as chillers, generators, trash/recycling, etc., which are what the residents will be looking at from Fairview Road.

**Public Agency Reports** - Mr. Vogt noted that comments received from the Public Works Department stated there were no conflicts with their interests but may revised and will be submitted prior to the public hearing continuation on December 6, 2018.

Mr. Friday suggested a motion for consideration by the Board to continue the Docket SDR-15-18 to December 6, 2018 at 10:00 a.m. in Room 32 at the point of Public Agency Reports to allow the Public Works Director time to submit any additional written comments. The Board would then allow testimony to address any additional Public Works comments. At that point, the hearing shall continue at the point of Rebuttal by the Proponent.

Commissioner Primozich moved approval of Mr. Friday's motion suggestion with the modification to start at 9:00 a.m. The motion passed, Commissioners Starrett, Olson and Primozich voting aye.

Commissioner Starrett closed the public hearing at 12:28 p.m.

**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](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 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)

Following Commissioner announcements, the meeting adjourned at 12:29 p.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair

MARY STARRETT

Commissioner

RICHARD L. "RICK" OLSON

Unavailable for signature

Commissioner

STAN PRIMOICH

Accepted by Yamhill County  
Board of Commissioners on  
1/24/19 by Board Order  
# 19-18