

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 8, 2018, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett and Richard L. "Rick" Olson. Stan Primozich was excused.

Also present were Laura Tschabold, County Administrator; Ken Huffer, Deputy County Administrator; Todd Sadlo, Senior County Counsel; Mikalie Frei, County Counsel staff; Tim Svenson, Sheriff; 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.

*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.*

**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.

David Wall gave comment regarding the idea of auditing non-profits to identify overlapping services to justify budgetary allocations.

**B. CONSENT AGENDA:**

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

Minutes

1. a. **B.O. 18-399** - September 25, 2018, Formal Session;
- b. **B.O. 18-400** - October 4, 2018, Formal Session and;
- c. **B.O. 18-401** - October 16, 2018, Informal Session.

Contracts/Grants

2. **B.O. 18-402** - Approval of an intergovernmental agreement between Yamhill County and Linn-Benton County for the housing of juvenile offenders, effective June 29, 2018 through June 30, 2019 at the cost of \$150 per bed per day.

3. **B.O. 18-403** - Approval of accepting a bid from A&E Security and Electronics Solutions for better security to the Courthouse's emergency exits in the amount of \$27,675.47 to be cost shared with the Courts, the county's portion in the amount of \$8,837.73.

BOC

4. **B.O. 18-404** - Approval of a one-time payment in the amount of \$22,355.31 to the Association of Oregon Counties for Yamhill County's share of the repayment of the state road fund.

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**C. OLD BUSINESS:** None.

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

1. **B.O. 18-405** - Consideration of the approval of a contract between Michaele Lansing and Yamhill County for the Yamhill County Child Welfare Project in the amount of \$30,000, effective November 15, 2018 through June 30, 2019.

Commissioner Starrett gave comment regarding the state of the child welfare system.

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

2. Sheriff Tim Svenson addressed an agreement between Yamhill County and the City of Amity for police services effective December 1, 2018. He addressed the remaining positions that still need to be filled before providing law enforcement services to Amity.

Commissioner Starrett called for a recess to address audio issues at 10:14 a.m. The meeting reconvened at 10:17 a.m.

**E. PUBLIC HEARINGS:**

1. Docket E-02-18: An appeal of the Planning Commission's approval of a 4-year renewal application for 18 agri-tourism events per year at the Wolves and People Brewery. Applicant: Christian DeBenedetti; Appellant: Friends of Yamhill County.

Commissioner Starrett opened the public hearing at 10:17 a.m.

There were no abstentions or objections to jurisdiction by members of the Board.

Mr. Wall called for Mr. Sadlo to recuse himself citing conflict under Measure 37. The Board denied the request and Mr. Sadlo was instructed to remain on the panel. The Board reported no ex parte contacts or site visits. Mr. Sadlo read the land use statement required by ORS 197.763(5) regarding the requirement that parties must raise all issues on appeal.

**Staff Report** - Ken Friday presented the staff report for the Board and outlined the proposed application.

**Applicants** - Christian DeBenedetti, owner of Wolves and People, gave testimony regarding the approved renewal of the Wolves and People permit. He stated his intent to extend the brewery's agri-tourism permit is to continue a current smooth running business which strives to maintain good relations with both its neighbors and the county.

**Proponents** - Charles McClure gave testimony as a neighbor of Wolves and People. He noted the progressive change from past rural farming lands to an increasing growth of businesses and residents. Mr. McClure noted that he has not experienced noise or disturbance from Wolves and People and asked the Board to renew the application and deny the appeal.

John O'Brian gave testimony as a neighbor of Wolves and People and supports the application renewal.

**Opponents** - Joyce Damon stated the intent addressed with the neighboring residents when the original permit was approved was to brew and sell beer in and around Newberg and not developing the site with a brewery for public access. Ms. Damon noted experiences with intoxicated patrons and the concern for public safety and has asked for a traffic study on Benjamin Road by the Planning Department. She noted a steady flow of traffic, delivery trucks and tour vehicles. Ms. Damon asked for the Board to deny the application.

Vicky Shepherd, lives across the street from Wolves and People. She is in opposition of approving the application renewal. Ms. Shepherd stated the brewery has grown to a drinking establishment and not the tasting room and brewery that it originally started as. She noted the delivery trucks and tour buses cannot safely turn into the driveway. Ms. Shepherd stated Mr. DeBenedetti has not followed licensing rules.

Sid Freidman, Friends of Yamhill County provided a PowerPoint presentation and gave comment in opposition of the application with regard to the increased events and the tasting room which has morphed into a tap room and believes it has outgrown its location in a farming zone.

Catherine Jernstedt agreed with Mr. Friedman's comments.

David Wall commented on the relationship between Mr. McClure and Mr. Sadlo. He questioned whether the conditions of the brewery permit are being followed or if the county is providing oversight of the processing facility. (Audio ended).

**Public Agency Reports** - None.

**Rebuttal** - Christian DeBenedetti gave rebuttal, stating he is available for questions by the Board and refrained from responding to conflicting comments made by proponents.

Mr. Sadlo stated there is no need for the record to remain open.

Mr. Friday stated that he did not agree with Mr. Wall's accusation regarding the Planning Commission's lack of regulation and pointed out that this hearing is for the purpose of renewing the application. The hours of operations fell outside of the conditions which was a technical violation but the hours were modified and with that, the Planning Commission found no reason to deny the renewal application.

**Deliberations** – Commissioner Olson noted the complaints given in testimony with regards to property owners incurring property damage are an OLCC issue and not something the Planning Commission should address. Mr. Friday did verify that the Planning Commission does investigate code violations.

Commissioner Olson moved approval to uphold the application and deny the appeal. The motion passed, Commissioners Starrett and Olson voting aye. Final written decision and findings to be adopted on December 6<sup>th</sup>, 2018 at 10:00 a.m. in Room 32 of the courthouse.

Commissioner Starrett closed the public hearing at 11:35 a.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 11:40 a.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair



MARY STARRETT

Commissioner



RICHARD L. "RICK" OLSON

Commissioner

N/A

STAN PRIMOICH

Accepted by Yamhill County  
Board of Commissioners on  
2/7/19 by Board Order  
# 19-37