

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 December 6, 2018, at 9:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett, Richard L. "Rick" Olson and Stan Primozych 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; Mikalie Frei, County Counsel staff; Bill Gille, County Engineer; Catherine Lindberg, Public Works staff; Debra Bridges, DA's Office; Dave Adams, KLYC Radio; Nicole Montesano, News-Register; and others as listed on the sign-in sheet.

Commissioner Starrett called the meeting to order at 9:00 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 made comment and provided written handouts regarding transparency of budget expenditures, the High Heaven Road gate and Wolves and People.

B. CONSENT AGENDA:

Commissioner Primozych moved approval of items B1 through B6. The motion passed, Commissioners Starrett, Olson and Primozych voting aye.

Contracts/Grants

1. **B.O. 18-435** - Approval of an agreement between Community Justice and A New Leaf Women's Transitional Program, LLC for performance of transitional services. Amount not to exceed \$12,000. Effective December 1, 2018 through June 30, 2019.

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2. **B.O. 18-436** - Approval to authorize the submission of a proposal by Health and Human Services for Problem Gambling Community Readiness grant funds from the State of Oregon.
3. **B.O. 18-437** - Approval of an agreement between Yamhill County Health & Human Services and the McMinnville School District to provide behavioral health counseling services for the 2018-2019 school year, not to exceed \$29,511.05.

Authority

4. **B.O. 18-438** - Approval of additional position management authority for 1.0 FTE in the Health and Human Services Department for a Qualified Mental Health Professional (QMHP) for school-based services.

Committees

5. **B.O. 18-439** - Approval of the following changes to the Board of Property Tax Appeals (BoPTA):
 - a. Accept the resignation of Nancy Flynn and appoint MacKenzie Kauer to finish out Ms. Flynn's term for the County Governing Body Pool and Non-Office Holder Pools, term to expire June 30, 2019.
 - b. Appoint Jessica Payne to the Non-Office Holder Pool for a term to expire June 30, 2019.
6. **B.O. 18-440** - Approval of the appointment of Joe Strunk to the Yamhill County Planning Commission, term to expire July 1, 2022.

C. OLD BUSINESS:

1. **B.O. 18-441** - Consideration of the adoption of written findings in the matter of accepting the 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 Olson moved approval of item C1. The motion passed, Commissioners Starrett, Olson and Primozech voting aye.

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

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. *[Continued from November 29, 2018 at the point of Public Agency Reports to allow the Public Works Director time to submit any additional written comments. The Board will then allow testimony to address any additional Public Works comments, at which time the hearing will continue at the point of Rebuttal by the Applicant].*

Commissioner Starrett opened the public hearing at 9:03 a.m. after Public Comments.

Public Agency Report - Matt Vogt addressed the Board regarding the appeal. He noted that comments by the City of Dundee and the Public Works Department were received and submitted into testimony. Mr. Vogt asked the Board to consider a motion to include statements and documents from the watermaster into the record after the hearing was closed on November 29, 2018.

Commissioner Starrett called for a motion to accept the comments by the Watermaster Joel Plahn into record. Commissioner Primozich moved approval. The motion passed, Commissioners Starrett, Olson and Primozich voting aye.

Ken Friday noted the letter from the Public Works Director, John Phelan was submitted to the Board and provided to the Appellant and the Applicant for review.

Comments to Public Agency Reports - David Wall asked if the watermaster has knowledge of the current water sources within the county, citing that the water report on the county website is outdated and does not reflect current water availability with regard to supporting the permitting process allowing wineries, breweries or any other projects requiring significant amounts of ground water.

Elizabeth Seeberger gave comment regarding the watermaster's report regarding water rights granted to St. Michelle for the purpose of irrigation. Ms. Seeberger stated that the purpose of the water permit was for irrigation and not intended for other industrial uses.

Rebuttal by Applicants - Elaine Albrich, attorney for the applicant Erath/St. Michelle, gave a presentation in rebuttal including an overview of the transportation impact study. The applicant is planning to develop the winery in phases and there is no timeline for phase two presently.

Angela Roque stated that the volume of peak traffic has been overstated and noted that the volume is within the levels anticipated by the county's Transportation Service Plan.

Ms. Albrich continued with discussion regarding proposed truck trips to and from the winery site. She gave an overview of the estimated road traffic based on average numbers during holiday and special events. She noted that total estimated daily visit to the winery with both phase one and two is 128 vehicles.

Commissioner Primozich noted that Ms. Albrich's Average Daily Trips (ADT) analysis does not include construction traffic during the building phase.

Commissioner Starrett asked Ms. Albrich to address bus trips. Ms. Albrich said that although buses are not encouraged, she suggested a condition which would require coach buses to be prearranged with Erath to coordinate bus routes. She also suggested a condition to limit no more than six buses per year for the total buildout. Ms. Albrich continued to address general

concerns and conditions of the proposed facility such as noise, visibility from roadway, facility size, water use, etc. Mr. Albrich noted the applicant is seeking approval for a permanent use subject to local code standards in the EFU zone.

Randy Gould provided an overview of the proposed facility design. He noted the highest peak is 42 feet and slopes down into the hillside which is below the requirement for EFU zones. He addressed concerns regarding how the facility would look from public roadways.

Eric Lent, general counsel for St. Michelle Wine Estates, gave an overview of the long-term envisioned building plan and asked that the Board approve their proposed application.

Commissioner Starrett called for a recess at 10:07 a.m. and the hearing reconvened at 10:16 a.m.

Ms. Albrich closed with review of the approval and proposed conditions of the application. She proposed a condition of requiring traffic flaggers during club members pick up events after both phase one and two are complete. Additional proposals were discussed and will be submitted in writing if the application is approved.

Bill Gille, County Engineer, addressed potential road impacts from construction and operation of the winery. Mr. Gille noted the current traffic count on Fairview Road near the proposed building site is 185 per day. This number does not include the estimated road traffic increase to the winery site.

Angela Roque noted that not all background trips would use a single road to the proposed site, therefore would still be within the Average Daily Trips (ADT) threshold due to split traffic entering from both eastern and western directions.

Staff Recommendation - Matt Vogt gave the recommendation to the Board that the application should be approved but with the conditions previously approved by the Planning Commission and additional conditions that ensure the applicant pays a proportional share to address impacts on the road providing access to the facility. Mr. Friday noted that the Public Works department can implement road weight restrictions if appropriate. Mr. Friday would like to receive a report of water usage information at the facility.

Commissioner Starrett closed the public hearing at 10:51 a.m.

Deliberations - Commissioner Primozech moved to uphold the staff recommendations to include the 16 conditions outlined by the Planning Commission with additional conditions, prior to occupancy of phase one; the applicant will provide traffic flaggers during member events; submit annual monitoring of water use over a five-year period, submit to a pre/post construction road examination and per Ordinance 787, the applicant would pay proportional costs related to potential impacts to county roads.

The motion passed, Commissioners Starrett, Olson and Primoich voting aye.
[Written findings and conditions to be adopted on December 20, 2018].

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 bocinfo@co.yamhill.or.us

Following Commissioner announcements, the meeting adjourned at 10:53 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

19-38