

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 January 16, 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; Carrie Martin, Grants & Special Projects; Jarod Logsdon, Parks Manager; Desiree Lundeen, Assistant Planner, Nohely Barajas-Montalvo, Legal Assistant; Todd Sadlo, Senior Assistant County Counsel; Ken Friday, Planning Director; Lance Woods, Associate Planner; Nicole Montesano, News-Register; and others as listed on the sign-in sheet.

*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. CALL TO ORDER**

Commissioner Kulla called the meeting to order at 10:00 a.m.

**B. FLAG SALUTE**

**C. PUBLIC COMMENT:** This 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. The Chair may limit the length of individual comments.

There were no public comments.

**D. CONSENT AGENDA:** Commissioner Starrett moved approval of items D1 through D6, except for D5 which was moved to other business. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

Contracts & Grants

1. **B.O. 20-20** - Approval of Amendment #5 to agreement #159833 between Yamhill County Health & Human Services and the Oregon Health Authority (B.O. 19-222) for Public Health Services in the amount of \$41,667, effective July 1, 2019 through June 30, 2020.

2. **B.O. 20-21** - Approval on the Intergovernmental Agreement #55198 between Yamhill County and Lane County for online food handler's training and testing, retroactive to January 1, 2020 through December 31, 2022.
3. **B.O. 20-22** - Approval of a purchase order between Health and Human Services and Besse Medical to better serve Medication Assisted Treatment (MAT) outpatient clients who are eligible for medically necessary treatment in the amount of \$82,950.

#### Committees

4. **B.O. 20-24** - Approval to appoint Stan Primozich to the Fair Board for a three-year term to expire on January 16, 2023.

#### Letters

5. Approval of preparing and submitting a letter of consent for continued refugee resettlement in Yamhill County. *[Moved to Other Business]*.
6. **B.O. 20-25** - Approval of Commissioner Olson submitting a letter of support on behalf of the Board regarding the reopening of the Willamette Falls Locks.

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**E. OLD BUSINESS:** None.

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

1. **B.O. 20-26** - Consideration of approval of an agreement between Yamhill County and Farline Bridge, Inc. for the Yamhelas Westsider Trail (Phase 2) Project in the amount of \$564,812 with a completion date of May 1, 2020.

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

2. Consideration of approval of preparing and submitting a letter of consent for continued refugee resettlement in Yamhill County. *[Item removed]*.

There was concern regarding the lack of information and/or education provided by the State Department related to the County writing this letter on behalf of Yamhill County cities, to allow refugee resettlements. The consensus of the Board was to remove this item from the agenda.

**G. PUBLIC HEARINGS:**

1. Docket #C-14-19/SDR-23-19: An appeal of the Planning Commission's approval of a conditional use and site design review request for a winery and tasting room. Applicants: Gregory and Elizabeth Colwell; Appellants: Saj and Pauline Jivanjee, Tax Lot: 3215-1901, 13500 NE Ellenease Ave., Newberg. *[Continued from November 26, 2019 at the point of staff recommendation]*.

Commissioner Kulla opened the public hearing at 10:16 a.m.

Ken Friday commented that the Colwell vineyard is already planted and will have fruit to process. If the processing is not allowed onsite, the fruit will have to be trucked offsite creating traffic, which he pointed out will happen, either by transporting trucks or by wine tourism. Approval could draw wine tourists to both properties. Mr. Friday expressed his hope that both parties will seek mediation and come to a decision about the road maintenance that will suit all parties involved.

Staff Recommendation: Lance Woods restated the issue of traffic on Ellenease Ave. which is where the easement is located. The appellant's traffic analysis showed the easement construction does not comply with county road standards however, a traffic analysis submitted by the applicant showed that traffic impacts will be minimal, there is sufficient parking onsite for up to three wine marketing events and that the easement would support up to six days of wine tasting room visits during non-peak season. Staff finds that, with conditions, the applicant has satisfied conditional use and site design requirements and recommends approval of the application with amended conditions which Mr. Woods read into the record.

The appellant's attorney asked to make a point of order. Commissioner Kulla noted that he would like to move onto deliberations. Jennifer Bragar, the appellant's attorney, wanted confirmation that her objection from her January 9, 2020 letter was addressed. Elaine Albrich, the applicant's attorney, raised objection noting that Ms. Bragar's correspondence contained new evidence which shouldn't have been submitted as part of rebuttal. Mr. Sadlo recounted the procedures followed and stated that unless the applicant would like to reopen the record and extend the 150 day to allow new briefings, further arguments are not necessary.

Commissioner Kulla closed the public hearing at 10:28 a.m.

Deliberation:

Commissioner Starrett moved to uphold the Planning Commission's decision along with the conditions presented by staff. The motion passed, Commissioners Kulla, Starrett and Olson voting aye. Mr. Sadlo stated that written findings and conditions will be prepared for adoption on January 30, 2020.

2. Docket #SDR-28-19: An appeal of the Planning Commission's approval of a site design review for a recreational marijuana and industrial hemp processing facility. Applicant: OreTexFarms, LLC., JCB Farms, LLC. and Christopher Bryan (as agent for the owner, WAG Holdings, LLC.). Location: 18505 NE Jaquith Rd., Newberg. Appellants: Laura Cochran and Jill Anderson. *[Continued from January 9, 2020 at the point of staff recommendation].*

Commissioner Kulla opened the public hearing at 10:34 a.m.

Ken Friday thanked Lance Woods for his continued work related to this application. He stated that zoning is intended to provide certainty to property owners and neighbors. The

property in question and neighboring properties are all in a farm zone, and have been since the 1970's. Mr. Friday addressed permitted farm zone uses and said that the state has classified marijuana and hemp as farm crops, and processing of farm crops is allowed in farm zones. He emphasized that the hearing is to evaluate the facility site design and not to deny the application based on other factors such as the type of crop the applicant is producing. He suggested that any neighboring citizens that wish to see changes to state law should address their legislators.

Staff Recommendation: Staff finds that, with conditions, the applicant has satisfied site design requirements and recommends approval of the application with recommended conditions which Mr. Woods read into the record. There was clarification requested regarding condition #18. Mr. Sadlo stated the applicant can obtain a permit from Public Works to access the property if it's within a right of way. Commissioner Olson wanted to make sure the applicant received permission from the county or a neighboring property owner before taking certain steps (clearing vegetation) to improve sight distances. There was consensus among Board and staff to revise condition #18 to reflect that the applicant will be granted access by permit.

Commissioner Kulla closed the public hearing at 10:44 a.m.

Deliberations:

Commissioner Olson stated reservations and concerns but moved to uphold the Planning Commission's decision with a change to condition #18. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

Mr. Sadlo stated that the final written decision with findings and conditions for approval for Docket #SDR-28-19 will be prepared for adoption on January 30, 2020.

Commissioner Kulla called for a recess at 11:01 a.m. and reconvened at 11:02 a.m.

**H. 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 11:07 a.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