

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 14, 2019, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Richard L. "Rick" Olson, Mary Starrett, and Casey Kulla being present.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Nohely Barajas-Montalvo, Legal Assistant; Ken Friday, Planning Director; Lance Woods, Associate Planner; Desiree Lundeen, Assistant 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 Olson 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.

Barry Lilly read an education proclamation into record.

D. CONSENT AGENDA: Commissioner Kulla moved approval of items D1 – D4. Commissioner Starrett commented before the vote that the Board should consider ways to reduce expenditures related to item D1 in the future. The motion passed, Commissioners Olson, Starrett and Kulla voting aye.

1. **B.O. 19-455** - Approval of Amendment #2 to the Agreement for Economic Development Services between Yamhill County and Strategic Economic Development Corporation (SEDCOR) (B.O. #18-26) not to exceed \$269,148, effective March 1, 2020 through December 31, 2021.

2. **B.O. 19-456** - Approval of a contract with Farline Bridge Inc. to complete the Salt Creek (Riverbend Rd.) Bridge Project, retroactive to September 5, 2019.
 3. **B.O. 19-457** - Approval of the reappointment of Roger Hall to the Parks and Recreation Advisory Board for a four-year term to expire November 14, 2023.
 4. **B.O. 19-458** - Approval of position management authority adding 1.0 FTE Program Manager in the Health and Human Services Division.
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E. OLD BUSINESS:

1. **B.O. 19-459** - Consideration of the adoption of findings in the matter of upholding the Planning Director's approval of a request to change the approved location of a forest template dwelling on Tax Lot 5614-2100 as tentatively approved on October 17, 2019. Planning Docket # FT-04-19; Applicant: Justin Trowbridge (as agent for the owner, Paul Vandonzel).

Mr. Sadlo clarified the amendment made to the language which was adding "as agent for the owner, Paul Vandonzel" to the name of the Applicant.

Commissioner Starrett moved approval of item E1. The motion passed, Commissioners Olson, Starrett and Kulla voting aye.

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

G. PUBLIC HEARINGS:

1. Docket #C-14-19/SDR-23-19: An appeal of the Planning Commission's approval of a 9 conditional use and site design review request for a winery and tasting room. Appellant: Saj and Pauline Jivanjee, Tax Lot: 3215-1901, 13500 NE Ellenease Ave., Newberg.

Commissioner Olson opened the public hearing at 10:06 a.m. There were no abstentions or objection to jurisdiction and there were no reports of ex-parte contact or site visits. Mr. Friday read the statement required by ORS 197.763(5).

Staff Report: Lance Woods presented the staff report stating the applicant is seeking approval to convert an existing structure into a winery and a by-appointment wine tasting room. The property has both residential and farm uses and is in an AF-10 zone.

Applicant: Greg Colwell stated his proposal is to open a small family operation which has been approved by the Planning Commission. He is seeking common ground with his neighbors that will allow for their plans to continue without significant impact to their surrounding neighbors. Mr. Colwell stated a proposed modification to Condition #9 to extend the hours of operation to 7:00 p.m. which coincide with neighboring winery hours of operation.

Appellant: Jennifer Bragar, appellant legal counsel, submitted written testimony. She stated the Applicant has not adequately proven the right to use or control the easement for the purpose of a commercial winery which will burden the Jivanjee's residence entry with increased traffic which she reports does not meet private road criteria for turnouts or fire safety. Ms. Bragar reviewed the risk of fire safety and traffic impacts. She asked that the Board deny the application. There was discussion regarding clarification of roadway length and the traffic analysis provided by the Appellant. Ms. Bragar stated her client will not allow the easement extension for the purpose of commercial use. Mr. Jivanjee stated the Applicant should be responsible in circuit court to prove the road easement is their right to use and won't incur his property value.

Mr. Sadlo stated the Colwell's have a right to a non-restrictive use of the easement and the venue and jurisdiction to appeal their right should not fall on the Board. Mr. Jivanjee stated the fundamental change of the easement should be on the applicant and the neighbors. When asked about neighboring trees along the easement which he said are encroaching on his property, Mr. Jivanjee stated they are on the property line and Ms. Bragar stated this is another fire safety issue. Ms. Bragar addressed issues regarding emergency vehicle accessibility and the impacts of the uses by the surrounding residences and businesses due to the likely unlimited access and called the TVF&R testimony into question due to insufficient conclusions by TVF&R which could have impacts on the Appellant's property.

Public Comment: Rane Solmonsson read her written testimony into record. Her concerns included access and erosion control standards and mentioned that currently there is no easement road maintenance. She noted a correction stating that the Solmonsson's did not propose a 500-case per year wine production number as stated in the Staff Report but only asked that there be a production limit.

Public Agency Reports: Mr. Woods reviewed the public agency reports received.

Applicant Rebuttal: Ms. Colwell noted they have shared road maintenance with the support of two other neighbors, the Becking's and Taylor's. Mr. Colwell stated TVF&R and has given final approval on the access easement for any allowable activities under AF-10 zoning. Mr. Friday asked the Colwell's if they want to continue with the tasting room even though there isn't enough evidence regarding traffic to make findings to support it. He recommended either asking for a continuance and submit traffic evidence or withdraw the request of the tasting room for further review, as he is unsure an appeal without the traffic study for the tasting room portion of the application would be unsuccessful. There was a request by the Applicants to defer until November 26th at 1:30 p.m. in room 32 at the point of staff rebuttal.

Commissioner Starrett moved to keep the public hearing record open until November 26th at 1:30 p.m. in Room 32 to continue the public hearing at the point of staff rebuttal. The motion passed, Commissioners Olson, Starrett and Kulla voting aye.

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
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 11:17 a.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS


Chair RICHARD L. "RICK" OLSON


Commissioner MARY STARRETT


Commissioner CASEY KULLA

Accepted by Yamhill County
Board of Commissioners on
12/19/19 by Board Order
19-498