

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/informal session on August 15, 2013, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Kathy George, Mary P. Stern, and Allen Springer being present.

Also present were Laura Tschabold, County Administrator; Chuck Vesper, Deputy County Administrator; Christian Boenisch, County Counsel; Mike Brandt, Planning Director; Stephanie Armstrong, Associate Planner; Nathalie Hardy, News-Register; Joan Lusk, 7215 NE Mineral Springs Rd, Carlton; Merilyn Reeves, 22250 Boulder Crest Ln SE, Amity; and others as listed on the attached attendance roll.

Commissioner George called the meeting to order at 10:00 a.m. She noted that Commissioner Springer would need to be excused at 10:30 a.m.

A. **PUBLIC COMMENT:** This thirty-minute time period is reserved for public comment on any topic other than a quasi-judicial land use matter or other 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. None offered.

B. **PUBLIC HEARINGS:**

1. Consideration of Planning Docket E-04-13(SA), a request to host up to six agri-tourism events per calendar year, applicant Miguel Garcia, appellants Steve Caldwell and Carol Paddock. *[Continued to August 22, 2013, at the point of Staff Recommendation.]*

Ms. George opened the public hearing. There were no abstentions or objections to jurisdiction. Christian Boenisch read the statement required for land use hearings relating to the requirement that parties must raise all issues at the hearing or waive their right to raise the issues on appeal. Ms. Stern stated that no site visit was done because the commissioners all know the area well enough.

Staff Report - Stephanie Armstrong provided the staff report.

Proponents - Brian Myrick, representing the applicant, stated that he owns the subject property. He submitted letters from adjoining property owners who attended events the previous year and look forward to attending future events on the property. He discussed his background with horses, cattle, and these types of events, which he doesn't consider to be true rodeos because

they are for exhibition only and involve no competition. He described various details of the proposed events, including food and alcohol service, lighting, traffic and parking, hours of operation, and insurance. He said that the events promote agriculture and the western lifestyle and celebrate cowboy and Mexican heritage, and he believes them to be in line with the authorized uses of the property. He said that the bulls, which are bred for bucking, are otherwise gentle and are led around on a rope. He said that the animals have access to water at all times except when they are performing. He stated that the event last year had amplified music, but he would abide by a condition of approval prohibiting amplified music.

Mr. Springer stated that the report from the Sheriff's Office stated that last year's event was well run and there were no calls for law enforcement service during the event.

Rodriguo Lorrera, owner of Tequila Grill and taco stands, stated that he doesn't make any money providing food for the events, but does it because the kids love it. He said that it is a festival, not a business, and there are free tickets available for anyone who wants to come check it out.

Opponents - Carol Paddock thanked Ms. Armstrong for the timely information and submitted additional written testimony for the record. She said that she is concerned about animal welfare and traffic. She said that she was impressed with Mr. Myrick's comments and this sounds like a well-run event, but it sets a precedent for unregulated rodeos. She explained that sanctioning by the Northwest Rodeo Association is important because rodeo animals aren't protected by Oregon law. She said that ranching is not one of the uses of surrounding property.

Steve Caldwell submitted written testimony for the record. He discussed the issues of noise and light pollution, traffic, insurance, and the lack of enforcement. He said that the event is primarily about cows and horses, so it doesn't support farming activity and he doesn't believe it falls within the rules of agri-tourism. He said that the events are great, but there are other venues within the county that would be more suitable.

Ms. Stern reviewed the requirements from the Carlton Rural Fire District and said that Public Works would have to sign off on the parking plan. She said that signage could be required to warn drivers about possible traffic delays during the event, similar to what is done during the marathon in that area.

Joan Lusk stated that she would like to know about ticket prices and how much profit is made on these events.

Connie Hutchison urged the Board to deny the application. She stated that the proposed events are not related to farming practices and should be held at a more appropriate location with proper facilities and monitoring. She expressed concern about this setting a precedent for other inappropriate activities on the property. She also expressed concerns about traffic, noise and light pollution, and overnight camping.

Esther Youngberg stated that she is opposed to the request because of the location. She

said that the events should be held at a location like the fairgrounds, not in the quiet country. Ms. Stern pointed out that farm equipment and cannons from nearby vineyards can be noisy.

Ron Hutchison agreed with the testimony expressed by previous opponents and said that this would open the door for other kinds of activities. He said that he had experienced long traffic delays during the event last summer.

Karen Jernstedt, speaking on behalf of her mother as well, discussed concerns about the frequency of events in the summertime, overnight camping, amplified sound, parking, and the ability to ensure regulations are being followed. She said that she doesn't see how this commercial event qualifies as agri-tourism, and it doesn't seem appropriate for a rural, agricultural area.

Merilyn Reeves discussed the need to require proof of insurance to protect the county from liability. She added that there should be qualified emergency medical responders on site during the events. She questioned why the owner of the property wasn't the one to make the application and why the applicant's interest in the property wasn't stated on the application. She said that this doesn't promote the established farm use of the property, and she is concerned about the precedent it would set. She urged the Board not to take action until it has all of the written information it needs. She submitted written comments for the record.

Sid Friedman reviewed and submitted written testimony from Friends of Yamhill County, including additional conditions that would be necessary if the application were approved. He said that the cumulative effect of these events along with other events already approved at nearby wineries would affect the stability of the land use pattern in the area.

Ilsa Perse stated that it is disingenuous for the Board to compare the noise from these events to farm noise, which is to be expected in the area. She said that the county has a complaint-driven compliance mechanism, which doesn't promote neighborly relations. She suggested that the permit fees for these kinds of events be adjusted to cover the cost of county enforcement. She stated that the number of permitted rural events is growing and the county needs to set up infrastructure to deal with them so that Yamhill County doesn't become like Napa Valley, where residents have to avoid going into town on certain days because they can't get through the traffic.

Questions of Applicant - Mr. Myrick stated that although there have been vehicles left on the property overnight, there has never been overnight camping except for family and friends. Mr. Lorrera stated that tickets cost \$8 or \$9, and that is just to cover the costs and break even. Mr. Myrick said that costs include the mariachi band, outdoor toilets, handwashing stations, food, bleachers, the round pen, and animals. He and Mr. Lorrera reviewed their insurance policies. Mike Brandt said that it would be great for the county to require proof of insurance, and if the Board goes that direction, he would be requiring insurance for all rural events.

Public Agency Reports - Ms. Armstrong reviewed the public agency reports in the record and additional responses from Public Works and the Sheriff's Office.

Mr. Brandt stated that the zoning allows unrestricted use of lights every day. He said that the county doesn't have a lighting ordinance, but the condition about deflected lights was included to address the neighbors' concerns. Mr. Myrick said that the lights are only used for a few hours at a time to practice roping during the evening and during events, and it is physically impossible to eliminate all glow from an exterior light fixture.

Mr. Brandt stated that the county's ordinance does allow one event per year with amplified sound, so the conditions of approval should be clear about that issue. He said that for years there has been no mechanism in place for people to apply for approval for rural events, and the new ordinance now gives the county the ability to address public health and safety issues.

He pointed out that the ordinance doesn't require the event to be directly related to the existing farm use, just that it must be subordinate and incidental to the existing use. He added that farm use also includes activities like riding, training horses, and horse shows, and most of what the applicant is proposing is already allowed on the property.

He stated that the applicant tried to get approval for the second event last year, and thought he had approval because OLCC issued the alcohol permit, so he doesn't believe there was a concerted effort to get around the approval process. He explained that anybody can apply for an event permit as long as the property owner signs the application as well, and the question on the application form regarding interest in the property refers to legal interest, which is assumed to be none if left blank.

Mr. Myrick stated that the number of vehicles at last year's event did not exceed 250, and he would abide by whatever limit on vehicles and attendees the county imposes.

Ms. Stern stated that she would like Mr. Boenisch to talk with Mr. Brandt and Ms. Armstrong about legal liability issues before a staff recommendation is made. She moved to continue the hearing to August 22, 2013, at the point of Staff Recommendation. The motion passed, Commissioners George and Stern voting aye and Commissioner Springer being excused.

C. **AGENDA:**

Minutes

1. **B. O. 13-495** - Consideration of approval of the June 6, 2013, formal session minutes.

Ms. Stern moved approval of item C(1). The motion passed, Commissioners George and Stern voting aye.

Personnel

2. **B. O. 13-496** - Consideration of the employment of Maria Fabiola Elias Juarez as bilingual Office Specialist 2 in HHS Adult Behavioral Health, regular full-time, Range 7, Step 2, effective August 24, 2013.

Ms. George moved approval of item C(2). The motion passed, Commissioners George and Stern voting aye.

Contracts/Grants

3. **B. O. 13-497** - Consideration of approval of an agreement between HHS Family & Youth, provider, and Dayton School District for behavioral health counseling services, not to exceed \$19,219, effective August 26, 2013, through June 26, 2014.

Ms. George moved approval of item C(3). The motion passed, Commissioners George and Stern voting aye.

4. **B. O. 13-498** - Consideration of approval of an agreement between HHS Adult Behavioral Health and Virginia Garcia Memorial Health Center, provider, for counseling treatment services to Oregon Health Plan members, not to exceed \$25,465, retroactive to July 1, 2013, through December 31, 2013.

Ms. George moved approval of item C(4). The motion passed, Commissioners George and Stern voting aye.

5. Consideration of approval of the following Service Element Prior Authorization (SEPA) Approval Units for the 2013-15 Financial Assistance Agreement #142149 between HHS and Oregon Department of Human Services:

- a. **B. O. 13-499** - SEPA Approval Unit #809257, \$5000;
- b. **B. O. 13-500** - SEPA Approval Unit #811656, \$28,203;
- c. **B. O. 13-501** - SEPA Approval Unit #811663, \$5020.

Ms. George moved approval of item C(5). The motion passed, Commissioners George and Stern voting aye.

6. **B. O. 13-502** - Consideration of approval of an agreement between Yamhill County and Kizer Excavating Co., provider, for 6<sup>th</sup> Street paving repairs in McMinnville, \$46,200.

Ms. Stern moved approval of item C(6). The motion passed, Commissioners George and Stern voting aye.

Fair

7. **B. O. 13-503** - Consideration of amending Board Order #13-474 to authorize an additional \$146 for fair open class premiums.

Ms. Stern moved approval of item C(7). The motion passed, Commissioners George and Stern voting aye.

Delegation of Authority

8. **B. O. 13-504** - Consideration of delegating to Yamhill County Counsel settlement and professional retention authority, establishing financial limits, and rescinding Board Orders 10-482 and 10-729.

Ms. Stern moved approval of item C(8). The motion passed, Commissioners George and Stern voting aye.

Tax Foreclosure List

9. **B. O. 13-505** - Consideration of designating the News-Register as the newspaper to publish the 2013 Tax Foreclosure List.

Ms. Stern moved approval of item C(9). The motion passed, Commissioners George and Stern voting aye.

D. **OLD BUSINESS:** None.

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

F. **ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to our website, [www.co.yamhill.or.us](http://www.co.yamhill.or.us), or call the Board of Commissioners' office: 503-434-7501 (from McMinnville) or 503-554-7801 (toll-free from Newberg).

The meeting adjourned at 12:09 p.m.

Anne Britt  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair KATHY GEORGE

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Commissioner MARY P. STERN

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Commissioner ALLEN SPRINGER



## BOARD OF COUNTY COMMISSIONERS

### Attendance Roll for meeting records

Meeting: Informal \_\_\_\_\_ Formal  Work Session \_\_\_\_\_ Date 8/15/13

PLEASE PRINT  
Name

PLEASE PRINT  
Complete Address

PLEASE PRINT  
Subject

Rachel Burgess	7130 NE Mineral Spgs Rd, Carlton 97111	Rodeo appeal
Esther Youngberg	7130 NE Mineral Springs Rd. Carlton 97111	" "
Connie Hutchison	POB 489 Yamhill 97148	Rodeo appeal
Roa Hutchison	P.O. Box 489 Yamhill Carlton	Rodeo application
Steve Caldwell	6495 NE Mineral Springs Rd Carlton	Rodeo appeal
Brian Myrick	8795 Mineral Springs Rd	Rodeo
Danella Myrick	"	"
Sid Friedman	P.O. Box 1083 McMinnville OR	Rodeo
Karen Jernstedt	8160 NE Mineral Spgs Rd Carlton	Rodeo
Emily Jernstedt	"	" "
Joani Jernstedt	"	" "
Rodrigo Loera	"	
Yesenia Escobedo	"	
Miguel Garcia	"	
Carol Paddock	5001 NE Mineral Springs Rd. McMinnville	
Harve Paddock	375 N.W. 9 <sup>th</sup> St Mac	
Iisa Perse	5765 Mineral Springs Rd Carlton	