

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 April 9, 2015, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett and Stan Primozich being present with Allen Springer being excused.

Also present were Laura Tschabold, County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Desiree Lundeen, County Counsel staff; Mike Brandt, Planning Director; Stephanie Armstrong, Planning Department; Joseph Gall, 1156 SW Westvale St, McMinnville; Tom Hammer, 23701 Wallace Rd, Salem; Steve Iversen, 1033 SW Courtney Laine Dr, McMinnville; and Barry Lilly 629 NW Jason Ct., McMinnville.

Commissioner Starrett called the meeting to order at 9:58 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.

Joseph Gall discussed the Yamhill County Board of Property Tax Appeals (BoPTA) and stated he petitions the board to hire an independent attorney for the purpose of prosecuting the public officers who have participated in, and perpetuated the illegal taxation of personal property. He provided copies of his written and verbal testimony for the record.

Tom Hammer spoke in opposition of Rails-to-Trails stating it’s wrong. He asked what happens when private land is taken for a public non-essential purpose; adding that the supply of productive land would be diminished and would artificially raise the cost of the remaining productive land. He stated that the federal government as well as the state of Oregon are a hundred to a hundred billion dollars in the hole and that the county is 70% dependant upon the two; he then asked who would maintain the trail- the feds, state or the county. He said either way- it’s going to be money that we don’t have, that we’re borrowing; using ourselves, our kids, and grandchildren as collateral.

Steve Iversen provided an update on the Yamhelas Westsider Trail group activities. He acknowledged that there is going to be a cost to the county as it will be part of the parks system but believes that the benefits will outweigh the negatives. He said that the group realizes there is opposition and would like to face that opposition to talk things over by solicitating comments

from the community, in opposition as well as support. He announced there will be an open house on April 16, 2015 from 6:00 p.m. to 8:00 p.m. at the McMinnville Community Center.

B. **CONSENT AGENDA:** Commissioner Primozych moved approval of the consent agenda. The motion passed, Commissioners Starrett and Primozych voting aye.

Personnel

1. **B.O. 15-89** - Approve an additional Senior Office Specialist to the Public Works personnel roster.

Contracts/Grants

2. Approve the following Service Element Prior Authorization (SEPA) Approval Units for Agreement 134297/142149 between HHS Developmental Disabilities and Oregon Department of Human Services:

- a. **B.O. 15-90** - Approval Unit #1837221, \$76,392;
- b. **B.O. 15-91** - Approval Unit #1899906, \$47,893; and
- c. **B.O. 15-92** - Approval Unit #2027761, \$117,764.

3. Approve the following Service Element Prior Authorization (SEPA) Approval Units for Agreement #134297/142149 between HHS Developmental Disabilities and Oregon Department of Human Services:

- a. **B.O. 15-93** - Approval Unit #2073168, \$1,000,000; and
- b. **B.O. 15-94** - Approval Unit #1778809, \$113,234.

4. **B.O. 15-95** - Authorize a Notice of Intent to Award to Sea Reach for the Blue Sign Kiosk Fabrication, total bid price of \$18,928.

5. **B.O. 15-96** - Authorize a Notice of Intent to Award to Hicks Striping and Curbing, Inc. for the 2015 Yamhill County Striping Project.

Deeds

6. **B.O. 15-97** - Accept the dedication of new public right of way along Worden Hill Road.

Miscellaneous

7. **B.O. 15-98** - Approve the adoption of a Board Order designating the Yamhill County Planning Department or the Planning Department's Designee to receive the information described in ORS 18.995(2)(b)(B).

8. **B.O. 15-99** - Approve the submission of the 2015-16 Annual Work Plan for the Yamhill County Habitat Conservation Plan for the Fender's Blue Butterfly and Kincaid's Lupine.

C. **OLD BUSINESS:** None.

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

E. **PUBLIC HEARINGS:**

1. **B.O. 15-100** - PAZ-01-15, request by Michael Kelley for a Comprehensive Plan amendment/zone change from EF-40 to AF-10 on a 10.1 acre portion of Tax Lot 3315-3800. *[Tentatively approved; written findings and decision to be adopted April 30, 2015.]*

Ms. Starrett opened the public hearing at 10:12 a.m. There were no abstentions or objections to jurisdiction.

Mr. Sadlo read the land use statement required by ORS 197.7635 regarding the requirement that parties must raise all issues at the public hearing or waive their right to raise the issues on appeal.

Staff Report- Stephanie Armstrong described the parcel and stated it currently contains a single family dwelling in the southwest corner of the parcel that is forested; the northern portion of the property has a vineyard and the surrounding areas to the east and west are zoned as AF-10. Ms. Armstrong stated that during the March hearing, the Planning Commission reviewed the docket and voted 8:0 in favor of the zone change.

Proponents - Mike Kelley, owner of the property, provided background information of when he first purchased the property in 1998. He said it used to be an old orchard in disrepair and bulldozed into big burn piles. Mr. Kelley and his wife planted a vineyard over the next five years and built a home. He stated that due to recent health issues, he is unable to continue his farming practices and when approached by a gentleman who was interested in buying his vineyard he saw an opportunity to preserve good, valuable agriculture property. He added that they came up with the idea of separating out his home to let the interested buyer own and do the vineyard agricultural side.

Michael Gelardi, Attorney with Davis Wright Tremaine, stated he is representing the proposed buyer for Mr. Kelley's vineyard. He said the buyer is a wine grower and owns a local winery and wishes to farm Mr. Kelley's vineyard as a supply of grapes for his winery. Mr. Gelardi said he has responded to the concerns before the Planning Commission both in writing and orally. He stated the Friends of Yamhill County did not attend the hearing and have not engaged with him to come to a conclusion. Mr. Gelardi made suggestions on how to help alleviate their concerns but Ms. Starrett stated that it seems like he's done everything he can in terms of trying to engage and being available to discuss the opponent's concerns.

Opponents - Ms. Starrett asked for the opponents case. No opponent's or rebuttal.

Public Agency Reports - Ms. Armstrong stated that to date, no concerns have been raised by the County Sanitarian, Public Works, Soil and Water Conservation, Newberg Fire Department,

and/or the City of Dundee. She noted that the DLCDC raised some concerns but they have already been addressed by Mr. Gelardi and added that their letter has been submitted for the record. Staff recommendation is to approve the application.

Close of Public Hearing / Deliberation - Mr. Primozich stated he reviewed all material provided and said he appreciates the desire and effort to provide a good home site for the applicant while at the same time continue good farm practices on that piece of property. He added that he hopes there will be a continued improvement of the forest area for habitat.

Commissioner Starrett stated that having read the recommendation on both sides of the issue, she moved approval of the request for PAZ-01-15, request by Michael Kelley for a Comprehensive Plan amendment/zone change from EF-40 to AF-10 on a 10.1 acre portion of Tax Lot 3315-3800. Adoption of the final written decision of findings to be continued to April 30, 2015. The motion passed, Commissioners Starrett and Primozich voting aye.

**F. ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to our 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: 503-434-7501 (from McMinnville) or 503-554-7801 (toll-free from Newberg).

The meeting adjourned at 10:29 a.m.

Lucy Flores Mendez  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair ALLEN SPRINGER

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Commissioner MARY STARRETT

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Commissioner STAN PRIMOZICH