

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

Also present were Chuck Vesper, Deputy County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Desiree Lundeen, County Counsel staff; Stephanie Armstrong, Planning Department; Mike Brandt, Planning Director; Catherine Lindberg, Public Works; John Phelan, Public Works Director; Nicole Montesano, News-Register; Mike Blailock, 8775 NE Sunset Knoll, Yamhill; Dan Hilbert, 875 NE 19th St., McMinnville; Keri Springer 1910 Springer Ct., McMinnville; Ilsa Perse 5765 Mineral Springs Rd.; Michael Kelley 18840 Williamson Rd. Newberg; Michael Gelardi 1300 SW 5th Ave. Portland; Tom Abrego P.O. Box 1083 McMinnville; and Sid Friedman P.O. Box 1083 McMinnville.

Commissioner Springer called the meeting to order at 10:00 a.m. The invocation was offered by Keith Lamb.

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.

Dan Hilbert stated he is against the practice of prayer at formal sessions.

Mike Blailock stated he is against religious invocation at any government meetings or proceedings because it is divisive.

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

Contracts/Grants

1. **B.O. 15-235** - Approve an agreement between Yamhill County and Tom O’Connor to provide technical assistance to Community Justice and the Evidence-Based Decision Making Initiative Policy Team (EBDMI), total not-to-exceed amount of \$35,000, retroactive to January 1, 2015 through June 30, 2016.

2. **B.O. 15-236** - Approve an agreement between Yamhill County HHS and Catholic Community Services to provide planned and emergent respite care for youth with serious emotional and/or behavioral challenges at Rainbow Lodge, total not-to-exceed amount of \$185,302, retroactive to July 1, 2015 through September 30, 2016.

Committees

3. **B.O. 15-237** - Approve the following appointments to the Employee Safety Advisory Committee for 3-year terms to expire July 2018:
 - a. Appoint Candice Bernard, Sheriff's Office
 - b. Reappoint Roma Fuerst, HHS

Accept the resignation of Brenda Hopper, Department of Community Justice.

Capital Improvement

4. **B.O. 15-238** - Approve the revised 2015-16 Capital Improvement list to add \$8,000 to replace the HVAC unit in HHS Administration.
5. **B.O. 15-239** - Approve an updated Jail Capital Improvement Projects List.

C. **OLD BUSINESS:** None.

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

1. **B.O. 15-240** - Consideration of approval of an agreement between Yamhill County and Carrier Commercial Services to replace two failed compressors that are part of the jail HVAC system, total amount of \$31,750, with direction to facility staff to enter into a maintenance agreement covering the jail HVAC system.

Commissioner Springer moved approval of item D(1). Mr. Springer asked Mr. Vesper about the maintenance of the compressors. Chuck explained that there was a preventative agreement for the jail that lapsed and working to get that back in place. Mr. Springer amended the motion with the caveat to have maintenance in place. The motion passed, Commissioners Springer, Starrett and Primozich voting aye.

2. **B.O. 15-241** - Consideration of approval of Amendment #1 to an agreement between Yamhill County and Sea Reach Ltd. for construction of two tourist and business-oriented directional sign kiosks and two additional panels for existing kiosks, total additional amount of \$4,510.

Commissioner Primozich moved approval of item D(2). Catherine Lindberg described the additional kiosks and panels. The motion passed, Commissioners Springer, Starrett and Primozich voting aye.

E. **PUBLIC HEARINGS:**

1. **B.O. 15-242** - P-01-15 (SA), request by Michael Kelley to partition an approximately 37 acre property into parcels of approximately 10 and 27 acres.

[Continued to September 17th, 2015, at 10:00 a.m. in Room 32 of the Courthouse, at the point of deliberation.]

Mr. Springer opened the public hearing at 10:22 a.m.

There being no abstentions or objections to jurisdiction, Mr. Sadlo read the land use statement 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 provided a detailed description of the property and it's surrounding parcels, adding that the application is the follow up partition to the plan amendment and zone change that the board approved in April of 2015 and that approval has been appealed to LUBA. She said that given the fact that it's under appeal, staff included a condition in the preliminary approval that states that it is subject to final adoption of Docket PAZ-01-15, Ordinance 891. The request needs to satisfy sections 402 and 501 of the Yamhill County Zoning Ordinance, Yamhill County Land Division Ordinance and the Yamhill County Comprehensive Plan.

Proponents - Mr. Kelley thanked Mike and Stephanie from the Planning Department, for shepherding him through the process and the commissioners for their approval of the re-zone. He expressed his frustration for the long process and expense, adding that farmers don't have the extra capital to be doing things like this but feels it's the best thing for the land and to preserve farming in Oregon. He said it was frustrating that the re-zone was appealed by the Friends of Yamhill County, who he thought had the same goals in preserving good farmland. He assured them that no new buildings nor new structures will be built on the vineyard property if the partition goes through and will remain vineyard or farming property, forever.

Mike Gelardi provided a brief context of where they are in the process adding that they drew some opposition from the Friends of Yamhill County as well as concerns from the state and tried to address concerns by reaching out to the Friends of Yamhill County. He stated that in looking at their arguments in the appeal, they don't add up or make sense and is interested to hear what they have to say. Their stated mission is to protect family farms and natural resource and hopes to find common ground and resolution.

Opponents - Tom Abrego stated that the residents of Yamhill County, particularly those who live in rural areas rely on the commissioners to respect state and county laws and ordinances that protect agricultural lands. He argued that the proposed partition fails to comply with state wide planning goals for the reasons addressed in their written testimony and have concerned with the precedence set, should the partition be approved. He asked that the board deny the partition.

Sid Friedman addressed some of Mr. Gelardi's comments and added that it's not a unique situation for an owner to want to partition and sell off a piece of property and still live in their home on the remaining property but expressed that Mr. Kelley has options and it's not correct to scapegoat Friends of Yamhill County for trying to ensure that the law is enforced.

Public Agency Reports - Stephanie said that Planning sent referrals to the County Sanitarian, Public Works, Soil and Water Conservation District, the Water Master, the Newberg Fire Department and the City of Dundee but no concerns were raised by any of those agencies.

Rebuttal - Mr. Kelley said that Mr. Friedman is correct in that he does, have options but unfortunately they do not apply to his property and invited the Friends of Yamhill County to come out to his property to see what they are trying to protect and will then make sense to them. He thanked the commissioners for their time in the matter.

Staff Recommendation - Mr. Brandt recommended that the board affirm Planning's decision for preliminary approval of the partition and would like to see a condition that restricts of any future residential development on that property through some kind of a covenant.

Mr. Springer closed the public hearing at 11:05 a.m. He made a motion to move forward with the primary staff recommendation to September 17th at the point of deliberation. The motion passed, Commissioners Springer, 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, or call the Board of Commissioners' office: 503-434-7501 (from McMinnville) or 503-554-7801 (toll-free from Newberg).

The meeting adjourned at 11:18 a.m.

Lucy Flores Mendez
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair ALLEN SPRINGER

Commissioner MARY STARRETT

Commissioner STAN PRIMOZICH