

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 September 29, 2016, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett, Stan Primozech and Allen Springer present.

Also present were Laura Tschabold, County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Mikalie Frei, County Counsel staff; Ken Friday, Planning Director; Stephanie Armstrong, Planning staff; Nicole Montesano, News-Register; Barry Lilly, 629 NW Jason Ct., McMinnville; Emilie Molloy, 29870 SW Mill Creek Road, Sheridan; Jalena Juarez, 30295 SW Mill Creek Road, Sheridan; and Jared Miller, 947 Ford Street, McMinnville; and others as listed on the attendance sheet.

Commissioner Starrett called the meeting to order at 10:03 a.m. The invocation was offered by Angel Aguiar.

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. **CONSENT AGENDA:** Commissioner Springer moved approval of the consent agenda with pending revision of item B(3). The motion passed, Commissioners Starrett, Primozech and Springer voting aye.

Contracts

1. **B.O. 16-392** - Approve Amendment #1 to Agreement #148087 between Yamhill County and the Department of Human Services for the financing of Community Developmental Disabilities services, effective upon approval.
2. **B.O. 16-393** - Approve Amendment #9 to Agreement #148033 between Yamhill County and the Oregon Health Authority for the financing of Public Health services, retroactive to July 1, 2016 through June 30, 2017.
3. **B.O. 16-394** - Approve an agreement between Yamhill County Health and Human Services (HHS) and Azimuth Communications, Inc. for multiple properties in the amount of \$42,208.87 and ongoing monitoring at a rate of \$143.50/month, effective upon approval.

Committees

4. **B.O. 16-395** - Approve the following persons to the member pools for the 2016-17 Board of Property Tax Appeals (BoPTA) with terms ending June 30, 2017:
 - a. County Governing Body Pool: David Jensen, non-officeholder (Chair)
Lucy King, non-officeholder
Nancy Flynn, non-officeholder
 - b. Non-office Holder Pool: David Jensen, non-officeholder, (Chair)
Lucy King, non-officeholder
Nancy Flynn, non-officeholder

Financial

5. **B.O. 16-396** - Consideration of increasing the petty cash account for the Transitional Treatment Recovery Services (TTRS) program homes from \$400 (BO #14-334) to \$500, allocating the additional \$100 to the new TTRS home (Property: 1420 NE Johnstone Ct).

Personal Property Taxes

6. **B.O. 16-397** - Approve the cancellation of uncollectible personal property taxes per ORS 311.970, as recommended by the Tax Collector.

C. **OLD BUSINESS:**

1. **B.O. 16-398** - Consideration of adoption of the final written decision, findings and conditions of Planning Docket C-05-16/SDR-03-16 (KF): An appeal by CPRD of the Planning Director's conditions of approval for a day use park on approximately 325 acres located on Parrett Mountain.

Commissioner Primozich moved approval of item C(1). The motion passed, Commissioners Starrett, Primozich and Springer voting aye.

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

1. **B.O. 16-399** - Consideration of approval of a settlement agreement between Yamhill County and the Calcotes, Yamhill County Circuit Court Case No. 15CV27176, in the total amount of \$80,000.

Commissioner Primozich moved approval of item D(1). The motion passed, Commissioners Starrett, Primozich and Springer voting aye.

2. **B.O. 16-400** - Consideration of approval of an agreement between Yamhill County and Brockamp & Jaeger, Inc. for construction services, in the amount of \$32,443, retroactive to July 1, 2016.

Commissioner Springer moved approval of item D(2). The motion passed, Commissioners Starrett, Primozich and Springer voting aye.

E. **PUBLIC HEARINGS:**

1. Planning Docket SDR-16-16 (SA): An appeal of the Planning Director's approval of a site design review for a facility to process marijuana; applicant: Patricia L. Lawson.
[Tentatively approved; final written decision, conditions and findings to be adopted on October 20, 2016.]

Commissioner Starrett opened the public hearing at 10:20 a.m.

There being no abstentions or objections to jurisdiction, Mr. Sadlo read the land use statement regarding the requirements 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 brief description of an appeal of the Planning Director's approval of a site design review application by Patricia L. Lawson for a marijuana processing facility within 10' x 12' area of the existing 48' x 60' building.

Proponents - Attorney Logan Leichtman addressed the appellant, Mr. Lancefield's concerns regarding the potential for water contamination during the production of processing of marijuana on the applicant's property and legality of marijuana production and processing facilities in Oregon. He stated that Ms. Lawson has obtained all licenses required by state law in order to move forward with her request and assured that no pesticides will be used nor will there be water contamination from cannabis and the project will have very little environmental impact.

Opponents - None.

Public Agency Report - None. Ms. Armstrong noted that there were no conflicts or comments received from Public Works, Amity Rural Fire District, or the Department of Agriculture.

Rebuttal - None.

Staff Recommendation - Stephanie restated the Planning Department's recommendation to approve the application subject to the following conditions:

- a. The facility is approved within the 10' x 12' area of the existing 48' x 60' steel building shown on the attached site map (see Exhibit A).
- b. The applicant shall obtain all permits required by the Department of Environmental Quality (DEQ), the Oregon Liquor Control Commission (OLCC),

and the Oregon Department of Agriculture (ODA).

- c. Prior to operation of the facility, all required building, septic and electrical permits shall be obtained.
 - d. The farm operation shall provide at least one quarter of the farm crops processed at the facility.
 - e. Prior to issuance of permits, the water supply and access will be required to meet the Amity Rural Fire Department standards.
 - f. Adequate on-site parking shall be maintained.
 - g. Modification of any of the above conditions requires approval under Section 1101.02 of the Yamhill County Zoning Ordinance. Violation of any of the above conditions may result in revocation of the site design review permit with the process detailed in Sections 1101.06 and 1101.07 of the Yamhill County Zoning Ordinance.
2. Planning Docket C-04-16/SDR (SA): An appeal of the Planning Commission's approval of a conditional use and site design review for a solar facility consisting of approximately 12 acres located off of Mill Creek Road, Sheridan; applicant: SP Solar 5, LLC; continued from September 1, 2016 at the point of staff recommendation. ***[Tentatively approved; final written decision, conditions and findings to be adopted on October 20, 2016.]***

Commissioner Starrett opened the public hearing at 10:12 a.m.

Stephanie stated that after reviewing the application the Planning Department recommended approval with conditions. There being no further discussion the public hearing closed at 10:14 a.m.

Commissioner Primozich moved approval of item E(2) however, he stated his concerns regarding the location and purpose of the facility and expressed his respect for the Planning Department's recommendation. Commissioner Springer thanked Planning staff and the Planning Commission for their work to mitigate the public and property owner's concerns. Commissioner Starrett stated that although she understands the land owner's concerns she agreed with Commissioner Springer that the Planning Department did a great job throughout the process. The motion passed unanimously. Commissioners Starrett, Primozich and Springer 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 at 503-434-7501 or 503-554-7801 (toll-free from Newberg).

For questions regarding accessibility or to request an accommodation please contact the Board of Commissioners' office 48 hours in advance of the meeting at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at mendezl@co.yamhill.or.us.

The meeting adjourned at 10:54 a.m.

Lucy Flores Mendez
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY STARRETT

Commissioner STAN PRIMOZICH

Commissioner ALLEN SPRINGER