

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 26, 2018, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett, Richard L. “Rick” Olson and Stan Primozych being present.

Also present were Ken Huffer, Deputy County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Mikalie Frei, County Counsel staff; Yebeen Kim, Intern; Ken Friday, Planning Director; Lance Woods, Associate Planner; Nicole Montesano, News-Register; and others as listed on the sign-in sheet.

Commissioner Starrett called the meeting to order at 10:00 a.m. The invocation was offered by Peter Knudsen.

**A. PUBLIC COMMENT:** This thirty-minute 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. Unless extended or restricted by the Chair or majority of the Board, public comment will be limited to three minutes per person.

**B. CONSENT AGENDA:**

Commissioner Olson made a motion to approve the consent agenda. The motion passed, Commissioners Starrett, Olson and Primozych voting aye.

Contracts/Grants

1. **B.O. 18-270** - Approval of the 2018-19 VOCA Non-Competitive Grant Agreement between Yamhill County District Attorney’s Office and the Department of Justice to support the District Attorney Crime Victim Services Office, total grant amount/match amount of \$11,000/\$2,750, retroactive to January 1, 2018 through September 30, 2019.

2. **B.O. 18-271** - Approval of the agreement between Yamhill County and Brockamp & Jaeger, Inc. for the courthouse access ramp rehabilitation project, in the amount of \$54,400 subject to final review by County Counsel.

Equipment

3. **B.O. 18-272** - Approval of the purchase of new mailroom equipment from Pittney Bowes, Inc. in the amount of \$22,920.82.

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**C. OLD BUSINESS:** None.

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

1. **B.O. 18-273** - Consideration of ratification to the agreement between Yamhill County and the City of Sheridan to provide building inspection services, retroactive July 1, 2018.

Commissioner Primozich made a motion to approve item D1. The motion passed, Commissioners Starrett, Olson and Primozich voting aye.

**E. PUBLIC HEARINGS:**

1. Docket Z-01-18: An appeal of the Planning Commission's denial of a change from EF-40, exclusive farm use to AF-40, agriculture/forestry large holding. Applicant: Berchtold Farming, LLC.

Commissioner Starrett opened the public hearing at 10:04 a.m.

There were no abstentions or objections from staff. There were no objections to the jurisdiction of the Board to hear the matter. Commissioner Starrett noted that she reached out (ex-parte contact) to the water master regarding the county involvement in this type of situation and the role of the water master / Oregon Water Resources Department. Mr. Sadlo noted that her email correspondence was added to the hearing record. Mr. Sadlo read the statements of the law required before a land use hearing.

Staff Report:

Mr. Woods provided the staff report regarding the appeal request.

Proponents:

Catherine Wright, attorney for applicant gave comment on behalf of her client. She stated that the AF designation her client is proposing is appropriate and meets criteria. The question was asked what the intention of zone change is since farming and forestry can continue to take place under either designation. Ms. Wright stated that her client does not have any immediate plans outside of farming use and land maintenance at this time. Mr. Friday defined the criteria differences that would accommodate the building of dwellings on agriculture zoned land.

Opponents:

Kathryn Jernstedt gave testimony representing Friends of Yamhill County in opposition of the loss of EF land and fragmentation of existing parcels as well as the concern of the depletion of water sources. Ms. Jernstedt provided written testimony.

Dennis Brutke – Mr. Brutke gave testimony in opposition and provided written testimony. He stated concern that the rezoning will result in dwelling development thereby infringing on farming properties. He also submitted evidence suggesting that even with one zone change, the lots at issue would not qualify for forest template dwellings.

Bill Catrall – Mr. Catrall gave testimony in opposition and submitted testimony to the Planning Department.

Carla Chambers – Ms. Chambers gave testimony in opposition. She concurred with other opponent’s comments and also noted concerns regarding ground water limited areas. Ms. Chambers would like to see the county working with the ORWRD to set standards that protect water rights for farmers.

Public Agency Report:

Mr. Woods stated he received no comments from outside public agencies with the exception of the correspondence between Commissioner Starrett and the water master.

Rebuttal by Proponent:

Ms. Wright stated that the opponent’s testimony bears no proof to suggest the applicant hasn’t met approval criteria.

Mr. Sadlo noted that no party asked that the record remain open.

Staff Recommendation:

Mr. Woods stated the applicant has met the criteria and the Planning Department recommends approval.

Commissioner Starrett closed the public hearing at 10:56 a.m.

Deliberation:

The Board deliberated and acknowledged the concerns regarding potential farming impacts. Based on the testimony presented and the applicant’s ability to fulfill the applicable criteria, the Board’s decision was to accept the appeal and to overturn the Planning Commission’s denial.

Commissioner Primozich made a motion to approve item F1. The motion passed, Commissioners Starrett, Olson and Primozich voting aye.

**F. ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to the county’s 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 at 503-434-7501 or 503-554-7801 (toll-free from Newberg).

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](mailto:bocinfo@co.yamhill.or.us)

Following Commissioner announcements, the meeting adjourned at 11:02 a.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair MARY STARRETT

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Commissioner RICHARD L. "RICK" OLSON

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Commissioner STAN PRIMOICH