

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 January 19, 2017, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett, Stan Primozich, and Richard L. “Rick” Olson being present.

Also present were Laura Tschabold, County Administrator; Ken Huffer, Deputy County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Assistant County Counsel; Mikalie Frei, County Counsel staff; Stephanie Armstrong, Planning; Nicole Montesano, News-Register; Dave Adams, KLYC, see sign in sheet.

Commissioner Primozich called the meeting to order at 10:00 a.m. Invocation was offered by Suzanne Brocke.

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 Primozich moved approval of the consent agenda as presented. The motion passed unanimously, Commissioners Starrett, Primozich and Olson voting aye.

Contracts/Grants

1. Consideration of the approval of change order #2 to the agreement (B.O. 16-473) between Yamhill County and Integrity Builders for the 27th St. duplex renovation in the amount of \$5,920.04, effective upon approval.
- 2.
3. Consideration of the approval of change order #2 to the agreement (B.O. 16-132) between Yamhill County and Baker Rock Resources for the 2016 Public Works Overlay Paving Project in the amount of \$37,000, effective upon approval.

Financial

3. Approval of the transfer of appropriation authority from 11-60-515.03 (Materials and Service) to 11-60-795.00 (Debt Service), in the amount of \$1,900 to cover the January 2017 interest payment on the ODOT/ByPass loan.

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

1. Consideration of a services agreement between Yamhill County and Hahn and Associates, Inc., for the Phase 1 Environmental Site Assessment in the amount of \$4,000, effective upon approval.

Commissioners discussed the assessment that would be conducted and also discussed whether/when a farm impact study would be conducted.

Commissioner Primozich moved approval of item D1. Commissioner Olson and Primozich voting aye, Commissioner Starrett voting nay.

E. **PUBLIC HEARINGS:**

1. **Docket E-06-16(SA):** An appeal of the Planning Director's approval to allow up to 18 agri-tourism events per calendar year at 30203 NE Benjamin Rd.. Applicant: Christian DeBenedetti; Appellant: David Wall.

Commissioner Primozich opened the public hearing at 10:19 am.

There being no abstentions or objections to jurisdiction, Mr. Sadlo read the land use statement required by ORS 197.763(5) regarding the requirement that parties must raise all issues at the public hearing or waive their right to raise the issues on appeal. He also asked if any commissioners had any ex parte contacts or site visits to report, and there were none.

Staff Report - Stephanie Armstrong presented the staff report providing a briefing for the request to allow eighteen (18) agri-tourism events per calendar year on the property located at 30203 NE Benjamin Rd.

Proponents - Christian DeBenedetti provided a brief description of the history of his family farm, Springbrook Farms, and a synopsis of how he began his brewing company. He shared his passion for preserving the essence of the farm, utilizing Springbrook Farms products in the brewing process, and becoming an integral part of Newberg's community.

Mr. Kresge, cousin of Mr. DeBenedetti, and investor in the Wolves & People Farmhouse Brewery stated in support that the Farmhouse brewery is a serene and beautiful environment. He compared it to that of the ambiance of a coffee house. He stated he is proud of the use of local ingredients and the quality of their product.

Opponents - The appellant, David Wall, testified regarding his opposition to the application. He expressed his concerns regarding the noise curfew of up to 10 p.m., and the use and placement of the portable toilets. He stated that there is already danger from speeding on

Benjamin Road and with the increased traffic to the Wolves & People Farmhouse Brewery this becomes a safety concern. He is concerned about the possibility of a decrease in his property value. Mr. Wall wanted to know if the planning department verifies property usage and compares the usage to its intended zone purpose. The details and supporting documents related to Mr. Wall's concerns are found in the 76 page packet submitted by Mr. Wall and kept in the Planning Department file for Docket E-06-16.

Vicki Shepherd agreed with the previous opponent's testimony, adding that she is concerned that there is no fire hydrant access; concerned regarding additional traffic on Benjamin Road, and concerned that the brewery has diminished the livability of her land.

Joyce Damman also opposes the application. Her concerns are the dangerous driving conditions on Benjamin Road, the added difficulty exiting her driveway, and the added disturbance from the headlights that directly hit the front of her home from the cars exiting the brewery's parking lot.

Kathryn Jernstedt, with Friends of Yamhill County, discussed her concerns regarding the zoning and use of the applicant's land. She requested that the record be left open in order for her to submit additional documents in support of her opposition. She also requested that the Board uphold the appeal and deny the application.

Mrs. Armstrong stated that there were no additional public agency reports.

Rebuttal - Mr. DeBendetti stated that while he agrees that Benjamin Road is in need of improvement, it is outside of his control. He indicated that the brewery has undergone and passed inspections from the OLCC, the fire district, and the ADA. Mr. DeBendetti stated he is proud of the work they do on the farm and discussed how the approval of his application will help his business to succeed. He is eager to bring new life and new activities to the farm in addition to growing as a strong part of Newberg's economy.

Staff Recommendation - In response to the request by a party that the record remain open, staff recommended a schedule for submittal of additional written testimony and evidence. The public hearing will be continued to February 16, 2017 at 10:00 a.m., Room 32 of the Yamhill County Courthouse at the point of staff recommendation. ***Record to remain open until January 26, 2017 at 5:00 p.m. for submittal of written argument and evidence from any party; record to remain open until February 2, 2017 at 5:00 p.m. for submittal of written rebuttal by any party of testimony received during the open record period; and record to remain open until February 9, 2017 at 5:00 p.m. for written final argument from the applicant only.***

Commissioner Primozich moved to keep the record open until February 9, 2017 as stated by staff. The motion passed unanimously, Commissioner Primozich, Starrett, and Olson 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 at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at coxcr@co.yamhill.or.us.

The meeting adjourned at 12:20 p.m.

Crystal Cox
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair STAN PRIMOZICH

Commissioner MARY STARRETT

Commissioner RICHARD L. "RICK" OLSON