

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 combined session on October 6, 2022, at 10:00 a.m. in Room 32 of the courthouse and a virtual meeting via Zoom, Commissioners Lindsay Berschauer, Casey Kulla and Mary Starrett being present.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Lance Woods, Associate Planner; Ken Friday, Planning Director; Mark Lago, Public Works Director; Derrick Wharff, Assessor; Carrie Martin, Grants & Special Projects; Jodi Gollehon, Assistant County Counsel II; Nohely Barajas-Montalvo, Legal Assistant participated via Zoom.

Guests via Zoom: Kit Johnston, Abisha Stone, Patty Herzog, Nicole Montesano, Dominique Mahe and Mary Weil.

Andrew Clarke, Bill Sweat, Drew Hildebrandt, Elaine Albrich, Kris Babbs, Kristi Melvedt, Michael Yaki, Philip Higgins, Mark V., Mackinley Robinson, Ryan McKay, Michael Walsh and 503-899-9671 participated via Zoom.

Welcome! Thank you for attending today’s meeting. Public participation is encouraged. If you wish to address the Commissioners on any item not on the agenda, you may do so as part of the public comment period at the beginning of the meeting. If you desire to speak on any item, please raise your hand to be recognized after the Chair announces the agenda item. Please fill out a public comment card to indicate your intent to speak. NEW – Public participation also includes the ability to attend Formal Session via Zoom. For attendees that are attending the meeting via Zoom, the Chair will ask if any Zoom attendees wish to provide public comment in same manner as provided above. At that time, attendees will be asked to use the “raise hand” function in Zoom and staff will unmute the participant. Meetings will also continue to be available for view via a live stream on the Commissioners’ You Tube channel. Written public comments may be submitted via email at bocinfo@co.yamhill.or.us.

A. CALL TO ORDER: Commissioner Berschauer called the meeting to order at 10:00 a.m.

B. FLAG SALUTE

C. CALENDAR SESSION: This time is reserved for the review of the commissioner’s joint schedule (if needed).

The Commissioner’s reviewed the joint schedule for the week of October 10 - October 16, 2022. No other county business was discussed.

D. PUBLIC COMMENT: This 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. The Chair may limit the length of individual comments.

There was no public comment received.

E. DEPARTMENT UPDATES:

- a. Public Works – Mark Lago
Mr. Lago updated the Board regarding departmental personnel changes,

F. WORK SESSION: This time is reserved for topics of discussion scheduled for the Commissioners in advance. If a work session is not needed, the balance of the meeting will begin at 10:00 a.m.

1. Work Session –

- a. Review/discussion of Commercial Property Assessed Clean Energy (C-PACE) Program.

Assessor Derrick Wharff stated his research in Deschutes and Multnomah counties were very different practices and have been used sparingly; he expressed minimal concern as most of the duties would be assumed by the county administrator.

Abisha Stone noted project rollout of green energy initiative programs are notably higher in states that are marketing to support environmental and community support programs.

Patty Herzog of McMinnville Economic Development Partnership (MEDP) shared her previous experience stating C-PACE was an incentive typically used in the hotel industry but can be used for such projects as seismic retrofitting and water/energy efficiency; Oregon has used this program since 2015.

Ken Huffer emphasized C-PACE was a county program which works with a third-party to administer the program; Commissioner Starrett expressed her interest but she stressed the excessive workloads that county staff are currently carrying and stated she would prefer to delay this program.

Michael Yaki, outlined his experience with the program and noted 30 additional states implementing the C-PACE program.

- b. End of work session

The meeting was recessed at 11:08 a.m. and reconvened at 11:15 a.m.

G. CONSENT AGENDA: None.

H. OLD BUSINESS: None.

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

1. **B.O. 22-318** - Consideration of approval in the matter of approving an amendment to a purchase sale agreement with the Yamhill County Affordable Housing Corporation.

Christian Boenisch stated HAYC has asked to amend agreement language. Commissioner Starrett moved approval of item I1. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

J. PUBLIC HEARINGS:

1. Docket #C-11-22/SDR-22-22: A conditional use permit and site design review request for a commercial activity in conjunction with farm use for the rental of the onsite winery and tasting room, in conjunction with an agricultural use, for (6) events such as parties, receptions, and banquets with the primary intent of indirect promotion of the wine grapes harvested and processed on-site. This request also includes a consolidation of the existing conditions of approval governing the operation of the wine production facility (winery) and onsite tasting room, with conditions that included: operating hours from 11:00 a.m. to 10:00 p.m. (summer) & 11:00 a.m. to 9:00 p.m. (fall, winter, spring), and the hosting of six (6) events per year with a maximum attendance of 100 guests. The Applicant is appealing a condition of approval placed by the Planning Department that prohibits the use of amplified voice or sound in conjunction with the operation of the winery and tasting room. Tax Lot: 3327-02000. Applicant: Furioso Vineyard Dundee, LLC. / Appellant: Giorgio Furioso.

Commissioner Berschauer opened the public hearing at 11:20 a.m. There were no abstentions or objections to the jurisdiction of the Board and there were no reports of ex-parte contact or site visits. Ken Friday read the “raise it or waive it” statement required by ORS 197.763(5).

Staff Report: Lance Woods presented the parcels description and outlined the applicant’s request rental of the onsite winery and tasting room and to expand operation hours.

Applicant: Elaine Albrich provided context stating the applicant incorrectly filed an appeal but has withdrawn it and is in support of the Planning Director’s decision. She stated Ms. Seeberger’s appeal is past the appeal testimony period. There was no additional testimony in support of the application.

Appellant: Ms. Albrich clarified there is no appellant as the appeal has been withdrawn.

Additional testimony in opposition: Elizabeth Seeberger presented testimony in opposition citing numerous complaints. She presented information in objection to increased hours and proposed site operations. She requested definition of the Applicant’s request of space rental and that the number of parking spaces comply with zoning ordinances. She raised road safety and traffic study concerns; Ms. Seeberger asked for the record to remain open for additional testimony and evidence.

Bill Sweat stated the letter addressed to Mr. Furioso and the Planning Department in opposition to the application was signed by 24 neighbors living within the 750 ft. radius of the Applicant’s property. He raised his concerns regarding commercial activities.

Zoom User stated she had witnessed parking and traffic problems on Worden Hill Road associated with Furioso Vineyard. She stated opposition to the extended hours request.

Public Agency Reports: Lance Woods stated the county sanitarian responded with conditional recommendations. There were no additional agency reports submitted.

Applicant Rebuttal: Elaine Albrich addressed the procedural steps of the application and outlined the testimony and comment timelines stating appeals needed to be submitted by August 25, 2022 and noted that the Board did not have jurisdiction to hear testimony received after that date. She was in favor of keeping the record open as requested. Ms. Albrich responded to parking issues and application conditions that were raised by Ms. Seeberger; she said that Furioso is conditioned to provide a traffic management study before each event.

Ken Friday clarified there were no requests by Public Works to do additional conditions and the neighbors failed to submit testimony during two separate submittal times. Procedurally, Jodi Gollehon added that there is ambiguity in the case but stated that the case may be referred to LUBA if the appealing parties are not provided an opportunity to give testimony.

Elaine Albrich clarified the Applicant's position and agreed with the request to keep the record open. Ken Friday recommended that the record be open until 5:00 p.m. on October 13, 2022 for all parties to submit written testimony or evidence to the Planning Department. The record shall then be open for the Applicant only to submit final written argument with no new evidence until 5:00 p.m. on October 27, 2022. At that point the record shall be closed. The public hearing will reopen on November 3, 2022 at the point of Staff Recommendation.

Commissioner Kulla moved approval of the motion as recommended. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

K. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to the county's website, <https://www.co.yamhill.or.us/content/board-commissioners-committees>, or call the Board of Commissioners' office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).
2. 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
3. Electronic versions of all meeting agendas and meeting information packets can be found at the county's website: <https://www.co.yamhill.or.us/meetings>

Following Commissioner announcements, the meeting adjourned at 12:17 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LINDSAY BERSCHAUER

Commissioner CASEY KULLA

Commissioner MARY STARRETT