

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 November 3, 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; Jodi Gollehon, Assistant County Counsel II; Lance Woods, Associate Planner; and Ken Friday, Planning Director. Nohely Barajas-Montalvo, Legal Assistant and Jason Foose, County Surveyor participated via Zoom.

Guests: Kit Johnston, and Kathryn Jernstedt. Elaine Albrich, Andrew Hildebrandt, Mary Weil, Olivier Jamin, Pam Hayes, J. Lampman, Marvin Bernards, Dominique Mahe, 503-899-9671, and Giorgio Furioso 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 10:02 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 November 7 – November 13, 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 were no in-person public comments received. Public comments were received via email regarding Newberg City Council special elections. The Board clarified on record that the special election would be held December 20, 2022.

E. DEPARTMENT UPDATES: None.

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 – None.

G. CONSENT AGENDA: None.

H. OLD BUSINESS: None.

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

1. **B.O. 22-338** - Consideration of approval of a grant agreement between Yamhill County and Willamette Workforce Partnership (WWP) for the Yamhill County Fiscal Recovery Fund (YCFRF) Business Direct Impact Competitive Grant Program in the amount of \$5,000, effective November 1, 2022 through October 31, 2023.

Commissioner Berschauer moved approval of item I1. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

2. **B.O. 22-339** - Consideration of approval of a contract employment agreement between Yamhill County and Rhonda M. Jaasko to provide pre-employment background investigation services at the rate of \$45.00 per hour, retroactive to September 27, 2022 through June 30, 2023 with auto renewal.

Commissioner Berschauer moved approval of item I2. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

3. **B.O. 22-340** - Consideration of approval in the matter of Resolution 22-11-03-1 proclaiming November as National Runaway Prevention Month in Yamhill County.

Commissioner Starrett moved approval of item I3. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

The meeting was recessed at 10:12 a.m. due to technical difficulties and reconvened at 10:25 a.m.

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. ***[Continued from October 6, 2022, reopening at the point of Staff Recommendation].***

The public hearing was reopened at 10:28 a.m. at the point of Staff Recommendation.

Staff Recommendation: Lance Woods recommended that the application be approved with conditions which he read into the record.

The public hearing was closed at 10:37 a.m.

Deliberation: There was clarification regarding process stemming from an appeal submitted by the Applicant and received at the initial hearing held on October 6th, which was withdrawn. After discussion, Mr. Woods re-read the conditions into the record, adding conditions of approval which amend hours of operation, the removal of on-site food carts pending change to land use approval and restriction to only serving wine produced on-site or in Oregon. Commissioner Berschauer moved approval of the conditions as amended. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye. Final written conditions and findings will be ready for consideration of adoption on December 1, 2022.

The meeting was recessed at 11:41 a.m. and reconvened at 11:50 a.m.

2. Docket #SU-02-22: A “similar use” interpretation of the Yamhill County Zoning Ordinance (YCZO) to add the following use: “Operations conducted for the exploration of aggregate resources, subject to the requirements in section 404.10” to the list of permitted uses in the RC, Recreation Commercial zoning district. This request was also subject to site design review and the mineral resources exploration permit standards provided in section 404.10 of the YCZO. Applicant: Turner Rock Products, LLC.; Appellant: Kenneth Mills. ***[Continued from September 29, 2022, reopening at the point of Staff Report].***

The public hearing was reopened at 11:52 a.m. at the point of staff report.

Staff Report: Lance Woods entered the staff report into the record noting the subject parcel has been historically used for commercial timber production. It was noted that additional public testimony was received and submitted into the record.

Applicant: Mark Turner provided testimony stating the original intent of purchasing the property was to maintain the timber ground. He briefly outlined the property's zoning history.

Erick Staley presented testimony from a geologist's standpoint regarding Mr. Turner's mining property. He said not being allowed to use the RC Zoning would limit exploration activities; at this time, they are in the exploration stages and not ready to create a quarry operation. The reason for not applying for a zone change request was due to the time and cost associated with it. There was no additional testimony in support of the applications.

Appellant: Kenneth Mills expressed concerns of any potential excavating affecting his water well or property. Julie Mills agreed with Mr. Mills' testimony also stating concerns regarding water impacts from excavation.

Additional Appellant testimony: Kathryn Jernstedt representing Friends of Yamhill County expressed concerns regarding future similar use determinations as well as impact to area wildlife in a protected zone.

Lance Woods noted that the Applicant had previously requested mining in the AF Zone but later withdrawn which created confusion among neighbors regarding the Applicant's intent in this current application.

Daniel Herrold also expressed confusion regarding not being notified about the first application being withdrawn. He asked the Board not to approve the current application expressing concern about excavation blasting affecting water wells. There was no additional testimony in opposition of the application.

Public Agency Reports: There were no public agency reports received.

Rebuttal by Applicant: Erick Staley restated blasting and mining were not in the exploration plan. Equally, the Appellant would have to submit a drilling hole plan to minimize, and avoid, impacts to habitat or water wells.

Staff Recommendation: Mr. Woods stated the recommendation was to approve the application with conditions as read into the record.

The public hearing was closed at 1:03 p.m.

Deliberation: Commissioner Berschauer proposed amending the hours of exploration operation to 8:00 a.m. to 6:00 p.m.

The meeting was recessed at 1:13 p.m. and reconvened at 1:21 p.m.

After discussion, Commissioner Berschauer moved approval of the application with amendment to condition #3. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye. Final written findings and conditions will be presented for consideration of adoption on December 1, 2022.

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 1:28 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LINDSAY BERSCHAUER

Commissioner CASEY KULLA

Commissioner MARY STARRETT