

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 May 13, 2021, at 10:00 a.m. in a virtual meeting via Zoom, Commissioners Mary Starrett, Lindsay Berschauer and Casey Kulla being present.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Jason Foose, County Surveyor; Stephanie Armstrong, Senior Planner; Ken Friday, Planning Director; Brian Young, Emergency Manager; Todd Sadlo, Senior Assistant County Counsel and Keri Hinton, BOC Staff (via Zoom).

Guests via Zoom: Chief Deric Weiss, TVF&R; Greg Blonde, Orrick; Doug Roe, Orrick; Les Krusen, Orrick; Dave Hampton, Friendsview; Roger Watson, Friendsview; John Cross, Greystone; Larry Ouja, Executive Director, Yamhill Soil & Water Conservation District; MJB; Catherine Wright; Allen Kennedy; Nate Lindell; Sheila Barnes; Dan Upton; Katheryn Jernstedt; and Carla.

Welcome! Due to COVID-19 and physical distancing requirements, attending the meeting is discouraged. The public can view the meeting via the YouTube link on the Yamhill County Meetings page. <https://www.co.yamhill.or.us/meetings>. See below for instructions regarding submitting general public comment or comments on agenda items.

- A. CALL TO ORDER:** Commissioner Starrett called the meeting to order at 10:03 a.m.

- B. FLAG SALUTE**

- C. CALENDAR SESSION:** This time is reserved for the review of the commissioner’s joint schedule (if needed). There were no new items added to the calendar. No other county business was discussed.

- D. PUBLIC COMMENT:** *Due to COVID-19 and physical distancing requirements, anyone wishing to submit general public comment or comments related to a specific agenda item may do so in written format via email at [cocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us) or by mail at 535 NE Fifth St., McMinnville, OR 97128. Any comments received prior to the meeting will be shared with the Board of Commissioners and submitted to the record.*

Public comments received via e-mail were related to firearm laws and the Yamhelas Westsider Trail.

MS  LB CK

B.O. 21-297

E. PUBLIC HEARING:

1. Receipt of public comment on a request by Friendsview Manor to issue Revenue Bonds Series 2021 in a maximum aggregate principal not to exceed amount of \$150,000,000 for the purpose of refinancing prior debt obligations and financing additional projects.

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

The public hearing was held for the purpose of hearing public comment on a request by Friendsview Retirement Community to the Yamhill County Hospital Authority to issue its revenue bonds in an aggregate principal amount not to exceed \$150,000,000. There was no public comment received. The public hearing was closed at 10:08 a.m.

- a. **B.O. 21-170** - Consideration of approval of the issuance of the Yamhill County Hospital Authority Revenue and Refunding Bonds, Series 2021 (Friendsview Retirement Community – Oregon) and related matters.

Commissioner Kulla moved approval of item E1a. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

- 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. a. Presentation: TVF&R State of the District
Chief Deric Weiss addressed the Board regarding the overall accomplishments and challenges that have occurred during the last year within the fire district. He addressed a November bond measure to support fire service projects and upgrades and stated the need for recruiting and training new firefighters.

b. End of work session.

2. a. Review/discussion of American Rescue Plan areas of priority [*Continued from May 6, 2021*].

The Board and staff discussed categorizing priority projects. The next steps to be taken will include the Board submitting project ideas to staff to create a priority project list for review next week.

b. End of work session.

G. DEPARTMENT UPDATES: None.

- H. CONSENT AGENDA:** Commissioner Kulla moved approval of the consent agenda. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

Minutes

1. a. **B.O. 21-171** - March 4, 2021, Formal/Informal Session;
b. **B.O. 21-172** - March 11, 2021, Formal/Informal Session;

- c. **B.O. 21-173** - March 18, 2021, Formal/Informal Session; and
- d. **B.O. 21-174** - March 25, 2021, Formal/Informal Session

Contracts & Grants

- 2. **B.O. 21-175** - Approval of Amendment #2 to an agreement between Yamhill County and Sunrise Family Clinic, LLC. (B.O. 20-29) for mental health services in the McMinnville School Based Health Clinic (SBHC) adding funds in the amount of \$50,000, effective July 1, 2020 through June 30, 2021.
- 3. **B.O. 21-176** - Approval of Amendment #7 to an agreement between Yamhill County and Virginia Garcia Memorial Health Center (B.O. 12-403) to support school-based health center operations amending service language and adding funding in the amount of \$27,000, effective July 1, 2020 through June 30, 2021.
- 4. **B.O. 21-177** - Approval of Amendment #2 to an agreement between Yamhill County Health and Human Services and Lines for Life (B.O. 16-518) removing Dialectical Behavior Therapy (DBT) services, retroactive to March 1, 2021 with annual auto-renewal.

I. OLD BUSINESS: None.

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

- 1. **B.O. 21-178** - Consideration of the approval of Agreement #169645 between Yamhill County and the Oregon Department of Human Services, Vocational Rehabilitation for Individual Placement and Support Services in the amount of \$300,000 retroactive to April 1, 2021 through March 31, 2023.

Commissioner Starrett moved approval of item J1. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

- 2. **B.O. 21-179** - Consideration of approval to authorize Community Justice to submit an application for the first phase of the Justice Reinvestment Initiative (JRI) grant to the Criminal Justice Commission for the 2021-23 biennium.

Commissioner Berschauer moved approval of item J2. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

- 3. **B.O. 21-180** - Consideration of approval of a letter of agreement between Yamhill County Board of Commissioners, Yamhill County Sheriff's Office, and Teamsters Local 223 for a trial period implementation of an EMS Deputy in the Emergency Medical Services program in the Sheriff's Office effective upon approval through June 30, 2022.

Commissioner Berschauer said this was a statewide trial program. Commissioner Berschauer moved approval of item J3. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

4. **B.O. 21-181** - Consideration of adopting Resolution 21-05-13-1 and board order in the matter of approving Tualatin Valley Fire and Rescue's Fire Code.

Commissioner Starrett moved approval of item J4. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

5. **B.O. 21-182** - Consideration of approval of a quote and agreement between Yamhill County and DocuSign, Inc. for eSignature software and support in the annual amount of \$31,875.76 effective May 14, 2021 with annual auto-renewal.

Commissioner Kulla moved approval of item J5. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

6. **B.O. 21-183** - Consideration of approval of a proposed \$0.50/ton CPI increase by Yamhill County Solid Waste Department for Riverbend Landfill tipping fees, effective July 1, 2021.

Commissioner Kulla moved approval of item J6. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

The Board discussed a proposal raised by Yamhill Soil & Water Conservation District during county budget meetings to hold in-person wildfire prevention workshops. Larry Ojua addressed the proposal stating in-person trainings for citizens would complement existing training efforts and programs held by OSU Extension to which Emergency Manager Brian Young agreed. There was no action taken.

The meeting was recessed at 11:11 a.m. and reconvened at 11:16 a.m.

K. PUBLIC HEARINGS:

1. Consideration of Docket #FT-13-20 a request for an appeal of the Planning Director's approval of a forest template dwelling; Applicant: Catherine Wright representing Loyola Heights, LLC.; Appellant: 1000 Friends of Oregon; Tax Lot: 5435-600.

Commissioner Starrett opened the public hearing 11:17 a.m. There were no abstentions or objections to the jurisdiction of the hearing and no ex-parte contact or site visits were declared. Commissioner Kulla disclosed a potential conflict of interest with the appellant's attorney Catherine Wright but assured that it would not hinder his decisions related to the hearing. Todd Sadlo read the "raise it or waive it" statement required by ORS 197.763(5). Mr. Sadlo stated this was not the initial evidentiary hearing but, in an abundance of caution, any person may request additional time to submit additional testimony regarding the application prior to the Chair closing the hearing.

Staff Report: Ms. Armstrong read the staff report into the record stating the application met approval with conditions.

Applicant: Attorney Catherine Wright stated the application met standards and addressed an outstanding issue regarding the predominant use of the property which she stated was forest use.

Dan Upton summarized a field investigation of the property he conducted in 2019 to determine if the property was forested as of 1993. His findings determined that approximately two-thirds of the acreage was naturally seeded timber, primarily Douglas Fir. There was no additional testimony received in support of the application.

Appellant: Kathryn Jernstedt, representing 1000 Friends of Oregon, gave testimony in opposition to the application noting concern that the application was to seek re-zoning for the purpose of rural residential development. She referred to aerial photos from 1992 identifying apple tree orchards which, she stated, indicated the parcel was used for farming purposes with unintentional forestry use. There was no additional appellant testimony received.

Public Agency Reports: Ms. Armstrong stated there were no additional public agency reports received.

Applicant Rebuttal: Ms. Wright responded to appellant testimony, reiterating that there were no actively harvested crops up to 1992 and therefore the parcel did not meet farm use standards after 1993 when the parcel deferral status was revised from farm to forest.

Staff Recommendation: Ms. Armstrong stated the applicant was able to prove that forest use was predominant on the parcel in 1993 and the staff recommendation was to approve the application with conditions as approved by the Planning Commission.

The public hearing was closed at 12:14 p.m. Ms. Jernstedt requested to keep the record open to which all parties agreed. Staff recommendation was to keep the record open until 5:00 p.m. on May 20, 2021 for all parties to submit written testimony or evidence to the Planning Department at 525 NE 4th Street, McMinnville. The record shall then be open until 5:00 p.m. on May 27, 2021, for all parties to submit to the Planning Department written rebuttal to what was submitted during the first open record period. The record shall remain open, for the applicant only, to submit final written argument, with no new evidence, until 5:00 p.m. on June 3, 2021. At that point the record shall be closed. The Board of Commissioners shall reopen the hearing at 10:00 a.m. on June 10, 2021, in Room 32 of the Yamhill County Courthouse (or in a virtual meeting via Zoom, as appropriate) at the point of staff recommendation. Commissioner Kulla moved to approve the motion as presented by Director Friday. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

L. 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 12:24 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS



Chair MARY STARRETT



Commissioner LINDSAY BERSCHAUER



Commissioner CASEY KULLA

Accepted by Yamhill County
Board of Commissioners on
7/22/21 by Board Order
21-297