

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 30, 2023, at 10:00 a.m. in Room 32 of the Yamhill County courthouse, and in a virtual meeting via Zoom, Commissioners Lindsay Berschauer, Kit Johnston and Mary Starrett being present.

Also present were Ken Huffer, County Administrator; Justin Hogue, Deputy County Administrator; Christian Boenisch, County Counsel; Jodi Gollehon, Assistant County Counsel II; Carrie Martin, Grants & Special Projects; Tim Svenson, Sheriff; Sam Elliot, Sheriff’s Office Captain; Emily Williamson, Sheriff’s Office Staff; Lance Woods, Senior Planner; and Ken Friday, Planning Director. Nohely Barajas-Montalvo, Legal Assistant participated via Zoom.

Guests: Bubba. Ben Lewis-Ramirez; Cindy; Nicole; Shawne May; and Adam Garvin 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 [hocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us).*

**Notice:** *The Board of Commissioners will hold an Executive Session prior to combined session beginning at 9:00 a.m. pursuant to ORS. 192.660(2)(h) – Executive session to consult with legal counsel regarding current litigation. The BOC combined session meeting will begin at 10:00 a.m. or shortly thereafter.*

**A. CALL TO ORDER:** Commissioner Berschauer called the meeting to order at 10:22 a.m. The meeting convened late due to a prior executive session.

**B. FLAG SALUTE**

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

The Commissioners reviewed the joint schedule for the week of December 4 – 10, 2023. No other county business was discussed.

B.O. 24-54

LEB ✓ KJ ✓ AMS ✓

**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 public comments received.

**E. DEPARTMENT UPDATES:**

a. Sheriff's Office – Sheriff Tim Svenson

Sheriff Svenson read his letter of resignation into the record stating he has accepted a position with the Oregon State Sheriff's Association and recommended the appointment of Captain Sam Elliott.

The meeting was recessed at 10:27 a.m. due to technical difficulties and reconvened at 10:29 a.m.

The Board offered congratulations to both Sheriff Svenson and Captain Elliott.

1. **B.O. 23-428** - Consideration of appointment of Sam Elliott to fill the position of Yamhill County Sheriff effective December 21, 2023, through January 6, 2025.

Commissioner Berschauer moved approval of Ea1. The motion passed, Commissioners Berschauer, Johnston, and Starrett 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. Work Session –

a. Review/discussion of Rural Broadband – Ben Lewis-Ramirez, representing HR Green, provided a project overview adding broadband services to Yamhill County rural areas focused on the west valley. Mr. Lewis-Ramirez said HR Green would provide data driven strategy documentation to maximize ARPA grant funds to help the county better direct investment funds. Ken Huffer outlined the total grant funding available and recommended beginning the Request for Proposal (RFP) process with local internet service providers to begin soliciting projects. Mr. Lewis-Ramirez reminded the Board that HR Green is already in agreement to oversee the National Telecommunications and Information Administration (NTIA) process to review internet service provider inquiries. He added the number of survey responses was low and said the spotty internet access in the west valley may have limited response access. Based on questions by the Board, Mr. Lewis-Ramirez assured them the review packet would include comparisons between broadband and satellite providers. Ken Huffer added that an extension was submitted to the state to ensure sufficient time to expend the funds which is now December 31, 2024. The Notice of Funding Opportunity (NOFO) should be ready for consideration by the end of the first quarter in 2024. There was no action taken.

b. End of work session

**G. CONSENT AGENDA:**

Commissioner Berschauer moved approval of the consent agenda. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

Contracts & Grants

1. **B.O. 23-429** - Approval of Amendment #1 to an agreement between Yamhill County and Columbia County (B.O. 22-99) for "space available" detention bed rentals increasing rates from \$168 per bed per day to \$495 per bed per day, retroactive to October 1, 2023, with an automatic renewal clause on a year-by-year basis effective July 1, 2024, to increase rates by 3% or the amount of seasonally adjusted CPI-U, West-size Class B/C.
2. **B.O. 23-430** - Approval of Amendment #3 to an agreement between Yamhill County and Clatsop County (B.O. 19-217) for (1) Juvenile Detention guaranteed bed rental increasing rates from \$168 per bed per day to \$180 per bed per day, retroactive to October 1, 2023, through June 30, 2024 with an automatic renewal clause on a year-by-year basis adding \$30 per bed per day through June 30, 2026, after which will increase annual renewal rates by 3% or the amount of seasonally adjusted CPI-U, West-size Class B/C.
3. **B.O. 23-431** - Approval of Amendment #8 to an agreement between Yamhill County and George Fox University (B.O. 13-108) for psychological testing with interpretation and report in the not-to-exceed amount of \$180,000 retroactive to October 1, 2023, with auto-renewal. Oracle reference # 21-236.
4. **B.O. 23-432** - Approval of an amendment to a real estate lease between Yamhill County Health and Human Services and the Housing Authority of Yamhill County (B.O. 09-617) increasing the rent from \$3,438.73 per month to \$3,713.83 per month for the New Reflections Home retroactive to November 1, 2023, through October 31, 2024.
5. **B.O. 23-433** - Consideration of an Amendment #13 to Agreement #173153 between Yamhill County Health and Human Services and the Oregon Health Authority (B.O. 21-490) adding funding for the financing of Community Mental Health, Addiction Treatment, Recovery and Prevention, and Problem Gambling services in the amount of \$38,444, retroactive to July 1, 2023, through December 31, 2023. Oracle reference #HHS24002IGA.

Surplus

6. **B.O. 23-434** - Approval to declare an inventory of computer equipment as surplus county property to be disposed of per county policy.

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**H. OLD BUSINESS:** None.

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

1. **B.O. 23-435** - Consideration of approval of Reinstatement and Amendment #1 to Intergovernmental Agreement #15695 between Yamhill County Community Justice, Juvenile

Division and the Oregon Department of Education, Youth Development Division awarding grant funding in the amount of \$133,200 to support local Yamhill County Prevention programs retroactive July 1, 2023, through June 30, 2025.

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

2. **B.O. 23-436** - Consideration of approval of the Notice of Award issued by the Oregon Health Authority for Infrastructure Support for Reproductive Health Services in the amount of \$31,450, effective through March 31, 2024.

Commissioner Starrett stated this would fund renovations to the Kirby Street location and moved approval of item I2. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

3. **B.O. 23-437** - Consideration of approval of Amendment #1 to an agreement between Yamhill County Health and Human Services and Chemeketa Community College (B.O. 23-346) to provide HHS-wide training, extending the agreement through June 30, 2024. Oracle reference #HS24004GS.

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

4. **B.O. 23-438** - Consideration of approval of a Letter of Opposition to the City of McMinnville's proposal to levy any or all the \$1.50 portion of city property tax levy previously allocated for fire services.

Commissioner Berschauer submitted this letter in response to the City of McMinnville City Council and Mayor calling for a vote to approve continuing to levy the old fire service rates. After discussion, Commissioner Berschauer moved approval of item I4. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

The meeting was recessed at 11:31 a.m. and reconvened at 11:39 a.m.

#### **J. PUBLIC HEARINGS:**

1. Docket P-03-23: A request to partition an approximately 31.52 -acre property into parcels of approximately 1.66 and 29.2-acres. This partition application is possible due to a "Measure 49" Final Order and Home Site Authorization, E131580, approved by the Oregon Department of Land Conservation and Development. Applicant: Cindy & Larry Christenson; Appellant: Jordan & Shawne May. Tax Lot #: 6304-00307.

Commissioner Berschauer opened the public hearing at 11:40 a.m. There were no abstentions or objections to the jurisdiction of the Board. Commissioners Berschauer and Starrett disclosed they know one or both applicants and appellants. There were no reports of site visits or ex-parte contact. Commissioner Johnston disclosed that he attended a Planning Commission meeting that included this docket. Ken Friday read the raise-it or waive-it statement required under ORS 197.763.

Staff Report: Lance Woods provided the staff report stating the applicants purchased the parcel from the previous applicant and want to proceed with the partition as approved by the Planning Commission. Mr. Woods verified that when the property was sold to the Moore's, the purchaser retained rights to the Measure 49 improvements.

Applicant: Richard Moore stated it was his desire to have the issue resolved prior to closing and they agree to the conditions as stated in the Staff Report. He asked the Board to consider the Christiansen's dispute moot as the former owners have no further interest in the partition request submitted by the Moore's. Mr. Moore added that he has taken steps to meet Planning requirements to decommission an outside building. There was no additional testimony in support of the application.

Appellant: Attorney Joseph Strunk representing Shawne and Jordan May addressed partitioning 1.66 acres from the larger acreage per Measure 49 which Mr. Strunk argued was not permissible in an EF-80 zone. He cited exception conditions of Measure 49 requiring new home clustering which doesn't apply to the partitioning request. He added that the applicant refused the appellants request to cluster the home. Mr. Strunk requested that the Board send the application back to the Planning Commission to review the clustering requirement and issue a new decision. He clarified the parcel has already been partitioned twice; the remnant parcel has a dwelling that was not a permitted build. He lastly added that the right to partition was conditioned upon clustering requirements. There was no additional testimony in opposition of the application.

Public Agency Reports: The County Sanitarian submitted a report noting the new parcel will require an approved septic inspection and the and Code Enforcement Officer submitted a report outlining the unpermitted living space that has since been decommissioned. There were no additional reports.

Applicant Rebuttal: Mr. Moore responded to the clustering stating the 1.66-acre parcel has been clustered near the 29.2-acre parcel. He added there is no distinction where a home can be in reference to property lines and does not indicate where a home placement must go.

Staff Recommendation: Lance Woods stated the applicant has met criteria with conditions and falls within Measure 49 standards. Ken Friday added he is considering not recommending Condition #7 as this application is viewed as a partition and he preferred not to include a condition that may be a basis for appeal. Mr. Friday supported the applicant's statement about the placement of the newly partitioned lot, and as a partition, he was only interested in where the lot was being placed and didn't view the remnant parcel to require clustering; it only needs to meet the setback requirements on the dwelling site. Jodi Gollehon reviewed Measure 49 language and recommended the Board make their decision based on whether the requirement to cluster new lots or parcels to maximize suitability is met.

Commissioner Berschauer closed the public hearing at 12:25 p.m.

Deliberation: After discussion, Commissioner Starrett moved approval to uphold the staff's recommendation, deny the appeal and approve the application without Condition #7 and update new owner names. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye. Findings with conditions to be ready for consideration of adoption on December 21, 2023.

THE RECORDS FOR PUBLIC HEARINGS CAN BE FOUND AT: <https://www.co.yamhill.or.us/content/public-hearing-notices>

**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](mailto: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 12:49 p.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

  
Chair LINDSAY BERSCHAUER

  
Commissioner KIT JOHNSTON

  
Commissioner MARY STARRETT

Accepted by Yamhill County  
Board of Commissioners on  
2/22/24 by Board Order  
# 24-54