

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 February 2, 2023, at 10:00 a.m. in Room 32 of the courthouse and a virtual meeting via Zoom, Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Jodi Gollehon, Assistant County Counsel II; Carolina Rook, BOC Staff; Ashley Watkins, Solid Waste Coordinator; Ken Friday, Planning & Development Director; Land Woods, Associate Planner & GIS Analyst; and Mark Largo, Publics Work Director. Nohely Barajas-Montalvo, Legal Assistant participated via Zoom.

Guests: Art Engen, Edwin Sharer, Andrew Stamp, Kathryn Jernstedt. Lee Schrepel 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](mailto:bocinfo@co.yamhill.or.us).*

- A. **CALL TO ORDER** Commissioner Berschauer called the meeting to order at 10:07 a.m.
- 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 February 6 – February 12, 2023. 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. No public comment was received.

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

Personnel

1. **B.O. 23-36** Approval to authorize Leave Without Pay (LWOP) for employee #4391 retroactive to January 2, 2023, with an anticipated return to work date of January 11, 2023.

Committees

2. **B.O. 23-37** Approval of the reappointment of Doreen App to the Budget Committee term to expire June 30, 2025.

3. **B.O. 23-38** Approval of the appointments of James Straub, Rodney Jacobs, and Tom Bernard's to the Yamhill County Forestland Classification Committee each for a four-year term to expire February 2, 2027.

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**H. OLD BUSINESS:** None.

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

1. **B.O. 23-39** Consideration of approval of the Public Works Capital Improvement Project List for 2023-24.

Mark Largo provided a presentation on the 2023-2024 Capital Improvement plan. He informed the Board that the county's road system currently has a Pavement Condition Index (PCI) rating of 76/100, and the rating is considered "good." The goal now is to keep the PCI close to 76 over the next 5 years. He also said there was a one-year pause on the overlays because public work crews needed to prepare the overlays and chip seal projects as well as dig ditches, tree trimming, clean and/or repair culverts. Also, several roads required full depth repair. Regarding bridges, the project at Deer Creek Park is complete. The county continues to hire third-party engineer firms to do small repairs on bridges, any exiting elements made with wood are now replaced with steel which will help extend the life of a bridge.

2. **B.O. 23-40** Consideration of approval of the ratification of Intergovernmental Agreement #73000-00011934 between Yamhill County, the City of McMinnville, and the State of Oregon – Oregon Department of Transportation (ODOT) for the paving project on Highway 18 from Oldsville Road to Ash Road effective for three calendar years upon final execution.

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

3. **B.O. 23-41** Consideration to authorize Lindsey Manfrin or designee to apply for \$4,000 in funding from the Oregon Department of Veterans’ Affairs for Veteran Suicide Awareness and Prevention.

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

4. **B.O. 23-42** Consideration of approval to accept a quote and contract between Yamhill County and BrightSide Electric for the replacement of the Moore Building fire alarm system in the amount of \$42,950.00.

Commissioner Berschauer moved approval of I4. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

5. **B.O. 23-43** Consideration of approval in the matter of amending the Yamhill County Solid Waste Advisory Committee Bylaws.

Solid Waste Coordinator Ashley Watkins provided that the Bylaws were a complete rewrite. Commissioner Johnston moved approval of the I5 agenda. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

6. First reading in consideration of approval of an Ordinance in the matter of amending the Yamhill County Public Contracting Rules; adopting findings; setting effective date.

Jodi Gollehon provided to the Board that county contracting code, ORS 153.018 had not been updated since 2005 which required an extensive update to align with state requirements.

*[Second reading scheduled February 16, 2023. No action taken]*

7. **B.O. 23-44** Consideration of approval of an Ordinance in the matter of amending the Yamhill County Citation Ordinance; renaming to the Yamhill County Code Enforcement Ordinance; declaring an emergency and setting the effective date.

Commissioner Berschauer moved approval of I7. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

8. Consideration of approval of a Board Order in the matter of adopting the Yamhill County Tax Foreclosed Property Management and Disposition Policy.

Commissioner Berschauer requested that Item I8 be moved to February 9, 2023. There was no action taken.

*[Item 18 moved February 9, 2023. No action was taken]*

9. Consideration of approval of a Board Order in the matter of adopting the Yamhill County Discrimination and Harassment Policy.

Commissioner Berschauer requested that item I9 be moved to February 9, 2023. There was no action taken.

*[Item 19 moved February 9, 2023. No action was taken]*

Recessed at 11:21 a.m. and reconvened at 11:35 a.m.

**J. PUBLIC HEARINGS:**

1. Docket #P-10-22: Partition of an approximately 27-acre property into three (3) parcels, two of which will measure approximately 2.4-acres and the third will be approximately 22.44-acres. Applicant is applying for this partition using parcel size averaging. Applicant: Jonathan Jahnke; Appellant: Kathryn Jernstedt for Friends of Yamhill County. Tax Lot: 4512-01600.

Commissioner Berschauer opened the public hearing at 11:36 a.m. There were no abstentions or objections to the jurisdiction of the Board and there were no reports of a site visit, however Commissioner Johnston disclosed that while serving on the planning commission a decision had been made. Ken Friday read the statement pursuant to ORS 192.660(2)(h).

Staff Report: Lance Woods read the staff report noting the parcel does not have a situs address assigned and is located just North of the parcel with an address of 14100 NW Berry Creek Road, and just South of the parcel with an address of 13801 NW Willis Road. There are no records of a site evaluations for septic suitability on file and for the lots to be considered buildable, a site evaluation for septic suitability would need to be approved. Site evaluations were applied for proposed parcels 1 and 2 and were scheduled for evaluation on September 20, 2022.

Applicant: The defendant's attorney Andrew Stamp said that his client's main goal is to obtain two buildable lots and leave the remaining 22-acre lot alone for now. He also said his client is aware of the drainage issues on the 22-acre parcel due to wetlands but doesn't think the 2.4-acre parcel has any drainage issues.

Testimony in Support of the Application: None

Appellant: On behalf of the Friends of Yamhill County, Kathryn Jernstedt submitted testimony into the record. She asked the Board to include the wetlands delineation in the land development plan. Edward Shearer asked Kathryn Jernstedt to confirm the location of the third culvert that she had previously spoken about. There was some discussion between Ms. Jernstedt and Mr. Shearer, but in reviewing the audio the conversation was not captured.

Public Agency Report: The county sanitarian noted that as of mid-November 2023, records indicated that a septic evaluation had not been performed, however on November 30, 2023, the applicant submitted an application that was approved by the sanitarian.

Rebuttal by the Applicant: Regarding the culverts, Andrew Stamp said the county had changed out the culvert at the end of the stream. He noted that Publics Works was contacted to determine if the culvert located at Berry Creek Rd had any drainage issues. Mr. Stamp noted that his client installed a third culvert on the 22-acre parcel in 2022 to allow the direction of a road to go from West to East. He also mentioned that the stream located on 22-acre parcel flows through the center of the parcel and through the culvert. Regarding the wetland's delineation, Andrew Stamp noted that his client is amenable to a condition of approval which would require a full wetland delineation before the 22-acre parcel could be developed. Mr. Stamp confirmed that an existing water well is located at the top of the hill, but it is not located on either of the two proposed lots. Mr. Jonathan Jahnke discussed the option of a shared well and its ability to serve 3 parcels while producing 17 gallons/minute.

Staff Recommendations: Lance Woods stated that staff recommends approval of the land partition request with conditions of approval which Mr. Woods read into the record.

The public hearing was closed at 12:34 p.m.

Deliberation: Commissioner Berschauer said that she is aware of the possibility of the larger lot becoming a larger subdivision; however, the Board is deliberating based on what is brought forth today.

***[The motion to uphold the Planning Commission's decision to approve the application and deny the appeal passed unanimously. Final written decision and findings with conditions to be adopted on February 23, 2023]***

**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 12:45 p.m.

Nicole Necas  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair LINDSAY BERSCHAUER

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Commissioner KIT JOHNSTON

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Commissioner MARY STARRETT