

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 16, 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; Mark Largo, Public Works Director; Travis Pease, Parks Manager; Ken Friday, Planning & Development Director; Lance Woods, Associate Planner & GIS Analyst; Carolina Rook, BOC Staff. Nohely Barajas-Montalvo, Legal Assistant and Lindsey Manfrin, Health & Human Services Director participated via Zoom.

Guests: Councilor Chris Chenoweth, John Bridges and John Abrahams. Chris Chenoweth, Angie Gardner, Vicki Piersall, Michael Schrader and Lee Schrepel participated via Zoom.

**A. CALL TO ORDER** Commissioner Berschauer called the meeting to order at 10:01 a.m.

**B. FLAG SALUTE**

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

The Commissioners reviewed the joint schedule for the week of February 20 – February 26, 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:**

a. Parks Department – Travis Pease & Mark Largo

Mark Largo provided an update to the Board and answered questions. He discussed several improvements that were made to the surrounding parks. Some highlights included: the restrooms at Ed Grenfell Park are complete and expected to open to the public by Spring 2023; the bridge was repaired at Ed Grenfell Park and continues to provide pedestrians a way to cross

the creek to the other side of the park. The Parks Master Plan was initially set to start in the Fall of 2022, but priorities changed. New staff needed to be trained; inmates from the jail were not being released because of COVID restrictions which impacted our ability to have additional support, community service numbers are low, attendance issues with the Parks Advisory Board. However, preliminary discussions about the park's masterplan are expected to begin in March of 2023.

Travis Pease said there are currently six members on the parks advisory board and interviews for the vacancy seats will occur in the coming weeks. The launch fee station located at Rodgers Landing was changed from being able to take cash and credit card to only accepting credit card. The Puzzle Quest Passport Program continues to receive a lot of positive feedback about the program therefore, a subcommittee will be created to hopefully help expedite the planning process.

**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.

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**H. OLD BUSINESS:**

1. **B.O. 23-54-** Second reading in consideration of approval of an Ordinance in the matter of amending the Yamhill County Public Contracting Rules; adopting findings; setting effective date. [*Continued from February 2, 2023*].

Commissioner Starrett moved approval of Item H1. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

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

1. Consideration of approval of a Personal Services Agreement between Yamhill County and Coates Kokes for the development of a fentanyl awareness campaign in the amount of \$72,000 effective upon execution through March 1, 2024.

The Board expressed concern about the amount of time it has taken to create a Fentanyl awareness message. The Board also expressed concern about spending Oregon Health Authority (OHA) funds on a contractor to develop an awareness program vs. using existing programs. There was a lot of discussion about website development. Lindsey Manfrin said these monies are specifically earmarked for website development and there is a separate funding source through the prescription drug and overdose to market through paid adds. She also said that she would discuss the Boards proposals with the contractor.

Councilor Chris Chenoweth provided public comment and said that he provided public testimony to the Senate regarding fentanyl.

*[Item I1 removed. No action was taken].*

2. **B.O. 23-55-** Consideration of approval of a Memorandum of Agreement between Yamhill County and Oregon Health & Sciences University for the Nutrition Oregon Campaign in the amount of \$21,000 retroactive from January 1, 2023 through December 31, 2023.

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

3. **B.O. 23-56-** Consideration of approval of Amendment #3 to the Provider Agreement between Yamhill County Health and Human Services and Yamhill Community Care Organization (YCCO) (B.O. 20-457) for Safety Net Services retroactive to January 1, 2023 through December 31, 2023.

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

4. **B.O. 23-57-** Consideration of approval of the Interchange Area Management Plan for the Newberg-Dundee Bypass.

Commissioner Berschauer opened the discussion by sharing with the rest of the Board that the Oregon Department of Transportation (ODOT) indicated very late in the game that both the county and the City of Newberg would need to approve the same version of the Interchange Area Management Plan (IAMP). Commissioner Berschauer said that a staff member from the City of Newberg had added language to the IAMP and she doesn't feel comfortable now signing the agreement. Commissioner Berschauer said that she would sign the agreement once all references of a bicycle pedestrian trail are removed from the agreement. Commissioner Johnston said the Bypass Committee was also unaware of the bicycle pedestrian trail language. Commissioner Berschauer said the mayor of Newberg was also unaware that language had been added to the agreement.

After discussion, the consensus of the Board is to move forward with approving the plan with striking all language where a bicycle pedestrian trail is referenced. Commissioner Berschauer moved approval of item I4. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

5. **B.O. 23-58-** Consideration of approval of an agreement between Yamhill County and HR Green Fiber and Broadband, LLC. for rural broadband consultant services in the amount of \$198,481.82 retroactive to February 9, 2023 through February 9, 2024 with two additional one-year term extensions.

Commissioner Berschauer moved approval of item I5. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

6. **B.O. 23-59-** Consideration of approval of a Contract Employment Agreement between Yamhill County and Dana Carelle for Special Juvenile Justice Services not to exceed 19 hours

per week at the rate of \$50.00 per hour, effective March 9, 2023 through March 8, 2024 with annual auto-renewal.

Commissioner Berschauer moved approval of item I6. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

7. **B.O. 23-60-** Consideration of approval of the quote and purchase of 15 Lenovo ThinkPad E14s and 20 M70q desktops laptops from TechHeads in the amount of \$\$34,835.

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

8. **B.O. 23-61-** Consideration of approval in the matter of an order declaring certain real property as surplus, authorizing the sale of the property, and ordering distribution of proceeds.

Commissioner Berschauer moved approval of item I8. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

9. **B.O. 23-62-** Consideration of approval and notice of intent to award construction to Farline Construction for the Gopher Valley Road Bridge Replacement project in the amount of \$1,088,088.95.

Commissioner Johnston moved approval of item I9. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

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

1. **B.O. 23-63-** Receipt of public comment on a request by George Fox University to use proceeds of tax-exempt revenue bonds issued by the County on behalf of the Borrower in November 2021, pursuant to a plan of finance, for the purpose of financing and reimbursing the costs of certain expenses associated with acquisition of the building located at 448 Werth Boulevard, Newberg, OR 97132, a maximum dollar amount not to exceed \$7,000,000.

a. Consideration of approval in the matter of an order authorizing the use of Revenue Bond Proceeds issued for the benefit of George Fox University in 2021, in an aggregate principal amount not exceeding \$7,000,000 and authorizing amendments to certain documents related thereto.

Commissioner Berschauer opened the public hearing at 11:32 a.m.

Testimony: John Bridges representative for George Fox University (GFU) provided an overview of the Tax Equity and Fiscal Responsibility Act (TEFRA) bonds explaining the bond proceed projects, identifying supply cost increases and returns on investment. He said that GFU would like to purchase the Werth Building which is already being built rather than invest in building new. GFU Chief Financial Officer, Vicki Piersall said the cost of the purchase is coming from existing operational funds. Mike Schrader redefined the scope of the project to repurpose the bond proceeds. No further testimony was received, and the public hearing was closed at 11:41a.m.

After deliberation the consensus of the Board was to move forward with the order. Commissioner moved Berschauer approval of item J1. The motion passed, Commissioners, Johnston and Starrett voting aye.

2. **B.O. 23-64-** Docket #PAZ-05-21: Approval of a Comprehensive Plan amendment from Agriculture/Forestry large Holding (AFLH) to Commercial (C) and a zone change from EF-80, Exclusive Farm Use District to NC, Neighborhood Commercial District. Applicant: John Abrams. Tax Lot: 4418B – 01600

Commissioner Berschauer opened the public hearing at 11:43 a.m. There were no abstentions or objections to the jurisdiction of the Board and there were no reports of ex-parte, or onsite visits, however Commissioner Johnston said that he voted on this while serving on the planning committee. Ken Friday read the ORS “raise it or waive it.”

Staff Report: Lance Woods read the staff report noting the surrounding area to the west, north, and south is zoned for Exclusive Farm use and is within the EF-80 zone. The surrounding area was subdivided following a Measure 37 claim and subsequent vesting decision, Docket M37-01-05 and Circuit Court decision, Case # CV08-232. The subject parcel and the surround parcels created through and approved subdivision, Docket S-05-05, which was permitted through the aforementioned Measure 37 waiver and vesting decision. The surrounding lots in the EF-80 zoned area are approximately 2.5 acres in size and most of these properties had been developed into residential lots, except for the 20-acre lot directly south of the subject parcel, Tax Lot 44-18-01001, which appears to be used agriculturally for grass seed or hay production. The surrounding parcels to the east, southeast, and northeast are located within the City of McMinnville. Many of these lots have been developed for urban-scale residential use with single-family dwellings, townhomes/condominiums, and apartments in the surrounding area.

Applicant: The defendant John Abrahams asked for the property to be zoned for commercial development. He said his intention is to essentially limit the type of commercial development that could take place on the property and ensure future development fits in with the neighborhood. Mr. Abrahams said that he is comfortable with what is conveyed in the staff report. He said the lots that are located within the West Wind Country Estates are considered nonconforming lots because they are zoned EF-80, and the consensus of the surrounding residents which is approximately forty-two finished homes is they too are comfortable with the residential use on the nonconforming lots. He also noted that it could be challenging for prospective buyers to get financing on a commercial lot that is also considered nonconforming. Some examples of what a potential small residential commercial property might look like are: micro brewing beer out of an attached garage; adult foster care, and arts and crafts.

Testimony in Support of the Application: None

Appellant: None

Public Agency Report: The planning department received a comment from the McMinnville Fire Department stating that the McMinnville Fire Department does not have any issues with the

request and any future developments on the property will need to meet all Oregon fire code requirements at the time of development. The county sanitarian noted that the subject lot has an existing septic site evaluation approval for a maximum peak flow of 450 gallons per day. The Department of Land Conservation and Development (DLCD) does not believe the waiver vested rights determination and home site authorizations granted under Measure 37 and 49 can be used as justification for any goal exception. The DLCD also believes the Oregon Administrative Rule chapter 660, division 4 must be satisfied.

Rebuttal by the Applicant: None

Staff Recommendations: Based on the testimony and evidence in the record the applicant has successfully demonstrated that the proposed comprehensive plan amendment and zone change is consistent with the county comprehensive plans, goals, and policies. Staff recommends the approval of the applicants purposed zone change and comprehensive plan amendment and recommends placing a limited use overlay on the track as recommended by the planning commission.

The public hearing was closed at 12:07 p.m.

Deliberation:

*[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 the Commissioners announcements, the meeting adjourned at 12:36 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