

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 March 30, 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; Ken Friday, Planning Director; Lance Woods, Associate Planner & GIS Analyst; Stephanie Armstrong, Planner; Gary Wertz, Fair Director; Carolina Rook, BOC Staff. Nohely-Barajas, Legal Assistant participated via Zoom.

Guests: Ray Wayne Spry, Anna Bechtel, Sue Saratiler, Jessica Barr, Jenna Sanders, Jenn Richter, Carla Munns, Tim Murphy, and Sid Friedman.

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 10:10 a.m. The meeting started late due to technical difficulties.

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 April 3 – April 9, 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.

Received one emailed public comment in regard to Yamhill County’s Parks Advisory Board.

E. DEPARTMENT UPDATES:

a. Fair – Gary Wertz

Fair Manager Gary Wertz answered questions and provided an update to the Board. He said the departments main focuses this time of year is to work on improvements. The fairgrounds finished hosting the Oregon Highschool Equestrian Teams (OHSET) meets which generated a good amount of revenue for the fairgrounds. In May, the Pacific Overland auction and the fairgrounds have commitments for horse-drawn vehicles from Nevada, California, and Washington and it is expected to be a big event. Fair ticket sales started without a lot of advertising except for what has been posted on Facebook. To date there have been 179 gate passes and 275 Golden Circle seats sold. Lastly, the fairgrounds are working towards bringing back events such as a “seed spitting contest” and a “Mustache contest.”

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 Childcare Taskforce recommendations.

Jenna Sanders, Jenna Richter, and Jessica Barr from the Yamhill CCO Early Learning Hub Child Care Task Force provided a presentation to the Board that outlined the crisis facing the childcare sector in Yamhill County, resources available in the community to help address challenges as well as a cause analysis. The task force also provided some recommendation that could potentially help sustain the childcare sector in Yamhill County. Some highlights included the barriers parents face, such as little to no guidance or support in identifying what options are available and which programs have openings. Transportation was another barrier named frequently by parents, particularly those living in more rural parts of the county.

Tim Murphy also shared with the Board some of the zoning challenges that Little Birds Childcare faced during the site development that ultimately led them to look outside of the City of Newberg for a prospective site.

b. End of work session

G. CONSENT AGENDA: Commissioner Johnston moved approval of the consent agenda. The motion passed, Commissioner Berschauer, Johnston and Starrett voting aye.

Committees

1. **B.O. 23-118** - Approval of the appointment of Derrin Broome to the Employee Safety Advisory Committee to complete the remainder of Kari Lewers’ term effective immediately through March 18, 2024.

Contracts & Grants

2. **B.O. 23-119** - Approval of renewing Premises Pollution Liability Insurance for the Whiteson and Newberg Landfills for an additional year, in the amount of \$38,985.28.

H. OLD BUSINESS:

1. **B.O. 23-120** – Consideration of approval in the matter of the findings and written decision in support of a mass gathering permit for the 2023 Memorial Weekend Boat Races at Rogers Landing Park to be held on May 26th, 27th, 28th, and 29th. Applicants: Newberg Boat Club/Columbia Outboard Racing Association. *[Tentatively approved on March 3, 2023].*

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

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

1. **B.O. 23-121** - Consideration of approval to authorize the Public Works Director to enter a contract with CBK Industries in the amount of \$31,312.20.

It was noted that the City of Sheridan would share costs for the installment of pedestrian railing on Sheridan Bridge. Commissioner Berschauer moved approval of item I1. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

2. **B.O. 23-122** - Consideration of approval in the matter of a Board Order authorizing the sale of tax foreclosed property by private sale and ordering distribution of proceeds (Tax Lot No. R4414 03590).

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

3. Consideration of opening sealed bids for Tax Lot No. R3434 01190 County-owned tax foreclosed real property.

Commissioner Berschauer moved approval to accept the received sealed bid in the amount of \$500 for Tax Lot No. R3434 01190 received by Bernards Brothers Property, LLC. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye. A Board Order and deed will be prepared for consideration of adoption upon payment.

4. Consideration of opening sealed bids for Tax Lot No. R3220DB 01500 and Tax Lot No. R3220AC 15000 County-owned tax foreclosed real property.

Commissioner Berschauer moved approval to accept a bid in the amount of \$1,260.00. The motion passed, Commissioner Berschauer, Johnston and Starrett voting aye. A Board Order and deed will be prepared for consideration of adoption upon payment.

5. Consideration of approval of the appointment of Anita Humlie and Allison Petit to the Parks Advisory Board each to a four-year term to expire March 30, 2027. (Commissioner Berschauer requested to continue this item to June 1, 2023. There was no action taken.

6. **B.O. 22-123** - Consideration of a letter of support and authorization to submit an application for the 2023-2025 Youth Development Division Juvenile Crime Prevention (JCP) state grant funds to support the Yamhill County Peer Court Diversion Program.

The motion to accept the received sealed bids for Tax Lot No. R3220DB 01500 in the amount of \$1,260, and Tax Lot No. R3220AC 15000 in the amount of \$1,260, both received by Whitney Family Properties, LP passed unanimously. A Board Order and deed will be prepared for consideration of adoption upon payment.

J. PUBLIC HEARINGS:

1. Docket #P-16-22: An appeal of the Planning Director's denial of a request to partition an approximately 4.2-acre property into two (2) parcels. One of the new proposed parcels will measure approximately 1.1-acres and the second parcel will measure approximately 3.1-acres. The denial was based on the zoning requiring a 2.5-acre average lot size. Appellant: Aldace Howard / Tax Lot: 4106-00101.

Commissioner Berschauer opened the public hearing at 12:02 p.m.

Commissioner Berschauer declared a potential conflict of interest and said that she had previously lived at the property. Director Ken Friday read the statements required by ORS 197.797 and ORS 197.796.

Staff Report: Lance Woods presented the staff report stating the applicant is seeking approval to partition the 4.2-acre property, identified as TAX Lot 41-06-00101, into two (2) parcels, one of which would measure approximately 1.1-acres and the second parcel would measure approximately 3.1 acres, which has been denied by Planning Director given that the VLDR-2.5 Very Low Density Residential zoning requirements require new lots to average 2.5 acres.

Applicant: Aldace Howard provided to the Board that he was a planning director and is now a land use consultant hired by Peter Cummings the owner of the property. Mr. Howard said he applied to obtain a partition of land upon which there is an existing guest cottage up for construction. Mr. Howard said that in October of 2022 he met with Director Ken Friday and asked him about a variance and Director Friday informed him that the Land Conservation and Development Commission (LCDC) prohibited lot size variances in the county. Mr. Howard provided to the Board that he confirmed with other agency's that LCDC did in fact not prohibit variances. Mr. Howard asked the Board to approve his petition, return of the application fees, and mandate a pre-application sequence for all planning applications

Opposition Testimony: Kathryn Jernstedt and Sid Friedman gave public testimony in support of the Planning Director's denial.

Public Agency Reports: The Yamhill County Sanitarian partition was to be approved for the septic system serving the existing second dwelling that would be located or

partially located on the 1.1-acre. The Soil and Water Conservation District also responded by reminding the applicant of the property owner's responsibilities to comply with the Yamhill Basin agricultural water quality management plan requirements and a control for any noxious weeds.

Applicant Rebuttal: Mr. Howard said there are no wetlands, and the use of the land will remain as-is and he will only change the lines adjustment.

Staff Recommendation: Stephanie Armstrong recommended upholding the Planning Director's denial of the application.

Commissioner Berschauer closed the public hearing at 12:10 p.m.

Deliberations: The Board, Planning staff and Mr. Howard participated in deliberations. Mr. Howard clarified that he would like the parcel to remain open to permit for a dwelling/structure in the future, not for his own benefit, but for potential buyers. Mr. Friday recommended a condition to allow a dwelling on tax lot #3403-500 if it could receive land use approval. Ms. Armstrong said there is no septic system for a second dwelling which is required for land use approval.

Commissioner Johnston moved to uphold the Planning Director's denial of a request to partition an approximately 4.2 acre property into two (2) parcels. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

2. Docket #Z-01-22: Approval of a zone change from Resource Industrial (RI) to the Light/General Industrial District (LI). Applicant: Roy Spry / Tax Lots: 2402DD-00400 & 2402DD-00500.

Commissioner Berschauer opened the public hearing at 12:22 p.m.

Staff Report: Lance Woods presented the staff report stating the applicant is seeking approval to zone change from Resources Industrial (RI) to the Light/General Industrial District (LI).

Applicant: Roy Spry provided to the Board that he has owned the property for 13 years and prior to that his father owned it. Mr. Spry asked the Board to approve the rezone change to light industrial to help add value back to the land.

Opposition Testimony: None

Public Agency Reports: The Yamhill County Sanitarian found no issues with the request.

Applicant Rebuttal: None

Staff Recommendation: Staff recommends approval of the zone change from resource industrial zone to the light industrial zone.

Commissioner Berschauer closed the public hearing at 12:35 p.m.

Deliberations: After deliberations, Commissioner Berschauer moved approval of the staff recommendation. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

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 12:57 p.m.

Nicole Necas
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LINDSAY BERSCHAUER

Commissioner KIT JOHNSTON

Commissioner MARY STARRETT