

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 June 8, 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; Christian Boenisch, County Counsel; Tim Svenson, Sheriff; Brian Young, Emergency Management; Jodi Gollehon, Assistant County Counsel II; Ken Friday, Planning Director; Jason Foose, Surveyor; Lance Woods, Associate Planner; and Nicole Necas, BOC Staff. Nohely Barajas-Montalvo, Legal Assistant participated via Zoom.

Guests: Scott Picker; Bubba; Sid Friedman; Michael Curran; and Eric Perkins. Scott 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.

A. CALL TO ORDER: Commissioner Berschauer called the meeting to order at 10:11 a.m. The meeting began 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 June 12 – June 18, 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.

There were no general public comments received.

E. 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/discuss the Forestland Classification update.

Michael Curran and Eric Perkins presented an update stating the recertification of the 5-year forestland classification process was complete. No changes will be made to the committee's current role. Moving forward, the committee will meet annually to maintain business and plan to present updates to the Board annually. Mr. Curran added that fire conditions in the Western Oregon district are approximately 3-4 weeks ahead of schedule for fire risk conditions with fires currently in western parts of the state.

b. End of work session

F. DEPARTMENT UPDATES:

1. Sheriff's Office – Tim Svenson

The Board asked Sheriff Svenson for a 2018 overview leading to 31.5% CBA salary increases which impacted subsequent budgets. Market adjustments were recommended to mitigate losing staff; since 2018, ending balances were used to offset higher staff percentage increases and operating expenses subsequently leading to budget shortfalls. Ken Huffer clarified that budgetary beginning balances are used as one-time funds to offset any shortfall's noting emphasis was made to reduce the discretionary allocation by 2%. After discussion, Sheriff Svenson and Mr. Huffer said they would work on different scenarios regarding a 2023-2024 actual budget spending impact report for review next week. Lastly, the Board and staff briefly discussed possible revisions to the Homeward Bound Pet agreement and funding source options for dog control.

The meeting recessed at 12:03 p.m. and reconvened at 12:13 p.m.

G. CONSENT AGENDA: None.

H. OLD BUSINESS: None.

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

1. **B.O. 23-210** - Consideration of approval to authorize Lindsey Manfrin or designee to apply for \$6,050 in funding from the Oregon Health Authority for the Early Assessment and Support Alliance (EASA) block grant.

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

2. **B.O. 23-211** - Consideration of approval to authorize Emergency Management to apply for the allocated amount of \$54,473.90 for an Emergency Operations Plan Update (EOP) and a

competitive application in the amount of \$90,000 for a Public Events Surveillance Trailer through the State Homeland Security Program (SHSP) and the Oregon Office of Emergency Management for the FY2023 grant period.

Brian Young clarified the City of McMinnville is applying for FEMA grants and will pass through local county level emergency management agencies. The equipment is a tool which the county could utilize but the city would be responsible to maintain. After discussion, Commissioner Starrett moved approval of item I2. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

3. **B.O. 23-212** - Consideration of acceptance of a permanent Right-of-Way (ROW) Easement from Dean Werth to Yamhill County on McKibben Road in the amount of \$2,054.

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

4. **B.O. 23-213** - Consideration of approval of Master Grant Agreement #34779 between Yamhill County and the Oregon Department of Transportation (ODOT) for the ODOT fund exchange program effective upon full execution through September 30, 2024.

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

5. **B.O. 23-214** - Consideration of approval of an agreement between Yamhill County and Summit Food Service, LLC for food and commissary services in the Yamhill County Correctional Facility and Juvenile Detention Center, effective June 26, 2023, through June 26, 2026.

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

6. **B.O. 23-215** - Consideration of a Board Order regarding the Sale of Tax Foreclosed Property on May 31, 2023; Accepting the Sheriff's Return Following Sale; Approving the Deed; and Ordering Distribution of Proceeds"

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

7. **B.O. 23-216** - Consideration of approval in the matter of a Board Order and deed declaring certain tax foreclosed property as surplus, authorizing the sale of the property by private sale, and ordering distribution of proceeds (Tax Lot No. R5635AB 00801).

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

8. Consideration of approval of Amendment #1 to an Intergovernmental Agreement between Yamhill County and the City of McMinnville regarding out-of-pocket costs and expenses incurred with the formation proceedings and election for the creation of a new McMinnville Fire District.

Christian Boenisch presented the add-on for consideration. Commissioner Starrett requested item I8 be moved to June 15, 2023. Mr. Boenisch was comfortable with the postponement stating it only had to be approved prior to the consideration of the final formation board order. There was no action taken.

J. PUBLIC HEARINGS:

1. Docket #E-02-23: An appeal to the Planning Director’s approval to allow up to eighteen (18) agri-tourism events per calendar year on a property located at 22100 Riverwood Road, Dundee. The number of attendees will not exceed 150 guests per event. The events proposed are to support and market the 220 head of longhorn cattle raised on the property. Tax Lot No. 4312-00400; Applicant: Scott Picker. Appellant: Friends of Yamhill County.

Commissioner Berschauer opened the public hearing at 12:49 p.m. There were no reports of abstentions or objections to the jurisdiction of the hearing. Commissioners Berschauer and Johnston declared potential conflicts of interest which they stated would not impact outcome decisions. There were no reports of site visits or ex-parte contact. Ken Friday read the “raise it or waive it” statement required by ORS 197.763(5).

Staff Report: Lance Woods presented the staff report noting the parcel is approximately 320 acres and located in the exclusive farm use zone. The farm uses include hazelnuts, vineyards, grass seed, and pastures for the applicant’s longhorn cattle. The proposed application is in support of the agricultural uses on the property, predominantly the marketing of the onsite cattle.

Applicant: Scott Picker outlined his proposed events to promote the sale of his cattle. He addressed the Friends of Yamhill County noise complaint received by a resident who is within sight and sound of the barn, which Mr. Picker said was unfounded by other surrounding neighbors. Ken Friday verified there was an application filed in 2021 with no complaints.

Appellant: Sid Friedman representing Friends of Yamhill County clarified that their appeal form did not state a member complaint but did have a member that was within sight and sound of the property and that the applicant’s application was filed in 2020, not 2021. He added the applicant’s events exceed what is within the “law”. He agreed with the importance of agri-tourism business but that it increases the cost of farmland when the potential value of events is priced into parcel market price. Mr. Friedman asked the Board to deny the application. There was no additional testimony in opposition to the application.

Public Agency Reports: Lance Woods stated there was one agency report received from the County Sanitarian and submitted to the record.

Applicant Rebuttal: Mr. Picker acknowledged Mr. Friedman’s statement that agri-tourism increases the cost of farmland but added that this type of event helps to pay for the property which he lives on and maintains.

Staff Recommendation: Lance Woods delivered the staff recommendation approving the event application with conditions. Ken Friday asked to add an additional document into the record clarifying the Planning Department did not approve events on the adjacent property but is approved to operate as a bed and breakfast. Mr. Friday noted he did not want the Mr. Picker to be penalized for the neighbor's actions of holding events without land use approvals.

The public hearing closed at 1:31 p.m.

Deliberation: After discussion, Commissioner Starrett moved to approve the application and deny the appeal. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye. Final written decision and findings with conditions to be ready for consideration of adoption on June 29, 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
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 1:47 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LINDSAY BERSCHAUER

Commissioner KIT JOHNSTON

Commissioner MARY STARRETT