

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 April 4, 2024, 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; Nohely Barajas-Montalvo, Legal Assistant; Gioia Goodrum, Economic Development; Cynthia Thompson, Transit Manager; Shane Hoffman, Information Technology Manager; Jessica Beach, Community Justice Director; Cliff Toney, Juvenile Corrections Manager; Ken Friday, Planning Director; Lance Woods, Senior Planner; and Ashley Watkins, Environmental Health Specialist.

Guests: Bubba; Shawn Daley; Dave Huber; Bryce Roberts; and Wally Lien. Lee Schrepel; Ben Lewis-Ramirez; Sandeep Taxali; and Jack Kriz 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@yamhillcounty.gov](mailto:bocinfo@yamhillcounty.gov).*

**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 April 8 – April 14, 2024. 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.

**E. DEPARTMENT UPDATES:**

a. Information Technology – Shane Hoffman.

Shane Hoffman updated the Board on network security upgrade projects. He reported improvements in quarterly cyber security phishing tests noting clicks are down to 3.3%. Projects included extending the county network offsite to the Oregon Mutual Insurance building as part of the Planning Department relocation, disaster recovery implementation testing, replacing outdated servers, working with the Assessor’s Office on their roll turn process, and implementing network features in Oracle. The new County website was implemented as well as migration to the new County email domain.

**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 – Yamhill County Broadband Project.

Justin Hogue began the discussion noting a funding source correction.

Sandeep Taxali and Ben Lewis-Ramirez gave a broadband funding presentation beginning with Mr. Taxali defining the Notice of Funding Opportunity (NOFO) scoring objectives that identify unserved and underserved locations for residents and businesses. Mr. Lewis-Ramirez addressed key points of eligibility and the market analysis to determine where the served and underserved household locations are for funding eligibility. Mr. Taxali compared Fiber vs. Fixed Wireless network models, noting Fiber provides speed scaling and long-term use life exceeding 30-40 years whereas Fixed Wireless can be deployed in more difficult geography areas. He recommended committing a 25% minimum matching contribution from the County. Mr. Taxali further explained the application components and timelines. Commissioner Berschauer asked if there was any fiber overlay with possibility to extend upon existing fiber. Mr. Lewis-Ramirez said it would be part of the application consideration. The deadline to submit NOFO applications is June 28, 2024.

**G. CONSENT AGENDA:**

Committees

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

1. **B.O. 24-98** - Appoint Raquel Peregrino de Brito and Branden Dross to the Yamhill County Transit Advisory Committee each for a three-year term ending June 30, 2027.

The meeting was recessed at 11:14 a.m. and reconvened at 11:21 a.m.

**H. OLD BUSINESS:**

1. **B.O. 24-99** - Consideration to authorize the County Administrator to sign an agreement between Yamhill County and George Fox University for Planning and Co-Design in the amount of \$250,000; and Architectural Rendering in the amount of \$250,000 for a total of \$500,000 of a Child Development Facility.

Gioia Goodrum updated the Board on the childcare contract proposals. The proposed contract language was discussed with the Board in February to remove funding for the cost of furniture. Commissioner Johnston 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. **B.O. 24-100** - Consideration of approval in the matter of amending the “Procedures for Conduct of Board Meetings and the Transaction of County Business”, adopting the “Yamhill County Public Hearing Procedures Code”, declaring an emergency, and setting the effective date.

Commissioner Berschauer briefly outlined the amended code language updating Ordinance 900 based on current meeting procedures. Jodi Gollehon added that the ordinance included updated language for public hearing proceedings. Hearing no objections to reading the code into the record as an emergency and by title only, Ms. Gollehon entered the Board Order into the record, reading twice by title only. Commissioner Starrett moved approval of item I1. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

2. **B.O. 24-101** - Consideration of approval to submit two grant applications to Oregon Department of Transportation for discretionary funds to purchase four replacement vehicles (vans) and operating funds for demand response services for older adults and people with disabilities.

Cynthia Thompson said the grant application for operating funds for older adults and people with disabilities will focus on funds to modify an existing demand response vehicle to better suit their needs. When asked about purchasing EV vehicles, Ms. Thompson said the plan to purchase electric vehicles hasn't been brought forward yet pending review and noted there are currently no vehicles in service in the area to observe. She added that most electric vehicles require specific charging stations which will be addressed in a fleet transition plan proposal which is required for funding eligibility. After discussion, Commissioner Johnston moved approval of item I2. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

3. **B.O. 24-102** - Consideration of a letter in support of Metro Code 5.05.055 Amendment.

Ashley Watkins clarified the request was to support Waste Management to amend their code to help close out permits of the Riverbend Landfill. Dave Huber said to meet the August 2030 deadline requirement, more soil is needed which was the impetus to reach out to Metro (regional government). Currently there is not enough soil in the landfill to meet the 2030 deadline. Mr. Huber speculated that Metro code restricted soils from the metro region to be transferred. He clarified that not meeting the 2030 deadline would delay the landfill closure and require additional extension permits. After discussion, Commissioner Starrett moved approval of item I3. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

4. **B.O. 24-103** - Consideration of approval of an agreement between Washington, Clackamas, Columbia, Multnomah, and Yamhill Counties for the sharing of Medical Reserve Corps (MRC) volunteers. #HHS24041IGA.

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

5. Presentation of audit findings for the 2023 Fiscal Year.

a. **B.O. 24-104** - Consideration of a corrective action plan in response to deficiencies reported in our audit of fiscal year ended June 30, 2023.

Mike Barnhart presented the report and reviewed findings and corrective actions. He addressed internal controls and said there was a missed accounts payable invoice which was not caught by the electronic record system. The auditors discovered the error and staff made appropriate corrections. He added there will be continued training discussions to mitigate any similar future errors. Ken Huffer added an administering third party missed moving three grant programs into county monitoring software which was also corrected. After discussion, Commissioner Berschauer moved approval of item I5a. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

6. **B.O. 24-105** - Consideration of approval to rename the detention center from Yamhill County Juvenile Corrections Division to Yamhill County Youth Services Center and update its logo.

Jessica Beach and Cliff Toney addressed the Board regarding the proposal to rebrand the corrections division based on definition of the center's direct supervision services model rather than presenting the department as corrections or police officers. Jessica Beach added the county's youth facility is viewed different by way of being more rehabilitative rather than incarcerating. The proposed rebranding has received support from both staff and community partners. Commissioner Berschauer moved approval of item I6. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

7. **B.O. 24-106** - Consideration to authorize the Yamhill County Department of Community Corrections Director to submit the Oregon Youth Authority (OYA) Financial Grant Application for Youth Treatment and Care Needs in the amount of \$49,000 to assist in the purchase of a detention body scanner.

Cliff Toney stated currently 5 of 11 counties have body scanners and have proven to mitigate further youth traumas and provide less intrusive searches. Jessica Beach said the cost per day bed rentals have increased revenues which will assist in the purchase and added there would be no remodel costs involved with the selected body scanner. Commissioner Berschauer moved approval of item I7. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

The meeting was recessed at 12:28 p.m. and reconvened at 12:36 p.m.

**J. PUBLIC HEARINGS:**

1. Docket # PAZ-01-23: Approval of a Comprehensive Plan amendment from Very Low Density Residential to Industrial and a zone change from VLDR-2.5, Very Low Density Residential to LI, Light Industrial. Applicant: Green Power Electrical Contractors, Inc.; Tax Lot: 5429-01200.

Commissioner Berschauer opened the public hearing at 12:37 p.m. There were no abstentions or reports of site visits or ex-parte contact by the Board and there were no objections to the location of the hearing. Ken Friday read the “raise it or waive it” rule as required by ORS 197.763(5).

Staff Report:

Lance Woods read the staff report into the record identifying the property location and its zoning. He noted that a single-family dwelling was on the lot which the applicant used as a residence and ran his business from. The applicant requested that the Board approve a comprehensive plan amendment to the industrial district and a zone change to the Light Industrial Zone.

Applicant:

Attorney Wally Lien asked the Board that the limited use overlay not be imposed on this property stating the Planning Commission limited the overlay to electrical use and added that the caretakers house located in the IL zone was not included in the limited use overlay, which Mr. Lien said would create a non-conforming use issue. Additionally, putting a limited use overlay on the property would limit Mr. Bryce in a future sale of it. In closing Mr. Lein summarized the Applicant’s requests to approve the application, continue to rely on the county’s site design review process to control what happens on the property in the future, and to not impose the limited use overlay. There was no further testimony received in support of the application.

Appellant:

There was public comment received in opposition to the application submitted into the record. There was no additional testimony received in opposition of the application.

Public Agency Reports:

Mr. Woods reviewed a report submitted by the County sanitarian stating that a change in zoning would not have an impact on the suitability on the property to support development. There were no additional reports submitted.

Rebuttal by the Application:

There was no additional testimony appealing the application therefore there was no need for rebuttal.

Staff Recommendation:

Lance Woods stated the staff recommendation reflected the applicant had met all comprehensive plan, administrative rules, and zoning ordinance requirements. Staff recommended approval of the proposed zone change and comprehensive plan amendment and were supportive of implementing a limited use overlay if the Board found it justified.

The public hearing was closed at 12:49 p.m.

Deliberations:

Ken Friday assessed the opposition testimony stemmed from a resident that had concerns about the type of business the owners were operating. He further noted that the proposed limited overlay was based on the Planning Commission's recommendations, and it was not the Planning Department's recommendation. Mr. Friday agreed that the site design review criteria would suffice to address any future use concerns. After discussion, Commissioner Berschauer moved approval of the application without the additional use overlay.

The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye. A Board Order with findings will be prepared for consideration of adoption on April 18, 2024.

THE RECORDS FOR PUBLIC HEARINGS CAN BE FOUND AT:

<https://www.yamhillcounty.gov/1190/Public-Hearing-Notices>.

**K. ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to the county's website, <https://www.yamhillcounty.gov/765/Boards-and-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@yamhillcounty.gov](mailto:bocinfo@yamhillcounty.gov).

3. Electronic versions of all meeting agendas and meeting information packets can be found at the county's website: <https://www.yamhillcounty.gov/AgendaCenter>.

Following Commissioner announcements, the meeting adjourned at 1:01 p.m.

Carolina Rook  
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