



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 September 5, 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; Sheriff Sam Elliott; Joe Moore, Facilities Director; Tiffanie Willis, Associate Planner; Ken Friday, Planning Director; and Carolina Rook, BOC Staff. Christian Boenisch, County Counsel; Lindsey Manfrin, HHS Director; and Nohely Barajas-Montalvo, Legal Assistant, participated via Zoom.

Guests: Mike Morris, John Olson, Beth Keyser, LuAnn Anderson, Ron Noble, Dave Haugeberg, Wendie Kellington, Kathy Schlotfeldt, Heather Wright, and David “Bubba” King. Rose Lorenzen, and Craig Markham 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.*

Notice: The Board of Commissioners will hold an Executive Session immediately following the combined session pursuant to ORS 192.660(2)(e), executive session to deliberate with persons designated to negotiate real property transactions.

- A. **CALL TO ORDER** Commissioner Berschauer called to order at 10:00 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 September 9 – September 15, 2024. No other county business was discussed.

D. PUBLIC COMMENT: This time 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 public comments received.

E. DEPARTMENT UPDATE:

1. Facilities – Joe Moore

Joe Moore addressed the Board explaining that the department had received 1,292 service requests and had closed 1,109 of them. Those figures did not include certain projects such as repairing the Fenton house balcony. Commissioner Starrett inquired about how the workload compares to staffing ability. Mr. Moore stated that the department had limited staff and were busy but that they preferred that compared to contracting work out.

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.

Committees

1. **B.O. 24-268** - Approval of the following changes to the Roadside Vegetation Technical Advisory Sub-Committee under Road Improvement Advisory Committee (RIAC) Members:

- a. Appoint Patricia Farrell for a two-year term, expiring September 5, 2026;
- b. Appoint Jordan Anderson for a two-year term, expiring September 5, 2026;
- c. Reappoint Michal Wert for a two-year term, expiring September 5, 2026;
- d. Reappoint Susan Aldrich-Markham for a two-year term, expiring September 5, 2026;
- e. Reappoint Vern Holm for a two-year term, expiring September 5, 2026; and
- f. Reappoint Sam Sweeny for a two-year term, expiring September 5, 2026;

Contracts & Grants

2. **B.O. 24-269** - Approval of an agreement between Yamhill County Sheriff's Office and the City of Sheridan for police services for the fiscal year 2024-25 in the amount of \$546,146.63 retroactively effective July 1, 2024, through June 30, 2025. #SO25005IGA.

Minutes

- 3. **B.O. 24-270** - a. June 6, 2024; Formal/Informal Session;
- B.O. 24-271** - b. June 13, 2024; Formal/Informal Session;
- B.O. 24-272** - c. June 20, 2024; Formal/Informal Session;

- B.O. 24-273** - d. June 27, 2024; Formal/Informal Session;
B.O. 24-274 - e. July 18, 2024; Formal/Informal Session; and
B.O. 24-275 - f. July 25, 2024; Formal/Informal Session;
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H. OLD BUSINESS: None.

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

1. **B.O. 24-276** - Consideration of approval of an Intergovernmental Agreement #PO-73000-00037261 between Yamhill County Sheriff's Office and Oregon Department of Transportation to provide no cost Commercial Vehicle, Driver, and Cargo Inspections effective for ten years upon full execution. #SO25007IGA

Sheriff Sam Elliott clarified that the agreement was meant to ensure that the individual who was hired to complete such inspections would be reimbursed up to 95% for the required work they were completing for their training while waiting for a final contract to be created.

Commissioner Berschauer moved approval of item I1. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

2. **B.O. 24-277** - Consideration of approval of Amendment #6 Agreement #026028 (BO 24-29) between Yamhill County Health and Human Services and the Oregon Health Authority in the amount of \$49,333.33, retroactive to July 1, 2024, through September 30, 2024. #HHS24037IGA

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

3. **B.O. 24-278** - Consideration of approval of Agreement #177708 (BO 22-302), amended and restated, between Yamhill County and the Oregon Health Authority extending the term to December 25, 2025. #HHS24060IGA

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

4. **B.O. 24-279** - Consideration of approval of a lease between Yamhill County and the Yamhill County Extension Service District for leased office space located at 2050 NE Lafayette Ave. McMinnville, Oregon 97128, in the amount of \$5,834.56 per quarter, with a 2% increase each year retroactive to July 1, 2024, through June 30, 2028.

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

5. **B.O. 24-280** - Consideration of approval of an Agreement between Yamhill County and the Association of Community Mental Health Programs (AOCMHP) for Zero Suicide Initiative Implementation, not to exceed \$7,000 effective upon full execution through August 29, 2025. #HHS24075GA

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

6. Discussion of Your Community Mediators funding allocation.

Ken Huffer stated that in prior years, the County annually budgeted discretionary funds for Your Community Mediators (YCM) without any formal contract. In 2024, it was discovered that the company had merged with Neighbor to Neighbor (NTN) and YCM was dissolved. Heather Wright from NTN stated that Oregon Office of Community Dispute Resolution Services offered a grant to support remote mediation and in applying for that grant, Ms. Wright was required to inspect YCM and identified issues. YCM and NTN mutually agreed that the best solution would be to merge. NTN had been hosting mediation sessions in the Yamhill County Courthouse and kept all YCM staff who had provided mediation and re-hired some of the staff that left while the company wasn't functioning well. Commissioner Starrett expressed concern that the County was not informed of the merger of the two companies, and asked where the funding for the company comes from as a non-profit. Heather stated that they received grants from many entities. One of which was the Oregon Office of Community Dispute Resolution Services which stipulated that the company must provide free or low-cost services. Commissioner Berschauer clarified that the funds that the County normally used for this service had already been appropriated and directed staff to draft a contract with NTN for consideration going forward. *[Discussion only. No action taken.]*

Session was recessed at 10:28 a.m. and reconvened at 10:35 a.m.

J. PUBLIC HEARINGS:

1. Docket PAZ-02-23 - A Comprehensive Plan amendment from Public, P, to Industrial, I, and a zone change from Public Assembly Institution, PAI, to Light Industrial, LI. Applicant – MV Advancements. Tax Lot: 5417-00301.

Commissioner Berschauer opened the public hearing at 10:35 a.m.

There were no reports of site visits or ex-parte contact. There were no abstentions or objections to the jurisdiction of the hearing. Ken Friday read the “raise it or waive it” statement required by ORS 197.763.

Staff Report: Tiffanie Willis stated that the subject parcel was currently within the public assembly institution district and measured approximately 11.41 acres. The property was located on highway 99 approximately one mile north of the city of Amity. The southern pacific railroad ran along the lot's eastern property line and highway 99W was just east of the railroad. All parcels surrounding, except the east, were EF-80 exclusive farm use. The parcel directly east was zoned Heavy Industrial (HI). Land use consisted of commercial farming, a seed elevator complex, vineyards, wineries as well as an alpaca farm were all nearby. On November 27, 1974, the Yamhill County Board of Commissioners adopted ordinance #63 which designated the 11-acre property as Public Assembly Institution (PAI) to accommodate the Mid-Valley Workshop and Rehabilitation Center. This application was previously reviewed by the Planning Commission on July 11, 2024, and was recommended for approval with the request having a

limited use overlay zone. The applicant, MV advancements, was requesting a Comprehensive Plan Amendment from Public to Industrial and a zone change from Public Assembly Institution (PAI) to Light Industrial (LI). The applicant noted that the existing infrastructure and existing type of use was similar and suitable for the Light Industrial district.

Applicant Testimony: Dave Haugeberg introduced himself as the president of MV Advancements and stated that the property housed MV Advancements which provided services to developmentally disabled individuals. It had also been used as a manufacturing plant, and nursery, and had provided employment for several decades.

- Kathy Schlotfeldt stated that MV Advancements had undergone many changes over its history and was most recently vacated and listed for sale. The company had a prospective buyer who terminated the transaction which prompted the company to pursue zone changes to appeal to buyers.
- Wendy Kellington, representing MV Advancements from Kellington Law Group, stated that there were several aspects of the property that would constitute industrial use. She stated that changing the zone would be necessary to sell the property to a for-profit company. The neighboring properties are mostly industrial as well. The applicant requested to prohibit four uses including municipal water system, municipal sewer system, caretaker dwelling, and accessory dwelling unit. The traffic impact would be reduced by the zone change, and Oregon Department of Transportation had no objection to the change. Ms. Kellington stated the County previously expressed a desire for more Light Industrial (LI) properties in rural areas and the County Planning Commission gave approval of the proposed zone change. However, one Planning Commissioner requested the four previously listed restrictions. The applicant requested the County to allow similar uses that are listed in LI zoning specifically to appeal to one of the most promising prospective buyers of the subject property who would be using the property to manufacture wood products. Ms. Kellington clarified that the provision to allow non-conforming use would no longer apply after one year, so making a motion to specify that similar uses would be expressly allowed would make that stipulation more permanent.

Appellant Testimony: None.

Public Agency Reports: Tiffanie Willis stated that the Planning Department did not have any objection. Oregon Department of Transportation also provided clarification that they did not object to the proposed re-zoning. There were no additional public agency reports.

Applicant Rebuttal: None.

Staff Recommendation: Tiffanie Willis proposed a motion to approve the Comprehensive Plan Amendment with a limited use overlay that prohibits municipal water system, municipal sewer system, caretaker dwelling, and accessory dwelling unit. Ken Friday clarified that the Planning Department did not intend to exclude similar uses such as wood material manufacturing.

Commissioner Berschauer closed the hearing at 11:10 a.m.

Deliberation: Commissioner Berschauer moved to uphold the staff recommendation and approve the comprehensive plan amendment from MV Advancements regarding Tax Lot #5417-00301 changing from Public Assembly Institution PAI to Light Industrial, LI with the limited use overlay, and that the overlay does allow for similar uses and, the overlay zone does allow for non-conforming uses. The code does authorize farm and industrial materials manufacturing to include materials manufactured from wood or forest products passed unanimously. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye. Findings scheduled for consideration of approval on September 26, 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
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 11:18 a.m.

Bailey Barnhart
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LINDSAY BERSCHAUER

Commissioner KIT JOHNSTON

Commissioner MARY STARRETT