



## 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 26, 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; Christian Boenisch, County Counsel; Jodi Gollehon, Assistant County Counsel II; Sheriff Sam Elliott; Cynthia Thompson, Transit Manager; Jessica Beach, Director of Community Justice; Lance Woods, Senior Planner; Ken Friday, Planning Director; and Carolina Rook, BOC Staff. Nohely Barajas-Montalvo participated via Zoom.

Guests: Dennis Goecks, Beth Keyser, McKenzie Rosenberry, John Olson, Katherine Jernstedt, Sid Friedman, Frank Foti, Steve Elzinga, Justin Cottrell, Anderson Beals, and Maria Paola. Amanda Golden, Homeward Bound Pets, Lee Schrepel, jcklr, and Casey Shook 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 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 September 30 – October 6, 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.

Dennis Goecks provided public comments on Covid-19 vaccination recommendations and DEI (Diversity, Equity & Inclusion) training.

Beth Keyser provided public comments regarding voter confidence, and dog control.

**E. DEPARTMENT UPDATE:**

1. Department of Community Justice – Jessica Beach

Jessica Beach began her update addressing staff retention challenges but followed up with the hiring of two new Parol Officers and that the department had been able to promote several existing staff. Justice Reinvestment Grants had been used to ensure the success of Senate Bill (SB) 48 that passed in 2021 and she perceived the work to be transitioning smoothly between Community Justice and the judicial programs. The department had collaborated with the Fairgrounds and Public Works to have out-of-custody individuals in the work crew program assist on their active jobs. Department of Corrections was anticipating an increase in activity because of House Bill (HB) 4002 to which Ms. Beach expressed funding concerns. She then explained that Juvenile Recovery Court was able to hire personnel and expand the program with assistance of grant funding. A new body scanner was installed in the Youth Services program due to the increased funding from bed rentals. The department also completed a successful new summer education program with Baker Creek School to provide additional educational services including community service over the summer of 2024.

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

Surplus

1. **B.O. 24-285** - Approval to declare an inventory of computer equipment as surplus county property to be disposed of per county policy.

Committees

2. **B.O. 24-286** - Approval of the following changes to the Board of Health (BOH)

Committee members:

- a. Re-appoint Trevallee Schoof for a three-year term, expiring February 1, 2027;
  - b. Re-appoint Talina Corvus for a three-year term, expiring February 1, 2027;
  - c. Re-appoint Jennifer Goodman for a three-year term, expiring February 1, 2027;
- and

- d. Re-appoint Raji Mathew for a three-year term, expiring February 1, 2027.
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**H. OLD BUSINESS:**

1. **B.O. 24-287** - Consideration of approval of Ordinance 937 and a Board Order in the matter of approving a Comprehensive Plan Amendment from Public (P) to Industrial (I) and a Zone Map Change from Public Assembly Institutional (PAI) to Light Industrial (LI) for Tax Lots: R5417 00301; Applicant: MV Advancements; and Declaring an Emergency. *[Continued from September 5, 2024.]*

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

(Prior to the public hearing Commissioner Berschauer moved to rescind the first motion based on findings not having been read into the record by title only. The motion to rescind the original motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.)

Hearing no objection Jodi Gollehon read Ordinance 937 into the record by title only.

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):**

*[Note: Commissioner Berschauer requested to move items I11 and I12 to the beginning of Other Business. See items I11 and I12 for Board actions.]*

1. **B.O. 24-288** - Consideration of approval to obligate Title III funding in the amount out \$30,000 for the purchase of a 2024 Polaris Ranger 1000XP Crew Northstar Ultimate with snow track kit for Sheriff's Office Search and Rescue operations.

Ken Huffer clarified that, per Oregon statute, the intent to use Title III funds was noticed publicly and after allowing citizens a 45-day public comment period in which no comments were received, the use of Title III funding was now able to be decided on by the Board.

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

2. **B.O. 24-289** - Consideration of approval of a Contract Employment Agreement between Yamhill County District Attorney's Office and Addison Mae Coulter for Crime Victim Services and Clerical Support not to exceed 40 hours per week at a rate of \$22.00 per hour, retroactively effective September 25, 2024, through March 31, 2025, unless terminated.

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

3. **B.O. 24-290** - Consideration to authorize Public Works to purchase a 2025 Freightliner Dump Truck from Western Star Northwest under the state Sourcewell contract in the amount of \$238,304.87.

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

4. **B.O. 24-291** - Consideration to authorize Transit to purchase three Category A heavy duty 29' low floor transit buses from Gillig LLC under the Grant Agreements #34342 and #35397 in the total amount of \$1,954,019.

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

5. **B.O. 24-292** - Consideration to authorize Transit to purchase two Category A heavy duty 35' low floor transit buses from Gillig LLC under the Grant Agreements #35555 and #35617 in the total amount of \$1,322,988.

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

6. **B.O. 24-293** - Consideration of approval of the Notice of Intent to Award a contract to EnSoftek for the Yamhill County Health and Human Services Electronic Health Record (EHR) Procurement and Implementation.

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

7. **B.O. 24-294** - Consideration of approval of Amendment #7 to Agreement #026028 (BO 24-29) between Yamhill County Health and Human Services and the Oregon Health Authority in the amount of \$188,439.38, retroactively effective January 1, 2024, through June 30, 2025. #HHS24037IG

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

8. **B.O. 24-295** - Consideration of a letter to be submitted to the Oregon Department of Environmental Quality opposing the proposed Climate Protection Program rulemaking.

Commissioner Starrett stated that the Department of Environmental Quality (DEQ) had offered an update to reduce carbon emissions and that she was concerned about the impact on the Timber community and potential lack of oversight.

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

9. **B.O. 24-296** - Consideration of approval to support Jackson County's request to repeal Senate Bill (SB) 762 (2021) and 80 (2023) regarding the Wild Fire Hazard Map legislation.

Commissioner Berschauer stated that, as she understood it, a majority of people disapprove of the hazard map, and she expressed concern that there seemed to be no willingness to adjust the map in response to negative feedback.

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

10. **B.O. 24-297** - Consideration of approval of the modification to the agreement between Yamhill County and Summit Strategies Government Affairs, LLC. for consulting services in the amount of \$166,900, retroactively effective July 1, 2024, through June 30, 2025.

Commissioner Berschauer explained that this was regarding the Newberg-Dundee bypass.

Commissioner Johnston moved approval of item I10. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

11. **B.O. 24-298** - Consideration of approval of Amendment #2 to an agreement between Yamhill County and Newberg Animal Shelter Friends (B.O. 23-294) updating the contract period, extending through June 30, 2025, subject to the final review and approval of County Counsel's office.

Christian Boenisch highlighted a few changes to the proposed amendment stating that the rate was amended to \$50 per kennel per day for four reserve kennels for a total of \$54,400. He clarified that overflow kennels were being removed from the contract, and that Newberg Animal Shelter Friends (NASF) and Homeward Bound Pets (HBP) would be responsible for coordination of clerical work. Sheriff Sam Elliot stated that it was his intention to consolidate kenneling with shelters and that he would be working with HBP to improve the licensing process and increase financial resources for the department. His goal was to amend the County Code to simplify the fee structure and stated that the proposed amendment to the NASF contract would save the County about \$38,000. He explained that he would like to avoid having overflow kennels or using the term "overflow" because it correlated with an increased fee.

Commissioner Johnston moved approval of item I11. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

12. Discussion about dog control. (Commissioner Starrett)

See above agenda item I11 for discussion. No action was taken on item I12.

Session was recessed at 11:01 a.m. and reconvened at 11:10 a.m.

## **J. PUBLIC HEARINGS:**

1. Docket SDR-13-24, An appeal of the Planning Director's approval to allow for the temporary and limited placement of up to two (2) mobile restaurant facilities (e.g., food trucks) and to allow for the sale, tasting service, and consumption of local wines and alcoholic beverages in conjunction with the use of an approved existing indoor commercial recreational facility in the Recreation Commercial (RC) zoning district on the subject parcel. Applicant – HOB Oregon, LLC / Appellant – Maria Paola

Commissioner Berschauer opened the public hearing at 11:13 a.m.

There were no reports of site visits, or ex-parte contact, but both Commissioner's Berschauer and Starrett disclosed potential conflicts of interest due to being previously represented by the applicant's attorney, Steve Elzinga. There were no abstentions or objection to

the jurisdiction of the hearing. Ken Friday read the “raise it or waive it” statement required by ORS 197.763.

Staff Report: Lance Woods stated that the applicable review criteria and standards were provided in sections 601.02B and 1101.02 of the Yamhill County zoning ordinances. The applicant was requesting site design approval of temporary and limited placement of up to two mobile restaurant facilities, or food trucks, and to allow for the sale, tasting service, and consumption of location wines and alcoholic beverages in conjunction with an approved existing indoor commercial recreational facility. The indoor recreational facility was located in the Recreation Commercial (RC) zoning district on the subject parcel, and it received land use approval in autumn of 2023. The applicant’s lot measure’s approximately 61.3 acres and was split zoned with the Recreation Commercial, Agriculture/Forestry Large Holding, and Public Airstrip and Landing Fields zones all located on the lot. There was a mixture of commercial use, farm use, and residential use occurring onsite. Ingress and egress to the lot was served by a private roadway that accesses NW Panther Creek Road. The surrounding lots to the east, southeast and northwest were located in the Agriculture/Forestry Large Holding districts, AF-80, and AF-20 zones. Lots to the north and northeast of the subject lot were zoned for Exclusive Farm Use EF-20 zone. Forest uses appeared to be the most common land use occurring in the surrounding areas. Farm uses, while less common, were evident in the area and appeared to include hay fields and livestock grazing.

Applicant Testimony: Anderson Beals stated that the site had been a recreational site and was being used as such including concessions sales but that the application requested to approve the addition of two non-permanent food trucks. The Planning Director found that the application complied with necessary criteria.

Justin Cottrell introduced himself as the director of hospitality for the applicant and stated that he would be responsible for following OLCC and food safety regulations for the site.

Frank Foti stated that the RC zone had been in existence for 52 years. There was a five-acre garden at the boarder of the zone and pickle ball and tennis facilities available. The application was meant to attract tourism to the site.

Steve Elzinga stated that the application was for extra support to include similar use and accessory use as well as the outright use permitted by the Planning department.

Appellant Testimony: Maria Paola stated that she did not appeal the addition of food trucks, but that there had been seemingly no consideration for the private road access which leads to the subject parcel. Ms. Paola stated that the residents that live on the road are technically responsible for maintaining the road and requested the County take over that responsibility if the private road would be used for commercial use.

Sid Friedman requested to have reasonable limitations applied to the hours of operation for the mobile restaurants and especially for the period in which alcohol could be served on the property. He expressed the opinion that onsite consumption of alcohol should not be allowed after five p.m. or after the onsite restaurants were closed. He also stated that the requested uses of the application were not permitted in RC zones and suggested that the Board deny the application altogether due to restaurants only being permitted in conjunction with a resort.

Public Agency Reports: There were no comments from public agencies on the record.

Applicant Rebuttal: Steve Elzinga clarified that the permitted use of the RC zone included entertainment facilities among many other things and described it as a broad zone. He explained that the code did allow for alcohol to be served without a restaurant. The existing indoor facility had an upper level where alcohol could be served if not via the food trucks, but that they did not intend to construct a bar. Ken Friday explained that RC zone did not have restrictions around events held in the zone. Frank Foti stated that they would maintain the approximately 1,000 feet long and straight private road rather than residents.

Staff Recommendation: Lance Woods stated that staff believed the applicant had successfully demonstrated that the request complied with the applicable review criteria and standards provided in the Yamhill County zoning ordinance with the conditions of approval outlined in the packet and the record.

Commissioner Berschauer closed the hearing at 11:50 a.m.

Deliberation: Commissioner Starrett stated that the Board couldn't restrict use of the private road or alcohol consumption and that OLCC would regulate the serving and consumption of alcohol instead. After discussion, Commissioner Johnston moved to uphold the Planning Director's decision to approve the uses outright as a restaurant in the RC Zone consistent with the past golf course approvals and approval was also valid as accessory use to indoor recreation facilities as set out in the application. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye. Findings will be presented for consideration of approval on October 10, 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 12:10 p.m.

Bailey Barnhart  
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