

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 24, 2020, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Casey Kulla, Mary Starrett and Richard L. “Rick” Olson being present.

Also present were Ken Huffer, County Administrator; Todd Sadlo, Senior Assistant County Counsel; Ken Friday, Planning Director; Lance Woods, Associate Planner, Keri Hinton, BOC Staff and others as listed on the sign-in sheet.

Welcome! Due to COVID-19 and physical distancing requirements, attending the meeting is discouraged. The public can view the meeting via the YouTube link on the Yamhill County Meetings page. <https://www.co.yamhill.or.us/meetings>. See below for instructions regarding submitting general public comment or comments on agenda items.

A. CALL TO ORDER: Commissioner Kulla called the meeting to order at 10:00 a.m.

B. FLAG SALUTE

C. PUBLIC COMMENT: *Due to COVID-19 and physical distancing requirements, anyone wishing to submit general public comment or comments related to a specific agenda item may do so in written format via email at bocinfo@co.yamhill.or.us or by mail at 535 NE Fifth St., McMinnville, OR 97128. Any comments received prior to the meeting will be shared with the Board of Commissioners and submitted to the record.*

No general public comments were received.

D. 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. – None.

There was no scheduled work session; Board calendaring and work session schedules were discussed.

E. CONSENT AGENDA:

1. Minutes

- a. **B.O. 20-323** - April 2, 2020, Formal/Informal session,
- b. **B.O. 20-324** - April 9, 2020, Formal/Informal session,
- c. **B.O. 20-325** - April 16, 2020, Formal/Informal session,

- d. **B.O. 20-326** - April 23, 2020, Formal/Informal session; and
- e. **B.O. 20-327** - April 30, 2020, Formal/Informal session.

Commissioner Olson moved approval of item E1. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

F. OLD BUSINESS: None

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

1. **B.O. 20-328** - Consideration of approval of Service Element Prior Authorization (SEPA) #39047837 under agreement #157846 between Yamhill County Health and Human Services and the Department of Human Services (B.O. 19-221) decreasing the amount by \$5,329.59 for the financing of Community Developmental Disabilities Services, retroactive to July 1, 2019 through June 30, 2021.

Commissioner Starrett moved approval of item G1. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

2. **B.O. 20-329** - Consideration of approval of Amendment #1 to an agreement between Yamhill County Health and Human Services and the Dayton School District (B.O. 20-235) to provide behavioral health counseling services for the 2020-21 school year, not-to-exceed amount of \$98,346.11, effective October 2020 through May 2021.

Commissioner Olson moved approval of item G2. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

3. **B.O. 20-330** - Consideration of approval of Amendment #13 to agreement #159833 between Yamhill County Health and Human Services and the Oregon Health Authority (B.O. 19-222) in the amount of \$117,397 for Public Health Services, effective October 1, 2020 through June 30, 2021.

Commissioner Kulla moved approval of item G3. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

4. **B.O. 20-331** - Consideration of approval of intergovernmental agreement #DCA-DSA-12059-2020 between Yamhill County, Clackamas County, Multnomah County and Washington County to share Oregon Public Health Epidemiologists' User System (ORPHEUS) data.

Commissioner Olson moved approval of item G4. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

5. **B.O. 20-332** - Consideration of approval of purchasing Windows 10 Enterprise licenses from TechHeads in the amount of \$36,008 for the 2020-21 fiscal year.

Commissioner Olson moved approval of item G5. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

6. **B.O. 20-333** - Consideration of approval of Amendment #3 to agreement #149597 between Health and Human Services and the Department of Human Services Vocational

Rehabilitation for job placement services (B.O. 15-398) increasing the maximum not-to-exceed amount to \$1,300,000 and extending the agreement through March 31, 2021.

Commissioner Starrett moved approval of item G6. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

7. **B.O. 20-334** - Consideration of approval of a license agreement between Yamhill County and the City of McMinnville to place an elections drop-box at the McMinnville Public Library, effective once fully executed.

Commissioner Kulla moved approval of item G7. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

8. **B.O. 20-335** - Consideration of authorizing Yamhill County Health and Human Services to submit an application for grant funding to the Oregon Department of Veterans' Affairs (ODVA) for veterans' services in the amount of \$25,000.

Commissioner Starrett moved approval of item G8. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

9. **B.O. 20-336** - Consideration of authorizing Yamhill County Health and Human Services to submit an application for grant funding to the Oregon Health Authority, Oregon Immunization Program for supplemental flu funding in the amount of \$23,302.

Commissioner Starrett moved approval of item G9. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

10. **B.O. 20-337** - Consideration of the adoption of Resolution 20-09-24-1 proclaiming October 2, 2020 as National Manufacturing Day in Yamhill County.

Commissioner Kulla read the Resolution into the record. Commissioner Kulla moved approval of item G10. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

11. **B.O. 20-338** - Consideration of extending the emergency declaration in Yamhill County as previously approved (B.O. 20-93).

Commissioner Starrett noted the emergency declaration would provide flexibility to HHS staff to provide expedited services. It was the consensus of the Board to extend the declaration an additional 30 days through October 30, 2020. Commissioner Olson moved approval of item G11. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

H. PUBLIC HEARINGS:

1. Consideration of Planning Docket #C-22-19/SDR-35-19 a conditional use permit request and site design review to operate a flour processing facility; on-site bakery as a commercial activity in conjunction with farm use from within an existing, to be remodeled, agricultural building (granary). Applicant: Bram Yoffie; Appellants: Anthony Boutard.

Commissioner Kulla opened the public hearing at 10:33 a.m.

There were no abstentions or objections to the jurisdiction of the hearing and there were no reports of 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 that with conditions, the proposed bakery, flour mill and farm stand comply with site design review standards.

Applicants: Wesley Stoller represented the landowner and explained the family farm has evolved over time and his intention was to revive the farm by providing healthy grains to utilize in products and merchandise to the public.

Bram Yoffie commented on his goals to grow ancient grains to incorporate into breads. He noted his resources were running short after 11 months of litigation and wanted resolution to move forward in his efforts.

Ken Katzaroff, representing the applicant, commented on integrating new projects and products into existing rural farming standards. He stressed that the applicant was striving to maintain the land and utilize it for its original intent.

Sid Friedman spoke on behalf of Friends of Yamhill County and stated the revised conditions were appropriate and asked the Board to approve the item with the revised conditions.

Appellants: There were no appellant representatives present.

Agency Reports: Mr. Woods noted that reports were received from the county sanitarian who provided recommendations for the septic system as well as the Soil and Water Conservation District regarding water use.

Rebuttal: Mr. Yoffie noted the use of the word “bakery” in the application process may have created misunderstanding and its broad use to describe the applicant’s intent which was to grow grain and bake bread utilizing their grains. He stated the economic feasibility would rely on the “vertical integration” of baking the bread on the same site as where the grains are grown and milled.

Staff Recommendation: Lance Woods stated based on the record, the uses satisfied the planning goals and recommended approval of the application with conditions which he read into the record.

Commissioner Kulla closed the public hearing at 11:23 a.m.

Deliberations: Commissioner Olson commented that Mr. Yoffie’s definition of “bakery” provided clarity and was enthusiastic about the educational aspect. He didn’t agree with all of the conditions but was appreciative of the cooperation between the applicant and the appellant

working together to reach an agreement. Commissioner Kulla commented on procedural issues and noted that as the first boulangerie in Yamhill County, it warranted the vetting it received to ensure it met permit regulations. Commissioner Starrett offered an apology and her appreciation to Mr. Yoffie and Mr. Stoller since they are the forerunners of this type of application and had to absorb the cost and the consequences, they have endured to establish this kind of industry in Yamhill County.

Commissioner Kulla moved approval of item H1 with the included conditions of approval as stated. The motion passed, Commissioners Kulla, Starrett and Olson voting aye. Todd Sadlo stated findings would be ready for adoption on October 8, 2020.

Ken Friday commented on the settlement agreements between the parties and stated he would support the modified conditions as agreed to by both parties. He noted that with 41 conditions some of them had nothing to do with the criteria, but he encouraged the idea of the applicant's right to "have his day in court". He took issue with condition # 16 which prohibited the applicant to apply for expansion in the future. He also expressed concern with condition #23 of prohibiting certain flavors of pies and cookies and stated he didn't believe that some of the conditions belonged in the agreement. He assured the Board that, going forward, he would do his best to not put his department or the Board in the position of enforcing such excessive conditions. Commissioner Olson expressed his appreciation to staff for time spent on this review.

I. 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 11:58 a.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair CASEY KULLA

Commissioner MARY STARRETT

Commissioner RICHARD L. "RICK" OLSON