

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 December 1, 2022, at 10:00 a.m. in Room 32 of the courthouse and a virtual meeting via Zoom, Commissioners Lindsay Berschauer, Casey Kulla and Mary Starrett being present.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Jodi Gollehon, Assistant County Counsel II; Lindsey Manfrin, HHS Director; Tim Svenson, Sheriff; Ken Friday, Planning Director; Nohely Barajas participated via Zoom.

Guests via Zoom: Dave Haugeberg; Joyce Morrow; Vickie Ybarguen; Kit Johnston; Richard Riggs; Kelli Watcherson; Kody Quinlan; Todd Godfrey; Joshua Fidelman; Jennifer Leonard; Jason Lampman; Kathryn Jernstedt; Adam Garvin; Truman Stone; Chief Rich Leipfert; Charles G.; Eric Holtan; Tim Gangle; Chris Roberts; Karl; Daniel Odor; Brian Lipps; C.; Scott; Rexine MacFarlane; Tim; Elaine Albrich and Jacque 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 10:02 a.m.

B. FLAG SALUTE

C. CALENDAR SESSION: This time is reserved for the review of the commissioner’s joint schedule (if needed).

The Commissioner’s reviewed the joint schedule for the week of December 5 – December 11, 2022. No other county business was discussed.

RECOGNITION: Joyce Morrow -Recognition of 32 years of service to Housing Authority of Yamhill County (HAYC).

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.

Charles G. provided public comment via Zoom regarding Measure 114. Emailed public comments were received regarding the performance of the County Clerk.

E. PRESENTATION:

a. OSU Extension Service – Richard Riggs/Kelli Watcherson
Surendra Dara provided a presentation regarding the Northwest Willamette Research and Extension Center (NWREC) Program which supports work in agricultural research in the county.

F. DEPARTMENT UPDATES:

a. Health & Human Services (HHS) – Lindsey Manfrin
Lindsey Manfrin highlighted key updates; Public Health has finalized their community health assessment and noted the suicide prevention program within the department has been active and is now fully staffed. Behavioral Health is searching for property to add to their TTRS housing program after receiving additional funding. Seeking to expand mobile crisis management services to provides for offsite resources and outreach. She addressed staffing capacity challenges as position vacancy rates decline; retention bonuses resulting from HB 4004 have helped in hirings but has not proven to be a driving force in filling positions.

b. Sheriff's Office (Measure 114) – Tim Svenson
Sheriff Svenson presented a high-level update regarding ballot Measure 114. He addressed the legal complaints received in the State asking for a stay of the ballot measure to be received and reviewed by a circuit court. He stated the state police currently do not have an online portal to process permits leaving local sheriff offices to process applications on paper.

The meeting was recessed at 11:51 a.m. and reconvened at 12:00 p.m.

G. 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.

H. CONSENT AGENDA:

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

Contracts & Grants

1. **B.O. 22-355** - Approval of a lease renewal agreement between Yamhill County and Gary Baker Revocable Trust for storage units #1, #2 & #3 located at 712 E. 14th Street, Newberg, Oregon, retroactive to November 1, 2022 with two one-year renewal terms through October 31, 2024. Initial term rental rate in the amount of \$9,900 and additional terms upon renewal in the amount of \$10,500.

2. **B.O. 22-356** - Approval of Amendment #1 to Intergovernmental Government Agreement #JR-23-033 between Yamhill County and the Criminal Justice Commission (B.O. 21-500) increasing the awarded Justice Reinvestment (JRI) grant funds for the 2021-23 biennium to the amount of \$1,385,741.44, effective through December 31, 2023.

3. **B.O. 22-357** - Approval of an agreement between Yamhill County Health and Human Services and the Yamhill-Carlton School District to provide behavioral health counseling services for the 2022-23 school year, not-to-exceed \$64,199.88, effective September 2022 through May 2023.

Personnel

4. **B.O. 22-358** - Approval to authorize Leave Without Pay (LWOP) for employee # 5094 retroactive to November 21, 2022 with an anticipated return to work date of January 21, 2023.

Committees

5. **B.O. 22-359** - Approval of the reappointments of Jeff Brown, Rocky Losli, and Dave Hanson to the Road Improvement Advisory Committee (RIAC) each for a three-year term to expire on December 1, 2025.

I. OLD BUSINESS:

1. Consideration of approval of Amendment #9 to Agreement #169533 between Yamhill County and the Oregon Health Authority (OHA) for the financing of Public Health Services (B.O. 21-248) adding funding award in the amount of \$68,644.63. Retroactive to August 1, 2022 through June 30, 2023. *[Continued from October 13, 2022.]*

Christian Boenisch stated the OHA denied a request to change agreement language to remove language promoting COVID vaccines. Commissioner Starrett stated she would not be in favor of approving the amendment until language changes are updated on the website to reflect clear direction of promotion in the county and the website is updated to reflect new data from the CDC, Pfizer, etc. regarding vaccine efficacy. After discussion, the consensus of the Board was to continue item I1 to December 8, 2022. There was no action taken.

2. Consideration of acknowledgement of the withdrawal of application for amended conditional use permit for Furioso Vineyard Dundee, LLC. under Docket #C-11-22/SDR-22-22.

The consensus of the Board was to acknowledge the application withdrawal. There was no action taken.

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

1. **B.O. 22-360** - Consideration of approval to accept a sealed bid in the amount of \$100,100 for Tax Lot No. R2325 01600 and to accept a sealed bid in the amount of \$15,200 for Tax Lot No. R3204 00203.

Commissioner Starrett moved approval of item J1. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

2. **B.O. 22-361** - Consideration of approval in the matter of upholding the Planning Commission's decision to approve Planning Docket #SU-02-22; Permitted use review for rock quarry exploration for Tax Lot 2406-0700; Applicant: Turner Rock Products, LLC.

Commissioner Kulla moved approval of item J2. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

3. **B.O. 22-362** - Consideration of approval to accept formal notice that there is probable cause that a violation of the Solid Waste Ordinance exists, to schedule a public hearing for January 12, 2023, and to direct staff to send notice of the pending public hearing.

Commissioner Berschauer moved approval of item J3. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

4. Consideration of approval to obligate funding for the Title III project:

a. Yamhill Soil & Water Conservation District 2023 Wildfire Prevention Workshops

Commissioner Kulla requested to move item J4 to December 8, 2022. The consensus of the Board was to move item J4 as requested. There was no action taken.

5. **B.O. 22-363** - Consideration of approval of an intergovernmental agreement between Yamhill County and the City of McMinnville for reimbursement of associated costs incurred for the formation proceedings for creation of a new fire district serving the area of the existing McMinnville Rural Fire District and the City of McMinnville effective upon approval through December 31, 2023.

Commissioner Kulla moved approval of item J5. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

6. **B.O. 22-364** - Consideration of approval of Amendment #1 to Agreement #176916 between Yamhill County and the Oregon Health Authority (B.O. 22-260) revising language for community restoration services.

Commissioner Starrett moved approval of item J6. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

7. **B.O. 22-365** - Consideration of approval to authorize the Department of Community Justice to apply for additional unused 2021-23 JRI Supplemental grant funds for a total amount of \$36,300.

Commissioner Berschauer moved approval of item J7. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

8. **B.O. 22-366** - Consideration of approval of Amendment #3 to Loan Agreement #OTIF-0049 between Yamhill County and the Oregon Department of Transportation (ODOT) amending the contract language and schedule for the Newberg/Dundee Bypass Modification project.

Christian Boenisch identified a scrivener's error in Exhibit F which will be corrected prior to execution. Commissioner Kulla moved approval of item J8. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

K. PUBLIC HEARINGS:

1. First public hearing in the matter of initiating formation of a new rural fire protection district to provide fire and EMS services under ORS 478. McMinnville Fire District is the name of the proposed district with boundaries being the existing McMinnville Rural Fire Protection District, plus all land within the City of McMinnville.

The public hearing was opened at 12:02 p.m. Christian Boenisch stated this is the first of two public hearings to receive public comments regarding the formation of a new fire district.

Chief Rich Leipfert and Truman Stone reviewed the statutory steps leading up to a ballot vote by citizens to establishing a new fire district. Chief Leipfert stated a \$2.00/\$1,000 tax rate was the most favorable to maintain long term sustainability and service level improvements.

Adam Garvin, Todd Godfrey, and Kody Quinlan expressed support for the proposed fire district formation. The public hearing was closed at 12:22 p.m.

B.O. 22-367 – Consideration of approval Board Order setting the second public hearing for January 12, 2023.

After discussion Commissioner Berschauer moved approval of item K1. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

2. Docket #G-02-22: Consideration of approval in the matter to amend the Yamhill County Zoning Ordinance to place psilocybin manufacturing in the Exclusive Farm zone and service centers in the Recreation Commercial and Public Assembly, Institutional zones.

Ken Friday stated this was a legislative public hearing. He reviewed actions taken by cities in the county and the zoning amendments proposing placements of manufacturing, production and service centers unanimously approved by the Planning Commission.

Support Testimony:

Kathryn Jernstedt representing the Friends of Yamhill County stated the crop growing should be allowed on EFU lands and supported the use of psilocybin use but was opposed to tourism development of the clinics and asked for consideration of implementing dispensing boundaries.

Opposition Testimony: Jason Fiedelman stated his property is in an AF zone which would not be in the amended zoning, not allowing him to explore this industry in his zone. He stated his 60-acre property would serve as a valuable location for such a business.

Jennifer Leonard stated as a community member, she appreciated the thought out process the Board has taken; as a healthcare provider, she participated in drafting OHA rules and regulation process which will go into effect in January 2023 and stressed the need for psilocybin services.

She asked for AF and EF zones be allowed to receive conditional use permits for these business sites.

Jason Lampman stated the OHA restrictions are too restrictive in an effort to prevent black market production. He proposed that the local small farm licensees be allowed to vertically integrate growing production and to market only in the surrounding community.

Kathryn Jernstedt rebutted that she appreciates the idea of local ownership but is concerned about outside investors seeking opportunities to invest in local operations and used the wine industry as an example of local small businesses being overtaken by non-local investors.

The public hearing was closed at 1:50 p.m.

Deliberations: Ken Friday expressed frustration that the OHA rules are not complete and provides no clear direction and could not recommend motion language to the Board to take action on regarding the zoning restrictions. After discussion, Commissioner Kulla recommended consensus of the Board was to direct staff to draft a zoning ordinance that match Option 3 to be presented to the Board for consideration on December 15, 2022.

The meeting was recessed at 2:30 p.m. and reconvened at 2:37 p.m.

L. 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 4:03 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LINDSAY BERSCHAUER

Commissioner CASEY KULLA

Commissioner MARY STARRETT