

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 March 3, 2022, at 10:00 a.m. in 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; Lance Woods, Associate Planner; Brian Van Bergen, County Clerk; Ken Friday, Planning Director; Jodi Gollehon, Assistant County Counsel II; Nohely Barajas-Montalvo, Legal Assistant; and Jason Foose, County Surveyor.

Guests via Zoom: Elaine Albrich; Mike Town; Marie Holladay; Daniel Stumpf, Lancaster Mobley; Chris Goodell; Rand Waltz; Public Viewer; Sheila Barnes; Andrew Anderson/Corey Rich; Steve Macy; Anne Falla; Brendan Buckley; Marvin Bernards; Erin Chen; dgilbert; and Lloyd.

***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 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 Commissioner’s reviewed the joint schedule for the week of March 7 – March 13, 2022. No other county business was discussed.

D. 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.*

Public comments were received via e-mail regarding recall efforts and Ukraine.

E. DEPARTMENT UPDATES: Clerk's Office – Brian Van Bergen

Mr. Van Bergen stated recordings were down approximately 15% from last fiscal year which he attributed to rising interest rates slowing home sales and refinances. His office has seen a 70% increase of e-document recordings and received twelve Board of Tax Appeal (BoPTA) filings in 2021. In a review of the current year's elections, Mr. Van Bergen addressed election integrity and voter redistricting also noting motor voter changes have impacted how the Clerk's Office receives voter data.

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

Minutes

1. a. **B.O. 22-58** - November 4, 2021; Formal/Informal Session;
b. **B.O. 22-59** - November 9, 2021; Formal/Informal Session; and
c. **B.O. 22-60** - November 22, 2021; Formal/Informal Session.
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H. OLD BUSINESS: None.

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

1. **B.O. 22-61** - Consideration of approval of Coronavirus State Fiscal Recovery Fund Grant Agreement between the State of Oregon, Department of Administrative Services, and Yamhill County. Grant amount is \$2,320,000 for Yamhill County to develop and implement a grant program for the construction and expansion of broadband in underserved areas of the County to serve county residents, businesses, and agencies. Effective upon approval and project to be completed by June 30, 2024.

Ken Huffer stated this grant agreement was to receive grant funds for the broadband infrastructure project. Commissioner Starrett moved approval of item I1. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

The meeting was recessed at 11:01 a.m. and reconvened at 11:09 a.m.

J. PUBLIC HEARINGS:

1. Consideration of approval of Docket # PAZ-04-21: 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: AKS Engineering & Forestry, LLC.; Tax Lot: 4411-01300 & 4411-01301.

Commissioner Berschauer opened the public hearing at 11:09 a.m. There were no abstentions or objections to the jurisdiction of the Board and there were no reports of site visits. Commissioner Kulla disclosed receiving a call from an opponent regarding public hearing process. Commissioner Berschauer disclosed receiving testimony via e-mail which was forwarded to the Planning Department. Ken Friday read the “raise it or waive it” statement required by ORS 197.763(5).

Staff Report: Lance Woods read the staff report noting that the parcel consisted of an existing driveway providing access to NE Lone Oak Road North and was otherwise undeveloped. The 13-acre property consisted of various zoning designations however was a designated VLDR-2.5 zone in 1980 with an exception area which was not within an unincorporated community.

Applicant: Representative Elaine Albrich opened the zone change proposal presentation stating that although the applicant was not currently proposing any development, the applicant was seeking the right to develop under the Light Industrial zoning in the future. Marie Holladay presented the project overview stating the 13-acre site stating the zone change met approval criteria. She addressed public comment concerns regarding Light Industrial zoning noise criteria and summarized that the acoustical study concluded that most of the recorded sound was related to highway traffic noise and airplanes, and that surrounding business noise levels were less than traffic noise. Daniel Stumpf addressed the Transportation Planning Rule (TPR) Analysis stating the zone change would not create significant traffic impacts and were projected to operate according to ODOT standards.

There was no additional testimony in support of the application.

Opponent: Corey Rich presented testimony in opposition of the application stating the zoning change would have visual and noise impacts on the cemetery atmosphere.

Steve Macy presented maps of Evergreen Memorial Park stating the cemetery boundaries had not been changed since 1937. He read letters in opposition which were previously submitted into the testimony record.

There was no additional testimony in opposition of the application.

Public Agency Reports: Lance Woods read the public agency reports noting two were received from the Yamhill County Sanitarian stating that future development must meet county requirements and from the McMinnville Fire Department recommending the applicants improve site water infrastructure noting there were no fire hydrants in the area. No other public agency reports were received.

Applicant Rebuttal: Elaine Albrich requested that the record be left open for to allow for additional testimony and rebuttal. Ken Friday recommended that the record shall be left open

until 5:00 p.m. on March 10, 2022 for all parties to submit written testimony or evidence to the Planning Department at 525 NE 4th Street, McMinnville. The record shall then be open until 5:00 p.m. on March 17, 2022 for all parties to submit to the Planning Department written rebuttal to what was submitted during the first open record period. The record shall then be open for the applicant only to submit final written argument with no new evidence until 5:00 p.m. on March 24th, 2022. At that point the record shall be closed. The Board of Commissioners shall then reopen the hearing at 10:00 a.m. on March 31, 2022 on Zoom, or in Room 32 of the Yamhill County courthouse, at the point of staff recommendation. Commissioner Kulla moved approval of Mr. Friday’s recommendation. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

The public hearing was recessed at 12:33 p.m.

K. 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 12:40 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LINDSAY BERSCHAUER

Commissioner CASEY KULLA

Commissioner MARY STARRETT