

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 June 17, 2021, at 10:00 a.m. in a virtual meeting via Zoom, Commissioners Mary Starrett, Lindsay Berschauer and Casey Kulla being present.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Ken Friday, Planning Director; Lance Woods, Senior Planner; and Keri Hinton, BOC Staff.

Guests via Zoom: Doug Rux, City of Newberg; Dan Weinheimer, City of Newberg; Elaine Howard, City of Newberg Consultant; Shannon Buckmaster; Chris Clemow, Clemow & Associates LLC; Andrew Stamp, PC; Joyce Morrow; Kathryn Jernstedt; Sheila Barnes; Tom Thompson; Walt Parry; Seth Renne; Bev H.; Patty Williams; Beth Rankin; and Art & Anne Engen.

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 Starrett called the meeting to order at 10:06 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 June 14 – 20, 2021. 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 [cocinfo@co.yamhill.or.us](mailto: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 received via e-mail regarding vaccine passports and telework were entered into the record.

E. 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 –

a. Formal Presentation of Newberg Urban Renewal Plan & Report – Doug Rux, City of Newberg.

Doug Rux, Elaine Howard, and Dan Weinheimer returned for continued discussion regarding the Newberg Urban Renewal Plan and the process required for adopting a resolution. The consensus of the Board was to continue the work session to June 24, 2021.

b. End of work session.

F. DEPARTMENT UPDATES: None.

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

Contract & Grants

1. **B.O. 21-236** - Approval of Amendment #7 to the agreement between Yamhill County Health & Human Services and George Fox University (B.O. 13-108) for crisis screening services increasing the total monthly rate to the amount of \$18,308.38, retroactive to May 1, 2021.

2. **B.O. 21-237** - Approval of Amendment #1 to Intergovernmental Agreement #DCA-DSA-12059-2020 between Yamhill County, Clackamas County, Multnomah County and Washington County (B.O. 20-331) to share Oregon Public Health Epidemiologists' User System (ORPHEUS) updating agreement language, retroactive to March 24, 2021.

3. **B.O. 21-238** - Approval of Amendment #3 to Agreement #166061 between Yamhill County and the Oregon Health Authority (B.O. 21-76) adding funding for the Community Mental Health, Addiction Treatment, Recovery, & Prevention, and Problem Gambling Services in the amount of \$129,980, retroactive to January 1, 2021 through June 30, 2021.

Refunds

4. **B.O. 21-239** - Approval of a blanket refund order authorizing the tax collector to issue lawful refunds to taxpayers, effective July 1, 2021 through June 30, 2022.

H. OLD BUSINESS:

1. **B.O. 21-240** - Consideration of the adoption of written findings and conditions in the matter of upholding the Planning Director's approval and denying the appeal of Planning Docket FD-01-21; Approval of a farm help dwelling for a family member on Tax Lot 3304-400 (17571 NE Calkins Land, Newberg); Applicant: Kipp Myers. *[Continued from May 27, 2021].*

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

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

1. Consideration of adopting Resolution 21-06-17-1 and Board Order approving the Newberg Urban Renewal Plan. *[No action taken.]*

The consensus of the Board was to table item I1 until June 24, 2021.

2. **B.O. 21-241** - Consideration of the appointment of Lee Gilgan to the Parkway Committee for a four-year term to expire on January 15, 2025.

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

3. **B.O. 21-242** - Consideration of two appointments to the Local Investment Advisory Committee: William Sweat for a two-year term to expire on July 1, 2023 and Keven Chambers for a three-year term to expire on July 1, 2024.

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

4. **B.O. 21-243** - Consideration of the appointment of Greg Wildhaber to the Fair Board, for a three-year term to expire on June 17, 2024.

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

5. **B.O. 21-244** - Consideration of the appointment of Kit Johnston and the reappointment of Alan Halstead on the Newberg Urban Area Management Commission (NUAMC) for a three-year term to expire on June 17, 2024.

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

6. **B.O. 21-245** - Consideration of a new Appointment to Advisory Boards Policy.

Ken Huffer explained the need for the new proposed policy, which he noted would streamline the overall committee process but would not affect committee bylaws. After discussion, Commissioner Starrett moved approval of item I6 as amended. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

7. **B.O. 21-246** - Consideration of approval of an agreement between Yamhill County Health and Human Services and the Dayton School District to provide behavioral health counseling for the 2021-22 school year, not to exceed \$110,056.95, effective September 2021 through May 2022.

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

8. **B.O. 21-247** - Consideration of approval of an agreement between Yamhill County Health and Human Services and the Willamina School District to provide behavioral health counseling for the 2021-22 school year, not to exceed \$61,142.76, effective September 2021 through May 2022.

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

9. **B.O. 21-248** - Consideration of approval of Agreement #169533 between Yamhill County and the Oregon Health Authority for the financing of Public Health Services in the amount of \$831,865, effective July 1, 2021 through June 30, 2023.

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

10. **B.O. 21-249** – Consideration approval for the transition from telecommuting to county-wide in-office operations, effective July 19, 2021. (Commissioner Berschauer).

Commissioner Berschauer proposed setting a date of July 19, 2021 for county employees to return to onsite workplaces. There was direction by the Board to staff to create a permanent telework policy to address future situations requiring telework accommodations. Mr. Huffer will provide a 14-day notice of change in working conditions to the union and county employees per the collective bargaining agreement. After discussion, Commissioner Berschauer moved approval of item I10. The motion passed, Commissioners Starrett and Berschauer voting aye, Commissioner Kulla voting nay.

11. **B.O. 21-250** - Consideration of approval of a letter of support to the Oregon Office for Community Dispute Resolution on behalf of Your Community Mediators.

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

12. **B.O. 21-251** - Consideration of approval of proposed budget changes to the Approved 2021-22 Budget as presented by the budget officer.

Ken Huffer addressed the proposed budget changes identifying adjustments to expenditure authority. He noted the changes were less than 10% of the approved budget. Commissioner Kulla moved approval of item I12. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

13. **B.O. 21-252** - Consideration of extending the COVID-19 Telecommuting Policy (B.O. 20-104) to expire July 19, 2021 or upon termination of the state of emergency declared by the Governor of Oregon, whichever occurs first.

Commissioner Berschauer moved approval of item I13. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

J. PUBLIC HEARINGS:

1. Receipt of public comment on the 2021-22 county budget.

Commissioner Starrett opened the public hearing at 12:32 p.m. There were no written public comments received and no one attending virtually requested to make comments.

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

The meeting was recessed at 12:34 p.m. and reconvened at 12:50 p.m.

2. Docket #C-23-20/RN-03-20: Consideration of a conditional use request for the construction of a new public road in the Exclusive Farm Use zone, with a 50-foot right-of-way. The proposed road name is NW Jahnke Drive. Applicant: Paul & Martha Jahnke, Trustees for the Jahnke Trust, Charles & Scotty Dolence, and Cyclops Properties, LLC.; Appellant: Kathryn Jernstedt, representing Friends of Yamhill County; Tax Lot: 4501-01290 and 4501-1293; Location: 13799 NW Willis Road, McMinnville. *[Continued from April 15, 2021 at the point of Applicant's case].*

The public hearing was reopened at 12:51 p.m. at the point of the Applicant's case.

Applicant: The applicant's attorney Andrew Stamp addressed questions previously raised regarding public road accesses.

Traffic engineer Chris Clemow addressed the proposed access road from Jahnke to Willis Road. His opinion was that the site distance criteria was being met and noted no reported crashes. He addressed appellant concern about site distance and speed in the intersection area and suggested installation of curve warning signs but deferred to the county for recommendation.

Agronomist Tom Thompson stated he found no significant commercial agriculture activity in the area. There was no additional testimony in support of the application.

Appellant: The appellant Katherine Jernstedt, representing 1000 Friends of Yamhill County, commented that the application and notification were confusing and did not mention two parcels that were not owned by the applicant which would be impacted by the proposed public road. She explained one parcel (#1292) was not owned by the applicant and the other parcel (#1291), being part of a Measure 37 claim, was partitioned and sold in 2006.

Joyce Morrow, an adjacent landowner, stated the road was not a viable use for exclusive farm use.

Art & Anne Engen submitted testimony in opposition of the construction of a new public road. There was no additional appellant testimony received.

Public Agency Reports: Lance Woods noted reports entered into the record were by county public works and the sanitarian regarding right of way distance.

Applicant Rebuttal: Mr. Stamp responded to appellant testimony and outlined his reasoning for the application meeting approval criteria.

Staff Recommendation: Lance Woods gave the staff recommendation stating the proposed application met standards of approval as recommended by the Planning Commission. Ken Friday commented on traffic mitigation in the likely event of future road development and addressed the expiration of the Measure 37 claim which he stated would not affect a road development. He acknowledged the neighbor's concerns of future development but found no reason to place conditions on the limit of households using the road adjacent to a rural residential area.

The public hearing was closed at 2:35 p.m.

Deliberation: After discussion, Commissioner Berschauer moved approval of the conditional use application as approved by the Planning Director. The motion passed, Commissioners Starrett and Berschauer voting aye. Commissioner Kulla voted nay. Written findings and conditions to be adopted on July 8, 2021.

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 2:46 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair



MARY STARRETT

Commissioner



LINDSAY BERSCHAUER

Commissioner



CASEY KULLA

Accepted by Yamhill County
Board of Commissioners on
8/12/21 by Board Order
21-331