

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 October 27, 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; Jodi Gollehon, Assistant County Counsel II; Mark Lago, Public Works Director; Jessica Beach, Community Justice Director; Ken Friday, Planning Director. Christian Boenisch, County Counsel and Nohely Barajas-Montalvo, Legal Assistant participated via Zoom.

Guests: Kit Johnston, Tom Hammer, Dan Fricke, Kathryn Jernstedt, Adam Garvin, Rich Leipfert, Bob Youngman, Todd Godfrey, Stephanie Godfrey, Emmie Godfrey, Gracie Godfrey, Celine McCarthy. Matt Huxley, Mfd Station, Melissa Ahrens, Kody L3099, Naomi Zwerdling, Helen Purcell and Truman Stone 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 October 31 – November 6, 2022. No other county business was discussed.

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.

There were no in-person public comments received. Public comments regarding OHA contracts and computer hacking were received via email.

E. DEPARTMENT UPDATES:

a. Community Justice – Jessica Beach

Ms. Beach's highlights included the status of the Justice Reinvestment Capacity Building grant application which was accepted and pending amendments to include funding and language for a new Adult Corrections program. Juvenile Probation's drug court program has seen an increase in participation, post-COVID-19 restrictions. Juvenile Detention contracted daily bed use costs were increased due to higher operating expenses. 2022 annual detention inspections are complete which inspects detention facility safety standards. Juvenile work crew has resumed services.

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.

1. **B.O. 22-333** - Approval of the appointment of Derrin Broome to the Employee Safety Advisory Committee to complete the remainder of Kari Lewers' term, effective immediately through March 18, 2024.

H. OLD BUSINESS: None.

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

1. Discussion of the Mercury Total Maximum Daily Load (TMDL) Implementation Plan.

Mark Lago stated implementation of the plan is a requirement of the clean water act through the Department of Environmental Quality (DEQ) to measure and reduce mercury levels within the Willamette River Basin and clarified that the plan targets county-controlled properties and, inside of county right of way lines. Matt Huxley and Helen Purcell of Tetra Tech addressed questions and provided a presentation to provide the plan's background and purpose. Mr. Lago stated that the county is already implementing some of the Plan's requirements, but the Plan is a useful guide to ensure the county remains in compliance. Next steps will be to bring the plan before the Board for consideration of adoption at a later date. There was no action taken.

2. **B.O. 22-334** - Consideration of approval of the 2022 updated Roadside Vegetation Management Plan.

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

3. **B.O. 22-335** - Consideration of approval of Amendment #4 to Agreement #1015198 between Yamhill County and Oregon Health Sciences University (OHSU) (B.O. 19-307) adding funding in the amount of \$29,022 for Community-based Care Coordination (CaCoon) program and Shared Plans of Care (SPoC), retroactive to October 1, 2022 through September 30, 2023.

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

4. **B.O. 22-336** - Consideration of a letter to Oregon's Federal Congressional delegation to ask for help in delaying implementation of the Biological Opinion issued by the National Marine Fisheries Service (NMFS) regarding the National Flood Insurance Program (NFIP) in Oregon.

Commissioner Berschauer stated this is in response from a Tillamook commissioner asking other counties to support the delay of implementation of the biological opinion. After discussion, Commissioner Berschauer moved approval of item I4. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

5. **B.O. 22-337** - Consideration of approval of a Board Order to initiate the formation of the New McMinnville Fire District and setting the first public hearing date for December 1, 2022.

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

The meeting was recessed at 11:36 a.m. and reconvened at 11:43 a.m.

J. PUBLIC HEARINGS:

1. Docket #G-01-22: A proposal to update sections for the Yamhill County Zoning Ordinance to add "Roads, highways and other transportation facilities and improvements: as a permitted use to the following zoning districts:

Parks, Recreation, Open Space District – Section 405 (PRO)

Rural Residential Districts – Sections 502 (VLDR), and 503 (DR)L

Public Assembly Institutional District – Section 801 (PAI)

And adding "Roads, highways and other transportation facilities and improvements" as a conditional use to the following zoning districts:

Mineral Resource District – Section 404 (MR)

Rural Residential District – Section 501 (AF-10)

Commercial Districts – Sections 601 (R C), 602 (NC) and 603 (HC) Industrial Districts –

Sections 701 (RI), 702 (LI) and 703 (HI) Public Works/ Safety District – Section 802 (PWS)

Public Airports/ Landing Fields District – Section 803 (PA) LF

Applicant: Yamhill County.

The legislative public hearing was opened at 11:44 a.m. Ken Friday stated the reason for the code amendments were identified in the LUBA decision related to the Yamhelas Westsider Trail. LUBA concluded that the zoning ordinance did not allow roads in exception areas because they although they are listed in the farm zone, they are not listed as permitted or conditional use in other zones.

Dan Fricke, Senior Planner with ODOT, supports the recommended code amendments in relation to Phase II of the bypass.

Bob Youngman submitted oral testimony in opposition of the proposed code amendments because they are not necessary. He said land use rules have become punitive and have put limits on development leading to a county housing shortage.

Tom Hammer submitted oral and written testimony in opposition of the proposed code amendments, calling them unnecessary. He asked that codes be left as-is unless found necessary to move forward with the bypass.

Celine McCarthy submitted oral testimony in opposition regarding changes to zoning codes.

Kathryn Jernstedt representing Friends of Yamhill County submitted oral and written testimony saying that FYC recommended the zoning changes all be under conditional review to meet public concerns to ensure oversight and addresses legal liability to the county and opens the process to the public.

The meeting was recessed due to technical difficulties at 1:53 p.m. and reconvened at 2:17 p.m.

Deliberations:

After discussion, Commissioner Berschauer recommended continuation of the hearing. Ken Huffer suggested submitting questions to the Planning Director that would be researched and continued on November 10, 2022. Commissioner Kulla moved approval to continue the public hearing on November 10, 2022. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

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 2:44 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS



Chair

LINDSAY BERSCHAUER

Unavailable for signature

Commissioner

CASEY KULLA



Commissioner

MARY STARRETT

Accepted by Yamhill County
Board of Commissioners on
3.9.23 by Board Order
B.O. 23-83