

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 15, 2022 at 9:30 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; Justin Hogue, Deputy County Administrator; Christian Boenisch, County Counsel; Jodi Gollehon, Assistant County Counsel II; Ken Friday, Planning Director; Patricia Rojas, Human Resources Manager; Mikalie Moreno, Human Resources; Megan Marasco, Human Resources and Nicole Necas; BOC Staff. Nohely Barajas-Montalvo participated via Zoom.

Guests via Zoom: Tom Hammer, Kit Johnston, Sid Friedman, Kathryn Jernstedt, Damien Hall and Dave Larmouth. Joshua Fidelman, State 3, and Jennifer Leonard 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' YouTube channel. Written public comments may be submitted via email at [cocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us).

Notice: The Board of Commissioner's Formal/Informal Session schedule has been changed for the month of December. There will be no session on December 29, 2022. Regular session schedules will resume in January.

- A. **CALL TO ORDER:** Commissioner Berschauer called the meeting to order at 9:34 a.m.
- B. **FLAG SALUTE**
- C. **PRESENTATIONS:**
2022 Employee Years of Service Recognition

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 19 – December 25, 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.

Public comments were received via email regarding Oregon's vote by mail. The Board and staff briefly discussed the lawsuit challenging the vote by mail process.

E. DEPARTMENT UPDATES: None.

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 –

a. Review/discussion of FY 2023-24 Discretionary Allocation.

b. End of work session

Ken Huffer addressed the upcoming budget process for FY 2023-24. He presented his proposed budget allocation report and instruction packet with highlights and spending recommendations, proposing a 2% decrease in discretionary spending to limit the impact on reserve funds.

a. **B.O. 22-379** - Consideration of setting initial 2023-2024 Fiscal Year discretionary allocation for departments and 2023-2024 Fiscal Year Budget Instructions.

Commissioner Berschauer moved approval of item F1a. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

G. 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. 22-380** - Approval of the quote and purchase of BitDefender annual maintenance renewal from TechHeads for fiscal year 2022-23 in the amount of \$39,496.25.

H. OLD BUSINESS:

1. Consideration of approval of an agreement between Yamhill County and Yamhill County Care Organization, Inc. for the Promoting Healthy Childhood Environment project in the amount of \$70,000 retroactive to September 1, 2022 through August 31, 2023. *[Continued from December 8, 2022].*

Commissioner Starrett requested to remove item H1 from the agenda pending further discussion and review. The consensus of the Board was to continue discussion on January 12, 2023. There was no action taken.

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

1. **B.O. 22-381** - Consideration of approval in the matter of an order authorizing the sale of tax foreclosed property by private sale and ordering distribution of proceeds (Tax Lot #R3204-00203).

Commissioner Berschauer moved approval of item I1. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

2. **B.O. 22-382** - Consideration of approval of a Letter of Agreement between Yamhill County Health and Human Services and Yamhill Community Care Organization to support the Sheridan Housing project in the amount of \$163,992 retroactive to October 31, 2022 through October 31, 2023.

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

3. **B.O. 22-383** - Consideration of approval of a 5-year lease agreement between Yamhill County and JJSS Property, LLC. for property located at 310, 330-340 NE Kirby Street, McMinnville, OR each with an annual 5% rent increase effective January 1, 2023 through December 31, 2027 with options to renew.

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

4. **B.O. 22-384** - Consideration of approval to adopt the Mercury Total Maximum Daily Load (TMDL) Implementation Plan.

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

5. Discussion of Yamhill County Economic Development options.

Commissioner Starrett recommended an inhouse economic development staff member to address countywide economic development concerns. Commissioner Berschauer added her concerns of a lack of interface from outside SEDCOR services.

Ken Huffer reminded the Board that the current SEDCOR contract was the result of a previous Board's action in 2018 entering into a contract with an external economic development agency, including a scope of work. The last extension is valid through June 2023 with a 30-day caveat of termination. He cautioned that any consideration of creating a county personnel economic development position should include a scope of work that would encompass county specific policies and procedures. After discussion, Commissioner Berschauer requested to continue agenda item I5 to December 22, 2022. There was no action taken.

The meeting was recessed at 11:29 a.m. and reconvened at 11:41 a.m.

J. PUBLIC HEARINGS:

1. Docket #C-27-18/SDR-34-18: A request for an extension of a conditional use and site design review approval to site a commercial solar facility consisting of approximately 10 acres. Applicant: Manchester Solar, LLC. *[Continued from November 10, 2022 at the point of Staff Recommendation].*

The public hearing reconvened at 11:41 a.m. at the point of Staff Recommendation.

Staff Recommendation: Ken Friday stated he relied on B.O. 00-514 relating to interpreting substantial construction and substantial development which he asked the Board to not rely on but to interpret the applicant has “initiated development action” under YCZO 402.08(A). Mr. Friday stated he did not believe the applicant had not made a case in vesting determination.

The public hearing was closed at 11:54 a.m.

Deliberation: After discussion, Commissioner Kulla moved that there was no vested right to continue the development of the site. The motion passed, Commissioners Berschauer and Kulla voting aye, Commissioner Starrett voting nay. Commissioner Kulla moved to not extend the expiration date by the construction time black-out periods. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye. Findings and conditions to be ready for consideration of adoption on January 26, 2023.

2. **B.O. 22-385** - Consideration of approval in the matter of adoption of Ordinance 922 amending the Yamhill County Zoning Code to allow for the establishment of Psilocybin manufacturing and service centers within certain areas of Unincorporated Yamhill County; declaring an emergency and setting the effective date. *[Continued from December 1, 2022].*

Sid Friedman gave oral testimony stating he supports the Planning Commission’s recommendation to include psilocybin service centers in the public recreation zones but cautioned against making countywide policy based on the interests of a small group of residents and that the non-farm use locations would conflict with exclusive farm zone uses.

Kathryn Jernstedt gave oral testimony addressing 1000 Friends of Yamhill County’s view that the service centers are not appropriate under the OHA guidelines.

Jason Lampman gave oral testimony via Zoom stating this was about a farm crop within legal restrictions. He said senate and house legislation would be required to move psilocybin to recreational use. He expressed support of Director Friday’s proposed Ordinance language.

Joshua Fidelman gave oral testimony via Zoom in support of Director Friday’s Ordinance language and agreed with the decision to include AF and EF zones.

Jennifer Leonard gave oral testimony viz Zoom in support of the proposed Ordinance language. She clarified that she and her husband had no interest in production.

The public hearing was closed at 1:37 p.m.

Commissioner Kulla moved approval of item J2 and entered the first reading by title only of the Ordinance with amendments into the record; hearing no further deliberation, Commissioner

Kulla entered the reading of Ordinance 922 by title only into the record. Hearing no further deliberation, Commissioner Kulla entered the second reading by title only into the record. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

3. Receipt of public comment on the proposal for the solid waste collection franchise renewal submitted by Recology Western Oregon.

The public hearing was opened at 1:42 p.m.
Dave Larmouth gave oral testimony stating the application has been submitted.

Hearing no additional testimony, the public hearing was closed at 1:46 p.m. The consensus of the Board to staff was to prepare a board order for consideration in January, 2023.

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 1:52 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
3.23.23 by Board Order
B.O. 23-107