

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 formal session on August 21, 2025, at 10:00 a.m. in Room 32 of the Yamhill County courthouse, and in a virtual meeting via Zoom, Commissioners Kit Johnston, Mary Starrett and David “Bubba” King being present.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Tonya Manley, Management Analyst; Ken Friday, Planning Director; Lance Woods, Senior Planner; Mike Browne, Jail Captain. Nohely Barajas-Montalvo, Legal Assistant and Sam Elliott, Sheriff participated via Zoom.

Guests: Sid Friedman, Mike Saunders, McKenzie Rosenberry, Jason Fields, Anderson Beals, Mark Hoyt and Beth Keyser. Jodi Gollehon, Man bun fanboy, Craig Markham – Yamhill Co and Marvin Bernards 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@yamhillcounty.gov by 5:00 p.m. Wednesday.

A. CALL TO ORDER: Commissioner Johnston called the meeting to order at 10:00 a.m.

B. FLAG SALUTE

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

The Commissioners reviewed the joint schedule for the week of August 25 through August 31, 2025. No other county business was discussed.

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D. PUBLIC COMMENT: This time 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.

Written comments were received via email from Delinda Morgan regarding residential water access, and from David Dooley regarding a non-profit organization, Advancing Parenting.

E. DEPARTMENT UPDATES: None.

F. WORK SESSION: This time is reserved for topics of discussion scheduled for the Commissioners in advance.

1. Work Session – None.

G. CONSENT AGENDA:

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

Minutes

1. **B.O. 25-250** - Formal Session – July 24, 2025.

2. **B.O. 25-251** - Formal Session – July 31, 2025.

Surplus

3. **B.O. 25-252** - Approval for the Parks Department to surplus vehicle P-118, a 1998 Ford F-350 and 2 1996 Mohawk automotive lifts, through PublicSurplus.com per Ordinance 499.

H. OLD BUSINESS: None.

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

1. **B.O. 25-253** - Consideration of a letter in recognition of Delphian School's 50th anniversary.

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

2. **B.O. 25-254** - Consideration of approval of Grant Agreement #35867 between Yamhill County Transit and the Oregon Department of Transportation (ODOT) Public Transportation Division for STIF formula funds in the amount of \$5,480,675.30, effective upon full execution through June 30, 2027, to authorize staff to finalize the agreement, and to rescind Board Order 25-235. Oracle #TR25014GA.

Commissioner King and Christian Boenisch clarified that rescinding the previous Board Order and approving the corrected version of the agreement would allow for language changes regarding repayment of unspent funds.

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

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3. **B.O. 25-255** - Consideration of approval of Grant Agreement #35825 between Yamhill County Transit and the Oregon Department of Transportation (ODOT) Public Transportation Division for federal 5311 operating funds in the not to exceed amount of \$1,751,373 with a \$396,559 match and total project cost of \$2,147,932, effective upon full execution through June 30, 2027, and to authorize staff to finalize the agreement. Oracle #TR25015GA.

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

4. **B.O. 25-256** - Consideration of approval of Amendment #2 to Agreement #170700 between Yamhill County and the Oregon Health Authority for Environmental Health Services (B.O. 21-469) updating licensing fee agreement term dates, retroactive to June 30, 2025. Oracle #HHS25040IGA.

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

5. **B.O. 25-257** - Consideration of approval of Amendment #12 to Agreement #026028 between Yamhill County Health and Human Services and the Oregon Health Authority (B.O. 24-067) in the amount of \$2,140,328.76, retroactive to July 1, 2025, through December 31, 2025. Oracle #HHS24037IGA.

Commissioner Starrett explained that the County and other agencies were challenging aspects of Oregon Health Authority's (OHA) agreements, and the purpose of the proposed amendment was to extend the terms with hope that the matter would be resolved before the contract expired. Mr. Boenisch was scheduled to meet with OHA on September 11, 2025 to negotiate terms that were in dispute for a new agreement.

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

6. **B.O. 25-258** - Consideration of approval to submit an application for funding from the Oregon Department of Veterans Services in the amount of \$141,509 for the 2025-2026 fiscal year.

Commissioner Starrett highlighted that nearly \$300,000 of the County's general fund was allocated for veteran's services.

Commissioner Starrett moved approval of item I6. The motion passed, Commissioners Johnston, Starrett and King voting aye.

7. **B.O. 25-259** - Consideration to authorize Lindsey Manfrin or designee on behalf of Yamhill County Health and Human Services to submit an application for funding from Spirit Mountain Community Fund in the amount of \$7,500.

Commissioner Starrett stated that the funds would be used for a newly established suicide prevention coalition.

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

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8. **B.O. 25-260** - Consideration of approval of a contract between Yamhill County and DataWorks Plus, LLC for the purchase of three fingerprint machines in the total amount of \$115,333.23, effective upon full execution with annual automatic renewals unless otherwise terminated. Oracle #SO25028GS.

Commissioner King reminded the Board that the County's previous provider ceased to cooperate with State requirements, so the new contractor was necessary as mentioned during the July 24, 2025, session.

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

J. PUBLIC HEARINGS:

THE RECORDS FOR PUBLIC HEARINGS CAN BE FOUND AT:

<https://www.yamhillcounty.gov/1190/Public-Hearing-Notices>

1. Docket C-14-23 & Docket C-15-23 remands from the Land Use Board of Appeals (LUBA) through Friends of Yamhill County v. Yamhill County (LUBA No. 2024-008 & 2024-009) and affirmed by the Court of Appeals (A184847).

Commissioner Johnston opened the public hearing at 10:12 a.m.

There were no objections to the jurisdiction of the hearing or abstentions.

Regarding reports of site visits or ex-parte contact, Commissioners King and Johnston declared potential conflicts of interest due to past associations with the applicant, but both commissioners committed that it would not affect their vote.

Ken Friday read the "raise it or waive it" statement required by ORS 197.763.

Staff Report:

Lance Woods presented the staff report regarding Docket C-14-23 by describing the subject parcel as being located at 15713 Highway 47 approximately 1000 feet south of Yamhill. An approved farm stand has been operating on this property since approximately 2007 dating back to the prior owners of the property. The surrounding parcels are all located within the EF-80 zone. Land use in the area consists predominately of larger agricultural operations including nut orchards, grass seed and alfalfa, hay cultivation and livestock pasturage. Regarding Docket C-15-23 the subject property was described as being located at 15250 northwest Panther Creek Road. The farmstand located on this property was approved for operation in June of 2023. The subject parcels split zone with majority of the property located in the EF-80 zone and a small portion within the AF-20 zone. The location of the farm stand itself was approved in the EF-80 zone section of the subject lot. Land use in the surrounding area for this particular farm stand runs the gambit of residential, some small farm uses, agricultural uses and forest uses which are predominately passive. Many of the lots in the surrounding area are composed of residential uses with some small hobby farming activities with a few larger commercial activity agricultural uses present including grass seed cultivation and cattle grazing. Since this is a remand hearing form

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the Land Use Board of Appeals (LUBA), only a single issue is the subject of the hearing. These two dockets are requesting the sale of locally produced wine, cider, beer and other malt beverages at the existing farm stands. These requests were submitted as a commercial activity in conjunction with farm use which is the conditional use. These farm stands are being operated by the same owner which is why these requests were submitted at or nearly at the same time in 2023. In both cases, LUBA reviewed the findings and found in favor of the applicant on all but one issue. The subject of this remand hearing is to assure that the sale of fermented beverages at the farm stands “will be a secondary use that is in conjunction with the primary use on the property”. In the remand from LUBA, it was identified that the county must adopt findings or conditions to address this issue. Since this is a remand hearing, testimony, arguments, or evidence should only be accepted when it addresses the issues identified by LUBA and this limit on testimony was identified in the public notice sent to interested parties. By definition a primary use must be more than 50% and a secondary use must be less than 50%. Farm use on the subject lots include more than just the sale of farm products at the farm stands and the applicant has asserted that their farm operation encompasses approximately 440 acres in the local agricultural community and is home to over 80 cattle, 75 pigs, 1000 chickens, 500 ducks, 200 turkeys, 17 acres of vineyard and 150 species of veggies and edible flowers. The farm stands are currently selling pork, poultry, lamb and fresh vegetables and the applicant requested to add wine tasting service and the sale of locally produced wine, beer, cider and other malt beverages as a commercial activity in conjunction with farm use on both farm stands. As it relates to the local area, staff uses the definition of local agricultural area provided in ORA 660-033-130 sub-D which in this case specifies Oregon as the local area.

Applicant Testimony:

Applicant representative, Mark Hoyt, reiterated that the sale of alcoholic beverages as a secondary use was the only part of the conditional use permit being considered. He confirmed that the sale of alcohol was proposed to be 24.9% of total sales of the farm stands which was well below the percentage considered secondary use. The sales at the farm stand were intended to highlight Oregon agriculture. Mr. Hoyt argued that the request made by the appellant in written testimony to restrict hours of operation was superfluous because it would not ensure compliance with secondary use regulations. He listed updates made to the property to prove that the permit had been vested.

Appellant Testimony:

The appellant, Sid Friedman representing Friends of Yamhill, stated that no farm use was observed regarding the subject property of docket C-14-23. Mr. Friedman expressed concern that, if there was no primary use of farming done on the property, it would be impossible for any other sales to remain secondary. He requested a restriction be added so that the sale of alcohol could not take place outside of preset hours of operation and for alcohol sales to be reduced to 5% of the total incidental sales. Regarding the subject property of docket C-15-23, Mr. Friedman stated unlimited sales of alcohol at the farm stand had been approved. However, he asserted that there was no existing farm stand on this property, so it would be impossible for the applicant’s alcohol sales to remain compliant with previous permits issued.

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Public Agency Reports:

Lance Woods explained that there were no public agency reports.

Applicant Rebuttal:

Mark Hoyt stated that Oregon law did not require commercial activity be directly related to the farm use occurring on the subject property. He concluded by clarifying that the permit requested would support a conditional use of less than half of the percentage considered secondary use.

Staff Recommendations:

Lance Woods read the staff recommendations to approve the two farm stands proposed under dockets C-14-23 and C-15-23 based on findings indicating that the operations of the farm stands would be secondary to the applicant's farm operations. The new condition of approval would ensure that the sale of locally produced alcohol was clearly a secondary use to the primary use on the properties and limited to less than 24.9% of the total annual sales of the farm stand. Ken Friday reassured the Board that any change must also go through the application process.

Commissioner Johnston closed the public hearing at 10:54 a.m.

Deliberations:

Commissioner Starrett stated the appellants argument seemed to be generally challenging individuals' rights relating to personal property.

Commissioner Johnston moved to approve Docket C-14-23 and C-15-23 for the operation of a commercial activity in conjunction with farm use to allow the tasting of locally produced wine and the sale of locally produced wine, beer, and other malt beverages, and cider at the existing approved onsite farmstand, based on the Findings submitted by the Applicant, with the previous sixteen conditions and an additional condition stating: The local alcohol sales at the farmstand allowed in condition #3, which are not part of the farmstand's incidental sales, are limited to less than 24.9% of the total annual sales of the farmstand. The motion passed, Commissioners Johnston, Starrett and King voting aye. A Board Order and findings were scheduled for consideration of approval no later than September 11, 2025.

K. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to the county's website, <https://www.yamhillcounty.gov/765/Boards-and-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@yamhillcounty.gov

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3. Electronic versions of all meeting agendas and meeting information packets can be found at the county's website: <https://www.yamhillcounty.gov/AgendaCenter>

Following Commissioner announcements, the meeting adjourned at 11:21 a.m.

Bailey Barnhart
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS



Chair

KIT JOHNSTON



Commissioner

MARY STARRETT



Commissioner

DAVID "BUBBA" KING

Approved by the Yamhill County Board of
Commissioners on 08/28/2025
via Board Order 25-262