

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 September 11, 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; Kevin Perkins, Deputy County Administrator PIO, Kaleb Raever, Assistant County Counsel; Sam Elliott, Sheriff; Todd Whitlow, Captain; Brandon Bowdle, Undersheriff; Mike Browne, Jail Captain; Ken Friday, Planning Director; Lance Woods, Senior Planner; Ashley Watkins, Solid Waste Coordinator and Lindsey Manfrin, HHS Director. Christian Boenisch, County Counsel; and Nohely Barajas-Montalvo, Legal Assistant participated via Zoom.

Guests: John Abrams, Rob Halyburton, David Beck, Jeanne Beck, Marvin Bernards, Markus Pfahler, Jamey Montgomery, Rick Lipinski, Jason Wille, Jason Brown, Chuck Dolence, Dan Blue, Beth Keyser, Dennis Goecks, Ty Darby, Jason Fields, Hilary Malcomson and Chris Chenoweth. Craig Markham – Yamhill Co, Rebeca Wallis – Yamhill County News, Lee Schrepel and Sarah Darby 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 September 15 through September 21, 2025. No other county business was discussed.

D. PRESENTATION: Honoring the Memory of 9/11 First Responders and Those Who Serve Today – McMinnville Fire District Division Chief/Fire Marshall, Ty Darby

Ty Darby recounted the September 11, 2001 terrorist attack and recognized the first responders and victims of the attack.

E. 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.

Chris Chenoweth provided public comment regarding commissioner public testimony. Dennis Goecks provided public comment regarding urban development. Delinda Morgan provided written public comment regarding residential water rights.

F. DEPARTMENT UPDATES: Health and Human Services – Lindsey Manfrin.

Lindsey Manfrin explained that the new electronic health record system would be ready for implementation around Fall of 2026. She reminded the Board that it also functioned as the departments billing system. She briefed the board on Oregon Health Authority’s (OHA) County Financial Assistance Agreements (CFAA) for behavioral health services being consolidated. This would not change the amount of funding or specific requirements for use, but it would allow the department more flexibility without managing individual contracts. She explained that OHA required a draft behavioral health plan and budget to be submitted by October 1, 2025, and the intention was that the new contract would be complete before the existing contract expired December 31, 2025. Ms. Manfrin stated that the department had an increase in staffing. Master leases for housing programs were supported through Section 8 vouchers which had been frozen due to federal funding changes. She addressed potential budget challenges from State funding for Coordinated Care Organizations (CCO). Majority of the HHS budget came from the Medicaid CCO contract which she planned to begin negotiations for early. Federal funding had been received for public health services in full. Commissioner Johnston requested more involvement in future DUII campaigns. The campaign had one of the highest click-through rates ever recorded by Coates Kokes marketing agency.

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

1. Dog Control – Sheriff Sam Elliott and Captain Todd Whitlow.

Sheriff Sam Elliott highlighted the three aspects of dog control, field enforcement, administration, and kenneling and care of the dogs. The current kenneling and licensing providers were Homeward Bound and Newberg Animal Shelter. Commissioner King recollected that funding for the program came from other County departments and suggested internalizing some functions because of a perceived correlation between decreased revenue and outsourcing kenneling and licensing. Licensing rates were at about 10%. Captain Todd Whitlow stated that Polk County used American Rescue Plan Act (ARPA) funds to build a 12-kennel facility. Commissioner Starrett stated that when the County had a facility, it was partially staffed by inmates which was no longer an option, and the poor condition of the facility resulted in its closure. She stated that it had been difficult to budget for staffing the kennel and without the inmate program, it would be even more challenging. Ken Huffer suggested basing the proposed Dog Control Officer’s salary on the Code Enforcement Officer. He also explained that the approved Dog Control budget for fiscal year (FY) 2025-26 was short. Mr. Huffer stated that the

endowment previously used to fund the program was fully expended. Sheriff Elliott explained that the online licensing option was operational but had not been advertised to the public yet. The Sheriff suggested recruiting local veterinarians to post a QR code to the online licensing program. Homeward Bound was including the link on reminders for dog licensing as well. The Sheriff clarified that any dog over six months old was required to be vaccinated for rabies, so the he recognized an opportunity to post licensure reminders at veterinary clinics and other locations where pet owners frequented. The Sheriff stated that Homeward Bound was not responsible for follow up or enforcement of failing to obtain or renew a dog license. Commissioner Starrett summarized the public health component of the program. The Sheriff explained the cost share with the city where the animal resides gets 75% of licensing fees while the County retains 25%. He projected \$60,000 for revenue in FY 2025-26, but the cost of one kenneling contract exceeded the projected revenue not including the second contract or other program expenses. Commissioner Johnston directed staff to gather estimate capital improvement costs needed to build a County owned and operated kenneling facility. He inquired about community service opportunities for adult and juvenile inmates. The Sheriff explained that the kenneling contracts had expired, and Ken Huffer stated there were insufficient funds to support the proposed contract extensions which would require a budget transfer to be considered by the Board. The Board requested that the budget transfer include the proposed salary for a Dog Control Officer. Todd Whitlow stated that in 2014 the County had two officers, two vehicles, and multiple administrative staff dedicated to dog control, and asserted that one officer may not be sufficient to solve the programs obstacles.

H. CONSENT AGENDA:

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

Minutes

1. **B.O. 25-276** - Formal Session minutes – August 28, 2025.

Committees

2. **B.O. 25-277** - Approval of the appointment of Jeri Turgesen to the Parkway Committee to complete the remainder of Robyn Wheatley’s term effective immediately through January 15, 2026.

Surplus

3. **B.O. 25-278** - Approval to declare the following items as surplus from the Sheriff’s Office to be sold, with revenues to be distributed per civil forfeiture requirements:
 - a. 2016 Cummins diesel generator. (\$20,000)
 - b. 2019 LoadRunner box trailer. (\$10,000)
 - c. 2021 Ruger 5.7 firearm. (\$870)
 - d. 2000 Anderson AR-15 firearm. (\$1,250)
 - e. UNK Smith and Wesson MP AR-15 firearm. (\$1,000)
 - f. UNK KelTec KSG 12GA shotgun. (\$825)

I. OLD BUSINESS: None.

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

1. **B.O. 25-279** - Consideration to authorize Sheriff Sam Elliott or designee to apply on behalf of Yamhill County Sheriff's Office for fiscal year 2025-26 Emergency Management Performance Grant (EMPG) funding from Oregon Department of Emergency Management in the amount of \$75,637.

Commissioner Starrett moved approval of item J1. The motion passed, Commissioners Johnston, Starrett and King voting aye.

2. **B.O. 25-280** - Consideration to authorize Yamhill County Sheriff's Office to apply and, if awarded, accept the CIS Property and Evidence Public Safety Grant for the renovation of the evidence processing area of the Evidence Building in the amount of \$4,979.71.

Commissioner King moved approval of item J2. The motion passed, Commissioners Johnston, Starrett and King voting aye.

3. **B.O. 25-281** - Consideration to authorize Yamhill County Sheriff's Office to apply and, if awarded, accept the CIS Law Enforcement Public Safety Grant for the purchase of less lethal 40mm launchers training kits and additional munitions in the amount of \$4,381.00.

Commissioner Starrett moved approval of item J3. The motion passed, Commissioners Johnston, Starrett and King voting aye.

4. **B.O. 25-282** - Consideration to authorize Yamhill County Sheriff's Office to apply and, if awarded, accept the CIS Corrections Public Safety Grant for the replacement purchase of four Automated External Defibrillators (AEDs) in the amount of \$5,000.00.

Commissioner King moved approval of item J4. The motion passed, Commissioners Johnston, Starrett and King voting aye.

5. **B.O. 25-283** - Consideration to authorize Jessica Beach or designee to apply on behalf of Yamhill County Youth Services Center for fiscal year 2025-26 CIS Public Safety Grant funding in the amount of \$2,582.99.

Commissioner King moved approval of item J5. The motion passed, Commissioners Johnston, Starrett and King voting aye.

6. **B.O. 25-284** - Consideration of approval of a revised fee schedule for the Department of Community Justice effective October 1, 2025.

Commissioner King moved approval of item J6. The motion passed, Commissioners Johnston, Starrett and King voting aye.

7. **B.O. 25-285** - Consideration to authorize Yamhill County Solid Waste to allow the service providers, Recology and Waste Management to receive the funding directly from Circular Action Alliance (CAA) per the Recycling Modernization Act.

Ashley Watkins explained that a plan was approved by DEQ for providers to receive reimbursement of \$77 per ton of glass collected from unincorporated areas.

Commissioner Johnston moved approval of item J7. The motion passed, Commissioners Johnston, Starrett and King voting aye.

8. **B.O. 25-286** - Consideration of approval of a Board Order in the matter of an order granting authority to HHS Director Lindsey Manfrin and certain other designated individuals to take actions allowed by ORS 426.327; and rescinding Board Order 24-327.

Commissioner Starrett moved approval of item J8. The motion passed, Commissioners Johnston, Starrett and King voting aye.

9. **B.O. 25-287** - Consideration of approval of Amendment #1 to Agreement #184213 between Yamhill County and the Oregon Health Authority for the Nurse-Family Partnership program adding funding language and extending the term dates from September 30, 2025, through September 30, 2026. Oracle #HHS25001IGA.

Commissioner Starrett highlighted terminology in the proposed agreement that the department would receive full funding each year contingent upon receiving funding from OHA. Commissioner Starrett moved approval of item J9. The motion passed, Commissioners Johnston, Starrett and King voting aye.

10. **B.O. 25-288** - Consideration of approval of Amendment #1 to Agreement #180824 between Yamhill County Health and Human Services and the Oregon Health Authority (B.O. 23-250) extending Psychiatric Security Review Board (PSRB) Tort Liability Coverage through December 31, 2025. Oracle #HHS25046IGA.

Commissioner Starrett moved approval of item J10. The motion passed, Commissioners Johnston, Starrett and King voting aye.

11. **B.O. 25-289** - Consideration of approval of Amendment #13 to Agreement #026028 between Yamhill County Health and Human Services and the Oregon Health Authority (B.O. 24-029) in the amount of \$27,400, retroactively effective July 1, 2025, through September 30, 2025. Oracle #HHS24037IGA.

Commissioner Starrett moved approval of item J11. The motion passed, Commissioners Johnston, Starrett and King voting aye.

12. **B.O. 25-290** - Consideration of approval of Agreement #44300-00044812 between Yamhill County and the Oregon Health Authority for substance use disorder residential and day treatment services in the amount of \$185,438.48, retroactively effective July 1, 2025, through June 30, 2027. Oracle #HHS25047IGA.

Commissioner Starrett moved approval of item J12. The motion passed, Commissioners Johnston, Starrett and King voting aye.

13. **B.O. 25-291** - Consideration of approval of Grant Agreement #44300-00051389 between Yamhill County Health and Human Services and the Oregon Health Authority for substance use treatment and support services in the amount of \$3,420,000, retroactively effective July 1, 2025, through June 30, 2029. Oracle #HHS25029IGA.

Commissioner Starrett stated that the proposed agreement would no longer fund dependents of clients. Ms. Manfrin explained that reserves would be used to maintain status quo of the program, but changes were anticipated.

Commissioner Starrett moved approval of item J13. The motion passed, Commissioners Johnston, Starrett and King voting aye.

14. **B.O. 25-292** - Consideration of approval to sign a letter addressed to Oregon Attorney General Dan Rayfield and United States Attorney General Pam Bondi encouraging the parties in *Marion County v. Kotek* to ask the court to issue a detailed opinion providing clarification as requested in the pleadings.

Dennis Goecks provided public comment in support of the proposed letter which may provide clarity about the County's role in law enforcement specifically when State and Federal laws contradict.

Commissioner King moved approval of item J14. The motion passed, Commissioners Johnston, Starrett and King voting aye.

15. **B.O. 25-293** - Consideration to authorize County Counsel Christian Boenisch to sign the final Participation Forms and related documents to include Yamhill County in the proposed national opioid settlement agreement between litigating parties and Purdue/Sackler and the "Group of 8", settling and releasing all claims against the named parties arising out of federal multi-district opioid litigation.

Commissioner Starrett moved approval of item J15. The motion passed, Commissioners Johnston, Starrett and King voting aye.

The meeting was recessed at 11:28 a.m. and reconvened at 11:35 a.m.

K. PUBLIC HEARINGS:

1. Docket PAZ-01-24/S-03-24, a request for approval of a Comprehensive Plan amendment from the EFU District to the VLDR District and a Zone Change from EF-80 to VLDR-1 with an Exception to Statewide Planning Goal 2 and Goal 14. Applicant: John Abrams.

Commissioner Johnston opened the public hearing at 11:35 a.m.

There was no objection to the jurisdiction of the hearing or abstentions. There were reports of site visits by Commissioner Kit Johnston, and reports of ex-parte contact by Commissioners Johnston and Starrett stating that they attended Planning Commission meetings regarding the application. Ken Friday read the "raise it or waive it" statement required by ORS 197.763.

Staff Report: Lance Woods presented the staff report by describing the subject parcel as located in the EF-80 zone. It has a comprehensive plan designation of agriculture forestry large holding. Based on a cursory inspection of areal imagery the lot appears to be a field however various utilities have been developed on the subject parcel including city storm sewer lines along with gas lines, power lines, telecommunication lines and community water lines that cross the property at various locations as shown on applicants exhibit number four. This lot is a unique tract of land because it is developed with infrastructure concurrent with the adjacent rural residential subdivision. Those development improvements were installed under the same Measure 37 waiver approval performed and completed prior to November 6, 2007. The approved subdivision conditions engineered plans, traffic and final plat approval were all necessary tasks completed in good faith under the law existing at the time by the applicant. The applicant argues that tax lot 1000 is not just adjacent to legally developed land, it is legally developed land that is irrevocably developed and committed to rural residential development rather than being suitable

for commercial farm or forest uses. The request is for approval of a Comprehensive Plan amendment and zone change from EF-80 to VLDR-1 with an exception to state wide planning goals 3 and 14 in addition to a 14 lot subdivision request subject of the land division ordinance which is being requested with an average lot size of 1.23 acres with 7 lots measuring a half-acre in size and 7 lots measuring approximately 1.25 acres which would be created from the subject lot which itself is 17.3 acres in size. The subject property itself is bounded to the east by the West Wind Country Estate subdivision which was created by way of a vested Measure 37 development right with lots in this subdivision measuring approximately 1 acre in size. Adjacent land south, southeast of the subject parcel is located within the McMinnville city limits is undeveloped and owned by the McMinnville school district. Land to the southwest, west and north of the subject parcel is located in the EF-80 zone and is a mix of passive forest uses, farm uses, hazelnut orchards and hay fields appear to be the predominant farm use occurring in the surrounding area. On July 10, 2025 the Yamhill County Planning Commission reviewed the request and recommend approval of the application by a vote of eight to zero.

Applicant Testimony: John Abrams stated that the State historically did not favor projects related to Measure 37. He stated there was a map in the application identifying existing utilities such as power, water, gas, and communication. Mr. Abrams asserted that West Wind Country Estate subdivision was appreciated by the community. He addressed the wage gap in the city of McMinnville and highlighted the need for higher end housing. Residents of the subdivision contribute to the city's economy by employing locals. Utilities were installed in 2006 before Measure 49 passed invalidating Measure 37 waivers for land use which caused Abrams to scale back on the subdivision plans. Ken Friday elaborated that in 2006 Abrams had requested to move the city boundaries to include the subdivision which the City and County were both in favor of, but the Friends of Yamhill County opposed it. Commissioner Starrett highlighted the short time each house in the subdivision spent on the market.

David Beck provided testimony in favor of the application stating that a subdivision was the highest and best use of the property. He stated that the subdivision was ideal to live in and attracted others to visit.

Appellant Testimony: The appellant, Friends of Yamhill County's representative, Rob Halyburton, stated that the applicant had not demonstrated irrevocable commitment to non-farm use, and there was no justification for exceptions to planning goals 3 or 14. He explained that the subdivision violated the policy in the County's Comprehensive Plan prohibiting development that conflicted with farming on adjacent land. He had conducted a site visit.

Public Agency Reports: Lance Woods outlined public agency reports received from Department of Land Conservation Development (DLCD) who affirmed that the applicant had not provided justification for exceptions to goals 3 or 14. The County Sanitarian also reminded the applicant that lots must meet minimum requirements by using onsite sewer management systems.

Applicant Rebuttal: John Abrams explained that the lots were smaller than the two acre minimum and had been built to an urban standard. The purpose of rezoning the property to VLDR-1 was to provide a buffer between residential and farm use. He described natural ditches including a protected wetland bordering the subdivision which added to the separation between

residential and farm use. He also highlighted two ingress and egress locations which could not be removed and added to the property's irrevocable commitment to non-farm use. He stated that there were no large tracts of farmland on any side of the property. Mr. Abrams asked not to leave the record open and reminded the Board of a previously provided map of utilities.

Staff Recommendations: Lance Woods stated that staff concurred with the Planning Commissions statement that the application was consistent with County Comprehensive Plan goals and policies. The exceptions to any Statewide planning goals had been adequately justified and the applicant demonstrated that the use complies with the County's Transportation Plan.

Commissioner Johnston closed the public hearing at 12:25 p.m.

Deliberations: Commissioner Starrett expressed support for property owners' rights. Commissioner Johnston described his site visit after observing the Planning Commissioner meeting where the application was approved unanimously and stated that the subject property was accessible by public streets and obviously developed for non-farm use.

Commissioner Starrett moved to uphold the Planning Commission's decision to approve the application. The motion passed unanimously. A Board Order and findings were scheduled for consideration of approval no later than October 16, 2025.

THE RECORDS FOR PUBLIC HEARINGS CAN BE FOUND AT:

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

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
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 12:32 p.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 09/25/2025
via Board Order 25-302