

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 September 23, 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; Colton Totland, Assistant County Counsel; Ken Friday, Planning Director; Desiree Lundeen, Assistant Planner; Carrie Martin, Grants & Special Projects Coordinator; Jason Foose, County Surveyor; and Keri Hinton, BOC Staff (via Zoom).

Guests via Zoom: Walt Gowell, Haugeberg, Rueter, Gowell, Fredricks & Higgins, PC; Jay Williams; Julie Rabung; Sheila Barnes; Beth Rankin; Donna Wengrowski Russell; Greg Russell; Jeff Musall; Tara Williams; One Plus 7T; Alyson; Julie Adam; and Jerianne Thompson.

*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 10:00 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 September 27 – October 3, 2021.

**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 [bocinfo@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 were received via e-mail regarding vaccine mandates.

**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. Review/discussion of American Rescue Plan Act (ARPA) *[Continued from August 5, 2021]*

The Board and staff discussed competitive grant guideline proposals for the distribution of Yamhill County Fiscal Recover Funds (YCFRF) specifically focused on Investing in Water and Sewer Infrastructure (IWSI), Investments in Nonprofit Organizations (INO) and Promoting Healthy Childhood Environments (PHCE) programs. Funding parameters and categories were discussed as well as timelines for review and grant awarding. Mr. Huffer recommended staff to work on next steps of the solicitation process for review and consideration to which there was Board consensus. There was no action taken.

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.

Minutes

1. a. **B.O. 21-386** - August 5, 2021, Formal/Informal Session;
- b. **B.O. 21-387** - August 12, 2021, Formal/Informal Session;
- c. **B.O. 21-388** - August 19, 2021, Formal/Informal Session; and
- d. **B.O. 21-389** - August 26, 2021, Formal/Informal Session.

Contracts & Grants

2. **B.O. 21-390** - Approval of Agreement #172084 between Yamhill County Health and Human Services and the Oregon Health Authority for peer delivered services technical assistance in the amount of \$383,962, retroactive to July 1, 2021, through June 30, 2023.

Taxes

3. **B.O. 21-391** - Approval of the cancellation of uncollectible personal property taxes per ORS 311.790, as recommended by the Tax Collector.

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**H. OLD BUSINESS:**

1. **B.O. 21-392** - Consideration of approval of Amendment #1 to an agreement between Yamhill County and Farline Bridge, Inc. (B.O. 20-25) amending services to include decommissioning, site restoration and buyback for the Yamhelas Westsider Trail (Phase 2) Project in the amount of \$35,168.32, retroactive to September 16, 2021, through November 30, 2021. *[Continued from September 16, 2021].*

Commissioner Berschauer 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. Discussion of Connect Oregon VI grant (Stag Hollow Bridge).

Ken Huffer updated the Board of ongoing discussion with Oregon Department of Transportation (ODOT) for next steps of a grant repayment upon the Board's decision to withdraw the land use application earlier this year for the design of three bridges and the construction of the Stag Hollow Bridge. After discussion, the consensus of the Board was to direct staff to work with ODOT on a repayment timeline proposal for the Board to review. *[No action was taken].*

The meeting was recessed at 11:31 a.m. and reconvened at 11:37 a.m.

**J. PUBLIC HEARINGS:**

1. Consideration of Planning Docket #LOR-03-21, an appeal of the Planning Director's approval of a Principal Lot of Record Dwelling. Applicant: Donn Williams; Tax Lot 3403-2800; Appellant: Gregory & Donna Russell.

Commissioner Starrett opened the public hearing at 11:37 a.m. There were no abstentions or objections to the jurisdiction of the Board and there were no reports of site visits or ex-parte contact. Ken Friday read the "raise it or waive it" statement required by ORS 197.763(5).

Staff Report: Desiree Lundeen presented the staff report stating aerial imagery revealed the parcel was dedicated to hay and grass seed farming but otherwise undeveloped. The surrounding area was predominantly dedicated to rural residential usage with some small-scale farming uses. Ken Friday provided historical background of lot-of-record dwelling zoning.

Applicant: Walt Gowell, applicant attorney, stated Mr. Williams agreed with the application conditions and responded to the appellant's objections submitted into testimony. There was no additional testimony received in support of the application.

Appellant: Gregory Russell stated concerns about the viability of the dwelling and the building setbacks. He stated he was amenable to the road co-maintenance proposal offered by Mr. Williams. Donna Russell stated the appeal stemmed from the misunderstanding of the differences between a farm dwelling and a lot-of-record dwelling. She raised a concern regarding their waterline which may cross Mr. William's property. There was no additional testimony in opposition of the application.

Public Agency Reports: Ms. Lundeen stated there were no concerns or responses received.

Applicant Rebuttal: Mr. Gowell stated the applicant was amenable to work with the Russell's and although it was unclear as to the location of their waterline, he said the applicant would coordinate with the Russell's to ensure his construction would not impede on their water source. Mr. Williams will also provide setbacks further back than the standard 30-foot requirement.

Staff Recommendation: Ms. Lundeen stated the staff recommendation was to approve the application with conditions for the lot-of-record dwelling.

The public hearing was closed at 12:22 p.m.

Deliberations: After discussion, Commissioner Starrett moved to uphold the Planning Director’s approval of the application and deny the appeal. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye. ***[The motion to uphold the Planning Director’s approval of the application and deny the appeal passed unanimously. Final written decision, findings, and conditions to be adopted on October 7, 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](mailto: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 12:25 p.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair MARY STARRETT

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Commissioner LINDSAY BERSCHAUER

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Commissioner CASEY KULLA