

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 July 7, 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; Christian Boenisch, County Counsel; Justin Hogue, Deputy Administrator; Jodi Gollehon, County Counsel II; Ken Friday, Planning Director; Desiree Lundeen, Assistant Planner; Jason Foose, Surveyor; Jessica Beach, Community Justice Director; Carolina Rook, BOC Staff.

Guests: Chris Chenoweth, Abisha Stone, Elaine Albrich, David Hansen, Ryan Makinske, Rob Hallyburton, Patty Herzog, Katy Schmitt, Rachel Trice, Kathryn Jernstedt. Beatrice Falla, Allie Bainter, Cassandra Tyler, Becky Epstein, Charles Seigel, Courtney Foley, Olivier Jamin, and Shaun Harder 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 10:11 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 July 11 – July 17, 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.

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 Strategic Capital Planning Project, Session 3.
- b. End of work session

Cassandra Tyler began the presentation by recapping the three best options for the county, the cost of each project, and their overall recommendation to best meet the county's needs. She discussed the schedule of the recommended project and Becky Epstein highlighted the milestones of the 20-year plan. Ken Huffer discussed the immediate need to improve some of the County's buildings and addressing those issues soon. He also explained Justin Hogue's role in leading this project and working closely with SERA Architects throughout the process.

2. a. Review/discussion of American Rescue Plan Act (ARPA) – Childcare, supply chains & workforce impacts.
- b. End of work session.

Chris Chenoweth presented public comment asking the Board to consider donating ARPA funds by matching the city's cost to renovate and improve Third Street. Mr. Chenoweth also asked for a matching donation to the innovation center feasibility study to prepare the development of Three Mile Lane. He explained the plan to re-zone the Three Mile Lane area from the hospital to the airport from industrial to commercial properties instead of changing the Urban Growth Boundary. He provided an example of a project in Arizona (SkySong) that would be similar to what the city is looking for. He explained that ODOT already has a plan in place for this project and the way it would change traffic in the area. He declined to answer a line of questioning in regards to the exact dollar amounts in which the city has already allocated to the feasibility study, citing his desire for the county to become partners in this project and not to determine the support of the county based on the project already having funding. There was a brief discussion of the city's parking garage and possible future renovations for it.

Ken Huffer explained next steps for the ARPA funds and the process for the 3 specific categories and ensuring the funds are being spent per ARPA guidelines. He discussed SEDCOR's facilitation of the supply chain localization grant program and the process for issuing those grants. Commissioner Berschauer asked what kind of funds could go towards the new C-Tech school in Sheridan for workforce development training. Mr. Huffer explained the distribution of the funds and how the county could donate money to the new school.

Abisha Stone joined the conversation and provided clarification on the total amount of funding through SEDCOR. She detailed each dollar amount and what programs those funds went

into. She discussed SEDCOR's recommendation for dispersing the 2nd half of that funding, which has since decreased per the Board's recommendation, to go primarily towards workforce development and also to increase funding to supply chain localization grant. Mr. Huffer made suggestions on what the Board could discuss during the work session to possibly make decisions and green light the process to move forward. There was a discussion of Willamette Workforce Partnership and the funds that would be allocated to different counties for the youth wage grant program. Ms. Stone gave a brief overview on SEDCOR's proposal of managing localization of the supply chain grant program. There was discussion on whether the Board should allow SEDCOR to manage the entire program from start to finish or if they should manage the program at the beginning and then the county would take over the administrative tasks after SEDCOR's work. After discussion and deliberation, it was the consensus of the board to have SEDCOR start the management of the program and then hand it over to the County to complete the administrative tasks. Mr. Huffer summarized the specific dollar amounts for the grants they will be working on.

The meeting was recessed at 12:08 p.m. and reconvened at 12:17 p.m.

G. CONSENT AGENDA:

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

Contracts & Grants

1. **B.O. 22-212** - Approval for Yamhill County Public Works to enter into an agreement with Omega Industries to purchase material for a railroad crossing project on Dayton Avenue in the amount of \$31,652.39.

2. **B.O. 22-213** - Approval of Amendment #1 to an agreement between Yamhill County and Lutheran Community Services Northwest (B.O. 21-281) for school services and parent coaching services for the Transitional Treatment Recovery Support (TTRS) program, in the amount of \$567,379.44 retroactive to July 1, 2022 through June 30, 2023.

3. **B.O. 22-214** - Approval of Amendment #3 to the contract employment agreement between Yamhill County Health and Human Services and Melissa (Heuberger) Cook (B.O. 19-45) to provide professional clinic services at the rate of \$67.51, effective July 9, 2022.

4. **B.O. 22-215** - Approval of Amendment #2 to the contract employment agreement between Yamhill County Health and Human Services and Delta Duff (B.O. 19-300) to provide professional clinic services at the rate of \$86.19, effective July 9, 2022.

5. **B.O. 22-216** - Approval of Amendment #4 to the contract employment agreement between Yamhill County Health and Human Services and Donald Henschel (B.O. 17-156) to provide professional clinic services at the rate of \$91.76, effective July 9, 2022.

6. **B.O. 22-217** - Approval of Amendment #4 to the contract employment agreement between Yamhill County Health and Human Services and Andrea Kessinger (B.O. 16-184) to provide professional clinic services at the rate of \$91.76, effective July 9, 2022.
 7. **B.O. 22-218** - Approval of Amendment #8 to the contract employment agreement between Yamhill County Health and Human Services and Jannell Werner (B.O. 13-340) to provide professional clinic services at the rate of \$91.76, effective July 9, 2022.
 8. **B.O. 22-219** - Approval of an agreement between the Yamhill County Sheriff's Office and the City of Sheridan for police services in the amount of \$508,598.85 effective July 1, 2022 through June 30, 2023.
 9. **B.O. 22-220** - Approval of Amendment #2 to an agreement between Yamhill County and Clatsop County for "space available" detention bed rental at the rate of \$168 per bed per day, effective July 1, 2022 through June 30, 2023.
 10. **B.O. 22-221** - Approval of Amendment #4 to the agreement between Yamhill County EBDMI Policy Team and Tom O'Connor, DBA Transforming Corrections (B.O. 17-178) to provide technical assistance to the DCJ Adult and Juvenile Probation Departments, retroactive to July 1, 2022 through June 30, 2023.
 11. **B.O. 22-222** - Approval of Amendment #8 to the agreement between Yamhill County Health and Human Services and Yamhill Valley Treatment dba Provoking Hope (B.O. 17-249) in the amount of \$1,401,762 retroactive to July 1, 2022 through June 30, 2023.
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H. OLD BUSINESS: None.

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

1. **B.O. 22-223** - Consideration of approval to authorize a letter of engagement between Yamhill County and Boldt Carlisle + Smith, LLC., for audit services for the 2021-22 fiscal year. Commissioner Berschauer moved approval of item I1. The motion passed, Commissioners Berschauer, Kulla, and Starrett voting aye.

2. **B.O. 22-224** - Consideration of approval of an agreement between Yamhill County and Barclay Pennington, LLC. for transitional housing services for Justice Involved Individuals (JII) in the amount of \$1,400.00 per month, retroactive to June 1, 2022 through May 31, 2023.

Commissioner Berschauer requested clarification on how the neighbors in the area have been notified of the transitional housing. David Hansen responded that they provided notification in accordance with the law. Director Jessica Beach provided clarification to the statute that lays out the laws in which individuals would need to be notified. Mr. Hansen explained that it is a private home that will have rules and chores and that there would be several professionals working within the home frequently.

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

3. **B.O. 22-225** - Consideration of approval of an agreement between Yamhill County Health and Human Services and the Newberg School District to provide behavioral health counseling services for the 2022-23 school year, not-to-exceed amount of \$143,526.60, retroactive to July 1, 2022 through June 30, 2023.

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

4. **B.O. 22-226** - Consideration of approval of an agreement between Yamhill County and Colombia Cleaning Services, LLC. for janitorial services at the Health and Human Services location at 2318 Portland Road, Newberg, OR in the amount of \$735.00 per week, effective July 11, 2022 through June 30, 2023 subject to the final review by County Counsel.

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

5. **B.O. 22-227** - Consideration of approval of an agreement between Yamhill County and Achievelt Online, LLC. for cloud-based performance management services in the amount of \$16,800 effective for one year upon final review and approval by County Counsel.

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

6. **B.O. 22-228** - Consideration of approval of an agreement between Yamhill County Health and Human Services and Providence Health & Services for operating Newberg School Based Health Center services in the amount of \$60,000, retroactive to June 30, 2022 through June 30, 2023.

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

7. **B.O. 22-229** - Consideration of approval of Amendment #3 to the contract employee agreement between Yamhill County and Christian Boenisch, County Counsel (B.O. 18-383 & B.O. 20-432), retroactive to July 1, 2022.

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

8. **B.O. 22-230** - Consideration of approval in the matter of Ordinance 920 amending Ordinance 580, the Mass Gathering Ordinance and declaring an emergency.

Christian Boenisch explained the need for the emergency in order to accommodate certain events. Mr. Boenisch read the amendment to the ordinance by title only. Commissioner Berschauer moved approval of item I8. The motion passed, Commissioners Berschauer, Kulla, and Starrett voting aye.

J. PUBLIC HEARINGS:

1. Mass gathering permit application for the 2022 NW Natural Street of Dreams from July 20, 2022 through August 14, 2022. Applicant: Home Builders Association of Metro Portland.

Commissioner Beschauer opened the hearing at 12:42 p.m.

Ryan Macinster and Rachel Trice were in attendance to answer any questions. Christian Boenisch provided an update on the agencies that have responded to the permit and any requests or instructions they may have for the Street of Dreams. Mr. Boenisch discussed the fees involved and next steps in completing the permit process. There was discussion of the charitable contributions the Street of Dreams has made over the years. Final documents to return next week for the Board's consideration of adoption.

Commissioner Berschauer closed the hearing at 12:52 p.m.

2. An appeal of the Planning Director's approval of Docket C-03-22: A conditional use request to operate a nine (9) guestroom Bed and Breakfast facility as a home occupation. Applicant – Grange Hill; Appellant – Kathryn Jernstedt for Friends of Yamhill County.

Commissioner Berschauer opened the hearing at 12:52 p.m. There were no abstentions or objections to the jurisdiction of the Board and there were no reports of site visits. Commissioner Kulla disclosed a potential conflict of interest as an owner of farm land. Ken Friday read the "raise it or waive it" statement required by ORS 197.763(5).

Staff Report: Desiree Lundeen read the staff report highlighting the 13 acres of grapes on the property as well as the well house and pole building on site. She highlighted the principal dwelling in conjunction with farm use which was approved in 2016. She noted that the new owners application for the bed and breakfast as a home occupation is nearly identical to the previous owners which was approved in 2020. She described the land use and zones surrounding the applicants property.

Applicant: Representative Elaine Albrich provided a statement on behalf of the applicant. She mentioned staff's decision supported by findings and the pre-hearing staff report which she believes both provide detailed findings demonstrating how the applicant has met the applicable criteria for the conditional use permit. The applicant has accepted the proposed conditions of approval.

There was no additional testimony in support of the application.

Opponent: Kathryn Jernstedt and Rob Hallyburton provided statements in opposition to this matter. Ms. Jernstedt discussed requirements of a farm dwelling and why she believes this applicant may not meet those standards. She has also described requirements for a bed and breakfast as a home occupation and read Yamhill County Ordinance 104 as well as ORS 215.448. She stated that it is Friends of Yamhill County's opinion that the continued conversion to non-farm occupancy and non-farm dwellings is contrary to the best interest of agricultue in

Yamhill County. She read from the staff report and discussed her opposition with the applicant and the plans for the bed and breakfast.

Rob Hallyburton referred to the initial appeal application he submitted and made corrections to the errors he found. He provided a definition of a dwelling unit versus a motel which he believes is a more accurate description of what the applicant is applying for. He provided a summary of the initial letter of opposition. He also discussed the traffic impact analysis and believes it does not fully address the amount of traffic the bed and breakfast could create. There was also clarification that this would be the 2nd bed and breakfast located on the street. Ms. Jernstedt summarized the concerns of Friends of Yamhill County and requested that the Board decline the application.

There was no additional testimony in opposition of the application.

Public Agency Reports: There have been no other public agency reports or than what has already been provided.

Applicant Rebuttal: Ms. Albrich cited the pre-hearing submittal dated the previous day, July 6th, and addressed the concerns of Friends of Yamhill County in that statement. She summarized each concern how they are addressed in the written submissions. She requested to close the record for the hearing and recommended approving the application. There was brief clarification on the square footage of the dwelling.

Staff Recommendation: Desiree Lundeen read the staff recommendation to approve the applicant's proposed bed and breakfast as a home occupation with the conditions of approval listed in the staff report.

Ken Friday expressed his disappointment in the Friends of Yamhill County's appeal to the application pointing out that none of the neighbors surrounding the property object to the bed and breakfast proposal and that Friends used to have a policy in which they would not object if there were no objections from the neighbors. He also addressed what Friends is calling "permit stacking" and that Friends believes you can only ask for so many permits. He clarified that there is nothing that prohibits multiple land use applications on the same parcel. There was brief discussion clarifying the road and the dwelling on the property.

Commissioner Berschauer closed the hearing at 1:59 p.m.

Discussion/Deliberation

The Board addressed the concerns brought forward by Friends of Yamhill County and had discussions regarding what statute allows pertaining to the application.

Commissioner Berschauer moved approval of the conditional use permit and to deny the appeal. The motion passed. Commissioners Berschauer, Kulla, and Starrett voting aye. Findings to come back in 3 weeks.

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 2:18 p.m.

Megan Marasco
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LINDSAY BERSCHAUER

Commissioner CASEY KULLA

Commissioner MARY STARRETT