

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 August 11, 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; Sheriff Tim Svenson; Emily Williams, Sheriff Office Administration; Nohely Barajas-Montalvo, Legal Assistant; Lance Woods, Associate Planner; and Ken Friday, Planning Director. Jodi Gollehon, Assistant County Counsel II participated via Zoom.

Guests: Kit Johnston; Tammy Story; Michelle Carrillo; Kathryn Jernstedt; Jason Lampman; Josh Longoria and Daniel Schuhmann. Sam Chapman, Lea Peckler, Jennifer Leonard, Will Lucas, Garrett Stephenson, Lucius Wheeler, Kellan Lancaster, Joni Lan, Piper Lucas and Dave Kopilak 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 10:00 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 August 15 – August 21, 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.

Tammy Story representing AFSCME read statements from county employees regarding House Bill 4004, approving grant funds for compensation to behavioral health providers for retention and recruitment.

Michelle Carillo representing YCEA (Yamhill County Employee Association) and AFSCME provided public comment regarding HB4004 asking the Board to accept the grant funds.

E. PUBLIC HEARINGS: A public hearing to receive public comments regarding psilocybin service centers in unincorporated Yamhill County.

Jason Lampman provided public comments asking the Board to honor the voters' decision to allow psilocybin services as approved by the voters via Measure 109.

Josh Longoria provided public comments asking the Board not to send Measure 109 back to the voters.

Daniel Schuhmann provided public comments stating he would like to become a non-directive facilitator for psilocybin treatment and expressed his support of Measure 109.

Leah Peckler provided public comments asking the Board not to return Measure 109 back to the voters. She provided perspective regarding her experiences as a palliative care nurse having witnessed the effectiveness of therapeutic psilocybin treatments in patients experiencing distresses related to advanced (end-of-life) illnesses.

Sam Chapman, Executive Director of the non-profit Healing Advocacy Fund, provided testimony outlining the structure of the facilitator process prior to initiating treatment services with clients as well as follow up treatment. From a local government land use perspective, he envisioned centers to be designated under professional services type zoning code. He noted the permit process will begin January 3, 2023 which allows time for the county to prepare Time, Place & Manner (TPM) rules. Speaking to commissioner's across the state that support a 2-year moratorium, he said Board's were waiting for final rules regarding local jurisdiction TPM rules beyond the current statute.

Will Lucas from Jackson County stated the Oregon Health Authority is developing the details to operate within the psilocybin industry. He noted that legalizing psilocybin treatment would take the process out of the black market differentiating the regulated and limited useage of psilocybin and the cannabis industry which has overstepped its regulation boundaries leading to illegal markets.

Ken Friday provided an overview of the Planning Commission's voting on either a 2-year moratorium or a full ban. He stated the Planning Office drafted Time, Place, Manner

placeholder amendments to allow as a conditional use in farming zones for service centers if the Board waives any bans or moratoriums. He added that he planned to include similar use commercial zone applications upon signing the Land Use Compatibility Statements (LUCS) if they are not included in the permitted use zones.

The meeting recessed at 11:31 a.m. and reconvened at 11:38 a.m.

Sheriff Svenson responded to questions regarding the impact of treatment centers on public safety. He said public safety is priority moreso regarding driving impairment, a black market situation, illegal operations or a criminal act after the fact, but not in a controlled, regulated treatment environment. He noted the subject is not a topic of concern among state sheriffs. Ken Friday said he was confident that his department could have baseline TPM rules in place by January 3, 2023.

Commissioner Berschauer reflected on the diverse feedback she had received on psilocybin treatment; she had concerns towards implementing land use rules and questioned the purpose of another ballot vote noting that county voters have already approved the measure and how it could delay staff planning measures prior to the January 3rd effective date. Commissioner Starrett stated it was not the role of the Board to bring a referendum against Measure 109. She expressed confidence in the Planning Department to lay the groundwork to address the land use implications and to allow Measure 109 to move forward as voted on. Commissioner Kulla expressed confidence in the Planning Department to move forward with land use zoning. After discussion, the consensus of the Board was to waive consideration of the 2-year moratorium or permanent ban and to let the Measure 109 vote stand. There was no action taken.

The public hearing was closed at 12:06 p.m.

F. DEPARTMENT UPDATES:

a. Sheriff's Office – Sheriff Tim Svenson

Sheriff Svenson acknowledged the passing of former Sheriff Jack Crabtree. He touched on updates to Emergency Management mass casualty incident response protocols. He reviewed a departmental survey to measure operational standards to benefit the office overall. Currently the Sheriff's Office has nine vacancies with possibly an additional seven more by the end of the year and continues to work with state partners to attain viable candidates. He reviewed 2021-22 service calls noting a high percentage of incident resolvment. He stated the Sheriff's Office has entered into a new contract with Homeward Bound and expressed concern with the state allowing out of state animals to be brought in for financial revenue which brings additional pressure to the existing capacity issues to local shelters. Lastly, he addressed the purchase of a new radio paging system noting the declining equipment issues resulting in loss of service pages.

G. 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 – None.

H. CONSENT AGENDA:

Commissioner Berschauer requested to remove item H2 from the consent agenda to Other Business. Commissioner Kulla moved approval of the consent agenda as amended. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

Contracts & Grants

1. **B.O. 22-252** - Approval of Amendment #1 to Agreement #169226 between Yamhill County and the Oregon Department of Human Services (B.O. 21-300) adding language for Special Project Funding and updating terms and conditions for the financing of Community Developmental Disability Program Services retroactive July 1, 2022.
2. Approval of Amendment #2 to the lease agreement between Yamhill County and TDJC, LLC. (B.O. 17-170) increasing the rent to the amount of \$13,898.41 per month with annual 10% increases retroactive to July 1, 2022. *[Item H2 moved to Other Business].*

Committees

3. **B.O. 22-253** - Approval of the reappointment of John Abrams to the Planning Commission for a four-year term to expire on July 1, 2026.
4. **B.O. 22-254** - Approval to appoint Ken Summers to the Newberg Urban Area Management Commission as recommended by the Planning Commission to fill a Member-at-Large position vacated by Jack Lyda, term to expire August 16, 2025.

I. OLD BUSINESS: None.

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

1. **B.O. 22-255** - Consideration to authorize Yamhill County Health and Human Services to submit an application for Problem Gambling Services Referral Pathways/Outreach funding administered by the Oregon Health Authority.

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

2. **B.O. 22-256** - Consideration of approval in the matter of authorizing the emergency purchase of Emergency Paging Communication System installation and approving the contract.

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

3. **B.O. 22-257** - Consideration of approval of an agreement between Yamhill County Health and Human Services and the Willamina School District for behavioral health counseling services in the not to exceed amount of \$64,199.88 effective September 2022 through May 2023.

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

4. Consideration of approval of Amendment #2 to the lease agreement between Yamhill County and TDJC, LLC. (B.O. 17-170) increasing the rent to the amount of \$13,898.41 per month with annual 10% increases retroactive to July 1, 2022.

Commissioner Berschauer questioned the justification of the proposed annual 10% increase. Ken Huffer responded that the increase is due to across the board rental market increases. After discussion, Commissioner Berschauer requested to table item J4 to August 18, 2022 for further review. There was no action taken.

The meeting recessed at 12:46 p.m. and reconvened at 12:51 p.m.

K. PUBLIC HEARINGS:

1. An appeal of the Planning Director’s approval of Docket #C-28-21: A conditional use request to operate a nine (9) guestroom Bed and Breakfast facility as a home occupation. Applicant; Kellan Lancaster for 15660 Ground, LLC., Appellant – Friends of Yamhill County. *[Continued from July 14, 2022 at the point of staff recommendation].*

Commissioner Berschauer opened the public hearing at 12:51 p.m. at the point of staff recommendation.

Staff Recommendation: Lance Woods stated the application met the required criteria and recommended approval of the application with conditions; Mr. Woods read the conditions into the record.

The public hearing was closed at 12:58 p.m.

Deliberations: After discussion Commissioner Starrett moved to approve the application with conditions and deny the appeal. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye. Findings and conditions are scheduled for consideration of adoption on September 1, 2022.

L. 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 1:26 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LINDSAY BERSCHAUER

Commissioner CASEY KULLA

Commissioner MARY STARRETT