

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 18, 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; Nohely Barajas Montalvo, Legal Assistant; Carolina Rook, BOC Staff; Desiree Lundeen, Assistant Planner; Ken Friday, Planning Director;

Guests: Elaine Albrich, Adam Campbell, Roberta Fort, Katherine Magar, Michael Kimbrell, Kathryn Jernstedt

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 [cocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us).

Notice: The Board of Commissioners will hold an Executive Session immediately following combined session pursuant to ORS 192.660(2)(d) – Executive session to conduct deliberations with persons designated carry on labor negotiations.

A. CALL TO ORDER: Commissioner Berschauer called the meeting to order at 10:03 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 22 - August 28, 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.

There were no public comments received.

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 – None.

G. CONSENT AGENDA:

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

Contracts & Grants

1. **B.O. 22-258** - Approval of Amendment #8 to an agreement between Yamhill County and Aramark (B.O. 11-461) for food services for Yamhill Correctional Facility and Yamhill County Juvenile Detention Center, increasing the cost of meals, retroactive to July 1, 2022 through June 30, 2023.

2. **B.O. 22-259** - Approval of the quote and purchase of Windows and SQL Server software licenses from Dell in the total amount of \$47,896.30 for the 2022-23 fiscal year.

3. **B.O. 22-260** - Approval of Agreement #176916 between Yamhill County and the Oregon Health Authority providing funding in the amount of \$195,685 to add 1.0 FTE HS Specialist position and a .5 FTE HS Specialist III retroactive to July 1, 2022 through June 30, 2023.

4. **B.O. 22-261** - Approval of Amendment #7 to Agreement #169533 between Yamhill County and the Oregon Health Authority (OHA) for the financing of Public Health Services (B.O. 21-248) retroactive to June 1, 2022 through June 30, 2022.

5. **B.O. 22-262** - Approval of Amendment #1 to an agreement between Yamhill County and Terri Stenlund (B.O. 19-339) for Jail medical file audit services at the rate of \$65.79 per hour retroactive to July 1, 2021 through January 31, 2024.

H. OLD BUSINESS:

1. **B.O. 22-263** - Consideration of approval in the matter of upholding the Planning Director's decision to approve Planning Docket #C-03-22; Construction of a nine-guestroom bed & breakfast facility; Tax Lot 3328-00102; Applicant: Grange Hill, LLC. *[Continued from July 7, 2022]*.

Commissioner Starrett moved approval of item H1. The motion passed, Commissioners Berschauer, Kulla, and Starrett voting aye.

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

1. **B.O. 22-264** - 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. *[Continued from August 11, 2022].*

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

2. **B.O. 22-265** - Consideration of approval in the matter of an order vacating a portion of a public road at the request of Robert A. Long and Susan D. Olmstead without a public hearing, Public Works Docket # RV-3-2022.

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

3. **B.O. 22-266** - Consideration of Intergovernmental Grant Agreement #177100 between Yamhill County Health and Human Services and the Oregon Health Authority for Behavioral Health Resource Network (BHRN) funding in the amount of \$2,096,198 effective upon approval through December 31, 2023.

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

4. **B.O. 22-267** - Consideration of approval of a request for position authority in the Clerk's Office 2022-23 Budget to add 1.0 FTE Elections Supervisor.

Ken Huffer explained the need for this role as the election season is coming up and how it would help in the Clerk's office. Commissioner Berschauer moved approval of item I4. The motion passed, Commissioners Berschauer, Kulla, and Starrett voting aye.

5. **B.O. 22-268** - Consideration of authorizing County Counsel to proceed under the current Attorney-Client agreement with Tyler Smith (B.O. 21-442) to file a notice of appeal with the Oregon Court of Appeals in case #21CV39270.

Christian Boenisch explained the process and timeline of filing the appeal. Commissioner Berschauer discussed the complications of Measure 114 and her desire to speak with Tyler Smith about the county's options with the Second Amendment Sanctuary Ordinance (SASO). Commissioner Starrett expressed her concern of Measure 114 and her opinion to appeal the SASO case. Commissioner Kulla expressed interest in having more discussions regarding Measure 114 but was not interested in appealing this case. Commissioner Berschauer moved approval of item I5. The motion passed, Commissioners Berschauer, and Starrett voting aye, Commissioner Kulla voting nay.

J. PUBLIC HEARINGS:

1. Consideration of an appeal of the Planning Commission's approval of Docket #SDR-10-22: A site design review application for a new winery and tasting room on a tract with at least

15-acres of vineyard. Applicant: Adam Campbell for Mt. Richmond, LLC; Appellant: Michael Kimbrell.

Commissioner Berschauer opened the hearing at 10:38 a.m. There were no abstentions or objections to the jurisdiction of the Board and there were no reports of site visits. Commissioner Kulla declared 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. She explained the amount of vineyard on the land and the intention for the applicant to build a winery and tasting room onsite. She described the applicant’s plan for driveway access on the property. She also explained the surrounding land use and zoning in the area.

Applicant: Applicant Adam Campbell began the presentation with a summary of his family’s history of farming in and around Yamhill County for 5 generations. He briefly discussed his plans for the winery and his desire to be good neighbors to those surrounding the property. Attorney Elaine Albrich provided further details and visuals of the project.

There was no further testimony in support of the application.

Opponent: Michael Kimbrell provided testimony in opposition, starting with a summary of his family history. He felt the Planning Department was dismissive of him and his concerns. He expressed his concerns over traffic safety in the area if this application were to be approved. He believes that the application continues to change and that there will be more traffic than indicated. He alleged that the applicant removed trees from his property. He detailed his concerns with a winery going in the area and the danger this could cause. Mr. Kimbrell asked that there be a new Planning Commission Meeting and Commissioner Kulla explained that would not be possible as that is not the process for land use hearings but that Mr. Kimbrell can use this time to discuss any concerns he has in this hearing. There was clarification of the applicant’s original attorney whose firm had once represented Mr. Kimbrell causing that attorney to withdraw from the case.

Katherine Magar provided testimony in opposition citing her disappointment in Yamhill County turning into a tourist destination and the winery’s motivation for money. She believes that the “tavern” should be located in town rather than on the rural property. She discussed her concerns of the farm lands and wildlife if more wineries open up in the area.

The hearing was recessed at 11:27 a.m. and reconvened at 11:33 a.m.

There was no further testimony in opposition of the application.

Public Agency Reports: Desiree Lundeen reported that there were no additional public agency reports for this application.

Applicant Rebuttal: Attorney Elaine Albrich addressed the appellant’s concern over the property set back requirements and discussed how the appellant has met those requirements. She also mentioned the concerns over traffic safety and highlighted that there were no indications from the public agency reports or the county that would suggest the traffic would be impacted by this project.

Staff Recommendation: Desiree Lundeen read the staff recommendation to approve the application with conditions as outlined.

Commissioner Berschauer closed the hearing at 11:37 a.m.

Discussion/Deliberation: Commissioner Berschauer agreed that the conflict of interest with the applicant’s original attorney was unusual but did not cause any problems. There was discussion and clarification of the placement of the driveway. Commissioner Kulla moved approval to deny the appeal and uphold the Planning Commission’s application approval. The motion passed, Commissioners Berschauer, Kulla, and Starrett voting aye. Final written decision and findings with conditions to be adopted on a date to be determined.

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 11:50 a.m.

Megan Marasco
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LINDSAY BERSCHAUER

Commissioner CASEY KULLA

Commissioner MARY STARRETT