

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 1, 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; Todd Sadlo, Senior Assistant County Counsel; Desiree Lundeen, Assistant Planner; Ken Friday, Planning Director; Lance Woods, Associate Planner; Jason Foose, Surveyor; Lindsey Manfrin, HHS Director and Keri Hinton, BOC Staff (via Zoom).

Guests via Zoom: Doug Rux, City of Newberg; Dan Weinheimer, City of Newberg; Amanda Guile-Hinman, City of McMinnville; Heather Richards, City of McMinnville; Michael Afflerbach, CTC Media Group, Inc.; Chief Fred Hertel, Sheridan, SW Polk and West Valley Fire Districts; Chief Terry Lucich, YC Fire Defense Board; Mike Connors, Hathaway Larson, LLP; and Christine Bradford, ACOM Consulting, Inc.; Elaine Howard; Shannon B.; Cassandra Reeves; Sid Freidman; Andrew Stamp, PC; John & Fran Seibert; Andrew Mulkey; Dr. Henry Ealy; Sarah, Crag F.; Randy; and Bryan Adams.

*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 July 1 – 6, 2021. No other county business was discussed.

**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.***

Commissioner Starrett acknowledged public comments received via e-mail regarding the vacancy in House District 23.

**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. Newberg Urban Renewal Plan & Report – Doug Rux, City of Newberg.

***[Continued from June 24, 2021].***

Representatives from the City of Newberg, the Board, and staff discussed a timeline to provide county input into the land use findings to be presented to the Planning Commission. The consensus of the Board was to continue the discussion to July 29, 2021.

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.

Contracts & Grants

1. **B.O. 21-268** - Approval of an amendment to the real estate lease between Yamhill County Health and Human Services and the Housing Authority of Yamhill County (B.O. 95-325/20-116), rent increase in the amount of \$2,690, effective July 1, 2021 through June 30, 2022.

2. **B.O. 21-269** - Approval of Amendment #1 to the contract employment agreement between Yamhill County Health and Human Services and Marie McDaniel-Bellisario (B.O. 19-463) to provide professional clinic services at the rate of \$71.32, effective July 9, 2021.

Surplus

3. **B.O. 21-270** - Approval of declaring (44) X26 field tasers, (27) X26 training taser cartridges and (12) X26P Taser holsters as surplus property from the Department of Community Justice to be donated to the City of Yamhill Police Department.

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**H. OLD BUSINESS:**

1. Consideration of approval of Resolution 21-07-01-1 and Board Order approving the Newberg Urban Renewal Plan. ***[Continued to July 29, 2021. No action taken].***

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

1. **B.O. 21-271** - Consideration of approval of an intent to award a construction contract to Specialized Pavement Marking Inc. for the 2021 Highway Striping Services project in the amount of \$292,436.02.

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

2. **B.O. 21-272** - Consideration of approval of proposed Health and Human Services Behavioral Health Usual and Customary Rates, Public Health Clinic Rates and Environmental Health Fees, minus restaurant licensing fees, for 2021-2022, effective July 1, 2021.

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

3. Consideration of approval to submit the COVID-19 Vaccine Equity Plan to the Oregon Health Authority.

The Board and staff discussed the necessity of additional funding to support equitable vaccine access. Commissioner Starrett expressed concerns about vaccine hesitancy and vaccine confidence from the public. Commissioner Berschauer stated there was less immediacy for additional COVID-19 vaccine funding, citing vaccine metrics being met statewide. Commissioner Kulla responded that he supported additional funding for Public Health staff to continue outreach efforts. The Board requested information regarding any continued barriers to vaccine access. The consensus of the Board was to direct staff to provide additional information next week reflecting continued vaccine barriers. There was no action taken.

4. Discussion of adding weekly COVID-19 CDC data to County HHS/Public Health website, informed consent materials and with dispensing partners. (Commissioner Starrett).

Commissioner Starrett restated her request to include data resources on the county website in addition to VAERS (Vaccine Adverse Event Reporting System) data. She expressed concerns that COVID-19 vaccine data from all sources was not being publicized. Dr. Henry Ealy provided commentary about the accuracy of reported VAERS data. Lindsey Manfrin stated that posting wide-ranged cause/effect data could be unethical versus the current intentional data being posted that is being used in monitoring for increased risk factor trends.

Commissioner Starrett asked that the county include weekly CDC data reporting as collected by other practitioners and peer reviewed data on the county website. After discussion, Commissioner Kulla requested continuing the discussion next week. The consensus of the Board was to continue the discussion in a work session next week. There was no action taken.

5. Discussion of HB 3115 (Commissioner Starrett).

Commissioner Starrett addressed HB 3115 directing local governments to review laws and ordinances regarding homelessness or illegal camping. Christian Boenisch stated that County Counsel was following its progress and will continue to keep informed on this matter. The new legislation will go into effect in 2023. There was no action taken.

6. **B.O. 27-273** – Consideration of approval of a joint statement from Yamhill County Fire Defense Board and County Commissioners regarding the risk of fire and fireworks.

Commissioner Berschauer addressed the request for a ban on the use of fireworks due to severe dry weather conditions. Commissioner Kulla proposed a statement recommending

citizens refrain from using fireworks during the upcoming 4<sup>th</sup> of July weekend. Fire Chief's Terry Lucich and Fred Hertel expressed their concerns about unenforceable firework bans. After discussion, Commissioner Kulla read the joint letter into the record. Commissioner Kulla moved approval of item I6. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

The meeting was recessed at 12:49 p.m. and reconvened at 1:02 p.m.

**J. PUBLIC HEARINGS:**

1. Docket # SDR-20-20/M-01-20: Consideration of a site design review for the construction and operation of a new wireless communications facility consisting of a 100-foot monopole tower-104-feet including antennas, along with associated equipment cabinets, emergency diesel generator, and cabling. Applicant: Christine Bradford, representing ACOM Consulting for Verizon Wireless; Appellant: City of McMinnville; Tax Lot: 419-02600; Location: 551 Hill Road South, McMinnville. *[Continued from May 27, 2021 at the point right before Staff Recommendation].*

The public hearing was reconvened at 1:03 p.m.

Applicant: Applicant attorney Mike Connors resumed testimony, stating that since May 27<sup>th</sup>, the applicant evaluated alternative sites suggested by the City and provided rationale as to why they were not viable options due in part to City code restrictions or non-compete clauses. He asked the Board to deny the City of McMinnville's appeal and approve the Planning Director's application approval. He also suggested that staff draft supplemental findings to address the issues raised by the City in the event the Board's decision is appealed to LUBA. There was no additional testimony in support of the application.

Appellant: City attorney Amanda Guile-Hinman responded to the applicant's testimony and stated that Verizon had not met its burden of proof to provide alternate non-EFU site options and did not communicate technical needs to the City.

Michael Afflerbach from CTC Media Group, LLC provided testimony on alternative sites and radio frequency coverage and capacity.

City of McMinnville Planning Director Heather Richards clarified differences between alternative antennae support structures, citing an example of an entity installing a coded structure of certain height, and a co-locating entity that seeks to install a tower on the existing structure. There was no additional testimony in opposition of the application.

Public Agency Reports: Lance Woods stated there were no public agency reports.

Applicant Rebuttal: Mike Connors responded to the City's statement that Verizon had not acted in good faith to vet alternative sites, saying both the City and the Church on the Hill had been contacted several times.

Staff Recommendation: Lance Woods read the staff recommendation into the record, recommending approval of the application with conditions as outlined in the staff report, noting the tower was a proven necessary utility facility on EFU land. Ken Friday added that the county could not deny the application based on the site design review process or modify a utility provider's service objectives. The use is permitted on farmland if a viable non-EFU site alternative is not available.

The public hearing was closed at 3:00 p.m.

Deliberation: After discussion, Commissioner Starrett moved to approve the application and uphold the Planning Director's approval of the application. The motion passed, Commissioners Starrett and Berschauer voting aye, Commissioner Kulla voting nay. Todd Sadlo stated findings would be ready for adoption on July 22, 2021.

The meeting was recessed at 3:17 p.m. and reconvened at 3:27 p.m.

2. Docket #PAZ-02-20: Consideration of approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Commercial Forestry and zone change from Exclusive Farm Use (EF-20) to Forestry Large Holding (F-80). Applicant: Craig Fanshier/Fanshier Properties, LLC.; Tax Lot: 5611-500; Location: 15710 SW Gopher Valley Rd., Sheridan.

Commissioner Starrett opened the public hearing at 3:27 p.m. There were no abstentions or objections to the jurisdiction of the Board. There were no declarations of site visits or ex-parte contact however, Commissioner Kulla stated a potential conflict of interest as he owns EFU land. Ken Friday read the "raise it or waive it" statement required by ORS 197.763(5).

Staff Report: Desiree Lundeen presented the staff report, noting the parcel partially existed within the FEMA 100-year floodplain, in addition to containing wetlands and grass/hay production in non-forested areas.

Applicant: Applicant attorney Andrew Stamp requested disqualification of testimony received on this day, referring to a letter submitted by 1000 Friends of Yamhill County. He asked that the application be considered on the record of the Planning Commission. Mr. Sadlo stated the default was to hold a de novo hearing to consider all received evidence.

Commissioner Kulla moved to hold the hearing as de novo and accept testimony received today into the record. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye. Mr. Stamp requested to hold the record open for at least 30 days to review the new testimony.

After discussion continuance days acceptable to Mr. Stamp, Commissioner Starrett moved approval to continue the hearing on September 2, 2021. Commissioners Starrett, Berschauer and Kulla voting aye.

The public hearing was recessed at 3:46 p.m.

**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 3:52 p.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Chair

MARY STARRETT

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Commissioner

LINDSAY BERSCHAUER

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Commissioner

CASEY KULLA