

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 6, 2020, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Casey Kulla, Mary Starrett and Richard L. “Rick” Olson being present.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel, Ken Friday, Planning Director; and others as listed on the sign-in sheet.

*Welcome! Due to COVID-19 and social distancing requirement, attending the meeting is discouraged. The public can view the meeting via 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 Kulla called the meeting to order at 10:00 a.m.

**B. FLAG SALUTE**

**C. PUBLIC COMMENT:** *Due to COVID-19 and social distancing requirements, we encourage anyone wishing to submit general public comment or comments on agenda items to 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 affordable healthcare for Yamhill County employees.

**D. 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. Rural Broadband discussion

Commissioner Kulla stated he would like to see a program created for the expansion of broadband services to support distance learning and telehealth utilizing Coronavirus Relief Funds (CRF). Commissioner Olson agreed but expressed concern about the risk of non-

reimbursement by the state on a potential million-dollar broadband project. Commissioner Starrett also expressed concern about rushing into a project before verifying reimbursement.

Ken Huffer stated that projects are typically completed before seeking reimbursement; if broadband expansion qualified as an essential service to support distance learning and telehealth, offsetting the impacts of COVID-19, it would likely be a reimbursable expense through CRF funding within the qualifying March – December 30<sup>th</sup> timeline. The consensus of the Board was to instruct staff to research options and provide information for further discussion.

b. End of work session

**E. CONSENT AGENDA:** None.

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**F. OLD BUSINESS:** None.

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

1. **B.O. 20-259** - Consideration of approval of an agreement between Yamhill County and Capitol Asset & Pavement Services, Inc. (CAPS) for pavement management software system upgrades in the amount of \$25,960, effective August 7, 2020 through November 30, 2020.

Commissioner Olson moved approval of item G1. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

2. **B.O. 20-260** - Consideration of approval of Amendment #1 to grant application #18-258 (B.O. 18-394) from the Oregon Emergency Management (OEM) Homeland Security Grant to reallocate funds for the renovation of the Yamhill County Emergency Operations Center.

Commissioner Kulla moved approval of item G2. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

3. **B.O. 20-261** - Consideration of approval of a three (3) year service agreement between Yamhill County and Siemens Industry, Inc. for the Programmable Logic Controller/Virtual Machine Software (PLC/VMS) system in the Yamhill County Correctional Facility in the amount of \$142,790, effective August 1, 2020 through August 31, 2023.

Commissioner Olson moved approval of item G3. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

4. **B.O. 20-262** - Consideration of approval of Amendment #3 to Agreement #161692 between Yamhill County Public Health and the Oregon Health Authority (B.O. 19-375) to extend the agreement dates for Reproductive Health Grant funds, retroactive to June 30, 2020 through June 30, 2021.

Commissioner Starrett moved approval of item G4. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

5. **B.O. 20-263** - Consideration of approval of Amendment #3 to Agreement #154686 between Yamhill County Public Health and the Oregon Health Authority (B.O. 17-250) for Environmental Health Services, retroactive to July 1, 2020 through June 30, 2021.

Commissioner Starrett moved approval of item G5. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

6. **B.O. 20-264** - Consideration of approval of Service Element Prior Authorization (SEPA) #38037897 under agreement #157846 between Yamhill County and the Oregon Department of Human Services (B.O. 19-221) for the financing of Community Developmental Disabilities Services removing \$11,136, retroactive to July 1, 2019 through June 30, 2021.

Commissioner Starrett moved approval of item G6. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

7. **B.O. 20-265** - Consideration of approval of the designation of the Newberg Graphic as the newspaper of general circulation for publication of the 2020 Property Tax Foreclosure List.

Commissioner Olson moved approval of item G7. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

8. **B.O. 20-266** - Consideration of approval to reappoint Russell Mark to the Local Public Safety Coordinating Council (LPSCC) for a three-year term to expire July 2023.

Commissioner Olson moved approval of item G8. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

9. Discussion of EDA Recovery Assistance Grant funding project priority list.

Commissioner Kulla stated the EDA list was compiled by Carrie Martin for the review and prioritization of projects which were related to COVID-19 funding. Mr. Huffer stated that the list has been submitted and requested the Board prioritize the project list. He suggested the Board review and rank the projects; he offered to collect the data for further review at a work session. There was no action taken.

The meeting was recessed at 11:02 a.m. and resumed at 11:09 a.m.

#### **H. PUBLIC HEARINGS:**

1. Docket #C-22-19/SDR-35-19 (LW): An appeal of the Planning Director's approval of a conditional use and site design review request to operate a farm stand, a flour processing facility, and an on-site bakery as a commercial activity in conjunction with farm use. Applicants: Bram Yoffie and Susan Stoller; Appellants: 1000 Friends of Oregon and Friends of Yamhill County. *[Continued from June 11, 2020].*

Commissioner Kulla opened the public hearing at 11:09 a.m. It was noted at the beginning of the hearing that the parties had reached a settlement; Commissioner Kulla made the motion, at the recommendation of the Planning Director, that the application be sent back to the Planning Director as requested and that he reissue the decision with revised conditions of approval as agreed upon by both parties.

Commissioner Olson acknowledged the efforts of both parties to find common ground. Commissioner Starrett expressed her concern from a property rights perspective, acknowledging the applicant's concessions. The motion passed, Commissioners Kulla, Starrett and Olson voting aye.

Commissioner Kulla closed the public hearing at 11:14 a.m.

2. Docket #SDR-16-14/FT-03-14 (remand): Remand of an expansion of Riverbend Landfill. The original application was for a site design review for the development of 37 acres proposed for landfill expansion and ancillary facilities. The Land Use Board of Appeals remanded the County's decision approving the request (with conditions), as set forth in Board Order 15-115, for the express purpose of addressing issues identified in the remand relating to ORS 215.296. See public notice for specific hearing parameters. The hearing will be limited to accepting written or electronic argument only. ***[Continued from July 9, 2020 at the point of Staff Recommendation].***

Commissioner Kulla opened the public hearing at 11:16 a.m. He acknowledged that testimony was received after the deadline to submit. There was no ex-parte contact. Commissioner Kulla declared a potential conflict of interest as a farmer due to the hearing relating to an expansion of an operating facility onto farmland that could potentially benefit him if the landfill was not expanded. Commissioner Olson stated that during his time as mayor of the City, decisions were made regarding refuse from within the city limits be hauled to a different landfill rather than Riverbend but this would not affect his decision in the matter being considered today. Mr. Friday stated there was little time for extension due to the current timeline restraints.

**Staff Recommendation:** Ken Friday stated the application was remanded by LUBA based on the issues of whether cumulative farming practices cause significant impacts on individual farms and whether the proposed landfill expansion may cause significant impacts to haying farm practices on the McPhillips Farm. It was determined that, based on a litter control plan, appropriate measures could prevent any significant impacts. Mr. Friday recommended approval of the application with an additional condition that requires Riverbend Landfill to adhere to the Comprehensive Litter Control Plan that it proposed in Exhibit B submitted to Planning dated June 8, 2020.

**Deliberation:** Commissioner Kulla raised several questions meant for the applicant however Mr. Sadlo responded since the record is closed, it was not appropriate to ask additional questions which required rebuttal. Commissioner Starrett commented on the impacts of haying practices on neighboring farms. Although she agreed that the expansion will create significant impacts, the site design review did meet criteria. Commissioner Olson commented that the proposed expansion would see an increase on the impacts to the areas and the farms ranging from the landfill to the Yamhill River. Commissioner Kulla acknowledged the weight of the comments received by the surrounding farmers who have accumulated garbage in their harvested hay and the financial impact it has created in the purchasing markets. Commissioner Kulla moved to deny the remand. The motion passed, Commissioners Kulla and Olson voting aye,

Commissioner Starrett voting nay. Mr. Sadlo stated that findings would be ready for adoption on August 20, 2020.

Commissioner Kulla closed the public hearing at 11:57 a.m.

**I. 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 12:10 p.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair CASEY KULLA

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Commissioner MARY STARRETT

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Commissioner RICHARD L. “RICK” OLSON