

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 March 18, 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; Ken Friday, Planning Director; Desiree Lundeen, Assistant Planner; Carrie Martin, Grants and Special Projects Manager; and Keri Hinton, BOC Staff (via Zoom).

Guests via Zoom: Kat Ricker, CPRD; Bart Rierson, CPRD; Carol; Carla; Sheila Barnes; Joni Zimmerman; Vickie Ybarguen; Charlene McCreight; Patty Armstrong; Philip Higgins; Nicole Amuzu; Beth Rankin; Jared Etzel; Bob Clark; Veronica Hinkes; Jason Foose; Megan; Elaine Harris; Kathryn Jernstedt; Julie Donnelly; Erin Gardner; Luke Westphal; Patricia Faye Marshall; David Petersen; Dayna Gilbert; Greg; Marvin Bernards; Beth Caster; Sylla McClellan; Melanie; Seth and Gerald Smith.

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). There were no new items added to the calendar. 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 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 email regarding items E1, G3 and H1.

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. Review/discussion of next steps for Yamhelas Westsider Trail bridge project, master planning and grants.

The Board and staff addressed pending items related to termination of the corridor project including the costs of construction, material removal, and environmental restoration of the site, as well as repayment of grant funds. The consensus of the Board was to direct staff to schedule a work session for next week to continue this discussion.

b. End of work session

F. DEPARTMENT UPDATES: None.

G. CONSENT AGENDA: Commissioner Kulla moved approval of consent agenda. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

Contracts & Grants

1. **B.O. 21-99** - Approval of Amendment #6 to the agreement between Yamhill County Health and Human Services and Virginia Garcia Memorial Health Center (B.O. 12-403) amending language referencing current IGA and federal regulations, to support school-based health center operations, retroactive to July 1, 2020.

Committees

2. **B.O. 21-100** - Approval of the appointment of Dr. Ryan Martin to the Yamhill County Board of Health for a four-year term, expiring on February 1, 2025.

3. **B.O. 21-101** - Approval of the reappointments of the following members to the Solid Waste Advisory Committee (SWAC):

- a. Joe Cook, Citizen; three-year term to expire February 11, 2022;
- b. John Arand, Citizen; three-year term to expire February 11, 2022;
- c. Jennifer Redmond Noble, Citizen; three-year term to expire March 27, 2023;
- d. Dave Larmouth, Solid Waste Industry Representative; three-year term to expire March 27, 2023; and
- e. Nick Godfrey, Solid Waste Industry Representative; three-year term to expire June 28, 2023.

The meeting recessed at 11:44 a.m. and reconvened at 11:52 a.m.

H. OLD BUSINESS:

1. Consideration of adopting the Yamhill County Second Amendment Sanctuary Ordinance (SASO). *[Continued from March 11, 2021].*

The Board and staff resumed discussion of a SASO draft ordinance; Commissioner Berschauer submitted a 5th draft containing edits related to the effective date and a provision adding restrictive sideboards to the parameters of authority by the Sheriff and District Attorney without written administrative decision as stated under the ordinance directives. Neither the Sheriff nor the District Attorney were available for discussion.

Following discussion Commissioner Berschauer made a motion to call for the first reading to which Mr. Boenisch called out identified revisions which he recommended referencing during the reading. Commissioner Berschauer moved approval for the first reading based upon the 5th version submitted with revisions as discussed. Commissioner Kulla restated his position that the Sheriff and District Attorney should maintain discretion. The motion passed, Commissioners Starrett and Berschauer voting aye, Commissioner Kulla voting nay. Commissioner Berschauer read the first reading into the record. The second ordinance reading, and consideration of adoption will take place on April 1, 2021.

The meeting was recessed at 12:59 p.m. and reconvened at 1:03 p.m.

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

1. **B.O. 21-102** - Consideration of the appointment of Gerry Hunter and Marcia Mikesch to citizen positions on the Solid Waste Advisory Committee (SWAC), each for a three-year term to expire on March 18, 2024.

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

2. **B.O. 21-103** - Consideration of extending the COVID-19 Telecommuting Policy (B.O. 20-104).

Ken Huffer addressed the policy extension stating the county has continued to deliver services while working in compliance with OSHA-issued COVID-19 standards and restrictions in county workspaces. He requested the policy be extended to June 1, 2021. Commissioner Kulla moved approval of item I2 extending the policy to June 1, 2021. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

3. **B.O. 21-104** - Consideration of appointing Doreen App to the Budget Committee citizen position for a one-year term to complete the remainder of Lindsay Berschauer's term through June 30, 2022.

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

4. Commissioner Kulla addressed a letter of intent for a transit grant application for low emission vehicles in the Transportation Development Plan (TDP). The consensus of the Board was for Mr. Huffer to speak with the Transit manager about the feasibility of her submitting an application before the deadline. No action was taken.

J. PUBLIC HEARINGS:

1. Docket# C-22-20/SDR-26-20: An application for conditional use and site design review for a wine production facility (winery) and by appointment tasting room, Tax Lot #3321-913, 10275 NE Worden Hill Rd., Dundee. Applicant: Jared Etzel/Owner: Etzel and Labunsky, LLC.; Appellant: Elizabeth Seeberger. *[Continued from March 11, 2021, at the point of Staff Recommendation].*

Commissioner Starrett opened the public hearing at 1:37 p.m.

Staff Recommendation: Desiree Lundeen submitted into the record the staff's recommendation: approval of the application with fifteen conditions applied by the Planning Commission. Mr. Friday addressed the appellant's accusations of improper testimony submissions to the Planning Department. He also addressed the recommendation to issue conditions on the replacement dwelling by the Friends of Yamhill County and the opponents, which he stated was not part of this application. He lastly acknowledged the opponent's inquiry to re-zone their residential subdivision in response to the applicant's request of approval for a commercial activity in conjunction with farm use in an existing farm zone.

The public hearing was closed at 1:45 p.m.

Deliberations: After discussion, Commissioner Berschauer moved approval of the application for conditional use and site design with conditions as recommended by the Planning Commission. The motion to uphold the Planning Director's approval of the application passed unanimously. Final written decision, conditions, and findings to be adopted on April 1, 2021 at 10:00 a.m. in a virtual meeting via Zoom.

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 1:55 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS


Chair MARY STARRETT


Commissioner LINDSAY BERSCHAUER


Commissioner CASEY KULLA

Accepted by Yamhill County
Board of Commissioners on
5/13/2021 by Board Order
21-173