

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 11, 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; Brad Berry, District Attorney; Tim Svenson, Sheriff; Derrick Wharff, County Tax Assessor; Ken Friday, Planning Director; Desiree Lundeen, Assistant Planner and Keri Hinton, BOC Staff (via Zoom).

Guests via Zoom: Keith Leonard, City of Newberg; Patrick Davenport, City of Newberg; Richard Riggs, OSU Extension Service; Kellie Watcherson, OSU Extension Service; Elizabeth Seeberger; Jerry Seeberger; Kathryn Jernstedt; Kerry Mattoon; Linda Ramirez; Sheila Barnes; Jared Etzel; Erica Etzel; David Peterson; Jeff D.; Vickie; Patricia Faye Marshall; Mary Weil; Judy; Carla and Anne.

*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](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 email regarding the proposed 2<sup>nd</sup> Amendment Ordinance (item H1) and the Yamhelas Westsider Trail.

**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 – None.

**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.

Minutes

1. a. **B.O. 21-88** - February 4, 2021, Formal/Informal Session;  
b. **B.O. 21-89** - February 11, 2021, Formal/Informal Session;  
c. **B.O. 21-90** - February 18, 2021, Formal/Informal Session; and  
d. **B.O. 21-91** - February 25, 2021, Formal/Informal Session.
  
2. **B.O. 21-92** - Approval to increase the petty cash fund for the Fairgrounds up to the amount of \$10,000.
  
3. **B.O. 21-93** - Approval of an agreement between Yamhill County and Jeff Carter Construction, Inc. for the Roger's Landing Boat Dock Retrofit Project in the amount of \$66,960 with a completion date no later than May 31, 2021.
  
4. **B.O. 21-94** - Authorize Yamhill County Health and Human Services to submit an application to the Oregon Department of Human Services, Vocational Rehabilitation to continue as a provider of Individual Placement and Support Services.
  
5. **B.O. 21-95** - Approval of Intergovernmental Agreement #210014 between Yamhill County Health and Human Services and the Oregon Judicial Department on behalf of the 25<sup>th</sup> Judicial District Court, not-to-exceed amount of \$57,112.20, retroactive to January 1, 2020 through June 30, 2021.
  
6. **B.O. 21-96** - Approval of Intergovernmental Agreement #210015 between Yamhill County Health and Human Services and the Oregon Judicial Department on behalf of the 25<sup>th</sup> Judicial District Court, not-to-exceed amount of \$37,909.80, retroactive to January 1, 2020 through June 30, 2021.

---

**H. OLD BUSINESS:**

1. Consideration of adopting the Yamhill County Second Amendment Sanctuary Ordinance (SASO). *[Continued from March 4, 2021].*

The Board and staff reviewed draft samples to identify relevant language to be included in a final ordinance. After discussion, the consensus of the Board was to direct staff to make the

suggested changes and prepare a final version to present to the Board for consideration next week. There was no action taken.

2. **B.O. 21-97** - Consideration of adopting a board order formally stating Yamhill County's Opt-In/Opt-Out decision regarding the City of Newberg's Vertical Housing Development Zone. *[Continued from February 25, 2021].*

Commissioner Kulla moved approval of item H2 with the Board's decision to opt-in. Commissioner Berschauer stated her concerns regarding urban renewal taxing districts that absorb funding from schools and fire districts as well as concerns regarding future development affected by high system development charges (SDC's) which Commissioner Starrett echoed as well. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

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

1. **B.O. 21-98** - Consideration of accepting the quote and authorizing JK Painting to complete the Courthouse Complex Exterior Paint Project in the amount of \$99,861.

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

2. Discussion of Yamhill County Cultural Asset Award nomination. (Commissioner Kulla)  
The consensus of the Board was for Commissioner Kulla to submit nominees for consideration on his own behalf. There was no action taken.

3. Discussion of SEDCOR hosting a "Yamhill County State of the Address" event in the future. (Commissioner Starrett)

The consensus of the Board was to revisit the idea of hosting an event later in the year after the county budget adoption process has been completed. There was no action taken.

The meeting recessed at 11:48 a.m. and reconvened at 11:55 a.m.

**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.

Commissioner Starrett opened the public hearing at 11:55 a.m. There were no abstentions or objections to the jurisdiction of the hearing; Commissioner Kulla disclosed contact with Ms. Seeberger in the past related to Worden Hill Road but unrelated to the public hearing. Todd Sadlo read the "raise it or waive it" statement required by ORS 197.763(5).

Staff Report: Desiree Lundeen presented the staff report and stated that the applicant's request for a wine production winery and by-appointment tasting room complied with

conditional use and site design review standards. She noted the first item to be decided by the Board was whether to hold the hearing de novo or on the record which the appellant requested.

Mr. Sadlo added that historically the Board has held de novo reviews and recommended allowing the appellant to address her motion followed by rebuttal from the applicant.

The appellants Elizabeth and Jerry Seeberger addressed the issue of bringing new evidence forward and were in favor of a de novo public hearing. Kathryn Jernstedt echoed support for a de novo hearing.

On behalf of the applicant Jared Ezel, Attorney David Peterson conveyed his client's opposition to a de novo hearing stating the appellant received ample time to submit testimony to the Planning Commission without hindrance. Mr. Peterson requested that there be an opportunity for rebuttal if new evidence was submitted upon the Board's decision to hold a de novo hearing.

Commissioner Kulla made a motion to move forward with a de novo hearing. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

Applicant: Jared Ezel presented his testimony related to the approval of his application request. Mr. Peterson responded to the appellant's statements for appeal. He asked the Board to approve the application and uphold the permit. No other testimony was received in support of the application.

Appellant: Elizabeth Seeberger gave verbal testimony in opposition to the application.

Kathryn Jernstedt, representing the Friends of Yamhill County gave verbal testimony stating conditional use permits should be considered on a case-by-case basis and proposed conditions to regulate parking, traffic and water use.

Agency Reports: Desiree Lundeen stated that public agency reports were received and submitted into the record including a traffic volume and speed data report and comments from the watermaster regarding water level data of the Ezel's well.

Applicant's Rebuttal: Mr. Ezel presented rebuttal to Ms. Seeberger's testimony and the concerns she raised. He addressed the site design of the main residence to fit along the tree line with minimal tree removal; he didn't anticipate visitor volume above 55 people at one time in the tasting room, nor per hour, and reiterated that visits will be by appointment only. He did not intend to irrigate the vines and would comply with the 5000- gallon water exemption. Mr. Peterson added responses to the Appellant and Friends of Yamhill County's testimony, reiterating the property was agriculturally zoned and the applicant's project would not have adverse impacts on nearby farm and forest uses.

After discussion, Mr. Sadlo recommended that the record be left open for the applicant only to submit final written rebuttal, with no new evidence, until 5:00 p.m. on Tuesday, March 16, 2021. The Board of Commissioners shall then reopen the public hearing at 10:00 a.m. on

March 18, 2021 in a virtual meeting via Zoom, at the point of Staff Recommendation Commissioner Kulla moved approval as recommended by staff. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

The public hearing was recessed at 2:18 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 2:23 p.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Chair MARY STARRETT

\_\_\_\_\_  
Commissioner LINDSAY BERSCHAUER

\_\_\_\_\_  
Commissioner CASEY KULLA