

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 formal/informal session on March 13, 2014, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary P. Stern, Allen Springer, and Kathy George being present.

Also present were Laura Tschabold, County Administrator; Chuck Vesper, Deputy County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Assistant County Counsel; Mike Brandt, Planning Director; Ken Friday, Planning Division Manager; Keri Hinton, Commissioners’ Office; Bill Gille, County Engineer; Nathalie Hardy, News-Register; Melody Gibson, PO Box 821, McMinnville; Catherine Wright, 701 NE Evans St, McMinnville; and others present for the land use hearing.

Commissioner Stern called the meeting to order at 10:00 a.m.

A. **PUBLIC COMMENT:** This thirty-minute time period is reserved for public comment on any topic other than a quasi-judicial land use matter or other topic scheduled for public hearing. Unless extended or restricted by the Chair or majority of the Board, public comment will be limited to three minutes per person. None offered.

B. **AGENDA:**

Minutes

1. **B. O. 14-140** - Consideration of approval of the minutes from the February 6, 2014, work session.

Mr. Springer moved approval of item B(1). The motion passed, Commissioners Stern, Springer, and George voting aye.

Personnel

2. **B. O. 14-141** - Consideration of the change of status of Grant Thompson to regular full-time employment in the Planning Department, retroactive to March 9, 2014.

Ms. Stern moved approval of item B(2). The motion passed, Commissioners Stern, Springer, and George voting aye.

3. **B. O. 14-142** - Consideration of the employment of Janet Henderson as Senior Office Specialist in Public Works, regular full-time, Range 10, Step 3, effective March 24, 2014.

Mr. Springer moved approval of item B(3). The motion passed, Commissioners Stern, Springer, and George voting aye.

4. **B. O. 14-143** - Consideration of the employment of Debra Agee as HS Specialist 2 in HHS Adult Behavioral Health, regular full-time, Range 20, Step 2, effective March 24, 2014.

Ms. George moved approval of item B(4). The motion passed, Commissioners Stern, Springer, and George voting aye.

Contracts/Grants

5. **B. O. 14-144** - Consideration of approval of an agreement between Juvenile Detention, provider, and Tillamook County for detention bed rental, \$158 per bed per day, retroactive to January 1, 2014, through June 30, 2014.

Ms. Stern moved approval of item B(5). The motion passed, Commissioners Stern, Springer, and George voting aye.

6. **B. O. 14-145** - Consideration of approval of an agreement between Public Works and Cardno, Inc, provider, for engineering services related to the Abbey/Kuehne/Hendricks Intersection Improvement Project, not to exceed \$38,779.

Mr. Springer moved approval of item B(6), stating that in light of the bypass project, this improvement will raise the county to a higher level of strategic transportation and is necessary both now and into the future. The motion passed, Commissioners Stern, Springer, and George voting aye.

Roads

7. **B. O. 14-146** - Consideration of initiating the transfer of jurisdiction over the following county roads to the City of Dundee and scheduling a public hearing for 10:00 a.m. on April 17, 2014:

- a. Parks Drive, from Highway 99W to Fulquartz Landing Road;
- b. Fulquartz Landing Road, from the south right-of-way line of Parks Drive south 900 feet;
- c. Niederberger Road, from Highway 99W to the west right-of-way line of Charles Street; and
- d. Ninth Street, from the west right-of-way line of Red Hills Drive to Alder Street.

Todd Sadlo stated that this process was requested by the City of Dundee. He said that all of the road portions are within city jurisdiction and are affected by the bypass. He noted that the description for Ninth Street should be corrected from Red Hills Road to Red Hills Drive. He reviewed the approval process. Mr. Springer moved approval of item B(7) with the correction. The motion passed, Commissioners Stern, Springer, and George voting aye.

C. **OLD BUSINESS:**

1. **B. O. 14-147** - Consideration of adoption of findings in support of a mass gathering

permit for the 2014 Memorial Weekend Boat Races at Rogers Landing Park, waiving all but \$250 of the permit application fee, applicants Newberg Boat Club/Columbia Outboard Racing Association, as tentatively approved March 6, 2014.

Mr. Springer moved to adopt the findings. The motion passed, Commissioners Stern, Springer, and George voting aye.

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

1. **B. O. 14-148** - Consideration of the appointment of Stuart Jacobsen to the Local Investment Advisory Committee for a three-year term to expire March 13, 2017.

Ms. Stern moved approval of item D(1). The motion passed, Commissioners Stern, Springer, and George voting aye.

2. Commissioner updates.

Mr. Springer provided an update on the bypass, stating that the project is moving along well and the relatively good weather has helped the contractors get back on schedule. He said that additional funding is being pursued to take care of some issues.

Mr. Springer reported that construction of the new transit center is on schedule and should be completed by the end of May. He said that this will be a great asset for the community. He stated that bus passes will be available on site, bus traffic will be consolidated, and the buses will be able to park off the street.

Ms. Stern reviewed potential topics to include in a state-of-the-county address that she would be giving in Newberg the following week, including the bypass, transit, water issues, and the roles of county commissioners.

Ms. George stated that she was a member of the State Interoperability Executive Committee for years, and a bill was finally passed this year to allow an umbrella agency to provide general oversight of the state radio system and ensure long-term planning, which will make for better government and less need for catastrophic changes to the system.

Ms. Stern stated that one of the reasons the McMinnville city councilors had decided against a one-year moratorium on medical marijuana dispensaries was that they were afraid of being sued if they didn't move forward with allowing them. She said that after that piece was taken out of the law, the city council reopened the issue and voted again, deciding not to change its earlier decision against a temporary moratorium. Mr. Springer expressed disappointment in the city's decision and said that he doesn't believe that the fear of lawsuits is a legitimate reason.

Mr. Springer stated that the commissioners sometimes have to deal with difficult issues, but he has been amazed at the efficiency and abilities of county staff and impressed by their accuracy and positive attitudes.

E. PUBLIC HEARINGS:

1. Consideration of Planning Docket C-09-13(KF), a request for a conditional use approval for a seven-bedroom bed and breakfast, applicants Scott and Melody Gibson, as continued from February 13, 2014, at the point of Staff Recommendation. *[Continued to April 17, 2014, at the point of Staff Recommendation.]*

Ms. Stern opened the public hearing and stated that although she wasn't present for the February 13 portion of the hearing, she had listened to the recording and had visited the site and seen both access points. She said that there are good people on both sides of this issue, and the conditions discussed by staff may be putting all the cards with one party or the other, so it would be beneficial if the parties could get together with a mediator and come up with some proposed terms, particularly regarding the access point. She suggested that Ken Friday or Mike Brandt be present to answer any technical questions about land use.

Melody Gibson stated that numerous attempts were made to get together with the neighbors, but they seemed adamant against anything she and her husband were doing before it was even started, so she isn't sure how successful another attempt would be. Ms. Stern stated that using an unbiased third party to set some ground rules and get the conversation started could be helpful, and it would be very beneficial to the success of the Gibsons' business to have the neighbors in agreement with them.

The public hearing was recessed at 10:20 a.m. to allow Ms. Gibson to confer with her attorney. The commissioners discussed the bypass, the transit center, and Ms. Stern's upcoming state-of-the-country address (see item D(2)). The hearing resumed at 10:26 a.m.

Catherine Wright stated that her client would be willing to try mediation. She said that it would be helpful for the Planning Department to share its proposed conditions of approval so those can be discussed. Mike Brandt stated that one of the reasons for mediation is to come up with conditions that both sides can live with, and conditions proposed by the county may lean toward one side or the other and therefore not be a good starting point for mediation. He offered to provide a list of issues to be mediated and a list of the parties that have participated in the hearing process.

Mr. Friday stated that anybody who has submitted written or oral testimony during the process would be invited to attend the mediation, although parties who are more affected by the application would be more likely to show up. Ms. Stern requested that participating parties in attendance provide an email address or phone number to expedite the scheduling process.

Ms. Stern moved to continue the hearing to April 17, 2014, at the point of Staff Recommendation. The motion passed, Commissioners Stern, Springer, and George voting aye. Mr. Brandt stated that if the group is able to come up with some recommended conditions through mediation, his office would review them and try to incorporate them into the staff recommendation.

F. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to our website, www.co.yamhill.or.us/content/volunteer-opportunities, or call the Board of Commissioners'

office: 503-434-7501 (from McMinnville) or 503-554-7801 (toll-free from Newberg).

The meeting adjourned at 10:43 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY P. STERN

Commissioner ALLEN SPRINGER

Commissioner KATHY GEORGE