

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 April 17, 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; Bill Gille, County Engineer; Sue Lamb, Emergency Manager; Don Iler, News-Register; and Ilsa Perse, 5765 Mineral Springs Rd, Carlton.

Commissioner Stern called the meeting to order at 10:05 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.

Ilsa Perse invited the commissioners to attend a public hearing on April 22 at 7:00 p.m. at the McMinnville Senior Center regarding ongoing operations and air quality issues at Riverbend Landfill. She said that these DEQ-mandated Title V air quality permit meetings happen regularly, and many in the community have wondered why the commissioners have never attended to get firsthand information and engage with those in attendance. She said that the detailed information and lively discussion is very interesting and useful.

B. **AGENDA:**

Minutes

1. Consideration of approval of the following minutes:
 - a. **B. O. 14-203** - February 24, 2014, informal session;
 - b. **B. O. 14-204** - February 27, 2014, formal session;
 - c. **B. O. 14-205** - March 3, 2014, informal session;
 - d. **B. O. 14-206** - March 6, 2014, formal session;
 - e. **B. O. 14-207** - March 13, 2014, formal/informal session;
 - f. **B. O. 14-208** - March 17, 2014, informal session;
 - g. **B. O. 14-209** - March 20, 2014, formal session.

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

Personnel

2. **B. O. 14-210** - Consideration of the employment of Devon Mode as Office Specialist 2 in Community Corrections, regular full-time, Range 7, Step 1, effective April 24, 2014.

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

3. **B. O. 14-211** - Consideration of the employment of Amber Gamel as Registered Nurse 2 in HHS Public Health, regular full-time, Range 19, Step 3, effective April 24, 2014.

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

Contracts/Grants

4. **B. O. 14-212** - Consideration of approval of an agreement between the Juvenile Department, provider, and Polk County for the rental of beds in Yamhill County's juvenile detention facility, \$164,250, effective July 1, 2014, through June 30, 2015.

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

5. **B. O. 14-213** - Consideration of authorizing Emergency Management and HHS Public Health to apply for an AmeriCorps grant from Oregon State Service Corps for a Community Preparedness Specialist position, cash match requirement of \$8900.

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

C. **OLD BUSINESS:** None.

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

1. **B. O. 14-214** - Consideration of the change of status of Christopher Howard from Maintenance Worker 1 to Maintenance Worker 2 in Facilities Maintenance, Range 13, Step 1, effective April 24, 2014.

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

2. **B. O. 14-215** - Consideration of approval of Amendment #2 to an agreement between Health & Human Services and Bardossi & Associates, Inc., provider, to increase the amount for recovery training consulting services from \$9000 to \$20,000, effective through December 31, 2014.

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

3. **B. O. 14-216** - Consideration of authorizing a notice of intent to award a contract for highway striping services to Hicks Striping and Curbing, Inc.

Mr. Springer moved approval of item D(3), stating that this is about \$10,000 less than the county paid last year.

4. Consideration of Ordinance 889, amending Ordinance 888 to extend the temporary moratorium on medical marijuana dispensaries in unincorporated areas of Yamhill County through May 1, 2015. *[Second reading and consideration of adoption scheduled for May 1, 2014.]*

Christian Boenisch provided the first reading of Ordinance 889 by title only. Ms. Stern said that she would have voted against Ordinance 888 if she had been in attendance, and will vote against this ordinance as well. She said that the need for patients to have access to medical marijuana in a safe, controlled environment outweighs her concerns.

Mr. Springer stated that patients still have access now through growers, and he wants to get the problems in this law fixed before it goes into effect. He said that a report released yesterday shows conclusive evidence of the effects of marijuana use on the brain and memory. He added that the Board had heard testimony that medical marijuana wouldn't be resold because it would be too expensive, but he has found out that it is currently being sold among high school students for \$15/gram.

Ms. George stated that the law is widely understood around the state to have many flaws, and she hopes that much more work can be done in the interim to mitigate those problems. She said that she is also concerned about the issues with secondary smoke.

Mr. Springer moved approval of the ordinance and called for the second reading of the ordinance on May 1, 2014. The motion passed, Commissioners Springer and George voting aye and Commissioner Stern voting no.

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 March 13, 2014, at the point of Staff Recommendation. *[Tentatively approved; findings to be adopted May 1, 2014.]*

Ms. Stern opened the hearing.

Staff Recommendation - Ken Friday stated that one mediation session was held, but the mediator did not recommend continuing because some of the principal parties did not want to participate. He said that the applicants wish to have the matter decided by the Board at this hearing.

He stated that although some of the opposing testimony focused on approval of the dwelling, the dwelling is not in question in this conditional use application. He said that the past use of the subject property for large gatherings is of concern to the neighbors and to staff, so he wants to make sure the property is only used for the bed and breakfast. He reviewed a list of proposed conditions and recommended approval of the request with those conditions. He noted that the approval would need to be renewed after two years, and there is a revocation process if there are any violations during that time.

Close of Public Hearing / Deliberation - Ms. George stated that this has been a very difficult decision for her. She said that she believes in the right of citizens to use their private property, that the law should be fair and treat all people the same, and that elitism and cronyism should be eliminated. She stated that she can only remember one or two land use applications that weren't at least commented on by Friends of Yamhill County, but that group has been conspicuously absent for this application, despite it being in a limited water area.

She said that she believes in honesty and respect for others, and the neighbors apparently don't trust the applicants who have been reluctant to meet with them and treat them fairly, which has affected the attempts at mediation. She said that she believes the proposed conditions will address the concerns raised by the neighbors, and the access will likely end up at the lower driveway, which will improve traffic at the upper end.

Mr. Springer agreed that this has been a difficult decision. He said that he had hoped for better results from the mediation, but a lot of the issues come down to emotion and relationships, which puts the Board in a difficult position. He said that he has looked at the issues from a number of angles. He said that if the application is approved, monitoring would be taken seriously.

Ms. Stern moved tentative approval of the application, with findings to be approved on May 1, 2014. She stated that the Planning Department works hard to get approval for property owners when their requests are allowed under the law, and in the past the Board has approved applications where the neighbors were very concerned and upset, but things worked out in the end and the concerns were alleviated. She said that she believes the parties can get to that point in this situation as well, and she encouraged them to take advantage of mediation opportunities and talk about the issues in order to resolve them. She said that one of the reasons she ran for office was to preserve the county's beautiful farmland, and a bed and breakfast would not only make this clear-cut property more beautiful, but would give people the opportunity to appreciate what Yamhill County has. She said that she believes the conditions are good and the application meets the applicable criteria for approval.

The motion passed, Commissioners Stern and George voting aye and Commissioner Springer voting no.

2. Consideration of the transfer of jurisdiction over the following county roads to the City of Dundee:

- 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.

[Process terminated due to error in notice; new hearing to be scheduled.]

Ms. Stern opened the public hearing. Todd Sadlo stated that it recently came to his attention that the city limits only go to the center line of most of these roads, and there is a separate process for transferring roads that aren't within city limits, so the notice was defective and needs to be reissued for a new hearing date. Bill Gille stated that he had explained the notice issues to the city engineer, who plans to attend the next hearing. There being no public comment, the hearing was closed.

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 10:55 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY P. STERN

Commissioner ALLEN SPRINGER

Commissioner KATHY GEORGE