

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 session on July 1, 2004 at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Kathy George and Leslie Lewis being present and Commissioner Stern being excused.

Also present were John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; John Krawczyk, Administrative Services Director, Neal, Kris, and Karen Utz, 9600 NE Worden Hill Road, Dundee; Herb Kuhn, 10275 NE Worden Hill Road, Dundee; Allan and Helen Seward, 9255 NE Powell Hill Road, Dundee.

Commissioner George called the meeting to order.

A. **PUBLIC COMMENT:** This fifteen-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.

Commissioners George and Lewis expressed their appreciation to John Krawczyk for all of his help through the difficult budget process. Mr. Krawczyk acknowledged his support staff.

B. **CONSENT AGENDA:** Ms. Lewis moved approval of the consent agenda. The motion passed, Commissioners George and Lewis voting aye.

Personnel (also see add-ons)

1. Approve the employment of the following individuals as on-call Extra Help in the Clerk's Office, effective July 1, 2004:

1. **B. O. 04-409** - Antoinette Tyree, renewal, Range 7, Step 4, \$10.92/hour;
2. **B. O. 04-410** - Patricia Harding, renewal, Range 7, Step 5, \$11.51/hour;
3. **B. O. 04-411** - Norma Heath, renewal, Range 7, Step 5, \$11.51/hour;
4. **B. O. 04-412** - Cleo Harding, renewal, Range 7, Step 2, \$9.82/hour;
5. **B. O. 04-413** - Robert Vertregt, new, Range 7, Step 1, \$9.29/hour.

3. **B. O. 04-414** - Approve the employment of Jan Cain, Dundee, as HS Specialist 2 in Family and Youth, regular full-time, Range 20, Step 1, effective July 7, 2004.

4. **B. O. 04-415** - Approve the change of status of John Krawczyk to regular part-time, Range 38, Step 6, effective July 9, 2004.

5. **B. O. 04-416** - Approve the change of status of Dawn Bevill to extend temporary part-time employment in the Planning Department, retroactive to January 1, 2004 until June 30, 2005.

6. **B. O. 04-417** - Approve the temporary change of status of Allison Musillami to part-time in the Commission on Children and Families, effective July 1, 2004 until September 30, 2004.
7. **B. O. 04-418** - Approve the change of status of Kathryn Brown to extend temporary part-time employment in the Commission on Children and Families, effective July 1, 2004 until September 30, 2004.
8. **B. O. 04-419** - Approve the temporary change of status of Caren Anderson to part-time in the Commission on Children and Families, effective July 1, 2004 until August 31, 2004.
9. **B. O. 04-420** - Approve the change of status of Cynthia Easterday to part-time in the District Attorney's Office, effective July 1, 2004.
10. **B. O. 04-421** - Approve the change of status of Bonnie Daoust to part-time in Support Enforcement, effective July 1, 2004.
11. **B. O. 04-422** - Approve the employment of Robert Johnstone as temporary part-time help in the Planning Department, \$16.23/hour, effective July 1, 2004 until December 31, 2004.

Contracts (also see add ons)

12. **B. O. 04-423** - Approve an intergovernmental agreement between the Sheriff's Office and the City of Newberg for Dog Control services and training, effective July 1, 2004.
13. **B. O. 04-424** - Approve Amendment #26 to a contract between Mental Health and Mid-Valley Behavioral Care Network for Oregon Health Plan services, effective July 1, 2004 until June 30, 2005.
14. Approve two intergovernmental agreements between HHS and the following counties for alternative programs to psychiatric hospitalization, effective July 1, 2004 until June 30, 2005:
 - a. **B. O. 04-425** - Linn County;
 - b. **B. O. 04-426** - Benton County.
15. **B. O. 04-427** - Approve an intergovernmental agreement between Public Health and OHSU for the CaCoon Program, serving children with special health needs, effective July 1, 2004 until June 30, 2005.

Overlay Bid

16. **B. O. 04-428** - Accept the low bid from Baker Rock Resources, Beaverton, for asphalt overlay of several county roads, \$382,783.50.

Dust Abatement

17. **B. O. 04-429** - Approve the payment of \$273 for citizen request #04-03 to reimburse dust abatement costs.

Committees (also see add ons)

18. **B. O. 04-430** - Reappoint Dean Brown to a position on the Planning Commission for a four-year term to expire July 1, 2008.

Refund

19. **B. O. 04-431** - Approve a request from M. Young Enterprises for refund of a Planning permit fee, \$1015.

C. **OLD BUSINESS:** None.

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

1. **B. O. 04-432** - Approve the Commission on Children and Families Comprehensive Plan Update for 2004.

Ms. George moved approval of the plan update. The motion passed, Commissioners George and Lewis voting aye.

2. **B. O. 04-433** - Approve a change in status of Suzanne Wong to part-time (.8) in Adult Mental Health, retroactive to June 28, 2004.

Ms. Lewis moved approval of the change in status of Suzanne Wong. The motion passed, Commissioners George and Lewis voting aye.

3. **B. O. 04-434** - Approve employment of Carmen Garcia, McMinnville, as HS Associate in Adult Mental Health, temporary on-call, Range 14, Step 1, retroactive to June 30, 2004.

Ms. Lewis moved approval of the employment of Carmen Garcia. The motion passed, Commissioners George and Lewis voting aye.

4. **B. O. 04-435** - Approve the reappointment of Bernie Diefenderfer to the Planning Commission for a four-year term to expire July 1, 2008.

Ms. George moved approval of the reappointment of Bernie Diefenderfer. The motion passed, Commissioners George and Lewis voting aye.

5. **B. O. 04-436** - Approve contract with Morse Brothers, Inc. for the Laughlin Road overlay project in the amount of \$409,979.

Ms. Lewis moved approval of the contract. The motion passed, Commissioners George and Lewis voting aye.

The meeting recessed at 10:13 a.m. and reconvened at 10:15 a.m.

E. PUBLIC HEARINGS:

1. Consideration of Planning Docket C-08-04, an appeal of a conditional use amendment from five rental rooms to nine, applicant Neal V. Utz, Jr., appellant G. Allan Seward. *[Tentatively approved; findings to be adopted July 8, 2004 at 10:00 a.m.]*

Ms. George opened the public hearing. There were no abstentions or objections to jurisdiction. Ms. Lewis and Ms. George noted for the record that they had visited the site this morning.

Rick Sanai read the statement required for land use hearings explaining that parties must raise all issues at the hearing or waive their right to raise the issues on appeal.

Staff Report - Martin Chroust-Masin entered the staff report into the record and gave a description of the parcel, the surrounding zoning and roadways. He stated that this is an existing business and the house is currently under construction.

Proponents - Neal Utz stated that he had read through all of the findings and agrees with the issues that need to be addressed. He noted that a well had been drilled and approved.

Questions of Proponents - Mr. Utz stated that he is not yet living in the house and he doesn't want to expand the existing building. He noted that the calculation errors with the septic system have been corrected. He stated that he had applied for water rights for his vineyard and the new well produces 12.5 gallons per minute.

Opponents - Mr. and Mrs. Seward expressed their concerns about arbitrary zone changes, potential drop in the water table, noise levels, and running a commercial business in a non-commercial zone. Ms. Lewis explained the 2002 change in the zoning ordinance was not arbitrary and was done to keep the county in compliance with state law and this facility is allowed in the current zoning as a conditional use. Mr. Chroust-Masin pointed out that new permits would be needed to hold weddings and other events at the facility, and the conditional use approval would end if the property is sold.

Questions of Opponents - None.

Public Agency Reports - Mr. Chroust-Masin stated that most of the public agencies had been mentioned in the staff report, except for the Public Works Department, which has expressed no conflict.

Neutral Testimony - Herb Kuhn, representing the Dundee Rural Fire District, explained that the district does not own or operate any equipment, so they contract with the City of Dundee. He asked the Board to consider the critical situation of water access and availability in the area and require the applicant to have a 4500-gallon water storage tank on the facility that would be accessible to fire trucks.

Rebuttal - Mr. Utz stated that the square footage of the house has not changed since the

beginning and it has a fire retention system as well as two 4000-gallon water storage tanks on the property. He said he would have the Fire Chief evaluate the accessibility of those tanks. He explained that he stores some equipment in the barn, which also has a room upstairs that could be used as an apartment for seasonal help or for his son, who works for him.

Staff Recommendation - Mr. Chroust-Masin stated that prior approval would be needed to use the upstairs room as an apartment. He recommended approval of the request for conditional use.

Close of public hearing / Deliberation - Ms. Lewis stated that although she understands the Swards are unhappy because a Bed & Breakfast does not conform to their view of farm land, this use is allowed in the state statute and in the county ordinance.

She moved to tentatively approve Docket C-08-04 to increase the number of rooms allowed in the Bed & Breakfast from five to nine, with findings to be adopted July 8, 2004. The motion passed, Commissioners George and Lewis voting aye.

F. ANNOUNCEMENTS:

1. A position is available on the Yamhill County Budget Committee. Contact the Commissioners' Office for applications.
2. The public hearing on the Newberg/Dundee Bypass is scheduled to continue on July 22, 2004 at 7:00 p.m. in Room 103 of the McMinnville Community Center.
3. The Yamhill County Courthouse will be closed for business on Monday, July 5, 2004 in observance of Independence Day.

Adjourn: 10:55 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS