

INFORMAL MINUTES

February 1, 2005 10:00 a.m.

Room 32, Courthouse

PRESENT: Commissioners Mary P. Stern, Leslie Lewis, and Kathy George.

Staff: John M. Gray, Jr., John Krawczyk, Ken Friday, Mike Brandt and Dan Linscheid.

Guests: David Bates, News-Register; Rob Manning, OPB Radio; see attached sign-in sheet for additional guests.

* indicates item forwarded to formal agenda

Mary called the meeting to order.

Measure 37 Claims - Mike and Ken presented brief descriptions of the seven Measure 37 claims processed by the Planning Department so far (see attachment), along with staff recommendations.

1) *M37-01-04, applicant Maralynn Abrams* - Leslie stated that since this claim for a large development would have significant community impact, she would be in favor of a public hearing. She said that as the first Measure 37 claim, it would also give the county the opportunity to see how well public hearings work in this process. She noted that Measure 37 is now the law and gives local government only two options for valid claims: compensate for reduced value or modify, remove, or not apply the land use regulation. She stated that citizens opposed to the claim should either challenge ownership or show that there has been no reduction of fair market value. She asked citizens who raise issues at the public hearing in opposition to waiving the land use regulation to bring ideas of how the county might be able to pay compensation with its limited resources.

* Leslie moved to hold a public hearing for the Abrams claim. The motion passed, Mary, Leslie, and Kathy voting aye. The hearing was set for Wednesday, March 9, 2005 at 9:00 a.m.

* 2) *M37-02-04, applicant Renee Callanan* - Mike stated that in reviewing the figures with the Assessor, he believes that \$100,000 would be a more accurate reduction of value than the \$520,000 stated by the applicant. He recommended modifying, removing, or not applying the land use regulation.

Leslie stated that unlike the previous claim, this one would not have a large impact and it is commonplace for the Planning Department to approve these types of dwellings, most of which never come to the Planning Commission or the Board for public hearings. She stated that even the reduced compensation amount would be beyond the county's ability to pay. Mary stated that holding a public hearing for one applicant and not for another would be violating due process of law and would be unfair. Kathy stated that while it does raise the concern of being challenged in court, it is not substantially unfair to not hold public hearings on smaller claims and county counsel has advised this course of action.

Mary moved to hold a public hearing for the Callanan claim. The motion failed, Mary voting aye and Leslie and Kathy voting no.

Mary requested that the applicant provide a professional appraisal because of the large discrepancy in the reduction of value figures. She said she would like to have all the facts in order to make a rational decision, and since the applicant will have to file with the state as well, the information will most likely be required from them. Kathy and Leslie agreed that it would be unnecessary and punitive to require an appraisal when the county has no intention or ability to pay compensation. The item was placed on the non-consent agenda.

Mike stated that when the Board adopted Ordinance 749, they agreed that the applicant could initially indicate the fair market value of their property without an appraisal, so he needs to know if the Board now plans to ask for appraisals from all applicants. He also said he needs to know if the Board envisions paying compensation on any claims, and if so, from which fund, so he can consider the county's ability to pay when making his recommendations.

* 3) *M37-03-04, applicant Argene R. Allison* - Mike stated that in reviewing the figures with the Assessor, he believes that \$144,000 would be a more accurate reduction of value than the \$950,000 stated by the applicant. He recommended modifying, removing, or not applying the land use regulation. Leslie stated that the applicant's figure is reasonable because he can ask for compensation back to 1938, when the property was purchased by family members.

Mary moved to hold a public hearing for the Allison claim. The motion failed, Mary voting aye and Leslie and Kathy voting no.

Mary requested that the applicant provide a professional appraisal because of the large discrepancy in the reduction of value figures. Mike pointed out that the applicants are not interested in compensation, only in building a house. The item was placed on the non-consent agenda.

* 4) *M37-04-04, applicant James H. Wilcox* - Mike recommended modifying, removing, or not applying the land use regulation. Kathy moved that no public hearing be held. The motion passed, Leslie and Kathy voting aye and Mary voting no. The item was placed on the non-consent agenda.

* 5) *M37-05-04, applicants Leonhart and Irene Jensen* - Mike stated that the applicant didn't include the reduction value, but he would estimate it to be \$100,000. He recommended modifying, removing, or not applying the land use regulation.

Mary moved to hold a public hearing for the Jensen claim. The motion failed, Mary voting aye and Leslie and Kathy voting no. The item was placed on the non-consent agenda.

* 6) *M37-06-04, applicants Gregg and Patricia Hottmann* - Mike stated that the applicant listed the reduction value to be \$500,000 based on the value of the land plus the loss of use over the years. He said that since loss of use is not a factor of consideration listed in Ordinance 749, he would estimate the reduction value to be \$150,000. He recommended modifying, removing, or not applying the land use regulation.

Mary moved to hold a public hearing for the Hottmann claim. The motion failed, Mary voting aye and Leslie and Kathy voting no. The item was placed on the consent agenda.

* 7) *M37-07-04, applicants JD and Edith Pierce* - Mike recommended modifying, removing, or not applying the land use regulation. Kathy moved that no public hearing be held. The motion passed, Leslie and Kathy voting aye and Mary voting no. The item was placed on the consent agenda.

The meeting recessed at 11:01 a.m. and reconvened at 11:11 a.m. in Room 108.

Present for this portion of the meeting: Commissioners Stern, Lewis, and George, John Krawczyk, John M. Gray, Jr., Dan Linscheid, Ken Friday, David Bates, Rob Manning, and Harvey Nelson.

Land Use Briefing - Ken briefed the Board on Planning dockets PAZ-04-03 and PAZ-03-04, scheduled for public hearing on February 9, 2005.

Unsurveyed Partitions - Dan expressed his department's growing frustration over the years with the provision in county statutes that allows partitions containing parcels greater than ten acres to remain unsurveyed. He discussed the difficulties this causes for potential purchasers in getting mortgages and title insurance and encouraged the Board to consider adopting an ordinance which would require that all partitions outside of UGBs be surveyed.

Harvey Nelson, Northwest Title Company, expressed his support of the proposal, explaining that surveyed parcels have a higher degree of certainty, which the public looks for from government. Mary stated that she is in favor of holding a public hearing on the issue. Leslie pointed out that the expense of a survey can be negotiated in the sale agreement. Kathy stated that having partitions surveyed is a good idea, but she would rather have the requirement come from the title company than from county government. No action was taken.

Brotherton Property - John G reviewed a request for the county to convey a parcel in the Lafayette area to Cliff Brotherton and the city's desire for a utility easement along the entire parcel because of water lines present. He stated that Mr. Brotherton's lawyer and the city of Lafayette have agreed on a 30-foot easement, so the proposal will be to purchase the property for \$2625 plus fees, subject to the utility easement. The Board agreed that John G should go forward on preparing the paperwork.

John G stated that the city of Lafayette has requested that the county give the remaining portion of the parcel to them, since it contains the city's pump station. Leslie suggested that the donation of the land could be used as leverage for other intergovernmental issues with the city. John G said he would include reimbursement of publication costs and other expenses in the agreement.

* Personnel - Mary presented personnel requests from Community Corrections. See agenda for details.

* Traffic Signal - Authorize the use of a temporary traffic signal on Meadow Lake Road in Carlton during bridge construction.

* Contracts - See agenda for details.

Tree-Trimming - John G presented a request from McMinnville Water and Light for permission to cut limbs on some trees that are encumbering a water line. He said that Board approval is not required because the trees are in the county's right-of-way, but it would be appropriate to approve the request at this time.

Kathy moved to approve the request of McMinnville Water and Light as stated in a letter to John G dated January 26, 2005. The motion passed, Mary, Leslie, and Kathy voting aye.

* Committees - See agenda for details. The Board discussed Murray's request to be replaced on the Management Negotiating Team and agreed that it would be a wise decision because of the many demands on his time, including the Mobile Data Terminal project. John K recommended Mike Brandt as a replacement.

George Fox Conduit Financing - John G stated that the county's fees to act as issuer for the financing would be \$1.00 per \$1000 for the new money portion and .05% for the refunding portion, for a total of \$22,250. John K recommended going ahead with it, but recognizing the potential for not being able to sell the bonds as a private placement in the future. The Board agreed to move forward on the financing.

FET Sell-Back Policy - The Board discussed a request from Chris Johnson to modify the FET Sell-Back Policy to allow employees to cash in FET and contribute the money to the tsunami relief effort in lieu of sponsoring Caryl Tallon to spend time abroad volunteering for Northwest Medical Teams. Kathy shared Chris' concerns about the hardship that Caryl's absence would cause for his department. John G cautioned the Board about setting an unwanted precedent by modifying the current policy. John K stated that since the sale of FET is a bargaining issue, he would prefer that the request come from the union. The Board agreed to defer the discussion until more information is available.

Flag Lowering - Mary stated that the county has had complaints about not lowering the flag located by the Jail, which is difficult because of its enormous size. The Board agreed to Ron Huber's offer to have his Jail Maintenance crew take over the responsibility.

Chehalem Valley Strategic Plan - The Board discussed the possibility of approving portions of the plan which fit the county's role, such as having different jurisdictions work together to increase efficiency, and supporting the concept of each community developing its own vision. They agreed to schedule a presentation from the Steering Committee.

The meeting adjourned at 12:39 p.m.

Anne Britt
Secretary