

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 February 23, 2005 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Mary P. Stern and Kathy George being present and Commissioner Lewis joining the meeting in progress due to a delay in traveling from a Town Hall held by Senator Charles Starr and Representative Kim Thatcher in Newberg.

Also present were John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; John Krawczyk, Director of Administrative Services; Steve Mikami, Personnel Officer; Mike Brandt, Planning Director; Ken Friday, Planning Division Manager; Laura Tschabold, Grant Writer; Murray Paolo, Information Services Director; Bob Maca, Emergency Management Manager; David Bates, News-Register; John Bridges, 515 E First Street, Newberg; Don Clements, 125 S. Elliot Street, Newberg; and Merilyn Reeves, PO Box 1083, McMinnville.

Commissioner Stern called the meeting to order.

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. None offered.

B. **AGENDA:**

Personnel

1. **B. O. 05-103** - Consideration of approval of the employment of Brenda Hopper, McMinnville, as Office Specialist 2 in Community Corrections, temporary full-time, Range 7, Step 1, \$1660/month, effective February 28, 2005 until June 27, 2005.
2. **B. O. 05-104** - Consideration of approval of the change of status of Laura Opre to reduce her status in Adult Mental Health to regular part-time, retroactive to February 21, 2005.
3. **B. O. 05-105** - Consideration of a request from the Planning Director to advertise for a temporary full-time Office Specialist 2 position in the Planning Department.

Ms. George moved approval of items #1-3. The motion passed, Commissioners Stern and George voting aye and Commissioner Lewis being absent.

Contracts

4. **B. O. 05-106** - Consideration of approval of a performance bond and agreement between Public Works and Coyote Homes, Inc. for road improvements in Josie's Meadows subdivision, \$61,487, effective February 23, 2005.

Ms. Lewis moved approval of the performance bond and agreement. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Grants

5. **B. O. 05-107** - Consideration of authorizing the submission of the 2005 Homeland Security Grant application.

The Board thanked everyone involved for their hard work. Ms. Lewis stated that having a separate committee to work on project prioritization was a great idea.

Ms. George moved to authorize the submission of the grant application. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Plans

6. **B. O. 05-108** - Consideration of adoption of the Yamhill County Interoperable Communications Plan, revising the Communication Annex of the county's Emergency Operations Plan.

Laura Tschabold explained that this plan is a new requirement for the Homeland Security Grant application this year. Ms. George moved to adopt the Interoperable Communications Plan. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Budget Transfer

7. **B. O. 05-109** - Consideration of authorizing the following transfers of appropriation authority within the Capital Improvement Fund:

From	040-015-800.02	Office Equipment	\$10,000
To	040-017-543.01	Dept. Equipment	\$10,000
From	040-015-800.04	Voting Equipment	\$15,000
To	040-017-543.01	Dept. Equipment	\$15,000

John Krawczyk stated that the money in the personal computer reserve fund exceeds the appropriation authority, so this transfer from the Clerk's reserve will free up the funds for the replacement of personal computers.

Ms. Lewis moved to authorize the transfers. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Committees

8. **B. O. 05-110** - Consideration of approval of reappointing Barbara Knutson to the Housing Authority Board for a five-year term to expire January 1, 2010.

Ms. George stated that although Ms. Knutson has been on the Housing Authority Board for some time, her incredible background and knowledge of complex housing issues will provide valuable continuity for the other two new members.

Ms. George moved to reappoint Barbara Knutson to the Housing Authority Board. The motion passed, Commissioners Stern, Lewis, and George voting aye.

C. **OLD BUSINESS:**

1. **B. O. 05-111** - Consideration of adoption of findings in support of Planning Docket PAZ-03-04, a request for plan amendment/zone change from EF-80 to Heavy Industrial for an existing seed-cleaning plant, applicant Wilco Farmers, as tentatively approved February 9, 2005. *[Ordinance 760]*

Rick Sanai provided the first and second readings of Ordinance 760 by title only, declaring an emergency. Ms. Lewis moved approval of the ordinance. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. **B. O. 05-112** - Consideration of adoption of findings in support of Planning Docket Z-02-04, a request for zone change from EF-80 to AF-10, applicant Susan Hutchings. *[Ordinance 756]*

Mr. Sanai provided the first and second readings of Ordinance 756 by title only, declaring an emergency. Ms. Lewis moved approval of the ordinance. The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. **B. O. 05-113** - Consideration of adoption of findings in support of Planning Docket Z-03-04, a request for zone change from EF-80 to AF-80, applicant Dennis Petersen. *[Ordinance 757]*

Mr. Sanai provided the first and second readings of Ordinance 757 by title only, declaring an emergency. Ms. Lewis moved approval of the ordinance. The motion passed, Commissioners Stern, Lewis, and George voting aye.

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

1. **B. O. 05-114** - Consideration of approval of M37-08-04, a Measure 37/Ordinance 749 claim, authorizing uses on the subject property allowed when the current owner acquired the property, applicant Bernard Diefenderfer.

Ms. George moved approval of items #1-8. Ms. Stern said she had some concerns about the first two claims and would like to discuss them individually. Ms. George amended her motion to approve items #3-8. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Ms. Stern expressed her concern with the great discrepancy between the reduction values stated by Mr. Diefenderfer and the Planning Director. She moved to request a professional appraisal. The motion failed, Commissioner Stern voting aye and Commissioners Lewis and George voting no.

Ms. Lewis stated that sometimes the applicants get confused and list the value of the property once the home is built, not the bare land, but clearly there is a reduction of value in this case. Ms. Stern stated that Measure 37 requires the Board to make a determination of just compensation.

Ms. Lewis moved approval of M37-08-04. The motion passed, Commissioners Lewis and George voting aye and Commissioner Stern voting no.

2. **B. O. 05-115** - Consideration of approval of M37-12-04, a Measure 37/Ordinance 749 claim, authorizing uses on the subject property allowed when the current owner acquired the property, applicants Billy and Katharine Magar.

Ms. Stern stated that after the informal session discussion about this claim, Grace Schaad had brought her documents questioning the ownership of the lot. Ken Friday and Mike Brandt explained that the Magars have maintained joint ownership of Tax Lot 2400 since 1963, even after their divorce in 1993.

Ms. Lewis moved approval of M37-12-04. The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. **B. O. 05-116** - Consideration of approval of M37-13-04, a Measure 37/Ordinance 749 claim, authorizing uses on the subject property allowed when the current owner acquired the property, applicants Anita and Jeffrey Magar.

4. **B. O. 05-117** - Consideration of approval of M37-01-05, a Measure 37/Ordinance 749 claim, authorizing uses on the subject property allowed when the current owner acquired the property, applicant Mike McLain.

5. **B. O. 05-118** - Consideration of approval of M37-03-05, a Measure 37/Ordinance 749 claim, authorizing uses on the subject property allowed when the current owner acquired the property, applicants Glenn and Diane Gregg.

6. **B. O. 05-119** - Consideration of approval of M37-04-05, a Measure 37/Ordinance 749 claim, authorizing uses on the subject property allowed when the current owner acquired the property, applicants George and Kris Prettyman.

7. **B. O. 05-120** - Consideration of approval of M37-07-05, a Measure 37/Ordinance 749 claim, authorizing uses on the subject property allowed when the current owner acquired the property, applicant Alice Sulak.

8. **B. O. 05-121** - Consideration of approval of M37-05-04, a Measure 37/Ordinance 749 claim, authorizing uses on the subject property allowed when the current owner acquired the property, applicants Leonhart and Irene Jensen, as remanded to the Planning Director on February 9, 2005.

9. **B. O. 05-122** - Consideration of the private sale of county Tax Lot R4412AA 01091 to Cliff Brotherton for \$2625 plus costs.

John Gray stated that all criteria have been met for the private sale of the property.

Ms. Stern opened the public comment period. There being none, she closed the public comment period and moved approval of the sale. The motion passed, Commissioners Stern, Lewis, and George voting aye.

10. **B. O. 05-123** - Consideration of approval of an intergovernmental agreement between Yamhill County, the Sheriff's Office, and Dayton School District for the assignment of a School Resource Officer to District schools, retroactive to October 1, 2004 until September 30, 2005.

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

E. **PUBLIC HEARINGS:**

1. Consideration of Planning Docket PAZ-04-03, a request for plan amendment/zone change from VLDR 2.5 to Light Industrial, applicant Duane Sharer, voluntary remand, as continued from February 16, 2005 at the point of deliberations. *[Tentatively approved; findings to be adopted March 9, 2005.]*

Mr. Sanai stated that the modified findings are acceptable to David Doyle, attorney for the applicant. Ms. Lewis asked him to get copies of the new language for the Board to review. While the group waited, Ms. Lewis discussed this morning's Town Hall meeting about voting system reforms. Mr. Sanai returned with copies of the findings, which the Board reviewed. Ms. Lewis stated that she is satisfied with the new language.

Ms. Lewis moved tentative approval of Docket PAZ-04-03, with findings to be adopted March 9, 2005.

Ms. Stern stated that she is still opposed to the application because there are many storage facilities available within the city and it would be setting a bad precedent to ignore that fact and allow expansion in rural areas. Ms. George stated that it should not be the position of the county to limit or control competition, and simply expanding an existing facility would not substantially alter the countryside. She pointed out that many times businesses have to expand to stay profitable. Ms. Lewis stated that it is easier to expand existing businesses than bring in new businesses, and approving this request would be helping the county's economic development. Ms. Stern said she doesn't think there is any threat of Mr. Sharer losing his business and home occupations cannot justify zone changes.

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

2 Consideration of Planning Docket PA-01-03, a request to remove 80+ acres from previously approved Urban Growth Boundary (UGB) amendment, applicant Chehalem Parks & Recreation District. *[Tentatively approved; findings to be adopted March 9, 2005.]*

Ms. Stern opened the public hearing. There were no abstentions or objections to jurisdiction. Mr. Sanai read the statement required for land use hearings related to the requirement that parties must raise all issues at the hearing or waive their right to raise the issues on appeal.

Staff Report - Mr. Friday stated that after the UGB amendment was adopted, the parties involved went into mediation and agreed to return 80+ acres to farmland.

Proponents - John Bridges, representing the applicant, stated that the 100 acres brought into the city's UGB will be restricted to golf course use only, and the applicant will not initiate subsequent land use applications to develop the 80+ acres for the second nine holes for at least five years. He pointed out that it will take that long to accumulate the necessary capital anyway.

Don Clements, Superintendent of Chehalem Parks & Recreation District, discussed the current farm use of the 80+ acres. Ms. George pointed out that the filbert trees on 48 acres might have to be removed in a few years anyway because filbert blight is in that area. Mr. Bridges said the applicants will look into that.

Merilyn Reeves, Friends of Yamhill County, expressed her support of the mediated settlement. She stated that agriculture is a very important economic asset and she emphasized the need to consider such assets when planning for economic development. She asked the applicant to re-evaluate the need to build golf courses or other urban parks on farmland.

Staff Recommendation - Mr. Friday recommended approval of the application.

Close of Public Hearing / Deliberations - Ms. Lewis moved tentative approval of Docket PA-01-03, with findings to be adopted on March 9, 2005.

Ms. George stated that the golf course provides a buffer between urban and rural uses, which is profitable to the farmers. She said it also maintains a beautiful vista, provides pathways for non-golfers, and brings economic development to the community.

Mr. Clements stated that although the property is tax-exempt, they have always paid taxes on it and will continue to do so until it is put into use for recreational purposes.

Ms. Stern stated that her previous concerns have been resolved. She expressed her appreciation to the parties involved for being willing to mediate and stated that the golf course will be a great asset to the county. Ms. Lewis added that this settlement is the best solution and strikes the right balance.

The motion passed, Commissioners Stern, Lewis, and George voting aye.

**F. ANNOUNCEMENTS:**

1. The following positions are open to the public. Contact the Commissioners' Office for applications.
  - a. Commission on Children and Families, three positions;
  - b. Parks Board, two positions;
  - c. Food Service Advisory Committee, six positions in various categories;
  - d. Special Transportation Commission, two positions;

- e. Dog Control Advisory Committee, one position (candidates must be directly involved with dog-related issues);
- f. Local Alcohol and Drug Planning Council, one position.

Adjourn: 10:06 a.m.

Anne Britt  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair MARY P. STERN

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Commissioner LESLIE LEWIS

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Commissioner KATHY GEORGE