

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 March 9, 2005 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Mary P. Stern, Leslie Lewis, and Kathy George being present.

Also present were John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; John Krawczyk, Director of Administrative Services; Mike Brandt, Planning Director; Ken Friday, Planning Division Manager; Susan Mundy, Roadmaster; Frank Walker, PO Box 7170, Salem; James McDermand, PO Box 257, Dallas; and David Bates, News-Register.

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. **CONSENT AGENDA:** Ms. Lewis moved approval of the consent agenda. The motion passed, Commissioners Stern, Lewis, and George voting aye. Ms. Lewis made a clarification that approval of item #10 is subject to review by County Counsel.

Personnel

1. **B. O. 05-138** - Approve the employment of Toni Tyree as Office Specialist 2 in CCF, temporary part-time, Range 7, Step 4, retroactive to March 8, 2005 until June 30, 2005.
2. **B. O. 05-139** - Approve the employment of Justin Brester, McMinnville, as Corrections Reserve in the Jail, part-time on-call, \$10/hour, effective March 9, 2005.
3. **B. O. 05-140** - Approve the change of status of Kathi Hubbard to Medical Tech in the Jail, Range 5, Step 6, and Police Clerk in Dog Control, Range 4, Step 7, effective March 9, 2005.
4. **B. O. 05-141** - Approve the change of status of Bonnie Sliper to Paralegal in the Support Enforcement Division, Range 17, Step 5, effective March 9, 2005.
5. **B. O. 05-142** - Approve the change of status of Cynthia Davin to Administrative Office Specialist in the Support Enforcement Division, Range 14, Step 1, effective March 9, 2005.
6. **B. O. 05-143** - Approve a shift schedule change for the Road and Fleet Division to the 4-day 10-hour schedule, effective March 21, 2005.

Contracts

7. **B. O. 05-144** - Approve a contract between CCF and Chehalem Park and Recreation District to designate the Dundee Community Center as the Community Progress Team for the Dundee area, \$7660, retroactive to November 1, 2004 until June 30, 2005.

8. Approve the following contract amendments between HHS and Marion County Health Department to add HIPAA Security Rule language, effective March 9, 2005:
 - a. **B. O. 05-145** - Amendment #1 to B.O. 03-661, MCHD #879, HIPAA contract;
 - b. **B. O. 05-146** - Amendment #1 to B.O. 04-209, MCHD #614, screening services;
 - c. **B. O. 05-147** - Amendment #1 to B.O. 04-245, MCHD #675 & #444, after-hours services.

9. **B. O. 05-148** - Approve Amendment #37 to Contract #36-001 between HHS and Oregon Department of Human Services to provide funding for Mid-Valley Behavioral Care Network's EAST project.

10. **B. O. 05-149** - Approve a contract employee agreement between Adult Mental Health and J. Ben Newman, R.N. for psychiatric mental health nurse practitioner services, \$80/hour, subject to review by County Counsel.

11. **B. O. 05-150** - Approve a purchase and sale agreement between Yamhill County and Steve and Diane Rice for property near the closed Whiteson Landfill, \$357,000.

Road Vacation

12. **B. O. 05-151** - Approve Public Works Docket RV-1-2005, vacation of a portion of an unnamed public road adjoining the Hobsons Fruitland Subdivision, no public hearing necessary under ORS 368.351.

Vehicles

13. **B. O. 05-152** - Authorize the purchase of a 2005 Ford Taurus for HHS from Chuck Colvin Ford, \$13,805.

14. **B. O. 05-153** - Authorize the purchase of a 2004 Chevrolet Cavalier from Jim Doran Chevrolet, \$8523, declaring Motor Pool vehicle P-055 as surplus county property to be sold on e-Bay to the highest bidder.

15. **B. O. 05-154** - Authorize the purchase of a 2005 Ford Taurus for the Sheriff's Office from Chuck Colvin Ford, \$13,805, declaring Motor Pool vehicle P-073 as surplus county property to be sold on e-Bay to the highest bidder.

Measure 37

16. **B. O. 05-155** - Remand M37-09-04, a Measure 37/Ordinance 749 claim, to the Planning Director for further consideration, applicants James and Susan Stiverson.

C. **OLD BUSINESS:**

1. **B. O. 05-156** - Consideration of adoption of findings in support of Planning Docket PAZ-04-03, a request for plan amendment/zone change from VLDR 2.5 to Light Industrial, applicants Duane and Diane Sharer, as tentatively approved February 23, 2005. *[Ordinance 764 approved]*

Rick Sanai provided the first and second readings of Ordinance 764 by title only, declaring an emergency. Ms. Lewis moved approval of the ordinance. The motion passed, Commissioners Stern, Lewis, and George voting aye. Ms. Stern noted that the findings reflect her original vote against the application.

2. **B. O. 05-157** - Consideration of adoption of findings in support of Planning Docket PA-01-03, a request to remove 80+ acres from previously approved UBG amendment, applicant Chehalem Park & Recreation District, as tentatively approved February 23, 2005. *[Ordinance 765 approved]*

Rick Sanai provided the first and second readings of Ordinance 765 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):

Measure 37 Claims

1. **B. O. 05-158** - Consideration of approval of M37-11-04, a Measure 37/Ordinance 749 claim, authorizing uses on the subject property allowed when the current owner acquired the property, applicants Katharine Magar and Michael Kimbrell. *[Approved]*

Ms. Stern moved approval of M37-11-04. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. **B. O. 05-159** - Consideration of approval of M37-02-05, a Measure 37/Ordinance 749 claim, authorizing uses on the subject property allowed when the current owner acquired the property, applicant Dennis Brutke. *[Approved]*

Ms. George moved approval of M37-02-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. **B. O. 05-160** - Consideration of approval of M37-05-05, a Measure 37/Ordinance 749 claim, authorizing uses on the subject property allowed when the current owner acquired the property, applicants Donald and Richard Leffler. *[Approved]*

Ms. George moved approval of M37-05-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

4. **B. O. 05-161** - Consideration of approval of M37-06-05, a Measure 37/Ordinance 749 claim, authorizing uses on the subject property allowed when the current owner acquired the property, applicant Clara Kindel. *[Approved]*

Ms. Lewis moved approval of M37-06-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Ordinances

5. **B. O. 05-162** - Consideration of adoption of Citation Ordinance 755. *[Approved]*

Rick Sanai provided the first and second readings of Ordinance 755 by title only, declaring an emergency. Ms. Lewis moved approval of the ordinance. The motion passed, Commissioners Stern, Lewis, and George voting aye.

6. **B. O. 05-163** - Consideration of adoption of Public Works General Provisions Ordinance 763. *[Approved]*

Rick Sanai provided the first and second readings of Ordinance 763 by title only, declaring an emergency. Ms. Lewis moved approval of the ordinance. The motion passed, Commissioners Stern, Lewis, and George voting aye. Ms. Lewis thanked Susan Mundy, Arnye Gentry, and Bill Gille for their assistance to Mr. Sanai with this ordinance and portions of Ordinance 755, which will help the county do a better job of maintaining its roads.

Contract

7. **B. O. 05-164** - Consideration of approval of Amendment #1 to an agreement between Yamhill County and ODOT for the Newberg-Dundee Transportation Improvement Project, authorizing an additional \$40,000 for appeals defense costs, subject to review by County Counsel. *[Approved]*

John Gray noted that he had just discovered a typo in the amendment, so he will work with Alan Fox of ODOT to get it fixed. Ms. Lewis moved approval of the amendment, subject to review by County Counsel. The motion passed, Commissioners Stern, Lewis, and George voting aye.

E. PUBLIC HEARINGS:

1. Consideration of Planning Docket FT-14-04, appeal of approval for forest template dwelling, applicant James McDermant, appellants Christine and Tim Brown. *[Tentatively approved; findings to be adopted March 23, 2005.]*

Ms. Stern opened the public hearing. There were no abstentions or objections to jurisdiction. Ms. Stern noted that the Board had made a site visit with Ken Friday.

Rick 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 described the subject property, surrounding zoning, and the applicant's request for a forest template dwelling.

Proponents - Frank Walker, representing Mr. McDermant, reviewed the five arguments submitted by the appellants and explained why they lack merit. He submitted copies of the deed for the record which show that the lot was lawfully created. He stated that even though proof of ground

water is not required, the applicant had provided evidence that the likelihood of finding water on the site is good, as well as evidence of potential sites for both a well and septic system. He said the appellants apparently didn't even read what was submitted in the record. He asked the Board to affirm the staff's decision for approval.

Mr. McDermid stated that he had gone to the appellants before purchasing the property and offered to work with them to get them some more land around their house, which they had declined, but then they changed their minds after he purchased the property. He said he is just doing legally what he can to build on his property and has no hard feelings towards the appellants.

Opponents - None.

Public Agency Reports - None.

Staff Recommendation - Mr. Friday recommended approval of the application with the nine conditions listed in the original staff report.

Close of Public Hearing / Deliberations - Ms. Lewis stated that the applicant has provided documentation which clearly shows that he has met the necessary standards for a forest template dwelling. She agreed that applicants are not required to demonstrate that they already have a well prior to land use approval, and it looks like suitable water will be available. She stated that the questions raised by the appellants would have been answered if they had read the record.

Ms. George stated that the application was carefully researched. Ms. Stern stated that the applicants have met the requirements and have adequately addressed the issues raised by the appellants.

Ms. Lewis moved tentative approval of Planning Docket FT-14-04 with findings to be adopted March 23, 2005. 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;
- g. Fair Board, two positions as of April 22, 2005, applications accepted until March 25, 2005.

2. Byrne Grant Application available for review. Interested persons are invited to review an

application by Yamhill County and the City of Newberg for an Edward Byrne Memorial Justice Assistance Grant Program grant for a total of \$14,971, with the city seeking \$7,485.50 and the county seeking \$7,485.50. If the grant is awarded, the two jurisdictions will purchase law enforcement equipment consisting of ballistic vests and Taser X26 Electronic Stun Devices with accessories. The application can be reviewed during regular business hours in the Board of Commissioners office in Room 106 of the Yamhill County Courthouse, 535 NE Fifth Street, McMinnville, OR 97128. Questions can be addressed to Lt. Ken Summers, Yamhill County Sheriff's Office, (503) 434-7506.

Adjourn: 9:38 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY P. STERN

Commissioner LESLIE LEWIS

Commissioner KATHY GEORGE