

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 May 11, 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; Mike Brandt, Planning Director; Murray Paolo, Information Services Director; 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. Unless extended or restricted by the Chair or majority of the Board, public comment will be limited to three minutes per person.

Merilyn Reeves, Friends of Yamhill County, requested permission to speak for five or six minutes due to the number of Measure 37 claims on the agenda. Ms. Stern granted her request. Ms. Reeves stated that Friends of Yamhill County has prepared a spreadsheet of the county’s Measure 37 claims so far in an effort to get a snapshot of what’s happening, and 9903 acres of county land have been impacted as of May 5, 2005.

She presented Friends of Yamhill County’s concerns about each of the claims on the agenda, stating that warranty deeds are a far better indicator of ownership than land sales contracts. She pointed out a discrepancy in Sections 5 and 8 of the staff report for M37-34-05 regarding the zoning of the property and added that even if this claim were approved, it would be highly unlikely that the applicant would be able to qualify for the requested dwelling.

Mike Brandt acknowledged the error in the report and stated that the correct zoning is AF-20. He explained that a clear effort was made to inform the applicants in this case that a Measure 37 claim approval would probably not do them much good, and a statement to that effect was included in the staff report, but after consulting with legal counsel and the Board, it was determined that the best action was to go ahead and grant approval.

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

Personnel

1. **B. O. 05-311** - Approve the employment of Karen Brooks, McMinnville, as Human Services Tech in the HHS Abacus program, regular part-time, Range 11, Step 3, effective May 11, 2005.

2. **B. O. 05-312** - Approve the change of status of Carmen Garcia and Betty Foufos to regular part-time in Adult Mental Health, retroactive to May 9, 2005.
3. **B. O. 05-313** - Approve the change of work shift for John Toledo, Public Works, to 10-hour days, Tuesday through Friday, effective May 11, 2005.
4. **B. O. 05-314** - Approve the reclassification of Karen Rogers from Medical Technician to Administrative Office Specialist in the Jail, effective May 24, 2005.

Contracts

5. Ratify the approval of the following amendments to the 2003-05 Financial Assistance Contract #36-001 between HHS and Oregon Department of Human Services:
  - a. **B. O. 05-315** - Amendment #38, retroactive to April 13, 2005;
  - b. **B. O. 05-316** - Amendment #39, retroactive to April 27, 2005;
  - c. **B. O. 05-317** - Amendment #40, retroactive to April 27, 2005;
  - d. **B. O. 05-318** - Amendment #41, retroactive to April 27, 2005;
  - e. **B. O. 05-319** - Amendment #43, retroactive to April 27, 2005.
6. **B. O. 05-320** - Approve Amendment #8 to the 2003-05 LPHA Financial Assistance Contract #109355 between Public Health and Oregon Department of Human Services.
7. **B. O. 05-321** - Approve a performance bond and performance agreement between Public Works and Wildcat Investment Properties LLC for road improvements in the Gerhard Addition, \$42,110, effective May 11, 2005.
8. **B. O. 05-322** - Approve an intergovernmental lease amendment between the Juvenile Department and Oregon Youth Authority for office rent, \$563/month July 1, 2005 through June 30, 2006 and \$584/month July 1, 2006 through June 30, 2007.
9. **B. O. 05-323** - Approve a grant agreement between the Juvenile Department and Oregon Youth Conservation Corps for a summer work program, \$10,000, effective May 11, 2005.
10. **B. O. 05-324** - Accept the low quote from Sheets Construction for a canopy next to the Work Release/Restitution Center and authorize Richard Sly and Lt. Ron Huber to execute an agreement for the project, \$22,048, subject to approval by County Counsel.

Easement

11. **B. O. 05-325** - Accept a temporary construction easement from F.J. Collier and E.J. Collier for the Meadowlake Road Bridge project, \$1322.

Measure 37

12. **B. O. 05-326** - Set a public hearing date of June 22, 2005 for consideration of M37-26-05, a Measure 37 claim authorizing applicants Ralph and Norma Johnson to subdivide 49.4 acres into one-acre lots and establish dwellings thereon.

C. **OLD BUSINESS:** None.

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

Surplus Property

1. **B. O. 05-327** - Consideration of approval of declaring a list of computer equipment as surplus county property and authorizing a \$200 change fund for a surplus sale to be held by Information Systems on May 23, 2005. *[Approved.]*

Ms. Lewis moved to declare the list of equipment (see attachment) as surplus county property and establish the change fund. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Measure 37

2. **B. O. 05-328** - Consideration of approval of M37-27-05, a Measure 37 claim authorizing Olan and Carol Alexander to make application to subdivide 20 acres into four lots and establish dwellings thereon.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the claim. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Ms. Lewis stated that a lot of rural property is bought and sold on land sales contracts, which clearly establish ownership. She added that public health and safety requirements are not waived under Measure 37 and will have to be addressed through the Planning Department permit process.

3. **B. O. 05-329** - Consideration of approval of M37-28-05, a Measure 37 claim authorizing Edith Rooney to make application to establish a dwelling on a two-acre property.

Mr. Gray read the operative part of the order. Ms. George moved approval of the claim. The motion passed, Commissioners Stern, Lewis, and George voting aye. Ms. Lewis expressed her concern that the warranty deed was not recorded until a date much later than when ownership was clearly established.

4. **B. O. 05-330** - Consideration of approval of M37-29-05, a Measure 37 claim authorizing Frank and Jane Beals to make application to partition off the existing dwelling with 2.3 acres as a retirement residence.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the claim. The motion passed, Commissioners Stern, Lewis, and George voting aye.

5. **B. O. 05-331** - Consideration of approval of M37-30-05, a Measure 37 claim authorizing Pamela Olberding to make application to subdivide 19 acres into 1.5-acre lots and establish dwellings thereon.

Mr. Gray read the operative part of the order. Ms. George moved approval of the claim. The motion passed, Commissioners Stern, Lewis, and George voting aye.

6. **B. O. 05-332** - Consideration of approval of M37-31-05, a Measure 37 claim authorizing Donald and Marcella Gunnell to make application to subdivide 11.5 acres into four to six lots and

establish dwellings on each vacant parcel.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the claim. The motion passed, Commissioners Stern, Lewis, and George voting aye.

7. **B. O. 05-333** - Consideration of approval of M37-32-05, a Measure 37 claim authorizing Lillian Brown to make application to partition approximately 61 acres into three lots and establish two additional dwellings on the new lots.

Mr. Gray read the operative part of the order. Ms. George moved approval of the claim. The motion passed, Commissioners Stern, Lewis, and George voting aye.

8. **B. O. 05-334** - Consideration of approval of M37-33-05, a Measure 37 claim authorizing Gene and Penny Piper to make application to subdivide approximately 41 acres into five lots and establish dwellings on four of those lots.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the claim. The motion passed, Commissioners Stern, Lewis, and George voting aye.

9. **B. O. 05-335** - Consideration of approval of M37-34-05, a Measure 37 claim authorizing Jose and Caron da Silva to make application to establish one dwelling on a 4.46-acre property.

Mr. Gray read the operative part of the order and noted that the property zoning stated in the staff report should be corrected to AF-20. Ms. George moved approval of the claim. The motion passed, Commissioners Stern, Lewis, and George voting aye. Ms. Lewis stated that the applicants need to be prepared for the likelihood of the claim being appealed to the Land Use Board of Appeals by Friends of Yamhill County.

#### Letter

10. Consideration of signing a letter in support of House Bill 3415 regarding unused bridge bonding money. [*Consensus of approval, no formal action taken.*]

Ms. Lewis explained that the bill would direct ODOT to use any leftover funds 75% for projects of statewide significance and 25% for unfunded freight projects on the Oregon Transportation Improvement Act list. The Board agreed to have Ms. Lewis draft the letter.

#### **E. PUBLIC HEARINGS:**

1. **B. O. 05-336** - Consideration of the private sale of surplus county tax lot R3404CA 00990 to Ellen McMurray and Patricia Schultz for \$3228 plus costs. [*Approved.*]

Mr. Gray reviewed the requirements for private sale of surplus property and stated that those requirements have been met in this case. There was no public comment regarding the proposed sale.

Ms. George moved approval of the sale. 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, two positions;
- b. Food Service Advisory Committee, six positions in various categories;
- c. Special Transportation Commission, two positions;
- d. Dog Control Advisory Committee, one position (candidates must be directly involved with dog-related issues);
- e. Local Alcohol and Drug Planning Council, one position.
- f. Planning Commission, three positions.

Adjourn: 9:52 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