

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 at 9:00 a.m. on August 24, 2005, 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; John Krawczyk, Director of Administrative Services; Rick Sanai, Assistant County Counsel; Mike Brandt, Planning Director; Cassie Sollars, 520 NW 18th Place, McMinnville; D. J. Martsof, 1905 SW Old Sheridan Road, 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. None offered.

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

Minutes

1. Approve formal session minutes as follow:
 - a. **B.O. 05-707** - May 11, 2005
 - b. **B. O. 05-708** - May 25, 2005
 - c. **B. O. 05-709** - June 1, 2005
 - d. **B. O. 05-710** - June 8, 2005
 - e. **B. O. 05-711** - June 15, 2005
 - f. **B. O. 05-712** - June 29, 2005
 - g. **B. O. 05-713** - June 30, 2005
 - h. **B. O. 05-714** - July 13, 2005.

Personnel

2. **B. O. 05-715** - Approve employment of Matthew Twitchell as Corrections Officer - Reserve, \$10/hour, Sheriff’s Office, effective August 24, 2005.
3. **B. O. 05-716** - Approve employment of Hollis Gunter as Environmental Health Specialist III, Planning Department, \$35/hour, temporary part-time through November 11, 2005.

4. **B. O. 05-717** - Approve a change in work status for Commission on Children and Families employees, to reduce work hours voluntarily, as follows: Allison Musillami to .9 FTE through the remainder of the fiscal year; Caren Anderson to .8 FTE, effective August 24, 2005 through January 31, 2006.

Transfer of Appropriation Authority & Funds

5. **B. O. 05-718** - Approve transfer of appropriation authority and funds as follows:

From: 10-92-301.01	Contingency	\$11,755
To: 10-39-543.1-49A	Central Supplies	3,345
10-39-543.1-49A	Dept Equipment	400
10-39-611.02-49A	Contract Services	5,538
10-39-620.01-49A	Telephone	2,472

Contracts

6. Approve contracts between the Commission on Children & Families and the following providers:
- a. **B. O. 05-719** - Dayton CODE 1, \$7,064, effective July 1, through September 8, 2005;
 - b. **B. O. 05-720** - Rainbow Family Services, Safety Net Program, \$12,000, July 1, 2005 through June 30, 2006;
 - c. **B. O. 05-721** - Juliette's House, Safe Kids Program, \$9,455, July 1, 2005 through June 30, 2006.

7. **B. O. 05-722** - Contract between Yamhill County and Northwest Title Company, for title examination services, \$175 per title examination, to be completed by November 30, 2005.

Public Works

8. **B. O. 05-723** - Approve Performance Agreement between Public Works and MCM Development, LLC, for certain improvements with the right-of-way of Old Sheridan Road.
9. **B. O. 05-724** - Approve a three-year temporary easement between Public Works and Ann Marie Smith, James D. Hilton, and Patricia J. Burns, \$6,104.

Veterans' Office

10. **B. O. 05-725** - Approve application to receive Oregon Department of Veterans Affairs funds for fiscal 2005-2006.

C. OLD BUSINESS:

Fines

1. **B. O. 05-726** - Consideration of establishing a fine of \$60 for boat launch fee violations at Rogers Landing, as continued from August 18, 2005.

John Gray stated that the Board recently adopted a board order which established launch fees

at the Rogers Landing Park boat ramp, and which also authorized the Board to adopt, at a later date, a penalty for failure to purchase a launch permit. He said that based on considerable discussion at previous meetings, it appears two members of the Board support a \$60 penalty. He said the state court administrator has agreed to work with the county and dismiss the \$60 fine if persons cited obtain an annual pass at a cost of \$30. He said that if the full \$60 citation is paid, \$51 will be retained by the courts and \$9 will be returned to the county.

Commissioner George moved to approve a fine of \$60 with the condition of dismissal as explained by Mr. Gray above. Ms. Stern said she does not believe that \$9 for the county is sufficient to cover the deputies' time and effort and that the Board is missing an opportunity to increase revenue for the sheriff's office.

The motion to approve a \$60 penalty for failure to purchase a launch permit carried, Commissioners Lewis and George voting aye, Commissioner Stern voting no.

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

1. **B. O. 05-727** - Consideration of authorizing Public Works to purchase a 1999 Ford Crown Victoria for the Sheriff's Office at a cost of \$1,750; declare Sheriff's vehicle P-206, 1992 Chevrolet Caprice, as surplus property to be offered for sale on e-bay to the highest bidder.

Commissioner Lewis moved approval of the purchase of the 1999 Ford Crown Victoria and declaration of vehicle P-206 as surplus property to be sold on e-bay, as recommended by the Public Works Shop Division Manager. The motion carried, Commissioners Stern, Lewis, and George voting aye.

2. **B. O. 05-728** - Consideration of appointment of the following persons to the Food Service Advisory Committee, as recommended by the Public Health Manager:

Institutional Food Service:	Janet Bennett, Newberg Care Center
Bed & Breakfast operator:	Carol B. Williams, Avellan Inn
General Public:	Betsy Oakes
Restaurant (mobile food)	Gerry Hunter, Third St Pizza/Weenie Wagon
Restaurant:	Rolly Heuser, Coyote Joe's
Restaurant:	Jaewon Chon, Jae's Landing
Restaurant:	Denny Lawrence, Bon Appetit/ George Fox University food service.

Commissioner George moved approval of the appointments as listed above. The motion carried, Commissioners Stern, Lewis, and George voting aye.

3. Consideration of M37-62-05, a Measure 37 claim authorizing Kathryn McCallie, Bette Sunderman, and Barbara Thompson to make application to establish a dwelling on a 41.6-acre property, as continued from August 17, 2005. *[Continued to August 31, 2005.]*

Mr. Gray requested another week in which to confirm information about ownership of the parcel.

Commissioner Lewis moved to continue consideration of M37-62-05 to August 31, 2005. The motion carried, Commissioners Stern, Lewis, and George voting aye.

4. Consideration of a request for use of Rogers Landing Park for dismantling of a privately-owned boathouse, as continued from August 17, 2005. ***Continued to August 31, 2005***

Mr. Gray stated this matter is still awaiting submittal of paperwork by the applicant.

Commissioner George moved to continue consideration of this matter to August 31, 2005. The motion carried, Commissioners Stern, Lewis, and George voting aye.

5. See under Public Hearing #2 below.

E. PUBLIC HEARINGS:

1. Consideration of an application to remove a structure from the county's historic landmarks inventory, applicant Patricia Maze, Wilsonville/Springbrook Roads, Newberg. ***[Tentatively approved; ordinance and findings to be considered August 31, 2005.]***

Commissioner Stern opened the public hearing. There were no abstentions or objections to jurisdiction.

Ms. Lewis stated that she participated in consideration of this request at the Newberg Urban Area Management Commission (NUAMC) meeting on July 27. She stated the NUAMC voted unanimously to recommend to the Newberg City Council and board of commissioners that the application be approved.

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 - Mike Brandt stated that Ordinance 598 provides that it is an owner's right to have property removed from the county's historic landmarks inventory if the property is not listed on the National Historic Register. He stated that he attempted to streamline the process with the City for the benefit of the applicant; however, the City of Newberg required the property owner to pay a \$1400 application fee. He said this is a very unfortunate situation for the applicant because the property is clearly within the UGB and therefore not within the city's boundaries or under its jurisdiction.

Mr. Brandt stated that, historically, the county's position has been that the county has jurisdiction over matters such as land use and building fees, etc. because property owners who live in the UGB neither pay taxes to the city nor are able to vote on city issues.

Mr. Brandt stated this application is very clear-cut: removal from the historic landmarks inventory is the property owner's right under both state law and county ordinance.

Proponents - none present.

Opponents - none present.

Staff Recommendation - Mr. Brandt recommended approval.

Close of Public Hearing / Deliberation - Ms. Stern stated that the Board must make it very clear that land use matters for properties within the UGB are not under the cities' jurisdiction. She stated that the applicant should not have been required to pay an application fee to the City. There was consensus to prepare a letter to the Newberg City Council regarding this matter. Ms. Lewis stated that she will also present the Board's view at the next city council meeting.

Following additional discussion, Commissioner Lewis moved to tentatively approve Planning Docket LC-01-05 with conditions outlined in the staff report, as modified regarding placement of a historic plaque on the property, and to include recognition that the pre-demolition 120-day waiting period is effective from the date of NUAMC's recommendation made July 27, 2005.

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

2. Consideration of M37-45-05, a Measure 37 claim to subdivided 31.6 acres into 1-acre lots and establish dwellings; applicants Donald & Glenda Martsof. ***[Tentatively approved; board order and findings to be considered August 31, 2005.]***

Commissioner Stern opened the public hearing.

Staff Report - Mr. Brandt reviewed the history of the application, stating that the applicants purchased the property in 1974. He stated that although the property has not yet been formally acknowledged by DLCD as being included the McMinnville UGB, both the county and city planning departments consider it to be.

Public Comment - None offered.

Summation by Proponent - None offered.

Close of Public Hearing / Deliberation - Commissioner Lewis stated that the claim hinges on the ownership date and staff has provided adequate information to show that the Martsofs purchased the property in 1974 and, under the Land Division Ordinance in effect at that time, they would have been allowed to develop one acre lots on the parcel.

Commissioner Lewis moved tentative approval of granting the request to remove, modify, waive, or not apply the current land use regulations for the applicants' property, with findings in support of approval to be considered August 31, 2005. The motion carried, Commissioners Stern,

Lewis, and George voting aye.

F. ANNOUNCEMENTS:

1. The following volunteer positions are open to the public. Contact the Commissioners' Office for applications.

- a. Commission on Children and Families, two positions;
- b. Special Transportation Commission, two positions;
- c. Dog Control Advisory Committee, one position (candidates must be directly involved with dog-related issues);
- d. Local Alcohol and Drug Planning Council, one position;
- e. Ambulance Service Area Advisory Committee, one position for an emergency room physician;
- f. Parks Board, two positions;
- g. Budget Committee, one position, application deadline August 31, 2005.

The meeting adjourned at 9:47 a.m.

YAMHILL COUNTY BOARD OF COMMISSIONERS

Carol Ann White
Secretary

Chair MARY P. STERN

Commissioner LESLIE LEWIS

Commissioner KATHY GEORGE