

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 December 7, 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 was John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; John Krawczyk, Administrative Services Director; Bill Gille, Public Works Director; Mike Brandt, Planning Director; Ken Friday, Planning Division Manager; John Trudel, 4303 NE Birdhaven Loop, Newberg; Dick Petrone, 4361 NE Crestview Drive, Newberg; Howard Leichter, 14420 NW Pleasant Hill Road; Larry Doty, 1707 NW Doty Lane, McMinnville; Jeff Coffman, 270 N. Hwy 99W, Dundee; Geoffrey Judd, 800 NW 6th Street, Suite 706, Portland; Mike Soderquist, PO Box 282, Newberg; Mimi Doukas, 5415 SW Westgate, Portland; and Jessica Cain, PO Box 1046, Newberg.

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.

Ms. Lewis stated that today is the 64th anniversary of the attack on Pearl Harbor, which officially got the United States into World War II. She expressed her appreciation to all veterans who have served their country. Ms. Stern called for a moment of silence to honor all veterans.

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. 05-978** - Approve the employment of Doug Bain, Hubbard, as Extra Help in the Planning Department, temporary part-time, \$15/hour, retroactive to December 5, 2005 through March 15, 2006.
2. **B. O. 05-979** - Approve the employment of Margaret Amsden, David Bowen, and Isaac Gallegos as on-call relief in the Juvenile Department, \$7.50/hour, effective December 7, 2005.
3. **B. O. 05-980** - Approve the change of status of Katie Jones to on-call relief in the Juvenile Department, Range 12, Step 1, \$12.87/hour, effective January 7, 2006.
4. **B. O. 05-981** - Approve the change of status of Matthew Twitchell to Deputy Sheriff in the Sheriff's Office, Range 12, Step 1, effective December 9, 2005.
5. Approve two contract employee agreements between the Planning Department and the following

providers for plumbing inspection services, \$35/hour, retroactive to December 1, 2005:

- a. **B. O. 05-982** - Gary Biggs;
- b. **B. O. 05-983** - Wilmer Andrist.

Contracts

- 6. **B. O. 05-984** - Approve the modification of an agreement between the Commission on Children and Families and Yamhelas Community Resource Center for funding to support direct service programs.
- 7. **B. O. 05-985** - Approve a memorandum of understanding between the Juvenile Department and the Office of Indian Education Programs on behalf of the Chemawa Indian School for housing of juvenile offenders, \$169/bed/day effective December 7, 2005 through June 30, 2006, \$174/bed/day effective July 1, 2006.
- 8. **B. O. 05-986** - Approve Amendment #10 to the 2005-07 Financing Agreement #113020 between HHS and Oregon Department of Human Services, including Service Element Prior Authorization 50622.
- 9. **B. O. 05-987** - Ratify approval of Amendment #6 to the 2005-07 Financing Agreement #113020 between HHS and Oregon Department of Human Services, retroactive to November 4, 2005.

Surplus

- 10. **B. O. 05-988** - Declare a list of 450 MHZ tower equipment as surplus property to be sold on eBay to the highest bidder.

Budget Transfer

- 11. **B. O. 05-989** - Approve a transfer of appropriation authority and funds for the Healthy Start program:

From	010-092-950.01	Contingency	\$8000
To	010-090-900.07	Transfer to Mental Health	\$8000

Refund

- 12. **B. O. 05-990** - Authorize a refund of \$73.28 from Public Health to Stephanie Armstrong.

Road Vacation

- 13. **B. O. 05-991** - Approve Public Works Docket RV-8-2005, vacation of a public road in the Hobsons Fruitland Rearrangement, no hearing necessary under ORS 368.351.

Vehicle

- 14. **B. O. 05-992** - Authorize the purchase of a 2002 Ford Taurus for HHS from Newberg Ford, \$10,336.

Bids

- 15. **B. O. 05-993** - Reject bids opened November 3, 2005 for the Stern Building dumbwaiter project.
- C. **OLD BUSINESS:** None.
- D. **OTHER BUSINESS** (Add-ons and non-consent items):
- 1. **B. O. 05-994** - Consideration of adoption of Ordinance 776, general provisions for use, construction,

and installations in Yamhill County public road rights of way. *[Approved]*

Rick Sanai provided the first and second readings of Ordinance 776 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. 05-995** - Consideration of approval of the annual program income report for a Community Development Block Grant to the Housing Authority for the Housing Rehabilitation Program. *[Approved]*

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

3. **B. O. 05-996** - Consideration of delegating authority to the Public Works Director to approve performance bond agreements for improvements to roads under county jurisdiction or subject to county road permits, subject to approval by County Counsel. *[Approved]*

John Gray explained that delegating this authority to the Public Works Director will speed up the approval process to assist developers in complying with the county ordinance. Ms. Lewis agreed, stating that the Board relies on Bill Gille's input and experience anyway.

Ms. Lewis moved to delegate authority to the Public Works Director as described above. The motion passed, Commissioners Stern, Lewis, and George voting aye.

E. **PUBLIC HEARINGS:**

1. Receipt of public comment regarding the proposed transfer of jurisdiction to the City of Newberg over various roads. *[Continued to January 25, 2006.]*

John Gray reviewed the procedure for transferring jurisdiction of county roads and stated that this transfer was initiated at the request of the City of Newberg. He explained that once jurisdiction is formally accepted by the city, the county would no longer be responsible for maintenance of those roads. He noted that the Board had received a letter from Oxberg Lakes Homeowners Association, which is part of the record.

Ms. Stern opened the public hearing.

Public Comment - Dick Petrone stated that he has been working with the city regarding a planning resolution to initiate a roundabout, but he is still waiting to hear from them about the issues of allowing public comment on the draft design and utilizing storm water management practices. He expressed concern about how this transfer might affect Crestview Drive and requested that the Board withhold approval until some assurances have been given by the city regarding the northern arterial.

John Trudel agreed with Mr. Petrone's comments and added that a transfer would be premature because the northern arterial routing is still under definition. He stated that a five-party team had been formed to select an engineering consultant based on a process and criteria recommended by an engineering subcommittee, which would be healthy for the city, county, and community. He said that he was shocked to receive a standard RFP document yesterday from the city, which would put the city in control of selecting the contractor. He encouraged the Board to support the concept of a team selection process. Bill Gille

agreed to provide the Board with a copy of the RFP document.

Mike Soderquist, retired Community Development Director for the City of Newberg, stated that the city would like jurisdiction over these roads so that they can be improved to city standards rather than to county standards. He stated that the issues raised by Mr. Petrone deal with the routing of the connector to the east of Springbrook Road, which will be addressed later with a different set of improvements. He said that if the Board is willing to approve the transfer except for the Crestview Drive portion, the city could maintain the right turn from Springbrook Road onto Crestview Drive.

Mr. Petrone and Mr. Trudel urged the Board to postpone a decision on the transfer in order to keep all options open for the engineering study.

Mimi Doukas stated that she represents the Austin family, whose property abuts most of the existing right of way along the roads being considered today. She expressed concern that delaying the transfer of jurisdiction would put at risk funding from Oregon Department of Transportation (ODOT) for consolidation of the railroad crossing. She urged the Board to approve the transfer of at least enough of Crestview Drive to complete the roundabout.

Close of Public Hearing / Deliberation - Mr. Gille stated that the required notices for this hearing were posted and he has not received any testimony or written documentation for or against the transfer of jurisdiction. He said that he has been involved in the committee working on the RFP for a consultant to develop alternatives, which is being processed as quickly as possible.

Ms. Lewis noted that the decision regarding the roundabout and connection to Highway 99W, which was not included in the city's Transportation System Plan, is the focus of the five-party team. She stated that the Board should postpone a decision on the transfer of jurisdiction because it might foreclose alternative options for the arterial route. She said that the Board would be happy to work with ODOT to make sure the grant opportunity is not lost.

Ms. George and Ms. Stern agreed with Ms. Lewis. Ms. Stern suggested that the five-party team discuss the issue and come back to the Board with a recommendation so that the transfer of jurisdiction can be completed for some streets.

Ms. Lewis moved to continue the item to January 25, 2006. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. Consideration of Planning Docket PAZ-03-05, a request for zone change of approximately 30 acres from EF-80 to AF-10, applicants Wade and Patricia Miller. *[Continued to January 25, 2006 at the point of Staff Report.]*

Ken Friday stated that he had received a request to continue the hearing to January 25, 2006 to allow the applicant time to address issues raised at the Planning Commission meeting. He said it would be appropriate to accept testimony from anyone wishing to do so today.

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

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. Mr. Friday reviewed the criteria for approval and stated that he would present the staff report on January 25, 2006.

Larry Doty stated that the property north of the subject property was allowed to be rezoned and subdivided because it is not farmable, which is not the case with the subject property. He disagreed with the traffic study, which labeled the impacts of the proposed zone change as “minimal”, and stated that impacts on traffic, especially on the downhill slope to the interchange, would be significant. He stated that the value of farmable land outweighs that of the proposed buildings and natural buffer zone and added that the scarcity of lots with ten or more acres is not a legitimate reason to take away farmable land.

Ms. Lewis moved to continue Planning Docket PAZ-03-05 to January 25, 2006 at the point of staff report. The motion carried, Commissioners Stern, Lewis, and George voting aye.

3. Consideration of Planning Docket PAZ-05-04, a request for zone change from Low Density Residential to Neighborhood Commercial to allow a motorcycle repair shop in conjunction with the existing motorcycle parts store, applicants Jeff and Tammy Coffman. *[Tentatively approved; findings to be adopted December 21, 2005.]*

Ms. Stern opened the public hearing. There were no abstentions or objections to jurisdiction. There were no requests to hear the required land use statement read again.

Staff Report - Mr. Friday described the subject property and zoning and reviewed the request for zone change and the relevant criteria. He discussed previous land use actions for this property.

Proponents - Jessica Cain, representing the applicants, stated that the current zoning of the property would allow for five more potential residences, while the requested zone change would limit development to one residence and a commercial building. She pointed out that the surrounding area is already urbanized and is irrevocably committed to commercial uses, and adding a service element to the motorcycle parts shop would actually decrease the number of trips. She noted that although it is not necessary to address market demand, Mr. Coffman would do so if requested by the Board. She requested that if a limited use overlay is required, it be limited to those uses that would increase traffic.

Geoffrey Judd, Transportation Engineer, discussed traffic issues along this area of Highway 99W and concluded that the trip-generating impact of the proposed use would be less than or equal to the current impact. Ms. Lewis stated that the county always uses limited use overlay zones in these types of land use applications to limit the use to the type requested by the applicant. Ms. Cain stated that the applicants are looking for certainty that the proposed use will be allowed, rather than a conditional use permit that has to be reviewed.

Questions of Proponents - Ms. Cain explained that the City of Dundee is opposed to the application because they feel additional suitable lots are available. Mr. Friday and Mr. Sanai explained the effects of the non-remonstrance agreement requested by the city. Ms. Cain stated that the applicant would probably not be willing to enter into such an agreement at this time.

Mr. Coffman stated that the three neighbors opposed to the application are those located farthest from his property and they didn't have enough information. He added that most of his work is done indoors and he has heard no complaints in over twenty years.

Public Agency Reports - Mr. Friday stated that there are no additional reports beyond what is already in the record. Ms. Cain stated that the concerns expressed by ODOT were directed toward the Owens application and traffic mitigation shouldn't be an issue in this case.

Staff Recommendation - Mr. Friday recommended approval of the application with a limited use overlay zone to allow motorcycle parts and service, with the non-remonstrance agreement for annexation included. Ms. Lewis questioned the purpose of requiring a non-remonstrance agreement between the applicant and the City of Dundee when it is the stated objective of both parties that the subject property remain under county jurisdiction. Mr. Friday stated that the county has traditionally included such agreements in the past when requested by the city.

Close of Public Hearing / Deliberation - Ms. Lewis moved tentative approval of Planning Docket PAZ-05-04, including the limited use overlay zone but not the non-remonstrance agreement, with findings to be adopted December 21, 2005. The motion passed, Commissioners Stern, Lewis, and George voting aye. Ms. George commended the applicants for their good business sense and their efforts to build good working relationships with their neighbors.

The meeting recessed at 10:21 a.m. and reconvened at 10:33 a.m.

4. Consideration of Planning Docket PAZ-06-04, a request for zone change of 11 acres from AF-10 to Highway Commercial, applicant Willie Owens. *[Continued to January 25, 2006 at the point of Proponent's Case.]*

Ms. Stern opened the public hearing. There were no abstentions or objections to jurisdiction. There were no requests to hear the required land use statement read again.

Staff Report - Mr. Friday described the subject property and zoning and reviewed the request for zone change and the relevant criteria.

Proponents - Ms. Cain, representing the applicant, stated that the zone change would allow for cleanup of the existing uses and would allow a residence in conjunction with those uses. She stated that the Planning Commission had recommended approval of only a three-acre portion because of the anticipated bypass route through the property, but three acres would not accommodate the applicant's plan to expand his business to include both a nursery and garden center. She explained that a garden center would be allowed as an accessory use under AF-10 zoning, but if the garden center became more intensive than the nursery, it would create a zoning violation. She stated that the subject property is irrevocably committed to commercial use and there are no other ten-acre parcels available within the city limits.

Mr. Judd stated that the traffic issues are similar to the previous application. He said that the primary concern is the intersection of Foxfarm Road and Highway 99W, although that situation would be corrected by the Newberg-Dundee Bypass. He stated that a right-turn lane would improve traffic operations.

Mr. Friday stated that the letter from ODOT expressed strong opposition to the proposal and he would probably not recommend approval unless the applicant meets with ODOT to address their concerns. Ms. Cain stated that the applicant would be agreeable to a limited use overlay which allows one permitted Highway Commercial use for the entire parcel rather than dividing it into a separate parcel. She requested a continuance in order to meet with ODOT.

Ms. Lewis moved to continue the hearing to January 25, 2006 at the point of proponent's case. 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. Local Alcohol and Drug Planning Council, one position;
 - b. Parks Board, two positions.

2. Northwest Senior & Disability Services has openings for Yamhill County residents on the following regional councils:
 - a. Senior Advisory Council, one position;
 - b. Disability Services Advisory Council, one position.

For more information, contact Rob Johnstone at (503)304-3451 or by e-mail at Rob.Johnstone@state.or.us.

3. A special formal session of the Board of Commissioners will be held Thursday, December 22, 2005 at 10:00 a.m. in Room 32 of the courthouse.

The meeting adjourned at 11:10 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY P. STERN

Commissioner LESLIE LEWIS

Commissioner KATHY GEORGE