

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 1, 2006 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis and Kathy George being present and Mary P. Stern being excused.

Also present was John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; John Krawczyk, Administrative Services Director; Bill Gille, Public Works Director; Allison Musillami, Director of Commission on Children & Families; Cassie Sollars, candidate for Commissioner; Marilyn Reeves, P.O. Box 1083, McMinnville; Jim Bennett and Daniel Danicic, City of Newberg; Dick Petrone, 4301 Crestview Drive, Newberg; John Trudel, 4303 NE Birdhaven Loop, Newberg; and Aron Perez-Selsky, Linfield intern.

Commissioner Lewis 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.

Marilyn Reeves, representing Friends of Yamhill County, stated that the date of ownership for M37-103-05 should be July 2005 because that is when the will was probated and the estate of Mr. Kroenig took over the property. She submitted for the record excerpts from a similar case in Marion County in which it was determined that upon death, a property owner no longer has an interest in the property, so the date of ownership must be the date when the estate took ownership. She noted that since 2005, there have been no new land use regulations to cause any loss of value in this case.

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

Personnel

1. **B. O. 06-63** - Approve the change of status of Brandy Brockway to .4 FTE in the Juvenile Department, retroactive to January 24, 2006.
2. **B. O. 06-64** - Approve the change of status of Amanda Garcia-Snell to .7 FTE in HHS Public Health, retroactive to January 25, 2006 through June 30, 2006.
3. **B. O. 06-65** - Amend the Transportation personnel management roster to include position authority for a .6 FTE Management Analyst.

Bids

4. **B. O. 06-66** - Accept the low quote from Carrier Commercial Service for the purchase of a Carlyle refrigeration compressor for the Moore Building HVAC system, \$7326.

Committees

5. **B. O. 06-67** - Appoint Mark Mosier, Clancy Hinrichs, Del Miller, and Roberta Charlton to the Local Alcohol and Drug Planning Council for three-year terms to expire February 1, 2009.

C. **OLD BUSINESS:**

1. Consideration of approval of M37-114-05, a Measure 37 claim allowing Hugh Norby to make application to divide approximately fifteen acres into three five-acre lots and to establish a dwelling on each vacant lot, as continued from January 25, 2006. [*Continued to February 8, 2006.*]

At the request of John Gray, Ms. Lewis moved to continue M37-114-05 to February 8, 2006. The motion passed, Commissioners Lewis and George voting aye.

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

1. **B. O. 06-68** - Consideration of approval of M37-103-05, a Measure 37 claim allowing the Estate of Edwin Kroenig to make application to establish a dwelling on 76.9 acres.

Mr. Gray referred to Ms. Reeves' earlier comments and stated that counties sometimes have different opinions and this case could be argued both ways. He said he is satisfied that sufficient Measure 37 interest has been established to grant a waiver to the estate. He read the operative part of the order and added that the state will have to make the same determination as to the ownership date and could deny the claim, based on the same arguments made by Marion County.

Ms. Lewis moved approval of M37-103-05. The motion passed, Commissioners Lewis and George voting aye. Mr. Gray noted that Marion County Circuit Court has denied a motion to dismiss in *Deumling et.al. v. Baker County et. al.*, which seeks to have the ruling in *Macpherson v. DAS* binding upon all Oregon counties.

2. **B. O. 06-69** - Approve the Yamhill County Comprehensive Plan Update For Children and Families January 2006, as recommended by the Commission on Children & Families.

Allison Musillami stated that the statistics in the plan have been corrected and the information on meth provided by Commissioner Stern has been included. Ms. George moved approval of the plan. The motion passed, Commissioners Lewis and George voting aye.

E. **PUBLIC HEARINGS:**

1. Consideration of the transfer of jurisdiction to the City of Newberg over various roads, as continued from January 25, 2006.

Ms. Lewis opened the public hearing.

Mr. Gray stated that he believes the additional language for the order suggested by Oxberg Lake Estates Homeowners Association would convert it into a land use decision, which would put the Board's decision in jeopardy because land use procedures were not followed. He referred to *Mekkers v. Yamhill County*, a previous case with similar circumstances.

He stated that his latest draft of the order, dated January 31, 2006, is essentially the same as the January 23, 2006 draft with a modification of the legal description of Springbrook Road, since it was

