

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 22, 2006 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

Also present was John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; John Krawczyk, Administrative Services Director; Steve Mikami, Personnel Officer; Mike Brandt, Planning Director; Cassie Sollars, candidate for Commissioner; David Bates, News-Register; Charles and Ellen McClure, 30295 Hwy 99W, Newberg; Gordon Cook, 24850 Albertson Road, Hillsboro; Bob Youngman, 1013 N. Springbrook Road, Suite D, Newberg; and Barton Brierly, PO Box 970, Newberg.

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.

Charles McClure requested that the Board take action on his Measure 37 claim today without the time and expense of a public hearing for the following reasons: 1) it is a valid claim and will have to be approved anyway; 2) the property is located in an area of proposed commercial development, industrial zoning, and urban growth boundary expansion; and 3) the 180-day deadline for Board action is March 1, 2006, which doesn’t allow time for a public hearing.

SPECIAL RECOGNITION: 2005 Road Improvement Advisory Committee accomplishments, as presented by Gordon Cook, committee chair.

Mr. Cook discussed the annual report which had previously been distributed to the Board (see attachment) and thanked Ms. Lewis for her input and guidance. He stated that the committee will hold a brainstorming session at its next meeting to build on these ideas for the upcoming year and he welcomed any further suggestions from the Board. The Board expressed its appreciation to Mr. Cook and the Road Improvement Advisory Committee for their hard work and many accomplishments.

B. **AGENDA:**

Personnel

1. **B. O. 06-110** - Consideration of approval of the employment of Derek Wright, Willamina,

as HS Associate in HHS Adult Mental Health, temporary part-time, Range 14, Step 1, \$14.22/hour, effective February 24, 2006 through June 30, 2006.

2. **B. O. 06-111** - Consideration of approval of the employment of Eusebio Herrera-Perez, Salem, as HS Specialist 1 in HHS Chemical Dependency, regular part-time, \$18.04/hour, Range 17, Step 3, effective March 14, 2006.

3. **B. O. 06-112** - Consideration of approval of the change of status of Debbie Gill to Office Specialist Technician in Veterans Services, regular full-time, Range 11, Step 1, \$2122/month, effective February 24, 2006.

4. **B. O. 06-113** - Consideration of approval of the employment of Marsha Gabriel as Extra Help in the Clerk's Office, part-time on-call, \$16.97/hour, effective March 1, 2006.

Ms. George moved approval of items B(1) through B(4). The motion passed, Commissioners Lewis, George, and Stern voting aye.

Contracts

5. **B. O. 06-114** - Consideration of approval of an agreement between Yamhill County and Yamhill Community Action Program (YCAP) for the loan of a bus for public transportation, effective February 22, 2006.

John Gray explained that the bus was purchased with grant funds received by the county on behalf of YCAP and federal regulations require the county to retain the title to the vehicle. Ms. Stern noted for the record that she is the chair of the YCAP Board of Directors, but has nothing to gain by this agreement.

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

6. Consideration of authorization for electronic acceptance of the following Service Element Prior Authorizations (SEPAs) for Contract #113020 between HHS and Oregon Department of Human Services:

- a. **B. O. 06-115** - SEPA Approval Unit #54627;
- b. **B. O. 06-116** - SEPA Approval Unit #59095.

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

7. **B. O. 06-117** - Consideration of the delegation of authority to the Public Works Director for approval of road development agreements.

Mr. Gray explained that this would allow developers to move more quickly through the plat approval process. Ms. Lewis moved to delegate the authority to the Public Works Director. The motion passed, Commissioners Lewis, George, and Stern voting aye.

Measure 37

8. Presentation of eight Measure 37 claims by the Planning Director.

a. M37-100B-05, a Measure 37 claim authorizing Ralph and Verna Schoof to make application to divide 95.9 acres into three lots and to establish dwellings thereon. *[Formal action to be taken March 1, 2006.]*

Mr. Gray stated that the Oregon Supreme Court has reversed the trial court decision in *Macpherson v. DAS*, so the county will resume full-scale consideration of Measure 37 claims. He reviewed the deadlines for Board action on the claims listed on the agenda.

He explained that M37-100-05 was remanded by the Board to clarify an ambiguity in the application. Mike Brandt recommended modifying, removing, or not applying land use regulations back to 1970. Ms. Stern noted that she had moved to hold a public hearing on the original application, but the motion had been denied. The Board agreed to take formal action on the claim on March 1, 2006.

b. **See Other Business** - M37-115-05, a Measure 37 claim authorizing the Youngman Family Trust to make application to subdivide 58.14 acres into twelve lots and to establish a dwelling on each vacant lot.

Mr. Brandt recommended modifying, removing, or not applying land use regulations back to 1962. Commissioners Lewis and George indicated that they would not be interested in holding a public hearing for this claim.

The meeting recessed at 9:32 a.m. and reconvened at 9:40 a.m. The Board agreed to continue the formal session to 4:00 p.m. in Room 108 in order to take action on this claim.

c. **See Other Business** - M37-116-05, a Measure 37 claim authorizing Fern Adolf to make application to subdivide 4.5 acres into one-acre lots and to establish a dwelling on each vacant lot.

Mr. Brandt recommended modifying, removing, or not applying land use regulations back to 1962. The Board agreed to take action on this claim at 4:00 p.m. also.

d. M37-118-05, a Measure 37 claim authorizing Harold Bowers and Louayne Reynolds to make application to subdivide 21.05 acres into four or five lots and to establish a dwelling on each vacant lot. *[Formal action to be taken March 1, 2006.]*

Mr. Brandt recommended modifying, removing, or not applying land use regulations back to September 1, 1983. He noted that the 1983 regulations would not allow the claimants to subdivide their property as planned, however. The Board agreed to take formal action on the claim on March 1, 2006.

e. M37-119-05, a Measure 37 claim authorizing Ellen and Charles McClure to make application to subdivide 69 acres into residential and commercial lots of less than one acre to over one acre in size. *[Formal action to be taken March 1, 2006.]*

Mr. Brandt recommended modifying, removing, or not applying land use regulations back to 1967. Mr. McClure stated that he would not be interested in extending the deadline to allow time for a public hearing. The Board agreed to take formal action on the claim on March 1, 2006.

f. M37-122-05, a Measure 37 claim authorizing W.N. and Harriet Gahr to make application to subdivide 349 acres into lots of various sizes to be used for residential development, RV and camping sites, a restaurant, sales, and educational purposes. *[Public hearing scheduled for March 9, 2006 at 2:00 p.m. in Room 32 of the Courthouse; formal action to be taken March 10, 2006 at 9:00 a.m.]*

Mr. Brandt recommended modifying, removing, or not applying land use regulations back to 1972. Ms. Stern moved to hold a public hearing for this claim. The motion passed, Commissioners Lewis, George, and Stern voting aye.

A public hearing was scheduled for 2:00 p.m. on Thursday, March 9, 2006 to receive public comment on M37-122-05. A special formal session was scheduled for 9:00 a.m. on March 10, 2006 to take formal action on the claim.

g. M37-123-05, a Measure 37 claim authorizing Barbara Morton to make application to subdivide 15.78 acres into eleven residential lots and a five-acre retail commercial shopping center. *[Public hearing scheduled for March 9, 2006 at 2:00 p.m. in Room 32 of the Courthouse; formal action to be taken March 10, 2006 at 9:00 a.m.]*

Mr. Brandt recommended modifying, removing, or not applying land use regulations back to 1964. Ms. Stern moved to hold a public hearing for this claim. The motion passed, Commissioners Lewis, George, and Stern voting aye. The Board agreed to add this claim to the public hearing schedule for March 9, 2005 and to the special session agenda for March 10, 2006.

h. M37-120-05, a Measure 37 claim authorizing Richard Kimball to make application to subdivide 5.64 acres into five additional lots and to establish dwellings thereon. *[Formal action to be taken March 1, 2006.]*

Mr. Brandt noted that the subject property is located in the Newberg Urban Reserve Area, which is scheduled for future annexation. He stated that once the property is annexed, it could be developed at urban densities and would no longer have any loss of value, but at this point he would recommend modifying, removing, or not applying land use regulations back to 1964.

Barton Brierly, City of Newberg, stated that he had been surprised to learn of this claim because the property owners in this area had all indicated interest in coming into the city's Urban Growth Boundary together. Ms. Lewis added that developing the subject property into one-acre parcels now would make future development difficult once it is annexed into the city. Mr. Brandt stated that the property could possibly be annexed before the Measure 37 claim is decided by the state, which would make it a moot point.

Dues

9. **B.O.06-118** - Consideration of approval of the payment of 2006-07 dues for the Association of O&C Counties, \$1887.72.

Ms. Stern moved to approve the payment of the dues. The motion passed, Commissioners Lewis, George, and Stern voting aye.

Report

10. Consideration of approval of the 2005-07 Carry Over Report for the HHS Mental Health Division. *[Continued to March 1, 2006.]*

The Board agreed to continue the item to allow time to review the report.

BLM

11. Discussion of the Proposed Planning packet from the Bureau of Land Management. *[Continued to February 27, 2006.]*

The Board agreed to discuss the packet at next week's informal session.

C. **OLD BUSINESS:** None.

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

1. Consideration of approval of letters of support.

The Board agreed to sign letters of support for the Carlton Reservoir grant request and the Oregon Department of Transportation's request for a \$4 million earmark for Newberg-Dundee Bypass right-of-way acquisitions.

2. Discussion of a proposal from the Parks Board to hold a Yamhill County Parks Day in September 2006. *[Approved by consensus.]*

Ms. George discussed the proposal for a Yamhill County Parks Day and noted that Susan Ruggles has some very innovative fundraiser ideas. She said she would have the Parks Board update the Board of Commissioners once their plans are more finalized. The Board agreed to support the concept.

Ms. Lewis moved to continue the formal session to 4:00 p.m. in Room 108 of the Courthouse. The motion passed, Commissioners Lewis, George, and Stern voting aye. The meeting recessed at 10:22 a.m. and reconvened at 4:01 p.m. in Room 108.

Present for this portion of the meeting were Commissioners Lewis and George (Commissioner Stern being excused for other county business); John M. Gray, Jr.; and Bob Janzen, 20555 SE Webfoot Road, Dayton.

3. **B. O. 06-119** - Consideration of approval of M37-115-05, a Measure 37 claim authorizing the Youngman Family Trust to make application to subdivide 58.14 acres into twelve lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. George moved approval of M37-115-05. The motion passed, Commissioners Lewis and George voting aye.

4. **B. O. 06-120** - Consideration of approval of M37-116-05, a Measure 37 claim authorizing Fern Adolf to make application to subdivide 4.5 acres into one-acre lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. George moved approval of M37-116-05. The motion passed, Commissioners Lewis and George voting aye.

E. **PUBLIC HEARINGS:** None.

F. **ANNOUNCEMENTS:**

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

- a. Ambulance Service Area Committee, one position for a member of the public;
- b. Parks Board, three positions;
- c. Fair Board, one position (must be bonded), applications accepted through February 28, 2006.

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.

The meeting adjourned at 4:08 p.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LESLIE LEWIS

Commissioner KATHY GEORGE

Commissioner MARY P. STERN