

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 July 5, 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; John Krawczyk, Administrative Services Director; Rick Sanai, Assistant County Counsel; Ken Friday, Planning Division Manager; Stephanie Armstrong, Assistant Planner; Steve Mikami, Personnel Officer; Joseph Kavale, PO Box 1060, Newberg; Jason Lett, PO Box 697, Dundee; David Kahn, 11363 SW Aventure Circus, Portland; Rob Manning, OPB Radio; and David Bates, News-Register.

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. None offered.

B. **AGENDA:**

Personnel

1. **B. O. 06-443** - Consideration of approval of the employment of Ximena Mendez, McMinnville, as Extra Help in the District Attorney’s Office, temporary part-time, \$8/hour, effective July 5, 2006 through October 4, 2006.

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

2. **B. O. 06-444** - Consideration of approval of the change of status of Dana Carelle to regular part-time status in the Juvenile Department, .75 FTE, effective July 9, 2006.

Ms. Stern moved approval of the change of status of Dana Carelle. The motion passed, Commissioners Lewis, George, and Stern voting aye.

Contracts/Grants

3. Consideration of approval of the renewal of seven Special Transportation Fund service agreements between Yamhill County and the following providers for the quarterly disbursement of grant funds:

- a. **B. O. 06-445** - Abacus, retroactive to July 2, 2006 through June 30, 2007;
- b. **B. O. 06-446** - Chehalem Valley Senior Citizens Council, retroactive to July 2, 2006 through June 30, 2007;
- c. **B. O. 06-447** - Oregon Mennonite Residential Services, retroactive to July 2, 2006 through June 30, 2007;
- d. **B. O. 06-448** - Special Olympics Oregon, retroactive to July 1, 2006 through June 30, 2007;
- e. **B. O. 06-449** - Mid-Valley Rehabilitation, Inc., retroactive to July 1, 2006 through June 30, 2007;
- f. **B. O. 06-450** - Yamhill Community Action Program (YCAP), retroactive to July 1, 2006 through June 30, 2007;
- g. **B. O. 06-451** - Yamhill County Volunteer Medical Transportation, retroactive to July 1, 2006 through June 30, 2007.

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

4. Consideration of approval of the renewal of two transportation agreements between Yamhill County and the following providers for transportation services, retroactive to July 1, 2006 through June 30, 2007:

- a. **B. O. 06-452** - Chehalem Valley Senior Citizens Council;
- b. **B. O. 06-453** - Community Action Agency of Yamhill County (YCAP).

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

5. **B. O. 06-454** - Consideration of approval of a lease renewal between HHS and Yakima Valley Farm Workers Clinic for offices at 2251 Hancock Street, Newberg, retroactive to July 1, 2006 through June 30, 2006.

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

6. **B. O. 06-455** - Consideration of approval of an agreement between the Sheriff's Office and the City of Dayton for police services.

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

Roads

7. **B. O. 06-456** - Consideration of approval of a request to close Airport Road from 2:00 p.m. to 4:00 p.m. on August 19, 2006 and from 1:00 p.m. to 3:00 p.m. on August 20, 2006 for the Northwest Antique Airplane Airshow.

Ms. Lewis moved approval of the request. The motion passed, Commissioners Lewis,

George, and Stern voting aye.

Invoice

8. **B. O. 06-457** - Consideration of authorizing the payment of \$5000 to SEDCOR for Yamhill County's portion of the Yamhill, Polk, Marion County Regional Economic Profile and Strategic Assessment.

Ms. Stern moved to authorize the payment, noting that the money would come from the Economic Development Fund. She stated that this would be less expensive than having Yamhill County do a separate study. The motion passed, Commissioners Lewis, George, and Stern voting aye.

Committees

9. Acknowledge the resignation of Barbara Baker from the Commission on Children & Families. *[Acknowledged]*

Ms. George moved to acknowledge the resignation. The motion passed, Commissioners Lewis, George, and Stern voting aye.

C. **OLD BUSINESS:** None.

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

1. **B. O. 06-458** - Consideration of approval of the change of status of the following employees in Administrative Services, retroactive to June 24, 2006:

- a. Lou Ann Schenk, Accounting Technician, Range 14, Step 2;
- b. Tammy Story, Senior Accounting Clerk, Range 12, Step 1.

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

2. **B. O. 06-459** - Consideration of approval of the change of status of Alicia Lisle to regular full-time employment in the Planning Department, effective July 10, 2006.

Ms. Stern moved approval of the change of status of Alicia Lisle. The motion passed, Commissioners Lewis, George, and Stern voting aye.

3. **B. O. 06-460** - Consideration of approval of the change of status of Jacqueline Lee to regular part-time employment in the Juvenile Department, .9 FTE, effective July 9, 2006.

Ms. Stern moved approval of the change of status of Jacqueline Lee. The motion passed, Commissioners Lewis, George, and Stern voting aye.

4. Consideration of approval of four agreements between HHS Developmental Disabilities and the following providers, retroactive to July 1, 2006 through June 30, 2007:

- a. **B. O. 06-461** - Mid-Valley Rehabilitation, Inc.;

- b. **B. O. 06-462** - Oregon Mennonite Residential Services, Inc.;
- c. **B. O. 06-463** - Oregon Technical Assistance Corporation;
- d. **B. O. 06-464** - SCVP, Inc.

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

5. Consideration of approval of the following contract extensions between Public Works and OBEC Consulting Engineers, effective through December 31, 2006:
- a. **B. O. 06-465** - Job #117-11, Moores Valley Road Bridge #11645;
  - b. **B. O. 06-466** - Job #117-12, Baker Creek Bridge #11640;
  - c. **B. O. 06-467** - Job #117-13, Lafayette Hwy Bridge #11493.

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

6. **B. O. 06-468** - Consideration of approval of a Juvenile Accountability Block Grant renewal between the Juvenile Department and Oregon Office of Homeland Security for the Peer Court program, \$10,000, retroactive to July 1, 2006 through June 30, 2007.

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

7. **B. O. 06-469** - Consideration of approval of Public Works Docket RV-5-2005, a request for vacation of a portion of Redmond Hill Road, superceding Board Order 06-329.

John Gray stated that all of the conditions for recording have now been met. Ms. Lewis moved approval of the vacation. The motion passed, Commissioners Lewis, George, and Stern voting aye.

**E. PUBLIC HEARINGS:**

1. Second hearing for consideration of a petition for formation of a new Carlton Fire District, establishment of a permanent tax rate, and \$1.25 million bonding authority for capital construction. *[Tentatively approved; findings to be adopted July 12, 2006.]*

Ms. Lewis opened the public hearing. Mr. Gray provided background information. There being no public testimony, the hearing was closed.

Ms. Lewis moved tentative approval of the petition with findings to be adopted July 12, 2006. The motion passed, Commissioners Lewis, George, and Stern voting aye.

2. Consideration of Planning Docket PAZ-01-06, a request for Plan Amendment/Zone Change from EF-80 to RC Recreation Commercial on approximately 12 acres to allow a 50-room boutique hotel with spa, restaurant, and meeting facilities, applicant David Kahn/Hazel E. Timmons Trust, as continued from June 7, 2006 at the point of Staff Recommendation. *[Tentatively approved; findings to be adopted July 19, 2006.]*

Ms. Lewis opened the public hearing.

Staff Recommendation - Ken Friday presented a request from the applicant's attorney that the Board expressly exclude two letters which were received after the submission deadline. Ms. Lewis moved to reject the two letters. The motion passed, Commissioners Lewis, George, and Stern voting aye.

Mr. Friday stated that the applicant has submitted sufficient information to demonstrate a need for this type of use. He noted that Planning staff has expected this type of application since 1988, when the Board commissioned a study to determine if there was a need for a hotel associated with the wine industry. He stated that given the parameters listed by the applicant as necessary for the success of the hotel, he believes that the subject property is an appropriate location. He recommended approval of a limited use overlay with the nine conditions approved by the Planning Commission, including the requirement for a site design review to be evaluated at a public hearing. He distributed and reviewed copies of the nine conditions. He emphasized the fact that approval of this application does not set a precedent and there is no legal basis to reject the application on the basis of setting a precedent.

Close of Public Hearing / Deliberation - Ms. Lewis stated that after reading everything in the record, including all new information, she believes that the applicant has made a good case for both the need and the location. She said that this type of hotel needs to be near vineyards with a view of vineyards in order to be successful. She stated that she is convinced by her experience in land use planning that one quasi-judicial decision does not set a precedent for others. She added that this hotel would be very beneficial to the wine industry in Yamhill County.

Ms. Lewis moved tentative approval of PAZ-01-06 with findings to be adopted July 19, 2006.

Ms. George addressed concerns raised by opponents, stating that the best way to preserve high-value farmland is to ensure that farms are profitable, and that the value of wineries, which already exist in current farm zones, would be increased by this type of hotel. She stated that it is not justifiable to condemn the application because the hotel would not be affordable to everybody. She said that this would not be setting a precedent and that land use laws were designed with the ability to make changes in zoning designations if strict requirements are met.

Ms. Stern thanked the Planning Commission for their thoughtful deliberation on this matter and willingness to volunteer on behalf of the county. She also expressed her appreciation to the applicant for his thorough work and his desire to enhance the county and to the opponents for their love of the county. She stated that combining the issues of farmland, the wine industry, and economic development is a delicate balancing act and she is committed to looking at all of the facts and the law before making a decision.

She stated that the applicant has established a need for this type of location and presented factors making this unique property difficult to farm. She pointed out that any water issues would have to be resolved before the hotel could be built. She said that the opponents' focus should be on

