

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 regular formal session at 9:00 a.m. on August 23, 2006, in Room 32 of the courthouse, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

Also present were John M. Gray, Jr., County Counsel; John Krawczyk, Director of Administrative Services; Rick Sanai, Assistant County Counsel; Martin Chroust-Masin, Associate Planner; Stephanie Armstrong, Assistant Planner; Laura Tschabold, Sr. Management Analyst; Mike Wilhoit, 17555 Kings Grade Road, Newberg; Sid Scott, 1630 SW Morrison St, #210, Portland, 97205; David Bates, News-Register.

Commissioner Lewis called the meeting to order at 9:15 a.m.

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. No public comment was offered.

B. **CONSENT AGENDA:** Commissioner George moved approval of the consent agenda, omitting item 10. The motion carried, Commissioners Lewis, George, and Stern voting aye.

Personnel

1. **B. O. 06-571** - Approve the change of status of Nancy Heins to return to regular part-time employment in HHS Public Health following a summer leave of absence, retroactive to August 1, 2006.

Contracts/Grants

2. **B. O. 06-572** - Approve an agreement between HHS Family & Youth and Catholic Community Services for services to youth in Treatment Foster Care contracted beds, retroactive to July 1, 2006 through September 30, 2006.

3. **B. O. 06-573** - Approve an amendment to renew an agreement between Health & Human Services and Mid-Valley Behavioral Care Network for direct client services and accounting work, effective August 23, 2006 through June 30, 2007.

4. **B. O. 06-574** - Approve an agreement between the Commission on Children & Families and

LINCS for Community Progress Team Services in Sheridan, \$7064, retroactive to July 1, 2006 through June 30, 2007.

5. **B. O. 06-575** - Approve ATV Grant Agreement #ATV06-80 between the Sheriff's Office and Oregon Parks and Recreation Department for OHV enforcement in the Upper Nestucca OHV Area, \$26,241 or 69% of the project cost, effective through June 30, 2007.

#### Committees

6. **B. O. 06-576** - Approve the appointment of Michelle Mathis as YCEA/Courthouse representative on the Safety Advisory Committee to complete the term of Kent Van Cleave through March 18, 2008; acknowledge Kent Van Cleave's position as Stern Building representative.

7. **B. O. 06-577** - Approve the reappointment of John Arand and George Duvendack to the Solid Waste Advisory Committee for three-year terms to expire August 7, 2009.

8. **B. O. 06-578** - Approve the following changes to the Yamhill County Hospital Authority Board of Directors:

- a. Reappoint Leslie Lewis, three-year term to expire December 31, 2007;
- b. Reappoint Sonja Lee Haugen, three-year term to expire December 31, 2008;
- c. Appoint Larry Bowe, three-year term to expire December 31, 2008.

#### Rainbow Lodge

9. **B. O. 06-579** - Authorize the Juvenile Corrections Division to use Rainbow Lodge for its annual training retreat.

#### Measure 37

10. **Omit** - Schedule a public hearing on October 4, 2006 to consider M37-13-06, a Measure 37 claim authorizing Richard and Rhoda Senz to make application to divide ten acres into six lots and to establish dwellings on the vacant lots.

Commissioner George moved to reconsider the vote to schedule a public hearing on M37-13-06. The motion carried, Commissioners Lewis, George, and Stern voting aye. Commissioner George stated that based on her discussion with the planning director and study of the application, she does not support holding a public hearing.

Commissioner Stern moved to schedule a public hearing as listed above. The motion failed, Commissioner Stern voting aye, Commissioners Lewis and George voting no.

Mr. Gray stated that the public hearing is canceled and the Board will consider this M37 application on August 30, 2006.

Roads

11. **B. O. 06-580** - Rescind B.O. 06-558 initiating the process to transfer jurisdiction to the City of Yamhill over a portion of Moore's Valley Road; cancel the public hearing scheduled for October 4, 2006.

Mr. Gray stated that it has been determined that the portion of the road is currently under the jurisdiction of the City of Yamhill; therefore no action is necessary.

C. **OLD BUSINESS:** None.

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

Measure 37

1. **B. O. 06-581** - Consideration of approval of M37-11-06, a Measure 37 claim authorizing Phillip and Gretchen Olson to make application to divide 330.61 acres into 78 lots of various sizes and to establish dwellings thereon.

John Gray read the operative portion of the proposed order.

Commissioner George moved approval of M37-11-06. Commissioner Stern stated that because she does not believe it was the intent of the voters to approve subdivision developments in rural areas, she will not support Measure 37 applications for four or more dwellings.

The motion to approve M37-11-06 carried, Commissioners Lewis and George voting aye; Commissioner Stern voting no.

2. **B. O. 06-582** - Consideration of approval of M37-12-06, a Measure 37 claim authorizing Thomas and Gail Craven to make application to divide their property into four ten-acre lots and to establish dwellings thereon.

Mr. Gray read the operative portion of the proposed order.

Commissioner Lewis moved approval of M37-12-06. The motion carried, Commissioners Lewis and George voting aye; Commissioner Stern voting no.

3. **B. O. 06-583** - Consideration of approval of M37-14-06, a Measure 37 claim authorizing Marvin and Maribeth Hampton to make application to divide fifteen acres into three lots and to establish dwellings on the vacant lots.

Mr. Gray read the operative portion of the proposed order.

Commissioner Stern moved approval of M37-14-06; the motion carried, Commissioners Lewis, George, and Stern voting aye.

4. **B. O. 06-584** - Consideration of approval of M37-15-06, a Measure 37 claim authorizing Wallace and Mary Wood to make application to divide .37 acres into two lots and to establish another dwelling thereon; and to replace a hardship dwelling on a 23.5-acre property with a

permanent dwelling.

Mr. Gray read the operative portion of the proposed order.

Commissioner George moved approval of M37-15-06. The motion carried, Commissioners Lewis, George, and Stern voting aye.

5. **B. O. 06-585** - Consideration of approval of M37-16-06, a Measure 37 claim authorizing Antonio Fernandez II and Kathleen Fernandez to make application to divide 41 acres into two lots and to establish dwellings on the vacant lot.

Mr. Gray read the operative portion of the proposed order.

Commissioner Stern moved approval of M37-16-06. The motion carried, Commissioners Lewis, George, and Stern voting aye.

6. **B. O. 06-586** - Consideration of approval of M37-19-06, a Measure 37 claim authorizing Arland McDougall to make application to divide 28.5 acres into four lots and to establish dwellings thereon.

Mr. Gray read the operative portion of the proposed order.

Commissioner George moved approval of M37-19-06. The motion carried, Commissioners Lewis and George voting aye, Commissioner Stern voting no.

7. **B. O. 06-587** - Consideration of approval of M37-20-06, a Measure 37 claim authorizing Gordon Dalgity and Gladys Pond-Dalgity to make application to divide 55.33 acres into five-acre lots and to establish dwellings thereon.

Mr. Gray read the operative portion of the proposed order.

Commissioner Lewis moved approval of M37-20-06. The motion carried, Commissioners Lewis and George voting aye, Commissioner Stern voting no.

8. **B. O. 06-588** - Consideration of denial of M37-01-06, a Measure 37 claim authorizing Richard Crannell to make application to establish a dwelling on each of sixteen existing lots of two to five acres each.

Mr. Gray read the operative portion of the denial order and summarized the findings of the planning director and supplemental facts regarding the property acquisition date and the trust created in 1995 by Mrs. Crannell. He stated that this past winter Ms. Crannell submitted a Measure 37 claim; however, she died earlier this summer, before her Measure 37 claim was finalized. Mr. Gray stated that the date of her death creates a new property acquisition date for her heir and disqualifies the property from consideration as a Measure 37 claim.

Commissioner Stern moved to deny M37-01-06. The motion carried, Commissioners Lewis,

George, and Stern voting aye.

9. **B. O. 06-589** - Consideration of approval of M37-06-06, a Measure 37 claim authorizing Coye Morris, Jr. to make application to divide 147.47 acres into three lots and establish dwellings on the vacant lots.

Mr. Gray read the operative portion of the proposed order.

Commissioner George moved approval of M37-06-06; the motion carried, Commissioners Lewis, George, and Stern voting aye.

10. **B. O. 06-590** - Accept low bid of IRS Environmental of Portland, Inc., in the amount of \$8,795 for Yamhill County Asbestos Removal Project (HHS Evans Street Campus); authorize chair to sign contract on approval of county counsel.

Commissioner George moved acceptance of the low bid submitted by IRS Environmental. The motion carried, Commissioners Lewis, George, and Stern voting aye.

11. Declaration of Expenditures - The Commissioners each declared their intent to pay a third of a match for a grant of \$250 for the drug court alumni association.

Ms. Stern stated the Board had been requested to match the \$250 grant. Commissioners Lewis and George declared they will each pay \$83.33; Ms. Stern declared an expenditure of \$83.34, to round out the grant match.

12. **B. O. 06-591** - Amend Board Order 06-482, approve revision of the ballot title for the bond measure for the Carlton Fire District authority to sell general obligation bonds for capital construction.

Mr. Gray stated that on July 12, the Board approved two ballot titles relating to the Carlton Fire District: one to create the district; the second to authorize bonds. He said a board order has been prepared to rescind the ballot title on the bond and submit a new one with the same caption, same question, and essentially the same summary which includes construction of a new fire hall, substation, fire hydrant, with the addition of "certain related capital improvements".

Commissioner George moved approval of the revised ballot title relating to the bond measure for the Carlton Fire District. The motion carried, Commissioners Lewis, George, and Stern voting aye.

#### E. **PUBLIC HEARINGS:**

1. Consideration of PAZ-04-06, a request for Plan Amendment/Zone Change from Heavy Industrial to Agriculture/Forestry Small Holding (12.5 acres) and Light Industrial (3.36 acres), applicant Julie Dean. *[Zone change tentatively approved; findings to be adopted September 6, 2006; Plan Amendment portion of application to be remanded to the Planning Commission with a request to amend the application from a request to Light Industrial to a request for Commercial.]*

Commissioner Lewis opened the public hearing. There were no abstentions or objections to jurisdiction. She stated that all three commissioners had visited the subject site, accompanied by Mr. Chroust-Masin.

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 - Mr. Chroust-Masin introduced the staff report into the record and identified the property on a vicinity map. He stated the property is located west of Sheridan, at the site of an old lumber mill abandoned in 1970, currently overgrown with brush, grass, and trees, mostly along the railroad right-of-way; two structures left from the mill activities remain on the site. He stated the property was used as a trucking site and wrecking company from 1999 to 2002.

Mr. Chroust-Masin stated the property was irrevocably committed to HI (Heavy Industrial) by Board Order 70-185 and Ordinance 202, 1979. He stated the request is to change the zoning on 3.36 acres to support a “mom and pop” equine accessory sales and service, to place a dwelling, and construct a horse boarding facility. He stated the relevant criteria are listed in the staff report.

Proponent - Julie Dean stated that the LI (Light Industrial) portion of the application is actually a mistake, and should have been a request for a commercial designation. However, she preferred not to have the delay of submitting an amended application. She said that she needs at least ten acres for the horse facility, and a place for a house; an existing building will remain for use as an office.

Questions of Proponents - None.

Opponents - None.

Questions of Opponents - None.

Public Agency Reports - Mr. Chroust-Masin stated the reports are listed in the Staff Report. He stated the Planning Commission unanimously recommended approval of the application.

Rebuttal - None.

Staff Recommendation - Mr. Chroust-Masin stated staff recommends approval of the zone change from HI to AF-10 on 12.5 acres with remand of the application to the planning commission to change the request from LI to Commercial on the 3.36 remaining acres.

Close of public hearing / deliberation - Commissioner Stern moved to tentatively approve the application as it relates to 12.5 acres, changing the zone from HI to AF-10 and to remand the portion of the application pertaining to 3.36 acres back to the planning commission to consider a change to Commercial rather than LI, with findings to be considered September 6, 2006.

Mr. Sanai recommended the proposed ordinance be silent on the 3.36 acres except for the language which remands the application back to the planning commission. Ms. Stern agreed and modified her motion accordingly.

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

2. Consideration of PAZ-05-06, a request for Plan Amendment/Zone Change from RC Recreation Commercial to EF-80 Exclusive Farm Use on 85.04 acres, applicant Joan Jasper for Delford Smith. *[Tentatively approved; findings to be adopted September 20, 2006.]*

Commissioner Lewis opened the public hearing. There were no abstentions or objections to jurisdiction. Ms. Lewis stated no site visit was made due to each commissioner's familiarity with the parcel.

The land use statement was not read because each of the people in the room had been present at the first reading.

Staff Report - Stephanie Armstrong introduced the staff report into the record and referenced the relevant criteria. She stated the property is accessed from Riverwood Road, contains a single family dwelling used as a caretaker residence, and the majority of the soils are Class II, high value. She stated that on July 6, 2006 the planning commission voted 6:0 to approve the application.

Proponents - Sid Scott, Scott Edwards Architecture, stated he is available to answer any questions.

Questions of Proponents - None.

Opponents - None.

Questions of Opponents - None.

Public Agency Reports - Ms. Armstrong stated no comments were received.

Rebuttal - None.

Staff Recommendation - Ms. Armstrong stated staff recommends approval, based on the findings in support of approval outlined in the Staff Report.

Close of public hearing / deliberation - Commissioner Stern moved tentative approval of the application with findings in support of approval to be considered on September 20, 2006. The motion carried, Commissioners Lewis, George, and Stern voting aye.

#### F. ANNOUNCEMENTS:

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

- a. Parks Board, two positions;
- b. Commission on Children & Families, one youth position and three alternate positions;
- c. Planning Commission, one position.

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 Sally Lawson at (503)304-3473 or by e-mail at [Sally.Lawson@state.or.us](mailto:Sally.Lawson@state.or.us).

3. The Board's regular formal session on August 30, 2006 will be held at 10:00 a.m. in Room

32 of the courthouse.

Adjourn: 10:30 a.m.

Carol Ann White  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair                      LESLIE LEWIS

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Commissioner            KATHY GEORGE

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Commissioner            MARY P. STERN