

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 October 18, 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 Krawczyk, Administrative Services Director; John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; Laura Tschabold, Grant Writer; Ken Friday, Planning Division Manager; Bill Gille, Public Works Director; Charles Carnese, 1500 SW 1st Avenue, Portland; Barbara Cronise, PO Box 601, Amity; Randy McCreith, 9775 NE Meadow Loop, Newberg; and Rex Butler, 17220 NE Slope Lane, 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. None offered.

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

Minutes

1. Approve the following formal session minutes:
 - a. **B. O. 06-810** - January 25, 2006
 - b. **B. O. 06-811** - April 26, 2006
 - c. **B. O. 06-812** - May 3, 2006
 - d. **B. O. 06-813** - June 14, 2006
 - e. **B. O. 06-814** - June 21, 2006
 - f. **B. O. 06-815** - June 26, 2006
 - g. **B. O. 06-816** - July 19, 2006
 - h. **B. O. 06-817** - July 26, 2006
 - i. **B. O. 06-818** - August 16, 2006
 - j. **B. O. 06-819** - September 6, 2006
 - k. **B. O. 06-820** - September 8, 2006

Personnel

2. **B. O. 06-821** - Approve the employment of Shannon Spence, McMinnville, as Accounting Clerk 2 in Health & Human Services, regular full-time, Range 10, Step 2, \$2077/month, retroactive to October 13, 2006.

3. **B. O. 06-822** - Approve the employment of Angelic Bowman, Tigard, as on-call relief in the Juvenile Department, \$7.50/hour, effective October 18, 2006.

4. **B. O. 06-823** - Approve the employment of Dawn Gray, Dundee, as Extra Help in the Sheriff's Office, \$13.90/hour, effective November 1, 2006.

5. **B. O. 06-824** - Approve the change of status of Brandon Bowdle to Detective in the Sheriff's Office, Range 13, Step 7, retroactive to October 11, 2006.

Contracts/Grants

6. **B. O. 06-825** - Approve an agreement between Yamhill County and Liberty Northwest to continue workers' compensation coverage with the Individual Retrospective Rating Plan, maximum premium factor of 1.3, retroactive to October 1, 2006 through September 30, 2007.

7. **B. O. 06-826** - Approve an agreement between the Juvenile Department and McMinnville Police Department for the Peer Court Program, \$71,726, retroactive to July 1, 2006 through June 30, 2007.

8. **B. O. 06-827** - Approve Grant Agreement #00749 between Yamhill County and Oregon Housing and Community Services for Year 3 of the Regional Housing Resource Center, effective October 18, 2006.

9. **B. O. 06-828** - Approve Grant Agreement #C06017 between Yamhill County and Oregon Economic and Community Development for the YCAP relocation study, effective October 18, 2006.

Equipment

10. **B. O. 06-829** - Amend Board Order 06-433 regarding the transfer of equipment obtained with a Department of Homeland Security Grant to Providence Newberg Hospital.

Budget Transfer

11. **B. O. 06-830** - Approve the transfer of appropriation authority and funds for the replacement of the four main entrance doors to the Sheriff's Office:

From	10-92-950.01	Contingency	\$4513.93
To	10-43-380.23	Internal Transfer	\$4513.93

Committees

12. **B. O. 06-831** - Approve the appointment of Ron Huber, Laura Pitigliano, and Jan Urton to the Mental Health Advisory Board for three-year terms to expire May 31, 2009.

13. **B. O. 06-832** - Approve the appointment of Roma Fuerst to the Safety Advisory Committee for a three-year term to expire March 18, 2009.

C. OLD BUSINESS:

1. Consideration of adoption of Ordinance 793 in support of PAZ-02-05, a request for Plan Amendment/Zone Change from EF-40 to AF-10, applicant Dennis Walker, as tentatively approved October 4, 2006. *[Continued to October 25, 2006.]*

At the request of the Planning Department, Ms. Stern moved to continue the item to October 25, 2006. The motion passed, Commissioners Lewis, George, and Stern voting aye.

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

Minutes

1. Consideration of approval of the following formal session minutes:
 - a. **B. O. 06-833** - March 29, 2006
 - b. **B. O. 06-834** - June 29, 2006
 - c. **B. O. 06-835** - August 2, 2006

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

Bridges

2. **B. O. 06-836** - Consideration of rescinding Board Order 06-592 to remove the weight limit on Hidden Hills Road Bridge.

Bill Gille reported that the repair work is finished and the bridge has passed final inspection by Oregon Department of Transportation. Ms. Lewis moved to rescind Board Order 06-592. The motion passed, Commissioners Lewis, George, and Stern voting aye. The Board thanked Public Works, County Counsel, and SuAnn Reddick for all their work on this project.

E. PUBLIC HEARINGS:

1. **Tabled** - Consideration of Docket G-01-06, a request to modify the definition of “kennel” in the zoning ordinance, applicant Yamhill County Dog Control, as continued from July 12, 2006.
2. Consideration of Planning Docket PAZ-06-04, a request for zone change of eleven acres from AF-10 to Highway Commercial, applicant Willie Owens, as continued from July 12, 2006 at the point of Proponent’s Case. *[Continued to November 22, 2006 at the point of Proponent’s Case.]*

Ken Friday stated that he had received a verbal request from the applicant for a thirty-day continuance. Ms. Stern moved to continue the hearing to November 22, 2006. The motion passed, Commissioners Lewis, George, and Stern voting aye.

3. Consideration of PAZ-02-06, a request for Plan Amendment/Zone Change from AF-20 to AF-10 on forty acres, applicant Charles Carnese representing Rex & Carla Butler and Barbara Reilly. *[Tentatively approved, findings to be adopted November 8, 2006.]*

Ms. Lewis opened the public hearing. There were no abstentions or objections to jurisdiction. Ms. Stern apologized that there had not been time for a site visit and stated that she would like to see the property before making a decision.

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. Friday stated that although the Assessor’s records show the two tax lots

to be approximately 39.84 acres, a more recent survey shows a larger acreage. He assured the applicant that if the subject property were partitioned in the future, the most recent survey would be used. He described the subject property, surrounding zoning, request for zone change, and criteria for approval, noting that the Planning Commission had voted 5-1 to recommend approval.

Proponents - Charles Carnese, representing Barbara Reilly and Rex and Carla Butler, stated that the subject property is not resource land, so an exception is not necessary. He distributed photos of holes which had been dug at the request of the Planning Commission. He stated that the subject property is not suitable for farming because of the barren, rocky soil, steep slopes, and high elevation. He added that nobody in the area is engaged in farming. He stated that over fifty percent of the subject property is not suitable for timber and a commercial timber business would not be viable on the property, based on the criteria of the Forestry Department. He concluded that the subject property is not resource land. He stated that even if the Board believes it is resource land, the property is irrevocably committed to rural residential use.

Randy McCreith, realtor, discussed the projected growth in the Newberg area, the high demand for buildable parcels of seven to fourteen acres, and the lack of such property available to sell. He explained that his study was based on a search of the entire Newberg zip code for parcels of seven to fourteen acres. He stated that from a real estate perspective, the best use for the area south of Mountain Top between Rex Hill and Highway 219 would be rural residential.

Barbara Cronise explained her criteria for preparing the original report regarding the number of available parcels. She stated that the majority of soils on the subject property are not Classes 1 through 4, which is the main criteria for farming resource land. She stated that the timber production forecast of 155 cubic feet per year for the property does not take into account its steep slope or the fact that it is in a water-restricted area. She added that the property does not meet the IRR threshold of 3.5% or greater. She concluded that this is not resource land for either farming or forestry.

Opponents - None.

Public Agency Reports - Mr. Friday stated that there are no public agency reports in addition to what is already in the record.

The Board agreed that based on prior knowledge of the area and the photographs provided, a site visit would not be necessary.

Staff Recommendation - Mr. Friday recommended denial of the request. He stated that the applicant's argument that this is not resource land is based on the land's unsuitability for commercial timber use and there is no evidence that the property owners had planted trees and failed, as was the case in a previous application by the Bucks Corporation, after which this application was modeled. He said that Yamhill County has argued strongly in the past that AF-20 is resource land and he is concerned that approving this request would set a precedent for rezoning many other AF-20 areas in the county.

Rex Butler stated that he had harvested about seven acres of trees from the property two years ago and the total revenue received was only about \$108,000, half of which had to be paid to the faller and harvester. He stated that he had tried to plant trees, but the results were spotty and did not meet the state's minimum requirements for deferral, so he will have to try again. He said that he had tried farming the property, but couldn't even get a plow into the ground.

Close of Public Hearing / Deliberation - Ms. Lewis expressed her concern about having enough information in the record to provide adequate findings. Rick Sanai stated that the county could provide findings which would amply support the Board's decision. He said that the best argument from a legal standpoint would be that the subject property is not resource land, but if it is, the evidence supports irrevocable commitment. Mr. Friday suggested using the irrevocable commitment argument for both farm and forest use and concluding that the property is not resource land for farm use only.

Ms. Stern moved tentative approval of PAZ-02-06 with findings to be adopted November 8, 2006, based on the determination that the property is not resource land for farming and that the parcels are irrevocable committed to non-resource use for Goals 3 (farming) and 4 (forestry). The motion passed, 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, four positions;
 - b. Commission on Children & Families, one youth position and four 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.

The meeting adjourned at 9:59 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair	LESLIE LEWIS
Commissioner	KATHY GEORGE
Commissioner	MARY P. STERN