

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 November 8, 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, Projects Coordinator; Martin Chroust-Masin, Associate Planner; Julie Dean, 32020 SW West Valley Highway, Sheridan; Michael Robinson, 1120 NW Couch, Tenth Floor, Portland; Joe Schiewe, 4386 SW Macadam Ave, Portland; Mimi Doukas, 5415 SW Westgate Drive, Portland; and John Trudel, 4303 NE Birdhaven Loop, 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. 06-906** - February 8, 2006;
  - b. **B. O. 06-907** - February 28, 2006;
  - c. **B. O. 06-908** - June 30, 2006.

Personnel

2. **B. O. 06-909** - Approve the employment of Gary Gelardo, Portland, as Nurse Practitioner in the Jail, part-time on-call, \$45/hour, retroactive to October 24, 2006.
3. **B. O. 06-910** - Approve the change of status of Barbara Hill to Nurse Practitioner in the Jail, \$45/hour, retroactive to October 24, 2006.
4. **B. O. 06-911** - Approve a request from the Jail to designate a fourth Field Training Officer under on-call status.
5. **B. O. 06-912** - Approve the following pay schedule for reserve deputies in Sheriff’s Office, effective November 9, 2006:
  - a. \$10/hour for the first 120 hours;

- b. \$14/hour until one full year of service and 620 hours completed;
- c. \$15/hour thereafter with regular part-time employee status.

Contracts/Grants

- 6. **B. O. 06-913** - Approve an agreement between HHS Chemical Dependency and Oregon Nurses Foundation - Work Drug Free for the McMinnville Homeless Youth Outreach Program, \$5000, retroactive to October 1, 2006 through June 30, 2007.
- 7. **B. O. 06-914** - Approve Amendment #2 to the 2006-07 Financing Agreement #117553 between HHS Public Health and Oregon Department of Human Services.
- 8. **B. O. 06-915** - Approve Grant Agreement #06-765 between the District Attorney's Office and Oregon Office of Homeland Security for the Stop Violence Against Women program, \$19,695, retroactive to July 1, 2006 through June 30, 2007.

**C. OLD BUSINESS:**

- 1. **B. O. 06-916** - 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 and continued from October 25, 2006.

Rick Sanai provided the first and second readings of Ordinance 793 by title only, declaring an emergency. Ms. Stern moved to adopt the ordinance. The motion passed, Commissioners Lewis, George, and Stern voting aye.

- 2. Consideration of adoption of Ordinance 794 in support of Planning Docket 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, as tentatively approved October 18, 2006. *[Continued to November 22, 2006.]*

Mr. Sanai stated that there has been a request to continue the adoption of findings. Ms. Stern moved to continue the item to November 22, 2006. The motion passed, Commissioners Lewis, George, and Stern voting aye.

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

Personnel

- 1. **B. O. 06-917** - Consideration of approval of a classification description and Salary Range 24 for the Community Corrections Program Supervisor position.

Ms. Stern moved approval of the classification description and salary range. The motion passed, Commissioners Lewis, George, and Stern voting aye.

- 2. **B. O. 06-918** - Consideration of approval of the change of status of Carrie Martin to .8 FTE in the Jail, effective November 9, 2006.

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

3. **B. O. 06-919** - Consideration of approval of the change of status of Melissa Harlan to regular full-time employment in Community Corrections, Range 12, Step 1, effective November 9, 2006.

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

4. **B. O. 06-920** - Consideration of the change of status of Sarah Jane Owens to regular full-time employment in HHS Developmental Disabilities, effective November 9, 2006 through March 8, 2007.

Ms. George moved approval of the change of status of Sarah Jane Owens. The motion passed, Commissioners Lewis, George, and Stern voting aye.

#### Measure 37

5. **B. O. 06-921** - Consideration of approval of M37-39-06, a Measure 37 claim authorizing Charles and Gloria Dreske to make application to divide 17.25 acres into 2.5-acre lots and to establish a dwelling on each vacant lot.

John Gray provided background information on the property and stated that the Assessor recommends using the ownership date of January 1, 1976. He read the operative part of the order. Ms. Stern moved approval of M37-39-06. The motion passed, Commissioners Lewis, George, and Stern voting aye.

#### Contracts

6. **B. O. 06-922** - Consideration of authorization for electronic acceptance of Service Element Prior Authorization (SEPA) Approval Unit #157658 for Contract #113020 between HHS and Oregon Department of Human Services.

Ms. George moved to authorize the SEPA approval. The motion passed, Commissioners Lewis, George, and Stern voting aye.

7. **B. O. 06-923** - Ratify the approval of Assistance Agreement #HSA070001 between the Sheriff's Office and the Bureau of Land Management for enforcement services, \$8000, retroactive to October 1, 2006 through September 30, 2007.

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

8. **B. O. 06-924** - Approve the third extension of a lease agreement between Yamhill County and Lewis and Stark Company for the adjustment of leased space in the Lewis and Stark Building located at 4<sup>th</sup> and Evans Street in McMinnville, retroactive to March 6, 2006.

Mr. Gray reviewed the terms of the lease agreement. Ms. George moved approval of the agreement. The motion passed, Commissioners Lewis, George, and Stern voting aye.

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

1. Consideration of Planning Docket PAZ-04-06, a request for Plan Amendment/Zone Change from Heavy Industrial to Highway Commercial on 3.36 acres, applicant Julie Dean. *[Tentatively approved, findings to be adopted November 22, 2006.]*

Ms. Lewis opened the public hearing and stated that the commissioners had taken a site visit before this docket was originally presented to them. 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 - Martin Chroust-Masin stated that this docket was remanded by the Board to the Planning Commission for reconsideration of a more appropriate zone change to Highway Commercial instead of Light Industrial. He described the subject property and surrounding property zoning and uses, noting that the criteria for approval are listed in the written staff report.

Proponents - Julie Dean stated that this 3.36-acre parcel is a leftover piece from the old mill site which she would like to use for horse-related retail sales and services in conjunction with the adjacent arena.

Opponents - None.

Public Agency Reports - Mr. Chroust-Masin stated that the Planning Commission had recommended approval by a 5-0 vote and neither Public Works nor the Sheridan Fire Department had found any conflicts with the request. He said that state highway access will be considered by Oregon Department of Transportation and the applicant may be responsible for access improvements.

Staff Recommendation - Mr. Chroust-Masin recommended approval of the request.

Close of Public Hearing /Deliberation - Ms. Stern moved tentative approval of PAZ-04-06 with findings to be adopted November 22, 2006. The motion passed, Commissioners Lewis, George, and Stern voting aye.

2. Consideration of Planning Docket PA-02-06, a request to include 14.47 acres in Newberg's Urban Growth Boundary, applicant Jeffrey Smith representing Ella Gueldner. *[Tentatively approved, findings to be adopted November 29, 2006.]*

Ms. Lewis opened the public hearing. There were no abstentions or objections to jurisdiction. Ms. Lewis stated that she is on the Newberg Urban Area Management Commission (NUAMC) and had participated in the hearing and vote when this request was presented to NUAMC. Ms. Stern stated that although the commissioners did not take a site visit, they are all very familiar with this area. She noted that all questions regarding the request had been referred to the Planning Department.

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 described the location, zoning, access, and previous land use actions for the subject property, the surrounding zoning, and the request to bring the property from Newberg's Urban Reserve Area into the Urban Growth Boundary.

Proponents - Michael Robinson, representing the applicant, stated that NUAMC had recommended approval of the plan, but had requested that the applicant address buffering concerns expressed by neighbors to the north and west of the subject property. He said that after visiting with neighbors in the area, a modified plan was presented to Newberg City Council and approved. He reviewed the zoning and development plans for the west boundary and stated that the applicant is committed to working with the neighbors throughout the development stage to ensure that the result is an attractive commercial development which fulfills a need identified by the city without affecting neighboring residents. He requested that the Board approve the modified application.

Mimi Doukas, WRG Design, presented photographs showing substantial distance and vegetation between the Gueldner property and land to the west. She stated that the design accommodates a request from the Oxberg Lake Estates Homeowners' Association for like uses in the buffer, which includes a thirty-foot setback and single family dwellings rather than a tree buffer.

John Trudel, representing the Oxberg Lake Estates Homeowners' Association Board, expressed his support of the application and his thanks to the Board of Commissioners for its part in creating a lasting spirit of cooperation and compromise among area residents and local jurisdictions.

Opponents - None.

Public Agency Reports - Mr. Chroust-Masin stated that NUAMC had recommended approval of the original application and Newberg City Council had approved the application with nine amendments. He stated that Public Works had submitted a report noting that the change from an arterial to a collector road will be implemented and Yamhill County Soil & Water Conservation District and Newberg Fire Department both found no conflicts with the request.

Staff Recommendation - Mr. Chroust-Masin recommended approval of the request with the amendments as listed.

Close of Public Hearing / Deliberation - Ms. Lewis stated that although she had been surprised to see the tree buffer removed from the design, she feels that the spirit of what NUAMC wanted has been preserved and she is very pleased with the plan to protect the neighbors. Ms. George thanked the applicant for being so sensitive to the neighbors' concerns.

Ms. Lewis moved tentative approval of PA-02-06 with findings to be adopted November 29, 2006. 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, three 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](mailto:Sally.Lawson@state.or.us).

The meeting adjourned at 10:11 a.m.

Anne Britt  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair	LESLIE LEWIS
Commissioner	KATHY GEORGE
Commissioner	MARY P. STERN