

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 January 3, 2007 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

Also present was John Krawczyk, Administrative Services Director; John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; Ken Friday, Planning Division Manager; Laura Tschabold, Projects Coordinator; Marilyn Kennelly, CCF Director; Merilyn Reeves, PO Box 1083, McMinnville; Tom Tankersley, PO Box 625, McMinnville; Bob Youngman, 1013 N Springbrook Road, Suite D, Newberg; Betty Janzen, 20555 SE Webfoot Road, Dayton; and Candace Tompkins, 20995 SE Wallace Road, Dayton.

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.

Merilyn Reeves, representing Friends of Yamhill County, stated that M37-55-06, M37-66-06, M37-69-06, M37-70-06, and M37-84-06 are all Measure 37 claims for properties which were zoned for agricultural use at the time of acquisition. She said that based on a December 3, 2006 circuit court decision by Judge Collins, these applicants would be bound by the county land use regulations enacted in 1968. Ms. Stern added that M37-89-06 was also zoned for agricultural use at the time of acquisition.

Ms. Reeves discussed concerns regarding several of the other claims to be considered today and stated that claims for properties which were acquired after land use regulations were in effect cause severe complications for Planning staff because the applicants have to comply with those regulations. She requested that the 180-day deadline for Measure 37 claims be extended to allow county staff and concerned citizens adequate time for consideration of the many claims filed recently.

B. **AGENDA:**

Areas of Responsibility

1. **B. O. 07-01** - Consideration of approval of the assignment of liaison responsibilities for 2007, with Kathy George serving as Chair and Mary P. Stern as Vice-Chair.

Ms. Stern moved approval of the 2007 liaison responsibilities. The motion passed, Commissioners Lewis, George, and Stern voting aye.

Minutes

2. Consideration of approval of the following informal session minutes:
 - a. **B. O. 07-02** - April 4, 2006 budget work session;
 - b. **B. O. 07-03** - September 18, 2006.

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

Personnel

3. **B. O. 07-04** - Consideration of the employment of Paul May, McMinnville, as Program Coordinator in the Commissioners' Office Emergency Management, regular part-time, Range 18, Step 1, retroactive to January 1, 2007.
4. **B. O. 07-05** - Consideration of approval of the change of status of Tonya Saunders to regular full-time employment in Administrative Services, effective January 9, 2007.
5. **B. O. 07-06** - Consideration of approval of the employment of Gary Doran, Beaverton, as Corrections Reserve in the Jail, part-time on-call, \$10/hour, effective January 3, 2007.
6. **B. O. 07-07** - Consideration of approval of the change of status of Karen Rogers to Range 9, Step 3 in the Jail, retroactive to December 9, 2006.
7. **B. O. 07-08** - Consideration of approval of the change of status of Justin Brester to Deputy Sheriff in the Sheriff's Office, retroactive to December 28, 2006.
8. **B. O. 07-09** - Consideration of approval of the change of status of Margaret Jarmer from .9 FTE to .85 FTE in HHS Abacus, effective January 9, 2007.

Ms. Lewis moved approval of items B(3) through B(8). The motion passed, Commissioners, George, Stern, and Lewis voting aye.

Contracts/Grants

9. **B. O. 07-10** - Consideration of approval of an agreement between Yamhill County and ABM Janitorial Services for janitorial services for a portion of the Stark Building, \$845/month, retroactive to January 2, 2007 through November 30, 2007.
10. **B. O. 07-11** - Consideration of approval of a Federal Formula Grant agreement between the Juvenile Department and Oregon Commission on Children & Families for Functional Family Therapy, \$50,000, retroactive to November 1, 2006 through June 30, 2007.
11. **B. O. 07-12** - Consideration of approval of an agreement between HHS Adult Mental Health and Paul Stolfus, Psy.D. for clinical supervision services, \$70/hour, effective January 3, 2007

through May 30, 2007.

12. **B. O. 07-13** - Consideration of approval of Amendment #1 to Contract #4600005913 between HHS Public Health and Multnomah County for HIV client services, increasing the total contract amount to \$34,600.

13. **B. O. 07-14** - Consideration of approval of Amendment #32 to the 2005-07 Financing Agreement #113020 between Health & Human Services and Oregon Department of Human Services.

14. **B. O. 07-15** - Consideration of approval of Amendment #1 to revise the project budget line items of a grant agreement between Yamhill County and Oregon Economic & Community Development Department for the YCAP Relocation Study, Project #C06017.

Ms. Stern moved approval of items B(9) through B(14). The motion passed, Commissioners, George, Stern, and Lewis voting aye.

Bridges

15. **B. O. 07-16** - Consideration of authorizing the removal of weight limit postings on Kutch Road Bridge #11610 and Oak Ridge Road Bridge #11538.

Ms. Lewis moved to authorize the removal of the weight limits, noting that repairs have been completed on both bridges. The motion passed, Commissioners, George, Stern, and Lewis voting aye.

Committees

16. Acknowledge the resignation of Hayes McCoy from the Road Improvement Advisory Committee.

17. Acknowledge the resignations of Dr. Brent Heimuller and Julia Shotola from the Commission on Children & Families.

18. **B. O. 07-17** - Consideration of approval of the following appointments to the Commission on Children & Families for four-year terms to expire November 1, 2010:

- a. Richard Ives and Debi Mulcahy, Lay Members;
- b. Cynthia Easterday, Lay Alternate;
- c. Anne Wylie and Wade Witherspoon, Professional Alternates.

19. **B. O. 07-18** - Consideration of approval of the following appointments to Northwest Senior & Disability Services (NWSDS):

- a. Kathy George, liaison commissioner to NWSDS;
- b. Leslie Lewis, NWSDS Budget Committee.

20. **B. O. 07-19** - Consideration of the reappointment of Commissioners Kathy George and Mary P. Stern to the Hospital Authority Board for four-year terms to expire December 31, 2010.

Ms. Lewis moved approval of items B(16) through B(20). The motion passed, Commissioners, George, Stern, and Lewis voting aye.

Discretionary Spending

21. Declaration of \$54 paid from Commissioner Stern's discretionary account to the Planning Department for an electrical permit requested by the McMinnville Lion's Club.

Ms. Stern declared the expenditure, explaining that the permit was necessary for selling Christmas trees.

Transportation

22. Consideration of a request from Mid-Valley Rehabilitation, Inc. to transfer a portion of its transportation funding and two vehicles to YCAP. *[Tentatively approved, order to be adopted January 10, 2007.]*

Ms. Lewis stated that the STF Committee is very supportive of the request and would like to see Mid-Valley Rehabilitation's clients use public transportation more. John Gray stated that he would prepare an order for adoption the following week.

The Board agreed to consider Old Business and Public Hearings before the following Measure 37 claims.

Measure 37

23. **B. O. 07-20** - Consideration of approval of M37-02B-04, a Measure 37 claim authorizing Renee Callanan to make application to divide 45.57 acres into two-acre lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order and explained that the claimant is requesting more intense development than originally applied for. He stated that although the record lists both August 23 and August 25 as ownership dates, the evidence supports August 23 and there would be no difference in effect between the two dates.

Ms. Lewis moved approval of M37-02B-04. Ms. Stern stated that this constitutes a rural subdivision, which was not the intent of the voters. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

24. **B. O. 07-21** - Consideration of approval of M37-41B-05, a Measure 37 claim authorizing William and Portia Mardock to make application to divide 38.73 acres into two-acre lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order and explained that the claimant is requesting further development beyond that which was originally approved in 2005. Ms. Lewis moved approval of M37-41B-05. Ms. Stern noted that the subject property was zoned rural residential at the time of purchase, the effect of which will have to be determined by the Planning Department. The motion passed, Commissioners George, Stern, and Lewis voting aye.

25. **B. O. 07-22** - Consideration of denial of M37-48-05, a Measure 37 claim authorizing Celia and Gordon Dromgoole to make application to divide 39 acres into three lots and to establish a dwelling on each vacant lot.

Mr. Gray stated that this property had been in a living trust, but because of the death of the trustors, the new acquisition date would be 2006. He recommended denial of the claim because no land use regulations have been enacted since 2006 which would reduce the property value. Ms. Stern moved to deny M37-48-05. The motion passed, Commissioners George, Stern, and Lewis voting aye.

26. **Tabled** - Consideration of approval of M37-47-06, a Measure 37 claim authorizing Patricia Ediger to make application to divide 155.28 acres into six lots and to establish a dwelling on each vacant lot. *[To be discussed at informal session January 8, 2007.]*

27. **B. O. 07-23** - Consideration of approval of M37-53-06, a Measure 37 claim authorizing Robert Scholl to make application to divide 65 acres into lots of one to five acres each and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-53-06. She stated that there was legislative intent for rural subdivisions as part of Measure 37 because the voters' pamphlet clearly talked about land division and one of the primary petitioners was trying to subdivide her property into eight lots. She added that the county is required to approve all valid claims and let the issues be resolved in circuit court. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

28. **B. O. 07-24** - Consideration of approval of M37-54-06, a Measure 37 claim authorizing Max and Joyce Morrow to make application to divide 47 acres into seven lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-54-06. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

29. **B. O. 07-25** - Consideration of approval of M37-55-06, a Measure 37 claim authorizing Maxine Barber, Trustee of Maxine Barber Trust, to make application to divide 19.73 acres into two lots and to establish a dwelling on the vacant lot.

Mr. Gray read the operative part of the order and stated that circuit court decision referred to by Ms. Reeves applies to state waivers, not to county waivers. He said that the Planning Department will have to apply the criteria for agricultural zoning and the results will vary depending on the requests made. Ms. Lewis noted that the issue in this case will not be the land division, but whether or not a dwelling can be established. Ms. George moved approval of M37-55-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

30. **B. O. 07-26** - Consideration of approval of M37-56-06, a Measure 37 claim authorizing Frank and Beverly Rasmussen to make application to divide 14.72 acres into seven lots and to

establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of M37-56-06, noting that the subject property was zoned rural residential at the time of purchase. The motion passed, Commissioners George, Stern, and Lewis voting aye.

31. **B. O. 07-27** - Consideration of approval of M37-58-06, a Measure 37 claim authorizing Fredrick and Susan Capell to make application to divide 16.48 acres into lots of one acre or larger and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-58-06. The motion passed, Commissioners George, Stern, and Lewis voting aye. Ms. Stern stated that the property was zoned rural residential at the time of purchase, although the claimant may not get approval for lots as small as one acre.

32. **Tabled** - Consideration of approval of M37-59-06, a Measure 37 claim authorizing S.B. Nicoll Revocable Living Trust to make application to divide the property into five-acre lots and to establish a dwelling on each vacant lot. *[To be discussed at informal session January 8, 2007.]*

33. **B. O. 07-28** - Consideration of approval of M37-60-06, a Measure 37 claim authorizing Kenneth and Wilma Payne to make application to divide 44.84 acres into four lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-60-06. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

34. **B. O. 07-29** - Consideration of approval of M37-63-06, a Measure 37 claim authorizing William Howell to make application to divide 5.28 acres into five lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of M37-63-06, noting that the property was zoned rural residential at the time of purchase. The motion passed, Commissioners George, Stern, and Lewis voting aye.

35. **B. O. 07-30** - Consideration of denial of M37-64-06, a Measure 37 claim authorizing Robert White to make application to divide 2.64 acres into three lots and to establish a dwelling on each vacant lot.

Mr. Gray stated that no land use regulations have been enacted since the property was acquired which would reduce the property value. Ms. Lewis moved to deny M37-64-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

36. **B. O. 07-31** - Consideration of approval of M37-65-06, a Measure 37 claim authorizing Ray Fields to make application to divide 40.5 acres into two lots and to establish a dwelling on the vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of M37-65-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

37. **B. O. 07-32** - Consideration of approval of M37-66-06, a Measure 37 claim authorizing James and Patricia Horrocks to make application to recognize three tax lots totaling 15.63 acres as legal lots, to divide one of the lots into two lots, and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-66-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

38. **B. O. 07-33** - Consideration of approval of M37-67-06, a Measure 37 claim authorizing Michael Bayliss to make application to divide 234 acres into three lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of M37-67-06. The motion passed, Commissioners George, Stern, and Lewis voting aye. In response to Ms. Reeves' earlier comments, Ms. Lewis stated that the Planning Department is very capable of applying the land use regulations in existence at the time of purchase.

39. **B. O. 07-34** - Consideration of approval of M37-68-06, a Measure 37 claim authorizing Sheila Weinmann and William Cruse to make application to establish a dwelling on a forty-acre property.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of M37-68-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

40. **B. O. 07-35** - Consideration of approval of M37-69-06, a Measure 37 claim authorizing Laughlin Orchards, Inc. to make application to divide 167.7 acres into four lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-69-06. The motion passed, Commissioners George, Stern, and Lewis voting aye. Ms. Stern stated that the property was zoned agricultural at the time of purchase, so she is not sure what will be allowed.

41. **B. O. 07-36** - Consideration of approval of M37-70-06, a Measure 37 claim authorizing Laughlin Orchards, Inc. to make application to establish three dwellings on three platted lots.

Mr. Gray read the operative part of the order, explaining that although this is a platted subdivision, the existing lots weren't recognized as legal lots due to changes made after the property was purchased. Ms. Lewis moved approval of M37-70-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

42. **Tabled** - Consideration of approval of M37-72-06, a Measure 37 claim authorizing Vernie and Kenneth Eisland to make application to divide 26 acres into one-acre lots and to establish a dwelling on each vacant lot. *[To be discussed at informal session January 8, 2007.]*

43. **B. O. 07-37** - Consideration of approval of M37-73-06, a Measure 37 claim authorizing Alexander and Willette Steele to make application to divide 9.56 acres into two lots and to establish a dwelling on the vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of M37-73-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

44. **B. O. 07-38** - Consideration of approval of M37-74-06, a Measure 37 claim authorizing Alexander and Willette Steele to make application to divide eleven acres into two lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-74-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

45. **B. O. 07-39** - Consideration of approval of M37-75-06, a Measure 37 claim authorizing Alexander and Willette Steele to make application to divide 11.26 acres into two lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of M37-75-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

46. **B. O. 07-40** - Consideration of approval of M37-76-06, a Measure 37 claim authorizing Alexander and Willette Steele to make application to divide 8.2 acres into two lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-76-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

47. **B. O. 07-41** - Consideration of approval of M37-77-06, a Measure 37 claim authorizing Alexander and Willette Steele to make application to divide 7.3 acres into two lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of M37-77-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

48. **B. O. 07-42** - Consideration of approval of M37-78-06, a Measure 37 claim authorizing Alexander and Willette Steele to make application to divide seven acres into two lots and to establish a dwelling on the vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-78-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

49. **B. O. 07-43** - Consideration of denial of M37-79-06, a Measure 37 claim authorizing Jeffrey and Billy Magar to make application to divide 9.16 acres into five lots and to establish a dwelling on each vacant lot.

Mr. Gray stated that the Board had previously determined that an equitable mortgage had not been established in this case and had therefore deemed the ownership date to be November 6, 2002. He said that this claim is a slightly different request based on the same facts. He recommended that the Board deny the request in order to be consistent with the new process, since there has been no reduction in value. Ms. Stern moved to deny M37-79-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

50. **B. O. 07-44** - Consideration of approval of M37-80-06, a Measure 37 claim authorizing Edward and Helen Pritchett to make application to divide 113.21 acres into four lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-80-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

51. **B. O. 07-45** - Consideration of approval of M37-81-06, a Measure 37 claim authorizing Edward and Helen Pritchett to make application to divide 92.79 acres into three lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of M37-81-06, noting that the claimants will probably only get approval for two lots. The motion passed, Commissioners George, Stern, and Lewis voting aye.

52. **B. O. 07-46** - Consideration of approval of M37-82-06, a Measure 37 claim authorizing M&M Forests to make application to divide fifty acres into two lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-82-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

53. **B. O. 07-47** - Consideration of approval of M37-84-06, a Measure 37 claim authorizing Norman and Patricia Fleming to make application to divide 19.9 acres into lots of two to three acres each and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-84-06, noting that the state may not grant approval for the houses. The motion passed, Commissioners George, Stern, and Lewis voting aye.

54. **B. O. 07-48** - Consideration of approval of M37-85-06, a Measure 37 claim authorizing Ivan and Dina Nuxoll to make application to divide 185 acres into four lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-85-06. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

55. **B. O. 07-49** - Consideration of approval of M37-86-06, a Measure 37 claim authorizing Joyce Peasley and Alan & Vicky Peters to make application to divide 17.87 acres into five lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order, explaining that Ms. Peasley has a vendor's interest in the property and pays the taxes. Ms. Stern moved approval of M37-86-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

56. **B. O. 07-50** - Consideration of denial of M37-88-06, a Measure 37 claim authorizing Susan Teppola to make application to establish a dwelling on 47.51 acres.

Mr. Gray stated that there has been no reduction in property value because the date of ownership is April 20, 2000, the date Ms. Teppola acquired it from her husband. Ms. Lewis moved to deny M37-88-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

57. **B. O. 07-51** - Consideration of approval of M37-89-06, a Measure 37 claim authorizing Gary and Eleanora Fendall to make application to divide 7.04 acres into four lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of M37-89-06, noting that the applicants may not get what they are asking for. The motion passed, Commissioners George, Stern, and Lewis voting aye.

C. OLD BUSINESS:

1. **B. O. 07-52** - Consideration of adoption of Ordinance 801 in support of Planning Docket Z-04-06, a request for zone change from AF-10 to VLDR-2.5, applicant Pat Downer, as tentatively approved by the Planning Commission December 7, 2006.

Rick Sanai provided the first and second readings of Ordinance 801 by title only, declaring an emergency. Ms. George moved to adopt the ordinance. The motion passed, Commissioners George, Stern, and Lewis voting aye.

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

E. PUBLIC HEARINGS:

1. Consideration of S-11-06, an appeal of the Planning Commission's approval for a twelve-lot subdivision on 58.14 acres, applicant Youngman Family Trust, appellant Katherine Dunn, as continued from December 13, 2006 at the point of Rebuttal. *[Appeal tentatively denied/Planning Commission's decision upheld, findings to be adopted January 24, 2007.]*

Ms. George opened the public hearing. Mr. Gray reviewed the application and the hearing procedure to date, noting that the Board has had the opportunity to read the comments received during the open record period. He stated that because the deadline for written rebuttal has passed, only oral rebuttal will be accepted at this point.

Rebuttal - Tom Tankersley, representing the applicant, stated that the following items were

inadvertently misstated in Exhibit 2 to his letter dated January 2, 2007, which is in the record: in Item 8, the correct well output is 16 gpm rather than 12 gpm; in Item 9, no out of office engineering was involved so the 85% completion is correct (the dollar amount is unchanged); and in Item 10, the permit fee should be \$770 and the engineering cost should be \$350 (the total is correct).

He also stated that an area has been set aside as a Forest Preserve Area, the rights of which will be maintained by the Homeowners' Association, and that maintenance provisions have been established for the cul-de-sac and for the Forest Preserve Area. He stated that the logger has finished clearing the storm debris from Tupper Road and the county had graveled, graded, and crowned the road, which shows that the county and the neighborhood can work together to resolve problems.

He stated that standard septic approvals by the county will protect public health and safety and there are no health and safety issues related to stormwater runoff. He pointed out that the subdivision was approved unanimously by the Planning Commission before the death of Mrs. Youngman and substantial work was done by the applicants before her death, so there should be no problem with the Board affirming the Planning Commission's approval.

Bob Youngman expressed his appreciation to the Public Works staff for their work over the past few months. He stated that the Forest Preserve Area will protect the river and trees through proven forest management practices and will provide a network of access easements for residents. He said that a forest greenway overlay will be included as part of the final plat. He stated that the information submitted is a fair and accurate reflection of the expenses and progress in the project as of December 12, 2006 and he testified to the truthfulness of the January 2, 2007 letter submitted by Mr. Tankersley, with the corrections noted above.

At the request of Ms. Reeves, Mr. Gray reviewed the open record deadlines. He discussed the issues raised by Mrs. Youngman's death and concluded that the Board has the authority to go forward with a decision because the Planning Commission's approval constitutes final approval of the subdivision application, subject to appeal to the Board, which in this case was filed after the death of Mrs. Youngman. He stated that no appellate law exists yet regarding the vesting issue relating to transferability and hopefully some guidance will be provided from the courts for future actions.

Ms. Stern stated her intent to withdraw from the Board's consideration of the appeal because she was not present for the majority of the hearing.

Staff Recommendation - Mr. Friday recommended approval of the application with the conditions placed by the Planning Commission. He suggested that the Board include in Condition #3 that approval is subject to compliance with the county's Infrastructure Ordinance 787.

Close of Public Hearing / Deliberation - Ms. Lewis stated that the issue comes down to vesting and she believes that the applicants have vested their rights based on the amount of development already done on the property. She agreed with Mr. Gray that this is not a land use case and said that she believes the applicants have complied with the public health and safety provisions of Measure 37 and will continue to do so.

She moved to deny the appeal and tentatively affirm the Planning Commission's approval of S-11-06, with findings to be adopted January 24, 2007. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern abstaining.

The meeting recessed at 10:10 a.m. and reconvened at 10:20 a.m., at which point the Measure 37 claims on the agenda were considered.

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 lay alternate position and one youth position;
- c. Road Improvement Advisory Committee, 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 11:28 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS