

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 May 30, 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.; Rick Sanai, Assistant County Counsel; Laura Tschabold, Projects Coordinator; Steve Mikami, Personnel Officer; Mike Brandt, Planning Director; Chuck Vesper, Juvenile Corrections Division Manager; Janet Jones, Prevention Program Coordinator; Katie Paysinger, Dayton High School; Gloria Bartels; Ramsey McPhillips, 13000 SW McPhillips Road; and Kraig Ludwig, 3600 Vittoria Way, Newberg.

Commissioner George called the meeting to order.

**SPECIAL PRESENTATION:** Presentation by the Board to volunteers in the Youth Empowerment Squad of the Prevention Program.

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. 07-446** - Consideration of approval of the employment of Lindsey Manfrin and Larysa Tremaine as Registered Nurse 2 in HHS Public Health, regular full-time, Range 19, Step 5, \$3851/month, effective June 4, 2007.

2. **B. O. 07-447** - Consideration of approval of the change of status of Janet Cain to .6 FTE in HHS Family & Youth, effective June 4, 2007 through August 31, 2007.

3. **B. O. 07-448** - Consideration of approval of the employment of Marilyn Westfall, McMinnville, as Extra Help in Administrative Services, part-time on-call, \$18.60/hour, effective May 30, 2007 through December 31, 2007.

4. **B. O. 07-449** - Consideration of approval of the employment of Kali Montague, Dallas, as Law Library Clerk in Administrative Services, temporary part-time, \$13.95/hour, effective May 31, 2007 through December 31, 2007.

Ms. Lewis moved approval of items B(1) through B(4). The motion passed, Commissioners George, Stern, and Lewis voting aye.

Contracts

5. **B. O. 07-450** - Consideration of approval of an agreement between Public Works and OBEC Consulting Engineers for preliminary engineering services on Ayers Creek and Palmer Creek Bridges, not to exceed \$165,600.

Ms. Lewis moved approval of the agreement, explaining that the bridges need to be replaced. The motion passed, Commissioners George, Stern, and Lewis voting aye.

6. **B. O. 07-451** - Consideration of approval of an agreement between Health and Human Services and Northwest Human Services, Inc. for after-hours crisis services, \$11,121/year, effective July 1, 2007.

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

7. **B. O. 07-452** - Consideration of approval of Amendment #45 to the 2005-07 Financing Agreement #113020 between Health & Human Services and Oregon Department of Human Services.

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

8. **B. O. 07-453** - Consideration of approval of Amendment #2 to the Special Public Works Fund Agreement #K06002 between Health & Human Services and Oregon Economic and Community Development Department to extend the HHS Adult Services Treatment Building project completion date to September 9, 2008.

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

9. **B. O. 07-454** - Consideration of the renewal of an agreement between HHS Family & Youth and Head Start of Yamhill County for mental health consultation services and classroom observations, \$50/hour up to \$7017 annually, effective July 1, 2007 through June 30, 2008.

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

Surplus Property

10. **B. O. 07-455** - Consideration of declaring the following items as surplus county property to be sold on e-Bay to the highest bidder with minimum bid amounts as listed:

- a. 1988 Etyre Chip Spreader with Bear Cat CRC controls \$24,000
- b. 1987 International truck with ten-yard dump body \$18,000

c. 2001 Caterpillar PS150 nine-wheel roller

\$29,000

Ms. Lewis moved to declare the items as surplus county property, noting that the department hopes to apply the proceeds toward an excavator for ditching, which is desperately needed. The motion passed, Commissioners George, Stern, and Lewis voting aye.

#### Mileage Rate

11. Review of the county's mileage reimbursement rate in comparison with other jurisdictions and the state IRS rate. *[No changes made at this time.]*

John Krawczyk stated that the YCEA labor agreement requires the rate to be reviewed annually. He said that the current IRS rate is 48.5 cents per mile and the county rate is 42.5 cents per mile. John Gray recommended holding off on any changes at this time, since labor negotiations are currently on hold. The Board concurred.

#### Wood Barn

12. Discussion of a dedication ceremony for the Community Service Wood Barn. *[Ceremony to be scheduled at a later time.]*

Chuck Vesper explained the wood program and said he would schedule the ceremony after he hears from Major Brewer regarding possible dates.

### **C. OLD BUSINESS:**

#### Measure 37 (Items 1-32 continued to June 13, 2007)

1. Consideration of approval of M37-235-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 459.6 acres into multiple lots and to establish a dwelling on each vacant lot.

Ms. Stern moved to continue M37-235-06 to June 13, 2007. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

2. Consideration of M37-171-06, a Measure 37 claim authorizing the Hazel Timmons Trust to make application to divide 12.67 acres into three lots and to establish a dwelling on each vacant lot.

3. Consideration of M37-172-06, a Measure 37 claim authorizing the Hazel Timmons Trust to make application to divide 3.67 acres into two lots and to establish a dwelling on each vacant lot.

4. Consideration of M37-248-06, a Measure 37 claim authorizing Harry Barnett to make application to divide 78.5 acres into lots of ten acres or less and to establish a dwelling on each vacant lot.

5. Consideration of M37-249-06, a Measure 37 claim authorizing H. Ford and Margaret Forster to make application to divide 45.66 acres into nine lots and to establish a dwelling on each vacant lot.

6. Consideration of M37-252-06, a Measure 37 claim authorizing Leona Atchley to make

application to divide 19.3 acres into two-acre lots and to establish a dwelling on each vacant lot.

7. Consideration of M37-259-06, a Measure 37 claim authorizing Joan Cooper to make application to establish a dwelling on a seven-acre portion of the property.

8. Consideration of M37-260-06, a Measure 37 claim authorizing Donald Alexander to make application to remove the restrictions of the Interchange Overlay District.

9. Consideration of M37-261-06, a Measure 37 claim authorizing Oliver and Emily Reynoldson to make application to divide 64.8 acres into thirteen lots and to establish a dwelling on each vacant lot.

10. Consideration of M37-262-06, a Measure 37 claim authorizing Gary and Barbara Skiles to make application to divide 4.79 acres into two lots and to establish a dwelling on the vacant lot.

11. Consideration of M37-263-06, a Measure 37 claim authorizing Michael and Charlene Hintermeyer to make application to divide eighty acres into four lots and to establish a dwelling on each vacant lot.

12. Consideration of M37-265-06, a Measure 37 claim authorizing Jeffrey and Kathy Pearson to make application to divide 43.6 acres into two lots and to establish a dwelling on the vacant lot.

13. Consideration of M37-266-06, a Measure 37 claim authorizing William and Diane Schulz to make application to divide 3.78 acres into three lots and to establish a dwelling on each vacant lot.

14. Consideration of M37-267-06, a Measure 37 claim authorizing Dorothy Lloyd to make application to divide 131 acres into seven lots and to establish a dwelling on each vacant lot.

15. Consideration of M37-268-06, a Measure 37 claim authorizing the Helen Avery Estate to make application to divide 42.8 acres into ten lots and to establish a dwelling on each vacant lot.

16. Consideration of M37-269-06, a Measure 37 claim authorizing Lorraine Paddock to make application to divide 7.7 acres into five lots and to establish a dwelling on each vacant lot.

17. Consideration of M37-270-06, a Measure 37 claim authorizing Gayle Wilhoit to make application to establish a dwelling on each vacant lot.

18. Consideration of M37-272-06, a Measure 37 claim authorizing Deborah Park Jeffries and Rebecca Park Pennington to make application to divide 101.1 acres into 2.5-acre lots and to establish a dwelling on each vacant lot.

19. Consideration of M37-274-06, a Measure 37 claim authorizing Clorene Robertson to make application to establish a dwelling on a five-acre vacant lot.

20. Consideration of M37-276-06, a Measure 37 claim authorizing Clorene Robertson to make

application to divide five acres into two lots and to establish a dwelling on each vacant lot.

21. Consideration of M37-277-06, a Measure 37 claim authorizing Hulda Rutschman to make application to divide 54.1 acres into ten to fifteen lots and to establish a dwelling on each vacant lot.
22. Consideration of M37-278-06, a Measure 37 claim authorizing Paul Poole to make application to establish a dwelling on 44.83 acres.
23. Consideration of M37-279-06, a Measure 37 claim authorizing Robert and Betty Janzen to make application to establish a dwelling on 9.52 acres.
24. Consideration of M37-280-06, a Measure 37 claim authorizing Robert and Betty Janzen to make application to divide 13.44 acres into lots to merge with proposed development in adjacent Polk County and to establish a dwelling on each vacant lot.
25. Consideration of M37-281-06, a Measure 37 claim authorizing Robert and Betty Janzen to make application to divide 114.46 acres into ten to twelve lots and to establish a dwelling on each vacant lot.
26. Consideration of M37-282-06, a Measure 37 claim authorizing Robert and Betty Janzen to make application to establish a dwelling on 8.58 acres.
27. Consideration of M37-283-06, a Measure 37 claim authorizing Robert and Betty Janzen to make application to establish a dwelling on 9.37 acres.
28. Consideration of M37-284-06, a Measure 37 claim authorizing Robert and Betty Janzen to make application to establish a dwelling on each of two ten-acre lots.
29. Consideration of M37-285-06, a Measure 37 claim authorizing Robert and Betty Janzen to make application to establish a dwelling on ten acres.
30. Consideration of M37-286-06, a Measure 37 claim authorizing Martin Rieder and Connie Yokoshima to make application to divide 106.4 acres into lots of one to five acres each and to establish a dwelling on each vacant lot.
31. Consideration of M37-287-06, a Measure 37 claim authorizing Brentano and Schwartz to make application to divide 55 acres into five-acre lots and to establish a dwelling on each vacant lot.
32. Consideration of M37-289-06, a Measure 37 claim authorizing John Bernards to make application to divide 92 acres into two lots and to establish a dwelling on the vacant lot.

Ms. Stern moved to continue items C(2) through C(32) to June 13, 2007. The motion passed, Commissioners George, Stern, and Lewis voting aye.

33. **B. O. 07-456** - Consideration of adoption of findings in support of M37-203-06, a Measure 37 claim authorizing Stan Bunn to make application to establish a commercial office and a separate

advertising sign on a .05-acre property, with additional proposed and alternative uses, as tentatively approved May 9, 2007 and continued from May 23, 2007.

Mr. Gray read the operative part of the order. Ms. Stern moved to adopt the findings. The motion passed, Commissioners George, Stern, and Lewis voting aye.

34. **B. O. 07-457** - Consideration of adoption of findings in support of M37-211-06, a Measure 37 claim authorizing Herbert and Barbara Anderson to make application to divide 133 acres into 20 to 100 lots and to establish a dwelling, commercial uses, and other non-farm uses on each vacant lot., as tentatively approved May 9, 2007 and continued from May 23, 2007.

Mr. Gray read the operative part of the order. Ms. Lewis moved to adopt the findings, noting that Mr. Anderson is trying to plan ahead for his family and is not sure how many lots he'll want. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

35. **B. O. 07-458** - Consideration of adoption of findings in support of M37-224-06, a Measure 37 claim authorizing Shirley McDaniel to make application to divide 16.77 acres into fourteen lots and to establish a dwelling on each lot, as tentatively approved May 9, 2007 and continued from May 23, 2007.

Mr. Gray read the operative part of the order. Ms. Lewis moved to adopt the findings. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no. Ms. Stern stated that she does not believe it was the legislative intent of the voters to approve rural subdivisions.

36. **B. O. 07-459** - Consideration of adoption of findings in support of M37-209-06, a Measure 37 claim authorizing Gerald and Kathleen Macken to make application to divide seventeen acres into one-acre lots and to establish a dwelling on each vacant lot, as tentatively approved May 23, 2007.

Mr. Gray read the operative part of the order. Ms. Lewis moved to adopt the findings. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

37. **B. O. 07-460** - Consideration of adoption of findings in support of M37-256-06, a Measure 37 claim authorizing Earl Gross to make application to divide Tax Lot 5517-400 into one-acre lots and to establish a dwelling on each vacant lot, as tentatively approved on May 23, 2007.

Mr. Gray read the operative part of the order. Ms. Lewis moved to adopt the findings. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

38. **B. O. 07-461** - Consideration of adoption of findings in support of M37-257-06, a Measure 37 claim authorizing Landmark Ventures Oregon, Ltd. to make application to divide 9.93 acres into one-acre lots and to establish a dwelling on each vacant lot, including commercial, industrial, and agricultural uses, as tentatively approved May 23, 2007.

Mr. Gray read the operative part of the order. Ms. Stern moved to adopt the findings, noting that this would not constitute a subdivision because the property consists of four tax lots. The motion passed, Commissioners George, Stern, and Lewis voting aye.

39. **B. O. 07-462** - Consideration of adoption of findings in support of M37-264-06, a Measure 37 claim authorizing Dorothy Kreder Pekkola to make application to divide 273.87 acres into lots of one to five acres each and to establish a dwelling on some vacant lots, to establish industrial uses on other lots, and to construct docks along the Yamhill River, as tentatively approved May 23, 2007.

Mr. Gray read the operative part of the order. Ms. Lewis moved to adopt the findings. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

40. **B. O. 07-463** - Consideration of adoption of findings in support of M37-271-06, a Measure 37 claim authorizing the Henry and Christie Wyman Trust to make application to divide 37.5 acres into 23 lots and to establish a dwelling on each vacant lot, as tentatively approved May 23, 2007.

Mr. Gray read the operative part of the order. Ms. Lewis moved to adopt the findings, noting that Mr. Wyman just wants to build one house on the property without tearing down the family cabin and may give some property to his children in the future. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no. Ms. Stern stated that if the application had stated Mr. Wyman's real intent, she would have voted to approve it.

41. **B. O. 07-464** - Consideration of adoption of findings in denial of M37-273-06, a Measure 37 claim authorizing Margaret Hasslen to make application to divide 126 acres into one-acre lots and to establish a dwelling on each vacant lot, as tentatively denied May 23, 2007.

Mr. Gray explained that the applicant passed away prior to the Board's hearing for the claim, so this is no longer a valid claim. Ms. Stern moved to adopt the findings in denial of M37-273-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

#### Road Vacation

42. **B. O. 07-465** - Consideration of adoption of findings in support of a portion of Public Works Docket RV-2-2007, a request by David Mihm to request portions of platted roads in Cove Orchard, as tentatively approved May 16, 2007.

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

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

1. **B. O. 07-466** - Consideration of adoption of Resolution 07-5-30-1 declaring a state of emergency in Yamhill County due to significant damage to various fruit crops April 1 through April 30, 2007 and requesting the governor to declare a state of emergency to facilitate federal assistance.

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

**E. PUBLIC HEARINGS:**

1. Consideration of M37-275-06, a Measure 37 claim authorizing William and Gloria Bartels to make application to divide 131.65 acres into one-acre lots and to establish a dwelling on each vacant lot, as continued from May 23, 2007. *[Tentatively approved, findings to be adopted June 6, 2007.]*

Ms. George opened the public hearing. Mr. Gray reviewed the hearing procedure. Mr. Brandt reviewed the claim and recommended modifying, removing, or not applying the land use regulations back to April 25, 1974.

Gloria Bartels explained that the original claim was modified on the advice of an attorney in order to maximize the use of the property.

There being no public comment, the hearing was closed. Ms. Lewis moved tentative approval of M37-275-06 with findings to be adopted June 6, 2007. She stated that although the claimants will likely be able to get more divisions than previously approved, they will not be able to get one-acre lots. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

2. Consideration of M37-288-06, a Measure 37 claim authorizing McPhillips Farms, Inc. to make application to divide and develop 521.68 acres with multiple commercial uses and multiple dwellings and cabins. *[Tentatively approved, findings to be adopted June 6, 2007.]*

Ms. George opened the public hearing. Mr. Brandt reviewed the claim and recommended modifying, removing, or not applying the land use regulations back to December 31, 1962.

Ramsey McPhillips discussed his plans to develop the subject property into an eco-gardening resort with many of the houses being for his relatives. He invited the Board to come out and look at the farm.

Ms. Lewis explained that the county has adopted the state's approach regarding appraisals, which is to not require them when there has clearly been a reduction in value.

There being no public comment, the hearing was closed. Ms. Lewis moved tentative approval of M37-288-06 with findings to be adopted June 6, 2007. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

**F. ANNOUNCEMENTS:**

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

- a. Commission on Children & Families, three lay alternate position and one youth position;
- b. Local Alcohol and Drug Planning Committee, three positions;
- 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](mailto:Sally.Lawson@state.or.us).

The meeting adjourned at 10:12 a.m.

Anne Britt  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair KATHY GEORGE

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Commissioner MARY P. STERN

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Commissioner LESLIE LEWIS