

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 July 18, 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 M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; John Krawczyk, Administrative Services Director; Laura Tschabold, Administrative Services Deputy Director; Ken Friday, Planning Division Manager; Al Benkendorf, 2701 NW Vaughn, Suite 461, Portland; Joel Norgren, 3655 NW Van Buren, Corvallis; and Daniel Smith, 32700 NE Lesley Road, Newberg.

Commissioner George 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. Lewis moved approval of the consent agenda with modifications to the salary step on item B(7) and the wording on B(18). The motion passed, Commissioners George, Lewis, and Stern voting aye.

Minutes

1. **B. 0. 07-636** - Approve the minutes from the April 11, 2007 formal session.

Personnel

2. **B. 0. 07-637** - Approve the employment of Laurie Armstrong, Yamhill, as Accounting Clerk 2 in Administrative Services, regular full-time, Range 10, Step 2, retroactive to July 16, 2007.

3. **B. 0. 07-638** - Approve the change of status of Jason Johnson to Juvenile Detention Technician in the Juvenile Department, regular full-time, Range 12, Step 1, \$2302/month, effective July 24, 2007.

4. **B. 0. 07-639** - Approve the change of status of Jose Molina from .4 FTE to .48 FTE as Juvenile Corrections Technician in the Juvenile Department, effective July 24, 2007.

5. **B. 0. 07-640** - Approve the change of status of Ximena Mendez to extend temporary part-time employment in HHS Family & Youth, retroactive to June 30, 2007 through August 30, 2007.

6. **B. 0. 07-641** - Approve the change of status of Stephanie Brown to temporary on-call employment in HHS Adult Mental Health, retroactive to July 8, 2007 through September 30, 2007.
7. **B. 0. 07-642** - Approve the reclassification of a Corporal position in the Sheriff's Office to Sergeant; approve the change of status of Russ Ludwig to Sergeant, Range 16, Step 7, effective July 18, 2007.
8. **B. 0. 07-643** - Approve a contract employee agreement between HHS Adult Mental Health and Holly Hoch, M.D. for psychiatric services, \$106/hour, retroactive to July 1, 2007.
9. **B. 0. 07-644** - Approve Amendment #2 to extend a contract employee agreement between Dog Control and Kari Lewers, retroactive to July 1, 2007 through December 31, 2007.

Contracts

10. Approve intergovernmental agreements between the Sheriff's Office and the following school districts for School Resource Officers, retroactive to July 1, 2007 through June 30, 2008:
 - a. **B. 0. 07-645** - Sheridan School District, 1.0 FTE, \$50,000;
 - b. **B. 0. 07-646** - Willamina School District, 1.0 FTE, \$46,000.
11. Approve intergovernmental agreements between HHS Adult Mental Health and the following counties for Acute Care Psychiatric Hospital Alternatives, retroactive to July 1, 2007 through June 30, 2008:
 - a. **B. 0. 07-647** - Tillamook County, \$4480;
 - b. **B. 0. 07-648** - Marion County, \$37,626.
12. **B. 0. 07-649** - Approve an intergovernmental agreement between HHS Public Health and Willamina School District #30J for the School-Based Health Center located at Willamina High School, retroactive to July 1, 2007.
13. **B. 0. 07-650** - Approve a lease agreement between HHS Public Health and the Yakima Valley Farm Workers Clinic for the Newberg Annex property at 2251 Hancock Street, Newberg, \$585/month, retroactive to July 1, 2007 through June 30, 2008.
14. **B. 0. 07-651** - Ratify Amendment #48 to the 2005-07 Financial Assistance Agreement #113020 between Health & Human Services and Oregon Department of Human Services to compensate for vacancies at the RTF/ECF, retroactive to July 3, 2007.
15. **B. 0. 07-652** - Ratify an intergovernmental agreement between the Transit Division and Oregon Department of Transportation for Special Transportation Funding, estimated amount \$311,238, retroactive to July 1, 2007 through June 30, 2009.
16. **B. 0. 07-653** - Approve an agreement between Public Works and OBEC Engineering Consultants, Inc. for Phases 2 and 3 of the Quarry Road Embankment Failure Project, not to exceed \$118,727.

Resolutions

17. **B. 0. 07-654** - Adopt Resolution 07-7-18-1 in support of Parole and Probation Officers Appreciation Week, July 15-21, 2007.
18. **B. 0. 07-655** - Adopt an order offering to surrender jurisdiction to the City of Newberg over portions of Second Street in Newberg.

Committees

19. **B. 0. 07-656** - Approve the reappointment of Jay Dick, Rocky Losli, and Tammy Garvey to the Road Improvement Advisory Committee for three-year term to expire July 8, 2010.
20. **B. 0. 07-657** - Approve the reappointment of John DeMay, Steve Gibbons, Mike Hamilton, Lee Vasquez, and Kurt Hollinsworth to the Local Public Safety Coordinating Council for three-year terms to expire July 31, 2010.
21. **B. 0. 07-658** - Approve the reappointment of the following Classification Committee members:
- a. Diane Fisher and Elaine Heidt, three-year terms to expire January 22, 2010;
 - b. Sonja Olheiser, three-year term to expire July 8, 2010.

C. **OLD BUSINESS:** None.

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

1. **B. 0. 07-659** - Consideration of the reappointment of Colin Armstrong to the Yamhill County Foundation for a three-year term to expire December 31, 2009.

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

2. **B. 0. 07-660** - Consideration of approval of an agreement between Yamhill County and Murray Paolo to provide a stipend for Information Systems Management services to the City of McMinnville, \$1000/month, effective with the July 31, 2007 paycheck.

Ms. Lewis explained that Mr. Paolo has been providing contract services to the city since 2003 and has never received a salary increase to recognize his increased duties. She moved approval of the agreement. The motion passed, Commissioners George, Stern, and Lewis voting aye.

3. Consideration of approval of agreements between the Transit Division and the following providers for disbursement of Special Transportation Funding, retroactive to July 1, 2007 through June 30, 2007:
- a. **B. 0. 07-661** - Abacus, \$9011;
 - b. **B. 0. 07-662** - Mid-Valley Rehabilitation, Inc., \$19,680;
 - c. **B. 0. 07-663** - Chehalem Valley Senior Citizens Council, \$58,500;
 - d. **B. 0. 07-664** - Special Olympics Oregon, \$3612.

For each of the four agreements, Ms. Lewis moved approval. Each of the motions passed, Commissioners George, Stern, and Lewis voting aye.

E. PUBLIC HEARINGS:

1. Consideration of Planning Docket PAZ-01-07, a request for plan amendment/zone change from AF-20 to AF-10, applicants Benkendorf Associates representing Charles & Anne Gray. *[Tentatively approved; findings to be adopted August 1, 2007.]*

Ms. George opened the public hearing. There were no abstentions or objections to jurisdiction. Ms. Lewis noted that the commissioners had not taken a site visit, but had each been to the area previously. Rick Sanai read the statement required for land use hearings relating to the requirement that parties must raise all issues at the hearing or waive their right to raise the issues on appeal. Ms. Stern apologized that, because the commissioners had each received three copies of a different docket on today's agenda rather than one copy of each, she had only been able to read the packet for one application.

Staff Report - Ken Friday reviewed the subject property and surrounding zoning, the request for plan amendment/zone change, and the criteria for approval. He noted that the Planning Commission had voted 5-3 to recommend approval of the request with the condition that the subject property no longer be allowed on farm or forest deferral.

Proponents - Al Benkendorf, representing the applicants, distributed copies of a map showing that many of the lots in the area are already well below the twenty-acre minimum and a number are smaller than ten acres. He reviewed a summary of the criteria for approval and how they have been met. He reviewed the distribution of stony land in Yamhill County, based on Joel Norgren's soil analysis, and pointed out that the subject property is in one of the areas of stony land. He stated that a letter in the record from John Hemstreet indicates that the subject property is not suitable for commercial timber production. He reviewed evidence in the record regarding the need for additional AF-10 lots in the county.

Mr. Friday discussed the difficulties in including Measure 37 subdivision in available land, noting that very few Measure 37 waivers have received the subsequent land division approvals so far.

Opponents - None.

Public Agency Reports - Mr. Friday noted that there is a letter from the Department of Land Conservation and Development (DLCDD) in the packet, as well as a letter of response from John Hemstreet, submitted by the applicants.

Staff Recommendation - Mr. Friday recommended approval of the application with the condition that the subject property no longer be allowed on farm or forest deferral.

Close of Public Hearing / Deliberation - Ms. Stern stated that much of the information for this application is similar to the packet she was able to read for one of the other applications, and the Board has dealt with other applications in this area before. She stated that the subject property

is clearly not resource land. She moved tentative approval of PAZ-01-07 with the condition as stated by Mr. Friday, with findings to be adopted August 1, 2007.

Ms. Lewis agreed with the need for more rural residential property in the county and noted that the county's efforts in the 1990s to bring land that wasn't good farmland into this category was stopped by groups such as Friends of Yamhill County, 1000 Friends of Oregon, and DLCD. Ms. George said that she doesn't believe the citizens intended Senate Bill 100 to be so inflexible.

The motion for tentative approval passed, Commissioners George, Stern, and Lewis voting aye.

2. Consideration of Planning Docket PAZ-02-07, a request for plan amendment/zone change from EF-80 to AF-10, applicants Benkendorf Associates representing Bradford & Marina Brenner. *[Continued to August 15, 2007 at the point of Staff Recommendation; record left open for submittal of information by applicants until 5:00 p.m. August 9, 2007.]*

Ms. George opened the public hearing. There were no abstentions or objections to jurisdiction. Mr. Sanai stated that there was no need to reread the land use statement.

Staff Report - Mr. Friday reviewed the subject property and surrounding zoning, the request for plan amendment/zone change, and the criteria for approval. He noted that the Planning Commission had voted to forward the application to the Board without a recommendation, although it appeared that the vote would have been 4-3 in favor. He explained that five affirmative votes are required to recommend approval.

Proponents - Mr. Benkendorf, representing the applicants, distributed and reviewed a map of the area and a summary of how the conditions of approval have been met. He reviewed the results of the soil analysis and stated that the information regarding the need for additional AF-10 land is the same as discussed during the previous hearing. He stated that the subject property is not necessary to support agricultural operations on the west side of Wilsonville Road.

Dan Smith, former owner of the subject property, provided background information of the property and his unsuccessful attempts to grow trees on a vast majority of the land. He explained that he was able to grow trees on 3.5 acres adjacent to Wilsonville Road, despite the 10% slope, which explains the income used to qualify for a dwelling. He stated that he sold the property about three years ago and has no personal interest in the outcome of this application. He answered questions of clarification from Commissioners Stern and Lewis.

Ms. Lewis stated that anyone could meet the income test by doing container farming and that does not necessarily mean the property is resource land.

Opponents - None.

Public Agency Reports - Mr. Friday stated that Public Works, the Fire Department, and Water Resources have all reviewed the file and found no conflicts with their interests. He stated that there is a letter in the record from DLCD regarding farm use and the need for information from the

applicants regarding the suitability of the subject property for orchards or vineyards. He noted that no further information was submitted by the applicants, although testimony from the previous owner regarding this issue was considered by the Planning Commission.

Ms. Stern stated that she doesn't believe the Board could call this non-resource land because of the history of farm use, but she would be willing to continue the hearing for several weeks and have staff work with the applicants regarding the possibility of taking an exception. Mr. Benkendorf stated that he would appreciate a 30-day continuance to allow the applicants the opportunity to respond to concerns raised in the DLCD letter.

Ms. Lewis moved to continue the hearing to August 15, 2007 at the point of Staff Recommendation, with the record left open until 5:00 p.m. on August 9, 2007 for the applicant to submit further information. The motion passed, Commissioners George, Stern, and Lewis voting aye.

3. Consideration of Planning Docket PAZ-03-07, a request for plan amendment/zone change from AF-20 to AF-10, applicants Benkendorf Associates representing Martin Castro and Michael & Lauren Heifetz. *[Tentatively approved; findings to be adopted August 1, 2007.]*

Ms. George opened the public hearing. There were no abstentions or objections to jurisdiction. Mr. Sanai stated that there was no need to reread the land use statement.

Staff Report - Mr. Friday reviewed the subject property and surrounding zoning, the request for plan amendment/zone change, and the criteria for approval. He noted that the Planning Commission had voted 5-3 to recommend approval of the request with the condition that the subject property no longer be allowed on farm or forest deferral.

Proponents - Mr. Benkendorf, representing the applicants, distributed and reviewed a map of the area and a summary of how the conditions of approval have been met, noting that this application is very similar to PAZ-01-07. He reviewed the results of the soil analysis. Mr. Friday noted that the applicants had submitted a letter from John Hemstreet in response to a letter from DLCD requesting additional evidence.

Opponents - None.

Public Agency Reports - Mr. Friday stated that there is a letter in the record from DLCD regarding a Goal 4 exception and the Soil & Water Conservation District has expressed its concern about the designation of non-resource land.

Staff Recommendation - Mr. Friday recommended approval of the application with the condition that the subject property no longer be allowed on farm or forest deferral.

Close of Public Hearing / Deliberation - Ms. Stern moved tentative approval of PAZ-03-07 with the condition as stated by Mr. Friday, with findings to be adopted August 1, 2007. At the Board's request, Mr. Friday read the portion of the Planning Commission minutes regarding the deliberations and vote on this docket, which was missing from the Board's packets. The motion for

tentative approval passed, Commissioners George, Stern, and Lewis voting aye.

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.

The meeting adjourned at 10:37 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS