

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 August 15, 2007 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Kathy George and Leslie Lewis being present and Commissioner Mary P. Stern being excused.

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; Steve Mikami, Personnel Officer; Murray Paolo, Information Services Director; David Bates, News-Register; and Al Benkendorf, 2701 NW Vaughn, Portland, 97210.

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. **AGENDA:**

Minutes

1. **B. O. 07-774** - Consideration of adoption of revised minutes for the September 7, 2005 formal session to correct scrivener’s errors.

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

Personnel

2. **B. O. 07-775** - Consideration of ratifying the emergency hire of Angi Elder, Philomath, as Deputy Sheriff in the Sheriff’s Office Patrol Unit, regular full-time, Range 12, Step 1, \$3089/month, retroactive to August 9, 2007.

3. **B. O. 07-776** - Consideration of the employment of the following individuals as HS Specialist 1 in HHS Chemical Dependency, regular full-time, effective August 16, 2007:

- a. Jessica Denison, McMinnville, Range 17, Step 1;
- b. Rebecca Heuser, McMinnville, Range 17, Step 2.

4. **B. O. 07-777** - Consideration of the change of status of Karla Chavez, HHS Public Health, to add 20 hours/week in the Telecom division, retroactive to August 13, 2007 through November 10, 2007.
5. **B. O. 07-778** - Consideration of the employment of Dominic Robertiello, Newberg, as a Corps Member in the Juvenile Department, temporary full-time, \$7.80/hour, retroactive to July 23, 2007.
6. **B. O. 07-779** - Consideration of the employment of Janiell Cavan, Sheridan, as Office Specialist 2 in Public Works, regular full-time, Range 7, Step 1, retroactive to August 2, 2007.
7. **B. O. 07-780** - Consideration of the change of status of Richard Noble, Jr. to Corrections Reserve in the Sheriff's Office, part-time on-call, \$10/hour, retroactive to August 3, 2007.
8. **B. O. 07-781** - Consideration of approving a 2.5% cost of living increase for Yamhill County Employees' Association (YCEA) non-bargaining employees.

John Krawczyk presented a recommendation from the bargaining team that non-bargaining employees working in YCEA departments receive a non-retroactive 2.5% cost of living increase, effective within the current pay period for the paycheck to be issued the last day of August. He noted that this would not include elected officials or the four department heads working under contract. He stated that the retroactivity issue would be dealt with when the contract is resolved.

9. **B. O. 07-782** - Consideration of adoption of the following elections related to retirement plans administered on behalf of county elected officials and employees:
  - a. Optional Provision Election Form for elected officials Section 401(a) money purchase plan #108360, ICMA-RC;
  - b. Amendment to Adoption Agreement for elected officials Section 401(a) money purchase plan #108360, ICMA-RC;
  - c. Optional Provision Election Form for Section 457 deferred compensation plan #303371, ICMA-RC;
  - d. Loan Guidelines Agreement for Retirement Plan for Section 457 deferred compensation plan #303371, ICMA-RC;
  - e. Loan Administration Agreement for Retirement Plan for Section 457 deferred compensation plan #303371, ICMA-RC;
  - f. Participant Loan Administrative Procedures Agreement for NACO deferred compensation program, Yamhill County as Entity #637-006;
  - g. Loans to Participants Amendment to Plan Document for NACO deferred compensation program Yamhill County as Entity #637-006.

Ms. Lewis moved approval of items B(2) through B(9). The motion passed, Commissioners George and Lewis voting aye.

#### Land Use

10. Briefing by Ken Friday on the following Planning Dockets scheduled for public hearing on

August 22, 2007:

- a. S-3-07, a request for a ten-lot subdivision on 38.73 acres under Measure 37 approval, applicant Gregory Mardock, appellant Marilyn Reeves;
- b. PAZ-04-07, a request for plan amendment/zone change from EF-80 to VLDR-2.5 on 3.15 acres, applicant Richard Kelly represented by Jerry Hart.

Mr. Friday provided background information on the two applications. The Board scheduled site visits for both at 2:00 p.m. on August 21, 2007.

#### Contracts/Grants

11. **B. O. 07-783** - Consideration of approval of Grant Agreement #24283 between the Transit Division and Oregon Department of Transportation to accept STG Discretionary Grant funding for the maintenance of vehicles and purchase of new buses, \$366,966, retroactive to July 1, 2007 through June 30, 2009.
12. **B. O. 07-784** - Consideration of acceptance of a proposal from Mechanical Systems Engineering to provide construction drawings for the County Health Center Project, \$7500.
13. **B. O. 07-785** - Consideration of approval of an intergovernmental agreement between Health & Human Services and Oregon Judicial Department for an external evaluation of the county's performance in implementing a Byrne Grant, not to exceed \$36,000, retroactive to July 1, 2006 through June 30, 2008.
14. Consideration of approving agreement renewals between HHS Developmental Disabilities and the following providers for services provided to the county, retroactive to July 1, 2007 through June 30, 2008:
  - a. **B. O. 07-786** - SCVP, Inc, \$185,744;
  - b. **B. O. 07-787** - Oregon Mennonite Residential Services, \$1,513,380;
  - c. **B. O. 07-788** - Oregon Technical Assistance Corporation, \$62,316;
  - d. **B. O. 07-789** - Mid-Valley Rehabilitation, Inc., \$1,751,386;
  - e. **B. O. 07-790** - Yamhill Community Action Partnership (YCAP), \$30.63/month per designated client.
15. **B. O. 07-791** - Consideration of ratifying approval of Agreement #121357 between HHS Chemical Dependency and Oregon Department of Human Services for residential treatment services provided by the county, not to exceed \$36,000, retroactive to July 1, 2007 through June 30, 2010.

Ms. Lewis moved approval of items B(11) through B(15). The motion passed, Commissioners George and Lewis voting aye.

#### Refund

16. **B. O. 07-792** - Consideration of authorizing a refund from the Planning Department to William Draper, \$1300.

Ms. Lewis moved to authorize the refund. The motion passed, Commissioners George and

Lewis voting aye.

Fees

17. **B. O. 07-793** - Consideration of waiving plat check fees for an application by the City of Newberg to rename Greenway Drive and Fairway Street to Longest Drive and Eagle Street, respectively.

Ms. Lewis moved to waive the plat check fees. The motion passed, Commissioners George and Lewis voting aye.

Tax Foreclosure List

18. **B. O. 07-794** - Consideration of designating the News-Register as the newspaper of general circulation for publication of the 2007 tax foreclosure list.

Ms. Lewis moved approval of item B(18). The motion passed, Commissioners George and Lewis voting aye.

Measure 37

19. **B. O. 07-795** - Consideration of approval of an order clarifying reference numbers in Board Order 07-378 (Stimson Lumber Company) and Board Order 07-740 (J. Clifton Jensen).

Ms. Lewis moved to approve the order. The motion passed, Commissioners George and Lewis voting aye.

Committees

20. **B. O. 07-796** - Consideration of the appointment of Marco Navarrete and Celeste Burnham to the Local Alcohol & Drug Planning Committee for three-year terms to expire August 15, 2010.

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

Resolution

21. Discussion of a request from the Recovery Fair Committee for a resolution proclaiming September 2007 as National Alcohol and Drug Addiction Recovery Month. *[Consensus to prepare resolution for later adoption.]*

C. **OLD BUSINESS:**

1. **B. O. 07-797** - Consideration of adoption of findings in support of Planning Dockets P-44-07/C-35-07, a request for partition and conditional use approval to divide eighteen acres into three residential parcels, applicant Mary Holtan, as tentatively approved August 1, 2007.

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

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

1. **B. O. 07-798** - Consideration of an agreement with Prudential Insurance for short-term disability coverage for YCEA employees and related non-bargaining employees, effective September 1, 2007.

Steve Mikami explained that there has been a substantial increase in monthly premiums for the county's existing policy with Standard Insurance and the Benefits Committee has recommended this change. Mr. Krawczyk noted that the policy with Prudential would save the county about \$1000 per month for the same coverage.

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

E. **PUBLIC HEARINGS:**

1. 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, as continued from July 18, 2007 at the point of Staff Recommendation. *[Tentatively approved, findings to be adopted August 29, 2007.]*

Ken Friday distributed copies of a letter from Mr. Benkendorf regarding the suitability of the subject property for orchards or vineyards. The Board took time to read through the letter.

Staff Recommendation - Mr. Friday noted that the Planning Commission had not provided a recommendation on this application because there were insufficient votes to do so, although the vote would likely have been 4-3 in favor. He recommended denial of the application because the historical use of the property in generating more than \$100,000 gross income precludes it from being considered non-resource land. He stated that if the Board concludes that this is non-resource land, and he believes there is enough evidence to support such a conclusion, he would recommend a condition of approval that the property no longer be allowed on farm or forest deferral and back taxes be paid.

In response to a question by Ms. Lewis about the possibility of taking an exception to Goal 3, Mr. Friday explained that the problem with taking the "irrevocably committed" exception is that his office has previously made findings that the surrounding AF-10 properties would not commit adjacent land to non-farm or non-forest use.

Close of Public Hearing / Deliberation - Ms. Lewis stated that the report provided by Mr. Benkendorf makes it clear that 82% of the property is not viable for vineyard operation and previous testimony confirmed that it is not viable for timber production. She said that she is convinced that the soil capability does not make this resource land. She explained that nursery stock can be grown on a parking lot and is not an indication of soil capability. She added that a ten-acre parcel for rural residential living is much needed in this area.

Ms. Lewis moved tentative approval of Planning Docket PAZ-02-07 with the condition recommended by Mr. Friday, with findings to be adopted August 29, 2007.

Ms. George agreed with the statements made by Ms. Lewis and added that people with small acreages not viable for commercial farming often do a good job with niche farming or other activities that work well in a rural area and do not interfere with farming.

The motion for tentative approval passed, Commissioners George 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, two 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 9:56 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