

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 September 5, 2007 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Mary P. Stern and Leslie Lewis being present and Commissioner Kathy George being excused.

Also present was John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; John Krawczyk, Administrative Services Director; Steve Mikami, Personnel Officer; Ken Friday, Planning Division Manager; Stephanie Armstrong, Associate Planner; Tim Stieber, Barbara Boyer, and Jim LeTourneau, 2200 SW 2nd Street, McMinnville; and Wallace Lien, 1775 32nd Ave NE, Salem 97301.

Commissioner Stern 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:**

Personnel

1. **B. O. 07-838** - Consideration of ratifying the emergency hire of William Mulholland and Shannon Hankel, Newberg, as Corrections Reserve in the Sheriff’s Office, part-time on-call, \$10/hour, retroactive to August 29, 2007.

2. **B. O. 07-839** - Consideration of approval of the employment of Jennifer Trumbo, McMinnville, as Office Specialist 2 in HHS Abacus, temporary part-time, Range 7, Step 8, effective September 14, 2007 through October 26, 2007.

Ms. Stern moved approval of items B(1), B(2), D(1), and D(2). The motion passed, Commissioners Stern and Lewis voting aye.

Contracts/Grants

3. **B. O. 07-840** - Consideration of approval of Grant Agreement #5H79SP013191-03 between HHS Chemical Dependency and the Substance Abuse & Mental Health Services Administration for Year 3 of a Drug-Free Communities grant, \$99,690, effective September 30, 2007 through September 29, 2008.

4. **B. O. 07-841** - Consideration of accepting the 2007 Edward Byrne Memorial Grant from Oregon Office of Homeland Security for HHS Chemical Dependency, \$137,616, retroactive to July 1, 2007 through June 30, 2008.

Ms. Lewis moved approval of items B(3), B(4), and D(3) through D(6). The motion passed, Commissioners Stern and Lewis voting aye.

Fees

5. **Tabled** - Consideration of adoption of a revised fee schedule for the Juvenile Department, effective September 20, 2007 for new clients only.

Mr. Gray suggested tabling the item to allow the Juvenile Director to explain the issues to the commissioners. The Board agreed to table it until the next meeting.

Committees

6. **B. O. 07-842** - Consideration of the appointment of Christine Holmgren to the Special Transportation Advisory Commission to fill the unexpired term of David Wiegand through December 31, 2007.

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

Discretionary Spending

7. Declaration of a \$175 expenditure from Commissioner Lewis' discretionary account for a water barrel for the Historical Society's covered wagon.

C. OLD BUSINESS:

1. **B. O. 07-843** - Consideration of adoption of Ordinance 814 in support 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 tentatively approved August 15, 2007 and continued from August 29, 2007.

Rick Sanai provided the first and second readings of Ordinance 814 by title only, declaring an emergency. Ms. Lewis moved to adopt the ordinance, noting that the first page would need to be amended to reflect the absence of Ms. George. The motion passed, Commissioners Stern and Lewis voting aye.

2. **B. O. 07-844** - Consideration of adoption of an order offering to transfer jurisdiction to the City of Newberg over portions of 2nd Street.

Mr. Gray explained that the transfer would become effective once formally accepted by the city. Ms. Lewis moved to adopt the order, noting that the first page would need to be amended to reflect the absence of Ms. George. The motion passed, Commissioners Stern and Lewis voting aye.

3. Consideration of adoption of findings in support of Planning Docket FT-06-07, a request to

modify the previous condition of approval of FT-11-97 to allow the existing dwelling to remain 186 feet from the property line, applicant Catherine Wright representing Stephen Shea, appellants Ron and Leigh Woodard, appeal tentatively denied on August 22, 2007. *[Continued to September 19, 2007.]*

Mr. Sanai stated that he had received a request from Ms. Wright requesting a one-week continuance. Ms. Stern moved to continue the item to the Board's next formal session on September 19, 2007. The motion passed, Commissioners Stern and Lewis voting aye.

4. **B. O. 07-845** - Consideration of adoption of Ordinance 815 in support of Planning Docket PAZ-04-07, a request for plan amendment/zone change from EF-80 to VLDR-2.5, applicant Richard Kelly represented by Jerry Hart, as tentatively approved August 22, 2007.

Mr. Sanai provided the first and second readings of Ordinance 815 by title only, declaring an emergency. Ms. Lewis moved to adopt the ordinance, noting that the first page would need to be amended to reflect the absence of Ms. George. The motion passed, Commissioners Stern and Lewis voting aye.

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

Personnel

1. **B. O. 07-846** - Consideration of the employment of David Libemday, McMinnville, as Human Services Technician in HHS Abacus, regular part-time, Range 11, Step 1, effective September 6, 2007.

2. **B. O. 07-847** - Consideration of the change of status of Nancy Ogilvie to Sergeant in the Sheriff's Office Marine Patrol, temporary part-time, \$19/hour, retroactive to August 30, 2007 through June 30, 2008.

Contracts

3. **B. O. 07-848** - Consideration of approval of an amendment to a Software License and Services Agreement between Health & Human Services and Raintree Systems, Inc. to increase the annual maintenance payment to \$20,000, retroactive to August 1, 2007.

4. Consideration of ratifying the approval of the following amendments to the 2005-07 Financial Assistance Agreement #113020 between Health & Human Services and Oregon Department of Human Services, retroactive to August 16, 2007:

a. **B. O. 07-849** - Amendment #52;

b. **B. O. 07-850** - Amendment #53.

5. **B. O. 07-851** - Consideration of approval of a memorandum of understanding between Yamhill County, the Fair Board, the Yamhill County Master Gardeners Association (YCMGA), and Oregon State University Extension regarding YCMGA's use of property on the fairgrounds.

6. **B. O. 07-852** - Consideration of approval of Grant Agreement #24416 between the Transit Division and Oregon Department of Transportation to accept funding for Job Access Reverse Commute (JARC) services, \$49,700, retroactive to July 1, 2007 through June 30, 2009.

Vehicles

7. **B. O. 07-853** - Consideration of authorizing the purchase of a new 2008 Chevrolet Colorado extended cab 4x4 pickup from Bruce Chevrolet of Hillsboro for the Planning Department, \$17,019.

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

Rainbow Lodge

8. Discussion of a lease proposal from Catholic Community Services for Rainbow Lodge.

John Krawczyk stated that he is ready to send off the county's response to the lease proposal and wanted to confirm the figure proposed by the Board for additional rent during the last fifteen years of the lease. The Board confirmed that the figure discussed in a previous executive session is acceptable.

E. PUBLIC HEARINGS:

1. Consideration of Planning Docket NCU-01-07, a request to recognize an existing storage business as a non-conforming use, applicant David Evers, appellant Dan Bansen, as continued from August 22, 2007 at the point of Staff Recommendation. *[Continued to September 19, 2007, record left open until 5:00 p.m. September 14, 2007 for the submission of information by either party.]*

Ken Friday stated that he had received a request for a continuance. Ms. Lewis moved to continue the item to September 19, 2007 with the record left open until 5:00 p.m. September 14, 2007 for the submission of information by either party. The motion passed, Commissioners Stern and Lewis voting aye.

2. Consideration of Planning Docket PAZ-07-07/SDR-10-07, a request for plan amendment/zone change from EF-80 and VLDR-2.5 to Light Industrial, applicant Oregon Truss. *[Tentatively approved, findings to be adopted September 19, 2007.]*

Ms. Stern opened the public hearing and noted that the commissioners had each taken a site visit with Mr. Friday. There were no abstentions or objections to jurisdiction. 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.

Staff Report - Stephanie Armstrong described the subject property, surrounding zoning and uses, the request for zone change to expand the existing business, and the criteria for approval. She stated that the Planning Commission had voted 6-0 to approve the request with a limited use overlay to limit the use to activities related to the truss business. Ms. Stern noted that since the proposed access would affect a county road, Bill Gille would have to review the changes and determine if any road improvements would be required by the applicant under Ordinance 787.

Proponents - Wallace Lien stated that the rezoning is basically cleaning up mismatched bits and pieces of zoning and all criteria for approval have been addressed. He stated that there have been no adverse comments from the Department of Land Conservation & Development. He said that the letter submitted by the Fosters was a surprise since no noise complaints had been received

before, but the owners want to be good neighbors and will address the issue. He explained that the expansion would be on the west side, away from the Fosters, and the manufacturing that currently takes place close to Wallace Road would be moved to a new location in the back. He stated that this, along with plans for additional landscaping, should help alleviate the noise problem and management has already talked to the staff about the use of foul language and loud music.

Ms. Lewis stated that this is an unusual location for an industrial plant and she is a bit worried about noises carrying in the country, even from farther away. Mr. Lien stated that shifts start at 6:00 a.m. in the spring and summer and 7:00 a.m. in the winter and manufacturing ends at 4:00 p.m. Mr. Sanai stated that the proposed noise ordinance under consideration by the county would apply to loud music before 7:00 a.m., but not to noise from business use.

Opponents - None.

Public Agency Reports - Ms. Armstrong stated that the only public agency response received was from Public Works, which stated that the application would be subject to Ordinance 787. Mr. Lien stated that the design of the buildings is currently being engineered and he is working with the Fire Marshall to determine if there is a need for sprinklers. Mr. Friday said that the county usually relies on building code to address fire prevention and control measures.

Staff Recommendation - Ms. Armstrong recommended approval with the limited use overlay and conditions noted in the staff report.

Close of Public Hearing / Deliberation - Ms. Lewis stated that she would be supportive of the request, given the applicant's plans to add landscaping as a buffer. She suggested changing Condition 3 to require a landscape plan for the perimeter of the property, rather than just for the new boundaries. She moved tentative approval of Planning Docket PAZ-07-07/SDR-10-07 with the modified condition, with findings to be adopted on September 19, 2007. The motion passed, Commissioners Stern and Lewis voting aye.

3. Consideration of Planning Docket PAZ-06-07/SDR-06-07, a request for plan amendment/zone change from AF-80 to PAI (Public Assembly Institutional) for a natural resources educational facility, applicant Soil & Water Conservation District (SWCD). *[Tentatively approved, findings to be adopted September 19, 2007.]*

Ms. Stern opened the public hearing and stated that the commissioners had not taken a site visit, but had each been to the area previously. There were no abstentions or objections to jurisdiction. Ms. Stern noted that her position as liaison to SWCD will not affect her decision in this matter. There was no request for Mr. Sanai to reread the required land use statement.

Staff Report - Mr. Friday described the subject property, the request for plan amendment/zone change, and the criteria for approval, noting that the Planning Commission had voted 6-0 to approve the request. He stated that SWCD plans to keep agricultural and forest uses on the property intact.

Proponents - Tim Stieber, SWCD District Manager, did a slide presentation summarizing

the educational plans for the property and how the criteria for approval have been met.

Opponents - None.

Public Agency Reports - Mr. Friday reviewed the public agency reports from the Department of Land Conservation & Development (DLCDD), Public Works, the fire department, Public Works, and the Water Master. He stated that an alternative location suggested by DLCDD would not allow all the uses desired by the applicant.

Staff Recommendation - Mr. Friday recommended approval of the request with a limited use overlay, a site design review, and five conditions of approval.

Close of Public Hearing / Deliberation - Ms. Stern stated that she believes that the previous owner would be pleased to see what her donation is providing to the community. She expressed her appreciation to SWCD for their time and effort and stated that she believes the criteria have been met. She moved tentative approval of Planning Docket PAZ-06-07/SDR-06-07 with findings to be adopted September 19, 2007. The motion passed, Commissioners Stern and Lewis voting aye. Ms. Lewis added that it will be beneficial for city folks to get out and see what happens in the forests.

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.

The meeting adjourned at 10:19 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS