

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 December 20, 2012, at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis and Kathy George being present and Commissioner Mary P. Stern being excused.

Also present were Chuck Vesper, Deputy County Administrator; Rick Sanai, County Counsel; Stephanie Armstrong, Associate Planner; Ossie Bladine, News-Register; and Phil Brock, 11011 NE Paren Springs Rd, Dundee.

Commissioner Lewis called the meeting to order at 10:04 a.m.

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. George moved approval of the consent agenda. The motion passed, Commissioners Lewis and George voting aye.

Personnel

1. **B. O. 12-697** - Authorize 5.5% out-of-class pay for Eric Geelan, Facilities Maintenance, retroactive to December 17, 2012, through March 12, 2013.

Contracts/Grants

2. **B. O. 12-698** - Approve a memorandum of understanding between Yamhill County, the City of Newberg, and Yamhill Communications Agency (YCOM) regarding the distribution of state 9-1-1 funds.

3. **B. O. 12-699** - Approve a modification to the contract employee agreement between HHS Adult Mental Health and Dina Crown to include additional services and hours, effective through June 30, 2013.

4. **B. O. 12-700** - Approve an agreement between HHS Community Support Services and Cindy Foster dba Busy Bee Cleaning, provider, for cleaning services at the Bridges Apartments, not to exceed \$5000, effective December 20, 2012.

Surplus

5. **B. O. 12-701** - Declare an inventory of surplus computers and equipment as surplus

county property to be offered for sale on the county's website.

6. **B. O. 12-702** - Declare a hangar lease with the City of McMinnville and the hangar building (Building M) located at the McMinnville Airport as surplus real and personal property and authorize County Counsel to terminate, sublease, sell, or otherwise alienate both the lease and the hangar building in an appropriate legal manner.

Road Vacation

7. **B. O. 12-703** - Approve Public Works Docket RV-2-2012, a petition to vacate Garden Road in the Riverside Orchard Subdivision, petitioners Christine Anderson, Douglas Rasmussen, and Marc Willcuts, no public hearing necessary pursuant to ORS 368.351.

Committees

8. **B. O. 12-704** - Approve the following changes to the Ambulance Service Area Committee:

- a. Reappoint Frank Douglas, Shannon Carefoot, Janis Cameron, Terry Lucich, Doug McGillivray, and Amby Wilfong for two-year terms to expire December 31, 2014;
- b. Accept the resignation of Dave Meier and appoint Samantha Morey for a two-year term, effective January 1, 2013, through December 31, 2014.

C. **OLD BUSINESS:** None.

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

1. **B. O. 12-705** - Consideration of extending an agreement between Facilities Maintenance and ABM Janitorial Services - Northwest, provider, for janitorial services at various county buildings, \$12,500/month, effective January 1, 2013, through December 31, 2013.

Ms. Lewis moved approval of item D(1). The motion passed, Commissioners Lewis and George voting aye.

E. **PUBLIC HEARINGS:**

1. Consideration of Planning Docket C-12-12(SA), request for a home occupation conditional use approval for a pregnancy and birth retreat center, applicant Jennifer Gallardo, appellants John & Sandra Crosland, as continued from December 13, 2012, at the point of Staff Recommendation. *[Tentatively approved, findings to be adopted Jan. 3, 2013.]*

Ms. Lewis opened the public hearing.

Staff Recommendation - Stephanie Armstrong recommended approval of the request for up to two births per month and associated pre/post-natal appointments, with 16 conditions of approval. She stated that when Ms. Gallardo applies for the building inspection permit, the county can require submission of the documents required in the conditions of approval. She said that the Planning Department would set up a reminder for itself to do a review of the conditions every two years and make sure that all of the standards are being met. She said that she believes Ms. Gallardo has already changed the addresses registered to her other birthing centers, since

they are not being operated from the subject property.

She stated that Mike Brandt, Planning Director, has strongly recommended neighborhood mediation as a way to possibly resolve some of the issues. In response to a question from Ms. George about making mediation a condition of approval, Rick Sanai stated that the Board could add a condition encouraging the parties to seek mediation, but mediation can vary in its success and the county doesn't know if the parties are willing or how successful it would be. Ms. Lewis said that Mr. Brandt had already mentioned the possibility of mediation to the appellants and they had no interest, so the Board can only encourage the Ms. Gallardo to seek mediation.

The Board agreed to add a Condition #17 encouraging Ms. Gallardo to seek mediation with her neighbors. At Ms. George's suggestion, the Board also agreed to modify Condition #5 to specifically require plumbing and mechanical permits. Ms. Lewis stated that Condition #1 refers to an average of two births per month because the Board understands that sometimes the timing of childbirth can be unexpected.

Close of Public Hearing / Deliberation - Ms. George stated that the neighbors have raised some valid concerns, but she feels that the conditions of approval have addressed those concerns and are still fair to the applicant. She said that it is important for people to be able to use their property for income purposes if the concerns can be mitigated, and this is a nice business that will provide enhanced care for people.

Ms. George moved tentative approval of Planning Docket C-12-12 with the 17 conditions of approval as discussed, with findings to be adopted on January 3, 2013. Ms. Lewis agreed that the conditions mitigate the concerns raised by the neighbors, and said she believes that the neighbors are well protected by Condition #6 regarding the septic permits. The motion passed, Commissioners Lewis and George voting aye.

F. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to our website, www.co.yamhill.or.us, or call the Board of Commissioners' office: 503-434-7501 (from McMinnville) or 503-554-7801 (toll-free from Newberg).
2. Due to the holidays, there will be no regular Board sessions next week.

The meeting adjourned at 10:27 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LESLIE LEWIS

Commissioner KATHY GEORGE

Commissioner MARY P. STERN