

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 January 31, 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., County Counsel; Rick Sanai, Assistant County Counsel; Mike Brandt, Planning Director; Ken Friday, Planning Division Manager; Betty Wahle, PO Box 325, McMinnville; Samuel Justice, PO Box 480, McMinnville; Marlin Brethower, 9325 NE Blackburn Road, Yamhill; Merilyn Reeves, PO Box 1083, McMinnville; Shirley Kimball, 121 NW 22nd, McMinnville; Barton Brierly, PO Box 970, Newberg; Jon Mangis, 920 Sahalee Court SE, Salem; Mark Rousey-Seidel, 750 NE Chehalem Drive, Newberg; Chet Fryjoff, 29501 NE Owls Lane, Newberg; Hayli & David Walker, PO Box 64, Newberg; Elaine Taylor, 414 E First Street, Newberg; Arthur Catlett, 29585 NE Owls Lane, Newberg; Bruce & Sharon Longstroth, 2033 NE Chehalem Drive, Newberg; and Mike & Bonnie Klohs, 17710 Hillsboro Hwy, 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. Stern moved approval of the consent agenda. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Personnel

1. **B. O. 07-132** - Approve the employment of Woody Little, Beaverton, as Corrections Reserve in the Jail, part-time on-call, \$10/hour, effective January 31, 2007.

2. **B. O. 07-133** - Ratify the emergency employment of Patricia Hall, Newberg, as Office Specialist 2 in Health & Human Services, temporary full-time, Range 7, Step 4, \$11.97/hour, retroactive to January 29, 2007 through June 30, 2007.

3. **B. O. 07-134** - Modify the District Attorney’s personnel management roster to delete position authority for a Senior Office Specialist and add position authority for a Legal Assistant.

Contracts/Grants

4. **B. O. 07-135** - Ratify the approval of Amendment #31 to the 2005-07 Financing Agreement #113020 between Health & Human Services and Oregon Department of Human Services for the joint management of placements at the Oregon State Hospital, retroactive to January 2, 2007.

5. **B. O. 07-136** - Approve Amendment #5 to the 2006-07 Financing Agreement #117553 between HHS Public Health and Oregon Department of Human Services.

6. **B. O. 07-137** - Approve an agreement between HHS Developmental Disabilities and Yamhill Community Action Partnership, Inc. (YCAP) for the transportation of clients, \$30/month per client, effective January 31, 2007.
7. **B. O. 07-138** - Authorize the Transportation Division to apply to Oregon Department of Transportation for a Special Transportation Grant, \$2,127,565.

Refunds

8. **B. O. 07-139** - Authorize a \$576 refund from the Planning Department to Rose Dodson.

C. OLD BUSINESS:

1. **B. O. 07-140** - Consideration of authorizing the Chair to sign an order authorizing the transfer of two vehicles and a portion of funding from Mid-Valley Rehabilitation, Inc. to YCAP, subject to approval by County Counsel, as tentatively approved January 3, 2007.

John Gray stated that the order is not ready yet because there was a minor issue with the insurance requirements. Ms. Lewis moved to authorize the Chair to sign the order subject to Mr. Gray's approval. The motion passed, Commissioners George, Stern, and Lewis voting aye.

2. **B. O. 07-141** - Consideration of adoption of findings in support of Planning Docket S-11-06, a request for a twelve-lot subdivision on 58.14 acres, applicant Youngman Family Trust, appellant Katherine Dunn, as tentatively approved January 3, 2007 and continued from January 24, 2007.

Ms. Lewis moved to adopt the findings. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern abstaining because she was not present for the initial hearing and did not participate in the discussion or the vote for tentative approval.

3. Consideration of adoption of findings in support of Planning Docket PA-04-06, a request to bring thirty acres of urban reserve land into Newberg's Urban Growth Boundary, applicant Tim Speakman, as tentatively approved January 24, 2007. [*Continued to February 7, 2007.*]

Ms. Stern moved to continue the item to February 7, 2007. The motion passed, Commissioners George, Stern, and Lewis voting aye.

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

1. Consideration of a grant application to the Bureau of Justice Administration to provide Crisis Intervention Training for law enforcement officers, \$100,000/year for two years, \$50,000/year match required. [*Consensus: support for concept, no formal action at this time.*]

Following the public hearings, the Board discussed the proposal for a grant application. Ms. Lewis stated that the training is a great idea, but she agrees with Chris Johnson that the city police departments should take some ownership of the program by contributing to the match requirement. She said that they had declined to participate when asked initially and suggested that they be approached again. Ms. Stern stated that the best approach might be through the Law Enforcement Administrators (LEA) and said she would talk with Sheriff Crabtree and the District Attorney about getting this issue on the next agenda. John Krawczyk stated that the Sheriff's Office, the Jail, and the hospital should all be asked to contribute along with the cities and whatever can't be raised could come from the Self-Insurance Fund, which has a larger balance than anticipated.

The Board discussed the need for a secure place with medical staff to hold detainees with mental

health issues until a bed is available at the hospital.

E. PUBLIC HEARINGS:

1. Consideration of M37-83-06, a Measure 37 claim authorizing Roy & Betty Wahle to make application for multiple uses on three lots totaling 95.74 acres, as continued from January 24, 2007 at the point of Public Comment. *[Tentatively approved, order to be adopted February 7, 2007.]*

Ms. George opened the public hearing at the point of Public Comment. John Gray provided background information and reviewed the hearing procedure. Mike Brandt stated that no written testimony had been received since January 24, 2007.

Public Comment - Shirley Kimball stated that she had nothing to add to her objection from the previous week. She submitted an aerial photo for the record which indicated the easement on the subject property and expressed her concern about the potential impact on the wildlife habitat if the property were developed into housing.

Summation by Claimant - Sam Justice stated that Betty Wahle will be a good neighbor and asked the Board to approve the claim, including language clarifying the request for ten additional lots. He explained that when Ms. Wahle had purchased the property in 1979, a subdivision survey had been done, but no subdivision approval had been granted.

Ms. Wahle provided some background information on the property and the wildlife easement and stated her intentions to respect the easement and work together with Ms. Kimball and the other neighbors.

Close of Public Hearing / Deliberation - Ms. Lewis moved tentative approval of M37-83-06 with the findings to be adopted February 7, 2007. She stated that she understands the neighbors' concerns and confusion resulting from the initial application, but the claimants are asking for much less than that and have clearly met the criteria for approval.

Ms. Stern thanked Ms. Wahle and Mr. Justice for providing information from the Marion County circuit court. She stated that she had read Judge Dickey's opinion and believes that the ruling is not binding on Yamhill County, although she still believes rural subdivisions were not the legislative intent of the voters. Ms. George expressed her appreciation for the concerns that were brought forward for discussion.

The motion for tentative approval passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

2. Consideration of Planning Docket PA-03-06, a request by the City of Newberg to amend their Urban Growth Boundary to include approximately 200 acres of property in northwest Newberg. *[Tentatively approved, findings to be adopted February 7, 2007.]*

Ms. George opened the public hearing. 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. Ms. Lewis stated for the record that she sits on the Newberg Urban Area Management Commission (NUAMC), which has already held a public hearing on this request.

Staff Report - Ken Friday described the subject property and the request to bring property into the UGB. He stated that both NUAMC and the Newberg City Council have approved the request. He said that the only significant change since the initial staff report is regarding the population projection, which is

detailed in a letter in the record. He noted that one letter had been received requesting Medium Density Residential zoning for a particular parcel, but zoning for individual lots is done by the city.

Proponent - Elaine Taylor, City of Newberg, reviewed the city's comprehensive plan for the area and stated that the subject property is all located either in the Urban Reserve Area (URA) or in an exception area, which are the highest priorities for bringing into the UGB. She reviewed the current uses of the subject property, surrounding uses, natural features, transportation, utilities, and storm drainage, which she said may need to be addressed during development. She explained that because of population projections and residential and institutional needs, the city is planning to include some higher density areas. She stated that the Newberg Transportation Systems Plan calls for improvements to Chehalem Drive and other affected roads and this will be done at the time of annexation.

Ms. Lewis stated that the county needs to be more diligent in transferring jurisdiction of roads to the city, as there are many roads located within city limits that were not transferred in the past.

David Walker stated that he supports the annexation request, although he is concerned about any potential increase to the existing drainage flow across his property.

Jon Mangis expressed his support of the application. He stated that he has attended all meetings related to this issue and he commended the government for its openness. He noted that drainage areas will need to be reinforced.

Questions of Proponent - Chet Fryjoff requested additional information regarding the water source for the new developments in order to better assess the impact on existing residents who depend on wells.

Mark Rousey-Seidel asked for clarification of exception areas, requirements for connection to city sewer, and future plans for the southern end of Chehalem Drive. Ms. Lewis noted that a copy of the city's agreement with Aspen Estates is available through the city's Community Development Department. She explained that the land south of Chehalem Drive is not within city limits, so the city would not be able to make it a through street without land use applications to the county. She suggested that Mr. Rousey-Seidel keep a close watch on the city's URA process in that area.

Public Agency Reports - Mr. Friday stated that the fire district had no conflicts with the application.

Rebuttal - Barton Brierly, City of Newberg, stated that properties within the city are served by the city water system rather than by wells and this development would have no impact on existing wells. He said that the city has no plans to extend the south end of Chehalem Drive into a through street. He stated that the natural drainages in this area are very shallow and the developer will have to address drainage issues, most likely with a stormwater detention system.

Staff Recommendation - Mr. Friday recommended approval of the request.

Close of Public Hearing / Deliberation - Ms. Lewis moved tentative approval of Planning Docket PA-03-06 with findings to be adopted February 7, 2007. The Board commended city staff for their good work in the planning process. The motion passed, Commissioners George, Stern, and Lewis voting aye.

The meeting recessed at 10:00 a.m. and reconvened at 10:16 a.m. in the Fenton House to discuss item D(1) on the agenda.

F. ANNOUNCEMENTS:

1. The following positions are open to the public. Contact the Commissioners' Office for applications.
 - a. Commission on Children & Families, one lay alternate position and one youth position;
 - b. Parks Board, one position;
 - c. Road Improvement Advisory Committee, one position;
 - d. Special Transportation Advisory Commission, 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 10:33 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS