

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 April 2, 2008 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Mary P. Stern, Leslie Lewis, and Kathy George being present.

Also present were John M. Gray, Jr., County Counsel; John Krawczyk, Administrative Services Director; Laura Tschabold, Administrative Services Assistant Director; Martin Chroust-Masin, Associate Planner; Mike Brandt, Planning Director; Kris Bledsoe, 3500 SW Redmond Hill Rd, McMinnville; Brian Boquist, 17080 Butler Hill, Dallas, 97338; Walt Gowell and Louis Kern, PO Box 480, McMinnville; Stephen Hamilton and Felice Alden, 16900 SW Pit Rd, Hillsboro, 97123; and Dale Milam, 16910 SW Pit Rd, Hillsboro, 97123.

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.

Brian Boquist, State Representative for the 23rd House District, provided an update on a land access dispute in the Indian Creek Road area between the land owners and the Bureau of Land Management.

B. **CONSENT AGENDA:** Ms. George moved approval of the consent agenda. The motion passed, Commissioners Stern, Lewis, and George voting aye. Ms. Lewis stated that she is pleased with the resolution reached regarding Stillers Mill Road and believes that the temporary speed reduction will be a big help.

Personnel

1. **B. O. 08-221** - Approve the employment of Tomais Weinstock-Blair, Portland, as HS Specialist 2 in HHS Adult Mental Health, regular full-time, Range 20, Step 1, effective April 14, 2008.

2. **B. O. 08-222** - Approve the change of status of James Wassmann to extend temporary part-time employment in Community Corrections, effective April 2, 2008 through October 2, 2008.

Insurance

3. **B. O. 08-223** - Approve an endorsement to the county’s workers compensation and

liability insurance policy with Liberty Northwest, retroactive to October 1, 2007.

Contracts/Grants

4. **B. O. 08-224** - Ratify the approval of Amendment #26 to the 2007-09 Financial Assistance Agreement #119951 between Health & Human Services and Oregon Department of Human Services for Psychiatric Acute Care alternative service funds, retroactive to March 5, 2008.
5. **B. O. 08-225** - Approve Amendment #5 to the 2007-08 Public Health Financial Assistance Agreement between HHS Public Health and Oregon Department of Human Services.
6. **B. O. 08-226** - Approve a Project Completion Report for the YCAP Relocation Study Community Development Block Grant, Project C06017.

Roads

7. **B. O. 08-227** - Approve an order prohibiting the use of un-muffled exhaust brakes, commonly known as “jake brakes,” on Stillers Mill Road.
8. **B. O. 08-228** - Approve an order imposing a temporary 25 MPH speed limit on Stillers Mill Road, effective immediately.

Refunds

9. **B. O. 08-229** - Authorize refunds from the Surveyor’s Office to the following:
 - a. Larry Trow, \$702;
 - b. Jonathan Osborn, \$684;
 - c. American Legacy, LLC, \$1138.
- C. **OLD BUSINESS:** None.
- D. **OTHER BUSINESS** (Add-ons and non-consent items):
1. **B. O. 08-230** - Consideration of authorizing HHS Public Health to apply for a grant from Oregon Department of Human Services to build capacity to address environmental exposures/hazards during pregnancy, \$8000.

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

2. **B. O. 08-231** - Consideration of adoption of a Special Event Policy.

John Gray stated that this policy is designed primarily for large bicycle events and will ensure that there is an orderly process in place and that advance notice is provided in the area of the event. Ms. George said that development of the policy was driven by community requests to make sure that the roads and participants stay safe. Ms. Lewis moved to adopt the policy. The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. Update by Commissioner Lewis on the county's radio communication system.

Ms. Lewis reported that the decision was made at the previous night's Radio Users Group to go live with the new radio system as soon as all of the radios can be programmed.

E. PUBLIC HEARINGS:

1. Consideration of Planning Docket NCU-06-07(MCM), a request to recognize existing development as substantial development to allow placement of a single family dwelling and to recognize Tax Lot 2317-600 as a legal lot, applicant Louis Kern, appellant Stephen Hamilton, as continued from March 19, 2008 at the point of Staff Recommendation. *[Request for placement of single family dwelling tentatively approved with condition, findings to be adopted April 16, 2008; request to recognize legal lot withdrawn contingent on adoption of findings.]*

Staff Recommendation - Martin Chroust-Masin stated that the Planning Director had originally approved the request with a condition that the septic system be inspected by the county sanitarian to determine whether or not it is functioning. He said that since information in the record shows that the system is not functioning, it can't be used as a justification for a non-conforming use. He also said that this is not a legally created lot, explaining that Ordinance 29, which was passed in 1968, required partitions and subdivisions to be approved by the county in order to be legal lots and Ordinance 83, which was passed in 1976, was a zoning ordinance, not a land division ordinance. He recommended denial of both requests.

Ms. Stern reopened the hearing to allow the applicant to respond, since the staff recommendation had changed.

Proponents - Walt Gowell, representing the applicant, stated that it is not realistic to expect that a septic system installed in the 1970s would still be functioning and Mr. Kern had anticipated that an upgrade or potential replacement of the system would be required, but the existence of the system does show substantial development for the purpose of allowing a single family dwelling. He added that Mr. Chroust-Masin's interpretation would nullify many existing approvals in the county.

Close of Public Hearing / Deliberation - The meeting was recessed at 9:24 a.m. to allow the Board to review new information received the previous day. The meeting reconvened at 9:31 a.m.

Ms. George moved tentative approval of Planning Docket NCU-06-07, with the effect that the appeal would be denied. She stated that the applicant has made the case that Tax Lot 2317-600 is a legally created parcel according to Ordinance 83, which gives the definition of a legal unit of land.

Ms. Stern stated that she doesn't believe that this can be considered a legally created lot. She also said that the county's substantial construction policy requires septic approvals, of which there are no records in this case, and it appears that a functioning septic system would be required in order to replace the dwelling. She pointed out, however, that the Planning Director's

condition of approval required the sanitarian to determine if the system is functioning, but didn't specify that approval would be denied if the system is not functioning.

Ms. Lewis suggested that the two requests be decided separately.

Ms. George withdrew her motion for tentative approval. Walt Gowell stated that if the Board is prepared to approve the request for a replacement dwelling today, the applicant would be willing to withdraw the request to recognize the tax lot as a legal lot.

Ms. Lewis stated that she would like to know what the Planning Department's past practice has been for recognizing an existing septic system as substantial construction for a non-conforming use. After further discussion, the meeting was recessed at 10:12 a.m. and reconvened at 10:23 a.m.

Mike Brandt explained that if the county sanitarian determines that an existing septic system is functioning or can be repaired, it would qualify as a non-conforming use, but if the system has to be completely replaced in order to be functional, it would not qualify. He stated that the implication of the original condition of approval was that the process could not proceed if the system was determined to be non-functional. He said that the sanitarian has not inspected the system because an application has not been made yet.

Mr. Gowell stated that the applicant would still be willing to waive the second request if the Board were to give conditional approval for the replacement dwelling today.

Ms. George moved tentative approval of the request to recognize existing development as substantial development to allow placement of a single family dwelling, pursuant to the conditional approval issued by the Planning Department, with the effect of denying the appeal, with findings to be adopted April 16, 2008. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Mr. Gowell withdrew the request to recognize Tax Lot 2317-600 as a legal lot, contingent on the findings being adopted for the first request.

F. ANNOUNCEMENTS:

1. The following positions are open to the public. Contact the Commissioners' Office for applications.
 - a. Commission on Children & Families, two lay positions, two lay alternate positions, one youth position, and one professional alternate position;
 - b. Parks & Recreation Board, two positions;
 - c. Planning Commission, one position;
 - d. Road Improvement Advisory Committee, one position;
 - e. 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.

3. No regular Board meetings will be held next week due to service team budget presentations.

The meeting adjourned at 10:39 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY P. STERN

Commissioner LESLIE LEWIS

Commissioner KATHY GEORGE