

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 11, 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; Laura Tschabold, Projects Coordinator; Steve Mikami, Personnel Officer; Ken Friday, Planning Division Manager; Martin Chroust-Masin, Associate Planner; Ken Huffer, Parks Coordinator; Bill Gille, Public Works Director; Mike Brandt, Planning Director; Katie Paysinger, Dayton High School; Merilyn Reeves, PO Box 1083, McMinnville; Leonard Silvers, 3300 N Aspen Way, Newberg; and others as listed on the attached attendance roll .

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:**

Personnel

1. **B. O. 07-293** - Consideration of the employment of Jayme Kimberly, Newberg, as Deputy District Attorney 1 in the District Attorney’s Office, regular full-time, Range 21, Step 2, effective April 16, 2007.
2. **B. O. 07-294** - Consideration of the employment of Alma Garibay, Monmouth, as Extra Help in Community Corrections, temporary part-time, \$7.85/hour, retroactive to April 3, 2007 through October 2, 2007.
3. **B. O. 07-295** - Consideration of the employment of Lucia Mendez, McMinnville, as Office Specialist 2 in HHS Family & Youth, temporary part-time, Range 7, Step 2, \$10.76/hour, retroactive to March 29, 2007 through October 1, 2007.
4. **B. O. 07-296** - Consideration of approval of a request by Shannon Spence, Health & Human Services, for leave of absence without pay for medical reasons.

Ms. Stern moved approval of items B(1) through B(4). The motion passed, Commissioners George, Stern, and Lewis voting aye.

Contracts/Grants

5. **B. O. 07-297** - Consideration of approval of Agreement #120408 between the Jail and Oregon

Department of Human Services for the sharing of inmate records information, effective through October 31, 2008.

6. **B. O. 07-298** - Consideration of approval of an intergovernmental lease amendment between the Juvenile Department and Oregon Youth Authority for office space in the Courthouse, \$616/month effective July 1, 2007 through June 30, 2008, and \$649/month effective July 1, 2008 through June 30, 2009.

7. **B. O. 07-299** - Consideration of approval of Amendment #4 to incorporate language changes to the 2006-07 Financing Agreement #117553 between HHS Public Health and Oregon Department of Human Services.

8. **B. O. 07-300** - Consideration of approval of the renewal of an agreement between HHS Family & Youth and Lutheran Community Services Northwest for outpatient counseling and treatment services to Oregon Health Plan members with mental disorders, effective July 1, 2007 through June 30, 2008.

9. **B. O. 07-301** - Consideration of authorizing the Health & Human Services Director to sign Grant Agreement #MRC 07269 with the National Association of City and County Health Officials for the development of a Medical Reserve Corps, \$10,000.

10. **B. O. 07-302** - Consideration of adoption of Resolution 07-4-11-1 authorizing the Parks Coordinator to apply to Oregon Parks & Recreation for a grant for a rehabilitation project at Lafayette Locks Park.

Ms. Lewis moved approval of items B(5) through B(10). The motion passed, Commissioners George, Stern, and Lewis voting aye.

Policy

11. Consideration of adoption of an amended Gift Policy for Retirement & Years of Service, replacing Board Order #06-938. *[Continued to April 18, 2007.]*

Roads

12. Consideration of approval of Public Works Docket RV-1-2007, a request by Noah Berkey and Mary Dollar to vacate a portion of First Street in Whiteson, no public hearing required under ORS 368.351. *[Continued to April 18, 2007]*

Licenses

13. Consideration of a request by Sheridan Hop for a business license to do automobile wholesaling in Dayton. *[Continued to April 18, 2007.]*

14. Consideration of a request for the Board to cover the cost of a restaurant license for Steve Austin to provide free items during the Tunes on Tuesday summer concert series in Newberg. *[Consensus to pay the license fee when the amount is provided.]*

The Board discussed the request and agreed to cover the cost of the license once the fee amount is provided by Mr. Austin.

Fees

15. Consideration of adoption of a new fee schedule for the Surveyor's Office, effective May 1, 2007.

[Continued to April 18, 2007.]

16. Consideration of adoption of a new fee schedule for the Juvenile Department, effective May 1, 2007. *[Continued to April 18, 2007.]*

17. **B. O. 07-303** - Consideration of ratifying a proposal by Marion County for a Wheatland Ferry fee increase, \$2/vehicle effective July 1, 2007, and \$2.50/vehicle effective July 1, 2009.

Ms. Lewis moved to ratify the proposal by Marion County. The motion passed, Commissioners George, Stern, and Lewis voting aye. Ms. George noted that Marion County is also proposing to close the Buena Vista Ferry at the end of this season.

Transportation

18. Discussion of possible activities to promote National Transit Week, May 13-19, 2007. *[Continued to April 16, 2007 informal session.]*

C. **OLD BUSINESS:** None.

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

1. **B. O. 07-304** - Consideration of authorizing the installation of four-way stop signs at the intersection of Springbrook Road, Fernwood Road, and Second Street in Newberg, effective upon similar action by the Newberg City Council.

Bill Gille read an e-mail from Newberg Police Chief Brian Casey regarding the accident history of this intersection. He stated that although the intersection does not quite meet the warrants for a four-way stop, the county can justify the installation of stop signs by the accident history. He said that the City of Newberg is willing to provide adequate notice of the traffic control change and to maintain the signage.

John Gray stated that since the intersection is within city limits, the final decision is up to the Newberg City Council. Ms. Lewis moved to authorize the installation of the stop signs, effective upon similar action by the Newberg City Council. The motion passed, Commissioners George, Stern, and Lewis voting aye.

E. **PUBLIC HEARINGS:**

1. Consideration of Planning Docket SDR-22-06, an appeal of the Planning Director's approval of a site design review for a 120-foot communications monopole antenna and associated equipment, applicant Douglas P. Evans for T-Mobile USA, appellants Jerry Seeberger et al, as continued from March 14, 2007 at the point of Staff Recommendation. *[Continued to April 18, 2007 at the point of Staff Recommendation.]*

Staff Recommendation - Martin Chroust-Masin recommended approval of the docket with the conditions stated in the staff report.

Close of Public Hearing / Deliberation - Ms. Lewis stated that T-Mobile has not complied with the Board's request to work together with the opponents to determine additional locations for balloon photos. Mr. Chroust-Masin noted that two new aerial photos were submitted. Ms. Stern stated that the applicant has not complied with the Board's request for a list of property owners contacted regarding alternative tower

site locations. Commissioners Stern and George expressed a desire to continue the hearing for a week in order to consult with Rick Sanai, Assistant County Counsel.

Ms. Lewis moved to continue the hearing to April 18, 2007 at the point of Staff Recommendation. The motion passed, Commissioners George, Stern, and Lewis voting aye.

2. Consideration of Planning Docket S-13-06, an appeal of the Planning Commission's approval for a twelve-lot subdivision on 31 acres (Measure 37), applicant John Kroo, appellant Karol Susan Welch, as continued from March 7, 2007 at the point of Public Agency Reports. *[Continued to May 9, 2007 at the point of Public Agency Reports for the submission of one report from Water Resources.]*

Public Agency Reports - Ken Friday stated that he had received two additional comments regarding the public agency reports as well as a request from the City of Newberg to address the water issue in relation to Skelton Spring. He said that this would be difficult because the county does not require offsite evaluations of water impact. He stated that he would probably recommend that the Board eliminate Condition #8 regarding offsite impacts.

Merilyn Reeves asked for clarification of the hearing procedure and whether there would be any further opportunity for oral testimony. Ms. Lewis suggested waiting until all necessary information has been submitted before determining how to move forward procedurally. She stated that there are still concerns which have not been addressed regarding soil stability.

After further discussion, John Gray suggested the following condition: "No building permit shall be granted on Tax Lots 1-3 until a registered professional engineer has certified that soils on the site are sufficiently stable to support a dwelling, septic system, and water supply. Certification as to the water supply will not be required if the final subdivision plat indicates that no water will be supplied." Sam Justice, representing the applicant, stated his acceptance of the proposed condition.

The Board agreed to allow public testimony at this time regarding the public agency reports and technical reports submitted.

Opponents - Michael Roos expressed his support of the request for a hydrology report, noting that if Skelton Spring is affected by the proposed development, the water supply for 58 families may be put in jeopardy.

Karol Susan Welch submitted written copies of her testimony for the record and requested that the record be left open for the submission of additional documents. She also submitted an enlarged map of the neighboring wells and Skelton Spring.

Merilyn Reeves, representing Friends of Yamhill County, submitted a new written statement by Friends of Yamhill County and urged the Board to deny the application because the Measure 37 waiver was granted to John and Elizabeth Kroo, not to the Kroo Family Trust.

Bev Davis stated that she does not believe that the applicants have always planned to have a subdivision on their property, as they have signed a ten-year lease with her daughter and allowed her to build structures on the property, saying nothing about a future subdivision.

The meeting recessed at 10:51 a.m. and reconvened at 11:02 a.m.

Rebuttal - Mr. Justice stated that it would take years to put in test wells and get an answer from a hydrologist about the impact of the proposed subdivision. He added that there are no standards in place for interpreting a hydrology report and the applicants should be able to rely on the standards in place at the time the application was submitted. He requested that Condition #8 be eliminated.

Mr. Gray stated that Mr. and Mrs. Kroo are the trustees of the Kroo Family Trust, to whom the Measure 37 waiver was granted.

The Board agreed to request an updated response from Water Resources regarding the concerns raised by the City of Newberg. Ms. Stern moved to continue the hearing to May 9, 2007 at the point of Public Agency Reports, with the record being closed to all further submissions except for one report from Water Resources. The motion passed unanimously.

3. Consideration of M37-169-06, a Measure 37 claim authorizing the Mary Anne Freeman Revocable Living Trust to make application to divide 568.95 acres into lots of one-quarter acre to twenty acres each and to establish a dwelling on each vacant lot, including industrial, commercial, and/or recreational development. *[Continued to April 25, 2007.]*

Ms. George opened the public hearing. Mr. Gray reviewed the hearing procedure and stated that the ownership date is based on a recorded lease document from 1975. Mike Brandt explained that even though the property was not zoned in 1975, state law at that time had some restrictions that could affect the applicant's development plans.

Mike Freeman stated that he has documentation showing that his ownership of the subject property began prior to 1975, but didn't bring it with him because he didn't realize there were any restrictions on the land in 1975. Mr. Gray suggested that Mr. Freeman submit his information to the Planning Department, after which he would reevaluate the ownership date.

Ms. Stern moved to continue the hearing to April 25, 2007. The motion passed, Commissioners George, Stern, and Lewis voting aye.

4. Consideration of M37-190-06, a Measure 37 claim authorizing the Joan Silvers Revocable Trust to make application to divide 10.01 acres into ten lots and to establish a dwelling on each vacant lot. *[Tentatively approved, findings to be adopted April 18, 2007.]*

Ms. George opened the public hearing. Mr. Brandt reviewed the claim and recommended modifying, removing, or not applying the land use regulations back to 1972.

Public Testimony - William Fritts discussed the erosion on his property from rainwater and requested that a condition be placed to require road improvements to bring the road up to county standards.

Summation by Claimant - Mr. Justice, representing the applicant, stated that the applicant supports the staff report.

Close of Public Hearing / Deliberation - Ms. Stern moved tentative approval M37-190-06 with findings to be adopted April 18, 2007. The motion passed, Commissioners George, Stern, and Lewis voting aye.

5. Consideration of M37-192-06, a Measure 37 claim authorizing Adolfo and Janice Blanco to make application to divide 33.71 acres into nine lots and to establish a dwelling on each vacant lot. *[Tentatively approved, findings to be adopted April 18, 2007.]*

Ms. George opened the public hearing. Mr. Brandt reviewed the claim and recommended modifying, removing, or not applying the land use regulations back to 1964.

Claimant - Adolfo Blanco stated that he has no intention of selling the land, but intends to divide the property into nine lots or fewer for his family and continue farming part-time.

Public Testimony - Peter and Emily Gladhart submitted written testimony for the record regarding the market value of the property and concerns regarding water use.

Summation by Claimant - Mr. Blanco stated that he has a good working relationship with the City of Lafayette and is confident that he will be granted approval for additional water hookups in the future.

Close of Public Hearing / Deliberation - Ms. Lewis moved tentative approval of M37-192-06 for up to nine lots with a dwelling on each, with findings to be adopted April 18, 2007. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no. Ms. Stern explained that she does not believe the legislative intent of the voters was for rural subdivisions.

6. Consideration of M37-200-06, a Measure 37 claim authorizing Thomas Bogh to divide 59.7 acres into one-acre lots and to establish a dwelling on each vacant lot. *[Tentatively approved, findings to be adopted April 18, 2007.]*

Ms. George opened the public hearing. Mr. Brandt reviewed the claim and recommended modifying, removing, or not applying the land use regulations back to 1969.

Public Testimony - Susan Watkins discussed the need for a balance between rural and suburban uses and asked the Board to require developers to pay for road improvements and other infrastructure costs. She also asked that all taxpayers, not just immediate neighbors, be included in the notification process, the character of proposed developments be considered as well as public health and safety issues, the volume of traffic be considered, and owners be required to pay back farm or forest deferral benefits if they go back to the original land use regulations.

Ms. Lewis stated that she believes developers should pay the ten-year back taxes penalty if the property is taken out of farm or forest deferral.

Summation by Claimant - Charles Harrell, representing the applicant, stated that although he does not believe Mr. Bogh will apply for development of one-acre lots, he doesn't have a vision for the property yet and asking for one-acre lots in the Measure 37 waiver will provide him with flexibility. He stated that property rights are one of the basic rights upon which this country was founded and many people bought

land without any restrictions on it, after which the state starting telling them what they could or could not do with the land.

Close of Public Hearing / Deliberation - Ms. Lewis moved tentative approval of M37-200-06 with findings to be adopted April 18, 2007. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no. Ms. Lewis noted that the county is working hard to address public health and safety issues at the subdivision application stage.

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. Local Alcohol and Drug Planning Committee, three positions;
 - c. Parks Board, one position;
 - d. 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.

G. Recess to Executive Session to discuss a request for a long-term lease of the Rainbow Lodge property. *[Postponed to next week.]*

The meeting adjourned at 12:39 p.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair	KATHY GEORGE
Commissioner	MARY P. STERN
Commissioner	LESLIE LEWIS



BOARD OF COUNTY COMMISSIONERS

Attendance Roll for meeting records

Meeting: Informal _____ Formal Work Session _____ Date 4/11/07 _____

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Name

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Complete Address

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Subject

<u>John W. ...</u>	<u>18300 1/2 Beech Park Rd</u>	<u>S-13-06</u>
<u>K Susan Wolck</u>	<u>18201 N.E. Bald Peak Rd ^{Newberg} 97132</u>	<u>S-13-06</u>
<u>Sam Justice</u>	<u>P.O. Box 480 McMinnville</u>	<u>S-13-06</u>
<u>Sam Justice</u>	<u>" " "</u>	<u>M37-190-06</u>
<u>Deanna D. Jones</u>	<u>3501 N. Fishery Way Newberg</u>	
<u>Mike Freeman</u>	<u>P.O. Box 789 Astoria OR 97103</u>	<u>M37 196 06</u>
<u>John R. Koo</u>	<u>P.O. Box 969 Newberg, OR 97132</u>	<u>S-13-06</u>
<u>Adolfo and Janice Blanco</u>	<u>5810 NE Dunway Rd</u>	
<u>WILLIAM FRITTS</u>	<u>1700 NE GLOPE LAINE, NEWBERG</u>	<u>M37-190-06</u>
<u>Michael Ross</u>	<u>15765 NE Cullen Rd Newberg</u>	<u>M37-1</u>
<u>Charles Hassell</u>	<u>P.O. Box 1045 Newberg OR 97132</u>	<u>M37-200-06</u>
<u>Simon Mattias</u>	<u>15440 SW McCabe Chapel Rd 97128</u>	<u>M37-200-06</u>
<u>Sam ...</u>	<u>14550 NE Blue Bird Hill Rd 97102</u>	<u>M37 192-06</u>
<u>Peter Gladhart</u>	<u>5075 Winters Hill Rd Dufur 97114</u>	<u>M37 192-06</u>
<u>Emily Gladhart</u>	<u>5075 Winters Hill Rd Dufur 97114</u>	<u>M37-192-06</u>
<u>Ken Summers</u>	<u>YCSO</u>	

[Saved commsec/forms]