

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 25, 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; Laura Tschabold, Projects Coordinator; Martin Chroust-Masin, Associate Planner; Katie Paysinger, Dayton High School; Henry Reeves, 22250 Boulder Crest Lane SE, Amity; Marilyn Reeves, PO Box 1083, McMinnville; Charlene Gibb, 300 Hill Road, McMinnville; and Ilsa Perse, 5765 Mineral Springs Road, Carlton.

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.

Henry Reeves stated that when the commissioners had taken office, he had urged them to put aside their ideology and make their decisions based on the greater public interest rather than on that of minorities and special interest groups. He submitted statistics (see attachment) showing that more than two-thirds of voters believe that either Measure 37 should be repealed entirely or its significant flaws should be fixed. He urged the Board to take this into consideration when making decisions regarding Measure 37 claims.

Marilyn Reeves, representing Friends of Yamhill County, requested that the Board reconsider its decision to not hold public hearings for the Stimson Lumber claims on today’s agenda. She provided information regarding the value of the Stimson land and stated that she does not believe these are valid claims because there has been no loss of value. She pointed out that public hearings would provide an opportunity for Stimson Lumber to discuss the estimated loss of property value.

B. **CONSENT AGENDA:** Ms. Lewis moved approval of the consent agenda. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Personnel

1. **B. O. 07-325** - Approve the employment of Becky Weaver, Corvallis, as Financial Manager in Administrative Services, regular full-time, Range 29, Step 4, effective April 30, 2007.

2. **B. O. 07-326** - Approve the employment of John Boynton, John Day, as Emergency Management Program Coordinator in the Commissioners' Office, regular full-time, Range 20, Step 2, effective May 9, 2007.
3. **B. O. 07-327** - Approve the employment of Rose Hollingsworth, McMinnville, as Extra Help in Community Corrections, temporary part-time, \$10/hour, effective May 1, 2007 through October 31, 2007.
4. **B. O. 07-328** - Approve the change of status of Richard McKenna to extend temporary part-time employment in Community Corrections, retroactive to March 1, 2007 through August 31, 2007.
5. **B. O. 07-329** - Approve the employment of Carolyn Simeone, Newberg, as HS Specialist 2 in HHS Chemical Dependency, regular full-time, Range 20, Step 3, effective May 7, 2007.
6. **B. O. 07-330** - Approve the change of status of Claudia Godinez to regular full-time employment in Veterans Services, effective May 9, 2007.
7. **B. O. 07-331** - Approve the change of status of David Sangster to extend temporary part-time employment in HHS Family & Youth, retroactive to April 23, 2007 through June 8, 2007.
8. **B. O. 07-332** - Ratify the emergency change of status of Jennifer Beecroft to Range 24, Step 3, \$4357/month, retroactive to April 24, 2007.
9. **B. O. 07-333** - Approve the change of status of Jennifer Mosiman, Sheriff's Office, to:
 - a. .5 FTE as Police Clerk, Range 4, Step 3, \$2277/month, effective April 24, 2007; and
 - b. .5 FTE as Property Evidence Technician, Range 8, Step 1, \$2502/month, effective April 24, 2007.

Contracts/Grants

10. **B. O. 07-334** - Ratify the approval of Amendment #43 to the 2005-07 Financing Agreement #113020 between Health & Human Services and Oregon Department of Human Services, retroactive to April 13, 2007.
11. **B. O. 07-335** - Approve Service Element Prior Authorization (SEPA) Approval Unit #167456 for the 2005-07 Financing Agreement #113020 between Health & Human Services and Oregon Department of Human Services.
12. **B. O. 07-336** - Approve the renewal of a Rural Oregon Leasing and Support Contract between HHS Adult Mental Health and YCAP, retroactive to January 1, 2007 through June 30, 2009.
13. **B. O. 07-337** - Authorize the Assessor's Office to apply to the Oregon Department of Revenue for the 2007-08 Assessment and Taxation Grant, \$1,901,264.
14. **B. O. 07-338** - Adopt the recommendation of the Special Transportation Fund Advisory

Committee for the allocation of \$153,619 in 2007-08 STF funding.

Fees

15. **B. O. 07-339** - Approve a fee schedule increase for Public Works, effective May 14, 2007.
16. **B. O. 07-340** - Approve a fee increase for Dog Control, effective May 14, 2007.
17. **B. O. 07-341** - Authorize the payment of \$1626 to the National Association of Counties (NACo) for annual membership dues.

C. **OLD BUSINESS:** None.

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

Personnel

1. **B. O. 07-342** - Consideration of approval of the employment of Frances Nikkel, Newberg, as Office Specialist 2 in the District Attorney's Office, temporary part-time, \$9/hour, effective April 25, 2007 through July 25, 2007.

Ms. George moved approval of the employment of Frances Nikkel. The motion passed, Commissioners George, Stern, and Lewis voting aye.

2. **B. O. 07-343** - Consideration of approval of a contract employee agreement between the Planning Department and John Powell for electrical inspection services, \$33/hour, effective April 25, 2007.

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

Grant

3. **B. O. 07-344** - Consideration of acceptance of a grant award from the Siletz Tribal Council for a helicopter searchlight, \$24,000.

Mr. Krawczyk stated that Murray Paolo is very pleased with this grant and noted that the county will now have a fully equipped Search & Rescue helicopter. Ms. Lewis moved to accept the grant award. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Financial

4. **B. O. 07-345** - Consideration of increasing the Clerk's change fund from \$600 to \$800.

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

5. **B. O. 07-346** - Consideration of authorizing a letter of support for the Disposition Application to HUD by the Housing Authority of Yamhill County for seventy units of Low Rent Public Housing located in Yamhill County.

Ms. George moved to authorize the letter of support. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Measure 37

6. **B. O. 07-347** - Consideration of approval of M37-57-06, a Measure 37 claim authorizing Norman Barnett to make application to divide 619 acres into twenty-acre lots and to establish a dwelling on each vacant lot.

John Gray read the operative part of the order. Mike Brandt noted that the applicant would have to do a series of partitions and wouldn't necessarily get twenty-acre lots. Ms. Lewis moved approval of the order. The motion passed, Commissioners George, Stern, and Lewis voting aye.

7. **B. O. 07-348** - Consideration of approval of M37-158-06, a Measure 37 claim authorizing Robert Lehman to make application to divide 145 acres into three lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the order. The motion passed, Commissioners George, Stern, and Lewis voting aye.

8. **B. O. 07-349** - Consideration of approval of M37-187-06, a Measure 37 claim authorizing Gordon Zimmerman to make application to divide 80.61 acres into three lots and to establish a dwelling and/or commercial/light industrial development on each vacant lot.

Mr. Gray read the operative part of the order, noting that although both Gordon Dromgoole and Gordon Zimmerman were listed as claimants, Mr. Dromgoole is not currently an owner of the subject property, so the claim can only be approved for Mr. Zimmerman. Ms. Lewis moved approval of the order. The motion passed, Commissioners George, Stern, and Lewis voting aye.

9. **B. O. 07-350** - Consideration of approval of M37-201-06, a Measure 37 claim authorizing the Gaibler Living Trust to make application to divide 7.87 acres into seven lots, to divide 21.31 acres into the maximum number of lots allowed at the time of acquisition, and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the order. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

10. **B. O. 07-351** - Consideration of approval of M37-202-06, a Measure 37 claim authorizing Larry and Dorothy Hays to make application to divide 29.9 acres into the maximum number of lots allowed in the Agriculture Zone A at the time of acquisition and to establish a dwelling or commercial uses on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the order. The motion passed, Commissioners George, Stern, and Lewis voting aye.

11. **B. O. 07-352** - Consideration of approval of M37-204-06, a Measure 37 claim authorizing Stan Bunn to make application to establish a dwelling, outbuilding, and other uses on one acre.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the order. The motion passed, Commissioners George, Stern, and Lewis voting aye.

12. **B. O. 07-353** - Consideration of approval of M37-205-06, a Measure 37 claim authorizing Jan and Frances Fourrier to make application to divide 66.8 acres into two lots and to establish a dwelling on the vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the order. The motion passed, Commissioners George, Stern, and Lewis voting aye.

13. **B. O. 07-354** - Consideration of approval of M37-206-06, a Measure 37 claim authorizing Edward Christie to make application to divide 7.13 acres into two lots and to establish a dwelling on the vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the order. The motion passed, Commissioners George, Stern, and Lewis voting aye.

14. **B. O. 07-355** - Consideration of approval of M37-207-06, a Measure 37 claim authorizing Beardslee and Phillips to make application to divide 155.36 acres into seventeen lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the order. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

15. **B. O. 07-356** - Consideration of approval of M37-208-06, a Measure 37 claim authorizing Richard and Cathy Day to make application to divide 85.95 acres into three lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the order, noting that the property was zoned EF-40 and AF-20 at the time of purchase and it may be possible for the applicants to do what they want. The motion passed, Commissioners George, Stern, and Lewis voting aye.

16. **B. O. 07-357** - Consideration of approval of M37-210-06, a Measure 37 claim authorizing Herbert Anderson to make application to divide 279.22 acres into fourteen lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the order. The motion passed, Commissioners George, Stern, and Lewis voting aye.

17. **B. O. 07-358** - Consideration of approval of M37-212-06, a Measure 37 claim authorizing Timothy and Suzanne Kreder to make application to divide 154 acres into five lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the order, noting

that the applicants may or may not be able to do what they want, based on the zoning in place at the time of purchase. The motion passed, Commissioners George, Stern, and Lewis voting aye.

18. **B. O. 07-359** - Consideration of approval of M37-213-06, a Measure 37 claim authorizing Timothy Kreder to make application to divide 85.83 acres into four lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the order. The motion passed, Commissioners George, Stern, and Lewis voting aye.

19. **B. O. 07-360** - Consideration of approval of M37-214-06, a Measure 37 claim authorizing Darice Shalberg to make application to divide 22.8 acres into five lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the order, noting that the property was zoned Agriculture A and Rural Residential at the time of purchase. The motion passed, Commissioners George, Stern, and Lewis voting aye.

20. **B. O. 07-361** - Consideration of denial of M37-215-06, a Measure 37 claim authorizing Larry Seits to make application to divide twenty acres into two lots to separate two existing dwellings.

Mr. Gray explained that no land use regulations have been enacted by the county since the acquisition date that would cause loss of value. Ms. Lewis moved to deny M37-215-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

21. **B. O. 07-362** - Consideration of approval of M37-216-06, a Measure 37 claim authorizing Phocis, Inc. to make application to divide 796 acres into lots sized no smaller than twenty acres or forty acres, depending on the minimum lot size established by Ordinance 310, and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order, noting that the acquisition date is the date the subject property was transferred to the corporation. Ms. Stern moved approval of the order. The motion passed, Commissioners George, Stern, and Lewis voting aye.

22. **B. O. 07-363** - Consideration of approval of M37-217-06, a Measure 37 claim authorizing John and Mary Dugan to make application to divide 29.7 acres into six lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the order, noting the subject property was zoned Agriculture A at the time of purchase. The motion passed, Commissioners George, Stern, and Lewis voting aye.

23. **B. O. 07-364** - Consideration of denial of M37-219-06, a Measure 37 claim authorizing Richard and Norma Nelson to make application to divide 47.74 acres into thirty lots and to establish a dwelling on each vacant lot.

Mr. Gray explained that the subject property was conveyed to Loma Linda University in 1983, so the claimant is not the current owner for Measure 37 purposes and this is not a valid claim. Ms. Stern moved to deny M37-219-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

24. **B. O. 07-365** - Consideration of approval of M37-220-06, a Measure 37 claim authorizing Dean Werth to make application to divide 42.17 acres into four lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the order. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

25. **B. O. 07-366** - Consideration of denial of M37-221-06, a Measure 37 claim authorizing Larry and Karen Waide to make application to divide 36.25 acres into 24 lots and to establish a dwelling on each vacant lot.

Mr. Gray explained that no land use regulations have been enacted by the county since the date of acquisition. He noted that the state has also denied this claim. Ms. Stern moved to deny M37-221-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

26. **B. O. 07-367** - Consideration of denial of M37-222-06, a Measure 37 claim authorizing Larry and Karen Waide to make application to divide 126.68 acres into 84 lots and to establish a dwelling on each vacant lot.

Mr. Gray explained that no land use regulations have been enacted by the county since the date of acquisition, which was previously determined by the county to be March 23, 1993, although the state used a different date. Ms. Lewis moved to deny M37-222-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

27. **B. O. 07-368** - Consideration of approval of M37-223-06, a Measure 37 claim authorizing Jacquelyn Wagner to make application to divide four acres into four lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the order. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

The meeting recessed at 10:03 a.m. and reconvened at 10:09 a.m. Ms. Lewis stated that she would be recusing herself from the following 21 claims because her family's company does business with Stimson Lumber and she believes it would be inappropriate for her to vote on the claims.

Ms. Stern moved to hold public hearings on the Stimson claims. She explained that Stimson Lumber's own information indicates that the property value has increased and any devaluation since 1991 has been caused by federal regulations rather than county land use regulations. She stated that it would be in the public's interest to discuss these issues and to hear from Stimson Lumber

regarding the value of its land.

Ms. George stated that although the property value has increase, it would have increased more without land use regulations. She said that regulations in other states makes private timber companies unsure about their future ability to harvest their timber.

The motion for public hearings failed, Commissioner Stern voting aye and Commissioner George voting no.

28. **B. O. 07-369** - Consideration of approval of M37-226-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 320.5 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. George moved approval of the order. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining. Ms. Stern noted that the property was zoned AF-20 at the time of purchase and public health and safety measures would apply to any development of these properties, particularly those that apply to fire and access issues.

29. **B. O. 07-370** - Consideration of approval of M37-227-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 240 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the order, noting that the property was zoned EF-40 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

30. **B. O. 07-371** - Consideration of approval of M37-228-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 424.5 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. George moved approval of the order. Ms. Stern noted that the property was zoned F-40 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

31. **B. O. 07-372** - Consideration of approval of M37-229-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 39.39 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the order, noting that the property was zoned AF-20 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

32. **B. O. 07-373** - Consideration of approval of M37-230-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 520 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. George moved approval of the order. Ms. Stern noted that the property was zoned F-40 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

33. **B. O. 07-374** - Consideration of approval of M37-231-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 120.7 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the, noting that the two tax lots were zoned F-40 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

34. **B. O. 07-375** - Consideration of approval of M37-232-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 38 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. George moved approval of the order. Ms. Stern noted that the property was zoned F-40 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

35. **B. O. 07-376** - Consideration of approval of M37-233-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 134.73 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the order, noting that the property was zoned F-40 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

36. **B. O. 07-377** - Consideration of approval of M37-234-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide Tax Lot 5612-500 not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot. [*Claim denied for Tax Lots 5611-190 and 2190.*]

Mr. Gray read the operative part of the order, explaining that the portion of the claim for Tax Lots 5611-190 and 2190 would be denied because no county land use regulations have been enacted since the acquisition date that would affect the property value. Ms. Stern moved approval of the order, noting that Tax Lot 5612-500 was zoned AF-20 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

37. Consideration of approval of M37-235-06, a Measure 37 claim authorizing Stimson Lumber

Company to make application to divide 459.6 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot. *[Continued to May 9, 2007.]*

Ms. Stern stated that she would like to seek clarification from the applicant as to future plans for this property, since she has voted against rural subdivisions in the past. Mr. Gray noted that it would be optional for the applicant to provide more specific information. Ms. Stern moved to continue M37-235-06 to May 9, 2007. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

38. **B. O. 07-378** - Consideration of approval of M37-236-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 160 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. George moved approval of the order. Ms. Stern noted that the property was zoned F-40 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

39. **B. O. 07-379** - Consideration of approval of M37-237-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the order, noting that the property was zoned F-40 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

40. **B. O. 07-380** - Consideration of approval of M37-238-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 459.1 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the order, noting that the five tax lots were zoned F-40 and AF-20 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

41. **B. O. 07-381** - Consideration of approval of M37-239-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. George moved approval of the order. Ms. Stern noted that the property was zoned F-40 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

42. **B. O. 07-382** - Consideration of approval of M37-240-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 244.15 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the order, noting that the four tax lots were zoned AF-20 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

43. **B. O. 07-383** - Consideration of approval of M37-241-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 1780 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. George moved approval of the order. Ms. Stern noted that the nine tax lots were zoned F-40 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

44. **B. O. 07-384** - Consideration of approval of M37-242-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide Tax Lot 4501-200 into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot. *[Claim denied for Tax Lot 3536-600.]*

Mr. Gray read the operative part of the order, noting that the claim would be denied for Tax Lot 3536-600 because no land use regulations have been enacted since the acquisition date that would affect the property value. Ms. Stern moved approval of the order for Tax Lot 4501-200, noting that it was zoned AF-20 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

45. **B. O. 07-385** - Consideration of approval of M37-243-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 222.12 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. George moved approval of the order. Ms. Stern noted that the property was zoned AF-20 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

46. **B. O. 07-386** - Consideration of approval of M37-244-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 284.43 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the order, noting that the six tax lots were zoned AF-20 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

47. **B. O. 07-387** - Consideration of approval of M37-245-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 395.85 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Stern moved approval of the order, noting that the ten tax lots were zoned F-40 at the time of purchase and half of those lots were less than forty acres each. Mr. Brandt explained that those lots cannot be divided, although the applicant might be able to get approval for a dwelling on each. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

48. **B. O. 07-388** - Consideration of approval of M37-246-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 1811.49 acres into not more than the maximum number of lots allowed at the time of acquisition and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. George moved approval of the order, noting that the tax lots were zoned F-40 at the time of purchase. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

49. **B. O. 07-389** - Consideration of approval of M37-247-06, a Measure 37 claim authorizing Morton and Barbara Lowe to make application to divide 7.7 acres into three lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the order. The motion passed, Commissioners George, Stern, and Lewis voting aye.

50. **B. O. 07-390** - Consideration of approval of M37-250-06, a Measure 37 claim authorizing Cliff and Ione Jones to make application to divide 243.64 acres into eight lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the order. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

51. **B. O. 07-391** - Consideration of denial of M37-251-06, a Measure 37 claim authorizing Raymond and Joyce Washington to make application to divide twelve acres into two lots and to establish a dwelling on each vacant lot.

Mr. Gray explained that no land use regulations have been enacted by the county since the date of acquisition, so this is not a valid claim. Ms. Stern moved to deny M37-251-06. The motion passed, Commissioners George, Stern, and Lewis voting aye.

52. **B. O. 07-392** - Consideration of approval of M37-254-06, a Measure 37 claim authorizing Lee Schrepel to make application to divide 59 acres into three lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order, noting that the applicant will probably not get land use approval. Ms. Lewis moved approval of the order, noting that the property was zoned EF-40 at the time of purchase. The motion passed, Commissioners George, Stern, and Lewis voting aye.

53. **B. O. 07-393** - Consideration of approval of M37-255-06, a Measure 37 claim authorizing Jack Shine to make application to divide 63.78 acres into not more than thirty lots and to establish a dwelling on each vacant lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of the order. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

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 April 18, 2007 at the point of Staff Recommendation. *[Tentatively denied, findings to be adopted May 9, 2007.]*

Staff Recommendation - Martin Chroust-Masin recommended approval of the application with an additional condition requiring a thirty-foot radius of standing timber to be left around the tower as a buffer, which would help mitigate the agricultural impact. He stated that the requested use is a permitted use in this zone. He said that although the Board could add a condition regarding the architectural design of the tower to help mitigate visual impact, it would probably not hold up in court, since it would not mitigate the agricultural impact.

Close of Public Hearing / Deliberation - Ms. Stern stated that the Zoning Ordinance requires the applicant to show that the antenna is necessary and although maps were provided to show a lack of coverage, the opponents found good coverage during an informal drive test and T-Mobile's own drive map and website show existing coverage in the target area. She stated that because of the conflicting evidence, she is not convinced of the need for an antenna. She added that she would also have liked to see the applicant provide all of the information requested by the Board and work more cooperatively with the opponents.

Ms. Stern moved to overturn the Planning Director's approval and tentatively deny Planning Docket SDR-22-06.

Ms. Lewis agreed that evidence in the record suggests that T-Mobile does not need this site for coverage. Ms. George also noted her concern about the contradictory data. She stated that it is important for the Board to consider local input and exercise its judgement in applying the statutes.

The motion for tentative denial passed with findings to be adopted May 9, 2007.

2. 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. *[Tentatively approved, findings to be adopted May 9, 2007.]*

Ms. George opened the public hearing. Mr. Gray reviewed the hearing procedure.

Claimant - Mr. Freeman stated that his intention is to continue farming the subject property

for now and although he has no definite development plans, at some point he would like to divide the property into about five clusters of lots of approximately three to five acres each, leaving the rest of the property as farmland.

Public Testimony - Marilyn Reeves, representing Friends of Yamhill County, stated that the applicant cannot determine the loss of value if he doesn't yet know what he wants to do with the property. She stated that the proposal would do a great deal of harm to the community of Amity and Friends of Yamhill County opposes quarter-acre lots on high-value soils.

Summation by Claimant - Mr. Freeman stated that as the zoning has changed along Laughter Lane, the buffer between the town and farmland has been lost and this proposal would just fill in the gaps between larger lots. He said that residents should not deny other people an opportunity for a place to live just because they already have such a place. He noted that although one contiguous lot would have better aesthetics, keeping the property that way is not realistic. He explained that the loss of value was based on one-acre lots and the value of the proposed industrial uses would equal that of the current farm use.

Close of Public Hearing / Deliberation - Ms. Lewis stated that although she had previously been concerned about the one-acre density, it does not appear that the applicant has any real plans to do that. She encouraged Mr. Freeman to stay with the plan he had described. She moved tentative approval of M37-169-06 with findings to be adopted May 9, 2007.

Ms. Stern stated that the plans described by Mr. Freeman would constitute a rural subdivision, which she does not believe was the intent of the voters for Measure 37. Ms. George stated that the loss of value is difficult to determine, but the value of civil rights to use one's own property should also be considered.

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

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.

The meeting adjourned at 10:42 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS