

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 May 13, 2004 at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

Also present were John Krawczyk, Director of Administrative Services; John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; Dyke Mace, Solid Waste and Environmental Health Supervisor; Dan Linscheid, Surveyor; Ken Friday, Planning Division Manager; Mike Brandt, Planning Director; John Rankin, 26715 SW Baker Road, Sherwood; Don and Tammy Tucker, 26430 Regia Drive, Sheridan; James “Glenn” and Cari Martin, 12875 NE Dudley Road, Newberg; John Pinkstaff, 1727 NW Hoyt, Portland, Tom Thomson, 1275 Oak Villa, Dallas; Doug Drennen, 111 SW Columbia, Portland; and Jack Payne, 12735 NE Dudley Road, Newberg.

Commissioner George called the meeting to order.

A. **PUBLIC COMMENT PERIOD:** This fifteen-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. None offered.

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

Personnel

1. **B. O. 04-258** - Approve a change of status of Suzi Southworth to include temporary on-call duties with the Abacus Vocational Program, Range 11, Step 1, retroactive to May 10, 2004.

2. **B. O. 04-259** - Approve a change of status to reduce John Budan to part-time in Adult Mental Health, retroactive to May 9, 2004.

3. **B. O. 04-260** - Authorize the following changes to the HHS Position Management Roster, effective May 13, 2003:

- a. Replace a .49 FTE hourly MH Associate position with a full-time benefitted MH Associate position;
- b. Restore all adult Chemical Dependency staff to full-time status;
- c. Add one .49 FTE HHS Specialist I position in Chemical Dependency;
- d. Add one full-time benefitted MH Specialist II position in Family and Youth;
- e. Increase a .4 FTE MH Specialist II position to full-time in Mental Health.

### Contracts

4. **B. O. 04-261** - Approve a purchase and sale agreement with Gary Hoff for the Department of Health and Human Services purchase of a residence located at 616 NE Davis Street, McMinnville, \$175,000.
5. **B. O. 04-262** - Approve a grant agreement between the Juvenile Department and Oregon Youth Conservation Corps for a youth summer work program, \$10,000.
6. **B. O. 04-263** - Approve a fund exchange agreement between Public Works and ODOT for various overlay projects, \$670,535.
7. **B. O. 04-264** - Approve a contract between Public Works and OBEC for consultation services regarding the Baker Creek Road Bridge #11540A project, effective May 13, 2004.
8. **B. O. 04-265** - Approve a contract between Mental Health and Trillium Family Services, Inc. for reimbursement of mental health services, effective May 13, 2004.
9. **B. O. 04-266** - Authorize Chris Johnson to execute an agreement between HHS and PCI Network Solutions to extend the current software support agreement for an additional 12 months.

### Committees

10. **B. O. 04-267** - Appoint the following individuals to the Commission on Children and Families for four-year terms to expire November 1, 2008, as recommended by the Operations Committee:
  - a. Tanya Tompkins, McMinnville to a full-time position;
  - b. Julia Shotola, Yamhill, to a full-time position;
  - c. Oliver Vera, McMinnville, to a full-time position;
  - d. Ruben Contreras, Jr., McMinnville, to an alternate position;
  - e. Angela Stevens, Newberg, to an alternate position.
11. **B. O. 04-268** - Appoint Sheriff Jack Crabtree to the YCOM Policy Board, effective upon John Krawczyk's resignation from the board in June 2004.

### Resolution

12. **B. O. 04-269** - Approve a resolution allocating National Forest Related Safety-Net payments by percentage to Title II and Title III projects

### Proclamation

13. **B. O. 04-270** - Proclaim the week of May 24-28, 2004 as Community Action Week.

### HHS Plan

14. **B. O. 04-271** - Approve the 2003-2005 Plan for Carry Over Funds in the Mental Health Division of HHS.

Property Exchange

15. **B. O. 04-272** - Authorize trade of bullet-proof vest owned by Yamhill County and used by former Community Corrections probation officer Jim Meyers to Umatilla County in exchange for bullet-proof vest owned by Umatilla County and used by former Umatilla County probation officer Daphne Bach.

C. **OLD BUSINESS:**

1. **B. O. 04-273** - Consideration of adoption of findings in support of Planning Docket PAZ-02-03, a request for a comprehensive plan amendment from EF-20 to AF-10, applicant Matthew Powell, as tentatively approved March 18, 2004 and continued from April 22, 2004.

Rick Sanai provided first and second readings of Ordinance 737 by caption only, declaring an emergency. Commissioner Lewis moved approval of the ordinance. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Ms. Stern noted for the record she and the other commissioners had received a thank-you card from the Powells, which had no influence on their decision.

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

1. **B. O. 04-274** - Consideration of approval of a change in status of Rohn Reid to extend his temporary full-time status in Public Works until June 12, 2004.

Commissioner Lewis moved to approve the change in status. The motion passed, Commissioners George, Stern, and Lewis voting aye.

2. **B. O. 04-275** - Consideration of approval of employment of the following individuals as temporary on-call Extra Help in Community Corrections, \$18.75/hour, effective May 13, 2004:

- a. Ronald Roach, Salem;
- b. Richard McKenna, Salem.

Commissioner George moved to approve the employment of Ronald Roach and Richard McKenna. The motion passed, Commissioners George, Stern, and Lewis voting aye.

3. **B. O. 04-276** - Reconsideration of Board Order 04-249, an action to deny a business license for Bill Hopper, Newberg.

John Gray explained that correspondence with Mr. Hopper since the action has made it clear that conditional land use is not necessary for the proposed business activities. Ken Friday stated that Mr. Hopper is sending him a letter stated his intended business activities, after which he will sign the business license application.

Ms. Lewis moved to reconsider Board Order 04-249 and continue the matter to May 20, 2004. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Ms. Lewis stated that she would like to discuss business licensing procedures at the next informal session to consider ways of improving efficiency and encouraging new businesses in the county.

**E. PUBLIC HEARINGS:**

a. Consideration of Public Works Docket RV-02-03, a request to vacate portions of Mayette Drive near Sheridan, as described in Exhibit A of Board Order 04-92 and continued from April 15, 2004 at the point of deliberation. *[Tentatively approved; findings to be adopted May 20, 2004 at 10:00 a.m.]*

Ms. George reopened consideration of the docket.

John Gray presented an overview of the hearing proceedings to this point. He said that after talking with many colleagues, he believes that the Board has the authority to grant a vacation with the reservation of an easement for public utilities, and can vacate all property except that which is occupied by public utilities.

Commissioner George reopened the public hearing and accepted a letter from Don Gappa into the record.

Tammy Tucker, Regia Drive, stated that she supports the request for vacation. She said she has used her property for grazing animals since 1996 and doesn't want to lose that ability. She stated that she would be happy to accommodate Mr. Acuff in his desire to build a drainage ditch as long as the fences can remain where they are. She asked that if the vacation is denied, the Board consider allowing property owners to continue to use the land for grazing.

Commissioner George closed the public hearing.

Commissioner Lewis stated that she still believes the right of way should be reduced to 40 feet equally on both sides of the road, along the entirety of Mayette Drive, with the reservation of an easement for public utilities.

She moved tentative approval of Public Works Docket RV-02-03, with a one-week continuance to May 20, 2004 for preparation of findings.

Ms. Stern stated that she is uncomfortable with the inequity this creates for property owners on opposite sides of the road, but she has no problem with property owners continuing to use the land for grazing.

Ms. George stated that it is unfortunate that this has become such a controversial issue and it is not right for property owners to have to move their fences back and forth. She said county policy needs to be clarified to be more equitable.

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

2. **B. O. 04-277** - Receipt of public comment on the 2004-2005 STF allocations. *[Approved.]*

Commissioner George opened the public hearing. There being no comment, she closed the public hearing.

Ms. Lewis moved to approve the 2004-2005 Special Transportation Fund allocations as unanimously recommended by the STF Committee. The motion passed, Commissioners George, Stern, and Lewis voting aye.

3. **B. O. 04-278** - Receipt of public comment on the Solid Waste Management Plan. *[Approved.]*

Commissioner George opened the public hearing.

Dyke Mace provided background on the Solid Waste Management Plan, which was developed with the assistance of URS Corporation, a consulting firm hired by the county. He stated that the comprehensive plan will help with concerns such as the upcoming completion of the Riverbend Landfill contract, possible closure of the landfill, and Household Hazardous Waste Fund concerns.

Doug Drennen, Project Manager at URS Corporation, provided an overview of the plan, stating that the long development process was necessary to ensure buy-in from all partners involved in and affected by the project. He said the purpose of the plan was not to create a legally binding document, but a document that serves as a management tool for making decisions and clarifying what actions the county, cities, and private industries will take to make the system work as a unit.

He stated that the plan includes a comprehensive look at each element of the Solid Waste system, providing an inventory of existing services and identifying areas for improvement with recommended strategies focusing on the next five to seven years. He noted that the chapter on Household Hazardous Waste has also been provided as a stand-alone document since it is such a hot issue. He went on to highlight some of the recommendations in each of the chapters.

Ms. George closed the public hearing.

Ms. Stern expressed her appreciation for a job well done and noted that the plan is available online for public review.

Ms. Lewis expressed her concerns with difficulties faced by rural residents wishing to participate in recycling, and suggested working on getting more recycling stations located throughout the county.

Ms. George moved to adopt the Solid Waste Management Plan for Yamhill County as presented, including the Household Hazardous Waste portion. The motion passed, Commissioners George, Stern, and Lewis voting aye.

4. Consideration of Planning Docket PAZ-01-04, a request for a comprehensive plan amendment from EF-40 to AF-10 on 37.5 acres, applicants James and Cari Martin represented by J. Pinkstaff. *[Tentatively approved; findings to be adopted May 25, 2004 at 10:00 a.m.]*

Ms. George opened the public hearing. There were no abstentions or objections to jurisdiction. Ms. Lewis noted for the record that all three commissioners recently visited the subject property with Mr. Friday.

Rick Sanai read the statement required for land use hearings explaining that parties must raise all issues at the hearing or waive their right to raise the issues on appeal.

Staff Report - Mr. Friday entered the staff report into the record and gave a description of the parcel and the surrounding zones. He stated that the Planning Commission reviewed the applicant's request and unanimously recommended approval. He stated that one letter of opposition had been received, which he entered into the record.

Proponents - John Pinkstaff, representing the Martins, stated that the application takes exceptions to Goals Three and Four. He highlighted five reasons for approval of the request: 1) the subject property is hemmed in on three sides by AF-10 land and the proposed use of the property is substantially similar to those surrounding parcels. 2) The parcel is bisected by Dudley Road, creating an eleven-acre portion to the north of the road. 3) The parcel sits like a notch in the old exception area and rezoning it would fill in that gap. 4) Since the exception area was adopted in 1980, there has been an increase in houses built along Dudley Road, increased traffic, and a property line adjustment by the previous owner. 5) Commercial and non-commercial farming on the property would not be practicable and would create conflicts with neighbors. He also stated that there is a strong market demand for 10-acre parcels.

Tom Thomson stated that he is an agriculture evaluator with Northwest Ag Consulting in Dallas, Oregon. He said the subject property hasn't been farmed since the late 1990's, and everything that was planted in the past produced low yields due to thin, shallow soils that have eroded over time. He stated that with the rising costs of fuel and chemicals, the potential profit from farming this small parcel may not be sufficient to sustain a family. He also noted that chemical sprays could adversely affect both rural residential neighbors and the vineyard owner to the south.

James "Glenn" Martin summarized his unsuccessful attempts to profitably farm the land.

Mr. Pinkstaff stated that the requirements for a zone change have been met and a letter in the record from Yamhill County Soil and Water Conservation District indicates they have no conflict with the request. He stated that AF-10 zoning would be more in keeping with the surrounding area, and questions raised in the letter of opposition about farming potential have been answered.

Questions of Proponents - Jack Payne asked about the maximum number of single family dwellings allowed and the minimum lot size. Mr. Friday stated that the subject property could be divided into a total of three lots, allowing two additional dwellings. He said the average lot size

must be ten acres, but the minimum individual lot size would be five acres. He stated that although not required, forestry use of the land would remain an option.

Public Agency Reports - Mr. Friday stated that there are no public agency reports in addition to those noted in the staff report.

Staff Recommendation - Mr. Friday stated that staff recommends approval of the request.

Close of public hearing / Deliberation - Ms. Stern stated that it is clear from information presented that the subject property is not practical for true farming, and forcing the Martins to farm would have a negative impact on neighbors.

She moved to tentatively approve Planning Docket PAZ-01-04, with findings to be adopted May 25, 2004.

Ms. Lewis concurred with Ms. Stern and staff that the parcel would be much more appropriate as rural residential property, for which there is clearly a need.

Ms. George stated that when crops can't be profitably farmed, owners don't have the resources to properly care for them, which can allow insects and diseases to spread to neighboring farms.

The motion passed, Commissioners George, Stern, and Lewis voting aye.

5. Consideration of Planning Docket G-01-04, a proposed ordinance amendment to allow parks as a conditional use in the VLDR zone. *[Tentatively approved; findings to be adopted May 25, 2004 at 10:00 a.m.]*

Commissioner George opened the public hearing.

Mr. Friday provided background information, stating that the request is fairly well explained in a letter from Mark Wilcutts. He stated that he couldn't find a reason why the current ordinance doesn't allow parks in the VLDR zone, and the county wants to promote parkland in rural residential areas. He said the Planning Commission unanimously recommends approval of the request.

Commissioners Lewis and Stern agreed that the request makes sense.

Commissioner George closed the public hearing.

Ms. Lewis moved tentative approval of Planning Docket G-01-04, with findings to be adopted May 25, 2004. The motion passed, Commissioners George, Stern, and Lewis voting aye.

**F. ANNOUNCEMENTS:**

1. Three positions are available on the Road Improvement Advisory Committee. Contact the Commissioners' Office for applications.

2. There are six to eight openings available on the newly re-formed Food Service Advisory Committee, consisting of two to three restaurant operators, one institutional food service operator, one mobile food unit operator, one bed-and-breakfast operator, and one to two members of the general public. Contact the Commissioners' Office for applications. Applications must be received by May 13, 2004.

Adjourn: 11:40 a.m.

Anne Britt  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair KATHY GEORGE

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Commissioner MARY P. STERN

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Commissioner LESLIE LEWIS