

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 16, 2019, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett, and Casey Kulla being present. Commissioner Richard L. “Rick” Olson is excused.

Also present were Ken Huffer, County Administrator; Todd Sadlo, Senior Assistant County Counsel; Josephine Ko, Assistant County Counsel; Mikalie Moreno, Risk Manager/HR Analyst; Ken Friday, Planning Director; Stephanie Armstrong, Assistant Planner; Nicole Montesano, News-Register; and others as listed on the sign-in sheet.

Commissioner Starrett called the meeting to order at 10:00 a.m.

*Welcome! Thank you for attending today’s meeting. Public participation is encouraged. If you wish to address the Commissioners on any item not on the agenda you may do so as part of the public comment period at the beginning of the meeting. If you desire to speak on any agenda item please raise your hand to be recognized after the Chair announces the agenda item. Please fill out a public comment card to indicate your intent to speak.*

**A. PUBLIC COMMENT:** This thirty-minute time period is reserved for public comment on any topic other than: 1) agenda items, 2) a quasi-judicial land use matter, or 3) a topic scheduled for public hearing. The Chair may limit the length of individual comments.

Martha O’Donnell, representing the Friends of the Bus, commented on bus safety. She noted her concern that there are no boarding handrails or safety striping on steps. She also stated concern about the removal of the Redmond Hill Road bus stop.

**B. CONSENT AGENDA:** Commissioner Kulla moved approval of items B1 through B7. The motion passed, Commissioners Kulla and Starrett voting aye.

Minutes

1. a. **B.O. 19-146** - January 29, 2019, Informal Session;
- b. **B.O. 19-147** - March 7, 2019, Formal Session;
- c. **B.O. 19-148** - March 12, 2019, Informal Session; and
- d. **B.O. 19-149** - March 28, 2019, Formal Session

Contracts & Grants

2. **B.O. 19-150** - Approval of Amendment #10 to Agreement #153142 (B.O. 17-207) between Yamhill County and the Oregon Health Authority for additional funding in the amount

of \$30,000 for the Community Mental Health, Substance Use Disorders and Problem Gambling Services, effective through June 30, 2019.

3. **B.O. 19-151** - Approval to authorize Yamhill County Health and Human Services to submit an application for HIV and STD Prevention Special Needs Funds grant in the amount of \$9,963.
4. **B.O. 19-152** - Approval of quotes for the purchase of a plotter/scanner for the Planning/County Surveyors Department not to exceed \$15,000.
5. **B.O. 19-153** - Approval of an agreement between Yamhill County and Hicks Striping & Curbing, Inc., for the Yamhill County 2019 road striping project.
6. **B.O. 19-154** - Approval of a Bargain and Sale Deed between Yamhill County and the Oregon Department of Transportation (ODOT) for the transfer of a section of Christensen Road, Salmon River Highway project.
7. **B.O. 19-155** - Approval of a Relinquishment Deed between Yamhill County and the Oregon Department of Transportation (ODOT) for the transfer of a section of Christensen Road, Salmon River Highway project.

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**C. OLD BUSINESS:**

1. **B.O. 19-156** - Consideration of the adoption of written findings and conditions of Docket #CTS-01-19: An appeal of the Planning Director's approval of a temporary health hardship dwelling for Gloria Dreske to care for Joe & Sue Roberts during the term of their health hardship. An existing manufactured home is proposed to be used as the temporary residence. Applicant: Gloria Dreske. [*Continued from April 25, 2019*].

Commissioner Starrett moved approval of item C1. The motion passed, Commissioners Starrett and Kulla voting aye.

**D. OTHER BUSINESS** (Add-ons and non-consent items): None.

**E. PUBLIC HEARINGS:**

1. Docket #R-01-18: Consideration of the request to replat Lots 1 and 2 of the Woodland Heights Subdivision into residential parcels of approximately 2.77, 3.18, 2.71 and 2.52 acres. The request involves the use of parcel size averaging. Applicant: Beck's Landing, LLC. Tax Lots: 5411-2500 and 5412-900.
2. Docket #R-02-18: Consideration of the request to replat Lots 26 and 27 of the Woodland Heights Subdivision into residential parcels of approximately 2.5, 2.5, 2.5 and 3.74 acres. The request involves the use of parcel size averaging. Applicant: Beck's Landing, LLC. Tax Lots: 5414-800 and 5414-900.

Commissioner Starrett opened the public hearing at 10:06 a.m. The Board heard both docket items in a combined public hearing.

There was no abstentions or objections to jurisdiction and there was no report of ex-parte contact or site visits. Mr. Friday read the statement required by ORS 1973763(5).

Staff Report: Stephanie Armstrong presented the staff report noting the parcel zonings.

Proponents:

Andrew Stamp, legal representative, presented comments regarding lot size averaging. He stated the averaging of land divisions would allow a more approximate five-acre parcel zoning. He also noted there was significant evidence of a long standing interpretation to use land efficiently given there will be no future opportunities to divide the lots. He asked that the application be approved.

Edwin Scharer stated this is a 1970 subdivision platted before zoning. He stated the average lot parcel was not larger than five acres for home building. He commented the private road can be accessed from both lot sections. The road to the west is a public road, he stated an opponent of the road issues has made comments that the residents have not done due diligence about addressing the road maintenance.

There was discussion regarding the use of land use policy and the proponent view of former Planning Director Mike Brandt. Mr. Sharer stated his interpretation of being “ambushed” by the Planning Commission had to do with inaccuracies of public comments which is what prompted him to request a public hearing.

Richard Beck provided background details regarding lots 1 and 2 which he stated have been under a timber deferral. Lots 26 and 27 have unproductive cherry fruit trees and on farm deferral. He stated none of the lots have been used for residential use and do not provide any tax revenue for the county. He also said the Planning Commission did not present equal pressure to both sides and noted the amount of money that Beck’s Landing LLC. has been spent to provide housing in the county.

John Abrams, member of the Yamhill County Planning Commission, stated a sweeping rule making regarding lot size averaging in the middle of an application was inappropriate.

Opponents:

Joyce Orsini commented regarding property borders.

Aaron McCartle provided written testimony for the record and declined to speak. He supported the comments of Ms. Orcini.

Camille Godwin-Austen commented regarding a poll to deny the application. She would like the land use issue to not be used as a loophole to subdivide the five acre lots. The East Woodland Heights Association has concerns about increased traffic the ingress and egress of new lots on the other side of the road.

Paul Davis, Woodland Heights resident, stated he was under the impression that his property is zoned as five acres. He states that Beck's Landing, LLC. is using a portion of his acreage to subdivide into additional lots.

Craig West, Woodland Heights resident, stated he lives on the gravel road. He said the HOA plans to put a gate up at the end of the road where lots 26 and 27 are located. He noted that two of his wells dry up in the summer and expects it will decrease in the future with the increase of more homes. Mr. West stated it was the opposing residents that were "ambushed" by not begin notified of the public hearing. He requested to keep this location rural and to five acres and to deny the application.

Chris Tom, Woodland Heights resident, supports the previous comments. He stated his impression was that he owned a five-acre parcel. He was not aware of any intention of subdivision. He requested that the Board deny the application on the basis of the original five-acre lot size.

Debra Van Dyke – Not present. Written testimony was submitted.

Jeff Hill, Woodland Heights resident, stated he would like the county to fix the lot size averaging. He stated that Beck's Landing, LLC. will not be using the Woodland Heights east road public road for entrance for lots being built.

Steve Rotarius is against the application and agrees with prior opponent comments.

Katherine Hill, Woodland Heights resident, stated that there is a lot of water on lower lots.

Mr. Friday submitted clarity stated during the applicant's presentation indicating that Mike Brandt was in favor. Mr. Friday stated that it was the applicant who decided to have a hearing and the Planning Commission made no recommendation to deny their application but rather offered interpretation options.

Public Agency Reports: Ms. Armstrong stated there were no additional public agency reports submitted.

Rebuttal by Proponent: Mr. Stamp stated he was not aware of the testimony by Mr. Brandt submitted by Mr. Friday. He asked that the record remain open to get clarification from Mr. Brandt. He responded to testimony given by opponents. He noted a proposal to add a road going directly to lots 1 and 2 and asked to review this from the standpoint of land use efficiency.

Mr. Sadlo stated Mr. Stamp is not entitled to request an open record. Mr. Stamp agreed to the 150-day rule extension and will submit in writing to allow the record to remain open. Mr. Sadlo stated this may be a side issue which has no bearing on the decisions of Mr. Brandt. The 150-day rule in this case expires on May 23<sup>rd</sup> when findings would have to be presented and recommended that the record be closed.

Staff Recommendation: Ms. Armstrong stated it is staff recommendation to uphold the Planning Commission vote and deny the applications.

Commissioner Starrett closed the public hearing at 11:55 a.m.

After deliberation amongst the Commissioners, Commissioner Kulla moved to uphold the Planning Commission’s decision to deny the application for Docket #R-01-18, Item # E1. The motion passed, Commissioners Starrett and Kulla voting aye.

Commissioner Kulla moved to uphold the Planning Commission’s decision to deny the application for Docket #R-02-18, Item #E2. The motion passed, Commissioners Starrett and Kulla voting aye.

Mr. Sadlo stated that written findings for Docket # R-01-18 and Docket # R-02-18 will be adopted on May 23, 2019.

**F. ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to the county’s website, [www.co.yamhill.or.us/content/volunteer-opportunities](http://www.co.yamhill.or.us/content/volunteer-opportunities) , or call the Board of Commissioners’ office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).

For questions regarding accessibility or to request an accommodation contact the Board of Commissioners’ office at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at [bocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us)

Following Commissioner announcements, the meeting adjourned at 12:00 p.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair RICHARD L. “RICK” OLSON

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Commissioner MARY STARRETT

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Commissioner CASEY KULLA