

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 July 15, 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 M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; John Krawczyk, Director of Administrative Services; Ken Friday, Planning Division Manager; Mike Brandt, Planning Director; Jack Crabtree, Sheriff; Dan Armstrong, 7000 Krono Road, Yamhill; Mary Ann Hutton, 9999 NE Worden Hill Road, Dundee; John Trolan, 29 Canyon View Road, Jerome, Idaho; Carrell Bradley, 2221 SW 1<sup>st</sup> Avenue, Portland; and Edwin Sharer, P.O. Box 506, Newberg.

Commissioner George called the meeting to order.

A. **PUBLIC COMMENT:** 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:** Ms. Stern moved approval of the consent agenda. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Personnel

1. **B. O. 04-471** - Approve the contract employment of Jennifer Gardiner, Beaverton as Deputy District Attorney 2, temporary part-time, \$20/hour, retroactive to July 13, 2004 until June 30, 2005.

2. **B. O. 04-458** - Approve the change of status of Christopher Ray to Detective in the Sheriff's Office, Range 13, Step 8, retroactive to June 25, 2004.

3. **B. O. 04-459** - Approve the change of status of Christine Hall to increase FTE in Family and Youth to .9, effective July 25, 2004.

4. **B. O. 04-460** - Approve the following change of status actions for Claudia Godinez, Office Specialist 2 in Adult Mental Health:

- a. Temporary part-time, \$9.29/hour, retroactive to July 12, 2004 until July 24, 2004;
- b. Regular full-time, salaried, effective July 25, 2004.

Contracts

5. **B. O. 04-461** - Approve an intergovernmental agreement between Adult Mental Health and Marion County for alternative programs to psychiatric hospitalization, effective July 1, 2004 until

June 30, 2005.

6. **B. O. 04-462** - Approve Amendment #7 to the 2003-2004 LPHA Financial Assistance Contract #106241 between Public Health and Oregon Department of Human Services for tobacco prevention and education.

7. **B. O. 04-463** - Ratify the approval of Amendment #18 to the 2003-2005 County Financial Assistance Contract between Health and Human Services and Oregon Department of Human Services.

#### Committees

8. **B. O. 04-464** - Approve the reappointment of John DeMay, Steve Gibbons, Mike Hamilton, Kurt Hollingsworth, and Lee Vasquez to the Local Public Safety Coordinating Council (LPSCC) for three-year terms to expire July 2007.

9. **B. O. 04-465** - Approve the appointment of Laura Tschabold to the LPSCC for a three-year term to expire July 2007.

#### Parking

10. **B. O. 04-466** - Authorize the Director of Administrative Services to administer parking regulations in county-owned parking lots.

#### C. **OLD BUSINESS:**

11. **B. O. 04-467** - Consideration of adoption of findings in support of Planning Docket C-08-04, an appeal of a conditional use amendment from five rental rooms to nine, applicant Neal V. Utz, Jr., appellant G. Allan Seward, as tentatively approved July 8, 2004.

Ms. Lewis moved to adopt the findings in support of Planning Docket C-08-04. The motion passed, Commissioners George and Lewis voting aye, and Commissioner Stern abstaining due to her absence at the public hearing on July 1, 2004.

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

1. **B. O. 04-468** - Consideration of approval of the employment of the following individuals as Laborer II in Public Works, temporary full-time, \$10/hour:

- a. Michael Moritz, Sheridan, effective August 1, 2004 until October 31, 2004;
- b. Peter Jensen, Lafayette, effective July 19, 2004 until October 31, 2004;
- c. Jeffery Elsenraat, Carlton, effective July 19, 2004 until October 31, 2004.

Ms. Lewis moved to approve the employment of the three individuals listed. The motion passed, Commissioners George, Stern, and Lewis voting aye.

2. **B. O. 04-469** - Consideration of establishing a Patrol Corporal position in the Sheriff's Office.

John Gray stated that Jack Crabtree feels it is inappropriate to leave an employee in the same position for more than ten years, but moving from a corporal position to a non-corporal position would mean a big pay cut.

Jack Crabtree explained that having the Detective Corporal position has worked well in the past, but the current situation requires added leadership on patrol. He stated that he wants to transfer Russ Ludwig to patrol because of his expertise, and Det. Ludwig hasn't done anything to be demoted. He said that he has no intention at this point of filling the position of Patrol Corporal later if Det. Ludwig is promoted.

Ms. George moved to establish a Patrol Corporal position in the Sheriff's Office. The motion passed, Commissioners George, Stern, and Lewis voting aye.

3. **B. O. 04-470** - Consideration of authorizing the transfer of Detective Corporal Russ Ludwig into the newly created Patrol Corporal position in the Sheriff's Office, effective immediately.

Ms. George moved to authorize the transfer, effective immediately. The motion passed, Commissioners George, Stern, and Lewis voting aye.

**E. PUBLIC HEARINGS:**

1. Consideration of Planning Docket G-03-04, amendments and updates to the Yamhill County Zoning Ordinance. *[Modifications to 501.03 and 502.03 tentatively approved with findings to be adopted July 29, 2004; remaining amendments continued to August 12, 2004 at 10:00 a.m. for the purpose of allowing comment from Yamhill County Soil and Water Conservation District.]*

Ken Friday stated that because this is a legislative hearing, the Board is not bound to follow the process used during land use hearings. He presented a request from Yamhill County Soil and Water Conservation District (SWCD) to be allowed to submit comments after August 11, 2004. He summarized the ten proposed amendments to the Zoning Ordinance (see attachment).

Ms. George opened the public hearing.

Dan Armstrong, Yamhill, stated that he supports the amendments and that Planning staff is competent and aware of public concerns. He said he supports making small parcels buildable because it attracts people, brings in more money for schools, and enhances communities. He objected to the lot reconfiguration provision for forest template dwelling applications, stating that would exclude many people from joining the community.

Mary Ann Hutton, Dundee, stated that she has testified to the Planning Commission in support of the amendments. She said she owns two 20-acre parcels which were both buildable when purchased in 1989, but became unbuildable in 1993 due to a technicality over how the names were listed on the deeds. She asked that if there were some controversy over smaller parcels, the Board at least approve the amendment for 20-acre parcels initially.

John Trolan, Idaho, stated his support for the amendments. He explained that he raised his children on a property in the Dundee Orchard Homes area that he purchased in 1974, and he hopes to have a retirement home on a piece of the property.

Carrell Bradley, Portland, stated that he also appeared before the Planning Commission on

this matter, and he pointed out two errors in the transcription of the meeting. He stated that his property is actually zoned AF-80, not AF-20, and he said he intended to state that he was in favor of disqualifying the property for forest deferral taxes if residences were built on it. He stated that he agrees with the Board and the Planning Commission that county ordinances should not be more restrictive than state law. He questioned the 20-acre restriction added by the Planning Commission after the close of public testimony, stating that template regulations already take into account all different sizes of plots.

Mr. Bradley also pointed out that he has discovered a real loss of school population in the Yamhill-Carlton area, and that high school students are taking the place of volunteer firefighters because there is no money to pay them. He stated that the water district buys water from Hillsboro, which has 200 additional permits they would like to have used. He said current residential restrictions are contrary to residential growth and will cause the area to lose schools and other public services unless some relief is granted.

Edwin Sharer, Newberg, encouraged the Board to approve all of the proposed amendments, especially the forest template changes, stating that the system will be more fair if the county is no more restrictive than state law. He said allowing hardship dwellings will let family take care of family, rather than having to rely on social agencies.

Ms. Stern stated that she had attended the SWCD meeting the previous day, and due to a misunderstanding, they hadn't received the correct information to review. She said she would like to honor their request for a continuance. Ms. Lewis stated that they've had enough opportunity to get the information, but she would be willing to continue the hearing solely for the purpose of receiving comments from them.

Mr. Friday stated that Measure 56 notice on the floodplain issue has been given for the city of McMinnville, but if the Board is interested in opening the issue up to Newberg or other cities, he will need to know so that Measure 56 notice can be done for them as well. Ms. George stated that rural residents should not be subject to city restrictions. Ms. Lewis stated that the Planning Commission is the voice for rural residents, not city residents. The Board agreed not to open the issue up to other cities.

Mike Brandt noted that the issue of allowing forest template dwellings on EFU lands was pulled from the application since public notice went out, but will probably be brought back before the Board at some point if it is determined to be legal and won't cause EFU lands to lose farm status. He requested that the Board at least take action on the temporary hardship dwelling language today because he has an application currently waiting on the decision. He stated that SWCD wouldn't be interested in that portion because it is not in a farm zone.

Ms. Stern moved to continue all matters except sections 501.03 and 502.03 to August 12, 2004 at 10:00 a.m. for the purpose of allowing SWCD to comment. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Ms. Lewis moved to tentatively approve the modifications to section 501.03 to allow

hardship dwellings in AF-10 land, and the modifications to section 502.03 to allow hardship dwellings in VLDR land, with findings to be adopted July 29, 2004. The motion passed, Commissioners George, Stern, and Lewis voting aye.

**F. ANNOUNCEMENTS:**

1. A position is available on the Yamhill County Budget Committee. Contact the Commissioners' Office for applications.
2. The public hearing on the Newberg/Dundee Bypass is scheduled to continue on July 22, 2004 at 7:00 p.m. in Room 103 of the McMinnville Community Center.
3. The Yamhill County Fair opened this morning at 10:00 a.m. and will run through Sunday at 5:00 p.m. Cake will be served at the Fairgrounds tonight at 6:00 p.m. in celebration of the Fair's 150<sup>th</sup> birthday.

Ms. Lewis congratulated Anne Britt on winning Best of Show in Baked Goods for her chocolate chip pecan pie. Ms. Lewis expressed her appreciation to county departments for all the help in getting ready for the Fair.

Ms. Stern thanked the Sheriff's Office and McMinnville Police for the fabulous job they did in finding and arresting a suspect this week in the abduction case.

Adjourn: 11:12 a.m.

Anne Britt  
Secretary

**YAMHILL COUNTY BOARD OF COMMISSIONERS**

Chair	KATHY GEORGE
Commissioner	MARY P. STERN
Commissioner	LESLIE LEWIS