

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 16, 2008 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Mary P. Stern, Leslie Lewis, and Kathy George being present.

Also present were John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; Laura Tschabold, Administrative Services Director; John Krawczyk, Budget Director; Ken Friday, Planning Division Manager; Patrick Quinn and Scott Rosenbalm, PO Box 638, McMinnville; Dennis Spath, 22330 SW Chapman Rd, Sherwood; John Pinkstaff, 601 SW 2nd Ave, Portland, 97204; Bill Dodele, 31085 NE Canter Ln, Sherwood; and Walter Gowell, PO Box 480, McMinnville.

Commissioner Stern called the meeting to order at 9:05 a.m.

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

Personnel

1. **B. O. 08-487** - Approve the employment of Brad Chase, Redmond, as Marine Reserve Deputy in the Sheriff’s Office Marine Patrol, temporary full-time, \$14/hour, retroactive to July 10, 2008 through October 8, 2008.

2. **B. O. 08-488** - Approve the change of status of Marilyn Westfall to increase hours to .3 FTE in the Law Library, retroactive to July 1, 2008.

3. **B. O. 08-489** - Adopt a policy imposing a 90-day hold on all new or replacement hires, excluding departments or divisions funded primarily from fees and/or grants.

Contracts/Grants

4. Ratify approval of the following amendments to the 2007-09 Financial Assistance Agreement #119951 between Health & Human Services and Oregon Department of Human Services:

a. **B. O. 08-490** - Amendment #39, retroactive to June 11, 2008;

b. **B. O. 08-491** - Amendment #40, retroactive to June 25, 2008;

- c. **B. O. 08-492** - Amendment #41, retroactive to June 11, 2008.
- 5. **B. O. 08-493** - Approve an agreement renewal between HHS Adult Mental Health and Northwest Human Services, Inc., provider, for after-hours telephone crisis services, \$11,500/year, retroactive to July 1, 2008.
- 6. **B. O. 08-494** - Approve a physician services agreement between HHS Family & Youth and Alfredo Soto, M.D., provider, for limited psychiatric services, \$150/hour, retroactive to July 1, 2008.
- 7. **B. O. 08-495** - Approve Amendment #1 to the 2008-09 Financial Assistance Agreement #124853 between HHS Public Health and Oregon Department of Human Services to add funding for emergency preparedness and pandemic flu preparedness activities.
- 8. **B. O. 08-496** - Authorize HHS Public Health to apply for grant funding from the Mid-Valley Behavioral Care Network for twelve post-partum depression prevention workshops, \$12,500.
- 9. **B. O. 08-497** - Accept the 2008 Edward Byrne Memorial Grant from Oregon State Police Criminal Justice Services for the HHS Chemical Dependency Family Drug Court program, \$123,854, retroactive to July 1, 2008 through June 30, 2009.
- 10. **B. O. 08-498** - Authorize Public Works to apply for grant funding from the 2008 Oregon Forest Highway Program for Meadowlake Road, \$6,196,119.
- 11. **B. O. 08-499** - Approve a ten-year intergovernmental agreement between Yamhill County and Oregon State Police (OWIN) for the use of wireless communications equipment.

C. **OLD BUSINESS:**

- 1. **B. O. 08-500** - Consideration of adoption of Ordinance 828 in support of Planning Docket PA-04-07(KF), a request for expansion of the Urban Reserve Area, applicant City of Newberg, as tentatively approved on July 9, 2008.

Rick Sanai provided the first and second readings of Ordinance 828 by title only, declaring an emergency. Ms. Lewis moved to adopt the ordinance. The motion passed, Commissioners Stern, Lewis, and George voting aye.

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

- 1. **B. O. 08-501** - Consideration of the employment of Teri Watson, McMinnville, as Management Analyst in HHS Public Health, regular full-time, Range 20, Step 1, effective July 28, 2008.
- 2. **B. O. 08-502** - Consideration of the employment of Nicole Wood, McMinnville, as Registered Nurse 2 in HHS Public Health, regular part-time, Range 19, Step 4, effective July 28, 2008.

Ms. George moved approval of items D(1) and D(2). The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. Consideration of scheduling a public hearing to receive input on a proposal for an intergovernmental agreement with the City of Newberg regarding Crestview Crossing.

[Consensus: no public hearing to be held, no Board support for intergovernmental agreement.]

John Gray explained that there will be an annexation proposal on the November ballot and this agreement would allow construction to begin during the summer season. He suggested that the Board hold a public hearing before entering into such an agreement. Ms. Lewis stated that Crestview Crossing is a great project and she hopes the annexation is successful, but the city is hesitant to enter into this intergovernmental agreement because it would look like an attempt to do an end-run around voter approval. The Board agreed not to support the agreement for the same reason.

4. **B. O. 08-503** - Consideration of the appointment of Gabriella Ailstock to the Commission on Children & Families as a youth member for the 2008-09 school year, effective July 2008 through June 30, 2009.

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

5. **B. O. 08-504** - Consideration of the appointment of John Krawczyk as chair of the Facilities Committee.

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

E. **PUBLIC HEARINGS:**

1. Consideration of Planning Docket PAZ-01-08(KF), a request for plan amendment/zone change from EF-40 to AF-10 on 77 acres, applicants Dennis Spath and Joseph & Kimberly Fay. *[Tentatively approved, findings to be approved July 30, 2008.]*

Ms. Stern opened the public hearing. There were no abstentions or objections to jurisdiction. She stated that the commissioners had each taken a site visit. Rick Sanai read the statement required for land use hearings relating to the requirement that parties must raise all issues at the hearing or waive their right to raise the issues on appeal.

Staff Report - Ken Friday described the subject property, surrounding zoning, and the request for plan amendment/zone change. He distributed copies of an aerial photo.

Proponents - John Pinkstaff, representing the applicants, stated that the subject property is located between two exception areas and is surrounded by predominantly rural residential uses, so AF-10 would be the best transition zone. He added that the neighbors are supportive of

the request and a letter in the record indicates the lack of available alternative parcels of this size.

Dennis Spath discussed his past efforts to make agricultural use of the property and stated that it is not a very viable area for commercial agricultural use.

Opponents - None.

Public Agency Reports - Mr. Friday stated that reports from the Water Master and Public Works are in the record, but no responses were received from the other agencies.

Staff Recommendation - Mr. Friday recommended approval of the application. He stated that the Planning Commission had voted 8-0 on June 5, 2008 to recommend approval.

Close of Public Hearing / Deliberation - Ms. Lewis moved tentative approval of Planning Docket PAZ-01-08(KF) based on the evidence in the record, with findings to be adopted July 30, 2008. She stated that it is appropriate for exception land to become AF-10 and this would be a good transition zone. Ms. George agreed, pointing out that the ability to make a profit by farming has already been compromised by the surrounding rural residential uses. Ms. Stern asked Mr. Friday to contact Newberg Fire Department to let them know about the proposed use. Mr. Friday noted that requirements from the fire department will be addressed during the partitioning process.

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

2. Consideration of Planning Docket PAZ-03-08/P-05-08(KF), a request for plan amendment/zone change from EF-80 to PWS Public Works/Safety and partition of two acres, applicant McMinnville Water & Light. [*Tentatively approved, findings to be approved July 30, 2008.*]

Ms. Stern opened the public hearings for items E(2) and E(3), stating that the two hearings would be combined. There were no abstentions or objections to jurisdiction. She stated that the commissioners had not taken a site visit, but are each familiar with the subject properties. There was no request for the required land use statement to be reread.

Staff Report - Mr. Friday described the subject properties, zoning, and approval criteria. He explained that the current zoning allows the proposed electrical substation, but does not allow the two acres to be partitioned off. He referred to arguments by Mr. Fish of the Department of Land Conservation & Development (DLCD) that the county is not allowed to take exception to a use that is permitted within the current zoning and stated that there is no case law to support either side.

Proponents - Walt Gowell, representing the applicant, stated that these two applications arise out of the 2005-2019 Electrical Master Plan Study. He said that McMinnville Water & Light is planning for three new electrical substations along the margins of the city and has a

policy of minimizing the amount of land acquired for public ownership in order to preserve unneeded land for private use and farmland. He stated that this policy carries out the Comprehensive Plan goals to preserve agricultural lands and the request complies with approval criteria.

He stated that the proposed use would lead to efficient use of power, which is a fundamental need of the community. He said that there are no habitat issues, services are available to both sites, there are no other parcels with appropriate zoning that would meet the applicant's needs, and the proposed use is compatible with the surrounding forestry and agricultural uses.

Opponents - None.

Public Agency Reports - Mr. Friday reviewed reports from the City of McMinnville, McMinnville Fire Department, Surveyor, Public Works, and DLCDC. Referring to Mr. Fish's letter about a utility facility being a permitted use, Mr. Gowell stated that to apply the policy in the manner suggested by Mr. Fish would be contrary to the Comprehensive Plan. He concurred with Mr. Friday's interpretation.

Staff Recommendation - Mr. Friday recommended approval of both applications with a limited use overlay zone and the four conditions of approval noted in the staff report. He stated that the Planning Commission had voted unanimously to recommend approval of both cases with the overlay and conditions noted. He referred to an issue previously raised by Edwin Sharer related to Goal 14 and explained that Mr. Sharer was not opposed to the applications, but just wanted to make a point.

Close of Public Hearing / Deliberation - Ms. Lewis moved tentative approval of Planning Docket PAZ-03-08/P-05-08(KF) with findings to be adopted July 30, 2008. Ms. Stern stated that there may not be case law to support this, but common sense certainly supports it. The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. Consideration of Planning Docket PAZ-04-08/P-06-08(KF), a request for plan amendment/zone change from EF-80 to PWS Public Works/Safety and partition of two acres, applicant McMinnville Water & Light. [*Tentatively approved, findings to be approved July 30, 2008.*]

Ms. Stern opened the public hearings for items E(2) and E(3), stating that the two hearings would be combined. There were no abstentions or objections to jurisdiction. She stated that the commissioners had not taken a site visit, but are each familiar with the subject properties. There was no request for the required land use statement to be reread.

Staff Report - Mr. Friday described the subject properties, zoning, and approval criteria. He explained that the current zoning allows the proposed electrical substation, but does not allow the two acres to be partitioned off. He referred to arguments by Mr. Fish of the Department of Land Conservation & Development (DLCDC) that the county is not allowed to take exception to a use that is permitted within the current zoning and stated that there is no case law to support

either side.

Proponents - Walt Gowell, representing the applicant, stated that these two applications arise out of the 2005-2019 Electrical Master Plan Study. He said that McMinnville Water & Light is planning for three new electrical substations along the margins of the city and has a policy of minimizing the amount of land acquired for public ownership in order to preserve unneeded land for private use and farmland. He stated that this policy carries out the Comprehensive Plan goals to preserve agricultural lands and the request complies with approval criteria.

He stated that the proposed use would lead to efficient use of power, which is a fundamental need of the community. He said that there are no habitat issues, services are available to both sites, there are no other parcels with appropriate zoning that would meet the applicant's needs, and the proposed use is compatible with the surrounding forestry and agricultural uses.

Opponents - None.

Public Agency Reports - Mr. Friday reviewed reports from the City of McMinnville, McMinnville Fire Department, Surveyor, Public Works, and DLCDD. Referring to Mr. Fish's letter about a utility facility being a permitted use, Mr. Gowell stated that to apply the policy in the manner suggested by Mr. Fish would be contrary to the Comprehensive Plan. He concurred with Mr. Friday's interpretation.

Staff Recommendation - Mr. Friday recommended approval of both applications with a limited use overlay zone and the four conditions of approval noted in the staff report. He stated that the Planning Commission had voted unanimously to recommend approval of both cases with the overlay and conditions noted. He referred to an issue previously raised by Edwin Sharer related to Goal 14 and explained that Mr. Sharer was not opposed to the applications, but just wanted to make a point.

Close of Public Hearing / Deliberation - Ms. Lewis moved tentative approval of Planning Docket PAZ-04-08/P-06-08(KF) with findings to be adopted July 30, 2008. The motion passed, Commissioners Stern, Lewis, and George voting aye.

F. ANNOUNCEMENTS:

1. The following positions are open to the public. Contact the Commissioners' Office for applications.

a. Commission on Children & Families, two full members, two alternate members, and one youth position;

b. Parks & Recreation Board, two positions;

c. 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.

3. The Board will not be holding its regular informal session on July 21, 2008.

The meeting adjourned at 10:12 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY P. STERN

Commissioner LESLIE LEWIS

Commissioner KATHY GEORGE