

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 August 20, 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 Rick Sanai, Assistant County Counsel; Laura Tschabold, Administrative Services Director; John Krawczyk, Budget Officer; Ken Friday, Planning Division Manager; John Phelan, Road Department Director; Kris Bledsoe, 3500 SW Redmond Hill Rd, McMinnville, Jessica Cain and David Venables, 700 N Deborah St, Suite 250, Newberg; Mike Willcuts, 11700 NE Sunnycrest Ln, Newberg; Norm Hill, 110 Madrona Ave SE, Salem 97302; Joni Fonts and Thelma Dinsmore, 23439 N Hwy 99W; and Ron Boothe, 23415 NE Hyland Dr, Newberg.

Commissioner Stern 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.

Ms. Lewis introduced John Phelan, the county’s new Road Department Director.

B. **CONSENT AGENDA:** Ms. Lewis moved approval of the consent agenda with the omission of item B(7). The motion passed, Commissioners Stern, Lewis, and George voting aye.

Personnel

1. **B. O. 08-550** - Approve the employment of John Phelan, McMinnville, as Road Department Director, regular full-time, Range 35, Step 7, effective August 20, 2008.
2. **B. O. 08-551** - Approve the change of status of Tyler Palmblad to temporary part-time employment in Community Corrections, effective August 28, 2008 through February 28, 2009.
3. **B. O. 08-552** - Approve the change of status of Dina Crown to temporary part-time employment in HHS Adult Mental Health, retroactive to August 1, 2008 through August 1, 2009.

Contracts

4. **B. O. 08-553** - Approve a physician services agreement between HHS Family &

Youth/Adult Mental Health and Sally Godard, M.D., for psychiatric services, retroactive to July 1, 2008.

5. **B. O. 08-554** - Approve an agreement between the Board of Commissioners, the Fair Board, and Joseph McGanty for Fairgrounds Security Attendant services, retroactive to July 1, 2008.

6. **B. O. 08-555** - Approve Service Element Prior Authorization (SEPA) Approval Unit #290317 for the 2007-09 Financial Assistance Agreement #119951 between HHS and Oregon Department of Human Services.

Roads

7. **Omitted** - Authorize the closure of a portion of Airport Road from noon until 10:00 p.m. on August 26-27, 2008 for Sheriff's Office training exercises.

Ms. Stern stated that YCINT needs Sheriff's Office staff for exercises it is conducting on those dates, so the training will be postponed to a later date.

Committees

8. **B. O. 08-556** - Approve the reappointment of Dennis Rogers to the Road Improvement Advisory Committee for a three-year term to expire September 7, 2011.

9. **B. O. 08-557** - Approve the reappointment of Gary Wertz to the Fair Board for a three-year term to expire September 9, 2011.

C. **OLD BUSINESS:** None.

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

1. **B. O. 08-558** - Consideration of appointing David Polite to represent the Planning Commission on the Yamhill Urban Area Management Commission.

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 S-02-08(KF), an appeal of the Planning Director's approval of a four-lot subdivision, applicant Far West Development (Willcuts), appellant Ron Boothe. *[Subdivision tentatively approved, findings to be adopted September 3, 2008.]*

Ms. Stern opened the public hearing. There were no abstentions or objections to jurisdiction. She stated that the commissioners had not been able to take a site visit, but would like to do so if the opportunity presents itself.

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 uses and zoning, water and septic sources, and approval criteria. He stated that the subdivision plat had been modified from five to four lots and the Planning Commission had voted 6-0 to approve the request with twelve conditions of approval.

Proponents - Jessica Cain, representing the applicant, stated that a settlement of issues has been reached with the appellant, who appears to be the only opponent in this case. She said that the agreement would include a non-remonstrance clause to join the Otter Creek Hylands Road District if the district expands its boundaries to include the subject property. She said it would also include more specificity in the language regarding roads, standards, and the drainage plan, and there would be no access to 99W from the subdivision. She said that access to the lots would be through a gated easement and Lot 4 would not apply for access to this easement in the future. She said that the appellant has agreed to delete the condition requiring an application to ODOT for access to the other three lots because it would be denied anyway, due to the alternate access available.

Questions of Proponents - None.

Opponents - Norm Hill, representing the appellant, confirmed that a general agreement has been reached. He explained that the reason for preventing access to Hyland Drive from Lot 4 is because his client is concerned about future development overwhelming the road's limited capacity. He said that Mr. Boothe also wants a condition barring a connection to Highway 99W in order to prevent infiltration traffic coming through the rural neighborhoods.

He requested a condition requiring that the curtain drain running along the easement not be affected or that the drainage function be maintained in some other way. He stated that there are sections of Hyland Drive that do not meet county standards and requested that this be included as a condition of approval for the stretch of road affected by this application. He stated that the road district is willing to expand its boundaries and a requirement that the property owners join the district should be a condition of approval.

Questions of Opponents - None.

Public Agency Reports - Mr. Friday stated that no additional reports had been received beyond those which are in the record. He said that he had tried several times to contact the other agencies, but got no response.

Rebuttal - Ms. Cain stated that Dundee Fire Chief John Stock's concern was regarding access for emergency vehicles, but he was satisfied when presented with the proposal for a lock box on the gated easement.

She stated that Hyland Road was in a state of extreme disrepair before it was significantly upgraded by Far West Development in 2004, after which it was inspected and signed off by the the county road inspector as being up to standards. She pointed out that it

would not be fair to her client to make requirements addressing maintenance issues, which should be covered by the taxes assessed by the district on its members. She explained that the original requirement was for a twenty-foot, all-weather surface and the gravel shoulder is included in that width, although the district may have expected twenty feet of asphalt.

She stated for clarification that the easement is not a proposed easement, but a recorded right-of-way easement retained by the developers at the time the parcel was sold, with the intent being to develop that land in a manner consistent with a rural residential development pattern. She requested that Condition #12 regarding the ODOT application be deleted. She noted that the developer has no intent to damage or remove the trees along the west side of the easement.

She stated that the road district is a government entity and it would be more appropriate for the district to initiate an expansion of its boundaries than it would be to require the property owners to make a petition to join the district. She stated that the applicant is willing to be part of the district and will sign a non-remonstrance clause. She added that the non-remonstrance clause would stay with the parcel if it is sold. She suggested replacing Condition #8 regarding a road maintenance agreement with a condition regarding a non-remonstrance clause.

She stated that the curtain drain can't exist the way it is if the road is developed over it, but the amount of gravel put in would allow the function to be preserved with no impact on the current drainage effect.

Staff Recommendation - Ken Friday recommended approval of the application with the conditions placed by the Planning Commission to be modified as follows:

#5 to include a requirement that the function of the curtain shall be maintained;

#8 to be modified to require a non-remonstrance agreement to expansion of the road district;

#12 to be deleted and replaced with a requirement that the eight-acre parcel shall have no access to Hyland Drive without approval of the road district; and

#13 to prohibit any connection of Highway 99W with Hyland Drive except for emergency vehicles.

Mr. Friday stated that he would like the two parties to work together to draft the conditions for adoption. Ms. Lewis suggested adding a condition that the affected portion of Hyland Drive shall meet county road standards. Both parties indicated their agreement.

Close of Public Hearing / Deliberation - Ms. Lewis moved tentative approval of Planning Docket S-02-08 with the conditions as stated by Mr. Friday, with findings to be adopted September 3, 2008. She said that she is pleased that the two parties were able to get together and work out the issues and added her support for getting the subject parcels into the road district. Ms. Stern stated that the county has an obligation to take a look at the boundaries and assist the district in expanding those. The motion for tentative approval 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, three full members and two alternate members;
- 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.

The meeting adjourned at 10:06 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY P. STERN

Commissioner LESLIE LEWIS

Commissioner KATHY GEORGE