

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 October 3, 2007 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Kathy George and Leslie Lewis being present and Commissioner Mary P. Stern being excused.

Also present was Rick Sanai, Assistant County Counsel; Ken Friday, Planning Division Manager; Stephanie Armstrong, Associate Planner, Charles Harrell, 700 Deborah Road, Suite 250, Newberg; Catherine Wright and Joe Strunk, PO Box 625, McMinnville.

Commissioner George 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. None offered.

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

Personnel/Benefits

1. **B. O. 07-905** - Approve the change of status of Karen Brooks to regular full-time employment in HHS Family & Youth, effective October 9, 2007.

2. **B. O. 07-906** - Approve a leave of absence without pay for Karen McFaddin, Emergency Management, effective October 22, 2007 through November 23, 2007.

3. **B. O. 07-907** - Approve Amendment #1 to the Yamhill County Flexible Benefits Plan to increase the individual allocation limit for the Health Care Reimbursement Fund or Health Flexible Spending Account to \$3600/plan year, retroactive to September 1, 2007.

Contracts/Grants

4. **B. O. 07-908** - Accept a Community Development Block Grant Funding Reservation for the Yamhill/Polk Regional Housing Center, Project #HC712, \$48,000/year for two years.

5. **B. O. 07-909** - Approve Grant Agreement #909031 between the Clerk’s Office and Oregon Secretary of State to accept Help America Vote Act Funds for tally voting machines, \$44,583.

6. Approve the following Service Element Prior Authorizations (SEPAs) for the 2007-09 Financial

Assistance Agreement #119951 between Health & Human Services and Oregon Department of Human Services, retroactive to July 1, 2007:

- a. **B. O. 07-910** - SEPA Approval Unit #183179;
- b. **B. O. 07-911** - SEPA Approval Unit #184554;
- c. **B. O. 07-912** - SEPA Approval Unit #185616.

7. **B. O. 07-913** - Approve Intergovernmental Agreement #122790 between HHS Public Health and Oregon Department of Human Services for the Foodborne Illness Prevention Program, retroactive to October 1, 2007 through June 30, 2009.

8. **B. O. 07-914** - Approve a service agreement between Yamhill County and Carrier Commercial Service for equipment in the Courthouse, Moore Building, Annex, Evans Street Building, and Health Center, \$8860 for Year 1, \$9220 for Year 2, and \$9600 for Year 3, retroactive to October 1, 2007.

#### GPS Equipment

9. **B. O. 07-915** - Authorize the surveyor to purchase a Leica GPS system from Kuker-Rankin, Inc., \$42,743.

#### Map Amendment

10. **B. O. 07-916** - Authorize the Chair to sign a Community Acknowledgment Form regarding a request to the Federal Emergency Management Agency for a Letter of Map Amendment for the property located at 20900 Grand Island Loop Road.

#### Committees

11. **B. O. 07-917** - Approve the appointment of Chris Mercier to the Yamhill County Transit Area Advisory Committee for a three-year term to expire February 28, 2010.

C. **OLD BUSINESS:** None.

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

1. **B. O. 07-918** - Consideration of the employment of James Wassmann, McMinnville, as Extra Help in Community Corrections, regular part-time, \$10.75/hour, effective October 3, 2007.

Ms. George moved approval of the employment of James Wassmann. The motion passed, Commissioners George and Lewis voting aye.

2. **B. O. 07-919** - Consideration of accepting a joint easement with Marion County from Oregon Department of State Lands for land across the Willamette River for the operation of the Wheatland Ferry.

Rick Sanai stated that no transfer of funds would be involved with the easement. Ms. Lewis moved to accept the joint easement. The motion passed, Commissioners George and Lewis voting aye.

E. **PUBLIC HEARINGS:**

1. Consideration of Planning Docket P-60-07/C-41-07(KF), a request for conditional use and partition to create two 2.5-acre parcels and one 4.2-acre parcel under a Measure 37 approval, applicant Joseph Mathis. *[Tentatively approved, findings to be adopted October 17, 2007.]*

Ms. George opened the public hearing. There were no abstentions or objections to jurisdiction. 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, the request for conditional use and partition pursuant to an approved Measure 37 claim, and the criteria for approval.

Proponents - Charles Harrell, representing the applicant, stated that he agrees with the staff report and the applicant just wants the ability to have a comfortable retirement and pay for health care.

Opponents - None.

Public Agency Reports - Mr. Friday stated that, in addition to the reports in the record, he had received a letter from Barton Brierly, City of Newberg. He read the letter. In response to a question from Ms. Lewis, he explained that the example given on page 5 of the staff report to show that the county was not applying interim goals in 1974 was used because it has a complete record, but has no connection to the subject property. He said that he had also looked at other examples of partitions approved by the county during that time. Ms. George added that the state was not applying the interim goals at that time, either.

Staff Recommendation - Mr. Friday recommended approval of the request with the seven conditions of approval and a suggestion that the applicant alert future buyers that the property is in a farm zone. Ms. George expressed concern that the applicant may not have time to get the driveway finished before building. Mr. Friday stated that the building permit can be issued if a road construction agreement is in place instead of a finished, inspected driveway. Mr. Harrell stated that the applicant is agreeable to the conditions.

Close of Public Hearing / Deliberation - Ms. Lewis moved tentative approval of Planning Docket P-60-07/C-41-07(KF), with findings to be adopted October 17, 2007. She stated that she is convinced that proper documentation has been provided as to what the county was doing with partitions and subdivisions in the Ag A zone. The motion passed, Commissioners George and Lewis voting aye.

2. Consideration of Planning Docket PAZ-09-07(KF), a request for plan amendment/zone change from EF-20 to F-80, applicant Catherine Wright representing Kathy Lu. *[Tentatively approved, findings to be adopted October 17, 2007.]*

Ms. George opened the public hearing. There were no abstentions or objections to jurisdiction. Ms. George noted that the commissioners had taken a site visit the previous day. There was no request for the required statement to be reread by Mr. Sanai.

Staff Report - Mr. Friday described the subject property, the surrounding zoning, the history of permits issued and improvements made on the subject property, the request for plan amendment/zone change, and approval criteria. He noted that the Planning Commission had voted 8-0 to recommend approval of the request.

Proponents - Catherine Wright, representing the applicant, stated that she agrees with the staff report. In response to a question from Ms. Lewis, she stated that she has a copy of the application that has the

property owner's signature. She distributed copies of a comprehensive plan policy that encourages marginal farmland to be put to forest use and stated that the requested zone change would allow the subject property to be into productive use.

Ms. Lewis stated that a neighbor, Mr. Kidd, had expressed concerns about a code enforcement issue, but is not here today. Mr. Friday stated that Mr. Kidd had been sent notice of this hearing and nothing more has been heard from him. Ms. Wright stated that, if the request is approved, the applicants will be able to apply for a forest template dwelling and live on the property to care for the trees, which will eliminate the issue.

Opponents - None.

Public Agency Reports - Mr. Friday stated that the only report in addition to what is in the record is from the Soil & Water Conservation District. He read the report and assured the Board that the new zoning would be permanent.

Staff Recommendation - Mr. Friday recommended approval of the request.

Close of Public Hearing / Deliberation - Ms. Lewis moved tentative approval of Planning Docket PAZ-09-07(KF), with findings to be adopted October 17, 2007. She stated that the application meets the approval criteria and will allow the property to be put to more productive use. The motion passed, Commissioners George and Lewis voting aye.

3. Consideration of Planning Docket PAZ-11-07(SA), a request for plan amendment/zone change from EF-80 to F-80, applicant Catherine Wright representing David Pratt, Successor Trustee of the Cecil Gross and Delores Gross Revocable Living Trusts. *[Tentatively approved, findings to be adopted October 17, 2007.]*

Ms. George opened the public hearing. There were no abstentions or objections to jurisdiction. Ms. George noted that the commissioners had taken a site visit the previous day. There was no request for the required statement to be reread by Mr. Sanai.

Staff Report - Stephanie Armstrong described the subject property, the surrounding zoning and the request for plan amendment/zone change. She noted that Cecil Gross had received a Measure 37 waiver for the property, had partitioned the property, and had then passed away, which voided the Measure 37 waiver. She said that three lot line adjustments had been done since then and the Planning Commission had voted unanimously to recommend approval of the request.

Proponents - Catherine Wright, representing David Pratt, stated that she agrees with the staff report. She explained that the property is a large family tree farm and it was Cecil and Delores Gross' wish that their sons live on the property and keep the tree farm going. She said that the zone change would more appropriately reflect the current use of the property. She provided additional background information and explained the lot boundaries.

In response to a question from Ms. George, Mr. Friday provided background information on the neighboring lots, which he said are platted but cannot be built upon because they were not lawfully created.

Opponents - None.

Public Agency Reports - Ms. Armstrong stated that no responses were received from any of the agencies to whom referrals were sent.

Staff Recommendation - Ms. Armstrong recommended approval of the request.

Close of Public Hearing / Deliberation - Ms. Lewis moved tentative approval of Planning Docket PAZ-11-07(SA), with findings to be adopted October 17, 2007. She stated that the application clearly meets the approval criteria and the zone change will help ensure that the property will be kept in forest use. The motion passed, Commissioners George and Lewis 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 lay alternate position and one youth position;
  - b. Local Alcohol and Drug Planning Committee, two positions;
  - c. Road Improvement Advisory Committee, one position;
  - d. Special Transportation Advisory Commission, 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](mailto:Sally.Lawson@state.or.us).

The meeting adjourned at 9:47 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