

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 November 28, 2007 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

Also present was John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; John Krawczyk, Administrative Services Director; Laura Tschabold, Administrative Services Assistant Director; Jack Crabtree, Sheriff; Ken Summers, Captain; Ken Friday, Planning Division Manager; David Bates, News-Register; Adrian Castro, 222 6th Street, Dayton; Klaus Pagel, 13450 SW McCabe Chapel Road, McMinnville; and Ray Teasley, Mid-Willamette Valley Council of Governments.

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.

Adrian Castro stated that he had purchased a property at the county surplus auction last year and has been getting the permits for roads and everything else necessary for the development of some barns on the property, but he has encountered some problems in getting access to the property through the right-of-way. He explained that there is some confusion as to where the right-of-way boundaries are and some structures and fence posts have been constructed over sewer lines. He requested that the Board authorize Public Works and the Surveyor’s Office to spend \$2000 for the survey work necessary to determine and clearly mark the right-of-way.

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

Personnel

1. **B. O. 07-1013** - Approve the change of status of Michelle Morrison to reduce employment in the Juvenile Department to .75 FTE, retroactive to November 9, 2007.

2. **B. O. 07-1014** - Approve the change of status of Nancy Heins to increase employment in HHS Public Health to .65 FTE, retroactive to November 20, 2007 through December 31, 2007.

Contracts

3. **B. O. 07-1015** - Authorize the Chair to sign an agreement with IBI Group for a passenger rail feasibility study, \$35,000, subject to approval by County Counsel.

C. **OLD BUSINESS:**

1. **B. O. 07-1016** - Consideration of adoption of a Board Order initiating legalization proceedings for a portion of Quarry Road and setting a public hearing for January 30, 2008, as tentatively approved November 20, 2007.

Ms. Lewis moved to adopt the order. The motion passed, Commissioners George, Stern, and Lewis voting aye.

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

1. Discussion of implementation of Senate Bill 1036, construction excise tax. *[No formal action taken at this time.]*

John Gray stated that he and Mike Brandt agree that April 1, 2008 would be a reasonable date for the county to begin collecting the taxes for school districts. Ms. Stern stated that she would like to check with McMinnville School District Superintendent Maryalice Russell before making a final decision. Mr. Gray agreed and stated that the Board could take action at its next formal session in two weeks. He said that he would create a new draft of the intergovernmental agreement after hearing back from Ms. Stern and would send it to the school districts after review by Mr. Brandt and the Board.

2. **B. O. 07-1017** - Consideration of approval of the change of status of James Carelle to Operations Support Assistant in the Sheriff's Office, temporary part-time, \$23/hour, effective December 2, 2007 through March 3, 2008.

Sheriff Crabtree stated that Mr. Carelle is retiring and will fill former Lieutenant Mike Runyon's position on a temporary basis. He said that he will review office needs after three months. Ms. Stern moved approval of the change of status of Mr. Carelle. The motion passed, Commissioners George, Stern, and Lewis voting aye.

3. **B. O. 07-1018** - Declaration of \$100 discretionary expenditure each by Commissioners Stern and Lewis to Newberg Area Habitat for Humanity.

4. **B. O. 07-1019** - Consideration of the appointment of Commissioner George as the Board's alternate representative to the Mid-Willamette Valley Area Commission on Transportation (MWACT).

Ms. Lewis stated that both she and Ms. Stern will be gone next week and she would like to have Ms. George take her place at the MWACT meeting on December 6, 2007 if possible. She moved to appoint Ms. George as the alternate representative. The motion passed, Commissioners George, Stern, and Lewis voting aye.

5. **B. O. 07-1020** - Consideration of ratification of the 2007-2010 Collective Bargaining Agreement between Yamhill County, the Sheriff's Office, and Teamsters Local 223, effective

upon notice of ratification by Teamsters Local 223. *[Consensus for economic benefits to be extended to non-bargaining employees; paperwork to be adopted at a later date.]*

Mr. Gray stated the he is pleased with the resolution that has been reached. He said that the union hasn't yet ratified the agreement, but there are some time-sensitive issues that need to be addressed in Payroll. Sheriff Crabtree indicated his approval of the bargaining agreement. Ms. Stern moved to ratify the agreement, effective upon ratification by Teamsters. The motion passed, Commissioners George, Stern, and Lewis voting aye.

The Board declared its intent to extend the economic benefits to non-bargaining employees. Mr. Gray will prepare the paperwork for adoption at a later date.

E. PUBLIC HEARINGS:

1. **B. O. 07-1021** - Receipt of public comment on the Regional Economic Development Strategy proposed by the Mid-Willamette Valley Community Development Partnership. *[Strategy approved by Board.]*

Ms. George opened the public hearing.

Ray Teasley, Mid-Willamette Valley Council of Governments, provided background information on the Partnership and the proposed strategy (see attachment), explaining that the Partnership feels that investment in long-term infrastructure improvements is a more effective use of funds than short-term job creation. He said that he would update the list of Yamhill County projects if Laura Tschabold could e-mail him the information.

There being no public comment, Ms. Stern moved approval of the proposed strategy and expressed the Board's support of the Partnership taking the strategy to the state legislature. The motion passed, Commissioners George, Stern, and Lewis voting aye.

2. Receipt of public comment on a proposed county noise ordinance. *[No formal action taken at this time; ordinance to be adopted at a later date.]*

Ms. George opened the public hearing.

Klaus Pagel expressed disappointment that no other citizens had attended the hearing because this is an issue affecting the quality of life and a noise ordinance is long overdue. He stated that the ordinance needs to address decibel levels in order to be effective. He said 50 to 55 decibels at the source is the recommended limit, but he could live with 75 to 80 decibels since there is some distance between himself and his neighbors. He discussed noises that have affected his quality of life, such as music from wedding parties at a nearby Bed & Breakfast, propane cannons used in neighboring vineyards, and aircraft practicing stalls over his property. He stated that there are many alternatives to cannons that can be used by vineyards.

Ms. Lewis stated that she understands the concerns about the use of cannons, but Oregon has very strong right-to-farm laws and Mr. Pagel would have to get the legislature to say that

cannons are not an accepted farm practice. Rick Sanai stated that propane cannon permits are issued by the Department of Agriculture and can be revoked for unnecessary or malicious use, but most people just use them as the cheapest method of protection against birds and there is nothing the county can do about it.

He also stated that citizens can file a complaint with the FAA if they feel that they are being subjected to airplane noise for an undue amount of time and can identify the tail numbers of the plane, but the county has no control over aircraft. He stated that if the scope of a permitted use, such as wedding parties, is being violated, that can be reported to the Planning Department. He added that the scope can also be modified by the Board.

Sheriff Crabtree stated that he is comfortable with the proposed ordinance, especially knowing that it can be modified later if necessary. Ms. Stern stated that the purpose of the ordinance is to get people to reduce unnecessary noise, not to issue citations, and the Board has been assured by the Sheriff that there will be checks and balances to preserve the Board's intent. Mr. Gray stated that the Sheriff should consult with Mr. Sanai regarding any requests for variances.

The Board discussed the proposed fines for violations of the ordinance. Mr. Sanai stated that \$700 would be the maximum fine for the first offense and is high enough to get people's attention, but the actual amount would be determined by a judge.

The public hearing was closed. Mr. Sanai will prepare a final draft of the ordinance for adoption at a later date.

3. Consideration of Planning Docket NCU-01-07, a request to recognize an existing storage business as a non-conforming use, applicant David Evers, appellant Dan Bansen, as continued from October 10, 2007 at the point of Staff Recommendation. *[Tentatively approved, findings to be adopted December 19, 2007.]*

Ms. George opened the public hearing.

Staff Recommendation - Ken Friday stated that Mr. Evers and Mr. Bansen have entered into a mediated settlement with five proposed conditions of approval and he would recommend approval of NCU-01-07 with those five conditions. He stated that Condition #5 requires the parties to enter into a restricted covenant within ten days of the application being formally approved and the county does not usually get involved in private agreements, but the parties have worked hard on this settlement and he is willing to go ahead with it. After some discussion about how to enforce the last condition, he suggested modifying the condition to require the restricted covenant to be signed before the findings are adopted, allowing at least ten days for this to happen.

Ms. Stern moved tentative approval of Planning Docket NCU-01-07 with the five conditions and the change to Condition #5 as stated by Mr. Friday, with findings to be adopted December 19, 2007. The motion passed, Commissioners George, Stern, 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.

3. All Board sessions have been canceled for the week of December 3-7, 2007.

4. The Board's informal session on December 10, 2007 will begin at 3:00 p.m. instead of 2:00 p.m.

The meeting adjourned at 10:37 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS

TO: Yamhill County Board of Commissioners DATE: November 28, 2007

FROM: Ray Teasley
Mid-Willamette Valley COG

SUBJECT: Public Hearing and consideration of the regional development strategy for 2007-09 proposed by the Mid-Willamette Valley Community Development Partnership.

REQUESTED ACTION: After hearing public comments, approve the strategy and authorize the Community Development Partnership Board to present the proposed strategy to the State of Oregon for final consideration.

BACKGROUND:

In each biennium since 1989 the Mid-Willamette Valley Community Development Partnership Board has been awarded Oregon Lottery funds for distribution in the form of grants to local and regional economic development projects. The Partnership Board is a 29-member body made up of both local elected officials and private sector leaders appointed by Polk, Marion and Yamhill Counties and the City of Salem. In the beginning of the biennium the Board develops a strategy for utilizing the funds and that strategy must be approved prior to making any grants. Prior to submitting a strategy to the State, a public hearing must be held in each county.

The strategy proposed in the current biennium is almost identical to the program in place since 2003. At their November 1st meeting, the Partnership Board chose to leave the essential policies in place.

The strategy focuses on two principal goals and a series of strategic supporting actions to be undertaken over the next six years:

Goal #1) Develop a stronger and more diversified regional economy that creates a greater number of high wage jobs.

Supporting Strategies:

Support business recruitment and expansion through investment in capital, workforce and infrastructure.

Build a stronger regional identity to enhance foreign and domestic trade.

Support efforts by companies in traded sectors and promote industry clusters.

Invest in better public infrastructure to support economic development.

EXHIBIT A 1/2

Goal #2) Create more successful communities that can accommodate growth while maintaining their livability

Supporting strategies:

Provide for good basic public infrastructure.

Promote downtown revitalization.

Provide more affordable housing.

Encourage water conservation.

Promote distinctive, livable communities across the region that will attract talented workers and investors.

Support efforts to redevelop "brownfield" sites with economic potential.

Provide for adequate parks and recreation facilities.

Provide technical support for adequate planning and growth management to smaller communities.

Encourage regional, intergovernmental approaches to addressing development barriers and opportunities.

Support regional water strategies.

These goals and strategies will be addressed through the use of a variety of state, federal, and local government resources as well as through the encouragement of private investment. Lottery funds will be used primarily to fill gaps and leverage other investments.

The lottery funds available in the biennium will be distributed in two different kinds of grants: **Rural Grants** for development projects in rural communities that will result in new jobs and investment over a five year period and **Immediate Job Creation Opportunity Grants** designed to help specific development projects that will result in new jobs and private investment in within 18 months and for which a private investor or company has been identified.

No grants can be awarded until after the Legislative Session scheduled for February 2008. The amount of money available for grants in the region will not be known until the completion of the 2008 Legislative Session.

A copy of the draft strategy document is also provided separately.

EXHIBIT A 2/2