

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 December 12, 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; John Krawczyk, Administrative Services Director; Ken Friday, Planning Division Manager; Mike Brandt, Planning Director; Murray Paolo, Information Systems Director; John Caputo, Jane Beals, and Nancy Keim, GIS/IS; Lt. Jim Carelle, Derek Trombla, Chris Schlegel, and Diana Walton, Sheriff’s Office; Brad Berry, District Attorney; Chris Osterhoudt, Lavina Lee, and Peggy Snow, District Attorney’s Office; Bill Gille, Public Works Director; Edgar Peteros, Stan Giddings, and Gerry Pappé, Public Works; Chris Johnson, HHS Director; Carole Hansen, Diane Roelandt, Janae Cisneros, Carol Morris, Kevin Stephens, Jamie Boggan, Jacqueline Maroncelli, Christina Anderson, Sarah Bates, and Sandi Schuytema, HHS; Jan Coleman, County Clerk; Karen Holland, Clerk’s Office; Dave Lawson, Assessor; Brian Hansberry, Assessor’s Office; Dana Carelle and Melissa Adkins, Juvenile Department; Dan Stanhope and Joe Melvin, Facilities; Katie Stiller, Community Corrections; Barbara Stanley, Commissioners’ Office; David Bates, News-Register; Marilyn Reeves, PO Box 1083, McMinnville; and Sid Friedman, 14286 NW Old Moores Valley Road, Yamhill.

Commissioner George called the meeting to order.

YEARS OF SERVICE AWARDS: The Board presented recognition awards to county employees for their years of service (see attached list).

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.

Mr. Gray stated that the Board would be discussing a proposed ordinance regarding the county’s process for determining Measure 37 vesting rights during the add-on portion of this meeting. He stated that no public testimony would be allowed at that time, but comments could be made now. He also noted that he had received a letter the previous night from Ralph Bloemers, the attorney for Friends of Yamhill County, and that would be introduced as evidence in the record for the Board’s consideration.

Sid Friedman stated that the Planning Department has improperly issued a building permit for a non-farm dwelling on a one-acre lot in the Abrams subdivision, for which conditional use

approval is required due to the fact that it was zoned agricultural at the time of purchase. He said that Planning has refused to accept his appeal of this decision. He requested that the Board either instruct staff to accept the appeal or confirm on the record that the county will not accept it.

Mr. Brandt stated that the permit was issued under the advice of county counsel for a lot in a subdivision that had received final plat approval after being duly noticed. He explained that the appeals process does not apply to the issuance of a building permit because that is not recognized by state land use laws as a land use decision. He confirmed that, based on the advice of Assistant County Counsel, the county would not accept the appeal.

Mr. Friedman stated that there was no public notice that the proposed vesting ordinance would be considered by the Board today and it is difficult to comment on something that has not been made available for public review.

Merilyn Reeves, representing Friends of Yamhill County, requested a written confirmation of the reasons given by Mr. Brandt for his refusal to accept the appeal. She said that Friends of Yamhill County had not been given notice that the Abrams subdivision would be approved.

She stated that Measure 37 vesting is a complicated issue and it should be adopted as an ordinance rather than an order. She urged the Board to provide an opportunity for a public hearing and make the draft ordinance available for public review.

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

Minutes

1. Approve the following formal session minutes:
 - a. **B. O. 07-1029** - May 16, 2007;
 - b. **B. O. 07-1030** - July 2, 2007;
 - c. **B. O. 07-1031** - July 11, 2007;
 - d. **B. O. 07-1032** - July 18, 2007;
 - e. **B. O. 07-1033** - July 25, 2007.

Personnel

2. **B. O. 07-1034** - Approve the employment of Tyler Hart, McMinnville, as extra help in the Assessor's Office, temporary part-time, \$10/hour, retroactive to December 10, 2007 through January 10, 2008.
3. **B. O. 07-1035** - Approve the change of status of Kay Bacon to temporary part-time employment in Public Works, retroactive to December 1, 2007 through March 1, 2008.
4. **B. O. 07-1036** - Approve the change of status of Sean Sato to Corrections Officer in the Jail, regular full-time, Range 12, Step 1, retroactive to November 28, 2007.
5. **B. O. 07-1037** - Approve the employment of the following individuals as Corrections Reserve in the Jail, part-time on-call, \$10/hour:

- a. Donald Stackpole II, retroactive to November 28, 2007;
 - b. Michael Abo and Roger Swift, retroactive to December 1, 2007.
6. **B. O. 07-1038** - Approve the change of status of Prairie Oak to increase regular part-time employment in HHS Adult Mental Health to .6 FTE, effective December 24, 2007.
7. **B. O. 07-1039** - Approve the employment of Julia Staigers, temporary part-time in Administrative Services, effective December 12, 2007 through June 30, 2008.
8. **B. O. 07-1040** - Approve the change in status of Nancy Greenlund to fill a part-time accounting Clerk II position in HHS Administrative Services, up to 34 hours per week for extra coverage of a current vacancy.
9. **B. O. 07-1041** - Extend benefits of the Teamsters Local 223 2007-2010 collective bargaining agreement to non-bargaining employees in the Sheriff's Office.
10. **B. O. 07-1042** - Authorize a \$500 bonus to be paid to each of the following employees in the Planning Department in recognition of optional course work taken and the resulting improvements to public service: Diane Fisher, Pat Lisle, Linda Lowe, Debbie Carter, and Alicia Lisle.

Contracts

11. **B. O. 07-1043** - Approve Amendment #2 to the 2007-08 Financial Assistance Agreement #121033 between HHS Public Health and Oregon Department of Human Services.
12. Ratify the following amendments to the 2007-09 Financial Assistance Agreement #119951 between HHS and Oregon Department of Human Services, retroactive to November 30, 2007:
- a. **B. O. 07-1044** - Amendment #11;
 - b. **B. O. 07-1045** - Amendment #12.
13. **B. O. 07-1046** - Approve Attachment K (Modification #5) to the Early Assessment and Support Team (EAST) agreement between MidValley Behavioral Care Network and HHS for Abacus Program vocational services, \$10,658, effective December 1, 2007 through June 30, 2008.
14. **B. O. 07-1047** - Approve Amendment #001 to Intergovernmental Agreement #07-165 between State of Oregon Employment Department and Community Corrections, increasing the funding amount to be paid by Community Corrections to \$15,689, for a one year term, effective upon signing.

Budget

15. **B. O. 07-1048** - Approve a request from the Commission on Children & Families to reduce its petty cash fund from \$300 to \$100.

Committees

16. **B. O. 07-1049** - Reappoint Peter Shultz and Christine Holmgren to the Special Transportation Advisory Commission for three-year terms to expire December 31, 2010.

17. **B. O. 07-1050** - Reappoint Sheriff Jack Crabtree to the Local Alcohol and Drug Planning Committee for a three year term to expire December 31, 2010.

Declaration

18. Commissioner Kathy George declares expenditure discretionary funds in the amount of \$500 to the Educational Recreational Adventures program.

C. **OLD BUSINESS:**

1. **B. O. 07-1051** - Consideration of adoption of findings in support of Planning Docket FT-11-07, a request for a forest template dwelling in the Eagle Point Subdivision, applicant/appellant Charma Vaage, represented by Dorothy Cofield as tentatively approved November 7, 2007 and continued from November 20, 2007, reversing the Planning Director's denial.

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

2. **B. O. 07-1052** - Consideration of adoption of a Board Order initiating proceedings to withdraw Tax Lot 3230-1400 from the Dundee Rural Fire Protection District and setting a public hearing for January 23, 2008, as tentatively approved November 20, 2007.

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

3. **B. O. 07-1053** - Consideration of M37-235-06, a Measure 37 claim authorizing Stimson Lumber Company to make application to divide 459.6 acres into multiple lots and to establish a dwelling on each vacant lot, as continued from June 20, 2007. [*Claim denied.*]

Ms. Lewis recused herself from this matter because of a potential conflict of interest due the fact that her business has done business with Stimson Lumber in the past. Mr. Gray explained that this claim had been carried over from June because of a split vote between Ms. Stern and Ms. George, but the legislature has since taken action to refer Measure 49 to the voters, and part of that action was to freeze all pending Measure 37 claims. He stated that it is his belief that the Board has to deny the claim.

Ms. Stern moved to deny M37-235-06. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining.

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

1. **B. O. 07-1054** - Consideration of the employment of Lindsey Johnston, Forest Grove, as on-call relief in the Juvenile Department, \$7.80/hour, retroactive to December 2, 2007.

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

2. **B. O. 07-1055** - Consideration of adoption of Ordinance 822, the Yamhill County Noise

Ordinance.

Mr. Gray stated that a public hearing had previously been held on this matter and the amended ordinance is now ready for adoption. He provided the first and second readings of Ordinance 822 by title only, declaring an emergency. Ms. Stern moved to adopt the ordinance, noting that the county has received many complaints about noise over the years and she believes that this is a good product, thanks to much research and work by staff and a great deal of input and discussion. Ms. Lewis stated that the time spent was worth it to come up with something that the Sheriff's Office will be able to enforce. The motion for approval passed, Commissioners George, Stern, and Lewis voting aye.

3. Consideration of proposed Ordinance 823 establishing a process to determine common law vested rights for Measure 37 waivers pursuant to Measure 49. *[Public hearing scheduled for December 19, 2007 at 9:00 a.m. in Room 32 of the courthouse.]*

Mr. Gray read the portion of Measure 49 that deals with Measure 37 claims and explained that the state has left it up to local jurisdictions to make determinations of common law vested rights. He stated that he and Mr. Brandt have been engaged in multiple individual meetings with the commissioners regarding a county process for making such determinations, although it has not been discussed as a Board yet.

He emphasized the importance of having a process in place as soon as possible and recommended approving the process as an order if there is not a unanimous vote to be able to adopt the ordinance with an emergency clause. He noted that he has prepared both an ordinance and an order with identical language. He distributed copies of the draft ordinance and reviewed the proposed process.

Ms. Lewis noted for the record the individuals from whom she had received e-mail messages regarding this subject. Mr. Gray requested that the commissioners forward all such messages to him and stated that they would be included in the record in addition to the letter received from Mr. Bloemers.

Mr. Gray provided the first and second readings of Ordinance 823 by title only, declaring an emergency. Ms. Lewis moved to adopt the ordinance.

Ms. Stern expressed concern that no public hearing had been held on this ordinance and noted that she had not been contacted by the people who e-mailed Commissioners George and Lewis. She said that when the Board had briefly discussed the ordinance during informal session on December 10th, there had been no discussion about adopting the ordinance today and she thought there would be a draft available for public review and input.

Ms. Lewis stated that she would be in support of a public hearing and respectfully withdrew her motion for adoption. Mr. Gray stated that a draft of the proposed ordinance would be distributed to interested parties.

Ms. Lewis moved to set a public hearing on the ordinance for 9:00 a.m. on December 19, 2007 in Room 32 of the courthouse. She stated that the Planning Director would post a notice and written comments would be accepted in the Planning Department. Ms. George stated that she would support a public hearing, but the ordinance needs to be adopted soon in fairness to the Measure 37 property owners whose rights have been taken away by state laws and regulations. Ms. Stern agreed with the need to get a process in place quickly for those with development already going on, but said that a one-week delay is reasonable. The motion for a public hearing passed, Commissioners George, Stern, and Lewis voting aye.

E. **PUBLIC HEARINGS:** None.

F. **ANNOUNCEMENTS:**

1. The following positions are open to the public. Contact the Commissioners' Office for applications.
 - a. Commission on Children & Families, four lay positions, two lay alternate positions, one youth position, and two professional alternate positions;
 - 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 24-28, 2007. There will be no informal session on December 31, 2007.

The meeting recessed at 10:22 a.m. and reconvened at 11:05 a.m. in the Commissioners' Office. Present for this portion of the meeting were Commissioners George, Stern, and Lewis; John Krawczyk; John M. Gray, Jr.; Sherrie Mathison, Solid Waste Coordinator; Senator Gary George, 15195 NE Ribbon Ridge Road, Newberg; and Peter Aamad, PO Box 813, Canby.

G. **PRESENTATION:** Proposal by Senator Gary George regarding a Veterans Memorial and request for Board approval of a \$166,000 grant application to Oregon State Parks. *[No action taken.]*

Senator George stated that McMinnville American Legion Post 21 voted last night to be the sponsor of a grant application to Oregon State Parks for a Veterans Memorial Park. He provided an overview of the proposed memorial and requested Board approval of the grant application, which is due by December 14, 2007.

Ms. Lewis distributed copies of a map from the Oregon Department of Transportation (ODOT) showing the current proposed bypass route and expressed concern about the potential impact of the bypass and the memorial on each other. Senator George assured her that the memorial would not impact the bypass, as confirmed to him over the phone by Tim Potter of ODOT, and that even with the maximum bypass footprint, the available space is large enough for

the memorial.

John Krawczyk stated that he has serious concerns that no geological studies have been done to show that this project could be done safely and protect the landfill. Sherrie Mathison discussed the steps that would need to be taken to apply for a modified post-closure permit from the Department of Environmental Quality (DEQ) , which would take time and money. She stated that Tim Spencer of DEQ is supportive of the overall plan, but has expressed concerns about the timeline. Ms. Stern added that since the property is in the Willamette Greenway, land use approval would be needed. Ms. George said that the county's insurance provider also has some concerns that would need to be addressed and those issues could turn out to be too expensive to resolve.

Mr. Krawczyk suggested forming a task group to research alternate sites for the memorial and waiting until the next grant cycle, stating that the county has to take the most conservative approach to protect the citizens. Senator George pointed out that the next cycle would be in 2010. He stated that there would not be time to redo the application for a different site and submit it by Friday. He suggested that the Board approve the application subject to conditions, explaining that if those conditions can't be met with available funding, the grant money would go to the next best applicant.

Ms. Lewis stated that the memorial is a great idea, but the Board is getting mixed messages about Tim Spencer's position on the project and there are too many uncertainties for her to approve the application at this point. She said that in order to support the application, the DEQ issues would need to be resolved, the land use implications would need to be explored, and an updated map would need to be provided to show that the memorial would not affect the bypass.

The meeting adjourned at 12:02 p.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS

2007 Years of Service Recognition (by department)
Final List - 11-28-07

Retirement:

Kay Bacon - 19 years - Public Works
Sgt. James Carelle - 31 years - Sheriff's Office

Assessment & Tax

Brian Hansberry - 5 years

Clerk's Office

Karen Holland - 10 years

Community Corrections

Richard Hirsch - 15 years
Kevin Rose/Fairgrounds - 5 years
Katie Stiller - 5 years

District Attorney's Office

Lavina Lee - 20 years
Peggy Snow - 10 years

Facilities

Joe Melvin - 15 years
Dan Stanhope - 15 years

GIS/IS

Jane Beals - 25 years
Nancy Keim - 25 years
John Caputo - 20 years

Health & Human Services

Carole Hansen (PH) - 20 years
Diane Roelandt (MH) - 20 years
Janae Cisneros - 15 years
Blanca Marquez (CD) - 15 years
Carol Morris (DD) - 15 years
Kevin Stephens (CD) - 15 years
Jamie Boggan (CD) - 10 years
Jacqueline Maroncelli (MH) - 10 years
Rae Parlier (PH) - 10 years

Krisan Pendleton (MH) - 10 years

Linda Smith (MH) - 10 years
Christina Anderson (FY) - 5 years
Sarah Bates (PH) - 5 years
Jenny Beecroft (PH) - 5 years
Kathy Crawford (PH) - 5 years
Sandi Schuytema (CD) - 5 years

Juvenile

Melissa Adkins - 5 years
Peter Akimo III - 5 years
Kevin Jackson - 5 years
Josuha Manley - 5 years

Planning & Development

Lucky Sullens - 5 years

Public Works

Russ Heath - 20 years
Lawrence McKinzie - 20 years
Gerry Pappé - 20 years
John Toledo - 20 years
Kay Bacon - 19 years/retirement
Stan Q. Giddings - 15 years
Edgar Peteros - 15 years
Maxine Ruff - 10 years

Sheriff's Office

Sgt. James Carelle - 31 years/retirement
Captain Ron Huber - 20 years
Sgt. Russ Ludwig - 20 years
Deputy Juan Palacios - 20 years
Sgt. Chris Schlegel - 20 years
Deputy Derek Trombla - 20 years
Diana Walton - 20 years
Deputy Ron Wellborn - 20 years
Sgt. Jason Mosiman - 15 years
Deputy Joseph Shipley - 15 years
Deputy Todd Steele - 15 years
Judy Holt - 10 years
Deputy Tanya Pitt - 10 years