

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 March 2, 2005 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; John Krawczyk, Director of Administrative Services; David Bates, News-Register; Sid Friedman, 14286 NW Old Moores Valley Road, Yamhill; Joe Mahan, 1871 NW Jillanne Court, McMinnville; David Terry, 1636 NW 8<sup>th</sup> Street, McMinnville; Henry Reeves, 22250 Boulder Crest Lane SE, Amity; Susan Watkins, 13440 SW McCabe Chapel Road, McMinnville; Marilyn Reeves, PO Box 1083, McMinnville, and Robert Roe, 22830 NE Albertson Road, Gaston.

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.

Sid Friedman stated that he hadn’t been aware that the Board was considering Ordinance 762 today and he thanked the Board for recognizing the importance of notifying neighbors. He suggested that now that the county has a better idea of actual processing costs, the Measure 37 application fee should be evaluated and adjusted accordingly so that applicants aren’t being overcharged or taxpayers aren’t subsidizing claims.

Joe Mahan stated that if the infrastructures going to a Measure 37 property would be affected as a result of waiving the land use regulations, that cost should be deducted from the compensation value.

David Terry urged the Board to remember that it is their responsibility to protect the civil liberties of all citizens, regardless of the community impact. He stated that almost none of the Measure 37 applicants to date actually want compensation, so making this a financial issue is a misdirection.

Robert Roe stated that if the Board is interested in denying a Measure 37 claim and doesn’t have the funds to pay compensation, they could either issue a voucher guaranteeing future payment or give the applicant a tax credit.

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

Minutes

1. **B. O. 05-126** - Approve formal session minutes from January 20, 2005.

Personnel

2. **B. O. 05-127** - Approve the employment of Ben Longstroth, Newberg, and Mathew Smith, McMinnville, as HS Associates in Adult Mental Health, temporary on-call, Range 14, Step 1, effective March 9, 2005 until June 30, 2005.
3. **B. O. 05-128** - Approve the employment of Amanda Rasmussen, Hubbard, as Corrections Reserve in the Jail, part-time on-call, \$10/hour, effective March 2, 2005.
4. **B. O. 05-129** - Approve the change of status of Tracy Redfield to increase salary to \$20/hour in Maintenance, retroactive to February 25, 2005.
5. **B. O. 05-130** - Approve the change of status of Carmen Garcia to temporary full-time in Adult Mental Health, retroactive to February 24, 2005.
6. **B. O. 05-131** - Approve the employment of Martha Parra, McMinnville, as Child Care Worker in Public Health, temporary part-time, effective March 2, 2005 until June 30, 2005.

Contracts

7. **B. O. 05-132** - Accept the conveyance of a perpetual right of way easement from Sitton Brothers, Inc. for \$2363, effective March 2, 2005.
8. **B. O. 05-133** - Approve an agreement between Public Works and the Division of State Lands for the renewal of Yamhill County's Sand & Gravel License SG-1618, pertaining to the dredging operation at the Wheatland Ferry, \$1450, retroactive to April 1, 2004 until March 31, 2007.

Criminal Records Check

9. **B. O. 05-134** - Appoint Steve Mikami as the Yamhill County authorized designee for the purpose of conducting criminal records checks for Developmental Disabilities and Mental Health divisions.

C. **OLD BUSINESS:** None.

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

1. **B. O. 05-135** - Consideration of adoption of Ordinance 762, amending Ordinance 749 regarding public notification of Measure 37 claims. *[Ordinance adopted]*

John Gray responded to Mr. Friedman's earlier suggestion by explaining that although increasing the fee is an excellent idea, the county can only legally adjust the fee once a year. He stated that according to Ordinance 762, notice will be sent to surrounding property owners of each Measure 37 claim, including those claims already received which are still pending Board action. He noted that failure to receive notice will not affect the validity of the Board's decision. He listed the minimum requirements for notification content.

Mr. Gray provided the first and second readings of Ordinance 762 by title only, declaring an emergency. Ms. George moved to adopt the ordinance. The motion passed, Commissioners Stern, Lewis, and George voting aye. Ms. Stern thanked Ms. Lewis and Ms. George for approving the amendment.

2. **B. O. 05-136** - Consideration of approval of a transfer of funds for costs of Measure 37 notifications to adjoining property owners: *[Approved]*

From 10-92-301.01 Contingency \$3000

To 10-20-640.01 Advertising \$3000

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

**E. PUBLIC HEARINGS:**

1. Receipt of public comment on possible resources for payment of just compensation for Measure 37 claims. *[No action taken]*

Ms. Stern noted that Measure 37 requires the county to determine the amount of just compensation for each claim. Mr. Gray stated that the county certainly has to determine that a reduction of value exists, which implies just compensation.

Ms. Stern opened the public hearing.

Henry Reeves read a written statement offering suggestions for raising revenue and reducing processing expenses, which he then submitted for the record (see attachment). In response to his suggestion to raise the application fee to cover all implementation costs, including notification and public hearings, Ms. George asked him if he would also be willing to support the increase of land use appeal fees from \$250 to cover the actual costs. He stated that the fee ought to be a fair amount. Ms. Lewis noted that the Planning Director has previously testified that actual costs for an appeal are \$1000-\$1200.

Susan Watkins supported the new notification requirement, stating that it will allow neighbors the opportunity to pool resources for expenses such as buying a buffer strip from the applicant. She also suggested that the Board reimpose systems development charges (SDCs) and put the revenue into a compensation fund to use in cases where the community as a whole would be better served by compensation.

Sid Friedman, representing 1000 Friends of Oregon, stated that Measure 37 ostensibly gives government two bad choices in responding to valid claims, but he is heartened to see the Board's recognition that in some cases it would be better to compensate. He suggested a program of transferrable development credits in conjunction with cities, such as has been successfully implemented in Deschutes County. He also stated that with the looming prospect of large subdivisions, the county should move swiftly to reinstate SDCs.

Merilyn Reeves, representing Friends of Yamhill County, stated that this is a very complex topic and there are people with expertise in the county who would be willing to serve on a panel to examine the issue. She urged the Board to seek expert advice and provide additional opportunities for input beyond this hearing. She suggested going to the Soil and Water Conservation District for information about easement programs as a funding option. She also mentioned that the Oregon Agriculture Economic Research Center in Corvallis has dealt with compensation issues for agriculture maintenance protections and could provide valuable information.

She stated that the Planning staff is very tired and harried and they need at least another full-time person. She stated that although she agrees with the need to notify neighbors of Measure 37 claims, the Board should have held a public hearing before adopting Ordinance 762 to get public input on other ways to amend Ordinance 749.

David Terry thanked the Board for holding this public hearing. He objected to several statements made earlier in the hearing, such as Mr. Reeves' statement that the burden of proof should be on the claimant and his objection to the county "passing the buck" to citizens to come up with funding ideas. He said he hopes the county doesn't exercise the option to compensate unless there is sufficient cause to prevent property owners from exercising their rights.

Ms. Stern closed the public hearing. Ms. Lewis expressed her appreciation for the many suggestions given. She noted that a Measure 37 fund has been established to which citizens can contribute, and contributions can be earmarked for a specific case if desired. Ms. Stern stated that the SDC issue will certainly come up in the future.

**F. ANNOUNCEMENTS:**

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

- a. Commission on Children and Families, three positions;
- b. Parks Board, two positions;
- c. Food Service Advisory Committee, six positions in various categories;
- d. Special Transportation Commission, two positions;
- e. Dog Control Advisory Committee, one position (candidates must be directly connected with dog-related issues);
- f. Local Alcohol and Drug Planning Council, one position.

2. The March 7, 2005 informal session of the Board of Commissioners will be held at 1:00 p.m. in Room 108 of the Courthouse instead of 2:00 p.m.

3. The March 9, 2005 public hearing scheduled for the Abrams Measure 37 claim has been postponed at the request of the applicant.

Fair Board - Ms. Lewis stated that there is an interest in having the Fair Board go back to having seven members instead of five, and she would like to start recruiting before the change is made effective, or else there would be problems getting a quorum. Mr. Gray suggested that Ms. Lewis come up with an effective date and discuss the issue at the next informal session.

Ms. Stern recessed the meeting at 10:24 a.m. and announced that the meeting would reconvene in Room 108 at 10:45 a.m. for an executive session pursuant to ORS 192.660(2)(e) for the purpose of discussing the acquisition of the Rice property adjacent to the old Whiteson landfill.

The formal session reconvened in Room 108 at 11:11 a.m. following the executive session with no decisions made and the sense of the Board conveyed to staff.

YCOM Work Session - John K presented a request from Jay Lilly for a work session with the Board to discuss a possible future levy. He explained that YCOM has been utilizing reserve funds to hold dues down, but now that reserves are running out, dues will be increasing significantly.

Adjourn: 11:19 a.m.

Anne Britt  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair MARY P. STERN

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Commissioner LESLIE LEWIS

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Commissioner KATHY GEORGE