

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 26, 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 was John M. Gray, Jr., County Counsel; John Krawczyk, Administrative Services Director; Mike Brandt; Planning Director; Barton Brierly, PO Box 970, Newberg; Ilsa Perse, 5765 Mineral Springs Road, Carlton; and Gunnar Olson, Newberg Graphic.

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. None offered.

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

Personnel

1. **B. O. 05-892** - Approve the employment of Amanda Garcia-Snell, Portland, as Management Analyst in Public Health, regular part-time, Range 20, Step 1, effective October 27, 2005.

2. **B. O. 05-893** - Approve a contract employee agreement between Community Corrections and Katherine Leitheiser for GED instruction to inmates in the Yamhill County Correction Facility, \$19/hour, effective October 26, 2005.

Contracts

3. **B. O. 05-894** - Approve an agreement between Yamhill County and Providence Health System for Employee Assistance Program (EAP) services on a month-to-month basis, effective November 1, 2005.

4. **B. O. 05-895** - Approve an agreement between Yamhill County and Liberty Northwest to continue workers’ compensation coverage with the Individual Retrospective Rating Plan, maximum premium factor of 1.3, retroactive to October 1, 2005 through October 1, 2006.

5. **B. O. 05-896** - Approve an agreement between the Jail and Auto-Chlor System of Oregon, Inc. for a five-year lease of a new dishwasher, \$195/month plus 4.5 cents/rack.

6. **B. O. 05-897** - Approve an agreement between Chemical Dependency and Oregon Nurses Foundation-Workdrugfree for employment development, job shadowing, and drug prevention strategies, \$4500, retroactive to October 15, 2005 through June 30, 2006.

7. **B. O. 05-898** - Approve a memorandum of agreement between HHS and Parkside Living, Inc. regarding HIPAA requirements, effective October 26, 2005.

8. **B. O. 05-899** - Approve an intergovernmental agreement between the Sheriff's Office and Yamhill Fire Protection District for the use of a Qualcomm satellite phone, effective October 26, 2005.

#### Roads

9. **B. O. 05-900** - Approve a request from the Meadow View Estates Homeowners Association to increase the load limit on public roads within the Eagle Point Ranch subdivision from 8 tons to 11 tons, effective October 26, 2005.

10. **B. O. 05-901** - Initiate the process to transfer jurisdiction to the City of Newberg over portions of Mountainview Drive, Aspen Way, Zimri Drive, Crestview Drive, and Springbrook Road, setting a public hearing for December 7, 2005.

#### Committees

11. **B. O. 05-902** - Approve the reappointment of Claudia Hickman, Charlene Gibb, and Nancy Keim to the Special Transportation Advisory Commission for three-year terms to expire December 31, 2008;

C. **OLD BUSINESS:** None.

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

1. **Tabled** - Consideration of the appointment of Phyllis Kelley and Jimmy Baker to the Special Transportation Advisory Commission for three-year terms to expire December 31, 2008.

John Gray stated that he hasn't been able to check yet to see if statute allows non-county residents to serve on the commission. The item was tabled for one week.

2. **B. O. 05-903** - Consideration of approval of a contract renewal between Administrative Services and Carrier Corporation for maintenance of the courthouse chiller, \$11,620, effective November 1, 2005.

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

3. **B. O. 05-904** - Consideration of approval of an intergovernmental agreement between Yamhill County and the City of Carlton regarding a contribution of \$23,000 and a loan of \$179,850 for city waterlines.

Ms. Lewis explained that with the construction of the new Meadowlake Road Bridge, the existing waterline needs to be moved and the approaches buried underground. She added that the city is also planning to upgrade to a sixteen-inch line at this time. Mr. Gray commended Ms. Lewis and Bill Gille for negotiating this resolution.

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

4. Consideration of scheduling November 9, 2005 to consider a supplemental budget to modify the General Fund, Road Fund, and Capital Improvement Fund. *[Approved.]*

5. **B. O. 05-905** - Consideration of approval of the reappointment of Leslie Lewis and Stan Christensen to the Mid-Willamette Valley Area Commission on Transportation (MWACT) for two-year terms to expire December 31, 2007.

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

E. **PUBLIC HEARINGS:**

1. Consideration of M37-77-05, a Measure 37 claim to authorize Lawrence & Lois Christensen to make application to subdivide 36.5 acres into lots of one to two acres each and establish dwellings thereon. *[Continued to November 9, 2005 at the point of deliberation.]*

Ms. Stern opened the public hearing.

John Gray stated that the ruling in a recent Marion County court case (*Macpherson v. DAS*) found Measure 37 to be unconstitutional, although it is still unclear as to who that decision applies to. He recommended that the Board go ahead with today's hearings, but continue them at the point of deliberation.

Staff Report - Mike Brandt described the subject property and stated that warranty deeds verify ownership back to July 1970 and February 1969. He said that the claimants list a reduction in value of \$2.5 million. He pointed out that the 180-day clock ends on November 24, 2005 and recommended modifying, removing, or not applying land use regulations back to the dates of ownership.

Mr. Gray noted that the county has an easement agreement with the owner for 15.3 acres of this property as a buffer for the landfill, with an option to purchase between January 1, 2007 and January 1, 2009. He reviewed the uses prohibited by the agreement, including the construction of any structures on the property.

Public Testimony - Ilsa Perse described the beauty of Yamhill County and the surprised reaction of many visitors to the county when they hear of the Measure 37 situation. She stated that although there are some reasonable aspects of Measure 37, the claims have generally been dense, with extremely significant impact. She expressed her hope that the recent Marion County court decision would result in a restructured law that would allow everybody to get some of what they want.

Barton Brierly, Planning and Building Director for the City of Newberg, stated that this claim fails to meet Measure 37 criteria because much of the land is in a floodplain and because of public health and safety issues. He suggested that the Board consider alternate courses of action before making a decision. He said that development of the property would be restricted because of the easement agreement and because of the bypass route planned through much of the remaining property. He explained that the city's riverfront master plan envisions some dense residential development on the small remaining portion, which would be difficult to do with the lot sizes listed in this claim.

Close of Public Hearing - Ms. Lewis moved to continue the hearing to November 9, 2005 at the point of deliberation. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. Consideration of M37-82-05, a Measure 37 claim to authorize Robert & Velma Chaffee to make application to subdivide 99.8 acres into lots of one to two acres each and establish dwellings thereon. *[Continued to November 9, 2005 at the point of deliberation.]*

Ms. Stern opened the public hearing.

Staff Report - Mike Brandt described the subject property and stated that warranty deeds verify ownership back to June 11-13, 1962. He said that the claimants list a reduction in value of \$14.5 million. He recommended modifying, removing, or not applying land use regulations back to 1962.

Public Testimony - Ilsa Perse pointed out that this property is similar in size to the nearby city of Yamhill, but will not have the infrastructure and services available in the city. She stated that this is a fairly inappropriate use of the land.

Close of Public Hearing - Ms. Lewis moved to continue the hearing to November 9, 2005 at the point of deliberation. The motion 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. Local Alcohol and Drug Planning Council, one position;
  - c. Ambulance Service Area Advisory Committee, one position for an emergency room physician;
  - d. Parks Board, one position.

The meeting recessed at 9:45 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