

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, OREGON (“the Board”) sat for the transaction of county business in formal session on November 9, 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; Rick Sanai, Assistant County Counsel; Mike Brandt, Planning Director; Ken Friday, Senior Planner; Marilyn Reeves, Friends of Yamhill County, P O Box 1083, McMinnville; David LeVee, 7260 NE Earlwood, Newberg; Barton Brierly, P O Box 970, Newberg; John Pinkstaff, 1727 NW Hoyt, Portland; Cheryl McCaffrey, 7425 Earlwood, Newberg; Erin Davis, 7015 NE Earlwood, Newberg; Jack and Deanna Sterett, 35776 NE Kramien, Newberg; Beth Walton, 7425 Earlwood, Newberg; Helen Dickenson, 35780 Kramien, Newberg; Barbara Whitaker, 6885 NE Earlwood, Newberg; Barbara (illegible) and J F (illegible), 6750 Earlwood, Newberg.

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.

Marilyn Reeves stated that Friends of Yamhill County urges the Board to postpone any decisions on Measure 37 claims at this time, pending a decision by the Supreme Court on the constitutionality of the measure. She submitted a newspaper article which questioned the validity of dollar values being assigned to individual claims.

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

Personnel

1. **B. O. 05-921** - Approve emergency employment of Nanette Ramos as Office Specialist II, Family & Youth, temporary fulltime, Range 7, Step 1, effective November 7, 2005 through February 14, 2006, to provide coverage during other staff absence.
2. **B. O. 05-922** - Approve promotion of Timothy Codiga to Building Inspector II, Planning Department, Range 21, Step 1, effective November 9, 2005.

3. **B. O. 05-923** - Approve temporary change in status of Shelley Clift to HS Associate, Public Health, with an increase in hours to fulltime when necessary to provide coverage during the absence of other staff, effective November 9, 2005 through May 9, 2006 (if needed).
4. Approve the following actions in the Family & Youth Division:
 - a. **B. O. 05-924** - Authorize a modification to the position management roster to add a .4 FTE HS Specialist II position in Family & Youth.
 - b. **B. O. 05-925** - Approve hire of Maranda Lovold as HS Specialist II, Range 20, Step 2, regular part-time (.4 FTE), effective November 14, 2005.
5. **B. O. 05-926** - Approve a temporary modification of the position management roster for H&HS to include a .4 FTE Human Services Technician, Range 11, for up to six months, effective November 9, 2005.
6. **B. O. 05-927** - Approve reduction in hours for Rosa Mercado, Family & Youth, per employee's request.

Contracts

7. **B. O. 05-928** - Approve Amendment #2 of Agreement 113258 between H&HS Public Health and the Oregon Department of Human Services to add \$17,833 to the nutrition and immunization programs.
8. Approve contracts between the Commission on Children & Families and the following providers:
 - a. **B. O. 05-929** - Chehalem Park & Recreation District acting as fiscal agent on behalf of the Dundee Community Center, \$7,064, retroactive to July 1, 2005.
 - b. **B. O. 05-930** - Yamhill County Public Health for Healthy Start Program services, \$220,092 (\$132,498 from the State Healthy Start General Fund, \$72,500 from Billable Medicaid Earnings, and \$15,094 from CCF Family Preservation and Support), retroactive to July 1, 2005.
9. **B. O. 05-931** - Approve an intergovernmental agreement between Information Systems and the State of Oregon Administrative Services Department (in cooperation with the US Department of Agriculture) to develop Digital Orthoimagery Framework Data (color aerial maps) for Yamhill County, \$7500, effective November 9, 2005 through June 30, 2006.

Appropriation Authority

10. **B. O. 05-932** - Rescind Board Order 05-891; authorize addition of \$14,000 in discretionary resources to the Sheriff's Office budget 10-43 for the Dayton School Resource Office.

Public Works

11. **B. O. 05-933** - Adopt the Road Projects List, FY 2006-2007, as recommended by the Public Works Director and the Road Improvement Advisory Committee.

12. **B. O. 05-934** - Authorize the public works department to declare certain selected “traffic counters” no longer in use by the county as surplus property, and offer them for sale on e-bay.

Resolution

12. **B. O. 05-935** - Adopt Resolution 05-11-9-1 in support of Mediation Month.

Measure 37 - public hearings

13. **B. O. 05-936** - Schedule a public hearing for November 30, 2005 for consideration of M37-89-05, a Measure 37 claim authorizing Gary Guthrie to make application to subdivide 26.1-acres into 30 lots and establish dwellings thereon.

14. **B. O. 05-937** - Schedule a public hearing for November 30, 2005 for consideration of M37-104-05, a Measure 37 claim authorizing Mildred Weatherly to make application to subdivide the 28-acre property into two acre lots and to establish a dwelling on each vacant lot.

C. **OLD BUSINESS:** None.

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

1. **B. O. 05-938** - Approve an “Authorization for Electronic Acceptance of Service Element Prior Authorization”, between H&HS and the Oregon Department of Human Services, SEPA Approval Unit # 48648, DHS Contract # 113020.

Commissioner George moved approval of the authorization listed above. The motion carried, Commissioners Stern, Lewis, and George voting aye.

2. **B. O. 05-939** - Approval of adoption of supplemental budget for FY 2005-2006, as recommended by the administrative services director.

John Krawczyk reviewed the proposed budget modifications.

Commissioner Stern moved approval of the supplemental budget as recommended. The motion carried, Commissioners Stern, Lewis, and George voting aye.

Measure 37

3. **B. O. 05-940** - Approval of M37-90-05, a Measure 37 claim authorizing Robert and Rossana Holder to make application to subdivide a 12-acre property into six lots and to establish a dwelling on each vacant lot.

John Gray stated that the claims being considered today are the first claims since the court decision in *MacPherson vs Dept of Admin Services, Risk Mgmt Div*. He outlined the changes proposed for inclusion in Measure 37 claims adopted between now and final resolution by the courts. He stated the findings will include discussion of the *MacPherson* case and the Board’s reasoning in proceeding with processing of claims. He stated that any portion of Measure 37 claims pertaining to State waivers are invalid at this time.

Commissioner Lewis moved approval of M37-90-05. The motion carried, Commissioners Stern, Lewis, and George voting aye.

4. **B. O. 05-941** - Approval of M37-91-05, a Measure 37 claim authorizing Joseph and Tammy Secondo to make application to partition the 40.2-acre property into two lots and establish a dwelling on each lot.

Mr. Gray briefly reviewed the background on this claim and stated the proposed board order is essentially the same as the one above.

Commissioner George moved approval of M37-91-05. The motion carried, Commissioners Stern, Lewis, and George voting aye.

5. **B. O. 05-942** - Approval of M37-94-05, a Measure 37 claim authorizing Sterling, Matthew, and Diane Eide to make application to subdivide the 41-acre property into four lots and to establish a dwelling on each vacant lot.

John Gray reviewed the operative portion of the board order.

Commissioner Lewis moved approval of M37-94-05. The motion carried, Commissioners Stern, Lewis, and George voting aye.

6. **B. O. 05-943** - Approval of M37-95-05, a Measure 37 claim authorizing J. Paul and Yee Wai Bonneau to make application to divide the property below 80 acres and sell the resulting lot to an adjoining property owner, with no new dwellings to be established.

Mr. Gray stated this claim is essentially a lot line adjustment to convey property to an adjoining neighbor.

Commissioner George moved approval of M37-95-05. The motion carried, Commissioners Stern, Lewis, and George voting aye.

7. **B. O. 05-944** - Approval of M37-96-05, a Measure 37 claim authorizing William and Gloria Bartels to make application to divide the 131.65-acre property into five lots ranging in size from 20 to 40 acres and to establish dwellings thereon.

Mr. Gray stated the request is to establish one 40-acre parcel and four twenty-acre lots.

Commissioner Lewis moved approval of M37-96-05. The motion carried, Commissioners Stern, Lewis, and George voting aye.

8. **B. O. 05-945** - Approval of M37-99-05, a Measure 37 claim authorizing Ronald and Beverly Fowler to make application to divide the two-acre property into two lots and to establish a dwelling on each vacant lot.

Mr. Gray stated the applicants have owned this property since 1972.

Commissioner George moved approval of M37-99-05. The motion carried, Commissioners Stern, Lewis, and George voting aye.

9. **B. O. 05-946** - Approval of M37-100-05, a Measure 37 claim authorizing Ralph and Verna Schoof to make application to establish one dwelling on the 95.9-acre property.

Mr. Gray stated the applicants have owned the property since 1970.

Commissioner Lewis moved approval of M37-100-05. The motion carried, Commissioners Stern, Lewis, and George voting aye.

E. **PUBLIC HEARINGS:**

1. Consideration of Planning Docket C-13-05, a request for a bed & breakfast, applicant Linda Kesler, appellant Cheryl McCaffrey, as continued from October 12, 2005 at the point of rebuttal. *[Tentatively approved; findings to be considered November 30, 2005].*

Rebuttal - Mr. Pinkstaff stated he has nothing to add to the rebuttal materials already submitted in writing.

Staff Recommendation - Ken Friday stated that the neighbors who oppose approval have clearly stated they do not oppose the bed and breakfast; however they do object to the conditions of approval proposed by the planning staff. He reviewed the proposed conditions, particularly conditions #3, #8, and #10.

Close of public hearing; deliberation - Commissioner Lewis stated the staff has made a conscientious effort to place conditions which address the neighbors' concerns, and yet are reasonable for the owner.

Commissioner Lewis moved tentative approval of Docket C-13-05, with final adoption to be considered on November 30, 2005.

Commissioner George stated she appreciates the efforts the applicants have made to try and satisfy the neighbors' concerns, especially those relating to dust palliative and their good faith in offering to accept landscape and water conditions, even going above and beyond what would be required of them by the county.

Commissioner Stern thanked staff for their hard work and thanked both parties for trying to work together. She stated that she does not recall seeing such a cohesive, thoughtful group of concerned residents anywhere else in the county.

The motion to approve the Docket C-13-05 carried, Commissioners Stern, Lewis, and George voting aye.

2. **B. O. 05-947** - Approval 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, as continued from October 26, 2005 at the point of deliberation.

Mr. Gray stated the public hearing was closed on October 26, 2005 at the point of deliberation. He said the environmental easement on the property is excluded from development.

Commissioner Lewis moved to approve M37-77-05.

Commissioner Stern stated that this application is for approval of dividing 21.2 acres into 1 and 2 acre lots. She stated that although in the past she has voted to approve M37 claims for subdivisions, she has continued to review the history of legislative intent of M37 and concluded that it was not intended to allow rural subdivisions and she will not support the motion.

The motion to approve M37-77-05 carried, Commissioners Lewis and George voting aye; Commissioner Stern voting no.

3. Consideration of M37-82-05, a Measure 37 claim to authorize Robert and Velma Chaffee to make application to subdivide 99.8 acres into lots of one to two acres each and establish dwellings thereon, as continued from October 26, 2005 at the point of deliberation. *[Continued to November 30, 2005.]*

Mr. Gray requested a continuation to November 30, 2005.

Commissioner Stern moved to continue consideration of M37-82-05 until November 30, 2005. The motion carried, Commissioners Stern, Lewis, and George voting aye.

Adjourn: 9:40 a.m.

Carol Ann White
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY P. STERN

Commissioner LESLIE LEWIS

Commissioner KATHY GEORGE