

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 22, 2006 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

Also present was John Krawczyk, Administrative Services Director; John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; and Laura Tschabold, Projects Coordinator.

Commissioner Lewis 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 Lewis, George, and Stern voting aye.

Personnel

1. **B. O. 06-926** - Approve the employment of Patricia Brown, Sheridan, as Human Services Tech in HHS Abacus, temporary part-time, Range 11, Step 1, effective November 22, 2006.

2. **B. O. 06-927** - Approve the employment of Nicole Rickles, Mollala, as on-call relief in the Juvenile Department, \$7.50/hour, retroactive to November 20, 2006.

3. **B. O. 06-928** - Approve the change of status of Dana Carelle to regular full-time employment in the Juvenile Department, effective November 24, 2006.

4. **B. O. 06-929** - Approve the change of status of Donald Cox, Sr. and Scott Gray to Corrections Reserve in the Sheriff’s Office, retroactive to November 9, 2006.

5. **B. O. 06-930** - Approve the change of status of Joseph Tarmichael to Corrections Reserve in the Jail, retroactive to November 9, 2006.

6. **B. O. 06-931** - Approve a modification of the Facilities Maintenance Supervisor classification, Range 22, to Facilities Maintenance Manager, Range 24, retroactive to November 9, 2006.

Contracts

7. **B. O. 06-932** - Approve an agreement between Yamhill County and Allegiance Benefit Plan Management, Inc. for the FLEX Plan, retroactive to September 1, 2006 through August 31, 2007.
8. **B. O. 06-933** - Approve an agreement between HHS Chemical Dependency and Herbert & Louis, LLC, for evaluation of the SAMHSA Grant implementation, not to exceed \$99,135, retroactive to October 1, 2006.
9. **B. O. 06-934** - Approve Amendment #1 to Agreement #10260 between the Juvenile Department and Oregon Youth Authority for Function Family Therapy services, reducing the payment amount to OYA from \$46,700 to \$15,000.
10. **B. O. 06-935** - Approve an agreement between the Juvenile Department and Rainbow Family Services for the Functional Family Therapy program, \$97,750, retroactive to July 1, 2006 through June 30, 2007.
11. **B. O. 06-936** - Approve a modification of agreement between Information Systems and Patrick Fuchs to include additional services for the Criminal Justice Data Flow project, \$60/hour, effective November 22, 2006.

Refund

12. **B. O. 06-937** - Approve a refund to Joshua Howard from the Planning Department, \$479.

Policy

13. **B. O. 06-938** - Approve the updated Gift Policy for Retirement and Years of Service.

Committees

14. **B. O. 06-939** - Approve the reappointment of David Newville to the Housing Authority Board for a five-year term to expire December 31, 2011.

Surplus Property

15. **B. O. 06-940** - Declare a list of desktop computers and accessories as surplus county property to be sold at a "cash and carry" sale on December 4, 2006; authorize a \$200 change fund for the sale.

Measure 37

16. **B. O. 06-941** - Schedule a public hearing on January 24, 2007 to consider M37-46-06, a Measure 37 claim authorizing Walter Gaibler to make application to divide 94.56 acres into one-acre lots and to establish a dwelling on each vacant lot.

C. OLD BUSINESS:

1. **B. O. 06-942** - Consideration of adoption of Ordinance 794 in support of Planning Docket PAZ-02-06, a request for Plan Amendment/Zone Change from AF-20 to AF-10 on forty acres, applicant Charles Carnese representing Rex & Carla Butler and Barbara Reilly, as tentatively approved October 18, 2006 and continued from November 8, 2006.

Rick Sanai provided the first and second readings of Ordinance 794 by title only, declaring an emergency. Ms. Stern moved to adopt the ordinance. The motion passed, Commissioners Lewis, George, and Stern voting aye.

2. **B. O. 06-943** - Consideration of adoption of Ordinance 795 in support of Planning Docket Z-01-06, a request for Zone Change from AF-10 to VLDR-2 ½, applicant Jeff Twenge, as tentatively approved by the Planning Commission June 1, 2006.

Mr. Sanai noted that there was no testimony in opposition at the Planning Commission hearing and the Planning Commission's decision was not appealed, so the Board can ratify the decision without a hearing. He provided the first and second readings of Ordinance 795 by title only. Ms. Stern moved to adopt the ordinance. The motion passed, Commissioners Lewis, George, and Stern voting aye.

After further discussion, Ms. Stern moved to reconsider the item. The motion passed, Commissioners Lewis, George, and Stern voting aye. Ms. Stern moved to amend the ordinance to include an emergency clause in order to waive the waiting period between readings. The motion passed, Commissioners Lewis, George, and Stern voting aye. Ms. Stern moved to adopt Ordinance 795 as amended. The motion passed, Commissioners Lewis, George, and Stern voting aye.

3. Consideration of adoption of Ordinance 797 in support of Planning Docket PAZ-04-06, a request for Plan Amendment/Zone Change from Heavy Industrial to Highway Commercial on 3.36 acres, applicant Julie Dean, as tentatively approved November 8, 2006. *[Continued to November 29, 2006.]*

At Mr. Sanai's request, Ms. Stern moved to continue the item to November 29, 2006. The motion passed, Commissioners Lewis, George, and Stern voting aye.

D. **OTHER BUSINESS** (Add-ons and non-consent items):
Measure 37

1. **B. O. 06-944** - Consideration of approval of M37-42-06, a Measure 37 claim authorizing Donna Geelan to make application to divide 10.6 acres into two lots and to establish a dwelling on the vacant lot.

2. **B. O. 06-945** - Consideration of approval of M37-43-06, a Measure 37 claim authorizing James Maresh to make application to recognize a structure that was converted to non-residential use as a dwelling and to construct an apartment above the existing barn.

3. **B. O. 06-946** - Consideration of approval of M37-44-06, a Measure 37 claim authorizing Donald and Carolyn Byard to make application to divide the subject property into five lots, with each lot retaining ownership of the remaining vineyard, and to establish a dwelling on each vacant lot.

4. **B. O. 06-947** - Consideration of approval of M37-45-06, a Measure 37 claim authorizing Michael and Candace Tompkins to make application to divide 29 acres into six lots and to establish

a dwelling on each vacant lot.

5. **B. O. 06-948** - Consideration of approval of M37-48-06, a Measure 37 claim authorizing Patricia Ediger to make application to divide 22.1 acres into twelve lots and to establish a dwelling on each vacant lot.
6. **B. O. 06-949** - Consideration of approval of M37-49-06, a Measure 37 claim authorizing Patricia Ediger to make application to divide 58 acres into 24 lots and to establish a dwelling on each vacant lot.
7. **B. O. 06-950** - Consideration of approval of M37-50-06, a Measure 37 claim authorizing Doris Crimmins to make application to divide 85.66 acres into four lots and to establish dwellings on two of the lots.
8. **B. O. 06-951** - Consideration of approval of M37-51-06, a Measure 37 claim authorizing Mary Ann Novak to make application to divide 196.6 acres into four lots and to establish a dwelling on each vacant lot.
9. **B. O. 06-952** - Consideration of approval of M37-52-06, a Measure 37 claim authorizing Thelma Van Bergen to make application to divide ten acres into lots of one to two acres each and to establish a dwelling on each vacant lot.
10. **B. O. 06-953** - Consideration of approval of M37-34-06, a Measure 37 claim authorizing Dwight West to make application to divide 51.52 acres into lots of three to five acres each and to establish dwellings thereon, and one lot of five to ten acres for commercial and/or light industrial development.

Ms. Stern stated that she will be abstaining from the votes on the Measure 37 claims because she was not present for the briefing on Monday and hasn't had time to review the packets. Mr. Gray read the operative part of each order. Ms. George moved approval of items D(1) through D(10). The motion passed, Commissioners Lewis and George voting aye and Commissioner Stern abstaining.

Committees

11. **B. O. 06-954** - Consideration of the appointment of John Abrams to the Planning Commission to fill the unexpired term of Brad Myers ending July 1, 2010.

Ms. George moved approval of the appointment of John Abrams, stating that she believes that Mr. Abrams is the most qualified of the applicants because of his background as a full-time farmer and long-time resident of Yamhill County and his firsthand experience with city, county, and state planners.

Ms. Stern stated that although Mr. Abrams is very qualified, his work as a surveyor may conflict with some land use applications and the fact that he has one of the largest Measure 37 claims in the state may attract undesired attention to the county. She recommended the appointment of Michael Stuhr, stating that he has background experience with water issues, farming, and Urban

Growth Boundary expansion and he is a disabled veteran. Ms. George stated that according to the Planning Director, Mr. Abrams' surveying is usually out of the county and shouldn't affect his service on the Planning Commission.

Ms. Lewis stated that Mr. Abrams and Mr. Stuhr are her first two choices and pointed out that Mr. Abrams is a unique example of someone who has tried unsuccessfully to work through the land use system to develop a residential subdivision, showing why Measure 37 was necessary. She added that she highly values the opinion of Planning Director Mike Brandt, who has recommended the appointment of Mr. Abrams.

The motion to appoint Mr. Abrams passed, Commissioners Lewis and George voting aye and Commissioner Stern voting no.

Tourism Train

12. Discussion of the use of Economic Development funds for a feasibility study for the Tourism Train. *[Consensus to allocate at least \$5000, no formal action at this time.]*

Ms. Lewis stated that the group working on the Tourism Train project is trying to raise money for a feasibility study, which will cost about \$30,000. She noted that, according to the proponents of the tourist train, the City of Newberg has already committed \$5000 and tentative commitments have been received from the cities of Sheridan and Willamina. She suggested that the county use Economic Development funds to match the City of Newberg's \$5000 commitment.

Ms. Stern agreed with the suggestion, stating that everyone at the Economic Development Roundtable was supportive of the project. She said that she would like to see how much other revenue is coming in before making a final decision. Ms. George agreed, emphasizing the need for all city councils to contribute a fair share. Ms. Stern stated that she and Laura Tschabold would work on setting up a date for the next Economic Development Roundtable meeting, at which time the issue could be discussed.

Ms. Lewis moved to allocate \$5000 for the feasibility study. Mr. Gray recommended that the Board not vote on the issue at this time, but instead indicate the intent of the Board to commit at least \$5000. The Board agreed.

E. PUBLIC HEARINGS:

1. Consideration of Planning Docket PAZ-06-04, a request for Plan Amendment/Zone Change from AF-10 to Highway Commercial, applicant Willie Owens, as continued from October 18, 2006 at the point of Proponent's Case. *[Continued to January 10, 2007 at the point of Proponent's Case.]*

At the request of the applicant, Ms. Stern moved to continue the hearing to January 10, 2007 at the point of Proponent's Case. The motion passed, Commissioners Lewis, George, and Stern voting aye.

2. Consideration of the transfer of jurisdiction to the City of Newberg over Tax Lot 3219AD 09499. *[Hearing canceled due to lack of interest by the city.]*

Mr. Gray explained that the city is not interested in taking over jurisdiction because of the potential maintenance liability. The Board agreed to leave the tax lot as surplus county property indefinitely.

F. ANNOUNCEMENTS:

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

- a. Parks Board, three positions;
- b. Commission on Children & Families, one youth position and four alternate positions.

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.

The meeting adjourned at 9:42 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair	LESLIE LEWIS
Commissioner	KATHY GEORGE
Commissioner	MARY P. STERN