

**INFORMAL MINUTES**

**January 7, 2008**

2:00 p.m.

Oval Office

PRESENT: Commissioners Mary P. Stern, Leslie Lewis, and Kathy George.

Staff: John M. Gray, Jr., Laura Tschabold, Steve Mikami, Susan Mundy, John Boynton, Ken Friday, and Bill Gille.

Guests: Lee Means, YCAP Director.

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\* indicates item forwarded to formal agenda

Mary called the meeting to order.

\* Personnel - Steve presented personnel requests from various departments. See agenda for details.

\* Contracts/Grants - See agenda for details.

Lee Means stated that it is critical for YCAP to get the Community Development Block Grant application for the new Food Bank building submitted in March because doing the administration building and the Food Bank building as one project will save costs. She discussed the details of the proposed project. Mary suggested looking at technology grants for the new administration building.

\* Minutes - Approve formal session minutes from June 27, 2007.

\* Vehicles - Authorize the purchase of two new 2008 Ford Crown Victorias for the Sheriff's Office patrol from Chuck Colvin Ford of McMinnville, \$21,654 each.

Gate Permit - John G presented a request for a gate construction permit in a rural subdivision, contingent on recording of the final subdivision plat. He stated that no public hearing is required, but the Board can elect to hold one. Mary suggested finding out from Ken Friday what process was used for the gated community off Wilsonville Road.

Later in the meeting, Ken stated that there is nothing in the county's ordinance that either allows or disallows gated communities. John G suggested holding a public hearing because the issue of a gated community within the City of McMinnville recently attracted a great deal of attention, but recommended not scheduling the hearing until the developer is ready to go ahead with it. The Board agreed to hold a public hearing upon notification from the applicant.

\* Refunds - Authorize a refund from the Surveyor's Office to J.T. Smith Co. for unused deposit funds received for checking the Orchard Lair subdivision, \$26,475.

\* Committees - See agenda for details.

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**January 7, 2008**

2:00 p.m.

MS\_\_LL\_\_KG\_\_

\* Plans - Approve the January 2008 Yamhill County Comprehensive Plan for Children and Families, as recommended by the Commission on Children on Families.

\* Roads - Approve a request for a temporary reduced speed zone of 25 mph on a portion of Zimri Drive due to construction work. Susan Mundy discussed the request and stated that it meets all of the criteria for approval.

Kathy discussed a citizen request for a warning strip or sign on Bell Road approaching the stop sign at the intersection with North Valley Road and Highway 219. Susan stated that it would be possible to put in the same raised white bumps that are on several other county roads, but it has to be done during dry weather. Kathy agreed to forward the citizen e-mail to Susan.

Emergency Management Training - John Boynton discussed the ICS 300/400 training scheduled for January 23-25, 2008 and stated that the commissioners would need to attend all three days in order to receive credit. He said that it is most important for John K, the Sheriff, one commissioner, and himself to receive the training at this point and the other two commissioners could attend a future training. After further discussion, the commissioners agreed to hold a combined formal/informal session on January 22<sup>nd</sup> at 10:00 a.m. and take a break from the training to hold the previously scheduled public hearing on January 23<sup>rd</sup>.

\* Public Hearings - Consideration of SDR-22-06 (KF), a remand from the Land Use Board of Appeals (LUBA) regarding a request from T-Mobile for a 120-foot cell tower.

Ken Friday stated that the focus of the public hearing is to receive testimony on the state necessity test as defined in ORS 215.275. Mary stated that the remand is not clear as to how limited the public hearing should be, but there has been no response from LUBA to Rick Sanai's request for clarification and there is no time to continue the hearing because of the 90-day deadline.

Ken discussed PA-03-07(KF), the request for adoption of the Southeast Newberg Transportation Systems Plan (TSP) scheduled for public hearing on January 17, 2008. He stated that although the city and the county have to jointly adopt the Urban Reserve Area expansion, he doesn't believe that the county is required to adopt the TSP. Mary stated that the proposed TSP would isolate some areas and put a greater burden on some of the county roads than they were designed to handle. Leslie stated that she has concerns over the removal of the east-west connector from the TSP, but can understand the city's reasons for doing so. Ken stated that the Board could acknowledge the TSP without adopting it.

Local Improvement District (LID) - Bill discussed a proposal from the City of Newberg for an LID for street improvements on N. Main Street (see attached memo). He stated that the owners of the two parcels outside city limits have been noticed, but he hasn't heard from them and it doesn't appear that they attended the local meeting. The Board agreed to have Bill write a letter to the residents, subject to Board review, asking for their input on the proposed LID. John G suggested holding a public hearing if the residents have any objections to the LID.

Homelessness Summit - Kathy and Lee provided an update on plans for the Homelessness Summit to be held in mid-September or October 2008.

Use of Force Policy - Mary stated that Richard Sly couldn't make it to informal session today, but left packets regarding the proposed policy for the commissioners to review. John G discussed the new Deadly Force Policy Committee, which was created to come up with a plan and a process for adopting the plan. The Board agreed to schedule Richard to discuss the issue at informal session on February 4, 2008.

The meeting adjourned at 4:07 p.m.

Anne Britt  
Secretary

## Interoffice Memorandum

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for Yamhill County, Oregon  
434 NE Evans Street  
McMinnville, Oregon 97128  
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January 4, 2008

TO: Board of Commissioners

CC: William A. Gille, Director of Public Works  
Terrence D. Mahr, Newberg City Attorney

FROM: John M. Gray, Jr., County Counsel *J. M. Gray*

RE: Parcels outside city limits in proposed City of Newberg LID on N. Main Street from Illinois Street to Crestview Drive

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You may be aware that the City of Newberg is moving forward with a local improvement district (LID) for street improvements on N. Main Street between Illinois Street and Crestview Drive. Two parcels within the LID are located outside city limits. These two parcels are located at 1719 N. Main and 1801 N. Main.

ORS 223.878 allows parcels located outside the city limits to be assessed in a city LID provided certain conditions are satisfied. The conditions are (a) the Board, by resolution, approves the improvement if any portion of the LID is outside the city, (b) the Board, by resolution, approves the assessment of the property outside the city, and (c) the assessment authority, including authority to enforce collection of assessments, is exercised for property outside the city in the same manner as for property within the city. The statute goes on to provide that "[t]he owners of property outside the city subject to assessment . . . shall have the same rights, including remedies, which the owners of property within the city may have."

The city has requested action by the Board to allow inclusion of the two parcels in the LID. While no public hearing is required by the statute, it is within the Board's authority to set one. For example, the Board decided to set a public hearing on a similar request by McMinnville for the Burnett Road LID in 1998. However, the Board did not set a public hearing on a request by Newberg for the Alice Way LID in 2006. (The Alice Way project related to water and sewer improvements.)

I am prepared to draft the resolutions granting consent to the city under ORS 223.878. I will wait to do so, however, until the Board decides whether it either will hold a public hearing or otherwise solicit input from the two property owners. I assume you will address this at the informal session on January 7, 2008.

In the interim, please let me know if you have any questions.

jmg

**EXHIBIT A 1/1**

