

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 11, 2009, at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

Also present were Laura Tschabold, Administrative Services Director; John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; Ken Friday, Planning Division Manager; Sherrie Mathison, Solid Waste Coordinator; Edwin Sharer; Walt Gowell; and Matt Duncel.

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. Stern moved approval of the consent agenda with a modification to item B(7). The motion passed, Commissioners Lewis, George, and Stern voting aye.

Personnel

1. **B. O. 09-101** - Approve the change of status of Diane Roelandt to HS Specialist 2 in HHS Adult Mental Health, temporary part-time, effective April 10, 2008, through June 30, 2009.
2. **B. O. 09-102** - Amend Board Order 09-88 to authorize personal leave with no cash value to be used by June 30, 2009, to the following HHS employees in the following amounts:
 - a. Jacqueline Maroncelli and Kathy Yonker, 16 hours each;
 - b. Annette Madrid, 8 hours.

Contracts/Grants

3. **B. O. 09-103** - Approve Amendment #70 to the 2007-09 Financial Assistance Agreement #119951 between Health & Human Services and Oregon Department of Human Services to remove \$44,542 in Local Administration.
4. **B. O. 09-104** - Approve an agreement between Public Works and OBEC Consulting Engineers, provider, for construction engineering services on the Quarry Road Embankment Failure Repair, not to exceed \$76,654.
5. **B. O. 09-105** - Approve an amendment to Intergovernmental Agreement #10786 between the Juvenile Department, provider, and Oregon Youth Authority to reduce funding for Juvenile

Crime Prevention basic services and diversion, not to exceed \$461,863.

6. **B. O. 09-106** - Approve an amendment to Intergovernmental Agreement #11116 between the Juvenile Department, provider, and Oregon Youth Authority to reduce funding for gang intervention services, not to exceed \$59,145.

7. **B. O. 09-107** - Authorize the submission of a grant application by Public Works to the Department of Land Conservation & Development/Oregon Department of Transportation for updating the county's Transportation Systems Plan, \$156,190.

Resolution

8. **B. O. 09-108** - Approve Resolution 09-3-11-1 regarding participation in funding activities of the Oregon office for Community Dispute Resolution; reappoint Carol White as the Dispute Resolution Program Coordinator.

Surplus Property

9. **B. O. 09-109** - Set a public hearing for April 15, 2009, to consider authorizing the private sale of Tax Lot R3505 00690 to Donald and Darcy Davis for the purchase price of \$1440, deed preparation fee of \$100, actual costs for legal publication, and recording fees.

C. **OLD BUSINESS:** None.

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

1. **B. O. 09-110** - Consideration of approval of a professional services agreement between Solid Waste and Parametrix, provider, for maintenance cost analysis at Whiteson and Newberg Landfills, \$9953.

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

2. **B. O. 09-111** - Consideration of authorizing a \$750.11 refund from the Planning Department to Marvin Astleford.

Ms. Stern moved to authorize the refund. The motion passed, Commissioners Lewis, George, and Stern voting aye.

3. Discussion of two projects proposals submitted by the county to the Oregon Transportation Commission for funding. *[Ms. Lewis to offer testimony in support of the proposals on behalf of the Board.]*

Ms. Lewis explained that ODOT will be allocating some of its stimulus funding to other entities and Yamhill County has applied for a bicycle lane project on Hill Road and an overlay project on Wilsonville Road. The consensus of the Board was to support the two projects.

E. PUBLIC HEARINGS:

1. Consideration of Planning Docket S-01-08/V-03-08(KF), an appeal of the Planning Director's conditions of approval of a ten-lot subdivision, applicant/appellant Martha Jahnke, as continued from February 4, 2009, at the point of Staff Recommendation. *[V-03-08 tentatively denied, S-01-08 tentatively approved with conditions of approval, findings to be adopted March 25, 2009.]*

Ms. Lewis opened the public hearing. Ken Friday stated that his office had received a letter from the applicant's attorney after the record had closed and the letter was not placed into the record.

Staff Recommendation - Mr. Friday stated that the applicant has a right to use the access easement to get to the existing 27-acre parcel, but the access would need to be dedicated in order to subdivide the parcel into ten lots and the applicant does not have the right to do that. He said that without the dedication, a variance would be needed to use the easement for access to the proposed subdivision. He recommended denial of the variance request because granting it would be injurious to the adjoining property owner and therefore the request does not satisfy the approval criteria.

He stated that the applicant could either negotiate to obtain the right to dedicate the easement crossing the Argueadas property or find another right-of-way across adjacent property. He said that he agrees with some of the applicant's arguments made in objection to the conditions of approval and would therefore recommend approval of the subdivision application with modified conditions of approval. He distributed copies of the proposed modifications and reviewed them with the Board. Ms. Lewis noted that if the applicant comes back with a variance request to Willis Road, some of the proposed conditions would have to be modified.

The meeting recessed at 9:29 a.m. and reconvened at 9:35 a.m.

Ms. Lewis noted that the Board had taken a site visit and the notes had been added to the record by Mr. Friday on February 18, 2009.

Close of Public Hearing/Deliberations - Ms. Stern stated that she doesn't believe that the approval criteria for a variance have been met. She moved tentative denial of V-03-08 and tentative approval of S-01-08 with the modified conditions of approval submitted by Mr. Friday, with findings to be adopted March 25, 2009. The motion passed, Commissioners Lewis, George, and Stern voting aye.

F. ANNOUNCEMENTS:

1. The following positions are open to the public. Contact the Commissioners' Office for applications.
 - a. Commission on Children & Families, two full members and one alternate member;
 - b. Parks & Recreation Board, two positions;

