

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 June 3, 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 Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; John Krawczyk, Budget Director; Ken Friday, Planning Division Manager; Judy Bennett, 16201 SE Fairview Rd, Dayton; Stan Bunn, 301 W Illinois St, Newberg; Barton Brierly, PO Box 970, Newberg; and Terry Cole, Oregon Department of Transportation.

Commissioner George 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. The motion passed, Commissioners Lewis, George, and Stern voting aye.

Personnel

1. **B. O. 09-246** - Approve the employment of Jonathan Summers as Corrections Reserve in the Jail, part-time on-call, \$10/hour, retroactive to May 29, 2009.
2. **B. O. 09-247** - Approve the change of status of Carrie Martin to regular part-time employment in the Jail, Range 14, Step 8, retroactive to May 9, 2009.

Contracts/Grants

3. **B. O. 09-248** - Ratify approval of an agreement between Yamhill County and Essential Building Technologies, LLC, provider, for remodel of the Moore Building temperature controls, \$9926.
4. **B. O. 09-249** - Ratify approval of Amendment #77 to the 2007-09 Financial Assistance Agreement #119951 between Health & Human Services and Oregon Department of Human Services, retroactive to May 20, 2009.
5. **B. O. 09-250** - Approve an agreement between HHS Family & Youth and Lutheran Community Services Northwest, provider, for Oregon Health Plan treatment and counseling

services, \$6500/month, effective July 1, 2009.

6. **B. O. 09-251** - Approve Amendment #1 to Intergovernmental Agreement CA 08-1154 between HHS Public Health and Washington County to add \$4000 for emergency preparedness items.

7. **B. O. 09-252** - Ratify approval of a loan agreement between Yamhill County and Yamhill Community Action Partnership (YCAP) for the use of a bus owned by Yamhill County, retroactive to May 27, 2009.

8. **B. O. 09-253** - Authorize a federal fund extension request to the Oregon Commission on Children & Families for the 2007-09 biennium:
a. \$9543 of Child Care Development funds to continue the Child Care Providers Training through September 30, 2009;
b. \$5600 of Family Preservation & Support funds to implement to second phase of the 211 Resource and Referral System through September 30, 2009.

Committees

9. **B. O. 09-254** - Approve the appointment of John Abrams to the Amity Urban Area Management Commission to represent the Planning Commission.

C. OLD BUSINESS:

1. **B. O. 09-255** - Consideration of adoption of Ordinance 837 in support of Planning Docket PAZ-06-08/P-14-08(KF), a request for plan amendment/zone change from EF-80 to AF-10 and partition of property into two 11.5-acre lots, applicant D. Maxine Noble Family Trust, as tentatively approved May 20, 2009.

Rick Sanai provided the first and second readings of Ordinance 837 by title only, declaring an emergency. Ms. Stern moved to adopt the ordinance. The motion passed, Commissioners Lewis, George, and Stern voting aye.

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

1. **B. O. 09-256** - Consideration of approval of Amendment #79 to the 2007-09 Financial Assistance Agreement #119951 between Health & Human Services and Oregon Department of Human Services.

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

2. **B. O. 09-257** - Consideration of approval of the 2009-11 Financial Assistance Agreement #128321 between HHS Public Health and Oregon Department of Human Services for the Foodborne Illness Prevention Program, \$27,204, effective July 1, 2009, through June 30, 2011.

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

3. **B. O. 09-258** - Consideration of authorizing the Chair to sign an agreement between Yamhill County and Zia Engineering & Environmental Consultants/HDR, Inc., providers, for a study of alternative disposal options, subject to approval by County Counsel.

Ms. George moved approval of item D(3). The motion passed, Commissioners Lewis and George voting aye and Commissioner Stern recusing herself because the agreement is a result of a land use matter from which she had recused herself due a conflict of interest.

E. PUBLIC HEARINGS:

1. Consideration of Planning Docket G-01-09(KF), a request for modification of the Zoning Ordinance and Comprehensive Plan to remove the restrictions that prohibit zone changes and UGB amendments within the Newberg-Dundee Bypass and Interchange Overlay Districts, applicant Yamhill County. *[Tentatively approved, findings to be adopted June 17, 2009.]*

Ms. Lewis opened the public hearing.

Staff Report - Ken Friday reviewed the purpose of the original restrictions and the request to remove them. He stated that the language of the request was written by Mary Dorman of the Oregon Department of Transportation (ODOT) and the Planning Commission voted 7-0 to recommend approval.

Public Testimony - Stan Bunn stated that he is a long-time supporter of the bypass and believes that these restrictions should be removed because the time frame for them has passed. He encouraged the Board to continue working with ODOT to meet the needs of the citizens.

Barton Brierly, City of Newberg, expressed his support for the bypass and for this application. He explained that this temporary freeze on zone changes and UGB amendments was intended to allow planning to go forward in the interchange overlay districts, but planning has now stopped and the freeze is delaying progress in those areas. He said that he expects the city to approach the Board in the future with requests to consider zone changes in those areas to address the city's long-term planning goals. He stated that the city has had good communication with ODOT and has been able to base its decisions on a best guess of what will happen with the bypass.

Terry Cole, ODOT, stated that if the governor signs the current bill and funding is allocated, the project shouldn't have to go back to the Oregon Transportation Commission for approval. He said that there will be a package to take care of a variety of issues, including loose ends on the land use side, so the language in Section H could be modified at that time. He said that it wouldn't inhibit ODOT in the meantime. Ms. Lewis stated that the Board needs to take an abundance of caution. She agreed with a suggestion by Commissioner George to rewrite the outdated language in Section H, since the corridor has been approved since 2005.

