

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/informal session on September 2, 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 John Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; Laura Tschabold, Administrative Services Director; Pat Anderson, Human Resources; Ken Friday, Planning Division Manager; Bruce Bandstra, 8243 Abbey Rd, Carlton; Jeff Evans, 1300 SW Fifth Ave, Ste 2300, Portland, OR 97201; and Hannah Hoffman, News-Register.

Commissioner Lewis called the meeting to order. She noted that there was an error in the published agenda and there would be no public hearing held today regarding the surveyor position.

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. **AGENDA:**

Personnel

1. **B. O. 09-526** - Consideration of the employment of Raymond Stevens as HS Associate in HHS Abacus, temporary part-time, Range 14, Step 1, effective September 2, 2009, through June 30, 2010.
2. **B. O. 09-527** - Consideration of the change of status of Aida Apple to increase contract employment in HHS Adult Mental Health to .75 FTE, effective September 9, 2009.
3. **B. O. 09-528** - Consideration of the change of status of Dina Crown to extend temporary on-call employment in HHS Adult Mental Health, retroactive to August 1, 2009, through July 31, 2010.
4. **B. O. 09-529** - Consideration of the change of status of Noreen Gruber and Angela Newburg to regular part-time employment in HHS Adult Mental Health, .8 FTE, effective September 9, 2009.
5. **B. O. 09-530** - Consideration of the change of status of Anne Larson to increase hours in

HHS Public Health to full-time, retroactive to September 1, 2009, through December 31, 2009.

6. **B. O. 09-531** - Consideration of the change of status of Catharine Ost to .5 FTE in HHS Public Health, retroactive to August 9, 2009.
7. **B. O. 09-532** - Consideration of the change of status of Joshua Gordon to extend his layoff date from October 1, 2009, to January 1, 2010.
8. **B. O. 09-533** - Consideration of the change of status of Richard McKenna to extend temporary part-time employment in Community Corrections, retroactive to August 27, 2009, through February 27, 2010.
9. **B. O. 09-534** - Consideration of the change of status of Victoria Tillotson to Senior Office Specialist in Community Corrections, Range 10, Step 1, retroactive to August 24, 2009.

Ms. George moved approval of items B(1) through B(9) and D(1). The motion passed, Commissioners Lewis, George, and Stern voting aye.

#### Contracts/Grants

10. **B. O. 09-535** - Consideration of approval of an intergovernmental agreement between HHS Public Health, provider, and Washington County for the Cities Readiness Initiative, not to exceed \$11,146, retroactive to August 10, 2009, through June 30, 2010.

Ms. George moved approval of item B(10). The motion passed, Commissioners Lewis, George, and Stern voting aye.

11. **B. O. 09-536** - Consideration of approval of Amendment #1 to the 2009-10 Financial Assistance Agreement #128033 between HHS Public Health, provider, and Oregon Department of Human Services to add funds for preparedness efforts and immunizations, \$5303, retroactive to July 1, 2009, through June 30, 2010.

Ms. George moved approval of item B(11). The motion passed, Commissioners Lewis, George, and Stern voting aye.

12. **B. O. 09-537** - Consideration of approval of Modification #3 to Attachment T of an agreement between HHS, provider, and Mid-Valley Behavioral Care Network for the Strengthening Families program, \$23,752, retroactive to July 1, 2009, through June 30, 2010.

Ms. George moved approval of item B(12). The motion passed, Commissioners Lewis, George, and Stern voting aye.

13. **B. O. 09-538** - Consideration of approval of an agreement between the Commission on Children & Families, United Way, fiscal agent, and 211*info*, provider, for information and referral services, CCF to pay \$20,000 to United Way, retroactive to July 1, 2009, through June 30, 2010.

Ms. George moved approval of item B(13) and commended Marilyn Kennelly for her hard work in putting together this partnership. The motion passed, Commissioners Lewis, George, and Stern voting aye.

#### Dues

14. **B. O. 09-539** - Consideration of authorizing a payment of \$703 to the Association of Oregon Counties for a special assessment for the Subcommittee on Federal Forest Issues of the Public Lands and Natural Resources Committee.

Ms. Lewis moved approval of item B(14). The motion passed, Commissioners Lewis, George, and Stern voting aye.

#### Resolutions

15. **B. O. 09-540** - Consideration of adoption of Resolution 09-9-2-1 proclaiming September 2009 as National Alcohol and Drug Addiction Recovery Month in Yamhill County.

Ms. George moved approval of item B(15). The motion passed, Commissioners Lewis, George, and Stern voting aye.

16. **B. O. 09-541** - Consideration of adoption of Resolution 09-9-2-2 proclaiming September 17-23, 2009, as Constitution Week in Yamhill County.

Ms. Stern moved approval of item B(16). The motion passed, Commissioners Lewis, George, and Stern voting aye.

#### Roads

17. **Tabled** - Consideration of authorizing the placement of a stop sign on Fulquartz Landing Road at its intersections with Parks Drive.

Ms. Lewis stated that John Phelan would like to hold off on this for a week in order to clear up a miscommunication within the Public Works Department.

C. **OLD BUSINESS:** None.

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

1. **B. O. 09-542** - Consideration of the employment of William Lane as Corrections Reserve in the Jail, part-time on-call, \$14/hour, effective September 3, 2009.

2. **B. O. 09-543** - Consideration of modifying the county's practice for PEL payout upon retirement to allow for de minimis payouts where the value of the PEL account is less than \$100.

Ms. Lewis moved approval of item D(2). The motion passed, Commissioners Lewis,

George, and Stern voting aye.

3. **B. O. 09-544** - Consideration of approval of order clarifying the source of grant matching funds for the Reflections Program building.

Ms. George moved approval of item D(3). The motion passed, Commissioners Lewis, George, and Stern voting aye.

4. **B. O. 09-545** - Consideration of adoption of Ordinance 840 continuing the practice of electing the Yamhill County Surveyor.

John Gray explained that new state legislation makes all county surveyor positions appointed positions unless the Board adopts an ordinance to have it be an elected position. He explained that the change does not take effect until the surveyor's current term expires in January. He added that a Board decision to continue having the position be elected would not be permanently binding. He stated that Dan Linscheid would prefer to run for re-election.

Ms. George stated that she would support the ordinance because of Mr. Linscheid's request, but would like to reconsider the issue after he is no longer in office. She said that the ability to appoint the surveyor is a good thing because the position is a highly technical one.

Mr. Gray provided the first and second readings of Ordinance 840 by title only, declaring an emergency. Ms. Lewis moved to adopt the ordinance, stating that she supports the ordinance because the voters have said several times that they want to elect the surveyor and because she does not agree with the four-year term limit that was specified in the new law for the appointed position and would like to try to get that corrected in the legislature. She stated that appointed department heads should not have a specific time duration. The motion passed, Commissioners Lewis, George, and Stern voting aye.

5. **B. O. 09-546** - Consideration of adoption of the 2009-11 Community Corrections Biennial Plan.

Ms. Stern moved approval of item D(5). The motion passed, Commissioners Lewis, George, and Stern voting aye.

6. Acknowledge the resignation of Jay B. Dick from the Road Improvement Advisory Committee.

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

7. Discussion of Planning Commission and Budget Committee openings. *[To be discussed further at the September 21 informal session.]*

8. Discussion of attendees for the Economic Forum Luncheon on September 30.

E. **PUBLIC HEARINGS:**

1. Consideration of Planning Docket PAZ-02-09(KF), a request for plan amendment/zone change from PRO Parks, Recreation & Open Space to RC Recreational Commercial to allow expansion of an existing bed & breakfast, applicant Bruce Bandstra. *[Tentatively approved with a limited use overlay, findings to be adopted September 9, 2009.]*

Ms. Lewis opened the public hearing. There were no abstentions or objections to jurisdiction. Ms. Lewis stated that the commissioners did not take a site visit because they have each been to the location before and are familiar with the subject property. Rick Sanai read the statement required for land use hearings relating to the requirement that parties must raise all issues at the hearing or waive their right to raise the issues on appeal.

Ms. Stern stated for the record that she knows Mr. Bandstra and his wife socially, but she has never had discussions with them about this specific application and her relationship with them will not have any bearing on her decision in this matter.

Staff Report - Ken Friday described the subject property and the request for plan amendment/zone change. He stated that the Planning Commission had voted unanimously to recommend approval of the request with a limited use overlay zone to limit the use to a country inn of no more than twenty rooms and with additional conditions of approval. He reviewed those conditions and the approval criteria.

Proponents - Jeff Evans, representing the applicant, stated that Mr. Bandstra is in the process of purchasing and improving the subject property. Mr. Bandstra provided background information and shared his vision for the property. He stated that he wants to expand the capacity of the facility and offer culinary options, since dining options for guests in this area are limited on Sundays and Mondays and he would like to reduce the need for evening driving. He stated that he expects to expand his employment potential to at least four or five full-time staff as he expands. He noted that the staff report is very wine-centric, but he plans to expose his guests to hazelnuts, berries, and other agricultural products as well. He said that this is an excellent opportunity for all agricultural units to piggyback on the success of the wine industry and get more exposure.

Mr. Evans stated that the subject property does not have the ability to make money from agriculture or forestry, it already has exceptions to Goals 3 and 4, there is an ongoing business on the property, and it won't take any property out of farm or forestry production, so approval of the application shouldn't open the floodgates for other, similar applications.

Mr. Bandstra suggested that Condition #2 be modified to state that the allowed seating capacity for food service would be equivalent to the capacity of the inn. He explained that this would not be a restaurant-type operation: dinner would consist of a single menu per night at a

specified time and open spots would be by reservation only, consistent with winemaker dinners. Rick Sanai stated that in Oregon's business and liquor licensing law, a restaurant is defined as an establishment that gets the vast majority of its revenue from food and drink. He said that Mr. Bandstra would get most of his revenue from overnight guests. Ms. Lewis stated that, if the Board approves this application, the findings should be very specific about what makes it different from a restaurant.

Opponents - None.

Public Agency Reports - Mr. Friday reviewed the reports in the record. He stated that the limited use overlay seemed to address the concerns raised by Gary Fish in a letter dated April 24, 2009. Ms. Lewis stated that the Board recently adopted a Wildland Fire Protection Plan and fire departments are very interested in that topic right now.

Staff Recommendation - Mr. Friday recommended approval of the application with the limited use overlay zone as previously described, with the modification to Condition #2 as requested by Mr. Bandstra. He agreed with a suggestion by Ms. George to clarify that there would be no change to the current practice for onsite gatherings, which are limited to 200 people.

Close of Public Hearing / Deliberations - Ms. Stern moved tentative approval of Planning Docket PAZ-02-09 with the limited use overlay zone and conditions as described, with findings to be approved September 9, 2009. Ms. George stated that the proposed use makes good sense for the subject property. Ms. Lewis agreed with Mr. Evans' statement that this would not set a precedent and stated that this is a great opportunity to expand the existing use to meet the needs of those visiting the county. She expressed appreciation to Mr. Bandstra for his efforts to highlight other agricultural crops as well as wine. 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;
  - c. Road Improvement Advisory Committee, one position;
  - d. Special Transportation Advisory Commission, two 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](mailto:Sally.Lawson@state.or.us).

3. The Board will not hold informal session on September 7 or 14. Informal session on September 21 will begin at 3:00 p.m.

The meeting adjourned at 10:28 a.m.

Anne Britt  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair LESLIE LEWIS

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Commissioner KATHY GEORGE

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Commissioner MARY P. STERN