

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 April 25, 2019, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Richard L. “Rick” Olson, Mary Starrett and Casey Kulla being present.

Also present were Ken Huffer, County Administrator; Justin Hogue, Business Services Director; Christian Boenisch, County Counsel; Josephine Ko, Assistant County Counsel; Mikalie Moreno, County Counsel staff; Desiree Lundeen, Human Resources Director; Ken Friday, Planning Director; Stephanie Armstrong, Assistant Planner; Derrick Wharff, Assessor & Tax Collector; Dave Adams, KLYC Radio; Nicole Montesano, News-Register; and others as listed on the sign-in sheet.

Commissioner Olson called the meeting to order at 10:00 a.m. and welcomed visitors participating in Bring your Child to Work Day.

Welcome! Thank you for attending today's meeting. Public participation is encouraged. If you wish to address the Commissioners on any item not on the agenda you may do so as part of the public comment period at the beginning of the meeting. If you desire to speak on any agenda item please raise your hand to be recognized after the Chair announces the agenda item. Please fill out a public comment card to indicate your intent to speak.

A. PUBLIC COMMENT: This thirty-minute time period is reserved for public comment on any topic other than: 1) agenda items, 2) a quasi-judicial land use matter, or 3) a topic scheduled for public hearing. The Chair may limit the length of individual comments.

There was no public comment.

B. CONSENT AGENDA: Commissioner Olson moved approval of items B1 through B6. The motion passed, Commissioners Olson, Starrett and Kulla voting aye.

Contracts & Grants

1. **B.O. 19-123** - Approval to authorize Yamhill County Parks to apply for the Oregon Parks and Recreation Department Local Government Grant Program grant to fund the Deer Creek Nature Park Boardwalk Project.

2. **B.O. 19-124** - Approval to authorize Yamhill County Parks to submit a letter of support for the Institute for Applied Ecology’s application to the Oregon Watershed Enhancement Board for grant funds to fund the Kincaid lupine restoration project at Deer Creek Nature Park.

3. **B.O. 19-125** - Approval to authorize Yamhill County Health and Human Services to submit an application for an AmeriCorps Volunteer in Service to America (VISTA) partnership project.

Roads

4. **B.O. 19-126** - Approval of the adoption of a Board Order initiating the process under ORS 373.270 to transfer to the City of McMinnville jurisdiction over the segment of Old Sheridan Road between State Highway 99W and Cypress Lane and setting a public hearing on the proposed transfer for May 30, 2019.

Committees

5. **B.O. 19-127** - Approval of the appointment of Irene Launder to the Employee Safety Advisory Committee for a three-year term to expire on March 18, 2021.

Letters

6. **B.O. 19-128** - Approval of a letter by the Board of Commissioners opposing the use of SAIF reserves to pay for PERS costs.

Commissioner Olson read the letter into the record.

C. OLD BUSINESS:

1. **B.O. 19-129** - Consideration of the adoption of written findings and conditions of Docket #C-34-18: An appeal of the Planning Commissioner's approval of a conditional use request to increase the number of guestrooms offered at an existing bed and breakfast from four (4) guestrooms to nine (9). Applicant: Abbey Road Farm. *[Continued from April 11, 2019].*

Commissioner Kulla moved to approve item C1 with the correction to increase the guestrooms from four (4) to five (5). The motion passed, Commissioners Olson, Starrett and Kulla voting aye.

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

1. **B.O. 19-130** - Consideration of adopting Resolution 19-04-25-1 proclaiming May 2019 as Older Americans Month.

Commissioner Kulla read Resolution 19-04-25-1 into the record. Commissioner Olson moved approval of item D1. The motion passed, Commissioners Olson, Starrett and Kulla voting aye.

2. **B.O. 19-131** - Consideration of the submission of the application for the 2019-2020 Yamhill County Assessment Function Funding Assistance (CAFFA) Grant Application in the amount of \$2,643,700.

Commissioner Starrett moved approval of item D2. The motion passed, Commissioners Olson, Starrett and Kulla voting aye.

Commissioner Olson called for a recess at 10:15 a.m. and reconvened at 10:22.

E. PUBLIC HEARINGS:

1. Docket #CTS-01-19: An appeal of the Planning Director's approval of a temporary health hardship dwelling for Gloria Dreske to care for Joe & Sue Roberts during the term of their health hardship. An existing manufactured home is proposed to be used as the temporary residence. Applicant: Gloria Dreske.

Commissioner Olson opened the public hearing at 10:23 a.m. There were no abstentions or objections to the jurisdiction of the Board to hear the matter before it. There were no reports of ex-parte contact. Ken Friday read the ORS required by law at the opening of a quasi-judicial land use hearing and read the "raise it or waive it" rule.

Staff Report – Stephanie Armstrong presented the staff report regarding the hardship dwelling approval.

Applicants – Gloria Dreske asked for the approval of the hardship dwelling. She stated that Mr. & Mrs. Roberts are in the dwelling with Ms. Dreske's approval.

Opponents – Gerhard Taeubel stated he is opposed to the appeal stating the temporary hardship applications are valid for two years which in this case, the application has expired. He stated the manufactured home has been occupied over the last twenty years. He asked the Planning Department to verify setback requirements in future application approvals.

Mr. Taeubel clarified his opinion that if the resident of the primary dwelling requires a hardship then they should be the one to apply for the hardship under ORS.

Commissioner Starrett asked Ms. Dreske for clarification regarding events involving previous tenants. Ms. Dreske admitted that she was neglectful in updating permits after the passing of her husband and was apologetic to Mr. Taeubel regarding the event involving a previous tenant brandishing a weapon in the presence of a child. Ms. Dreske has known the Roberts since the 1980's. She stated that Mr. and Mrs. Roberts came to her in need of a home due to financial hardship, illness and loss of their own home.

Public Agency Reports – Ms. Armstrong state there are no public agency reports.

Rebuttal – Ms. Dreske stated that she is now aware that permits should have been renewed. She noted that there is a medical plan between herself and the Roberts and visits almost daily.

Staff Recommendation – Ms. Armstrong stated that the Planning Department recommends approval of the hardship dwelling. Mr. Friday stated if the appeal is approved, the Roberts' will be placed back on the hardship renewal list.

Commissioner Olson closed the public hearing at 11:03 a.m.

Deliberations –

There was discussion regarding the definition of the term "resident" and the occupation of the temporary residence. Staff clarified the renewal statute of the permit.

Commissioner Starrett moved to uphold the original application and deny the appeal. The motion passed, Commissioners Olson, Starrett and Kulla voting aye. Mr. Boenisch noted that written findings and conditions to be adopted on May 9, 2019.

F. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to the county’s website, www.co.yamhill.or.us/content/volunteer-opportunities , or call the Board of Commissioners’ office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).

For questions regarding accessibility or to request an accommodation contact the Board of Commissioners’ office at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at bocinfo@co.yamhill.or.us

Following Commissioner announcements, the meeting adjourned at 11:18 a.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair RICHARD L. “RICK” OLSON

Commissioner MARY STARRETT

Commissioner CASEY KULLA