

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 January 16, 2014, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Allen Springer and Kathy George being present and Commissioner Mary P. Stern being excused.

Also present were Laura Tschabold, County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Assistant County Counsel; Mike Brandt, Planning Director; Ken Friday, Planning Division Manager; Sherrie Mathison, Solid Waste Coordinator; Murray Paolo, Information Systems Manager; Nathalie Hardy, News-Register; and others as listed on the attached attendance rolls.

Commissioner Springer called the meeting to order at 10:02 a.m.

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.

Kris Bledsoe expressed appreciation to the Board, to Recology, and to Sherrie Mathison for working together over the past two years to make rural recycling collection possible.

Claus Christensen requested an update on development of a county ordinance for local improvement districts, explaining that his group of homeowners is hoping to be able to get their road paved through such a district, and would like to do it as part of the county’s spring paving in order to save money. He said that the group has had no response to its requests for updates since the last update in October or November.

Commissioner Springer stated that the requests have been passed to John Phelan since he’s the one working on the issue, but the information given in November is probably the most current. Christian Boenisch explained that because this is something that would apply all over the county, staff is trying to follow a process that would lead to the best outcome. He said that he and Mr. Phelan are working on it diligently and are waiting to hear back on some details from the county’s bond counsel, but are also working on a number of other projects. He estimated that the ordinance would be adopted well within the next year, and said that he would try to keep the group more updated on progress.

**B. AGENDA:**

Personnel

1. **B. O. 14-13** - Consideration of the change of status of Nancy Keim to Range 21, Step 7, in Information Systems, retroactive to July 1, 2013.

Following the public hearing, Ms. George moved approval of items B(1) and B(2). The motion passed, Commissioners Springer and George voting aye.

2. **B. O. 14-14** - Consideration of modifying the Assessor's Office personnel management roster to remove one full-time Appraiser III position (Range 20) and add one full-time Assessment Data Analyst position (Range 22).

3. **Tabled** - Consideration of authorizing intermittent 5.5% out-of-class for Erin Focher, Christina Kronenberg, and Nathanael Long, Assessor's Office, while performing certain duties, effective January 24, 2014.

Contracts/Grants

4. **B. O. 14-15** - Consideration of approval of a contract employment agreement between Health & Human Services and Paul Kushner, \$65/hour, up to 18 hours/week, effective February 15, 2014, through June 30, 2014.

Ms. George moved approval of item B(4). The motion passed, Commissioners Springer and George voting aye.

5. **B. O. 14-16** - Consideration of approval of Amendment #6 to Intergovernmental Agreement #141431 between HHS, provider, and Oregon Health Authority to increase funding for residential treatment services at Parkside in the amount of \$66,547, retroactive to January 1, 2013, through June 30, 2014.

Ms. George moved approval of item B(5). The motion passed, Commissioners Springer and George voting aye.

6. **B. O. 14-17** - Consideration of authorizing the chair to sign an intergovernmental agreement between the Board of Commissioners and Oregon Department of Transportation (ODOT) for use of the Doane Creek communications site for ODOT-owned wireless communications equipment, subject to approval by county counsel.

Murray Paolo stated that ODOT has entered into a separate lease agreement with the landowner of the adjacent site, and this is a reciprocal agreement that would allow ODOT to use the county's tower and allow the county to use whatever facilities ODOT constructs on the adjacent site. He noted that the same fee schedule is being used for each, so there is no net cost. He added that the county would have the same opportunity with ODOT at the High Heaven site.

Ms. George moved approval of item B(6). The motion passed, Commissioners Springer and George voting aye.

Committees

7. **B. O. 14-18** - Consideration of approval of the following changes to the 2014 Board of Property Tax Appeals (BOPTA) member pools:
- a. Acknowledge the resignation of Jean Hantze from the County Governing Body Pool and appoint David Jensen to fill her term through June 30, 2014;
  - b. Appoint David Jensen to the Non-Office Holder Pool for a term to expire June 30, 2014.

Mr. Springer moved approval of item B(7). The motion passed, Commissioners Springer and George voting aye.

8. **B. O. 14-19** - Consideration of the reappointment of Sheriff Jack Crabtree to the Local Alcohol and Drug Planning Committee (LADPC) for a three-year term to expire November 15, 2016.

Ms. George moved approval of item B(8). The motion passed, Commissioners Springer and George voting aye.

9. **B. O. 14-20** - Consideration of the reappointment of Greg Copeland to Position #4 on the Yamhill County Foundation for a three-year term to expire December 31, 2016.

Ms. George moved approval of item B(9). The motion passed, Commissioners Springer and George voting aye.

10. **B. O. 14-21** - Consideration of designating Sue Lamb, Emergency Manager, as Yamhill County's representative on the local Emergency Shelter and Food Program (ESFP) Board of Directors.

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

Surplus Property

11. **B. O. 14-22** - Consideration of declaring three couches from the Abacus program as surplus county property to be donated to the Champion Team and City Outreach.

Laura Tschabold stated that it is within the county's policy to make these kinds of donations to non-profit organizations. Mr. Boenisch said that he believes the dollar limit for such donations is \$1000. Ms. George moved approval of item B(11). The motion passed, Commissioners Springer and George voting aye.

C. **OLD BUSINESS:** None.

D. **OTHER BUSINESS** (Add-ons and non-consent items): None.

E. **PUBLIC HEARINGS:**

1. Consideration of Planning Docket PAZ-02-13(KF/MB), a request by Riverbend Landfill to rezone property from RC Recreational Commercial and PWS Public Works/Safety to EF-80 Exclusive Farm Use, as continued from December 12, 2013, at the point of Staff Recommendation. *[Tentatively approved with additional condition of approval, findings to be adopted February 13, 2014.]*

Mr. Springer reopened the public hearing.

Staff Recommendation - Mike Brandt provided background information and some explanation regarding the comment he had made at the Planning Commission hearing about not making many in the room happy with his staff recommendation. He stated that, contrary to the position taken by the Land Use Board of Appeals, he believes that the exception process in the PWS zone is a better way to apply for landfill approval than allowing landfills on EFU land; however, under existing law, Yamhill County does not have the ability to accommodate any solid waste disposal facility, including transfer stations and green technology, in the rural area unless an existing disposal facility located on EFU land is permitted to expand, and no such site currently exists. He said that without the rezoning of Riverbend's property to EFU, no such site will exist in the county.

He said that the commissioners must base their decision on the legal criteria listed in the staff report and on other relevant criteria, evidence, and testimony that has been presented. He said that it is possible for reasonable people to draw differing conclusions from the same evidence, and stated that, in his opinion, sufficient evidence and testimony has been presented to support findings and conclusions either in approval or denial of this application.

He said that if the Board votes to approve the application, he would recommend a seventh condition that would, among other things, require the applicant to initiate construction of a DEQ-approved green technology facility within seven years from the issuance of the DEQ permit for expansion, or by the time the expansion area is one-third full, whichever is sooner. He noted that the time frame of this condition may pose an insurmountable problem and be a deal-breaker for Waste Management.

Ex-Parte Contact - Ms. George stated that she had received numerous email messages related to the landfill, which she had forwarded to staff without reading. She said that she has had no other contact about the landfill. Mr. Springer said that he had also been inundated with email messages, but has followed the advice of county counsel not to read them. He stated that he has been in almost daily contact with county counsel about avoiding ex parte contact, and has had no contact that would bear on his decision.

Close of Public Hearing / Deliberation - Ms. George stated that in the past, opposing sides on land use issues were much more willing to work on compromise, but that has devolved into a "winner take all" mentality. She said that since the first application on this landfill expansion, the applicant has made numerous concessions and has made an effort to work collaboratively to find solutions. She said that the Planning Department has added conditions to address the concerns that were raised, and she hopes that the proposed new condition won't be a deal-breaker, because the landfill is an important part of the community's infrastructure.

She stated that the Board must statutorily provide for the collection of solid waste, and having a regional landfill has been an economic benefit to the community. She said that it seems discriminatory and condescending to assume that maintaining the lowest rates possible is not relevant to quality of life, and what is a benefit to some people may not be to others. She said that she hasn't seen compelling evidence showing that the landfill is negatively affecting the community. She pointed out that 80 percent of the houses around the landfill were constructed since the landfill was sited there.

Ms. George stated that if the county no longer had a landfill nearby, it would be forced to establish transfer stations within the cities and truck the garbage long distances, which would result in smells, trash along the roadways, raised rates, increased fuel and vehicle use, and traffic congestion. She said that eliminating the landfill is neither a responsible decision nor a green decision for the county, but the additional condition of approval will ensure that green technology is brought to Yamhill County.

Ms. George moved tentative approval of the application with the conditions recommended by staff, with findings to be adopted February 14, 2014.

Mr. Springer thanked the Planning Commission, Mike Brandt, Christian Boenisch, Todd Sadlo, and all of the citizens who have been involved in the process. He said that he has done his best to strike a balance of fairness and responsibility to the citizens of Yamhill County, and has given his best judgment on this matter.

The motion passed, Commissioners Springer and George voting aye. The meeting recessed at 10:35 a.m. and reconvened at 10:40 a.m. to address the remaining agenda items.

**F. ANNOUNCEMENTS:**

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

The meeting adjourned at 10:56 a.m.

Anne Britt  
Secretary

**YAMHILL COUNTY BOARD OF COMMISSIONERS**

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Chair MARY P. STERN

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Commissioner ALLEN SPRINGER

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Commissioner KATHY GEORGE



BOARD OF COUNTY COMMISSIONERS

Attendance Roll for meeting records

Meeting: Informal \_\_\_\_\_ Formal  Work Session \_\_\_\_\_ Date 1/16/14

PLEASE PRINT  
Name

PLEASE PRINT  
Complete Address

PLEASE PRINT  
Subject

CLAUS F. CHRISTENSEN	17001 NE FAIRVIEW DR Dundee	LID ordinance
SUSAN MERCER, DA	14100 SW McCabe Chapel Rd	97128 / Landfill
Susan Watkins	13440 SW McCabe Chapel Rd	97128 / Landfill
Intech Williams	914 1st 2nd St. NE Minville	Landfill
Dean Williams	9055 DeLong Rd Amity	97101 Landfill
Ellie Gunn	652 SE Washington McMinnick	97128
Hsa Perse	5765 Mineral Spr. Rd Carlton	Dump
Marilyn Walsten	Yamhill Co	Dump
Ryan Morison	15995 SW Peavine Rd Mac	Landfill
Sid Friedman	14186 NW Old Moore Valley	97148 "
Gil Rinard	18265 NE Fairview Drive, Dundee	Landfill
Bonnie LAUX	1421 NE 5th St McM.	97128
Janet Rinard	18265 NE Fairview Dr, Dundee, OR	97115 Landfill
Cameron Smith	3243 NE Mohr Dr	97128 Landfill



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Peggy Halloran	17506 SW Masonville Rd	Land fill expansion
Waldo Farahan	17215 SW Fox Ridge Rd	" " "
TODD ROBERSON	3323 SHAY LAKE ROAD	LAND FILL
Kris Bledsoe	18695 SE Yoper Island R Day	Landfill
CHRIS SCOW	355 SW Pemberly Loop McMinnville OR	(Zoning)
John M'Chehey	12830 SW McCabe Chapel	" "
Jennifer Redmond	13500 SW Beaver Rd	Landfill
Krin Pamey	11270 SW Power Bend Rd	Landfill
Dee Goldman	1235 NW Cedar At McM.	" "
Ed Farrar	8755 SE Three Trees Ln	Amity
Susan Kerp	8755 SE Three Trees Ln	Amity
BRIAN POYLE	24001 NE ELLIS LN, NEWBERG	
Susan Ruggles	15510 SW Dusty Dr	MEM
Ronley Lars	14815 SW Delashmitt Ln.	Stinks from Waste Mangery



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Arnie Helder	13405 NW McCabe Chapel Rd McMinnville	Riverbend
CRAIG MARKHAM	22245 NE ILAFERN LN, DUNDEE <sup>97115</sup>	DUMP
JACKIE LANG	7700 SW Westmore Way Post 1	97225 Rivers
Satari Toff	<del>1700</del> 7515 NE Ambassador	
MIKE COY	4264 M Loop	Washburn
Phyllis Bradner	608 NE 1st St McMinnville, OR 97128	Riverbend Landfill
Dave Larmouth	1350 NW Courthouse Ct McMinnville	Riverbend
Patricia McSheley	12830 McCabe Chapel McMinnville	Riverbend
Chris Robinson	9339 SW Trestle View in McMinnville, OR	Landfill
Nathalie Hardy	1611 NE 3rd - Mac	WR
Marianne Mills	2052 NW Willamette Ct McM.	Riverbend