

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 July 22, 2004 at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

Also present were John M. Gray, Jr., County Counsel; John Krawczyk, Director of Administrative Services; and Ken Friday, Planning Division Manager.

Commissioner George called the meeting to order.

A. **PUBLIC COMMENT:** This fifteen-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. None offered.

B. **CONSENT AGENDA:** Ms. Lewis moved approval of the consent agenda. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Personnel

1. **B. O. 04-472** - Approve the employment of Sarah Grabner as Office Specialist 2 in the District Attorney’s Office, temporary full-time, Range 7, Step 1, effective July 26, 2004 until August 27, 2004.

2. **B. O. 04-473** - Approve the employment of Rosy Ann Wyland, Molalla as Management Analyst in Public Health, temporary full-time, Range 20, Step 1, effective July 26, 2004 until June 30, 2005.

3. **B. O. 04-474** - Approve the change of status of the following individuals to continue working in Abacus:

- a. Thomas Lambert, temporary part-time, retroactive to July 9, 2004 until June 30, 2005;
- b. Suzi Southworth, regular part-time, retroactive to July 1, 2004 until June 30, 2005;
- c. Lawrence Henry, temporary part-time, retroactive to July 1, 2004 until June 30, 2005.

4. **B. O. 04-475** - Approve the change of status of Richard Allen, Planning Department to Range 23, Step 6, effective August 3, 2004.

5. **B. O. 04-476** - Approve the employment of Meuy Chao, Eugene as Deputy District Attorney 2 in the District Attorney’s Office, regular full-time, Range 21, Step 1, effective August 2, 2004.

6. **B. O. 04-477** - Approve the employment of Jessica Mendez, McMinnville as Office Specialist 2 in Public Health, temporary part-time, Range 7, Step 1, effective July 23, 2004 until June 30, 2005.

Contracts

7. **B. O. 04-478** - Approve an intergovernmental agreement between Adult Mental Health and Lincoln County for alternative programs to psychiatric hospitalization, retroactive to July 1, 2004 until June 30, 2005.

8. **B. O. 04-479** - Approve Amendment #23 to the 2003-2005 County Financial Assistance Contract between HHS and Oregon Department of Human Services.

9. Approve two contracts between the Juvenile Department and the City of McMinnville for the continuation of Peer Court services, effective July 22, 2004 until June 30, 2005:

- a. **B. O. 04-480** - \$25,000;
- b. **B. O. 04-481** - \$40,200.

10. Approve four grant agreements between the Board of Commissioners and the following recipients for economic development projects, effective July 22, 2004:

- a. **B. O. 04-482** - McMinnville Chamber of Commerce, \$7500;
- b. **B. O. 04-483** - City of Sheridan, \$3500;
- c. **B. O. 04-484** - City of Newberg, \$10,500;
- d. **B. O. 04-485** - City of Carlton, \$850.

Lighting Quote

11. **B. O. 04-486** - Accept the low quote from Consolidated Electrical Distributors, Inc. for lighting equipment for the Moore Building, \$19,370.

Dust Abatement

12. **B. O. 04-487** - Approve three citizen requests for 50% reimbursement of dust abatement costs:

- a. 04-04, \$200;
- b. 04-05, \$220;
- c. 04-06, \$150.

Committees

13. **B. O. 04-488** - Approve the reappointment of the following individuals to the Mental Health Advisory Board for three-year terms to expire May 30, 2007:

- | | | |
|----------------|------------------|---------------|
| Ann Scott | Frankie Williams | John DeMay |
| Nancy Keim | Sam Pierce | Charlene Gibb |
| Jeannie Kinman | Yanira Vera | |

14. **B. O. 04-489** - Approve the appointment of Diane Cilenti, Vicki Easter, and Donna Millar to the Mental Health Advisory Board for three-year terms to expire May 30, 2007.

15. **B. O. 04-490** - Approve the reappointment of Forrest Byerly and Tim Spencer to the Newberg Landfill Advisory Committee for four-year terms to expire June 30, 2008.

16. **B. O. 04-491** - Approve the appointment of Becky Blanchard to fill the vacancy on the Newberg Landfill Advisory Committee created by the resignation of David Primozych, for a term expiring on June 30, 2005.

NSF Check Fee

17. **B. O. 04-492** - Approve a county-wide fee of \$25 for NSF checks.

Plan

18. **B. O. 04-493** - Approve the Natural Hazards Mitigation Plan prepared by the Mid-Willamette Valley Council of Governments on July 14, 2004.

C. **OLD BUSINESS:** None.

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

1. **B. O. 04-494** - Consideration of adoption of Ordinance 742, an amendment to Ordinance 736, amending the Yamhill County Ambulance Service Ordinance to adjust deadlines for certain activities required by the ordinance.

John Gray stated that the amendment would extend the deadlines by another six months. He provided the first and second readings by title only, declaring an emergency.

Ms. Lewis moved approval of Ordinance 742. The motion passed, Commissioners George, Stern, and Lewis voting aye. Ms. Lewis stated that she would like the Ambulance Service Area Committee to determine locations for mass triage and temporary morgues.

19. **B. O. 04-495** - Consideration of approval of Public Works Docket RV-5-2004, a request for vacation of certain streets in Whiteson, applicant Steve Semmons, no public hearing necessary under ORS 368.351.

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

20. **B. O. 04-496** - Consideration of approval of Public Works Docket RV-6-2004, a request for vacation of a public road in the Sheridan area, applicant Imagine IT, LLC, no public hearing necessary under ORS 368.351.

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

21. **B. O. 04-497** - Consideration of approval of the annual CPI adjustment for Western Oregon Waste, an increase of 2.5%.

Mr. Gray stated that the county's Solid Waste Ordinance allows an annual cost of living increase. Ms. Stern declared an actual conflict of interest.

Ms. George moved approval of the CPI adjustment. The motion passed, Commissioners George and Lewis voting aye, and Commissioner Stern abstaining.

E. PUBLIC HEARINGS:

1. Consideration of Planning Docket PAZ-05-03, a request for a Comprehensive Plan amendment from AFLH to Quarry; a zone change from EF-80 to MR-2 for approximately 169 acres, applicant C.C. Meisel, as continued from June 24, 2004 at the point of staff recommendation. *[Tentatively approved subject to 22 conditions; findings to be adopted August 12, 2004.]*

Commissioner George opened the public hearing. Ms. Lewis declared for the record that Salvador Peralta attempted to discuss the docket with her on Sunday, but she stopped him before he said anything of interest.

Staff Recommendation - Ken Friday stated that rural zoning has a strong emphasis on the preservation of farmland and staff recognizes that approval of this application would take away farmland over time. He stated that based on the new Goal 5 Rule, this site must be placed on the inventory list as a significant aggregate resource. He also stated that significant testimony has identified potential conflicting uses, which need to be minimized, not eliminated. He recommended approval of the request with 22 conditions of approval (see attachment). He pointed out that adjustments have been made to the wording of the conditions to make sure they are clear and objective, and added that these conditions do not mirror those imposed by the Department of Geology and Mineral Industries (DOGAMI).

Mr. Gray noted that the legalization of Nichols Road is similar to a process taken last year with Rex Brown Road, which allows a road used by the public over a long period of time to be incorporated into the public road system under the jurisdiction of the Board.

Close of Public Hearing / Deliberation - Ms. Stern moved to place the site on the Goal 5 Inventory List as a significant aggregate resource. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Ms. Lewis moved tentative approval of Docket PAZ-05-03, subject to the 22 conditions, with findings to be adopted on August 12, 2004.

Ms. Stern thanked both parties for their wonderful example of legal skill and their hard work in helping the Board understand the complicated issues involved. She stated that she is not satisfied the applicant has met the burden of proof, and that the adverse impacts, such as traffic conflicts, cannot be minimized.

Ms. Lewis stated that she believes the applicant has met the burden of proof and that the

conflicts can be minimized. She emphasized the need to recognize aggregate resources and identify locations for mining, and she thanked the DOGAMI representative for his clear explanations.

Ms. George stated that it is difficult to find good quality gravel resources, and there are limited sources of aggregate. She said approval of the request would be a wise decision for the community and the state, and the conditions imposed by the county and by DOGAMI should adequately protect neighbors from the conflicts brought before the Board.

The motion passed, Commissioners George and Lewis voting aye, and Commissioner Stern voting no.

F. ANNOUNCEMENTS:

1. A position is available on the Yamhill County Budget Committee. Contact the Commissioners' Office for applications.
2. The public hearing on the Newberg/Dundee Bypass is scheduled for tonight at 7:00 p.m. in Room 103 of the McMinnville Community Center.

Adjourn: 10:29 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS