

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 8, 2011, at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Mary P. Stern, Leslie Lewis, and Kathy George being present.

Also present were Laura Tschabold, County Administrator; Chuck Vesper, Deputy County Administrator; Rick Sanai, County Counsel; Mike Brandt, Planning Director; Ken Friday, Planning Division Manager; Dan Linscheid, Surveyor; Hannah Hoffman, News-Register; John Bridges, 515 E 1st St, Newberg; David Petersen, 888 SW Fifth Ave #1600, Portland, OR 97204; Faith Gerstel, 592 NW Edwards Dr; Diane Reynolds, 1093 NW Vista, McMinnville; and others as listed on the attached attendance roll.

Commissioner Stern called the meeting to order at 10:00 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. None offered.

B. **AGENDA:**

Personnel

1. **B. O. 11-550** - Consideration of the employment of Elizabeth Appert as Management Analyst in HHS Public Health, temporary full-time, Range 20, Step 2, effective September 12, 2011, through June 30, 2012.

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

2. **B. O. 11-551** - Consideration of the employment of Greg Giesbrecht as HS Specialist 1 in HHS Family & Youth, regular full-time, Range 17, Step 2, effective September 9, 2011.

Ms. George moved approval of item B(2). The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. **B. O. 11-552** - Consideration of the change of status of Tara Geelan to Data Analyst in HHS Central Administration, Range 17, Step 1, effective September 9, 2011.

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

4. **B. O. 11-553** - Consideration of amending the HHS position management roster to delete one

full-time MH Associate position and add one full-time HS Specialist 1 position.

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

5. **B. O. 11-554** - Consideration of the employment of Juvenal Acevedo as Facilities Maintenance 1 in the Maintenance Division, temporary full-time, Range 10, Step 2, effective September 9, 2011, through December 8, 2011.

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

6. **B. O. 11-555** - Consideration of the employment of Jaime Wik as Corrections Deputy in the Jail, regular full-time, Range 12, Step 1, effective September 19, 2011.

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

7. **B. O. 11-556** - Consideration of the change of status of Alicia Schelb to extend .4 FTE status in the Planning Department, effective September 9, 2011, through January 8, 2012.

Ms. Stern moved approval of item B(7). The motion passed, Commissioners Stern, Lewis, and George voting aye.

Resolution

8. **B. O. 11-557** - Consideration of approval of Resolution 11-9-8-1 proclaiming September 2011 as National Alcohol and Drug Addiction Recovery Month in Yamhill County.

Faith Gerstel invited everyone to attend the annual Recovery Fair on September 10, 2011. Diane Reynolds stated that the Recovery Advocate of the Year award would be given out at the fair. She said that recovery benefits Yamhill County in many ways, and community members can be helping hands to work with people who are struggling to be clean.

Ms. Stern read the resolution and moved approval of item B(8). The motion passed, Commissioners Stern, Lewis, and George voting aye.

Minutes

9. Consideration of approval of the following minutes:
- B. O. 11-558** - July 28, 2011, formal session;
 - B. O. 11-559** - August 4, 2011, formal session;
 - B. O. 11-560** - August 11, 2011, formal session;
 - B. O. 11-561** - August 15, 2011, informal session.

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

Contracts/Grants

10. **B. O. 11-562** - Consideration of approval of Service Element Prior Authorization (SEPA) Approval Unit #569693 for the 2011-13 Financial Assistance Agreement #134297 between HHS and

Oregon Department of Human Services, \$60,000.

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

11. **B. O. 11-563** - Consideration of authorizing a notice of intent to award a contract to Newberg Surveying, Inc., for surveying services east of Sheridan, RFP #10, \$26,909.

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

12. **B. O. 11-564** - Consideration of approval of an agreement between the Assessor's Office and First American Title Insurance Company, provider, for title examination services, \$200 per title, effective through September 30, 2011.

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

Committees

13. **B. O. 11-565** - Acknowledgment of the resignation of Marilyn Kennelly from the Local Public Safety Coordinating Council.

Ms. Stern moved approval of item B(13), explaining that Ms. Kennelly no longer works for the Commission on Children & Families. The motion passed, Commissioners Stern, Lewis, and George voting aye. Ms. George stated that Ms. Kennelly has been an excellent member of this council and other committees.

C. **OLD BUSINESS:**

1. **B. O. 11-566** - Consideration of adoption of findings in support of Planning Docket SDR-09-11(KF), a request for a community water system to serve a 16-lot subdivision, applicant Coyote Creek, LLC (Willcuts), as tentatively approved August 18, 2011.

Ms. Lewis moved approval of item C(1). The motion passed, Commissioners Stern, Lewis, and George voting aye.

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

1. **B. O. 11-567** - Consideration of the employment of Tricia Blatner, Eric Pereda, Tony Treat, and Erika Wilson as on-call relief in Juvenile Corrections, \$8.50/hour, effective September 9, 2011.

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

2. **B. O. 11-568** - Consideration of the employment of Teresa Dudley as HS Specialist 2 in HHS Family & Youth, regular part-time, Range 20, Step 7, effective September 9, 2011.

Ms. George moved approval of item D(2). The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. **B. O. 11-569** - Consideration of authorizing the chair to sign the ESGP 2011 Certification of Local Approval for Nonprofit Organizations, total project costs \$38,473.

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

E. PUBLIC HEARINGS:

1. Consideration of Public Works Docket RV-1-11, a request for vacation of a gateway easement on Lot 4 of Margaret's Vineyard, applicant Margaret Bollinger, as continued from August 18, 2011.
[Continued to October 13, 2011, Dan Linscheid to submit report by September 16, 2011.]

Ms. Stern opened the public hearing.

John Bridges, representing Chris Nash, stated that he had submitted in writing his objection to David Peterson continuing to represent Ms. Bollinger. He said that he also objects to the Board's consideration of additional handwritten materials submitted by Ms. Bollinger. He explained that his objection to jurisdiction is based on the fact that neither the state's statute nor the county's ordinance has any provisions for amending a vacation petition, and on the fact that some of the information required by statute was not included in the petition. He read from the statute the requirements regarding the road official's report and pointed out that such a report was not submitted to the Board. He said that without a copy of that report, he cannot contest the assertions made by the road official. He also stated that the petition does not meet the requirement that it be signed by 60% of property owners with abutting land.

David Peterson, representing Ms. Bollinger, agreed with Mr. Bridges that the Board should rule on the jurisdiction issue today and then continue with the substance of the petition at a later time. He stated that it is within the Board's discretion to accept the amended petition since both the statute and the ordinance are silent on the matter. He said that adequate notice was provided and Mr. Nash would not be prejudiced by the Board's acceptance of the amendment. He also stated that the only reasonable interpretation of the 60% rule is that the abutting properties are determined by linear footage, not by acreage as proposed by Mr. Bridges, since the issue is access and that is determined by a linear measurement.

Mr. Bridges responded that the impact of the vacation would be broader than stated by the applicant, as there are easements that access properties to the east and south of the subject property. He urged the Board to take into consideration the applicant's bad faith in filing the original application, which intentionally left off required information.

Ms. Stern recessed the public hearing and opened for consideration the matters of accepting the amended petition and jurisdiction. Ms. Lewis moved to accept the amended petition. She stated that the county did notify the abutting land owners, so Mr. Nash is not being prejudiced by the amendment. Ms. George and Ms. Stern agreed. Ms. Stern expressed concerns about the petition being filed without listing Mr. Nash as a property owner, and about the notice to Mr. Nash being accepted and signed for by Ms. Bollinger. She said that the county resent the notice to Mr. Nash, but the action did raise some red flags. The consensus of the Board was to accept the amended petition.

Ms. Stern stated that using the lineal footage is more appropriate in applying the 60% rule, and the petition meets the standard using that measurement. Ms. Lewis said that using Mr. Bridges' interpretation of an acreage measurement would be going against the county's own long-established precedent. The consensus of the Board was that the petition meets the required standard and therefore the Board has jurisdiction to consider it.

Ms. Stern stated that Dan Linscheid would complete the required road official's report by

September 16. She moved to continue the hearing to October 13, 2011. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. Consideration of Planning Docket G-01-10, a legislative amendment to Section 402.02 of the Yamhill County Zoning Ordinance to allow solid waste disposal facilities on Exclusive Farm Use land, as continued from July 21, 2011, at the point of Staff Recommendation. *[Tentatively approved, findings to be adopted September 22, 2011.]*

Ms. Stern recused herself from the matter, stating that her husband is employed by Waste Management, which would be affected by the decision.

Ms. Lewis opened the public hearing. She and Ms. George confirmed that they had received a memo dated September 2, 2011, from Ken Friday regarding the Planning Commission's vote on this matter.

Staff Recommendation - Mike Brandt reiterated that this is not an application for expansion of the landfill, but a textual amendment to the county's ordinance. He said that Yamhill County has no existing solid waste disposal facilities wholly on EFU land at this point. He emphasized the following points:

- State law permits solid waste disposal facilities on farm land.
- Although he prefers the exception process used by the county in the past, an ordinance amendment is required by the Land Use Board of Appeals (LUBA).
- Adding this language to the ordinance makes it clear that alternative technologies to solid waste disposal facilities are allowed.
- Nearly every county in the state allows the siting of solid waste disposal facilities on resource land.
- The proposed legislative amendment is taken from state law.

He recommended approval of the language as proposed, but pointed out that the Board could adopt the state law in its entirety. He said that he would not recommend a limited use overlay district, as proposed by Daryl Garrettson of the Planning Commission.

Close of Public Hearing / Deliberation - Ms. Lewis moved tentative approval of Planning Docket G-01-10, with findings to be adopted September 22, 2011. She emphasized that this legislative amendment is a procedural issue that is not decided on the merits of the Riverbend expansion. She said that Yamhill County has been one of only two counties that don't allow solid waste disposal facilities as an outright permitted use on farm or forest land, and she liked the exception process because it provided the best protection for citizens in determining where such facilities could be located. She said that LUBA's ruling requires the county to amend its EFU zone to allow solid waste facilities, and that ruling was based on a suggestion by Mr. Kabeiseman, the attorney for Waste Not.

She explained that the language recommended by Mr. Brandt takes a very narrow approach and does not include state language that allows siting of new disposal facilities. She pointed out that if the county does not amend its ordinance, it would never be allowed to have alternative waste disposal technology. She said that the Board may want to consider, as part of other legislative amendments, whether to allow alternative waste disposal facilities on non-high-value EFU land.

She stated that DEQ has determined that Riverbend Landfill is a regional facility, not just to serve Yamhill County, so it is not a monopoly. She said that haulers can choose to take their solid waste to any facility in the state. Ms. George agreed, explaining that the landfill is separate from the haulers.

She said that there are two haulers in Yamhill County and both are private companies, so the county does not control where they take their waste.

Ms. George stated that although this legislative amendment is not the approach she preferred, it is now the only alternative available to the county, both for existing landfills and for future alternative technologies.

The motion for tentative approval passed, Commissioners Lewis and George voting aye.

F. ANNOUNCEMENTS:

1. The following positions are open to the public. Contact the Commissioners' Office for applications.
 - a. Local Investment Advisory Committee, one position;
 - b. Parks & Recreation Board, two positions;
 - c. Special Transportation Advisory Commission (STF), one position;
 - d. Yamhill County Transit Area (YCTA) Advisory Committee, one position.

The meeting adjourned at 11:18 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY P. STERN

Commissioner LESLIE LEWIS

Commissioner KATHY GEORGE



BOARD OF COUNTY COMMISSIONERS

Attendance Roll for meeting records

Meeting: Informal _____ Formal Work Session _____ Date 9/8/11 _____

PLEASE PRINT
Name

PLEASE PRINT
Complete Address

PLEASE PRINT
Subject

John Mcghehey	12830 McCabe Rd McMinn.	Dump
Bobby Mcghehey	" " " "	Dump
Sam W Eastman	10650 SW Youngberg Hill Rd	Dump
Mollie Eastman	" " " "	Dump
Ilsa Perse	5765 Mineral Sp. Rd Carlton	Dump
Chuck & Jud Willkerson	1038 NW Oakmont Ct McMinnville	DUMP
Susan Mercer	14100 SW McCabe Chapel Rd McM	DUMP
Helen Pritchett	775 SE Masonville	NO dump
Cleo Westphal	915 Cedar St	NO dump
Will & Barbara Creek	19631 SW Eagle Pt Rd McM	NO Dump
Denise Delzell	214 NW 15th St McMinn	No Dump
Howie Harkema	214 NW 15th St McMinnville	No Dump
CHRIS NASH	31635 Wilsonville Rd Newberg	Outgoing
Susan Watkins	13440 SW McCabe Chapel Rd McMinnville	Dump
Susan L. Ruggles	15500 SW Dusty Dr McM	NO, NO Dump
Edward Farrar	8755 SE Three Trees Ln Amity	
Susan KASP	8755 SE Three Trees Lane Amity	NO Dump



BOARD OF COUNTY COMMISSIONERS

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PLEASE PRINT
Name

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Subject

Sharon Smith 14640 NW Orchard View, Mac Dump

Gerry Smith " " " Dump

JACQUE LANG Hwy 18 zone change

God help us! Liz Maria-Stein 1525 NE 18th St Mac The citizens of YL

Debra Grease 14025 SW McCabe Dump

Bill BORDO 1137 Yamhill St, MAC waste NOT

Denise Patton 709 NW Cedar St MAC waste not

J.R. Raggles 15500 SW Dusky Dr Mac No to Ord

Fran Rainey 11270 SW Parkway and Rd MAC

