

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 January 6, 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 Chuck Vesper, Deputy County Administrator; Rick Sanai, County Counsel; Mike Brandt, Planning Director; Ken Friday, Planning Division Manager; Bill Gille, County Engineer; Hannah Hoffman, News-Register; Ralph Bloemers; Todd Sadlo; Chris Lidstone; Jim Records, 21180 SW Farmington Rd, Beaverton; and others as listed on the attached attendance roll.

Commissioner George called the meeting to order.

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. **OLD BUSINESS:**

Areas of Responsibility

1. **B. O. 11-03** - Consideration of approval of the 2011 Areas of Responsibility for the Board of Commissioners.

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

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

Personnel

1. **B. O. 11-04** - Approve the employment of Kerri Short as Accounting Clerk 1 in Administrative Services, temporary part-time, \$8.40/hour, retroactive to December 9, 2010, through June 30, 2011.

2. **B. O. 11-05** - Approve the employment of Susan Hoyt as Senior Office Specialist in HHS Abacus, regular part-time, .48 FTE, Range 10, Step 3, effective January 9, 2011.

3. **B. O. 11-06** - Approve the temporary change of status of Susan Hoyt to .75 FTE in HHS

Abacus, effective January 9, 2011, through April 8, 2011.

4. **B. O. 11-07** - Approve the employment of Alisa Zastoupil as Environment Health Specialist 2 in HHS Public Health, temporary part-time, Range 20, Step 2, effective January 9, 2011, through June 30, 2011.
5. **B. O. 11-08** - Approve the change of status of Jill Slaughter to regular part-time employment in HHS Public Health, .67 FTE, effective January 9, 2011.
6. **B. O. 11-09** - Approve the change of status of Jack Crabtree to increase his monthly salary from \$6810 to \$6856 to meet statutory requirements, retroactive to July 9, 2010.
7. **B. O. 11-10** - Approve the temporary change of status of Chris Schlegel to full-time employment in Courthouse Security, Range 12, Step 1, effective January 9, 2011, through April 8, 2011.

Contracts/Grants

8. **B. O. 11-11** - Approve a professional services agreement between HHS Adult Mental Health and Steven Goldsmith, MD, for limited psychiatric services, \$110/hour, effective January 9, 2011.
9. **B. O. 11-12** - Approve Service Element Prior Authorization (SEPA) Approval Unit #515048 for the 2009-11 Financial Assistance Agreement #127319 between HHS and Oregon Department of Human Services, \$26,128.

Committees

10. **B. O. 11-13** - Appoint Shannon Carefoot as chair of the Commission on Children & Families.

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

The meeting recessed at 10:03 a.m. and reconvened at 10:05 a.m.

E. **PUBLIC HEARINGS:**

1. Consideration of Planning Dockets PAZ-01-10/WRG-01-10(KF), request for plan amendment/zone change from EF-80 Exclusive Farm Use to MR-2 Mineral Resource on approximately 224 acres, applicant Baker Rock Resources, as continued from Dec. 2 at the point of Public Agency Reports. *[Continued to Feb. 17, 2011, at the point of Staff Recommendation; record left open for written rebuttal of new information until 5:00 p.m. on January 20, 2011, for written response to that rebuttal until 5:00 p.m. on January 27, 2011, and for final written rebuttal by the applicant until 5:00 p.m. on February 3, 2011.]*

Public Agency Reports - Ken Friday distributed and reviewed copies of the public

agency reports.

Ms. Stern announced that it is the intent of the Board to keep the record open for written testimony regarding any new evidence. Ralph Bloemers stated that he had learned on Monday that new evidence had been submitted by the applicant after the deadline, to which he had submitted a written objection. He requested that the record be left open for 14 to 21 days to allow sufficient time to respond.

Todd Sadlo stated that he had not received a copy of many of the materials until after December 21. He said that the county's practice has long been an open record schedule consisting of three consecutive one-week periods. He pointed out that the opponents had months to prepare their case and it is only fair for the applicant to have been allowed until today to submit rebuttal, given the scope of what was submitted into the record by the opponents. He added that 90 per cent of what has been submitted was testimony, not new evidence. He said that any testimony submitted during the next open record period should be limited to information already in the record and should present no new evidence.

Rebuttal - Mr. Sadlo reviewed the list of rebuttal materials submitted since the December 2 hearing date.

Chris Lidstone, President of Lidstone & Associates, reviewed the occupational experience and qualifications of himself and his associates. He stated that Dr. Mark Reed had questioned their expertise and had claimed that they'd skewed the results of the aggregate analysis. He stated that there would not be much benefit to them in doing that. He said that the quality of the rock is outstanding and the average thickness of the aggregate deposit is 44 feet, well in excess of the Goal 5 standard.

He explained that the location of each bore hole was determined based on information from the previous bore hole, and two holes were drilled very close to each other in one area to evaluate the variability in that location after seeing some surprising data from the first hole. He said that other areas did not have many bore holes because the geologist felt that he had adequate data to define the resource. He said that he has worked on sites significantly larger than this where the holes were spaced even further apart. He said that each discrete zone does not necessarily need to be sampled.

He explained the wet and dry mining processes and the specific details of a recharge trench, which provides a place to put pumped water back into the aquifer. He stated that such trenches are being used successfully in other areas that have similar conditions. He noted that the questions raised about the trench have been addressed in detail in the written rebuttal. He said that the proposed mine plan was for all Holocene gravels and the information produced by his associates is consistent with what the federal government has mapped.

Mr. Sadlo addressed the document regarding ODOT's requirement for round rock to be fractured before it can be used, stating that pavement concrete requires a certain percentage of

crushed rock and asphalt requires crushed rock, but there are numerous categories of concrete that don't require crushed rock, such as pre-stressed bridge components. Mr. Lidstone stated that, in his experience, good river gravels are much stronger and perform better in California's rattle tests than basalt, granite, and other volcanic rocks. Jim Records, Baker Rock Resources, stated that Baker Rock produces bridge beams out of round rock and supplies a lot of aggregate to bridge projects.

Mr. Lidstone, addressing the technical memo from WEST Consultants, stated that Mr. Grindeland had not attended any hearings that he is aware of, nor had he reviewed the information presented through testimony or in the DOGAMI file. He said that none of Mr. Grindeland's statements changes any of his conclusions or disparages any of the work done by his firm. He stated that the Hydrologic Engineering Center (HEC) model is used by every county and every government entity for flood plain modeling, and this model was calibrated to what's actually happening in the field during both low flows and flood events, taking into account geomorphic changes. He said that the river system has basically moved south through accretionary processes and does not present any threat to the proposed mine site.

He said that the National Geological Society model located the infiltration trench in the wrong location, which invalidates the model. He said that in addition, very overstated assumptions were used, the model was created without real data, and there was no discussion about calibration, verification, or sensitivity analysis.

He stated that the proposed fish channel reconnects the river to its flood plain, which is an environmentally sound plan. He explained that designing a system that behaves with the river is wiser than trying to fight the river. He said that the channel would be engineered to match the normal water level of the river on June 1 in order to allow any fish out that may have gotten into the pit. He said that even in worst-case scenarios, the velocities of the water against the banks would be non-erosive. He said that he is familiar with FEMA rules and is not aware of any rule stating that a fish channel would be illegal in a floodway.

Mr. Records confirmed that no formal proposal for the fish channel has been submitted to Oregon Parks & Recreation Department (OPRD). He stated that he has been in communication with OPRD representatives, including the director, and they have indicated that they would view the proposal favorably, but prefer not to handle the formal proposal until after the county process is completed. Mr. Sadlo stated that the mining and reclamation plans that have been submitted are conceptual, and barriers may come up that require changes. He said that the applicant needs to get land use approval before those items are negotiated with other agencies.

Mr. Sadlo stated that after listening to testimony from the neighbors about trees that had been removed, the applicant has added a provision to the third reclamation condition to immediately plant a 50-foot-wide, 250-foot-long strip of trees along the mine side of the road.

The meeting recessed at 11:55 a.m. and reconvened at 12:07 p.m.

Mr. Lidstone stated that what makes this proposal different than other failed reclamation

plans is the minimum 50-foot setback, the immediate planting of trees, contemporaneous reclamation, and the fact that there would be no uprooting of trees, no de-watering during high-water months, and nothing to change the flow direction of flood waters, even with the proposed berms. He explained that two berms are proposed, but only one can be in place at a time. He said that the purpose of the first berm is to protect the process water pond from flood waters, and by the time the noise berm is constructed in about the eighteenth year, the process water pond will be removed and the washing processes taken off site.

He stated that he cannot confirm the testimony regarding the dumping of pesticides and metals on the site because there is only anecdotal evidence, but any pesticides that may have been dumped there would have leached into the water table long ago. He said that nothing in Baker Rock's mining process uses those chemicals.

He stated that one advantage of flood plain mining is that the graded sands filter out turbidity. He said that he has never seen a problem with turbidity affecting neighboring wells, either in his operations or statewide. He added that Baker Rock has offered to sample all neighboring wells within 1500 feet for pesticides and turbidity, and also plans to monitor the operation through the infiltration trench and monitoring wells. He said that the operation plan includes adaptive management strategies. Mr. Sadlo stated that if a problem were to arise with ground water, Baker Rock would stop de-watering. He explained that large portions of the site could be mined with wet mining.

Mr. Sadlo stated that the applicant has made a conscientious effort to make this an environmentally-friendly project. He said that although the mining and reclamation plans would be subject to a lot of additional research and justification, the conditions of approval are binding and enforceable by the county. He reviewed the conditions of approval. In response to a question from Ms. George about Baker Rock's other mining site on Grand Island, he explained that Baker Rock did not permit that site, but the bond is still being held by DOGAMI and the site will be reclaimed. He said that the commissioners could add that to the conditions of approval if they want.

He reviewed a memo in the record from Ms. Hartung about geese predation, stating that the geese are already in that area and the proposed lake would not increase geese predation. He said that the project would be a benefit to the community and there is a need for the gravel. In response to a question from Ms. Lewis about the impact of dust on Mr. Schindler's neighboring orchards, Mr. Sadlo said that he thinks there is some interest in the buffer area being used as an access to the farm, but if the owner wants that area to be planted with trees, Baker Rock would do that, otherwise it would be planted with grass. He added that the dust would be managed with best management practices at all times.

Mr. Records stated that the public would probably not be allowed in reclaimed areas as long as there is equipment on site nearby, but Baker Rock is not opposed to public use prior to final reclamation as long as there are no adverse impacts on either side.

In response to a question from Ms. Stern about the acreage of high-value farmland in

flood plains, Mr. Sadlo stated that he doesn't think the figures have changed significantly since the 2005 report.

Mr. Records addressed concerns about the number of trucks traveling through the downtown section of Dayton, explaining that although there would be a net increase in the number of trucks, the traffic patterns would not change because the new mining site would replace the existing source south of Dayton.

Referring to his earlier comment about representing the farmers at no cost if another quarry application were submitted for Grand Island, Mr. Sadlo stated that it was a tongue-in-cheek comment, but he studied environmentalism in law school and does not believe that the cumulative effects of the existing operation and Baker Rock's proposed operation would destroy Grand Island or wipe out farming. He said that the county should probably go back to identifying aggregate areas on its own, but until the legislature changes the law, there should be a level playing field for all mining companies. He said that he believes the proposed project is compatible with the island and meets the spirit of the law.

Ms. Stern stated that Mr. Bloemers had requested that the first open record period be 21 days and Mr. Sadlo had asked for seven days. She suggested a compromise of 14 days, with any testimony being limited to the new evidence presented at today's rebuttal. Mr. Sadlo noted that that would make 21 days since Mr. Lidstone's testimony had been submitted, anyway.

Ms. Lewis moved to continue the hearing to February 17, 2011, at the point of Staff Recommendation, with the record left open for written rebuttal of new information until 5:00 p.m. on January 20, 2011, for written response to that rebuttal until 5:00 p.m. on January 27, 2011, and for final written rebuttal by the applicant until 5:00 p.m. on February 3, 2011. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. Consideration of the dissolution of West Sheridan Lighting District, as continued from December 16, 2010. [*Continued to Feb. 3, 2011.*]

Rick Sanai stated that the file had been located and Christian Boenisch is working on preparing the necessary documentation for dissolution. Ms. George moved to continue the hearing to February 3, 2011. The motion passed, Commissioners Stern, Lewis, and George 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 regular lay members, two regular professional members, and three alternate members;
 - b. Parks & Recreation Board, one position;
 - c. Planning Commission, one position;
 - d. Special Transportation Advisory Commission, one position;

e. Mid-Willamette Valley Area Commission on Transportation (MWACT) , Private Sector position (first posted 10-21-10).

The meeting adjourned at 1:54 p.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 1/6/11

PLEASE PRINT
Name

PLEASE PRINT
Complete Address

PLEASE PRINT
Subject

<u>John W. Ecker</u>	<u>JOHN WIECKE</u>	
<u>SUSAN SOKOL BLOSSER</u>	<u>4215 SOKOL BLOSSER LN</u>	<u>DAYTON</u>
<u>Ronald Lehl</u>	<u>19001 WALNUT HILL RD</u>	<u>AMITY</u>
<u>SERGIO VILLASENOR</u>	<u>17770 SE GRAND ISL. RD</u>	<u>DAYTON</u>
<u>Thomas R. Jackson</u>	<u>2010 Kimberly Ct</u>	<u>War 97128</u>
<u>Thomas G. McKay</u>	<u>P.O. BOX 393</u>	<u>St. Paul, Or 97137</u>
<u>Judy Bennett</u>	<u>16201 S.E. Fairview Rd</u>	<u>Dayton, OR 97114</u>
<u>Francis N. Helms</u>	<u>543 Williams St</u>	<u>McMinnville, Or 97128</u>
<u>Barbara Bell</u>	<u>17695 SE Grand Isl Rd</u>	<u>Dayton ND Quarry</u>
<u>ANDREW MULKEY</u>	<u>5810 NE SHAWER</u>	<u>PORTLAND, OR</u>
<u>NEIL SVARVERUD</u>	<u>17886 GRAND ISLAND RD</u>	<u>DAYTON OR 97114</u>
<u>Jon BRENNA</u>	<u>16760 VALLEY VIEW CT.</u>	<u>AMITY OR 97101</u>
<u>Nancy Sweeney</u>	<u>1070 Ferry St</u>	<u>Dayton OR 97114</u>
<u>Sam Sweeney</u>	<u>1070 Ferry St.</u>	<u>Dayton, OR 97114</u>
<u>Eric Swogson</u>	<u>665 NW Fenton St</u>	<u>McMinnville OR 97128</u>
<u>Kris Bledsoe</u>	<u>350 SW Redmond Hill Rd</u>	<u>McMinnville OR 97128</u>



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PLEASE PRINT
Name

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Complete Address

PLEASE PRINT
Subject

Terry Noble 16355 SE Fairview Rd Dayton, OR 97114

Liz Murlia-Stein 1525 NE 18th St. McMinnville, OR 97128

Bruce Sigloh 14730 Salt Creek Rd. Dallas, OR 97338

MERRILL DENWEY 16275 SE ALDERMAN RD. DAYTON 97114

Linda Lamb 21762 SE Grand Island Ln Dayton 97114

Ira Perse 5765 Mineral Spr. Rd Carlton 97111

KIMSEY McMillen 13000 SW McMillen Rd Mt. Carmel

Hennie Kann 1658 NE Celestia Dr. Mt. Carmel OR 97128

Walter Arnold 18280 Walnut Hill Dayton

Lucy Young 10187 W. Coral Way Mt. Carmel 97128 Laundry