

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 Thursday, January 29, 2004, at 9:00 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; Rick Sanai, Assistant County Counsel; Ken Friday, Senior Planner; Sam Sweeney, 1070 Ferry St, Dayton; Marilyn and Henry Reeves, 22250 Boulder Crest Lane SE, Amity; Arie and Patty Slegers, 18345 SE Nichols Road, Dayton; Marjorie Ehry, 19800 N Highway 99W, Dundee; Dave Hanson, 9400 Rock Creek Road, Sheridan; Tim Stieber, Soil & Water Conservation District, 2200 SW Second Street, McMinnville; David Cruickshank, 11925 SE Cruickshank Road, Dayton; Tim Parsons, 20020 Green Acre Road, Dayton; Geoffrey L. Dorsey, 19075 SE Mallard Lane, Dayton; Pieper Sweeney, 860 Ferry St, Dayton; and Robert Dorsey, 12915 SE Kimsey Road, Dayton.

Commissioner George called the meeting to order. Commissioner Lewis joined the meeting at 9:40 a.m.

A. **PUBLIC COMMENT PERIOD:** This fifteen-minute time period is reserved for comment by any member of the public on any topic other than a quasi-judicial land use application or other topic scheduled for public hearing. None was offered.

B. **CONSENT AGENDA:** Commissioner Stern moved approval of the consent agenda, omitting item #13. The motion carried, Commissioners George and Stern voting aye.

Personnel

1. **B. O. 04-55** - Approve the following two actions for the Planning Department:
  - a. Reduce hours of Hollis Gunter to .60 FTE, effective February 2, 2004; and
  - b. Employ Jason Abraham as Environmental Health Specialist III, regular part-time, .60 FTE, Range 20, Step 3, \$3366/month, effective February 2, 2004.
2. **B. O. 04-56** - Approve employment of Michael Scott Anderson as Probation Officer Aide, Community Corrections, regular fulltime, \$1894/month, Range 10, Step 1, effective February 2, 2004.
3. **B. O. 04-57** - Approve employment of Jeanne Osterholm as Office Specialist II, temporary part-time, District Attorney's Office, \$9.50/hour, effective February 1 through February 28, 2004.

4. **B. O. 04-58** - Approve employment of Sharron Caputo as R. N. II, Public Health, regular fulltime, Range 19, Step 3, \$3224/mo, effective February 2, 2004.
5. **B. O. 04-59** - Approve transfer of Maureen Stewart-Mooney, H&HS Associate, to regular fulltime, Adult Mental Health, Range 14, Step 1, effective February 9, 2004.
6. **B. O. 04-60** - Approve nine days leave without pay for Caryl Tallon, Public Health, prior to March 2, 2004, as requested by Ms. Tallon.
7. **B. O. 04-61** - Approve amendments to the responsibilities of the Deputy County Clerk job classification and change the classification to Range 20, as requested by the County Clerk.

Contracts

8. **B. O. 04-62** - Approve renewal of the Employee Assistance Agreement between Administrative Services and Robert McNamee, \$725/month, effective February 1, 2004 through February 1, 2005.
9. **B. O. 04-63** - Approve Amendment #4 to Contract 106241 between Public Health and the Oregon Department of Human Services, relating to the public health preparedness program for bioterrorism, communicable disease, and other public health emergencies, increasing funds by \$34,559, effective through FY-2004.
10. **B. O. 04-64** - Approve Amendment #1 to the Client Services Agreement between Public Health and the Oregon Employment Department relating to the Teen Parent Child Care Program, amending the funds available to \$4,392.32 through the last day of instruction in June, 2004.
11. **B. O. 04-65** - Approve Amendment #3 to Contract 4600003957 between Public Health and the Multnomah County Health Department, relating to food boxes and food vouchers for clients of Public Health, in the amount of \$31,050.
12. **B. O. 04-66** - Approve the proposal between the Juvenile Department and RSS Architecture, P.C., Salem, for architectural services during the construction phase of the juvenile detention expansion project, in the amount of \$69,549.

Surplus Property

13. **Omit** - Approval of the private sale of five surplus county properties to John Morris as follows:
 

R3219AC-06890, \$150	R3219BD-01390, \$150	R3220BB-05690, \$400
R3404AD-03200, \$360	R5506-00690, \$50.	

**C. OTHER BUSINESS** (Add-ons and Non-consent Items):

1. **B. O. 04-67** - Consideration of the reappointment of Russell Christensen to the Fair Board for a three-year term to expire January 31, 2007.

Commissioner Stern moved to reappoint Mr. Christensen to the Fair Board. The motion carried, Commissioners George and Stern voting aye.

D. **PUBLIC HEARING:** 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 January 22, 2004 at the point of opponents' testimony.

Commissioner George reopened the hearing at the point of opponents' testimony.

Opponents - Sam Sweeney and Pieper Sweeney presented slides of the area near the proposed quarry and discussed the negative effects that a quarry operation has on farmland and farming operations, particularly on aquifers, wells, and farm roads. Mr. Sweeney stated that the road proposed for use by both farm and quarry traffic is most dangerous at the top of the hill where it is very narrow, without a good view of on-coming traffic. He said that eight trucks currently use the road which is swampy and narrow at the lower end, and nearly impassable in wet weather. He said that planning for 30 gravel trucks an hour is very unrealistic considering the size and condition of the road.

Mr. Sweeney stated that one well which previously produced 920/gpm became dry due to dewatering of an adjacent quarry. He stated flooding in 1996 eroded 800 feet of soil and in 1997, eroded another 700 to 800 feet, and the construction of new cells as proposed by the applicant will contribute to further erosion.

Pieper Sweeney stated that mining, with a projected economic life of only 30 years, will destroy the farmland for all future generations. She said it is very important to protect the farmland for food production.

Arie Slegers submitted written materials to the record and stated he has operated a dairy and farmed 600 acres adjacent to the proposed mining site since 1971, producing 14,000 gallons of milk every day, and employing 25-30 employees. He discussed problems encountered with the wells on his property and nearby farms which he believes have resulted from other mining in the area. He said that since his well dried in 2000, C. C. Meisel has been providing water to his farm. He said that neither the applicant's map or water data is accurate. He said the farmers in the area have many years of practical working experience with their wells and loss of water, yet the proponents continue to say water is not an issue. Mr. Slegers stated the impact area is far greater than 3500 feet and the significant conflicts are impossible to minimize by reasonable or practical means.

Commissioner Lewis joined the meeting at this point.

Mr. Slegers stated that DOGAMI representatives had never visited his farm or talked with him about his wells prior to a telephone call yesterday and that the regulatory agencies have not adequately protected farmers from the adverse effects of other mining operations in the area. He said that if the mine is approved, the result will be to create three island farms amidst a number of pit mines. He said that although he is able to use the water provided by C. C. Meisel for irrigation,

he cannot use it for his cows' consumption. He said he has deep concerns about the ability of his farm to survive.

Patty Slegers stated Nichols Road is a safety problem in the area due to being very narrow at the top of the hill, with three driveways accessing it, and she is fearful for the safety of the children and grandchildren in the neighborhood.

Marjorie Ehry, Oregon Women for Agriculture, stated that as a planning commissioner she voted against the application, concerned about its impact on historical farms in the area. She stated the impact on the 169 acres is only part of the issue because the adjacent farms near the subject parcel are some of the county's most precious commodities. She said the application pits two natural resources against each other: a long-time county aggregate business and homestead family farms, some dating back to the mid-1800s. She stated that with protection, the farms will continue producing crops for another hundred years or more, but if the mine is approved, the land will be useless in less than a generation.

Ms. Ehry stated that the application was forwarded by the planning commission without recommendation because the commissioners found too many unresolved questions relating to water availability, water quality, effects on wells, and erosion. She said there are many other sources for rock such as quarrying or dredging from gravel bars, but farmland is not renewable. She urged the Board to consider the county's vision for the future of these farms as well as the culture and customs of this agricultural county, settled by wagon train pioneers who stayed to farm on land of a quality deserving the highest possible protection. She said this quarry application will not be the only one to come before the Board and the Board should set a precedent by choosing to protect prime farmland over the brief economic gain mining brings.

Dave Hanson submitted a written statement on the comment card.

Henry Reeves submitted a comment card in opposition to the application.

Merilyn Reeves, President of Friends of Yamhill County, stated she submitted written testimony at the planning commission hearing and would prefer at this time to describe her impression of that hearing. She stated the planning commissioners were sharply divided about how best to deny the application, rather than whether or not to approve it. She said the commissioners expressed very strong opinions against the application and the lack of enough information to proceed. She said that while it's true that supplies of aggregate are important, the proposed site will only last for 20 to 30 years, and cause permanent loss of farmland. She said there are apparently a number of similar applications in progress in other counties and it would behoove Yamhill County to delay any decision, pending developments in those counties, because the issue is far too important to rush. She stated this is the first time Friends of Yamhill County have opposed or commented on mining applications and they do so at this time due to deep concerns about the loss of productivity on the large farming operations in the subject area. She said it is important not to place much confidence in DOGAMI's permitting process, because its mission is to find ways to allow mining, rather than protect agriculture.

Tim Stieber, Manager, Soil & Water Conservation District (“SWCD”), said the seven-member SWCD board unanimously voted to oppose the application based on the loss of high value farmland. He said the loss of this 169-acre tract will be a 20% reduction in organic farmland in the county. He said the soils on the site are very productive and except for the risk of intermittent flooding, would be ranked as Class I soils, rather than Class II. He said there is enough evidence to suggest that wells will be significantly impacted with any mitigation very difficult to achieve. He said the introduction of additional mining cells in this area will leave more farmland vulnerable to erosion and head-cutting, which can occur very quickly, with no opportunity for mitigation. He said road access is also an area of significant conflict for the farms in the area.

Mr. Stieber said SWCD has been actively searching for a solution to the Lambert Bend gravel bar problem, but has been unable to obtain dredging permits. He said if gravel could be harvested from that location in the river, the resource would be renewable and would not result in damage to farmland. He said he hopes the Board will consider actively supporting SWCD’s efforts to obtain permits for dredging.

David Cruickshank, representing the Yamhill County Farm Bureau, submitted written testimony and stated the Bureau’s board of directors voted unanimously to oppose the application based on long-term impacts to farmland and the local economy. He said it is unjustifiable to allow the loss of 169 acres of the best farmland in the county and the state. He said the 1996 flood eroded 350 acres which represents a loss of \$225,000 per year to the local economy. He said that economically, rock extraction has a very high temporary return with which agriculture cannot compete, but it is important to look at the long-range impact. He reviewed concerns about wells, water quality, erosion, endangered fish species, traffic, the negative impacts on 3<sup>rd</sup> and 4<sup>th</sup> generation family farms near the site, and the county economy in general. He urged the Board to deny the application, stating that mining will be the last crop ever harvested from the property.

Tim Parsons stated that he farms 180 acres near the main stem of the Willamette River south of the proposed mine and opposes the application based on concerns about water, dust, and traffic.

Geoffrey Dorsey submitted written materials and photos, stating that his farm has been actively worked by his family since 1866. He said the proponents present the application as a benign affair with no adverse impacts that cannot be mitigated; however, they have never “fessed up” to the erosion that has already occurred due to their other mining operations. He reviewed the history of problems caused by other mines in the area, specifically the loss of soil due to erosion and backwater flooding. He said that C.C. Meisel is currently in violation of a 1992 set-back agreement, and is encroaching on his farm, creating additional erosion problems, and has not proved to be a good neighbor because of stonewalling its responsibility for problems in the past.

Robert Dorsey said the applicant has not lived up to its previous agreements with neighbors relating to water rights and set-back, so there is no reason to trust the promises that it will do so in this new application.

Ed Sullivan summarized the concerns of the neighbors and experts regarding the impact area and the inability of the applicant to effectively mitigate the adverse impacts. He reviewed each condition being recommended by staff and stated they “leave a good deal to be desired” in attempting to mitigate conflicts, and that DOGAMI’s mission to approve mining makes it an unrealistic choice as an ally to help resolve conflicts or protect neighbors.

Public Agency Reports - County Surveyor Dan Linscheid referenced previously submitted written materials and stated that the 1929 process to create Nichols Road was never totally completed and there are problems with the legality of the road. He said that on the map the road is 40' wide, but the “on-the-ground” reality is much more narrow. He confirmed that historically the county has maintained a .61 mile portion at the easterly end of the road and has accepted Nichols Road as a county road for that distance.

Commissioner George stated the hearing will be reconvened at the point of additional Public Agency Reports on February 12, 2004 at 10:00 a.m. in Room 32.

E. **ANNOUNCEMENTS:** None.

Adjourn: 11:05 a.m.

Carol Ann White  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Submitted 3-3-04

Chair	KATHY GEORGE
Commissioner	MARY P. STERN
Commissioner	LESLIE LEWIS