

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 May 17, 2012, at 10:30 a.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

Also present were Laura Tschabold, County Administrator; Rick Sanai, County Counsel; Pat Anderson, Human Resources; Ken Friday, Planning Division Manager; and others as listed on the attached attendance roll (Exhibit A).

Commissioner Lewis called the meeting to order at 10:30 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.

Joseph Gall offered the following four motions for the Board’s consideration:

1. Amend Ordinance 868 to include a ten-second moment of silence following the pledge of allegiance in Board formal sessions for personal devotion;
2. Amend Ordinance 868 to allocate the 30-minute public comment period equally among those citizens requesting time;
3. Amend the county’s organizational chart to show the Board of Commissioners between the citizens and the other elected officials;
4. Reconsider his previous proposals to prosecute Jack Crabtree, Brad Berry, Mary Stern, John M. Gray, Jr., Rick Sanai, Jan Coleman, Rebekah Stern Doll, David Lawson, and Scott Maytubby for criminal infractions over the past ten years.

No action was taken by the Board.

B. **AGENDA:**

Minutes

1. **B. O. 12-221** - Consideration of approval of the minutes from April 30, 2012, informal session.

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

Personnel

2. **B. O. 12-222** - Consideration of the employment of Linda Shewchuk as Extra Help in the Sheriff's Office Marine Patrol, temporary full-time, \$10/hour, effective May 24, 2012, through October 8, 2012.

3. **B. O. 12-223** - Consideration of the change of status of the following employees in the Sheriff's Office, temporary full-time, effective May 24, 2012, through October 8, 2012:

- a. Shawni Kroeker, Marine Patrol, \$12/hour;
- b. Christina Eastman, Marine Patrol, \$16/hour;
- c. Michael Mendenhall and Chris Bates, Marine Patrol and Courthouse Security;
- d. William Lane and David Palen, Courthouse Security.

Ms. Stern moved approval of items B(2) and B(3). The motion passed, Commissioners Lewis, George, and Stern voting aye.

4. **B. O. 12-224** - Consideration of the employment of Irma Del Rayo Saldana as Office Specialist 2 in HHS Public Health, temporary part-time, Range 7, Step 1, effective May 24, 2012, through June 30, 2012.

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

5. **B. O. 12-225** - Consideration of modifying the Health & Human Services position management roster to delete one full-time Administrative Office Specialist position and add one full-time Office Administrator position.

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

Contracts/Grants

6. Consideration of approval of the following Service Element Prior Authorization (SEPA) Approval Units for the 2011-13 Financial Assistance Agreement #134297 between Health & Human Services and Oregon Department of Human Services:

- a. **B. O. 12-226** - SEPA Approval Unit #655002, -\$546;
- b. **B. O. 12-227** - SEPA Approval Unit #655852, \$589,101.

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

7. **B. O. 12-228** - Consideration of ratifying approval of Amendment #7 to the 2011-13 Financial Assistance Agreement #134337 between Health & Human Services and Oregon Health Authority to add \$20,000 in Prevention funding, retroactive to April 18, 2012.

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

8. **B. O. 12-229** - Consideration of approval of an agreement between HHS Adult Mental Health, provider, and Mid-Valley Behavioral Care Network for a Qualified Mental Health Professional to work with law enforcement and hospital staff to divert individuals from acute care, \$88,825, retroactive to April 27, 2012, through December 31, 2013.

Ms. George moved approval of item B(8). The motion passed, Commissioners Lewis, George, and Stern voting aye. Ms. Stern stated that this will greatly help in keeping people with mental illness out of the jail when possible.

#### Resolutions

9. **B. O. 12-230** - Consideration of approval of Resolution 12-5-17-1 proclaiming May 29, 2012, as Stop, Drop and Read Day in Yamhill County.

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

#### Committees

10. Acknowledge the resignation of Cynthia Easterday from the Commission on Children and Families.

Ms. George moved to accept Judge Easterday's resignation with many thanks for her service. The motion passed, Commissioners Lewis, George, and Stern 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-01-10/WRG-01-10(KF), zone change portion of a 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 April 19, 2012, at the point of Staff Recommendation. *[Tentatively approved, findings to be adopted June 7, 2012.]*

Ms. Lewis opened the public hearing.

Staff Recommendation - Ken Friday stated that the Board's determination of significance was affirmed by the Land Use Board of Appeals (LUBA), and that ruling was affirmed by the Court of Appeals in April 2012. He stated that the Board is now required to make a decision whether to approve the requested zone change. He recommended approval of the request with a limited use overlay zone and 28 conditions of approval.

Close of Public Hearing / Deliberation - Ms. Lewis stated that the Goal 5 rule is quite proscriptive, and since the subject property has been ruled to be a significant resource, the county must allow the applicant to take measures to minimize any predictive conflicts. She said that

based on the voluminous record, she believes the applicant has met the burden of proof in being able to minimize conflicts. She moved tentative approval of the request with a limited use overlay zone and the recommended conditions of approval as modified January 27, 2011, with findings to be adopted June 7, 2012.

Ms. George stated that the applicant has agreed to 28 conditions designed to mitigate and minimize the impact to neighbors and to the transportation infrastructure, and she believes the applicant has met the burden of proof. She said that the applicant provides necessary natural resources and products to the community and the region, and this is a state-recognized resource. She said that it is disappointing that needed aggregate must be extracted from farmland when there is an adequate supply of quality aggregate in the river, and that accumulation at Lambert Bend will soon cause many acres of farmland to be captured by the river. She explained that regulations from multiple government agencies make it impossible to mine in the river, and she hopes that the energy and efforts of those in the room will be used to bring about changes.

Ms. Stern thanked everyone involved in the long process, and stated that she disagrees with LUBA's decision regarding significance. She said that she is not convinced that the applicant has met the burden of proof that it can sufficiently mitigate the conflicts with agricultural practices, and she doesn't believe that the benefits of mining outweigh those conflicts. She said that the decision by the Court of Appeals in the Eugene Sand & Gravel case was never appealed, so it is now the law of the state. She stated that the island is different by nature from other agricultural land near mining operations, and it is unrealistic to think that increasing the number of mining operations on the island won't have a dramatic and traumatic impact on the island. She said that she understands that reasonable minds can disagree, however, as is the case in this situation.

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

2. Consideration of Planning Docket PA-01-11(KF), a request for adoption of a 20-year coordinated population projection for Yamhill County and its 10 municipalities, applicant Yamhill County at the request of the City of Newberg. *[Continued to September 27, 2012.]*

Ms. Stern moved to continue the hearing to September 27, 2012. The motion passed, Commissioners Lewis, George, and Stern voting aye.

**F. ANNOUNCEMENTS:**

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

G. **EXECUTIVE SESSION** in the Commissioners' Office Conference Room pursuant to ORS 192.660(2)(e) to discuss real property transactions.

The meeting recessed at 11:11 a.m. and reconvened at 11:18 a.m. in the Commissioners' Office Conference Room. The meeting immediately recessed to executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions. The meeting reconvened at 11:29 a.m. with no final decisions made and the sense of the Board conveyed to staff.

The meeting adjourned at 11:30 a.m.

Anne Britt  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair LESLIE LEWIS

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Commissioner KATHY GEORGE

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Commissioner MARY P. STERN