

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 August 23, 2012, at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

Also present were Rick Sanai, County Counsel; Ken Friday, Planning Division Manager; Ken Huffer, Parks Coordinator; Nathalie Hardy, News-Register; Brendon Connelly, 610 E 5th St, Newberg; Roger Hall, 2450 NW Anthony Ct, McMinnville; Kathy Chytka, 17725 SW Briedwell Rd, McMinnville; Mike McArthur, Association of Oregon Counties (AOC); and others as listed on the attached attendance roll.

Commissioner Lewis 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.

Mike McArthur, Executive Director for AOC, stated that he is in town for a City County Insurance Trust Board meeting and would be happy to answer any questions about AOC activities. He provided an update on current activities.

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

Personnel

1. **B. O. 12-464** - Ratify the employment of Isabelle Matthews as Appraiser Trainee in the Assessor’s Office, regular full-time, Range 14, Step 3, retroactive to August 20, 2012.
2. **B. O. 12-465** - Approve the employment of Gary Hiskey as Corrections Reserve in the Sheriff’s Office Court Security, part-time on-call, \$14/hour, effective August 24, 2012.
3. **B. O. 12-466** - Approve the employment of Casey Eash as HS Specialist 1 in HHS Family & Youth, regular full-time, Range 17, Step 2, effective August 24, 2012.
4. **B. O. 12-467** - Approve the change of status of Lucia Mendez-Rubio to Senior Office Specialist in HHS Family & Youth, Range 10, Step 3, effective August 24, 2012.

Contracts/Grants

5. **B. O. 12-468** - Approve an agreement between Yamhill County and Reliant Behavioral Health, LLC, provider, for Employee Assistance Program services, retroactive to July 1, 2011, through June 30, 2014.

6. **B. O. 12-469** - Approve a memorandum of understanding between Yamhill County and McMinnville Economic Development Partnership, provider, for the "GROW Yamhill County" project, \$107,000, retroactive to July 1, 2012, through June 30, 2013.

7. **B. O. 12-470** - Rescind Board Order 12-402 and approve an agreement between HHS Public Health and Hurty Med-Info Services, LLC, provider, for services at the Yamhill-Carlton School-Based Health Center, not to exceed \$41,000 per 12-month period plus an additional \$15,000 in Year 1 and \$10,000 in Year 2 to assist with start-up and implementation costs, retroactive to August 20, 2012, through July 31, 2014.

C. **OLD BUSINESS:** None.

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

1. **B. O. 12-471** - Consideration of authorizing a notice of intent to award a contract to Bryan R. Green Construction and Plumbing for the Yamhill County HHS Evans Street Campus Building Sink Project, \$33,945.

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

2. **B. O. 12-472** - Consideration of modifying the Sheriff's Office personnel management roster to add the following positions:

- a. YCSO Relief Worker, part-time on-call;
- b. Marine Service Officer, seasonal.

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

3. **B. O. 12-473** - Consideration of the employment of the following individuals as Clerical Relief in Health & Human Services, temporary on-call, effective August 24, 2012, through June 30, 2013:

- a. Concepcion Guerrero, Family & Youth, Range 7, Step 3;
- b. Carolyn Graham, Adult Mental Health/Chemical Dependency/Public Health, Range 7 Step 1;
- c. Carolina Rook, Adult Mental Health/Chemical Dependency/Public Health, Range 7 Step 4;
- d. Maritza Mendez-Rubio, Adult Mental Health, Range 4, Step 1.

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

E. PUBLIC HEARINGS:

1. Consideration of Planning Docket C-13-11/SDR-11-11(MB/KF), request for approval of a county park, applicant Yamhill County Parks. *[Continued to September 13, 2012, at the point of Public Agency Reports.]*

Ms. Lewis opened the public hearing. There were no abstentions or objections to jurisdiction. Ms. Lewis stated that she and Ms. Stern had taken a site visit on Monday. Ms. George stated that she has been out to the area with Sherrie Mathison in the past and is familiar with it. Rick Sanai read the statement required for land use hearings relating to the requirement that parties must raise all issues at the hearing or waive their right to raise the issues on appeal. Ms. George stated that she is liaison to the Parks Board, but stopped attending meetings as soon as this project was started.

Staff Report - Ken Friday described the subject property, noting that Tax Lot 300 is the site of the former Whiteson Landfill, and six acres of property is already zoned for park land. He described the surrounding property and zoning, natural hazards, and approval criteria. He stated that the Planning Commission had voted 4-3 on June 7, 2012, to deny the request.

Proponents - Ken Huffer reviewed Parks staffing, inmate work crews, and the function and mission of the Parks Board. He stated that the Statewide Comprehensive Outdoor Recreation Plan identifies the following significant trends: a rapidly aging population, declining interest of youth in outdoor experiences, an increasingly diverse population, and a physical activity crisis. He discussed the local need for recreation areas that can support a variety of activities, including river access and camping. He stated that in addition to the obvious benefits such as recreation and outdoor education, the proposed park would help the local economy, improve livability, create jobs, increase property values and tax revenue, contribute to public health, and protect and enhance natural resource areas.

He stated that the long-term vision for the park property is to support camping, multi-use trails, and river access, with the primary recreational activities being fishing, hiking, picnicking, biking, canoeing, kayaking, educational activities, open play areas, and other minimum-impact activities. He reviewed the plan for a phased approach to development and public access, stating that this application includes Phases 1 and 2, which do not include camping and have a combined footprint of about ten acres. He stated that once Phase 1 is completed, public access would be allowed for the first year by permit only, followed by open access during the summer months only, and by the end of Phase 2, the park would be open year-round to the general public for day use. He explained that the phased approach would give the county time to identify and address issues as they come up, and would allow the neighboring community time to adjust to the park being there.

He discussed outreach efforts to the neighbors and changes made to address their concerns. He reviewed and addressed issues identified at the Planning Commission hearing, including the proximity to a former landfill, traffic conflicts, criminal behavior and security, and impacts to farming operations. He said that the area is accessed by public roads and the river is technically open to public use whether the park is there or not, but this proposal would enhance

access, provide education, promote ethics and expectations for public land, and encourage positive behavior. He stated that only a small percentage of park visitors create problems such as littering and vandalism, and the focus needs to be on addressing that behavior rather than not building parks. He discussed the reasons why this proposal would not have the problems with criminal behavior that the Monroe Landing park had when it was open. He said that the popular Tangleboxing program showcases the direct correlation between the implementation of programs and the curtailing of criminal activity due to the higher number of park visitors. He stated that the primary purpose of a park host is to provide information, and he would look into that possibility when the development and use of the park reaches the point where it would be justified.

He stated that hunting is seasonal by nature, and would not necessarily correlate with the peak usage of the park during summer months, but the Parks Board would discuss and implement strategies to mitigate any conflicts. He said that hunting near rural parks and rivers is a common practice, and he referenced the gun club next to Crabtree Park as an example of how the two uses can coexist.

Ms. Stern stated that there must have been a lot of truck traffic on the road when the landfill was open, and suggested that Mr. Friday check with Bill Gille on that.

Jim Culbert expressed support on behalf of the paddling interests in the community. He said that there is currently no access to the South Yamhill River, and this proposal provides the potential for access.

Ms. Lewis noted that Brendon Connelly had submitted a green card with written comments in support of the application.

Eric Watt, Parks Board member, stated that Mr. Huffer and the Parks Board have put a lot of thought and work into this application, and have made changes to accommodate the neighbors' concerns. He said that everything has been done with good intentions and complete integrity, and this park would be a positive legacy for future generations. He said that the objections raised could have been said about any of the existing county parks. He stated that he knows from experience that the Sheriff's Office patrols the county parks and keeps track of those visits.

Mr. Huffer answered questions from opponents in the nature of clarification regarding projected traffic counts, estimated project costs, fire protection, the process for notification of neighbors, parking spots, reservation fees, temporary closure of limited areas to address issues if necessary, and the phased approach to public access.

Opponents - Richard Bourassa stated that Briedwell and Riverbend Roads are farm-to-market roads, and although an increase of 20 to 30 cars during Phases 1 and 2 is probably manageable for the farming community, further increases in the future when camping is allowed would make the farmers' jobs impossible. He said that it is difficult and time-consuming for an RV and a combine to get around each other, and time is important to the farmer.

Ms. Lewis explained that the commissioners have to stick to the plan before them, but there would be another hearing in the future for later phases.

Susan Simonson stated that a new access road built between fields would interfere with farming. She expressed concern about how to keep the public out of farming areas, especially if high-dollar crops were planted. She said that those crops would have to be irrigated and sprayed more, which could affect the park and its users.

The meeting recessed at 12:19 p.m. and reconvened at 1:20 p.m.

Dan Upshaw explained that he had asked for the fence initially as a protective measure, but it would prevent him and his neighbors from being able to get their equipment around the corner because he currently uses the 40-foot easement on county-owned land to maneuver the equipment. He suggested putting the application on hold to see what happens with donation of property from Riverbend Landfill, as that would be a better location for park activities and would have access from Highway 18. He said that he supports parks, but this park should be designed for special-interest groups only so farming can continue as it is.

Ms. Stern pointed out that if the farmer leasing the county-owned property changed his crops to vegetables, Mr. Upshaw would no longer be able to pull out into the field to maneuver his equipment around the corner, anyway. Ms. George suggested that he remove a few of his trees to allow him to make the turn from his property. Mr. Upshaw stated that he shouldn't have to do that. Ms. Lewis stated that if the application is approved, he would need to be willing to engage in conversations about how to modify the fence to meet his needs.

Carmen Upshaw stated that she believes the application was denied by the Planning Commission because there are so many unresolved issues, including traffic impacts and security. She said that earlier communication with the neighbors about the master plan would have been nice, and the ability to communicate and work through issues has broken down through the process. She stated that there are flaws in the application and it needs to be fine-tuned to get it done right. She said that the county has not addressed all of the concerns that the neighbors have presented, and shouldn't be in such a hurry to have it approved. She added that it would be an embarrassment to the county to bring people to a park where they can see and smell the landfill and see signs to keep off the old landfill property.

Cammie DeRaeve stated that park applications have not always been approved in Yamhill County, and referred to a previous park proposal that was abandoned because there was too much opposition from the neighbors. Ms. Lewis stated that this is the first park proposal that has come to the Board in the twelve years she has served as commissioner. Ms. DeRaeve said that she is adamantly opposed to the proposal because of proven financial impacts, security issues, and safety issues. She said that she has had issues with trespassing and criminal activity, even without the park being there, and the Department of Environmental Quality (DEQ) has a lot of concerns about the safety of the landfill. She submitted a handout detailing those concerns.

Stuart McRae read a written statement urging the Board to uphold the decision of the Planning Commission because it would cause substantial adverse financial impacts on his

farming operation due to increased traffic and security risks. He said that the increase in park visitors passing by his farm location would expose him to arson, theft, and accidents, and would cost him about \$60,000 to properly secure his buildings and additional expense to increase his insurance. He said that he would have to give up growing grass seed and write off a \$190,000 investment in his grass seed plant. He shared past traffic incidents to illustrate that the road is inherently dangerous, and stated that there should be some financial commitment to at least repair the road in Phase 1 or 2.

Arty Morrison concurred with Mr. Bourassa regarding future use of the park and urged the Board to take into consideration that camping is part of the plan, even though it isn't part of Phase 1 or 2. He agreed with Mr. McRae about the traffic concerns. He said that he knows from experience that the water level during summer months isn't high enough to accommodate boating, so it isn't realistic to include that as part of the planned usage. He said that he doesn't think the county's inmate work crew is sufficient for security, and it is an irresponsible use of the \$288,000 to benefit only 20 to 30 users per day. He added that he consistently smells the landfill and that would definitely have an impact on the park.

Randy Hays agreed with all of the previous opponents and said that they had addressed all of his concerns.

Kathy Chytka requested clarification about the reasons why the county purchased the Rice property years ago as a buffer, and whether there are any concerns about drinking water on the property. Ms. Stern explained that the property functions as a buffer between the closed landfill and other properties, just in case there are any issues. Ms. Lewis added that there can be migration of gases from a closed landfill, so it's good to have a buffer property owned by the county. Ms. Stern stated that water is tested on the property and at the cabin, and there are monitoring wells around the closed landfill that are tested regularly.

Ms. Chytka stated that it seems as if two of the three commissioners have already made their decision about this proposal. The commissioners assured her that they had not yet made a decision. Ms. Lewis said that she has just asked people to stick to the criteria. Ms. George explained that the commissioners ask questions because it's important to understand what people are really saying.

Elousie Middleton stated that she lives on the southwest corner of the subject property, and this is not a good place for a park. She stated that the landfill has wreaked havoc on the area, the previous park was not safe, and the road can't handle the traffic. She said that putting a park there would show a lack of respect and consideration for the people who live there.

Dale Middleton said that park traffic would pass within about 35 feet of his front door, and he doesn't believe the proponent's statements that security wouldn't be an issue. He gave examples of trespassing and other issues that he and his wife have had to deal with. He said that other options for an access road have been suggested that would eliminate many of the issues. He pointed out on the map a partially existing road that goes through the landfill property. The Board discussed the possibility of the proposed alternative access road.

Public Agency Reports - Mr. Friday reviewed the reports in the record and stated that no additional reports have been received. He said that he has confirmed with Ms. Mathison that there is constant monitoring of the wells on the property.

Ms. Stern stated that she would like to get Ms. Mathison's input on the concerns expressed by DEQ in e-mail messages dated August 16, 2012, as well as Mr. Gille's input on the request for road improvements and the hole at the intersection of Highway 99W and Riverbend Road. Ms. Lewis suggested that Waste Management be contacted about the alternate access road suggested by Mr. Middleton, since it would go through Waste Management's property.

Ms. Stern moved to continue the hearing to September 13, 2012, at the point of Public Agency Reports. The motion passed, Commissioners Lewis, George, and Stern voting aye.

F. **ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to our website, www.co.yamhill.or.us, or call the Board of Commissioners' office: 503-434-7501 (from McMinnville) or 503-554-7801 (toll-free from Newberg).

The meeting adjourned at 3:20 p.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair	LESLIE LEWIS
Commissioner	KATHY GEORGE
Commissioner	MARY P. STERN



BOARD OF COUNTY COMMISSIONERS

Attendance Roll for meeting records

Meeting: Informal _____ Formal Work Session _____ Date 8/23/12

PLEASE PRINT
Name

PLEASE PRINT
Complete Address

PLEASE PRINT
Subject

W. ERIC WATT	16819 NW BAKER CREEK	PARK
DAN + CARMEN UPSHAW	15480 SW BRIDWELL RD Mac.	PARK
Jim Culbert	572 NW Wallace Rd. Mac	Whiteson Park proposal
Kellie Berger	23127 SW Barbara St.	Park
Cammie DeLaene	177 17500 SW Hook and Eye Ln.	Park proposed
Don Murray	1750 SW Sesame St. Apt. 8	park proposal
Arly Morrison	16151 SW Bridwell Rd.	Whiteson Proposal
Dawn Dohm	17500 SW Hook & Eye Ln	Park
Richard Bourasse	15930 SW Bridwell Rd.	Park at Whiteson/River Bend
Susan Simonson	10900 SW Lancefield Rd ^{McM}	River bend Park
STUART McRAE	28075 So Hwy 99W, Amity	Whiteson Park
Michelle Morrison	16151 SW Bridwell Rd	Whiteson park
PALE M. Old LETON	12340 SW RIVERBEND	PARK
Pammy Woz	17750 S.W. Hook & Eye Ln.	Park
Nathalie Hardy	NEWS Register	
Elaine Middleton	12340 SW RIVER BEND RD McMinnville	PARK