

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 October 27, 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; Rick Sanai, County Counsel; Mike Brandt, Planning Director; Ken Friday, Planning Division Manager; Sherrie Mathison, Solid Waste Coordinator; Murray Paolo, Information Systems Division Manager; Captain Ken Summers, Kellye Fetters, Steve Smith, Tim Svenson, Tim Casey, and Steve Warden, Sheriff’s Office; Ossie Bladine, News-Register; Dave Morgan, NewsYamhillCounty.com; Barton Brierly, PO Box 970, Newberg; Mia Nelson, 220 E 11<sup>th</sup> Ave #5, Eugene, OR 97401; Jackie Lang, Paul Burns, and George Duvendack, 13469 SW Hwy 18, McMinnville; Susan Meredith, 14100 SW McCabe Chapel Rd, McMinnville; Grace Schaad, 31525 NE Schaad Rd, Newberg; Susan Watkins, 13440 SW McCabe Chapel Rd, McMinnville; and Merilyn Reeves, 22250 Boulder Crest Ln SE, Amity.

Commissioner Stern called the meeting to order at 10:00 a.m.

**SPECIAL PRESENTATION:** Presentation to Sgt. Steve Warden in recognition of his 27 years of service to Yamhill County.

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

Contracts/Grants

1. **B. O. 11-681** - Approve a contract employee agreement between HHS Developmental Disabilities and Kim Cota for consulting services, \$55/hour, effective October 31, 2011, through February 29, 2012.

2. **B. O. 11-682** - Approve an independent contractor agreement between HHS ECF and Karin Petit for guardianship services, \$75/hour, not to exceed \$2000, retroactive to September 12, 2011, through June 30, 2013.

3. **B. O. 11-683** - Approve Amendment #3 to the 2011-13 Financial Assistance Agreement #134337 between HHS and Oregon Health Authority to restore \$74,372 for mental health services, retroactive to July 1, 2011, through June 30, 2013.
4. **B. O. 11-684** - Approve Service Element Prior Authorization (SEPA) Approval Unit #637884 for the 2011-13 Financial Assistance Agreement #134297 between HHS and Oregon Department of Human Services, \$30,216.
5. **B. O. 11-685** - Approve an agreement between HHS Developmental Disabilities and Team HR, LLC, provider, for consulting and group facilitation services, not to exceed \$5000, retroactive to October 4, 2011, through June 30, 2012.
6. **B. O. 11-686** - Authorize HHS CCF to award the following grants, effective November 1, 2011, through June 30, 2012, pending final Board approval of the contracts:
  - a. Parenting HUB grant, Lutheran Community Services and Chehalem Youth & Family Services, \$76,125;
  - b. Mentoring HUB grant, HHS Family & Youth and Chehalem Youth & Family Services, \$77,933.

#### Committees

7. **B. O. 11-687** - Authorize the creation of a Yamhill County Forestland Classification Committee at the request of the Oregon Department of Forestry.

C. **OLD BUSINESS:** None.

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

1. **B. O. 11-688** - Consideration of the change of status of Nicole Rickles to Corrections Deputy in the Jail, retroactive to October 6, 2011.

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

2. **B. O. 11-689** - Consideration of approval of an agreement between the Surveyor's Office and Magness Land Surveying, provider, for surveying services northwest of Yamhill, RFP #11, \$21,675, effective through January 31, 2012.

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

3. **B. O. 11-690** - Consideration of approval of an intergovernmental agreement between Administrative Services and Oregon Department of Administrative Services for services to be provided by John Krawczyk regarding a Federal Forest Study, \$65/hour, not to exceed \$2600, effective through December 31, 2011.

Ms. Stern moved approval of item D(3). The motion passed, Commissioners Stern,

Lewis, and George voting aye.

4. **B. O. 11-691** - Consideration of approval of a blanket refund order authorizing the Tax Collector to issue lawful refunds to taxpayers, retroactive to July 1, 2011, through June 30, 2012.

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

5. Presentation by Waste Management. *[No action taken.]*

Ms. Lewis stated that the Board had invited Waste Management representatives to discuss potential future plans for its existing 720 acres at the Riverbend Landfill site. She said that it hasn't been Riverbend's plan to use all of the existing acreage for the landfill, and it is exciting to hear about the possibilities. She referred to a master plan created for a Waste Management facility in New Hampshire as an example, and said that this is an opportunity for the public to be involved in the planning process.

Ms. Stern stated that her husband is employed by Waste Management, but this is just a conceptual presentation and the Board would be making no decisions at this time. She said that if a decision has to be made by the Board at a future time, she would recuse herself from involvement in that process. She assured the audience that there would be many more opportunities for public involvement.

George Duvendack, District Manager of Waste Management, stated that the New Hampshire site master plan gives a good example of the possibilities and the process. Paul Burns, Vice President/General Manager of Waste Management, led a slide show presentation about the New Hampshire master plan and stated that it would take a broad spectrum of groups and people to make this possible at the Riverbend site.

Mr. Duvendack stated that the first step would be to develop a plan and get public input, and that process would identify which things could be done early on and which things would come later. Mr. Burns said that even though a master plan and public outreach is not required, it is the right thing to do and is beneficial to the community. He explained that in New Hampshire, the company developed a core meeting team to function as a steering committee, with the public invited to come and provide input. He said that the company also hired a consulting firm to compile data and develop documents and summaries, which could be posted on a website. He said that Waste Management would undertake that expense and would like to move forward with this as soon as possible. He agreed to letting the Board have a role in setting a framework for the brainstorming process and suggesting interest groups and committees that should be involved.

Mike Brandt clarified that all of the subject property is currently zoned for Exclusive Farm Use, which would allow for uses such as tree farms and possibly an agricultural resource center, but other uses such as camping and park use would need to go through a special approval process.

## E. PUBLIC HEARINGS:

1. 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 May 17, 2012, at the point of Staff Recommendation.]*

Staff Report - Ken Friday reviewed the approval criteria and the history of population projections from the county perspective. He said that the goal of the Planning Department is to facilitate this process with the fewest possible objections from jurisdictions, and to get the issue resolved and keep it resolved into the future. He stated that he has a backup plan to hire a consultant to do the projection in the event that this process is appealed, but he hopes to not have to do that.

Ms. Lewis stated that she somewhat agrees with the letter from Mark Davis and would like to hear further discussion about the projected loss of 7000 people in the rural areas, which is hard to understand given the overall growth in the county. Mr. Friday stated that the Department of Land Conservation and Development (DLCD) agrees that the rural population will decline as exception areas are brought into the cities, but he doesn't know if the decline would be that steep.

Barton Brierly, Planning & Building Director for the City of Newberg, stated that the city is in need of more industrial land and has to have a coordinated population projection in order to bring more industrial land into the Urban Growth Boundary. He reviewed the process, explaining that LUBA had ruled that the city's adopted population projection was not considered "coordinated" because it wasn't adopted into the county's Comprehensive Plan.

He pointed out that, as far as he can tell, all cities are in agreement with the numbers presented to the Board in this application, which is a significant fact. He said that the county is obligated to adopt an overall population projection and projections for each urban area, but not for the rural areas, and he doesn't recommend doing so. He said that each city's projection is an estimate, and adding them all together magnifies the margin of error for the total.

Ms. Stern said that she understands the city's urgency in this matter, but pointed out that if the decision is appealed, it could cost the city more time and money in the long run than it would to work through a compromise now with the opponents. Mr. Brierly said that the city has had discussions with 1000 Friends of Oregon throughout the process, but there is a strong feeling from the city council that the numbers are legally sound and need to be adopted so the city can move forward.

Mia Nelson, representing 1000 Friends of Oregon, submitted and reviewed written testimony from 1000 Friends of Oregon and Friends of Yamhill County. She stated that population projections are the most important decisions made in the land use planning process, and there are negative consequences from being unreasonably high or low in those projections. She agreed with Newberg's need for industrial land in order to attract businesses, but said there is no justification for a projected decline of 7000 people in the rural areas, and some of the cities' forecasts are unreasonably high. She explained that overestimating growth is harmful because infrastructure is built, but then has to be paid for by the existing population. She expressed concern about the City of Lafayette using a projected 3% growth rate when it has been

experiencing a growth rate of 5%, because this could result in under-planning for infrastructure.

She suggested starting over with a reasonable county total, based on Portland State University forecasting, and working from there. She said that if the Board is not willing to do that, the best thing for Newberg would be to move through the appeal process as quickly as possible.

Merilyn Reeves stated that the Board has a responsibility to look at the entire county and provide a coordinated population projection that is commonly acceptable and based on solid evidentiary figures and reasonable assumptions. She said that the \$45,000 grant that Mr. Friday applied for would give the Planning Department the expertise it needs to meet those standards. She recommended that the Board put the application on hold and provide for some time to develop a new projection, thereby avoiding the long-term delays that an appeal would bring.

Mr. Friday stated that the Oregon Administrative Rule (OAR) acknowledges that the population projection is only an estimate, and he believes that the cities' estimates are plausible. He said that DLCD has reviewed the coordinated projection and has no objection. He stated that the county does have the option of using the grant funding to contract out a new projection, but in light of Newberg's urgency to get an adopted projection, he supports the recommendation to adopt the numbers as presented.

Deliberations - Ms. Stern stated that she understands Newberg's haste, but there are serious issues with the numbers and it won't do the city any good to drag out the process with an appeal. She said that if 1000 Friends of Oregon would agree to accept a new coordinated projection as long as it is created openly, it would be in the best interest of the county and all of the cities to take advantage of this grant opportunity.

Ms. Lewis agreed, stating that 1000 Friends has indicated that they would appeal if these numbers were approved by the Board, and that would delay Newberg's process. She said that despite best efforts to pull together data from disparate locations, the data doesn't make logical sense. Ms. Stern added that some of the data is old and the OAR requires the projection to be based on current, verifiable, factual information.

Ms. George stated that she understands the dangers of overestimating the population and agrees with the need to get information that is as accurate as possible that everyone can agree on, so she would feel more comfortable using the grant money to do a new projection.

Ms. Stern moved to continue the hearing to May 17, 2012, at the point of Staff Recommendation. 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. Local Investment Advisory Committee, one position;
  - b. Parks & Recreation Board, two positions;
  - c. Special Transportation Advisory Commission (STF), two positions;

d. Yamhill County Transit Area (YCTA) Advisory Committee, one position.

The meeting adjourned at 12:04 p.m.

Anne Britt  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair MARY P. STERN

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Commissioner LESLIE LEWIS

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Commissioner KATHY GEORGE