1. Public Comment Packet

   Documents:

   021226 PUBLIC COMMENTS.PDF

2. 2/12/2026 Revised Agenda

   Documents:

   021226 AGENDA - REVISED.PDF

3. 2/12/26 Packet

   Documents:

   021226 PACKET.PDF

WRITTEN PUBLIC COMMENTS RECEIVED

PRIOR TO THE

BOARD OF COMMISSIONERS' SESSION

ON

Thursday, February 12, 2026

AT

10:00 A.M.

Questions, concerns or comments about these items can be directed
to staff or the Commissioners by contacting the Commissioners' office at

(503) 434-7501

OR

BOCINFO@yamhillcounty.gov

From:	Clay Downing
To:	BOC Info; Kit Johnston; Mary Starrett; Bubba King
Cc:	Casey Creighton; Ken Huffer; Ken Friday; Travis Pease
Subject:	Chehalem Park and Recreation District Request for Yamhill County to Complete a Publicly Initiated Text Amendment to Yamhill County Zoning Ordinance Modifying Permitted and Conditional Uses for Roads, Highways, and Other Facilities Improvements
Date:	Tuesday, February 10, 2026 2:23:23 PM
Attachments:	2026-02 CPRD Letter to YamCo Commissioners.pdf

CAUTION: External Sender. Use caution when opening attachments, clicking links, or responding.

BCC email sent to CPRD Board of Directors

Good afternoon Yamhill County Commissioners,

Chehalem Park and Recreation District respectfully submits the attached statement for your consideration and as a public comment during your public meeting on Thursday, February 12, 2026. This submission includes a request from our special district that your board direct County staff to complete a publicly initiated zoning ordinance text amendment within 120 days of this request, which adds roads, highways and other facilities improvements as permitted uses and conditional uses as previously recommended by County staff within Docket No. G-01-22.

Additional information is included within the attached correspondence, including our letter's attachments. I will be present for your Thursday meeting and look forward to responding to any questions you might have. Thank you for considering our request and all you do for Yamhill County. Best,

Clay

--

Clay Downing, AICP
Superintendent
Chehalem Park & Recreation District
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Newberg, OR 97132
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125 South Elliott Road
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cprdnewberg.org

Tuesday, February 10, 2026

TO: Yamhill County Board of Commissioners

FROM: Clay Downing, Superintendent, Chehalem Park and Recreation District

CC: Board of Directors, Chehalem Park and Recreation Directors
Casey Creighton, Assistant Superintendent, Chehalem Park and Recreation District
Ken Huffer, County Administrator, Yamhill County
Ken Friday, Planning Director, Yamhill County
Travis Pease, Parks Director, Yamhill County

SUBJECT: **Chehalem Park and Recreation District Request for Yamhill County to Complete a Publicly Initiated Text Amendment to Yamhill County Zoning Ordinance Modifying Permitted and Conditional Uses for Roads, Highways, and Other Facilities Improvements**

Chehalem Park and Recreation District (CPRD) is requesting assistance from Yamhill County in providing additional access to public recreation opportunities for residents and visitors in Yamhill County.

In 2023, Yamhill County denied a request for a conditional use permit (CUP) and floodplain development permit that would have allowed CPRD to construct a pedestrian bridge at Ewing Young Park, which is an existing park located within City of Newberg and an unincorporated area of Yamhill County. CPRD explored alternative means of approval, completed additional public outreach, and believes that the most reasonable pathway to completing this project lies with the County and its ability to conduct zoning ordinance text amendment as previously presented to your Commission in Docket No. G-01-22.

CPRD Request for Yamhill County Commissioners

CPRD respectfully requests that your Commission make a motion to:

1. Direct County staff to complete a publicly initiated zoning ordinance text amendment within 120 days of this request, which adds roads, highways and other facilities improvements as permitted uses and conditional uses as previously recommended by County staff within Docket No. G-01-22.

Rationale for CPRD Request to Direct County Staff to Complete a Publicly-Initiated Zoning Ordinance Text Amendment

Ewing Young Park is an existing, developed park that is approximately 50.6 acres in size. The property contains an 11-acre portion on the west side of Chehalem Creek that is undeveloped and currently

inaccessible. The Ewing Young Master Plan (2019)[1] proposes to construct a bridge over Chehalem Creek to create access to this 11-acre portion of the park as depicted in Figure 1 and Attachment 1. Figure 1 is annotated to highlight the 11-acre portion of the property that is not currently accessible to the public.



Figure 1. Excerpt of Map of Ewing Young Park (Master Plan, 2019).

Bridging Chehalem Creek would allow for the development of .55 miles of additional trails, expansion of the existing disc golf course, and connection to existing trails in the area. The property is almost entirely within the 100-year floodplain, which limits most other forms of development. Because the portion of the creek within the park is co-terminus with both Newberg's city limits boundary and an urban growth boundary, simple annexation into the City of Newberg is not available. Further, an urban growth boundary amendment – which is both costly and administratively burdensome – is not necessary due to CPRD's mission to provide recreation opportunities to residents in both incorporated and unincorporated areas within our special district's boundaries.

A zoning ordinance text amendment, as previously presented to your Commission in Docket No. G-01-22, is the recommended solution. The proposed zoning ordinance text amendment in Docket No. G-01-22 would add "Roads, highway and other transportation facilities and improvements" as *permitted uses* and *conditional uses* in specified zoning districts. Specifically, Docket No. G-01-22 (Attachment 2), would include those shown in Table 1:

Table 1. Permitted Uses and Conditional Uses Proposed in Zoning Ordinance Text Amendment from Docket No. G-01-22

Proposed Addition of "Roads, highways and other transportation facilities and improvements" as a Permitted Use	Proposed Addition of "Roads, highways and other transportation facilities and improvements" as a Conditional use
Parks, Recreation, Open Space District – Section 405 (PRO)	Mineral Resource District – Section 404 (MR)

[1] Ewing Young Master Plan (2019). Available online at https://www.cprdnewberg.org/sites/default/files/fileattachments/cprd/page/370/ewing_young_masterplan_2019.pdf.

Table 1. Permitted Uses and Conditional Uses Proposed in Zoning Ordinance Text Amendment from Docket No. G-01-22

Proposed Addition of "Roads, highways and other transportation facilities and improvements" as a Permitted Use	Proposed Addition of "Roads, highways and other transportation facilities and improvements" as a Conditional use
Public Assembly Institutional District – Section 801 (PAI)	Rural Residential District – Section 501 (AF-10)
Rural Residential Districts –Sections 502 (VLDR), and 503 (LDR)	Commercial Districts – Sections 601 (RC), 602 (NC) and 603 (HC)
	Industrial Districts – Sections 701 (RI), 702 (LI) and 703 (HI)
	Public Works/ Safety District – Section 802 (PWS)
	Public Airports/ Landing Fields District – Section 803 (PALF)

The 11-acre portion of the property which is located within unincorporated Yamhill County is zoned AF-10, which would be allowed as a conditional use within the proposed zoning ordinance text amendment.

Contracted staff from the Mid-Willamette Valley of Governments (COG), are assisting CPRD with this project. COG staff reviewed the proposed zoning ordinance text amendment within Docket No. G-01-22, noting "…the most prudent course of action in the near term seems to be to give space to County planning staff so they can shepherd the amendments through the hearings process with the hope for an opportunity in the near future to resubmit the Ewing Young Bridge SDR [Site Design Review] application as a conditional use." Full discussion of COG review is provided within Attachment 3.

It is the District's understanding that the decision to deny CPRD's request to construct a pedestrian footbridge at Ewing Young Park was an unfortunate side effect of the *transportation facility* interpretation resulting from a Land Use Board of Appeals Decision (LUBA Case 2018-061) which occurred in 2018. Although CPRD does not concur with the interpretation of the pedestrian footbridge as a *transportation facility,* CPRD believes that County staff made a good faith effort to address this issue and support the proposed zoning ordinance text amendment in Docket No. G-01-22.

Recent Public Outreach Efforts

CPRD recently completed multiple outreach efforts to better understand the public's opinion related to the Ewing Young Bridge Project and other projects. These efforts included:

- Direct Conversation with Unincorporated Area Residents: In November 2025, CPRD Board members Jason Fields and Jim McMaster canvassed the neighborhood located on the southwest side of Ewing Young Park. This "knock and talk" activity included outreach to more than 20 households located in the unincorporated area which were generally in the Meadow Loop and Hidden Meadows Road areas located nearest to Ewing Young Park. The CPRD board members presented residents with an informational flyer and asked about their opinions relating to the proposed project. CPRD board members Fields and McMaster reported that feedback was generally supportive with some questions related to how access and park operations would be managed when the project is implemented. Concerns, when expressed, focused on delineating private property from park property and ensuring that park activities did not have negative impacts on nearby property owners.

  A copy of the flyer provided to residents is included as Attachment 4. Page 1 of this document invited the public to Districtwide Open House events, which highlighted this project. Page 2 provided high-level information and a map related to the proposed Ewing Young Bridge Project.

- 2025 CPRD Open House: In November 2025, CPRD hosted in-person and virtual open house events, which included a breakout group related to the Ewing Young Bridget Project. As described in CPRD's Open House Executive Summary[2], the Ewing Young Bridge Project breakout session offered visitors an opportunity to learn more about the project's background, purpose, and anticipated improvements. This portion of the CPRD open house supported one-on-one and small group conversations, accepting feedback throughout these conversations. Public input reflected a generally high level of interest in expanding access to Ewing Young Park and making currently inaccessible areas available for passive recreation. Participants asked questions related to environmental impacts, protection of adjacent private property, project cost, and long-term maintenance responsibility. Comments expressed support for additional trails and potential disc golf expansion, while others emphasized the importance of privacy, fencing, and clear boundaries near neighboring residences.

- 2025 Community Input Survey Results: In addition to the outreach activities already noted, CPRD conducted a community input survey in 2025 that closed on October 31, 2025. This community input survey received 829 responses and was designed to better understand what residents value in park and recreation opportunities, which park and recreation facilities people are currently using, and where CPRD should invest additional resources today and in the future. According to the 2025 Community Input Survey Results Report[3], multiple user groups advocated enthusiastically for improvements at Ewing Young Park. Additionally, the report found that hiking trails, natural and wildlife areas, playgrounds, and the Chehalem Aquatic &

[2] 2025 Open House Executive Summary (2025). Available online at https://www.cprdnewberg.org/sites/default/files/fileattachments/cprd/page/262/2025_cprd_open_house_executive_summary_with_appendices.pdf

[3] 2025 Community Input Survey Results Report (2025). Available online at https://www.cprdnewberg.org/sites/default/files/fileattachments/cprd/page/262/cprd_2025_community_input_survey_results.pdf.

Fitness Center were the most important park facilities for individuals who completed the survey.

Attachments

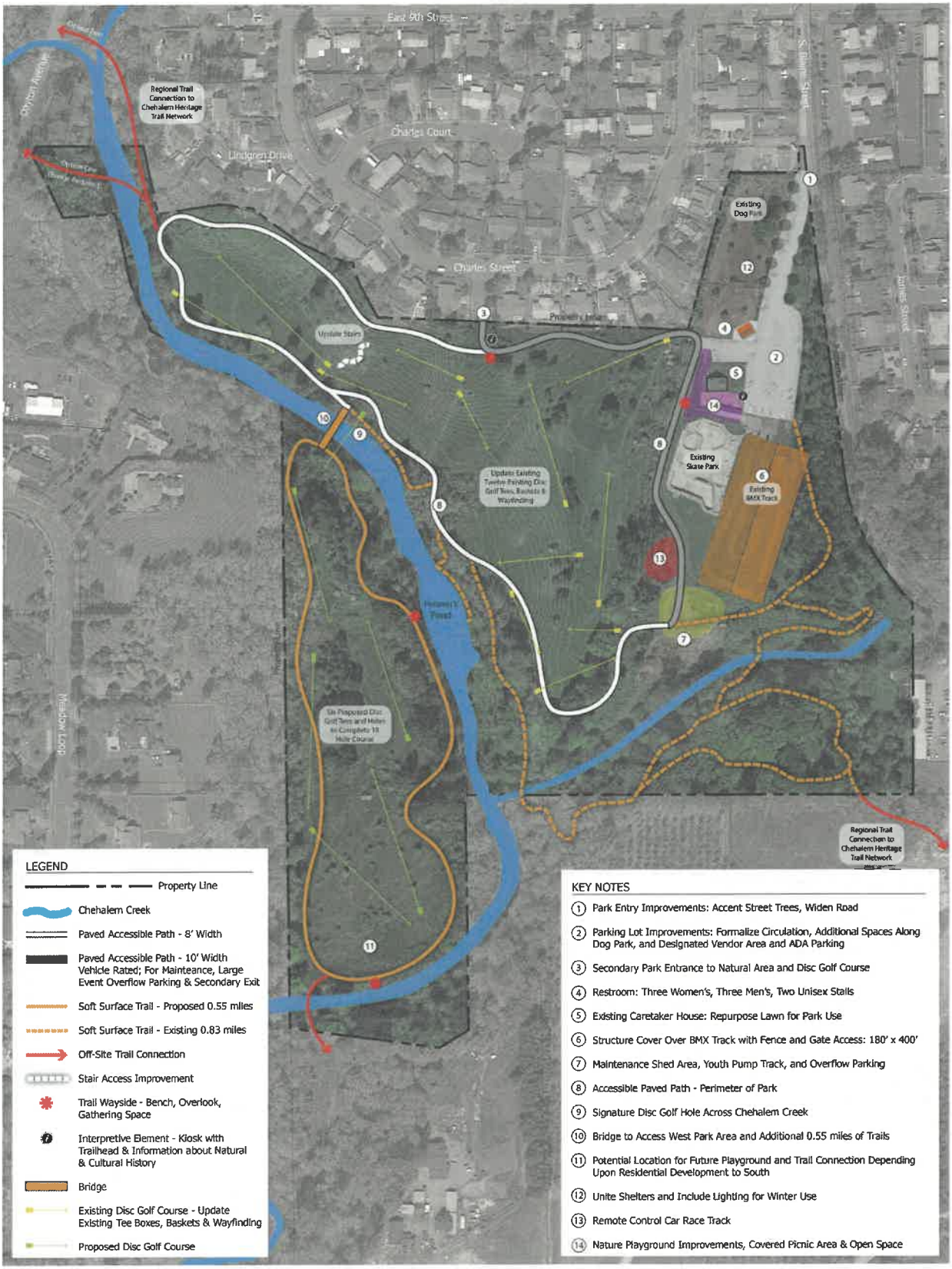
Attachment 1. Map of Ewing Young Park, Master Plan (2019)

Attachment 2. Docket G-01-22, Staff Report from Yamhill County Department of Planning and Development for Proposed Yamhill County Zoning Ordinance Text Amendments

Attachment 3. Memorandum from Mid-Willamette Valley Council of Governments

Attachment 4. Ewing Young Bridge Project Informational Flyer

Master Plan Drawing



STAFF REPORT
YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

HEARING DATE: Planning Commission - April 7, 2022
Board of Commissioners – October 27, 2022

DOCKET NO.: G-01-22

REQUEST: A proposal to update Sections of the Yamhill County Zoning Ordinance to add *"Roads, highways and other transportation facilities and improvements"* as a permitted use to the following zoning districts.

Parks, Recreation, Open Space District – Section 405 (PRO)
Rural Residential Districts –Sections 502 (VLDR), and 503 (LDR)
Public Assembly Institutional District – Section 801 (PAI)

And adding "Roads, highways and other transportation facilities and improvements" as a conditional use to the following zoning districts:

Mineral Resource District – Section 404 (MR)
Rural Residential District – Section 501 (AF-10)
Commercial Districts – Sections 601 (RC), 602 (NC) and 603 (HC)
Industrial Districts – Sections 701 (RI), 702 (LI) and 703 (HI)
Public Works/ Safety District – Section 802 (PWS)
Public Airports/ Landing Fields District – Section 803 (PALF)

APPLICANT: Yamhill County

CRITERIA: Section 1207.01 of the Yamhill County Zoning Ordinance.

EXHIBITS:
A. Proposed Ordinance Amendments
B. Minutes of the April 7, 2022, Planning Commission Hearing
C. Comments received

FINDINGS:

A. Analysis of the Proposed Amendment

Exhibit A, as attached, contains proposed amendments to the above noted Sections of the Yamhill County Zoning Ordinance. The proposal is to add the following as a use in in each of the listed zones:

"Roads, highways and other transportation facilities and improvements"

The Planning Commission reviewed the request and decided to allow it as a permitted use in the PRO zone, the VLDR and LDR zones and the PAI zone. The remaining exception areas would have this use added as a conditional use.

Section 303 of the Yamhill County Zoning Ordinance (YCZO) lists rule for interpretation of the zoning districts. Subsection 303.01(A) states:

A. Boundaries indicated as approximately following the centerlines of roads shall be construed to follow such lines; provided however, that where the centerline of as road as built lies outside of the road line, such zoning district boundary shall be deemed to follow the centerline of the road as built;

As noted above, the assigned zones were designed to go to the centerline of roads. Each of these zones was believed to allow roads and transportation facilities as a permitted, accessory use. However, when roads and transportation facilities were added to the farm and forestry zones, there was no corresponding addition to the exception areas. In addition, in an appeal of the Yamhelas Westsider Trail application, the Land Use Board of Appeals (LUBA) found that transportation facilities were not listed as a permitted or conditional use in certain zones that the trail traversed. They noted it was not allowed in the AF-10 zone and that YCZO 501.04 states "uses of land and water not specifically listed in this section are prohibited in the AF-10 District." For this reason, the Planning Director proposed to incorporate transportation facilities in the above noted zones. After review of the Planning Director's recommendation, the Planning Commission voted to recommend three districts to have this use added as a permitted use, and the remaining districts to have it listed as a conditional use.

B. ZONING ORDINANCE PROVISIONS AND ANALYSIS

1. Section 1207.01 of the Yamhill County Zoning Ordinance (YCZO) contains the process and review criteria pertinent to the proposed zoning ordinance text amendments. The ordinance standards are as follows:

A. An amendment may be initiated by the Board, the Commission, or the Director.

B. An owner of land may petition the Board, the Commission, or the Director to initiate such an amendment, but may not initiate the amendment by making such an application.

C. Such amendments shall be made only by the Board after review and recommendation by the Commission, and after public hearings have been held by both the Commission and Board, pursuant to Section 1402 of this ordinance.

D. Approval of a legislative ordinance amendment shall include findings showing the amendment is consistent with any applicable federal, state and local government rules and statutes, and comprehensive plan goals and policies.

E. Changes to the County zoning map which result from legislative ordinance amendments shall be made and become effective upon filing said ordinance with the County Clerk.

2. Regarding the above criteria (A), and (B), the Planning Director has identified a need to amend the text of the YCZO. The basis for the amendments has been noted in with the

proposed language in the individual ordinance sections.

3. Regarding the above criterion (C), Section 1402.02 states: *Notice of any legislative public hearing authorized or required by this ordinance shall be published in a newspaper of general circulation in the county at least ten (10) days prior to the hearing date.* A newspaper notice was printed in the News Register on October 14, 2022 and individual notice was mailed to interested parties. In addition, a 35-day notice was also sent to the Department of Land Conservation and Development.

4. Regarding Criterion (D), the amendments in the exception areas (non-resource zones), OAR 660-012-0065(3) lists allowed transportation uses on rural lands which are consistent with Goals 3, 4, 11 and 14 without an exception:

(a) Accessory transportation improvements for a use that is allowed or conditionally allowed by ORS 215.213, 215.283 or OAR chapter 660, division 6 (Forest Lands);

(b) Transportation improvements that are allowed or conditionally allowed by ORS 215.213, 215.283 or OAR chapter 660, division 6 (Forest Lands);

(c) Channelization not otherwise allowed under subsections (a) or (b) of this section;

(d) Realignment of roads not otherwise allowed under subsection (a) or (b) of this section;

(e) Replacement of an intersection with an interchange;

(f) Continuous median turn lane;

(g) New access roads and collectors within a built or committed exception area, or in other areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(h) Bikeways, footpaths and recreation trails not otherwise allowed as a modification or part of an existing road;

(i) Park and ride lots;

(j) Railroad mainlines and branchlines;

(k) Pipelines;

(l) Navigation channels;

(m) Replacement of docks and other facilities without significantly increasing the capacity of those facilities;

(n) Expansions or alterations of public use airports that do not permit service to a larger class of airplanes; and

(o) Transportation facilities, services and improvements other than those listed in this rule that serve local travel needs. The travel capacity and performance standards of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the acknowledged comprehensive plan or to provide adequate emergency access.

Farmland protection laws do not apply to the exception zones. As noted above, OAR 660-012-0065 states that the above transportation facilities are consistent with Goals 3, 4, 11 and 14, and does not contain additional requirements for the establishment of these uses.

Regarding the County's comprehensive plan, Section III (A), Transportation, Goal Statement 1 states: To provide and encourage an efficient, safe, convenient and economic transportation and communication system, including road, rail, waterways, public transit and air, to serve the needs of existing and projected urban and rural development within the county, as well as to accommodate the regional movement of people and goods and the transfer of energy, recognizing the economic, social and energy impacts of the various modes of transportation. (142)

Regarding criterion (D), the proposed amendments are consistent with Comprehensive Plan policies, federal, state and local statutes in that roads border on and travel through all of the above noted zones since the zoning boundaries go to the centerline of existing roads.

5. Regarding criterion (E) above, the request does not involve a map amendment, so this criterion does not apply.

CONCLUSIONS FOR APPROVAL:

1. The proposal is to amend the text of the Yamhill County Zoning Ordinance.

2. The proposed text language complies with the review criteria for a legislative amendment in Section 1207.02 of the Yamhill County Zoning Ordinance.

3. The proposed amendments comply with the Yamhill County Comprehensive Plan goals and policies and state statutes and administrative rules.

A. Proposed Ordinance Amendments

Docket G-01-22 – Exhibit A
ORDINANCE AMENDMENTS

Language to be added is underlined and highlighted and language to be deleted is ~~crossed out~~.
The amendment is to restore a use that was previously interpreted to be allowed in this zone.

SECTION 400 – NATURAL RESOURCE DISTRICTS

404. MINERAL RESOURCE DISTRICT (MR)

[Last Amended 12/05/02; Ord. 720]

404.01 Purpose.

The purpose of the MR District is to provide for the development and utilization of identified deposits of mineral aggregate resource materials on land which is not identified for urban or rural residential use on the Comprehensive Plan; to provide for the exploration for, and the subsequent extraction and development of; identified deposits of geothermal resources and oil, gas and other hydrocarbon resources produced in liquid and gaseous form; to establish siting criteria and operating standards for mineral resources that minimize present and future on-site and off-site land use and environmental conflicts; and to provide for the timely and satisfactory reclamation of land used for mineral resource activity.

404.02 Permitted Uses - MR-1.

In the MR-1 District, the following uses shall be permitted:

A. Quarry or mining operations for the extraction of rock, clay, soil, sand and gravel;

B. Exploration for oil, natural gas or geothermal resources;

C. Rock crushing, washing or screening;

D. Stockpiling of rock or earth products in conjunction with the operation of the mineral resource business on-site;

E. Portable concrete batching or portable hot-mix batching plants;

F. A dwelling for the owner, in conjunction with a permitted use as established by subsections 404.02 (I) and 404.02 (J);

G. A dwelling and accessory structures for a caretaker or watchman in conjunction with the operation of a mineral resource business;

H. Storage of heavy equipment in conjunction with the operation of the mineral resource business on-site;

I. Farm uses;

J. Propagation and harvesting of a forest product; and

K. Manufacture and storage of brick and tile.

404.03 Permitted Uses - MR-2.

In the MR-2 District, the following uses shall be permitted:

A. Quarry or mining operations for the extraction of rock, clay, soil, sand and gravel;

B. Exploration for oil, natural gas or geothermal resources;

C. Rock crushing, washing or screening;

D. Stockpiling of rock or earth products in conjunction with the operation of the mineral resources business on-site;

E. A dwelling for the owner, in conjunction with a permitted use as established by subsections 404.03(H) and 404.03 (I);

F. A dwelling and accessory structures for the caretaker or watchman in conjunction with the operation of a mineral resource business;

G. Storage of heavy equipment in conjunction with the operation of the mineral resource business on-site;

H. Farm uses;

I. Propagation and harvesting of a forest product; and

J. Manufacture and storage of brick and tile.

404.04 Conditional Uses.

In the MR District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

A. Manufacture and storage of concrete and aggregate products such as preformed steps, beams, fences, vaults and similar products, provided that the aggregate needs are supplied from the same site where storage and manufacturing takes place;

B. Extraction and development of oil, natural gas or geothermal resources, subject to the requirements of subsection 404.10;

C. Coal and precious metals extraction, processing and stockpiling from the same site where extraction takes place;

D. Any structure necessary and appurtenant to the above uses;

E. Permanent concrete batching or hot-mix batching plants;

F. The following additional use may be allowed conditionally in the MR-2 Districts.

G. Portable concrete batching or portable hot-mix batching plants.

H. Parks or playgrounds owned and operated by a governmental agency or a nonprofit community organization, subject to Section 1101, Site Design Review. [Added 5/28/97, Ord. 630]

I. Commercial storage and distribution of explosives and related materials. [Added 6/14/01, Ord. 701]

J. Roads, highways and other transportation facilities and improvements.

404.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section are prohibited in the MR District. In order to preserve MR lands for mineral resource uses, residential subdivisions shall be prohibited; however, land divisions for purposes of conveyance of mineral resource operations shall be permitted.

404.06 Standards and Limitations.

In the MR District, the following standards and limitations shall apply:

A. The minimum parcel size for a permitted or conditional use shall be five (5) acres.

B. The maximum building height of any residential structure shall be thirty-five (35) feet and the maximum height of all other structures shall be sixty (60) feet.

C. The minimum setbacks for all yards of a residential dwelling in the MR District shall be thirty (30) feet.

404.07 Operating Standards.

All mineral resource operations, either permitted or allowed by conditional use, shall conform to the following standards:

A. Operating setbacks.

1. Extraction shall not be conducted within twenty-five (25) feet of any non-mineral resource zoning district boundary; and shall not be conducted closer than five hundred (500) feet from any dwelling existing at the time of adoption of this Ordinance. [Amended 12/05/02; Ord. 720]

2. Processing activities shall not be conducted within five hundred (500) feet of any LDR., VLDR or AF-10 zoning district boundary; or within two hundred fifty (250) feet of any other zoning district boundary. In no case shall processing and other processing-related activities be conducted closer than five hundred (500) feet from any dwelling existing at the time of adoption of this Ordinance.

B. Screening.

Adequate screening with indigenous planting shall be preserved or established to block the view at the site from any public road, residential zoning district and from any existing dwelling located within one thousand (1000) feet of the site prior to establishment of the MR District. Existing trees and other natural vegetation shall be preserved and maintained at the

Docket G-01-22 – Exhibit A
ORDINANCE AMENDMENTS

Language to be added is underlined and highlighted and language to be deleted is ~~crossed out~~.
The amendment is to restore a use that was previously interpreted to be allowed in this zone.

SECTION 400 – PUBLIC FACILITIES DISTRICTS

405. PARKS, RECREATION, OPEN SPACE DISTRICT (PRO)

[Last amended 7/9/98, Ord. 648]

405.01 Purpose.

The purpose of the PRO District is to accommodate the immediate foreseeable demand for public parks and recreation and open space in designated areas inside or outside urban growth boundaries to serve local and regional residents' needs as identified in the Comprehensive Plan. The size, character and intensity of development of park, recreation and open space areas and the performance characteristics of recreation areas shall be commensurate with the capability of land and water areas to support the uses intended and shall not result in any unusual service demands on nearby urban centers. Uses of land and water not compatible with public parks, public recreation and open space uses, including recreation commercial service facilities, shall be prohibited.

405.02 Permitted Uses.

In the PRO district, the following uses shall be permitted subject to the standards and limitations set forth in subsection 405.07, and pursuant to Section 1101 for site design review:

A. Park, recreation area, or open space, publicly or privately owned, operated and maintained and including hunting and fishing preserves;

B. Public campground or picnic site;

C. Historical, archaeological, or geological site;

D. Public boat-launching and fishing facilities;

E. Public bicycle and pedestrian paths or trails systems not within County or public rights-or-way;

F. Equestrian paths or trails systems;

G. Public playlot, playground, or playfield, including game court, ball diamond, swimming pool and similar uses;

H. Public RV park subject to the RV park provisions of Section 1003;

I. Golf course, excluding miniature golf;

J. Driving range, in conjunction with a golf course;

K. Dwelling for caretaker or watchman, in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]

L. Accessory uses;

M. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

N. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301;

O. Community or municipal water supply system;

P. Community or municipal sanitary sewer system; and

Q. Signs, pursuant to the sign provisions set forth in Section 1006.

R. Roads, highways and other transportation facilities and improvements.

405.03 Conditional Uses.

In the PRO District, pursuant to the Type B application procedure set forth in Section 1301 and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this Ordinance, the following use may be allowed conditionally:

A. Driving range, not in conjunction with a golf course.

405.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this District that is similar in character, scale and performance to the permitted uses specified in subsection 405.02, may be allowed as a similar use, subject to the similar use provisions of Section 1206 and pursuant to the Type A application procedure set forth in Section 1301.

405.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section and not allowed as a similar use, are prohibited in the PRO District.

405.06 Nonconforming uses.

Nonconforming uses found in the PRO District are subject to the nonconforming use provision of Section 1205 as well as any other applicable provisions of this Ordinance.

405.07 Standards and Limitations.

In the PRO District, the following standards and limitations shall apply unless varied or waived subject to Section 903 for Planned Unit Development:

A. Parcel Size and Dimension.

The minimum parcel size for any use shall be one (1) acre, except that fifty (50) acres shall be the minimum parcel size for a golf course.

B. Setbacks.

Docket G-01-22 – Exhibit A
ORDINANCE AMENDMENTS

Language to be added is underlined and highlighted and language to be deleted is ~~crossed out~~.
The amendment is to restore a use that was previously interpreted to be allowed in this zone.

SECTION 500 – RURAL RESIDENTIAL DISTRICTS

501. AGRICULTURE/FORESTRY SMALL HOLDING DISTRICT (AF-10)

[Last amended 06/28/18; Ord. 906]

501.01 Purpose.

The purpose of the AF-10 District is to provide for low density rural residential development on selected lands identified as Agricultural/Forestry Small Holding in the Comprehensive Plan; and, at the same time, to encourage small-scale or more intensive farm and forestry activities. Within this District, no limitations shall be placed on farm and forestry uses of the scale, type and performance characteristics commonly found in the F-80, EF-20, -40 or -80 and AF-20, -40 or -80 Districts. In areas immediately adjacent to urban centers, the AF-10 District is intended to be a transitional zone between F-80, EF-20, -40 or -80 and AF-20, -40 or -80 Districts and higher-density VLDR and LDR Districts or urban districts identified in city comprehensive plans. [Amended 12/05/02; Ord. 720]

501.02 Permitted Uses.

In the AF-10 District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 501.06:

A. Farm uses; [Amended 7/9/98; Ord. 648]

B. Propagation and harvesting of forest products;

C. The boarding of horses for profit, subject to Section 1101 for site design review;

D. Principal dwelling;

E. Park or open space which is publicly or privately owned, operated or maintained, including fishing and wildlife preserves but excluding hunting preserves, subject to Section 1101 for site design review;

F. Subdivisions, subject to the land division requirements set forth in Ordinance 205;

G. Residential Planned Unit Developments, subject to Section 903 of this Ordinance and the land division requirements set forth in Ordinance 205;

H. Accessory uses;

I. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301;

J. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

K. Manufactured home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;

L. Signs, pursuant to the sign provisions set forth in Section 1006; ~~and~~

M. Residential home. [Added 3/19/98; Ord. 643]

N. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. [Added 6/28/18; Ord. 906]

501.03 Conditional Uses.

In the AF-10 District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

A. Secondary dwelling, for persons engaged full-time in farm activities on the premises for at least six (6) months in each year, in conjunction with a principal dwelling on the same parcel, and provided that:

1. The applicant demonstrates that the nature of the farm activities on the premises makes it necessary for the occupants of the secondary dwelling to reside there.

2. The occupants of the secondary dwelling will perform work related to the management of the farm that the occupants of other dwellings on the property cannot perform.

3. If the occupants of a secondary dwelling approved hereunder have no proprietary interest in the land, the dwelling shall be a manufactured home. In such a case, if at any time the requirements of this Section can no longer be satisfied, the manufactured home shall be removed.

B. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with as existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative, as defined in ORS 215, of the resident, subject to the following:

1. The resident or relative of the resident is aged, infirm, or for health-related reasons, is incapable of maintaining a complete separate residence.

2. The permit for the manufactured dwelling for the term of hardship shall be valid for a period of two years or a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time, if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated.

3. The permit for the temporary dwelling for the term of hardship shall be granted to the applicant only and shall not be deemed to run with the land.

4. The temporary dwelling shall use the same subsurface sewage disposal system as the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

5. When a recreational vehicle is allowed to be used as a temporary structure the recreational vehicle site shall have services, inspected and approved by the building department which includes electricity, plumbing and connection to an approved septic system.

6. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. In the case of a recreational vehicle, within three months of the end of the hardship, it shall be removed, demolished or may remain on the property and used in accordance with Section 501.06(H). A temporary residence approved under this paragraph is not eligible for replacement. [Amended 07/29/04; Ord. 743]

C. Home occupation, as defined by this ordinance, subject to the standards and limitations set forth in Section 1004;

D. Mineral resource extraction, subject to the applicable criteria in Section 404;

E. Extraction and development of oil, natural gas or geothermal resources, subject to the criteria specified in subsection 404.10;

F. Personal use airports or helicopter pads, including associated hangars, maintenance and service facilities. For the purpose of this section, a personal use airport is defined as an airstrip restricted, except for aircraft emergencies, to use by the owner or by his invited guests, on an infrequent and occasional basis, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based or stored at a personal use airport except those owned or controlled by the owner of the airstrip;

G. Kindergarten, in conjunction with a principal dwelling on the same parcel, subject to the standards for day care facilities set forth in Section 1008;

H. Veterinary hospital;

I. Kennel;

J. Community or municipal water-supply system, except within acknowledged service boundaries;

K. Community or municipal sewer system;

L. Utility facility, subject to Section 1101 for Site Design Review;

M. Public or private school, including all buildings essential to the operation of the school; and

N. Church;

O. A church may offer overnight camping space on institution property to homeless persons living in vehicles provided there are three or fewer vehicles and campers have access to sanitary facilities including but not limited to toilet, hand washing and trash disposal facilities. [Amended 12/05/02; Ord. 720]

P. Winery, including production and wholesale and retail sale of wine, subject to Section 1101 site design review and the following:

1. A winery shall be permitted to conduct on-site marketing activities events such as festivals and group tastings that are directly related to promotion and sale of the wine produced on-site with an anticipated maximum of 750 daily visitors. Only three such events may be conducted in one calendar year, and the events shall not exceed a duration of three days. The frequency and duration of these events may be further limited through site design review approval based on the adequacy of public facilities.

2. The winery shall allow only the sale of:

   (a) Wines produced in conjunction with the winery;

   (b) Items directly related to wine, the sales of which are incidental to the retail sale of wine on-site and do not exceed 25 percent of the total sales gross receipts of the retail facility. Such items include those served by a limited service restaurant, as defined in ORS 624.010, and local agricultural products commonly sold in conjunction with wine; and

   (c) Wines not produced in conjunction with the winery, the sales of which are incidental to the sale of wine produced on-site; [Amended 12/05/02; Ord. 720]

Q. Community Centers;

[Added 09/02/04; Ord. 746]

R. Residential facility as defined in ORS 197.660;

S. Roads, highways and other transportation facilities and improvements.

501.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this section are prohibited in the AF-10 District.

501.05 Nonconforming Uses.

Nonconforming uses found in the AF-10 District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

501.06 Standards and Limitations.

In the AF-10 District, the following standards and limitations shall apply:

A. Dwelling Density.

1. Permitted Uses.

   (a) The overall dwelling density shall not exceed one (1) principal dwelling per ten (10) acres; and

   (b) Not more than one (1) principal dwelling shall be permitted on any parcel except in the case of a planned unit development.

B. Parcel Size and Dimension.

1. Newly-Created Parcels.

Docket G-01-22 – Exhibit A
ORDINANCE AMENDMENTS

Language to be added is underlined and highlighted and language to be deleted is ~~crossed out~~.
The amendment is to restore a use that was previously interpreted to be allowed in this zone.

SECTION 500 – RURAL RESIDENTIAL DISTRICTS

502. VERY LOW DENSITY RESIDENTIAL DISTRICTS (VLDR-5, VLDR-2 ½, VLDR-1)

[Last Amended 06/28/18; Ord. 906]

502.01 Purpose.

The purpose of the VLDR Districts is to provide for medium-to-high density rural residential development on selected lands identified as Very Low Density Residential in the Comprehensive Plan. The VLDR Districts are intended to accommodate rural residential development at an anticipated magnitude or density level that does not require more than a very basic level of services, such as single local-road access, individual domestic wells and sewage-disposal systems, and rural fire protection. Ultimate density limitations in VLDR Districts shall be determined in part by prevailing lot sizes, and limitations of domestic water sources or soil conditions for subsurface sewage disposal. Opportunities for small-scale or intensive farm and forestry activities compatible with rural residential uses shall be encouraged in the VLDR Districts. In areas immediately adjacent to urban centers, the VLDR Districts are intended as transitional zones between F-80, EF-20, -40 or -80, AF-20, -40 or -80 and AF-10 Districts and higher-density LDR Districts or urban districts identified in city comprehensive plans.

[Amended 12/05/02; Ord. 720]

502.02 Permitted Uses.

In the VLDR Districts, the following uses shall be permitted subject to the standards and limitations set forth in subsection 502.06:

A. Farm uses. The number of livestock and other animals that may be raised on a parcel is subject to the limitations in subsection 502.06(J). [Amended 3/19/98, Ord. 643; 7/9/98, Ord 648]

B. Propagation and harvesting of Christmas trees;

C. Principal Dwelling;

D. Subdivisions, subject to the land division requirements set forth in Ordinance 205;

E. Residential planned unit developments, subject to Section 903 of this ordinance and the land division requirements set forth in Ordinance 205;

F. Accessory uses;

G. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

H. Manufactured home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;

I. Signs, pursuant to the sign provisions set forth in Section 1006;

J. Residential home or a registered or certified family child care home; and [Amended 5/24/12; Ord. 872]

K. Propagation and harvesting of forest products; [Added 12/05/02; Ord. 720]

L. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. [Added 06/28/18; Ord. 906]

M. Roads, highways and other transportation facilities and improvements.

502.03 Conditional Uses.

In the VLDR Districts, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

A. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with as existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative, as defined in ORS 215, of the resident, subject to the following:

1. The resident or relative of the resident is aged, infirm, or for health-related reasons, is incapable of maintaining a complete separate residence.

2. The permit for the manufactured dwelling for the term of hardship shall be valid for a period of two years or a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time, if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated.

3. The permit for the temporary dwelling for the term of hardship shall be granted to the applicant only and shall not be deemed to run with the land.

4. The temporary dwelling shall use the same subsurface sewage disposal system as the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

5. When a recreational vehicle is allowed to be used as a temporary structure the recreational vehicle site shall have services, inspected and approved by the building department which includes electricity, plumbing and connection to an approved septic system.

6. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. In the case of a recreational vehicle, within three months of the end of the hardship, it shall be removed, demolished or may remain on the property and used in accordance with Section 501.06(H). A temporary residence approved under this paragraph is not eligible for replacement. [Amended 07/29/04; Ord. 743]

Docket G-01-22 – Exhibit A
ORDINANCE AMENDMENTS

Language to be added is underlined and highlighted and language to be deleted is ~~crossed out~~.
The amendment is to restore a use that was previously interpreted to be allowed in this zone.

SECTION 500 – RURAL RESIDENTIAL DISTRICTS

503. LOW DENSITY RESIDENTIAL DISTRICTS (LDR-12,000, LDR-9,000, LDR-6,750

[Last amended 8/13/98, Ord. 657]

503.01 Purpose.

The purpose of the LDR Districts is to provide for high-density rural residential development on selected lands identified as Low Density Residential in the Comprehensive Plan. The LDR Districts are intended to accommodate rural residential development in locations generally adjacent to urban centers and are characterized by patterns of subdivision or partitioning creating a scale of service and access requirements that are complementary or similar to city residential zones. Depending upon location, LDR Districts may be converted in a timely and orderly manner through annexation to city residential lands. The LDR Districts shall apply only to those lands zoned LDR at the time of adoption of this ordinance.

503.02 Permitted Uses.

In the LDR Districts, the following uses shall be permitted subject to the standards and limitations set forth in subsection 503.06:

A. Principal Dwelling;

B. Subdivisions, subject to the land division requirements set forth in Ordinance 205;

C. Residential planned unit developments, subject to Section 903 of this ordinance and the land division requirements set forth in Ordinance 205;

D. Accessory uses;

E. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

F. Manufactured home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;

G. Signs, pursuant to the sign provisions set forth in Section 1006;

H. Residential home;

[Added 3/19/98; Ord. 643]

I. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. [Added 06/28/18; Ord. 906]

J. Roads, highways and other transportation facilities and improvements.

TDocket G-01-22 – Exhibit A
ORDINANCE AMENDMENTS

Language to be added is underlined and highlighted and language to be deleted is ~~crossed out~~.
The amendment is to restore a use that was previously interpreted to be allowed in this zone.

SECTION 600 – COMMERCIAL DISTRICTS

601. RECREATION COMMERCIAL DISTRICT (RC)

[Last Amended 06/28/18; Ord. 906]

601.01 Purpose.

The purpose of the RC District is to provide specialized commercial services in conjunction with a recreational use. This district is intended to meet present foreseeable demand for recreational commercial services both inside and outside urban growth boundaries where special location and space requirements are necessary for the recreational use. The size and intensity of development or facilities and uses within this district shall be commensurate with the capability of land and water areas to support the uses intended, and shall not result in any unusual service demands on nearby urban centers.

601.02 Permitted Uses.

In the RC District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 601.07, and pursuant to Section 1101 for site design review.

A. Resort;

B. Entertainment facility, food store (maximum floor area of two thousand (2,000) square feet), gift, souvenir or antique shop, motel, restaurant or other similar uses in conjunction with a resort;

C. Indoor commercial recreation facility;

D. Golf course, golf course and driving range or driving range, not in conjunction with a golf course; [Golf Course Added 12/05/02; Ord. 720]

E. Miniature golf;

F. RV park, subject to the RV park provisions of Section 1003;

G. Dwelling in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]

H. Accessory uses;

I. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

J. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10;

K. Community or municipal water supply system;

L. Community or municipal sewer system; and

M. Signs, pursuant to the sign provisions set forth in Section 1006.

N. Country inn. [Added 5/24/12; Ord. 872]

O. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit. [Added 06/28/18; Ord. 906]

601.03 Conditional Uses.

In the RC District, pursuant to the Type B application procedure as set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

A. Drive-in theater;

B. Open-land commercial or private recreation use, such as zoo, racing circuit, motorcycle hill climb, skydiving facility and similar uses;

C. Home occupation, subject to the standards and limitations set forth in Section 1004;

D. Utility facility, subject to Section 1101 for site design review.

E. Roads, highways and other transportation facilities and improvements.

601.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 601.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

601.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the RC District.

601.06 Nonconforming Uses.

Nonconforming uses found in the RC District are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this ordinance.

601.07 Standards and Limitations.

In the RC District, the following standards and limitations shall apply:

A. Dwelling Density.

1. Not more than one (1) dwelling shall be permitted on any parcel.

Docket G-01-22 – Exhibit A
ORDINANCE AMENDMENTS

Language to be added is underlined and highlighted and language to be deleted is ~~crossed out~~.
The amendment is to restore a use that was previously interpreted to be allowed in this zone.

SECTION 600 -- COMMERCIAL DISTRICTS

602. NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

[Last amended 06/28/18; Ord. 906]

602.01 Purpose.

The purpose of the NC District is to provide limited convenience commercial services for a specific residential market area outside urban growth boundaries. This district is intended to maintain the service function of rural hamlets in the county; or to locate a present foreseeable demand for small-scale, local convenience centers in an area where access, traffic-turning movement and off-street parking can be provided in a convenient and economic manner. The size of such centers shall reflect real market demand in the residential areas to be served and the spacing of such centers shall be commensurate with the spacing of existing centers and arterial or collector intersections. In areas adjacent to Highways 99W and 18, the layout and design of such centers shall ensure that the view from the highway and rural atmosphere of the county are not impaired and that the scale and service requirements of the facilities do not have an adverse impact on, unduly compete with, or place any unusual service demands on nearby urban centers.

602.02 Permitted Uses.

In the NC District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 602.07 and pursuant to Section 1101 for site design review:

A. Automobile service station;

B. Automobile repair garage;

C. Drive-in restaurant, restaurant, or refreshment stand;

D. Food store, maximum floor area of two thousand (2,000) square feet;

E. Dwelling in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]

F. Accessory uses;

G. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector.

H. Community or municipal water supply system;

I. Community or municipal sewer system; and

J. Signs, pursuant to the sign provisions set forth in Section 1006.

K. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit. [Added 06/28/18; Ord. 906]

The following uses have been approved as similar uses in the NC district:

- axle and hitch assembly shop
- beauty salon
- tavern
- farm equipment sales
- furniture sales
- lumber sales

602.03. Conditional Uses.

In the NC District, pursuant to the Type B application procedure as set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

A. Home occupation, subject to the standards and limitations set forth in Section 1004;

B. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10;

C. Utility facility, subject to Section 1101 for site design review.

D. Roads, highways and other transportation facilities and improvements.

602.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 602.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

602.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the NC District.

602.06 Nonconforming Uses.

Nonconforming uses found in the NC District are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this ordinance.

602.07 Standards and Limitations.

In the NC District, the following standards and limitations shall apply:

A. Dwelling Density.

Docket G-01-22 – Exhibit A
ORDINANCE AMENDMENTS

Language to be added is underlined and highlighted and language to be deleted is ~~crossed out~~.
The amendment is to restore a use that was previously interpreted to be allowed in this zone.

SECTION 600 – COMMERCIAL DISTRICTS

603. HIGHWAY/TOURIST COMMERCIAL DISTRICT (HC)

[Last amended 06/28/18; Ord. 906]

603.01 Purpose.

The purpose of the HC District is to provide limited small-scale highway and tourist commercial services for the traveling public in specially designated highway-service centers where access, traffic-turning movements and off-street parking can be provided in a safe, convenient, economic and attractive manner. The establishment of an HC District shall be based on present foreseeable demand for limited services to the traveling public. In areas adjacent to Highways 99W and 18, the size, spacing, layout and design of such centers shall ensure that the view from the highway and the rural atmosphere of the county are not impaired; and that the scale and service requirements of the facilities do not have an adverse impact on, unduly compete with, or place any unusual service demands on nearby urban centers.

603.02 Permitted Uses.

In the HC District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 603.07 and pursuant to Section 1101 for site design review:

A. Automobile service station;

B. Drive-in restaurant, restaurant, or refreshment stand;

C. Food store, maximum floor area of two thousand (2,000) square feet;

D. Fruit or vegetable stand, commercial;

E. Gift, souvenir or antique shop;

F. Motel;

G. Dwelling in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]

H. Accessory uses;

I. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

J. Community or municipal water supply system;

K. Community or municipal sewer system; and

L. Signs, pursuant to the sign provisions set forth in Section 1006.

M. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit. [Added 06/28/18; Ord. 906]

The following use has been approved as a similar use in the HC district:

- RV sales

603.03 Conditional Uses.

In the HC District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

A. Home occupation, subject to the standards and limitations set forth in Section 1004;

B. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements of subsection 404.10;

C. Utility facility, subject to Section 1101 for site design review.

D. Roads, highways and other transportation facilities and improvements

603.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted used specified in subsection 603.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

603.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the HC District.

603.06 Nonconforming Uses.

Nonconforming uses found in the HC District are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provision of this ordinance.

603.07 Standards and Limitations.

In the HC District, the following standards and limitations shall apply:

A. Dwelling Density.

No more than one (1) dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

Docket G-01-22 – Exhibit A
ORDINANCE AMENDMENTS

Language to be added is underlined and highlighted and language to be deleted is ~~crossed out~~.
The amendment is to restore a use that was previously interpreted to be allowed in this zone.

SECTION 700 – INDUSTRIAL DISTRICTS

701. RESOURCE INDUSTRIAL DISTRICT (RI)

[Last amended 06/28/18; Ord. 906]

701.01 Purpose.

The purpose of the RI District is to accommodate the present foreseeable demand for food-packaging and processing industries in areas close to the resources utilized, where high weight or bulk, low-value, perishable produce must be transported short distances in short time to processing plants. Such uses shall be compatible with existing or projected urban development, and shall not require municipal water supply, municipal sewage services, or other municipal services, and shall coordinate site and building design through application of the site design review process.

701.02 Permitted Uses.

In the RI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 701.07, and pursuant to Section 1101 for site design review:

A. Fruit, nut or vegetable packing, processing, warehousing or cold storage operations;

B. Winery, including production and wholesale and retail sale of wine, subject to the following:

1. A winery shall be permitted to conduct on-site marketing activities events such as festivals and group tastings that are directly related to promotion and sale of the wine produced on-site with an anticipated maximum of 750 daily visitors. Only three such events may be conducted in one calendar year, and the events shall not exceed a duration of three days. The frequency and duration of these events may be further limited through site design review approval based on the adequacy of public facilities.

2. A winery shall be permitted to rent or lease facilities, with or without a fee, within or adjacent to the winery for events such as parties, receptions, and banquets that are not directly related to winery promotional activities, only at the frequency customary prior to January 1, 1994.

3. The winery shall allow only the sale of:

(a) Wines produced in conjunction with the winery;

(b) Items directly related to wine, the sales of which are incidental to the retail sale of wine on-site and do not exceed 25 percent of the total sales gross receipts of the retail facility. Such items include those served by a limited service restaurant, as defined in ORS 624.010, and local agricultural products commonly sold in conjunction with wine; and

(c) Wines not produced in conjunction with the winery, the sales of which are incidental to the sale of wine produced on-site; [Amended 11/30/94; Ord. 582]

C. Wholesale nursery;

D. Dwelling for caretaker or watchman in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]

E. Accessory uses;

F. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

G. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10;

H. Community or municipal sewer system; and

I. Signs, pursuant to the sign provisions set forth in Section 1006.

J. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit. [Added 06/28/18; Ord. 906]

701.03 Conditional Uses.

In the RI District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

A. Home occupation, subject to the standards and limitations set forth in Section 1004;

B. Livestock packing, processing and warehousing;

C. Utility facility, subject to Section 1101 for site design review; [Added 3/15/85; Ord. 408]

D. Rental or lease of facilities, with or without a fee, in conjunction with an agricultural use for events such as parties, receptions, and banquets with the primary intent of indirect promotion of the product harvested or processed on the site. [Added 11/30/94; Ord. 582]

E. Four or more promotional events in a calendar year that are directly related to the marketing of products harvested or processed on the site that are reasonably expected to attract more than daily 750 visitors.

F. Roads, highways and other transportation facilities and improvements.

701.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 701.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

Docket G-01-22 – Exhibit A
ORDINANCE AMENDMENTS

Language to be added is underlined and highlighted and language to be deleted is ~~crossed out~~.
The amendment is to restore a use that was previously interpreted to be allowed in this zone.

SECTION 700 – INDUSTRIAL DISTRICTS

702. LIGHT/GENERAL INDUSTRIAL DISTRICT (LI)

[Last Amended 06/28/18; Ord. 906]

702.01 Purpose.

The purpose of the LI District is to provide for light and general industrial uses with similar service needs within urban growth boundaries and in other locations which are or will be compatible with adjacent urban development. Such areas shall maintain high performance standards for light and general industrial uses and shall coordinate site and building design through application of the site design review process.

702.02 Permitted Uses.

In the LI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 702.07 and pursuant to Section 1101 for site design review:

A. Manufacture of machine tools, medical and dental equipment, electronic instruments, mobile homes, and food products not generating noxious odors;

B. Farm, industrial or contractor's equipment or materials manufacture, storage, sales, repair or service, including automobile repair garage;

C. Warehousing, wholesale storage and distribution, and motor freight terminals contained only within a building;

D. Fruit, nut or vegetable packing, processing warehousing or cold storage operations;

E. Winery;

F. Veterinary hospital;

G. Accessory uses;

H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

I. Community or municipal water supply system;

J. Community or municipal sewer system; and

K. Signs, pursuant to the sign provisions set forth in section 1006;

L. Dwelling for a caretaker or watchman in conjunction with permitted use. Site design review is not required for the dwelling. [Amended 7/9/98, Ord 648]

M. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit. [Added 06/28/18; Ord. 906]

The following uses have been approved as a similar use in the LI district:

- RV storage (Docket SU-01-91 in TL File 5405-1001)
- Mini-storage

702.03 Conditional Uses.

In the LI District pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

A. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10.

B. Utility facility, subject to Section 1101 for site design review.

C. Roads, highways and other transportation facilities and improvements

702.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district, that is similar in character, scale and performance to the permitted uses specified in subsection 702.02 may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

702.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the LI District.

702.06 Nonconforming Uses.

Nonconforming uses found in the LI District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

702.07 Standards and Limitations.

In the LI District, the following standards and limitations shall apply:

A. Parcel Size and Dimension.

1. Minimum Parcel Size. The minimum parcel size for any use shall be 20,000 square feet.

Docket G-01-22 – Exhibit A
ORDINANCE AMENDMENTS

Language to be added is underlined and highlighted and language to be deleted is ~~crossed out~~.
The amendment is to restore a use that was previously interpreted to be allowed in this zone.

SECTION 700 – INDUSTRIAL DISTRICTS

703. HEAVY INDUSTRIAL DISTRICT (HI)

[Last Amended 06/28/18; Ord. 906]

703.01 Purpose.

The purpose of the HI District is to provide for industrial uses with high-nuisance characteristics that are incompatible with adjacent urban residential uses or for industrial uses where space or performance characteristics demand a specialized locale. All required services shall be available to the site, including necessary major utility lines and sewer and water facilities. Whenever appropriate, heavy industrial uses shall be located within urban growth boundaries so that necessary urban-level services can be provided in an efficient and economic manner.

703.02 Permitted Uses.

In the HI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 703.07, and pursuant to Section 1101 for site design review:

A. Grain elevators, feed mills and seed cleaning plants;

B. Manufacture of forest products, including sawmills, planing mills, plywood and particle board plants and pulp and paper mills;

C. Auto wrecking yards;

D. Animal slaughtering, meat-packing and rendering plants;

E. Facilities for the processing or production of oil, natural gas, geothermal resources or other hydrocarbons;

F. Manufacture of clay products, brick, tile and cement and including mining of materials used in production;

G. Outdoor storage of raw materials or finished products associated with any permitted use;

H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

I. Community or municipal water supply system;

J. Community or municipal sewer system; and

K. Signs, pursuant to the sign provisions set forth in Section 1006.

L. Dwelling for caretaker or watchman in conjunction with permitted use. Site design review is not required for the dwelling. [Added 6/5/85, Ord. 409; Amended 7/9/98, Ord. 648]

M. Utility facility. [Added 12/05/02; Ord. 720]

N. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit. [Added 06/28/18; Ord. 906]

The following uses have been approved as a Similar Use in the HI district:

- Asphalt batch plant (SU-01-98),
- Cell Tower (SU-01-99)

703.03 Conditional Uses.

~~In the HI District, no use may be allowed as a conditional use.~~

In the HI District pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

A. Roads, highways and other transportation facilities and improvements

703.04 Similar Uses.

Any use not specifically listed as a permitted use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 703.02, may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

703.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the HI District.

703.06 Nonconforming Uses.

Nonconforming uses found in the HI District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

703.07 Standards and Limitations.

In the HI District, the following standards and limitations shall apply:

A. Parcel Size and Dimensions.

1. Minimum Parcel Size. The minimum parcel size for any use shall be two (2) acres.

2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

Docket G-01-22 – Exhibit A
ORDINANCE AMENDMENTS

Language to be added is underlined and highlighted and language to be deleted is ~~crossed out~~.
The amendment is to restore a use that was previously interpreted to be allowed in this zone.

SECTION 800 – PUBLIC FACILITIES DISTRICTS

801. PUBLIC ASSEMBLY INSTITUTIONAL DISTRICT (PAI)

801.01 Purpose.

The purpose of the PAI District is to accommodate the present foreseeable demand for public and private assembly use and institutional facilities to serve both local and regional needs. When sited adjacent to urban development, PAI uses shall be compatible and coordinated with city comprehensive plans. The PAI District shall be subject to the site design review provisions of this Ordinance regarding the review, approval and staging of all phases of development and the programming, installation and maintenance of all improvements.

801.02 Permitted Uses.

In the PAI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 801.07 and pursuant to Section 1101 for site design review:

A. Any use providing for the public or private assembly of persons for religious, charitable, philanthropic, cultural, recreational or educational purposes, including churches, auditoriums, armories, youth centers, social halls, fairgrounds, group camps, school, kindergartens, play-schools, day nurseries and day-care schools;

B. Clinic;

C. Club or lodge;

D. Convalescent or nursing home;

E. Cemetery;

F. Dwelling for caretaker or watchman in conjunction with a permitted use. If a dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;

G. Accessory uses;

H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

I. Community or municipal water supply system;

J. Community or municipal sewer system; and

K. Signs, pursuant to the sign provisions set forth in Section 1006.

L. Roads, highways and other transportation facilities and improvements.

801.03 Conditional Uses.

In the PAI District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

A. Farm uses as follows: The current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the purpose of obtaining a profit in money by raising, harvesting and selling crops; or by the feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals, or honey bees; or by dairying and the sale of dairy products and other agricultural or horticultural use or animal husbandry; or by any combination thereof. Farm use includes the preparation, storage and marketing of the products raised on such land for man's use and animal use;

B. Propagation and harvesting of a forest product;

C. Duplex or multi-family dwelling, or group living quarters, in conjunction with a permitted use. If a dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002; and

D. Operations conducted for the exploration of oil, natural gas or geothermal resources subject to the Type A application procedure set forth in Section 1301.

801.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this District that is similar in character, scale and performance to the permitted uses specified in subsection 801.05, may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

801.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section, and not allowed as a similar use, are prohibited in the PAI District.

801.06 Nonconforming Uses.

Nonconforming uses found in the PAI District are subject to the nonconforming use

Docket G-01-22 – Exhibit A
ORDINANCE AMENDMENTS

Language to be added is underlined and highlighted and language to be deleted is ~~crossed out~~.
The amendment is to restore a use that was previously interpreted to be allowed in this zone.

SECTION 800 – PUBLIC FACILITIES DISTRICTS

802. PUBLIC WORK/SAFETY DISTRICT (PWS)

[Last amended 7/9/98, Ord. 648]

802.01 Purpose.

The purpose of the PWS District is to accommodate the present foreseeable demand for public works and safety facilities and utility facilities and uses to serve local needs and to serve regional needs, when appropriate. When sited adjacent to urban development, PWS uses shall be compatible and coordinated with city comprehensive plans. The PWS District shall be subject to the site design review provisions of this ordinance regarding the review, approval, programming, installation and maintenance of all improvements.

802.02 Permitted Uses.

In the PWS District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 802.06, and pursuant to Section 1101 for site design review'.

A. Utility facility, substation, transformer, gate station, pumping or lift station; telephone, telegraph, radio, microwave, or television transmitter facilities of any kind, any storage facilities in conjunction with any of the above;

B. Municipal water supply, treatment, storage, transmission and distribution facility;

C. Municipal sewage collection, treatment and disposal system;

D. Sanitary landfill;

E. Public works yards, shops, bus barns, equipment and materials storage yards, and similar uses;

F. Fire stations;

G. Dwelling for caretaker or watchman in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]

H. Accessory uses;

I. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

J. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10; and

K. Signs, pursuant to the sign provisions set forth in Section 1006.

802.03 Conditional Uses.

In the PWS District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

Parks or playgrounds owned and operated by a governmental agency or a nonprofit community organization, subject to Section 1101, Site Design Review.

Roads, highways and other transportation facilities and improvements.

802.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this section shall be prohibited in the PWS District.

802.05 Nonconforming Uses.

Nonconforming uses found in the PWS District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

802.06 Standards and Limitations.

In the PWS District, the following standards and limitations shall apply:

A. Dwelling Density.

Not more than one (1) dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

1. Minimum Parcel Size.

The minimum parcel size shall be 20,000 square feet, plus 20,000 square feet for any dwelling.

2. Depth-to-Width Ratio.

The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

The minimum setback for all yards shall be twenty (20) feet for all uses, except as follows:

1. The minimum setback shall be five (5) feet for all yards for signs.

Docket G-01-22 – Exhibit A
ORDINANCE AMENDMENTS

Language to be added is underlined and highlighted and language to be deleted is ~~crossed out~~.
The amendment is to restore a use that was previously interpreted to be allowed in this zone.

PUBLIC FACILITIES DISTRICTS

803. PUBLIC AIRPORTS/LANDING FIELDS DISTRICT (PALF) [Last amended 7/9/98, Ord. 648]

803.01 Purpose.

The purpose of the PALF District is to accommodate the present foreseeable demand for public airports and private landing fields to serve both local and regional business and leisure use. When sited adjacent to an urban growth boundary or an urban center, PALF uses shall be compatible and coordinated with city comprehensive plans. The PALF District shall be subject to the site design review provisions of this ordinance regarding the review, approval and staging of all phases of development and the programming, installation and maintenance of all improvements.

803.02 Permitted Uses.

In the PALF District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 803.06 and pursuant to Section 1101 for site design review.

A. Aircraft landing field, public or private;

B. Farm uses; [Amended 7/9/98, Ord. 648]

C. Dwelling for owner, caretaker or watchman in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]

D. Accessory uses;

E. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

F. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10;

G. Community or municipal water supply system;

H. Community or municipal sewer system; and

I. Signs, pursuant to the sign provisions set forth in Section 1006.

803.03 Conditional Uses.

~~In the PALF District, no use may be allowed as a conditional use.~~

In the HI District pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

A. Roads, highways and other transportation facilities and improvements

803.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section shall be prohibited in the PALF District.

803.05 Nonconforming Uses.

Nonconforming uses found in the PALF District are subject to the nonconforming uses provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

803.06 Standards and Limitations.

In the PALF District, the following standards and limitations shall apply:

A. Dwelling Density.

The maximum overall dwelling density shall be established by the decision-making body subject to Section 1101 for site design review, and not more than one (1) dwelling shall be permitted in conjunction with any proposed aircraft landing field.

B. Parcel Size and Dimension.

1. Minimum Parcel Size.

The minimum parcel size for an aircraft landing field shall be ten (10) acres and the parcel size for any other use shall be established by the decision-making body subject to Section 1101 for site design review.

2. Parcel Width.

The minimum parcel width for any use shall be established by the decision-making body subject to Section 1101 for site design review.

3. Depth-to-Width Ratio.

The maximum depth-to-width ratio for any newly-created parcel shall be established by the decision-making body subject to Section 1101 for site design review.

C. Setbacks.

B. Minutes of the April 7, 2022, Planning Commission Hearing

YAMHILL COUNTY PLANNING COMMISSION
Thursday, April 7, 2022 - 7:00 p.m.
Yamhill County Courthouse, Room 32
535 NE Fifth Street
McMinnville, Oregon 97128

Roll Call: Matt Dunckel, Kit Johnston, Mark Gaibler, Dan Armstrong, John Abrams, Paulette Alexandria, Brett Veatch **Absent:** Alan Halstead, Marjorie Ehry **Staff:** Ken Friday, Desiree Lundeen, Alicia Lisle, Stephanie Curran

Chair Dan Armstrong opened the public hearing and introduced new County Counsel, Jodi Gollehon, to Planning Commission members.

Approval of minutes from February 3, 2022, hearing. Paula motioned to approve; Mark seconded. Motion passed 6-0, Brett Veatch abstained.

QUASI-JUDICIAL PUBLIC HEARINGS:

DOCKET NO.: G-01-22

REQUEST: A proposal to update Sections of the Yamhill County Zoning Ordinance to add *"Roads, highways and other transportation facilities and improvements"* as a permitted use to the following zoning districts.

a. Mineral Resource District – Section 404 (MR)
b. Parks, Recreation, Open Space District – Section 405 (PRO)
c. Rural Residential Districts – Sections 501 (AF-10), 502 (VLDR), and 503 (LDR)
d. Commercial Districts – Sections 601 (RC), 602 (NC) and 603 (HC)
e. Industrial Districts – Sections 701 (RI), 702 (LI) and 703 (HI)
f. Public Assembly Institutional District – Sections 801 (PAI)
g. Public Works/ Safety District – Section 802 (PWS)
h. Public Airports/ Landing Fields District – Section 803 (PALF)

APPLICANT: Yamhill County

CRITERIA: Section 1207.01 of the Yamhill County Zoning Ordinance.

Abstentions or objections: none

Skipped the raise it or waive it statement because it is a legislative hearing.

Ken Friday read the staff report.

Ken Friday: These amendments were initially before the Planning Commission on July 9, 2020, at the McMinnville Civic Hall. The commission voted to not proceed with the proposed amendments until the social distancing requirements would allow for citizen participation and Board of Commissioners rendered a decision about the Yamhelas Westsider trail. That is why it is coming back to you now.

The one item I did drop from consideration related to modifying the farm zone language to no longer require transportation improvements it to be processed as a conditional use. I dropped it due to the controversary it caused at the last hearing.

I had several questions come to me and one of them was:

1) If these amendments were brought forward in 2020 and postponed due to the Trail issue, why are they necessary now that the Board has withdrawn the land use application for the YWT?

The simple answer is these transportation amendments are not trail amendments. Yes, the need for them was identified in a trail decision, but not allowing transportation facilities in our nonfarm and exception areas has far larger implications than the trail as transportation facilities (roads) are not allowed in these zones. What that means is there is no mechanism to allow roads in exception areas because they are not listed as a use.

This is not a way to resurrect the trail, this is to allow roads and transportation facilities in these zones.

The next question is:

2) I've heard that these amendments are being proposed because of the Newberg-Dundee Bypass and ODOT needing to have transportation uses allowed in certain zones.

Yes, the bypass is one of the concerns. (I received an e-mail from Dan Fricke of ODOT in December and I included it in the record.)

From:FRICKEDanielL
Sent: Friday,December10,20216:25AM
To: KenFriday<fridayk@co.yamhill.or.us>
Subject: Newberg-Dundee Bypass Phase 2

<In the email he describes interchange improvements to be part of the Newberg/Dundee bypass improvements.> He states:

At the proposed interchange location, Yamhill County zoning on the west side of OR 219 is VLDR 2.5 and AF-10 on the east side. In the area of the Wynooski Road realignment, the County zoning is PWS. Transportation improvements, such as those described above, are not permitted uses in the AF-10 and PWS zoning districts. You indicated that County staff had initiated ordinance amendments to add transportation improvements to these districts but that work had been delayed for several reasons. ODOT would strongly support completion of those ordinance amendments as they would facilitate construction of these important transportations projects that will help advance Phase 2 of the Newberg-Dundee Bypass. The Phase 2A project has funding available and is moving through the design process.

That is one of the reasons I am bringing this forward.

The next question I received was:

3) The county already has a process to obtain approval for transportation related uses in these zones, which requires public scrutiny. Why is the current process insufficient?

- We do not have a process to obtain approval for transportation related issues in these zones. We do have a process for roads and transportation facilities in the farm zone, we do not have a process for transportation facilities in these exception areas. That is because when roads and transportation facilities were added to the farm and forestry zones, there was no corresponding addition to the nonfarm and exception areas.

The Land Use Board of Appeals (LUBA) specifically noted roads and transportation facilities not allowed in the AF-10 zone and that YCZO 501.04 states "uses of land and water not specifically listed in this section are prohibited in the AF-10 District." That wording is in these districts. Simply stated, since it is not listed as a use, it is not allowed.

- Ultimately, what is adopted is up to the Board. This proposal is a starting point based on what we have previously allowed in these zones.

The next question was:

4) Why add transportation facilities in zones that shouldn't have a trail like the Heavy Industrial or Public Airport zones?

The answer is twofold. First, these amendments are not about placement of a trail or of a future application. These amendments are about transportation facilities.

Second, our Code states that the zones go to the centerline of roads – so the roads do not have a separate zoning. That's why I recommend placement of it in all the other zones because these other zones are next to or on either sides of existing roads.

I have a few examples of what I am concerned about.

1) The first one is Highway 99W by the intersection with Highway 47. There is a myriad of zones at that intersection along with a bridge. What happens if there is a need to repair the bridge or improve the intersection? Since a road is not permitted in these zones do we process it as an alteration of a nonconforming use?

2) The next example is of a 10-lot subdivision in the Very Low Density Residential zone approved in 2014. These roads in the subdivision are new road. We couldn't do this as a nonconforming use.

3) The last example is one from the Grand Ronde Area. It is a proposal for a safety improvement on a corner of Highway 22. If you have ever traveled this way you likely agree it is a needed safety improvement. (I have a friend that drives log truck, and he does not like this corner.) Unfortunately, the portion in Yamhill County is in the AF-10 zone – which LUBA has said does not allow roads or transportation facilities. I have suggested this might be able to be processed as an alteration of a nonconforming use, however someone could fight that determination and argue that it is new use since it is a new right of way with a new road extension.

The last question was:

5) Why is this language so open or permissive?

My recommendation is based on two past practices. First, for at least the past 30 years our office has always considered roads to be allowed uses in these zones. My proposed language is simply to reestablish what we previously had allowed.

Second, Yamhill County has historically tried to be only as restrictive as the state statutes and administrative rules. I can only think of a few instances where we have been more restrictive. The proposal is to allow what is allowed by the statue and administrative rules.

I am not trying to be more restrictive than state law. I also want to note that if we are more restrictive, then we need to provide a Measure 56 notice. Since this proposal is less restrictive, no Measure 56 notice is required.

Could the Planning Commission or Board of Commissioners be more restrictive? Yes, absolutely. And if that is your desire, then recommend that to the Board.

Now, as far as process, this is a legislative amendment so you do not have to follow your order of procedure with proponents/opponents you can just call folks up to testify.

Dan Fricke from ODOT is here to answer questions from the Planning Commission so I was going to ask if he could be the first one up to testify.

Proponent

Dan Fricke, ODOT, Salem: I support this application because as of now, there is no easy mechanism to get roads approved through the county and this is an easier way then having to go through a zone change or condition use land use application.

Kit Johnson: How much tougher would it be to do a conditional use instead of being outright permitted?

Dan Fricke: We would have to apply to the county for a conditional use permit, which takes a little more work, not as much as a zone change. Especially when we are trying to do something to justify a use with a general zone.

Paulette Alexandria: If we did a conditional use, would that solve the problem with the bypass?

Dan Fricke: The current proposal would solve the issue with the bypass, it would make it a conditional use permit instead of an outright permitted use.

Mark Gaibler: It seems to me with ODOT that when it comes to the bypass, they pretty much just did what they wanted to. If someone owned a piece of property, regardless of the zone, you guys just took it, or did that imminent domain thing if they didn't want to do it. Wouldn't you just do that?

Dan Fricke: In terms of purchasing the property, certainly. For land use for the bypass, we went through one of the largest goal exceptions in the history of the state. It was not only approved by Yamhill County, but the cities of Newberg and Dundee as well. So, in my mind as far as land use, we didn't just go do what we wanted. As far as acquisition, we try to work with the property owners, but at the end of the day if we need the property, we have the option of imminent domain.

Mark Gaibler: I guess at the end of the day, there is already a system in place where you can do your development.

Dan Fricke: There is a process in place. I guess the question would be what process we have to follow, and what land use steps we need to follow, find out what zone they're in and follow the procedure.

Ken Friday: We do not have a road zone. If we don't have that zone and we are doing a new road, does that mean we have to change it to farm use and then say this road is zoned for farm use as a result and then we have to a farm compatibility impact study. It doesn't sense for these to be conditional uses in our rural residential zones, AF-10 or VLDR zones. That is where we want development. The roads are already analyzed during the subdivision application process, and I don't think they need to get analyzed again through the conditional use process.

Matt Dunckel: I agree completely with roads, but we get a broad definition of transportation facilities which include trails. Is there a way to separate roads and trails?

Ken Friday: If you want us to change the language and bring this back, we can. But if you put a road then people can bike or walk on it. I agree with you this is broad language.

John Abrams: If this will be permitted use, what avenues will there be to oppose a permitted use say in the VLDR zone?

Ken Friday: You would oppose the subdivision of the land, which is where the road would come in.

Brett Veatch: That is straightforward. What about something like the bypass for instance.

Ken Friday: As mentioned earlier, the bypass went through extensive goal exceptions in the state.

Brett Veatch: What if the County decides to put a road through a farmer's field.

Ken Friday: They would have to do a farm impact study and show that it is not going to interfere with current farming practices.

Brett Veatch: If it is an outright permitted use, what situation can you envision someone objecting and not having the mechanism to oppose it?

Ken Friday: I don't envision it happening.

Matt Dunckel: What about making it a conditional use?

Ken Friday Our office is fee supported and we charge agencies when they are making applications. A conditional use permit is about $2500. If you want them to go through that process, make that the recommendation.

Brett Veatch: What if we exclude AF-10 zone since the roads are looked at in the subdivision approval and make it conditional use approval on the rest of the zones. It seems like it might add some transparency.

Ken Friday: If that's what you want to do, that's great.

Dan Armstrong: Conditional use can be approved by your office on its own?

Ken Friday: We send out a notice, ask for any comment. Then if no one makes any comments or the comments can be addressed through conditions, then we make a decision. Then it has 15 days to get appealed, and then it goes before the Board of Commissioners.

Dan Armstrong: How much is it?

Ken Friday: About $2500 to apply, and $250 to appeal the decision.

Dan Fricke: As far as conditional use experience, we had to do one through Yamhill County a couple of years ago. It was opposed by a neighbor, and we had to appear before the Board of Commissioners.

Dan Armstrong: Friends of Yamhill County asked for a continuation in their letter to dial down the language before we continue. Are we going to do this?

Ken Friday: If that is what you want to do.

Testimony

Wendie Kellington, I am an attorney, I represent many of the people opposed to the trail. First of all, the language in this proposal should be changed to reference motor transportation to make it clearer. Second of all, all Phases of the bypass are requiring some sort of land use, and ODOT is capable of applying for these as well as anyone else. This proposal shouldn't be pushed through just because it makes it easier for ODOT. I do know the county believed that trails were outright permitted in every zone, without even a conditional use permit. There are certain zones this makes sense putting in as permitted uses, but there are some will have big impacts and need to be evaluated. Major road infrastructure changes can have huge impacts. Having a little bit of transparency makes a lot of sense. Our request to you is to figure out which zones should have these as permitted uses, and which zones should be conditional use, and go from there.

No questions from Planning Commissioners.

Lee Schrepnel, 6501 NE Hwy240, Yamhill: we know Phase 1 of the bypass is exists, and we can assume Phase 2 is going to happen. I don't think we need to make broad, sweeping changes to the zoning code to make that happen. Phase I worked, you made it happen. If ODOT has to go through the courts to get road approval, that is why the system is there. It does not mean that Yamhill County has to facilitate roads through industrial lands and the other 13 zones on that list. The proposal as written is too broad and inclusive and goes beyond the needs of the bypass. What is being proposed goes beyond reasonable and is too broad.

No questions from Planning Commissioners.

Celine McCarthy, PO Box 417, Gaston, 97119: I'm listening that ODOT did the Phase 1 and went through some sort of process. And now they are going through Phase 2 of the bypass, and they want to simplify the process, which I can understand. Since this is such a broad sweeping language, I'm looking at a private property owner, I think people who are going to be affected should have some kind of say. With the experience I've had dealing with the county, I'm a property owner, I was never notified there was going to be a big change to my property with the trail going in. I never got a note, I never got a letter. People that have property, if their road is going to be impacted, I think they should have some kind of a say without it being totally permitted.

No questions from Planning Commissioners.

Bob Youngman, 401 E 1st St, Newberg: I want to speak as someone born and raised in Yamhill County and a concerned citizen. My parents moved here 80 years ago and were in public service. I'm concerned about the future of Yamhill County, that we carry on the traditions and features of this area, which are now becoming separate features from the Portland Metro area. It is clear to me we need to value what has made Yamhill County successful.

No questions from the Planning Commission.

Dan Armstrong: When can we be without Zoom?

Ken Friday: Never, state law has changed so we have to offer remote options for hearings.

Kathryn Jernstedt, PO 1083, McMinnville for Friends of Yamhill County: thank you Mr. Friday, for clarifying that these changes are not about the trail, and we need to give these some serious thought. I am encouraged by the discussion of conditional use, sometimes it works, sometimes it doesn't, but it gives people the option to weigh in. For transparency, I think this is a good process. We acknowledge the absence of this language is something that needs to be addressed and I think making it a Condition Use is the best way.

No questions form the Planning Commissioners.

Staff Recommendation: Placing roads, highways and other transportation facilities in these 14 zones. If you want to identify some or all of the zones with conditions, that is ok but not my recommendation.

Matt Dunckel: I don't really want to vote for this whole package as a permitted use. Can we separate this? I object to the words "other transportation facilities". This could eventually mean light rail.

Ken Friday: I don't have an easy way to say that we are going to allow all transportations modes other that the Yamhalis Trail.

Paulette Alexandria: if you could do the bypass without this language, why do you have to change it now?

Ken Friday: It was pointed out in a recent LUBA decision about the trail spelled out to the county that roads are not permitted uses in our zones. If you allow it one zone, it is not automatically allowed in other zones.

Paulette Alexandria: So, you would not have been able to get phase 1 of the bypass done, if this language relating to the trail hadn't come out.

Ken Friday: The point was never litigated until the trail.

Paulette Alexandria: what would happen if you put in the words "motor vehicle roads" instead of the broader language?

Ken Friday: I don't know.

John Abrams: If it is a permitted use, is an impact study of some degree required?

Ken Friday: Yes. You have to show it is compatible with the zone/area.

John Abrams: So, if it is a permitted use, is an impact study of some degree required?

Ken Friday: You would have to show how it is compatible in the zone. If you want to make it a conditional use, then please recommend it. A conditional use would be better than nothing, because right now we do not have an avenue to add/repair roads in these zones.

Dan Armstrong closed the public hearing at 8:05 pm.

Deliberation

Dan Armstrong: It sounds like conditional use is the issue? I generally don't like making things more restrictive than the state, and that is what we would be doing if we made it conditional use in all zones. Do we want to make it conditional use in all zones?

Brett Veatch: I don't want this to be a conditional use in the VLDR-2.5, VLDR-5 or AF-10 zones, because it is already covered in the subdivision process. Restricting them completely in these residential zones doesn't make sense. It would give a little more transparency.

Paulette Alexandria: I will not vote yet for anything with this vague terminology. I don't care if it is conditional use, I don't think there is enough protection. Once we approve it, legal is going to say, well it's approved so we have to let it go through.

Kit Johnson: Are we the last say?

John Abrams: No, it goes through the Board of Commissioners for a final decision. I agree with what Brett says but would take the flip side with PAI and Parks and Rec zoning. I would make it outright permitted in those zones. In the other zones I would say motor vehicle roads should be outright permitted. I think it should be piecemealed out by zone.

Dan Armstrong: A road, you can ride a bicycle on the road, a horse, walk; so, when we say road, we are dumping it in there. I think we are trying to define this too much. Having other transportation and facilities is good, because if we need a bike path it would be covered. I travel Hwy 47 quite a bit and the white line, the fog line, several sections are just crumbled into the ditch. I've seen little kids try to do that ride.

Paulette Alexandria: I've seen cyclists huddling on the side of the road while a log truck went by them inches away.

Dan Armstrong: Trying to define this down too narrow is going to be difficult. Saying conditional use will make it case by case.

Brett Veatch: I would like to amend it as an outright permitted use in park and recreation zones, I didn't think about walking trails and things like that. That is a good idea.

Dan Armstrong: So permitted use in Park and Rec zones, rural residential zones, permitted use, then conditional in everything else.

Brett Veatch: That is what I would propose.

John Abrams: What is a PAI zone?

Ken Friday: Public Assembly Institutional. The cemetery is in this zone.

Dan Armstrong: Did you get that Mark?

Mark Gaibler: Yea, I guess it's legitimate. I hate to see blanket laws across the county where you can put a road anywhere and nobody has a chance to say anything about it.

Dan Armstrong: A conditional use notice goes out to surrounding property owners.

Kit Johnson: I like the conditional use idea but wouldn't mind doing permitted use in Park and Recreation zones, Public Assemblies.

Brett Veatch: What about the small acreage 2.5 acre, 5 acres AF-10 zone?

Kit Johnson: Probably not, I would have to check the Yamhelas Trail to see what zones are included, because I don't want the trail.

Ken Friday: AF-10 is included in the Westside trail zoning.

Brett Vetch: We don't have that many subdivisions that go into the AF-10 zone, do we?

Ken Friday: No, I've approved one in 30 years.

Brett Veatch: In that case I'm willing to give up permitted use in AF-10.

Dan Armstrong: If you're concerned about the Westsider Trail, can we let in the AF-10 because it's residential?

Ken Friday: The three-mile first part of the trail had AF-10 and heavy industrial zoning, but you guys are thinking about making those conditional use.

Brett Veatch: On the trail though, you would have to approve the whole thing, if you had a mix of zones, if you got conditional use on one, you got it covered.

Mark Gaibler: Are we taking out AF-10 or leaving it in?

Dan Armstrong: What do you say Mark?

Brett Veatch: I say we could leave it in.

Kit Johnson: I say take it out.

Brett Veatch: Kit says take it out, you're the tie breaker.

Mark Gaibler: I'm with Kit.

Brett: I could go either way on it, based on what Ken said, where we've had one subdivision approved in AF-10 in 30 years, I don't think it will be a hot button issue that comes up.

Matt Dunckel: I could go either way. I don't like the fact the County needs roads built and maintained while we were spending public money on the trail and with the homeless situation it brings up other ideas. I vote for Brett's idea.

John Abrams: I'm torn, my natural inclination is for less regulation. I'm ok with what's been discussed tonight.

Brett Vetch: I think it makes sense to leave them permitted in VLDR, Park and Recs. I think it is a fair trade off to make it conditional in other areas.

John Abrams: I think we've made the issues for the paid crew to look it when it leaves this body. I would be fine with what we discussed.

Brett motioned to approve roads a permitted use in the VLDR zone, Park and Rec Zone and PAI zones. All other zones are subject to conditional use approval.

Mark Gaibler seconded.

Motion passed 6-1, Paulette Alexandria voting no.

Other Business:

Dan Armstrong asked about Marjorie's health and if she will still want to continue to be a member of the Planning Commission.

Ken Friday stated she is getting better, but he doesn't know if she will continue her duties as a Planning Commissioner.

Dan Armstrong: How did the recent zone change go with the Board of Commissioners?

Ken Friday: It was approved with an overlay. What the applicants presented to the BOC was different than what they applied for with the Planning Department. They wanted unlimited use, not just a farm store.

Dan Armstrong gave a reminder to the commissioners to submit their ethics paperwork to the State Commissioner Office by April 15.

Hearing Adjourned: 8:30 pm

C. Comments received

Ken Friday

Subject: FW: Newberg-Dundee Bypass Phase 2

From: FRICKE Daniel L
Sent: Friday, December 10, 2021 6:25 AM
To: Ken Friday <fridayk@co.yamhill.or.us>
Cc: WALKER Andrew J <Andrew.J.WALKER@odot.oregon.gov>; Kelly Amador <Kelly.Amador@deainc.com>
Subject: Newberg-Dundee Bypass Phase 2

Ken –
Following up on our discussion earlier this week on moving forward with Phase 2A of the Newberg-Dundee Bypass. ODOT is currently proposing to construct a portion of an interchange at the east end of the Bypass connecting to OR 219. That project will also realign Wynooski Road to the south to connect with OR 219 opposite the current intersection at Wilsonville Road. Both of those proposed improvements are partially located within Yamhill County, At the proposed interchange location, Yamhill County zoning on the west side of OR 219 is VLDR 2.5 and AF-10 on the east side. In the area of the Wynooski Road realignment, the County zoning is PWS. Transportation improvements, such as those described above, are not permitted uses in the AF-10 and PWS zoning districts. You indicated that County staff had initiated ordinance amendments to add transportation improvements to these districts but that work had been delayed for several reasons. ODOT would strongly support completion of those ordinance amendments as they would facilitate construction of these important transportations projects that will help advance Phase 2 of the Newberg-Dundee Bypass. The Phase 2A project has funding available and is moving through the design process.

Absent these ordinance amendments, we will need to discuss process options for any land use actions that will be required to advance this project. Please contact me or Andrew Walker, ODOT Project Manager, if you have questions or if there is any information/assistance we can provide.
Dan

Dan Fricke, Senior Transportation Planner
ODOT Region 2
455 Airport Road SE, Building B
Salem, OR 97301-5395
Ph: 503-507-0391
E-mail: daniel.l.fricke@odot.oregon.gov

Ken Friday

From: Ben VanDyke <vandykeben@yahoo.com>
Sent: Saturday, April 2, 2022 7:29 AM
To: Planning
Subject: Docket G-01-22, comments

[This email originated outside of Yamhill County]

Please add this to the record for the April 7th planning commission meeting.

Members of the Planning Commission:

This testimony concerns docket #G-01-22. The proposed amendments would allow broad-sweeping changes to many zoning districts to allow, outright, trails in many zones. I first off ask you to separate each zone from this packet and do some analysis of each before you sign off on a new use so easily. Some of them in here makes perfect sense to have trails and some make no sense at all. By allowing trails outright no compatibility evaluation goes into place to see if a trial and the pressure of increased people in a zone will affect the current and potential uses for that land. Thus, this may harm come current landowners and squelch some potential new uses for that land.

As a farmer, I truly understand how valuable agricultural land in this county is. While many of these zones have no direct impact on agriculture taking land set aside in a zone like a Heavy industrial, light industrial, or commercial district to place a trail instead of putting it to its intended zoned use puts more pressure on the open spaces in Exclusive Farm Use land we have left. The more we fill up our urban zones the harder the push to expand into EFU zones there is. Once land is pulled out of agriculture and into urban use it is lost forever as producing soil.

This broad-sweeping proposal that seems so simple has many downstream effects and I ask that you proceed with great caution. This action is like playing checkers when planning is a game of chess.

Thank you,
Ben VanDyke
15221 NW Westside Rd.
Yamhill, OR 97148

Sent from Mail for Windows

Chapter 383 — Tollways

2017 EDITION

Ken, Please call Bob Youngman 503.538.2468 G-01-22

TOLLWAYS

HIGHWAYS, ROADS, BRIDGES AND FERRIES

GENERAL PROVISIONS

383.001 Findings

383.003 Definitions for ORS 383.003 to 383.075

383.004 Establishment of tolls; rules

383.005 Agreements for tollway projects; operation of projects

383.006 Authority of tollway operator

383.009 State Tollway Account; sources; uses

383.011 Contract terms regarding entry into possession by Department of Transportation; eminent domain

383.013 Tollway design

383.014 Interstate system compatibility; rules

383.015 Initiation of project; fees; rules; conditions for authorization; studies

383.017 Awarding of contracts for tollway projects; rules for awarding rest area concessions; application of certain laws

383.019 Agreements between department and private entities regarding maintenance of tollways

383.023 Revenue bonds for tollway projects

383.025 Certain information provided to Department of Transportation exempt from disclosure

383.027 Issuance of revenue bonds by municipality for tollway project

383.035 Failure to pay toll; penalty

383.045 Evidence from photo enforcement system; payment of fees

383.055 Assessment and collection of unpaid tolls; rules

383.065 Information provided for toll booth collections

383.075 Driver records and information used to collect and enforce tolls

TRAFFIC CONGESTION RELIEF PROGRAM

383.150 Traffic congestion relief program

383.155 Congestion Relief Fund

GENERAL PROVISIONS

383.001 Findings. The Legislative Assembly finds that:

(1) The development, improvement, expansion and maintenance of an efficient, safe and well-maintained system of roads, highways and other transportation facilities is essential to the economic well-being and high quality of life of the people of this state.

(2) Public sources of revenues, including federal funding, to provide an efficient transportation system have not kept pace with the state's growing population and growing transportation needs, and all available alternative sources of funding should be utilized to supplement available public sources of revenues.

(3) Because public funding sources are not providing the state with sufficient funds to meet all of its transportation needs, private funding should be encouraged as an additional source of funding for transportation projects and facilities.

(4) Various alternatives for utilizing the funds of private entities in the acquisition, design, construction, reconstruction, operation and maintenance of transportation facilities exist, including arrangements whereby private entities obtain exclusive agreements to design, build, own, lease or operate with private funds all or a portion of transportation projects and facilities in exchange for the right to receive certain revenues generated from the operation and utilization of such transportation projects and facilities.

(5) Another important alternative for the funding of transportation facilities is the use of federal funds pursuant to 23 U.S.C. 129(a), as amended by section 112 of the Intermodal Surface Transportation Efficiency Act of 1991, which established a program authorizing federal participation in construction of publicly or privately owned toll highways, bridges and tunnels.

(6) The federal legislation allows for a mix of federal funding and private funding of transportation facilities, allowing the states to leverage available federal funds as a means for attracting private capital.

(7) Legislation for the utilization of private funding of transportation facilities should be flexible enough to permit the Department of Transportation to obtain the advantages of any available alternative under which the acquisition, design, construction, reconstruction, operation, maintenance and repair of transportation facilities can be financed in whole or in part or in combination by any available sources of private or public funding.

(8) The funding of transportation facilities through the imposition of tolls on those who use such facilities is a fair and impartial means of assessing the costs of improvements against those who most benefit from such improvements, and is consistent with public policy.

(9) Joint endeavors of public and private entities do the following:

(a) Take advantage of private sector efficiencies in designing, constructing and operating transportation projects.

(b) Allow for the rapid formation of capital necessary for funding transportation projects.

(c) Require continued compliance with environmental requirements and applicable state and federal laws that all publicly financed projects must address. [1995 c.668 §1]

383.003 Definitions for ORS 383.003 to 383.075. As used in ORS 383.003 to 383.075:

(1) "Department" means the Department of Transportation.

(2) "Electronic toll collection system" means a system that records use of a tollway by electronic transmissions to or from the vehicle using the tollway and that collects tolls, or that is capable of charging an account established by a person for use of the tollway.

(3) "Photo enforcement system" means a system of sensors installed to work in conjunction with an electronic toll collection system and other traffic control devices and that automatically produces videotape or one or more photographs, microphotographs or other recorded images of a vehicle in connection with the collection or enforcement of tolls.

(4) "Private entity" means any nongovernmental entity, including a corporation, partnership, company or other legal entity, or any natural person.

(5) "Related facility" means any real or personal property that:

(a) Will be used to operate, maintain, renovate or facilitate the use of the tollway;

(b) Will provide goods or services to the users of the tollway; or

(c) Can be developed efficiently when tollways are developed and will generate revenue that may be used to reduce tolls or will be deposited in the State Tollway Account.

(6) "Toll" means any fee or charge for the use of a tollway.

(7) "Toll booth collections" means the manual or mechanical collection of cash or charging of an account at a toll plaza, toll booth or similar fixed toll collection facility.

(8) "Tollway" means any roadway, path, highway, bridge, tunnel, railroad track, bicycle path or other paved surface or structure specifically designed as a land vehicle transportation route, the construction, operation or maintenance of which is wholly or partially funded with toll revenues resulting from an agreement under ORS 383.005.

(9) "Tollway operator" means the unit of government or the private entity that is responsible for the construction, reconstruction, installation, improvement, financing, maintenance, repair and operation of a tollway or a related facility.

(10) "Tollway project" means any capital project involving the acquisition of land for, or the construction, reconstruction, improvement, installation, development or equipping of, a tollway, related facilities or any portion thereof.

(11) "Unit of government" means any department or agency of the federal government, any state, any department or agency of a state, any bistate entity created by agreement under ORS 190.420 or other law for the purposes of the Interstate 5 bridge replacement project, and any city, county, district, port or other public corporation organized and existing under statutory law or under a voter-approved charter. [1995 c.668 §2; 2007 c.531 §3; 2013 c.4 §9]

383.004 Establishment of tolls; rules. (1) Except as provided in subsection (2) of this section, a toll may not be established unless the Oregon Transportation Commission has reviewed and approved the toll. The commission shall adopt rules specifying the process under which proposals to establish tolls will be reviewed. When reviewing a proposal to establish tolls, the commission shall take into consideration:

(a) The amount and classification of the traffic using, or anticipated to use, the tollway;

(b) The amount of the toll proposed to be established for each class or category of tollway user and, if applicable, the different amounts of the toll depending on time and day of use;

(c) The extent of the tollway, including improvements necessary for tollway operation and improvements necessary to support the flow of traffic onto or off of the tollway;

(d) The location of toll plazas or toll collection devices to collect the toll for the tollway;

(e) The cost of constructing, reconstructing, improving, installing, maintaining, repairing and operating the tollway;

(f) The amount of indebtedness incurred for the construction of the tollway and debt service requirements, if any;

(g) The value of assets, equipment and services required for the operation of the tollway;

(h) The period of time during which the toll will be in effect;

(i) The process for altering the amount of the toll during the period of operation of the tollway;

(j) The method of collecting the toll; and

(k) The rate of return that would be fair and reasonable for a private equity holder, if any, in the tollway.

(2)(a) Nothing in ORS 383.003 to 383.075 prohibits a city or county from establishing a toll on any highway, as defined in ORS 801.305, that the city or county has jurisdiction over as a road authority pursuant to ORS 810.010.

(b) Nothing in ORS 383.003 to 383.075 prohibits Multnomah County from establishing a toll on the bridges across the Willamette River that are within the boundaries of the City of Portland and that are operated and maintained by Multnomah County as required under ORS 382.305 and 382.310. [2007 c.531 §2; 2009 c.385 §3]

383.005 Agreements for tollway projects; operation of projects. (1) For purposes of the acquisition, design, construction, reconstruction, operation or maintenance and repair of tollway projects, the Department of Transportation may enter into any combination of contracts, agreements and other arrangements with any one or more private entities or units of government, or any combination thereof, including but not limited to the following:

(a) Design-build contracts with private entities pursuant to which a portion or all aspects of the design, construction and installation of all or any portion of a tollway project are accomplished by the private entity;

(b) Lease agreements, lease-purchase agreements and installment sale arrangements for the lease, sale or purchase of real and personal property for tollway projects by the state from private entities or units of government or by private entities or units of government from the state;

(c) Licenses, franchises or other agreements for the periodic or long-term operation or maintenance of a tollway project;

(d) Financing agreements for a tollway project pursuant to which the department borrows from, or makes any loan, grant, guaranty or other financing arrangement to or with, a private entity or unit of government; and

(e) Agreements for purchase or acquisition of fee ownership, easements, rights of way or any other interests in land upon which a tollway project is to be built.

(2) The department may operate tollway projects and impose and collect tolls on any tollway project the department operates. Any private entity or unit of government that operates a tollway project pursuant to an agreement with the department may impose and collect tolls on the tollway project. [1995 c.668 §3; 2001 c.844 §7; 2013 c.4 §14]

383.006 Authority of tollway operator. A tollway operator may operate toll booth collections, an electronic toll collection system, a photo enforcement system or any combination of toll booth collections, an electronic toll collection system and a photo enforcement system. [2007 c.531 §6]

383.007 [1995 c.668 §3a; 1997 c.390 §1; 1997 c.671 §3; repealed by 2001 c.844 §9]

383.009 State Tollway Account; sources; uses. (1) There is hereby established the State Tollway Account as a separate account within the State Highway Fund. The State Tollway Account shall consist of:

(a) All moneys and revenues received by the Department of Transportation from or made available by the federal government to the department for any tollway project or for the operation or maintenance of any tollway;

(b) Any moneys received by the department from any other unit of government or any private entity for a tollway project or from the operation or maintenance of any tollway;

(c) All moneys and revenues received by the department from any loan made by the department for a tollway project pursuant to ORS 383.005, and from any lease, agreement, franchise or license for the right to the possession and use, operation or management of a tollway project;

(d) All tolls and other revenues received by the department from the users of any tollway project;

(e) The proceeds of any bonds authorized to be issued for tollway projects;

(f) Any moneys that the department has legally transferred from the State Highway Fund to the State Tollway Account for tollway projects;

(g) All moneys and revenues received by the department from all other sources that by donation, grant, contract or law are allocated or dedicated for tollway projects;

(h) All interest earnings on investments made from any of the moneys held in the State Tollway Account; and

(i) All civil penalties and administrative fees paid to the department from the enforcement of tolls.

(2) Moneys in the State Tollway Account may be used by the department for the following purposes:

(a) To finance preliminary studies and reports for any tollway project;

(b) To acquire land to be owned by the state for tollways and any related facilities therefor;

(c) To finance the construction, renovation, operation, improvement, maintenance or repair of any tollway project;

(d) To make grants or loans to a unit of government for tollway projects;

(e) To make loans to private entities for tollway projects;

(f) To pay the principal, interest and premium due with respect to, and to pay the costs connected with the issuance or ongoing administration of any bonds or other financial obligations authorized to be issued by, or the proceeds of which are received by, the department for any tollway project;

(g) To provide a guaranty or other security for any bonds or other financial obligations, including but not limited to financial obligations with respect to any bond insurance, surety or credit enhancement device issued or incurred by the department, a unit of government or a private entity, for the purpose of financing a single tollway project or any related group or system of tollways or related facilities; and

(h) To pay the costs incurred by the department in connection with its oversight, operation and administration of the State Tollway Account, the proposals and projects submitted under ORS 383.015 and the tollway projects financed under ORS 383.005.

(3) For purposes of paying or securing bonds or providing a guaranty, surety or other security authorized by subsection (2)(g) of this section, the department may:

(a) Irrevocably pledge all or any portion of the amounts that are credited to, or are required to be credited to, the State Tollway Account;

(b) Establish subaccounts in the State Tollway Account, and make covenants regarding the credit to and use of amounts in those accounts and subaccounts; and

(c) Establish separate trust funds or accounts and make covenants to transfer to those separate trust funds or accounts all or any portion of the amounts that are required to be deposited in the State Tollway Account.

(4) Notwithstanding any other provision of ORS 383.001 to 383.075, the department shall not pledge any funds or amounts at any time held in the State Tollway Account as security for the obligations of a private entity unless the department has entered into a binding and enforceable

agreement that provides the department reasonable assurance that the department will be repaid, with appropriate interest, any amounts that the department is required to advance pursuant to that pledge.

(5) Moneys in the State Tollway Account are continuously appropriated to the department for purposes authorized by this section. [1995 c.668 §4; 2005 c.22 §264; 2007 c.531 §12; 2013 c.4 §15]

383.010 [Repealed by 1981 c.153 §79]

383.011 Contract terms regarding entry into possession by Department of Transportation; eminent domain. (1) Every contract, agreement or other arrangement between the Department of Transportation and any private entity pursuant to which a private entity owns, leases or operates a tollway shall provide that, if an event occurs that seriously jeopardizes or impairs the continued availability and operation of the tollway, the department shall be entitled to enter into and take possession of the tollway and to exercise all of the rights attendant to such possession, including the right to receive all tolls and other revenues of the tollway, subject to any obligations incurred for the tollway, and the right to operate, maintain, repair and reconstruct the tollway.

(2) The department may exercise the power of eminent domain to acquire property for tollway projects, regardless of whether the property will be owned in fee simple by the department. [1995 c.668 §5; 2001 c.844 §2]

383.013 Tollway design. (1) The design of each tollway shall at least meet the minimum design standards generally applicable, at the time the Department of Transportation authorizes the tollway, to the state and other units of government authorized to build and own roads, highways, bridges, tunnels, railways and related facilities.

(2) In considering the design of a tollway, the department shall solicit the recommendation of all units of government having jurisdiction over any of the territory encompassing or adjacent to the proposed route of the tollway. The department shall consider the present and future needs of local transit authorities and whether the proposed tollway project should be expanded to include the acquisition of land or rights of way for future mass transit needs or for future expansion due to projected population growth.

(3) In considering the design of a tollway, the department shall solicit the recommendation of state and local parks departments to consider whether parks or campsites for travelers or bicyclists should be incorporated into the tollway design. The department may enter into agreements for the use of state and local funding for the acquisition and construction of such parks and campsites. The land on which such parks and campsites shall be located may be owned or leased in any manner in which any other tollway property may be owned or leased and shall be managed by any entity chosen by the department for such purpose, including the entity that operates or maintains the tollway. The allocation of revenues derived from the ownership or operation of any park or campsite shall be in accordance with any arrangement the department deems desirable. [1995 c.668 §6; 2001 c.844 §3]

383.014 Interstate system compatibility; rules. The Oregon Transportation Commission shall set standards by rule for electronic toll collection systems and photo enforcement systems used on tollways in this state to ensure that systems used in Oregon and systems used in the State of Washington are compatible to the extent technology permits. [2007 c.531 §8]

383.015 Initiation of project; fees; rules; conditions for authorization; studies. (1) Tollway projects may be initiated by the Department of Transportation, by a unit of government having an interest in the installation of a tollway, or by a private entity interested in constructing or operating a tollway project. The department shall charge an administrative fee for reviewing and considering any

tollway project proposed by a private entity, which the department shall establish by rule. All such administrative fees shall be deposited into the State Tollway Account.

(2) The department shall adopt rules pursuant to which it will consider authorization of a tollway project. The rules shall require consideration of:

(a) The opinions and interests of units of government encompassing or adjacent to the path of the proposed tollway project in having the tollway installed;

(b) The probable impact of the proposed tollway project on local environmental, aesthetic and economic conditions and on the economy of the state in general;

(c) The extent to which funding other than state funding is available for the proposed tollway project;

(d) The likelihood that the estimated use of the tollway project will provide sufficient revenues to independently finance the costs related to the construction and future maintenance, repair and reconstruction of the tollway project, including the repayment of any loans to be made from moneys in the State Tollway Account;

(e) With respect to tollway projects, any portion of which will be financed with state funds or department loans or grants:

(A) The relative importance of the proposed tollway project compared to other proposed tollways; and

(B) Traffic congestion and economic conditions in the communities that will be affected by competing tollway projects; and

(f) The effects of tollway implementation on community and local street traffic.

(3) Notwithstanding any other provision of ORS 383.001 to 383.075, no tollway project shall be authorized unless the department finds that either:

(a) Based on the department's estimate of present and future traffic patterns, the revenues generated by the tollway project will be sufficient, after payment of all obligations incurred in connection with the acquisition, construction and operation of such tollway project, to ensure the continued maintenance, repair and reconstruction of the tollway project without the contribution of additional public funds; or

(b) The revenues generated by the tollway project will be at least sufficient to pay its operational expenses and a portion of the costs of its construction, maintenance, repair and reconstruction, and the importance of the tollway project to the welfare or economy of the state is great enough to justify the use of public funding for a portion of its construction, maintenance, repair and reconstruction.

(4) If the department finds that a proposed tollway project qualifies for authorization under this section, the department may conduct or cause to be conducted any environmental, geological or other studies required by law as a condition of construction of the tollway project. The costs of completing the studies for any proposed tollway project may be paid from moneys in the State Tollway Account that are reimbursed from the permanent financing for the project. [1995 c.668 §7; 1997 c.390 §2; 2007 c.531 §17; 2013 c.4 §16]

383.017 Awarding of contracts for tollway projects; rules for awarding rest area concessions; application of certain laws. (1) The Department of Transportation may award any contract, franchise, license or agreement related to a tollway project, other than a concession for the provision of goods or services at a rest area, under a competitive process or by private negotiation with one or more entities, or by any combination of competition and negotiation without regard to any other laws concerning the procurement of goods or services for projects of the state.

(2) When using a competitive process for the award of a tollway project contract, the department shall consider the following factors in addition to the proposer's estimate of cost:

(a) The quality of the design, if applicable, submitted by a proposer. In considering the quality of the design of a tollway project, the department shall take into consideration:

(A) The structural integrity of the design, including the probable effect of the design on the future costs of maintenance of the tollway;

(B) The aesthetic qualities of the design, including such factors as the width of lane separators, landscaping and sound walls;

(C) The traffic capacity of the design;

(D) The aspects of the design that affect safety, such as the lane width, the quality of lane markers and separators, the shape and positioning of ramps and curves and the changes in elevation; and

(E) The ease with which traffic will be able to pass through the toll collection facilities.

(b) The extent to which small businesses will be involved in the tollway project. The department shall encourage participation by small businesses to the maximum extent the department determines is practicable. As used in this paragraph, "small business" means an independent business with fewer than 20 employees and with average annual gross receipts over the last three years not exceeding $1 million for construction firms and $300,000 for nonconstruction firms. "Small business" does not include a subsidiary or parent company belonging to a group of firms that are owned and controlled by the same individuals and that have average aggregate annual gross receipts in excess of $1 million for construction firms or $300,000 for nonconstruction firms over the last three years.

(c) The financial stability of the proposer and the ability of the proposer to provide funding for the tollway project and surety for its performance and financial obligations with respect to the tollway project.

(d) The experience of the proposer and its subcontractors in building and operating projects such as the tollway project.

(e) The terms of the financial arrangement proposed or accepted by the proposer with respect to franchise fees, license fees, lease payments or operating expenses and the proposer's required rate of return from its operation or maintenance of the tollway.

(3)(a) The department may adopt rules and procedures for the award of franchises, licenses, leases or other concessions for rest areas without regard to any other laws concerning the procurement of goods or services for projects of the state. All such franchises, licenses, leases or other concessions shall require the franchisee, licensee, lessee or concessionaire, as applicable, to maintain the subject premises in accordance with all applicable state and federal health and safety standards, to maintain one or more policies of casualty and property insurance and adequate workers' compensation insurance, and to pay and discharge all taxes, utilities, fees and other charges or claims that are levied, assessed or charged against the premises or concession or that may become a lien upon the premises. The rules shall encourage participation by small businesses to the maximum extent the department determines is practicable. The department may grant any small business a 10 percent or greater bid advantage in any bidding process for a concession.

(b) As used in this subsection, "small business" means an independent business with fewer than 20 employees and with average annual gross receipts over the last three years not exceeding $300,000. "Small business" does not include a subsidiary or parent company belonging to a group of firms that are owned and controlled by the same individuals and that have average aggregate annual gross receipts in excess of $300,000 over the last three years. "Small business" also does not include a franchise of any business that has average aggregate annual gross receipts in excess of $300,000 over the last three years.

(4) Notwithstanding any other provision of this section, the department may use any method for the award of any contract, franchise, license or agreement that is necessary to comply with the requirements of any grant or other funding source.

(5) If public funds are involved in the project, construction of a tollway project shall be subject to the prevailing wage requirements of ORS 279C.800 to 279C.870.

(6) For purposes of complying with applicable state and local land use laws, including statewide planning goals, comprehensive plans, land use regulations, ORS chapters 195, 196, 197, 198, 199,

Land Use, Zoning & LCDC

215, 221, 222 and 227, and any requirement imposed by the Land Conservation and Development Commission, a tollway project shall be treated as a project of the department and not as a project of any other person or entity.

(7) Tollways, and any related facilities that would normally be purchased, constructed or installed by the department if the tollway were a conventional highway that was constructed and operated by the department, shall be exempt from ad valorem property taxation.

(8) Tollways are considered state highways for purposes of law enforcement and application of the Oregon Vehicle Code. [1995 c.668 §8; 2003 c.794 §269]

6.15.12 Dept. of Revenue. Greg Kramer: "Tollways are Tax exempt

383.019 Agreements between department and private entities regarding maintenance of tollways. (1) Every agreement between the Department of Transportation and a private entity pursuant to which the private entity owns or operates a tollway and is entitled to collect the revenues therefrom shall require that the tollway be maintained in a safe condition and be returned to the state in a safe and serviceable condition without need of any repair or reconstruction.

(2) Every agreement between the department and a private entity pursuant to which the private entity owns or operates a tollway and is entitled to collect the revenues therefrom shall provide for the establishment and funding of a maintenance, repair and reconstruction trust fund that is designed to ensure that adequate funds will be available to maintain and repair the tollway, so that the tollway will be surrendered to the department in good condition without need of repair or reconstruction. [1995 c.668 §9]

383.020 [Repealed by 1981 c.153 §79]

383.021 [1995 c.668 §10; repealed by 2001 c.844 §9]

383.023 Revenue bonds for tollway projects. (1) In accordance with the applicable provisions of ORS chapter 286A, the State Treasurer, at the request of the Department of Transportation, may issue revenue bonds for the purpose of financing a tollway project, provided that such bonds shall never constitute a debt or general obligation of the department or of this state or any of its political subdivisions, but shall be payable solely from the revenues, amounts, funds and accounts described in ORS 383.009 (3).

(2) The proceeds of revenue bonds issued under this section may be used by the department or loaned to a private entity or a unit of government for the purpose of financing any portion of the capital costs related to the construction of a tollway project, including costs of the acquisition of interests in land upon which the tollway project will be constructed, to provide a financial reserve required under any federal funding agreement and for the payment of the costs of issuing the bonds and funding bond reserves.

(3) The bonds authorized by this section may be issued as taxable bonds or as tax-exempt bonds under the income tax laws of the United States.

(4) Notwithstanding the status of the bonds for federal income tax purposes, interest paid to the owners of the bonds shall be exempt from personal income taxes imposed by this state.

(5) When issuing bonds authorized by this section, the department and the State Treasurer may make covenants with bondholders regarding the imposition and regulation of tolls, the making of loans and grants funded from the State Tollway Account, the use of amounts required to be deposited in the State Tollway Account and the issuance of additional bonds. [1995 c.668 §11; 2007 c.783 §177]

383.025 Certain information provided to Department of Transportation exempt from disclosure. Sensitive business, commercial or financial information presented to the Department of Transportation by a private entity for the purpose of determining the feasibility of the entity's

participation in a tollway project is exempt from disclosure under ORS 192.311 to 192.478. [2001 c.844 §5]

383.027 Issuance of revenue bonds by municipality for tollway project. (1) A public body, as defined in ORS 287A.001, may issue revenue bonds for the purpose of financing a tollway project.

(2) A nonprofit corporation organized under Oregon law may issue revenue bonds for the purpose of financing a tollway project.

(3) Revenue bonds authorized by this section shall be issued as prescribed in ORS chapter 287A. [2001 c.844 §6; 2007 c.783 §§178,232d]

383.030 [Repealed by 1981 c.153 §79]

383.035 Failure to pay toll; penalty. (1) A person who fails to pay a toll, established pursuant to ORS 383.004, shall pay to the Department of Transportation the amount of the toll, a civil penalty of not more than $25 and an administrative fee established by the tollway operator not to exceed the actual cost of collecting the unpaid toll.

(2) In addition to any other penalty, the department shall refuse to renew the motor vehicle registration of the motor vehicle owned by a person who has not paid the toll, the civil penalty and any administrative fee charged under this section.

(3) This section does not apply to:

(a) A person operating a vehicle owned by a unit of government or the tollway operator;

(b) A person who is a member of a category of persons exempted by the Oregon Transportation Commission from paying a toll; or

(c) A person who is a member of a category of persons made eligible by the commission for paying a reduced toll, to the extent of the reduction.

(4) Subsection (1) of this section does not apply to a person who fails to pay a toll established under section 8, chapter 4, Oregon Laws 2013.

(5)(a) Upon receiving a request from the State of Washington, or from the State of Washington's designee that has contracted with the State of Washington to collect tolls, the department shall provide information to identify registered owners of vehicles who fail to pay a toll established under section 8, chapter 4, Oregon Laws 2013.

(b) If the State of Washington, or the State of Washington's designee that has contracted with the State of Washington to collect tolls, gives notice to the department that a person has not paid a toll established under section 8, chapter 4, Oregon Laws 2013, or a civil penalty or administrative fee imposed by reason of failure to pay the toll, the department shall refuse to renew the Oregon motor vehicle registration of the motor vehicle operated by the person at the time of the violation.

(c) The department may renew an Oregon motor vehicle registration of a person described in paragraph (b) of this subsection upon receipt of a notice from the State of Washington, or from the State of Washington's designee, indicating that all tolls, civil penalties and other administrative fees owed by the person have been paid. [2007 c.531 §4; 2013 c.4 §10]

383.040 [Repealed by 1981 c.153 §79]

383.045 Evidence from photo enforcement system; payment of fees. (1) Except as provided in subsection (2) of this section, a recorded image of a vehicle and the registration plate of the vehicle produced by a photo enforcement system at the time the driver of the vehicle did not pay a toll shall be prima facie evidence that the registered owner of the vehicle is the driver of the vehicle.

(2) If the registered owner of a vehicle is a person in the vehicle rental or leasing business, the registered owner may elect to identify the person who was operating the vehicle at the time the toll was not paid or to pay the toll, civil penalty and administrative fee.

(3) A registered owner of a vehicle who pays the toll, civil penalty and administrative fee is entitled to recover the same from the driver, renter or lessee of the vehicle. [2007 c.531 §10]

383.050 [Repealed by 1981 c.153 §79]

383.055 Assessment and collection of unpaid tolls; rules. The Oregon Transportation Commission shall establish a process by rule for the assessment of unpaid tolls and the collection of civil penalties and administrative fees under ORS 383.035. [2007 c.531 §9]

383.060 [Repealed by 1981 c.153 §79]

383.065 Information provided for toll booth collections. The Department of Transportation may provide to a tollway operator the information needed by the operator for toll booth collections or for the operation of an electronic toll collection system or a photo enforcement system. [2007 c.531 §7]

383.070 [Repealed by 1981 c.153 §79]

383.075 Driver records and information used to collect and enforce tolls. (1) Except as provided in subsections (2) and (3) of this section, records and information used to collect and enforce tolls are exempt from disclosure under public records law and are to be used solely for toll collection and traffic management by the Department of Transportation.

(2) Information collected or maintained by an electronic toll collection system may not be disclosed to anyone except:

(a) The owner of an account that is charged for the use of a tollway;

(b) A financial institution, as necessary to collect tolls owed;

(c) Employees of the department;

(d) The tollway operator and authorized employees of the operator;

(e) A law enforcement officer who is acting in the officer's official capacity in connection with toll enforcement; and

(f) An administrative law judge or court in an action or proceeding in relation to unpaid tolls or administrative fees or civil penalties related to unpaid tolls.

(3) Information collected or maintained by a photo enforcement system may not be disclosed to anyone except:

(a) The registered owner or apparent driver of the vehicle;

(b) Employees of the department;

(c) The tollway operator and authorized employees of the operator;

(d) A law enforcement officer who is acting in the officer's official capacity in connection with toll enforcement; and

(e) An administrative law judge or court in an action or proceeding in relation to unpaid tolls or administrative fees or civil penalties related to unpaid tolls. [2007 c.531 §11]

383.080 [Repealed by 1981 c.153 §79]
383.090 [Repealed by 1981 c.153 §79]
383.100 [Repealed by 1981 c.153 §79]
383.110 [Repealed by 1981 c.153 §79]

383.120 [Repealed by 1981 c.153 §79]
383.130 [Repealed by 1981 c.153 §79]
383.140 [Repealed by 1981 c.153 §79]

TRAFFIC CONGESTION RELIEF PROGRAM

383.150 Traffic congestion relief program. (1) The Oregon Transportation Commission shall establish a traffic congestion relief program.

(2) No later than December 31, 2018, the commission shall seek approval from the Federal Highway Administration, if required by federal law, to implement value pricing as described in this section.

(3) After seeking and receiving approval from the Federal Highway Administration, the commission shall implement value pricing to reduce traffic congestion. Value pricing may include, but is not limited to, variable time-of-day pricing. The commission shall implement value pricing in the following locations:

(a) On Interstate 205, beginning at the Washington state line and ending where it intersects with Interstate 5 in this state.

(b) On Interstate 5, beginning at the Washington state line and ending where it intersects with Interstate 205.

(4) In addition to areas listed in subsection (3) of this section, the commission may implement value pricing in other areas of this state.

(5) Notwithstanding ORS 383.009, the revenues received from value pricing under this section shall be deposited into the Congestion Relief Fund established under ORS 383.155 for the implementation and administration of the congestion relief program established pursuant to this section, including but not limited to the Value Pricing Set-Up Project.

(6) Subject to any restrictions in an agreement with the Federal Highway Administration or other federal law, in addition to the amounts received from value pricing under this section, the moneys in the Congestion Relief Fund shall be used to implement and administer the traffic congestion relief program.

(7) Before imposing value pricing, the commission shall report to the Joint Committee on Transportation established under ORS 171.858.

(8) The commission may enter into agreements with the State of Washington, or the State of Washington's designee, relating to establishing, reviewing, adjusting and collecting tolls for the program described in this section. [2017 c.750 §120]

383.155 Congestion Relief Fund. (1) The Congestion Relief Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Congestion Relief Fund shall be credited to the fund.

(2) The Congestion Relief Fund consists of:

(a) Moneys appropriated or otherwise transferred to the fund by the Legislative Assembly;

(b) Notwithstanding ORS 383.009 (1)(d), net proceeds of tolls imposed under ORS 383.150;

(c) Moneys received from federal sources or other state or local sources, other than proceeds of Highway User Tax Bonds issued under ORS 367.615;

(d) Amounts donated to the fund;

(e) Investment earnings received on moneys in the fund; and

(f) Other amounts deposited in the fund from any source.

(3) Moneys in the fund are continuously appropriated to the Department of Transportation for distribution to the Oregon Transportation Commission for the purposes of implementing and administering the congestion relief program established pursuant to ORS 383.150.

(4) The Department of Transportation may receive gifts, grants, contributions, bequests or other donations of any kind from any public or private source for deposit in the Congestion Relief Fund.

(5) Moneys in the Congestion Relief Fund may be invested and reinvested as provided in ORS 293.701 to 293.857. [2017 c.750 §120a]

383.210 [Repealed by 1981 c.153 §79]
383.220 [Amended by 1971 c.741 §29; repealed by 1981 c.153 §79]
383.230 [Repealed by 1981 c.153 §79]
383.240 [Repealed by 1981 c.153 §79]
383.250 [Repealed by 1981 c.153 §79]
383.260 [Repealed by 1981 c.153 §79]
383.270 [Repealed by 1981 c.153 §79]
383.280 [Repealed by 1981 c.153 §79]
383.310 [Repealed by 2007 c.531 §19]
383.315 [1995 c.668 §13; repealed by 2007 c.531 §19]
383.320 [Repealed by 2007 c.531 §19]
383.330 [Repealed by 2007 c.531 §19]
383.340 [Repealed by 2007 c.531 §19]
383.350 [Repealed by 2007 c.531 §19]
383.360 [Repealed by 2007 c.531 §19]
383.370 [Repealed by 2007 c.531 §19]
383.380 [Repealed by 2007 c.531 §19]
383.385 [1997 c.671 §1; repealed by 2007 c.531 §19]
383.386 [1997 c.671 §2; 2001 c.844 §8; repealed by 2007 c.531 §19]

Thornton Ranch

19976 NW Moores Valley Rd, Yamhill OR 97148

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APR 04 2022
YAMHILL COUNTY
PLANNING DEPARTMENT

April 4, 2022

Yamhill County Planning Commission

In regard to Docket 6-01-22

I am concerned about the impact these changes will make in regard to individual operations. --The impact it will have on farm operations and the liability of paths and road use through their property

Our county is blessed with prime farm land and dedicated people to keep it productive.

It concerns me how this valuable assets gets paved over for other purposes.

The current zoning restrictions were made to protect this natural resource.

Be careful how you change them.

Sincerely

Dale R Thornton
19976 Moores Valley Rd
Yamhill Or
503-852-7498

Fax 503-434-7544

5.22.12:00p

Ken Friday

From: C M <ryegrass.cm@gmail.com>
Sent: Tuesday, April 5, 2022 7:55 AM
To: Planning; Ken Friday
Subject: G-01-22

Follow Up Flag: Follow up
Flag Status: Flagged

[This email originated outside of Yamhill County]

Planning commission,

After reading docket G-01-22 it appears that these proposed changes are a very poorly thought out attempt to further enhance the planning of future projects in Yamhill County. It appears that is a poor extension and attempt to ramrod G-1-20 on the citizens of Yamhill County. G-1-20 was a backdoor plan to be able to build the Yamhelas trail with no oversight to Oregon's current land use laws. Allowing outright pedestrian and bike trails in the proposed zones needs to be looked at on a case by case basis to make sure that it meets all current land use laws and to allow neighboring properties to the projects to be properly notified and given time to react.

I urge the commission to vote no on this broad sweeping proposal as it weakens our current land use laws and will no doubt lead to conflicts in the future for Yamhill County.

Thank You
Chris Mattson
Yamhill Oregon

April 4, 2022

Yamhill County Planning Department

525 NE Fourth St,

McMinnville, OR 98128

Testimony in opposition to the zone changes proposed in Docket # G-01-22:

I am opposed to the proposed updates to the Yamhill County Zoning Ordinance, adding "Roads, highways and other transportation facilities and improvements" as a permitted use to listed zoning districts.

These restrictions were put into place to give residents an opportunity to review potentially major changes to their communities. While many of the "improvements" may be minor, some may have a major impact on the quality of life, on businesses, or on current uses.

Government has immense power over citizens' properties, and residents need to retain as many legal resources as possible. ODOT employs a large number of planners and lawyers to help them prepare for requests to zone changes, which frankly is a routine process for ODOT when locating their roads, facilities, and improvements. Citizens typically have far fewer options, and the financial impacts of protecting from or influencing a government agency can be substantial.

The need for an application for an exception will help ensure transparency from Government and quasi-governmental organizations, respect, and protection to local residents. If there are valid reasons why a road or other facility is needed, then ODOT or other entities should not have trouble getting the proper permits for the facility. These local protections are especially important for Yamhill County citizens in the event land use rules and laws are changed at the state level.

Thank you.

Kathy George

Kathy George

15195 NE Ribbon Ridge Road

Newberg, OR 97132

503-550-7217

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APR 04 2022
YAMHILL COUNTY
PLANNING DEPARTMENT

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LAW GROUP, PC

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Facsimile (503) 636-0102
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April 6, 2022

Via Electronic Mail
planning@co.yamhill.or.us

Planning Commission
Yamhill County
525 NE Fourth St.
McMinnville, OR 97128

RE: Consideration of Amendments to the Yamhill County Zoning Ordinance
Docket No. G-01-22

Dear Members of the Planning Commission:

Please include this letter in the record of the above proceedings. This letter is written in opposition to the above proposal and recommends that you send it back to the planning department for some thought. The proposal is poorly considered, for example it makes public trails outright permitted uses of airports and airport landing fields and all county industrial land. That makes no sense. Trails are a fine outright permitted use of land zoned for public parks, recreation and public assembly use. But there are a bunch of zones where trails do not belong at all or, if allowed they should be only conditional uses because public trails can have real and serious adverse impacts that must be evaluated. The proposal before you puts them all in the same bucket - planning asks you to make trails outright permitted uses just about everywhere in the county and that is a *really* bad idea.

What this is apparently really about is someone thinking it is a good idea to continue to press for the Yamhelas Westsider Trail (YWT) - this is clear from page 2 of the staff report which complains that LUBA did not allow the county to put the YWT on land zoned AF-10 because the county code prohibits trails on AF-10 land. That is hardly a reason to ask you to change your longstanding code to now make trails outright permitted uses of land zoned for airports and landing fields, industrial uses, gravel pits and so forth. The YWT is well known to be a flash point for political divisiveness in this community and it is (or should be) equally well understood that in its current location there is no way that the YWT will *ever* be lawful because it is mostly on land that is zoned and protected under state law for exclusive farm use. Not long ago, you considered a proposal similar to the one now before you. There was great opposition to it and you declined to proceed. You should do the same now.

Our clients are a large group of Yamhill County citizens who farm and own industrial agricultural business along the old abandoned railroad right-of-way where some wanted the YWT. There are no fewer than five Land Use Board of Appeals (LUBA) published opinions

that make clear to those who were paying attention that because the old abandoned right of way is mostly zoned for exclusive farm use, it cannot lawfully be converted to a public recreational trail, because doing so does not comply with state land use rules that exist *solely* to protect land zoned for exclusive farm use. As it turns out, those state rules protecting farm land really do mean what they say.

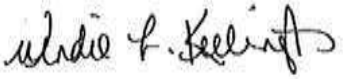
For whatever reason, the planning department brings back what you rejected not long ago. The only real difference between then and now is that the proposal now leaves public trails as conditional uses of land zoned EFU, but makes them outright permitted uses everywhere else. As noted, under the proposal you are asked to make public trails outright permitted uses of land zoned for "Airport and Landing Fields" and for industrial uses and for mining, among other perplexing locations that seem fundamentally wrong for public trails. The staff report's only justification for the proposal is the complaint that LUBA would not let the county develop the YWT on AF-10 zoned land because the county code prohibits the trail on AF-10 land. That is a head scratcher. How that justifies the sweeping code changes in front of you, is incomprehensible.

You should ask planning what is really driving this proposal. The YWT is going no where. If the county has a trail it wants to put into a bunch of AF-10 zoned areas, no one is talking about it. If there is some quiet deal brewing for AF-10 areas, the county should let you (and the public) know. The one thing that is certain, however, is that planning is well aware that trails can have serious adverse impacts on nearby property and residents and, because of that reality, impacts should be evaluated. The only way to do that is if they are only conditionally allowed. Making them outright permitted uses as is proposed means that they are, well, allowed outright.

If this is about a particular proposal for something else, for example maybe a particular road somewhere, then instead of making sweeping changes to the County's longstanding code with the only justification being the YWT, planning should disclose what is going on and present a proposal that is tailored to the particular need for you and the public to study and talk about. But right now the only disclosed reason for the sweeping and frankly poorly thought out amendments is to further the YWT and that is an indefensible reason for the proposal.

Accordingly, we urge you to not adopt the G-01-22 amendments as proposed. Thank you for your consideration.

Very truly yours,



Wendie L. Kellington

WLK:wlk
CC: Clients

ANDREW H. STAMP, P.C.
ATTORNEY AT LAW
Kruse-Mercantile Professional Offices, Suite 16
4248 Galewood St.
Lake Oswego, OR 97035

Admitted in Oregon.

Tele: 503.675.4318
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andrew@stamplaw.com

6 April 2022

VIA EMAIL planning@co.yamhill.or.us

Yamhill County Planning Commission
525 NE 4th Street
McMinnville, OR 97128

Re: Consideration of Amendments to the Yamhill County Zoning Ordinance / *Docket G-01-22*

Dear Honorable Members of the Commission:

I represent the Belt Family, who owns an industrial-zoned building located at 6490 NE Highway 240, Yamhill, OR. I am writing to comment on the Code Amendment which proposes to make "roads, highways, and other transportation improvements" a permitted use in various zones throughout the county.

This code amendment has been labelled by supporters as a "housekeeping amendment," which suggests that the public should move on because "there is nothing to see here." To the contrary, this code amendment appears to be an effort to keep the Yamhelas Westsider trail alive by creating a legislative fix for one of the key issues that the County lost at LUBA. Unfortunately, this singular focus means that the drafters have failed to consider more broad public policy issues.

For example, YCZO §402.04(N) lists "roads, highways and improvements" as a conditional use in the EFU District:

> ***Roads, highways and other transportation facilities and improvements not allowed under Subsections 402.02(K) or 402.04(J), subject to compliance with OAR 660-12.***

The fact that the County requires a conditional use permit for a road in the EFU zoning district is a recognition that roads can have site-specific impacts on neighboring property owners, which should be evaluated and mitigated on a case-by-case basis.

By making roads and associated transportation improvements a "permitted use" in rural residential, commercial, and industrial zones, the drafters of the proposed amendments are essentially saying that impacts of roads in those zones are less worthy of protection than in the EFU zones. The policy advanced by this amendment is curious, because rural residential, commercial, and industrial land are generally more intensive uses with greater density and potential for conflicts. If anything, one would expect there to be more site-specific scrutiny in these zones. Industrial users in particular seek to locate in nondescript buildings away from public activity. They seek to minimize the ability of the public to view their activities, because of security and safety concerns. Public recreational trails in particular are not consistent with industrial zoning.

Publicly-accessible trails allow prying eyes to scout private property, and have resulted in an increase in theft, looting, and vandalization. Landowners also experience increase in trespassing, littering, and illegal dumping, as well as unauthorized ATV use. We realize that this is a hotly-debated topic, and a plethora of conflicting evidence and studies exist on the internet. Nonetheless, it goes without saying that a conditional use process would authorize decision-makers to make conflict resolution decisions on a case-by-case basis. The proposed code amendment takes a one-size-fits-all approach that fails to adequately balance these legitimate landowner concerns. It allows a recreational trail to be sited without any impact analysis of any kind, which will shift the burden to landowners to add security and screening to their facilities. The policies advanced by this code amendment seem incredibly short-sited.

Without dwelling more on the specifics, we believe that the proposed code amendment is poorly thought out and presents poor public policy. We recommend that the Planning Commission send the proposal back to staff to conduct a more detailed study and impact analysis.

We thank you for consideration of these important concerns.

Sincerely,

ANDREW H. STAMP, P.C.

/s/ *Andrew H. Stamp*

Andrew H. Stamp

AHS:ahs
Ken Friday
Steve Belt

RE: **Docket #G-01-22**

Members of the Yamhill County Planning Commission and Director Friday:

Please acknowledge receipt of this testimony and include this communication in the official record relative to "Docket G-01-22". This letter complements and supplements our previous letters relating to similar subjects considered during your May 21, 2020, and July 6, 2020, meetings (Docket G-1-20). Please include those previous letters that we submitted for the similar 2020 proposal in the record and bring those and the below concerns to the attention of the Commission members for consideration at their meeting April 7, 2022. We have significant concern with the overall proposal, and strongly object to the proposal to make public trails and paths permitted outright uses for industrial land and for some other zones.

The proposed zoning amendments allow transportation improvements, notably trails and public paths, as outright permitted uses in many different zoning districts. In some of them, adding public trails and public paths as an outright permitted use makes sense. One might expect such uses in **Parks, Recreation and Open Space District – Section 405 (PRO)** and the **Public Assembly Institutional District – Section 801 (PAI)**.

However, the proposal allows public trails and public paths as uses permitted outright, without any review, in zones where they do not make any sense at all as outright permitted uses. These are the zones such as **Mineral Resources Districts - Section 404 (MR)**; **Commercial Districts - Section 601 (RC), 602 (NC)** and **603 (HC)**; some **Rural Residential Districts - Section 501 (AF-10)** ("small-acreage" agriculture) in particular; **Industrial Districts - Section 701 (RI)** (resource industrial), **702 (LI)** (light industrial) and **703 (HI)** (heavy industrial); and **Public Airports/Landing Fields Districts - Section 803 (PALF)**. In these districts, public trails and paths could have significant adverse consequences. The proposal is simply not well thought out and needs a strong second look, with careful consideration given to each individual zone category.

In rural residential districts (such as the agricultural AF-10 district), public trails and paths *might* make sense, but only as a ***conditional*** use, and only if they meet all conditional use standards and, importantly, can demonstrate that there will not be interference with agricultural activities and production (the Conditional Use Permit [CUP] tests and Farm Impact Studies required in EFU zones should also be required and applied in the AF-10 zone). Availability of suitable land for farming in Yamhill County is extremely limited, leaving small agricultural operations with few alternatives. Trails and paths for community use should not, as an outright permitted use, be peeled away from land suitable for farming.

There is no common sense, planning or economic rationale to permit, as outright allowed uses, public trails and paths in any industrial zones. Availability of suitable land for industry in such zones in Yamhill County is extremely limited and strategically located, leaving industry with few alternatives in the County and the communities in which they operate. Public safety is a significant and important issue if vulnerable pedestrians, cyclists and equestrians are introduced to industrial areas. Security of industrial facilities is another important problem because public trails and paths provide easy access for vandals and thieves. These two factors can make the difference between whether industry thrives or must shutter. The proposed uses are simply not compatible with industry and should not be

permitted as either outright or conditional uses on industrial land. They are currently prohibited on industrial land for good reason. That prohibition should continue.

Similarly, permitting public trails and paths in the airport and landing field zone makes no sense at all. These districts, like industrial and ag zones are scarce. There are few zones where aircraft are allowed to takeoff and land in the County. Moreover, the Federal Aviation Administration (FAA) likely has no tolerance for trails and paths being outright permitted uses on the premises of airport and landing fields in the County. Public safety for trail and path users and security of airport facilities are obvious problems. If public trails and paths are allowed outright on airports and landing fields, it is unfortunately foreseeable that the county might decide to put such facilities there, causing the FAA to be forced to close the airport or landing field.

These are just examples of why it is apparent that the proposal is not well thought out. The Commission should certainly deny these uses in the County's industrial zones, small agricultural zones and in its airport and landing field zones. The Commission should hear and carefully weigh testimony from owners of land in commercial districts, but it seems apparent that such uses should be allowed only ***conditionally*** there, or perhaps not at all.

A question raised by the proposal currently before the Planning Commission is, "What brings this proposal to the foreground *now*?" Two years ago, a more broad proposal was presented, likely motivated by advocates for the Yamhelas Westsider Trail (YWT). While the YWT proposal has been shown at the Land Use Board of Appeals (LUBA) to violate state land use laws, and so is no longer an action pending at the County Board of Commissioners (BOC), the subject zoning amendment proposal seems rushed and poorly thought out. The proposal certainly appears to be far from a "housekeeping" suggestion and is quite clearly the advancement of someone's political "agenda". It is a proposal for a significant amendment to the County's acknowledged land use zones that no one seems to be clamoring for. Interestingly, the "agenda" is exposed in the Staff Report on page 2 in the "findings" where reference is made to the YWT and the LUBA actions of recent years that stalled the YWT. That staff has thought it useful to make this reference suggests it would be useful for the Commission to review all those LUBA proceedings and that staff should make them available for consideration in this record without bias. The Yamhill County Planning Commission should not allow itself to be drawn into an extremely divisive controversy as a pawn to facilitate a sidestepping of Oregon's protective land use regulations.

Noted in the "Procedures Regarding Hearings by the Planning Commission ..." that accompanied the notice of this hearing, "The burden of proof is placed upon the applicant. Such proof shall show that the request complies with all applicable standards and criteria of the Comprehensive Plan and Zoning Ordinance." We believe the County very clearly fails to meet this test.

The fact that the County Planning Department appears to want outright permitted uses of airport landing fields by trails and paths (i.e., unsupervised 24x7 public access of people, horses and pets) is a prime example that the proposal is poorly thought through and should be promptly referred back to staff for reconsideration with instructions that airport and industrial uses are not compatible uses with trails and paths and to consider thoughtfully where they should be permitted outright versus conditionally. Any further consideration of these particular matters should be continued to such time as (a) another well-noticed, in-person public hearing can be scheduled, (b) staff can thoroughly respond to the concerns and objections submitted for this hearing and (c) the Commission has the

opportunity to review and consider all the materials and references cited in public testimony. The most practical approach would seem to be consideration of these proposals in a piecemeal rather than batch manner so that problem-solving could be tailored to actual need.

Thank you for your thoughtful and timely consideration.

Lee

Lee Schrepel, **FRUITHILL, INC.**
6501 NE Hwy 240, Yamhill, OR 97148-8507
Ofc & Res 503-662-3926
Mobile 503-939-1562
Fax 503-662-4270
Email Lee@FruithillInc.com
www.FruithillInc.com
"Quality Fruit For Generations!"

April 7, 2022

Via Electronic Mail
planning@co.yamhill.or.us
Planning Commission
Yamhill County
525 NE Fourth St.
McMinnville, OR 97128

RE: Consideration of Amendments to the Yamhill County Zoning Ordinance
Docket No. G-01-22

Dear Members of the Planning Commission

The proposed amendments are certainly puzzling. As you evaluate them, there are questions that must be asked and considered. They are:

1. Who was notified of these proposed amendments? If not all land/property owners in these exception zones, then all need to be notified. This is a requirement of state law. ORS 215.503 (Measure 56).
2. What is the genesis of these proposed amendments? The staff report at p 2 says it was the YWT. But everyone knows that at this point, that is not moving forward, so what is the justification for these sweeping amendments?
3. Has the county ever approved new roads in these zones? Was there pushback? If not, why do we need permanent changes? If so, what were the issues and wouldn't that mean at a minimum these uses should be conditions uses, not outright permitted ones? If the issue is to make it easier to establish motor vehicle roads, then the proposal ought to be about motor vehicle roads and limited to areas where there have been problems or where something is coming up.
4. If the genesis is a concern from ODOT about Phase 2 of the Bypass, why not work with ODOT to identify which zones exclusively they are worried about and tailor amendment language to help with Bypass completion? Why launch a missile to kill a mouse?
5. How did ODOT build Phase 1 of the Bypass? Did these issues arise? Because there is really no difference then as now.
6. The presence of the Bypass creates an urban use in rural areas. Therefore, ODOT will most likely need a Goal 14 exception anyway since a large portion of the Bypass is outside of UGBs. In that context, if they need Goal 14 exceptions anyway, they can seek parallel plan and zone map changes for the road ROW they will be using. Goal exceptions are plan amendments and zone changes anyway.
7. If Industrial, commercial, airport, mining zones are not of concern for ODOT's Bypass needs, why are they included? Let's remove them, or have an outreach effort to landowners to see if the lack of transportation uses in these zones is even a problem.

8. Has the county ever allowed new roads in Industrial zones? If so, how did that happen?

9. If there is significant concern over transportation uses in these zones (running both directions), either keep the prohibition on them or, at most, change the code to make them conditional uses, but certainly not outright permitted ones, except of course no one will likely object to them in parks or public assembly zones.

10. Exclude recreational trails from the language (except for parks and recreation and public assembly zones). No one in an industrial zone wants a public trail. There is no need for trails to be included in the 'transportation uses' language. The language should be tailored - trails can be established in parks and recreation and public assembly zones, but the existing prohibition on them elsewhere remain.

Conclusion: If the genesis is ODOT, then just work with ODOT to narrowly tailor the language to fit what they need, talk to ALL adjacent and affected landowners along bypass route, and see if we can get everyone on board. Lets not have another Yamhelas Trail debacle. Lets learn from that mistake and (1) involve the public, (2) listen to the public, and (3) make public policy decisions that make sense for our community.

We appreciate your time.

<signed>

Lee W. Schrepel

Ken Friday

From: Celine Mccarthy <forestgrovept@aol.com>
Sent: Wednesday, April 6, 2022 8:25 PM
To: Planning
Subject: RE: Docket #G-01-22

[This email originated outside of Yamhill County]

April 6, 2022

RE: Docket # G-01-22 (meeting to be held 4-01-22)

Dear Planning Commission Board Members of Yamhill County:

As a concerned Yamhill county property owner, I am thankful that I have been given an opportunity to express my concerns on potential changes that amend current land use zoning laws in docket # G-01-22 exhibit A. Please include this letter to be part of the official record and I would appreciate acknowledgement that this letter was received.

Approximately 2 years ago, a blanket zone change was presented to the planning commission by the planning director/department in the middle of the pandemic lockdown. It was also the same time a heated lawsuit was in progress between land owners and the county regarding the proposed Yamhelas Westsider Trail (YWT) project. The county had several failed attempts to prove to the Oregon Land Use Board of Appeals (LUBA) that impacts to farming practices could be resolved. So the planning department then attempted to add a clause to every zone to allow "Roads, highways & other transportation facilities & improvements" (this category would include public trails and pedestrian, cycle, equestrian paths) as being permitted outright with no due process, conditional use consideration etc. It was presented as "house keeping" changes but it was anything but that. It was an attempt to change zoning uses and circumvent land use laws (which have been in tact for years) to allow "trails" in every type of zoning in hopes of pushing the YWT forward. This is no way a county should conduct it's business and it would have been a dis-service to all property owners in all zones. With heavy opposition present, the Planning commission wisely decided to postponed the agenda.

Now it is back on the agenda but with a few changes (EFU Exclusive farm use and EF exclusive forestry for example, were taken off the list). Because I believe the county & the planning department has shown bias I would caution you to thoroughly research & understand exactly what the implications are in each zone before making a determination. Some zones, like parks & rec, public trails are very appropriate & already a permitted use. Whereas other zones, such as industrial districts and airports, a public trail would be disastrous & absolutely makes no sense considering the potential of haphazards to both the general public and the property owner/establishment.

What really doesn't make sense in this docket is page 2 staff report. There is a reference about the YWT & that LUBA (Oregon Land Use Board of Appeals) found "transportations facilities were not listed as a permitted or conditional use in certain zones that the trail traversed". (I am assuming it was EFU zoning). In addition, they noted it was not allowed in AF-10 zone either. But then look at section 501 Agriculture/Forestry small holding AF-10 on pg. 502-1 & 2 and the "roads & transport....etc." clause is added as a permitted use!!! So if LUBA said it was not allowed then why is it being stated to be allowed "permitted"? This doesn't make sense. Isn't this a direct contradiction to what LUBA said? So why did the planning director/department do this? It makes me very skeptical exactly why these proposed changes are even being considered as they are certainly not very well thought out.

a. Mineral Resource: Mining, rock quarry..... etc. There could be huge safety issues, equipment, trucks.....not a safe area.
b. Parks & Rec, Open spaces: Great place for trails however I notice this district includes "community water supply & sanitary systems" so public trails uses may be limited or restricted.
c. Rural Residential AF-10: Some of these folks have farming and livestock operations so public trails may not be compatible at all & I believe property owner should have their concerns held in high regard.

d. Commercial Districts: golf course, motels, restaurants....etc . Community water & sanitation facilities are in this category too & should be considered.
e. Industrial Districts: fruit processing plants, winery, grain elevators, slaughterhouses.....etc. Not a good idea for trails what's so ever.
f. Public Assembly/ Institutional: Schools, youth centers, cemeteries.....etc. Still, a lot of things to be taken into consideration, loitering?
g. Public Works/Safety Districts: Fire stations, sanitary landfills.....etc. I would not think public access trails should be outright allowed.
h. Public Airports/Landing fields; Horrible idea. Riding horses and dogs getting loose come to mind.

I am strongly opposed to these across the board blanket amendment changes of Yamhill counties current zoning. Allowing "public trails" to be outright permitted to most of these zones with no consideration of the impacts they could cause to the existing uses and public safety would be extremely irresponsible. I urge all of you in the planning commission to carefully weigh in testimony from all property owners of land in these districts to determine all the unforeseen problems. It maybe a good idea to get interpretation from other sources instead of solely from the Yamhill planning director/department. It would be wise not tip the scales on a very controversial zoning & land use issue involving the YWT. I give you all my best regards with understanding & making good judgments regarding these critical potential changes to current zoning districts. As a side note, I think it would be nice if when big developers were plotting future housing sites that a neighborhood trail of some sort could be part of the design.

Thank you,
Sincerely,

Celine McCarthy
Yamhill county resident & property owner
Advocate for protecting EFU Oregon farm land

April 7, 2022

Via Electronic Mail
planning@co.yamhill.or.us
Planning Commission
Yamhill County
525 NE Fourth St.
McMinnville, OR 97128

RE: Consideration of Amendments to the Yamhill County Zoning Ordinance
Docket No. G-01-22

Dear Members of the Planning Commission

The proposed amendments are certainly puzzling. As you evaluate them, there are questions that must be asked and considered. They are:

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Conclusion: If the genesis is ODOT, then just work with ODOT to narrowly tailor the language to fit what they need, talk to ALL adjacent and affected landowners along bypass route, and see if we can get everyone on board. Lets not have another Yamhelas Trail debacle. Lets learn from that mistake and (1) involve the public, (2) listen to the public, and (3) make public policy decisions that make sense for our community.

We appreciate your time.

<signed>

Lee W. Schrepel

Carolina Rook

From: tom@tomhammerfarms.com
Sent: Monday, October 17, 2022 1:37 PM
To: BOC Info
Subject: FOIA
Attachments: FYC TRAIL TIMELINE AS SUBMITTED 2.3.21.pdf; FYC Scannable Document on Jul 12, 2021 at 8_45_59 PM.pdf

Caution: This email originated outside of the Yamhill County email system

Commissioners,
I plan to testify on 10/27/2022 regarding the zone changes to consider in Docket G-01-22. I will question the credibility of the Planning Department based on past involvement with activities involved in the attached FOIA reveals.
This is the first of two emails. Two are necessary due to the size of the attachments.
Tom Hammer

KELLINGTON
LAW GROUP, PC

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Email: wk@klgpc.com

February 3, 2021

Via Electronic Mail
Christian Boenisch
Yamhill County Counsel

RE: Yamhelas Westsider Trail

Dear Christian:

Please share this letter with your client, the Board of Commissioners. You called Monday to see if my clients would "mediate" about allowing the county to complete the Stag Hollow Trail Bridge. The rationale, you explained, is that county officials wish to avoid repayment obligations arising from contracts they signed and ignored, that require them to repay the substantial public money they spent on the Trail/Bridge when the county had no reasonable expectation that the Trail/Bridge could be lawfully established. The county's problem is ironic given the county deceit, name calling (to include Ms. Martin "flipping off" John Van Dyke when he was on his own property) and intimidation you, county staff and a majority of the Board personally and unapologetically directed at my clients (and me) for years for the sin of anticipating and bringing this very problem to the county's attention. My clients decline to "mediate" the further breaking of Oregon's farm laws that make clear the Trail/Bridge are illegal, or aid county actors in avoiding the natural consequences of their wrongful actions.

The county's lack of candor predictably led to the predicament the county finds itself in – ODOT quipped in May 2019:

> Alternatively/additionally, we could also clarify that the prior versions of RFCOs were not executed or approved because of the lack of qualified staff to forward the project, because Yamhill Co. had not retained its consultant (OBEC), as a result of the LUBA case which the County hid from us for months. We didn't accept those RFCOs/MPRs because there was no basis for projecting dates

I attach three letters (January 17, 2019, February 7, 2019, February 5, 2019), sent by me years ago articulating the risks of county decisions moving the Trail/Bridge forward despite significant repayment liabilities, which letters have always been consistently ignored and dismissed. These are not the only ones either – there is countless testimony by many people warning the county that it risked the problem you called about today -- if it continued to spend and commit to spend, public money on the Trail/Bridge, given the undeniable possibility that objective was unlawful. Instead of considering that concerned public testimony, key staff and a majority of the Board deployed inappropriate tactics and outright dirty tricks so the Trail/Bridge might be built regardless of the law. The intimidation and marginalizing efforts we've been on the receiving end of, have never masked the grossly inappropriate actions of these officials.

I note just a few below and then a timeline, so we are on the same page about why I am certain that there are no surprises here.

Staff put the Trail/Bridge on the Board's January 17, 2019 agenda. I warned the county of the consequence of that hubris in my January 17, 2019 letter (attached):

Thus, the applicant for the trail is in no better position than *any developer* who elects to take a very big risk and to move forward, knowing full well that the project may be appealed and the approval may be lost, where it is appealed and it is lost, which is what happened here. The only difference is there, the risk-taking developer is probably spending a *bank's* private money and here, the County staff applicant is spending *federal, state and local public* money.

I explained:

Further, we understand that County staff is asking the Board of Commissioners to authorize letting even more contracts to oblige the County to spend the 2016 ConnectOregon VI grant to Yamhill County for the trail for a whopping $1 million plus, even though the County must know that at this point there is no legal basis for such expenditures:

Yamhill County	Yamhelas Westsider Trail: Bridge Construction	$1,012,185.71	The project will encompass the planning, design and engineering f three new pedestrian bridges and the construction of a bridge over the Slag Hollow Creek. All proposed bridges will be located along the future Yamhelas Westsider Trail near Yamhill, Oregon. The project area is parallel to OR 47 and this is the first phase of development creating Yamhill County's first multi-modal regional trail.

If the Board of Commissioners did so, that would seem to expose them to the consequences of spending public money on a project known to be unlawful – whatever those consequences are – but seemingly to include having to repay the money, pay any indemnification or defense of a grantor, being liable to pay the contractors per their agreements with the County, and whatever other liabilities there are.

The Board should not authorize expending any public money on the Yamehelas Trail until and unless it is known that the trail can be lawfully constructed. Our clients, who are the owners and operators of large and small commercial farms – the ones who are adversely affected

You refused to forward my time sensitive letter to the Board, as I asked. Instead, you asserted it was only about the merits of the Trail/Bridge remand, which of course was wrong.

Rather, on January 17, 2019, the Board proceeded to approve the expenditure with no one pointing out the significant financial liabilities outlined in my letter. In fact, the details of the reality of the county's exposure, seemingly was being hidden.

Instead, you called my letter an unlawful "ex parte contact," and had Mr. Sadlo admonish me for sending it, which he did in an unprofessional and inappropriate email:

Christian has asked me to respond to your letter dated January 17, 2019. As you must know by now, I am the attorney in this office handling land use issues related to the trail. Your letter purports to be about "spending money on an illegal project," as you have called it, but it also appears to comment directly on the application that is now before the county on remand. As such, it will be placed in a folder containing pre-remand hearing testimony, and will be delivered to the Board along with other testimony received, well in advance of the remand hearing. We are hoping to schedule the remand hearing for March 7, 2019. You are on the notice list and will receive the same notice everyone else receives

I suppose that you will keep manufacturing bogus legal analysis and asking the county to follow it, as long as your clients keep paying you to do so, but some of your analysis is painfully hard to swallow, and looks like it is calculated to deceive. That's your prerogative, to circulate unsupported theories about what the county can and cannot do with its property. I am simply asking that you follow the rules regarding *ex parte* contacts, and stop encouraging your clients to make *ex parte* contacts. In the future, you and your clients should submit your/their testimony to the Planning Department for inclusion in the remand record and delivery to the Board through established channels.

At the Board of Commissioner's January 17, 2019 meeting, Farmer Bryan Schmidt appeared and testified that the county should not approve the Trail/Bridge contract commitment to OBEC. He was cut off. Confused why that was so, Commissioner Starrett had the following exchange with you:

> "Commissioner Starrett: Excuse me. Just as clarification, Christian. My concerns are related to that juxtaposition of these two considerations and is what I was going to make comment about. And I'm wondering how we divorce the two when they are apparently connected.
>
> "Christian Boenisch; Well, as I said on Tuesday, if, for purposes of awarding the contract, there is no connection. They are two separate, uh, two separate processes, they're sort of operating on parallel tracks. But there is no element or aspect of what's being remanded from LUBA that is having a, or would have a direct impact on the award or discussion or consideration of the award by the Board of the engineering services agreement under a separate grant agreement."

Mr. Schmidt tried again and was repeatedly cut off but did make the point that the county was taking a serious risk of having to repay the money. You, Mr. Huffer and Ms. Martin scoffed at his concerns:

> "Christian Boenisch: Well, we've already received the grant. The question now is whether or not the county wants to proceed with the contract with OBEC, using grant funds for that purpose.
>
> "Bryan Schmidt: Yeah, so that's my question—what would happen if we can't go forward with this project? We don't know if we can go forward with it or not yet.
>
> "Christian Boenisch: At this point we have no indications that the project's not going forward. We do have another step in the process, but there's nothing prohibiting or limiting the county from proceeding with this step in the process at the moment.
>
> "Bryan Schmidt: That wasn't my question.
>
> "Christian Boenisch: I'm sorry.
>
> "Bryan Schmidt: What if the county cannot go forward? Let's say there's just a .15% chance that it cannot go forward? What if then, then what?
>
> "Christian Boenisch: Again, there, that that is really a separate question as to as to whether or not we can or want to proceed with the grant. If the county wants to proceed with the grant, there's no limitation on its ability to do that. If the commissioners want to go ahead and and award this contract to OBEC, there's no

limitation. And whether or not the trail ultimately proceeds, isn't really a factor in that discussion. It could be a factor in terms of what we might have to do with the grant money, and if you want to ask Carrie about that, I don't know that detail, and maybe that inform and answer your question.

"Bryan Schmidt: Yeah, I think we ought to know that. If I do something, I want to know the outcome and what the risks are."

Ms. Martin assured the Board there was little risk of having to payback grant money:

"Carrie Martin: And while there is always the possibility, like Ken [Huffer] mentioned, we have a very specific statement of work that is tied to milestones. As we complete each of those pieces of really the broader agreement and then we receive those reimbursements, we are not defaulting on any of those activities to that point. So, if there is a point at which we cannot go further, that doesn't necessarily mean that we have in some way defaulted on the previous work. So that is, it's more of a step by step process. So, it would be my opinion that it would be unlikely that there would be a request from ODOT to reimburse those funds, because those activities had occurred just as agreed."

Commissioner Starrett was not convinced and moved the county to deny entering into the OBEC contract for the Trail/Bridge, explaining:

"Commissioner Starrett: Mr. Chair, I've long had concerns about the liability that the county would definitely incur should there be stalling of this project or complete cancellation of it. *** So the *two concerns I have is whether or not we're going to incur more liability when we don't know what's going to happen with this trail. It's incurring some challenges.* And we also need to make have a sort of a policy where we say in this county the things that are a priority need to be funded and encourage the state to do that. Taking this kind of money for these particular projects does not encourage the state to fully fund projects like critical needs ***.

"*****

"Commissioner Starrett: My motion was for us to delay the authorization of this intent to award of the Yamhelas Westsider Trail Pedestrian Bridge Project OBEC Consulting Engineers engineering services *until such time as we have a clear indication of the challenges that are ahead for this project.*"

And Commissioner Starrett clarified later:

"Commissioner Starrett: On the advice of county counsel, I would like to restate my motion and that would be a motion to deny the authorization of notice of intent to award the Yamhelas Westsider Trail Pedestrian Bridge Project to OBEC Consulting Engineers for engineering services."

Commissioners Kulla and Olsen overruled her and voted instead to approve.

Despite my letter, staff again moved a Trail/Bridge public money spending proposal forward to the Board of Commissioners' February 7, 2019 agenda. I provided another letter to

the Board of Commissioners, dated February 7, 2019, copying you, warning against spending and committing the county to spend public money as staff proposed; the consequences and why there was concern. Again, my letter to the Board was recast by county counsel as something else and it is unclear if counsel allowed it to be seen by the BOC. As an outside observer, it seemed evident you and your office did not want the Board to know the scope of its liabilities if it continued to spend money on the illegal trail. But please do not forget that it was **county officials** who **kept putting on the Board's agenda** that the Board should spend public money on the Trail/Bridge before they had any right to know if that construction was lawful and **before the land use process was concluded**. The public, including me and my grossly affected clients, had the right to object and point out that if the Board approved the expenditures staff was putting in front of them, that the county would have significant liability to include the problems that the county now faces. The county's censorship of views it did not want to hear is stunning.

At that February 7, 2019 Board meeting, many of the farmers who are hardworking county citizens and also my clients, again appeared and attempted to object to the county committing to spend more than a million dollars on the Trail/Bridge before the county had any way to know if land use approval would ever happen. My clients tried to provide my January 19, 2019 letter to the Board and my February 7, 2019 letter and as noted it is unclear whether either of those letters were allowed to go to the Board. Rather, Mr. Sadlo, representing the county, sitting on the dais, and also the "applicant" for the trail, objected to the Board's receipt of those letters, falsely claiming my letters were for something else:

> "Todd Sadlo: Mr. Hammer, those letters, I believe it states in that letter that it's to be added to the record in the proceedings on the land use remand, and I believe that's the appropriate way to handle that material. So, that's the way I would like for that to be handled. That has already been delivered, it will be provided to the commissioners in a packet of material that of all the material that we receive pre-hearing, for the remand hearing to be held on March 7th. So that's the way we would like to handle it."

My letters had no such restriction, a fact I believe was not reasonably open to doubt. My February 7, 2019 letter clearly stated in its "RE:" line ":

RE: Connect Oregon Bridge Grant

It further stated:

This letter is to clarify information presented at the Board's Informal Session on February 6, 2019 regarding the interface of the Connect Oregon Grant (Grant) and the land use process regarding the proposed Yamhelas Trail. The Grant was scheduled to be on today's agenda for consideration. The Board pulled it off today's agenda as a result of discussions at the Informal Session, in favor of private discussions between county officials, ODOT and the private contractor who apparently will build and design the bridges – OBEC. It was evident that it was assumed by some, that building the bridges and thus the trail, was a foregone conclusion: that it was just a matter of time and so the Grant should be preserved. We write to clarify that it is an incorrect to presume that the trail will be built.

It is a correct assumption that if the county governing body authorizes spending federal, state and county public money to design and build trail bridges now, at a time when the Board is well aware that it is at least equally possible (and I think more possible) that the trail and its bridges cannot be lawfully established and maintained, then it would appear that the county is entertaining the possibility of knowingly misspending public dollars. I don't believe there can be a reasonable dispute that the Grant money is for trail bridges to support the trail as it was represented in the application. But, the fact is, the Grant application was premature. Our clients pointed this out last year when the last grant was up for approval and in years prior and they were ignored. Given the legal posture of the trail now, however, they should not be ignored.

My January 17, 2019 letter was the same – its "RE:" line was:

RE: Spending Public Money on an Illegal Project /Subsequent Events

And clearly stated:

proposed Yamhelas Trail and who successfully overturned its approval in December. This letter is written to ask the Board of Commissioners to please direct staff to immediately halt spending public money on the Yamhelas Trail, and to not authorize even more expenditures and, instead, to focus on whether the trail can be approved in the first place, after conducting a full and fair hearing applying correct legal standards, as LUBA required.

And the thing it said about the LUBA remand, was:

Finally, Christian, as you also know, on January 11, 2019, I asked about the County's intentions concerning remand proceedings. I have heard nothing from you in response. It would be appreciated if we could have a sense of how the county plans to proceed, so we can prepare. I hope to hear from you. Thank you for your anticipated courtesies.

On February 7, 2019, these citizens tried to testify on the topic of the unlawful grant spending proposal and why it was unlawful. Yet, they were repeatedly cut off and told they could not talk about the contract being an unlawful expenditure of public money because the Trail/Bridges they were for may very well be illegal. They were cut off on the county claim that their words were an unlawful "ex parte contact." But the words of staff advancing the Trail/Bridge spending proposal before the Board on February 7, 2019 were allowed.

To recap, in my February 7, 2019 letter captioned about the Connect Oregon Bridge Grant on their agenda:

Dear Chair Olson and Members of the County Commission:

This letter is to clarify information presented at the Board's Informal Session on February 6, 2019 regarding the interface of the Connect Oregon Grant (Grant) and the land use process regarding the proposed Yamhelas Trail. The Grant was scheduled to be on today's agenda for consideration. The Board pulled it off today's agenda as a result of discussions at the Informal Session, in favor of private discussions between county officials, ODOT and the private contractor who apparently will build and design the bridges – OBEC. It was evident that it was assumed by some, that building the bridges and thus the trail, was a foregone conclusion: that it was just a matter of time and so the Grant should be preserved. We write to clarify that it is an incorrect to presume that the trail will be built.

Among other things, I explained:

7. Unless the applicant is able to prove that the trail meets all standards, the trail will be denied. This is a tautology. Thus, on behalf of my clients whose livelihoods (which represent a chunk of the county's agriculture economic engine) are significantly harmed by the proposed trail, I ask you to please table the Grant and, if the time expires, to let the Grant go because expending it under the circumstances poses unacceptable risks.
8. There is another reason not to design and build part of the trail before it is approved. Once you spend a lot of federal, state and local public money, the applicant will turn around and argue in the land use process "you spent all this money, now you have to approve the trail or risk having to give the money back or worse." Putting the applicant's thumb on the decisional scales that way is completely inappropriate and undermines the validity and fairness of the entire land use process. You should not participate in such.

Thank you for your consideration.

My clients and I are not the only ones who expressed concerns over the years and were ignored or cut off. Commissioner Starrett has long expressed concern about the county's financial liability to repay public money spend on the Trail/Bridge when it may well never be approvable. In my May 30, 2018 letter, I explained the problem:

The failure to be forthright with grant funders supplying public money to the proposed rail project was an issue that the Chair of the County Board of Commissioners acknowledged to ɔe a significant problem on May 15, 2018:

> **"Commissioner Starrett: Part of the approval process [inaudible] they were not told that there was no significant opposition to this trail. Just for the record, I**

want to go on record as saying that's what they were told as part of the process by which they approved the grants –and yet there has been significant opposition to this trail. That's been one of my biggest concerns is that you talk about transparency and you talk about government process and you did not appraise them of that and I think that shame on us."[3]

Further, on May 15, 2018, after a long public hearing on whether the trail was appropriate on its land use [de]merits, a majority of the Board DENIED the trail proposal (Starrett/Olsen). But undaunted, in the following days staff spent hours "ex parte" with Commissioner Olsen to persuade him to change his vote to approve the Trail/Bridge at the next meeting. And their "ex parte" efforts worked. Yet, nothing can unring Commissioner Olsen's wise words spoken on May 15, 2018:

I've heard a couple times that the purpose for bringing this to our attention and in having this public hearing on the amendments to the Transportation System Plan was in order so we'd not; it was precipitated by the potential that if we don't do this now, that we we will lose the grant money we have gotten to build the bridge.

To me that's a total ass backwards way of doing things, but that's ok. That's just my own opinion.

Based on the ex parte contacts of the staff advocates, at the next meeting, Olsen changed his vote to approve. And the matter was only brought forward at a meeting for which Commissioner Starrett had a long planned vacation away.

But my May 30, 2018 letter is still a part of the public record and it explained the serious problems the county faced, if it persisted:

Grant Representations in Tuesday May 29, 2018 "Informal" Session Packet are Inaccurate

On May 15, 2018, a majority of the Board of Commissioners denied a county staff request to adopt a pro-trail ordinance similar to that which is. Prior to the May 15, 2018 vote denying the above proposed ordinance, County Counsel, Christian Boenisch noted that approval would require two ordinance readings, the first of which would occur on May 31, at a time when Commission Chair Starrett would be out of town and offering to schedule the ordinance readings for a time after she returned. *See* Exhibit 4. Thus, it was well-known to the County that Commission Chair Starrett, who expressed grave concerns about grant misrepresentations and who most vigorously opposed the proposed trail, would be away this week including on May 29 and including on May 31, and returning June 4, 2018. Apparently, that made this week while she was known to be away on a prearranged absence, an attractive time to bring back the trail in a second run.

Accordingly, two days after Chair Starrett left, on May 29, 2018 an "informal session", occurred regarding funding the trail. On the May 29 agenda for this "informal" session, was a State of Oregon Transportation and Growth Management Program (TGM) application for a $110,000 state grant to fund the trail's "master plan", and another grant application to be considered - even though the trail in its entirety had been denied by a majority of the County's governing body just 14 days before and even though Commission Chair Starrett strongly opposed the trail on the basis that the County had not been accurately reporting the fact of significant opposition to the trail in grant applications. *See* Exhibit 3 (May 29, 2018 Board of Commissioners' "Informal Packet").

At this May 29, 2018 "informal" meeting no change was suggested to the erroneous premise of the grant applications - to support the trail. Instead and noteworthy is the fact that the TGM grant application made the following additional statements in answer to questions on the key "eligibility requirements" on the grant application that are misleading or inaccurate:

- The County answered that the trail is "envisioned to support regional agricultural tourism." With all due respect, this is wrong: a very large segment of the County's agricultural base, and the Oregon Farm Bureau, testified that the proposed trail will significant undermine - a long way from "support" - "regional agriculture" that exists along the corridor. Nowhere is this so much as mentioned.
- The County answered that the "master plan" "shall include" the "mitigation strategies identified in the 2018 Farm Impact Findings * * *". However on May 15, 2018, a majority of the governing body ***denied*** the adoption of those "farm impact findings" based on the strong opposition of farmers who testified the "Farm Impact Findings were inadequate to mitigate for anything. Since the "Farm Impact Standards" were denied by the governing body, they cannot be promised to be carried forward in a trail "master plan." This is basic land use law. They also do not mitigate for the need for farmers to cross back and forth across the rail "Corridor" every five minutes during harvest, to the significant safety and

cost problem associated with fires which are from time to time a normal part of farming; it does not deal with the problem of spooked farm animals charging fences. And so forth.

- As an eligibility prerequisite, the grant application requires the "Support of Local Officials." Specifically, under the heading of "Support of Local Officials," the grant application stated: "A proposed project must clearly demonstrate that local officials, both the primary applicant and any co-applicants, understand the purpose of the grant application and support the project objectives."

  The County dodges answering this question. Instead of being forthright that there was significant dissent among the Board of Commissioners, the application claims "The Yamhill County Board of Commissioners authorized the submission of this application." This is not true. The proposal has not been authorized for submission by at least one member of the governing body and the trail that was the basis of the grant application had been denied by a majority of the Board of Commissioners on May 15, 2018. An accurate answer to the grant application would require explaining these facts. Even if a majority of the Board is garnered to support the trail on May 31, it is only a majority of three members of the governing body - with one member – the chair – very much opposed. This is required to be disclosed.

3. Support of Local Officials

A proposed project must clearly demonstrate that local officials, both the primary applicant and any co-applicants, understand the purpose of the grant application and support the project objectives. A letter or resolution of support from the governing body of the applying jurisdiction (e.g. City Council, Board of Commissioners, or Transit Board) must be submitted with the application to meet this requirement. 400 character limit.

The YWT Master Plan is widely supported across Yamhill and Washington Counties. Letters of support from educators, businesses, economic development groups, and Friends of the Yamhelas Westsider Trail are attached to this application. The project is also supported by the cities of Carlton, Yamhill and Gaston. The Yamhill County Board of Commissioners authorized the submission of this application.

In fact, the county has **always** been under **no illusion** that if it continued to spend public money on the Trail/Stag Hollow Trail Bridge, it was gambling. Mr. Huffer acknowledged as much at a February 5, 2019 "informal session":

Mr. Huffer: "*** That being said and, you know, I'm going to look at Christian [Boenisch, County Counsel], but you know, there's going to be risk with this and I can't say there's, you know, no risk associated with, you know, meeting the deadlines and getting the, you know, I can't say that."

The county was gambling with hard earned tax dollars even though the Trail/Bridge county public contracts, federal and state law, then made and still make clear that the county had no right to gamble with that money. The county gambled that:

(1) the illegal Trail/Bridges would somehow be approved regardless of their illegality;

(2) the county could avoid acknowledging the very real possibility that the Trail/Bridge was illegal, by spinning, ignoring, and recasting LUBA's five opinions to the contrary and the hundreds of pages of farmer testimony (yes, including papers I wrote) establishing that even wearing the rosiest glasses, it was probable that the trail could not be lawfully approved;

(3) the repayment obligation clearly stated in the contracts the county signed would be overlooked; and

(4) signed contracts that imposed clear repayment obligations would never be understood or seen or ODOT and OPRD would (or could) just let the county off the hook.

Now that it is clear to any reasonable legal observer that the Trail/Bridge cannot ever be lawfully approved, the county seeks the reward of the right to finish the Stag Hollow Bridge feigning shock that the Board's quite intentional gamble under the leadership of its professional staff, could have any consequence.

You now ask about "mediation" with the most adversely affected farmers, so the county professionals can finish the Stag Hollow Bridge and escape liability. My clients decline. If the county needs repayment money, many of the adjacent landowners will buy the portions of the ROW transecting/adjoining their properties and that would be adequate to solve the county's grant problem. Your arguments attempting to persuade my clients of the merits of letting the county finish the bridge are exactly as I foretold two years ago:

> approved at all. Otherwise, the applicant is merely trying to stack the deck with millions in expenditures of public money so to make the claim that, with so much money spent, the Board is obliged to approve the trail. Such a claim will not demonstrate compliance with legal standards

You arguments are Exhibit A why my clients, so terribly treated and affected, must decline.

My clients and I wish to point out the following timeline so it is clear that there should be no surprise that the county finds itself where it does:

- **October 5, 2015** – County signed an ODOT grant application promising local support to convert the old RR ROW to a public recreational trail. The County never once discussed the matter with the adjoining farmers most adversely affected.
- **November 2017** – In a non-public process, some would say in secret, the county acquired the old RR ROW from UPRR for the purpose of converting it to a public trail, spending federal public money to do so and, so far as I know, never once advised the federal government of the significant land use hurdles, controversy and risk in that objective.
- **May 3, 2018** – Public hearing on the trail at county planning commission. Notice was only published. No individualized notice to affected landowners. Many landowners testified this was the first they'd heard of it and they'd heard via word of mouth only. Planning commission splits evenly on whether to approve or deny. They forward to BOC with no recommendation.
- **May 15, 2018** – Staff rushed the matter to the Board of Commissioners a week later. So, on May 15, the BOC held a hearing. A majority of the county Board v**oted to deny the Yamhelas Trail after public hearing.**

- **May ?** In a completely behind-closed-doors process, staff rushed to ex parte Commissioner Olsen to get him to change his vote from denial to approval. They were successful.

  After the meeting i met with staff and legal counsel for several hours to go over my vote and once again the reasons for my vote. After our discussions staff made several changes to the amendment and added conditions

  And

  They rejected it two to one. Commissioners Rick Olson and Mary Starrett cast the opposing votes, defeating Commissioner Stan Primozich's vote in favor.

  However, Olson is now requesting a "reconsideration" of the vote.

  County Administrator Laura Tschabold said Olson met with her, County Counsel Christian Boenisch and Deputy Administrator Ken Huffer last week to discuss the amendment, and review possible changes.

- **May 30, 2018** – WLK letter strongly objects to behind-closed-doors process, staff's unlawful pressure on the dissenting commissioner and undermining his final "no" vote, explaining that trail is unlawful and warning the BOC about misrepresentations being made to grant funders.
- **May 31, 2018** – County staff nonetheless, brings trail back and Olsen now votes in favor after those significant ex parte contacts from staff. Commissioner Starrett, appears by telephone while she is on vacation and votes "no."
- **June 15, 2018** – LUBA appeal filed in first trail appeal.
- **December 20, 2018** – LUBA pervasively remands first trail approval (LUBA No. 2018-061).
- **December 20, 2018** – Donna Hinze (ODOT) emails Austin Bloom (OBEC) saying ODOT was having problems working with current county trail lead:

From: HINZE Donna L [mailto:Donna.L.HINZE@odot.state.or.us]
Sent: Thursday, December 20, 2018 11:00 AM
To: Austin Bloom
Subject: RE: Yamhelas - Reference heads-Up

Hopefully you also referenced Phase 1.

Yeah, we were supposed to see the RFP before it went out but...We are having problematic issues in working with the current Yamhill lead. Thanks for any updates.

- **January 7, 2019** – County submits Connect Oregon VI grant monthly progress report to ODOT; says county doesn't expect the remand to affect grant timelines:

> The County received notification on December 20, 2018 that the Land Use Board of Appeals rendered a decision to remand the County's farm findings study. This decision will require a procedural change in approving the farm findings, and the County is working with the commissioners to establish a timeline for holding a new public hearing. At this time, the County does not expect the remand and subsequent procedural modifications to have any negative impact on the timelines and milestones established in the COVI grant.

- **January 17, 2019** – WLK sends letter to BOC through Christian Boenish re spending public money on illegal trail, detailing:

> Thus, the applicant for the trail is in no better position than *any developer* who elects to take a very big risk and to move forward, knowing full well that the project may be appealed and the approval may be lost, where it is appealed and it is lost, which is what happened here. The only difference is there, the risk-taking developer is probably spending a *bank's* private money and here, the County staff applicant is spending *federal, state and local public* money. Accordingly, our clients are disappointed that the County staff seeks the governing body's approval to spend significant amounts of public money on engineering and construction of bridges that serve no purpose other than the now illegal Yamhelas Trail. Moreover, they are surprised and disappointed to find surveyors, being paid by the County, poking around their farms claiming that they are surveying in the illegal trail. I am no expert in public ethics laws or the laws regarding penalties for the expenditure of public money on projects known to be unlawful, but it seems clear that it is the County Board of Commissioners who are the ones on the hook for whatever liabilities there are and they are entitled to be advised of their peril. The proposals to let even more contracts to spend money to engineer or construct parts of the trail is very much inseparably intertwined with the LUBA remand. With all due respect, claims to the contrary are unsupportable.

AND

Clearly, one of the problems with the County knowing that it was accepting and spending public money before learning whether the trail could legally be established at all (both as a matter of ownership and land use), is that if the County cannot legally establish the trail as, with all due respect seems evident to me and our clients, then at a minimum the County will be required to repay such public funds on contract terms like those found in Federal/State Contract No 29585, which granted the County money for, among other things, "preliminary engineering * * * of abandoned railroad corridor" which contract can be terminated:

e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.

As it now sits, state law *has* been interpreted that the work under the agreement may not proceed because it is inconsistent with the County's own code and state law. That means under the

AND

Moreover, that same Federal/State grant quoted above also makes clear that the County is liable to repay monies it spends on an unlawful project and to indemnify and defend the grantors for misappropriations and other liabilities:

AND

Further, we understand that County staff is asking the Board of Commissioners to authorize letting even more contracts to oblige the County to spend the 2016 ConnectOregon VI

grant to Yamhill County for the trail for a whopping $1 million plus, even though the County must know that at this point there is no legal basis for such expenditures:

Yamhill County	Yamhelas Westsider Trail; Bridge Construction	$1,012,185.71	The project will encompass the planning, design and engineering f three new pedestrian bridges and the construction of a bridge over the Stag Hollow Creek. All proposed bridges will be located along the future Yamhelas Westsider Trail near Yamhill, Oregon. The project area is parallel to OR 47 and this is the first phase of development creating Yamhill County's first multi-modal regional trail.

If the Board of Commissioners did so, that would seem to expose them to the consequences of spending public money on a project known to be unlawful – whatever those consequences are – but seemingly to include having to repay the money, pay any indemnification or defense of a grantor, being liable to pay the contractors per their agreements with the County, and whatever other liabilities there are.

The Board should not authorize expending any public money on the Yamehelas Trail until and unless it is known that the trail can be lawfully constructed. Our clients, who are the owners and operators of large and small commercial farms – the ones who are adversely affected

AND

Our clients ask that the Board of Commissioners please tell staff to stop spending public money on the trail and to please not let even more contracts to engineer and construct multi-million dollar bridges or other trail facilities for the Yamhelas Trail before the proper public hearings have been conducted and before the Board knows whether the project can lawfully be approved at all. Otherwise, the applicant is merely trying to stack the deck with millions in expenditures of public money so to make the claim that, with so much money spent, the Board is obliged to approve the trail. Such a claim will not demonstrate compliance with legal standards but will put, and is probably designed to put, the Board in a tough spot in at least the land use process, risking the creation of unlawful bias in favor of the trail even where it is likely legally doomed. Respectfully, at this point, such expenditures simply have to stop and no new ones should be authorized.

- **January 22, 2019** – At Mr. Boenish's direction, in a wholly unprofessional, gratuitous and nasty email, Mr. Sadlo dismisses WLK's concerns about county financial exposure, responds to WLK letter re public monies by accusing WLK of "manufacturing bogus" legal analysis," and of "circulat[ing] unsupported theories", and encouraging farmers –his messaging being I am incompetent and the farmers are unable to think or be concerned for themselves. I believe the county well-knew this to be wrong.
- **February 5, 2019** – WLK sends letter to BOC through Christian Boenish detailing that county should not spend public money on Trail/Trail Bridge unless it knows those facilities can lawfully be built. Mr. Boenish did not timely forward to Board when they were considering spending public money on the trail that the letter objected to. Rather, he wrongly claimed the letter's significance was limited to the county land use action on a remand ***the county*** scheduled for more than a month later.
- **February 7, 2019** – WLK sends another letter to BOC detailing county should not spend public money on Trail/Trail Bridge unless it knows the trail can be built. County counsel Sadlo inappropriately recast that letter as something entirely different and insisted it sit with the remand papers coming up for hearing March 7, 2019. It is unclear whether the BOC received it on Feb 7 as a result.
- February 14, 2019 – ODOT assures farmer Chris Mattson that the county is aware that it will be required to repay ODOT grant funds if the trail turns out to be illegal but county keeps spending public money anyway:

Hi Chris:

Thank you for your email and for sharing your concerns with us about the Yamhelas Trail project. We have been in close communication with Yamhill County about the grant, and have been monitoring the land use actions and the LUBA decision. I understand the LUBA decision requires the county to use a quasi-jurisdictional land use decision. It is Yamhill County's responsibility to fully comply with all applicable policies, regulations, rules and statutes. The Connect Oregon funding agreement requires the county to meet all public agency conditions of project approval prior to seeking reimbursement of construction costs for the project. The agreement does contain provisions that would require the county to repay any Connect Oregon funds reimbursed should they not complete the project or should they not continue to operate the project once completed as per the agreement.

Again, thank you for sharing your thoughts with us.

Katie

- **February 21, 2019** – Farmer Bryan Schmidt had the following email exchange with ODOT

The Connect Oregon funding agreement requires the county to meet all public agency conditions of project approval prior to seeking reimbursement of construction costs for the project. The agreement does also contain provisions that would require the county to repay any Connect Oregon funds reimbursed should they not complete the project or should they not continue to operate the project once completed as per the agreement.

Again, thank you for sharing your thoughts with us.

Katie

Thank you Katie, yes this is what we have been told by Ms. Wright a few years ago, and the county lawyers and Ken Friday know this all too well and seem to be using it to setup the BOC into a pressured decision by pushing to spend this money prematurely. The county staff is anything but impartial, and that is our issue here. Anything that you can do is more responsible then taking their word for it. For example two years ago I met with Todd Sadlo, Christian Boenisch, Ken Friday, and the administrator Laura, with a lawyer from Farm Bureau and had invited someone from DLCD. When the county found out the DLCD staff person was coming they threatened to cancel the meeting, so we told DLCD sorry but not to come. When we finally had the meeting Todd Sadlo yelled in the lawyers and my faces "This is only hypothetically a trail, we have not plans to use this property as this time." However they had already accepted a few of your connect Oregon grants.

You see, we are dealing with shenanigans. I reported this meeting to the BOC and I wrote it all out in a letter published in the local (News Register) paper at that time. PLEASE HELP US!

Mr. Schmidt further explained (Feb 13, 2019):

County is attempting to spend a 1.2 million ConnectOregon VI grant on "design and construction" of bridges on a project that has been stopped by LUBA. This is the most expensive part of the project and it does not make sense to build the most expensive component before the project has land-use approval. The county now knows that trail approval has been removed and that the project is illegal. The applicant for this project is the county counsel, and the applicant should not be allowed to pressure the BOC to do the most expensive part before so he can say after the land use hearings: 'you have to give land use approval for the bike path because you have committed so much public money to design it. If you don't then we will say that you spent the public money illegally."

I do not want the BOC pressured this way nor public money spent so haphazardly. What can you do to order the bike-path applicant to hold off spending until land-use approval is finalized?

- **February 22, 2019** – WLK sends email to Katie Theil (ODOT) requesting grant funding info for trail, informs her of LUBA remand, expresses concern to ODOT about grant funding when trail likely can't be approved.
- **February 28, 2019** – Katie Theil (ODOT) sends letter to Carrie Martin warning about county obligation to pay back grant funds if bridge turns can't becompleted according to agreement.

I'd like to reiterate provisions of your agreement that we have discussed by phone as the Yamhill County Board considers awarding the consultant contract:

- Exhibit B. VII. requires the recipient to pay back all of the grant funds if the project is not completed according to the agreement.
- Exhibit B. XIV.a.i. requires that you meet all public agency conditions of approval prior to the reimbursement of any construction costs.

County obviously accepted that risk, pressing forward.

- **March 11, 2019** – County "Request for Change Order" to ODOT:

1. Describe the change requested.

Yamhill County would like to request changes be made to the original Yamhelas Westsider Trail: Bridge Construction project Key Milestone due dates. The changes are as follows:

1. Scoping and Planning - ***none***
2. Right of Way and Land Acquisition – ***11/11/2017***
3. Permits – ***06/01/2019***
4. Final Plans/Bidding Engineering Documents – ***09/01/2019***
5. Construction Contract Award – ***10/15/2019***
6. Project Completion – ***05/19/2020***

- **March 12, 2019** – County BOC meeting was scheduled for March 14, 2019, to award more ODOT grant money to the Trail/Bridge. WLK sends email to BOC re county entering into contract to build Trail/Bridge, detailing county should not spend public money unless it knows the trail can lawfully be built, otherwise the county will have repayment obligations:

Subject: RE: Connect VI Grant Yamhelas Trail -Consideration of approval of a contract for services between Yamhill County and OBEC

above matter. In the above referenced agenda item, you are being asked to bind the county to a contract to construct one pedestrian bridge and design, engineer, and obtain permitting for a total of three bridges – bridges that are the most expensive part of the proposed Yamhelas Trail. You must deny this wholly unlawful end run attempt that truly makes a mockery of the land use process. The land upon which the bridges are proposed is zoned EFU. The proposed trail and its bridges are not allowed uses of EFU zoned land without a conditional use permit. There is no conditional use permit and, with all due respect, one cannot be lawfully granted in light of the proposed trail's impact on farm uses as outlined by the Oregon Supreme Court in *Stop the Dump*. The county may not lawfully commit the county to construct and permit such bridges when they lack even a scintilla of required land use approval. The bridges will themselves cause significant impacts on farm operations and will add significant costs to

- **March 13, 2019** – **Mr.** Boenisch sends email to WLK telling her to "immediately cease communication" with BOC and telling her clients to stop contacting the BOC about the trail and apparently its grant funding. This is another example of officials controlling the flow of public inquiry and censoring those who spoke against the county continuing to

spend public money on the Bridge/Trail when it had no way to know that it could be lawfully constructed. Staff and other trail advocates wanted one thing and one thing only and had the means to and did control everything in order to achieve what they wanted.

- **March 14, 2019** – Unsurprisingly, the BOC approved the contract commitment with OBEC for Trail/Bridge design. Yet the county staff scheduled the LUBA remand hearing for later - two weeks later – but forbade timely public discussion about the county committing to fund and construct the Trail/Bridge, claiming the public's concerns were "ex parte" but trail public money spending and spending commitments advocating was not. County controlled everything to achieve the Trail/Bridge objective.
- **March 15, 2019** – Farmers appeal that March 14, 2019 approval of the county commitment contract to OBEC to LUBA explaining committing public money to the trail that has to be repaid, prejudges trail approval and commits the county to construct the Trail/Bridge.
- **March 18, 2019** – County submits Connect Oregon VI grant monthly progress report to ODOT; says again it doesn't expect the remand to affect grant timelines:

> During the month of February 2019 Yamhill County staff continued to work with the Yamhill County Board of Commissioners (BOC) to negotiate the pricing and terms of the pending contract with OBEC Consulting Engineers, Inc. The BOC requested modifications to the order of design and engineering activities, so allow an earlier construction start date for the Stag Hollow Creek Bridge. OBEC and ODOT project managers agreed these were acceptable alterations to the existing Timeline, and did not require a Request for Change Order.
>
> Yamhill County has scheduled a public hearing for Thursday, March 7, 2019 for in response to the Land Use Board of Appeal procedural remand that was received in December 2018.
>
> At this time, the County does not expect the remand and subsequent procedural modifications to have any negative impact on the timelines and milestones established in the COVI grant.

- **March 21, 2019** – WLK sends letter to BOC (through planning as Mr. Boenish demanded) with the farmers' final rebuttal on regarding the Trail/Bridge's insurmountable land use problems expressed by LUBA in its remand.
- **March 28, 2019** – BOC approves trail on remand from LUBA.
- **March 28, 2019** – Carrie Martin emails ODOT saying BOC approved trail on remand from LUBA; will hold Trail/Bridge project kick off meeting the next day.

This morning, the Yamhill County Board of Commissioners voted 2-to-1 to approve the authority of Yamhill County to build a multi-modal trail in the 2.8-mile section of former railroad corridor between the Cities of Carlton and Yamhill. As you know, this was the required action in response to the LUBA remand issued in December 2018.

The County has already executed an agreement with OBEC Consulting Engineers, and we will hold our project kick-off meeting tomorrow.

Thank you,

Carrie

- **April 3, 2019** - County moves to dismiss LUBA appeal of OBEC contract award, asserting that it commits the county to nothing:

The attorneys for the petitioners have deliberately mischaracterized the contract that they have appealed. They claim that the contract "commits the county to design three Yamhelas Trail pedestrian bridges and for the contractee to 'let' the 'Stag Hollow Construction Bid,'" (emphasis added) knowing that claim to be false and legally impossible. Presumably, petitioners mean for the word "let" in their

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in a file and possibly used in the future, if the trail proposal is pursued again. The decision to approve the contract does not commit the county to construct or improve anything, and has no land use impacts whatsoever. The contract is clear on its face that it does not authorize construction of anything or include funds to build anything.

- **April 9, 2019** – County submits monthly progress report to ODOT:

On March 29 the YWT project team held a kick-off meeting with OBEC Consulting Engineers, Inc. The County is proceeding with installing semi-permanent lot line markers along the corridor, as well as scheduling brush clearing around Stag Hollow Creek and the two other tributaries. OBEC has scheduled a full site survey during the month of April, with wetland delineation and high-water marking April 15-19, and geotechnical drilling April 25-26.

- **April 11, 2019** – LUBA appeal filed in second trail appeal.
- **April 17, 2019** – Andrew Blair (ODOT Transportation Project Manager) emails Carrie Martin that county's plan to mow the ROW is not in compliance with federal regulations:

I have been informed by our Region 2 Environmental Coordinator that the County's plan to clear (mow/cut) the corridor is not in compliance with federal regulations unless the corridor is cleared by APHIS who will be working under ODOT's permit, to ensure areas to be cleared do not harbor nesting birds. Please consider liaising with APHIS to do the needful, if you haven't already, as omitting federal regulations could further delay your project, and could make it subject to fines by ODF&W, et al.

I believe you have already been made aware of the need to do this by others?

It is my understanding that your current plan to clear the corridor is not meeting the standard.

- **April 18, 2019** – Andrew Blair (ODOT Transportation Project Manager) emails Mac Lynde (ODOT Deputy Highway Division Administrator) that Connect Oregon VI grantors and Yamhill county are putting everyone at risk:

CO-VI and Yamhill County are putting everyone at risk by the manner in which they have chosen to administer this contract, assuming completion of construction of the Stag Hollow Bridge and design to PS&E of the two (2) other ped. bridges, by April 2020. The County and CO-VI need to heed Donna Hinze's good advice – which seems to be falling on deaf ears. However, we have been telling them what they don't want to hear; this is a federalized project, that's why it's in the STIP. They will start to understand more as we get more involved with OBEC and the environmental permitting, but Carrie Martin isn't really helping much. The county will eventually get it, but multiple points of pressure may need to be applied, to ensure they do.

- **April 18, 2019** – Mac Lynde emails Katie Theil and other ODOT staff "we will never do one of these again this way" (referencing the trail project):

There has been some confusion about what we are doing to support the delivery of this project. Let me first say, that we will never do one of these again this way.

- **May 8, 2019** – County submits monthly progress report to ODOT with conflicting statements there is "no other pending litigation" against the Trail, but there is a LUBA appeal:

On Friday, April 19, County Counsel was granted summary judgment in the case filed by Chris Mattson. There is no other pending litigation against Yamhill County's trail project. Persuant to the LUBA case, Yamhill County submitted all records from the public hearings, as well as additional oral and written testimony, to the Petitioner. The County expects the record to be officially settled in May, which will then begin LUBA's 77-day deliberation period.

- **May 8, 2019** – ODOT notes county still gets ODOT Grant Contract "milestone" dates wrong in latest progress report; voices concern about clearing in the corridor because of bird concerns under the Federal Migratory Bird Treaty Act (MBTA) permit; ODOT notes it appears that county is "**continuing to be evasive**" or does not understand the required rules:

Seems like another reason to get the MOU in place. I think we should send a notice to Ken Huffer – if we believe they are in violation of federal requirements, as per our agreement. It would appear that Carrie Martin is in fact continuing to be evasive, and not listening to our ENV-RECs advice, or she just doesn't understand it well enough to make it a priority.

- **May 29, 2019** – County requests change order for bridge construction key milestones and due dates from ODOT; stag hollow bridge prioritized to allow for construction ASAP; inaccurately saying that LUBA's decision was nothing more than about "procedural discrepancies" which the county claims were "fully addressed" during remand proceedings and trail approved by BOC on March 28, 2019.

Provide justification for the change. As project readiness is a key component to the Project, any delays to the Project will be scrutinized carefully. If this request results in a delay, explain why this Project should still be considered viable as opposed to canceling it or imposing sanctions identified under "ODOT Obligations" of your *Connect*Oregon agreement.

This project was initially delayed due to the time it took to complete the ROW acquisition. This was due, in large part, to the appraisal process and negotiations for the final sale price of the corridor. Yamhill County and Union Pacific Railroad ultimately agreed on a sale price of $1.4 million, with the remaining market value variance addressed in a tax-deductible receipt.

In March 2018, Yamhill County presented its Farm Findings Study for adoption into the Transportation System Plan (TSP) and Board of Commissioner approval. In April 2018, an appeal was filed with the Oregon Land Use Board of Appeals (LUBA). The County anticipated a 77-day turn-around time for the decision by LUBA, however the time that was taken exchanging documents with the petitioners was much longer than expected. As a result, the official LUBA record did not close until September 2018, and LUBA did not render its decision (a remand) until December 11, 2018.

LUBA's remand was issued on the basis of procedural discrepancies, which were fully addressed during a public hearing process held on March 7, 2019. The Yamhill County Board of Commissioners voted to approve the conditional land use permit on March 28, 2019.

During the time between the ROW acquisition in November 2017 and the approval of the conditional land use permit by the Board of Commissioners in March 2019, Yamhill County worked with ODOT staff to maintain progress with required environmental clearances. Additionally, the County has worked closely with OBEC to ensure the most efficient and timely execution of their design, engineering, and construction management contract.

- **May 29, 2019** – Carrie Martin emails ODOT saying Carlton has concern that trail poses fire hazard:

The County has several pressing trail-related issues in segments of the corridor that are not currently under the ConnectOregon VI project scope. Most notably, is the concern the City of Carlton has with the segment of the ROW that passes through the downtown area, and which they feel poses a fire hazard.

- **June 10, 2019** – Katie Theil emails WLK saying the county is committed to constructing one bridge under grant terms; if they don't build the bridge, the county will have to return the grant money.

- **July 19, 2019** – Carrie Martin emails planner Stephanie Armstrong that ODOT requires verification that the Trail/Bridge has met all land use conditions/went through the land use process/complied with all applicable permit conditions; Ms. Armstrong emails that no other land use applications are needed to build bridge:

From: Stephanie Armstrong <armstrongs@co.yamhill.or.us>
Sent: Friday, July 19, 2019 1:27 PM
To: Austin Bloom <ABloom@obec.com>
Cc: Carrie Martin <martinc@co.yamhill.or.us>; Ken Friday <fridayk@co.yamhill.or.us>; Todd Sadlo <sadlot@co.yamhill.or.us>
Subject: RE: YWT - LOMA for FEMA Floodplain Compliance

Hi Donna and Austin: With a LOMA approved through FEMA to correct the floodplain map, no other land use applications are needed.
Please let me know if you need any further information.
Thanks.
Stephanie

- **October 11, 2019** – LUBA pervasively remands second trail approval (LUBA No. 2019-047).

November 5, 2019 – County gets a "Programmatic Categorical Exclusion" from otherwise required NEPA, Clean Water Act and other environmentally important federal reviews. But, a cursory look would reveal that the YWT does not qualify for a Programmatic Categorical Exclusion ("PCE"). Rather, the express terms of federal law, and ODOT's "Agreement" with the FHWA, are clear that PCEs are unlawful for controversial projects like the YWT. 23 CFR 771.117(b). Controversy over land use impacts are among the significant environmental impacts for which PCEs are improper. 23 CFR 771.117(a). Further, where a project is inconsistent with state and local land use law (as a state appellate authority has now twice ruled is the case for the YWT), no exemption may be granted. 23 CFR 771(b)(4). Even where a proposal is merely "anticipated" to be controversial, ODOT's agreement with FHWA requires it to at least confer before just granting the PCE:

> xiii. Is controversial. In cases when controversy is anticipated, ODOT will discuss the potential for controversy with FHWA to determine if the project can be processed under this Agreement.

When ODOT certified the YWT for FHWA funding (November 4, 2019), the YWT had, less than one-month before (October 11, 2020), suffered its second litigation blow in a pervasive appellate remand holding the YWT failed to comply with state and local farm impacts laws (Oregon Land Use Board of Appeals or LUBA). Disappointingly, ODOT was aware of this and granted the PCE anyway. **And with the improperly gained federal money in hand, the county immediately let YWT construction contracts without notifying the public it was doing so, and began illegal YWT construction, violating LUBA's orders and well-known Oregon land use laws**. The construction funded by the improper PCE is so illegal that in a highly unusual step, on April 10, 2020, LUBA issued a litigation stay prohibiting any more Trail/Bridge construction until it ruled otherwise.

The county got exempted from federal water quality requirements in the PCE by claiming the Stag Hollow Bridge is not a traffic bearing facility:

Water Quality	Water quality treatment is not triggered by this off-roadway multi-use trail project bridge. The bridge is not a traffic bearing facility.

Yet, the county 2020 decision approving the trail says:

> posed by the trail to surrounding lands, and by surrounding lands to the trail, the county has designed and partially built a bridge across Stag Hollow Creek, just south of the Bus Barn, to hold all legal loads, including a 60,000 pound fire truck. For reasons explained in the following
>
> 6.2.5 The Board finds that the bridge being constructed across Stag Hollow Creek is designed and being constructed to allow access, in an emergency, by emergency vehicles including police cars; police four-wheel off-road vehicles (currently available and maintained by the Sheriff's Office); all ambulances; a 60,000 pound 'residential and commercial building-grade' fire truck and trucks commonly owned by fire districts to transport water and firefighting crews to battle brush fires. Two additional culverts are necessary within the trail corridor. It is a feasible,

And the county tried to get out of a LUBA stay saying the bridge was not for the Trail but for a fire road:

all manner of fire suppression vehicle. The bridge was designed and is being built to hold the heaviest of fire engines, and is suitable for conveyance of county maintenance vehicles and all manner of fire engine and other emergency vehicle.

Following receipt of the Letter of Map Amendment from FEMA in September, 2019, county staff determined that no additional land use approvals were necessary, under state law or county ordinances, to construct the bridge for use only for county fire control and maintenance access.

- **November 20, 2019** – County advertises Call for Bids for Yamhelas Westsider Trail (Phase 2) Project. Despite promising LUBA that before any construction started the Trail/Bridge would first have to receive proper land use permissions, no public notice or hearing of land use approval, happened.
- **January 16, 2020** – County awards contract to Farline. The county gave no notice to anyone.
- **Circa March 2, 2020** – Construction of Stag Hollow Bridge begins.

- **March 12, 2020** – The farmers see it and file LUBA appeals for bridge construction decision and construction started with no land use permission whatsoever. (LUBA No. 2020-032/033).
- **March 27, 2020** – Applicant initiates remand on Trail, despite nasty county findings in the county's 2019 decision attempting to approve the trail, that no bridges will be built "prior to obtaining land use permission.";

> 10.16 Attachment 9 to the opponents' March 14 submittal is an e-mail from the attorney for the organized opposition, falsely claiming that the county has proposed to sign a contract for pedestrian bridge construction within the corridor segment under consideration in this proceeding, prior to obtaining land use authority. It is clear that she did not read the contract (also included in Attachment 9), which is for design services, and construction oversight if and/or when the county has land use authority allowing it to construct one of three bridges that we have asked the chosen contractor to design. There is no construction authorization or funding under the contract, and it is not a land use decision under state statutes or under the "significant impact" test. Local governments and private parties routinely enter into contracts with vendors for design services. There is no law—land use law or otherwise—that prohibits a government or private party from entering into an agreement for design services and for possible future construction oversight services, prior to obtaining such services. In this case, the county owns the corridor, and has the right to allow its consultants to enter the corridor to gather information for possible future bridge construction. The county has not proposed to build any bridges prior to obtaining the land use approval requested in this proceeding.

And

> Representation to LUBA (County's motion to dismiss, LUBA No. 2019-038/040):
>
> anything. As in both of those cases, the construction of the bridges in this case is "contingent on subsequent land use approvals and would have, at most, a potential effect on future land uses." Id. at 322, quoting McKenzie River Guides Assoc. at

- **April 3, 2020** – County submits proposed code amendments that would permit trail without farm impacts analysis to DLCD.
- **July 9, 2020** – Planning Commission unanimously votes not to adopt the code changes until all appeals related to the Trail are completed and Trail is demonstrated to be lawful.
- **April 9, 2020** – Motion for Stay filed in bridge construction contract appeal.
- **April 23, 2020** – County opposes the stay claiming the Trail Bridge is an access road and the county can do whatever it wants:

anything—the county is trying to finish the creation of, and use for county access, not public access, an access bridge and road, neither of which required land use permits or even building permit to build. Exhibits 5, 7, and 8 strongly support a

- **April 10, 2020** – LUBA grants interim stay on bridge construction.
- **April 16, 2020** – WLK sends letter to BOC re scheduling remand on Trail for April 30, 2020.
- **April 23, 2020** – WLK requests audit of ODOT and county for the "programmatic categorical exclusion" from federal environmental laws. (Letter attached.)
- **April 24, 2020** –LUBA issues a permanent stay stopping Trail Bridge construction and observing that the county had not been forthright in its federal "programmatic exclusion" to get NEPA review exclusion:

[4] We also note that in the Approval's "Land Use" section, the Approval states that the board of county commissioners approved a conditional use permit for the trail in March, 2019. Response to Motion for Stay, Exhibit 7, page 1. In the "Public Outreach" section, the Approval states: "Yamhill County LUBA oral arguments (2019-047) – 8/20/2019." Response to Motion for Stay, Exhibit 7, page 3. However, the Approval does not reference LUBA's subsequent remand of that March 2019 decision on October 11, 2019 in *Van Dyke II*.

After a land use decision is remanded, it is no longer effective. *NWDA v. City of Portland*, 58 Or LUBA 533, 541-42, *aff'd*, 229 Or App 504, 213 P3d 590 (2009); *Western States v. Multnomah County*, 37 Or LUBA 835, 842-43 (2000).

- **April 30, 2020** – WLK sends letter to BOC re remand, explaining:

Local Budget Law Consequences

Either as a personal county maintenance facility and fire road, or as the YWT Bridge, the county's construction of the YWT Stag Hollow Bridge and its accesses, seem at a minimum to violate local budget law. The construction of the YWT Stag Hollow Bridge was well- known to be unlawful at the time the expenditures for its illegal construction were authorized. LUBA made that abundantly clear. LUBA pointed out in its order approving the stay in *Van Dyke IV*, LUBA's October 11, 2019 decision invalidated any county approval for YWT Stag Hollow construction. It is not plausible that the approving commissioners were unaware that the YWT Stag Hollow Bridge construction they approved was wholly illegal as a matter of state and local law.

This creates personal liability for those commissioners who gave that authorization to spend public money unlawfully. ORS 294.100(2).

Moreover, if on the other hand, the county now truly intends to do something completely different with the YWT Bridge than authorized in the federal and state grants that paid for the YWT Stag Hollow Bridge and accesses, then that too is an unlawful expenditure triggering not only local budget law penalties, but also likely state and federal penalties.

It is worth the commissioners thinking twice before proceeding with this program.

To all appearances, the scaffolding for the YWT project is deceit and misrepresentation. And again, if that is the only way it can move forward, then it lacks legitimate merit under the applicable legal standards and should be denied.

AND

Bias

Having committed the county to spend more than $1mm of state and federal grant money for the YWT, committed some unknown large number of county taxpayer dollars, and actually authorized the construction of the trail knowing after LUBA twice advised that it was unlawful to do so, it seems plain that a majority of the commissioners are incapable of considering evidence and argument presented and denying the YWT.

The fact that the county started YWT construction first, after it promised that it would only begin construction if and after land use approval had been given; then did the exact opposite and, that, when caught tried to call YWT construction something else in order to try to save the YWT, demonstrates bias.

Commissioner Olsen's view that approving illegal YWT construction in January 2020, as being necessary to meet county "requirements and our deadlines," also demonstrates bias to approve the trail to meet those "requirements and deadlines".

Initiating the LUBA remand only after getting caught illegally constructing the YWT Stag Hollow Bridge, demonstrates bias.

The county's legal papers filed in *Van Dyke IV* are so rude, over the top and accuse the farmers of lying about the serious adverse farm impacts of the proposed trail, (only to be proven wrong of course), that county has demonstrated that it is incapable of taking the farmers concerns seriously. Rather, the county pleadings demonstrate the county is at a most basic level, biased against any farmer suggestion the trail does not meet farm impact standards. It is impossible to believe that the same county that filed those rude, disparaging legal papers against farmers to try to get away with illegal trail construction, is capable of fully and fairly consider the Farmers' evidence and argument against the trail.

- **April 30, 2020** – Virtual public hearing held; decision made to continue hearing to May 14, 2020 when WLK unavailable.
- **April 30, 2020** – WLK sends letter to BOC asking to postpone hearing until June 30, 2020.
- **May 5, 2020** – WLK sends letter to BOC asking to reconsider motion to have hearing on May 14, 2020.

This requests that you make a motion to reconsider your motion from April 30, 2020 to have the hearing on the above matter on May 14, 2020 and then to set the hearing over to at least May 21, 2020 and preferably later. Your authority to do so is clearly specified in your code:

> 5.02 A motion to reconsider any item may be made only by a commissioner who voted with the majority on the question or a commissioner who was absent for the vote. Such a motion can be made only at the same meeting that the original motion was adopted, or at the next formal session.

than 2 years in this matter. I cannot attend a hearing on May 14, 2020 because I am giving presentations for the American Bar Association on that day. Moreover, the applicant submitted voluminous materials after hours the evening of April 29, 2020, including a traffic study and we have only today been able to hire a traffic engineer to review it. A week is inadequate time for a comprehensive review of and report responding to, the applicant's 29-page traffic report. Further, the applicant submitted 69 pages of new findings the evening of April 29, 2020. These must be reviewed and require both evidentiary and legal analysis and response. Providing that by end of day on May 13, 2020 to provide on May 14, 2020 is inadequate time and prejudices the Farmers rights to a full and fair chance to present their case. The county is not hurt at all by the requested delay, but the Farmers are hurt by a refusal. We are ware of no reason to refuse our request other than spite and we ask that you please make the requested motion. Thank you.

This is sent via Ken Friday and Christian Boenish. The BOC ostensibly never got it, since on May 7, they professed to asking me an hearing nothing about whether I could attend a May 14 hearing..

- **May 7, 2020** – Issue of whether BOC should move public hearing date from May 14 discussed at BOC meeting. Commissioner Kulla said he had not heard from WLK about that date. No one not specifically invited was allowed to testify or address the Board at the meeting due to BOC imposed pandemic restrictions. General public like WLK or farmers not invited. Counsel Boenish was at the meeting, however. WLK attempted to address this issue during the open comment period by emailing county attorney Mr. Boenisch and asking him to provide the commissioners with a copy of her May 5, 2020 letter. Mr. Boenisch refused. WLK asked him to summarize her comments to BOC. Mr. Boenisch refused.

> Christian,
>
> This requests you (1) advise the governing body of the attached letter, to clarify their misperception it does not exist and (2) read it to them. This is time sensitive. Wendie

The BOC sets the hearing for May 14.

- **May 7, 2020** – WLK sends letter to Attorney General Rosenblum to report violations of public meetings law committed by the county, and requests that she investigate such violations, which include:

Arbitrarily Establishing Unlawful Hearing "Rules"

Features of the "hearing" the Commissioners set for May 14, 2020:

1. Only one "designated" representative of the public opposed to their application may attend.
2. No other opponent may be heard.
3. They were aware the designated "opponent" "spokesperson"[1] is unable to attend on May 14, 2020 due to teaching an ABA State and Local Government Section Webinar that day.
4. They are aware that date is inadequate time for the public to prepare and present an evidentiary and legal response to the county's voluminous April 29, 2020 after-hours submittals.
5. They refuse to change the date or time.
6. There is no legitimate reason not to extend the hearing date to enable public participation.
7. Today one commissioner opined he thought a good reason to have the hearing on May 14, 2020 was so as not to improve the opponents' litigation position.

May 7, 2020 Board of Commissioners "Meeting"

On May 7, 2020, the Board of Commissioners conducted their weekly "Formal Session." The agenda is attached. Two days before this meeting, I submitted a time sensitive request to the Commissioners asking that they reconsider the decision to set the hearing on their application to May 14, 2020 and reset it for at least one-week to May 21, 2020 when I could attend or preferably later to a date when the Commissioners would allow the public to participate. There is no harm to anyone to grant such an extension.

Per county meeting rules, a request to reconsider that decision had to be made on May 7, 2020.

At the May 7, 2020 "Formal Session," the Commissioners first heard a lengthy presentation over the telephone from a person they wanted to hear from. Staff presentations in person were also allowed throughout the meeting.

After hearing the telephonic testimony of their authorized speaker, the Commissioners turned to the "Public Comment" portion of the agenda. Persons whom the county does not invite

to speak. may only address the Commissioners in written communications. that must come through staff. I provided my letter as instructed. My letter was not included in the Commissioners agenda or meeting materials. It was obvious that the Commissioners had not received my request for reconsideration and were unaware that anyone had requested reconsideration. The Commissioners made statements along the lines that they did not understand that they could change the hearing date or why opponents cared. I emailed the county attorney during the designated public comment segment of the agenda and asked him to read my letter to the Commissioners. underscoring that it was important and time sensitive that he do so.

He refused. He refused to advise the Commissioners even of the substance of my request.

It is clear to me that the county is using COVID-19 as a sword to violate the public meetings law. They will continue to do so unless stopped. We would like your help. Thank you.

- **May 14, 2020** – WLK associate attorney attends hearing on May 14. Is blown off, hearing reset to May 21.
- **May 20, 2020** – WLK sends letter to BOC re May 21, 2020 remand hearing.
- **May 22, 2020** – County files response brief in LUBA No. 2020-032/033; argues in September 2019, county staff determined no additional land use approvals were necessary to build bridge for fire control and property access/maintenance; no public trail use of bridge; serves only the county

September, 2019, county staff determined that no additional land use approvals were necessary, under state law or county ordinances, to construct the bridge for use only for county fire control and maintenance access.

Approval of the bridge construction was an administrative decision, and no part of it purported to approve a use of the bridge for public trail purposes. No land use laws prevent the construction and use of a bridge for lawful uses. Access for maintenance and fire control are uses allowed outright in the county's EFU zones.

federal laws). The county, as owner of EFU property, has the same rights to access its property for maintenance and fire control—allowed outright uses—as every other owner of EFU property.

The answer then is that the county intends to employ the bridge for use as a trail if it ever obtains and maintains permission to do so, and intends to employ the bridge right now to access its own property for maintenance and fire control purposes within a floodplain. County staff was reasonable to conclude, in September, 2019, that as long as the county prevented public use of the bridge—until permission to use it for that purpose was obtained—it could nevertheless be constructed and used for county fire control and maintenance access.

design review. A bridge used for maintenance and fire control access, on land owned by the county and serving only the county, does not require land use permit authority

bridge, designed for all legal loads, to be used, at least temporarily if not permanently, as a bridge for county maintenance and fire control access only. Certainly, the county hopes to salvage a useful piece of infrastructure, to use in the interim for its own needed access, in the hope that public trail use will eventually be

No land use approval was required, in this case, for the county to build a bridge and to restrict use of that bridge to allowed uses in the zone pending possible land use approval for public trail uses. The county has articulated a public policy in and of itself, a "land use," it is a bridge. The use the county proposes to make of the bridge—access for maintenance and fire control, are legitimate public purposes.

- **June 11, 2020** – County approves trail yet again.
- **June 12, 2020** – LUBA appeal filed for latest BOC trail approval.
- **June 15, 2020** - WLK files for attorney fees against county for its game playing on stay and bridge construction appeal. That motion is still under consideration at LUBA. Farmers may still recover some of their attorney fees against county if LUBA agrees that county positions are ones that "no reasonable lawyer" would have taken.
- **December 30, 2020** – LUBA pervasively remands trail in its fifth adverse trail order (LUBA No. 2020-066/067).
- **January 28, 2021** – I am advised that in a 4-hour proceeding that I was not a part of and did not watch, that the county admitted that it always understood that if it did not build the Trail/Bridge, that it would have to pay back all the taxpayers money it spent on the gamble. Apparently, the spin of the actors who got the county to this moment is that the county is now committed and has to finish the Trail/Bridge. But that is wrong. The record demonstrates instead that key staff and a majority of the BOC for years knowingly, intentionally, and purposefully took a gamble by repeatedly continuing to pursue spending public money on this project that it 1000% had to know may not ever be allowed to be lawfully established. The record establishes that these actors hoped to get their way by pursuing a campaign of intimidation, censorship, and deceit, using their substantial power to prevent the public from weighing in against the significant peril of the gamble.

Accordingly, the place the county finds itself in, is one the county worked hard to get to; always being a distinct possibility of the course charted. High level staff and a majority of the Board affirmatively accepted the possibility that their gamble would not succeed, and public money would have to be repaid. Now, the gamble ends with responsible government officials exercising long-overdue and ethical discretion acknowledging that it is evident that there are no set of circumstances in which the trail in the old ROW can comply with land use rules; putting a stop to the bleeding.

Please understand that our clients are in no position to waive those important land use rules that protect their legitimate interests under state and federal law. The county and perhaps

the directly involved government actors who orchestrated the past gamesmanship will experience whatever consequences follow the described malfeasance, but can mitigate by (1) putting the Stag Hollow Bridge on a lowboy destined for some other place where it is allowed (perhaps an access or viewing platform in the wildlife refuge that is starved for a public access, or in a park), (2) sell parts of the trail to abutting landowners, the Belts, and others, (3) learn from this terrible experience, (4) decide in the future to listen to citizens and never again rely upon the tactics deployed here, and (5) follow required rules and processes before promising federal and state funders county Christmas Trees. An apology is also in order.

Very truly yours,

Wendie L. Kellington

WLK:wlk
CC: Clients

From: Philip Higgins
To: Leah Sottile; Carrie Martin
Subject: RE: Form Submission - Contact Form - Yamhelas Westsider Trail
Date: Wednesday, March 17, 2021 10:33:02 AM

[This email originated outside of Yamhill County]

Leah – I'd like o introduce Carrie Martin with Yamhill County. She will be very helpful in giving detailed backstory on the history of the Trail As a county employee she cannot add any "color", but she is the one w/ the encyclopedia of facts

Philip E Higgins
Principal Broker | OR & WA
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Oregon Real Estate Agency Pamphlet: https://www.oregon.gov/rea/licensing/Documents/InitialAgencyDisclosurePamphlet.pdf
Washington Real Estate Agency Pamphlet: http://apps.leg.wa.gov/rcw/default.aspx?cite=18.86.120

From: Leah Sottile <leahsottile@gmail.com>
Sent: Tuesday, March 16, 2021 2:36 PM
To: Philip Higgins <phiggins@pacificcrestrea.com>
Subject: Re: Form Submission - Contact Form - Yamhelas Westsider Trail

Hi Philip —

Thanks so much for these emails; they unfortunately came at a time when I was on deadline for another story, which has now been published. I'm wondering if you can give me any kind of an update on the trail: it was voted through, right? I'd like to get a sense for where things are at now. Happy to jump on the phone tomorrow if that's easiest in explaining.

Leah

On Thu, Feb 4, 2021 at 2:54 PM Philip Higgins <phiggins@pacificcrestrea.com> wrote:

> FYI Commissioner LB voted to kill the trail project today – specifically used the words "my farmer group" referring to the people who paid to have her elected.

Taxpayers are on the hook now for $3M.... #TimberUnity

also as a follow up – her ex-fiancé – whos very scared of her – may be willing to give an interview on the condition of anonymity. He was engaged to her when she was founding Timber Unity and during her commissioner run. If that's helpful

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Oregon Real Estate Agency Pamphlet: https://www.oregon.gov/rea/licensing/Documents/Initial-Agency-Disclosure-Pamphlet.pdf
Washington Real Estate Agency Pamphlet: http://apps.leg.wa.gov/rcw/default.aspx?cite=18.86.120

From: Leah Sottile <leahsottile@gmail.com>
Sent: Wednesday, February 03, 2021 4:11 PM
To: Philip Higgins <phiggins@pacificcrestrea.com>
Subject: Re: Form Submission - Contact Form - Yamhelas Westsider Trail

Hello Philip —

Thank you for your email, but I admit I have not begun looking into this and have only heard a little about it. Could you or someone send me more information about what's happening?

Thank you,
Leah

On Mon, Feb 1, 2021 at 5:03 PM Squarespace <form-submission@squarespace.info> wrote:

> Sent via form submission from *Leah Sottile*
>
> Name: PHILIP Higgins

Email Address: phiggins@pacificcrestrca.com

Phone: (503) 793-9039

Subject: Yamhelas Westsider Trail

Message: Thank you for looking into this. Not only is there shady stuff going on, Timber Unity is intertwined with this mess.

--
Leah Sottile
www.leahsottile.com

--
Leah Sottile
www.leahsottile.com

Carolina Rook

From: tom@tomhammerfarms.com
Sent: Monday, October 17, 2022 1:38 PM
To: BOC Info
Subject: FOIA 2nd transmission
Attachments: FYC FOIA email reveals.pdf; FYC FOIA no. 1.pdf

Caution: This email originated outside of the Yamhill County email system

Commissioner,
Here's the second transmission of FOIA reveals.
Tom Hammer

- **Disrespect of participants in quasi-judicial process**
- RE: Lee Schrepel

From: Todd Sadlo
To: Ken Huffer; Carrie Martin; Christian Boenisch
Subject: RE: Yamhelas Westsider Trail: farmers and property owners feedback
Date: Friday, December 18, 2020 10:49:17 AM

Bitterness, sourness, no sense of community, just as he has been through this long process. He's winning though, so bully for Mr. Schrepel

- Re: Wendie Kellington

From: Wayne Wiebke <shadypondacre@yahoo.com>
Sent: Thursday, October 22, 2020 10:03 AM
To: steve wick <stevencarol.wick@gmail.com>; Todd Sadlo <sadlot@co.yamhill.or.us>
Subject: Re: oral argument

[This email originated outside of Yamhill County]

I am a nerdy birder and know that Western screech owls have 7 some what distinctive calls so I am hoping her's was one of the several alarm or distress calls. In general, other than the satisfaction of getting under Wendie's feathers, how did you feel about your presentation?

On Thursday, October 22, 2020, 9:08:14 AM PDT, Todd Sadlo <sadlot@co.yamhill.or.us> wrote:

Hey, did either of you catch oral argument last Tuesday? I got Wendie Kellington to do her screech owl routine!

It's been great working with the two of you on this. Hopefully I'll still be around in two years to pick up the fight again!

Todd Sadlo

From: Todd Sadlo <sadlot@co.yamhill.or.us>
Sent: Thursday, April 16, 2020 12:16 PM
To: Christian Boenisch <boenischc@co.yamhill.or.us>
Cc: Ken Friday <fridayk@co.yamhill.or.us>; Ken Huffer <hufferk@co.yamhill.or.us>
Subject: Fw: Board Order 19-94 April 30, 2020 Remand Hearing

She creeps me out, but the letter doesn't concern me for its substance. It is basically about scheduling. The part about attacking me personally and claiming ex parte contacts seems a bit ex parte to me--she is commenting on the applicant to the proceeding, in an effort to affect the review of the application, and that is not about scheduling.

- RE: Disparaging Wendie Kellington's "bogus legal analysis" about the county being dragged into a huge repayment liability if county continued to spend money without land use approval:

I suppose that you will keep manufacturing bogus legal analysis and asking the county to follow it, as long as your clients keep paying you to do so, but some of your analysis is painfully hard to swallow, and looks like it is calculated to deceive. That's your prerogative, to circulate unsupported theories about what the county can and cannot do with its property. I am simply asking that you follow the rules regarding *ex parte* contacts, and stop encouraging your clients to make *ex parte* contacts. In the future, you and your clients should submit your/their testimony to the Planning Department for inclusion in the remand record and delivery to the Board through established channels.

- RE: Disparaging the Farmers as a group

From: Todd Sadlo <sadlot@co.yamhill.or.us>
Sent: Tuesday, June 16, 2020 3:16 PM
To: Casey Kulla <kullac@co.yamhill.or.us>
Subject: Re: Response to new stay request

The opponents have been busy spreading misinformation.

- RE: ODOT as enemy for stating the obvious that the trail was unapprovable and the grant would have to be repaid (a point that no one apparently bothered to bring to the attention of the full BOC)

From: Todd Sadlo
To: Casey Kulla; Ken Huffer; Christian Boenisch; Jarod Logsdon; Carrie Martin
Subject: RE: Yamhelas Trail
Date: Friday, June 19, 2020 8:48:25 AM

Casey,

Thank you. I feel, over the years, like I have prevailed on more assignments of error than I have lost, in the face of a well-funded opponent. This is not the first land use case I have worked on that has taken time. The tone of Mr. Havig's e-mail is disconcerting, and since we have never heard of, or talked to him before, I'm pretty sure his opinions were those of Mr. Ziegler. Whoever wrote it, it does not seem like good policy to me to attack a local government partner in the process of securing land use approvals, when that partner and its governing body has consistently taken steps to keep the project on track. It is possible he knows that his e-mail, and the tone of it, will be used against us in future proceedings.

Todd Sadlo

From: Todd Sadlo
To: Casey Kulla; Carrie Martin; Ken Huffer; Christian Boenisch; Jarod Logsdon
Subject: RE: Yamhelas Trail
Date: Friday, June 19, 2020 9:36:43 AM

Sounds like it is a done deal. So, agree to a timeline that includes the next election for county commissioner or two? That must be the calculation they are making, regardless of their claim that it is LUBA that bothers them.

ts

- Huffer joins in - he wants to tell the farmers they should fire their lawyer for saying things like the county was being paraded into an untenable repayment liability:

From: Ken Huffer
To: Todd Sadlo; Christian Boenisch
Cc: Ken Friday
Subject: RE: Board Order 19-94 April 30, 2020 Remand Hearing
Date: Thursday, April 16, 2020 12:26:04 PM

Ditto...thank you Todd! I think you are doing a great job!

Maybe I should write her clients and request she be fired for her highly inflammatory remarks and unfounded accusations leveled at County staff?

Thank you,
Ken Huffer
County Administrator
Yamhill County
535 NE 5th St

- Disparaging Sitting Commissioner:

From: Todd Sadlo
To: Carrie Martin
Cc: Ken Huffer; Christian Boenisch
Subject: Re: Lindsay's Facebook post today:
Date: Friday, February 5, 2021 5:34:38 PM

Posting conspiracy theories and continuing to accuse her own staff of fraud. And we're off!

On Feb 5, 2021, at 4:56 PM, Carrie Martin <martinc@co.yamhill.or.us> wrote:

From: Todd Sadlo
To: Wayne Wiebke; stevencarol.wick@gmail.com; Ken Wright
Subject: FW: Yamhelas Westsider Trail
Date: Wednesday, January 20, 2021 2:30:25 PM

Just fyi, they have started their letter writing campaign. So far, more personal attacks from Tom Hammer in a letter he submitted this week, the below missive, and John Van Dyke complaining about blackberries growing through the fence from the property that he and his have worked so hard to keep us from using.

Todd Sadlo

From: Todd Sadlo
To: Carrie Martin
Subject: Re: Lindsay's Facebook post today:
Date: Friday, February 5, 2021 5:15:25 PM

Thanks Carrie. Good job yesterday. A lot of false nonsense swirling around. Some are more susceptible to conspiracy theories than others. Like most other dogmatic new commissioners, she thinks she is on a mission from god. Hopefully, like most before her, she will figure out that a lot of political mumbo jumbo is not what is needed to effectively run a municipal corporation.

ts

- Repayment obligation not really a surprise:

From: Todd Sadlo
To: Wayne Wiebke
Cc: steve wick
Subject: RE: land use and Planning commission
Date: Tuesday, November 10, 2020 1:44:28 PM
Attachments: image001.png

Wayne,

You are welcome. Actually, it would take at least two hearings, one before the Planning Commission, and one before the Board.

If the decision is upheld, I'm sure the opponents will appeal to the Court of Appeals, and I will be instructed by the new Board not to defend. If it is remanded, there is not enough time to notice and hold a remand hearing before the new administration takes office and either denies the application on remand or refuses to pursue the remand. This iteration of the trail was effectively foreclosed by the voters, in the primary. My guess is the county will need to repay what has been spent on the bridge, even if the county retains the corridor.

Todd Sadlo

- Working to transfer the trail without BOC approval:

From: Todd Sadlo
To: Casey Kulla; Janice Primozich; "Wayne Wiebke"; "Ken Wright"
Cc: Carrie Martin; "Veronica Haley Hinkes"; Christian Boenisch
Subject: RE: Ownership transfer of YWT
Date: Monday, September 14, 2020 2:38:29 PM

That would be an appropriate next step. I guess, if Friends is going to incur legal expenses, it would be to advise them regarding the legal risks of taking this on (and not related to the land use case). Christian and I have also talked about Fritz Paulus as a lawyer who works in this field (land held in the public interest), and has a strong public interest streak.

Todd Sadlo

From: Todd Sadlo [mailto:sadlot@co.yamhill.or.us]
Sent: Monday, September 14, 2020 12:54 PM
To: Janice Primozich; Casey Kulla; 'Wayne Wiebke'; 'Ken Wright'
Cc: Carrie Martin; 'Veronica Haley Hinkes'
Subject: RE: Ownership transfer of YWT

Stan,

Friends did not intervene, and has no standing, and no basis for incurring legal fees, no matter which way the case goes. If the case is affirmed, the opponents can appeal to the Court of Appeals and the new Board can refuse to defend the decision on appeal. If the case is remanded, there is not enough time for a remand hearing, and the new Board has no obligation to conduct a hearing on remand. Current rules require that the remand be pursued within, approximately, 180 days. The application would be void after that. Again, in neither of these scenarios would Friends have standing to pursue an appeal or defend against one, because Friends did not intervene in the appeal. The goal would be for Friends to hold the property in the hope that a new Board in two or four years could pursue permits anew. The trail would not be the first worthwhile project to take years to accomplish under Oregon's land use system.

Todd Sadlo

From: Todd Sadlo
To: Ken Wright
Cc: Wayne Wiebke; Casey Kulla; Janice Primozich; Carrie Martin; Veronica Haley Hinkes; Christian Boenisch
Subject: Re: Ownership transfer of YWT
Date: Monday, September 14, 2020 5:15:01 PM

Absolutely. I would be willing to talk to Fritz-we go way back.

On Sep 14, 2020, at 4:52 PM, Ken Wright <ken@kenwrightcellars.com> wrote:

[This email originated outside of Yamhill County]

I'm happy to personally hire Fritz to consult with us on our exposure to legal expense. Wayne, Veronica and Stan, are you good with this? Todd, would you be able to give a quick brief to Fritz of where we are?

Ken

- Advancing a position so outrageous and devoid of merit that no lawyer would advance it, leading the county to a nearly $50,000 attorney fee award

In recent weeks, myths designed to breathe life into the failed Yamhelas Westsider Trail have captured the imaginations of its advocates. But now disclosed emails from Yamhill County officials, Commissioner Kulla, and ODOT, tell a dark story demonstrating those myths are just that and that there is a deeper truth yet to be uncovered. The now-disclosed public records show that (1) by June 2020, the state had determined that the completion of the trail is "improbable" and was demanding its money back; (2) key County officials including Commissioner Kulla knew full-well that they were gambling with taxpayer dollars and chose to spend millions in grant dollars to establish a trail that lacked necessary legal approvals, based upon nothing more than the hope that they could somehow push it through; (3) Commissioners Starrett and Berschauer not only did not kill the trail (it was dead already), they have also been good stewards of taxpayer dollars by not voting – not even once – for spending money on the trail when it lacked *any* of the necessary land use permits and it is evident to anyone paying attention that necessary land use permits can never be approved; (4) Commissioner Kulla and county staff were privately coordinating with Friends of Yamhelas Westsider Trail and other private operatives - from PR campaigns, lobbying efforts, manufacturing public comments, trying to run a Yamhill County family out of business and attempting to transfer county assets to allied groups; and (5) county officials have been working their own agendas, keeping to themselves key information that should have been shared in real time with the full Board of Commissioners in public meetings.

We hope to help set the record straight below.

Myth: Under a new county commission, the trail can be approved.

False: There are numerous reasons why the trail cannot be approved, including: (1) the trail does not meet the farm impacts test despite three years of county and trail advocate-led efforts to demonstrate otherwise; (2) the Carlton Fire Chief told the county in no uncertain terms that the trail posed significant fire risk of harm to people on and around the trail; and (3) the trail is prohibited under the unequivocal terms of the county code on AF-20 and industrial zoned lands (the Belt's). The trail was never approvable, regardless of what county officials portray. The same officials who now assert the trail can be approved are the ones who are shocked that their other wholly unmeritorious legal positions landed the county with a nearly $50,000 attorney fee award.

Myth: Commissioners Berschauer and Starrett are costing the county millions in trail repayment obligations.

False: Wholly false. Neither Commissioner Berschauer nor Starrett have voted to spend money on the failed Yamhelas Trail. Moreover, the **county** triggered grant repayment obligations in **June 2020** for its flagrant violations of the Connect VI grant terms: On June 18, 2020, ODOT gave the county an ultimatum to either promise a date certain when the trail will be opened to the public or pay the ODOT grant back. The County could not then, as it cannot now, give ODOT a date certain **or any date that is even aspirational, for that matter**, for project completion because the project was then and is now illegal. The repayment obligations were triggered months before Commissioner Berschauer was a seated Commissioner. Blaming Commissioner

Berschauer and Commissioner Starrett is false, derogatory and deflects responsibility from the true culprits – the Commissioners who voted (1) to accept the federal and ODOT trail grant promising that the trail was lawful, before making any reasonable inquiry or having any idea if that were a promise the county could keep, and (2) to continue to spend said grant well after it became clear that doing so created, **at the least**, a serious risk of repayment liability. ODOT told the county the jig was up in 2020; but instead of discussing the problem openly – with the Board of Commissioners and public – Commissioner Kulla and aligned county officials tried to make the "problem" go away – from keeping secret ODOT's position that the YWT cannot be approved, to a highly improper effort to try to get the Governor's office to influence LUBA, to threatening to unleash Kulla's "reporter friends" on ODOT and its director – for doing nothing more than enforcing clear grant terms the County accepted exactly as ODOT is required to do in its fiduciary role of protecting the public's money ODOT administers:

From: HAVIG Erik M <Erik.M.HAVIG@odot.state.or.us>
Sent: Thursday, June 18, 2020 5:12 PM
To: martinc@co.yamhill.or.us
Cc: Zeigler Samuel B <Samuel.B.Zeigler@doj.state.or.us>; BROWN Cooper H <Cooper.H.BROWN@odot.state.or.us>
Subject: Yamhelas Trail

Dear Ms. Martin,

I understand that Yamhill County Chair Casey Kulla spoke with ODOT Director Strickler this morning.

ODOT's Position

To date, the County's effort to obtain land use approvals for the development of the Yamhelas Westsider Trail (the "Trail") and the Stag Hollow Creek bridge (the "Bridge") have together triggered no less than four appeals to the state Land Use Board of Appeals (LUBA) since 2018. While the County prevailed in one of these appeals, in all of the others LUBA remanded the County's land use decision to the County for further proceedings. And in the most recent LUBA proceeding, LUBA went further and stayed construction of the Bridge pending the outcome of that appeal. LUBA ultimately ruled in that proceeding that the County commenced the Bridge's construction without the necessary conditional use permit. In short, over the last three years LUBA has time and again repudiated the County's efforts to obtain the necessary land use approvals for the Trail and the Bridge. And we fully anticipate more LUBA appeals and hence more delays going forward.

The LUBA proceedings demonstrate the County's ongoing inability to successfully manage its own land-use approval process for the Bridge and the Trail of which it is a part. Given this demonstrated inability, ODOT is concerned that (i) the Project's successful completion—namely, the opening of the Bridge to the public as part of the Trail—is highly questionable if not improbable and (ii) the Project will not produce results commensurate with ODOT's further expenditure of limited Connect Oregon funds.

ODOT takes its responsibility of being good stewards of public dollars very seriously and, for this reason and the reasons listed above, the department offers the following proposal. If the county decides not to accept this proposal, ODOT will terminate the grant agreement.

From: Casey Kulla
To: Sen Boquist; Sen Robion; Sen Thatcher
Subject: FW: ConnectOregon VI: Yamhelas Westsider Trail Bridge Project
Date: Wednesday, June 17, 2020 1:37:07 PM
Attachments: ConnectOregon VI Executed BO 17-075.pdf
ConnectOregon VI Amendment 1 executed BO 19-751.pdf

As requested, this is our contract and one amendment for the Stag Hollow Bridge, with more details below on the situation that ODOT has placed us in.

From: Carrie Martin <martinc@co.yamhill.or.us>
Sent: Wednesday, June 17, 2020 10:33 AM
To: PUDEWELL Jae <Jae.PUDEWELL@odot.state.or.us>
Cc: CHRISTENSEN Jody * GOV <Jody.Christensen@oregon.gov>; Casey Kulla <kullac@co.yamhill.or.us>
Subject: ConnectOregon VI: Yamhelas Westsider Trail Bridge Project

Hi Jae,

I have attached the original ConnectOregon VI grant agreement and amendment. To date, we have not received an official written notice of our options from ODOT, apart from the information inferred from the email received from Sam Ziegler (see below).

This situation is complex, and I would be happy to walk you through the details by phone. The short version is that Sam Ziegler spoke with County Counsel in a phone call Monday, June 15th in which he stated Yamhill County has two options: 1) the ConnectOregon VI grant will be revoked and the County will need to repay the reimbursements incurred to-date; 2) Yamhill County could provide ODOT with *an exact date* by which the Yamhelas Westsider Trail will be open to the public. We have been told that our relationship with ODOT is no longer "tenable" and to make our decision by end of business day Wednesday (today). As the project stands today, we are 15 days out from completion of construction with a final date of July 3, 2020.

I appreciate any thoughts or insights you can share.

Thank you,

Carrie

From: Christian Boenisch
To: Zeigler Samuel B
Cc: Todd Sadlo; Posegate Stacy C
Subject: RE: Yamhelas Trail
Date: Tuesday, June 16, 2020 3:40:22 PM

Sam,

We will need more time than COB on Wednesday to discuss this request with our administration and our elected officials, to review the relevant grant documents and to consider our options. And, one of our commissioners is now out on medical leave for at least the next few days or possibly weeks. Also, I expect that one or more of our board (or administrative staff) may want the opportunity to meet with and hear from folks at ODOT in an attempt to better understand exactly how or when ODOT feels Yamhill County fell out of compliance and is now in violation of the grant agreement to the extent that ODOT is prepared to terminate. Please advise when we might be able to make this happen. Towards that end, could you also please memorialize in writing ODOT's latest concerns along with DOJ's legal position, including more details of our apparent breach, the basis for termination we briefly discussed yesterday and your proposed amendment request so that we can ensure that we have all the details we need for our internal discussions. Happy to discuss this further.

Thanks,

Christian

Christian F. Boenisch
Yamhill County
County Counsel

Myth: Commissioner Berschauer killed the trail.

False: This is wholly false. The trail was dead long before Commissioner Berschauer took office. It was dead after failing to meet the Oregon farm impacts standards – legal tests that everyone knows apply to it. Her predecessors ignored that elephant in the room and kept spending the public's money on the trail when it kept failing to meet legal tests. Commissioner Berschauer and Commissioner Starrett merely stopped the county's financial bleeding; recognizing what experts and LUBA had been saying for three years. This was acknowledged by ODOT to the previous BOC:

From: HAVIG Erik M <Erik.M.HAVIG@odot.state.or.us>
Sent: Thursday, June 18, 2020 5:12 PM
To: Carrie Martin <martinc@co.yamhill.or.us>
Cc: Zeigler Samuel B (Samuel.B.Zeigler@doj.state.or.us) <Samuel.B.Zeigler@doj.state.or.us>; BROWN Cooper H <Cooper.H.BROWN@odot.state.or.us>
Subject: Yamhelas Trail

[This email originated outside of Yamhill County]

Dear Ms. Martin,

I understand that Yamhill County Chair Casey Kulla spoke with ODOT Director Strickler this morning. Based on that conversation, I wanted to provide more information on our amendment proposal and clarify ODOT's rationale for moving in this direction.

ODOT's Position

To date, the County's effort to obtain land use approvals for the development of the Yamhelas Westsider Trail (the "Trail") and the Stag Hollow Creek bridge (the "Bridge") have together triggered no less than four appeals to the state Land Use Board of Appeals (LUBA) since 2018. While the County prevailed in one of these appeals, in all of the others LUBA remanded the County's land use decision to the County for further proceedings. And in the most recent LUBA proceeding, LUBA went further and stayed construction of the Bridge pending the outcome of that appeal. LUBA ultimately ruled in that proceeding that the County commenced the Bridge's construction without the necessary conditional use permit. In short, over the last three years LUBA has time and again repudiated the County's efforts to

1

obtain the necessary land use approvals for the Trail and the Bridge. And we fully anticipate more LUBA appeals and hence more delays going forward.

The LUBA proceedings demonstrate the County's ongoing inability to successfully manage its own land-use approval process for the Bridge and the Trail of which it is a part. Given this demonstrated inability, ODOT is concerned that (i) the Project's successful completion—namely, the opening of the Bridge to the public as part of the Trail—is highly questionable if not improbable and (ii) the Project will not produce results commensurate with ODOT's further expenditure of limited Connect Oregon funds.

ODOT takes its responsibility of being good stewards of public dollars very seriously and, for this reason and the reasons listed above, the department offers the following proposal. If the county decides not to accept this proposal, ODOT will terminate the grant agreement.

ODOT's Proposal

The county will set forth a timeline for opening the subject 2.78-mile segment of the trail to the public. Since the land-use approval process is at the county level, we're asking the county to set a reasonable date for the completion of the trail and subsequent opening to the public, by which time if said opening does not occur ODOT will have the right to recover all grant funds received by the county. This date of opening and potential recovery of funds will be amended into the current grant agreement.

Timeline for Decision

To allow adequate time for your commission to consider this amendment, we are asking for an agreement in principal to this amendment approach no later than 5pm next Friday (June 26, 2020) and a formal commission approval of this amendment no later than 5pm July 3, 2020.

Myth: The County was transparent

False: The County has not been transparent and the County officials' conduct in 2020 is especially appalling. But the problem with transparency is a long standing one for this trail. Commissioner Olson was concerned about the lack of transparency regarding the trail – in 2018:

> As you know my frustrations are really that Stan does not keep the other Commissioners in the loop so a lot of what is happening takes us by complete surprise such as the formation of the YCTAP and my questions regarding the Board.
>
> Although I do support the effort it is hard for me to get to excited when some are left out of the loop. The news blasts are excellent, but it does not make up for one of my fellow commissioners not updating us.
>
> I expressed these same concerns with Carr when I met with him a couple of months ago so to find out there was actually a BOARD and not knowing how it was formed, what the legal makeup is, etc. is disturbing as an elected official. It is kind of the same as I have witnessed with the Trail Issue and the Friends of the Yamhelis Trail and I am still trying to make things more transparent and ensure things are done in a collaborative setting. I do not want to have to repeat the same process or undertaking for Tourism.

The emails expose considerable coordination and planning between Commissioner Kulla and aligned County officials regarding the trail, but few emails to Commissioner Starrett or Olsen explaining what Mr. Kulla and friends were up to on the County's behalf. That is not transparent. For Mr. Kulla, transparency is in the eye of the beholder – for those who cross him, he raises the flag; for himself, not so much.

From: Casey Kulla
To: Carrie Martin; Ken Huffer; Christian Boenisch
Subject: RE: NewsRegister Letter to the Editor
Date: Monday, December 28, 2020 9:18:30 AM

Thank you for bringing this up, Carrie, and I was disappointed to read this in the paper.

Harassment of staff and sharing emails in attempts to discredit staff and projects are both things that should be considered inappropriate and out of bounds for elected officials. That said, I also understand that we cannot make commissioners refrain from such behavior.

What *can* we do? Raise the issue in a public meeting, for one. Another thing is to provide clear expectations of lines of communication (though, I am the first to acknowledge that I don't do this) between staff, supervisors, and commissioners. I know that when I was a new commissioner, having Ken and Laura provide clear expectations was super-helpful; an example: "You are not the supervisor for staff; the county administrator is." Ken may have already done this level of initial orientation for Commissioner-elect.

Compare:

From: steve wick
To: "Wayne Wiebke"; "Ken Wright"; "Stan Primozich"; "Casey Kulla"; "Philip Higgins"; "V H"
Subject: RE: Bus barn question
Date: Monday, November 23, 2020 2:39:00 PM

[This email originated outside of Yamhill County]

It should be noted that any discussions that we may possibly pursue re the Bus Barn should be handled with discretion, especially at the Bus Barn.

When Wayne and I went out with Jerod to the Bus Barn and trail, in late July, to inspect the Stag Hollow bridge access, we were immediately met with personnel from the bus barn asking what we were doing there. We told them we were just looking at the Trail ROW. Five minutes later one of the anti-trail farmers showed up, peppered us with questions, and then followed us on our inspection tour.

It is my opinion that the Bus Barn people are pretty tight with the anti-Trail people. IMHO anything we say or do around that Facility will immediately be forwarded.

Steve Wick

From: Casey Kulla
To: Hannah Ray Lambert
Subject: RE: KOIN question about Yamhelas grants
Date: Monday, February 8, 2021 10:07:13 AM

I am happy to talk more about it, either on or off record. The commissioners' decision to end the project now appears to be some kind of vendetta against staff, former commissioners, and me. So, not only payback of funds, but some form of political "payback." This is on top of the fact that 40% of Commissioner Berschauer's campaign funds came from trail opponents (and all of it came one day after she angrily posted on FB that she was determined to kill this project). Further, the level of bias on the BOC means that any land use decision would/could be challenged on bias alone.

It is a tangled and twisted web, and staff now have credible cases to make that they've been slandered and defamed. Feel free to call if you would like to chat!

Casey

In private, going extraordinary lengths, Commissioner Kulla attempted to use county assets to hurt his political/trail opponents.

On Friday, November 20, 2020, 10:53:09 AM PST, Casey Kulla <kullac@co.yamhill.or.us> wrote:

Board of Friends of YWT (plus Philip),

A question for you to consider: would you be interested in holding the lease

on the bus barn property on hwy 240? It would require you to be the property manager and to sublet the current bus footprint to the bus company. But the benefits: you have access to and control of the property that will be the key trail head, and it gives you a measure of standing for grants, legal claims, etc. The other buildings on site could leased to other business partners that complement a future trail. Depending upon the details and rates, you might even generate a small cash income from the lease/sublease that could help with other projects moving the trail forward.

Obviously, a lease agreement would need to be approved and signed before the first Thurs in January, but we can move quickly if you can.

Casey

971-241-6585

On Tuesday, November 10, 2020, 1:30:30 PM PST, **Todd Sadlo** <sadlot@co.yamhill.or.us> wrote:

Steve,

No one on the Board has said they want to sell off the corridor, no sitting members and no Commissioners-elect. I'd prefer none of us talk about it, to avoid giving them ideas!

The Planning Commission is advisory and has no authority over county property. The Board can always overrule the Planning Commission. The Transportation Plan is an ordinance, and it requires a land use hearing to be amended. County property can be sold if it is declared "surplus." Selling any part of the corridor will result in ODOT 'clawing back' all of the money they have given us to purchase and develop it —more that $2 million.

I hope this helps!

Todd Sadlo

From: Casey Kulla [mailto:kullac@co.yamhill.or.us]
Sent: Monday, November 23, 2020 8:34 AM
To: Philip Higgins; V H
Cc: stevencarol.wick; Wayne Wiebke; Ken Wright; Stan Primozich; Patty Williams
Subject: RE: Bus barn question

I've sent these questions to the county management team. I've asked them to follow up with you.

From: Philip Higgins <phiggins@pacificcrestrea.com>
Sent: Monday, November 23, 2020 8:22 AM
To: V H <veronica4249@yahoo.com>
Cc: stevencarol.wick <stevencarol.wick@gmail.com>; Wayne Wiebke <shadypondacre@yahoo.com>; Casey Kulla <kullac@co.yamhill.or.us>; Ken Wright <ken@kenwrightcellars.com>; Stan Primozich <sgjlprimo@comcast.net>; Patty Williams <poorlydrawnheads@yahoo.com>
Subject: RE: Bus barn question

[This email originated outside of Yamhill County]

County should have a boiler plate lease they use. While I would be more than happy to review the Belt lease, I'm not sure they can share it as Friends is not a party to it.

Philip E Higgins
Principal Broker | OR & WA
OR Lic # 960900059 / WA Lic # 50197
Direct: 503-793-9039 | phiggins@PacificCrestREA.com
809 E. First St. Newberg OR 97132
Pacific Crest Real Estate Advisors
Commercial Real Estate Brokerage | Advisory Services

From: V H <veronica4249@yahoo.com>
Sent: Monday, November 23, 2020 8:13 AM
To: Philip Higgins <phiggins@pacificcrestrea.com>
Cc: stevencarol.wick <stevencarol.wick@gmail.com>; Wayne Wiebke <shadypondacre@yahoo.com>; Casey Kulla <kullac@co.yamhill.or.us>; Ken Wright <ken@kenwrightcellars.com>; Stan Primozich <sgiprimo@comcast.net>; Patty Williams <poorlydrawnheads@yahoo.com>
Subject: Re: Bus barn question

Thank you for offering your help with this Phillip.

Those documents would be very helpful. Assuming it would take the County some time to draw up a new proposed lease for us, seeing the existing leases with Mr. Belt and the bus barn ASAP could get us started, as well as an idea of what the lease rate increase might be. I agree a walk-through is necessary, with someone who can identify potential issues.

Veronica

I floated this idea past Ken Huffer, Carrie Martin, Christian Boenisch and Todd Sadlo (and they were enthusiastic about me inquiring with you). It would have to be discussed in open session for Commissioner Olson to be involved. Mr. Belt currently leases the property, but I expect that our lease price going forward will result in him raising the lease price to the bus company, effectively ending their lease there. This would be very negative for the bus company and the school district and kids, so I suggested that we could ask you about taking on the lease of the whole property, with the requirement that you continue to lease to the bus company but with few other requirements. Mr. Belt was making a significant income off of the bus company lease.

I am happy to talk more in person if that is easier.

Casey

From: Wayne Wiebke <shadypondacre@yahoo.com>
Sent: Friday, November 20, 2020 1:32 PM
To: Ken Wright <ken@kenwrightcellars.com>; Stan Primozich <sgilprimo@comcast.net>; Veronica Haley Hinkes Haley Hinkes <veronica4249@yahoo.com>; steve wick <stevencarol.wick@gmail.com>; Casey Kulla <kullac@co.yamhill.or.us>; Patty Williams <poorlydrawnheads@yahoo.com>
Cc: Philip Higgins <phiggins@pacificcrestrea.com>
Subject: Re: Bus barn question

[This email originated outside of Yamhill County]

Thank you Casey thinking outside of the box. For right now I am going to defer to those you included with this offer plus Patty Williams our new Treasure. I see expertise there that I don't have. Have you consulted with Rick or county administration regarding this idea? Wayne

On Friday, November 20, 2020, 10:53:09 AM PST, Casey Kulla <kullac@co.yamhill.or.us> wrote:

Board of Friends of YWT (plus Philip),

A question for you to consider: would you be interested in holding the lease

on the bus barn property on hwy 240? It would require you to be the property manager and to sublet the current bus footprint to the bus company. But the benefits: you have access to and control of the property that will be the key trail head, and it gives you a measure of standing for grants, legal claims, etc. The other buildings on site could leased to other business partners that complement a future trail. Depending upon the details and rates, you might even generate a small cash income from the lease/sublease that could help with other projects moving the trail forward.

Obviously, a lease agreement would need to be approved and signed before the first Thurs in January, but we can move quickly if you can.

On Nov 22, 2020, at 4:13 PM, Wayne Wiebke <shadypondacre@yahoo.com> wrote:

We also have to think about how we respond to Phillip Higgen's; he seems to really want to get in the middle of this. WW

On Sunday, November 22, 2020, 2:29:35 PM PST, V H <veronica4249@yahoo.com> wrote:

It's an amazing intriguing idea. I do have a lot of questions about numbers, condition of the buildings and who is responsible for their safety and upkeep, what insurance would cost us etc.

Does anyone mind if I bring my husband in on this question? He owns a large manufacturing building in Tualatin so would know more about what information we would need and what risks we would be taking on.

Veronica

Sent from and autocorrected by my iPhone

On Nov 22, 2020, at 11:25 AM, Casey Kulla <kullac@co.yamhill.or.us> wrote:

Wayne, thanks for adding Patty (I couldn't remember her email address when I drafted this).

Myth: County staff just doing their job

Which Job? The answer depends upon what job we are talking about and whether staff performed at critical periods when the county's financial exposure was manageable. And then, after it was clear the trail was not approvable, or at the least there was serious risk, was staff acting on their own personal agenda or the County's? So, first, what is staff's job? To advise the county Board of serious financial risk? Did they do that, or did they view the concern as "bogus"? The latter is what the paper trail says. Is it staff's job to lobby a position that is not approved by the governing body? The record reveals no public meetings on the topics in the email chains of June to December 2020. So exactly whose interests were County staff pursuing trying to kick out the Belts, give the old ROW to private interests and bad mouth an incoming commissioner? Whose interests were staff pursuing in plotting ways to preserve the trail until a new BOC majority could be elected to thwart the one elected now from doing what they were elected to do? Was changing the facts to suit the message they wished to convey "doing their job"? Were trail PR campaigns and committees on public time part of their job? Just who was in charge?

So, for example, when answering how much longer it would take to finish the bridge, the answer depended upon the political position to advance. So it was:

From: Carrie Martin
To: Christian Boenisch; Ken Huffer; Todd Sadlo
Subject: Re: YWT Executive Session 012621
Date: Monday, January 25, 2021 8:50:40 AM

Here are my thoughts:

1. Do you want to add a question asking what will the impact of not completing the bridge have on the OPRD RTP $75,000 grant
2. On the question of the stay and the bridge, I don't know if you want to mention there is approximately 10-days' work left in completing the COVI grant. The grant is 95% complete.

That's all I have!

Carrie

Carrie Martin
Yamhill County

From: Carrie Martin <martinc@co.yamhill.or.us>
Sent: Wednesday, February 3, 2021 6:17 PM
To: Lindsay Berschauer <berschauerl@co.yamhill.or.us>
Cc: Ken Huffer <hufferk@co.yamhill.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>
Subject: Re: Yamhelas photos

Commissioner Berschauer,

We have three separate subcontractors who can speak directly to the status of the pedestrian bridge. I stand by my assessment of the project and theirs. The grant project is at 95% completion and Farline Bridge Construction has indicated they need approximately 10 days to complete the construction.

VERSUS 75% done in representations to ODOT:

Oregon Department of Transportation

***Connect*Oregon**
MONTHLY PROGRESS REPORT

Part A: Project Details

PROJECT NAME: Yamhelas Westsider Trail: Bridge Construction		REGION NUMBER: 2	IGA NUMBER: 31632
RECIPIENT NAME: Yamhill County			APPLICATION PROJECT NUMBER: K21358
ADDRESS: 535 NE Fifth Street			
CITY: McMinnville		STATE: OR / ZIP: 97128	REQUIRED MONTHLY REPORT DATE: 1st Wednesday of the Month
PHONE: 503-434-7501	FAX: 503-474-4908	E-MAIL: martinc@co.yamhill.or.us	DATE OF THIS REPORT: 02/05/2021
Recipient: Complete form, sign, date, and send a copy to *Connect*Oregon Program Manager.		RECIPIENT SIGNATURE	DATE

Description (List each milestone as shown in the *Connect*Oregon Agreement.)	Estimated Due Date Shown in IGA, Exhibit A, Table 1	Anticipated Completion Date	Percentage Complete
1. Scoping and planning	05/31/2017	5/31/2017	100%
2. Right of way and land acquisition	11/10/2017	11/10/2017	100%
3. Permits	09/30/2019	09/30/2019	100%
4. Final plans/bidding engineering documents	10/16/2019	10/16/2019	100%
5. Construction contract award	12/02/2019	12/02/2019	100%
6. Project completion	05/19/2020	05/19/2020	75%

Part C: Provide a brief status update in the space provided below:

VERSUS **70 days** left per Farline, on March 23, 2021:

F

FARLINE BRIDGE INC.

P.O. Box 149 * 1445 Miller Drive * Stayton, OR 9738

Cost to Finish by Item

Bit Item	Description	UM	Units	Unit Price	Amount	Days to Complete
10	Mobilization	LS	1.00	$ 27,000.00	$ 27,000.00	3
20	Temp Work Zone Traffic Control	LS	1.00	$ 1,000.00	$ 1,000.00	
30	Construct & Remove Access Road	LS	1.00	$ 3,500.00	$ 3,500.00	3
40	Temp Work Access and Containment	LS	1.00	$ -	$ -	
50	Erosion Control	LS	1.00	$ 1,000.00	$ 1,000.00	
60	Plastic Sheeting	LS	1.00	$ 400.00	$ 400.00	
70	Matting, Type C	LS	1.00	$ 6,000.00	$ 6,000.00	
80	Sediment Fence	LS	1.00	$ 1,440.00	$ 1,440.00	
90	Pollution Control Plan	LS	1.00	$ 320.00	$ 320.00	
100	Work Containment Plan	LS	1.00	$ 400.00	$ 400.00	
110	Health & Safety Plan	LS	1.00	$ -	$ -	
120	Construction Survey Work	LS	1.00	$ 3,000.00	$ 3,000.00	
130	Removal of Structures & Obstructions	LS	1.00	$ -	$ -	
140	Clearing & Grubbing	LS	1.00	$ -	$ -	
150	Embankment In Place	LS	1.00	$ 6,451.55	$ 6,451.55	5
160	Riprap Geotextile	LS	1.00	$ 300.00	$ 300.00	
170	Loose Riprap, Class 50	LS	1.00	$ 500.00	$ 500.00	
180	Structure Excavation	LS	1.00	$ -	$ -	
190	Granular Structure Backfill	LS	1.00	$ 6,000.00	$ 6,000.00	7
200	Furnish Pile Driving Equipment	LS	1.00	$ -	$ -	
210	Furnish PP 16 x 0.5 Steel Piles	LS	1.00	$ -	$ -	
220	Drive PP 16 x 0.5 Steel Piles	LS	1.00	$ -	$ -	
230	PP 16 x 0.5 Steel Pile Splices	LS	1.00	$ -	$ -	
240	Furnish Steel Sheet Piling	LS	1.00	$ -	$ -	
250	Drive Steel Sheet Piling	LS	1.00	$ -	$ -	
260	Reinforcment, Grade 60	LS	1.00	$ -	$ -	
270	Foundation Concrete, Class 4000	LS	1.00	$ 25,000.00	$ 25,000.00	15
280	General Structural Concrete, Class 4000	LS	1.00	$ 50,000.00	$ 50,000.00	20
290	30 Inch Precast Prestressed Slabs	LS	1.00	$ 10,000.00	$ 10,000.00	10
300	Pedestrian Rail, Modified	LS	1.00	$ 10,800.00	$ 10,800.00	8
310	Aggregate Base	LS	1.00	$ 1,054.00	$ 1,054.00	2
320	Permanent Seeding	LS	1.00	$ 450.00	$ 450.00	2
330	Plant Cuttings, Less Than 1 Inch	LS	1.00			
				Total	$ 154,615.55	70

And then there were the county officials looking for opportunities to usurp the will of the voters with no regard for the financial risk this could create for county budgets and taxpayers …

From: Todd Sadlo [mailto:sadlot@co.yamhill.or.us]
Sent: Monday, September 14, 2020 12:54 PM
To: Janice Primozich; Casey Kulla; 'Wayne Wiebke'; 'Ken Wright'
Cc: Carrie Martin; 'Veronica Haley Hinkes'
Subject: RE: Ownership transfer of YWT

Stan,

Friends did not intervene, and has no standing, and no basis for incurring legal fees, no matter which way the case goes. If the case is affirmed, the opponents can appeal to the Court of Appeals and the new Board can refuse to defend the decision on appeal. If the case is remanded, there is not enough time for a remand hearing, and the new Board has no obligation to conduct a hearing on remand. Current rules require that the remand be pursued within, approximately, 180 days. The application would be void after that. Again, in neither of these scenarios would Friends have standing to pursue an appeal or defend against one, because Friends did not intervene in the appeal. The goal would be for Friends to hold the property in the hope that a new Board in two or four years could pursue permits anew. The trail would not be the first worthwhile project to take years to accomplish under Oregon's land use system.

Todd Sadlo

Apparently, staff's job includes slandering two sitting members of the Board of Commissioners and going to "war" with the electorate:

From: Philip Higgins
To: Casey Kulla; Wayne Wiebke; Todd Sadlo; Ken Wright
Cc: carrie@carriemartinconsulting.com
Subject: RE: Yamhelas Westsider Trail
Date: Thursday, January 21, 2021 7:17:41 AM

[This email originated outside of Yamhill County]

Case in point – Friends should be broadcasting this type of data to the county:

> Subject: Bicycling for recreation contributed $1.5 billion to Oregon economy in 2019 - BikePortland.org
> https://bikeportland.org/2021/01/20/bicycling-for-recreation-contributed-1-5-billion-to-oregon-economy-in-2019-324967

In my mind its an easy transition to:

2/3rd of the current BOC ***DOES NOT WANT YAMHILL COUNTY TO HAVE MORE JOBS*** and the fact of the matter is that not only do they want to decide ***for the market*** (picking the winners and losers for you) their decisions will mean less employment and the ***TAX BURDEN*** falls to the rest of us. Mary Starrett and Lindsey B want to ***Raise YOUR Taxes***.

Philip E Higgins
Principal Broker | OR & WA
OR Lic # 960900059 / WA Lic # 50197
Direct: 503-793-9039 | phiggins@PacificCrestREA.com
809 E. First St. Newberg OR 97132
Pacific Crest Real Estate Advisors
Commercial Real Estate Brokerage | Advisory Services

From: Philip Higgins <phiggins@pacificcrestrea.com>
Sent: Tuesday, January 19, 2021 6:42 PM
To: Casey Kulla <casey@caseykulla.com>; Wayne Wiebke <shadypondacre@yahoo.com>; Todd Sadlo <sadlot@co.yamhill.or.us>; Ken Wright <ken@kenwrightcellars.com>
Cc: Philip Higgins <phiggins@pacificcrestrea.com>; carrie@carriemartinconsulting.com
Subject: RE: Yamhelas Westsider Trail

While I'm happy to write a letter of support, my lone voice – and anyone's lone voice – wont stand up to the 2/3 BOC contingent intent on bullying this Trail to its death and mishandling every economic development opportunity in the County for the next two to four years. You have to show them a unified front and push back.

If you want to get serious about a real honest war – and not this half truth hysteria one sided war that the Trail is losing - I'm happy to have a strategy session.

Philip E Higgins
Principal Broker | OR & WA
OR Lic # 960900059 / WA Lic # 50197
Direct. 503-793-9039 | phiggins@PacificCrestREA.com
809 E. First St. Newberg OR 97132
Pacific Crest Real Estate Advisors

From: Carrie Martin
To: Todd Sadlo; Casey Kulla; Christian Boenisch; Ken Huffer
Subject: Re: Yamhelas Trail
Date: Friday, June 19, 2020 8:17:07 AM

I guess publicity is our only recourse.

Carrie Martin
Yamhill County
Grants & Special Projects
martinc@co.yamhill.or.us
503-474-4991 (o)
971-241-1007 (m)

From: Todd Sadlo <sadlot@co.yamhill.or.us>
Sent: Friday, June 19, 2020 8:12 AM
To: Casey Kulla <kullac@co.yamhill.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>; Ken Huffer <hufferk@co.yamhill.or.us>
Cc: Carrie Martin <martinc@co.yamhill.or.us>
Subject: RE: Yamhelas Trail

It looks like a non-land use lawyer and non-land use policy person have decided to oppose the trail. That e-mail can be the basis for Wendie's next campaign against us. It does seem like someone from the opposition is getting direct access to the now duo from DOJ/ODOT in railing against the project.

ts

Pursuing political positions and dreaming up ethics complaints against sitting commissioners is not often considered "staff doing their job."

From: Todd Sadlo <sadlot@co.yamhill.or.us>
Sent: Friday, June 19, 2020 9:36 AM
To: Casey Kulla <kullac@co.yamhill.or.us>; Carrie Martin <martinc@co.yamhill.or.us>; Ken Huffer <hufferk@co.yamhill.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>; Jarod Logsdon <logsdonj@co.yamhill.or.us>
Subject: RE: Yamhelas Trail

Sounds like it is a done deal. So, agree to a timeline that includes the next election for county commissioner or two? That must be the calculation they are making, regardless of their claim that it is LUBA that bothers them.

ts

From: Carrie Martin <martinc@co.yamhill.or.us>
Sent: Monday, February 1, 2021 8:37 AM
To: Ken Huffer <hufferk@co.yamhill.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>; Todd Sadlo <sadlot@co.yamhill.or.us>
Subject: Ethics investigation

Good morning,

I understand an ethics complaint has been filed against Commissioner Berschauer that alleges a conflict of interest on the YWT project. This complaint concerns the significant number of LUBA litigants who were also donors to Commissioner Berschauer's campaign.

Is this something that would create a delay to any vote on Thursday?

Thanks,

Carrie

Carrie Martin
Yamhill County
Grants & Special Projects

From: Todd Sadlo
To: Carrie Martin
Subject: Re: Lindsay's Facebook post today:
Date: Friday, February 5, 2021 5:15:25 PM

Thanks Carrie. Good job yesterday. A lot of false nonsense swirling around. Some are more susceptible to conspiracy theories than others. Like most other dogmatic new commissioners, she thinks she is on a mission from god. Hopefully, like most before her, she will figure out that a lot of political mumbo jumbo is not what is needed to effectively run a municipal corporation.

ts

Myth: County staff advised the Commissioners of the significant risk of spending millions of state and federal dollars on a project before it had land use approval.

Hard to know: We have been unable to find any meeting minutes or correspondence where County Counsel or Administrator advised the Board of Commissioners of their significant exposure. The Connect VI grant is clear:

a. **Use of Grant Funds.** The Grant Funds shall be used solely for the Project described in Exhibit A and shall not be used for any other purpose. No Grant Funds will be disbursed for any changes to the Project unless such changes are approved by ODOT by amendment pursuant to Section 11.c hereof.

a. **Prerequisites for Reimbursement of Costs – General**

i. **Prior approvals.** Recipient shall provide documentation of having met all pre-construction requirements, including, but not limited to, meeting all public agency conditions of Project approval and obtaining all Project-specific land entitlements and permits, including in-water work permits, prior to any construction costs (labor and material) being considered eligible for reimbursement or reimbursed. Project Costs will be reimbursed from Grant Funds only through the design phase of Project until all applicable documentation is received by ODOT. Recipient shall provide this documentation to ODOT's ConnectOregon Program Manager.

The lawyer for farmers adjoining the trail pointed out on numerous occasions that the County had significant liability if the County continued to spend state and federal money on the trail before land use approval was secured:

Further, we understand that County staff is asking the Board of Commissioners to authorize letting even more contracts to oblige the County to spend the 2016 ConnectOregon VI grant to Yamhill County for the trail for a whopping $1 million plus, even though the County must know that at this point there is no legal basis for such expenditures:

Yamhill County	Yamhelas Westsider Trail: Bridge Construction	$1,012,185.71	The project will encompass the planning, design and engineering f three new pedestrian bridges and the construction of a bridge over the Stag Hollow Creek. All proposed bridges will be located along the future Yamhelas Westsider Trail near Yamhill, Oregon. The project area is parallel to OR 47 and this is the first phase of development creating Yamhill County's first multi-modal regional trail.

If the Board of Commissioners did so, that would seem to expose them to the consequences of spending public money on a project known to be unlawful – whatever those consequences are – but seemingly to include having to repay the money, pay any indemnification or defense of a grantor, being liable to pay the contractors per their agreements with the County, and whatever other liabilities there are.

The Board should not authorize expending any public money on the Yamehelas Trail until and unless it is known that the trail can be lawfully constructed. Our clients, who are the owners and operators of large and small commercial farms – the ones who are adversely affected

Thus, the applicant for the trail is in no better position than *any developer* who elects to take a very big risk and to move forward, knowing full well that the project may be appealed and the approval may be lost, where it is appealed and it is lost, which is what happened here. The only difference is there, the risk-taking developer is probably spending a *bank's* private money and here, the County staff applicant is spending *federal, state and local public* money.

County Counsel, Mr Sadlo, characterize those concerns as "bogus," acting on the county's behalf:

> I suppose that you will keep manufacturing bogus legal analysis and asking the county to follow it, as long as your clients keep paying you to do so, but some of your analysis is painfully hard to swallow, and looks like it is calculated to deceive. That's your prerogative, to circulate unsupported theories about what the county can and cannot do with its property. I am simply asking that you follow the rules regarding *ex parte* contacts, and stop encouraging your clients to make *ex parte* contacts. In the future, you and your clients should submit your/their testimony to the Planning Department for inclusion in the remand record and delivery to the Board through established channels.

The farmers' attorney again pointed out to Mr. Boenisch that he ought to advise the Board of Commissioners and not dismiss the concern:

> On that, before joining Mr. Sadlo's name calling that the concern that the Board of Commissioners are on the hook for authorizing the county to spend public state and federal money on an illegal project as "bogus", you might consider giving or seeking a legal opinion on the extent of the Commissioners' and county's exposure. I think you will find that it is a long way from "bogus," hovering somewhere between serious and extreme. Thank you.

Myth: Staff and decision makers respectful to members of the public.

False: One need only read the latest county decision that LUBA remanded December 2020 to see this myth is false. The "findings" are a collection of personal attacks upon the public participants and little more. Other examples:

From: Wayne Wiebke <shadypondacre@yahoo.com>
Sent: Thursday, October 22, 2020 10:03 AM
To: steve wick <stevencarol.wick@gmail.com>; Todd Sadlo <sadlot@co.yamhill.or.us>
Subject: Re: oral argument

[This email originated outside of Yamhill County]

I am a nerdy birder and know that Western screech owls have 7 some what distinctive calls so I am hoping her's was one of the several alarm or distress calls. In general, other than the satisfaction of getting under Wendie's feathers, how did you feel about your presentation?

On Thursday, October 22, 2020, 9:08:14 AM PDT, Todd Sadlo <sadlot@co.yamhill.or.us> wrote:

Hey, did either of you catch oral argument last Tuesday? I got Wendie Kellington to do her screech owl routine!

It's been great working with the two of you on this. Hopefully I'll still be around in two years to pick up the fight again!

Todd Sadlo

From: Todd Sadlo <sadlot@co.yamhill.or.us>
Sent: Thursday, April 16, 2020 12:16 PM
To: Christian Boenisch <boenischc@co.yamhill.or.us>
Cc: Ken Friday <fridayk@co.yamhill.or.us>; Ken Huffer <hufferk@co.yamhill.or.us>
Subject: Fw: Board Order 19-94 April 30, 2020 Remand Hearing

She creeps me out, but the letter doesn't concern me for its substance. It is basically about scheduling. The part about attacking me personally and claiming ex parte contacts seems a bit ex parte to me--she is commenting on the applicant to the proceeding, in an effort to affect the review of the application, and that is not about scheduling.

From: Ken Huffer
To: Todd Sadlo; Christian Boenisch
Cc: Ken Friday
Subject: RE: Board Order 19-94 April 30, 2020 Remand Hearing
Date: Thursday, April 16, 2020 12:26:04 PM

Ditto...thank you Todd! I think you are doing a great job!

Maybe I should write her clients and request she be fired for her highly inflammatory remarks and unfounded accusations leveled at County staff?

Thank you,
Ken Huffer
County Administrator
Yamhill County
525 NE 5th St

NOTE: Mr. Huffer's supposed "unfounded accusations" that he wanted to write Ms. Kellington's clients to tell them they should fire her about, included her admonitions that the county should stop spending money on the trail because the county was gambling with an enormous repayment responsibility. Instead of Mr. Huffer's derisive thinking, perhaps he would have been wise to consider Ms. Kellington's counsel. Had he done so then, the county's repayment obligations would (we think – the records are not "transparent" quite yet) been about half of what it is now (or less).

Then, too, Mr. Sadlo, representing the county to Ms. Kellington (about the county's exposure if the grant money is spent without trail approval in hand):

I suppose that you will keep manufacturing bogus legal analysis and asking the county to follow it, as long as your clients keep paying you to do so, but some of your analysis is painfully hard to swallow, and looks like it is calculated to deceive. That's your prerogative, to circulate unsupported theories about what the county can and cannot do with its property. I am simply asking that you follow the rules regarding *ex parte* contacts, and stop encouraging your clients to make *ex parte* contacts. In the future, you and your clients should submit your/their testimony to the Planning Department for inclusion in the remand record and delivery to the Board through established channels.

Had the county bothered to consider Ms. Kellington's comments, rather than name calling, the county's Connect VI repayment exposure would be close to zero.

Mr. Sadlo, on other participants with whom he disagrees:

From: Todd Sadlo <sadlot@co.yamhill.or.us>
Sent: Tuesday, June 16, 2020 3:16 PM
To: Casey Kulla <kullac@co.yamhill.or.us>
Subject: Re: Response to new stay request

The opponents have been busy spreading misinformation.

About a well-respected Yamhill County farmer, Mr. Sadlo offered the following:

From: Todd Sadlo
To: Ken Huffer; Carrie Martin; Christian Boenisch
Subject: RE: Yamhelas Westsider Trail: farmers and property owners feedback
Date: Friday, December 18, 2020 10:49:17 AM

Bitterness, sourness, no sense of community, just as he has been through this long process. He's winning though, so bully for Mr. Schrepel

Mr. Kulla, a quasi-judicial decisionmaker, on how farmers really do not know anything and cannot think for themselves:

From: Casey Kulla
To: Todd Sadlo
Subject: RE: Response to new stay request
Date: Tuesday, June 16, 2020 3:18:04 PM

Agreed. My position is usually something like this, "the evidence shows that farmers will not be impacted negatively by the trail; when people tell farmers that they will be hurt by it, they are misleading the farmers." I realize that some farmers are pushing this narrative, also, but I saw this mostly strongly from opposition counsel.

The latest trail decision dismissed even the concerns of the Carlton Fire Chief:

6.2.11 The Board specifically rejects the Carlton Fire Chief's various assertions, that fire hydrants are necessary in the corridor, that all vegetation must be removed from the corridor, and all other such assertions made by the Fire Chief. The county will at all times comply

Myth: Until 2021, the Board of Commissioners supported the trail.

False: First, we do not know whether the trail would have gotten as far as it did if all commissioners were fully informed. It appears likely that not all commissioners along the way were informed.

Second, Commissioner Starrett always opposed the county incurring any obligations or spending public money on the trail until and unless it was shown to be lawful, including to meet the farm impacts test. She continually warned the county that it should not be spending public grant money on the trail before it was approved because there would be liability to repay.

Third, the trail was DOA in May 2018 when a majority voted against it – it was only revived after an hours-long *ex parte* contacts meeting with staff arm-twisting Commissioner Olson to change his vote. Had they left this elected official alone, the trail would never have gotten as far as it did. To recap, after the May 2018 public hearing, Commissioner Olson voted against the trail. With Commissioner Starrett being of similar mind, it was denied in May 2018. Commissioner Olson believed that the County should not move forward with spending grant

money on the trail until it was known if it was lawful. It was only after he was strongarmed for hours by County Counsel and potentially other County officials that he relented to change his vote.

> On Wednesday i met with county counsel for several hours to go over the findings which were flawed and they understood why i felt they were flawed. New findings and changes to the text have been created that will hopefully minimize the chance for an appeal.

Commissioner Olson noted that he felt bad about "disappointing Ken [Wright]":

I have to say I know I upset sone friends and supporters such as yourself, veronica, and Ken. I really did not want to disappoint Ken since he has been so gracious toward myself and the trail .
I look forward to the 31st so i can put forth the motion for the reconsideration of the vote and vote yes in support.

Thanks for reaching out

Rick

So, in a highly unusual "reconsideration" vote that took place when Commissioner Starrett was on vacation (but participated by telephone even so), Commissioner Olson changed his vote and 2-1 the trail was approved. That beginning is not a strong endorsement and should have signaled the serious problems that lay ahead.

Former Commissioner Kathy George testified she never would have supported the trail while she was commissioner had she known the true facts about it:

Yamhill County Commissioner from 2003 to 2014. I wish to set the record straight on my position during this time. I would never have given my support to the conversion of the old abandoned rail right- of- way to the Yamhelas Trail, had I been truthfully advised of certain facts that have since been made available.

Lesson: The lesson is that the trail has converted a variety of county officials to trail acolytes who have been and still apparently are, unwilling or unable to see the truth about the trail, let it go, and work on a constructive way out. How far they will go to get their way about the trail is unknowable. The best thing the Commission can do is get good advice from a non-trail acolyte about how to (1) repay the money the acolytes exposed the county to repay, (2) sell or vacate the old ROW to repay some of that money, (3) audit how the county got to this place so it can never happen again, and (4) in no uncertain terms stop paying for a master plan for this trail that can never happen.

The County must establish controls so that it never again allows itself to take on such an enormous financial liability promising to establish a project it has no idea if it can legally establish and without consulting its constituents who are the most adversely affected. Had clear minds prevailed, the County would never have accepted the Connect VI grant - it could not

promise to build a trail on land zoned EFU unless and until the adjoining farmers were consulted and it was seen if it could ever pass EFU zone laws. After an audit, the county can learn the extent of the failures and institute appropriate controls to put in place, so this debacle does not happen again.

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

100 HIGH STREET S.E., Suite 200 | SALEM, OREGON 97301 | www.mwvcog.org
T: 503.588.6177 | F: 503-588-6094 | E: mwvcog@mwvcog.org
An equal opportunity lender, provider, and employer

To: Clay Downing, CPRD Superintendent
From: Curt Fisher, Associate Planner, MWVCOG
Re: Potential YCZO amendments and Ewing Young Bridge Permitting
Date: January 28, 2025

The CPRD superintendent requested input from COG planning staff on pending amendments to the Yamhill County Zoning Ordinance (YCZO) that are anticipated to go before the Yamhill County Planning Commission in February for the potential impact on future permitting of the Ewing Young Park pedestrian bridge. It has been explained that the amendments are the same that went before the County Planning Commission in April of 2022. According to the 2022 staff report, the amendments were initiated in response to the 2018 LUBA remand that appealed the Yamhelas Westsider Trail. The decision determined, in part, that transportation facilities, including bridges, are not an allowed use in the AF-10 zoning district where the Ewing Young Bridge is located. The proposal would add "roads, highways, and other transportation facilities and improvements" as a conditional use to the AF-10 district. I understand that, because transportation facilities in the AF-10 district are the controversial element of the amendment package for potential implications for portions of the Yamhelas Westsider Trail in the AF-10 district, the Planning Commission/County Commissioners declined to pass the amendments in 2022. The amendments appear to address the principal reason for the denial of the previous Site Design Review application for the Ewing Young Bridge. The amendments will be the subject of a public hearing in February before the Planning Commission.

The amendment would allow CPRD to submit the previously denied Site Design Review application as a conditional use permit. The conditional use process would allow Yamhill County staff to include conditions of approval to craft a narrow decision to minimize any implications across the rest of the AF-10 district.

Previous analysis provided by the County attorney suggested initiating a zoning map amendment to rezone the site from AF-10 to PRO – Parks, Recreation and Open Space District. COG planning staff understand that the resistance to the amendments to the AF-10 district in 2022 was a result of the Yamhelas Trail controversy. Therefore, a zoning map change to PRO would remove the Ewing Young Bridge project from the AF-10 district, would insulate the project from the Yamhelas Trail controversy to some degree, and provide multiple paths of approval within the permitted uses in the PRO. However, the map change would likely require another application submitted by CPRD.

If the amendments stall again, CPRD could advocate an alternate path to amend the permitted parks use and/ or park definition to allow the bridge to be permitted as a park improvement instead of a

transportation facility in the AF-10. This option could involve adopting code language reflecting OAR 660-034-0035 – Park Uses on Agricultural Land, which describes support facilities – including roads, bridges, and walkways – as allowed park uses on agricultural land:

> *(f) Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways*

The intent here would be to capture the bridge within the definition of a park to allow it to be permitted as a park feature instead of a transportation facility – consistent with the code interpretation CPRD assumed with the submittal of the previous Site Design Review application.

This is just being communicated as a fallback option. The Ewing Young project does not appear to be the source of any controversy surrounding these amendments, but rather an unfortunate side effect of the Yamhelas Trail controversy. With that said, the most prudent course of action in the near term seems to be to give space to County planning staff so they can shepherd the amendments through the hearings process with the hope for an opportunity in the near future to resubmit the Ewing Young Bridge SDR application as a conditional use.

CHEHALEM PARK & RECREATION DISTRICT

PUBLIC OPEN HOUSES ON DEVELOPMENT PROJECTS

NOVEMBER 19 & 20



YOU ARE INVITED!

COMMUNITY OPEN HOUSE EVENTS HOSTED BY CHEHALEM PARK & RECREATION DISTRICT

Join your neighbors to discuss parks, recreation, and upcoming projects related to Ewing Young Park, Renne Field, and Places for Bikes

Chehalem Park & Recreation District (CPRD) — a special district serving Newberg, Dundee and surrounding areas — is holding a pair of community open house events to share information and engage the public in discussion on the state of parks and programs, recent community survey results, and three priority projects involving Renne Field, the Ewing Young Bridge Project, and creating opportunities for recreational mountain biking.

In-Person Open House	Virtual Open House
Wednesday, November 19th	Thursday, November 20th
Occurring 5 p.m. to 7 p.m.	Occurring 4 p.m. to 6 p.m.
Administration Office	Hosted on Zoom
125 S. Elliott Road, Newberg	

These structured but informal informational events will welcome attendees to participate in general discussion as well as provide will breakout discussion on priority projects hosted by staff members ready to answer your questions and listen to your comments.

Anyone who is interested in learning about these projects and being part of the public discussion is encouraged to attend. Information provided at the events will be the same, it is not necessary to attend both events.

WANT MORE DETAILS?

Open House Event Details Available Online At cprd.us/OpenH

Find more info for the Renne Field Project cprd.us/Renne

Find more info for the Ewing Young Park Project at cprd.us/QRewing

EWING YOUNG PARK NEIGHBORS

CHEHALEM PARK & RECREATION DISTRICT SEEKS TO COMPLETE EWING YOUNG BRIDGE PROJECT

What would the Ewing Young Bridge Project do?

CPRD's Ewing Young Bridge Project seeks to build a bridge across Chehalem Creek to create new access 11 acres of undeveloped and inaccessible park land located on the west side of Chehalem Creek. Once completed, the project would create an additional .55-mile of trail, expand the park's disc golf course, and provide access for maintenance, emergency, and other recreation purposes.



Who shared this flyer with me? Who can I talk to?

Jim McMaster
CPRD Board President
jmcmaster@board.cprdnewberg.org

Jason Fields
CPRD Board of Directors
jfields@board.cprdnewberg.org

Milestones & Next Steps

Past: In 2018, CPRD completed a Ewing Young Park Master Plan in. In early 2023, the Ewing Young Bridge Project was approved by the City of Newberg, but denied by Yamhill County.

Currently: CPRD is seeking public input on the project.

Next Steps: CPRD seek and consider public input before requesting changes to Yamhill County regulations to allow the installation of a bridge within Ewing Young Park.

To have your comments included for the Ewing Young Bridge Project, please attend an upcoming CPRD-hosted Open House on November 19th or 20th, or send comments to Clay Downing, Superintendent, at cdowning@cprdnewberg.org.

YAMHILL COUNTY BOARD OF COMMISSIONERS

AGENDA - REVISED

February 12, 2026 10:00 a.m. Formal Session Room 32, Courthouse
535 NE Fifth St.
https://us06web.zoom.us/j/81867313185
Webinar ID: 818 6731 3185

Welcome! *Thank you for attending today's meeting. Public participation is encouraged. If you wish to address the Commissioners on any item not on the agenda, you may do so as part of the public comment period at the beginning of the meeting. If you desire to speak on any item, please raise your hand to be recognized after the Chair announces the agenda item. Please fill out a public comment card to indicate your intent to speak. NEW – Public participation also includes the ability to attend Formal Session via Zoom. For attendees that are attending the meeting via Zoom, the Chair will ask if any Zoom attendees wish to provide public comment in same manner as provided above. At that time, attendees will be asked to use the "raise hand" function in Zoom and staff will unmute the participant. Meetings will also continue to be available for view via a live stream on the Commissioners' You Tube channel. Written public comments may be submitted via email at bocinfo@yamhillcounty.gov by 5:00p.m. Wednesday.*

Notice: The Board of Commissioners will hold an Executive Session at 9:00 a.m. pursuant to ORS 192.660(2)(h), to consult with legal counsel regarding current litigation. The BOC Meeting will begin at 10:00 a.m. or shortly thereafter.

A. CALL TO ORDER

B. FLAG SALUTE

C. CALENDAR SESSION: This time is reserved for the review of the commissioner's joint schedule (if needed).

D. PUBLIC COMMENT: This time period is reserved for public comment on any topic other than: 1) agenda items, 2) A quasi-judicial land use matter, or 3) a topic scheduled for public hearing. The Chair may limit the length of individual comments.

E. DEPARTMENT UPDATES: None.

F. WORK SESSION: This time is reserved for topics of discussion scheduled for the Commissioners in advance. If a work session is not needed, the balance of the meeting will begin at 10:00 a.m.

1. Work Session – None.

G. CONSENT AGENDA:

Committees:

1. Approval to reappoint Dr. Thomas Johnson, Dr. John Heiser, Dr. William Koenig, Tim Jech, Amy Hanifan to the Ambulance Service Area (ASA) Committee each for a three-year term to expire on March 1, 2029.

H. OLD BUSINESS:

1. Consideration of a Board Order and findings in the matter of approving on remand Planning Docket No. C-03-22, a Conditional Use Permit for Tax Lot No. R3328 00102; Applicant: Grange Hill, LLC. ***[Continued from January 15, 2026.]***

2. Consideration of adoption of an Ordinance repealing Ordinance No. 723, as amended, adopting a codified Yamhill County Code Chapter 5.05 as the Yamhill County Ambulance Service Code, and declaring an emergency. ***[Continued from February 5, 2026.]***

3. Consideration of approval of a Board Order with findings in the matter of an Outdoor Mass Gathering Permit by the Newberg Boat Club in joint Sponsorship with the Columbia Outboard Racing Association ("Applicant"); Approving a Special Permit for use of Rogers Landing Park for the 2026 Memorial Weekend Boat Races; Authorizing Exclusive Use of Rogers Landing Park by the Applicant from 5:00 p.m. Friday, May 22 through 11:59 p.m. Sunday, May 24; Authorizing Access to Rogers Landing Park on May 16 and May 17 for Pre-Race Clean-up Work Party. ***[Continued from February 5, 2026.]***

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

1. Consideration of approval of a letter of support for the 2025 Grand Ronde Tribal Lands Bill.

2. Consideration of approval of an ordinance in the Matter of Amending the "Establish the Position of County Administrator" Code; Declaring an Emergency and Setting the Effective Date.

J. PUBLIC HEARINGS:

1. Docket E-15-25: an approval to allow up to six (6) agri-tourism events per calendar year on the property located at 6033 NW Lilac Hill Rd., Yamhill. Tax Lot 2428-700 Applicant: Eloheh/Eagle Wing/Randy Woodley.

THE RECORDS FOR PUBLIC HEARINGS CAN BE FOUND AT:
https://www.yamhillcounty.gov/1190/Public-Hearing-Notices

K. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to the county's website, https://www.yamhillcounty.gov/765/Boards-and-Committees, or call the Board of Commissioners' office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).

2. For questions regarding accessibility or to request an accommodation contact the Board of Commissioners' office at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at bocinfo@yamhillcounty.gov

3. Electronic versions of all meeting agendas and meeting information packets can be found at the county's website: https://www.yamhillcounty.gov/AgendaCenter

Agenda Item G1

From: Lindsey Manfrin
To: Ken Huffer; Mary Starrett
Cc: Carolina Rook; Bailey Barnhart; Cale George
Subject: Board Consideration: Reappointments to Ambulance Service Area Committee
Date: Friday, February 6, 2026 9:29:05 AM
Attachments: image001.png

Hi Mary and Ken,

I would like to request to following reappointments to the Ambulance Service Area (ASA) Committee.

Appointments:

- Reappoint Dr. Thomas Johnson to the ASA membership for a three- year term, expiring March 1, 2029.
- Reappoint Dr. John Heiser to the ASA membership for a three- year term, expiring March 1, 2029.
- Reappoint Dr. William Koenig to the ASA membership for a three- year term, expiring March 1, 2029.
- Reappoint Tim Jech to the ASA membership for a three- year term, expiring March 1, 2029.
- Reappoint Amy Hanifan to the ASA membership for a three- year term, expiring March 1, 2029.

I recommend approval of the appointments and removals. Please let me know if you have any questions.

Please add this item to the next Board Agenda for approval.

Suggested agenda language: “Approval of reappointments of Dr. Johnson, Dr. Heiser, Dr. Koenig, Tim Jech, and Amy Hanifan to the Yamhill County Ambulance Service Area Committee for three-year terms expiring on March 1, 2029”.

Lindsey Manfrin, DNP, RN
Health and Human Services Director
Public Health Administrator
Pronouns: she/her/hers
Yamhill County Health and Human Services|638 NE Davis St McMinnville, OR 97128
Phone: 503-434-7525|Cell: 971-237-2412|Ext. 4719
Fax: 503-474-4907|manfrinl@YamhillCounty.gov
Yamhill County Crisis Line (1-844-842-8200)





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Agenda Item H1

LUBA
SEP 19 2025 AM 8:56

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

FRIENDS OF YAMHILL COUNTY,
Petitioner,

vs.

YAMHILL COUNTY,
Respondent,

and

GRANGE HILL LLC,
Intervenor-Respondent.

LUBA No. 2022-081

FINAL OPINION
AND ORDER

Appeal on remand from the Supreme Court.

Andrew Mulkey represented petitioner.

Jodi M. Gollehon represented respondent.

Elaine Albrich represented intervenor-respondent.

BASSHAM, Board Member; ZAMUDIO, Board Chair, and WILSON, Board Member, participated in the decision.

REMANDED 09/19/2025

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

Opinion by Bassham.

NATURE OF THE DECISION

Petitioner appeals a board of commissioners' decision approving a conditional use permit (CUP) to operate a bed and breakfast as a home occupation on land zoned exclusive farm use.

BACKGROUND

This matter is on remand from the Supreme Court. *Friends of Yamhill County v. Yamhill County*, 373 Or 790, 572 P3d 278 (2025). In the underlying LUBA decision, we affirmed the county's decision approving a CUP to operate a bed and breakfast home occupation on land zoned exclusive farm use (EFU), and currently farmed as a vineyard. *Friends of Yamhill County v. Yamhill County*, LUBA No 2022-081 (Dec 27, 2022). In 2020, the county approved an application by a prior owner of the property for a dwelling in conjunction with farm use on the subject property, based on the vineyard use. After acquiring the property, intervenor-respondent Grange Hill, LLC (intervenor) filed the present CUP application for a home occupation bed and breakfast, to be operated within that yet-to-be-constructed farm dwelling. The proposed dwelling would include nine guest rooms and an innkeeper's suite.

Petitioner appealed our decision to the Court of Appeals. On appeal, the Court of Appeals reversed, concluding that, as a matter of law, the proposed structure was not a "dwelling" at all, but rather a type of motel. *Friends of Yamhill County v. Yamhill County*, 325 Or App 282, 529 P3d 1007 (2003). The Supreme

Court granted review of the Court of Appeals' decision, and affirmed the court's decision in part, and reversed in part. The Supreme Court disagreed with the Court of Appeals that the proposed use is a "motel," but agreed that LUBA had erred in affirming the county's approval of the home occupation. According to the Supreme Court:

> "[T]he legislature intended the 'dwelling' requirement for a home occupation under ORS 215.448 to mean a structure that satisfies the requirements for a particular category of 'dwelling' that the land use laws normally allow on property in the zone. When, as here, the purported category of dwelling is a 'primary dwelling' on EFU land, those requirements include that the structure will be the home for a farm operator. * * * LUBA erroneously dismissed that requirement as irrelevant to whether the proposed structure satisfies the 'dwelling' requirement in ORS 215.448[.]" *Friends of Yamhill County*, 373 Or at 793.

The Supreme Court remanded our decision for us to consider petitioner's challenges to the CUP "under the standards articulated in this opinion." *Id.* at 814. We now address the Supreme Court's remand.

MOTION FOR REMAND

On August 29, 2025, intervenor and the county (together, respondents) filed a joint motion for remand, taking the position that "the sole issue on remand is whether [intervenor's] primary dwelling satisfies the requirements for a category of dwelling that the EFU zone allows[.]" Motion for Remand 2-3. Respondents request that LUBA remand the case to the county "without further proceedings," so that the county can hold a remand hearing and accept evidence

on this sole remaining issue. Alternatively, respondents request the opportunity to provide supplemental briefing regarding the "farm operator" issue.

Petitioner responds that remand should not be limited to the "farm operator" issue that is primarily raised in the first assignment of error's second subassignment. Petitioner argues that the Supreme Court reversed and remanded LUBA's decision *in toto*, which means that none of LUBA's dispositions survived judicial review. Further, petitioner argues that at least with respect to the "design characteristics" issue also raised in the first subassignment of error's second subassignment, the Supreme Court explicitly rejected both LUBA's and the Court of Appeals' opposing resolutions of that issue, and articulated a more nuanced approach that requires LUBA to re-evaluate that issue on remand.

We agree with petitioner that the Supreme Court's remand to LUBA was not limited to the single "farm operator" issue, but requires re-evaluation of potentially all of LUBA's dispositions, as necessary to ensure consistency with the court's rulings and those portions of the Court of Appeals' decision that the court agreed with or left intact. Accordingly, we deny respondents' motion to remand solely on the farm operator issue, and further decline, as unnecessary, respondents' request to supply additional briefing on that issue.

For the reasons explained below, we remand the decision back to the county for further proceedings.

FIRST ASSIGNMENT OF ERROR

The county approved intervenor's bed and breakfast home occupation as a conditional use that operates primarily in a "dwelling." Petitioner's first assignment of error is that the county's decision violates ORS 215.448 and YCZO 1004.01, which authorize home occupations in dwellings or other buildings normally associated with the uses permitted in the underlying zone, here, the county's EFU zone.[1] Petitioner's specific arguments are set out in four subassignments of error. The second subassignment of error is most pertinent to the Supreme Court's remand, so we begin there.

A. Second Subassignment of Error

1. Farm Operator

Petitioner's second subassignment of error is that the building being constructed by intervenor is not a "dwelling" or "other building" allowed in the EFU zone and that intervenor's application therefore does not comply with the requirement in ORS 215.448 that the home occupation be operated therein. Petition for Review 31-32. Petitioner argued, in part, that "[t]he statutory text does not contemplate that a 'primary' 'dwelling' authorized by ORS

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[1] ORS 215.448(1)(c) requires that a home occupation be operated substantially in "[t]he dwelling" or "[o]ther buildings normally associated with uses permitted in the zone in which the property is located[.]" ORS 215.448(3) provides that "[n]othing in this section authorizes the governing body or its designate to permit construction of any structure that would not otherwise be allowed in the zone in which the home occupation is to be established."

215.283(1)(e) as anything other than a building designed and used as a home or primary residence for a farm operator." Petition for Review 26. In its decision, the Supreme Court essentially agreed with that argument.

Considering the text, context, and legislative history of ORS 215.448(1)(c)(A), the Supreme Court determined that, for purposes of the statute, a "dwelling" is

> "a structure that satisfies the requirements for a particular category of 'dwelling' that the land use laws allow as of right in the zone. Here, the only identified category of allowed dwelling is a 'primary dwelling in conjunction with farm use,' and * * * the legislature intended such dwellings to mean a farm operator's home." *Friends of Yamhill County*, 373 Or at 799.

Further, the Court held that there is

> "a legislative intent that the 'dwelling' requirement incorporates the land use laws and regulations that govern whether a proposed structure qualifies as a 'dwelling' allowed on property in the particular zone. And when the structure is in any area zoned for exclusive farm use, the categories of dwelling normally allowed, or allowed 'as of right,' are limited to dwellings that facilitate the farming operation: 'primary or accessory dwellings * * * customarily provided in conjunction with farm use," ORS 215.283(1)(e), and a 'dwelling' that 'is occupied by a relative of the farm operator or the farm operator's spouse' if 'the farm operator does or will require the assistance of the relative in the management of the farm use,' ORS 215.283(1)(d). In other words, it is not enough that the structure will be occupied by 'a person as their household.'" *Id.* at 803-04.

As we understand the Court's decision, the Supreme Court held that for a building to qualify as a "dwelling" for purposes of obtaining a conditional use

permit for a home occupation in the EFU zone, the building must constitute one of the buildings authorized in the EFU zone, in this case, a "dwelling in conjunction with farm use" or "primary dwelling." As a consequence, in the present case intervenor must demonstrate, and the county must find, among other things, that the dwelling proposed for the home occupation is the home of the "farm operator" for the farm use that qualifies the subject property for the primary dwelling.

Intervenor proposed that the dwelling would be occupied by a "resident" who would occupy the innkeeper's suite, but did not propose, and the county did not find, that any resident of the dwelling would be the "farm operator" who farms the vineyard that qualifies the property for the dwelling. Accordingly, the present record and findings do not provide a basis for the county to conclude that the dwelling proposed for the home occupation qualifies as a "dwelling" for purposes of ORS 215.448(1)(c)(A), under the Supreme Court's interpretation of that statute. We therefore sustain this portion of the second subassignment of error.

2. Design Characteristics and Structural Code Standards

The remainder of the second subassignment of error concerns arguments that the proposed dwelling, as designed, does not qualify as a "dwelling" for purposes of ORS 215.448(1)(c), because the proposed building will be built to structural building code regulations applicable to non-residential transient housing such as motels and hotels. We rejected that argument, concluding that

building code standards are not determinative of whether the building is a "dwelling" for purposes of ORS Chapter 215. *Friends of Yamhill County*, LUBA No 2022-081 (slip op at 14).

The Court of Appeals, however, agreed with petitioner that, although not dispositive, "a structure's design, including applicable building code standards, certainly is relevant to a determination of the nature of the structure." *Friends of Yamhill County*, 325 Or App at 293. On review, the Supreme Court agreed with the Court of Appeals on that point:

> "[Petitioner] has argued that a bed and breakfast facility with more than five guest rooms must be considered a 'hotel or motel' because that is how the state building code's structural speciality code (OSSC) classifies such occupancies. OSSC 310.2; OSSC 310.4. The Court of Appeals reasoned that those code standards are relevant to the nature of structure but not dispositive of whether the structure is a 'dwelling' for purposes of ORS 215.448, and we agree." *Friends of Yamhill County*, 373 Or at 805 n 4.

The Supreme Court ultimately rejected the Court of Appeals' conclusion that, because the structure predominantly has the design characteristics of a hotel or motel, as a matter of law the structure is not a "dwelling." The Supreme Court specifically rejected the lower court's view that the "entire structure" must constitute a dwelling in order to qualify as a dwelling for purposes of ORS 215.448.

> "* * * We understand the Court of Appeals' concern that this structure purporting to be a 'primary dwelling' also has design characteristics of a 'motel,' which is not a category of building allowed in an EFU zone. But the county found that the same proposed structure meets the design characteristics of a single-

> family residence, and LUBA affirmed that finding. There undoubtedly will be structures that seemingly straddle the design standards for two categories of building—whether it is a structure that meets the design standards of a single-family residence but also has nine bedrooms with *en suite* bathrooms or a structure that meets the design standards of a single-family residence but includes an enormous 'home theater' space. When that is the case, the county and LUBA must determine whether the structure is a 'dwelling,' and the fact that the structure might have characteristics consistent with a single-family dwelling is not dispositive. But the fact that the structure has some characteristics of a motel is not dispositive either. Thus, to the extent that the Court of Appeals concluded that a structure that has some characteristics of a motel cannot be a dwelling, as a matter of law, we disagree." *Friends of Yamhill County*, 373 Or at 807.

In footnote 5 appended to the above quote, the court clarified what it was not deciding:

> "Because we resolve this case on the basis of LUBA's erroneous conclusion that the structure at issue can qualify as a 'dwelling' under ORS 215.448 without satisfying the requirements for the 'primary dwelling' the structure purports to be—here, without satisfying the requirement that the structure be occupied by a farm operator—we need not, and do not, address when, as a matter of law, a structure that has the characteristics of both a single-family residence and another type of structure is a 'dwelling.'" *Id.* at n 5.

The court cautioned, however, that:

> "a 'dwelling' sharing the design characteristics of a category of building that is not allowed as of right in the zone might struggle to satisfy other requirements of ORS 215.448 that give effect to the legislature's goal of preserving Oregon's agricultural economy, including that the home occupation 'shall not unreasonably interfere with other uses permitted' in the EFU zone and that the home occupation process does not authorize 'construction of any structure that would not otherwise be allowed in the zone.' ORS 215.448(1)(B)(d), (3)." *Id.*

When the dust settles, we understand the Court of Appeals and Supreme Court to have both held that design characteristics, including those driven by building code regulations, are relevant but not determinative considerations in concluding whether a proposed structure is a "dwelling" for purposes of ORS 215.448. The Supreme Court found that in hybrid situations where a proposed structure has both the design characteristics of a dwelling and another category of use that is not allowed in the applicable zone, the county must initially determine, subject to LUBA's review, whether the structure qualifies as a "dwelling" for purposes of ORS 215.448.

In the present case, the county found, and we affirmed, that because the proposed structure included many of the design characteristics of a dwelling (*e.g.*, bedrooms, a kitchen, bathrooms, common living space, etc.) the structure therefore constituted a "dwelling," without further analysis. As we understand it, that conclusion is the mirror image of the Court of Appeals' erroneous conclusion that, because the structure included many design characteristics of a hotel or motel, it therefore cannot constitute a dwelling. Under the Supreme Court's more nuanced view, in such hybrid situations the county must make an initial determination, based on all relevant considerations, whether the proposed structure is properly characterized as a dwelling or something else.

Because the county did not make such an initial determination, at least one based on all relevant considerations, including design characteristics and building code regulations, on remand we conclude that the most appropriate course is to

also sustain this portion of the second subassignment of error, and remand for the county to address both the "farm operator" and "design characteristics" issues raised in the second subassignment of error.

The second subassignment of error is sustained.

B. First Subassignment of Error

Petitioner's first subassignment of error focuses on YCZO 1004.01(C), the local cognate of ORS 215.448(1)(c), and associated code definitions. Like the statute, YCZO 1004.01(C) requires that "[t]he home occupation will be operated substantially in the dwelling or in other buildings normally associated with uses permitted in the zone in which the property is located."

Petitioner argues that the county may not approve the home occupation CUP for the bed and breakfast because the building in which the use will occur is not a "dwelling" as that term and associated terms are defined by the YCZO. Petition for Review 10. YCZO 202 defines "dwelling," in relevant part, as a building containing one "dwelling unit" that is designed for and occupied by "one (1) family only."[2] Citing code definitions of "dwelling unit" and "family,"

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[2] YCZO 202 includes the following relevant definitions:

> "DWELLING: A building containing one (1) dwelling unit designed for and occupied by one (1) family only. The term dwelling includes a manufactured dwelling but does not include a hotel, motel, travel trailer, boarding, lodging or rooming house, private hospital, rest home or nursing home or other accommodations used for transient occupancy."

petitioner argued that the proposed building does not qualify as a "dwelling," because it is not a single dwelling unit that is designed for and occupied by one family only, as the relevant terms are defined.

In resolving petitioner's first subassignment of error, we noted that the findings did not explicitly interpret the cited county code provisions and definitions. We chose to exercise our discretion to interpret the code provisions relating bed and breakfast uses to dwellings. ORS 197.829(2); *see also Green v. Douglas County*, 245 Or App 430, 440-41, 263 P3d 355 (2011) (explaining when and how LUBA may exercise this discretion). Although we agreed with petitioner that the proposed use of the building does not fit within the code definitions of "dwelling," "dwelling unit," and "family," read in isolation, we ultimately concluded that, read in context with other code provisions that explicitly allow a bed and breakfast in a dwelling as a home occupation, the cited definitions do not

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> "DWELLING UNIT: One (1) room or rooms connected together, constituting an independent housekeeping establishment designed and used for occupancy by one (1) family, including dependent relatives and caretakers, and includes permanent provisions for living, sleeping, cooking (limited to one kitchen only) and sanitation (full bathroom)."
>
> "FAMILY: One or more person related by blood, marriage, legal adoption or legal guardianship plus not more than five (5) additional persons, including foster and shelter care persons or, up to five (5) unrelated persons, all living together as a single housekeeping unit."

exclude the proposed building from the scope of the code term "dwelling," as used in YCZO 1004.01(C).

Because YCZO 1004.01(C) implements ORS 215.445(1)(c), the Supreme Court's interpretation of the latter has significance for the former. Home occupations in the EFU zone under ORS 215.283(2)(i) are "conditional uses" that counties may choose to allow or not on EFU lands, subject to whatever additional restrictions the county has adopted. *See Brentmar v. Jackson County*, 321 Or 481, 496, 900 P2d 1030 (1995). In approving a use under ORS 215.283(2), the county may be more restrictive than the statute, but not less restrictive. *Id.* Accordingly, the county must apply YCZO 1004.01(C) and the relevant code definitions consistently with the Supreme Court's holding in this appeal, and at least as restrictively. But, as with all ORS 215.283(2) uses, the county has the option of applying code provisions regarding home occupations on EFU land that are more restrictive than set out by statute. If those code provisions are ambiguous, as in the present case, the county may resolve those ambiguities by interpretation, and such interpretations could potentially result in more restrictive application of local standards than are required by statute.

In the present case, the foregoing counsels that LUBA withdraw the code interpretations that we adopted under ORS 197.829(2), in the absence of reviewable county interpretations, and remand the decision in part to allow the county board of commissioners the opportunity to adopt necessary interpretations in the first instance. In other words, because the Supreme Court overruled our

interpretation of the statutory meaning of "dwelling" as applied in this case and the decision must be remanded in any event, it is more consistent with *Green* to give the county governing body the opportunity to interpret its own legislation in the first instance, than for LUBA to continue to impose its own interpretations. On remand, the county must apply YCZO 1004.01(C) consistently with the Supreme Court's decision. In addition, the county must address the YCZO 202 definitions of "dwelling," "dwelling unit," and "family" and determine whether the proposed building use constitutes a "dwelling" for purposes of YCZO 1004.01(C), when read in context with those definitions and any other relevant code text.

The first subassignment of error is sustained.

C. Third Subassignment of Error

Petitioner's third subassignment of error is framed as an alternative. If LUBA agrees that the proposed building is not a "dwelling," petitioner argues that the county cannot nonetheless approve the home occupation by treating the building as an "other building normally associated with uses allowed in the zone" set out in ORS 215.448(1)(c)(B) and YCZO 1004.01(C). Petitioner argued: "To the extent that the evidence in the record * * * could be used to provide an alternative basis for approval, * * * this sub-assignment of error demonstrates why those alternative bases are wrong as a matter of law." Petition for Review 33.

We concluded that the county did not rely on the "other building" language in ORS 215.448(1)(c)(B) and YCZO 1004.01(C) to approve the home occupation, but relied solely on the conclusion that the building constitutes a "dwelling." Neither the Court of Appeals' nor the Supreme Court's decision provides any reason to disturb that disposition. Accordingly, this alternative subassignment of error is denied.

D. Fourth Subassignment of Error

We rejected the fourth subassignment of error as entirely derivative of the first three subassignments, and hence not stating an independent basis for reversal or remand. The Supreme Court's decision does not require us to revisit our resolution of petitioner's fourth subassignment of error.

Petitioner's first assignment of error is sustained, in part.

SECOND ASSIGNMENT OF ERROR

Under its second assignment of error, petitioner argued in part that the 2020 approval for a farm operator dwelling had expired by its terms and there was no evidence in the record that it had been extended. We rejected that argument, noting that the record included testimony that the 2020 permit had been extended. The Supreme Court's decision does not require us to revisit that resolution.

Petitioner also challenged the adequacy of the county's findings regarding whether the proposed use qualifies as a "dwelling" as that term is used and defined in statute and county code. We concluded that the findings met the basic

requirements of adequate findings, that is, they identified the applicable standards and explained why the facts found demonstrate that those standards are met. However, that disposition was based in part on conclusions that were overturned on appeal. Under the Supreme Court's decision, the county's existing findings are clearly inadequate in at least one respect: failure to address whether the structure is the residence of the farm operator. Because remand is necessary under the first assignment of error for the county to adopt new or additional findings, possibly supported by new or additional evidence, addressing whether the proposed structure constitutes a "dwelling" under the applicable statutory and code provisions, we also sustain this portion of the second assignment of error and remand for the county to adopt more adequate findings.

The second assignment of error is sustained, in part.

DISPOSITION

The county's decision is remanded for further proceedings consistent with the Supreme Court's decision and this opinion.

EXHIBIT B
SUPPLEMENTAL FINDINGS IN SUPPORT OF APPROVAL ON REMAND
(Board Order _____)

HEARING DATE: January 8, 2026

DOCKET NO.: C-03-22

REQUEST: A conditional use request to operate a nine (9) guestroom Bed and Breakfast facility as a home occupation.

APPLICANT: Grange Hill, LLC

OWNER: Grange Hill, LLC

TAX LOT: 3328-00102

LOCATION: 9580 NE Worden Road, Dundee

ZONE: Exclusive Farm District (EF-40)

CRITERIA: The following YCZO sections were applicable to the underlying application only and are not subject to consideration on remand except as such criteria inform the remand question presented. Sections 202, 402.04(I), 402.09, 1004.01, 1101, 1012, and 1202.02 of Yamhill County Zoning Ordinance.

SUPPLEMENTAL FINDINGS OF FACT:

A. Background Facts

1. *Incorporation of Previously Established Background Facts*. The original background facts as stated in Board Order C-03-22 are incorporated here by reference.

2. *Appellate History*. In 2022, the Board affirmed the Planning Commission's approval of a conditional use permit for Grange Hill, LLC ("Grange Hill") to operate a bed and breakfast home occupation in a dwelling on EFU land.[1] Friends of Yamhill County filed a petition for review in the Land Use Board of Appeals ("LUBA") challenging that approval on five specified grounds. LUBA affirmed the Board's decision, and Friends of Yamhill County appealed to the Oregon Court of Appeals, which reversed LUBA.

[1] The YCZO uses the term "bed and breakfast inn," and the bed and breakfast inn at issue is a proposed home occupation on EFU land. These findings use the term "bed and breakfast" to mean a "bed and breakfast inn" as that term is defined in YCZO 202, operated as a home occupation under YCZO 1004.

Grange Hill petitioned for review to the Oregon Supreme Court, which accepted review and affirmed in part and reversed in part. The Oregon Supreme Court remanded to LUBA for proceedings consistent with the Court's decision. *Friends of Yamhill County v. Yamhill County*, 373 Or. 790 (2025) ("Supreme Court Decision"). On September 19, 2025, LUBA remanded to the Board for further proceedings, specifying what assignments and sub-assignments of error from Friends of Yamhill County's initial LUBA petition for review the Board must address in this remand proceeding.

B. Scope of Remand Issues

The Supreme Court Decision and LUBA's remand directions required the Board to consider the following issues on remand:

1. Interpretation of the YCZO 202 definitions of "dwelling," "dwelling unit," and "family" to determine whether the Grange Estate structure constitutes a "dwelling" as used in YCZO 1004.01(C) for purposes of Grange Estate's proposed home occupation use, when read in context with those YCZO definitions and any other relevant code text.[2]

2. The "design characteristics" of the Grange Estate structure, to ensure application of YCZO 1004.01(C) is consistent with the Supreme Court Decision.

3. The requirement that Grange Estate be occupied by a "farm operator," to ensure application of YCZO 1004.01(C) is consistent with the Supreme Court Decision.

In light of the remand on these issues, LUBA directed the Board to "adopt more adequate findings" regarding "whether the proposed structure constitutes a 'dwelling' under the applicable statutory and code provisions."

C. Findings Following Remand

The Board took new evidence and argument on January 8, 2026, to determine whether Grange Hill's bed and breakfast would be conducted in a "dwelling" within the meaning of ORS 215.448(1)(c)(A) and YCZO 1004.01(C), consistent with the Supreme Court Decision. The Board received oral and written testimony during the January 8, 2026 hearing, including Applicant's representatives, Friends of Yamhill County representatives, and members of the public. The Board continued the matter until January 15, 2026, at which time the Board deliberated and voted 3-0 to approve the Grange Hill bed and breakfast conditional use permit. The Board hereby makes the following findings to support its decision. The findings adopted

[2] Whether YCZO 1004.01(C) properly implements ORS 215.448(1)(c) has never been in question and thus was not identified as an issue on remand. LUBA remanded for the Board to interpret arguable ambiguity in the YCZO's definitions as relates to the application of YCZO 1004.01(C) to Grange Hill's application. For these reasons, the Board limits its analysis to interpretation of the YCZO and then to ensuring that the structure at issue meets the statutory and YCZO meaning of "dwelling" as used in both ORS 215.448(1)(c) and YCZO 1004.01(C).

under Board Order C-03-22 are hereby incorporated by reference, except where the findings on remand supersede and supplement the earlier findings.

YCZO 402.04 Conditional Uses.

The following uses are allowed in the Exclusive Farm Use District upon conditional use approval. Approval of these uses is subject to the Conditional Use criteria and requirements of Section 1202, and subsection 402.07(A) of this ordinance and any other provision set forth below. Applications shall be reviewed under the Type B procedure of Section 1301:

I. Home occupation, subject to standards and limitations set forth in Section 1004.

* * * **

1004.01 Standards and Limitations

C. The home occupation will be operated substantially in the dwelling or in other buildings normally associated with uses permitted in the zone in which the property is located.

Grange Hill's original conditional use permit application sought approval to operate a bed and breakfast in a previously-approved, to-be-constructed principal farm dwelling on EFU land (Docket C-03-22). Since the Board's decision in Docket C-03-22, the dwelling, commonly referred to as Grange Estate, was constructed on the property. Grange Hill presented new evidence and legal arguments in this remand proceeding to demonstrate to the Board's satisfaction that the Grange Estate structure, as constructed, constitutes a "dwelling" within the meaning of YCZO 1004.01(C) and ORS 215.448(1)(c)(A), consistent with the Supreme Court Decision and LUBA's direction. The Board adopts findings for each remand issue and together, these findings are the basis for the Board's conclusion that Grange Hill's application complies with YCZO 1004.01(C) and ORS 215.448(1)(c)(A).

1. **Giving meaning to all YCZO definitions and with the particular controlling the general, lodging for compensation in a bed and breakfast is not "transient occupancy" that removes the Grange Estate structure from the YCZO definition of "dwelling."**

The Grange Estate, as constructed, constitutes a "dwelling" under YCZO 1004.01(C), when read in the context of the YCZO's definitions of "dwelling," "dwelling unit," "family," and "bed and breakfast inn" and the YCZO's (and state law's) rules of construction. The Board concludes that, reading the YCZO as a whole and giving effect to all provisions, offering lodging for compensation to overnight guests as a bed and breakfast does not turn the Grange Estate structure from a "dwelling" into a "motel" or otherwise remove the structure from the YCZO's definition of "dwelling."

In applying the YCZO, the Board considers the YCZO's rules of construction, specifically the rule that particular provisions control over general provisions. YCZO 201.01(A). The Board likewise considers state law rules of construction, which also state that particular provision

controls over an inconsistent general provision. *Western Land & Cattle, Inc. v. Umatilla Cnty.*, 230 Or App 202, 210 (2009 ("Although [ORS 174.010 and ORS 174.020(2)] are written to pertain to 'the construction of a statute,' we use them as well in the interpretation of local ordinances."); ORS 174.020(2) ("When a general provision and a particular provision are inconsistent, the latter is paramount to the former so that a particular intent controls a general intent that is inconsistent with the particular intent."). Where possible, the Board must interpret the YZCO to give effect to all provisions. ORS 174.010 ("[W]here there are several provisions or particulars such construction is, if possible, to be adopted as will give effect to all.").

YCZO 1004.01(C) implements ORS 215.448(1)(c) and requires, consistent with state law, that a "home occupation will be operated substantially in the dwelling or in other buildings normally associated with uses permitted in the zone in which the property is located."[3] The Board addresses below in Sections 2 and 3 the criteria at issue on remand regarding whether Grange Estate is a "dwelling" within the meaning YCZO 1004.01(C) and ORS 215.448(1)(c). Here, the Board interprets the various YCZO definitions and provisions at issue, particularly given LUBA's question whether the YCZO imposes standards that are more restrictive than required by statute. It does not.

YCZO 202 defines "dwelling" as:

> A building containing one (1) dwelling unit designed for and occupied by one (1) family only. The term dwelling includes a manufactured dwelling but does not include a hotel, motel, travel trailer, boarding, lodging or rooming house, private hospital, rest home or nursing home or other accommodations used for transient occupancy.

YCZO 202 defines "dwelling unit" as:

> One (1) room or rooms connected together, constituting an independent housekeeping establishment designed and used for occupancy by one (1) family, including dependent relatives and caretakers, and includes permanent provisions for living, sleeping, cooking (limited to one kitchen only) and sanitation (full bathroom).

The Grange Estate structure has the characteristics of a "dwelling unit." It has one or more rooms connected together and with living spaces for family occupancy. The front entrance opens into a sitting area with a fireplace and to a living area with large windows facing the valley, which is then connected to the eating and kitchen areas. The Board recalls that the kitchen in the original application was the subject of debate and wants to specifically address the nature of the Grange Estate kitchen and cooking provisions. The Board finds that there is only one kitchen within the meaning of "dwelling unity" as there are only permanent provisions for one cooking set up – one stove, one cooktop, etc. The kitchen space extends across the open kitchen area in the large front

[3] See note 1 above, explaining that YCZO 1004.01 properly implements ORS 215.448 locally.

room (with refrigerator, sink, cabinets, kitchen island, open shelving, etc.) to the smaller back kitchen area (with the stove, cooktop, storage, etc.), but kitchen provisions may span two areas without creating more than one kitchen in the dwelling. The kitchen provisions operate as a single functional kitchen and therefore constitute only one kitchen. Off the kitchen area is a door onto the front porch patio and also a back door out of a mud room. The first level also hosts a half bath, two bedrooms with ensuite baths, a utility room, a work-out room, and a study/library. The second story is connected to the first floor living space by internal stairways behind the fireplace that lead to two wings of the house, with additional sleeping, bathing, and living areas.

For these reasons, the Board finds that the Grange Estate living spaces, collectively, share a common atmosphere and constitute an independent housekeeping unit, designed and used for family occupancy consistent with YCZO 202. The Board also finds that the Grange Estate has permanent provisions for living, sleeping, cooking, and sanitation by a family.[4] The Board relies on new substantial evidence in the record, including the as-builts and the Grange Estate photograph look book, to conclude that the Grange Estate falls within the definition of "dwelling unit."

Because the Grange Estate is a "dwelling unit," the Board also finds the Grange Estate structure is a "dwelling" within the meaning of YCZO 202. In making this finding, the Board notes that the "dwelling" definition excludes hotels, motels, and "other accommodations used for transient occupancy" and finds that this language does not undermine the fact that the Grange Estate structure amounts to a "dwelling" under the YCZO. The Board reconciles the YCZO language by applying the YCZO rules of construction. As particular provisions control over general provisions, the YCZO's specific provisions governing home occupations show that having guests stay in one's residence does not turn a dwelling into a motel, hotel, or anything other than a dwelling.

"Home occupation" means:

> An activity involving off-site sales, the manufacture of a product or *the provision of a service* carried on in compliance with Section 1004 of this ordinance *by a resident of the property on which the business is located*. Home occupation does not include the retail sale of products unless such sales are secondary to the primary home occupation use.

YCZO 202 (emphasis added). A Bed and Breakfast Inn—which both the YCZO and ORS 215.452 (and ORS 215.4449 and ORS 215.451) specifically contemplate as a home occupation—means

[4] A "family" means "[o]ne or more person related by blood, marriage, legal adoption or legal guardianship plus not more than five (5) additional persons, including foster and shelter care persons or, up to five (5) unrelated persons, all living together as a single housekeeping unit." YCZO 202. A single person occupying the structure meets the definition of "family."

> A *single-family dwelling* where lodging is offered for compensation, having no more than nine (9) sleeping rooms for this purpose. A bed and breakfast inn may offer a morning meal for overnight guests only. A bed and breakfast inn is conducted within the residence of the operator.

YCZO 202 (emphasis added). By definition, paid guest occupancy is to occur within a "single-family dwelling" in which the resident provides a service on the property. To the extent that providing lodging paying bed and breakfast guests constitutes "transient occupancy" the YCZO's more particular provisions governing home occupations and bed and breakfast operations control over the YCZO's general provision defining "dwelling." Reading the YCZO as a whole and in light of the more particular provisions governing bed and breakfasts, the reference to "transient occupancy" in the definition of "dwelling" must exclude "transient occupancy" by guests of a bed and breakfast when a resident of the property lives in the dwelling. Any other reading renders meaningless the multitude of provisions (in both the YCZO and ORS) specifically contemplating bed and breakfasts as home occupations.

By contrast, construing the Grange Estate structure as a motel because it offers overnight lodging for pay would require ignoring the YCZO's definitions described above and the interplay among them. The fact that Grange Estate will offer lodging for compensation as a bed and breakfast does not make it a motel. A motel does not have a "family" living in it or have permanent provisions for living, sleeping, cooking, or sanitation. If providing lodging to paying overnight guests in a structure where a farm operator lives constituted "transient occupancy," removing the structure from the definition of "dwelling," no one could *ever* operate a bed and breakfast, even though the YCZO and the ORS both expressly contemplate bed and breakfasts as home occupations on EFU land. *See Friends of Yamhill Cnty.*, 373 Or. at 806 ("[A] limitation that precluded a structure from qualifying as a 'dwelling' under ORS 215.448 if part of the structure is used for transient lodgers would be incompatible with newer land use provisions that expressly contemplate that a bed and breakfast is one type of home occupation that may be approved for EFU land.").

The YCZO's legislative history further supports the Board's interpretation of the YCZO that transient occupants in connection with a bed and breakfast home occupation do not turn a dwelling into a motel or hotel. In 2002, as part of a larger zoning code update, the County received requests to have the number rooms authorized under YCZO 1012– Bed and Breakfast Facilities increase from 5 to 7 rooms. In considering the new YCZO code language, the Planning Commission specifically considered whether there was "interest to raise the number of bedrooms to rent." *See* Grange Hill Hearing Binder, Tab 7 (Planning Department Memo to the Planning Commission Regarding a Summary of Proposed Ordinance Changes 3 (Sept. 25, 2002)). Through this legislative process, the County had the opportunity to assess whether allowing transient lodging in 5, 7, or more rooms of a dwelling converts the dwelling into a motel. The ultimate outcome of the legislative process was to unanimously approve an increase from 5 to 9 rooms under YCZO 1012– Bed and Breakfast Facilities. *See* Grange Hill Hearing Binder, Tab 7 (Board of Commissioner Meeting Minutes (November 14, 2002); Yamhill County Ord. 720 (Film 74, Page 1323). The County has consistently recognized that a dwelling remains a

dwelling even if up to 9 bedrooms are used for overnight (*i.e.*, transient) bed and breakfast guest occupancy, as long as the dwelling is occupied by a resident of the property.

The Board received testimony arguing that the Grange Estate, as built, renders the relevant YCZO definitions meaningless. Friends of Yamhill County argues that the definition of "motel" is more relevant and is the operative definition. The Board understands Friends of Yamhill County's argument but disagrees with it. Grange Estate has the features of a dwelling and functions as a home for a farm operator. The arguments Friends of Yamhill County raises relating to ownership or neighboring operations are not the subject of this remand and are irrelevant to the questions before us.

Our conclusion is consistent with LUBA's analysis in its initial decision, which articulated that the YCZO's definition and bed and breakfast provisions "provide that bed and breakfasts may occur within dwelling structures and distinguish the resident of the property from the guests to whom the resident provides a service" and that interpreting the YCZO's definition of "dwelling" to allow transient occupancy as part of a bed and breakfast home occupation "gives effect to all provisions." [LUBA 2022 at 25]. LUBA explained:

> Because a bed and breakfast occurs in a dwelling, that is, a residence, it is the "particular" and applicable type of lodging, and the "motel" and "hotel" definitions are not applicable. [Interpreting "dwelling" to exclude bed and breakfast inn transient occupancy] would require us to disregard code sections specifically providing that bed and breakfast inns are uses that occur within dwellings and involve providing a service to guests.

[LUBA 2022 at 26]. Accordingly, the Board finds that the Grange Estate structure is a "dwelling unit" and "dwelling" within the meaning of YCZO 202 and constitutes a "dwelling" as contemplated by YCZO 1004.01(C).

2. Grange Estate has design characteristics of a "dwelling" within the meaning of YCZO 1004.01(C) and ORS 215.448(1)(c)(A).

The Grange Estate is a principal dwelling on EFU land. Nothing in the YCZO or the ORS prescribe with any degree of specificity the design characteristics to qualify as such a dwelling. The Board made findings in its earlier decision (Docket C-03-22) that the Grange Estate would be operated in a properly-approved, single-family dwelling based on evidence presented on the record. Grange Estate is now constructed and new evidence has been provided into the record documenting the features of the as-built Grange Estate structure. We confirm our initial findings and supplement as follows.

The as-built plans and photographs of the structure show that Grange Estate has the design characteristics of a single-family dwelling. The living space is all within a single common structure, with access to the living areas, kitchen, bedrooms, bathrooms, utility, and accessory spaces all from within the structure after entering the front or one of the side doors. Most bedrooms are on the second floor, a common design for a single-family residence. Each bedroom

is accessed from a hallway shared with other bedrooms, except for one bedroom off the kitchen, which has access via the back door and mud room. There are common areas and living space on both floors, with a sitting room in each shared wing of the upstairs and shared dining, living, sitting, and study areas in the downstairs area, all sharing common atmosphere. Like with the upstairs bedrooms, the downstairs bedrooms connect to a shared hallway, which leads to the shared common areas. These features show that the bedrooms share a common atmosphere with the rest of the structure. The structure also has kitchen space and full bathrooms. *See also* the Board's findings above relating to the YCZO 202 definitions, which are incorporated here by reference. All of these features are consistent with the design features of single-family dwelling. *See* Grange Hill Hearing Binder, Tab 3 (Grange Estate As-Built Drawings) and Tab 4 (Grange Estate photograph look book).

We agree with Grange Hill that dwellings in the County, including dwellings on EFU land, come in all shapes and sizes. This is consistent with the Oregon Supreme Court's guidance in the Supreme Court Decision, which recognized that there "will be structures that seemingly straddle the design standards for two categories of building—whether it is a structure that meets the design standards of a single-family residence but also has nine bedrooms with en suite bathrooms or a structure that meets the design standards of a single-family residence but includes an enormous 'home theater' space." *Friends of Yamhill County*, 373 Or at 807. Having some characteristics consistent with one type of structure is not dispositive. *Id.* The Board must take a holistic view and make a reasoned determination based on its overall assessment of the structure's design characteristics. This is how the Board has consistently applied the YCZO; Grange Hill's evidence demonstrates dwellings in the County have unique size and features and nonetheless are considered permissible single-family dwellings. *See* Grange Hill Hearing Binder, Tab 5 (Other County Dwellings Photograph Look Book). The fact that these dwellings may have a basketball court, gazebo, ballroom, or commercial kitchen does not make the dwellings something other than a permissible dwelling on rural land.

The analysis of design characteristics also may include consideration of building codes, as the Supreme Court Decision noted that building "code standards are relevant to the nature of a structure but not dispositive of whether the structure is a 'dwelling' for purposes of ORS 215.448." *Friends of Yamhill County*, 373 Or. at 805 n. 4. Without further direction from the Court, the Board considers the building code standards applied to Grange Estate structure as an element in its analysis of the overall design features of the structure. However, for the reasons presented below, the Board concludes that building code standards used to construct Grange Estate structure, while relevant, are not determinative, and the Grange Estate structure still amounts to a "dwelling unit" under YCZO and "dwelling" under YCZO and ORS.

First, the Board addresses the distinction between state building codes and state land use laws. While both may be implemented by a local jurisdiction, building codes and land use laws serve distinct purposes. ORS chapter 455 establishes minimum *specifications* for *individual* buildings—and it does so to account for the safety and welfare of a governed building's occupants rather than any comprehensive state- or county-wide land use plan. The legislature authorized the Oregon Department of Consumer and Business Services to promulgate the Oregon Structural Specialty Code ("OSSC") to "govern the construction, reconstruction, alteration and repair of buildings and other structures * * * [and] establish uniform performance

standards providing reasonable safeguards for *health, safety, welfare, comfort and security of the* residents of this state who are *occupants and users of buildings*." ORS 455.020(1) (emphasis added). By contrast, ORS chapter 215, which the County implements through the YCZO, broadly governs the use of land. ORS chapter 215 addresses comprehensive land use planning and zoning by counties. *See generally* ORS ch 215. The chapter's purpose includes safeguarding community interests rooted in collective land use, as opposed to those interests of the governed landowner or occupant. *See, e.g.*, ORS 215.185 (providing remedies to counties or people "whose interest in real property in the county is or may be affected by" another person's violation under the chapter). The statutory schemes are disparate in both content and purpose.

The record reflects that the Grange Estate was built using R-1 building code standards to enhance the safety and security of the structure for its proposed bed and breakfast home occupation use. The R-3 occupancy group imposes the *minimum* construction safety standards applicable to "where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I[.]" 2022 OSSC 310.4. The R-1 group imposes minimum construction standards for "occupancies containing *sleeping units* where the occupants are primarily *transient* in nature," including hotels and motels. *Id.* § 310.2 (italicization in original to identify defined terms).[5]

Grange Hill built to R-1 standards because it seeks to operate a bed and breakfast home occupation in its dwelling. A bed and breakfast home occupation contemplates "transient" occupancy in the sense of providing overnight lodging for compensation. As such, building to R-1 standards makes sense. But as discussed above, providing lodging to guests for compensation as part of a bed and breakfast does not change the fact that the structure is a dwelling (in fact, it compels it, because a bed and breakfast can only occur in a single-family dwelling). Likewise, complying with R-1 building code standards to account for bed and breakfast guest occupancy within the single-family dwelling does not change the dwelling into something else. Finally, the fact that some common spaces have occupancy class A also does not change the nature of the structure. That just reflects, e.g., that bed and breakfast guests may assemble for breakfast in such a common area or access a room dedicated to fitness equipment. Indeed, even the Oregon Supreme Court recognized that a single-family residence that "includes an enormous 'home theater'" could still be a dwelling, even though the enormous home theater would likely be built under A-1 standards. *Friends of Yamhill County*, 373 Or at 807.

Grange Hill built to R-1 (and some occupancy class A) standards not only to enhance safety for bed and breakfast guests but also because the YCZO contemplates that when reviewing bed and breakfast applications, the County consider the "[s]tructural [s]uitability" of the dwelling, including "[s]afety and security," "[d]esign and privacy," and "[o]ther structural considerations." YCZO 1012.01(C)(3). As new construction, Grange Hill had the opportunity to maximize safety and other features for the Grange Estate structure as a way to enhance the "structural suitability" for the contemplated bed and breakfast operation. This fact does not undermine the conclusion that the Grange Estate structure also has the design features and layout constituting a dwelling. The R-1 (and A) building code standard is relevant only to show enhanced suitability and the

[5] The OSSC defines "transient" as "Occupancy of a *dwelling unit* or *sleeping unit* for not more than 30 days."

anticipated bed and breakfast operation. If Grange Hill were not seeking a conditional use permit at the same time as it was constructing the dwelling, it could have simply built the dwelling with identical enhanced safety features for its farm operator to live in. In that scenario, it is inconceivable that safety features such as the enhanced fire walls would have made the dwelling a "motel" or some other structure in that circumstance.

Even if the Board were to remove Grange Hill's intended bed and breakfast use from the analysis, differences between R-1 group standards and the R-3 occupancy standards do not inform whether a structure is a dwelling under ORS 215.448(1)(c)(A) or YCZO 1004.01(C). The R-3 occupancy group imposes the *minimum* construction safety standards applicable to "where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I[.]" 2022 OSSC 310.4. The R-1 group imposes minimum construction standards for "occupancies containing *sleeping units* where the occupants are primarily *transient* in nature," including hotels and motels. *Id.* § 310.2 (italicization in original to identify defined terms). Nothing in the OSSC suggests the owner of an R-3 group structure cannot build to higher R-1 group standards without changing the structure into something different. The OSSC does not impose safety *limits*; its purpose is "to establish the *minimum requirements* to provide a reasonable level of safety, health and general welfare through structural strength, means of egress, stability, sanitation, light and ventilation, energy conservation, and for providing a reasonable level of safety to fire fighters and emergency responders during emergency operations." *Id.* § 101.3.

Building to a higher-than-required standard does not change the nature of the structure. For example, R-1 structures (hotels and motels) require three-hour fire walls, whereas "high-hazard Group H occupancy" includes "manufacturing, processing, generation or storage of materials that constitute a physical or health hazards" and requires four-hour fire walls. 2022 OSSC 307.1, OSSC 706.4. Building a motel with four-hour fire walls, however, would not make the motel a hazardous occupancy. The same principle applies to building a dwelling with three-hour fire walls; it does not turn a dwelling into a motel. The fact that a structure may be built to higher OSSC safety standards than required for a dwelling does not mean it is not a dwelling under ORS chapter 215 or the YCZO. *See, e.g.*, Grange Hill Hearing Binder, Tab 6 (Certificates of Occupancy for other dwellings hosting B&B operations). Holding otherwise would punish those who choose enhanced safety features and create a perverse incentive to build *less safe* dwellings. Grange Hill's structure has the design characteristics of a dwelling, and the building code specifications to which it is built do not change the nature of the structure.

The Board received testimony arguing that the Grange Estate has guest suites and that its design is "not typical." The Applicant provided additional evidence into the record to illustrate the features of Grange Estate, as built (Grange Estate Look Book), along with photos and descriptions of other dwellings in Willamette Valley (Other Dwelling Look Book). While it may not be typical, and design can be within the "eye of the beholder," meaning we all can have different perceptions, no applicable law limits the size, scale, or design of single-family dwellings on agricultural land. There is the notorious Del Smith mansion with over 26,000 square feet and numerous bedrooms and bathrooms, a ballroom, and other extravagances; there is the Youngberg home with 13 bedrooms and expansive vineyard views; there is the Wilken Lane castle like home with opulent living areas; and there are other large homes with ranging

design features similar to Grange Estate with wood, steel, and large open living areas. The Grange Estate will function as a dwelling and the new information provided into the record provides substantial evidence upon which we base our findings.

Accordingly, the Board finds that the building code standards to which Grange Hill built its structure does not change the nature of the structure. Holding otherwise would punish those who choose enhanced safety features and create a perverse incentive to build *less safe* dwellings.

3. Grange Hill will satisfy the occupancy requirement for a principal dwelling on EFU land.

The Supreme Court Decision specified that for Grange Hill's structure to be a dwelling within the meaning of ORS 215.448(1)(c)(A) and YCZO 1004.01(C), the structure must be occupied by a "farm operator." The Board looks to the Supreme Court Decision to determine whether the Grange Estate will be occupied by a "farm operator" as that decision requires. Although the Supreme Court Decision did not define "farm operator," and the term "farm operator" for purposes of ORS 215.448(1)(c)(A) and YCZO 1004.01(C) is not defined by ORS chapter 215 or implementing administrative rules or the YCZO, the Supreme Court Decision flagged that LUBA has found that OAR 660-033-0130(9) informs the meaning of "farm operator." *Friends of Yamhill Cnty.*, 373 Or. at 811 n. 7. For purposes of an allowed dwelling for a relative of the farm operator, that rule defines a "farm operator" as the "person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing." OAR 660-033-0130(9). In that same context, all that is required for "farm operator" status is that the person have some significant involvement in the farm operations. Where there is some division of duty among more than one person, a person who has a predominant role in the management and farm use of the farm qualifies as the "farm operator."

Considering the statutory and regulatory scheme, the intent behind the requirement, the Supreme Court Decision's guidance, and other relevant authority, and the practical realities of farm management, the Board defines "farm operator" as follows:

> *A "farm operator" is the person primarily engaged in providing on-site management and oversight of farm operations, including advising about, and participating in, day-to-day decisions about such things as planting, harvesting, maintenance, and third-party contracting.*

This definition encompasses the concept of the person primarily engaged in using the land as referenced in the Supreme Court Decision and also recognizes the distinction between farm *ownership* and farm *operation*. The Board finds nothing in state law or the YCZO that requires the farm *owner* to be the farm *operator*. But, as a practical matter, a farm owner who is not the farm operator still may retain ultimate decisional authority regarding what crops are planted, what contractors are brought onto the property, what is an acceptable sale price for the crop, and other similar matters—especially financial matters. The adopted definition of "farm operator" balances the intent that the "farm operator" have a primary on-site role managing a farming

operation with the reality that final decisional authority on key matters may remain with the farm owner.

The Board received testimony challenging the farm operator occupation, raising, among other things, whether an occupant can both perform the functions of a farm operator and have oversight responsibilities of a bed and breakfast operation in the home. We do not find the testimony convincing and note that ORS 215.448(1)(b) contemplates that the operator of a home occupation may employ up to five full-time employees in connection with the home occupation. Applicant has met its burden of proof to address the occupancy requirement on remand.

The Board finds that evidence shows that Grange Estate will be a farm operator's home and thus qualifies as a "dwelling" under YCZO 1004.01 and ORS 215.448(1)(c)(A). We find that Grange Hill's farm operator job description meets definition of a farm operator because the person "provides on-site management and oversight of the farm operations at Grange Estate," "reside[s] at the home on the property" and the "role requires significant involvement in vineyard farm work, including participating in day-to-day decisions, negotiating for farm services, managing farm employees, participating in staffing decisions, and negotiating contracts for the sale of wine grapes grown on the property." *See* Grange Hill Hearing Binder, Tab 8 (Grange Hill's Farm Operator Job Description). The job description lists detailed job responsibilities showing a high degree of management and oversight of farm operations, all consistent with being a farm operator. The fact that the farm operator will also have some responsibilities for operating the bed and breakfast as the onsite resident does not affect that person's ability to serve as a farm operator. The employees of the bed and breakfast will handle day-to-day operations as contemplated by the home occupation employee allowance in both ORS 214.448 and YCZO 1004.01 (see Condition 7).

There was testimony challenging the Board's proposed condition to require evidence of the farm operator's occupancy prior to operation. The Board disagrees with the characterization that imposing this type of post-approval condition amounts to deferral of a discretionary decision-making. The elements of the farm operator definition were discussed at the public hearing, and the opponents had the opportunity to argue that the elements of the farm operator definition were not adequate – the condition simply requires documentation to show that a person meeting the farm operator definition, which the Board determined was appropriate during the hearing, has been objectively satisfied. Applicant addressed that this will be done through providing a resume and employment agreement.

The Supreme Court Decision and LUBA's remand directions did not instruct the Board to address any other approval criterion for an EFU principal farm dwelling other than the farm operator criterion. To the extent the Board may be required to consider all approval criteria for an EFU principal farm dwelling, the Board makes the following supplemental findings in an abundance of caution. These findings also respond to testimony on the record challenging Applicant's ability to meet the farm income test.

YCZO 402.03(A) allows principal dwellings on EFU land subject to three requirements: (1) the subject tract produces at least $80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years; (2) the dwelling is occupied by the farm

operator; and (3) no other dwellings are on the subject tract. The property is comprised of a single parcel owned by Grange Hill, LLC (Tax Lot 102). There is only one dwelling approval and one dwelling on the parcel. The property is planted with about 12.8 acres of vineyard, with about 3 acres of chardonnay grapes and 9.8 acres of pinot noir. Aerial photographs document established vineyards across the property. Grange Hill provided evidence into the record demonstrating that the vineyard produced over $80,000 from grape sales in 2022, 2023, and 2024. For these reasons, to the extent required, the Board finds that that the record contains substantial evidence to demonstrate that Grange Hill still meets the principal dwelling approval criteria in YCZO 402.03(A) and may operate the bed and breakfast in the Grange Estate dwelling.

The Board adopts Grange Hill's proposed condition requiring that Grange Hill provide evidence that a farm operator is occupying Grange Estate prior to beginning the bed and breakfast operations.

CONCLUSIONS FOR APPROVAL

1. The request is for a conditional use to operate a nine (9) guestroom Bed and Breakfast facility as a home occupation.

2. With conditions, the request can be made compatible with the applicable conditional use review criteria listed in Sections 402.04(I), 402.9, 1004.01, 1101, 1012, and 1202.2 of the Yamhill County Zoning Ordinance.

3. The request complies with the goals and policies of the Yamhill County Comprehensive Plan.

DECISION:

Based upon the above findings and conclusions, the request by Grange Hill, LLC for a conditional use to operate a nine (9) guestroom Bed and Breakfast facility as home occupation on Exclusive Farm District zoned property shall be approved, subject to the original conditions of approval from Board Order C-03-22 as modified below in redline:

1. The bed and breakfast inn may offer a maximum of nine (9) guestrooms for rent.

2. Food service shall be limited to one (1) morning meal for overnight guests.

3. The bed and breakfast is personal to the applicant and property owners, Grange Hill, LLC, and this approval does not run with the land. Any subsequent owner who would like to continue operating the bed and breakfast must receive land use approval for the home occupation.

4. The bed and breakfast will be operated by an onsite resident of the proposed single-family dwelling.

5. Prior to operating the bed and breakfast home occupation, Grange Hill shall provide the Planning Department with evidence that a Grange Hill farm operator is occupying the dwelling.

~~5~~6. Prior to operation of the bed and breakfast, the driveway access and water supply shall be inspected and approved by Dundee Fire Department.

~~6~~7. The use shall employ no more than five (5) full or part time employees.

~~7~~8. The State Administrative Rule requirements for Bed and Breakfast licensing shall be satisfied prior to operation of the bed and breakfast facility.

~~8~~9. Prior to operation of the home occupation, the application shall obtain an inspection and approval (Authorization Notice) from the County Sanitarian for the septic system.

~~9~~10. Prior to operation of the home occupation, the applicant shall obtain all necessary building, plumbing and electrical permits from the Yamhill County Building Department.

~~10~~11. Prior to the operation of the bed and breakfast, the water shall be tested initially and annually for nitrate and arsenic with quarterly bacteria tests thereafter and determined to be safe for public consumption by the Public Health Department. Results of the test shall be submitted to the Yamhill County Planning Department.

~~11~~12. The use is limited to the operation of a nine (9) guestroom bed and breakfast from a single-family dwelling. Agri-tourism or other celebratory events on the property require additional land use approval.

~~12~~13. No outside evidence of the home occupation shall be visible except for a sign not to exceed 24 square feet, which is subject to permit and land use approval pursuant to Section 1006 of the *Yamhill County Zoning Ordinance*.

~~13~~14. An area to provide a minimum of one (1) parking space per guestroom and one (1) parking space for each employee on maximum working shift shall be maintained. There shall be no parking along the road right-of-way or along the easement roadway.

~~14~~15. This approval is valid for one year following the date of final approval and shall expire at that time unless the use has been initiated.

~~15~~16. A review of the bed and breakfast operation shall be required two years following the date of final approval. The operation may be renewed if it continues to comply with the requirements of Section 1004.01 of the *Yamhill County Zoning Ordinance* and the conditions of approval. A fee may be charged for renewal of the permit.

~~16~~17. Modification of any of the above conditions requires approval under Section 1202.05 of the *Yamhill County Zoning Ordinance*. Violation of any of the above conditions may result in revocation of the conditional use permit with the process detailed in Section 1202.07 and 1202.08 of the *Yamhill County Zoning Ordinance*.

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approving on Remand Planning Docket No. C-03-22, a Conditional Use Permit for Tax Lot No. R3328 00102; Applicant: Grange Hill, LLC	BOARD ORDER 26-_____

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on _____, 2026, Commissioners Kit Johnston, Mary Starrett, and David "Bubba" King being present.

IT APPEARING BEFORE THE BOARD AS FOLLOWS:

WHEREAS, The Applicant, Grange Hill, LLC, submitted a conditional use request for the operation of a nine guestroom bed and breakfast facility as a home occupation; and

WHEREAS, The Board originally approved Planning Docket No. C-03-22 on August 18, 2022, via Board Order 22-263; and

WHEREAS, The Board's decision was thereafter appealed to the Oregon Supreme Court, where it was ultimately remanded back to the County by LUBA as set forth Exhibit A, attached hereto and incorporated herein; and

WHEREAS, On January 8, 2026, the Board held a remand hearing wherein testimony and evidence was provided confirming that: 1) the bed and breakfast structure does, in fact, constitute a "dwelling"; 2) the "design characteristics" of the bed and breakfast are consistent with both state and local law; and 3) with conditions, the bed and breakfast will be occupied by a "farm operator"; and

WHEREAS, Following deliberation, the Board voted unanimously to re-approve Planning Docket No. C-03-22 based on the reasoning set forth in the findings attached hereto as Exhibit B and incorporated herein; and now, therefore,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. Planning Docket C-03-22 is approved, subject to the following conditions:

1. The bed and breakfast inn may offer a maximum of nine (9) guestrooms for rent.

2. Food service shall be limited to one (1) morning meal for overnight guests.

3. The bed and breakfast is personal to the applicant and property owners, Grange Hill, LLC, and this approval does not run with the land. Any subsequent owner who would like to continue operating the bed and breakfast must receive land use approval for the home occupation.

4. The bed and breakfast will be operated by an onsite resident of the proposed single-family dwelling.

5. Prior to operating the bed and breakfast home occupation, Grange Hill shall provide the Planning Department with evidence that a Grange Hill farm operator is occupying the dwelling.

6. Prior to operation of the bed and breakfast, the driveway access and water supply shall be inspected and approved by Dundee Fire Department.

7. The use shall employ no more than five (5) full or part time employees.

8. The State Administrative Rule requirements for Bed and Breakfast licensing shall be satisfied prior to operation of the bed and breakfast facility.

9. Prior to operation of the home occupation, the application shall obtain an inspection and approval (Authorization Notice) from the County Sanitarian for the septic system.

10. Prior to operation of the home occupation, the applicant shall obtain all necessary building, plumbing and electrical permits from the Yamhill County Building Department.

11. Prior to the operation of the bed and breakfast, the water shall be tested initially and annually for nitrate and arsenic with quarterly bacteria tests thereafter and determined to be safe for public consumption by the Public Health Department. Results of the test shall be submitted to the Yamhill County Planning Department.

12. The use is limited to the operation of a nine (9) guestroom bed and breakfast from a single-family dwelling. Agri-tourism or other celebratory events on the property require additional land use approval.

13. No outside evidence of the home occupation shall be visible except for a sign not to exceed 24 square feet, which is subject to permit and land use approval pursuant to Section 1006 of the *Yamhill County Zoning Ordinance*.

14. An area to provide a minimum of one (1) parking space per guestroom and one (1) parking space for each employee on maximum working shift shall be maintained. There shall be no parking along the road right-of-way or along the easement roadway.

15. This approval is valid for one year following the date of final approval and shall expire at that time unless the use has been initiated.

16. A review of the bed and breakfast operation shall be required two years following the date of final approval. The operation may be renewed if it continues to comply with the requirements of Section 1004.01 of the *Yamhill County Zoning Ordinance* and the conditions of approval. A fee may be charged for renewal of the permit.

17. Modification of any of the above conditions requires approval under Section 1202.05 of the *Yamhill County Zoning Ordinance*. Violation of any of the above conditions may result in revocation of the conditional use permit with the process detailed in Section 1202.07 and 1202.08 of the *Yamhill County Zoning Ordinance*.

Section 2. In support of this Order, the Board adopts the findings set forth in Exhibit B, attached hereto and incorporated herein, which identifies the applicable approval criteria and explains how each respective criteria has been met.

DATED this_____ day of February, 2026, at McMinnville, Oregon.

ATTEST

KERI HINTON
County Clerk

By:_____
Deputy CAROLINA ROOK

FORM APPROVED BY:

_____
JODI GOLLEHON
Counsel for Yamhill County

YAMHILL COUNTY BOARD OF COMMISSIONERS

_____
Chair KIT JOHNSTON

_____
Commissioner MARY STARRETT

_____
Commissioner DAVID "BUBBA" KING

Agenda Item H2

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Repealing Ordinance No. 723, as Amended, and Adopting Yamhill County Code Chapter 5.05 as the Yamhill County Ambulance Service Code; and Declaring an Emergency	ORDINANCE ___

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on February 12, 2026, Commissioners Kit Johnston, Mary Starrett, and David "Bubba" King being present.

THE BOARD ADOPTS THE FOLLOWING FINDINGS:

WHEREAS, ORS 682.062 (1) provides that each county shall develop a plan for the county or two or more contiguous counties may develop a plan relating to the need for and coordination of ambulance services and establish one or more ambulance service areas consistent with the plan for the efficient and effective provision of ambulance services.

WHEREAS, On March 6, 2003, the Board adopted Ordinance 723, the Yamhill County Ambulance Service Ordinance ("ASO"), requiring the establishment of an Ambulance Service Area Advisory Committee ("the ASA Committee") to develop an Ambulance Service Area Plan

WHEREAS, on December 21, 2024, the Board adopted Ordinance 751, which amended Ordinance 723 and which adopted the official Yamhill County Ambulance Service Area Plan, now codified in the Yamhill County Code under Title 5, YCC 5.05, "Yamhill County Ambulance Service Code" ("ASA Code").

WHEREAS, in accordance with ORS 682 and OAR 333-260-0000 through 333-2600070, in December of 2023 Yamhill County submitted its proposed amended Yamhill County Ambulance Service Area Plan to the Oregon Health Authority ("OHA") for review and approval and, following revisions and modifications as requested by OHA, submitted its most recent amended Yamhill County Ambulance Service Area Plan to OHA on August 22, 2025.

WHEREAS, on September 15, 2025, Yamhill County received written approval from OHA of its amended Ambulance Service Area Plan.

WHEREAS, on October 5, 2025, the ASA Committee recommended approval of the amended Ambulance Service Area Plan and amendment of the ASA Code to the Board; and now, therefore

THE BOARD ORDAINS AS FOLLOWS:

Section 1. Repeal of Existing Ambulance Service Area Code. The Ambulance Service Area Code, codified as Yamhill County Code Chapter 5.05 under Ordinance No. 723, is hereby repealed in its entirety.

Section 2. Adoption of Codified Ambulance Service Area Code. The codified Ambulance Service Area Code attached hereto as Exhibit A is hereby adopted and shall be codified as Yamhill County Code Chapter 5.05.

Section 3. Severability. Invalidity of any section or part of a section of this ordinance or the ASA Code shall not affect the validity of the remaining sections or parts of sections thereto.

Section 4. Declaring an Emergency. This Ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective immediately.

DATED this 12 day of February, 2026 at McMinnville, Oregon.

YAMHILL COUNTY BOARD OF COMMISSIONERS

ATTEST		AYE	NAY
	_____	____	____
KERI HINTON County Clerk	Chair KIT JOHNSTON		
By:_____ Deputy CAROLINA ROOK	_____ Commissioner MARY STARRETT	____	____
FORM APPROVED BY:			
_____ KALEB RAEVER Yamhill Assistant County Counsel	_____ Commissioner DAVID "BUBBA" KING	____	____

Exhibit A

(see attached)

YAMHILL COUNTY CODE

TITLE 5: HEALTH AND SAFETY

Chapter 5.05: Yamhill County Ambulance Service Code

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5.05.01 Title.

a) Title. This Ordinance shall be known as the Yamhill County Ambulance Service Ordinance and may be so cited and pled.

[ADOPTED VIA ORDINANCE NO. XXX eff XX/XX/XX]

5.05.02 Authority

a) This Chapter is adopted pursuant to ORS 682.031, ORS 682.036, and ORS 682.062, and is implemented in accordance with OAR 333-260-0020 through 333-260-0060. These statutes and administrative rules require each county to develop, adopt, and maintain an Ambulance Service Area (ASA) Plan, to establish one or more ambulance service areas for the efficient and effective provision of ambulance services, and to regulate and coordinate ambulance operations within the County subject to approval by the Oregon Health Authority.

5.05.03 Policy and Purpose; Adoption of Plan

a) Policy and Purpose. The Yamhill County Board of Commissioners finds:
   (i.) That ORS 682.031 requires Yamhill County to develop and adopt a plan for the county, or jointly with one or more contiguous counties, relating to the need for and coordination of ambulance services, and to establish one or more Ambulance Service Areas (ASAs) consistent with that plan to ensure the efficient and effective provision of emergency medical services and ambulance transportation within the County.
   (ii.) That this Chapter, together with the Yamhill County Ambulance Service Area Plan (ASA Plan), constitutes the comprehensive plan for ambulance and emergency medical services within Yamhill County. The ASA Plan establishes the County's Ambulance Service Areas (ASAs), defines the standards and procedures for the selection and regulation of ASA Providers, and formalizes the structure and responsibilities of the Ambulance Service Area Advisory Committee to ensure efficient, effective, and coordinated delivery of emergency medical services throughout the County.
   (iii.) That state law, specifically ORS 682.031 and OAR 333-260-0020, requires Yamhill County to develop and adopt an Ambulance Service Area Plan that coordinates ambulance services within the County while recognizing the authority of incorporated cities and rural fire protection districts to operate and regulate emergency medical services within their respective jurisdictions, subject to the County's ASA Plan.
   (iv.) That the provision of coordinated, efficient, and effective ambulance services under the Yamhill County ASA Plan shall be accomplished primarily through intergovernmental cooperation and system coordination. Yamhill County shall promote voluntary compliance

with the ASA Plan and may employ enforcement actions or other remedies only when cooperative measures are insufficient to ensure compliance or protect the public interest.

b) Adoption of ASA Plan. The Yamhill County Ambulance Service Area Plan, attached and incorporated as Appendix , is hereby adopted as the official ambulance service area plan for Yamhill County. The Plan shall be forwarded to the Oregon Department of Human Services, Health Division, for approval. Future amendments to the Plan may be made by Board Order with notice to the Oregon Department of Human Services, Health Division.

5.05.04 Overview of County (Demographic and Geographic Description)

a) County Background. Yamhill County is one of 36 counties in the State of Oregon. Yamhill County's name derives from the Yamhelas Indians, members of the Native American Kalapuya Tribe. It is located in the Willamette Valley and is part of the Portland, Oregon, Metropolitan Statistical Area (MSA).

b) History. The Yamhill District (later becoming county) was established in 1843, five years before the Oregon Territory was created. It originally spread over 12,000 square miles, which were eventually partitioned into twelve present counties. Today, Yamhill County consists of 718 square miles. The County seat of government is located in McMinnville.

c) Geography. The county is composed of a total area of 718 square miles, of which 716 square miles is land with the remaining 2.5 square miles being water. It is the fifth-smallest county in Oregon by area. The tallest mountain in the county is Trask Mountain in the northwest corner of the county. The transportation network for Yamhill County is dominated by a road system of northeast-to-southwest and north-to-south paved highways that are part of the state highway transportation system. Local travel is by secondary and county roads that are significantly influenced by drainage patterns of rivers and mountains in the county.

d) Adjacent Counties. Adjacent counties include Washington County (north), Clackamas County (east), Marion County (southeast), Polk County (south), and Tillamook (west).

e) Demographics. Historical population data for Yamhill County is as follows: Census year 1860 population 3,245 with no percent change; 1870 population 5,012 with a 54.5 percent change; 1880 population 7,945 with a 58.5 percent change; 1890 population 10,692 with a 34.6 percent change; 1900 population 13,420 with a 25.5 percent change; 1910 population 18,285 with a 36.3 percent change; 1920 population 20,529 with a 2.3 percent change; 1930 population 22,036 with a 7.3 percent change; 1940 population 26,336 with a 19.5 percent change; 1950 population 33,484 with a 27.1 percent change; 1960 population 32,478 with a −3.0 percent change; 1970 population 40,213 with a 23.8 percent change; 1980 population 55,332 with a 37.6 percent change; 1990 population 65,551 with an 18.5 percent change; 2000 population 84,992 with a 29.7 percent change; 2010 population 99,193 with a 16.7 percent change; 2020 population 107,722 with an 8.6 percent change; and 2021 estimated population 108,239 with less than one percent change.

f) Economy. Yamhill County ranks seventh out of Oregon's thirty-six counties in annual market value of its agricultural production. This agricultural production includes wheat, barley, horticulture, and dairy farming, with 13,201 acres in 1997 planted in orchards. One-third of the county is covered with commercial timber, and the economic mainstay of the western part of the county is logging and timber products. Yamhill County is a significant focus of Oregon's wine industry, having the largest area of any Oregon county planted in vineyards. Six of the state's American Viticultural Areas are wholly or partly in the county: Chehalem Mountains AVA, Dundee Hills AVA, Eola-Amity Hills AVA, McMinnville AVA, Ribbon Ridge AVA, and Yamhill-Carlton District AVA. Over 80 wineries and 200 vineyards represent the largest concentration of wine growers and producers in any county in the state.

g) Education. Yamhill County Institutions of Higher Education (IHEs) include Linfield University, George Fox University, the Chemeketa Community College Yamhill Valley Campus, and the Portland Community College Newberg Center.

5.05.05 Definitions. The words and phrases in this Ordinance shall have the meaning provided in ORS Chapter 682 and OAR Chapter 333, Divisions 250, 255, 260, and 265, unless specifically defined herein to have a different meaning. Other specific definitions for words and phrases in this Ordinance include:

a) **"9-1-1"** means a universal telephone number used to request emergency medical assistance.
b) **"Administrative Rules"** means the rules relating to emergency medical services adopted by the Oregon Health Authority.
c) **"Administrator"** means the Health and Human Services Director for Yamhill County Health and Human Services department or their designee.
d) **"Advanced Life Support (ALS)"** means out of hospital emergency care which encompasses procedures, treatments, and techniques within the Advanced EMT (AEMT), EMT Intermediate (EMT-I), Paramedic, or Registered Nurse scope of practice and are authorized by the EMS Supervising Physician. The maximum functions that may be assigned to an AEMT, EMT-I and Paramedic are listed in OAR 847-035-0030.
e) **"Advanced Life Support (ALS) Ambulance"** means an ambulance that meets all County and State requirements of an ALS capable EMS unit defined above. "Ambulance" means any privately or publicly owned motor vehicle, aircraft, or watercraft that is regularly provided or offered to be provided for the emergency transportation of persons who are ill or injured or who have disabilities (ORS 682.025(1)).
f) **"Ambulance Service"** means any individual, partnership, corporation, association, governmental agency or other entity that holds a Division-issued ambulance service license to provide emergency and non-emergency care and transportation to sick, injured or disabled persons. Ambulance Services do not include specialty transport teams, ambulances owned or operated under the control of United States government, vehicles operated solely on facility grounds, transportation of clients from outside of the county to a health care facility within the county, or ambulance or vehicles which are passing through without destination in the county.
g) **"Ambulance Service Area (ASA)"** means a geographic area, which is served by one ambulance service provider, and may include all, or a portion of a county, or all or portions of two or more contiguous counties (OAR 333-260)
h) **"ASA Plan"** is a plan that addresses the need for and coordination of ambulance services by establishing ambulance service areas for the entire county and by meeting the other requirements of these rules (OAR 333-260). "ASA Advisory Committee" means the governing body that makes recommendations to the Board on the County's ambulance service system and other aspects of the County's ASA Plan. The ASA Committee interfaces with the Board through the Administrator.
i) **"ASA Provider"** means a licensed ambulance provider designated by the Board as the sole provider of emergency ambulance service in a Yamhill County ASA. "Base Fee" means the fee charged for the pick-up of a patient, exclusive of mileage. This fee shall be all-inclusive and shall not include "flag drop" or any other charges.
j) **"Basic Life Support (BLS)"** means out of hospital emergency care which encompasses procedures, treatments, and techniques within the Emergency Medical Responder (EMR) and/or Emergency Medical Technician (EMT) scope of practice and are authorized by the Yamhill County EMS Supervising Physician. The maximum functions that may be assigned to an EMR or EMT are listed in OAR 847-035-0030.
k) **"Basic Life Support (BLS) Ambulance"** means an ambulance, which meets all County and State requirements and is staffed and equipped to providing service as defined by rule. "Board" means the Yamhill County Board of County Commissioners.
l) **"County"** means Yamhill County, Oregon. "Division" means the Oregon Health Authority (OAR 333.260).
m) **"Emergency"** means those medical or trauma conditions that manifest themselves by symptoms of sufficient severity that a prudent layperson possessing an average knowledge of health and medicine would reasonably expect that failure to receive immediate medical attention would place the health of a person, or the fetus in the case of a pregnant woman, in serious jeopardy.

n) **"Emergency Medical Dispatch (EMD)"** means that system adopted by the County used to interrogate a caller requesting medical transportation in an effort to determine the severity of the medical condition.

o) **"Emergency Medical Services (EMS)"** means those pre-hospital functions and services which are required to prepare for and respond to medical emergencies, including transport, treatment, communications, evaluation, and public education. Inter-facility medical transportation is not considered EMS and thus does not constitute an EMS response. 9

p) **"Emergency Medical Technician (EMT)"** means a person who is licensed by the Authority as an Emergency Medical Technician.

q) **"Employee"** means any full-time paid or part-time paid person acting within the scope of their duties and for or on behalf of an ambulance service. "Franchise" means an exclusive franchise to provide emergency and nonemergency ambulance service issued by the Board pursuant to this Ordinance.

r) **"Hospital"** has the meaning set forth in ORS 442.015(15).

s) **"Inter-Facility Transfer"** means any transfer, after initial assessment and stabilization, from and to a health care facility to include hospital to hospital; clinic to hospital; hospital to rehabilitation; and hospital to long-term care.

t) **"Incident Command System (ICS)"** means a management tool employed during disasters and emergency responses to organize and coordinate response operations.

u) **"License"** means a non-transferable, non-assignable authorization granted to the person, agency or entity to whom it is issued, authorizing the person, agency or entity whose name appears thereon to do business in the county.

v) **"Mass Casualty Incident (MCI)"** means any incident involving, or potentially involving, multiple patients as defined by rule. "Medical Resource Hospital (MRH)" means the medical communications facility which provides on-line-medical-control for Multnomah and Clackamas counties.

w) **"Mutual Aid"** means an agreement between emergency responders to lend assistance across jurisdictional boundaries. "Non-Emergency" means those conditions that are not specifically dealt with in the emergency medical dispatch system adopted by the County. The County may further delineate categories that may be handled by a non-emergency ambulance provider (e.g. inter-facility transfer).

x) **"Non-Emergency Ambulance Services"** means pre-arranged or non-emergency ambulance transfers and inter-facility ambulance transfers provided by a licensed ambulance service when the person being transported needs the availability of medical assistance. It does not include stretcher cars, secure transport, or medical taxes that do not provide medical services.

y) **"Notification Time"** means the length of time between the initial receipt of the request for emergency medical service by either a provider or an emergency dispatch center (9- 1-1), and the notification of all responding EMS personnel. 10 "Offline Medical Control (OLMC)" means performing EMS actions or medication administration under standing orders or protocols.

z) **"Online Medical Control (OLMC)"** means a medical facility designated by the county as authorized to provide on-line-medical-control advice and support to Paramedics, EMTs, and first responders.

aa) **"Patient"** means a person who is ill or injured or who has a disability and who receives emergency or nonemergency care from an EMS provider. "Per Mile Charge" means a charge per mile in addition to the base charge.

bb) **"Person"** means an individual, partnership, company, association, corporation, or any other legal entity, including any receiver, trustee, assignee, or similar representative. "Provider" means any public, private, or volunteer entity providing EMS.

cc) **"Quick Response Team"**, or "QRT" means an EMS unit supplied by a designated provider that may be capable of BLS or ALS care but is not able to transport a patient. "Residential Care Facility" means a program within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of residential independence in a residential setting (OAR 411-054-0005). "

dd) **"Response Time"** or "Response Times" mean the length of time between the notification of each provider's ambulance and the arrival of each provider's EMS unit(s) at the incident scene.

ee) **"Supervising Physician"** means a physician licensed under ORS 677.100 to 677.228, actively registered and in good standing with the Oregon Medical Board, who provides direction of emergency or nonemergency care provided by ASA Providers. Additionally, Supervising Physician means a physician contracted with or

employed by the County to act as the Supervising Physician and who shall perform those functions as outlined in this chapter and rule.

ff) **"Transport Unit"** means an ambulance that is licensed and appropriately equipped and staffed to transport a patient.

gg) **"Wheelchair Car"** means a motor vehicle for hire that is constructed, equipped, or regularly provided for non-emergency transportation of persons in wheelchairs and semi-reclining wheelchairs (no more than forty-five (45°) reclining) or requiring wheelchair car transportation for reasons related to health conditions and not requiring an ambulance or transport in a supine or recumbent position.

5.05.06 Boundaries; **Emergency Medical Service Activity**

a) Oregon state regulations require each county to establish an Ambulance Service Area (ASA) Plan under ORS 682.062.

b) The ASA Plan must be approved by both the Board and then by the Oregon Health Authority. Therefore, it is the responsibility of Yamhill County as the local EMS regulatory agency to assure that safe and reliable EMS response and ambulance transportation are available to the citizens and visitors of the county.

c) It is the intent of the Board to regulate, but not restrict, non-emergency ambulance, inter-facility ambulance and wheelchair car services within the County. It is the intent of the Board to regulate the primary emergency transportation agency within the County.

d) To ensure the effective and efficient provision of EMS within Yamhill County, the Board reserves the right, giving consideration to subjects and items required by law, to make modifications and enhancements to the ASA Plan.

e) Yamhill County hereby establishes the Ambulance Service Areas (ASAs) shown on the maps and described in the legal boundary descriptions attached to this Ordinance as Appendix B, which is incorporated herein by reference and made part of this Ordinance.

f) Analysis of EMS volume within the County has identified the location density and distribution of activity, as revealed in Appendices C, D, and E which are attached to this Ordinance and incorporated herein by reference. The temporal dispersal of EMS activity has been charted to provide ambulance service providers valuable information to assist in staffing and deployment of EMS resources.

5.05.07 Response Time Zones; Reporting Standards

a) The primary objective of Response Time zones is to provide the most timely and efficient response to the residents and visitors of the County in a cost-effective manner ("Response Time Zone" or "Response Time Zones"). These Response Time Zones are stratified based on factors such as population density, major routes of travel, topography, and access. Since EMS volume is strongly correlated to population density, that is the major determinant of Response Time Zone designation. Historical Response Times from ambulance and EMS resource stations have been analyzed as well and compared against both population density and EMS call volume activity distribution.

b) In addition, Yamhill County has determined that further categorization of Response Times is appropriate based on the severity of the patient's condition. Life threatening and significantly serious illness or injury require a faster response than other, less urgent EMS requests. Scientific data and industry studies have shown that Response Time is far less important to patient outcome for less emergent cases than for critical, life endangering conditions. The County has established two levels of EMS response that overlay the four Response Time Zones. These are defined as ALS (Advanced Life Support) and BLS (Basic Life Support).

c) ALS cases should receive responses that include the use of emergency warning devices (EWDs), such as lights and sirens, and be held to shorter time frames. BLS cases should receive responses that do not include the use of EWDs and are held to less stringent Response Time standards.

d) Yamhill County is divided into four time zones for response. These zones are classified as: URBAN, with Response Time standards of 10 and 15 minutes for ALS and BLS, respectively; SUBURBAN, with Response Time standards of 12 and 17 minutes; RURAL, with Response Time standards of 35 and 40 minutes; and FRONTIER with a "Best Effort" standard for both ALS and BLS. as depicted on the Response Time Zone Map adopted as Appendix F and incorporated herein by this reference.

e) The Urban Response Time Area is defined as the area of Yamhill County with a population density of 1,001 persons, or more, per square mile. The Suburban Response Time Area is defined as that area of the County with a population density of between 501 persons per square mile and 1,000 per square mile. The Rural Response Time Area is composed of those portions of Yamhill County that are populated to a density of 501 or less persons per square mile. Lastly, the Frontier Response time Area is classified as those areas with a population density of less than 501 persons per square mile and that lack roadway access, or that require a drive time — this is a component of Response Time — that exceeds 30 minutes. The Frontier Response Time Area was established by mutual consensus of the Yamhill County ASA Committee and includes those incorporated Cities outside the Urban zone.

f) There is one exception to these zone designations. That is the town of Yamhill. While Yamhill is very densely populated, sufficiently so to meet the herein definition of Urban, the actual aggregate number of people residing there is insufficient to generate any significant EMS volume. Therefore, this ASA Code identifies Yamhill as a Rural Response Time Area.

g) The minimum performance level for each Response Time standard is 90 percent of all dispatched EMS requests, except for those occurring during extreme weather conditions that interfere with vehicular travel, hospital-to-hospital transfers, or other similar circumstances that would prohibit a normal response. Complying with the Response Time Zone standards are the primary responsibility of each ASA Provider, as set forth in the Response Time Zone standards and performance criteria adopted as Appendix G and incorporated herein by this reference.

5.05.08 Response Time Reporting and Accountability The County has established the following process and procedure for the reporting, assessment, and accountability of Response Times by designated ASA providers:

a) Performance reports. ASA Providers will submit performance reports to the Administrator on a quarterly basis, and Administrator will distribute these reports to the ASA Committee. The performance reports will be submitted in a form approved by the Administrator; at a minimum, the reports must track monthly compliance with each Response Time standard and must include mutual aid performance data.

b) Review. The ASA Committee will review each ASA provider's performance report at quarterly meetings.

c) Audits. All data submitted for review of performance standard compliance by ASA Providers may be audited by the Administrator at any time.

d) Compliance Reports. Each ASA Provider will be held accountable to delineated required performance standards through public compliance reporting.

e) Each ASA Provider's performance will be reported to the community-at-large through a readily available public reporting process (dashboard) that identifies each performance standard and the ASA Provider's compliance success.

f) This public reporting process (compliance reports and dashboard) will be posted prominently on the County's EMS website.

g) Annual report. The Administrator will conduct an annual evaluation of the performance of the ASA Providers and will report its findings to the Board. This requirement in no way limits the ability of the Administrator to conduct further evaluations as deemed necessary.

h) Explanatory Reports. The ASA Committee may require an explanatory report from any ASA Provider who fails to meet any established performance standard in any reporting period. Such a report will be submitted to the Administrator, and the Administrator will distribute this report to the ASA Committee.

i) Action Plan. Failure of an ASA Provider to meet the established performance standards in three consecutive quarters, or four quarters in any six-quarter period, will require the ASA Provider to develop an action plan. Such a plan will detail concrete steps, at least some of which being immediate, the ASA Provider will take to achieve full compliance, and a timeline for achieving full compliance. This report will be submitted to the Administrator, and the Administrator will distribute this report to the ASA Committee.

5.05.09 ASA Boundaries Narrative Description

a) ASA # 1 East shall be assigned to Tualatin Valley Fire & Rescue. Situated in Yamhill County, Oregon, beginning at the point where Yamhill and Clackamas counties meet at the Northeast corner of Section 13, T3S, R2W, W.M; Thence northwest following the Yamhill County line approximately 17.7 miles to a point on the north line of Section 18, T2S, R3W, approximately 750 feet west of NE Spring Hill Road; Thence southerly to the south line of said Section 18, to a point approximately 2,200 feet west of NE Spring Hill Road; Thence S10°E generally parallel with NE Spring Hill Road, to the east end of the curve and the south side of NE Laughlin Road approximately 2,000 feet west of NE Spring Hill Road; Thence southwesterly along the easterly side of NE Laughlin Road approximately 1,900 feet to the west line of the Phillip Thompson Donation Land Claim No. 58; Thence S 5°E, approximately 3,300 feet to the northeast corner of U.S. Government Lot 10, near the center of Section 30, T2S, R3W; Thence west on the north line of said Lot 10, a distance of 942.31 feet to a 10" diameter stone shown on Survey No. 6805 of Yamhill County Survey Records; Thence S 0°08'51"E a distance of 2,690.83 feet to a 6" diameter stone on the south line of said Section 30 and shown per said Survey No. 6805; Thence S19°E approximately 1.08 miles to a point the north line of Section 6, T3S, R3W, lying approximately 1,900 feet west of NE North Valley Road; Thence west approximately 1,130 feet to the North ¼ corner of said Section 6; Thence south on the center line of said Section 6 a distance of approximately 1.0 mile to the North ¼ corner of Section 7, T3S, R3W, Thence west approximately 2,640 feet to the northwest corner of said Section 7; Thence south on the west lines of Section 7 and 18 approximately 1.40 miles to the northerly line of a tract described in Instrument No. 200529012 (Park Trust to Mahon); Thence easterly approximately 1.78 miles to the northeasterly corner of the Calvin W. Ish Donation Land Claim No. 49; Thence southerly on the easterly line of said Ish Claim No. 49 to the property line between Revana Family Partners, Deed No. 20060169, and Andrew H. Wilder, Deed No. 20017231; Thence southeasterly along the Revana/Wilder line to the west line of Section 21, T3S, R3W; Thence South approximately 1.60 miles to the southwest corner of Section 28, T3S,R3W; Thence east along the south line of Section 28 approximately 3,700 feet to the west property line of Caroline Crabtree-Osborne; Thence south and east on the Crabtree-Osborne lines to the east line of Section 33, T3S, R3W; Thence south on the east line of Section 33 approximately 4,630 feet to the southerly side of Archery Summit Road; Thence southeasterly on the southerly side of Archery Summit Road to Oregon Highway 18 and continuing on an easterly projection to the Portland & Western Railroad; Thence northeasterly along the railroad to the south side of Fulquartz Landing Road (CR 79); Thence along Fulquartz Landing Road to the west side of NE Crawford Road (CR 181); Thence south along the west side of NE Crawford Road to the southerly side of Riverwood Road (CR80); Thence southeasterly along the southside of Riverwood Road to northwest corner of County Survey 3598 by J.G Hefty, dated September 1912; Thence along the said survey lines S78°13'E, approximately 1,989 feet; thence S77°16'E, approximately 489.60 feet; Thence N80°34'E, approximately 905.80 feet to the Willamette River; Thence Northerly and following the Willamette River downstream to the north line of Section 6, T4S, R1W and the county line; Thence west and north along the exterior of T3S, R1W, and the county line to the place of beginning.

b) ASA #2 North shall be assigned to the McMinnville Fire District. Beginning on the northerly Yamhill County line at a point on the north line of Section 18, T2S, R3W, approximately 750 feet west of NE Spring Hill Road; Thence southerly to the south line of said Section 18, to a point approximately 2,200 feet west of NE Spring Hill Road; Thence S10°E generally parallel with NE Spring Hill Road, to the east end of the curve and the south side of NE Laughlin Road approximately 2,000 feet west of NE Spring Hill Road; Thence southwesterly along the easterly side of NE Laughlin Road approximately 1,900 feet to the west line of the Phillip Thompson Donation Land Claim No. 58; Thence S 5°E, approximately 3,300 feet to the northeast corner of U.S. Government Lot 10, near the center of Section 30, T2S, R3W; Thence west on the north line of said Lot 10, a distance of 942.31 feet to a 10" diameter stone shown on Survey No. 6805 of Yamhill County Survey Records; Thence S 0°08'51"E a distance of 2,690.83 feet to a 6" diameter stone on the south line of said Section 30 and shown per said Survey No. 6805; Thence S19°E approximately 1.08 miles to a point the north line of Section 6, T3S, R3W, lying approximately 1,900 feet west of NE North Valley Road; Thence west approximately 1,130 feet to the North ¼ corner of said Section 6; Thence south on the center line of said Section 6 a distance of approximately 1.0 mile to the North ¼ corner of Section 7, T3S, R3W, Thence west approximately 2,640 feet to the northwest corner

of said Section 7; Thence south on the west lines of Section 7 and 18 approximately 1.40 miles to the northerly line of a tract described in Instrument No. 200529012 (Park Trust to Mahon); Thence easterly approximately 1.78 miles to the northeasterly corner of the Calvin W. Ish Donation Land Claim No. 49; Thence southerly on the easterly line of said Ish Claim No. 49 to the property line between Revana Family Partners, Deed No. 20060169, and Andrew H. Wilder, Deed No. 20017231; Thence southeasterly along the Revana/Wilder line to the west line of Section 21, T3S, R3W; Thence South approximately 1.60 miles to the southwest corner of Section 28, T3S,R3W; Thence east along the south line of Section 28 approximately 3,700 feet to the west property line of Caroline Crabtree-Osborne; Thence south and east on the Crabtree-Osborne lines to the east line of Section 33, T3S, R3W; Thence south on the east line of Section 33 approximately 4,630 feet to the southerly side of Archery Summit Road; Thence southeasterly on the southerly side of Archery Summit Road to Oregon Highway 18 and continuing on an easterly projection to the Portland & Western Railroad; Thence northeasterly along the railroad to the south side of Fulquartz Landing Road (CR 79); Thence along Fulquartz Landing Road to the west side of NE Crawford Road (CR 181); Thence south along the west side of NE Crawford Road to the southerly side of Riverwood Road (CR80); Thence southeasterly along the southside of Riverwood Road to northwest corner of County Survey 3598 by J.G Hefty, dated September 1912; Thence along the said survey lines S78°13'E, approximately 1,989 feet; thence S77°16'E, approximately 489.60 feet; Thence N80°34'E, approximately 905.80 feet to the Willamette River; Thence southerly and upstream along the Willamette River and easterly county line to the point where Yamhill and Polk Counties meet; Thence west along the Yamhill and Polk County line to the west side of SW Broadmead Road; Thence northeasterly along the west side of SW Broadmead Road to the south line of Section 25, T5S, R5W; Thence west on the section lines of Section 25 and 26 to the South Yamhill River; Thence northeasterly and following the Yamhill River downstream to the Bellevue-Hopewell Highway Bridge; Thence westerly along the southerly side of Bellevue-Hopewell Highway (OR 153) to the west side of Delashmutt Road (CR 28); Thence northerly along the west side of Delashmutt Road approximately 1,800 feet to the south line of Section 22, T5S, R5W; Thence north approximately 1.0 miles along the east section lines of 22 and 15 to the north side of SW Sauter Road; Thence westerly along the north side of SW Sauter Road through the "S" curve, approximately 4,500 feet to a point near the Boundy/Christensen property line. Thence north passing through milepost 39 of OR HWY 18 approximately 3,150 feet to the southeast corner of Erratic Rock State Nature Site; Thence west along the south line of Erratic Rock State Nature Site approximately 1,000 feet to the southwest corner thereof adjacent with SW Dusty Drive; Thence north along a series of common property lines, approximately 5,600 feet to the northeast corner of the Momtazi Family LLC property described in Instrument No. 1997-16865 of the Yamhill County Clerk's Records; Thence west Momtazi property approximately 1,320 feet to the east line of Section 9, T5S, R5W; Thence south along the section line approximately 1,320 feet to the east ¼ corner of Section 9; Thence west along the centerline of Section 9 approximately 1,850 feet; Thence south approximately 2,640 feet to the southeast corner of Dave Waddell property; Thence west approximately 2,640 feet to the southwest corner of Dave Waddell property; Thence north approximately 2,500 feet to the southerly corner of the James Colman Donation Land Claim No. 40; Thence N 54°W along the Colman Donation Claim approximately 990 feet to the east side of SW Muddy Valley Road (CR 19); Thence northerly up the east side of SW Muddy Valley Road to the bridge across Muddy Creek in the northwest ¼ of Section 4, T5S, R5W; Thence northwesterly upstream along Muddy Creek approximately 3.25 miles to the south line of Section 19, T4S, R5W; Thence west approximately 0.9 Miles to the southeast corner of Section 24, T4S, R6W; Thence north 2 miles on the section lines to the northeast corner of Section 13, T4S, R6W; Thence west 4 miles on the section lines to the southwest corner of Section 9 T4S, R6W; Thence north 2 miles to the southeast corner of Section 32, T3S, R6W; Thence west 1 mile to the west county line; Thence north 12 miles and east approximately 19.3 miles along the county line to the place of beginning.

c) ASA #3 South Central shall be assigned to the Sheridan Fire District. Beginning at the intersection of the Yamhill and Polk County line and the west side of SW Broadmead Road located in Section 2, T6S, R5W; Thence northeasterly along the west side of SW Broadmead Road to the south line of Section 25, T5S, R5W; Thence west on the section lines of Section 25 and 26 to the South Yamhill River; Thence northeasterly and following the Yamhill River downstream to the Bellevue-Hopewell Highway Bridge;

Thence westerly along the southerly side of the Bellevue-Hopewell Highway (OR 153) to the west side of Delashmutt Road (CR 28); Thence northerly along the west side of Delashmutt Road approximately 1,800 feet to the south line of Section 22, T5S, R5W; Thence north approximately 1.0 miles along the east section lines of 22 and 15 to the north side of SW Sauter Road; Thence westerly along the north side of SW Sauter Road through the "S" curve, approximately 4,500 feet to a point near the Boundy/Christensen property line. Thence north passing through milepost 39 of OR HWY 18 approximately 3,150 feet to the southeast corner of Erratic Rock State Nature Site; Thence west along the south line of Erratic Rock State Nature Site approximately 1,000 feet to the southwest corner thereof adjacent with SW Dusty Drive; Thence north along a series of common property lines, approximately 5,600 feet to the northeast corner of the Momtazi Family LLC property described in Instrument No. 1997-16865 of the Yamhill County Clerk's Records; Thence west Momtazi property approximately 1,320 feet to the east line of Section 9, T5S, R5W; Thence south along the section line approximately 1,320 feet to the east ¼ corner of Section 9; Thence west along the centerline of Section 9 approximately 1,850 feet; Thence south approximately 2,640 feet to the southeast corner of Dave Waddell property; Thence west approximately 2,640 feet to the southwest corner of Dave Waddell property; Thence north approximately 2,500 feet to the southerly corner of the James Colman Donation Land Claim No. 40; Thence N 54°W along the Colman Donation Claim approximately 990 feet to the east side of SW Muddy Valley Road (CR 19); Thence northerly up SW Muddy Valley Road to the bridge across Muddy Creek in the northwest ¼ of Section 4, T5S, R5W; Thence northwesterly upstream along Muddy Creek approximately 3.25 miles to the south line of Section 19, T4S, R5W; Thence west approximately 0.9 Miles to the southeast corner of Section 24, T4S, R6W; Thence north 2 miles on the section lines to the northeast corner of Section 13, T4S, R6W; Thence west 4 miles on the section lines to the southwest corner of Section 9 T4S, R6W; Thence south 4 miles on the section lines to the southwest corner of Section 33, T4S, R6W; Thence east on the south line of Section 33 approximately 0.18 miles to the westerly side of Rock Creek Road (CR 415); Thence southwesterly along the westerly side of Rock Creek Road approximately 4.8 miles to the west line of Section 21, T5S, R6W; Thence south on the section lines 2.25 miles to the southerly side of Oregon Highway 18 Business (W. Main Street); Thence southwesterly along the southerly side of Oregon Hwy 18 approximately 0.9 miles to the east line of Section 6, T6S, R6W; Thence south on the east line of Section 6 approximately 0.75 miles to the Yamhill and Polk County Line. Thence east on the County line approximately 9.3 miles to the east side of SW Broadmead Road and the point of beginning.

d) ASA # 4 West shall be assigned to the Grand Ronde Fire Department. Beginning on the Yamhill and Tillamook County line at the northwest corner of Section 5, T4S, R6W; Thence east 1 mile to the northeast corner of Section 5, T4S, R6W; Thence south 6 miles on the section lines to the southwest corner of Section 33, T4S, R6W; Thence east on the south line of Section 33 approximately 0.18 miles to the westerly side of Rock Creek Road (CR 415); Thence southwesterly along the westerly side of Rock Creek Road approximately 4.8 miles to the west line of Section 21, T5S, R6W; Thence south on the section lines 2.25 miles to the southerly side of Oregon Highway 18 Business (W. Main Street); Thence southwesterly along the southerly side of Oregon Hwy 18 approximately 0.9 miles to the east line of Section 6, T6S, R6W; Thence south on the east line of Section 6 approximately 0.75 miles to the Yamhill and Polk County Line. Thence west, north, east, and north approximately 44.75 miles on the county line to the point of beginning.

5.05.10 Maps Depicting "9-1-1," Fire Districts and Incorporated Cities

a) Maps depicting Incorporated Cities are adopted as Appendix H and incorporated herein by this reference.
b) Maps depicting Fire districts are adopted as Appendix I and incorporated herein by this reference.
c) Maps depicting Fire Stations and Fire Stations with EMS assets are adopted as Appendix J and incorporated herein by this reference.

5.05.11 Alternatives to Reduce Response Times

a) The County has policies and procedures in effect that monitor emergency ambulance Response Time performance by all ASA Providers. The County expects the ASA Providers to employ industry best practices, data driven strategies, and sound professional judgment in meeting established Response Time requirements.

The goal is to responsibly, reliably, and safely deliver Response Times, while also considering certain clinical outcomes in addition to Response Times.

b) Employing the use of closer, first response units in responding to critical EMS cases, or even Quick Response Teams (QRT), are mechanisms organizations are encouraged to use to reduce Response Times to emergencies. These types of EMS units, while not transport capable, can deliver trained personnel faster to the scene than more regionally located ambulances.

c) Other methodologies the County expects each ASA Provider to implement to reduce Response Times and improve patient outcomes include:
    (i) Develop and use standard operating procedures,
    (ii) Support a trained and qualified workforce,
    (iii) Maintain adequate communications equipment,
    (iv) Utilize coordinated communication,
    (v) Promote information exchanges among public safety response agencies,
    (vi) Coordinate with hospitals to reduce wait times; and
    (vii) Educate the public on the 9-1-1 system and services.

d) Research from Europe, and a few pilot programs in the United States, have shown that drones (UAV) may provide an option for many EMS systems to improve response to critical emergencies and improve patient outcomes. They appear to be most advantageous for rural and frontier regions where EMS response can easily exceed 20 minutes. When UAVs are equipped with AEDs (Automatic External Defibrillators) and EpiPens, as an example, and configured to provide two-way audio communication, they can deliver life-saving modalities to the patient's side and permit instruction to direct by-standers on usage.

e) Some UAV systems have been developed that use remote outside storage structures that maintain battery charge for the unit and protect it from inclement weather conditions. These "drone stations" could be located strategically throughout a remote or rural region to enhance the response capability of the local EMS services. When equipped with video capabilities, UAVs may also be used to provide situational awareness for EMS units and communications centers by deployment over particular incidents, especially when multiple patients are involved or safety conditions at a scene are in question. While limited by battery life, UAVs still have important applications for EMS systems and individual units, such as First Responder apparatus.

f) Some medical device manufacturing companies have introduced the concept of community wide distribution of AEDs, including in personal residences. These devices are connected to a network that incorporates with the local 911 communications center which allows the devices to be alerted when a potential cardiac arrest is occurring within a set distance. Individuals of the lay public can remove the AED from its wall-mounted station and respond to the scene to render aid. The idea that the public can respond to many out-of-hospital cardiac arrests (OHCA) with an AED faster than EMS providers is factual in many cases. This concept could be expanded in the future to include EpiPens and tourniquets. In addition, some communities have launched registries for AEDs that are located in public buildings and private companies, maintaining that information with their emergency communications centers. In these cases, when an OHCA call is received by the 911 center, they are able to locate the closest AED and advise the caller.

g) The County recognizes that it is not just Response Times that lead to a reduction in mortality. In fact, there is a significant amount of research that indicates, outside of cardiac arrests, Response Times have a minimal impact on patient outcomes and length of stay time in the hospital. It is often the case that time to first clinical intervention plays a more significant role in out of hospital survival rates. Research shows there is no evidence of increased mortality for priority patients where ALS Response Time exceeded 10:59 minutes . Other studies concluded that, "a paramedic response time within eight minutes was not associated with improved survival to hospital discharge. Adherence to the eight-minute response time guideline in most patients who access out-of-hospital emergency services is not supported by these results". Additionally, focusing solely on Response Times can have a negative impact overall on system performance. First, the community needs to invest significant dollars for the cost of readiness to assure the ambulance can arrive in the designated time interval. Second, many more paramedics are needed in the system staffing those ambulances. Third, crews are held to a Response Time standard that can only be achieved by the constant use of red lights and sirens. This exposes them to a higher incidence of ambulance-involved motor vehicle collisions and potentially crewmember injuries along with an increased fatigue factor that has the potential for clinical errors. To this end, the County

will closely monitor Response Times to ensure they do not exceed the established benchmarks but will also continually review the efficacy of Response Times in general. The County will further begin development of clinical performance standards that have been shown to be related directly to patient outcomes. The County will strive to establish consensus-accepted clinical performance standards as an important measure of the quality of the system's overall performance and as required benchmarks for achievement for ASA Providers.

h) Over the next five years, the ASA Committee will be considering what clinical data is identified as important by current in-field medical research for patient care, as well as improved patient outcomes, and determine how that information may be collected. The ASA Committee has been charged with reviewing and determining what clinical performance standards should be used in the Yamhill EMS system in the future.

5.05.12 9-1-1 Dispatched Calls

a) Yamhill County utilizes the Yamhill Communications Agency (YCOM) and the Newberg-Dundee Communications Center (NDCC) to provide emergency medical services (EMS) call answering, processing, and dispatching. NDCC transfers incoming EMS requests to the Washington County Consolidated Communications Agency (WCCCA) for final disposition of the case.

b) Upon a request for medical assistance, YCOM or WCCCA shall simultaneously dispatch the closest available fire department first-response unit, if applicable, and the appropriate emergency ambulance service. Dispatch performance shall be monitored internally by the dispatch centers and externally by the Yamhill County Department of Health.

c) YCOM uses the International Academies of Emergency Dispatch Medical Priority Dispatch System for triaging and prioritizing EMS calls. WCCCA uses the APCO EMS triage system. Both centers shall maintain operational readiness to incorporate emerging communication technologies, including voice, text, image, and video transmissions, consistent with modern 911 standards. The network and PSAP shall be capable of receiving enhanced location data and multimedia content to support accurate and efficient emergency response.

d) PSAP operations, facilities, and employee training shall conform to minimum standards recognized by public safety industry organizations. These organizations include the International City/County Management Association (ICMA), National Emergency Number Association (NENA), Association of Public-Safety Communications Officials (APCO), International Association of Fire Chiefs (IAFC), Commission on Accreditation for Law Enforcement Agencies (CALEA), and the National Fire Protection Association (NFPA).

5.05.13 Pre-Arranged Non-Emergency Transfers and Inter-Facility Transfers

a) All pre-arranged, non-emergency ambulance services and inter-facility ambulance transfers originating within Yamhill County shall be included within the franchise rights and ambulance service area boundaries granted to ASA Providers.

b) This section does not apply to ambulances or vehicles exempt from the ASA Plan, including but not limited to specialty transport teams, ambulances owned or operated under the control of the United States Government, vehicles operated solely on facility grounds, transportation of patients from outside the County to a health care facility within the County, or ambulances or vehicles passing through without a destination in the County. Non-emergency ambulance services also do not include stretcher cars, secure transport, or medical taxis that do not provide medical services.

c) The assigned ASA Provider shall have the right of first refusal for non-emergency ambulance services and inter-facility ambulance transfers originating within its assigned ASA. This right shall not apply to any person who is not an assigned ASA Provider and who had an existing written contract prior to July 1, 2009, with a health care provider located in Yamhill County for non-emergency ambulance services or inter-facility ambulance transfers. if the assigned ASA Provider refuses a non-emergency ambulance service or inter-facility ambulance transfer, a person who is not an assigned ASA Provider may provide the non-emergency ambulance service or inter-facility transfer.

d) Non-emergency ambulance services and inter-facility ambulance transfers are excluded from Response Time reporting requirements but may be subject to additional reporting requirements established by the ASA Committee or the Board. All other operational rules, service standards, and customer service requirements applicable to emergency ambulance services shall also apply to non-emergency and inter-facility ambulance transfers.

5.05.14 Notification and Response Times

a) The County relies upon both WCCCA and YCOM to provide the services of notification and tracking call disposition for all EMS cases in the County. Through their Computer Aided Dispatch (CAD) systems and radio communications networks, both centers maintain the records needed, as well as historical performance of all ASA Providers within the County. Response Times for each ASA Provider are captured within the centers' data bases and available to the County and associated organizations.
b) The County and the Ambulance Service Area (ASA) Committee shall regularly review Response Time data to evaluate performance and identify areas of concern. Once identified, efforts shall be made to improve out-of-compliance performance. The County shall provide assistance as needed to support plans established to assure maintenance of adequate response time performance by all ASA Providers.

5.05.15 Level of Care

a) Currently, the ASA Providers designated by the County to provide EMS within their individual ASAs provide predominantly Advanced Life Support. However, on occasion, sufficient ALS practitioners may not be available or scheduled, in which case the ASA Provider staffs Basic Life Support ambulances to provide care. Some ASA Providers expect to place standard BLS ambulance units into service on a regular basis. All ASA Providers have ALS and if the ASA Provider drops exclusively to a lower level of care (i.e. BLS only) notification will be provided to the County and other ASA Providers with whom they have mutual aid agreements.
b) The recommended minimum number of EMS ambulance units, based on 2020 data, needed in each ASA within the County to meet the 90 percent response time standard is set forth in Appendix K, which is adopted and incorporated herein by this reference. ASA Providers are required to meet the 90 percent response time standard and are allowed to staff their agency as they see fit in order to meet the 90 percent standard.
c) Changes to the recommended minimum number of EMS ambulance units needed (as described in the table above) should be data driven and recommended by the ASA Committee to the Board in order to update the ASA Plan. This should be done every 5 years. ASA Providers are still allowed to staff their system as they see fit to meet the 90% response time standard as stated above.

5.05.16 Personnel

a) When operating an ambulance in Yamhill County, all ASA Provider personnel must meet the requirements of ORS Chapter 682 and OAR 333-255-0070 (1), (4) or (6).
b) Anyone staffing an ambulance must not have consumed alcohol beverages in the eight hours before working or in any way be impaired by the ingestion of alcohol. Anyone staffing an ambulance must not be taking any medications that would impair their ability to care adequately and safely for a patient.
c) Each person staffing an ambulance or providing pre-hospital emergency medical care in the County is required to display their level of certification/licensure and, at a minimum, their first name on the outermost garment of their work uniform and must make reasonable efforts to display this information under other circumstances. At a minimum, this uniform shall bear the name of the agency or ASA Provider providing the service. Reasonable exceptions are made for clothing used to protect the responders from injury or illness including turnout gear, hazardous materials suits, or other personal protective equipment.

d) Each person staffing an ambulance or providing pre-hospital emergency medical care is required to wear a standardized uniform as determined by the employing agency. Uniforms shall be clean and free of excessive wear and tear and free of blood and/or bodily materials. Reasonable exceptions shall be granted to uniforms soiled during the course of providing service as long as they are cleaned and changed at the first appropriate opportunity.
e) Each ASA Provider shall have in place a pre-employment and for-cause drug and alcohol screening program. This program shall be on file with the Administrator. Each ASA Provider shall have in place a criminal background check program. This program shall be on file with the Administrator. Upon a reasonable request by the Administrator, a criminal background check may be required of any person providing direct patient services.

5.05.17 Medical Supervision

a) Each ASA Provider utilizing EMTs shall be supervised by a physician licensed under ORS 677, actively registered and in good standing with the Board of Medical Examiners as a Medical Doctor (M.D.) or Doctor of Osteopathic Medicine (D.O.). The Board of Medical Examiners must also approve the physician as a Supervising Physician. Each ASA Provider or ambulance service will identify a Supervising Physician. The Supervising Physician shall comply with the medical requirements listed in OAR 847-35-0025.
b) Willamette Valley Medical Center and Providence Newberg shall be the Yamhill County EMS System Medical Resource Hospitals. Other hospitals outside of those listed may be used as required for proper patient care and transport.

5.05.18 Ambulance Service License and Patient Care Equipment

a) All ambulances and ambulance services in Yamhill County must be licensed with the Oregon Health Authority, EMS Section, and be equipped with equipment and supplies that comply with the OARs for ALS, ILS and BLS ground ambulances. Patient care equipment must meet all requirements as specified in ORS 682.015 to 682.991 and OAR 333-255-007 (2), (3), (4) (5), or (7).
b) If a QRT is used as a first responder, it should be fully equipped to provide the service level set by the ASA Provider, and meet those personnel, training, and medical supervision requirements which apply from the Oregon Health Authority.
c) All ASA Providers shall maintain a list of equipment for their units, which will be furnished to the ASA Committee or Board upon their request.
d) The County shall work with its ASA Committee to standardize the medical equipment and supplies used on each ASA Provider’s apparatuses.

5.05.19 Vehicles

a) All ambulance must be Type I, II, or III and licensed by the Oregon Health Authority prior to any emergency medical service. All ambulances must meet or exceed the requirements as set forth in ORS 682.015 to 682.991 and OAR 333-255-0060. A current list of each ASA Provider's ambulances shall be maintained and furnished to the Administrator, the ASA Committee, or the Board upon request.
b) ASA Providers shall use ambulances which are in good condition and shall meet or exceed either the current National Fire Protection Association (NFPA) 1917 or Commission on Accreditation of Ambulance Services (CAAS) General Vehicle Standards, their successors, or previously accepted standards at the time of the vehicles’ original manufacture. When such standards conflict with State of Oregon standards, the State standards shall prevail.
c) Each ASA Provider shall replace any ambulance in its fleet having over 250,000 miles on its chassis unless an exception is granted by the County based upon a written request supported by an upgraded vehicle preventative maintenance program for that vehicle acceptable to the County.

5.05.20 Training

a) Yamhill County accepts both Oregon's level specific, state certification education/training requirements and standards requirements, and standards and continuing education for EMS providers.
b) Each ASA Provider shall meet State-required certification levels, to be certified and/or licensed by the appropriate State agency, to participate in a medical audit process, and to provide special training and support to personnel in need of specific training.
c) Additional educational/training requirements may be required by the ASA Providers' Supervising Physicians, to accommodate such things as protocol changes, in-service, quality improvement, system enhancements, and individual remediation.

5.05.21 Quality Improvement; Structure; Process;

a) Each ASA Provider shall have a quality assurance and improvement program aimed at monitoring the provision of care provided by its EMS practitioners. These programs shall include mechanisms to identify errors or omissions of appropriate care, mandated medical protocols, or necessary documentation of care provided, by specific practitioners. These programs shall include processes to retrain or educate identified individuals needing remediation.
b) To ensure the delivery of efficient and effective pre-hospital emergency medical care within available resources, the Board hereby establishes the Yamhill County Ambulance Service Area (ASA) Committee. The ASA Committee, originally created by Ordinance No. 723 on February 6, 2003, shall serve as the advisory body to the Board and the Administrator on all matters concerning emergency medical services system performance, coordination, and quality improvement.
c) The ASA Committee shall be composed of the following members, appointed by Board Order:
    (i) The Administrator or their designee (1);
    (ii) One (1) EMS representative from each ASA within Yamhill County (4 total);
    (iii) One (1) 9-1-1 Coordinator from each Yamhill County dispatch center (2 total);
    (iv) One (1) Administrator or designee from each hospital located within Yamhill County (2 total);
    (v) One (1) public member;
    (vi) One (1) physician advisor or emergency physician;
    (vii) One (1) representative of a fire department or fire district not assigned an ASA within Yamhill County or any other county; and
    (viii) One (1) representative of Yamhill County Emergency Management.
d) The Board shall appoint members of the ASA Committee for staggered terms, which may be renewed. Any member of the ASA Committee who may have a conflict of interest in any matter must declare such conflict and refrain from participating in any recommendations made.
e) The ASA Committee functions to review standards, make recommendations for improvement or new standards to the Board for all matters regarding EMS, and reviews and makes recommendations regarding the soundness of the ASA Plan. The ASA Committee, through its existence, will offer a local focus for EMS system issues and encourage local resolution of EMS system problems. The ASA Committee will maintain a compilation of all Quality Assurance/Improvement policies enacted, as well as all investigations and their outcomes.
f) The ASA Committee is established to:
    (i) Act in an advisory capacity for quality management issues to an ASA Provider at their request.
    (ii) Develop and monitor performance standards.
    (iii) Evaluate written proposals for amendments to the ASA Plan and forward its recommendations to the Board.
    (iv) Monitor ASA Provider quality assurance programs to include:
        1. Compliance with statutes, ordinances, and rules.

2. Compliance with standards for pre-hospital notification, response, and patient care.
3. Problem resolution and sanctions for non-compliance.

5.05.22 Annual Review of Plan and Providers; Other Business

a) The ASA Committee will annually review and make recommendations regarding the effectiveness and efficiency of the ASA Plan and pre-hospital emergency medical care, including but not limited to:
   (i) Coordination between EMS resources.
   (ii) Dispatch procedures and compliance (ambulance and other emergency resources).
   (iii) Internal audit and quality assurance processes for ASA Providers. Recommendations from provider quality assurance within system. Quality assurance findings from other agencies.
   (iv) Input from public, ASA Providers, and medical community on performance.
   (v) Effective and efficient ASA boundaries.
   (vi) Performance criteria and data sources.
   (vii) Quarterly updates from ASA Providers.
   (viii) Review and revise ASA Plan as necessary.
   (ix) Interagency cooperation in disaster and mutual aid planning.
b) The ASA Committee shall also review each ASA Provider annually for compliance with the requirements of this ASA Plan. Service record standards and documentation shall conform to the licensing and operational requirements for ambulance services established by the Oregon Health Authority in OAR Chapter 333.
c) The ASA Committee will be activated at any time a concern is submitted or when deemed appropriate by the Committee Chair, the Administrator, or three or more ASA Committee members. The ASA Committee may form subcommittees to deal with specific issues, such as quality assurance, protocol development, and disaster planning.

5.05.23 Confidentiality

a) The ASA Committee and any subcommittees, as with any governmental body, will be subject to the Oregon Public Meetings Law (ORS Chapter 192). However, State and federal law require that patient records be kept confidential. The ASA Committee will comply with Oregon Public Meetings Law, ORS 192.610 through 192.690, but shall prevent the public disclosure of health privacy information or any other protected information, as required by state or federal law.

5.05.24 Quality Improvement; Problem Resolution

a) The ASA Committee will review concerns about the ASA Plan, service delivery, and system response issues. Concerns must be directed to the Administrator in writing before they are raised in the ASA Committee. The Administrator will maintain a record of all correspondence and subsequent findings or actions.
b) Problems involving protocol deviation by EMTs or dispatchers will first be referred to the respective ASA Provider representative, Supervising Physician or dispatch supervisor.
c) Problems involving a non-compliant ASA Provider may, at the Administrator's discretion, be referred with background information and recommendations to the Board. The Board may seek further background data and recommendations from the ASA Committee in such instances.

5.05.25 Sanctions; Suspension, Modification, or Revocation of a County ASA

a) In addition to any other remedies provided under this ASA Plan or under State or federal law, the Administrator is authorized upon reasonable cause to investigate whether there is sufficient reason to suspend, modify, or revoke the franchise of an ASA Provider.

(i) If, in the judgment of the Administrator, there is sufficient evidence of a violation of the ASA Plan or applicable local, state, or federal law, or sufficient evidence that an ASA Provider has materially misrepresented facts or information given in its application for an ASA franchise, and such conduct warrants suspension, modification, or revocation of an ASA franchise, then the Administrator shall notify the Board in writing. The Administrator shall send a copy to the ASA Provider and the ASA Committee.

(ii) No less than ten (10) business days following the issuance of the notice of violation under this section, the Board may enter its order of revocation, modification, suspension, or non-renewal, and may thereby revoke, modify, or suspend the ASA franchise, unless prior thereto the ASA Provider submits a written request for a public hearing or the Board on its own schedules a public hearing on the matter. Notice of any such hearing will be given to the ASA Provider by mail. The purpose of the hearing will be for the Board to determine whether good cause exists to revoke, modify, suspend, or not renew the ASA franchise.

(iii) In lieu of the suspension, modification, or revocation of an ASA franchise, the Board may order that the violation or misrepresentation be corrected and make the suspension or revocation contingent upon compliance with the order within the period of time stated therein. Notice of the Board action shall be provided by mail to the ASA Provider. The notice shall specify the violation, the action necessary to correct the violation, and the date by which the action must be taken. The ASA Provider shall notify the Board of the corrective action taken.

(iv) Any decision by the Board to suspend, modify, or revoke an ASA franchise must be by written order. A copy must be delivered to the ASA Provider by certified and regular mail or by personal service.

5.05.26 Ordinance Violation; Nuisance

a) Any violation of a provision of this Code shall be punishable as a violation of a County ordinance under ORS Chapter 153. Such violation shall be punishable, upon conviction, by a fine not to exceed $500. Each day of a continuing violation constitutes a separate offense.

b) In addition to the penalties provided in this Ordinance, violations of any provision of this Ordinance or the Yamhill County Ambulance Service Area Plan are declared to be a nuisance and may be regarded as such in all actions, suits, or proceedings. The Board may initiate injunctive abatement or other appropriate legal proceedings to temporarily enjoin or abate such ambulance services.

5.05.27 Entity That Shall Administer and Revise the ASA Plan

a) The Administrator, under the supervision of the Board and with the assistance of the ASA Committee, is responsible for the administration of the ASA Plan. The Administrator has access to records pertaining to ambulance service operations of any service regulated by this ASA Plan; these records will be made available within five working days to the Administrator by the agency owning or in possession of said records.

5.05.28 Complaint Review Process

a) Concerns regarding violations of this Ordinance or the Yamhill County Ambulance Service Area (ASA) Plan, or questions involving pre-hospital care, must be submitted in writing to the Administrator. The Administrator shall forward the concern to the ASA Committee for review and recommendation. The ASA Committee may also address and resolve system operation issues. The Administrator shall maintain a written record of all correspondence, findings, and actions taken.

b) Members of the public, ASA Providers, the medical community, or any other interested entity may submit ongoing input or concerns to any member of the ASA Committee or the Board. Such input must be submitted in writing and presented to the ASA Committee for consideration at a public meeting.

c) The ASA Committee shall hear complaints and make recommendations to the Administrator by majority vote of members present. Recommendations of the ASA Committee must be approved by the Administrator prior to action or implementation. Any recommendation of the ASA Committee or decision of the Administrator may be appealed to the Board.

d) Citizen and Provider Complaints; Filing of Formal Complaint with the ASA Provider.

(i) A person wishing to file a complaint regarding ambulance services provided under this Ordinance must first contact the responsible ASA Provider. Upon request, the ASA Provider shall provide a written complaint form describing the complaint process. The complaint is not considered filed until a written complaint is received by the ASA Provider.

(ii) The ASA Provider must acknowledge the complaint within five (5) business days of receipt. The acknowledgment will include the date the complaint was received and information about the complaint process.

(iii) The ASA Provider will complete an information discovery process with the complainant. The ASA Provider will notify the complainant if additional information is needed from the complainant; if so, it must be furnished within ten (10) calendar days or another mutually agreed upon time frame, or the complaint may be resolved without this information.

(iv) No later than twenty-one (21) calendar days from the date the complaint was received, the ASA Provider will produce a response to the complainant along with instructions for filing appeals to the ASA Committee. If the ASA Provider cannot resolve the issue in no later than twenty-one (21) calendar days, then the ASA Provider shall notify the complainant in writing as soon as it is known that a delay will occur, state when a decision will be made, and specify the reason for delay.

(v) The ASA Provider will send a copy of the complaint and its response to the Administrator.

(vi) If the complainant is satisfied, then Step 1 of the complaint process ends. If the complainant is dissatisfied, then they may proceed to Step 2.

a) Appeal of Decision to the ASA Committee; Complainants dissatisfied with any determination of an ASA Provider may appeal to the ASA Committee. The appeal process is set forth below.

(i) A complainant under step 1 or its representative must file a written appeal of the ASA Provider's determination with the Administrator within thirty (30) calendar days of the determination. The appeal must state the date, the complaint, the desired resolution, and the reason the complainant has objected to the ASA Provider's determination.

(ii) The Administrator will acknowledge the appeal within five (5) business days of receipt. The acknowledgment will include the date the appeal was received and information about the complaint process.

(iii) The Administrator will complete an information discovery and technical assistance period that includes the Complainant and the ASA Provider and will submit the appeal and all relevant information to the ASA Committee no later than twenty-one (21) calendar days from the date of the appeal. The ASA Committee will then issue a written decision no later than forty-five (45) calendar days from the date of the appeal. If the ASA Committee overturns the ASA Provider's decision, then the ASA Committee may require the ASA Provider to submit a corrective action plan within fourteen (14) calendar days to the Administrator.

(iv) The Administrator will notify the Complainant of the ASA Committee's determination and what future steps will be taken, if any, to address the complaint.

5.05.29 Mutual Aid Agreements Under authority of ORS Chapter 190, each ASA Provider shall execute a written mutual aid agreement with each other ASA Provider in the County and with each provider assigned to an adjoining ASA in an adjacent county, to respond with personnel and equipment in cases of need. At minimum, each mutual aid agreement must include the following elements:

a) **Equipment and Personnel**. All equipment and personnel used by responding ambulance service providers must be duly licensed and comply with applicable rules of the Oregon Health Authority.
b) **Limited Use**. All mutual aid agreements must state that the providers agree to limited use of mutual aid, and that no provider will rely on mutual aid to respond to more than 5 percent of its monthly, quarterly, or annual volume.
c) **Extreme danger**. Responding ambulance service providers must retain the right to refuse to commit equipment and personnel to a physical location in which extreme danger to life or equipment exists. The senior officer of the responding agency shall be the sole judge of the extent and imminence of such danger.
d) **Sole discretion**. Upon receipt of a request for aid, the responding ambulance service provider must retain the right to respond in a manner that it deems appropriate. Responses under mutual aid agreements must be voluntary and discretionary, and any failure to respond must not give rise to any legal claim by the requesting party, any other party to the agreements, or anyone not a party to the mutual aid agreement.
e) **Chain of Command**. When equipment and personnel are furnished pursuant to the mutual aid agreement, all patient care activities of the responding ambulance service provider must be coordinated through the incident commander or their designee.
f) **Non-waiver of Ambulance Charge**. Mutual aid agreements shall not waive, nor be construed to waive, the right of any ASA Provider to charge the individual receiving services for medical care provided in the jurisdiction of the other party.
g) **Waiver of Claim**. Each party to the mutual aid agreement must waive all claims against the other for compensation for any loss, damage, personal injury, or death occurring as the consequence of the performance of the mutual aid agreement. Nothing within the mutual aid agreement shall waive the right of any agency or member of any agency to compensation now permitted or required by law or to such compensation that may be agreed to by the parties.
h) **Withdrawal**. Each mutual aid agreement must provide that any party may withdraw from the agreement by providing at least six months' written notice to all other parties of its intent to withdraw. Providers may agree to a longer notice requirement.

5.05.30 Contractor Agreements An ASA Provider who utilizes a contractor, other than a Quick Response Team within its ASA to provide any part of its response commitments, must maintain a written agreement to outline performance criteria standards for the contractor. The ASA Provider must notify the Administrator in writing of any contracting arrangement and the Administrator must approve any contracting arrangement before it is implemented. The Administrator is authorized to approve a written contract between an ASA Provider and a public or private provider for emergency ambulance services within a County ASA only if the Administrator determines all of the following criteria have been satisfied:

a) The ASA Committee has issued a written determination that the public or private provider has satisfied all elements contained in Section 9(3) of the ASA Ordinance.
b) The contract term may not exceed four years, and may not be renewed without a determination from the ASA Committee that the public or private provider has met the service requirements of this Ordinance and the ASA Plan through the date of review.
c) The contract must provide that it may be terminated at will by action of the Board, either by its own motion or upon a recommendation of the ASA Committee or the Administrator.

d) Once the Administrator approves the contract, the public or private provider may provide emergency ambulance services in a County ASA only in accordance with the terms of the contract and the requirements of the ASA Plan.

5.05.31 Disaster Response All ASA Providers shall be actively involved in planning for and responding to any declared disaster within the County. Planning and response shall be in accordance with both a Mass Casualty Incident Plan and the County Emergency Operations Plan.

a) **County Resources Other Than Ambulances** When in-county resources are required for the provision of EMS during a disaster, a request for additional resources may be made through the 9-1-1 center as follows:
   (i) Fire resources may be requested through mutual aid, usually by authority of the senior fire officer or incident commander on site.
   (ii) Law enforcement resources may be requested through mutual aid, usually by authority of the senior law enforcement officer on site.
   (iii) Coordination for county resources other than emergency response agencies will be done through the PSAPs by activating Yamhill County Emergency Management (503) 434-4584 business number or (503) 434-6500.

a) **Out of County Resources** When out-of-county resources are required for the provision of EMS during a disaster, a request for additional resources may be made through the appropriate PSAP as follows:
   (i) through the Oregon State Conflagration Act, usually by authority of the Yamhill County Fire Defense Board Chief or incident commander on site.
   (ii) Law enforcement resources may be requested through mutual aid, usually by the authority of the senior law enforcement officer on site.
   (iii) Coordination for out-of-county resources other than emergency response agencies will be done through the PSAPs by activating Yamhill County Emergency Management.
   (iv) Out-of-county resources will be coordinated through Yamhill County Emergency Management by coordinating with emergency management centers in adjoining counties:
      1. Polk County Emergency Management
      2. Clackamas County Emergency Management
      3. Tillamook County Emergency Management
      4. Lincoln County Emergency Management
      5. Washington County Emergency Management
      6. Marion County Emergency Management
   (v) Resources needed beyond this will be coordinated through the State Emergency Management division by activating the OERS SYSTEM: 1-800-452-0311.

5.05.32 Mass Casualty Incident Plan The MCIP will provide guidance to EMS response personnel in the coordination of response activities relating to mass casualty incidents within the County, consistent with the Yamhill County Emergency Operations Plan. See Appendix A for Mass Casualty Incident Plan.

5.05.33 Creation, Maintenance, and Adoption of the MCIP Plan The County plan is created, in consultation with its Department of Emergency Management, the Fire Defense Board, law enforcement agencies, public health and neighboring jurisdictions, a mass casualty plan to be used in any mass casualty incident. The plan will be adopted after review by the Ambulance Service Area Committee and reviewed at minimum every 5 years. Provisions for mass casualty response will be included in all mutual aid agreements.

5.05.34 MCIP Coordination

a) The highest-ranking officer on scene of the fire agency having jurisdiction of the incident may be the incident commander in all fire-related, mass casualty, and HAZMAT incidents. For other kinds of incidents,

refer to the Yamhill County Emergency Operations Plan. The incident commander may delegate authority for on-scene command and operation but will retain overall responsibility.

b) The incident command system (ICS) will be utilized for overall scene management.

c) The ranking EMT at the scene or the individual appointed by the incident commander will have overall responsibility for medical care and will work under the direction of the incident commander. Failure to establish the primary ICS positions of command, medical, triage, treatment, and transport early in the incident will lead to long-term problems and delays.

d) The incident commander may determine the on-scene command frequency and staging area.

5.05.35 Response Guidelines

a) The Response Unit First on the Scene
   (i) Establishes command.
   (ii) Assesses nature and severity of incident.
   (iii) Advises appropriate 9-1-1 PSAP/s of situation.
   (iv) Advises County Emergency Management of incident.
   (v) Requests appropriate fire police, and EMS resources services.
   (vi) Establish appropriate objectives.
   (vii) Establishes medical branch: triage, treatment and transportation groups as soon as practical.
   (viii) Establishes fire or rescue division as needed.

b) Command Functions
   (i) Establish appropriate and effective incident command organization.
   (ii) Establish objectives and priorities.
   (iii) Develop / carry -out plan of action.
   (iv) Mitigate hazard / stabilize scene.
   (v) Prioritize rescue and extrication functions.
   (vi) Establish prompt triage and treatment of priorities within resources.
   (vii) Arrange rapid transport and documentation of patients.
   (viii) Coordinate order of mutual aid response.

5.05.36 Response to Terrorism Refer to Yamhill County Emergency Operations Plan for a complete outline of terrorism response. When resources are required, a request for additional resources may be made through the appropriate PSAP.

5.05.37 Personnel and Equipment Resources

a) Non-Transporting EMS Provider
   (i) When operating a non-transport EMS response unit in Yamhill County, all personnel must meet the requirements ORS Chapter 682 and OAR 333-255-0070 (1), (4) or (6).
   (ii) Anyone staffing a non-transport EMS response unit must not have consumed alcohol beverages in the eight hours before working or in any way be impaired by the ingestion of alcohol. Anyone staffing a non-transport EMS response unit must not be taking any medications or substances that would impair their ability to care adequately and safely for a patient.
   (iii) Each person staffing a non-transport EMS response unit and providing pre-hospital emergency medical care in the County is required to display their level of certification/licensure and, at a minimum, their name on the outermost garment of their work uniform and must make reasonable efforts to display this information under other circumstances. At a minimum, this uniform shall bear the name of the agency or ASA Provider providing the service. Reasonable exceptions are made for clothing used to protect the responders from injury or illness (i.e. turnouts, hazardous materials suits, personal protective garments, etc.)

(iv) Each person staffing a non-transport EMS response unit and providing pre-hospital emergency medical care is required to wear a standardized uniform as determined by the employing agency. Uniforms shall be clean and free of excessive wear and tear and free of blood and/or bodily materials. Reasonable exceptions shall be granted to uniforms soiled during the course of providing service as long as they are cleaned and changed at the first appropriate opportunity.

(v) Each ASA Provider shall have in place a pre-employment and for-cause drug and alcohol screening program. This program shall be on file with the Administrator. Each ASA Provider shall have in place a criminal background check program. This program shall be on file with the Administrator. Upon a reasonable request by the Administrator, a criminal background check may be required of any person providing direct patient services.

b) Hazardous Materials

(i) Refer to Yamhill County Emergency Operations Plan for a complete outline of hazardous materials response. When resources are required, a request for additional resources may be made through the appropriate PSAP.

c) Search and Rescue

(i) Refer to Yamhill County Emergency Operations Plan for a complete listing of search and rescue response and resources. When resources are required, a request for additional resources may be made through the appropriate PSAP.

(ii) The majority of search and rescue within Yamhill County is provided by the Yamhill County Sheriff's Office through the Emergency Services Division. They are on-call and available on a 24-hour, 365-days-a-year basis. In many instances, Search and Rescue will act as first responders in remote areas that are inaccessible to conventional ambulances. Search and Rescue shall either transport to the nearest ambulance or, at their discretion, use the services of an air ambulance, whichever is medically appropriate. Search and Rescue teams have direct radio contact with all local ambulances, hospitals, and the 9-1-1 Centers. In winter months, Search and Rescue will respond to remote areas covered with snow and not accessible by the usual ambulance service. When ALS is needed, Search and Rescue will transport the ambulance crews to the patient.

d) Specialized Rescue

(i) Refer to Yamhill County Emergency Operations Plan for a complete listing of rescue response and resources. Some of the common required resources are listed below. When resources are required, a request for additional resources may be made through the appropriate PSAP.

e) Extrication Resources

(i) Each ASA Provider is responsible for assuring that extrication equipment is available within its ASA. Each ASA Provider is required to keep a current up to date list and provide it annually and upon request to the County.

(ii) Extrication equipment is available by the following jurisdictions within each Ambulance Service Area (ASA). Within ASA 1, extrication equipment is available through Dundee Fire at (503) 554-8442 and Tualatin Valley Fire & Rescue at 503-649-8577. Within ASA 2, extrication equipment is available through Amity at 503-835-2311, Carlton at 503-852-6233, Dayton at 503-864-3558, Lafayette at 503-864-2451, McMinnville at 503-435-5800, Willamina at 503-879-1709, and Yamhill at 503-662-4653. Within ASA 3, extrication equipment is available through Sheridan at 503-843-2467. Within ASA 4, extrication equipment is available through Grand Ronde at 503-879-3473.

5.05.38 Emergency Communications and System Access

a) Telephone; Public Safety Answering Points

(i) 9-1-1 is the primary method for accessing EMS in each County ASA. The Yamhill Communications Agency and Newberg 9-1-1 center are the two primary PSAPs in the County that provide emergency and non-emergency medical dispatch services.

(ii) In defining the ASAs, every effort was made to recognize the PSAP service boundaries. In areas outside a PSAP's designated control region, protocols must be in place to relay the information to the appropriate dispatching PSAP.

(iii) In many areas, fire district boundaries were also considered in the development of this ASA Plan. Fire district boundaries usually provide a logical division of response areas by travel time and are consistent with population centers. These districts help to provide continuity of service delivery in fire, rescue, and EMS.

b) Yamhill Communications Agency

(i) YCOM provides dispatch services for ASAs # 2-4 which include the majority of Yamhill County and northern portions of Polk County. Phone number: 503-434-6500

(ii) Newberg Emergency Communications (NEWCOM) 911Newberg 9-1-1 provides dispatch services for ASA # 1, including the Cities of Newberg and Dundee, as well as the surrounding rural area.

(iii) All Yamhill County 9-1-1 calls are routed to either YCOM or Newberg PSAPS and dispatched or relayed from their facilities.

(iv) Each ASA Provider in Yamhill County must be capable of contacting and effectively communicating with both PSAPs via radio, telephone, and other specified communications technologies, such as mobile data terminals. The primary method of contacting the PSAPs is by radio.

(v) Both YCOM and Newberg 9-1-1 are supported, in part, by user fees paid by ASA Providers in the County. ASA Providers will continue to be charged user fees in accordance with current PSAP user fee formulas. Phone number: 503-554-7720

c) Washington County Consolidated Communications Agency

(i) WCCCA provides dispatch services for the TVF&R EMS units responding within any County ASA. Phone Number: 503-629-0111

d) PSAP Accreditation

(i) Newberg 9-1-1 is currently accredited through the Oregon Accreditation Alliance. They must meet related standards and indicate the ability to maintain standards related to EMS for their duration of the contract.

(ii) YCOM is currently seeking accreditation through the International Academy of Emergency Dispatch (IAED), using the Medical Priority Dispatch Systems (MPDS) and the Oregon Accreditation Alliance. YCOM must continually demonstrate its ability to meet performance and quality assurance process and standards required by IAED in order to maintain accreditation.

(iii) YCOM implemented ProQA® in December of 2018 and expanded its quality assurance program to further meet certain IAED requirements. IAED certification site visits were paused due to COVID and account management transition.

(iv) YCOM's quality assurance program is supported by their Supervising Physician and Program Manager, who participate in the Oregon/Washington Priority Dispatch Focus Group and attend national IAED Navigator® Conferences annually. Staff use the Priority Dispatch ProQA® Emergency Medical Priority Dispatching System (MPDS) for the processing of all medical calls. Quality assurance is measured by corresponding Priority Dispatch Advanced Quality Assurance (AQUA®) standards. Supervisory Staff are Certified EMD-Q's. For 2021, YCOM's Agency Performance Threshold (APT) was 8.82 for all calls.

(v) In addition, EMD performance is measured for every sudden cardiac arrest case based upon the American Heart Association (AHA) standards. For 2021, agency wide, YCOM staff averaged 77

total seconds for the following steps to occur: problem description to cardiac arrest recognition, which averaged 24 seconds; cardiac arrest recognition to positioning the patient, which averaged 34 seconds; and positioning the patient to the delivery of the first compression, which averaged 19 seconds.

e) Dispatch Procedures

(i) Yamhill County is a mixture of suburban, rural and frontier service areas. EMS services are provided by a mixture of career and volunteer practitioners who are available 24 hours a day.

(ii) The dispatch system consists of the communication centers at YCOM and Newberg 9-1-1, with telephone answering and radio dispatch capabilities. The radio system consists of both two-way radio communications and radio-pager technologies, which provide one-way alerting and voice transmittal from dispatch and alpha-numerical paging that utilizes commercial telephone paging technology for one-way alerting and text messages

(iii) The dispatch center obtains from the caller, and relays to the responders, at least the following information: the location of the incident, the nature of the incident, and any specific instructions or information that may be pertinent. In addition, the dispatch center will perform caller interrogation to determine the seriousness of the call and provide EMS unit pre-arrival instructions for rendering aid to the patient.

(iv) Dispatch will transmit alert tones followed with location and nature of incident information concerning the call. If no response from duty personnel is received within five (5) minutes, then the dispatch center will re-alert the appropriate agency. If there is no response within three (3) minutes after the second alert, the next closest responder agency will be dispatched. The third alert will include the alert tones for the original agency as well as the next closest responder agency.

(v) The first emergency medical responder to arrive and evaluate the scene and patient will notify other responding units of the situation. Based on the condition of the patient and the resources required to render appropriate aid, additional responding units may choose to continue to the scene or cancel their response.

(vi) EMS personnel shall inform the dispatch center when any of the following occur: when an EMS unit becomes in-service; when an EMS unit begins responding from a location other than its station, in which case the unit will state the location from which it is responding; when an EMS unit is en route to the scene or to the destination, including the type of response; when an EMS unit arrives on the scene or at the destination; when the appropriate EMS unit reports on-scene and patient conditions; when any EMS unit at the scene reports what resources are required for the incident; when an EMS begins transporting the patient(s) to a hospital or other medical facility, including the number of patients and the name of the facility; when an EMS unit leaves the scene, if this is different from transport notification; when an EMS unit arrives at the destination or when it has arrived back at its station or quarters; and when an EMS unit is out of service with estimated unavailable time.

f) Dispatch Notification Times

(i) Centers are required to answer requests for emergency assistance within 10 seconds, 90% of the time. Centers are required to dispatch all life-threatening medical calls within 3 minutes and all other medical calls within 4 minutes 90% of the time. Exclusions as defined by National Fire Protection Association (NFPA) 1221 or other industry's best practices may be considered. Data on notification times shall be provided and reviewed by the ASA Committee every 6 months.

g) Radio System Communications

(i) Radios are the primary link between the dispatch centers and ambulances, as well as other emergency responders. All ASA Providers will utilize the dispatch services of the ASA PSAPs and possess radios capable of accessing all common fire channels within Yamhill County and

have the ability to communicate seamlessly with the ASA PSAPs and other ASA Providers and responders. The systems used by each ASA Provider must be capable of effectively receiving and transmitting voice and/or data messages on specific radio frequencies, designated by the County, as assigned by the coordinating PSAPs.

(ii) All ambulances will maintain and use multi-channel mobile radios and multi-channel handheld radios. Radios and other communications equipment used by each ASA Provider must be compatible with PSAP procedures and meet the technical standards of systems used by YCOM and Newberg 9-1-1. It is each ASA Provider's responsibility to procure, install and maintain all technologies, or other equipment, used in the delivery of communications services. Essential communications equipment, as mutually defined by ASA Providers and PSAPs, will be installed in all ambulances and supervisory vehicles.

(iii) All radio and telephone communications, including pre-arrival instructions and call time tracking, must be recorded on a mutually accessible media.

(iv) Each ambulance must be provided with cellular telephones for supplemental communications capabilities as a backup system to radios.

(v) PSAP radio systems must meet the following requirements: (1) be physically restricted to authorized personnel only; (2) meet National Fire Protection Association (NFPA) standards and all State or County standards; (3) maintain and use consoles with the ability to communicate with EMS providers and hospitals; (4) maintain and use emergency phone lines and primary radio frequencies that are recorded with a 24-hour, time-taped device capable of play-back to the desired second, which is equipped with a voice recorder for immediate play-back of distress calls; (5) store time-tape recordings for no less than 7 months; (6) utilize clear text/plain English for radio traffic; and (7) equip its center with a back-up power source capable of indefinitely maintaining all functions of the center in the event the regular power supply is interrupted.

(vi) In 2016, during the transfer of ASA #1 from Newberg Fire District to Tualatin Valley Fire and Rescue (TVF&R), the primary dispatch center for ASA #1 changed. 9-1-1 calls in ASA #1 are answered by Newberg-Dundee Communications Center and then transferred to the Washington County Consolidated Communications Agency (WCCCA) for dispatch services. Because of this change, the Newberg 9-1-1 Center has transitioned to police dispatch only, routinely transferring EMD and Fire calls to WCCCA, and law enforcement calls outside the city limits of Newberg and Dundee, to YCOM.

(vii) YCOM's dispatch system combines two-way radio communication and radio-pager technology with digital alpha-numerical notification and delivery. Digital paging is done via CAD interface, utilizing YCOM's two paging servers which provide capability of messaging through SMTP (email) and SMS (text) protocols. YCOM is a Pulsepoint® Connected organization, and simultaneously sends secondary notifications to both Pulsepoint® and Active 9-1-1 subscribers. Station alerting capability exists through SMTP and tone alerting radio interface.

h) EMS Dispatcher Training

(i) An integral part of the EMS component of the PSAPs in the County is the employment of appropriately trained individuals using approved, standardized support tools for handling EMS calls. Therefore, all EMS dispatchers are required to successfully complete an Emergency Medical Dispatch (EMD) training course approved by the State of Oregon Department of Public Safety Standards and Training (DPSST) and to possess current DPSST EMD certification. Dispatchers must also possess current and verifiable First Aid/CPR certification.

(ii) In addition: (1) each PSAP is responsible for acquiring and maintaining a State of Oregon approved EMD system; (2) each PSAP is responsible for ensuring all dispatch employees are certified as EMD dispatchers through the State of Oregon; (3) each PSAP is responsible for ensuring all dispatch employees are First Aid/CPR certified; (4) strict adherence to medical

dispatch protocol is required, except in the event deviation from protocol is clearly justified due to special circumstances; (5) compliance with EMD questions and pre-arrival instructions shall be a routine part of an integrated quality improvement process and shall be reported monthly with response statistics; and (6) if an automated EMD system is used, a manual back-up system with current EMD cards must be available in the event of system failure, and all dispatch employees must be trained and certified in the use of the manual card system.

(iii) The PSAP shall provide comprehensive internal orientation and ongoing training and testing that encompasses EMD certification, CAD system use, system status management, geography, medical priority dispatch protocols, first responder notification protocols and procedures, air medical notification procedures, disaster management policies and procedures, voice radio system operation (including medical and field communications equipment), paging system conventions and uses, data radio system operations, radio telephone usage, and emergency operations center procedures.

(iv) Communications personnel will be encouraged to attend any courses, conferences, or workshops that directly relate to their work and enhance their skills. The communications dispatcher's goal is to meet or exceed DOT Emergency Medical Dispatch Course Standards. Communications personnel must meet all current and future standards adopted by the State or County.

i) Computer Aided Dispatch System

(i) The PSAP utilizes a computer aided dispatch (CAD) system to record dispatch information for all service requests. The CAD system is capable of tracking, at a minimum, the date, hour, minutes, and seconds of several time stamps throughout the EMS assignment for each unit engaged in the call.

(ii) Dispatchers must be trained to complete mutually approved manual procedures for each dispatch of an ambulance when the computer system fails or becomes inoperable. Following the resumption of normal service of the CAD system, personnel must retroactively enter the data recorded on the manual dispatch cards during the outage into the CAD system.

j) Data and Reporting Requirements

(i) The long-term success of an EMS system is predicated upon its ability to both measure and manage its operations. Therefore, each ASA Provider must maintain and provide detailed operational, clinical, and administrative data in an electronic format and manner that facilitates retrospective analysis. Security features preventing or recording unauthorized access or changes in data must be in place, including full audit trail documentation.

k) Quality Improvement and Medical Control

(i) Each ASA Provider's electronic data system must be capable of capturing and reporting common data elements used within the EMS system. The PSAP's data system must be capable of demonstrating adherence to medical dispatch protocols, adherence to medical priority dispatch questioning, and provision of pre-arrival instructions.

(ii) At least one employee from each ASA Provider will be assigned to participate in the quality assurance/improvement process utilized by YCOM and Newberg 9-1-1.

l) Management of Personnel

(i) The PSAPs and ASA Providers are responsible for the management and supervision of their employees. ASA Providers, in conjunction with YCOM, Newberg 9-1-1, and WCCCA management, will cooperate in the resolution of problems and disputes.

5.05.39 Provider Selection

a) Initial Assignment of ASAs

(i) Unless there has been more than one application made for an ASA franchise, any applicant who meets the application requirements and who was providing service on the effective date of the

ordinance adopting this ASA Plan shall be franchised to continue to provide Ambulance Service for the ASA in which the applicant was serving.

(ii) If more than one application is made for an ASA franchise within 180 days of the effective date of the ordinance adopting this ASA Plan, then each application shall be considered by the ASA Committee for recommendation to the Board.

5.05.40 Reassignment

a) Francise Term and Renewal
   (i) An initial Franchise issued under this ASA Plan shall be valid from the date of issuance for ten years and may be renewed.
   (ii) Not more than one hundred eighty (180) days and not less than ninety (90) days prior to the expiration of a Franchise granted under this ASA Plan, each ASA Provider who desires to renew a Franchise shall notify the Administrator. Any other Ambulance Service providers duly licensed in the State of Oregon to provide BLS or ALS ambulance service may also submit applications during this time frame.
   (iii) Review of all applications for renewal or assumption of a Franchise will be conducted in the same manner as the review of applications for the initial assignment of the ASAs.
b) Transfer of Franchises
   (i) An ASA Provider may transfer its Franchise to another entity only upon the Board's written approval of a written request to transfer the Franchise and the Board's approval of an application submitted by the replacement provider.
   (ii) The transfer of a Franchise must occur as follows: (1) the Board must approve the written request for a transfer at a public meeting; and (2) review of all applications for the transfer of the Franchise must then be conducted in the same manner as the review of applications for the initial assignment of the ASAs.
c) Early Discontinuance of Service by ASA Provider
   (i) An ASA Provider that intends to discontinue providing EMS and related service before the expiration of its Franchise must provide the Administrator with at least 180 days' written notice prior to discontinuing service. The Administrator shall notify the ASA Committee and then set a time by which applications must be submitted for the ASA franchise. The ASA Committee shall develop an interim plan for coverage of the ASA, using other existing ASA Providers and/or other available public or private resources until the ASA can be reassigned.
d) Temporary Reassignments
   (i) The Board may, on its own motion or upon a recommendation of the ASA Committee, issue a temporary certificate, valid for a stated period not to exceed twelve (12) months, entitling another current ASA Provider or another public or private Ambulance Service Provider to provide emergency ambulance service in all or part of the ASA. The Board may renew a temporary certificate for one additional six (6) month period.

5.05.41 Application for an ASA Any Ambulance Service provider duly licensed in the State of Oregon to provide BLS or ALS ambulance service may submit an application within 180 days of the effective date of the ordinance that adopts this ASA Plan to become a franchised provider of services in any County ASA or ASAs. The application shall be in writing and contain the following information:

a) Legal name and address of applicant submitting application.
b) "Doing Business As" (DBA) name of applicant submitting application.
c) Owner(s)' of the applicant and their residential street address(s).
d) Owner(s)' phone number and email address(es).
e) Oregon ambulance service license number.

f) Date of original licensure by the state of Oregon to provide ambulance services, with all renewal dates and a listing of any lapses in licensure.
g) List of any actions taken against the applicant by the State of Oregon or any county within the state.
h) Type/level of ambulance service proposed to be provided (Medical First Response, BLS or ALS)
i) A list of vehicles to be used in providing emergency ambulance services in the ASA or ASAs, including the year, make and model, and verification that each vehicle is licensed by the state of Oregon.
j) A list of personnel to be used in providing emergency ambulance service in the ASA or ASAs, the role of each person, and where applicable each person's current Emergency Medical Technician level and certificate number.
k) The ASA or ASAs proposed to be serviced, both in narrative description form and by detailed map presentation.
l) Reason designation is sought by applicant to provide ambulance services in each referenced ASA.
m) Identification of the current ASA Provider serving each specified ASA.
n) Whether the existing ASA Provider of each specified ASA agrees to relinquish said ASA to the applicant.
o) If an existing ASA Provider has not agreed to relinquish the specified ASA to the applicant, then an explanation why the service the applicant proposes would improve ambulance services in the specified ASA.
p) A statement as to whether or not the person would contract for any emergency ambulance services to be provided.
q) An affirmative statement that the applicant is financially solvent and capable of providing the specified emergency ambulance services in the specified ASA.
r) Report of any bankruptcy by applicant in the last five years.
s) Submission with the application of audited financial statements for the applicant, if they exist. If not, the last three years' internal financial statements.
t) The source of funding the applicant expects to receive in order to provide a sustained operation servicing the specified ASA.
    (i) If funding includes billing for services, then the rates the applicant intends to charge for their ambulance services.
u) Consistent with the Oregon Tort Claims Act, proof of general liability insurance coverage amounts not less than the following:
    (i) $150,000 to any claimant for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence.
    (ii) $750,000 for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence.
    (iii) $1 million to any claimant as general and special damages for all other claims arising out of a single accident or occurrence.
    (iv) $2 million for any number or type of claims, other than claims of damage to or destruction of property, arising out a single accident or occurrence.
v) The fully completed and signed application must be submitted to the Administrator. Upon receipt of an application, the application shall be reviewed by the ASA Committee, which shall make a recommendation to the Board on whether to approve or deny the application. The assignment or reassignment of any ASA must be made by a written order of the Board.

5.05.42 Notification of Vacating an ASA Any ASA Provider who intends to cease operation or vacate the provision of services to an ASA, or any portion thereof, must prove at least six months' notice to the County, through the Administrator. The notice shall be in writing and state the reason for termination of ambulance services.

5.05.43 Maintenance Level of Service In the event an ASA Provider intends to cease operations and forfeit their designated ASA, said ASA Provider shall continue services for at least six months, or until the County is able to identify and assign a replacement Ambulance Service provider.

a) In areas of the County where geographic or other limitations might hinder the adequate provision of ambulance services, the County may enter intergovernmental agreements with counties, cities or fire districts in order to provide efficient and effective ambulance service by means of public or private Ambulance Service Providers.

b) In the event an ASA Provider is replaced or removed as the service provider of a County ASA for any reason, the ASA Provider will continue to provide services until such time as a new ambulance service provider can begin services. Each ASA Provider must cooperate fully with the County to ensure that any reassignment of an ASA does not disrupt ambulance service levels.

LEGISLATIVE HISTORY

Adopted via Ordinance No. 411 on 06/19/1985; eff. 06/19/1985
Repealed by Ordinance No. 646 on 06/11/1998; eff. 07/11/1998

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Amended by Ordinance No. 744 on 08/19/2004; eff. 08/19/2004
Repealed by Ordinance No. 761 on 02/28/2005; eff. 03/01/2005

Adopted via Ordinance No. 761 on 02/28/2005; eff. 03/01/2005
Repealed by Ordinance No. 924 on 02/16/2023; eff. 05/17/2023

Adopted via Ordinance No. 924 on 02/16/2023; eff. 05/17/2023
Amended by Ordinance No. 927 on 06/22/2023; eff. 06/22/2023
Repealed via Ordinance No. 946 on [MM/DD/YYYY]; eff. [MM/DD/YYYY]

Adopted via Ordinance No. 946 on [MM/DD/YYYY]; eff. [MM/DD/YYYY]

Yamhill County, Oregon

"In the heart of the Willamette Valley"

Ambulance Service Area Plan

December 2023

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CERTIFICATION BY GOVERNING BODY OF COUNTY AMBULANCE SERVICE PLAN [OAR 333-260-0020(3) 1]

CERTIFICATION BY GOVERNING BODY OF COUNTY AMBULANCE SERVICE PLAN

The undersigned members of the Yamhill County Board of Commissioners (the "Board") together with the Chair and Administrator of the Ambulance Service Area Advisory Committee (the "ASA Committee") hereby certify, pursuant to Oregon Administrative Rule 333-260-0030 (2)(a)-(c), that:

A. Each subject or item contained in the Yamhill County Ambulance Service Plan has been addressed and considered in the adoption of the plan by the Board upon the recommendation of the ASA Committee.
B. In the Board's judgment, the ambulance service areas established by Ordinance No. [enter number] as amended and ratified by the ASA Committee provide for the efficient and effective provision of ambulance services in Yamhill County.
C. To the extent applicable the Board and ASA Committee have complied with ORS Chapter 682 and existing local ordinances and rules in developing and approving this Plan.

DONE AT MCMINNVILLE, OREGON THIS _____ DAY OF _____ 2023.

YAMHILL COUNTY, OREGON
BOARD OF COMMISSIONERS

_____
Chair

_____
Commissioner

_____
Commissioner

YAMHILL COUNTY, OREGON
ASA ADVISORY COMMITTEE

_____
Chair

_____
Administrator

APPROVED AS TO FORM:

By: _____
Christian Boenisch
Yamhill County Counsel

OVERVIEW OF COUNTY (DEMOGRAPHIC AND GEOGRAPHIC DESCRIPTION) [OAR 333-260-0020(3) 2]

COUNTY BACKGROUND

Yamhill County is one of 36 counties in the State of Oregon. Yamhill County's name derives from the Yamhelas Indians, members of the Native American Kalapuya Tribe. It is located in the Willamette Valley and is part of the Portland, Oregon, Metropolitan Statistical Area (MSA).

HISTORY

The Yamhill District (later becoming county) was established in 1843, five years before the Oregon Territory was created. It originally spread over 12,000 square miles, which were eventually partitioned into twelve present counties. Today, Yamhill County consists of 718 square miles. The County seat of government is located in McMinnville.

GEOGRAPHY

The county is composed of a total area of 718 square miles, of which 716 square miles is land with the remaining 2.5 square miles being water. It is the fifth-smallest county in Oregon by area. The tallest mountain in the county is Trask Mountain in the northwest corner of the county.

The transportation network for Yamhill County is dominated by a road system of northeast-to-southwest and north-to-south paved highways that are part of the state highway transportation system. Local travel is by secondary and county roads that are significantly influenced by drainage patterns of rivers and mountains in the county.

ADJACENT COUNTIES

Washington County (north)
Clackamas County (east)
Marion County (southeast)
Polk County (south)
Tillamook (west)

INCORPORATED CITIES

Amity
Carlton
Dayton
Dundee
Lafayette
McMinnville (county seat)
Newberg
Sheridan
Willamina
Yamhill

DEMOGRAPHICS

Historical population

Census	Population	Percent Change
1860	3,245	—
1870	5,012	54.5%
1880	7,945	58.5%
1890	10,692	34.6%
1900	13,420	25.5%
1910	18,285	36.3%
1920	20,529	2.3%
1930	22,036	7.3%
1940	26,336	19.5%
1950	33,484	27.1%
1960	32,478	−3.0%
1970	40,213	23.8%
1980	55,332	37.6%
1990	65,551	18.5%
2000	84,992	29.7%
2010	99,193	16.7%
2020	107,722	8.6%
2021 est.	108,239	< 1%

ECONOMY

Yamhill County ranks seventh out of Oregon's thirty-six counties in annual market value of its agricultural production. This agricultural production includes wheat, barley, horticulture, and dairy farming, with 13,201 acres in 1997 planted in orchards. One-third of the county is covered with commercial timber, and the economic mainstay of the western part of the county is logging and timber products.

Yamhill County is a significant focus of Oregon's wine industry, having the largest area of any Oregon county planted in vineyards. Six of the state's American Viticultural Areas are wholly or partly in the county: Chehalem Mountains AVA, Dundee Hills AVA, Eola-Amity Hills AVA, McMinnville AVA, Ribbon Ridge AVA, and Yamhill-Carlton District AVA. Over 80 wineries and 200 vineyards represent the largest concentration of wine growers and producers in any county in the state.

EDUCATION

Yamhill County Institutions of Higher Education (IHEs) include Linfield University, George Fox University, the Chemeketa Community College Yamhill Valley Campus, and the Portland Community College Newberg Center.

DEFINITIONS [OAR 333-260-0020(3) 3]

Oregon Administrative Rules (OARs) set forth by the Oregon Health Authority provide several standard definitions; Yamhill County has incorporated these below for use in this ASA plan. Yamhill County has established additional definitions. If any of the following terms appear in this ASA Plan, they shall be defined as indicated below.

"9-1-1" means a universal telephone number used to request emergency medical assistance.

“Administrative Rules” means the rules relating to emergency medical services adopted by the Oregon Health Authority.

“Administrator” means the Health and Human Services Director for Yamhill County Health and Human Services department or their designee.

“Advanced Life Support (ALS)” means out of hospital emergency care which encompasses procedures, treatments, and techniques within the Advanced EMT (AEMT), EMT Intermediate (EMT-I), Paramedic, or Registered Nurse scope of practice and are authorized by the EMS Supervising Physician. The maximum functions that may be assigned to an AEMT, EMT-I and Paramedic are listed in OAR 847-035-0030.

"Advanced Life Support (ALS) Ambulance" means an ambulance that meets all County and State requirements of an ALS capable EMS unit defined above.

"Ambulance" means any privately or publicly owned motor vehicle, aircraft, or watercraft that is regularly provided or offered to be provided for the emergency transportation of persons who are ill or injured or who have disabilities (ORS 682.025(1)).

"Ambulance Service" means any individual, partnership, corporation, association, governmental agency or other entity that holds a Division-issued ambulance service license to provide emergency and non-emergency care and transportation to sick, injured or disabled persons. Ambulance Services do not include specialty transport teams, ambulances owned or operated under the control of United States government, vehicles operated solely on facility grounds, transportation of clients from outside of the county to a health care facility within the county, or ambulance or vehicles which are passing through without destination in the county.

"Ambulance Service Area (ASA)" means a geographic area, which is served by one ambulance service provider, and may include all, or a portion of a county, or all or portions of two or more contiguous counties (OAR 333-260)

"ASA Plan" is a plan that addresses the need for and coordination of ambulance services by establishing ambulance service areas for the entire county and by meeting the other requirements of these rules (OAR 333-260).

“ASA Advisory Committee” means the governing body that makes recommendations to the Board on the County’s ambulance service system and other aspects of the County’s ASA Plan. The ASA Committee interfaces with the Board through the Administrator.

"ASA Provider" means a licensed ambulance provider designated by the Board as the sole provider of emergency ambulance service in a Yamhill County ASA.

“Base Fee" means the fee charged for the pick-up of a patient, exclusive of mileage. This fee shall be all-inclusive and shall not include "flag drop" or any other charges.

“Basic Life Support (BLS)” means out of hospital emergency care which encompasses procedures, treatments, and techniques within the Emergency Medical Responder (EMR) and/or Emergency Medical Technician (EMT) scope of practice and are authorized by the Yamhill County EMS Supervising Physician. The maximum functions that may be assigned to an EMR or EMT are listed in OAR 847-035-0030.

“Basic Life Support (BLS) Ambulance” means an ambulance, which meets all County and State requirements and is staffed and equipped to providing service as defined by rule.

“Board” means the Yamhill County Board of County Commissioners.

“County” means Yamhill County, Oregon.

"Division" means the Oregon Health Authority (OAR 333.260).

"Emergency" means those medical or trauma conditions that manifest themselves by symptoms of sufficient severity that a prudent layperson possessing an average knowledge of health and medicine would reasonably expect that failure to receive immediate medical attention would place the health of a person, or the fetus in the case of a pregnant woman, in serious jeopardy.

"Emergency Medical Dispatch (EMD)" means that system adopted by the County used to interrogate a caller requesting medical transportation in an effort to determine the severity of the medical condition.

“Emergency Medical Services (EMS)” means those pre-hospital functions and services which are required to prepare for and respond to medical emergencies, including transport, treatment, communications, evaluation, and public education. Inter-facility medical transportation is not considered EMS and thus does not constitute an EMS response.

“Emergency Medical Technician (EMT)” means a person who is licensed by the Authority as an Emergency Medical Technician.

“Employee” means any full-time paid or part-time paid person acting within the scope of their duties and for or on behalf of an ambulance service.

“Franchise” means an exclusive franchise to provide emergency and non-emergency ambulance service issued by the Board pursuant to this Ordinance.

"Hospital" has the meaning set forth in ORS 442.015(15).

"Inter-Facility Transfer" means any transfer, after initial assessment and stabilization, from and to a health care facility to include hospital to hospital; clinic to hospital; hospital to rehabilitation; and hospital to long-term care.

“Incident Command System (ICS)” means a management tool employed during disasters and emergency responses to organize and coordinate response operations.

“License” means a non-transferable, non-assignable authorization granted to the person, agency or entity to whom it is issued, authorizing the person, agency or entity whose name appears thereon to do business in the county.

“Mass Casualty Incident (MCI)" means any incident involving, or potentially involving, multiple patients as defined by rule.

“Medical Resource Hospital (MRH)” means the medical communications facility which provides on-line-medical-control for Multnomah and Clackamas counties.

"Mutual Aid” means an agreement between emergency responders to lend assistance across jurisdictional boundaries.

"Non-Emergency" means those conditions that are not specifically dealt with in the emergency medical dispatch system adopted by the County. The County may further delineate categories that may be handled by a non-emergency ambulance provider (e.g. inter-facility transfer).

"Non-Emergency Ambulance Services" means pre-arranged or non-emergency ambulance transfers and inter-facility ambulance transfers provided by a licensed ambulance service when the person being transported needs the availability of medical assistance. It does not include stretcher cars, secure transport, or medical taxis that do not provide medical services.

"Notification Time" means the length of time between the initial receipt of the request for emergency medical service by either a provider or an emergency dispatch center (9- 1-1), and the notification of all responding EMS personnel.

“Offline Medical Control ” means performing EMS actions or medication administration under standing orders or protocols.

“Online Medical Control ” means a medical facility designated by the county as authorized to provide on-line-medical-control advice and support to Paramedics, EMTs, and first responders.

"Patient” means a person who is ill or injured or who has a disability and who receives emergency or nonemergency care from an EMS provider.

"Per Mile Charge" means a charge per mile in addition to the base charge.

“Person” means an individual, partnership, company, association, corporation, or any other legal entity, including any receiver, trustee, assignee, or similar representative.

"Provider" means any public, private, or volunteer entity providing EMS.

“Quick Response Team”, or “QRT” means an EMS unit supplied by a designated provider that may be capable of BLS or ALS care but is not able to transport a patient.

"Residential Care Facility" means a program within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of residential independence in a residential setting (OAR 411-054-0005).

"Response Time" or “Response Times” mean the length of time between the notification of providers who transport and the arrival of each provider's EMS unit(s) at the incident scene.

“Supervising Physician" means a physician licensed under ORS 677.100 to 677.228, actively registered and in good standing with the Oregon Medical Board, who provides direction of emergency or nonemergency care provided by ASA Providers. Additionally, Supervising Physician means a physician contracted with or employed by the County to act as the Supervising Physician and who shall perform those functions as outlined in this chapter and rule.

“Transport Unit” means an ambulance that is licensed and appropriately equipped and staffed to transport a patient.

“Wheelchair Car” means a motor vehicle for hire that is constructed, equipped, or regularly provided for non-emergency transportation of persons in wheelchairs and semi-reclining wheelchairs (no more than forty-five (45°) reclining) or requiring wheelchair car transportation for reasons related to health conditions and not requiring an ambulance or transport in a supine or recumbent position.

BOUNDARIES [OAR 333-260-0020(3) 4]

Oregon state regulations require each county to establish an Ambulance Service Area (ASA) Plan[1]:

> *Each county shall develop a plan for the county, or two or more contiguous counties may develop a plan, relating to the need for and coordination of ambulance services and establish one or more ambulance service areas consistent with the plan for the efficient and effective provision of ambulance services.*

The ASA Plan must be approved by both the Board and then by the Oregon Health Authority.

Therefore, it is the responsibility of Yamhill County as the local EMS regulatory agency to assure that safe and reliable EMS response and ambulance transportation are available to the citizens and visitors of the county.

It is the intent of the Board to regulate, but not restrict, non-emergency ambulance, inter-facility ambulance and wheelchair car services within the County.

It is the intent of the Board to regulate the primary emergency transportation agency within the County.

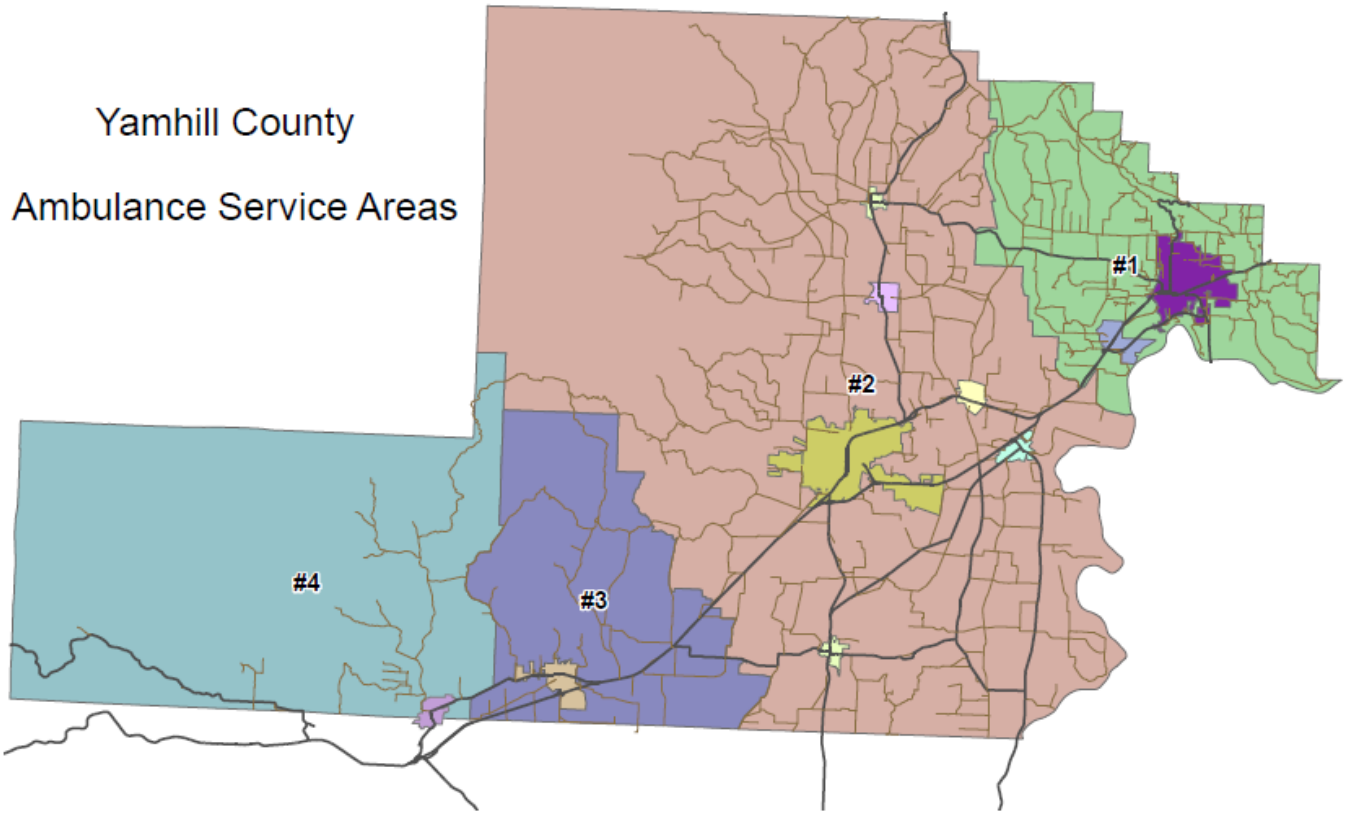
To ensure the effective and efficient provision of EMS within Yamhill County, the Board reserves the right, giving consideration to subjects and items required by law, to make modifications and enhancements to the ASA Plan.

The Yamhill County ASA Plan designates several ambulance service areas (ASA) within the County. Each ASA is awarded to a single emergency ambulance service provider (ASA Provider) in the form of a franchise. To assure that the public's safety and interests continue to be served by this arrangement, the County actively promotes and monitors Quality Improvement, program development and system performance.

[1] ORS 682.062

ASA Boundaries

There are four ASAs in Yamhill County, as shown in the following graphic.



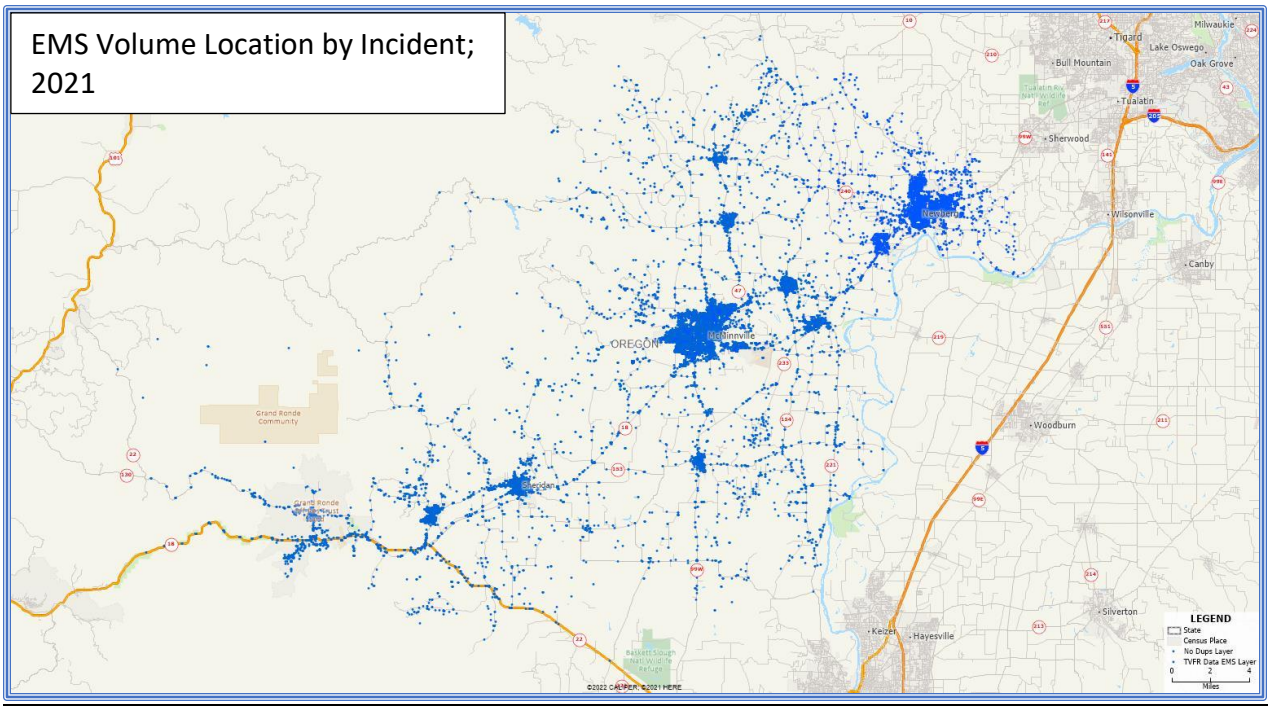
Minor changes to ASA boundaries may be made by an order of the Board, following a recommendation by the ASA Committee to the Administrator.

Emergency Medical Service (EMS) Activity within the County

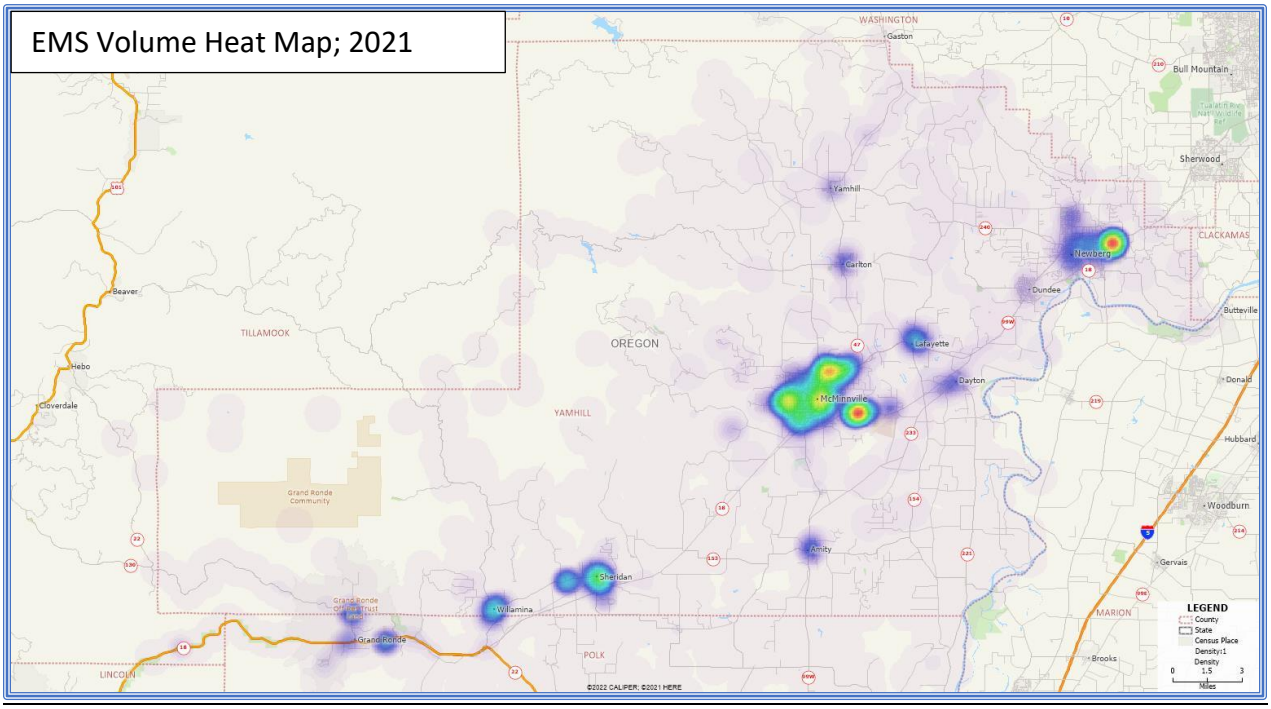
Analysis of EMS volume within the County has identified the location density and distribution of activity, as revealed in the following maps.

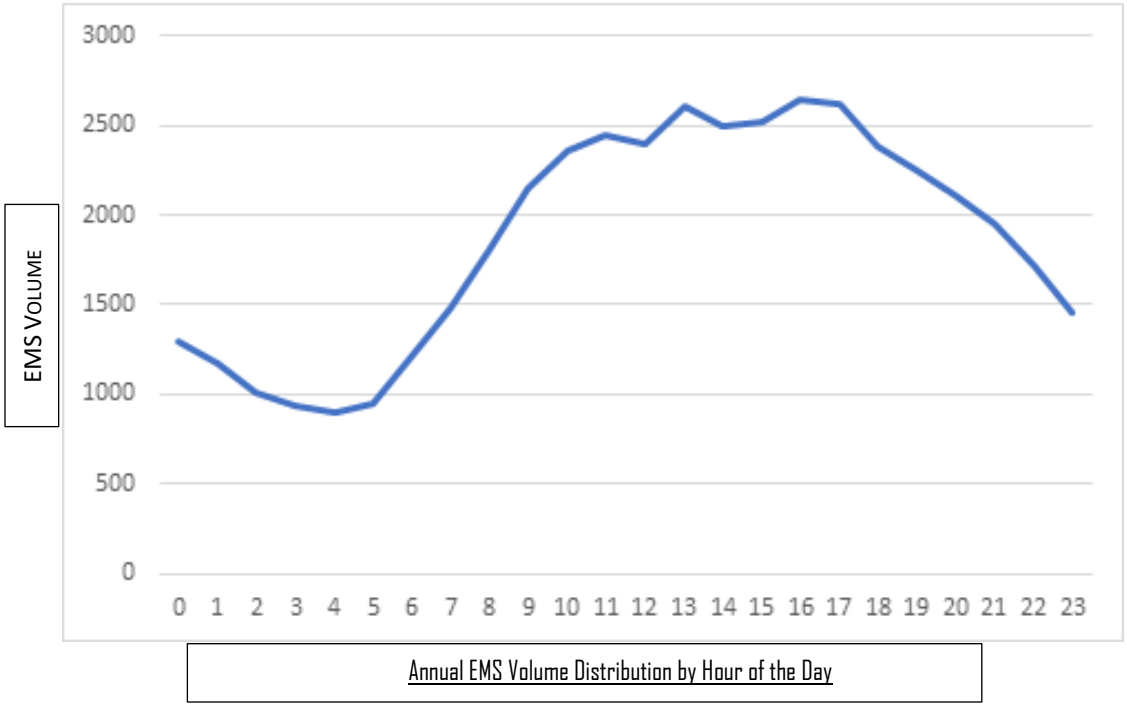
The temporal dispersal of EMS activity has been charted to provide ambulance service providers valuable information to assist in staffing and deployment of EMS resources.

EMS Volume Location by Incident; 2021



EMS Volume Heat Map; 2021



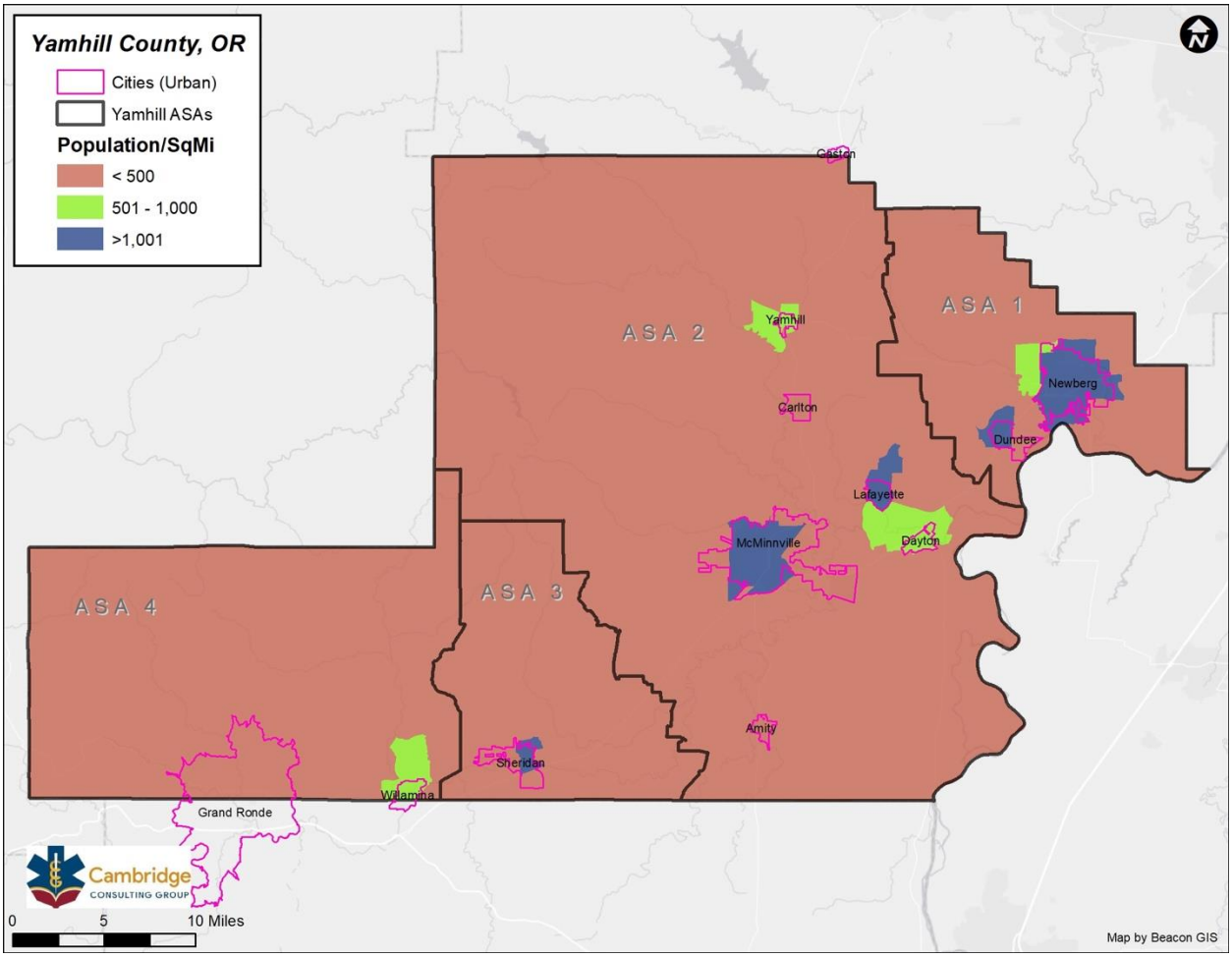


ASA Map(s) with Response Time Zones [OAR 333-260-0020(3) 4.(a)]

The primary objective of Response Time zones is to provide the most timely and efficient response to the residents and visitors of the County in a cost-effective manner ("Response Time Zone" or "Response Time Zones"). These Response Time Zones are stratified based on factors such as population density, major routes of travel, topography, and access. Since EMS volume is strongly correlated to population density, that is the major determinant of Response Time Zone designation. Historical Response Times from ambulance and EMS resource stations have been analyzed as well and compared against both population density and EMS call volume activity distribution.

In addition, Yamhill County has determined that further categorization of Response Times is appropriate based on the severity of the patient's condition. Life threatening and significantly serious illness or injury require a faster response than other, less urgent EMS requests. Scientific data and industry studies have shown that Response Time is far less important to patient outcome for less emergent cases than for critical, life endangering conditions. The County has established two levels of EMS response that overlay the four Response Time Zones. These are defined as ALS (Advanced Life Support) and BLS (Basic Life Support).

ALS cases should receive responses that include the use of emergency warning devices (EWDs), such as lights and sirens, and be held to shorter time frames. BLS cases should receive responses that do not include the use of EWDs and are held to less stringent Response Time standards.



Yamhill County is divided into four time zones for response. These zones are classified as: URBAN, with Response Time standards of 10 and 15 minutes for ALS and BLS, respectively; SUBURBAN, with Response Time standards of 12 and 17 minutes; RURAL, with Response Time standards of 35 and 40 minutes; and FRONTIER with a "Best Effort" standard for both ALS and BLS.

The Urban Response Time Area is defined as the area of Yamhill County with a population density of 1,001 persons, or more, per square mile. The Suburban Response Time Area is defined as that area of the County with a population density of between 501 persons per square mile and 1,000 per square mile. The Rural Response Time Area is composed of those portions of Yamhill County that are populated to a density of 501 or less persons per square mile. Lastly, the Frontier Response time Area is classified as those areas with a population density of less than 501 persons per square mile and that lack roadway access, or that require a drive time — this is a component of Response Time — that exceeds 30 minutes. The Frontier Response Time Area was established by mutual consensus of the Yamhill County ASA Committee and includes those incorporated Cities outside the Urban zone.

There is one exception to these zone designations. That is the town of Yamhill. While Yamhill is very densely populated, sufficiently so to meet the herein definition of Urban, the actual aggregate number of people residing there is insufficient to generate any significant EMS volume. Therefore, this ASA Plan identifies Yamhill as a Rural Response Time Area.

The minimum performance level for each Response Time standard is 90 percent of all dispatched EMS requests, except for those occurring during extreme weather conditions that interfere with vehicular travel, hospital-to-hospital transfers, or other similar circumstances that would prohibit a normal response.

EMS Response Level	Response Time Standard	Minimum Compliance
URBAN		
BLS	15 Minutes or less	90%[2]
ALS	10 Minutes or less	90%
SUBURBAN		
BLS	17 Minutes or less	90%
ALS	12 Minutes or less	90%
RURAL		
BLS	40 Minutes or less	90%
ALS	35 Minutes or less	90%
FRONTIER		
BLS & ALS	Best Effort	

Complying with the Response Time Zone standards are the primary responsibility of each ASA Provider.

Response Time Reporting & Accountability

The County has established the following process and procedure for the reporting, assessment, and accountability of Response Times by designated ASA providers:

[2] 90% is used because it represents 1 standard deviation.

1) Performance reports. ASA Providers will submit performance reports to the Administrator on a quarterly basis, and Administrator will distribute these reports to the ASA Committee. The performance reports will be submitted in a form approved by the Administrator; at a minimum, the reports must track monthly compliance with each Response Time standard and must include mutual aid performance data.

2) Review. The ASA Committee will review each ASA provider's performance report at quarterly meetings.[1]

3) Audits. All data submitted for review of performance standard compliance by ASA Providers may be audited by the Administrator at any time.

4) Compliance Reports. Each ASA Provider will be held accountable to delineated required performance standards through public compliance reporting.

    a. Each ASA Provider's performance will be reported to the community-at-large through a readily available public reporting process (dashboard) that identifies each performance standard and the ASA Provider's compliance success.

    b. This public reporting process (compliance reports and dashboard) will be posted prominently on the County's EMS website.

5) Annual report. The Administrator will conduct an annual evaluation of the performance of the ASA Providers and will report its findings to the Board. This requirement in no way limits the ability of the Administrator to conduct further evaluations as deemed necessary.

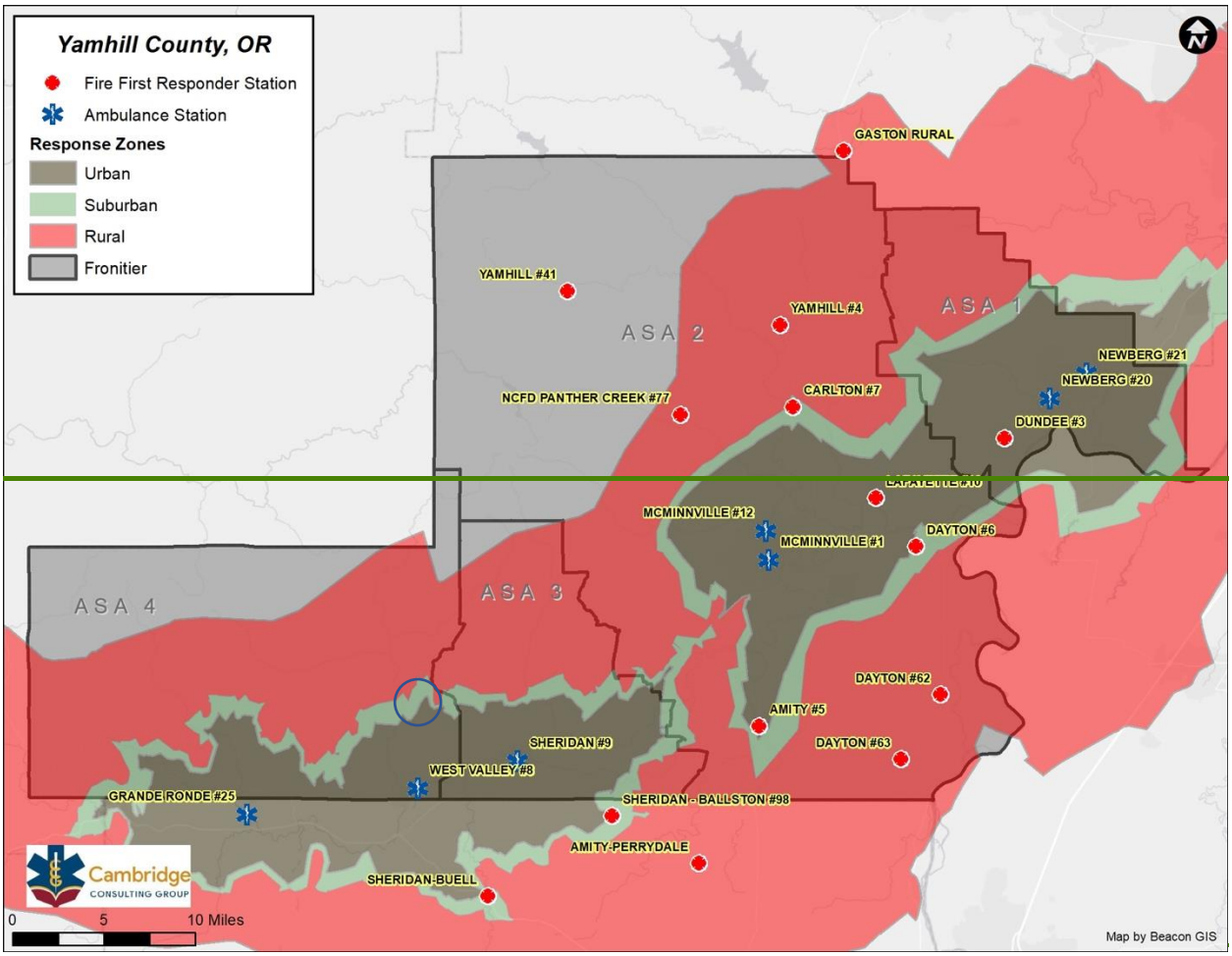
6) Explanatory Reports. The ASA Committee may require an explanatory report from any ASA Provider who fails to meet any established performance standard in any reporting period. Such a report will be submitted to the Administrator, and the Administrator will distribute this report to the ASA Committee.

7) Action Plan. Failure of an ASA Provider to meet the established performance standards in three consecutive quarters, or four quarters in any six-quarter period, will require the ASA Provider to develop an action plan. Such a plan will detail concrete steps, at least some of which being immediate, the ASA Provider will take to achieve full compliance,

[1] If an ASA provider has contracted part, or all, of its territory for EMS provision to another entity, the ASA provider nevertheless will be held responsible for their contracted provider's performance.

and a timeline for achieving full compliance. This report will be submitted to the Administrator, and the Administrator will distribute this report to the ASA Committee.

~~**RESPONSE TIME ZONES MAP:**~~



ASA Boundaries Narrative Description [OAR 333-260-0020(3) 4.(b)]

The following four sections describe the boundaries of Ambulance Service Areas adopted by the Board through Ordinance No. **###** [enter date]:

A. ASA # 1 East

Assigned to Tualatin Valley Fire & Rescue.

Situated in Yamhill County, Oregon, beginning at the point where Yamhill and Clackamas counties meet at the Northeast corner of Section 13, T3S, R2W, W.M; Thence northwest following the Yamhill County line approximately 17.7 miles to a point on the north line of Section 18, T2S, R3W, approximately 750 feet west of NE Spring Hill Road; Thence southerly to the south line of said Section 18, to a point approximately 2,200 feet west of NE Spring Hill Road; Thence S10°E generally parallel with NE Spring Hill Road, to the east end of the curve and

the south side of NE Laughlin Road approximately 2,000 feet west of NE Spring Hill Road; Thence southwesterly along the easterly side of NE Laughlin Road approximately 1,900 feet to the west line of the Phillip Thompson Donation Land Claim No. 58; Thence S 5°E, approximately 3,300 feet to the northeast corner of U.S. Government Lot 10, near the center of Section 30, T2S, R3W; Thence west on the north line of said Lot 10, a distance of 942.31 feet to a 10" diameter stone shown on Survey No. 6805 of Yamhill County Survey Records; Thence S 0°08'51"E a distance of 2,690.83 feet to a 6" diameter stone on the south line of said Section 30 and shown per said Survey No. 6805; Thence S19°E approximately 1.08 miles to a point the north line of Section 6, T3S, R3W, lying approximately 1,900 feet west of NE North Valley Road; Thence west approximately 1,130 feet to the North ¼ corner of said Section 6; Thence south on the center line of said Section 6 a distance of approximately 1.0 mile to the North ¼ corner of Section 7, T3S, R3W, Thence west approximately 2,640 feet to the northwest corner of said Section 7; Thence south on the west lines of Section 7 and 18 approximately 1.40 miles to the northerly line of a tract described in Instrument No. 200529012 (Park Trust to Mahon); Thence easterly approximately 1.78 miles to the northeasterly corner of the Calvin W. Ish Donation Land Claim No. 49; Thence southerly on the easterly line of said Ish Claim No. 49 to the property line between Revana Family Partners, Deed No. 20060169, and Andrew H. Wilder, Deed No. 20017231; Thence southeasterly along the Revana/Wilder line to the west line of Section 21, T3S, R3W; Thence South approximately 1.60 miles to the southwest corner of Section 28, T3S,R3W; Thence east along the south line of Section 28 approximately 3,700 feet to the west property line of Caroline Crabtree-Osborne; Thence south and east on the Crabtree-Osborne lines to the east line of Section 33, T3S, R3W; Thence south on the east line of Section 33 approximately 4,630 feet to the southerly side of Archery Summit Road; Thence southeasterly on the southerly side of Archery Summit Road to Oregon Highway 18 and continuing on an easterly projection to the Portland & Western Railroad; Thence northeasterly along the railroad to the south side of Fulquartz Landing Road (CR 79); Thence along Fulquartz Landing Road to the west side of NE Crawford Road (CR 181); Thence south along the west side of NE Crawford Road to the southerly side of Riverwood Road (CR80); Thence southeasterly along the southside of Riverwood Road to northwest corner of County Survey 3598 by J.G Hefty, dated September 1912; Thence along the said survey lines S78°13'E, approximately 1,989 feet; thence S77°16'E, approximately 489.60 feet; Thence N80°34'E, approximately 905.80 feet to the Willamette River; Thence Northerly and following the Willamette River downstream to the north line of Section 6, T4S, R1W and the county line; Thence west and north along the exterior of T3S, R1W, and the county line to the place of beginning.

B. <u>ASA #2 North</u>

Assigned to the McMinnville Fire District.

Beginning on the northerly Yamhill County line at a point on the north line of Section 18, T2S, R3W, approximately 750 feet west of NE Spring Hill Road; Thence southerly to the south line of said Section 18, to a point approximately 2,200 feet west of NE Spring Hill Road; Thence S10°E generally parallel with NE Spring Hill Road, to the east end of the curve and the south side of NE Laughlin Road approximately 2,000 feet west of NE Spring Hill Road; Thence southwesterly along the easterly side of NE Laughlin Road approximately 1,900 feet to the west line of the

Phillip Thompson Donation Land Claim No. 58; Thence S 5°E, approximately 3,300 feet to the northeast corner of U.S. Government Lot 10, near the center of Section 30, T2S, R3W; Thence west on the north line of said Lot 10, a distance of 942.31 feet to a 10" diameter stone shown on Survey No. 6805 of Yamhill County Survey Records; Thence S 0°08'51"E a distance of 2,690.83 feet to a 6" diameter stone on the south line of said Section 30 and shown per said Survey No. 6805; Thence S19°E approximately 1.08 miles to a point the north line of Section 6, T3S, R3W, lying approximately 1,900 feet west of NE North Valley Road; Thence west approximately 1,130 feet to the North ¼ corner of said Section 6; Thence south on the center line of said Section 6 a distance of approximately 1.0 mile to the North ¼ corner of Section 7, T3S, R3W, Thence west approximately 2,640 feet to the northwest corner of said Section 7; Thence south on the west lines of Section 7 and 18 approximately 1.40 miles to the northerly line of a tract described in Instrument No. 200529012 (Park Trust to Mahon); Thence easterly approximately 1.78 miles to the northeasterly corner of the Calvin W. Ish Donation Land Claim No. 49; Thence southerly on the easterly line of said Ish Claim No. 49 to the property line between Revana Family Partners, Deed No. 20060169, and Andrew H. Wilder, Deed No. 20017231; Thence southeasterly along the Revana/Wilder line to the west line of Section 21, T3S, R3W; Thence South approximately 1.60 miles to the southwest corner of Section 28, T3S,R3W; Thence east along the south line of Section 28 approximately 3,700 feet to the west property line of Caroline Crabtree-Osborne; Thence south and east on the Crabtree-Osborne lines to the east line of Section 33, T3S, R3W; Thence south on the east line of Section 33 approximately 4,630 feet to the southerly side of Archery Summit Road; Thence southeasterly on the southerly side of Archery Summit Road to Oregon Highway 18 and continuing on an easterly projection to the Portland & Western Railroad; Thence northeasterly along the railroad to the south side of Fulquartz Landing Road (CR 79); Thence along Fulquartz Landing Road to the west side of NE Crawford Road (CR 181); Thence south along the west side of NE Crawford Road to the southerly side of Riverwood Road (CR80); Thence southeasterly along the southside of Riverwood Road to northwest corner of County Survey 3598 by J.G Hefty, dated September 1912; Thence along the said survey lines S78°13'E, approximately 1,989 feet; thence S77°16'E, approximately 489.60 feet; Thence N80°34'E, approximately 905.80 feet to the Willamette River; Thence southerly and upstream along the Willamette River and easterly county line to the point where Yamhill and Polk Counties meet; Thence west along the Yamhill and Polk County line to the west side of SW Broadmead Road; Thence northeasterly along the west side of SW Broadmead Road to the south line of Section 25, T5S, R5W; Thence west on the section lines of Section 25 and 26 to the South Yamhill River; Thence northeasterly and following the Yamhill River downstream to the Bellevue-Hopewell Highway Bridge; Thence westerly along the southerly side of Bellevue-Hopewell Highway (OR 153) to the west side of Delashmutt Road (CR 28); Thence northerly along the west side of Delashmutt Road approximately 1,800 feet to the south line of Section 22, T5S, R5W; Thence north approximately 1.0 miles along the east section lines of 22 and 15 to the north side of SW Sauter Road; Thence westerly along the north side of SW Sauter Road through the "S" curve, approximately 4,500 feet to a point near the Boundy/Christensen property line. Thence north passing through milepost 39 of OR HWY 18 approximately 3,150 feet to the southeast corner of Erratic Rock State Nature Site; Thence west along the south line of Erratic Rock State Nature Site approximately 1,000 feet to the southwest corner thereof adjacent with SW Dusty Drive; Thence north along a series of common property

lines, approximately 5,600 feet to the northeast corner of the Momtazi Family LLC property described in Instrument No. 1997-16865 of the Yamhill County Clerk's Records; Thence west Momtazi property approximately 1,320 feet to the east line of Section 9, T5S, R5W; Thence south along the section line approximately 1,320 feet to the east ¼ corner of Section 9; Thence west along the centerline of Section 9 approximately 1,850 feet; Thence south approximately 2,640 feet to the southeast corner of Dave Waddell property; Thence west approximately 2,640 feet to the southwest corner of Dave Waddell property; Thence north approximately 2,500 feet to the southerly corner of the James Colman Donation Land Claim No. 40; Thence N 54°W along the Colman Donation Claim approximately 990 feet to the east side of SW Muddy Valley Road (CR 19); Thence northerly up the east side of SW Muddy Valley Road to the bridge across Muddy Creek in the northwest ¼ of Section 4, T5S, R5W; Thence northwesterly upstream along Muddy Creek approximately 3.25 miles to the south line of Section 19, T4S, R5W; Thence west approximately 0.9 Miles to the southeast corner of Section 24, T4S, R6W; Thence north 2 miles on the section lines to the northeast corner of Section 13, T4S, R6W; Thence west 4 miles on the section lines to the southwest corner of Section 9 T4S, R6W; Thence north 2 miles to the southeast corner of Section 32, T3S, R6W; Thence west 1 mile to the west county line; Thence north 12 miles and east approximately 19.3 miles along the county line to the place of beginning.

C. <u>ASA #3 South Central</u>

Assigned to the Sheridan Fire District.

Beginning at the intersection of the Yamhill and Polk County line and the west side of SW Broadmead Road located in Section 2, T6S, R5W; Thence northeasterly along the west side of SW Broadmead Road to the south line of Section 25, T5S, R5W; Thence west on the section lines of Section 25 and 26 to the South Yamhill River; Thence northeasterly and following the Yamhill River downstream to the Bellevue-Hopewell Highway Bridge; Thence westerly along the southerly side of the Bellevue-Hopewell Highway (OR 153) to the west side of Delashmutt Road (CR 28); Thence northerly along the west side of Delashmutt Road approximately 1,800 feet to the south line of Section 22, T5S, R5W; Thence north approximately 1.0 miles along the east section lines of 22 and 15 to the north side of SW Sauter Road; Thence westerly along the north side of SW Sauter Road through the "S" curve, approximately 4,500 feet to a point near the Boundy/Christensen property line. Thence north passing through milepost 39 of OR HWY 18 approximately 3,150 feet to the southeast corner of Erratic Rock State Nature Site; Thence west along the south line of Erratic Rock State Nature Site approximately 1,000 feet to the southwest corner thereof adjacent with SW Dusty Drive; Thence north along a series of common property lines, approximately 5,600 feet to the northeast corner of the Momtazi Family LLC property described in Instrument No. 1997-16865 of the Yamhill County Clerk's Records; Thence west Momtazi property approximately 1,320 feet to the east line of Section 9, T5S, R5W; Thence south along the section line approximately 1,320 feet to the east ¼ corner of Section 9; Thence west along the centerline of Section 9 approximately 1,850 feet; Thence south approximately 2,640 feet to the southeast corner of Dave Waddell property; Thence west approximately 2,640 feet to the southwest corner of Dave Waddell property; Thence north approximately 2,500 feet to the southerly corner of the James Colman Donation Land Claim No. 40; Thence N 54°W along

the Colman Donation Claim approximately 990 feet to the east side of SW Muddy Valley Road (CR 19); Thence northerly up SW Muddy Valley Road to the bridge across Muddy Creek in the northwest ¼ of Section 4, T5S, R5W; Thence northwesterly upstream along Muddy Creek approximately 3.25 miles to the south line of Section 19, T4S, R5W; Thence west approximately 0.9 Miles to the southeast corner of Section 24, T4S, R6W; Thence north 2 miles on the section lines to the northeast corner of Section 13, T4S, R6W; Thence west 4 miles on the section lines to the southwest corner of Section 9 T4S, R6W; Thence south 4 miles on the section lines to the southwest corner of Section 33, T4S, R6W; Thence east on the south line of Section 33 approximately 0.18 miles to the westerly side of Rock Creek Road (CR 415); Thence southwesterly along the westerly side of Rock Creek Road approximately 4.8 miles to the west line of Section 21, T5S, R6W; Thence south on the section lines 2.25 miles to the southerly side of Oregon Highway 18 Business (W. Main Street); Thence southwesterly along the southerly side of Oregon Hwy 18 approximately 0.9 miles to the east line of Section 6, T6S, R6W; Thence south on the east line of Section 6 approximately 0.75 miles to the Yamhill and Polk County Line. Thence east on the County line approximately 9.3 miles to the east side of SW Broadmead Road and the point of beginning.

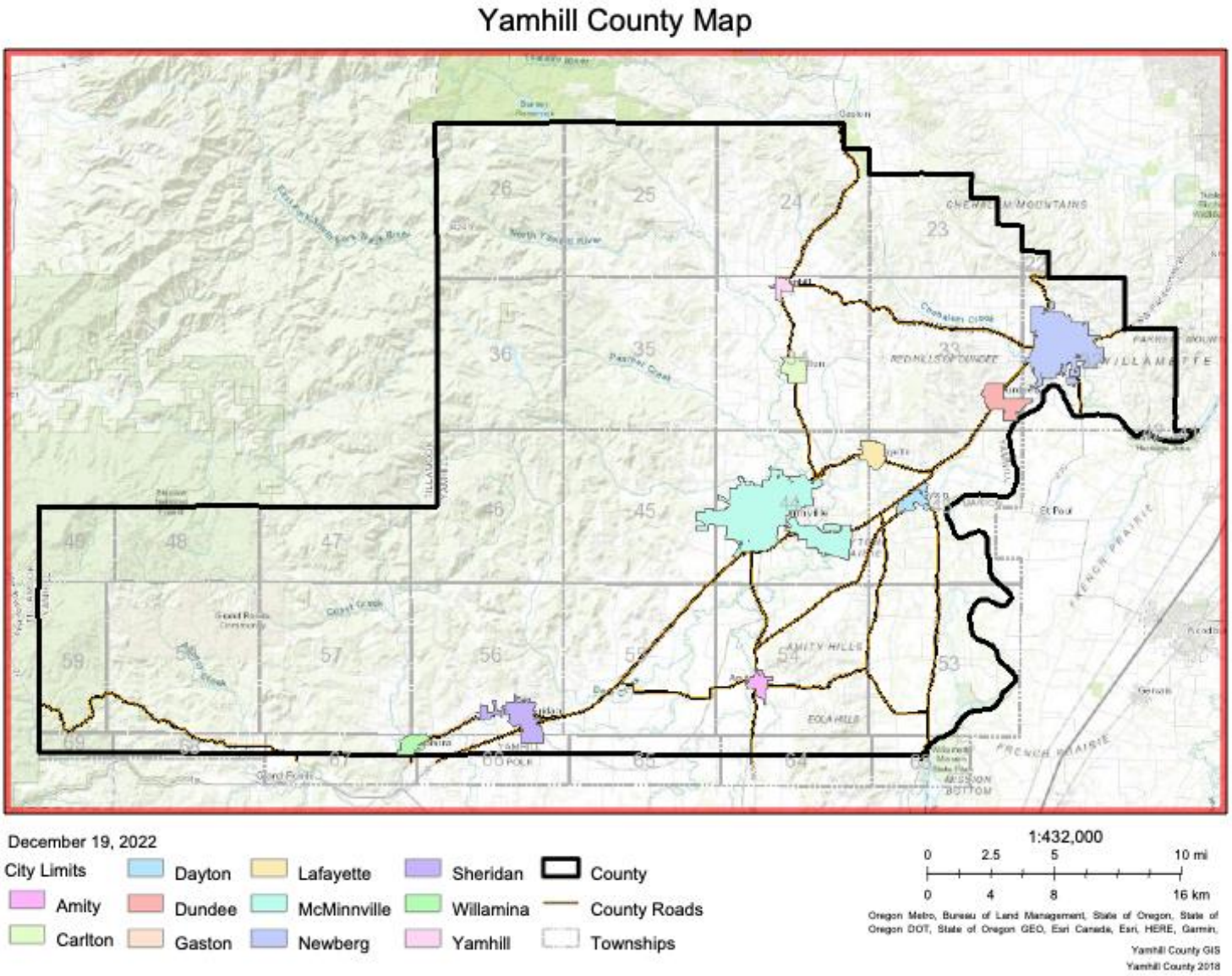
D. <u>ASA # 4 West</u>

Assigned to the Grand Ronde Fire Department.

Beginning on the Yamhill and Tillamook County line at the northwest corner of Section 5, T4S, R6W; Thence east 1 mile to the northeast corner of Section 5, T4S, R6W; Thence south 6 miles on the section lines to the southwest corner of Section 33, T4S, R6W; Thence east on the south line of Section 33 approximately 0.18 miles to the westerly side of Rock Creek Road (CR 415); Thence southwesterly along the westerly side of Rock Creek Road approximately 4.8 miles to the west line of Section 21, T5S, R6W; Thence south on the section lines 2.25 miles to the southerly side of Oregon Highway 18 Business (W. Main Street); Thence southwesterly along the southerly side of Oregon Hwy 18 approximately 0.9 miles to the east line of Section 6, T6S, R6W; Thence south on the east line of Section 6 approximately 0.75 miles to the Yamhill and Polk County Line. Thence west, north, east, and north approximately 44.75 miles on the county line to the point of beginning.

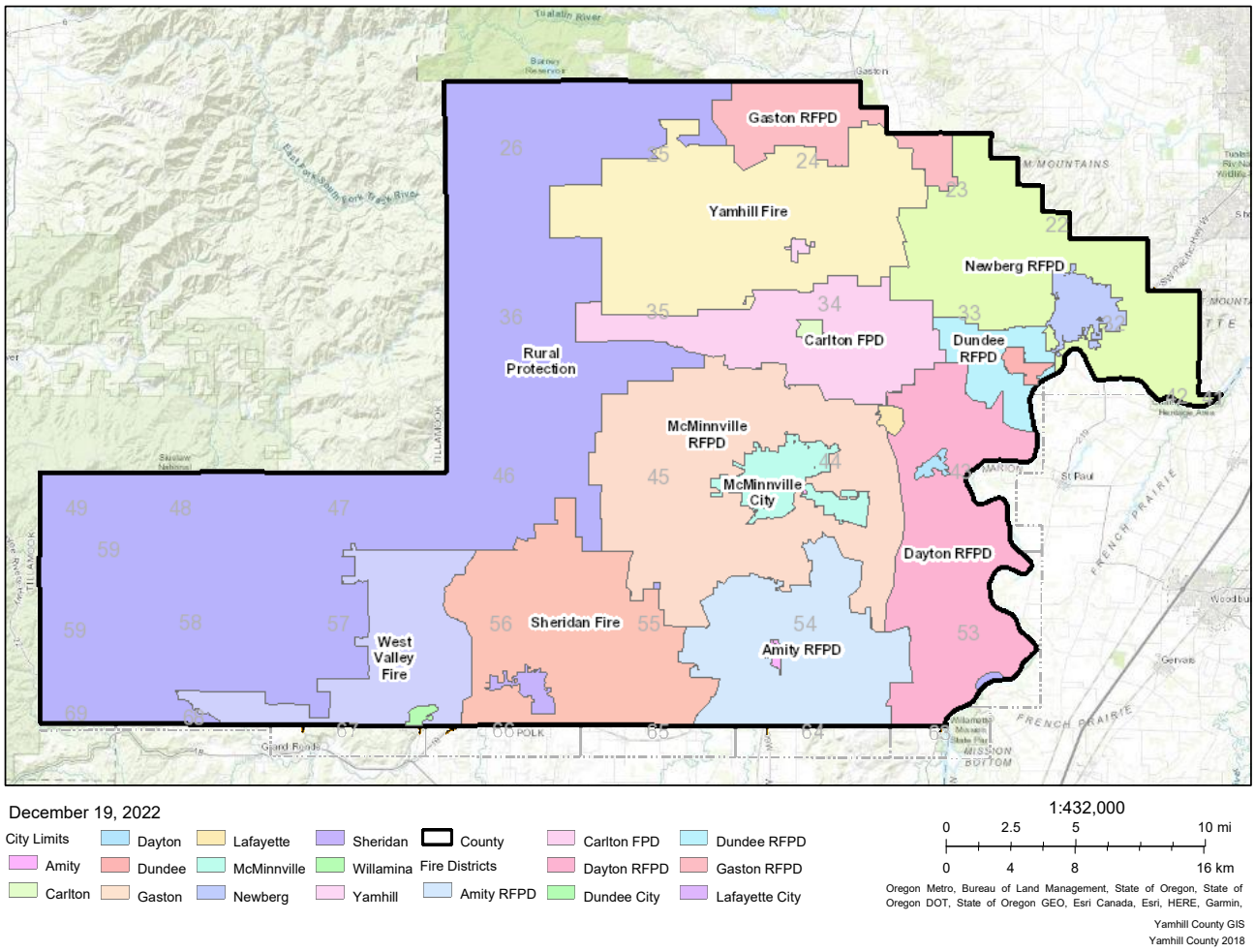
Map(s) Depicting "9-1-1," Fire Districts and Incorporated Cities [OAR 333-260-0020(3) 4.(c)]

INCORPORATED CITIES:

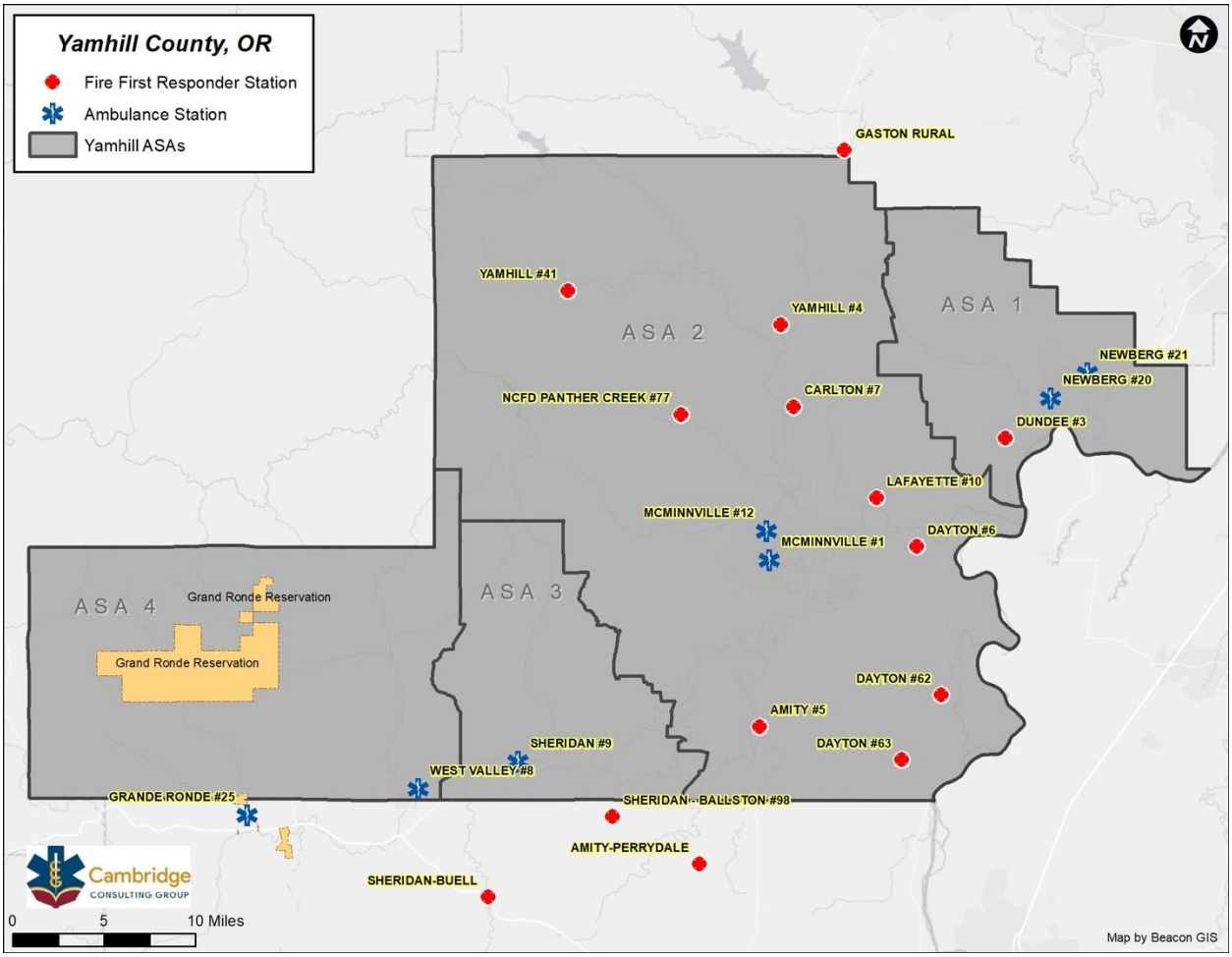


FIRE DISTRICTS

Yamhill County Map



FIRE STATIONS & FIRE STATIONS WITH EMS ASSETS:



Alternatives Considered to Reduce Response Times [OAR 333-260-0020(3) 4.(d)]

The County has policies and procedures in effect that monitor emergency ambulance Response Time performance by all ASA Providers. The County expects the ASA Providers to employ industry best practices, data driven strategies, and sound professional judgment in meeting established Response Time requirements. The goal is to responsibly, reliably, and safely deliver Response Times, while also considering certain clinical outcomes in addition to Response Times.

Employing the use of closer, first response units in responding to critical EMS cases, or even Quick Response Teams (QRT), are mechanisms organizations are encouraged to use to reduce Response Times to emergencies. These types of EMS units, while not transport capable, can deliver trained personnel faster to the scene than more regionally located ambulances.

Other methodologies the County expects each ASA Provider to implement to reduce Response Times and improve patient outcomes include:

1. Develop and use standard operating procedures,
2. Support a trained and qualified work force,
3. Maintain adequate communications equipment,
4. Utilize coordinated communication,
5. Promote information exchanges among public safety response agencies,
6. Coordinate with hospitals to reduce wait times; and
7. Educate the public on the 9-1-1 system and services.

Other ways being considered to reduce the time for lifesaving care to arrive at the patient's side include the following:

USE OF DRONES IN EMS:

Research from Europe, and a few pilot programs in the United States, have shown that drones (UAV) may provide an option for many EMS systems to improve response to critical emergencies and improve patient outcomes. They appear to be most advantageous for rural and frontier regions where EMS response can easily exceed 20 minutes. When UAVs are equipped with AEDs (Automatic External Defibrillators) and EpiPens, as an example, and configured to provide two-way audio communication, they can deliver life-saving modalities to the patient's side and permit instruction to direct by-standers on usage.

Some UAV systems have been developed that use remote outside storage structures that maintain battery charge for the unit and protect it from inclement weather conditions. These "drone stations" could be located strategically throughout a remote or rural region to enhance the response capability of the local EMS services.

When equipped with video capabilities, UAVs may also be used to provide situational awareness for EMS units and communications centers by deployment over particular incidents,

especially when multiple patients are involved or safety conditions at a scene are in question. While limited by battery life, UAVs still have important applications for EMS systems and individual units, such as First Responder apparatus.

COMMUNITY AEDS

Some medical device manufacturing companies have introduced the concept of community wide distribution of AEDs, including in personal residences. These devices are connected to a network that incorporates with the local 911 communications center which allows the devices to be alerted when a potential cardiac arrest is occurring within a set distance. Individuals of the lay public can remove the AED from its wall-mounted station and respond to the scene to render aid. The idea that the public can respond to many out-of-hospital cardiac arrests (OHCA) with an AED faster than EMS providers is factual in many cases.

This concept could be expanded in the future to include EpiPens and tourniquets. In addition, some communities have launched registries for AEDs that are located in public buildings and private companies, maintaining that information with their emergency communications centers. In these cases, when an OHCA call is received by the 911 center, they are able to locate the closest AED and advise the caller.

ALTERNATIVE TO RESPONSE TIME STANDARDS

The County recognizes that it is not just Response Times that lead to a reduction in mortality. In fact, there is a significant amount of research that indicates, outside of cardiac arrests, Response Times have a minimal impact on patient outcomes and length of stay time in the hospital. It is often the case that time to first clinical intervention plays a more significant role in out of hospital survival rates. Research shows there is no evidence of increased mortality for priority patients where ALS Response Time exceeded 10:59 minutes[3]. Other studies concluded that, "*a paramedic response time within eight minutes was not associated with improved survival to hospital discharge. Adherence to the eight-minute response time guideline in most patients who access out-of-hospital emergency services is not supported by these results"*[4].

Additionally, focusing solely on Response Times can have a negative impact overall on system performance. First, the community needs to invest significant dollars for the cost of readiness to assure the ambulance can arrive in the designated time interval. Second, many more paramedics are needed in the system staffing those ambulances. Third, crews are held to a Response Time standard that can only be achieved by the constant use of red lights and sirens. This exposes them to a higher incidence of ambulance-involved motor vehicle collisions and potentially crewmember injuries along with an increased fatigue factor that has the potential for clinical errors.[5]

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[3] Pons PT, Haukoos JS, Bludworth W, et al. Paramedic response time: Does it affect patient survival? Acad Emerg Med. 2005;12(7):594—600

[4] Blackwell TH, Kline JA, Willis JJ, et al. Lack of association between prehospital response times and patient outcomes. Prehosp Emerg Care. 2009; 13(4):444—450

[5] Grissinger M. An exhausted workforce increases the risk of errors. P T. 2009 Mar;34(3):120-3

To this end, the County will closely monitor Response Times to ensure they do not exceed the established benchmarks but will also continually review the efficacy of Response Times in general. The County will further begin development of clinical performance standards that have been shown to be related directly to patient outcomes. The County will strive to establish consensus-accepted clinical performance standards as an important measure of the quality of the system's overall performance and as required benchmarks for achievement for ASA Providers.

CLINICAL PERFORMANCE STANDARDS

Over the next five years, the ASA Committee will be considering what clinical data is identified as important by current in-field medical research for patient care, as well as improved patient outcomes, and determine how that information may be collected. The ASA Committee has been charged with reviewing and determining what clinical performance standards should be used in the Yamhill EMS system in the future.

SYSTEM ELEMENTS [OAR 333-260-0020(3) 5]

9-1-1 DISPATCHED CALLS [OAR 333-260-0020(3) 5.(a)]

PUBLIC SAFETY ANSWERING POINT (PSAP) / DISPATCH CENTERS

Yamhill County utilizes The Yamhill Communications Agency (YCOM) and the Newberg-Dundee Communications Center (NDCC) to provide EMS call answering, processing and dispatching services. NDCC transfers incoming EMS requests to the Washington County Consolidated Communications Agency (WCCCA) for the disposition of the case.

Upon request for medical assistance, YCOM or WCCCA will simultaneously dispatch the closest fire department first responder unit, if applicable, and the appropriate emergency ambulance service. Actual dispatch processing and performance is closely monitored and tracked internally by the dispatch centers and externally by the Yamhill County Department of Health.

YCOM uses the International Academies of Emergency Dispatch's Medical Priority Dispatch System for triaging and prioritization of EMS calls. WCCCA uses the APCO EMS triaging system.

Both WCCCA and YCOM are aware that the public is quickly adopting new technologies with their computers and wireless devices and expect to be able to communicate with today's 911 systems. A new generation of access devices presents a technology challenge to systems originally designed to interface with only fixed landline 911 calls. With the seemingly constant advancement of new technologies prevalent in today's 911 environment, incorporating a high degree of readiness into the 911 emergency call delivery and receipt system is necessary. The network and PSAP originally intended to carry and receive voice and a minimal amount of location data needs to be ready to support substantial amounts of data including text messaging, pictures, and video available to the calling public.

Key public safety industry organizations recognize that the ongoing evolution of 911 requires establishing minimum standards for PSAP employee training, operations, technology, and facilities. These organizations include:

1. International City/County Management Association (ICMA)
2. National Emergency Number Association (NENA)
3. Association of Public-Safety Communications Officials – International (APCO)
4. International Association of Fire Chiefs (IAFC)
5. Commission on Accreditation for Law Enforcement Agencies (CALEA)
6. National Fire Protection Association (NFPA)

PRE-ARRANGED NON-EMERGENCY TRANSFERS AND INTER-FACILITY TRANSFERS [OAR 333-260-0020(3) 5.(b)]

All pre-arranged, non-emergency ambulance services and inter-facility ambulance transfers originating within Yamhill County shall be included within the franchise rights and ambulance service area boundaries granted to ASA Providers as identified in this ASA Plan. This does not apply to ambulances and vehicles that are exempt from the ASA Plan, including but not limited to: specialty transport teams, ambulances owned or operated under the control of the United States government, vehicles operated solely on facility grounds, transportation of clients from outside of the County to a health care facility within the County, or ambulance or vehicles which are passing through without destination in the County. In addition, non-emergency ambulance services do not include stretcher cars, secure transport or medical taxis that do not provide medical services.

The assigned ASA Provider has the right to first refuse requests for non-emergency ambulance services or inter-facility ambulance transfers originating within their assigned ASAs; provided, however, that an ASA Provider's right to first refuse such requests does not apply to any person who is not an assigned ASA Provider and who had an existing written contract prior to July 1, 2009, with a health care provider located in Yamhill County for non-emergency ambulance services or inter-facility ambulance transfers. In any case, if the assigned ASA Provider refuses a non-emergency ambulance service or inter-facility ambulance transfer, a person who is not an assigned ASA Provider may provide the non-emergency ambulance service or inter-facility transfer.

Non-emergency ambulance services and inter-facility ambulance transfers are excluded from Response Time reporting requirements but may be subject to future reporting requirements established by the ASA Committee or the Board. All other rules, requirements and customer service expectations relating to the provision of emergency ambulance services shall apply to the provision of non-emergency and inter-facility ambulance transfers.

NOTIFICATION AND RESPONSE TIMES [OAR 333-260-0020(3) 5.(c)]

The County relies upon both WCCCA and YCOM to provide the services of notification and tracking call disposition for all EMS cases in the County. Through their Computer Aided Dispatch

(CAD) systems and radio communications networks, both centers maintain the records needed, as well as historical performance of all ASA Providers within the County. Response Times for each ASA Provider are captured within the centers' data bases and available to the County and associated organizations.

The County and its ASA Committee regularly review each ASA Provider's Response Times and identify areas of concern. Once identified, efforts are made to improve out-of-compliance performance. The County provides assistance as needed to support plans established to assure maintenance of adequate response time performance by all ASA Providers.

LEVEL OF CARE [OAR 333-260-0020(3) 5.(d)]

Currently, the ASA Providers designated by the County to provide EMS within their individual ASAs provide predominantly Advanced Life Support. However, on occasion, sufficient ALS practitioners may not be available or scheduled, in which case the ASA Provider staffs Basic Life Support ambulances to provide care. Some ASA Providers expect to place standard BLS ambulance units into service on a regular basis. All ASA Providers have ALS and if the ASA Provider drops exclusively to a lower level of care (i.e. BLS only) notification will be provided to the County and other ASA Providers with whom they have mutual aid agreements.

The following table identifies the recommended minimum number of EMS ambulance units, based on 2020 data, needed in each ASA within the County to meet the 90% response time standard. ASA Providers are required to meet the 90% response time standard and are allowed to staff their agency as they see fit in order to meet the 90% standard.

ASA	ASA 4							ASA 3							ASA 2							ASA 1							SYSTEM						
HR↓Day→	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	3	2	2	2	3	2	2	2	2	2	2	1	2	2	7	6	6	6	6	6	6
1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	3	2	2	2	2	2	2	1	2	1	2	1	2	6	6	6	5	6	5	6
2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	1	2	1	1	2	1	2	5	6	5	5	6	5	6
3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	1	1	1	1	1	1	1	5	5	5	5	5	5	5
4	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	1	2	1	1	1	1	1	5	6	5	5	5	5	5
5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	1	1	1	1	1	1	1	5	5	5	5	5	5	5
6	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	3	2	2	2	1	2	2	1	1	1	1	5	6	6	6	5	5	5
7	1	1	1	1	1	1	1	1	1	1	1	1	1	1	3	3	3	3	3	3	2	2	2	2	2	1	2	2	7	7	7	7	6	7	6
8	1	1	1	1	1	1	1	1	1	1	1	1	1	1	3	3	3	4	4	3	3	2	2	2	2	2	2	1	7	7	7	8	8	7	6
9	1	1	1	1	1	1	1	1	1	1	1	1	1	1	4	3	4	4	4	4	3	2	2	2	2	3	2	2	8	7	8	8	8	9	7
10	1	1	1	1	1	1	1	1	1	1	2	1	1	1	4	4	5	4	4	5	4	2	3	2	2	3	3	2	8	9	9	9	9	10	8
11	1	1	1	1	1	1	1	1	1	1	1	1	1	1	3	5	5	5	5	4	5	2	3	3	2	3	3	2	7	10	10	9	10	9	9
12	1	1	1	1	1	1	1	1	1	1	1	1	1	1	3	4	4	5	5	5	4	3	2	3	2	2	3	2	8	8	9	9	9	10	8
13	1	1	1	1	1	1	1	1	1	1	1	1	1	1	4	5	5	4	5	5	5	3	2	3	3	3	2	2	9	9	10	9	10	9	9
14	1	1	1	1	1	1	1	1	1	1	1	1	1	1	5	4	4	4	5	4	4	3	2	2	3	3	2	2	10	8	8	9	10	8	8
15	1	1	1	1	1	1	1	1	1	1	1	1	1	1	4	4	5	5	5	5	4	3	2	3	3	3	3	3	9	8	10	10	10	10	9
16	1	1	1	1	1	1	1	1	1	1	1	1	1	1	4	5	5	5	5	5	4	2	3	2	3	3	3	3	8	10	9	10	10	10	9
17	1	1	1	1	1	1	1	2	1	1	1	1	1	1	4	5	5	5	5	5	4	3	3	3	2	3	3	3	10	10	10	9	10	10	9
18	1	1	1	1	1	1	1	1	1	1	1	1	1	1	4	4	4	4	4	5	4	3	2	3	3	3	2	2	9	8	9	9	9	9	8
19	1	1	1	1	1	1	1	1	1	1	1	1	1	1	4	4	4	4	3	4	5	2	2	2	3	3	2	3	8	8	8	9	8	8	10
20	1	1	1	1	1	1	1	1	1	1	1	1	1	1	4	3	3	3	3	4	4	2	3	2	2	2	2	3	8	8	7	7	7	8	9
21	1	1	1	1	1	1	1	1	1	1	1	1	1	1	4	3	3	3	3	4	4	3	2	2	2	2	2	2	9	7	7	7	7	8	8
22	1	1	1	1	1	1	1	1	1	1	1	1	1	1	3	3	3	3	3	4	4	2	2	2	2	2	2	2	7	7	7	7	7	8	8
23	1	1	1	1	1	1	1	1	1	1	1	1	1	1	3	2	2	2	2	3	3	2	2	2	2	2	2	2	7	6	6	6	6	7	7

***the above map is a heat map. The colors move from green to red indicating a higher number of ambulances recommended.*

Changes to the recommended minimum number of EMS ambulance units needed (as described in the table above) should be data driven and recommended by the ASA Committee to the Board in order to update the ASA Plan. This should be done every 5 years. ASA Providers are

still allowed to staff their system as they see fit to meet the 90% response time standard as stated above.

PERSONNEL [OAR 333-260-0020(3) 5.(e)]

When operating an ambulance in Yamhill County, all ASA Provider personnel must meet the requirements of ORS Chapter 682 and OAR 333-255-0070 (1), (4) or (6).

Anyone staffing an ambulance must not have consumed alcohol beverages in the eight hours before working or in any way be impaired by the ingestion of alcohol. Anyone staffing an ambulance must not be taking any medications that would impair their ability to care adequately and safely for a patient.

Each person staffing an ambulance or providing pre-hospital emergency medical care in the County is required to display their level of certification/licensure and, at a minimum, their first name on the outermost garment of their work uniform and must make reasonable efforts to display this information under other circumstances. At a minimum, this uniform shall bear the name of the agency or ASA Provider providing the service. Reasonable exceptions are made for clothing used to protect the responders from injury or illness (i.e. turnouts, hazardous materials suits, personal protective garments, etc.)

Each person staffing an ambulance or providing pre-hospital emergency medical care is required to wear a standardized uniform as determined by the employing agency. Uniforms shall be clean and free of excessive wear and tear and free of blood and/or bodily materials. Reasonable exceptions shall be granted to uniforms soiled during the course of providing service as long as they are cleaned and changed at the first appropriate opportunity.

Each ASA Provider shall have in place a pre-employment and for-cause drug and alcohol screening program. This program shall be on file with the Administrator. Each ASA Provider shall have in place a criminal background check program. This program shall be on file with the Administrator. Upon a reasonable request by the Administrator, a criminal background check may be required of any person providing direct patient services.

~~DIVERSITY, EQUITY, AND INCLUSION (DEI)~~

~~The County recognizes the importance of diversity, equity, and inclusion in the workforce. Each ASA Provider will develop strategies to promote the recruitment of training candidates from diverse backgrounds. These strategies may include changes in advertising and recruitment methods or demonstrating each organization's commitment to DEI values.~~

MEDICAL SUPERVISION [OAR 333-260-0020(3) 5.(f)]

Each ASA Provider utilizing EMTs shall be supervised by a physician licensed under ORS 677, actively registered and in good standing with the Board of Medical Examiners as a Medical Doctor (M.D.) or Doctor of Osteopathic Medicine (D.O.). The Board of Medical Examiners must

also approve the physician as a Supervising Physician. Each ASA Provider or ambulance service will identify a Supervising Physician. The Supervising Physician shall comply with the medical requirements listed in OAR 847-35-0025.

Willamette Valley Medical Center and Providence Newberg shall be the Yamhill County EMS System Medical Resource Hospitals. Other hospitals outside of those listed may be used as required for proper patient care and transport.

AMBULANCE SERVICE LICENSE AND PATIENT CARE EQUIPMENT [OAR 333-260-0020(3) 5.(g)]

All ambulances and ambulance services in Yamhill County must be licensed with the Oregon Health Authority, EMS Section, and be equipped with equipment and supplies that comply with the OARs for ALS, ILS and BLS ground ambulances. Patient care equipment must meet all requirements as specified in ORS 682.015 to 682.991 and OAR 333-255-007 (2), (3), (4) (5), or (7).

If a QRT is used as a first responder, it should be fully equipped to provide the service level set by the ASA Provider, and meet those personnel, training, and medical supervision requirements which apply from the Oregon Health Authority.

All ASA Providers shall maintain a list of equipment for their units, which will be furnished to the ASA Committee or Board upon their request.

The County is working with its ASA Committee to standardize the medical equipment and supplies used on each ASA Provider's apparatuses.

VEHICLES [OAR 333-260-0020(3) 5.(h)]

All ambulance must be Type I, II, or III and licensed by the Oregon Health Authority prior to any emergency medical service. All ambulances must meet or exceed the requirements as set forth in ORS 682.015 to 682.991 and OAR 333-255-0060. A current list of each ASA Provider's ambulances shall be maintained and furnished to the Administrator, the ASA Committee, or the Board upon request.

ASA Providers shall use ambulances which are in good condition and shall meet or exceed either the current National Fire Protection Association (NFPA) 1917 or Commission on Accreditation of Ambulance Services (CAAS) General Vehicle Standards, their successors, or previously accepted standards at the time of the vehicles' original manufacture. When such standards conflict with State of Oregon standards, the State standards shall prevail. Each ASA Provider shall replace any ambulance in its fleet having over 250,000 miles on its chassis unless an exception is granted by the County based upon a written request supported by an upgraded vehicle preventative maintenance program for that vehicle acceptable to the County.

TRAINING [OAR 333-260-0020(3) 5.(i)]

Yamhill County accepts both Oregon's level specific, state certification education/training requirements and standards requirements, and standards and continuing education for EMS providers.

Each ASA Provider shall meet State-required certification levels, to be certified and/or licensed by the appropriate State agency, to participate in a medical audit process, and to provide special training and support to personnel in need of specific training.

Additional educational/training requirements may be required by the ASA Providers' Supervising Physicians, to accommodate such things as protocol changes, in-service, quality improvement, system enhancements, and individual remediation.

QUALITY IMPROVEMENT [OAR 333-260-0020(3) 5.(j)]

Each ASA Provider shall have a quality assurance and improvement program aimed at monitoring the provision of care provided by its EMS practitioners. These programs shall include mechanisms to identify errors or omissions of appropriate care, mandated medical protocols, or necessary documentation of care provided, by specific practitioners. These programs shall include processes to retrain or educate identified individuals needing remediation.

QUALITY IMPROVEMENT; STRUCTURE [OAR 333-260-0020(3) 5.(j)(A)]

The Board, in order to ensure the delivery of the most efficient and effective pre-hospital care possible with the available resources, has directed establishment of an ASA Committee. The ASA Committee was created by Ordinance No. 723, February 6, 2003, and is composed of the following positions. Members are appointed to the positions by Board Order:

- Administrator or their designee (1)
- EMS personnel selected from each ASA of Yamhill County (4)
- 9-1-1 Coordinator from each Yamhill County dispatch center (2)
- Administrator or designee from each hospital located within Yamhill County (2)
- Public member (1)
- Physician Advisor/emergency physician (1)
- Fire Department or Fire District representative from an organization that is not assigned an ASA in Yamhill County or any other county (1)
- Yamhill County emergency management representative (1)

Commissioners and other Yamhill County staff may attend as ex-officio members of the ASA Committee.

The Board appoints members of the ASA Committee for staggered terms, which may be renewed.

Any member of the ASA Committee who may have a conflict of interest in any matter must declare such conflict and refrain from participating in any recommendations made.

QUALITY IMPROVEMENT; PROCESS [OAR 333-260-0020(3) 5.(j)(B)]

The ASA Committee functions to review standards, make recommendations for improvement or new standards to the Board for all matters regarding EMS, and reviews and makes recommendations regarding the soundness of the ASA Plan. The ASA Committee, through its existence, will offer a local focus for EMS system issues and encourage local resolution of EMS system problems. The ASA Committee will maintain a compilation of all Quality Assurance/Improvement policies enacted, as well as all investigations and their outcomes.

The ASA Committee is established to:

1. Act in an advisory capacity for quality management issues to an ASA Provider at their request.
2. Develop and monitor performance standards.
3. Evaluate written proposals for amendments to the ASA Plan and forward its recommendations to the Board.
4. Monitor ASA Provider quality assurance programs to include:
    a. Compliance with statutes, ordinances, and rules.
    b. Compliance with standards for pre-hospital notification, response, and patient care.
    c. Problem resolution and sanctions for non-compliance.

ANNUAL REVIEW OF PLAN AND PROVIDERS

The ASA Committee will annually review and make recommendations regarding the effectiveness and efficiency of the ASA Plan and pre-hospital emergency medical care, including but not limited to:

1. Coordination between EMS resources.
2. Dispatch procedures and compliance (ambulance and other emergency resources).
3. Internal audit and quality assurance processes for ASA Providers. Recommendations from provider quality assurance within system. Quality assurance findings from other agencies.
4. Input from public, ASA Providers, and medical community on performance.
5. Effective and efficient ASA boundaries.
6. Performance criteria and data sources.
7. Quarterly updates from ASA Providers.
8. Review and revise ASA Plan as necessary.
9. Interagency cooperation in disaster and mutual aid planning.

The ASA Committee will also review each ASA Provider annually for compliance with this ASA Plan requirements. Service record guidelines are outlined in license requirements for Ambulance Services established through the State Health Authority (OAR Chapter 333).

OTHER BUSINESS

The ASA Committee will be activated at any time a concern is submitted or when deemed appropriate by the Committee Chair, the Administrator, or three or more ASA Committee members. The ASA Committee may form subcommittees to deal with specific issues, such as quality assurance, protocol development, and disaster planning.

CONFIDENTIALITY

The ASA Committee and any subcommittees, as with any governmental body, will be subject to the Oregon Public Meetings Law (ORS Chapter 192). However, State and federal law require that patient records be kept confidential. The ASA Committee will comply with Oregon Public Meetings Law, ORS 192.610 through 192.690, but shall prevent the public disclosure of health privacy information or any other protected information, as required by state or federal law.

QUALITY IMPROVEMENT; PROBLEM RESOLUTION

The ASA Committee will review concerns about the ASA Plan, service delivery, and system response issues. Concerns must be directed to the Administrator in writing before they are raised in the ASA Committee. The Administrator will maintain a record of all correspondence and subsequent findings or actions.

Problems involving protocol deviation by EMTs or dispatchers will first be referred to the respective ASA Provider representative, Supervising Physician or dispatch supervisor.

Problems involving a non-compliant ASA Provider may, at the Administrator's discretion, be referred with background information and recommendations to the Board. The Board may seek further background data and recommendations from the ASA Committee in such instances.

Quality Improvement; Sanctions for Non-Compliant Providers [OAR 333-260-0020(3) 5.(j)(C)]

Sanctions for non-compliant ASA Providers may include the following.

SUSPENSION, MODIFICATION, OR REVOCATION OF A COUNTY ASA

In addition to any other remedies provided under this ASA Plan or under State or federal law, the Administrator is authorized upon reasonable cause to investigate whether there is sufficient reason to suspend, modify, or revoke the franchise of an ASA Provider.

1. If, in the judgment of the Administrator, there is sufficient evidence of a violation of the ASA Plan or applicable local, state, or federal law, or sufficient evidence that an ASA Provider has materially misrepresented facts or information given in its application for an ASA franchise, and such conduct warrants suspension, modification, or revocation of an ASA franchise, then the Administrator shall notify the Board in writing. The Administrator shall send a copy to the ASA Provider and the ASA Committee.
2. No less than ten (10) business days following the issuance of the notice of violation under this section, the Board may enter its order of revocation, modification, suspension, or non-renewal, and may thereby revoke, modify, or suspend the ASA

franchise, unless prior thereto the ASA Provider submits a written request for a public hearing or the Board on its own schedules a public hearing on the matter. Notice of any such hearing will be given to the ASA Provider by mail. The purpose of the hearing will be for the Board to determine whether good cause exists to revoke, modify, suspend, or not renew the ASA franchise.

3. In lieu of the suspension, modification, or revocation of an ASA franchise, the Board may order that the violation or misrepresentation be corrected and make the suspension or revocation contingent upon compliance with the order within the period of time stated therein. Notice of the Board action shall be provided by mail to the ASA Provider. The notice shall specify the violation, the action necessary to correct the violation, and the date by which the action must be taken. The ASA Provider shall notify the Board of the corrective action taken.
4. Any decision by the Board to suspend, modify, or revoke an ASA franchise must be by written order. A copy must be delivered to the ASA Provider by certified and regular mail or by personal service.

ORDINANCE VIOLATION

Any violation of a provision of this ASA Plan shall be punishable as a violation of a County ordinance under ORS Chapter 153. Such violation shall be punishable, upon conviction, by a fine not to exceed $500. Each day of a continuing violation constitutes a separate offense.

NUISANCE

In addition to the penalties provided in the ordinance, violations of any of the provisions of this ASA Plan and associated ordinance(s) is declared to be a nuisance and may be regarded as such in all actions, suits, or proceedings. The Board may initiate injunctive abatement or other appropriate legal proceedings to temporarily enjoin or abate such ambulance services.

COORDINATION [OAR 333-260-0020(3) 6]

ENTITY THAT SHALL ADMINISTER AND REVISE THE ASA PLAN [OAR 333-260-0020(3) 6.(a)]

The Administrator, under the supervision of the Board and with the assistance of the ASA Committee, is responsible for the administration of this ASA Plan. The Administrator has access to records pertaining to ambulance service operations of any service regulated by this ASA Plan; these records will be made available within five working days to the Administrator by the agency owning or in possession of said records.

COMPLAINT REVIEW PROCESS [OAR 333-260-0020(3) 6.(b)]

Concerns regarding violations of this ASA Plan, or questions involving pre-hospital care provided, must be submitted in writing to the Administrator. The Administrator will then forward the concern to the ASA Committee for its review and findings or recommendations. The ASA Committee may also resolve any problems involving system operations. The Administrator will maintain a written record of correspondence and subsequent findings or actions.

The public, ASA Providers, the medical community, or any other entity may provide ongoing input to any individual on the ASA Committee or members of the Board. This individual, in turn, may present the complaint, concern, idea or suggestion (in writing) to the full ASA Committee for consideration.

The ASA Committee will hear complaints, and it shall make recommendations to the Administrator, by majority vote of those attending the meeting at which the discussion and recommendation is made. Any recommendations made by the ASA Committee must be approved by the Administrator prior to action or implementation. Any recommendations by the ASA Committee or decision by the Administrator may be appealed to the Board.

CITIZEN COMPLAINTS / PROVIDER COMPLAINTS

Step 1. Filing of Formal Complaint with the ASA Provider.

a) A person desiring to make a complaint about ambulance services provided under this ASA Plan must first contact the ASA Provider. Upon request, the ASA Provider will provide a complaint form that includes information about the complaint process. The complaint is not official until the complainant files the written complaint with the ASA Provider.
b) The ASA Provider must acknowledge the complaint within 5 business days of receipt. The acknowledgment will include the date the complaint was received and information about the complaint process.
c) The ASA Provider will complete an information discovery process with the complainant. The ASA Provider will notify the complainant if additional information is needed from the complainant; if so, it must be furnished within 10 calendar days or another mutually agreed upon time frame, or the complaint may be resolved without this information.
d) No later than 21 calendar days from the date the complaint was received, the ASA Provider will produce a response to the complainant along with instructions for filing appeals to the ASA Committee. If the ASA Provider cannot resolve the issue in no later than 21 calendar days, then the ASA Provider shall notify the complainant in writing as soon as it is known that a delay will occur, state when a decision will be made, and specify the reason for delay.
e) The ASA Provider will send a copy of the complaint and its response to the Administrator.
f) If the complainant is satisfied, then Step 1 of the complaint process ends. If the complainant is dissatisfied, then they may proceed to Step 2.

Step 2. Appeal of Decision to the ASA Committee.

Complainants dissatisfied with any determination of an ASA Provider may appeal to the ASA Committee. The appeal process is set forth below.

a) A complainant under step 1 or its representative must file a written appeal of the ASA Provider's determination with the Administrator within 30 calendar days of the determination. The appeal must state the date, the complaint, the desired resolution, and the reason/s the complainant has objected to the ASA Provider's determination.
b) The Administrator will acknowledge the appeal within 5 business days of receipt. The acknowledgment will include the date the appeal was received and information about the complaint process.
c) The Administrator will complete an information discovery and technical assistance period that includes the Complainant and the ASA Provider, and will submit the appeal and all relevant information to the ASA Committee no later than 21 calendar days from the date of the appeal. The ASA Committee will then issue a written decision no later than 45 calendar days from the date of the appeal. If the ASA Committee overturns the ASA Provider's decision, then the ASA Committee may require the ASA Provider to submit a corrective action plan within 14 calendar days to the Administrator.
d) The Administrator will notify the Complainant of the ASA Committee's determination and what future steps will be taken, if any, to address the complaint.

MUTUAL AID AGREEMENTS [OAR 333-260-0020(3) 6.(c)]

Under authority of ORS Chapter 190, each ASA Provider shall execute a written mutual aid agreement with each other ASA Provider in the County and with each provider assigned to an adjoining ASA in an adjacent county, to respond with personnel and equipment in cases of need.[6] At minimum, each mutual aid agreement must include the following elements:

1. Equipment and Personnel. All equipment and personnel used by responding ambulance service providers must be duly licensed and comply with applicable rules of the Oregon Health Authority.
2. Limited Use. All mutual aid agreements must state that the providers agree to limited use of mutual aid, and that no provider will rely on mutual aid to respond to more than 5 percent of its monthly, quarterly, or annual volume.
3. Extreme danger. Responding ambulance service providers must retain the right to refuse to commit equipment and personnel to a physical location in which extreme danger to life or equipment exists. The senior officer of the responding agency shall be the sole judge of the extent and imminence of such danger.
4. Sole discretion. Upon receipt of a request for aid, the responding ambulance service provider must retain the right to respond in a manner that it deems appropriate. Responses under mutual aid agreements must be voluntary and discretionary, and any failure to respond must not give rise to any legal claim by the requesting party, any other party to the agreements, or anyone not a party to the mutual aid agreement.
5. Chain of Command. When equipment and personnel are furnished pursuant to the mutual aid agreement, all patient care activities of the responding ambulance service provider must be coordinated through the incident commander or their designee.

[6] ASA Providers may utilize the reference document "Mutual Aid Agreements" under Addendum A of this ASA Plan, for guidance in the development and execution of mutual assistance agreements.

6. Non-waiver of Ambulance Charge. Mutual aid agreements shall not waive, nor be construed to waive, the right of any ASA Provider to charge the individual receiving services for medical care provided in the jurisdiction of the other party.
7. Waiver of Claim. Each party to the mutual aid agreement must waive all claims against the other for compensation for any loss, damage, personal injury, or death occurring as the consequence of the performance of the mutual aid agreement. Nothing within the mutual aid agreement shall waive the right of any agency or member of any agency to compensation now permitted or required by law or to such compensation that may be agreed to by the parties.
8. Withdrawal. Each mutual aid agreement must provide that any party may withdraw from the agreement by providing at least six months' written notice to all other parties of its intent to withdraw. Providers may agree to a longer notice requirement.

Mutual aid agreements are kept on file with the Yamhill County Fire Defense Board and can be accessed by any officer on duty at the following numbers:

Fire District	**Station Contact Number**
Amity	503-835-2311
Carlton	503-852-6233
Dayton	503-864-3558
Dundee	503-554-8442
Grand Ronde	503-879-3473
Lafayette	503-864-2451
McMinnville	503-435-5800
Newberg	503-529-1720 Station 20
Sheridan	503-843-2467
Willamina	503-879-1709
Yamhill	503-662-4653

CONTRACTOR AGREEMENTS

An ASA Provider who utilizes a contractor, other than a Quick Response Team within its ASA to provide any part of its response commitments, must maintain a written agreement to outline performance criteria standards for the contractor. The ASA Provider must notify the Administrator in writing of any contracting arrangement and the Administrator must approve any contracting arrangement before it is implemented.

The Administrator is authorized to approve a written contract between an ASA Provider and a public or private provider for emergency ambulance services within a County ASA only if the Administrator determines all of the following criteria have been satisfied:

a. The ASA Committee has issued a written determination that the public or private provider has satisfied all elements contained in Section 9(3) of the ASA Ordinance.

b. The contract term may not exceed four years, and may not be renewed without a determination from the ASA Committee that the public or private provider has met the service requirements of this Ordinance and the ASA Plan through the date of review.

c. The contract must provide that it may be terminated at will by action of the Board, either by its own motion or upon a recommendation of the ASA Committee or the Administrator.

Once the Administrator approves the contract, the public or private provider may provide emergency ambulance services in a County ASA only in accordance with the terms of the contract and the requirements of the ASA Plan.

DISASTER RESPONSE [OAR 333-260-0020(3) 6.(d)]

All ASA Providers shall be actively involved in planning for and responding to any declared disaster within the County. Planning and response shall be in accordance with both a Mass Casualty Incident Plan and the County Emergency Operations Plan.

COUNTY RESOURCES OTHER THAN AMBULANCES [OAR 333-260-0020(3) 6.(d)(A)]

1. When in-county resources are required for the provision of EMS during a disaster, a request for additional resources may be made through the 9-1-1 center as follows:
    a. Fire resources may be requested through mutual aid, usually by authority of the senior fire officer or incident commander on site.
    b. Law enforcement resources may be requested through mutual aid, usually by authority of the senior law enforcement officer on site.
    c. Coordination for county resources other than emergency response agencies will be done through the PSAPs by activating Yamhill County Emergency Management (503) 434-4584 business number or (503) 434-6500.

OUT-OF-COUNTY RESOURCES [OAR 333-260-0020(3) 6.(d)(B)]

1. When out-of-county resources are required for the provision of EMS during a disaster, a request for additional resources may be made through the appropriate PSAP as follows:
    a. Additional fire resources may be requested through inter-county mutual aid or through the Oregon State Conflagration Act, usually by authority of the Yamhill County Fire Defense Board Chief or incident commander on site.
    b. Law enforcement resources may be requested through mutual aid, usually by the authority of the senior law enforcement officer on site.
    c. Coordination for out-of-county resources other than emergency response agencies will be done through the PSAPs by activating Yamhill County Emergency Management.

d. Out-of-county resources will be coordinated through Yamhill County Emergency Management by coordinating with emergency management centers in adjoining counties:
    i. Polk County Emergency Management
    ii. Clackamas County Emergency Management
    iii. Tillamook County Emergency Management
    iv. Lincoln County Emergency Management
    v. Washington County Emergency Management
    vi. Marion County Emergency Management
e. Resources needed beyond this will be coordinated through the State Emergency Management division by activating the OERS SYSTEM: 1-800-452-0311.

MASS CASUALTY INCIDENT PLAN (" MCIP") [OAR 333-260-0020(3) 6.(d)(c)]

The MCIP will provide guidance to EMS response personnel in the coordination of response activities relating to mass casualty incidents within the County, consistent with the Yamhill County Emergency Operations Plan. See Appendix A for Mass Casualty Incident Plan

CREATION, MAINTENANCE AND ADOPTION OF THE MCIP PLAN

The County plan is created, in consultation with its Department of Emergency Management, the Fire Defense Board, law enforcement agencies, public health and neighboring jurisdictions, a mass casualty plan to be used in any mass casualty incident. The plan will be adopted after review by the Ambulance Service Area Committee and reviewed at minimum every 5 years. Provisions for mass casualty response will be included in all mutual aid agreements.

MCIP COORDINATION

1. The highest-ranking officer on scene of the fire agency having jurisdiction of the incident may be the incident commander in all fire-related, mass casualty, and HAZMAT incidents. For other kinds of incidents, refer to the Yamhill County Emergency Operations Plan. The incident commander may delegate authority for on-scene command and operation but will retain overall responsibility.
2. The incident command system (ICS) will be utilized for overall scene management.
3. The ranking EMT at the scene or the individual appointed by the incident commander will have overall responsibility for medical care and will work under the direction of the incident commander. Failure to establish the primary ICS positions of command, medical, triage, treatment, and transport early in the incident will lead to long-term problems and delays.
4. The incident commander may determine the on-scene command frequency and staging area.

RESPONSE GUIDELINES

1. Response unit first on the scene:
    a) Establishes command

b) Assesses nature and severity of incident
c) Advises appropriate 9-1-1 PSAP/s of situation
d) Advises County Emergency Management of incident
e) Requests appropriate fire police, and EMS resources services
f) Establish appropriate objectives
g) Establishes medical branch: triage, treatment and transportation groups as soon as practical.
h) Establishes fire or rescue division as needed.

2. Command functions:
    a) Establish appropriate and effective incident command organization.
    b) Establish objectives and priorities
    c) Develop / carry -out plan of action
    d) Mitigate hazard / stabilize scene
    e) Prioritize rescue and extrication functions
    f) Establish prompt triage and treatment of priorities within resources
    g) Arrange rapid transport and documentation of patients
    h) Coordinate order of mutual aid response

RESPONSE TO TERRORISM [OAR 333-260-0020(3) 6.(d)(D)]

Refer to Yamhill County Emergency Operations Plan for a complete outline of terrorism response. When resources are required, a request for additional resources may be made through the appropriate PSAP.

PERSONNEL AND EQUIPMENT RESOURCES [OAR 333-260-0020(3) 6.(e)]

NON-TRANSPORTING EMS PROVIDER [OAR 333-260-0020(3) 6.(e)(A)]

When operating a non-transport EMS response unit in Yamhill County, all personnel must meet the requirements ORS Chapter 682 and OAR 333-255-0070 (1), (4) or (6).

Anyone staffing a non-transport EMS response unit must not have consumed alcohol beverages in the eight hours before working or in any way be impaired by the ingestion of alcohol. Anyone staffing a non-transport EMS response unit must not be taking any medications or substances that would impair their ability to care adequately and safely for a patient.

Each person staffing a non-transport EMS response unit and providing pre-hospital emergency medical care in the County is required to display their level of certification/licensure and, at a minimum, their name on the outermost garment of their work uniform and must make reasonable efforts to display this information under other circumstances. At a minimum, this uniform shall bear the name of the agency or ASA Provider providing the service. Reasonable exceptions are made for clothing used to protect the responders from injury or illness (i.e. turnouts, hazardous materials suits, personal protective garments, etc.)

Each person staffing a non-transport EMS response unit and providing pre-hospital emergency medical care is required to wear a standardized uniform as determined by the employing agency. Uniforms shall be clean and free of excessive wear and tear and free of blood and/or bodily materials. Reasonable exceptions shall be granted to uniforms soiled during the course of providing service as long as they are cleaned and changed at the first appropriate opportunity.

Each ASA Provider shall have in place a pre-employment and for-cause drug and alcohol screening program. This program shall be on file with the Administrator. Each ASA Provider shall have in place a criminal background check program. This program shall be on file with the Administrator. Upon a reasonable request by the Administrator, a criminal background check may be required of any person providing direct patient services.

HAZARDOUS MATERIALS [OAR 333-260-0020(3) 6.(e)(B)]

Refer to Yamhill County Emergency Operations Plan for a complete outline of hazardous materials response. When resources are required, a request for additional resources may be made through the appropriate PSAP.

SEARCH AND RESCUE [OAR 333-260-0020(3) 6.(e)(C)]

Refer to Yamhill County Emergency Operations Plan for a complete listing of search and rescue response and resources. When resources are required, a request for additional resources may be made through the appropriate PSAP.

The majority of search and rescue within Yamhill County is provided by the Yamhill County Sheriff's Office through the Emergency Services Division. They are on-call and available on a 24-hour, 365-days-a-year basis. In many instances, Search and Rescue will act as first responders in remote areas that are inaccessible to conventional ambulances. Search and Rescue shall either transport to the nearest ambulance or, at their discretion, use the services of an air ambulance, whichever is medically appropriate. Search and Rescue teams have direct radio contact with all local ambulances, hospitals, and the 9-1-1 Centers. In winter months, Search and Rescue will respond to remote areas covered with snow and not accessible by the usual ambulance service. When ALS is needed, Search and Rescue will transport the ambulance crews to the patient. See Appendix B for Emergency Operating Procedures.

SPECIALIZED RESCUE [OAR 333-260-0020(3) 6.(e)(D)]

Refer to Yamhill County Emergency Operations Plan for a complete listing of rescue response and resources. Some of the common required resources are listed below. When resources are required, a request for additional resources may be made through the appropriate PSAP. See Appendix B for Emergency Operating Procedures.

EXTRICATION RESOURCES [OAR 333-260-0020(3) 6.(e)(E)]

Each ASA Provider is responsible for assuring that extrication equipment is available within its ASA. Each ASA Provider is required to keep a current up to date list and provide it annually and upon request to the County.

Extrication equipment is available by the following jurisdictions within each ASA:

ASA 1:

Fire District	Station Contact Number
Dundee Fire	(503) 554-8442
Tualatin Valley Fire & Rescue	503-649-8577

ASA 2:

Fire District	Station Contact Number
Amity	503-835-2311
Carlton	503-852-6233
Dayton	503-864-3558
Lafayette	503-864-2451
McMinnville	503-435-5800
Willamina	503-879-1709
Yamhill	503-662-4653

ASA 3:

Fire District	Station Contact Number
Sheridan	503-843-2467

ASA 4:

Fire District	Station Contact Number
Grand Ronde	503-879-3473

Emergency Communications and System Access [OAR 333-260-0020(3) 6.(f)]

Telephone; *Public Safety Answering Points* [OAR 333-260-0020(3) 6.(f)(A)]
9-1-1 is the primary method for accessing EMS in each County ASA. The Yamhill Communications Agency and Newberg 9-1-1 center are the two primary PSAPs in the County that provide emergency and non-emergency medical dispatch services.

In defining the ASAs, every effort was made to recognize the PSAP service boundaries. In areas outside a PSAP's designated control region, protocols must be in place to relay the information to the appropriate dispatching PSAP.

In many areas, fire district boundaries were also considered in the development of this ASA Plan. Fire district boundaries usually provide a logical division of response areas by travel time and are consistent with population centers. These districts help to provide continuity of service delivery in fire, rescue, and EMS.

YAMHILL COMMUNICATIONS AGENCY (YCOM)
YCOM provides dispatch services for ASAs # 2-4 which include the majority of Yamhill County and northern portions of Polk County. Phone number: 503-434-6500

Newberg Emergency Communications (NEWCOM) 911Newberg 9-1-1 provides dispatch services for ASA # 1, including the Cities of Newberg and Dundee, as well as the surrounding rural area.

All Yamhill County 9-1-1 calls are routed to either YCOM or Newberg PSAPS and dispatched or relayed from their facilities.

Each ASA Provider in Yamhill County must be capable of contacting and effectively communicating with both PSAPs via radio, telephone, and other specified communications technologies, such as mobile data terminals. The primary method of contacting the PSAPs is by radio.

Both YCOM and Newberg 9-1-1 are supported, in part, by user fees paid by ASA Providers in the County. ASA Providers will continue to be charged user fees in accordance with current PSAP user fee formulas.
Phone number: 503-554-7720

Washington County Consolidated Communications Agency (WCCCA)
WCCCA provides dispatch services for the TVF&R EMS units responding within any County ASA.
Phone Number: 503-629-0111

PSAP ACCREDITATION
Newberg 9-1-1 is currently accredited through the Oregon Accreditation Alliance. They must meet related standards and indicate the ability to maintain standards related to EMS for their duration of the contract.

YCOM is currently seeking accreditation through the International Academy of Emergency Dispatch (IAED), using the Medical Priority Dispatch Systems (MPDS) and the Oregon Accreditation Alliance.

YCOM must continually demonstrate its ability to meet performance and quality assurance process and standards required by IAED in order to maintain accreditation.

YCOM implemented ProQA® in December of 2018 and expanded its quality assurance program to further meet certain IAED requirements. IAED certification site visits were paused due to COVID and account management transition.

YCOM's quality assurance program is supported by their Supervising Physician and Program Manager, who participate in the Oregon/Washington Priority Dispatch Focus Group and attend national IAED Navigator® Conferences annually. Staff use the Priority Dispatch ProQA® Emergency Medical Priority Dispatching System (MPDS) for the processing of all medical calls. Quality assurance is measured by corresponding Priority Dispatch Advanced Quality Assurance (AQUA®) standards. Supervisory Staff are Certified EMD-Q's. For 2021, YCOM's Agency Performance Threshold (APT) was 8.82 for all calls.

In addition, EMD performance is measured for every sudden cardiac arrest case, based upon the American Heart Association (AHA) standards. For 2021, agency wide, YCOM staff averaged 77 total seconds for the following steps to occur:

1) Problem description to cardiac arrest recognition (24 seconds on average)
2) Cardiac arrest recognition to position patient (34 seconds on average)
3) Position patient to first compression delivered (19 seconds on average).

DISPATCH PROCEDURES [OAR 333-260-0020(3) 6.(f)(B)]

Yamhill County is a mixture of suburban, rural and frontier service areas. EMS services are provided by a mixture of career and volunteer practitioners who are available 24 hours a day.

The dispatch system consists of the communication centers at YCOM and Newberg 9-1-1, with telephone answering and radio dispatch capabilities. The radio system consists of both two-way radio communications and radio-pager technologies, which provide one-way alerting and voice transmittal from dispatch and alpha-numerical paging that utilizes commercial telephone paging technology for one-way alerting and text messages. ~~The dispatch center notifies the appropriate EMS personnel and/or vehicles within 60 seconds of receipt of a life-threatening call.~~

The dispatch center obtains from the caller, and relays to the responders, at least the following information:

1) Location of incident.
2) Nature of incident.
3) Any specific instructions or information that may be pertinent.

In addition, the dispatch center will perform caller interrogation to determine the seriousness of the call and provide EMS unit pre-arrival instructions for rendering aid to the patient.

Dispatch will transmit alert tones followed with location and nature of incident information concerning the call. If no response from duty personnel is received within five (5) minutes, then the dispatch center will re-alert the appropriate agency. If there is no response within three (3) minutes after the second alert, the next closest responder agency will be dispatched. The third alert will include the alert tones for the original agency as well as the next closest responder agency.

The first emergency medical responder to arrive and evaluate the scene and patient will notify other responding units of the situation. Based on the condition of the patient and the resources required to render appropriate aid, additional responding units may choose to continue to the scene or cancel their response.

EMS personnel shall inform the dispatch center when any of the following occur:

1) When an EMS unit becomes in-service.
2) When an EMS unit begins responding from a location other than its station. In these situations, the unit will state the location from which it is responding.
3) When an EMS unit is en route to the scene or to the destination, including the type of response.
4) When an EMS unit arrives on the scene or at the destination.
5) The appropriate EMS unit should report on-scene and patient conditions.
6) Any EMS unit at the scene should report what resources are required for the incident.
7) When an EMS begins transporting the patient(s) to a hospital or other medical facility, the number of patients and the name of the facility.
8) When an EMS unit leaves the scene, if this is different from #7.
9) When an EMS unit arrives at the destination or when it has arrived back at its station/quarters.
10) When an EMS unit is out of service with estimated unavailable time.

Dispatch Notification Times:
Centers are required to answer requests for emergency assistance within 10 seconds, 90% of the time. Centers are required to ~~dispatch 90% of calls received within 60 seconds.~~dispatch all life threatening medical calls within 3 minutes and all other medical calls within 4 minutes 90% of the time. Exclusions as defined by National Fire Protection Association (NFPA) 1221 or other industry best practices may be considered. Data on notification times shall be provided and reviewed by the ASA Committee every 6 months.

RADIO SYSTEM; *COMMUNICATIONS* [OAR 333-260-0020(3) 6.(f)(c)]
Radios are the primary link between the dispatch centers and ambulances, as well as other emergency responders. All ASA Providers will utilize the dispatch services of the ASA PSAPs and possess radios capable of accessing all common fire channels within Yamhill County and have the ability to communicate seamlessly with the ASA PSAPs and other ASA Providers and responders. The systems used by each ASA Provider must be capable of effectively receiving and transmitting voice and/or data messages on specific radio frequencies, designated by the County, as assigned by the coordinating PSAPs.

All ambulances will maintain and use multi-channel mobile radios and multi-channel handheld radios. Radios and other communications equipment used by each ASA Provider must be compatible with PSAP procedures and meet the technical standards of systems used by YCOM and Newberg 9-1-1. It is each ASA Provider's responsibility to procure, install and maintain all technologies, or other equipment, used in the delivery of communications services. Essential communications equipment, as mutually defined by ASA Providers and PSAPs, will be installed in all ambulances and supervisory vehicles.

All radio and telephone communications, including pre-arrival instructions and call time tracking, must be recorded on a mutually accessible media.

Each ambulance must be provided with cellular telephones for supplemental communications capabilities as a backup system to radios.

PSAP radio systems must meet the following requirements:

1) Be physically restricted to authorized personnel only.
2) Meet National Fire Protection Association (NFPA) standards and all State or County standards.
3) Maintain and use consoles with the ability to communicate with EMS providers and hospitals.
4) Maintain and use emergency phone lines and primary radio frequencies that are recorded with a 24-hour, time-taped device capable of play-back to the desired second, which is equipped with a voice recorder for immediate play-back of distress calls.
5) Store time-tape recordings for no less than 7 months.
6) Utilize clear text/plain English for radio traffic.
7) Equip its center with a back-up power source capable of indefinitely maintaining all functions of the center in the event the regular power supply is interrupted.

In 2016, during the transfer of ASA #1 from Newberg Fire District to Tualatin Valley Fire and Rescue (TVF&R), the primary dispatch center for ASA #1 changed. 9-1-1 calls in ASA #1 are answered by Newberg-Dundee Communications Center and then transferred to the Washington County Consolidated Communications Agency (WCCCA) for dispatch services. Because of this change, the Newberg 9-1-1 Center has transitioned to police dispatch only, routinely transferring EMD and Fire calls to WCCCA, and law enforcement calls outside the city limits of Newberg and Dundee, to YCOM.

YCOM's dispatch system combines two-way radio communication and radio-pager technology with digital alpha-numerical notification and delivery. Digital paging is done via CAD interface, utilizing YCOM's two paging servers which provide capability of messaging through SMTP (email) and SMS (text) protocols. YCOM is a Pulsepoint® Connected organization, and simultaneously sends secondary notifications to both Pulsepoint® and Active 9-1-1 subscribers. Station alerting capability exists through SMTP and tone alerting radio interface.

EMS DISPATCHER TRAINING [OAR 333-260-0020(3) 6.(f)(D)]

An integral part of the EMS component of the PSAPs in the County is the employment of appropriately trained individuals using approved, standardized support tools for handling EMS calls. Therefore, all EMS dispatchers are required to successfully complete an Emergency Medical Dispatch (EMD) training course approved by the State of Oregon Department of Public Safety Standards and Training (DPSST) and to possess current DPSST EMD certification. Dispatchers must also possess current and verifiable First Aid/CPR certification.

In addition:

1) Each PSAP is responsible for acquiring and maintaining a State of Oregon approved EMD system.
2) Each PSAP is responsible for ensuring all dispatch employees are certified as EMD dispatchers through the State of Oregon.
3) Each PSAP is responsible for ensuring all dispatch employees are First Aid/CPR certified.
4) Strict adherence to medical dispatch protocol is required, except in the event deviation from protocol is clearly justified due to special circumstances.

5) Compliance with EMD questions and pre-arrival instructions shall be a routine part of an integrated quality improvement process and shall be reported monthly with response statistics.
6) If an automated EMD system is used, a manual back-up system with current EMD cards must be available in the event of system failure. All dispatch employees must be trained and certified in the use of the manual card system.

The PSAP shall provide comprehensive internal orientation and ongoing training and testing that encompasses EMD certification, CAD system use, system status management, geography, medical priority dispatch protocols, first responder notification protocols and procedures, air medical notification procedures, disaster management policies and procedures, voice radio system operation (including medical and field communications equipment), paging system conventions and uses, data radio system operations, radio telephone usage, and emergency operations center procedures.

Communications personnel will be encouraged to attend any courses, conferences, or workshops that directly relate to their work and enhance their skills. The communications dispatcher's goal is to meet or exceed DOT Emergency Medical Dispatch Course Standards. Communications personnel must meet all current and future standards adopted by the State or County.

COMPUTER AIDED DISPATCH SYSTEM

The PSAP utilizes a computer aided dispatch (CAD) system to record dispatch information for all service requests. The CAD system is capable of tracking, at a minimum, the date, hour, minutes, and seconds of several time stamps throughout the EMS assignment for each unit engaged in the call.

Dispatchers must be trained to complete mutually approved manual procedures for each dispatch of an ambulance when the computer system fails or becomes inoperable. Following the resumption of normal service of the CAD system, personnel must retroactively enter the data recorded on the manual dispatch cards during the outage into the CAD system.

DATA AND REPORTING REQUIREMENTS

The long-term success of an EMS system is predicated upon its ability to both measure and manage its operations. Therefore, each ASA Provider must maintain and provide detailed operational, clinical, and administrative data in an electronic format and manner that facilitates retrospective analysis. Security features preventing or recording unauthorized access or changes in data must be in place, including full audit trail documentation.

QUALITY IMPROVEMENT AND MEDICAL CONTROL

Each ASA Provider's electronic data system must be capable of capturing and reporting common data elements used within the EMS system. The PSAP's data system must be capable of demonstrating adherence to medical dispatch protocols, adherence to medical priority dispatch questioning, and provision of pre-arrival instructions.

At least one employee from each ASA Provider will be assigned to participate in the quality assurance/improvement process utilized by YCOM and Newberg 9-1-1.

MANAGEMENT OF PERSONNEL

The PSAPs and ASA Providers are responsible for the management and supervision of their employees. ASA Providers, in conjunction with YCOM, Newberg 9-1-1, and WCCCA management, will cooperate in the resolution of problems and disputes.

PROVIDER SELECTION [OAR 333-260-0020(3) 7]

INITIAL ASSIGNMENT OF ASAS [OAR 333-260-0020(3) 7.(a)]

The initial assignment of ASAs will occur as follows:

1. Unless there has been more than one application made for an ASA franchise, any applicant who meets the application requirements and who was providing service on the effective date of the ordinance adopting this ASA Plan shall be franchised to continue to provide Ambulance Service for the ASA in which the applicant was serving.

2. If more than one application is made for an ASA franchise within 180 days of the effective date of the ordinance adopting this ASA Plan, then each application shall be considered by the ASA Committee for recommendation to the Board.

REASSIGNMENT [OAR 333-260-0020(3) 7.(b)]

FRANCHISE TERM AND RENEWAL

An initial Franchise issued under this ASA Plan shall be valid from the date of issuance for ten years and may be renewed.

Not more than one hundred eighty (180) days and not less than ninety (90) days prior to the expiration of a Franchise granted under this ASA Plan, each ASA Provider who desires to renew a Franchise shall notify the Administrator. Any other Ambulance Service providers duly licensed in the State of Oregon to provide BLS or ALS ambulance service may also submit applications during this time frame.

Review of all applications for renewal or assumption of a Franchise will be conducted in the same manner as the review of applications for the initial assignment of the ASAs.

TRANSFER OF FRANCHISES

An ASA Provider may transfer its Franchise to another entity only upon the Board's written approval of a written request to transfer the Franchise and the Board's approval of an application submitted by the replacement provider. The transfer of a Franchise must occur as follows:

1. The Board must approve the written request for a transfer at a public meeting.
2. Review of all applications for the transfer of the Franchise must then be conducted in the same manner as the review of applications for the initial assignment of the ASAs.

EARLY DISCONTINUANCE OF SERVICE BY ASA PROVIDER

An ASA Provider that intends to discontinue providing EMS and related service before the expiration of its Franchise must provide the Administrator with at least 180 days' written notice prior to

discontinuing service. The Administrator shall notify the ASA Committee and then set a time by which applications must be submitted for the ASA franchise. The ASA Committee shall develop an interim plan for coverage of the ASA, using other existing ASA Providers and/or other available public or private resources until the ASA can be reassigned.

TEMPORARY REASSIGNMENTS

The Board may, on its own motion or upon a recommendation of the ASA Committee, issue a temporary certificate, valid for a stated period not to exceed twelve (12) months, entitling another current ASA Provider or another public or private Ambulance Service Provider to provide emergency ambulance service in all or part of the ASA. The Board may renew a temporary certificate for one additional six (6) month period.

APPLICATION FOR AN ASA [OAR 333-260-0020(3) 7.(c)]

Any Ambulance Service provider duly licensed in the State of Oregon to provide BLS or ALS ambulance service may submit an application within 180 days of the effective date of the ordinance that adopts this ASA Plan to become a franchised provider of services in any County ASA or ASAs. The application shall be in writing and contain the following information:

1) Legal name and address of applicant submitting application.
2) "Doing Business As" (DBA) name of applicant submitting application.
3) Owner(s)' of the applicant and their residential street address(s).
4) Owner(s)' phone number and email address(es).
5) Oregon ambulance service license number.
6) Date of original licensure by the state of Oregon to provide ambulance services, with all renewal dates and a listing of any lapses in licensure.
7) List of any actions taken against the applicant by the State of Oregon or any county within the state.
8) Type/level of ambulance service proposed to be provided (Medical First Response, BLS or ALS)
9) A list of vehicles to be used in providing emergency ambulance services in the ASA or ASAs, including the year, make and model, and verification that each vehicle is licensed by the state of Oregon.
10) A list of personnel to be used in providing emergency ambulance service in the ASA or ASAs, the role of each person, and where applicable each person's current Emergency Medical Technician level and certificate number.
11) The ASA or ASAs proposed to be serviced, both in narrative description form and by detailed map presentation.
12) Reason designation is sought by applicant to provide ambulance services in each referenced ASA.
13) Identification of the current ASA Provider serving each specified ASA.
14) Whether the existing ASA Provider of each specified ASA agrees to relinquish said ASA to the applicant.
15) If an existing ASA Provider has not agreed to relinquish the specified ASA to the applicant, then an explanation why the service the applicant proposes would improve ambulance services in the specified ASA.
16) A statement as to whether or not the person would contract for any emergency ambulance services to be provided.

17) An affirmative statement that the applicant is financially solvent and capable to provide the specified emergency ambulance services in the specified ASA.
18) Report of any bankruptcy by applicant in the last five years.
19) Submission with the application of audited financial statements for the applicant, if they exist. If not, the last three years' internal financial statements.
20) The source of funding the applicant expects to receive in order to provide a sustained operation servicing the specified ASA.
    i. If funding includes billing for services, then the rates the applicant intends to charge for their ambulance services.
21) Consistent with the Oregon Tort Claims Act, proof of general liability insurance coverage amounts not less than the following:
    i. $150,000 to any claimant for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence.
    ii. $750,000 for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence.
    iii. $1 million to any claimant as general and special damages for all other claims arising out of a single accident or occurrence.
    iv. $2 million for any number or type of claims, other than claims of damage to or destruction of property, arising out a single accident or occurrence.

The fully completed and signed application must be submitted to the Administrator. Upon receipt of an application, the application shall be reviewed by the ASA Committee, which shall make a recommendation to the Board on whether to approve or deny the application. The assignment or reassignment of any ASA must be made by a written order of the Board.

NOTIFICATION OF VACATING AN ASA [OAR 333-260-0020(3) 7.(d)]

Any ASA Provider who intends to cease operation or vacate the provision of services to an ASA, or any portion thereof, must prove at least six months' notice to the County, through the Administrator. The notice shall be in writing and state the reason for termination of ambulance services.

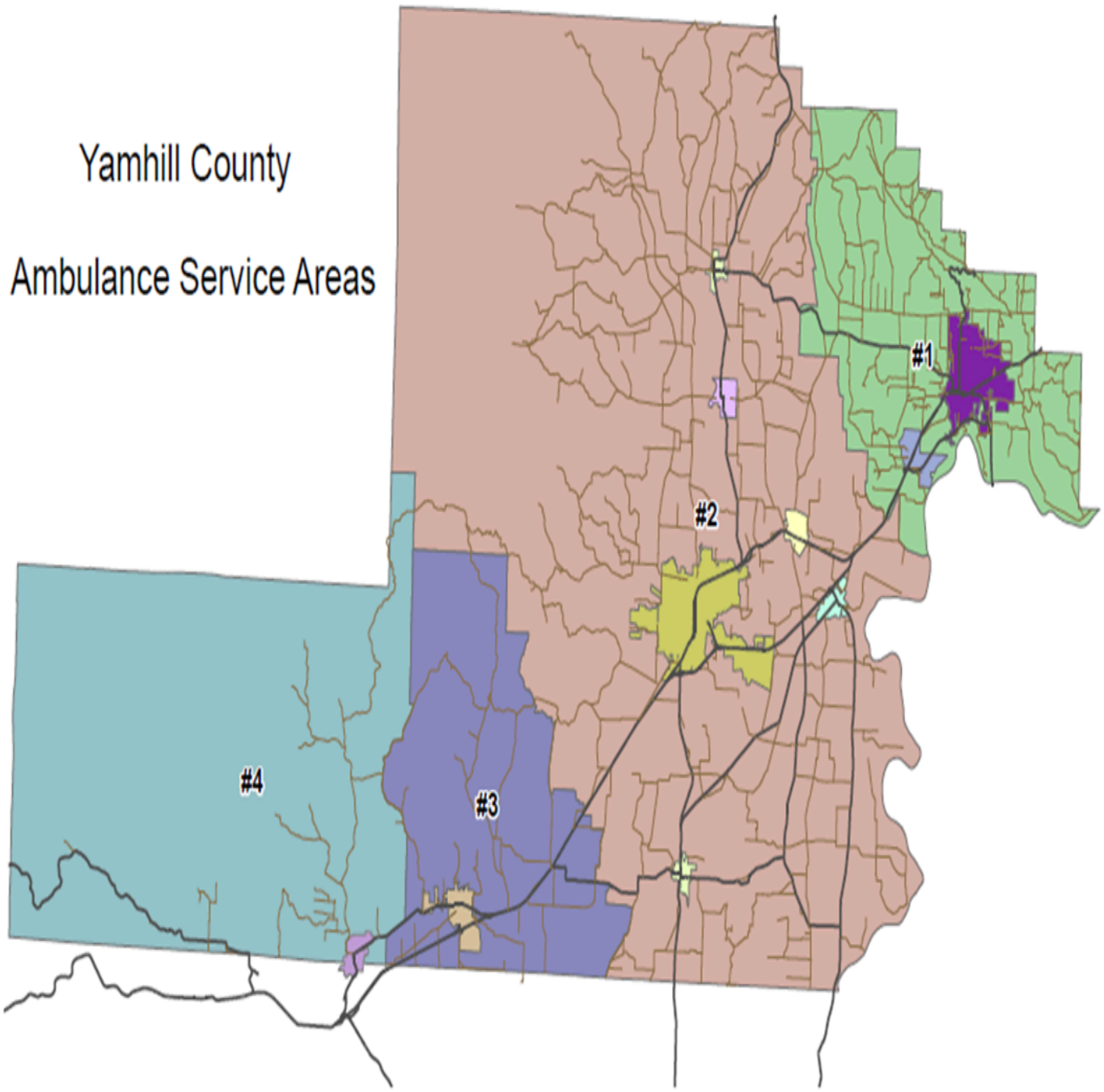
MAINTENANCE OF LEVEL OF SERVICE [OAR 333-260-0020(3) 7.(e)]

In the event an ASA Provider intends to cease operations and forfeit their designated ASA, said ASA Provider shall continue services for at least six months, or until the County is able to identify and assign a replacement Ambulance Service provider.

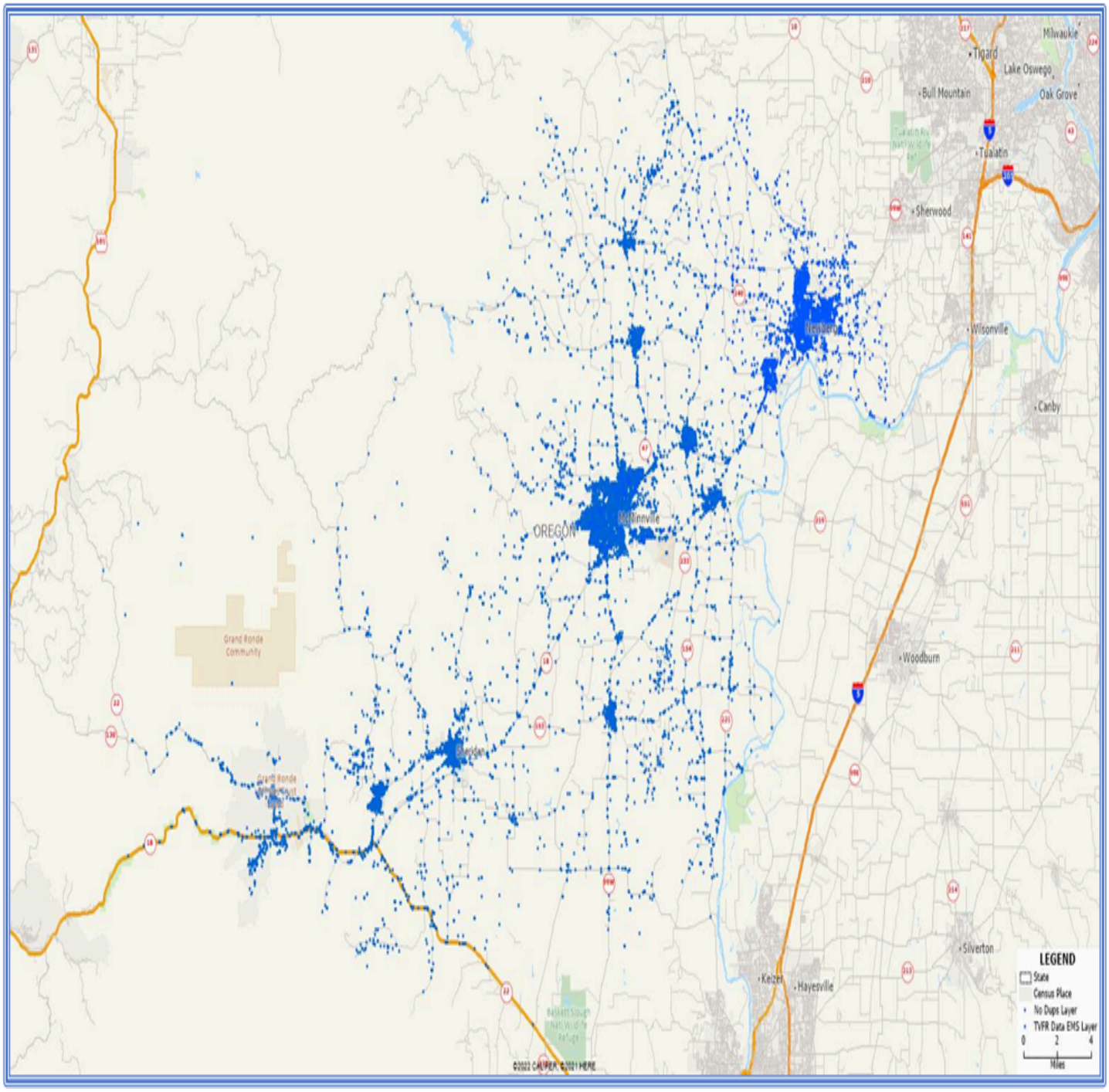
1. In areas of the County where geographic or other limitations might hinder the adequate provision of ambulance services, the County may enter intergovernmental agreements with counties, cities or fire districts in order to provide efficient and effective ambulance service by means of public or private Ambulance Service Providers.

In the event an ASA Provider is replaced or removed as the service provider of a County ASA for any reason, the ASA Provider will continue to provide services until such time as a new ambulance service provider can begin services. Each ASA Provider must cooperate fully with the County to ensure that any reassignment of an ASA does not disrupt ambulance service levels.

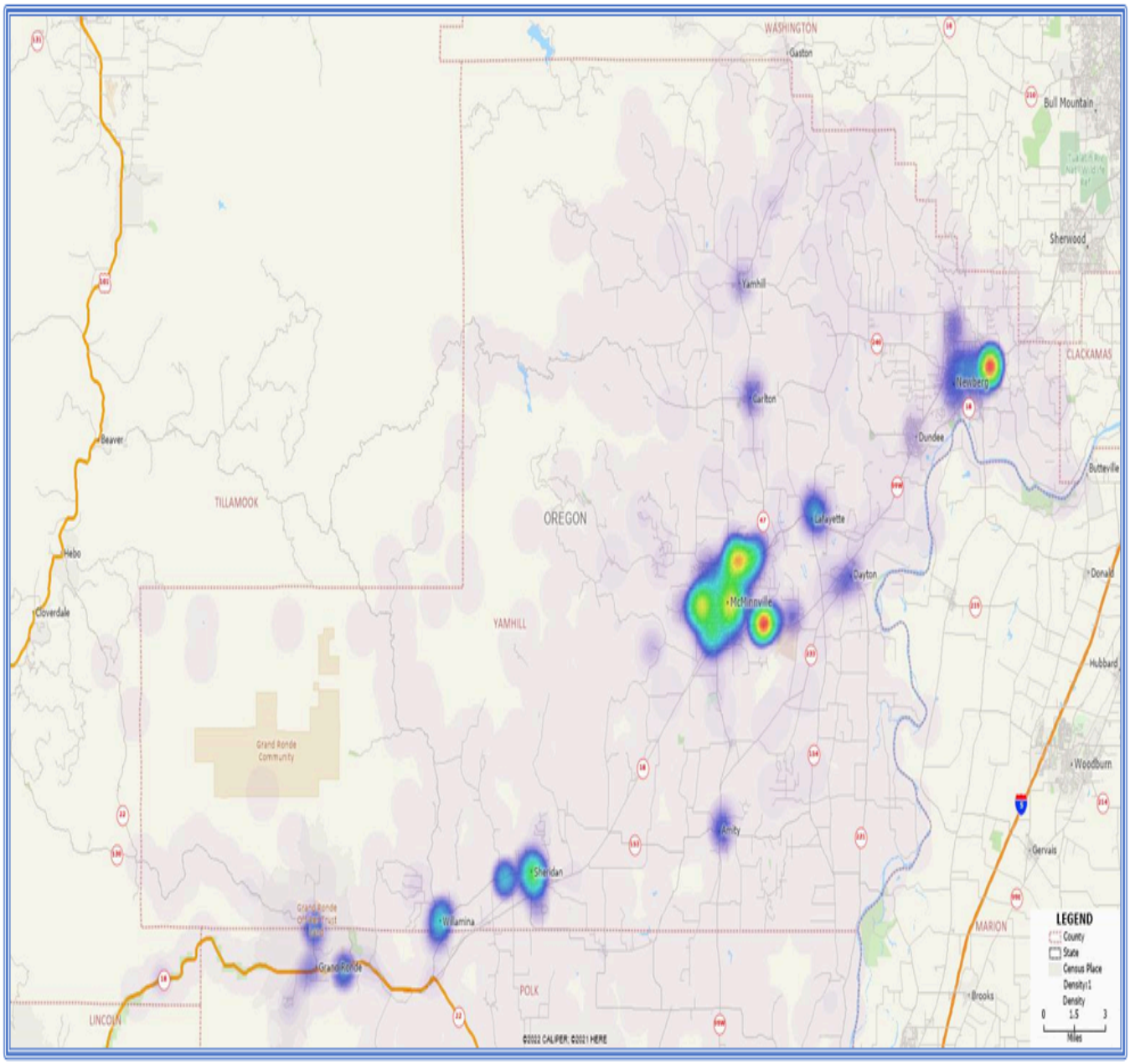
APPENDIX B



APPENDIX C


Milwaukie
Tigard
Lake Oswego
Bull Mountain
Oak Grove
Tualatin
Sherwood
Wilsonville
Canby
OREGON
McMinnville
Woodburn
Silverton
Keizer
Hayesville
LEGEND
State
Census Place
No Dups Layer
TVFR Data EMS Layer
0 2 4
Miles

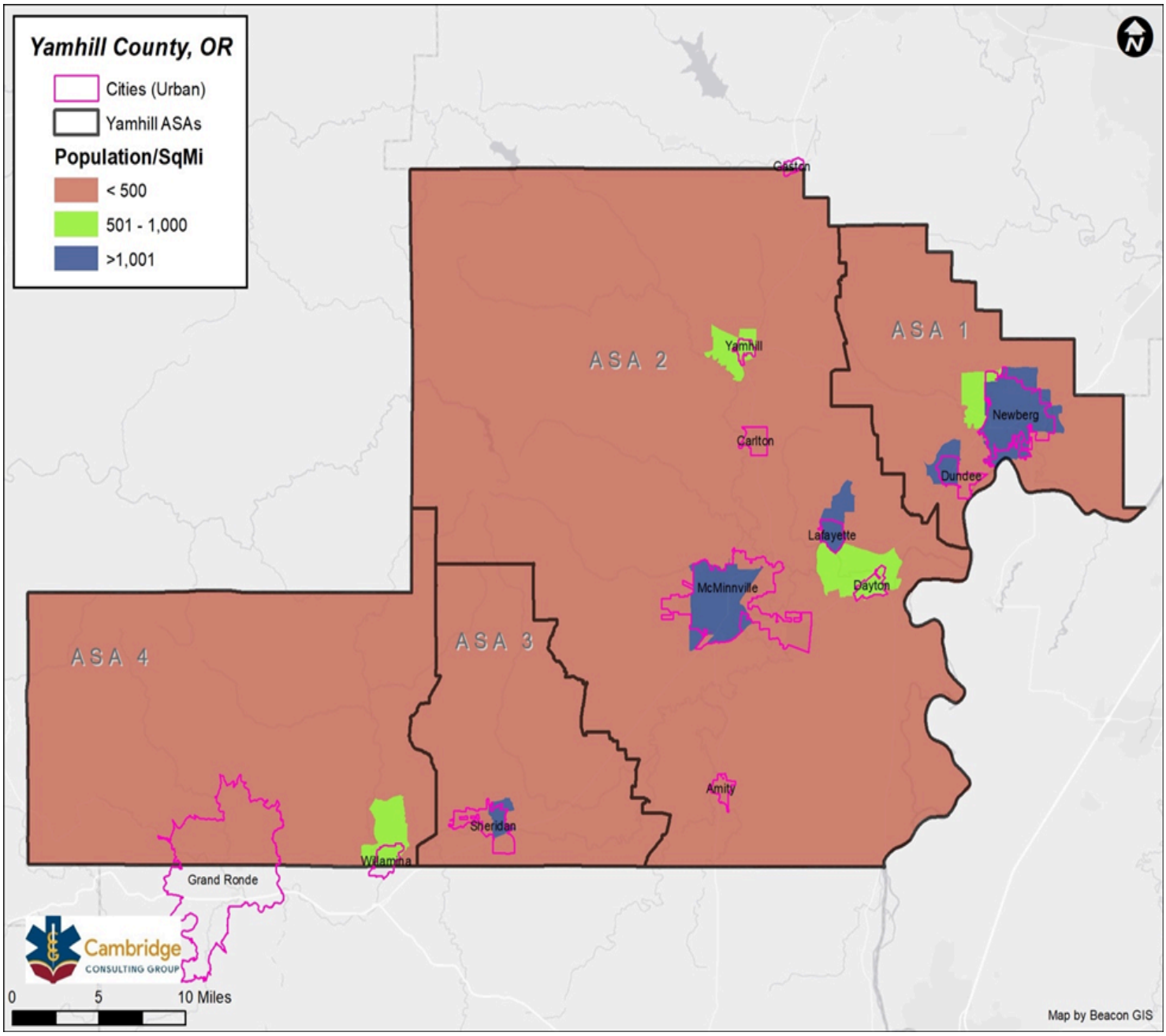
APPENDIX D


WASHINGTON
Gaston
Bull Mountain
Sherwood
Yamhill
CLACKAMAS
Newberg
Carlton
Dundee
Butteville
Beaver
TILLAMOOK
OREGON
Lafayette
Hebo
Dayton
Donald
McMinnville
Cloverdale
YAMHILL
Hubbard
Grand Ronde Community
Woodburn
Amity
Gervais
Sheridan
Willamina
Grand Ronde
MARION
POLK
Brooks
LINCOLN
LEGEND
County
State
Census Place
Density1
Density
0 1.5 3
Miles

APPENDIX E


EMS VOLUME
3000
2500
2000
1500
1000
500
0
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23
Annual EMS Volume Distribution by Hour of the Day

APPENDIX F

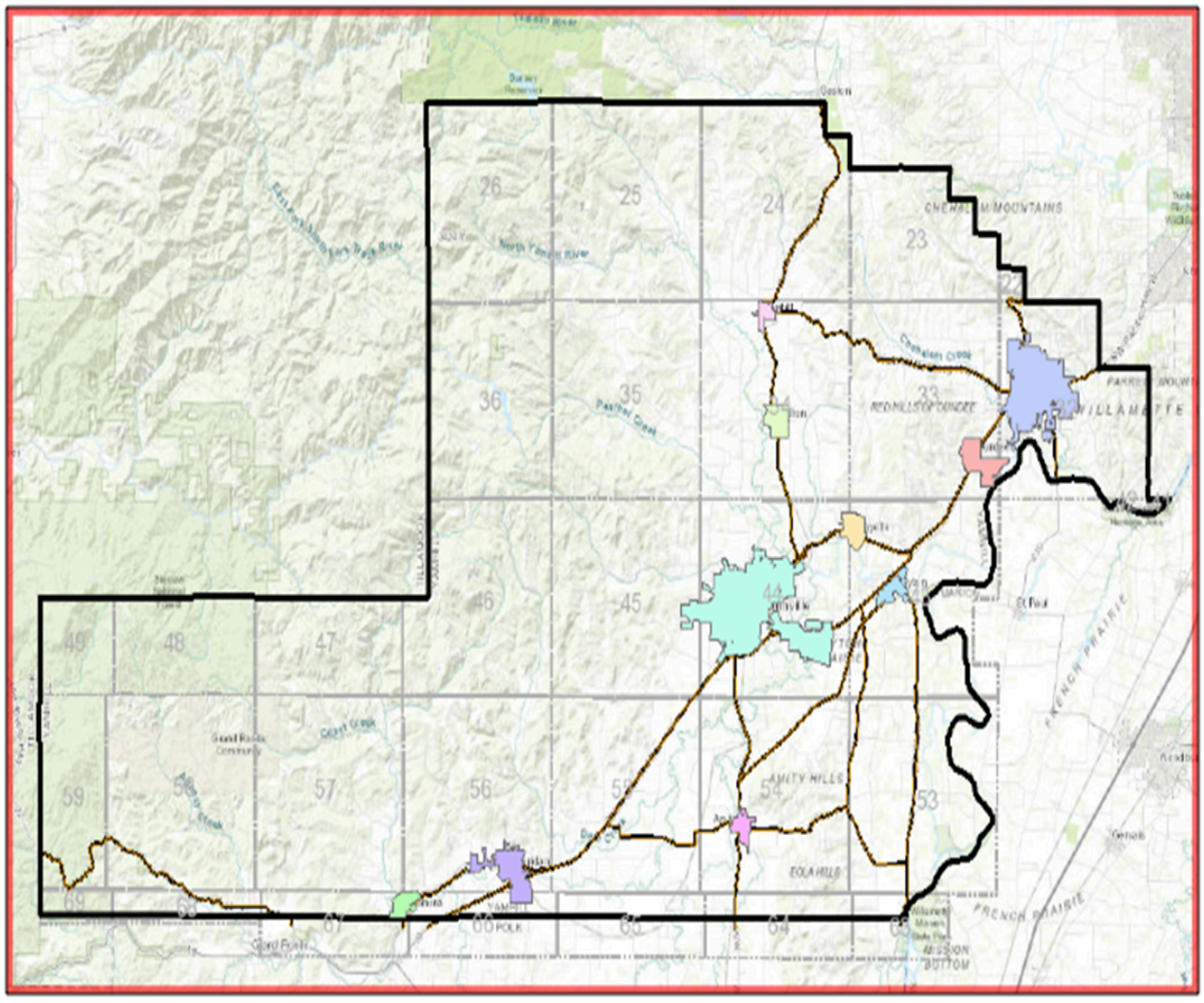

Yamhill County, OR
Cities (Urban)
Yamhill ASAs
Population/SqMi
< 500
501 - 1,000
>1,001
ASA 1
ASA 2
ASA 3
ASA 4
Yamhill
Carlton
Newberg
Dundee
Lafayette
Dayton
McMinnville
Amity
Sheridan
Willamina
Grand Ronde
Cambridge
CONSULTING GROUP
0
5
10 Miles
Map by Beacon GIS

APPENDIX G

EMS Response Level	Response Time Standard	Minimum Compliance
URBAN		
BLS	15 Minutes or less	90%[2]
ALS	10 Minutes or less	90%
SUBURBAN		
BLS	17 Minutes or less	90%
ALS	12 Minutes or less	90%
RURAL		
BLS	40 Minutes or less	90%
ALS	35 Minutes or less	90%
FRONTIER		
BLS & ALS	Best Effort	

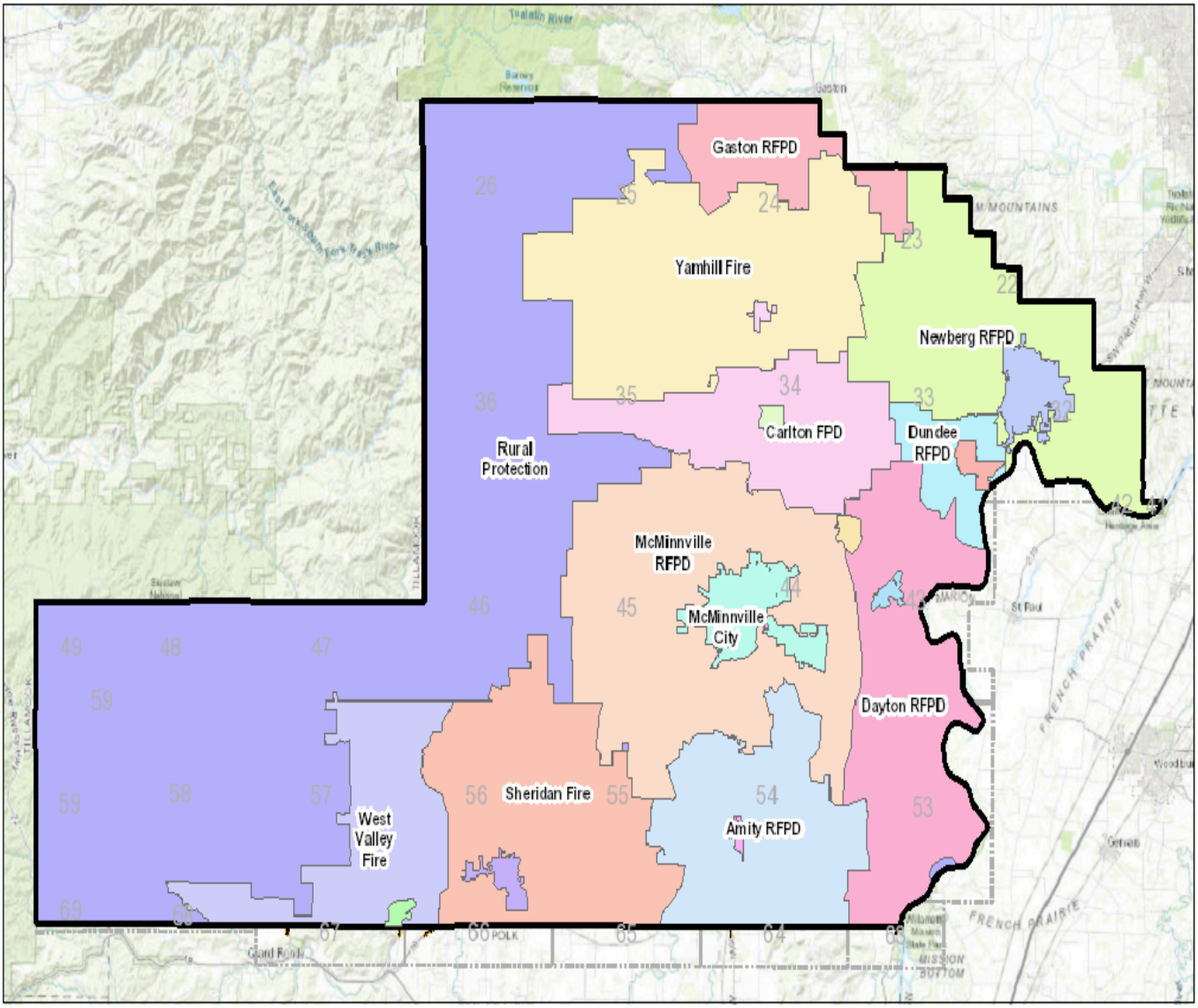
APPENDIX H

Yamhill County Map

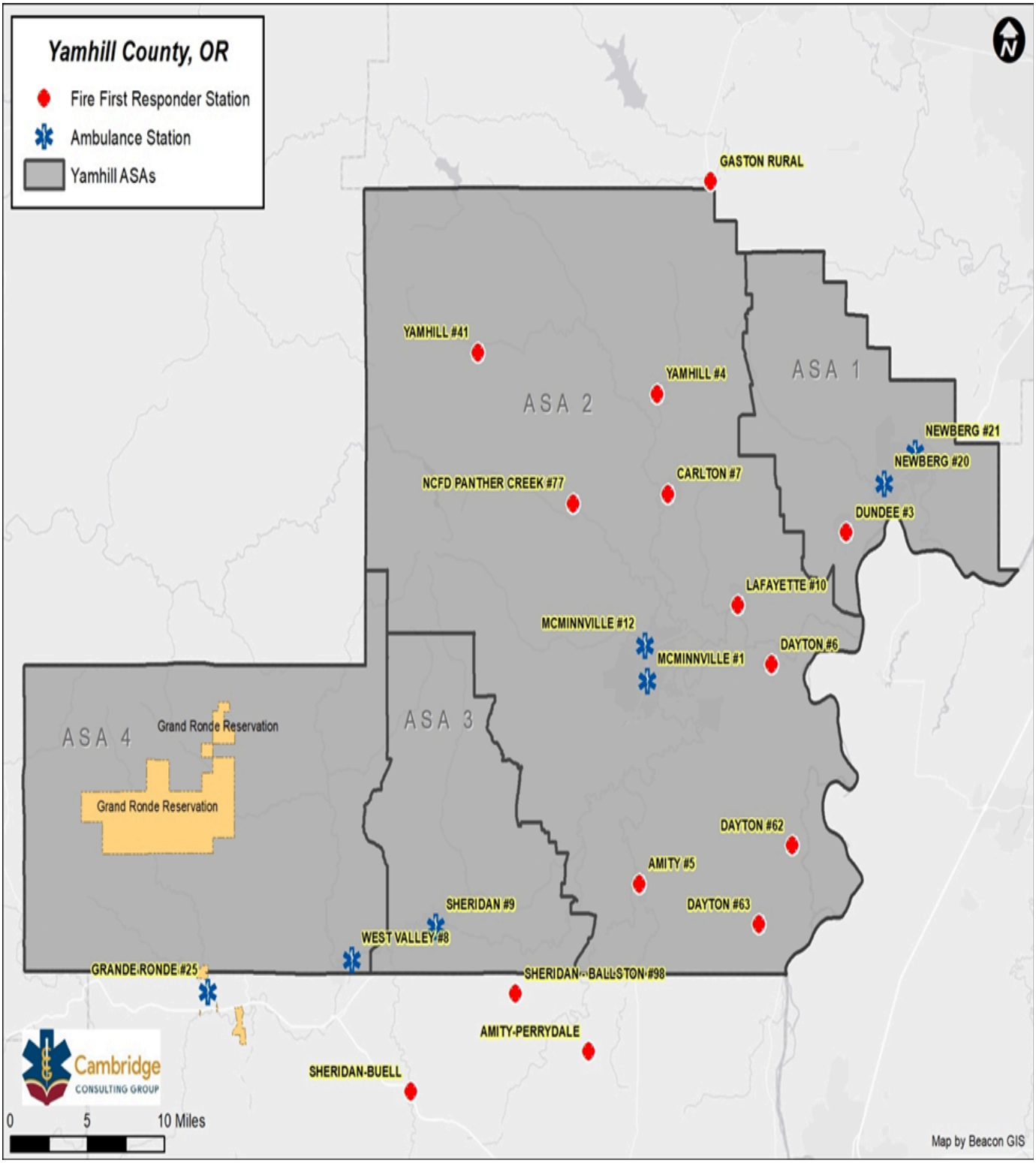


APPENDIX I

Yamhill County Map



APPENDIX J


Yamhill County, OR
Fire First Responder Station
Ambulance Station
Yamhill ASAs
N
GASTON RURAL
YAMHILL #41
YAMHILL #4
ASA 1
ASA 2
NEWBERG #21
NEWBERG #20
CARLTON #7
NCFD PANTHER CREEK #77
DUNDEE #3
LAFAYETTE #10
MCMINNVILLE #12
DAYTON #6
MCMINNVILLE #1
ASA 4
Grand Ronde Reservation
ASA 3
Grand Ronde Reservation
DAYTON #62
AMITY #5
SHERIDAN #9
DAYTON #63
WEST VALLEY #8
GRANDE RONDE #25
SHERIDAN - BALLSTON #98
AMITY-PERRYDALE
SHERIDAN-BUELL
Cambridge
CONSULTING GROUP
0
5
10 Miles
Map by Beacon GIS

APPENDIX K

ASA	ASA 4							ASA 3							ASA 2							ASA 1							SYSTEM						
HR↓Day→	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	3	2	2	2	3	2	2	2	2	2	2	1	2	2	7	6	6	6	6	6	6
1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	3	2	2	2	2	2	2	1	2	1	2	1	2	6	6	6	5	6	5	6
2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	1	2	1	1	2	1	2	5	6	5	5	6	5	6
3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	1	1	1	1	1	1	1	5	5	5	5	5	5	5
4	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	1	2	1	1	1	1	1	5	6	5	5	5	5	5
5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	1	1	1	1	1	1	1	5	5	5	5	5	5	5
6	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	3	2	2	2	1	2	2	1	1	1	1	5	6	6	6	5	5	5
7	1	1	1	1	1	1	1	1	1	1	1	1	1	1	3	3	3	3	3	3	2	2	2	2	2	1	2	2	7	7	7	7	6	7	6
8	1	1	1	1	1	1	1	1	1	1	1	1	1	1	3	3	3	4	4	3	3	2	2	2	2	2	2	1	7	7	7	8	8	7	6
9	1	1	1	1	1	1	1	1	1	1	1	1	1	1	4	3	4	4	4	4	3	2	2	2	2	2	3	2	8	7	8	8	8	9	7
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12	1	1	1	1	1	1	1	1	1	1	1	1	1	1	3	4	4	5	5	5	4	3	2	3	2	2	3	2	8	8	9	9	9	10	8
13	1	1	1	1	1	1	1	1	1	1	1	1	1	1	4	5	5	4	5	5	5	3	2	3	3	3	2	2	9	9	10	9	10	9	9
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18	1	1	1	1	1	1	1	1	1	1	1	1	1	1	4	4	4	4	4	5	4	3	2	3	3	3	2	2	9	8	9	9	9	9	8
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22	1	1	1	1	1	1	1	1	1	1	1	1	1	1	3	3	3	3	3	4	4	2	2	2	2	2	2	2	7	7	7	7	7	8	8
23	1	1	1	1	1	1	1	1	1	1	1	1	1	1	3	2	2	2	2	3	3	2	2	2	2	2	2	2	7	6	6	6	6	7	7

Agenda Item H3

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Application for an Outdoor Mass Gathering Permit by the Newberg Boat Club in joint Sponsorship with the Columbia Outboard Racing Association ("Applicant"); Approving a Special Permit for use of Rogers Landing Park for the 2026 Memorial Weekend Boat Races; Authorizing Exclusive Use of Rogers Landing Park by the Applicant from 5:00 p.m. Friday, May 22 through 11:59 p.m. Sunday, May 24; Authorizing Access to Rogers Landing Park on May 16 and May 17 for Pre-Race Clean-up Work Party.	)	BOARD ORDER 26-

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session in Room 32 of the Courthouse, on February 12, 2026, Commissioners Kit Johnston, Mary Starrett and David "Bubba" King, being present.

A. Yamhill County Code, Chapter 4.20 and ORS 433.735 to 433.770 allow the Board to issue a permit for an "outdoor mass gathering" under circumstances described in the ordinance and the statutes. The ordinance and the statutes require a public hearing to be held prior to approval of an application for a permit.

B. The Newberg Boat Club, P.O. Box 212, Newberg, Oregon 97132/18775 SW Vista Street, Aloha, Oregon 97006 in joint sponsorship with the Columbia Outboard Racing Association ("Applicant") has applied for a permit to host an event known as the Memorial Weekend Boat Races on May 23 and 24, 2026. Based on past attendance, more than 1,000 persons are reasonably expected to attend the event. Applicant seeks permission to use the county's Rogers Landing Park for the event. A copy of the application together with a letter of explanation is attached and incorporated into this Board Order as Exhibit "A."

C. A noticed public hearing on the application was held on February 5, 2026, at the Yamhill County Courthouse. At the conclusion of the public hearing, the Board approved the application.

D. The Board adopted the Yamhill County Parks Ordinance, Ordinance 619, on March 5, 1998. This Ordinance is now codified as Yamhill County Code, Chapter 6.05, which specifies that any rules adopted at the time of adoption of Ordinance 619 would remain in effect unless inconsistent with Yamhill County Code, Chapter 6.05. Among valid rules still in effect are rules adopted in Board Order 79-171. Section 16(a) of Board Order 79-171 allows the Board to issue special permits for special events in county parks.

E. The Memorial Weekend Boat Races have been conducted by the Newberg Boat Club for many years without significant problems. The event has been beneficial to the citizens of Yamhill County by promoting recreational opportunities and generating tourism income. The Newberg Boat Club has also provided a benefit to the county park system by performing extensive park clean up at Rogers Landing Park before and after the Memorial Day Boat Races. The Applicant will again provide cleanup services this year the week prior to the event. For those reasons, the Board authorized a waiver of all but $250.00 of the mass gathering permit application fee.

F. The Board finds that the application should be allowed as permitted by this Board Order. NOW, THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD that the Newberg Boat Club, P.O. Box 212, Newberg, Oregon 97132 / 18775 SW Vista Street, Aloha, Oregon 97006 in joint sponsorship with the Columbia Outboard Racing Association ("Applicant") is granted an outdoor mass gathering permit to conduct an event known as the Memorial Weekend Boat Races on May 23 and 24, 2026 (the "Event"). The Applicant is also granted the exclusive right to use Rogers Landing Park, including the exclusive right to provide concession services, to conduct the Event. The outdoor mass gathering permit and special park use permit are subject to the following conditions:

1. TIMES FOR USE OF PARK. The Applicant is allowed access to Rogers Landing Park on May 16 and 17, 2026 for a pre-race park cleanup work party. The Applicant is allowed access to Rogers Landing Park on Thursday, May 21, 2026, to begin moving in equipment, and at dawn on Friday, May 22 for set-up purposes. The Applicant is allowed to close the access road into Rogers Landing Park to general traffic from 5:00 p.m. Friday, May 22, 2026 until 11:59 p.m. Sunday, May 24, 2026. Members of the Applicant may remain in Rogers Landing Park overnight on the nights of Thursday, May 21, Friday, May 22, Saturday, May 23, and Sunday, May 24, 2026 for purposes of Event set-up and clean-up. The Applicant is allowed access to Rogers Landing Park on Monday, May 25, 2026 for tear-down and clean-up purposes.

2. NOTICE TO PUBLIC. The Applicant is responsible for the following notice to the public of their exclusive use of Rogers Landing Park. All costs of notice will be borne by the Applicant.

a. SIGNAGE. Not later than May 1, 2026 the Applicant shall post legible signs, in good repair, at least 24" by 24", displayed prominently that provide public notice of the exclusive use of Rogers Landing Park allowed by this Board Order. The signs must be posted at least at the following locations: The current boat launch area at Rogers Landing Park; the upper entrance to Rogers Landing Park; the intersection of State Highway 219 and Wynooski Road; the intersection of College Street and Westbound State Highway 99W in Newberg; the intersection of River Street and Eastbound State Hwy 99W in Newberg.

b. NOTICES. Not earlier than April 24, 2026 or later than May 1, 2026 the Applicant shall publish notice of the closure of Rogers Landing Park allowed by this Board Order. Notice shall be published in the Newberg Graphic.

3. ADMISSION AND PARKING FEES PROHIBITED. The Applicant shall not be allowed to charge admission to the Event or to charge for parking on county property or in the public right-of-way. However, off-site parking on private property is not regulated by this board order.

4. TRAFFIC CONTROL AND PARKING. The Applicant must obtain approval from the Yamhill County Sheriff for a plan to manage traffic access and egress from River Street to the Event, as well as parking and traffic control at the Event site. Once the plan is approved, the Applicant will comply with the approved plan during the Event.

5. SHUTTLE VEHICLE REQUIRED. The Applicant shall provide, at no cost, a shuttle vehicle for elderly and disabled persons between the parking area and the Event site.

6. PATROL BOAT. In the event funds are available, and subject to the approval of the Yamhill County Sheriff, the sheriff may provide a sheriff's patrol boat at no charge to the Applicant.

7. SECURITY. The Applicant is responsible for providing on-site security for the Event. All expenses for on-site security services shall be borne by the Applicant.

8. TEMPORARY RESTROOM FACILITIES. The Applicant is responsible for furnishing all temporary restroom facilities required for this Event as determined necessary by the Yamhill County Parks Division Manager.

9. TEMPORARY FENCING. The Applicant may construct a temporary safety fence between West Rock's concrete pump house at the east end of the parking lot, following the riverbank to the west end of the parking lot.

10. BROCHURE. If a brochure is produced by the Applicant to promote or provide information on this Event, the brochure shall include information submitted by the Yamhill County Parks Division Manager about Yamhill County Parks. If inclusion of the information results in additional costs to the Applicant, Yamhill County will pay the costs of the inclusion so long as the Yamhill County Parks Division Manager grants prior approval to the payment.

11. CONCESSIONS. The Applicant may deny access to outside concessions and solicitors at Rogers Landing Park on May 23 and May 24, 2026.

12. LIABILITY INSURANCE.

a. INSURANCE REQUIRED; AMOUNT; COUNTY AS NAMED INSURED. The Applicant shall obtain comprehensive general liability insurance in an amount not less than $1,000,000 for each day of this Event, the 2026 Memorial Weekend Boat Races, on May 23 and 24, 2026. The insurance policy shall provide coverage against liability for death, injury or disability of any person or for damage to property arising from or related to event. Yamhill County shall be named as an additional insured under the policy.

b. PROOF OF INSURANCE. Evidence of insurance meeting this paragraph shall be submitted to County Counsel not less than one week before each event. County Counsel is authorized to determine whether the proof of insurance meets the requirements of this paragraph.

13. WAIVER OF PARK RESERVATION FEE. The daily park reservation fee for Rogers Landing Park is waived for the Applicant for use of Rogers Landing Park allowed by this Board Order.

14. COMPLIANCE WITH LAWS. The Applicant shall comply with any federal, state or local laws, rules, codes or regulations.

15. FINAL APPROVAL OF PERMIT. The Event may not proceed until final approval for the permit is issued in written form by county legal counsel. County legal counsel will issue final approval after receipt of the following materials:

a. TRAFFIC CONTROL PLAN APPROVAL from the Yamhill County Sheriff as provided in numbered paragraph 4.

b. PROOF OF INSURANCE as provided in numbered paragraph 12.

DONE at McMinnville, Oregon on February 12, 2026.

ATTEST YAMHILL COUNTY BOARD OF COMMISSIONERS

KERI HINTON
County Clerk

_____
Chair KIT JOHNSTON

By: _____
Deputy CAROLINA ROOK

_____
Commissioner MARY STARRETT

FORM APPROVED BY:

_____
KALEB RAEVER
Assistant County Counsel

_____
Commissioner DAVID “BUBBA” KING

January 12, 2026

Yamhill County Board of Commissioners
Yamhill County Courthouse
535 E 5th Street
McMinnville, Oregon 97128-4523

RE: 2026 NEWBERG BOAT CLUB / COLUMBIA OUTBOARD RACING ASSOCIATION

MEMORIAL WEEKEND BOAT RACES

Dear Commissioners:

The Newberg Boat Club and the Columbia Outboard Racing Association are excited and proud to announce sponsorship of the "78th" Memorial Weekend Boat Races. The two-day event will be sanctioned and insured through the American Power Boat Association and will be held on May 23 & 24, 2026, on the Willamette River at Rogers Landing in Newberg, Oregon. We are requesting permission from the Yamhill County Board of Commissioners to honor our request to sponsor this event.

*We also ask if we can be put on an early scheduled Board Meeting in Feb or March to enable us to first get your approval before we continue with the National Associations paperwork which is due a minimum of 45 days in advance of the event.

Listed below are items in need of your approval:

1. We request exclusive use of Rogers Landing Park and Boat Launch beginning at 5:00 p.m. on Friday, May 22, until 11:59 p.m. on Sunday, May 24.

2. We request the Mass Gathering Park Fee be waived, for this event in recognition of the past 78 plus years the Newberg Boat Club has dedicated their time and service to the upkeep of the park and boat launch.

3. We request permission to have access to Roger Landing on May 16 & 17, the weekend prior to the event, for our pre-race park cleanup work party.

4. We request permission for the boat club members and race participants to have access to Rogers Landing Park on Thursday, May 21 to begin moving in equipment and Friday, May 22 for set-up purposes and on Monday, May 25 for tear down and clean-up purpose

5. We request permission for boat club members and race participants to have overnight camping privileges on Thursday May 21, for set up and security, and to relieve traffic conditions for participants traveling from WA and CA. Also, overnight privileges on Friday, May 22 and the event days of Saturday, May 23, and Sunday, May 24, 2025.

6. We request permission to construct a temporary safety fence between fencing at the east end of the parking lot, along the river bank, to the west end of the parking lot in open areas where the park fencing does not exist. This request is to enable us to comply with safety standards required by our insurance carrier.

7. We request authorization to deny access to outside concessions and solicitors at the race site.

These requests are in need of your written permission and are required to be in our possession at both events.

Thank you for your time and consideration.

It is our privilege and hope that you, our commissioners, and all of Yamhill County, will join us in celebrating this great accomplishment, our “78th Memorial Weekend Boat Races.” Denise Johnson is the Secretary of Columbia Outboard Racing Association and will be taking over the responsibility of all of the permitting. Laureen Thorsen is stepping down as the Permitting Chair.

Sincerely,

Denise Johnson

NEWBERG BOAT CLUB / COLUMBIA OUTBOARD RACING ASSOCIATION

Denise Johnson
Co-Race Chairman
PH: 503-975-1323
2545 W 10th Street

Washougal, WA 98671
Email: cora.raceboats@gmail.com

Yamhill County, Oregon

Application for Outdoor Mass Gathering Permit (Ord. 580)

Docket _____
Date _____
Rec'd By _____
Receipt# _____
Fee$_____

Board of Commissioners, Yamhill County Courthouse, 535 E. 5th Street McMinnville, OR 97128 Tel: 503-434-7501 • Fax: 503-434-7553

APPLICANT	LEGAL OWNER (IF DIFFERENT}
Newberg Boat Club / Columbia Outboard Racing Association	
Last Name First MI	Last Name First MI
2545 W 10th Street	
Mailing Address (Street or PO Box)	Mailing Address (Street or PO Box)
Washougal, WA 98671	
City State Zip	City State Zip
503-975-1323 - Denise Johnson	
Telephone	Telephone

If the applicant is not the legal owner, state applicant's interest in property:
To conduct the Annual Memorial Weekend Boat Races

PROPERTY INFORMATION

Tax Lot(s) _____ Zone _____

Address of property Rogers Landing Boat Ramp and Park, Newberg, Oregon

(Fill out application form completely. Attach additional pages if necessary.)

Type of Event: Competition Powerboat Races

Persons expected to attend per event: 90 Participants and Spectators

Date or dates (5 max.) May 23 and 24, 2026

Present use of the property: Boat Ramp and Public Park

Please list the type of buildings that are currently on the property (i.e. residence (type), pole building, agricultural barn or other outbuildings, etc.):
Permanent Public Restrooms

Is there a septic system on the property? Yes __ No X

How will water be provided for event? Well __ City X Other _____

How is the property accessed? River Street in Newberg

Proposed plan for offstreet parking (attach diagram if appropriate). Proposed plan for traffic control for egress and ingress and parking control (attach additional sheets if necessary):

Participants will park in the parking lot, while spectators will park at the south end of River Street at the entrance to the park.

Proposed fire control: Co2 and Dry Chemical

Proposed medical standby: TVF & R

Proposed restroom facilities, including number: 1 Permanet and 6 temporary Porta-Potties

Proposed crowd control or security: 4 ft high Construction Fencing and Specified Club members

THE **APPLICANT MUST SUBMIT:**

1. Completed application form, signed by the applicant and property owner (if different). The property owner's signature must be notarized.
2. Site plan drawn to approximate scale showing property lines, location and size of all existing buildings, existing and proposed access roads, and location and size of any proposed temporary structures, including restroom facilities, for use in the Event.
3. Filing fee (make check payable to Yamhill County).

NOTE: Fees are not transferrable or refundable.

I hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of my knowledge. I understand that issuance of a permit based on this application will not excuse me from complying with other effective ordinances and laws, including those regulating the use of the land and buildings.

I understand that Oregon law and county ordinances require the Board to refer the application to the county sheriff, county health officer, fire chief and state or local road authorities for their recommended permit conditions. I understand that the Board can impose reasonable conditions in its Order granting the Outdoor Mass Gathering Permit.

I hereby grant permission for and consent to Yamhill County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.

Denise Johnson *Denise Johnson*
Applicant's printed name and signature

Property owner's printed name and signature (if different from applicant)

State of _____)
) ss
County of _____)

Subscribed and sworn to before me on this _____ day of _____ 19__ by

_____ (applicant) and _____ (property owner, if different from applicant).

Notary Public for Oregon
My Commission expires _____

Oregon State Marine Board
PO Box 14145
435 Commercial St NE, #400
Salem OR 97309-5065
(503) 487-4941

Date Received:_____

Marine Event Permit Application

IMPORTANT:

- *Application for a permit to hold a marine event, regatta, or parade. This permit must be filed and completed at least 30 days to an event (ORS 830.375).*

Instructions

Marine Event Permits are used to inform boaters there are organized boating water events of limited duration conducted according to a prearranged schedule. The term Marine Event includes Regattas, Boat Races, Marine Parades, Tournaments or Exhibitions. This permit applies to waters of this state outside of the US Coast Guard jurisdiction. US Coast Guard permits all marine events on Federally Navigable Water including all tidally influenced waters in Oregon. Contact US Coast Guard – Marine Event Sector at (503) 240-9319 for more information.

Step 1: Complete the following elements of the application

Section (1) – (19): the statement of purpose that includes:

- Names of the entities who will be responsible for the event.
- The name, location, and description of the event.
- A scale drawing or detailed map of the event.

Section (20): Endorsers.

- County Sheriff or enforcement agency signature and date.
- Land managing agency signature and date.
- Additional endorsements if necessary.

Step 2: Submit the completed and signed application

- Please allow 30 days for this application to be processed by the Marine Board.
- Some events are subject to public comment and/or consultation of other Jurisdictional agencies.
- Once approved, you will receive a permit approval letter.
- It is the responsibility of the applicant to ensure that the permit has been approved. The original application will be returned to the applicant when the permit is authorized. This permit must be available for inspection on the event date(s) indicated.

Send completed applications to:

Randy Sigman, Waterways Coordinator
randy.sigman@boat.oregon.gov
Oregon State Marine Board
PO Box 14145
Salem, OR 97301

Form updated: 01/08/24

Oregon State Marine Board
PO Box 14145
435 Commercial St NE, #400
Salem OR 97309-5065 (503)
487-4941

Date Received:_____

Marine Event Permit Application

IMPORTANT:

- *Application for a permit to hold a marine event, regatta, or parade. This permit must be filed and completed at least 30 days to an event (ORS 830.375).*

1. Name of event: Memorial Weekend Boat Races		**2. Waterway:** Willamette River
3. Applicant name: Newberg Boat Club/Columbia Outboard Racing		**4. County:** Yamhill
5. Agency (if applicable):		
6: Event website: newbergboatclub.com		
7. Address: O Box 212, Newberg, OR 97132		
8. Date(s) of event: 5/23 - 5/24, 2026	**9. Start time:** 10:00 am	**10. End time:** 6:30 pm
11. Description of event: (Note: Attach a section of a chart or map with boundaries) An assortment of outboard hydroplane and runabout racing craft will compete for points on an approx 3/4 mile oval course to be run between the old St Paul bridge and the north end of Ash Island on the Willamette River in Newberg OR.		
12. Number of participating boats: 80 to 90	**13. Size of participating boats:** 10 ft to 18 ft	
14. Number and description of boats provided for safety and conduct of the event: 2 Rescue boats, 2 USCG/Auxillary boats, 1 sheriffs boat plus tow boats and 2 turn judge boats.		
15. Estimated number of spectator boats: 0		
16. Event organizer: Don Schmidt - NBC Denise Johnson - CORA - Permits		
17. Event organizer cell phone number: 503-476-6435 Denise - 503-975-1323		
18. Location of Chair during the event: Hot Pits or Officials Barge		
19. The undersigned has full authority as spokesman for the sponsor: Denise Johnson		**Date:** 1/12/26

20. ENDORSERS: Please attach any conditions for issuance to a separate page.

FIRST ENDORSEMENT: County Sheriff or enforcement agency

Signature:	Agency:	Date:

SECOND ENDORSEMENT: Land managing agency (Federal, state, and local)

Signature:	Agency:	Date:

ADDITIONAL ENDORSEMENT: Complete if more agencies are involved

Signature:	Agency:	Date:

(OAR 250-010-0095 (2))

Form updated: 01/08/24.

Thirteenth Coast Guard District
State Request for U.S. Coast Guard/Auxiliary Assistance

Form

State: Oregon **Agency Name:** Newberg Boat Club / CORA

Waterway & Location: Willamette River, Rogers Landing in Newberg Oregon

Contact Name: Denise Johnson **Phone:** 503-975-1323

Contact E-mail: cora.raceboats@gmail.com

Single Event

Event Name: Memorial Weekend Boat Races

Event Date(s)/Time(s): May 23 & 24, 2026

Mission (*check all that apply*): ☐ Distressed Boater Patrol ☑ Safety Zone Patrol

☐ Other: _____

Requested Resources: Boats: 2 Personal Water Craft: _____ (PWCs cannot operate solo)

☐ Other: _____

Participating State/Local Resources: Sheriff's Boat and Newberg Boat Club

Seasonal Request

☐ See attached list. (*Include all information in the block immediately above for each seasonal event listed*)

_____ _____

City/County/State Agency Representative Signature **Date**

_____ _____

State Boating Law Administrator (BLA) Signature **Date**

Printed BLA Name: _____

Agenda Item I1

BOARD OF COUNTY COMMISSIONERS

KIT JOHNSTON • MARY STARRETT • DAVID "BUBBA" KING

535 NE Fifth Street • McMinnville, OR 97128-4523
(503) 434-7501 • Fax (503) 434-7553
TTY (800) 735-2900 • www.yamhillcounty.gov

February 12, 2026

The Honorable Jeff Merkley
US Senate
531 Hart Senate Office Building
Washington, DC 20510

The Honorable Ron Wyden
US Senate
221 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Andrea Salinas
US House of Representatives
403 Cannon House Office Building
Washington, DC 20515

RE: Support for the 2025 Grand Ronde Tribal Lands Bill

Dear Senators Merkley and Wyden, and Congresswoman Salinas,

We are writing to express our strong support for the **2026 Grand Ronde Tribal Lands Bill**. This legislation proposes the transfer of approximately 26,115 acres of U.S. Forest Service land to the Confederated Tribes of Grand Ronde and will enhance and strengthen the stewardship of our region's natural resources.

The Grand Ronde Tribe is a vital part of Yamhill County's history, economy, and community. Yamhill County supports this transfer for several key reasons:

- **Proven Stewardship:** The Tribe has demonstrated excellence in sustainable forest management. Their current forest plan is among the most robust in the region, consistently resulting in forest health that exceeds that of adjacent federal or private lands.
- **Economic Vitality:** Sustainable timber harvests and Tribal resource management generate vital jobs and revenue that stimulate our local rural economies.
- **Enhanced Safety:** The Tribe's comprehensive Wildland Fire program will strengthen fire protection and emergency response within and around the proposed area, providing a critical safety net for our county residents.
- **Public Benefit:** This transfer benefits all Oregonians. The Tribe has a long-standing history of keeping their fisheries and big-game programs open to the public. We are confident that this expansion will result in increased recreation, hunting, and fishing opportunities for the entire community.

We respectfully urge you to support this important legislation to strengthen Oregon's forests, economy, and community health.

Sincerely,

Kit Johnston	Mary Starrett	David "Bubba" King
Chair	Vice-Chair	Commissioner

Agenda Item J1

Public Hearing Docket
E-15-25

https://www.yamhillcounty.gov/DocumentCenter/View/19470/E-15-25-Packet-PDF