

MINUTES OF THE BOARD OF COMMISSIONERS

AND

THE YAMHILL COUNTY PLANNING COMMISSION

OF THE STATE OF OREGON FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY (“the Board”) sat for the transaction of county business in special joint session with the Yamhill County Planning Commission on July 21, 2011, at 7:00 p.m. in the McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Commissioners Leslie Lewis and Kathy George being present and Commissioner Mary P. Stern being excused due to an actual conflict of interest.

Present from the Planning Commission were Daryl Garrettson, John Abrams, Michael Sherwood, Marjorie Ehry, Matt Dunckel, Dan Armstrong, and David Polite, with Alan Halstead and Bob White being excused.

Also present were Rick Sanai, County Counsel; Mike Brandt, Planning Director; and others as listed below.

Commissioner Lewis and Planning Commissioner Daryl Garrettson called the meeting to order and opened the joint public hearing.

**LEGISLATIVE PUBLIC HEARING:**

1. **DOCKET NO.:** G-01-10  
**REQUEST:** To add the following language to the permitted uses listed in Section 402.02 of the Exclusive Farm Use District of the Yamhill County Zoning Ordinance:

*5. The maintenance, expansion or enhancement of an existing site on the same tract for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities or buildings necessary for its operation. The use must satisfy the standards set forth in ORS 215.296(1)(a) and (b) and the standards set forth in Section 1101, Site Design Review. The maintenance, expansion or enhancement of an existing use on the same tract on high-value farmland is permissible only if the existing use is wholly within a farm use zone. No other Yamhill County Zoning Ordinance criteria or Comprehensive Plan goal or policy shall apply as an approval standard for this use.*

**APPLICANT:** Yamhill County  
**CRITERIA:** ORS 197 and 215, OAR 660-033 and Section 1207.01 of the Yamhill County Zoning Ordinance.

**Abstentions, Objections to Jurisdiction, Ex Parte Contact:** None.

Rick Sanai read the “raise it or waive it” statement required by ORS 197.763.

**Staff Report:** Mike Brandt gave a review of the staff report.

**Questions of Staff:** Chair Garrettson asked Mr. Brandt if this amendment allows new facilities. Mr. Brandt said it does not.

**Waste Management:**

George Duvendack, District Manager at Riverbend Landfill, 13469 SW Hwy 18, McMinnville: Testified in support of the proposed amendment.

Paul Burns, Director of Operations for Waste Management, 7227 NE 55<sup>th</sup> Ave. Portland: Testified in support of the proposed amendment.

Tommy Brooks, Cable Huston, 1001 SW 5<sup>th</sup> Ave, Ste 2000, Portland: Testified in support of the proposed amendment. Requested the record be left open for seven days in order to respond to any comments submitted.

Mr. Duvendack showed a video “Community Voices” in support of Waste Management.

Adam Winston, Director of Hauling Operations for Waste Management, 7227 NE 55<sup>th</sup> Ave, Portland: Testified in support of the proposed amendment. David Polite asked what percentage of waste is coming from outside of county. Mr. Duvendack stated that approximately 35 percent of waste is coming from inside of Yamhill County.

Michael Sherwood asked if they would apply for an expansion. Mr. Duvendack said they would. Mr. Sherwood asked if Waste Management owns the land across the highway from the current landfill and how many acres. Mr. Duvendack said yes and that it is 150 acres.

**Waste Not:**

Bill Kabeiseman, 121 SW Morrison St, 11<sup>th</sup> Floor, Portland: Testified against the proposed amendment. Disagreed with the “raise it or waive it” reading by Mr. Sanai for a legislative hearing. Disagreed with the LUBA reversal being procedural and PWS zoning no longer allowing solid waste facilities, as stated by Mr. Brandt. He believes it is a legislative decision by the county to accommodate the expansion of the landfill.

Susan Watkins, 13440 SW McCabe Chapel Rd, McMinnville: Testified against the proposed amendment.

Ilsa Perse, 5765 Mineral Springs Rd, Carlton: Testified against the proposed amendment.

John McGehee 12830 SW McCabe Chapel Rd, McMinnville: Testified against the proposed amendment.

Clark Ellingson, 10075 SW Youngberg Hill Rd: Testified against the proposed amendment.

Susan Meredith, 14100 SW McCabe Chapel Rd: Testified against the proposed amendment.

Chair Garrettson asked Mr. Kabeiseman some questions.

7-minute break

Rodney Larsen, 14815 SW Delashmutt Lane: Testified against the proposed amendment.

Janet Buntley, 602 SW Hembree St, McMinnville: Testified against the proposed amendment.

Sid Friedman, 14286 Old Moores Valley Rd, Yamhill: Testified against the proposed amendment. Commissioner George asked about the proposal to change the zoning and if landfill expansions are a problem in other counties. Mr. Friedman answered that the change doesn't even require a conditional use application and has no sideboards. Commissioner George asked if this is the same type of use that is allowed in other counties. Mr. Friedman stated he is not familiar with other county codes. Commissioner George asked about the cost of garbage disposal going up in the event of the landfill closing, and if all of the costs were considered in the fee he provided. Mr. Friedman answered.

Chair Garrettson asked if the county could make a landfill a conditional use. Mr. Friedman said counties can allow landfills in EFU zones, but can make them a conditional use rather than an outright permitted use.

Arnie Hollander, 13440 SW McCabe Chapel Rd, McMinnville: Testified against the proposed amendment.

Marilyn Webster, 14286 NW Old Moores Valley Rd, Carlton: Testified against the proposed amendment.

Helen Bitar, 30500 Moriah Ln, Sheridan: Testified against the proposed amendment.

Michael Leichner, PO Box 820, Sherwood: Testified in support of the proposed amendment.

Cleo Westphal, 915 Cedar St, McMinnville: Testified in support of the proposed amendment.

Hannah Momtazi, 1036 NW Baker Crest Ct, McMinnville: Testified against the proposed amendment.

Lawrence Treadwell, 30500 Moriah Ln, Sheridan: Testified against the proposed amendment.

Ramsey McPhillips, 13000 SW McPhillips Rd, McMinnville: Testified against the proposed amendment.

Pete Truax, Mayor of Forest Grove, 1924 Council St, Forest Grove: Testified in support of the proposed amendment.

Cheryl Hill, 2417 NW Alice Kelley St, McMinnville: General Manager of Freelin-Wade. Testified in support of the proposed amendment. David Polite asked for clarification regarding her statement that the landfill is working well with tourism. Ms. Hill replied.

David Walsh, SP Newsprint, 1301 Wynooski St, Newberg: Testified in support of the proposed amendment.

Kris Bledsoe, 18695 SE Upper Island Rd, Dayton: Testified against the proposed amendment.

Drew Corman, 139 Main St, Mt. Kisko, New York: Vice-President of a company that provides alternatives to landfills. Suggested alternatives. Testified against the proposed amendment. The Commission asked questions and Mr. Corman responded.

Shirley Venhaus, 8200 N Hwy 99W, McMinnville: Testified against the proposed amendment.

James Bishop, 9900 NE Parrett Mtn Rd, Newberg: Testified against the proposed amendment.

Shirley Bishop, 9900 NE Parrett Mtn Rd, Newberg: Testified against the proposed amendment.

Tim Stieber, 136 Daniel St. McMinnville: Represents Soil & Water Conservation District. Testified against the proposed amendment.

Shawn Rollins, PO Box 953, McMinnville: Testified in support of the proposed amendment.

Phyllice Bradner, 605 NE 1<sup>st</sup> St. McMinnville: Testified against the proposed amendment.

Joe Cook, 410 NE 12<sup>th</sup> St, McMinnville: General Manager for Western Oregon Waste. Testified in support of the proposed amendment. David Polite asked if the cost of road maintenance is taken into account for the cost of service. Mr. Cook said no. Commissioner Lewis asked how the bidding process would work. Mr. Cook answered.

Karen Swensen: 20100 SW Peavine Rd, McMinnville: Testified against the proposed amendment.

Jennifer Redmond-Noble, 13500 Peavine Rd, McMinnville: Testified against the proposed amendment. Commissioner George asked if Waste Management is allowed to dump garbage with no sorting. Ms. Redmond-Noble said yes.

John Englebrecht, 1266 NW Augusta Dr, McMinnville: Testified against the proposed amendment.

Haley Cox, 11270 SW Riverbend Rd, McMinnville: Testified against the proposed amendment.

Erin Rainey, 11270 SW Riverbend Rd, McMinnville: Testified against the proposed amendment.

Shannon Cox, 11270 SW Riverbend Rd, McMinnville: Testified against the proposed amendment.

Craig Markham 2245 NW Ilafern Ln, Dundee: Representing Friends of Yamhill County: Testified against the proposed amendment.

Mark Davis, 652 SE Washington St., McMinnville : Testified against the proposed amendment.

Sam Sweeney, 1070 Ferry St, Dayton: Testified against the proposed amendment.

Alec Gainer, 14500 SW McCabe Chapel Rd, McMinnville: Testified against the proposed amendment.

John Shue, 20100 SW Peavine Road, McMinnville: Testified against the proposed amendment.

Susan Ruggles, 15500 SW Dusty Dr, McMinnville: Testified against the proposed amendment.

**MOTION:** Chair Garrettson closed the oral testimony. Motion to leave the record open for seven days of written testimony and to continue the hearing to September 1, 2011. John Abrams moved to allow for written testimony only to be submitted no later than 5:00 p.m., July 29, 2011, and to continue the Planning Commission hearing to 7:00 p.m., September 1, 2011. Marjorie Ehry seconded. Continued at the point of staff recommendation.

**MOTION:** Commissioner Lewis moved to continue the Board of Commissioners hearing to 10:00 a.m. on September 8, 2011, at the point of staff recommendation. Commissioner George seconded. Motion carried.

**Adjourn:** Hearing adjourned at 10:29 p.m.

Minutes prepared by  
Stephanie Armstrong

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair MARY P. STERN

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Commissioner LESLIE LEWIS

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Commissioner KATHY GEORGE