

YAMHILL COUNTY PLANNING COMMISSION

Thursday, December 4, 2014≅ 7:00 p.m.
McMinnville Civic Hall Hearing Room
200 NE 2nd St.
McMinnville, Oregon 97128

Roll Call: Matt Dunckel, Marla Robison, Daryl Garrettson, Alan Halstead, John Abrams, Dan Armstrong, Marjorie Ehry **Absent:** Michael Sherwood **Staff:** Michael Brandt, Ken Friday, Stephanie Armstrong, Todd Sadlo

QUASI-JUDICIALPUBLIC HEARING:

DOCKET NO.: SDR-16-14/FP-03-14

REQUEST: The site design review application is to review the development of the 37 acres proposed for the Riverbend Landfill expansion and ancillary facilities. The expansion of the landfill is permitted within the existing zone under Subsection 402.02(V) of the Yamhill County Zoning Ordinance. The request includes a floodplain development permit to allow for the placement of an earthen berm, a portion of which is in the floodplain.

APPLICANT: Riverbend Landfill Company, Inc.

TAX LOTS: 5501-101, -200, -400 and -401

LOCATION: 13469 SW Highway 18, McMinnville, Oregon
13475 SW Highway 18, McMinnville, Oregon
13965 SW Highway 18, McMinnville, Oregon
14325 SW Highway 18, McMinnville, Oregon

CRITERIA: Sections 402.02(V), 901, and 1101 of the Yamhill County Zoning Ordinance (YCZO). The floodplain development permit is subject to Section 901 of the YCZO. The site design review is subject to Section 1101 of the YCZO, Oregon Revised Statue 215.296(1)(a) and (b)

Chair Garrettson opened the public hearing.

Abstentions, Objections to Jurisdiction, Ex Parte Contact: Matt Dunkel recused himself from the hearing.

Todd Sadlo read the “raise or waive it” statement required by ORS 197.763.

Opponent’s attorney has requested that the record be left open.

Ken Friday gave the staff report.

Chair Garrettson stated no time limits however, there is a full house and repeating comments doesn’t gain the witness anything one way or the other and would appreciate brevity and getting to the point. This applies to both the opponents and proponents.

Proponent’s case:

William Carr, 2923 SE Turner Creek Dr, Hillsboro 97123: Went over the general plan for the expansion. Spoke about the green technology planned for the landfill.

Tommy Brooks, 1001 SW 5th Ave, Ste 2000, Portland 97217: Addressed the site design review components of the application.

Shane Latimer, Environmental Consultant, 35 SE 76th Ave, Portland 97215: Addressed the floodplain portion of the application.

Paul Burns, 7227 NE 55th Ave, Portland 97218: Spoke in favor of the application.

Chair Garrettson asked what their response is to the opponent's argument that the landfill had to be wholly within a farm zone in 1995. Tommy Brooks responded that the site is existing and wholly within the farm zone and the OAR does not impose a timeframe.

Chair Garrettson asked if there is an exhibit in the application that shows vegetation that is proposed to be removed for Module 10. Tommy Brooks stated Exhibit 4; a photo simulation which shows the proposed as built.

Nathan Nottingham, 489 SW Howard Dr. McMinnville 97128: CEO Chamber of Commerce for McMinnville; testified in support of the application.

Steve Patterson, 2350 NW Crimson Court, McMinnville 97128: Oregon Mutual Insurance Co; testified in support of the application.

Commissioner Armstrong asked Mr. Nottingham if Waste Management (WM) would be a better partner to the community if they limited the waste that they receive to Yamhill County only. Mr. Nottingham said he's not at liberty to make that recommendation because he doesn't run their business.

Sheryl Kelsh, 115 N College St, Newberg 97132: CEO of Chehalem Valley Chamber of Commerce; testified in support.

Brian Bowman, 200 Melody Lane, Newberg 97132: ADEC; testified in support.

Commissioner Armstrong asked if ADEC would be in a stronger position if they knew that the landfill would exist for Yamhill County purposes only. Mr. Bowman said he's not in a position to say.

Ryan Thornton, 15995 SW Peavine Road, McMinnville 97128: Testified in support.

David Walsh, 10236 SW Stuart Ct, Tigard 97224: Manager SP Fiber; testified in support.

Commissioner Armstrong asked Mr. Walsh if it would be helpful for his business if the landfill only accepted waste from Yamhill County. Mr. Walsh stated yes it would be better for him if the landfill were to be open longer.

Shawn Rollins and Amy Rollins stated they are in support of the application.

Kathleen Slane, Chair Garrettson read her comments into record.

7 min break.

Opponent's Case:

Jeff Klienman, Attorney representing Stop the Dump Coalition 1207 SW 6th Ave, Portland 97204: Testified in opposition to the application.

Jennifer Redmond-Noble, 13500 SW Peavine Rd, McMinnville 97128: Testified in opposition. Discussed the impacts to her farm and the increase to the cost of farming.

Arnie Hollander, 13440 SW McCabe Chapel Rd, McMinnville 97128: Testified in opposition. Addressed the visual impacts of landfill expansion. Discussed the proposed landscaping by WM.

Ramsey McPhillips, 13000 SW McPhillips Rd, McMinnville 97128: Testified in opposition. Described how his farm is directly affected by the landfill.

Sid Friedman, Friends of Yamhill County, PO Box 1083, McMinnville 97128: Testified in opposition. Addressed ORS 215.296 and the impacts to existing farm uses and the increase in cost to these farm uses.

Chair Garrettson asked how we differentiate the impacts of the existing landfill, which can't be used as a basis to deny this application, from the potential for impacts from the expansion. Mr. Friedman stated geographically, the eastern expansion will bring the operation much closer to many farmed properties. Secondly, absent of the approval of this application, the current impacts will cease in 2016.

Susan Day Neidhardt: Stated she is opposed to the application.

Marcia Mikesch, 510 NW 9th St, McMinnville 97128: Testified in opposition.

Patricia McGehey: Submitted written testimony in opposition.

Margaret Cross, 1102 SW Russ Ln, McMinnville 97128: Testified in opposition.

Craig Markham, 22245 Ilafern Ln, Dundee 97115: Testified in opposition.

John Englebrecht, 1266 NW Augusta Dr. McMinnville 97128: Testified in opposition.

Larry Ojua, Executive Director of SWCD, 2200 SW 2nd St, McMinnville 97128: Testified in opposition. SWCD Board recommends denial of the application.

Peter Gladhart: Not present.

Marilyn Higginson: Stated she is opposed to the application.

Patricia Faye Marshall: Not present.

Sam Sweeney, 1070 Ferry St, Dayton: Testified in opposition.

Lawrence Treadwell: Not present.

Stanley Arend: Not present.

Susan Watkins, 13440 SW McCabe Chapel Rd, McMinnville 97128: Testified in opposition.

Phyllice Bradner: Not present.

Edward Ferar: Agrees with what's been said against the application.

Susan Karp: Concerns have already been addressed.

Marilyn Walster, 14286 NW Old Moores Valley Road: Testified in opposition.

Tom Gearrie, 6905 Spring Valley Road NW, Salem 97304: Willamette Valley Wineries Association; testified in opposition.

Neal and Clara Hulkhower: Not present.

Bryan Doyle: 24001 NE Ellis Ln, Newberg 97132: Testified in opposition.

Mark Davis, 652 SE Washington St, McMinnville 97128: Testified in opposition.

Jeff Lorton: Not present.

Patricia Farrell, PO Box 1497, McMinnville 97128: Testified in opposition.

Jim Kreutzbender, PO Box 1755, McMinnville 97128: Testified in opposition.

Written Comments submitted in opposition: Keith Richmond, Rusty Hale, Karen Hansen, Joel Murrant, Jules and Joan Drabkin, Barbara Doyle.

Leonard Rydell, 601 Pinehurst Dr, Newberg 97132: Testified in opposition.

Lillian Frease, 14025 NW McCabe Chapel Road, McMinnville 97128: Testified in opposition.

Written comments submitted: Rand Eats, Hermine Kann, Erin Rainey.

Peter Malay, 2453 SW Hannah Circle, McMinnville 97128: Testified in opposition.

Public Agency Reports: Ken Friday gave the public agency report.

7 min. break

Rebuttal: Tommy Brooks provided rebuttal and stated he will submit a written rebuttal to the many comments that have been said.

Chair Garrettson closed hearing to reopen at staff recommendation.

Motion: The record shall be open to 5:00 PM on December 23, 2014, for all parties to submit written testimony or evidence to the Planning Department at 525 NE 4th Street, McMinnville.

The record shall then be open until 5:00 PM on December 31, 2014, for all parties to submit to the Planning Department written rebuttal to what was submitted during the first open record period.

The record shall then be open for the applicant only to submit written testimony until 5:00 PM on January 8, 2015. At that point the record shall be closed.

The Planning Commission shall then reopen the hearing at 7:00 PM on January 15, 2015 in the McMinnville Civic Hall Hearing Room, 200 NE 2nd Street, McMinnville, at the point of Staff Recommendation.

Motion passed unanimously. Commissioner Abrams moved, seconded by Commissioner Halstead.

Other business: Chair and vice chair voting. Vote is to keep Daryl Garrettson on as chair and Dan Armstrong as vice chair.

Adjourn: 10:50pm