

YAMHILL COUNTY PLANNING COMMISSION

Thursday November 6, 2008 - 6:30 p.m.
McMinnville Community Center, Room 103
600 NE Evans St.
McMinnville, Oregon 97128

Roll Call: Matt Dunckel, Bob White, Marjorie Ehry, Michael Sherwood, Daryl Garrettson, Alan Halstead, David Polite, John Abrams. **Staff:** Ken Friday, Mike Brandt, Rick Sanai

QUASI-JUDICIAL PUBLIC HEARINGS:

DOCKET NO.: PAZ-05-08/FP-04-08/SDR-16-08

APPLICANT: Riverbend Landfill Company, Inc.

REQUEST: The request involves three applications to allow for the eventual expansion of the Riverbend Landfill. The first application is for a comprehensive plan amendment and zone change. The second is for a floodplain development permit. The third is for a site design review of the proposed landfill expansion.

The comprehensive plan amendments and zone changes are as follows:

A comprehensive plan amendment for an approximately 82.7 acre portion of Tax Lot 5501-200 to be changed from Public to Agriculture/Forestry Large Holding; a zone change from PWS Public Works Safety to EF-80 Exclusive Farm Use. The purpose is to shift the landfill zoning away from the South Yamhill River. Riverbend Landfill plans to do some wetlands mitigation in this area.

A comprehensive plan amendment for approximately 74 acres made up of Tax Lot 5501-400 and a portion of Tax Lot 5501-401 to be changed from Agriculture/Forestry Large Holding to Public; a zone change from EF-80 Exclusive Farm Use to PWS Public Works Safety. The request includes an exception to Goal 3. The purpose of rezoning this property is for eventual expansion of the landfill over 20 to 30 years.

A comprehensive plan amendment for approximately 25 acres, made up of the southern portion of Tax Lot 5501-401, to be changed from Commercial to Public; a zone change from RC Recreation Commercial to PWS Public Works Safety. The purpose of the rezoning of this property is for eventual expansion of the landfill.

A comprehensive plan amendment for approximately 19.3 acres, made up of a portion of Tax Lot 5501-101, to be changed from Agriculture/Forestry Large Holding to Public; a zone change from EF-80 Exclusive Farm Use to PWS Public Works Safety. The request includes an exception to Goal 3. The purpose of the rezoning of this property is for ancillary facilities, including but not limited to, public drop/recycling area, gas-to-energy facility and surface water facilities. This land would not be used for waste disposal.

A comprehensive plan amendment for approximately 10 acres made up of a portion of Tax Lot 5511-600 to be changed from Agriculture/Forestry Large Holding to Public; a zone change from EF-80 Exclusive Farm Use to PWS Public Works Safety. The request includes an exception to Goal 3. The purpose of the rezoning of this property is for ancillary facilities, including but not limited to, landfill maintenance/storage yard and future leachate management facilities. This land would not be used for waste disposal.

A floodplain development permit to allow for the relocation of a small, unnamed tributary of

the South Yamhill River that currently bisects the proposed landfill expansion area. The request would allow for the placement of two earthen berms. One berm is to be near the mouth of the stream but well outside of the floodway and one is to be just east of Highway 18 where the stream emerges from its culvert under the highway.

A site design review application to review the development of the 98 acres proposed for landfill expansion and ancillary facilities.

TAX LOTS: 5501-101, -200, -400, -401 and 5511-600

LOCATION: 13465 SW Highway 18, McMinnville, Oregon
13469 SW Highway 18, McMinnville, Oregon
13965 SW Highway 18, McMinnville, Oregon
14325 SW Highway 18, McMinnville, Oregon

CRITERIA: Sections 402, 601, 802, 901, 1101 and 1208.02 of the Yamhill County Zoning Ordinance (YCZO). Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable. Oregon Administrative Rule 660-004, related to exceptions. OAR 660-12-0060 Transportation Planning Rule. The floodplain development permit is subject to Section 901 of the YCZO. The site design review is subject to Section 1101 of the YCZO.

Chair Garrettson opened the public hearing.

Abstentions, Objections to Jurisdiction, Ex Parte Contact: Matt Dunckel chose to abstain due to working at Riverbend Landfill (RLI).

Ken Friday read the “**raise it or waive it**” into record.

Staff & Committee Report: Ken Friday gave a review of the staff report

Questions of Staff: Chair Garrettson asked Ken Friday if this application is subject to the 150 day rule. Rick Sanai, said it is. Chair Garrettson asked when the application was deemed complete and Mr. Friday said site design review was deemed complete in August, the other portion was deemed complete at a later date but he wasn't sure when and would find out. Chair Garrettson said Friends of Yamhill County is requesting a continuance until the alternative waste proposal is responded to, wanted to know how that affected their evaluation of need. Mr. Friday said he was told December 22nd is when report is due and it's up to Commission on whether they want to wait. Chair Garrettson was concerned with 150 day deadline. Mike Brandt said the plan amendment and zone change is not subject to the 150 day rule but the site design review is. Mike Brandt added the site design review doesn't do any good with the plan amendment and zone change. Mr. Sherwood asked about the number of referrals from public agencies that have been received. Mr. Friday said we received one more from the Solid Waste Advisory Committee but no others. Michael Sherwood thinks there should be some way to get a response from these agencies. David Polite asked if the alternative waste analysis goes towards addressing the alternatives site analysis part of the application. Chair Garrettson said he thinks the applicants will be addressing that. Michael Sherwood asked if RLI had an application for expansion in 1992. Mr. Friday said that application was for the leachate lagoons which was approved.

Proponent's Case: Jim Benedict, 1001 SW 5th Ave. Suite 2000, Portland: Representative for RLI. Introduced presenters for the application and the procedure in which they intend to deliver their presentation.

George Duvendack, 13469 SW Highway 18, McMinnville: Mr. Duvendack is the district manager for RLI. Provided general background information regarding RLI and its current operations, an overview of the proposed

expansion and RLI as an asset to Yamhill County.

Mary Dorman, Angelo Planning Group, 921 SW Washington, Portland: Provided her background information. Provided an overview of the plan amendment/zone change portion of the application which included an alternative sites analysis and goal exception. Briefly reviewed the site design review process of the application.

Shane Latimer, ICF Jones & Stokes, 317 SW Alders, Portland: Gave his background information. Discussed statewide planning Goals 5, 6 and 7 which are generally related to natural and cultural resources. Discussed the characteristics of the siting of the RLI and other landfills in the state.

Questions of Proponent's by the Commission: Michael Sherwood asked what the economic reason was to use RLI rather than transporting garbage elsewhere. Mary Dorman referred to the economic analysis in the application but basically referred to shipping costs, emissions, and employment as the main economic benefits. Michael Sherwood asked for clarification regarding emissions and the difference between shipping garbage from other counties to RLI and Yamhill County shipping their garbage to another area. George Duvendack replied that if RLI isn't there then there will be more truck miles to move the waste because it will all move to another area. Michael Sherwood asked what type of economic development occurs in Yamhill County (YC) due to RLI. Mr. Duvendack replied that jobs are provided, host fees, license fees, purchases made in YC, reduced disposal rates for YC customers. Michael Sherwood asked for clarification regarding reduced disposal rates and whether that was still questionable whether or not YC customers would save money by depositing garbage at RLI vs another county or elsewhere in YC. Mr. Duvendack asked where else would they go in YC. Michael Sherwood asked how large and what is a cell. Mr. Duvendack explained they vary in size at RLI they range from 6-8 acres to 15-20 acres in size and are lined on the bottom and on the sides and the liners prevent the leachate from getting into the groundwater. Michael Sherwood asked if the cell becomes less effective the higher you go with the cell. Mr. Duvendack replied they keep waste as dry as possible. Bob White asked if on a scale of 1-10, with 10 being the loudest, what would that be. Mr. Duvendack said it's subjective and he can hear back up alarms and tipper from his office at the landfill.

Bob White asked what the liner is made of, how thick it is and what the shelf life is. Mr. Duvendack replied the liner is made up off HDPE resin, 60ml, with a primary liner, a soil liner, and another 60ml secondary liner with a shelf life of around a thousand years.

David Polite asked if there ever comes a time when the leachate stops. Mr. Duvendack replied the design of the modern landfill is setup so that once operation is done and covered you see a dramatic falloff in leachate generation. David Polite asked how you would describe an ideal site for siting a landfill. Mr. Latimer replied that RLI is much like other landfills around the state because of the clay soils near floodplains. David Polite asked if that is why landfills are sited near rivers. Mr. Latimer replied he thinks it's because that is where people started dumping their trash. David Polite asked how close the water table is to the surface. Mr. Duvendack replied that generally practice is to maintain two feet of separation between high water and bottom of liner system and there is a groundwater monitoring system. David Polite asked if RLI is still utilizing open systems. Mr. Duvendack replied absolutely, it's state of the art. David Polite asked if the relevant criteria as far as looking at the cost of shipping garbage out, is really the cost of YC garbage. Mr. Duvendack replied that is the way the evaluation was done. Mr. Polite asked if they looked at the carbon impact of Metro waste coming in. Mr. Duvendack replied no. Mr. Polite asked about wear and tear on the roads. Mr. Duvendack said it was not looked at but thinks it would ultimately be a greater impact. Mr. Polite asked if YC's impact is approximately one third of the garbage delivered to RLI. Mr. Duvendack replied yes.

John Abrams asked if there are continued efforts of waste management to get the order emissions minimized. Mr. Duvendack replied yes, RLI has installed another series of wells and are evaluating and working on up sizing their vacuum system to improve the issue. John Abrams asked about Exhibit 6, Figure 6 and whether the vegetation along the riverbank will be removed. Mr. Latimer replied that is an error and that vegetation is within

the 100 foot buffer and would not be removed. John Abrams asked if there is an alluvial layer under the landfill and how far down is it. Mr. Duvendack replied there are two water bearing zones and one is an alluvial layer and the depth varies, he referred to his hydro geologist. Louis Caruso, 10300 SW Nimbus, Portland, hydro geologist for RLI, replied to Mr. Abrams' question about the alluvial layers under the landfill.

Marjorie Ehry asked if there is an incinerator for burning proposed. Calvin Palmer, PO Box 1117, Courtney, WA 98360 replied it's a public policy question and that waste energy facilities are capitol intensive and takes facilities of a larger scale to make it economically feasible but there would still be a certain amount of waste that would need to end up in a landfill that could not be incinerated.

Chair Garrettson asked Mary Dorman why the EcoNW report didn't include the Brooks waste energy, Hillsboro or Short Mountain landfill. Mr. Duvendack replied it didn't include the Brooks facility because it is maxed out; the Short Mountain facility would have represented a longer transportation distance than what it takes to get to Coffin Butte; Hillsboro landfill is a special purpose landfill that takes only dry waste. Chair Garrettson asked what RLI response is to the request for alternatives by the Commissioners. Mr. Benedict said their preference would be to complete the process as quickly as possible and the application material provides sufficient information regarding the need and alternatives analysis. He said their preference would be to not keep the record open and the other option would be to have the alternatives analysis request from the Commissioners be available at the time the application is heard before the Board of Commissioners which would be a de novo hearing.

Michael Sherwood asked if in there was an error in Appendix 2, page 2 where it states RLI has not received a notice of non-compliance (NON) since March of 2006 and earlier the application states RLI has only received three NON's between 1993 and 1997. Mr. Benedict said he thinks it is a typo and should have been 1996 but would need to check that out. Mr. Sherwood asked for clarification regarding page 14 of the background information where it states that in total RLI receives 600 thousand tons of waste a year of that 240 thousand tons is from YC, so the county is indebted 360 thousand tons of waste coming in from other counties. Mr. Duvendack replied yes. Mr. Sherwood asked if it was correct that is was \$23.60/ton. Mr. Duvendack replied their gate rate is \$30.40/ton and is not sure where \$23.60 comes from.

David Polite stated the county is an emerging eco-tourism, vineyard attraction, and asked if they have some assessment as to what the cost is to the county. Mr. Duvendack replied they are not looking to expand their business but continue to operate and serve the communities they currently serve. He said they are not looking to grow their business by soliciting waste from other communities and there has not been a direct analysis regarding the cost. Mr. Polite asked if the permit were denied would there be legal action against the county. Chair Garrettson said he didn't think that was relevant. Mr. Polite asked if there was an agreement between Mac Water and Light and RLI. Mr. Duvendack replied there is not but he would like to have one within the next month and half.

Bob White asked if there was a certain strategy in buying property and asked if there would be a mountain on both sides of the Highway. Mr. Duvendack replied yes there was a strategy and reviewed that strategy and no, he doesn't envision a mountain on both side of the Highway.

Alan Halstead asked about the Newberg Landfill proposal several years ago to use the gas for heating fuel. Mr. Duvendack replied there is a technology difference there and briefly reviewed that process and stated RLI would generate roughly four megawatts of electricity.

Questions of Proponent's by opponents: Mark Davis, 652 SE Washington St, McMinnville: asked for clarification regarding the analysis used in determining what alternative sites are available in YC that could accommodate the proposed use. Ms. Dorman replied that any other properties that are zoned farm or forest would be required to go through the exception process, so they looked at lands that would not require an exception.

Kris Bledsoe, 3500 SW Redmond Hill Rd, McMinnville: asked what the potential increase to a homeowners garbage bill would be if garbage were to be hauled out of county. Mr. Duvendack replied it would be a 12% increase in your rates. Ms. Bledsoe asked what are considered local purchases. Mr. Duvendack replied to what those sources were.

Ilsa Perse, 5765 Mineral Springs Rd, Carlton: asked how RLI makes sure nothing hazardous get into the dump. Mr. Duvendack explained the measures RLI takes to minimize the hazardous waste delivered to the landfill.

Ellie Gunn, 652 Washington St, McMinnville: asked how many trucks, on average, from out of county arrive at RLI everyday. Mr. Duvendack replied approximately 35.

Jaymi Fieldhouse, 560 SW 7th, Dundee: asked how the needs analysis was calculated regarding in county and out of county waste. Chair Garrettson said her question is answered in the application and approximately 30-35% is generated in county and the remainder is generated outside of the county.

Jim Kreutzbender, 180 NE Dunn Pl, McMinnville: asked how much of the floodplain is being blocked by the berm. Mr. Latimer replied that you get about ½ inch of rise.

Mike Fanger, 14030 McCabe Chapel Rd, McMinnville: asked if the HDPE, the material that the liners are made of, the same material that is recommended not to go into the landfill. Mr. Duvendack replied he would like people to recycle that material.

John Englebrecht, 1266 NW Augusta Dr, McMinnville: asked how does RLI keep nickel hydride and cadmium batteries out of the landfill. Mr. Duvendack went over the procedures that RLI follows to help keep those items out of the landfill.

Brady Lambert, McCabe Chapel Rd, McMinnville: asked if RLI has plans to clean up litter along the road from trucks traveling to and from landfill. Mr. Duvendack replied RLI has plans to install a wash facility and increase litter sweeps.

Barbara Boyer, Boyer Rd, McMinnville: asked what source was used for the tributary maps. Mr. Latimer replied that he assumes everything south of the Yamhill River is also in the tributaries.

Mark Bortnem, Sunnycrest Rd, Newberg: asked if RLI has future plans for expansion and if so how would the public be notified of these plans. Chair Garrettson replied that the question is not relevant to the criteria.

Linda Grove, 510 NW 9th St, McMinnville: asked how long it would take for the landscaping to be look as it does in the sketches. Mr. Latimer replied with the plans for establishing the vegetation.

Erin Rainey, 11270 SW River Bend Rd, McMinnville: asked about the wetland mitigation bank. Mr. Latimer described the states mitigation bank program.

Kathleen Blair, 595 SW Ruby Ct, McMinnville: asked for clarification regarding using methane for electricity. Mr. Duvendack responded with a general description of the process.

Shirley Venhaus, 8200 N. Hwy 99W: asked about the water table at RLI. Mr. Duvendack described the use of pizometers at the landfill to monitor the water level.

Additional comments in support of application:

Mike McCullough, 23945 NE Dayton Ave, Newberg: Controller for Newberg Garbage Service. Discussed why

the landfill is important to Newberg Garbage Service and why it's important to have a local landfill.

David Walsh, 10236 SW Stuart Ct, Tigard: Technical Manager for SP Newsprint. Spoke in favor of the landfill application. Michael Sherwood asked how often they use the landfill and Mr. Walsh replied everyday with approximately 130-140 tons per day going to the landfill. Bob White asked how much could be methane gas. Mr. Walsh replied probably very little.

Paul Ridgway, 1724 Goucher Ct, McMinnville: is part of a small business in McMinnville, spoke in support of the landfill application.

Dan Hinmon, 614 NW 18th St, McMinnville: small business owner, spoke in support of the landfill application.

Sherl Hill, 2417 NW Alice Kelley St, McMinnville: Manager for Freelin Wade, Co., spoke in support of landfill application.

Chair Garrettson read the comments from the YC Farm Bureau.

MOTION: Chair Garrettson discussed continuing to take testimony but continuing the hearing to November 20th at 6:30pm in Room 103 at the Community Center, John Abrams moved to continue the hearing. Seconded by Michael Sherwood. All in favor. Motion passed.

Opponent's Case:

Ellie Gunn, 652 Washington St, McMinnville: not in favor of expanding landfill by continuing to take waste from other counties.

James and Susan Ruggles, want their attached comments distributed.

Mark Davis, 652 SE Washington St, McMinnville: testified that RLI's application didn't meet the criteria in OAR 660-004-0020(2)(c).

Mark Bortnem, 21650 NE Sunnycrest Rd, Newberg: testified in opposition to the application focusing on environmental and economic issues.

John Englebrecht, 1266 NW Augusta Dr, McMinnville: testified in opposition to the application. Michael Sherwood asked if Mr. Englebrecht had a suggestion of another location in YC and how large would it need to be. Mr. Englebrecht said no and recommended hauling the garbage by train or to Tillamook.

10:15pm: Chair Garrettson adjourned the public hearing and continued to November 20, 2008.