

# Yamhill County

## DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4th STREET • McMINNVILLE, OREGON 97128

Phone:(503) 434-7516 • Fax:(503)434-7544 • TTY: (800) 735-2900 • Internet Address: <http://www.co.yamhill.or.us/plan/>

January 16, 2015

Cable Huston  
Attn.: Tommy Brooks  
1001 SW 5<sup>th</sup> Avenue, Suite 2000  
Portland, OR 97204-1136

Re: **Docket No. SDR-16-14/FP-03-14, Tax Lots 5501-101, -200, -400 and -401**

Dear Mr. Brooks:

In reference to your application for site design review and floodplain approval for the 37 acre expansion of Riverbend Landfill, the Planning Commission reviewed the request at their hearing of January 15, 2015, and voted 3-2 to approve your application with the following conditions:

1. Prior to construction or development of the proposed landfill expansion, a Final Site Development Plan shall be submitted to the Planning Director for review in accordance with Section 1101 of the Yamhill County Zoning Ordinance. The Final Site Development Plan will be labeled and logged, including dates of production, number of pages, document and sheet titles so that the County staff and public can readily verify that the Final Site Development Plan is consistent with the County's approval. The Final Site Development Plan shall include specific phasing construction plans together with an estimated schedule of construction and completion.
2. The specific phasing noted above shall show the design of the landfill in the event of its closure after the seven year timeline outlined in Condition of Approval 7 of Ordinance 887.
3. There shall be no disposal of solid waste into proposed Module 10.
4. The maximum allowed height of the landfill expansion shall not be greater than 286 feet AMSL. This is the permitted height of the existing landfill.
5. No buildings or structures have been approved through this Site Design Review approval. Any future building or structures will be required to receive approval for a Site Design Review.
6. Prior to the development of Module 11, and prior to the enhancement of Modules 1, 2, 3, and 9, the applicant shall obtain approval from the Department of Environmental Quality (DEQ). In the event approval by DEQ or other agencies requires a revision or modification to the Final Site Development Plan approved by Yamhill County, the applicant must obtain approval from the County for the revision or modification as provided by Section 1101 of the Yamhill County Zoning Ordinance.

7. Perimeter berms must be designed and constructed to meet the seismic design criteria for the magnitude 9.0 earthquake outlined in the Oregon Resilience Plan. Except as provided in condition 8.d, perimeter berms must be developed in phased segments as reflected in a site development plan approved by the Oregon Department of Environmental Quality.
8. Roads, fences, lighting, and signage shall be designed and constructed to minimize their visual impact as set forth in this condition. All construction activities shall be screened to the maximum extent practicable from neighbors and travelers on State Highway 18. Prior to placing waste in Module 11, and prior to the enhancement of Modules 1, 2, 3, and 9, the owner shall establish or maintain, as applicable, vegetation and other screening that limits views of solid waste disposal operations in the following manner:
  - a. The existing landscaping along Highway 18 shall be protected from damage and shall be maintained by the applicant.
  - b. The existing trees on Tax Lot 5501-101 shall be retained as a visual buffer.
  - c. To assure the minimum number of trees are removed, the stand of trees that are shown as subject to removal along Highway 18 (where the applicant plans to install a bridge over the creek) shall be marked, inspected and approved by the Planning Director, or his designee, prior to their removal.
  - d. The 30-foot high Module 11 berm along Highway 18 shall be landscaped within a year of its construction and shall be constructed of material that allows the plants to thrive. The landscaping shall be substantially the same as shown on Drawing No. A-6 of the application, but shall be planted in a somewhat random manner to give a more natural appearance. Tree species planted for screening shall be sized and selected to achieve an effective visual screen of at least 15 feet in height within 10 years of planting. Trees shall be native, 5 gallon or larger when planted, and spaced appropriately for a natural, filled-in appearance. Trees and landscape plants planted on the berm shall be enhanced with irrigation and regular maintenance during the first four year establishment period, during which period dying trees or landscape plants shall be promptly replaced with material of like size.
  - e. Any lighting used for either temporary or permanent illumination shall be placed, shielded or deflected so as not to shine onto adjacent dwellings, or create excessive glare along adjacent roads.
  - f. The colors of fencing, tarps and other manmade screening materials shall be selected so they blend in with the natural environment.
  - g. A maintenance agreement shall be signed between the applicant and Yamhill County covering all landscaped areas for the first four year establishment period and subsequent years.
9. The roadway that is proposed to be constructed on the perimeter berm parallel to Highway 18 shall include elements to screen the lights of vehicles using this roadway from view by vehicles driving

along Highway 18.

10. Prior to use of the expansion area, the owner shall obtain confirmation from the McMinnville Rural Fire Chief that the water supply and site access satisfy minimum safety standards.
11. Five years prior to the landfill reaching capacity, the applicant shall submit a post-closure plan to DEQ consistent with ORS 459.055. The final cover plan shall include contour grading of slopes to give a more natural appearance.

#### Noise

12. The applicant shall comply with DEQ noise standards required in ORS Chapter 467 and administrative rules in OAR 340 Division 35. The applicant shall submit an annual noise report to the Planning Director showing compliance with these standards.
13. The public hours of operation for the landfill shall continue to be limited to Monday through Friday from 6 am to 5 pm, 7 am to 4 pm on Saturday, and closed Sundays.
14. The operator shall provide “smart” back-up alarms on all loaders and dozers that operate at the site. (“Smart” back-up alarms are those that only emit backing alarm noises when they sense an object in their path, with the alarm increasing in volume as the distance to the object is reduced.)

#### Floodplain

15. Prior to issuance of the floodplain develop permit, the applicant shall obtain any required permits from the Corps of Engineers and Oregon Department of State Lands. Copies of these permits shall be submitted to the Planning Director.
16. Removal of existing riparian vegetation within the Riparian Corridor shall be the minimum necessary to allow for construction of the berm. Any disturbed areas outside the footprint of the berm shall be restored with native fill and plants.
17. All fill used for the construction of the berms proposed in the Floodplain Development Permit Application Narrative shall comply with the requirements of 901.07(F) (1)-(3) of the Yamhill County Zoning Ordinance.

#### Green Technology

18. To supplement Condition #4 in the Limited Use Overlay applied by Ordinance 887, any activities that would occur on the property identified for future “Green Technology” (see Exhibit B Map and #4, Exhibit C of Ordinance 887), such as temporary construction support or operational support, shall be temporary in nature and shall not prevent the use of that site for future alternative technology.
19. Condition #7 of Ordinance 887, also known as the Green Technology Condition requires:

7. *Alternative Disposal Technology. The applicant has stated its intent, to the extent feasible, to “add a Green Technology component to minimize landfill expansion” (an alternative solid waste disposal technology). The County recognizes, as stated in the application, that: “the construction of any particular facility depends on many factors including; proven commercialization of the technology, financial viability for the*

*project, and ability to receive all necessary permits within the current regulatory structure.” As such, it will take time to develop a Green Technology facility, as follows, in accordance with this condition:*

- (a) The applicant shall establish, on-site, a process or procedure to divert municipal solid waste from Riverbend Landfill to a Green Technology Facility.*
- (b) The process to be employed in meeting this condition shall be at the discretion of the applicant, consistent with applicable law, and may include, but shall not be limited to, the following processes or general classes of processes:
  - (1) Advanced Thermal Recycling (also referred to as Mass Burn or Waste - to Energy incineration)*
  - (2) Gasification (also referred to as Plasma Arc)*
  - (3) Anaerobic Digestion*
  - (4) Thermal Depolymerization*
  - (5) Pyrolysis*
  - (6) Refuse-Derived Fuel (also referred to as RDF)**
- (c) Construction of a DEQ-approved facility to satisfy this condition shall commence no later than seven (7) years after the earlier of:
  - (1) The date a DEQ permit for solid waste disposal outside the former PWS zone becomes final (i.e., no further DEQ action is required and all appeals have been exhausted or the time for filing an appeal has run with no appeal having been filed) and Riverbend has all DEQ authority necessary to commence disposal of waste on the site; or*
  - (2) The date the 3.6 millionth ton of waste is deposited at the expansion site.**
- (d) The alternative disposal technology facility shall be operational within 18 months after commencement of construction and shall, when fully operational, significantly decrease the current deposit of 510,000 tons per year of municipal solid waste in the landfill. The facility must be designed to function for the duration of the life of the landfill. The 18 month construction window may be extended as a result of unforeseen weather or other natural events, upon written approval by the Planning Director.*
- (e) Failure to construct and/or operate an on-site alternative disposal technology facility consistent with this condition shall require the landfill to cease operations.*

The applicant shall apply for site design review for construction of the Green Technology Facility no later than 150 days before the construction is required to begin under Condition of Approval 7 of Ordinance 887.

#### Odor conditions

20. As part of its Title V air quality permit, the applicant is required to implement a Dust Control Plan and Final Odor Control Compendium. The applicant shall continue to implement those operating and control practices to reduce fugitive dust and odor from its operations as required by DEQ.

21. Upon the disposal of solid waste into Cell 11, the applicant shall take a daily downwind reading of odor using an olfactometer. The readings shall include the location, weather conditions, precipitation, wind direction and wind speed. The readings shall be provided to the Planning Director on a monthly basis.
22. Modification of any of the above conditions requires approval under Section 1101.02 of the Yamhill County Zoning Ordinance. Violation of any of the above conditions may result in revocation of the site design review permit with the process detailed in Sections 1101.06 and 1101.07 of the Yamhill County Zoning Ordinance.

The Yamhill County Zoning Ordinance provides for appeal of any action or ruling of the Planning Commission to the Board of Commissioners within fifteen (15) days of the decision on a proposed action. Anyone wishing to appeal the Planning Commission's decision must file an appeal form, together with a \$250.00 fee, with this department no later than **5:00 p.m., February 2, 2015**. If no appeal is filed, the decision will be final and this letter will serve as your official notice of approval of your application.

If you have any questions, please contact this office.

Sincerely,



Michael Brandt  
Planning Director

cc: Board of Commissioners  
Public Works  
Assessor  
DEQ  
DSL  
DOGAMI  
SWCD  
City of McMinnville  
McMinnville Fire Department  
Interested parties