Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT
525 NE FOURTH STREET, McMINNVILLE, OREGON 97128-4523
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NOTICE OF PUBLIC HEARING TO REOPEN THE RECORD ON REMAND OF BOARD ORDER 15-115 FOR RECIEPT OF WRITTEN ARGUMENT AND EVIDENCE ONLY

February 4, 2016, 10:00 a.m.
Yamhill County Courthouse, Room 32
535 E. Fifth Street
McMinnville, Oregon

The YAMHILL COUNTY BOARD OF COMMISSIONERS will meet at the above time and place to reopen the record on remand by the Land Use Board of Appeals (LUBA), of Board Order 15-115. Board Order 15-115 approved Site Design and Floodplain permits to allow a limited expansion of Riverbend Landfill. The matter may be heard later than the time indicated, depending on the agenda schedule. **Interested parties are invited to send written comment within the scope of the remand described below to the Planning Department prior to the hearing, or may deliver written comments to the Board for submittal into the record, at the hearing. The Board will not be taking live/oral testimony on this matter**. The address of the Planning Department is 525 NE Fourth Street, McMinnville, Oregon 97128, or comments may be submitted to FridayK@co.yamhill.or.us. Following its opening of the record and its receipt of written argument and evidence on February 4, the Board may keep the record open for the receipt of written rebuttal argument and evidence, and will continue the matter to a later date to deliberate and make a decision regarding the remand.

All issues and concerns within the scope of the remand must be raised in writing before the hearing or prior to the close of the hearing on February 4. Failure to raise an issue regarding the remand, by submittal of written testimony prior to or at the hearing or failure to provide statements or evidence sufficient to allow an opportunity to respond to the issue, precludes an affected party's appeal of the decision to the Land Use Board of Appeals on that issue.

The application, all documents, and evidence submitted by or on behalf of the applicant and other parties, as well as the applicable criteria, are available for inspection, and copies may be purchased at a reasonable cost. A staff report will be available for inspection at no cost seven days prior to the hearing, and copies will be available for purchase at a reasonable cost. The location of the hearing is accessible to persons with disabilities. Please call the Board of Commissioner's office (503) 434-7501, if you will need any special accommodations to attend or participate in the meeting. For further information, contact Ken Friday at the Yamhill County Department of Planning and Development, 525 N.E. Fourth Street, McMinnville, 97128, or at (503) 434-7516.

DOCKET NO.: SDR-16-14/FP-03-14 (remand)

REQUEST: Consideration on remand of an expansion of Riverbend Landfill. The original application was for a site design review for the development of 37 acres proposed for 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. The Land Use Board of Appeals remanded the County's decision approving the request (with conditions), as set forth in Board Order 15-115, for the express purpose of addressing issues relating to ORS 215.296.

APPLICANT: Riverbend Landfill Co.

Accepted by Yamhill County
Board of Commissioners on
1.14.16 by Board Order
#16-11

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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:	Section 402.02(V) of the Yamhill County Zoning Ordinance (YCZO); Oregon Revised Statute 215.296(1)(a) and (b).
SCOPE OF HEARING:	The limitations on this page apply to this limited remand proceeding.

The hearing will be limited to accepting written argument only on the following issues and no new evidence will be accepted on these issues:

(1) Whether existing evidence in the record demonstrates the presence or absence of significant impacts to farm practices (including the costs of those practices) in areas greater than one mile from the existing landfill and the proposed expansion area.
(2) Whether existing evidence in the record that does not quantify or describe a degree of impact demonstrates the presence or absence of significant impacts to farm practices (including the costs of those practices) from the existing landfill and the proposed expansion area.
(3) Whether the "Longitudinal Study" provided by the applicant as part of its initial Farm Impacts Assessment demonstrates the presence or absence of significant impacts to farm practices (including the costs of those practices) from the existing landfill and the proposed expansion area.
(4) Whether existing evidence in the record relating to litter generated by the existing landfill, or expected to be generated by the proposed expanded landfill, demonstrates the presence or absence of significant impacts to farm practices (including the costs of those practices) from the existing landfill and the proposed expansion area.
(5) Whether existing evidence in the record relating to a pheasantry located adjacent to the existing landfill demonstrates the presence or absence of significant impacts to pheasantry farm practices (including the costs of those practices).

The hearing will be limited to accepting new written evidence and written argument on the following issues:

(1) Whether the existing landfill or proposed expansion have caused or will cause significant impacts to accepted farm practices (including the costs of those practices) relating to the direct sales of cherries and berries on Tax Lot R5502-700.
(2) Whether the existing landfill or proposed expansion have caused or will cause significant impacts to accepted farm practices (including the costs of those practices) relating to the farm stand located on Tax Lot R5511-200.
(3) The feasibility and effectiveness of nuisance bird control measures available for use in rural areas.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLERS: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

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