

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Finding a Violation of the  
Solid Waste Ordinance and Ordering the  
Property Owner to Abate Within Thirty Days

BOARD ORDER 23-53

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on February 9, 2023, Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett and being present.

IT APPEARING TO THE BOARD as follows:

WHEREAS, Pursuant to Yamhill County Ordinance No. 626, *Solid Waste Ordinance* (SWO), the Yamhill County Solid Waste Advisory Committee (SWAC) issued a “Notice to Abate” to Marc O. Leigh giving Mr. Leigh until November 23, 2022 to abate certain Solid Waste Ordinance (SWO) violations that were found to exist on his property, located 15865 NW Berry Creed Rd in McMinnville (the “Property”); and

WHEREAS, Mr. Leigh failed to abate the Property as ordered by SWAC; and

WHEREAS, SWAC subsequently provided notice to the Board that there is probable cause to believe that a violation of the SWO exists, that a reasonable time was provided to abate the violation, and that the time expired without abatement of the violation, pursuant to the provisions of SWO 5.4; and

WHEREAS, The Board ordered notice be issued and served upon Mr. Leigh to appear before the Board to show cause why a violation of the SWO shall not be declared to exist; and

WHEREAS, the Board held a hearing for Mr. Leigh on February 9, 2023 to allow him the opportunity to show why a violation of the SWO does not exist; and

WHEREAS, Mr. Leigh failed to appear at the February 9<sup>th</sup> hearing; and now, therefore

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. A violation of the Solid Waste Ordinance exists on real property located at 15865 NW Berry Creek Rd, McMinnville, OR 97128; and

Section 2. The owner of the Property, Marc. O. Leigh, shall abate the public nuisance within 30 days of the date of this order; and

Section 3. If the Property is not abated within 30 days as ordered, staff shall seek a “writ of assistance” to enter the Property for the purpose of seeking bids from cleanup contractors; and

Section 4. Staff shall return to the Board for approval before proceeding with the abatement.

DATED this 9<sup>th</sup> day of February, 2023, at McMinnville, Oregon.

ATTEST



YAMHILL COUNTY BOARD OF  
COMMISSIONERS

KERI HINTON  
County Clerk

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Chair LINDSAY BERSCHAUER

By:   
Deputy CAROLINA ROOK

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Commissioner KIT JOHNSTON

FORM APPROVED BY:

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JODI GOLLEHON  
Assistant Yamhill County Counsel

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Commissioner MARY STARRETT