

BOARD ORDERS AND MINUTES  
IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
FOR THE COUNTY OF YAMHILL  
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY (“the Board”) sat for the transaction of county business in formal/informal session on December 12, 2013, at 10:00 a.m. in the McMinnville Civic Center, Commissioners Kathy George, Mary P. Stern, and Allen Springer being present.

Also present were Laura Tschabold, County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Assistant County Counsel; Pat Anderson, Human Resources; Mike Brandt, Planning Director; Ken Friday, Planning Division Manager; Sherrie Mathison, Solid Waste Coordinator; Nathalie Hardy, News-Register; and others as listed on the attached attendance rolls.

Commissioner George called the meeting to order at 10:19 a.m.

A. **PUBLIC COMMENT:** This thirty-minute time period is reserved for public comment on any topic other than a quasi-judicial land use matter or other topic scheduled for public hearing. Unless extended or restricted by the Chair or majority of the Board, public comment will be limited to three minutes per person. None offered.

B. **AGENDA:**

Minutes

1. Consideration of approval of the following minutes:
  - a. **B. O. 13-745** - July 2, 2013, work session;
  - b. **B. O. 13-746** - October 17, 2013, formal/informal session;
  - c. **B. O. 13-747** - October 21, 2013, informal session;
  - d. **B. O. 13-748** - October 24, 2013, formal session;
  - e. **B. O. 13-749** - October 28, 2013, informal session;
  - f. **B. O. 13-750** - October 31, 2013, formal session;
  - g. **B. O. 13-751** - November 4, 2013, informal session;
  - h. **B. O. 13-752** - November 7, 2013, formal session;
  - i. **B. O. 13-753** - November 12, 2013, work session;
  - j. **B. O. 13-754** - November 14, 2013, work session;

Mr. Springer moved approval of item B(1). The motion passed, Commissioners George, Stern, and Springer voting aye.

Personnel

2. **B. O. 13-755** - Consideration of modifying the Juvenile Department’s personnel management roster to add a temporary full-time Juvenile Corrections Technician position, effective December 24, 2013.

Ms. Stern moved approval of item B(2). The motion passed, Commissioners George, Stern, and Springer voting aye.

3. **B. O. 13-756** - Consideration of authorizing out-of-class pay for Britney Marlow, District Attorney's Office, retroactive to December 5, 2013, through December 10, 2013.

Ms. Stern moved approval of item B(3). The motion passed, Commissioners George, Stern, and Springer voting aye.

4. **B. O. 13-757** - Consideration of the employment of Daniel Unverferth as Office Specialist 2 in Community Corrections, temporary part-time, \$10/hour, effective December 16, 2013, through June 15, 2014.

Ms. Stern moved approval of item B(4). The motion passed, Commissioners George, Stern, and Springer voting aye.

5. **B. O. 13-758** - Consideration of the employment of Jason DeForest as Parole/Probation Officer in Community Corrections, regular full-time, effective December 23, 2013.

Ms. Stern moved approval of item B(5). The motion passed, Commissioners George, Stern, and Springer voting aye.

#### Contracts/Grants

6. Consideration of approval of the following amendments to the 2013-15 Intergovernmental Agreement #14131 between Health & Human Services and Oregon Health Authority:

- a. **B. O. 13-759** - Amendment #3;
- b. **B. O. 13-760** - Amendment #4.

Ms. George moved approval of item B(6). The motion passed, Commissioners George, Stern, and Springer voting aye.

7. **B. O. 13-761** - Consideration of approval of Service Element Prior Authorization (SEPA) Approval Unit #824770 for Contract #142149 between HHS and Oregon Department of Human Services, \$37,037.

Ms. George moved approval of item B(7). The motion passed, Commissioners George, Stern, and Springer voting aye.

8. **B. O. 13-762** - Consideration of approval of a service agreement between Yamhill County and Portland General Electric Company (PGE) to grant to PGE a utility easement along River Bend Road leading to the Juvenile Detention wood barn.

Ms. Stern moved approval of item B(8). The motion passed, Commissioners George, Stern, and Springer voting aye.

9. **B. O. 13-763** - Consideration of approval of an interlocal contract between Yamhill County and the Houston-Galveston Area Council (H-GAC) for H-GAC to serve as Yamhill County's purchasing agent through the H-GAC Cooperative Purchasing Program.

Mr. Springer moved approval of item B(9). The motion passed, Commissioners George, Stern, and Springer voting aye.

10. **B. O. 13-764** - Consideration of approval of an agreement between Yamhill County and Mid-Willamette Valley Council of Governments (COG), provider, for GIS-related services, effective through June 30, 2014.

Mike Brandt stated that is an interim fix that will save the county about \$40,000 and allow the system to be evaluated by an outside consultant. Ms. Stern moved approval of item B(10). The motion passed, Commissioners George, Stern, and Springer voting aye.

11. **B. O. 13-765** - Consideration of approval of Agreement #776A00490 between Building Maintenance and Carrier Commercial Services, provider, for courthouse air conditioning maintenance services, \$9887/year, retroactive to December 1, 2013.

Mr. Springer moved approval of item B(11). The motion passed, Commissioners George, Stern, and Springer voting aye.

#### Title II Funds

12. **B. O. 13-766** - Consideration of approval of a letter declaring the county's elections for National Forest-related Secure Rural Schools (SRS) payments, allocating 15% of the full county payment to Title II projects for FFY 2013.

Laura Tschabold stated that in the past, the county has used these funds for staffing rural patrols, but federal rules have changed and become more cumbersome. She said that Title III funds would now have to be used for emergency events rather than routine patrols, and would have to be returned if not used within a year. She recommended allocating the 15% to Title II projects only, to be split evenly between the two Resource Advisory Committees.

Ms. George moved approval of item B(12). The motion passed, Commissioners George, Stern, and Springer voting aye.

13. **B. O. 13-767** - Consideration of approval of a letter declaring the county's elections for O&C Land-related Secure Rural Schools (SRS) payments, allocating 15% of the full county payment to Title II projects for FFY 2013.

Ms. George moved approval of item B(13). The motion passed, Commissioners George, Stern, and Springer voting aye.

#### Committees

14. **B. O. 13-768** - Consideration of the appointment of Kevin Robertson to the Housing Authority Board to fill the remainder of a term expiring December 31, 2015.

Ms. George moved approval of item B(14). The motion passed, Commissioners George, Stern, and Springer voting aye.

C. **OLD BUSINESS:** None.

D. **OTHER BUSINESS** (Add-ons and non-consent items): None.

E. **PUBLIC HEARINGS:**

1. Consideration of Planning Docket PAZ-02-13(KF/MB), a request by Riverbend Landfill to

rezone property from RC Recreational Commercial and PWS Public Works/Safety to EF-80 Exclusive Farm Use. *[Continued to January 16, 2014, in Room 32 of the courthouse at the point of Staff Recommendation; record left open until 5:00 p.m. on December 19, 2013, for submission of written testimony by any party, until 5:00 p.m. on January 2, 2014, for submission of written rebuttal by any party, and until 5:00 p.m. on January 9, 2014, for submission of written rebuttal by the applicant.]*

Ms. George opened the public hearing. Todd Sadlo read the statement required for land use hearings relating to the requirement that parties must raise all issues at the hearing or waive their right to raise the issues on appeal. There were no objections to jurisdiction.

Ms. Stern recused herself from the hearing due to an actual conflict of interest, explaining that her husband is employed by Waste Management. She said that it is encouraging to see so many people in the audience, and the Board always appreciates public input. She excused herself from the meeting.

Staff Report - Ken Friday reviewed the subject property and the approval criteria for the request. He stated that the Planning Commission had voted 5-3 to recommend denial of the application, and had voted unanimously to recommend that, if approved by the Board, a limited use overlay zone be placed on the property as recommended by staff.

Proponents - Paul Burns stated that the applicant has fulfilled all technical requirements and has demonstrated that Riverbend Landfill is listening to the community and is committed to being the best possible neighborhood partner. He said that Riverbend is an environmental and economic asset to the community, and this zone change is fundamental to its future. He stated that the new master plan is different than what the commissioners had seen previously, and includes a site for green technology, although it would have to be the right technology for Riverbend. He said that he looks forward to discussing new technology as new information becomes available. He stated that the Waste Management Stewardship Plan has been approved by the Stewardship Committee, and the limited use overlay recommended by staff provides the assurances that the community has been asking for.

Tommy Brooks, counsel to Riverbend Landfill, reviewed the history leading to this application and addressed concerns raised by the Planning Commission. He said that statewide policy allows solid waste activities in the farm zone, and any land can be zoned as EFU, not just agricultural land. He said that EFU restrictions apply after the zoning designation is made. He stated that the county has previously interpreting the zoning language to focus its decision only on the proposed use, and he requested that the county continue that practice. He said that the requested zone change would allow the county to consider farm impacts, whereas the existing zoning allows farming needs to be ignored. He said that the applicant would accept deed restrictions as a condition of approval.

Mary Dorman, Angelo Planning Group, reviewed the proposed map amendments and the zone change criteria, pointing out that the majority of the Waste Management property and surrounding property is zoned EFU. She said that the landfill will likely reach capacity in 2017, and a local disposal option has been a long-standing priority for the county. She stated that the county has determined that it is important for Riverbend to operate as a regional landfill, and the economic report from ECONorthwest confirms the strong need for Riverbend. She said that the zone change is appropriate given the surrounding uses and the density and pattern of development in the area, and alternative sites that are already appropriately zoned are either unavailable or are not as well suited as this land.

Sherl Hill, Vice-President and General Manager of Freelin-Wade, stated that Freelin-Wade employs 172 families in McMinnville and would like to see the zone change approved in order to prevent unnecessary cost increases. She stated that competition in business continues to become more intense

and complex, and controlling product costs is essential. She read and submitted a letter of support from Ken Wright Cellars.

Nathan Knottingham, incoming CEO of McMinnville Chamber of Commerce, stated that the chamber continues to support the landfill, and that reflects the position of the majority of chamber members, include Cascade Steel, which has over 400 employees. He said that the outcome of this application will affect everyone who lives or operates business here, and the chamber must stand for a successful business economy by keeping the costs of doing business as low as possible. He urged the Board to consider what the denial of this zone change would mean to the area.

Wes Thomas, Chair of McMinnville Chamber of Commerce and Assistant Vice-President of Oregon Mutual Insurance, agreed with the previous testimony and strongly urged the Board to approve the zone change. He said that there is no real environmental benefit to moving the landfill somewhere else, because the garbage would have to go somewhere.

Mike Ragsdale stated that he has worked with Waste Management in several capacities and served on the Stewardship Committee. He discussed the visioning process and said that committee members represented many aspects of the community. He stated that Waste Management is a great community partner.

Dave Walsh, SP Fiber Technology (formerly SP Newsprint), stated that SP provides over 230 family-wage jobs and contributes over \$600,000 in property taxes to the county. He said that the company generates a lot of residue in its paper recycling process and needs a low-cost disposal option, which Riverbend provides. He said that approving the zone change would help SP keep its costs low.

Kristan Mitchell, Executive Director of Oregon Refuse & Recycling Association (ORRA), stated that Riverbend is a member of ORRA in good standing, which means that Riverbend follows all of the rules and regulations applicable to solid waste disposal, and its environmental protection systems meet or surpass regulations. She said that Riverbend is a modern, state-of-the-art facility that is economically viable because it serves as a regional landfill, and Yamhill County will be well positioned to benefit from new technology advances because of Riverbend.

Waldo Farnham stated that he supports the zone change because he is concerned that the economic impact of Riverbend being forced to close would be far greater than people realize. He said that in a recent demolition project by the city, the cost of disposing about 150 tons of debris would have been much higher to other facilities. He asked the Board to approve the zone change so that Riverbend can move forward.

Ed Gormley stated that having a regional landfill is an important asset in retaining and attracting businesses. He said that Riverbend is a world-class company with cutting-edge green technology, and he commends its efforts and applauds its expertise.

Patrick Fuchs stated that the fact that three members of the Planning Commission were in favor of the zone change shows that it has some merit. He emphasized the importance of taking a macro view of the interdependent economies in the community. He noted that a large employer recently shut down, and said that it is important to work hard to encourage businesses. He said that he supports growth and economic activity, and requested that the Board approve the zone change.

Dean Williams stated that he is a retired veteran on a tight budget, and even a small increase in garbage disposal costs would not be feasible. He said that the Waste Not members are not really looking

for solutions, and he has left several meetings because of their belligerence. He said that Riverbend worked with him to develop a program for recycling and distributing bicycles, and 1325 bicycles have been recycled so far in Yamhill County.

Shawn Rollins said that the landfill opponents don't want to hear anything other than their own view, and they try to control the debate even on their own websites. He pointed out that in 2008 the voters showed support for the landfill with a 58% approval rate, and in 2009 residents and business owners participated in a letter to support the landfill. He said that many people consider this a class warfare.

Christopher Scott said that he supports the application because Riverbend is doing an excellent job running the landfill and trying to get along with neighbors. He noted that the tarps are being replaced with grassy slopes to make it more visually appealing.

Twila Hill stated that Ed Gormley had her letter to submit for the record. She said that the zone change is a good idea because the cost of putting garbage somewhere else would be prohibitive. Ms. George assured her that her letter would get into the record.

Paul Ridgway stated that his family owns Cascade Water Systems and has performed work for Riverbend and other landfills in the northwest. He said that Riverbend is operated very well and Waste Management has done a good job in trying to be transparent with its goals. He urged the Board to approve the application and keep a valuable partner here in the community.

Anthony Vander Meide stated that he works for Cascade Water Systems and also owns his own new business, which is struggling to become a viable company. He said that closing the landfill would be a detriment to the county because the landfill keeps disposal costs down. He agreed with previous testimony in support of the application and said that jobs in the local community are important to everyone.

Julie Gross, Timothy Watson, Ron Melton, and William Carr agreed with previous testimony in support of the application.

Andrew Benedict, retired military fighter pilot, said that he was impressed to learn how Riverbend is utilizing falcons to address bird problems, and how landfill gas is used to power 2500 homes and businesses. He noted that there was no landfill smell when he recently toured the facility and drove to the top of the landfill. He stated that Waste Management is committed to green technology and to the community.

Dave Huber, Newberg Transfer Station, stated that he fully supports the application and asked for the Board's support.

Al LeMay stated that Senators Brian Boquist and Ron Wydner and Representative Jim Thompson are in support of the application. He read part of a letter from them. He discussed the cost of shipping garbage elsewhere and emphasized the importance of not having a "not in my back yard" attitude here.

Roger Smith, Construction Equipment Company, stated that he has known and done business with Waste Management for many years. He said that Waste Management is an excellent operator of the landfill and makes every effort to maintain for the future. He expressed support of the application.

A question was asked by an audience member about whether Western Oregon Waste had ever provided a map to the county showing the location of its various plants around the country. Ms. George stated that Western Oregon Waste and Waste Management are not the same company, and questions would be taken during the opponents' testimony portion of the meeting.

The meeting recessed at 11:57 a.m. and reconvened at 12:32 p.m.

### Opponents

Susan Meredith, Waste Not board member, stated that the landfill expansion is bad policy for businesses, citizens, and the future. She discussed recent changes by Metro that would affect Riverbend, including its new planning process for solid waste disposal and focus on waste reduction. She said that since Metro is the most significant single stream of waste into Riverbend and will be reducing that waste over time, it doesn't make sense for Yamhill County to commit to a landfill expansion when it could locate a transfer station in or near McMinnville instead, like Portland and other communities do. She said that the county needs to form a task force to fully explore its waste disposal options before any decision is made to expand the landfill.

Ellen Britton, Oregon Winegrowers' Association (OWA) board member, discussed the growing wine industry and said that the landfill expansion would deter visitors to the area. She stated that the pattern of development in the area is farming, and OWA urges the Board to vote against the zone change.

Bill Kabeiseman, representing Waste Not and Stop the Dump Coalition, urged the Board to follow the recommendations of the Planning Commission and Planning staff to deny the application. He stated that the subject property, which is already under tons of garbage, isn't appropriate soil class to qualify for ag land. He said case law makes it clear that, because it doesn't meet Goal 3, land like this can't be rezoned for farm use. He stated that the applicant only looked at a single use in determining need, but the code clearly refers to "uses" in the EFU zone, not a single use. He said that the Board has to look at what is allowed by law, not just what is best for the community.

Jennifer Redmond-Noble, speaking also on behalf of family members living on her farm, stated that the purpose of EFU zoning is to keep land viable for long-term production of ag products, yet Waste Management has no such plans for its land. She said that she questions the viability of the potential rate increase projections because those numbers came from Waste Management. She added that the number of jobs that would be lost is also exaggerated, since a transfer station would have to be built and staffed. She said that she smells rotting garbage from her farm two to three days per week, and the smell will soon reach the downtown area as the landfill continues to grow. She said that the small number of jobs to operate the landfill doesn't compare to the loss of visitors to the area due to the landfill, and she doesn't want her children to become the latest victims of corporate greed.

Helen Pritchett discussed what it's been like over the years to live just over half a mile from the landfill, with the noise, smell, flares, and worries about well contamination. She said that when Waste Management leaves Yamhill County, it will leave behind a mountain of garbage with nobody to maintain it.

Thomas Gerrie, Willamette Valley Wineries Association (WVWA), stated that 131 of WVWA's wineries are in Yamhill County and provide 2400 jobs. He said that 94.4% of those wineries are opposed to the application and 90% wanted WVWA to stand in public opposition, with the main reason being that the application doesn't meet the criteria for zone change because a landfill isn't consistent with the surrounding farms. He said that this is the heart of the wine industry, and the landfill is negatively

affecting businesses and the economy, as well as hurting the earth, air, and water.

Wayne Bailey, Youngberg Hill Vineyards and Travel Yamhill Valley, stated that he is losing business as a result of the landfill, and so are other businesses that are dependent on the tourism industry, because the reputation is starting to get out that Yamhill County has a landfill in the middle of its wine industry. He said that the bottom line is what the people want this county to look like 50 years from now.

Cleo Westphal stated that she owns property near the landfill and has been fighting the expansion since the early 1990s when it became apparent that Riverbend was accepting garbage from other areas. She said that if and when the landfill closes, the county will eventually become the owner of it and will be responsible for maintaining and monitoring it forever. She urged the Board to deny the request.

Larry Ojua, Executive Director of Yamhill Soil and Water Conservation District, said that he agrees with the earlier comments about Goal 3, and stated that the subject property doesn't meet Goal 3 criteria because it doesn't consist of Class 1, 2, or 3 soils. He said that it is concerning that the request would create uniform zoning simply as a means to the landfill expansion, and urged the Board to deny the request.

Marilyn Wallster stated that Mulkey R.V. Park provides 70 permanent, safe, and affordable housing spots for people who don't have a lot of money to live on and don't have anywhere else to go. She said that this is very important for the community, and if the land is rezoned, the R.V. park would be gone.

Kris Tribys stated that she is part of a workers' co-op in Amity promoting zero waste, but that dream can't be realized because of the landfill activities here, since growing food so close to the contamination would not be appropriate. She said that Waste Management has been a bully in lobbying practices for less regulation and doesn't have a good record in dealing with the superfund sites it has created. She added that Waste Management isn't talking about zero waste because that would mean less money and it has an obligation to its shareholders.

Arnie Hollander stated that this zone change would not be appropriate for the surrounding uses. He pointed out that the landfill is larger than the Vatican City, and the amount of material that would have to be removed to restore the site to its former farm use could circle the earth one and one-half times or go one-third the distance to the moon. He said that all of that material would be sitting on the river.

Sid Friedman, Friends of Yamhill County, stated that there is no demonstrable need for this zone change. He said that the community's disposal needs would still be met, rates wouldn't skyrocket, and there would be at least as many jobs at a transfer station as there are at the landfill. He said that businesses are suffering because of the landfill, which has grown exponentially over the last 30 years, and over 600 businesses and individuals are opposed to its expansion. He said that he isn't willing to hand over the future of the community to a corporation that doesn't have its neighbors' interests at heart.

Jim Kreutzbender, after reading a portion of the county's Comprehensive Plan, stated that ag land is a natural resource that needs protection, whereas the landfill is a detriment to human health. He said that neighbors have been complaining for years about the stink and air quality, and he hopes the Board will deny the application.

Tom Abrego agreed with previous testimony in opposition, and urged the Board to lead the community wisely into the future by denying the request.

Brian Doyle, engineer, stated that he has been involved in solid waste projects both professionally and on a volunteer basis for 25 years, and he is concerned that the dump is a convenience today, but a real mess that is being left to future generations. He said that Waste Management has invested in numerous technologies that might reduce the growth of landfills, yet it keeps trying to expand Riverbend. He stated that expansion is an irresponsible way to dispose of garbage, and the next big earthquake will likely cause the berm to slide away. He recommended that the Board seek outside professional advice before accepting Waste Management's sales pitch and approving the expansion.

Patricia Marshall and Susan Katz stated that their concerns have been represented by previous testimony in opposition.

Robert Tracie stated that EFU is not the appropriate zoning since the land will never be used for farming. He said that expansion of the landfill would be a disaster, and if there is a large earthquake, that garbage would end up all over the community.

Marcia Mikesh said that it is ironic that Waste Management limited its search for potential alternative sites to Public Works/Safety (PWS) property, when it is applying for a zone change from PWS to EFU. She said that the oddity of rezoning a landfill to farmland would become known nationally and would set a precedent with weight beyond Yamhill County. She said that she could smell the landfill in downtown McMinnville this summer. She noted that the property deed restriction for the overlay described earlier could be fought legally and overturned, so that isn't a permanent solution. She stated that the construction jobs noted in the application are temporary jobs, with the employees living in temporary residences like travel trailers.

Susan Watkins requested that the record be left open for further comment. She submitted an advertisement from the News-Register listing 600 names in opposition and a list of 15 additional names gathered that morning. She said that there is no evidence to support the applicant's claim that disposal rates would go up for businesses and individuals, because the county doesn't ever go out to bid on its hauling contracts, which are currently held by Recology and Waste Management. She said that she would like to see an alternative disposal conference.

Kris Bledsoe, owner of Upper Island Farm, stated that the Farm Bureau has stated its opposition to this application. She said that small farmers are the wave of the future in Yamhill County, and farmers don't need the landfill because they generate very little garbage. She stated that the justifications for rezoning the land to EFU have no support. She said that farmland is about sustainable growth and sustaining human health, but the landfill will destroy land forever and cause human health issues.

Mark Davis stated that rodents, bird droppings, damaged crops, noise, and odor all make the site incompatible with surrounding uses. He said that the Board has had to balance conflicting property rights for years, and the issues that the neighbors to the landfill have had to put up with for years far exceed other conflicts that the Board has dealt with.

Steve Iversen said that he largely supports the previous testimony in opposition. He stated that this isn't the right landfill for Yamhill County because the environmental impacts are too severe and there is too much waste coming from outside the county. He said that the county should make an effort to find another place to put its own garbage, and he supports the idea of a transfer station for recyclables and putting only real garbage in the ground.

Dee Goldman stated that he owns and has farmed land in Yamhill, and currently pays \$20.16 per month for weekly garbage pickup. He said that Forest Grove, which has a transfer station, charges \$19.85 per month for weekly pickup of a larger container. He urged the Board to deny the application.

Clark Ellingson, first-generation farmer, read and submitted written testimony. He stated that a huge landfill is not compatible with surrounding uses.

Carl Aplin stated that if having a landfill nearby is so beneficial, he wonders why other communities don't have their own landfills. He said that approving this request could set a precedent for what could be a rubber stamp to approve larger landfills in the future. He stated that Yamhill County needs to do something constructive to deal with its own trash problem, not take everybody else's garbage.

Craig Markham stated that he agrees with the previous testimony by Friends of Yamhill County and Waste Not. He asked why Yamhill County residents should sacrifice their own quality of life to subsidize other areas of the region. He said that it was a very bad land use decision to site the landfill so close to the meander of the main drainage of the Yamhill River, and there has to be a better place. He said that the county needs a good suitability analysis to find a proper disposal site and needs to incorporate proper technology so that an increasing amount of waste can be used as a resource rather than a liability.

Phyllice Bradner stated that the Board is charged with making fair decisions for all land owners in equal measure, and the needs of the "little guy" are equally as important in this case as the needs of the multi-million-dollar corporation from Texas. She said that the Board's job is to protect the land itself, and that mandate should be the basis of its decision.

Leonard Rydell, professional engineer, stated that 52% of the mountain of garbage is in the flood plain. He reviewed a chart showing how the landfill would fail in an earthquake, putting garbage into the river to wash all the way to the ocean beaches. He said that it is time for the county to say no and start cleaning up the mess it already has.

Merilyn Reeves stated that the man who created Waste Management developed a business plan that has grown into a \$14-billion, multi-national company, and a key point of his original plan that still exists today is to make a profit. She said that Riverbend is a classic example of how Waste Management will continue to be in business because it makes a profit. She said that this hearing is about rezoning, not about rates or closure, and the Board has heard ample evidence why the property should never be rezoned for farmland. She said that the Court of Appeals decision on which Waste Management is basing its approach is not what was really said.

John Englebrecht stated that if the county had listened to the people who were saying 30 years ago to stop importing garbage, the landfill would only be half the mess that it is now. He said that the landfill has been exploited, and the county should listen now and put a stop to it.

Walter Want stated that Yamhill County is a wonderful place with very nice people, and the landfill is a public safety issue. He said that nobody can predict when the river channel will change, and the lives of the people depend on the Board's decision. He urged the Board to deny the application and find a garbage dump that serves Yamhill County.

Chuck Wilkerson asked what the likelihood would be of people wanting to visit Yamhill County when they see and smell the garbage.

Ilsa Perse submitted a Waste Management ad from 1987 stating that garbage needs to be put in a dry, sunny location, not near a river. She reviewed maps showing the differences between what Waste Management wanted in 1987 and what it wants now. She said that the landfill never should have been sited in this area, and only 20% of the landfill garbage comes from Yamhill County residents. She stated that Waste Management isn't concerned with what becomes of the county so much as what becomes of

its bottom line.

Alan Ruden, business owner and city councilor, stated that the city council had no consensus on this issue, but he is opposed to the zone change. He said that Waste Management has been a good community partner for the last 20 years, but the time has come to move on to a more progressive look at things. He said that it would be sad to lose the convenience of the landfill, but the fear of economic repercussions from its closure are unfounded, and the loss of jobs would be made up in other ventures.

Caroline O'Brien stated that the landfill is a malignancy in Yamhill County, and the Board needs to stop its growth and work to fix the damage that has occurred.

Ramsey McPhillips stated that the original appraised value of his property was based on the condition of no landfill, but a second appraisal shows a huge loss in value due to the landfill, which is evidence that surrounding uses have been negatively affected.

Keith Richmond stated that it seems the epitome of foolishness to consider this land as farmland and then site a landfill on it. He said that he would love to believe that Waste Management is concerned about the community's well-being, but this request is not reassuring. He mentioned the impact on water quality and urged the Board to think long and hard about its decision.

Duncan Reid stated that he is passionately interested in sustainability issues, and the expansion of the landfill would take the county in a direction that would make it harder to promote sustainability. He encouraged the Board to move the conversation toward creating a zero-waste community.

John Shue stated that the Board faces the moral question of whether to take a check from the trash industry while poisoning the community or do the right thing.

Wendall Martin agreed with previous testimony in opposition. He asked how much land Waste Management owns, and whether it owns the Arlington facility. He stated that the landfill is an eyesore and creates smell, and should be stopped from spreading.

Patricia McGhehey stated that she lives on a century farm 1.5 miles west of the landfill, and her children look forward to being on that land someday. She said that people are spiritual beings put on a physical earth and given stewardship of the land, and rezoning land to allow more garbage here or anywhere else on earth is not a good idea.

Susan Katz, physician, stated that the human health aspect has not been emphasized enough. She pointed out that the Department of Environmental Quality (DEQ) has two monitors in McMinnville, but neither are near the landfill, so the county does not have the information it needs. She stated that air pollution from smog is strongly related to health disorders, and listed examples of those disorders.

Public Agency Reports - Mr. Friday reviewed the reports in the record and stated that one additional letter had been received from DEQ regarding the interpretation of a DEQ-related state statute.

Rebuttal - Mr. Brooks said that he appreciates the structure of this hearing, which was much improved over past hearings. He addressed arguments that the landfill would never be farmed again, stating that it would be required by DEQ. He said that while the Oregon Department of Agriculture (ODA) doesn't think the landfill is ag land, it doesn't go to the next step and say that a landfill can't be placed on ag land, and if any state agency were to make that statement, it would be ODA. He explained that by applying the EFU zone, the county would be governing future uses of the land, and one of those allowed uses is a landfill. He requested a two-week final rebuttal period to get past the holidays.

Ms. George read the staff proposal for the open record period, with the first deadline on December 26, 2013. Mr. Brooks suggested moving that deadline to December 19. Ms. George moved to continue the hearing to January 16, 2014, in Room 32 of the courthouse at the point of Staff Recommendation, with the record left open until 5:00 p.m. on December 19, 2013, for submission of written testimony by any party, until 5:00 p.m. on January 2, 2014, for submission of written rebuttal by any party, and until 5:00 p.m. on January 9, 2014, for submission of written rebuttal by the applicant. The motion passed, Commissioners George and Springer voting aye.

F. **ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to our website, [www.co.yamhill.or.us/content/volunteer-opportunities](http://www.co.yamhill.or.us/content/volunteer-opportunities), or call the Board of Commissioners' office: 503-434-7501 (from McMinnville) or 503-554-7801 (toll-free from Newberg).

The meeting adjourned at 2:59 p.m.

Anne Britt  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

---

Chair KATHY GEORGE

---

Commissioner MARY P. STERN

---

Commissioner ALLEN SPRINGER



## BOARD OF COUNTY COMMISSIONERS

### Attendance Roll for meeting records

Meeting: Formal/Informal Session  
Public Hearing for Docket PAZ-02-13, applicant Riverbend Landfill Company, Inc.

Date 12/12/13

PLEASE PRINT

Name

PLEASE PRINT

Complete Address

Kris Tribys 22852 SE Royal Anne Dr. Amity OR 97101  
M. Walster 14888 NW Old Moresby Rd Yamhill  
Susan Meredith 14100 SW McCABE CHAPEL RD MAE 97128  
Jennifer Richmond Noble 13500 SW Peavine Rd McMinnville OR  
Patricia Mcghehey 12830 McCabe Chapel McMinn. OR 97128  
Cleo Westphal 915 Cedar McMinn OR 97128  
Helen Pritchett 13550 SW masonville, OR 97128  
BRIAN POYLE 24001 NE ELLIS Ln, NEWBERG 97132  
Lynn Crowell 1737 SW Songbird St McMinnville 97128  
Tom Abrego 19105 NE Trunk Rd Dundee OR 97115  
Ellen Abrego 19105 NE Trunk Rd Dundee OR 97115  
CRAIG MARKHAM 22245 NE ILAFERN LN, DUNDEE, OR 97115  
Charles Walker 10315 SW Old Shoshida R McMinnville OR  
Cynthia Jenkins 4671 NE Minceon McMinnville OR  
Jim Kretzbender 845 Morgan Ln McMinnville  
Patricia Taylor Marshall 503 NW Cypress McMinnville OR  
Robert Tracey 1160 SW Tall Oaks Dr. McMinnville,



## BOARD OF COUNTY COMMISSIONERS

### Attendance Roll for meeting records

Meeting: Formal/Informal Session Date 12/12/13  
Public Hearing for Docket PAZ-02-13, applicant Riverbend Landfill Company, Inc.

PLEASE PRINT  
Name

PLEASE PRINT  
Complete Address

<u>Marcia Mike</u>	<u>510 NW 9th, McMinnville OR 97128</u>	
<u>Barbara Cleer</u>	<u>19631 SW Eagle Pt Rd McMinnville 97128</u>	
<u>Molly Day</u>	<u>17450 Moserville Rd - McM - Ore</u>	
<u>Kris Bredsoe</u>	<u>18695 SE Upper Island Rd Dayton OR 97114</u>	
<u>Pat Angland</u>	<u>218 N W 7th</u>	<u>McMinnville 97128</u>
<u>Clara Holkower</u>	<u>208 SW Eckman St</u>	<u>McMinnville 97128</u>
<u>Neal Holkower</u>	<u>208 SW Eckman St</u>	<u>McMinnville, 97128</u>
<u>Patty Bosh</u>	<u>10601 SW Youngberg Hill Rd</u>	<u>McMinnville 97128</u>
<u>Phyllis Bradner</u>	<u>605 NE 1st St.</u>	<u>McMinnville 97128</u>
<u>Patricia Farrell</u>	<u>20485 NE Dopp Rd</u>	<u>Newberg OR 97132</u>
<u>CARL Aplin</u>	<u>19399 SW Cherry Hill Rd.</u>	<u>Shenando OR 97378</u>
<u>Jeanne Drevas-Aplin</u>	<u>19399 SW Cherry Hill Rd</u>	<u>Shenando R 97378</u>
<u>Linda McGhehey</u>	<u>9451 SW Bayou Dr. McMinnville</u>	<u>97128</u>
<u>Joel Marrant</u>	<u>2254 NW Dorset St. McMinnville, OR</u>	<u>97128</u>
<u>Judith Bernard</u>	<u>620 Fleishauer Ln. McMinnville OR</u>	<u>97128</u>
<u>Marilyn Reeves</u>	<u>22250 Boulder Crest Ln</u>	<u>Amity</u>
<u>John W Englebretson</u>	<u>1266 NW Augusta Mo</u>	<u>McMinnville</u>



## BOARD OF COUNTY COMMISSIONERS

### Attendance Roll for meeting records

Meeting: Formal/Informal Session

Date 12/12/13

Public Hearing for Docket PAZ-02-13, applicant Riverbend Landfill Company, Inc.

PLEASE PRINT

Name

PLEASE PRINT

Complete Address

<u>Igor Perce</u>	<u>5765 Mineral Springs Rd</u>	<u>Carlton 97111</u>
<u>Edward Farrar</u>	<u>8775 SE Three Trees Ln</u>	<u>Amity 97101</u>
<u>Ann Stevenson</u>	<u>16900 SW Sunrise Ln</u>	<u>McMinnville, OR 97128</u>
<u>ALAN RUDEN</u>	<u>1674 NW EMERSON CT</u>	<u>McMinnville 97128</u>
<u>RICHARD RIEGEL</u>	<u>1201 NE 4<sup>th</sup> ST</u>	<u>McMinnville OR 97128</u>
<u>Laura Fouste</u>	<u>627 NE 1<sup>st</sup> ST</u>	<u>McMinnville, OR</u>
<u>David Fouste</u>	<u>627 NE 1<sup>st</sup> ST</u>	<u>" "</u>
<u>Brian Mara</u>	<u>9965 SW BAYOCE</u>	<u>McMinnville OR</u>
<u>Susan Watkins</u>	<u>13440 SW McCabe Chapel Rd</u>	<u>McMinnville</u>
<u>LEONARD RYDEL</u>	<u>801 Pinckorst Drive</u>	<u>Newberg, OR 97132-1625</u>
<u>THOMAS GERRIE</u>	<u>6905 SPRING VALLEY RD</u>	<u>NW SALEM, OR 97304</u>
<u>Beth Dell</u>	<u>635 NW 9<sup>th</sup> ST</u>	<u>McMinnville, OR 97128</u>
<u>Connie Hutchison</u>	<u>POB 489</u>	<u>Yamhill 97148</u>
<u>JOHN H. M'GHEE</u>	<u>12830 SW M' CABE CHAPEL RD</u>	<u>McMinnville OR 97128</u>
<u>Larry Ojua</u>	<u>22200 SW 2<sup>nd</sup> ST</u>	<u>McMinnville, OR 97128</u>
<u>Anna Barzotti</u>	<u>686 NW 11<sup>th</sup> ST</u>	<u>McMinnville, OR 97128</u>
<u>Henry Barzotti</u>	<u>686 NW 11<sup>th</sup> ST</u>	<u>McMinnville OR 97128</u>

**Supplemental Attendance List – PAZ-02-13 Public Hearing  
December 12, 2013**

Paul Burns	13469 SW Hwy 18, McMinnville, OR 97128
Tommy Brooks	1001 SW 5 <sup>th</sup> Ave, Ste 2000, Portland, OR 97204
Mary Dorman	921 SW Washington St, Portland, OR 97205
Sherl Hill	2714 NW Alice Kelly St, McMinnville, OR 97128
Nathan Knottingham	417 NW Adams St, McMinnville, OR 97128
Wes Thomas	236 NW 9 <sup>th</sup> St, McMinnville, OR 97128
Mike Ragsdale	518 E 1 <sup>st</sup> , Newberg, OR 97132
David Walsh	10236 SW Start Ct, Tigard, OR 97224
Kristan Mitchell	PO Box 2186, Salem, OR 97308-2186
Waldo Farnham	13215 SW Fox Ridge Rd, McMinnville, OR 97128
Ed Gormley	1020 NW Baker Crest Ct, McMinnville, OR 97128
Patrick Fuchs	PO Box 1357, McMinnville, OR 97128
Dean Williams	9055 DeJong Rd, Amity, OR 97101
Shawn Rollins	PO Box 953, McMinnville, OR 97128
Christopher Scott	255 SW Pemberly Loop, McMinnville, OR 97128
Twila Hill	PO Box 717, Willamina, OR 97396
Paul Ridgway	3100 Lone Oak Rd, McMinnville, OR 97128
Anthony Vander Meide	2849 Pinot Noir, McMinnville, OR 97128
Julie Gross	1851 NW Alder St, McMinnville, OR 97128
Timothy Watson	4751 Chinook Ct, West Linn, OR 97068
Andrew Benedict	337 NW Valley View Ct, McMinnville, OR 97128
Dave Huber	2904 NE Wynooski Rd, Newberg, OR 97132
Al LeMay	718 SW Tera Rd, McMinnville, OR 97128
Ron Melton	1620 SW Shelton St, McMinnville, OR 97128
William Carr	2923 SE Turner Creek Dr, Hillsboro, OR 97123
Roger Smith	Sheridan
Larry Pierce	PO Box 653, McMinnville, OR 97128
Nick Massie	PO Box 1527, Woodland, WA 98629
Michael Tidwell	2615 NE Hembree St, McMinnville, OR 97128
Don Semon	8820 Eola Hills Rd, Amity, OR 97128
Randy Dugger	1791 NW 8 <sup>th</sup> St, McMinnville, OR 97128
Ellen Brittan	PO Box 1225, McMinnville, OR 97128
Bill Kabeiseman	121 SW Morrison St, 11 <sup>th</sup> Floor, Portland, OR 97204
Wayne Bailey	10660 SW Youngberg Hill Rd, McMinnville, OR 97128
Arnie Hollander	13440 SW McCabe Chapel Rd, McMinnville, OR 97128
Sid Friedman	PO Box 1083, McMinnville, OR 97128
June Coe	509 NE 9 <sup>th</sup> St, McMinnville, OR 97128
Ginger Williams	PO Box 36, Carlton, OR 97111
Janet & Gil Rinard	18265 NE Fairview Dr, Dundee, OR 97115
Denise Patton	709 NW Cedar St, McMinnville, OR 97128
Erin Rainey	11270 SW River Bend Rd
Susan Katz	697 Tanglewood Cir, McMinnville, OR 97128
Mark Davis	652 SW Washington St, McMinnville, OR 97128
Steve Iversen	1033 SW Courney Laine Dr, McMinnville, OR 97128

Dee Goldman	1235 NW Cedar St, McMinnville, OR 97128
Susan Karp	8755 SE Three Trees Ln, Amity, OR 97101
Marilyn Higginson	PO Box 581, Sheridan, OR 97378
Eric Witherspoon	23355 Mt. Richmond Rd, Yamhill, OR 97148
Donna Anessi	14957 NE Withycombe, Yamhill, OR 97148
Walter Want	1216 E Edgewood Dr, Newberg, OR 97132
Chuck & Judy Wilkerson	1038 NW Oakmont Ct, McMinnville, OR 97128
Laura & David Fouste	627 NE 1 <sup>st</sup> St, McMinnville, OR 97128
Terry Peasley	1051 SE Shady St, McMinnville, OR 97128
Caroline O'Brien	1659 SW Goucher St, Apt 70, McMinnville, OR 97128
Tom Alfsen	12727 Moores Valley Rd, Yamhill, OR 97148
Bruce Waltz	2172 NW Michelbook Ln, McMinnville, OR 97128
Ramsey McPhillips	13000 SW McPhillips Rd, McMinnville, OR 97128
Keith Alan Richmond	17650 Fox Ravine Rd
Duncan Reid	1138 SE Davis St, McMinnville, OR 97128
John Shue	20100 SW Peavine Rd, McMinnville, OR 97128
Wendall Martin	563 Willamette Ct, McMinnville, OR 97128