

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 November 9, 2009, at 2:00 p.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

Also present were Laura Tschabold, Administrative Services Director; John Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; Pat Anderson, Human Resources; Mike Brandt, Planning Director; Ken Friday, Planning Division Manager; Sherrie Mathison, Solid Waste Coordinator; Hannah Hoffman, News-Register; and others as listed on the attached attendance roll.

Commissioner Lewis called the meeting to order.

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:**

Personnel

1. Consideration of employment of the following individuals in HHS Public Health, temporary part-time:
  - a. **B. O. 09-772** - Darlene Raudebaugh, Nursing Assistant, \$20/hour, retroactive to October 1, 2009, through March 30, 2010;
  - b. **B. O. 09-773** - Gail Gillette, Nursing Assistant, \$20/hour, retroactive to October 19, 2009, through December 31, 2009;
  - c. **B. O. 09-774** - Jan Messinger, Registered Nurse 2, \$26/hour, retroactive to October 19, 2009, through March 30, 2010.

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

Contracts

2. **B. O. 09-775** - Consideration of approval of Amendment #8 to the 2009-11 Financial Assistance Agreement #127319 between Health & Human Services and Oregon Department of Human Services.

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

**C. OLD BUSINESS:**

1. Consideration of adoption of findings in support of Planning Docket P-01-09(KF), a request to partition 131.5 acres of EF-80 land into two parcels of 80 and 51.5 acres, applicant Laurent Montelieu, as tentatively approved September 9, 2009, contingent on state approval of a zone change application. *[Continued to December 9, 2009.]*

Ms. Stern moved to continue item C(1) to December 9, 2009. The motion passed, Commissioners Lewis, George, and Stern voting aye.

**D. OTHER BUSINESS (Add-ons and non-consent items):**

1. Consideration of the employment of the following individuals as Nursing Assistants in HHS Public Health, temporary part-time, \$20/hour, retroactive to November 2, 2009, through December 31, 2009:

- a. **B. O. 09-776** - Charlene Mendoza;
- b. **B. O. 09-777**- Monica Garcia-Diaz;
- c. **B. O. 09-778** - Leslie Dickson.

Ms. George moved approval of item D(1). The motion passed, Commissioners Lewis, George, and Stern voting aye.

2. Consideration of approval of the following modifications of agreement between Public Works and WH Pacific, provider:

- a. **B. O. 09-779** - Modification #2 for the North Valley Road 1R Overlay Project, \$8150;
- b. **B. O. 09-780** - Modification #1 for the Haskins Creek Bridge Project, \$26,545 for the Scope of Work and \$27,052 for the Additional Scope of Work.

Ms. Lewis explained that the Haskins Creek Bridge Project is already completed, but this will help the county recover FEMA money. She moved approval of item D(2). The motion passed, Commissioners Lewis, George, and Stern voting aye.

3. **B. O. 09-781** - Consideration of approval of Intergovernmental Agreement #4221 between Community Corrections, provider, and Oregon Department of Corrections for Measure 57 supplemental funds, \$203,175.

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

**E. PUBLIC HEARINGS:**

1. Consideration of Planning Docket PAZ-05-08/FP-04-08/SDR-16-08, a request for plan amendment/zone change, floodplain development permit, and site design review for a proposed expansion of the landfill, applicant Riverbend Landfill Company, Inc., as continued from

October 14, 2009, at the point of Staff Recommendation. *[Tentatively approved, findings to be adopted December 16, 2009.]*

Ms. Lewis opened the public hearing. Ms. Stern recused herself due to a conflict of interest because of her husband's employment at Western Oregon Waste.

Ms. George stated for the record that she'd had a brief conversation on September 17, 2009, with Hugh Sowers, member of Yamhill County Health Board, regarding Riverbend Landfill, but nothing in the conversation had any influence on her or affected her ability to make a fair and unbiased decision on the merits of this application.

Staff Recommendation - Mike Brandt stated that this docket involves three separate, yet connected, land use considerations, and if any one of those is denied, the entire application has to be denied.

He recommended approval of the floodplain development permit because the cumulative impact of the existing landfill and the landfill expansion on the floodplain is well below the FEMA regulatory limit of a one-foot maximum rise.

He recommended approval of the plan amendment/zone change and exception because the evidence in the record regarding alternative sites and technologies meets the burden of proof for the approval criteria. He stated that the evidence supports the landfill expansion as being the best current option that addresses the county policies stated in the Solid Waste Management Plan and the County Comprehensive Plan.

He recommended approval of the site design review based on the reduction made by the applicants to the proposed height of the landfill.

He recommended approval of the entire application with the proposed conditions as presented to the Board. Ms. Lewis clarified that the conditions limit the landfill height to 286 feet above mean sea level, which is roughly 120 feet above grade.

Close of Public Hearing / Deliberations - Ms. Lewis moved tentative approval of the application with findings to be adopted December 16, 2009. She stated that this is clearly one of the most important decisions faced by the Board in many years and is a difficult decision, but, based on the land use criteria by which the Board is supposed to judge the application, the applicant has met the burden of proof. She stated that the Zia report is conclusive that alternative technologies currently available fall primarily into the category of experimental or emerging technologies and are not yet developed enough to meet the county's disposal needs. She said that she believes Waste Management to be a leader in looking at new technologies and hopes that the Board can work with Waste Management over the next few years to come up with an alternative to landfills for the citizens of the county. She expressed concern about the economic impact on industrial businesses in the county if Riverbend were to close in 2014. She stated that





BOARD OF COUNTY COMMISSIONERS

Attendance Roll for meeting records

Meeting: Informal \_\_\_\_\_ Formal  Work Session \_\_\_\_\_ Date 11/9/09

PLEASE PRINT  
Name

PLEASE PRINT  
Complete Address

PLEASE PRINT  
Subject

CAROL F. ORTON	670 E 2 <sup>nd</sup> St Yamhill OR	LANDFILL
Kris Bledsoe	3500 SW Redmond Hill Rd Mac	Landfill
STEVE BLEDSOE	3500 SW REDMOND HILL RD Mac	DUMP
Ilsa Perse	5765 Mineral Spr. Rd Carlton	Dump
Susan Watkins	13440 SW McCabe Chapel Rd McMinnville	Dump
Patty Mcghehey	12830 SW McCabe Chapel McMinn.	Dump
JOHN Mc GHEHEY	12830 SW McCABE CHAPEL Mc MINN	
Dave Larmouth	1850 NE Lafayette Ave., McMinnville	NOW
Marilyn Reere	22250 Boulder Crest Lane Amity	WOOD
Joe Cook	410 NE 12 <sup>th</sup> Mac	Landfill.
GEORGE DUWENDACK	13409 SW Hwy 18 Mac	Landfill
Dean Kampfer	7227 NE 55 AVE, Port. OR	Landfill
Michael Jelferies	7227 NE 55 <sup>th</sup> Ave, Port OR	LANDFILL
KIMBERLY McPhillips	13000 SW McPhillips Rd Mac 97128	"
JANE & DEREK SCOTT	19505 NEWOODLAND LOOP Yamhill 97148	"
Erin Kainey	11270 SW Keller Blvd Mac 97128	Dump
Mark Reeves	7227 NE 55 <sup>th</sup> AVE POX OR	LANDFILL



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<u>Aaron Vance</u>	<u>111 S 5<sup>th</sup> st carlton</u>	<u>Landfill</u>
<u>Kathleen Blair</u>	<u>595 SW Ruby Ct Mae</u>	<u>Dump</u>
<u>Sharon Bjorn</u>	<u>Po Box 1000 Nby OR</u>	<u>Landfill</u>
<u>Jenny Bjorn</u>	<u>1946 Calkins Ln Nby</u>	<u>Landfill</u>
<u>PHIL HUTCHINSON</u>	<u>417 NW ADAMS Me:</u>	<u>LANDFILL</u>
<u>Gary Andes</u>	<u>750 Front St Salem</u>	<u>Landfill</u>
<u>Daniel Lee</u>	<u>3200 N Hwy 99 W</u>	<u>Landfill</u>
<u>Denny Elmer</u>	<u>310 NE Oregon St.</u>	<u>Landfill</u>
<u>Terry Moen</u>	<u>McMinnville</u>	<u>Landfill</u>
<u>Steve Patterson</u>	<u>2350 NW CRIMSON CT McMinnville</u>	<u>Landfill</u>
<u>Mat Glen</u>	<u>1865 NW Doral St.</u>	<u>RLC</u>
<u>Shane Latimer</u>	<u>317 SW Alder #800</u>	<u>Landfill</u>
<u>GERRY FRIESEN</u>	<u>4088 ORCHARD DRIVE LAKE OSWEGO OR 97035</u>	<u>Landfill</u>
<u>Haley Cox</u>	<u>11270 SW RIVER BEND Rd McMinnville</u>	<u>Landfill</u>