

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 session on June 1, 2017 at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett, Stan Primozych, and Richard L. Olson being present.

Also present were Laura Tschabold, County Administrator; Ken Huffer, Deputy County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Ken Friday, Planning Director; Lance Woods, Associate Planner; Dave Adams, KLYC Radio; Nicole Montesano, News-Register.

Commissioner Primozych called the meeting to order at 10:00 a.m. The invocation was offered by Suzanne Brockie, Congregational Care Pastor at Church on the Hill.

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.

Susan Meredith read a statement before the Board (see exhibit A).

Leonard Rydell stated his opposition to the landfill. He provided two separate documents to the Board (see exhibit B and C).

Ramsey McPhillips discussed the study from DEQ, stating he feels there is a serious problem at the landfill. Mr. McPhillips said people are having to stay in hotels to escape the smell. He discussed the recent loss in revenue that the landfill receives from Portland Metro.

Marilyn Walter addressed her concerns regarding Commissioner Primozych's phone call to Portland Metro Council member Kathryn Harrington.

Sid Friedman stated his concerns also regarding the phone call made to Metro Council member, adding he believes the County is owed an explanation.

B. CONSENT AGENDA:

Contracts

1. **B.O. 17-175** - Approval of an agreement between Yamhill County Health and Human Services and Benton County for community health assessment services effective July 1, 2017 through June 30, 2018.
2. **B.O. 17-176** - Approval of Amendment #1 to Agreement # 147926 between Yamhill County District Attorney and the State of Oregon Department of Human Services (DHS) for a one year extension of the current contract whereby the State reimburses some expenses related to providing legal representation in DHS dependency cases, effective July 1, 2017 through June 30, 2018, \$105,390.
3. **B.O. 17-177** - Approval of Amendment #1 to an agreement between Yamhill County Community Justice - Juvenile Division and Higher Ground Counseling, Inc. for juvenile sex offender treatment, effective July 1, 2017 through June 30, 2018, not to exceed \$10,000.
4. **B.O. 17-178** - Approval of an agreement between Yamhill County and Tom O'Connor to continue to provide technical assistance to Community Justice, and the Evidence-Based Making Initiative Policy Team, effective July 1, 2017 through June 30, 2018.
5. **B.O. 17-179** - Approval of a Notice of Intent to Award the Palmer Creek Bridge Consulting Engineering Services Project to OBEC Consulting Engineers, Inc.
6. **B.O. 17-180** - Approval of the ratification of the collective bargaining agreement between Yamhill County and the Yamhill County Deputy District Attorneys Association (YCDDAA), effective through June 30, 2020.

Resolution

7. **B.O. 17-181** - Approve Resolution 17-06-01-1 honoring RD2 Garry Bradbury Hodgson, USN and the 73 other lost souls of the USS Destroyer Frank E. Evans who gave of their lives in service to their country.

Commissioner Olson moved approval of the consent agenda. The motion passed unanimously, Commissioner Primozich, Olson, and Starrett voting aye.

C. **OLD BUSINESS:** None.

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

E. **PUBLIC HEARINGS:**

1. Docket SDR-01-17: An appeal of a Planning Director approval for a marijuana processing facility. Applicant: Richard E. Wagner. Appellants: Harihara Mahesh, et. al.

Commissioner Primozich opened the public hearing at 10:27 a.m.

Mr. Friday addressed the Board regarding an objection from the opposing counsel about two May 18th letters from the Wagner's because they contained new evidence. Mr. Friday stated the options before the board would be to either reopen the record to allow for additional rebuttal or to have these letters rejected. He stated he passed on those concerns to the applicant's attorney and they have decided not to object to these letters being stricken from the record. Mr. Friday stated what he would need from the Board is to pass a motion to formally reject the May 18th letters from Mary Wagner and Richard Wagner.

Commissioner Starrett moved to reject the May 18th letters from Mary Wagner and Richard Wagner. The motion passed unanimously, Commissioners Primozych, Olson and Starrett voting aye.

Mr. Friday gave an overview of the open record period stating his department had reviewed an extensive amount of testimony and information submitted by both parties. Many of the letters in opposition objected to the grow operation, but Mr. Friday reminded the commissioners that is not part of the request. He stated the outdoor grow operation is allowed by House Bill 3400, and was passed by the legislature in 2015. Mr. Friday added some of the opposing testimony stated the County did not have marijuana regulations but he said that is not entirely accurate because the County does have regulations, they just happen to be the same regulations that apply to other farm processing facilities. Mr. Friday said in this case the request is for a marijuana processing facility located on a farm operation which provides at least one-quarter of the farm crops processed at the site. He added this request is evaluated under the site design review standards and the site design review does not evaluate the use, but rather the design of the facility and whether the design is appropriate. Mr. Friday stated his department has looked at the testimony, evidence, and regulations and have crafted conditions to try and address the concerns voiced during the hearing process.

Lance Woods discussed all fifteen conditions (see exhibit D) stating that conditions one through six and fifteen were established prior to the appeal, and conditions seven through fourteen were added after a thorough review of testimony and evidence that had been submitted. Mr. Armstrong stated he therefore recommends approval with the fifteen conditions approved by the Planning Commission and as modified further by staff.

Commissioner Olson asked Mr. Friday and Mr. Woods if the County has a policy that would ensure that the applicant is adhering to all of the conditions listed by staff. Mr. Friday confirmed that Yamhill County currently does not do site visits or inspections after applications are approved and that all inquiries are complaint driven. The public hearing closed at 10:41 a.m.

Deliberation commenced among the commissioners regarding road safety, availability and use of local water sources, and the differences between rural and industrial areas for processing plants. Commissioner Starrett stated she felt the conditions set by staff were more than adequate at addressing safety, water, neighbor concerns, and the road. She added that she believes this application needs to be looked at with the same opportunities, guidelines, and parameters as any other application removing any

biased opinions regarding the use or growth of marijuana. Commissioners Primozich and Olson both agreeing the location of the property was a major safety concern.

Commissioner Olson moved to uphold the appeal and deny the application. The motion passed, Commissioner Primozich and Olson voting aye and Commissioner Starrett voting nay. Mr. Sadlo added that the final written decision and findings will be prepared and brought before the Board for adoption on June 22, 2017.

The meeting recessed at 10:53 a.m. and reconvened at 10:55 a.m.

Christian Boenisch discussed a purchase and sale agreement of a 5.5 acre parcel of land to McMinnville Water and Light. Mr. Boenisch discussed a few recent provisions listed in sections 7.1, 7.2, 7.7, and 16.0.

Commissioner Starrett moved to declare Tax Lot R4327 00900 as surplus property and authorizing the execution of a purchase and sale agreement between Yamhill County and the City of McMinnville (Water & Light) for the sale of the property. The motion passed unanimously, Commissioners Primozich, Olson and Starrett voting aye.

F. ANNOUNCEMENTS:

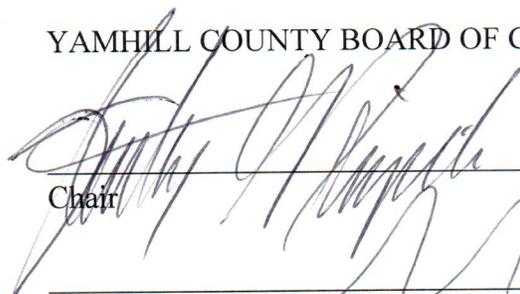
- 1. For information on county advisory committee vacancies, please refer to the county's website, www.co.yamhill.or.us/content/volunteer-opportunities, or call the Board of Commissioners' office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).

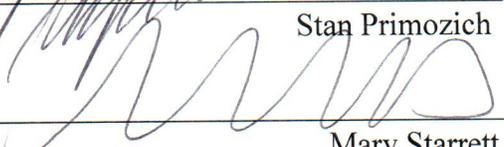
For questions regarding accessibility or to request an accommodation contact the Board of Commissioners' office at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at coxcr@co.yamhill.or.us

The meeting adjourned at 11:02 am.

Crystal Cox
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS



Chair Stan Primozich


Commissioner Mary Starrett


Commissioner Richard L. "Rick" Olson

Accepted by Yamhill County
Board of Commissioners on
7-20-17 by Board Order
17-281

June 1, 2017

TO: Yamhill County Board of Commissioners

FROM: Susan Meredith

RE: Metro Transcript of Voicemail from Commissioner Stan Primozich May 16, 2017

Attached is a printed transcript of the voicemail message from Commissioner Stan Primozich to Metro Councilor Kathryn Harrington requesting her to vote against a pending Metro Ordinance that would prevent Metro waste from coming to Riverbend beginning January 1, 2020.

Councilor Harrington disclosed receipt of the voicemail in her comments at the May 25, 2107 meeting of the Metro Council and provided the transcript printout.

I have requested minutes of any meeting of the Board of Commissioners that was held to discuss this matter prior to Commissioner Primozich making this call that would have authorized him to speak on behalf of Yamhill County; to date I have received none.

Thus, it appears that there was *no* discussion of this matter with his fellow Board members and that he took it solely upon himself, without authorization from Commissioners Starrett or Olson, and using his title as Commissioner Primozich, to state his own personal view on this matter to the Metro Council as if he was representing Yamhill County's position, not just his own.

His action was totally unjustified and raises serious questions about ~~both~~ his commitment to being both transparent and impartial in his actions on county issues.

Please enter this document into the record of today's Board of Commissioners meeting.



Susan Meredith

"Exhibit A"

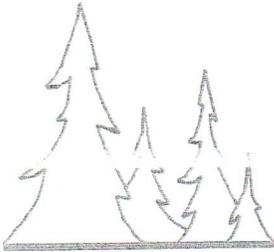
Voice-mail Testimony for Ordinance No. 17-1401

From: Commissioner Stan Primozich

To: Councilor Kathryn Harrington

Date Received: Tuesday, May 16, at 9:22am

Councilor Harrington, this is Commissioner Primozich from Yamhill County. We met last year, I came to visit you. Just calling [because] I understand the desire to move Metro trash from our Waste Management Riverbend Landfill has reared its ugly head again, and I just wanted to reach out to you and let you know that if this does come before your council, Yamhill County is very anxious to continue on the path we are on to expand Riverbend Landfill and to get down the road a green technology program going, and would really appreciate you supporting Yamhill County and not stopping the flow of Metro trash to our landfill. I would appreciate a call back, you can reach me at my office phone, which is 503-434-7501, or my cell, which is 971-xxx-xxxx. I would love the opportunity to visit with you, Councilor, and again I'm hoping that you will be sensitive to the needs and desires of Yamhill County. Thank you very much, you have a wonderful day. Goodbye.



LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625
(503) 538-5700 Mobile (503) 781-4138
LARydell@teleport.com

1 June 2017

Yamhill County Commissioners
Yamhill County Courthouse
525 N. E. 4th Street
McMinnville, OR 97128

Re: Riverbend Landfill

Dear Commissioners,

As a practicing civil engineer and land surveyor, I am concerned regarding Riverbend Landfill. It is an environmental hazard.

- **None** of the existing landfill has ever been design to current earthquake standards
- Portions are in the original flood way of the South Yamhill River even though your Ordinance 887, Page 27 states otherwise.
- The landfill is being approved and has been constructed to steeper slopes than allowed by Oregon Administrative rule 340-094-0120. A map is attached.
- The final closure plan is three years old, out of date, seriously underfunded, and has not been updated to reflect the construction of the MSE Wall
- I have raised issues regarding the 39,517,421 gallons of leachate that hauled from Riverbend in 2015. That is a tanker truck load every hour and twenty minutes. Much of this leachate is from contaminated ground water from unlined cells 1, 2 and 3. I have not received any response.
- You have stifled engineering concerns on the basis of it being "ex-parte contact", yet, when you make a zoning decision, you state that "engineering concerns are not zoning issues". Just when will look at the problems that you have created? Burying your heads in the sand is not problem solving.
- There is no funding for earthquake damage at the landfill. One of the assumptions of liner design is that the top liners are more prone to failure during an earthquake, but that they can be easily fixed, yet there is no funding for earthquake damage at the landfill.
- Unmanaged leachate or slope failure doesn't have to go far to be in the river as the landfill is already constructed in the river.
- Metro understands Riverbend's problems. They no longer want to send their garbage upstream as someday, it will come back downstream.

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS
WATER, SANITARY SEWER AND DRAINAGE SYSTEMS
LAND SURVEYS • WATER RIGHTS

"Duh. h. L. R."

Yamhill County Commissioners
15 November 2017

Page 2 of 2

- Attached, please find my most recent letter to the DEQ. As you can see, there is plenty of blame going around.

In conclusion, I urge Yamhill County to ensure that Riverbend Landfill is promptly closed and long terms costs properly funded so that it will not become the problem of future generations.

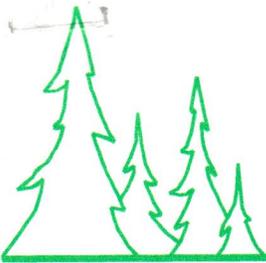
Our future is in your hands.

Thank you.

Sincerely yours,



Leonard A. Rydell, P.E., P.L.S., W.R.E.
LAR/lar



LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

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LARydell@teleport.com

30 May 2017

Oregon Department of Environmental Quality
Eastern Region - The Dalles Office
400 East Scenic Drive, Suite 307
The Dalles, Oregon 97058

Attn: Bob Schwarz, P.E., Permit Engineer

Re: Riverbend-South Yamhill River Concerns

Dear Mr. Schwarz,

I greatly appreciate your prompt response and willingness to investigate the erosion at the bend of the South Yamhill River closest to the landfill perimeter flood control berm.

However, I suggest that you reconsider your stated actions of, *"I will forward this to Waste Management and will take a look the next time I am down there."*

I suspect that his erosion is a symptom of a much greater problem than has been previously identified.

First, a little history.

1. Riverbend Landfill got a Flood Plain Development Permit from Yamhill County in 1980 to allow the flood control berm to extend into the flood plain and flood way of the South Yamhill River. I calculated the coordinates of the berm based on an Army Corps red lined Plan and Profile. I have the original red lined drawing.
2. Neither Yamhill County or Riverbend Landfill finalized the re-mapping of the flood plain and flood way for the next 33 years until May of 2013 after I brought it to everyone's attention in 2012. That means that the DEQ allowed Yamhill County's garbage to be dumped in the flood plain and flood way of the South Yamhill River for 33 years and Metro's garbage from about 1992 to 2013, or a period of 21 years. This "illegal dumping" may become an issue for assigning responsibility for future problems.
3. The 2013 remapping attached has some interesting issues that appear to have been overlooked by the Army Corps of Engineers and the Oregon Department of Environmental Quality.
 - A. The existing Whitson Landfill and the Riverbend Landfill together create a choke point in the original flood plain and flood way of the South Yamhill River.

- B. **The choke point was not studied.** Cross Sections AB and AC on the revised flood map are on either side of it, Cross Section AC is approximately 500 feet upstream of the choke point.
 - C. The calculations are based on "River Miles". Based on River Miles, the channel slope is approximately 2.7% to 2.9% for the 100 year and 500 year floods.
 - D. If one used the "Floodway Distance", i.e. the distance between the two cross sections, the "River Mile" becomes 2,900 feet and the resulting slopes increase to 5.2% and 4.8%. This is significant because increased slopes increase flow velocities and the potential for erosion.
 - E. Subsequent mining in the flood way just downstream of the choke point and the unstudied bend may have exacerbated the problem.
4. In about 2012, I raised questions as to why mining was allowed in the flood plain by Riverbend Landfill as it was not originally proposed or approved. I also raised questions to the DEQ as to why the two versions of the 1200-C Erosion and Sediment Control Plans for mining in the flood way did not have a consistent grading plan, neither of which was conforming to the actual excavations. The DEQ, which had no objection to the mining, resolved the permitting issue on the 1200-C permit by waiving the 1200-C permit requirement, and putting it under the 1200-Z permit which did not have a grading plan requirement.
 5. The original landfill approval by Yamhill County did not allow mining of materials in the flood way and flood plain outside of the perimeter berm. In fact, in 1983, I erased the "summer fill" notes off of the original landfill plans that specified a "summer fill area" in the flood way. The original and the revised copies of the original plans are attached.
 6. I pointed out to the DEQ that mining in the floodway was prohibited by the original landfill specifications outside of the perimeter flood control berm. The specifications are attached. The DEQ took no action. Waste Management resubmitted by exhibits "to prove" that mining was allowed. The DEQ accepted Waste Management's version.
 7. When I raised this issue with Yamhill County, I was told that it is okay to mine dirt on your own property and that no County approvals or permits were required. At the time, I did not have a full understanding of the history and process, but based on my present knowledge, the county's position at that time was incorrect.
 8. Mining in the flood way was allowed to continue by the DEQ and Yamhill County

until subsequently stopped by the Confederated Tribes of the Grand Ronde Community due to the discovery of "cultural resources."

9. During the approval of the MSE wall, I raised issues regarding impacts of the mining on the flood way and the potential for catastrophic channel change. Due to these concerns, the DEQ required a study of the channel change potential, and a report prepared by Waterways Consultants was submitted and accepted without questions by the DEQ. This report has several interesting issues as well:
 - A. It was not stamped by a professional engineer licensed in the State of Oregon, and it is still being used by Waste Management as a justification to approve a vertical expansion of Cells 1, 2 and 3.
 - B. The report stated, *"To roughly evaluate the rate of change of the local planform of the South Yamhill, five meander bends were assessed using the vegetated bank lines digitized from the georeferenced aerial photos from 1936, 1966, and 2005" and that "The measured rates of channel migration ranged from 3.9 feet per year to 1.5 feet per year with a mean of 2.2 feet per year (see Figures 4 and 5)."*
 - C. Your report recommending approval of the MSE Wall expansion stated, *"Potential for migration of the South Yamhill River: Residents have expressed concern about the potential for the South Yamhill River to migrate over time, because it could therefore move closer to the landfill. This issue was evaluated in a September 2012 report by Waterway Consultants. The report concludes that the river has not migrated in this direction substantially in the past. Among the factors considered, the report points to the presence of 3,000-year-old Native American artifacts found in the land between the river and the landfill."*
 - D.. The report, and your review of it, conveniently (or purposely) omitted a study of the erosion at the bend closest to Riverbend Landfill where the river is moving closer to the landfill. The exhibits attached include portions of my power point presentations showing what historically has happened at that location.
9. In flying over Riverbend Landfill, I noticed something very interesting at the "Bend Not Studied" It was rapids with standing waves, perhaps three or four feet high. This was totally unexpected, but based on further examination, perhaps not. This standing waves may be caused by a combination of:
 - A. The large "Ox-Bow" bend where one river mile (5,280 feet) along the river channel centerline is actually about 2,900 feet at flood stage between cross

sections AB and AC. Due to the the same fall but a shorter distance, it increases the channel slope, one would expect faster flows.

- B. Mining in the flood way across the oxbow bend may have increased the flood slopes across the upper portion of oxbow and resulting water velocities.

Increased velocities increase the risk of erosion and catastrophic channel change.

- 10. Based my letter and photos that I sent to you last week, this problem warrants a lot more attention than it has received, and just a site visit by you and asking Waste Management "to look at it" is not enough. I recommend that the DEQ require an independent comprehensive study based on existing conditions.

There seem to be several guilty parties resulting in this erosion and standing wave problem:

- A. Yamhill County for not enforcing the terms of its original Flood Plain Development Permit and approvals.
- B. Yamhill County for not requiring a Flood Plain Development Permit for mining in the flood way.
- B. Waterways Consultants for not addressing the bend closest to Riverbend Landfill.
- C. The DEQ for:
 - 1) Allowing the mining in the flood way to take place
 - 2) Not requiring the Waterways Consultant Report to be stamped and signed by a professional licensed to practice in the State of Oregon.
 - 3) Not catching the fact that the Waterways Consultants report did not address the bend closed to the landfill
 - 4) Ignoring the study's erosion rates and minimizing the problem by basing the on the discovery of 3,000 year old artifacts " somewhere in the flood plain".
- D. Waste Management for:
 - 1) Mining in the flood way without a Site Design Review

Mr. Bob Schwarz
30 May 2017

Page 5 of 6

- 2) Mining in the floodway without a Flood Plain Development Permit.
- 2) Mining in the flood way without a DOGAMI permit

E. The Army Corps of Engineers for not requiring a study at the choke point

In conclusion, instead of "forwarding" my pictures to Waste Management, and "taking a look at it", I recommend that the DEQ:

1. Advertise for and choose an independent third party to re-study the potential for catastrophic channel change at Riverbend Landfill that addresses the above issues and concerns.
2. Require that the study recommends solutions, estimates costs, and provides a time line for implementation. One solution to protect against future problems, would be to install a steel curtain wall around the perimeter of the landfill. The problem has been created, so the solution should be implemented.
3. Require that Waste Management installs the recommended improvements and sets aside funding for permanent maintenance.

The problem has been created. The DEQ needs to require the solution.

I look forward to receiving a prompt and timely response to my concerns.

Thank you.

Sincerely yours,

Leonard A. Rydell, P.E., P.L.S., W.R.E.
LAR/lar

cc: Oregon Environmental Quality Commission
DEQ - Richard Whitman
Lisa Druback
Yamhill County Commissioners
McMinnville News Register
Newberg Graphic

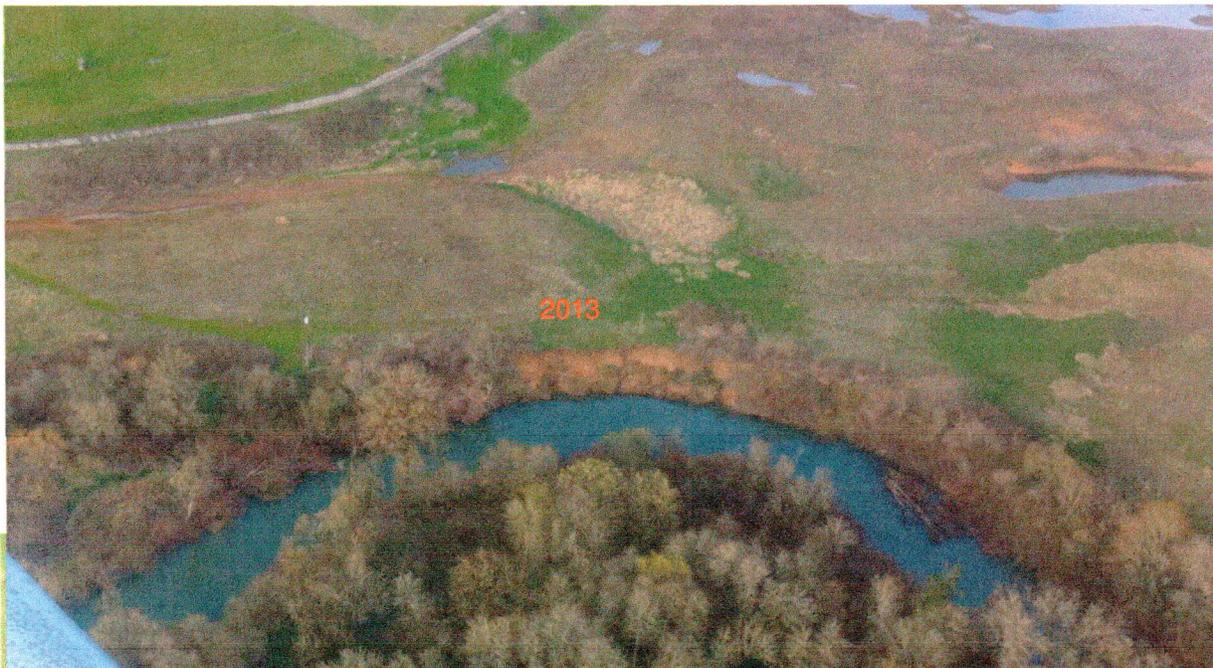


RENEWAL DATE 12/31/2018

DEQ MISSION STATEMENT

DEQ's mission is to be a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.

DEQ works collaboratively with Oregonians for a healthy, sustainable environment.







Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT

COMMUNITY AND REVISION INFORMATION		PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	Yamhill County Oregon (Unincorporated Areas)	FILL	FLOODWAY HYDRAULIC ANALYSIS NEW TOPOGRAPHIC DATA
	COMMUNITY NO.: 410249		
IDENTIFIER	Riverbend Landfill	APPROXIMATE LATITUDE & LONGITUDE: 45.160, -123.246 SOURCE: Other DATUM: NAD 83	
ANNOTATED MAPPING ENCLOSURES		ANNOTATED STUDY ENCLOSURES	
TYPE: FIRM* NO.: 41071C0415D DATE: March 2, 2010 TYPE: FIRM* NO.: 41071C0395D DATE: March 2, 2010		DATE OF EFFECTIVE FLOOD INSURANCE STUDY: March 02, 2010 PROFILE(S): 48P FLOODWAY DATA TABLE: TABLE 6	

Enclosures reflect changes to flooding sources affected by this revision.

* FIRM - Flood Insurance Rate Map

FLOODING SOURCE(S) & REVISED REACH(ES)

See Page 2 for Additional Flooding Sources

SOUTH YAMHILL RIVER - From approximately 3.35 miles upstream of US Highway 99 West to approximately 6.41 miles upstream of US Highway 99 West

SUMMARY OF REVISIONS

Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
SOUTH YAMHILL RIVER	Zone AE	Zone AE	YES	YES
	Zone X (shaded)	Zone X (shaded)	YES	YES
	BFEs	BFEs	YES	NONE
	Floodway	Floodway	YES	YES

* BFEs - Base Flood Elevations

DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information Exchange (FMIXESC) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the Engineering Library, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Siamak Esfandiary, Ph.D., P.E., CFM, Program Specialist
Engineering Management Branch
Federal Insurance and Mitigation Administration

12-10-1146P

102-I-A-C

FLOODING SOURCE		FLOODWAY					1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)		
South Yamhill River (Continued)										
S	13.46	4,575	43,148	1.2	128.9	128.9	129.7	0.8		
T	14.42	2,950	28,516	1.8	129.6	129.6	130.4	0.8		
U	15.03	3,860	30,932	1.7	130.4	130.4	131.2	0.8		
V	15.99	2,445	18,789	2.7	131.7	131.7	132.4	0.7		
W	16.56	950	12,109	4.2	133.2	133.2	133.8	0.6		
X	16.69	1,014	16,745	3.1	133.8	133.8	134.4	0.6		
Y	17.01	1,300	22,873	2.2	134.4	134.4	135.1	0.7		
Z	17.92	1,432	19,807	2.6	135.6	135.6	136.3	0.7		
AA	18.90	2,505	30,025	1.7	136.8	136.8	137.6	0.8		
AB	20.04	2,000	24,147	2.1	138.0	138.0	138.8	0.8		
AC	21.01	2,270	26,856	1.9	139.3	139.3	140.1	0.8		
AD	22.15	2,620	34,271	1.4	140.3	140.3	141.2	0.9		
AE	23.10	3,290	29,105	1.7	141.4	141.4	142.2	0.8		
AF	24.80	3,969	34,247	1.5	144.0	144.0	145.0	1.0		
AG	26.15	4,275	33,100	1.0	145.3	145.3	146.2	0.9		
AH	27.10	2,749	16,444	2.0	146.5	146.5	147.2	0.7		
AI	27.45	1,476	10,848	3.1	147.5	147.5	148.0	0.5		
AJ	27.69	1,565	12,313	2.7	148.1	148.1	148.6	0.5		
AK	28.08	1,608	14,048	2.4	149.5	149.5	150.0	0.5		
AL	28.38	1,270	10,065	3.3	150.3	150.3	150.7	0.4		
AM	29.25	1,312	13,068	2.6	152.5	152.5	153.3	0.8		
AN	29.96	2,258	20,282	1.6	153.7	153.7	154.5	0.8		
AO	30.41	2,310	15,444	2.2	154.4	154.4	155.2	0.8		

¹Miles above mouth

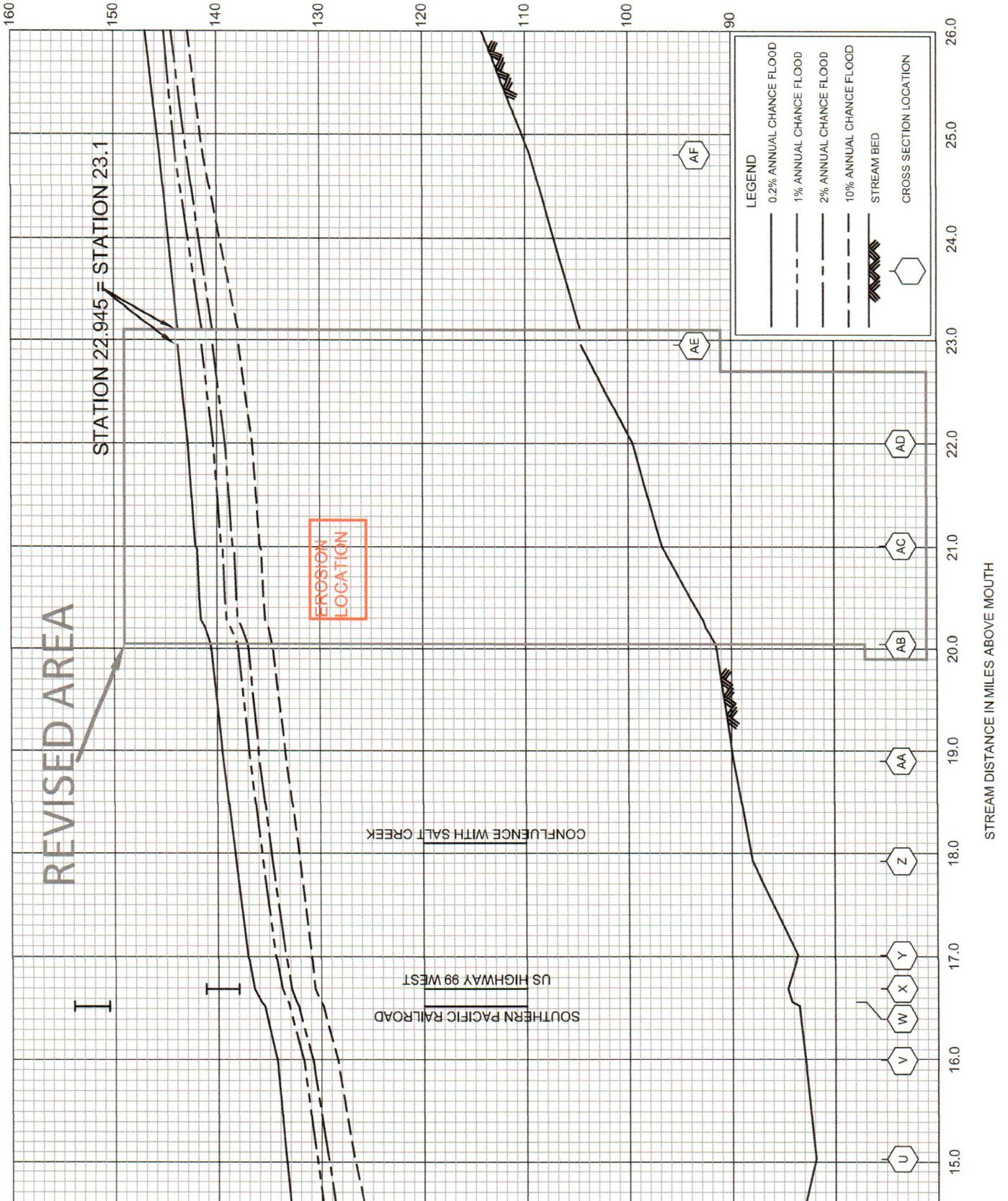
FLOODWAY DATA

SOUTH YAMHILL RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

**YAMHILL COUNTY, OREGON
AND INCORPORATED AREAS**

TABLE 6



**YAMHILL COUNTY
UNINCORPORATED AREAS
410249**

T. 4 S. SW MASONVILLE RD
T. 5 S.

T. 4 S.
T. 5 S.

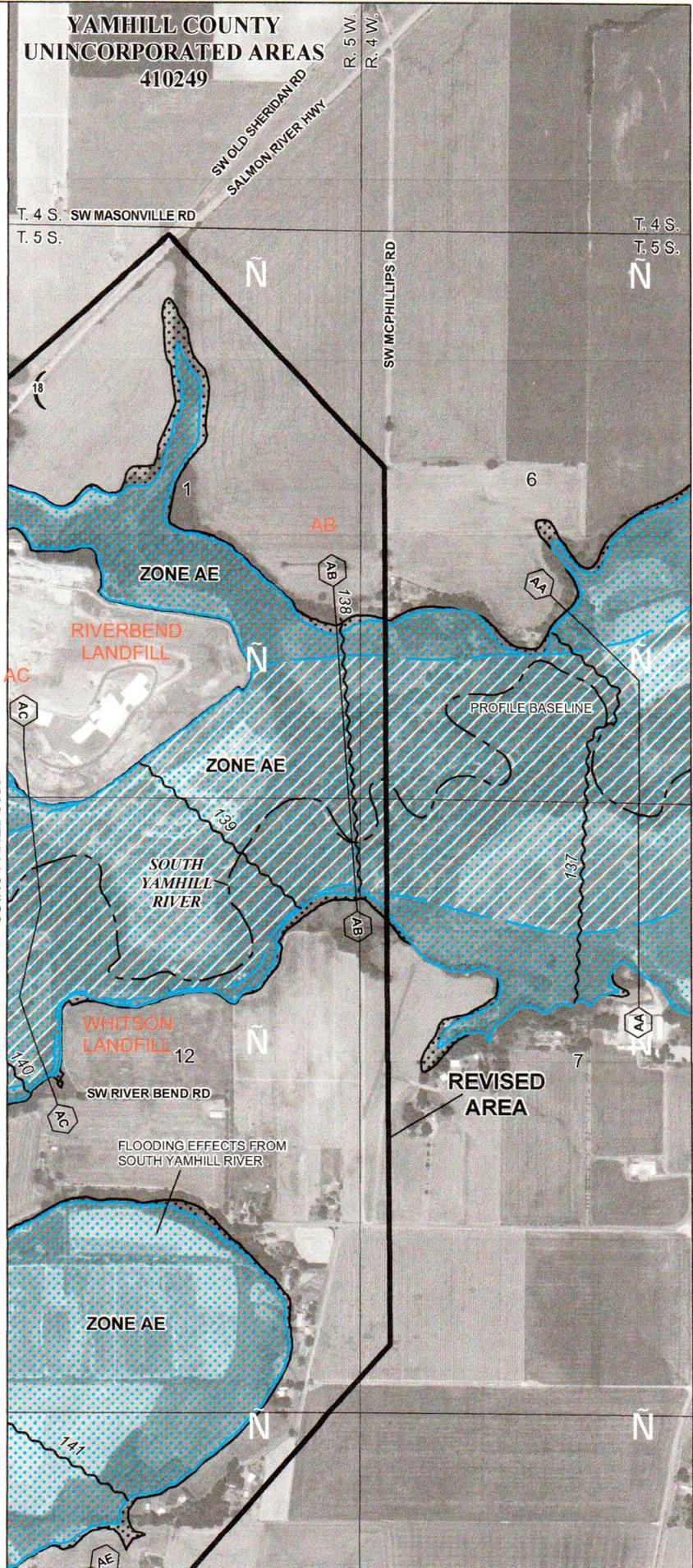
50 02 000m N

50 01 000m N

50 00 000m N

49 99 000m N

JOINS PANEL 0395



- Legend**
- 1% annual chance (100-Year) Floodplain
 - 1% annual chance (100-Year) Floodway
 - 0.2% annual chance (500-Year) Floodplain



MAP SCALE 1" = 1000'

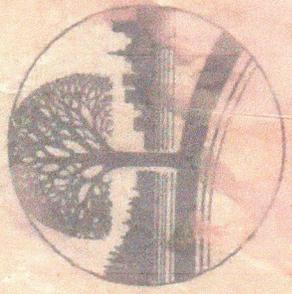
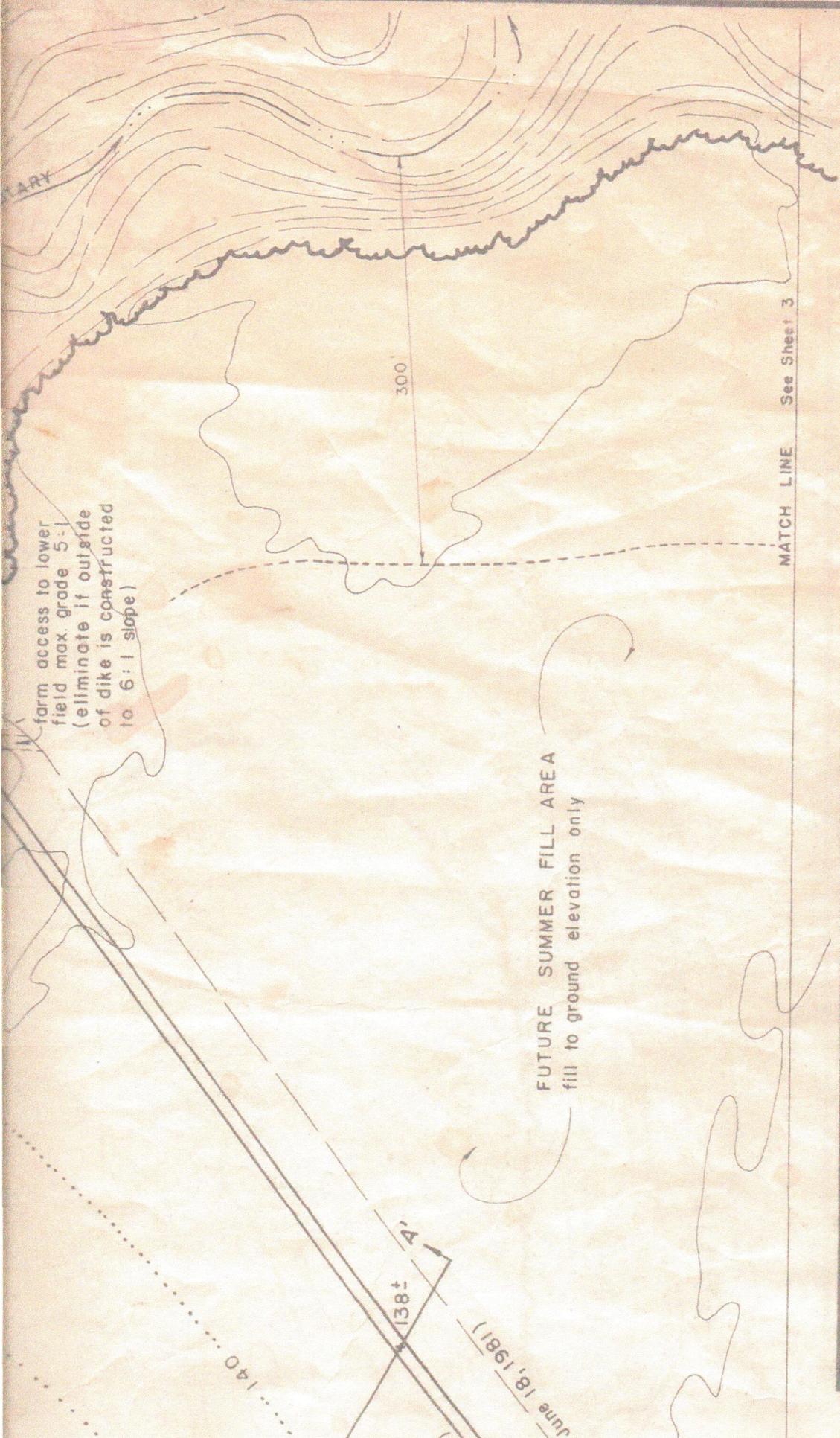


**NFIP
ICE PROGRAM**

PANEL 0415D

FIRM
FLOOD INSURANCE RATE MAP
YAMHILL COUNTY,
OREGON
AND INCORPORATED AREAS

PANEL 415 OF 675
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)



RIVER BEND LANDFILL COMPANY

RIVER BEND SANITARY LANDFILL

PHASE 1, ACCESS ROAD AND FINAL CONTOURS

Scale: 1" = 100' Date: MARCH 13, 1981 Revised AUGUST 7, 1981
 CONTOURS = 2' JUNE 28, 1981

Job No. 804
 Sheet 2
 of 9

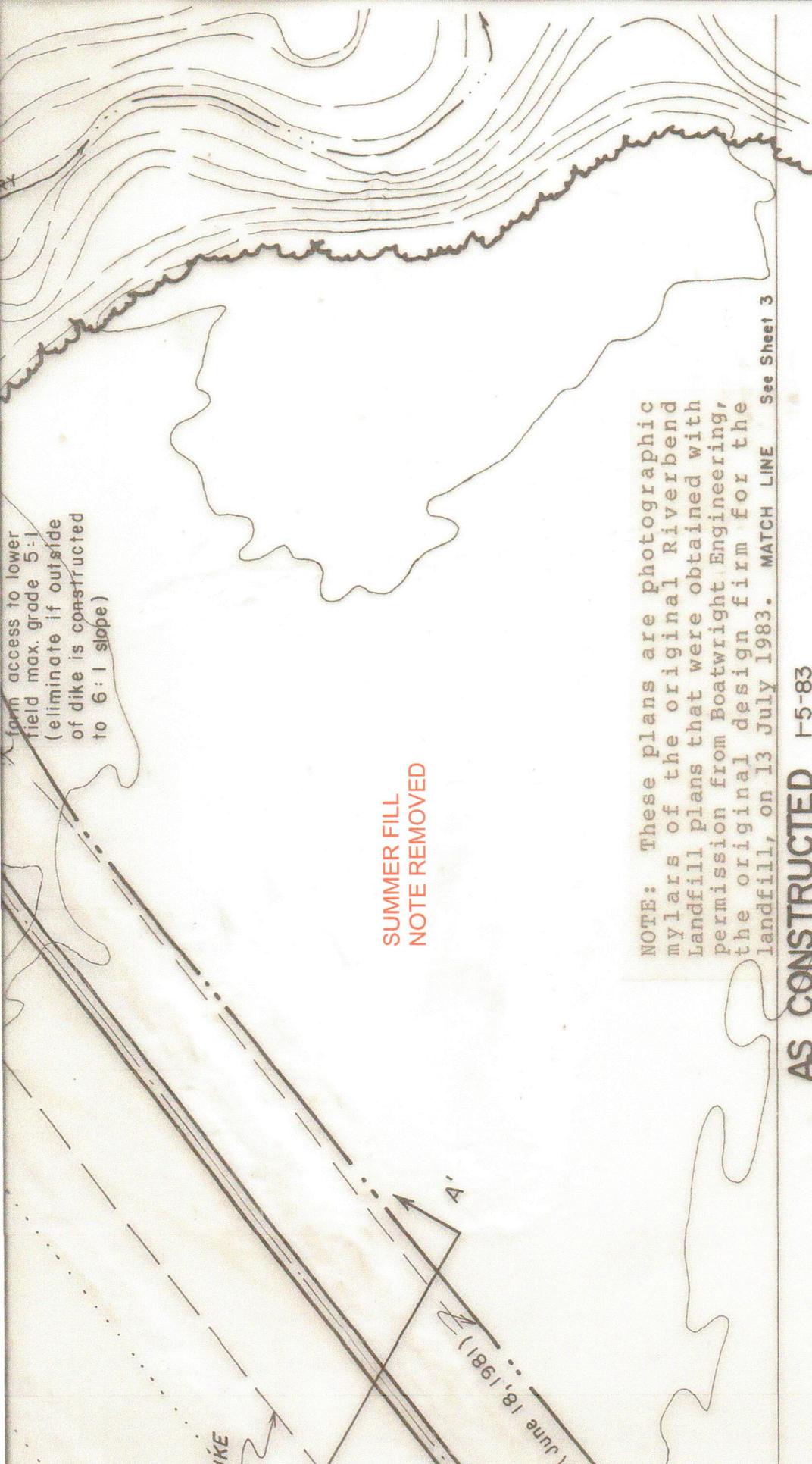
Boatwright Engineering Inc.

2613 12th ST. SE SALEM, OREGON 97302
 (503) 363-9225



Russell H. Johnson

Design R.H.F.
 Drawn J.M.P.
 Checked R.H.F.



NOTE: These plans are photographic mylars of the original Riverbend Landfill plans that were obtained with permission from Boatwright Engineering, the original design firm for the landfill, on 13 July 1983.

AS CONSTRUCTED I-5-83

RIVER BEND LANDFILL COMPANY

RIVER BEND SANITARY LANDFILL

PHASE I, ACCESS ROAD AND FINAL CONTOURS

Scale: 1" = 100' CONTOURS = 2' Date: MARCH 13, 1981 Revised: AUGUST 7, 1981 JUNE 28, 1981

Job No. 804

Sheet 2

LEONARD A. RYDELL, P.E.
 Consulting Civil Engineer
 601 Pinehurst Drive
 Newberg, Oregon 97132

Design R.H.F.

Drawn J.M.P.

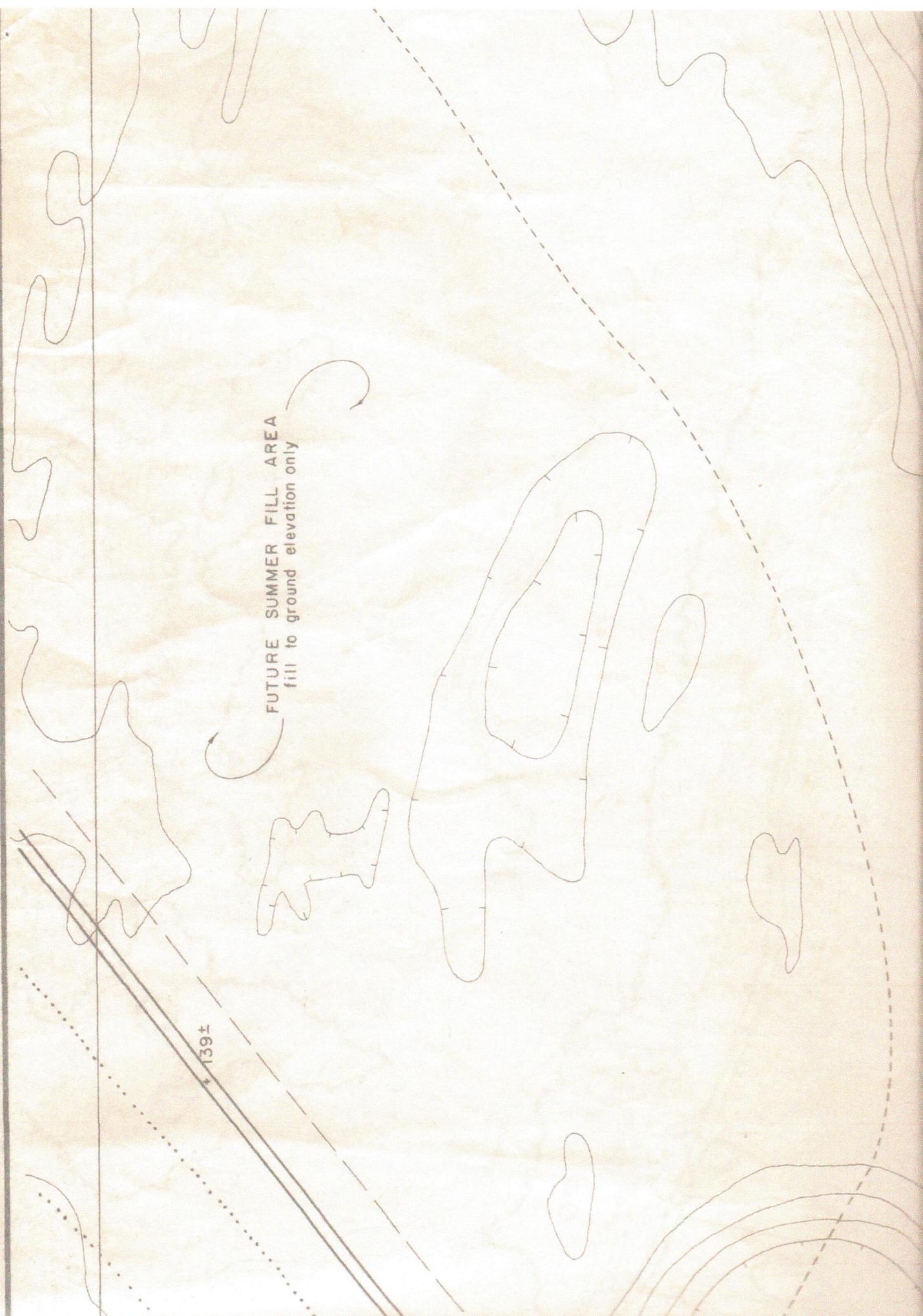
Checked R.H.F.



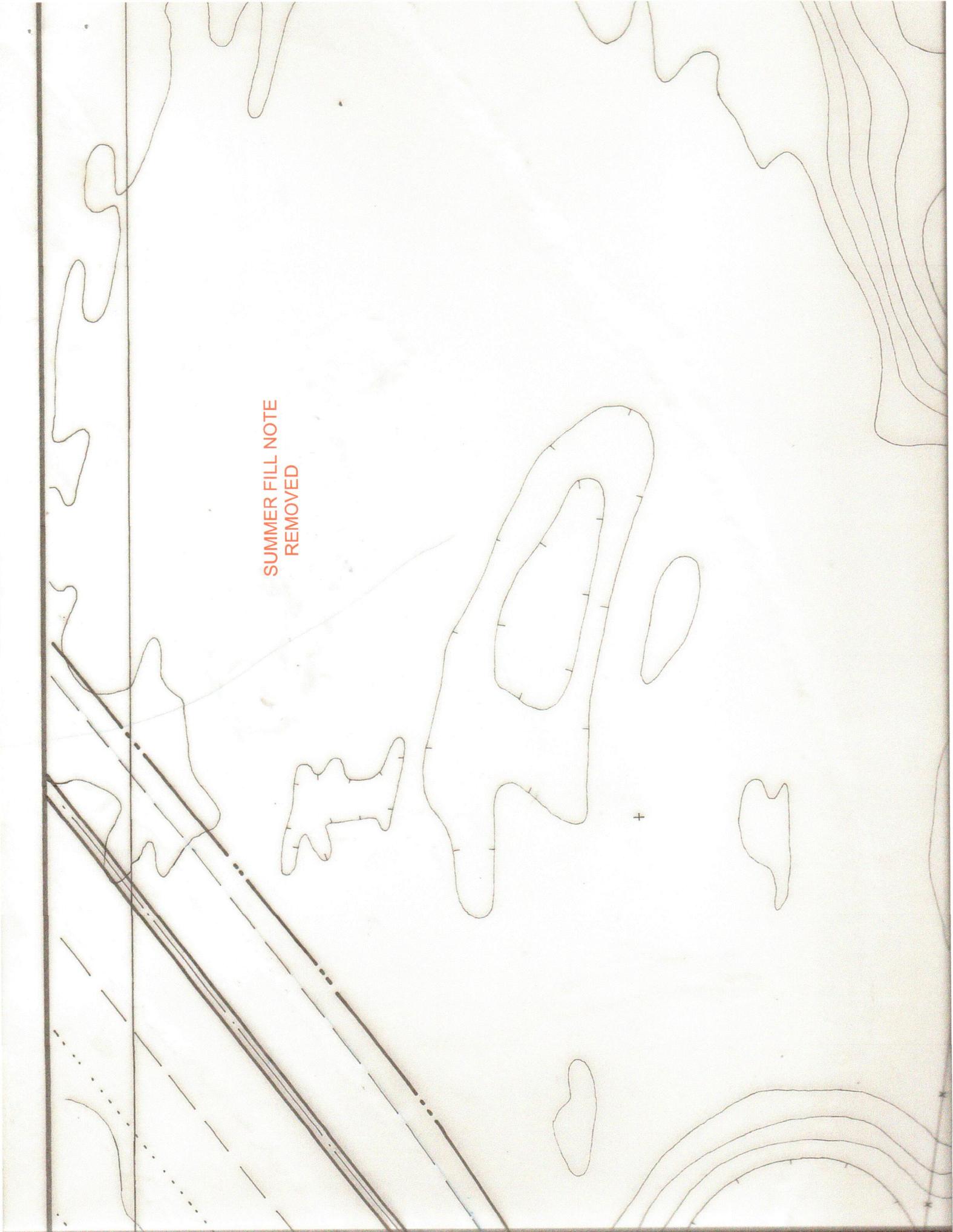
20 July 1983

FUTURE SUMMER FILL AREA
fill to ground elevation only

± 139 ±



SUMMER FILL NOTE
REMOVED



EARTH WORK

1. CLEARING:

The area to be occupied by the landfill berms and the surface of all borrow pits shall be cleared of all trees, stumps, roots, brush, and other objectionable material, and the cleared materials shall be buried in the landfill or otherwise disposed of in a manner satisfactory to the engineer.

2. EXCAVATION FOR FOUNDATION OF BERMS:

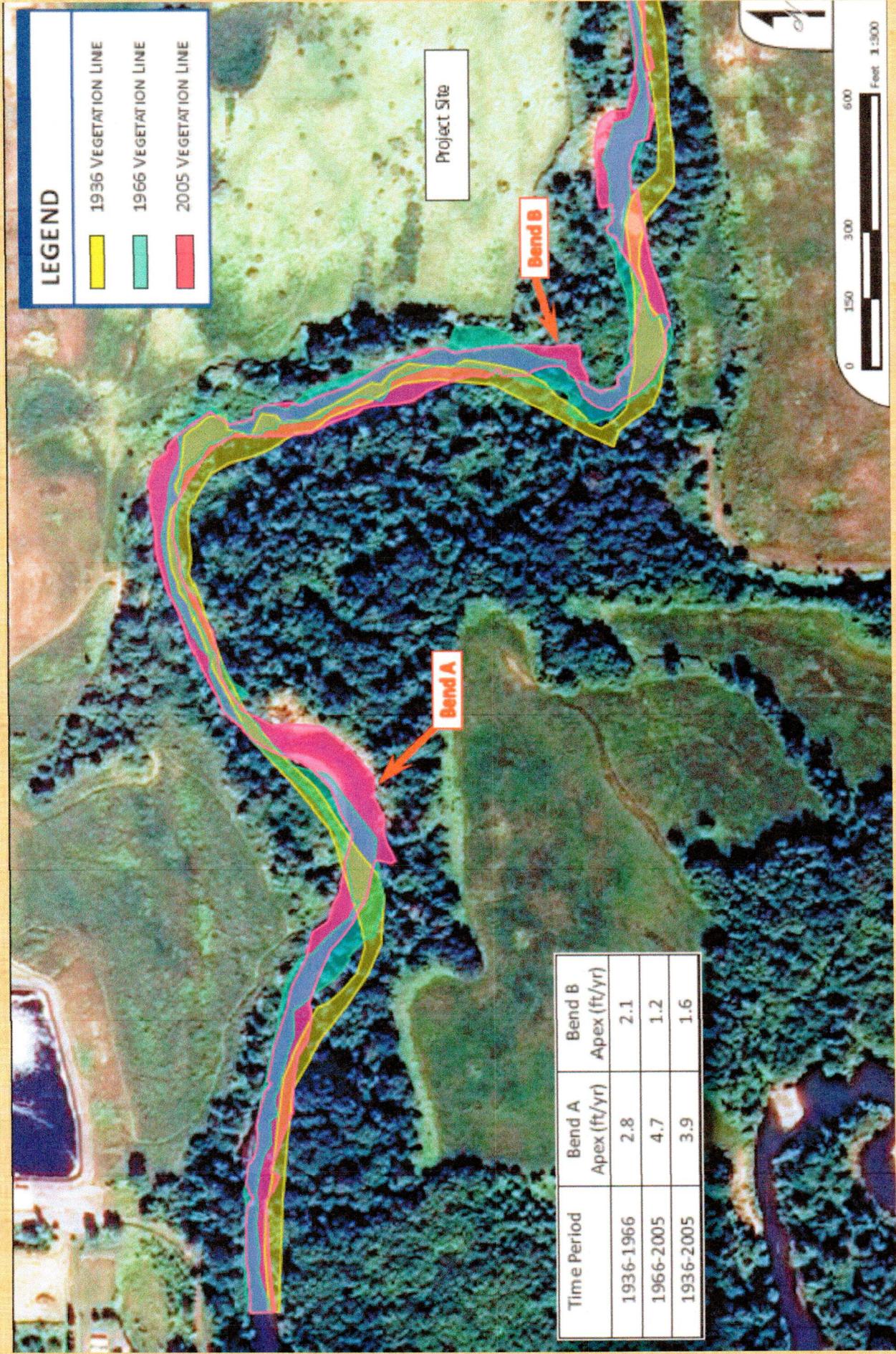
The entire area to be occupied by the berms, or such portions thereof as may be directed by the engineer, shall be excavated to a sufficient depth to remove all materials not suitable for the foundation of the earth embankment as determined by the engineer. The unsuitable materials to be removed shall include all topsoil, rubbish, vegetable matter of every kind, roots, and all other perishable or objectionable materials that might interfere with the proper bonding of the embankment with the foundation or with the proper compaction of the materials in the embankment or that may otherwise be objectionable. Accurate trimming of the slopes of the excavation for the foundation of the berm will not be required, but the excavation shall conform as closely as practicable to the lines and grades shown on the drawings or established by the Engineer.

3. EXCAVATION IN BORROW PITS:

All materials required for the construction of the berm embankment and for backfill, which required excavations, shall be taken from inside the diked area hereinafter called borrow pits as directed by the engineer. The location and extent of all borrow pits shall be as directed by the engineer and the engineer reserves the right to change the location of such borrow pits or to locate additional borrow pits as required. Borrow pit areas shall be cleared as provided in paragraph on Clearing. The sites of borrow pits shall be carefully stripped of topsoil, sod, loam, and other objectionable matter. The disposal of all materials wasted by stripping shall be subjected to the approval of the engineer. If materials unsuitable or not required for embankment or backfill purposes are found in borrow pits, such material shall be excavated and disposed of at the existing landfill or stockpiled for future cover.

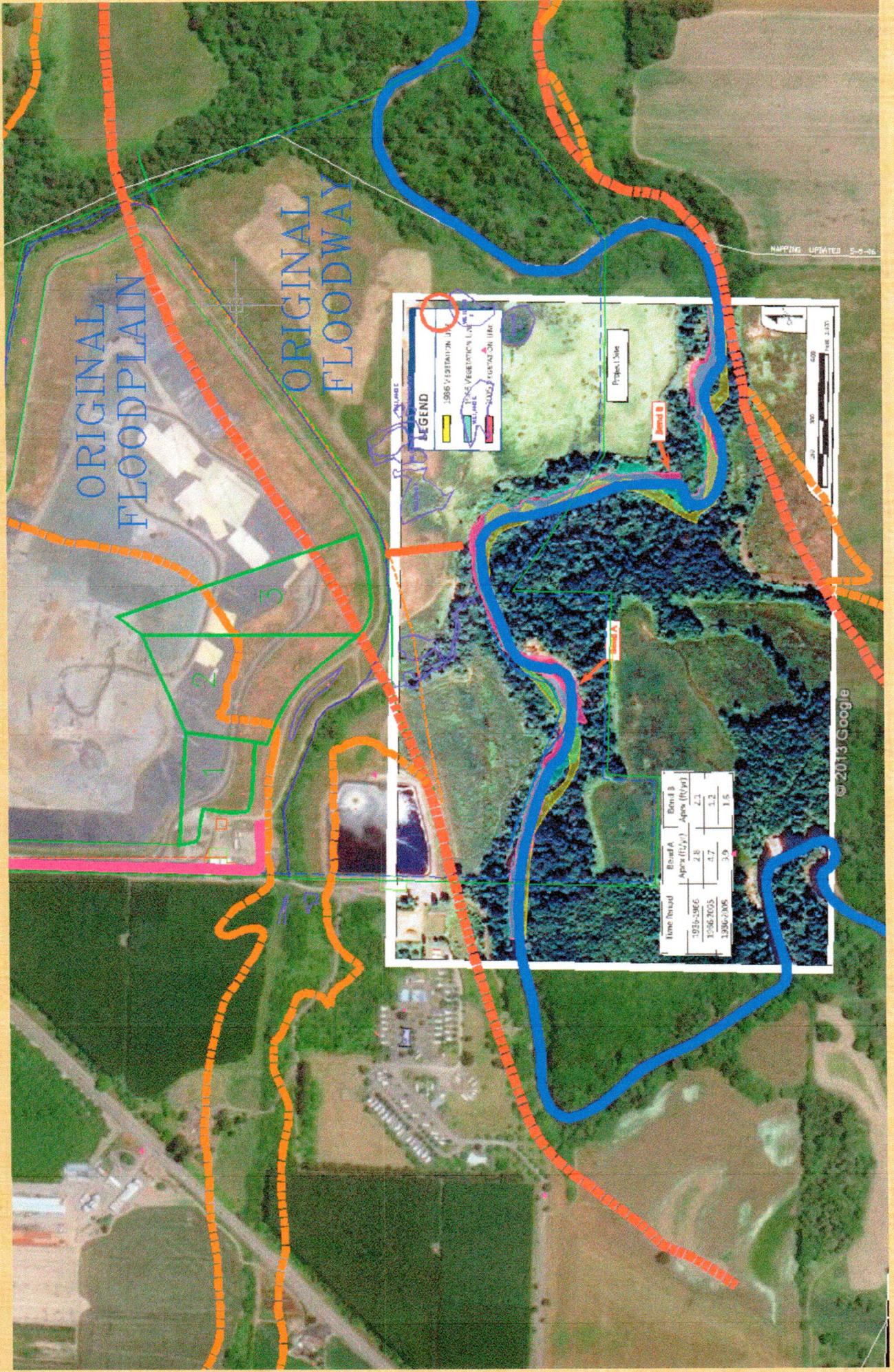
4. DISPOSAL OF EXCAVATED MATERIALS:

Insofar as practicable, as determined by the engineer, all suitable materials from all required excavations shall be used in the construction of the landfill berms. Excavated materials that are unsuitable or are not required for the above described purposes and all unsuitable materials removed in stripping operations shall be disposed at the landfill or stockpiled for future cover.



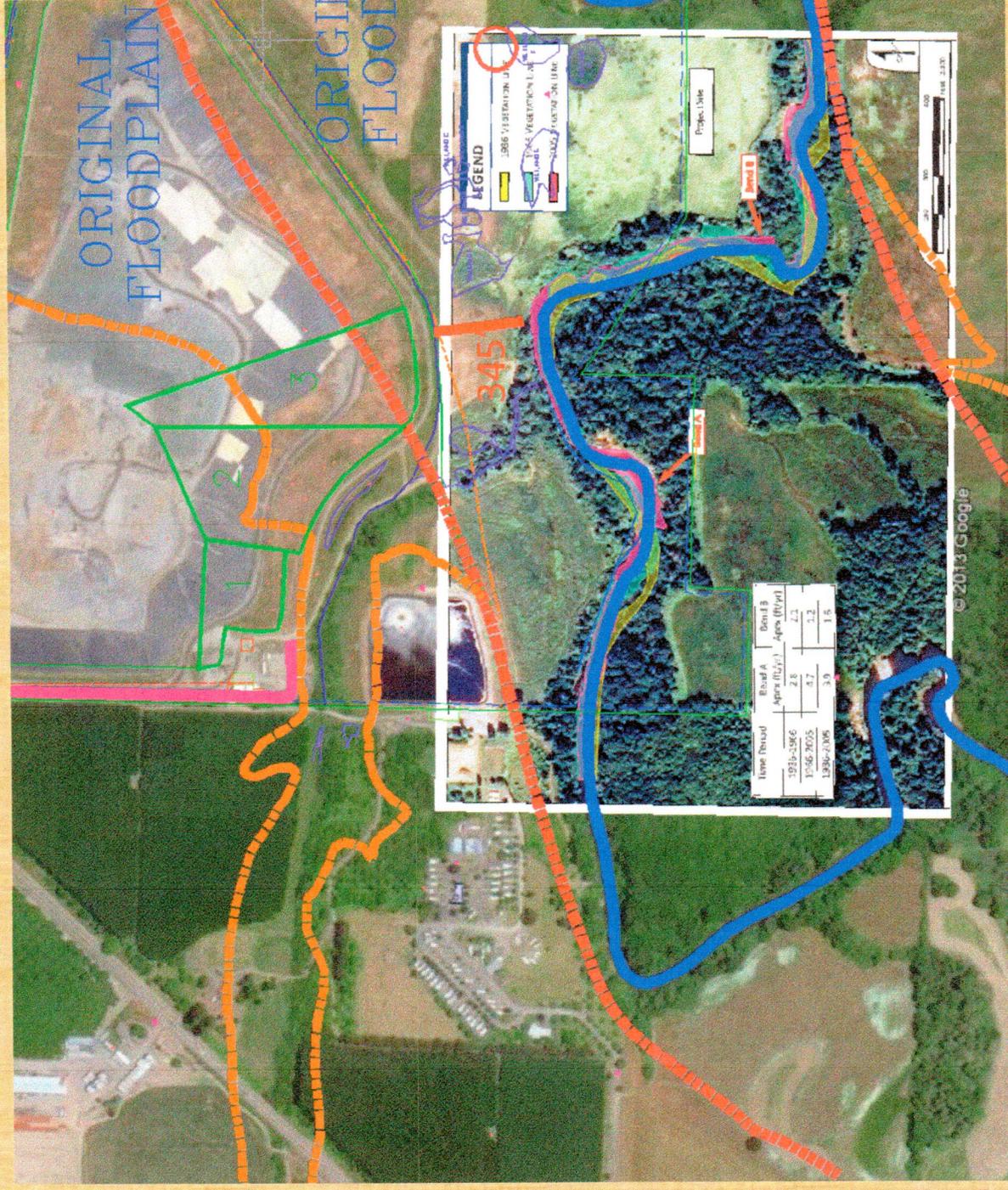
A Page from the Report.....Note Bank Erosion Just Next to the Legend

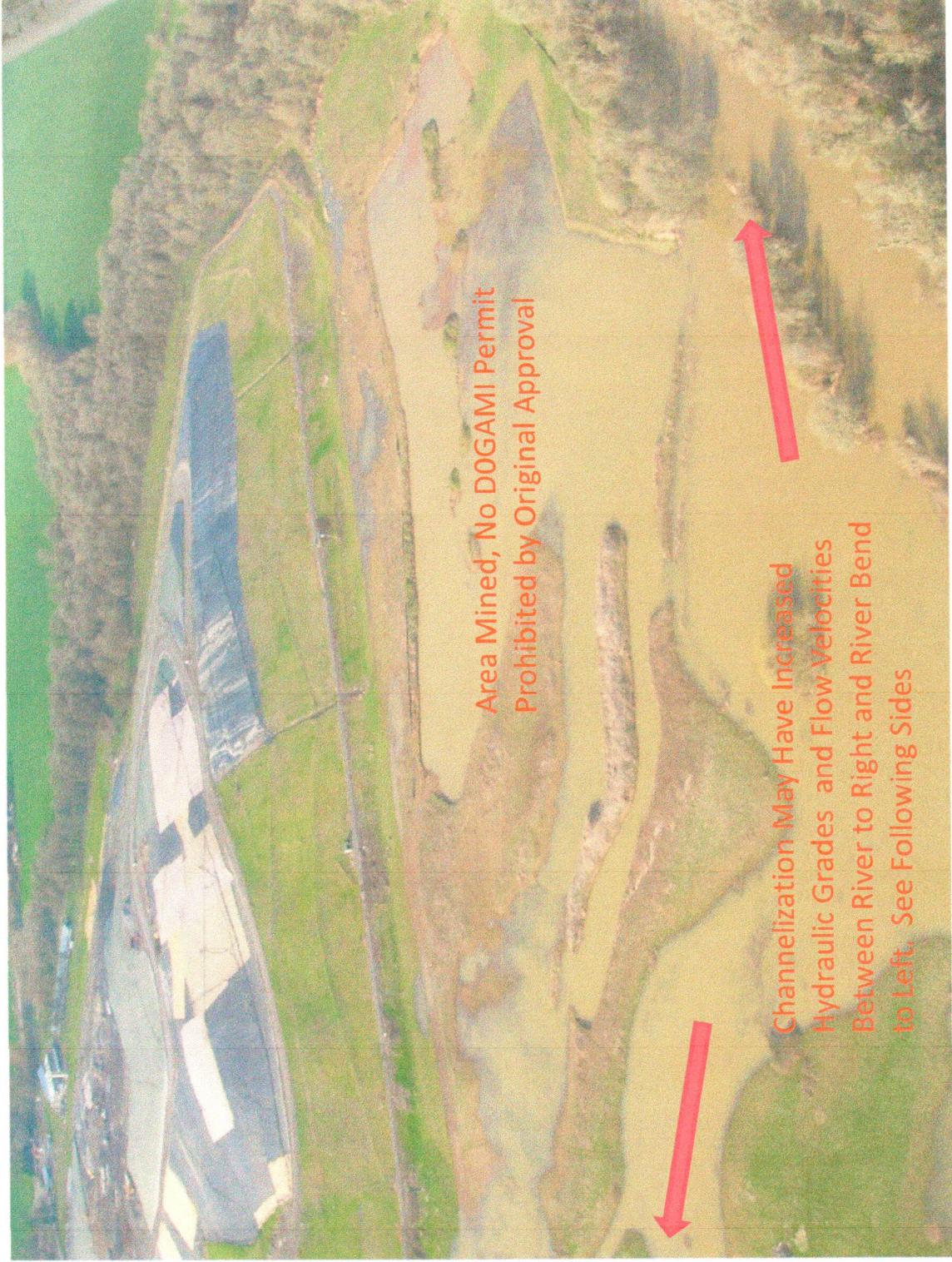
What the Report Doesn't Show



What the Report Doesn't Say

- Toe of Riverbend Landfill Flood Control Berm is 345 Feet from Top of Eroding River Bank
- Vegetation Line Eroded Average of 0.88 Feet per Year since 1936 to 2005
- Vegetation Line Eroded Average of 1.2 Feet per Year Since 1966
- $345' / 1.2' = 287$ Years, i.e. The time it will take for Existing erosion to reach the Perimeter Berm barring a Catastrophic Channel Change





Area Mined, No DOGAMI Permit
Prohibited by Original Approval

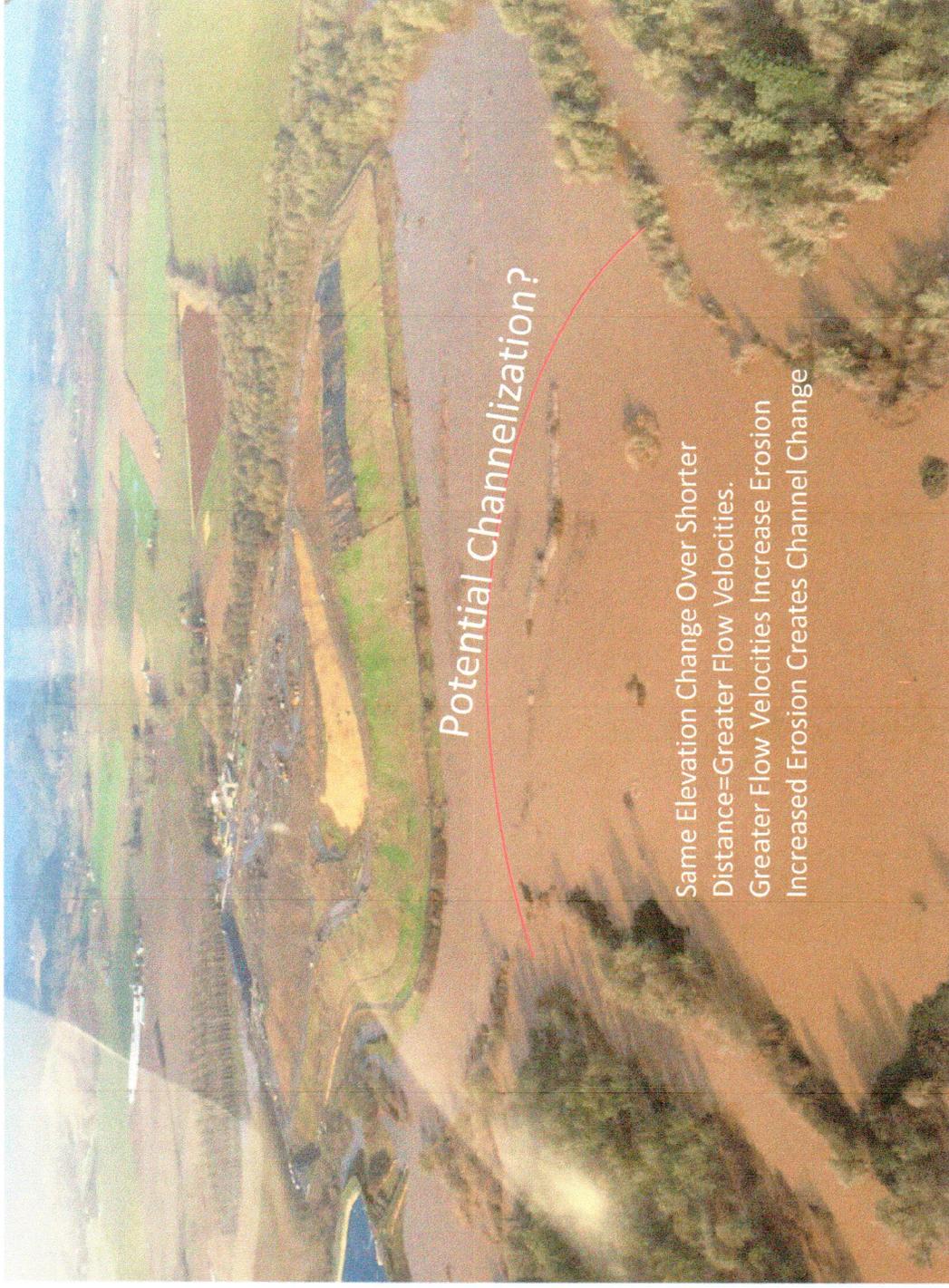
Channelization May Have Increased
Hydraulic Grades and Flow Velocities
Between River to Right and River Bend
to Left. See Following Slides

Riverbend Landfill - 2 April 2012 Looking South to NE



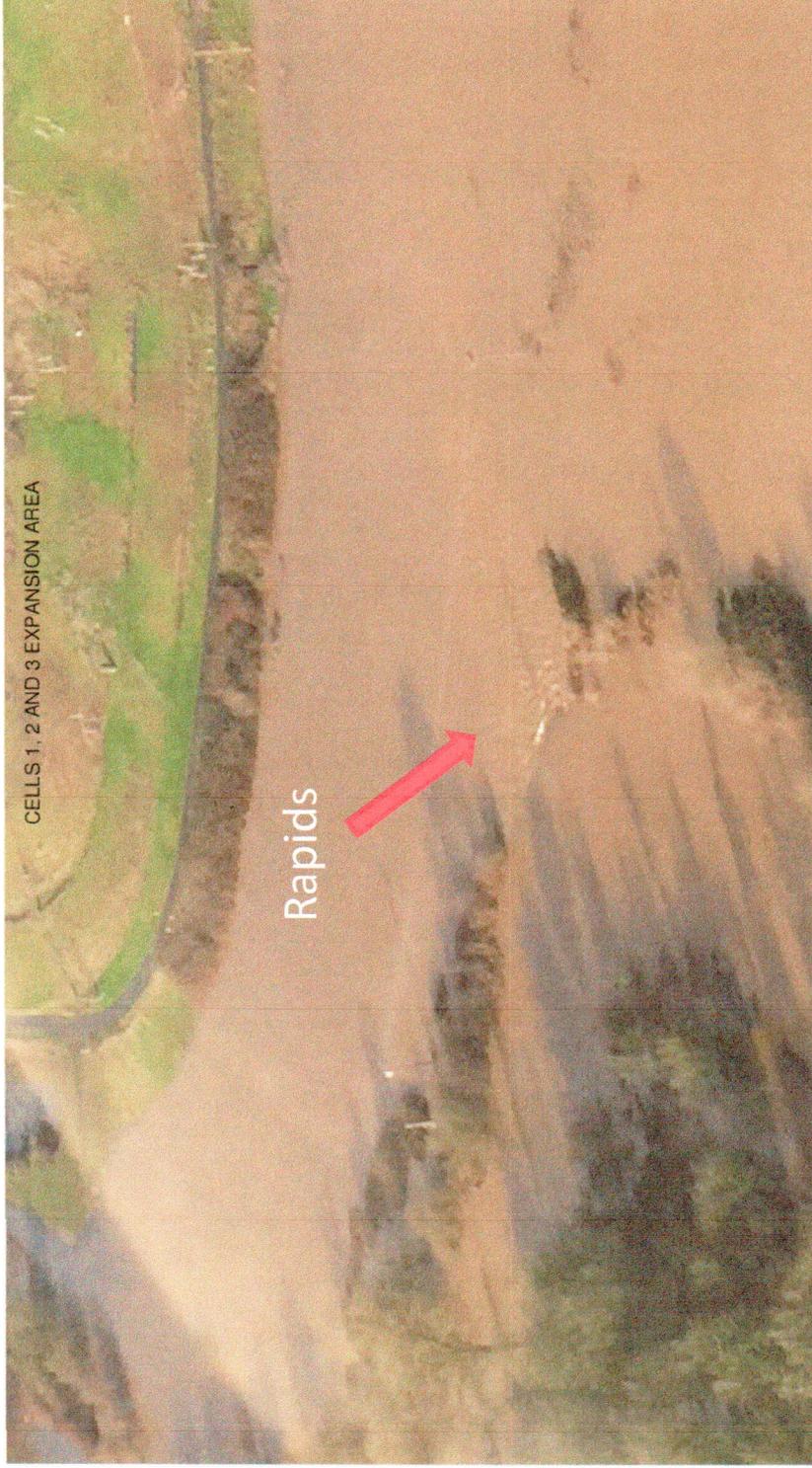
Riverbend Landfill - 2 April 2012
Looking West to East

A DOSE OF REALITY



RIVERBEND LANDFILL - 9 December 2015 - Note flooding around the perimeter berm and the tips of the "horseshoe bend" (bottom of bend out of picture) on left and right bottoms of picture. The flood plain appears to be uniform flows. I expected to see the usual landfill surrounded by water. Flood flows should be left to right.

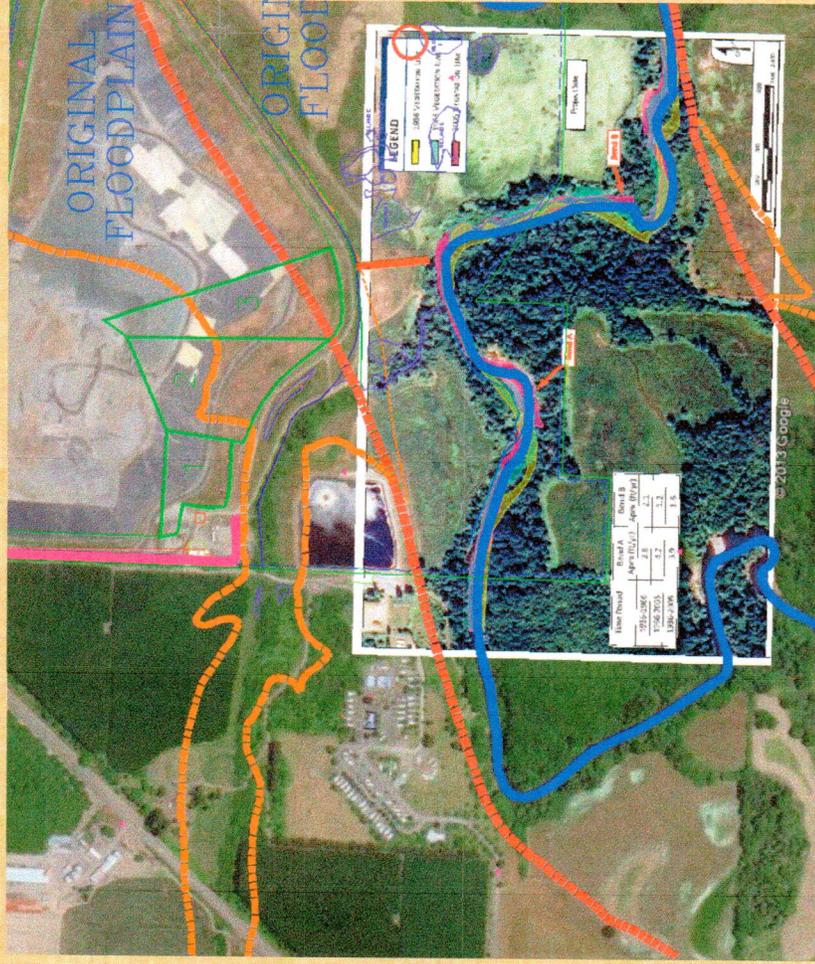
A CLOSER LOOK



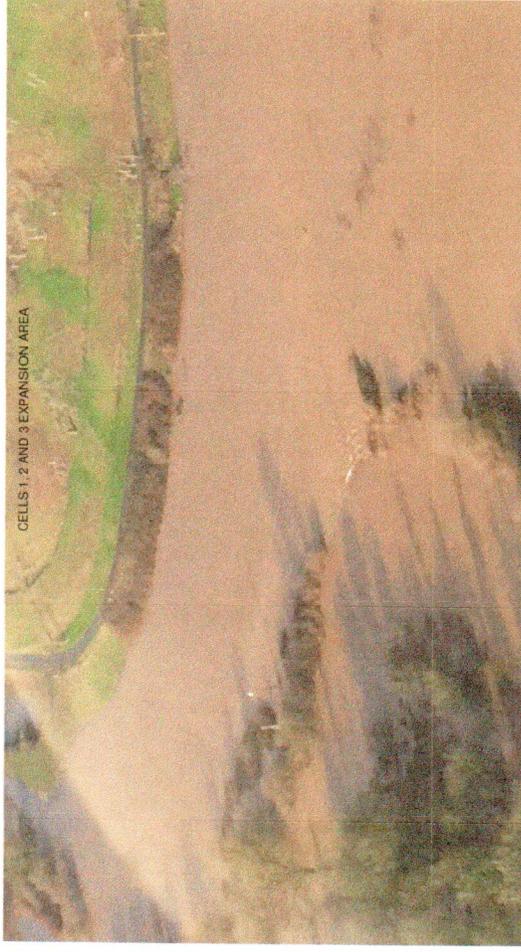
RIVERBEND LANDFILL - 9 December 2015 - This is the same picture, but zoomed in, and reveals something quite unexpected and unusual. Rapids and standing waves where the river is overflowing its banks in the middle of the flood plain! The rapids are evidence of high flow velocities. High flow velocities cause erosion. Erosion results in channel movement. **This is how a catastrophic channel change starts.** Note that the flow is direction is towards the landfill perimeter flood control support berm. I notified the authorities but (surprise, surprise) no response.

The DEQ opinion for the MSE Wall based on the "Geomorphic Analysis - September 2012" was that, "The report concludes that the river has not migrated in this direction substantially in the past. Among the factors considered, the report points to the presence of 3,000-year-old Native American artifacts found in the land between the river and the landfill." This report, with a slight of hand, conveniently ignored bank erosion (now underwater) at the bend of the river at the right edge of the beginning of the rapids.

WHAT SHOULD WE EXPECT TO HAPPEN FIRST?



Channel Bank Erosion Erodes the Perimeter Berm



RIVERBEND LANDFILL - 9 December 2015 - This is the same picture, but zoomed in, and reveals something quite unexpected and unusual. Rapids and standing waves where the river is overflowing its banks in the middle of the flood plain! The rapids are evidence of high flow velocities. High flow velocities cause erosion. Erosion results in channel movement. **This is how a catastrophic channel change starts.** Note that the flow is direction is towards the landfill perimeter flood control support berm. I notified the authorities but (surprise, surprise) no response.

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Catastrophic Channel Change Erodes the Perimeter Berm

STAFF RECOMMENDATION:

1. The facility is approved within the approximately 5,000 square foot area of the building shown on the attached site map (see enclosed map).
2. Prior to operation of the facility, all required building, septic and electrical permits shall be obtained.
3. Prior to issuance of permits, the water supply and access shall be required to meet the Sheridan Rural Fire Department standards and conditions for approval.
4. The applicant shall obtain all permits required by the Department of Environmental Quality (DEQ), the Oregon Liquor Control Commission (OLCC), and the Oregon Department of Agriculture (ODA).
5. The existing parking on the property shall be maintained.
6. The farm operation shall provide at least one quarter of the farm crops processed at the facility.
7. The applicant shall process no more than 1,000 lbs. of marijuana per year. Processing greater than 1,000 lbs. per year will require approval of a new Site Design Review.
8. Annually, beginning one year from the approval date for the processing facility, the applicant shall submit a written statement prepared by a certified public accountant that certifies compliance of the processing facility with Condition 6 and Condition 7 of the Site Design Review approval for the marijuana processing facility.
9. Any lighting used to illuminate the processing facility shall be placed, shielded or deflected so as not to shine onto adjacent dwellings.

10. Prior to use of the processing facility the applicant shall submit a report by a mechanical engineer licensed in the State of Oregon demonstrating that the facility will be equipped with an effective odor control system. The odor control system shall be sized for the cubic feet per minute (CFM) equivalent to the square footage of the building space (i.e., one CFM per square foot of building floor space). At a minimum, any fans or filters used in the system shall be rated for the applicable CFM. The filtration system shall be maintained in working order and shall be in use.
11. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee and there shall be no burning of marijuana waste products on the premises.
12. The methodology of marijuana processing shall be as described in the application for marijuana concentrate processing, which is a mechanical extraction process that uses nonhydrocarbon-based solvents, such as water, vegetable glycerin, vegetable oils, or animal fats provided that the process does not involve high heat or pressure. Any proposed alteration or modification to the approved processing methodology will require approval of a new Site Design Review.
13. Prior to use of the processing facility, the applicant shall provide to the Planning Director a copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department; or a statement that water is supplied from a public or private water provider, along with name, contact information, and a copy of the service contract of the water provider; or proof from the Oregon Water Resource Department that the water to be used is from a source that does not require a water right..
14. The applicant shall provide the Planning Director with a copy of the OLCC required written plan for making each marijuana product produced at the processing facility, as prescribed in OAR 845-025-3230.
15. 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.