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Letter of Transmittal

March \_\_\_\_, 2023

To: Benton County Board of Commissioners,  
From: BCTT though Sam Imperati, Facilitator .  
RE: BCTT Workgroup Report

Please accept this final report, which summarizes the above process.

The Benton County Board of Commissioners (BOC) hired ICMresolutions to facilitate a Workgroup process for findings and recommendations for future Conditional Use Permits (CUP) and a Sustainable Materials management Plan (SMMP).

To accomplish this, the Board appointed Workgroup members that were representative of community voices. We then organized the Charter elements into different categories which later became Subcommittees. The Workgroup process began on September 8, 2022, and ended March \_\_\_\_, 2023, with the submission of this report. During that time, we conducted nine Workgroup meeting to address the following topics:

...

Our role was to facilitate these meetings, organize information, help develop recommendations, and produce this approved report. Our "client" was \_\_\_\_\_. At the final Workgroup meeting on March 16, 2023, the Workgroup recommended a series of \_\_\_\_\_. The results of that meeting can be found in section \_\_\_\_\_ of this report.


Thank you for the opportunity to support this important project.

*Respectfully Submitted*

*Samuel J. Imperati*

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## Executive Summary

Benton County’s “Benton County Talks Trash” Workgroup met nine times between September 8, 2022, and March 16, 2023. All Workgroup meetings were open to the public, and the project hosted an open house on November 17, 2022, after the fifth Workgroup meeting. Throughout the process \_\_\_#\_\_\_ press releases were sent out and notifications for each Workgroup meeting went to \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ channels. Recordings of the Workgroup meetings are available [HERE](#), as well as meeting minutes and summaries.

During its process, the Workgroup created five Subcommittees to take on various parts of the Charter Elements. Information on the Subcommittee’s work product can be found on page \_\_\_\_\_ of this report, and recordings of the Subcommittee meetings are available [HERE](#).

The Workgroup’s findings and recommendations will be provided to the Board of Commissioners on March \_\_\_\_\_, 2023, for their consideration. A summary of these findings and recommendations follows:

### **A. Key Findings**

**TO BE PROVIDED HERE ONCE FINALIZED**

**PLEASE SEE DRAFT FINDINGS FOR EACH SUBCOMMITTEE, BELOW**

### **B. Key Recommendations**

**TO BE PROVIDED HERE ONCE FINALIZED**

**PLEASE SEE DRAFT FINDINGS FOR EACH SUBCOMMITTEE, BELOW**

### **How to read this document**

For a general overview of the process and key recommendations, please see the Executive Summary (page \_\_\_\_). For more detail, please read the body of the report.

Project Acknowledgments

**Board of Commissioners**

Nancy Wyse – Chair  
Pat Malone  
Xan Augerot

**Workgroup Members**

**Voting Members**

Andrew Struthers  
Brandon Bates  
Catherine Biscoe  
Christopher McMorran  
Chuck Gilbert  
Ed Pitera  
Elizabeth (Liz) Irish  
John Deuel  
Kathryn Duvall  
Louisa Shelby  
Marge Popp  
Mary Parmigiani  
Russ Knocke  
Ryan McAlister  
Shawn Edmonds

**Non-Voting / Ex-Officio Members**

Audrey O’Brian  
Brian May  
Daniel Redick  
Sean McGuire  
Shane Sanderson

**Alternates**

Andrew Johnson  
Ginger Rough  
Jen Brown  
Julie Jackson

**Previous Members**

Brian Fuller  
Joel Geier  
Nancy Whitcomb  
Scott Kruger

**Project Team at Benton County**

Cory Grogan  
Daniel Redick  
Darren Nichols  
Greg Verret

Inga Williams  
JonnaVe Stokes  
Linda Ray  
Sean McGuire

**Facilitation Team**

Sam Imperati, Facilitator, Institute for Conflict Management, Inc.  
Amelia Webb, Associate Facilitator, Institute for Conflict Management, Inc

**Project Website**

<https://www.co.benton.or.us/cd/page/solid-waste-process-work-group>

## Land Use Acknowledgment: The Land We're On

Indigenous tribes and bands have been with the lands that we inhabit today throughout Oregon and the Northwest since time immemorial and continue to be a vibrant part of Oregon today. We would like to express our respect to the First Peoples of this land, the federally recognized and the federally unrecognized Tribal communities that have historically and currently reside on these lands. We also recognize that a land acknowledgement is only the first step as we continue to learn and build our relationships with Tribal Nations and members of their communities.

What we now know as Benton County was previously inhabited by Indian Tribes indigenous to this location. Today, most of the Kalapuya people are enrolled as members of the federally recognized Confederated Tribes of the Grand Ronde Community of Oregon and/or the Confederated Tribes of the Siletz. Prior to colonization and white settlement, the Kalapuya people were believed to have a population of around 15,000 souls. Diseases, illnesses, and violence from settlers led the Kalapuya population to drastically shrink, and by 1849, there are estimates that the population varied between 60 to 600 people. Today, the Kalapuya Tribe is believed to include around 4,000 people.

It is important that we recognize and honor the ongoing stewardship and spiritual relationship between the land and people indigenous to this place we now call Benton County. Despite the settlement of this lands, this was and will continue to remain the home of the Kalapuya Tribe. We recognize the pre-existing and continued sovereignty of the tribes who have ties to this place and thank them for continuing to share their knowledge and perspectives on how we care for, impact, and protect the land we live on. We commit to honoring the history of this County as we continue engaging in collaborative partnerships with the Tribes and communities indigenous to these lands.

## Acronyms

BCTT	Benton County Talks Trash
BOC	Board of County Commissioners
CAC	Citizen Advisory Committee
CUP	Conditional Use Permit
CY	Cubic Yard (yd <sup>3</sup> )
CY	Calendar Year
DEQ	Department of Environmental Quality
DSAC	Disposal Site Advisory Committee
EOL	End of life
EPA	Environmental Protection Agency
FA	Franchise Agreement
FAQs	Frequently Asked Questions
LS	Landfill Site
LUBA	Land Use Board of Appeals
MOU	Memorandum of Understanding
MT	Million tons
RFP	Request for Proposals
RSI	Republic Services, Inc.
SMMP	Sustainable Materials Management
SWAC	Solid Waste Advisory Council
SWMP	Solid Waste Management Plan
TAC	Technical Advisory Committee
VLI	Valley Landfills, Inc

## Context

**Before the formation of the “Benton County Talks Trash” (BCTT) workgroup**, the County contracted with Oregon Consensus to conduct a situation assessment with the following Scope:

Benton County and key stakeholders seek assistance identifying and implementing a constructive path forward relating to sustainable materials management and the future of solid waste disposal in the Mid-Willamette Valley, including at the Coffin Butte regional landfill. Following a [December 7, 2021] Benton County Planning Commission denial of a proposed conditional use permit to expand the landfill, key participants recognize that a constructive path forward could benefit from the assistance of a third-party facilitator. Key stakeholders believe that an objective assessment of the situation, conducted by an impartial third party, would be a good first step. (Emphasis added.)

Based on this original Scope, the County asked Oregon Consensus to complete a third-party situational assessment. The Benton County Solid Waste Situational Assessment Report (Assessment Report) can be found [HERE](#). The BOC accepted the Report during its July 19, 2022 meeting and approved funding for the process at its July 26, 2022 meeting.

Subsequently, on August 23, 2022 the Board approved a Charter for the BCTT workgroup, which can be found [HERE](#).

## Membership

There are two categories: a) Polling Member; and b) Ex Officio Member. Polling Members have full rights of participation and “polling.” Ex Officio Members are “non-polling” information sources. Each could bring technical resources to the meetings. The technical resources could be used to participate in the discussions with permission of the Facilitator after a WORKGROUP discussion on the advantages and disadvantages surrounding their participation.

Each member was allowed to assign one WORKGROUP alternate for the process. That person was required to have full authority to represent their Organization/Interest Group. If the alternate was attending, the primary member was required to provide written notice to Facilitator at least 72 hours in advance of a meeting’s start time.

### Original Membership - Provided in the Charter

<b>Organization/Interest Group</b>	<b>WORKGROUP Member</b>	<b>Polling</b>	<b>Ex Officio</b>	<b>Charge</b>
SWAC/DSAC	Joel Geier	X		All
SWAC/DSAC	Marge Popp	X		All
Planning Commission	Nancy Whitcombe	X		All
Planning Commission	Elizabeth Irish	X		All
Republic: National	Russ Knocke	X		All but C



Republic: Local	Shawn Edmonds	X		All but C
Public	Brandon Bates	X		All
Public	John Deuel	X		All
Public	Kathryn Duvall	X		All
Public	Christopher McMorran	X		All
Public	Ryan McAlister	X		All
Public	Mary Parmigiani	X		All
Public	Ed Pitera	X		All
Public	Louisa Shelby	X		All
DEQ	Brian Fuller		X	All but D
Neighboring Jurisdiction	Marion County: Administrator Designee		X	Only C
Neighboring Jurisdiction	Linn County: Administrator Designee		X	Only C
Benton County Staff	Daniel Redick		X	All
Benton County Staff	Scott Kruger		X	All

Membership at the End of the Process

<b>Organization/Interest Group</b>	<b>WORKGROUP Member</b>	<b>Polling</b>	<b>Ex Officio</b>	<b>Charge</b>
SWAC/DSAC	Chuck Gilbert	X		All
SWAC/DSAC	Marge Popp	X		All
Planning Commission	Elizabeth Irish	X		All
Planning Commission	Andrew Struthers	X		All
Republic: National	Russ Knocke ALT: Ginger Rough	X		All but C
Republic: Local	Shawn Edmonds ALT: Julie Jackson	X		All but C
Public	John Deuel	X		All
Public	Kathryn Duvall	X		All
Public	Christopher McMorran	X		All
Public	Ryan McAlister	X		All
Public	Mary Parmigiani	X		All
Public	Ed Pitera	X		All
Public	Louisa Shelby	X		All
Public	Catherine Biscoe	X		All
DEQ	Audrey O'Brien		X	All but D
Marion County	Brian May ALT: Andrew Jonson		X	Only C
Linn County	Shane Sanderson		X	Only C
Benton County Staff	Daniel Redick		X	All
Benton County Staff	Sean McGuire ALT: Jen Brown		X	All

## Charter

### 1. Scope & Charge

This was a “bridge” process between past events and next steps. The process was designed to reset the current dynamics with the development of “common understandings” and recommended protocols for the future substantive consideration of the solid waste issues.

This WORKGROUP is not a decision-making body. It is a recommendation-making group with the following Scope. (See, [ASSESSMENT REPORT](#) for details.) The recommendations are not binding on decision makers in any subsequent land use review but will help inform all parties going into a review process.

The WORKGROUP, with concurrence of the County staff, prioritized the following topics.

- A) Develop Common Understandings to form the basis of the work.
- B) Clarifying existing criteria and information requirements for the land use review process for any proposed landfill expansion.
- C) Scope the necessary tasks to start a Long-Term Sustainable Materials Management Plan process.
- D) Provide input on additional topics raised in the [ASSESSMENT REPORT](#):
- E) Consider creating a public-facing document and community education campaign on these topics.

### 2. Process for Workgroup Recommendations

The Facilitator assisted the WORKGROUP and its members in identifying objectives, addressing the diversity of perspectives, and developing substantive, practical recommendations. The WORKGROUP strove for and used a “consensus” recommendation-making approach to determine their level of agreement on proposals. This allowed members to distinguish underlying values, interests, and concerns with a goal of developing widely accepted solutions.

Consensus does not mean 100% agreement on each part of every issue, but rather support for a decision, “taken as a whole.” This means that a member may poll to support a consensus proposal even though they would prefer to have it modified in some manner to give it their full support. Consensus is a process of “give and take,” of finding common ground and developing creative solutions in a way that everyone can support. Consensus is reached if all members support an idea or can say, “I can live with that.”

When developing recommendations, the WORKGROUP addressed each issue individually, and in various combinations. It decided it wanted to make packaged or individual recommendations at the end of the process.

“1-2-3” Consensus Polling: The Facilitator assisted the WORKGROUP in articulating points of agreement, as well as articulating concerns that require further exploration. It used a “Consensus Polling” procedure for assessing the group’s opinion and adjusting proposals. In “Consensus Polling,” the Facilitator articulates the proposal. Each voting member then offers “one,” “two,” or “three,” reflecting the following:

- “One” indicates full support for the proposal as stated.
- “Two” indicates that the participant agrees with the proposal as stated but would prefer to have it modified in some manner to give it full support. Nevertheless, the

member will support the consensus even if his/her suggested modifications are not supported by the rest of the group because the proposal is worthy of general support, as written.

- “Three” indicates refusal to support the proposal as stated.

The Facilitator repeats the consensus voting process as reasonably practical and as time allows to assist the group in achieving consensus regarding a particular recommendation, so that all Polling Members are voting “one” or “two.” The results are noted in the WORKGROUP Report.

**No Consensus – Majority and Minority Recommendations:** If a consensus on an issue is not likely, as determined by the Facilitator, the poll results for the options considered will be presented to the BOC.

**Summary of WORKGROUP Recommendations:** The meeting summaries serve as the record of the WORKGROUP recommendations as supplemented by the addition of Polling Member statements who elect to submit additional information by the deadline established. The Facilitator packaged all this information into the WORKGROUP’S report to the BOC.

## Subcommittee Introduction

At the third Workgroup meeting (October 6, 2022), the Workgroup identified five Subcommittees that would take on various parts of the Charter elements, consistently reporting back to the Workgroup as they progressed. This was done so specific Charter elements could be addressed at the level of depth deemed necessary by the Workgroup by those with the most expertise and investment. Once formed, each Subcommittee met roughly twice between each Workgroup meeting.

The information surrounding these Subcommittees (such as charge, members, and key work products) can be found in their respective sections of part IV. of this report, “[Key Workgroup Findings & Recommendations](#).” These sections also include a link to reach Subcommittee’s webpage, where more detailed information and meeting recordings can be found. Each Subcommittee’s section is organized as follows for ease of your review. First, we provide the Subcommittee’s webpage link, then its Charge and Members. Over the course of a Subcommittee’s meeting’s a running “Meeting Notes” was created that contains the agendas, attendance, and notes for each of its’ meetings. A link to this document is provided next, and in Appendix D. Finally, the Subcommittee’s Key Findings are provided, followed by their Recommendations.

## History of Coffin Butte

### Main Themes

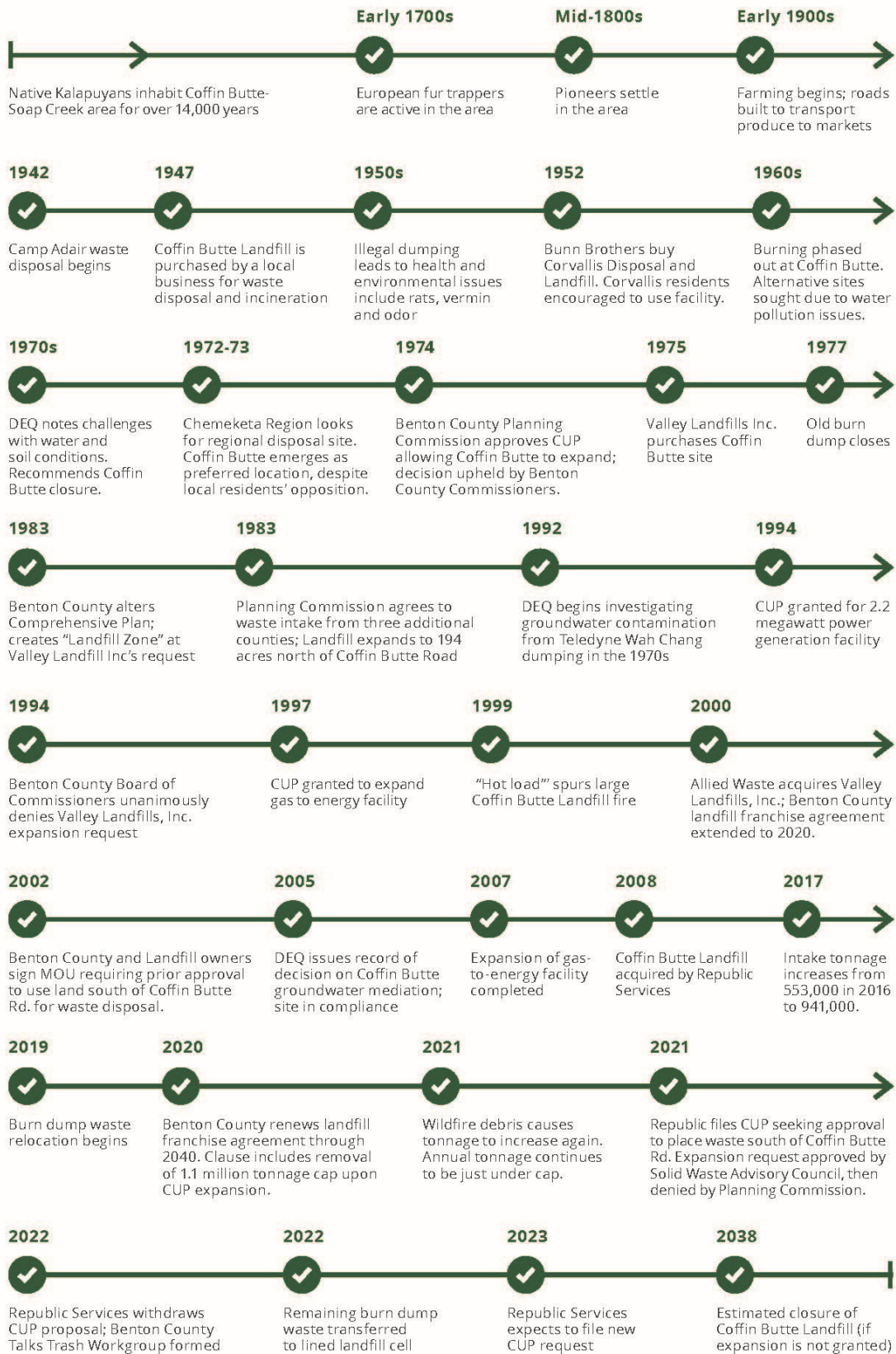
- The siting of the Coffin Butte landfill reflected Benton County’s early desire to control random dumping in rural areas and the initial choice of location stemmed from the historical uses of Camp Adair in the 1940s. Alternative sites were explored in the 1970s.

- Coffin Butte Landfill transitioned incrementally from local ownership to becoming part of a national corporate strategy under Allied Waste. Republic Services acquired Allied Waste and the Landfill in 2008, following a Department of Justice review of the merger.
- Historically, the interests of landfill owners and operators and those of the neighbors and other Benton County residents have not always coincided.
- Both remaining landfill capacity and lifespan are based on industrial modeling and have been historically overestimated.
- Issues surrounding the Coffin Butte Landfill have been subject to strong public involvement. Periodic conflicts were equitably resolved, with both parties reporting adequate acceptance. Sometimes expansion was allowed, and sometimes not.
- Before the late 2020s, SWAC meeting notices and major upcoming Franchise Agreement renewals were regularly posted in the local papers. No public notice was found for either the 2020 Franchise Agreement or the 2021 CUP application.
- Increased pressure for landfill expansion stems largely from interests outside Benton County. This includes the other counties who represent 88% of CBL annual intake.
- Benton County discretionary revenue from the surcharge on tonnage delivered to the Coffin Butte Landfill in 2022 is estimated to be \$2,040,000.<sup>1</sup>
- There is presently no Solid Waste Management Plan active in Benton County. The BCTT Subcommittee C is charged with preparing for the creation of a Sustainable Materials Management Plan (SMMP).

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<sup>1</sup> Benton County, OR Adopted Biennium Budget 2021-2023 page 11.

## Coffin Butte: Key dates and ownership changes



## **THE HISTORICAL AND GEOGRAPHICAL CONTEXT OF THE COFFIN BUTTE LANDFILL**

The Coffin Butte landfill can be thought of as a product of diverse historical factors. The current Benton County operation evolved in response to a longstanding local need for a place to dispose of refuse, the development of the specific Coffin Butte site through a series of incremental decisions, and the search for lower-cost refuse sites in western Oregon and Washington.

To explain this history, this essay has three parts: 1) a review of the geographical and historical context of the Coffin Butte location, 2) Benton County's history of landfill decision-making leading up to Coffin Butte becoming the preeminent site for the county and region, and 3) the social context surrounding specific events regarding ownership, operation, and permitting leading to the current facilities and practices found at Coffin Butte in 2023.

### **Section 1: The History and Geography of the Coffin Butte Area**

#### **Geography, Geology, and Climate of the Coffin Butte Area**

The Coffin Butte landfill site is located about seven miles north of Corvallis on Highway 99W. The site is at the Highway 99 and Coffin Butte Road intersection, immediately west of the E.E. Wilson State Wildlife Refuge. Coffin Butte is at the northern end of Soap Creek Valley, but Soap Creek and its valley continue north along the west side of Coffin Butte before entering the Willamette Valley. While the needs and concerns regarding waste disposal and associated issues affect Benton and neighboring Polk, Linn, Marion, and Yamhill counties, the area most impacted by Coffin Butte operations are the neighboring areas to the north and south along Highway 99W, Soap Creek Valley, the E.E. Wilson Wildlife Area, Adair Village, areas to the east which can see the operation and are most likely to be impacted by the potential for off-site odor, and Independence Road which bears much of the truck traffic and debris.

Coffin Butte itself is approximately 738 feet above sea level. The operating landfill is on the southeastern slope of Coffin Butte, north of Coffin Butte Road, but ancillary facilities such as administrative offices, leachate ponds, and a power station fueled by methane from the landfill are located south of Coffin Butte Road. The southwest side of Coffin Butte has a rock quarry operated by Knife River. The rock quarry area, which would be Cell Six, is currently planned to be the next area of expansion for the landfill unless the permits are changed.

The landfill is in a topographic divide between the two valleys. Groundwater flows both east and west from the area of Coffin Butte Landfill and Tampico Ridge, depending on the underlying geology.<sup>2</sup> Steve Taylor et al. note that there is an unnamed tributary between Coffin Butte and Tampico Ridge and that "associated wetlands drain east-ward toward the E.E. Wilson National Wildlife Refuge."<sup>3</sup> Rainfall in the area is approximately 42 inches a year, with the majority falling between November and May.<sup>4</sup>

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<sup>2</sup> Oregon Department of Environmental Quality, "Coffin Butte: Record of Decision," October 2005, p. 4. [https://www.deq.state.or.us/Webdocs/Controls/Output/PdfHandler.ashx?p=a9aeec5b-8ac7-4658-b0e5-d475ca0c6ebd.pdf&s=CoffinButteROD\(10-05\).pdf](https://www.deq.state.or.us/Webdocs/Controls/Output/PdfHandler.ashx?p=a9aeec5b-8ac7-4658-b0e5-d475ca0c6ebd.pdf&s=CoffinButteROD(10-05).pdf)

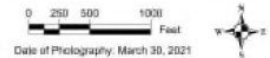
<sup>3</sup> Steve Taylor, Bryan Dutton, and Pete Poston. "Luckiamute River Watershed, Upper Willamette Basin: An Integrated Environmental Study for K12 Educators". This is an instructional field note for a course taught by full professors of Earth Sciences and Biology.

<sup>4</sup> Oregon Department of Environmental Quality, "Coffin Butte: Record of Decision", October 2005, p. 3. [https://www.deq.state.or.us/Webdocs/Controls/Output/PdfHandler.ashx?p=a9aeec5b-8ac7-4658-b0e5-d475ca0c6ebd.pdf&s=CoffinButteROD\(10-05\).pdf](https://www.deq.state.or.us/Webdocs/Controls/Output/PdfHandler.ashx?p=a9aeec5b-8ac7-4658-b0e5-d475ca0c6ebd.pdf&s=CoffinButteROD(10-05).pdf)

Figure 1 - the Coffin Butte Landfill & Pacific Region Compost Annual Report 2021, Page 1



## Coffin Butte Landfill



The earthquake hazard of this area is significant, particularly because of the Cascade subduction zone. Kent Yu et al. note that there have been over 40 great earthquakes of magnitude of over eight and in 1700, one of magnitude 9.<sup>5</sup> A published study by Ram Kulkarni and others states: "... the probabilities of an M9 earthquake during the next 50 and 100 years were estimated to be 0.17 and 0.25, respectively."<sup>6</sup> When approving the expansion of the Riverbend Landfill in Yamhill County, the DEQ noted that the only westside landfill rated for a 9.0 earthquake was Short Mountain, while Coffin Butte and Hillsboro were rated to withstand quakes lower than the 8.5 that Riverbend was designed for.<sup>7</sup> Nevertheless, Coffin Butte landfill is in compliance

<sup>5</sup> Kent Yu, S, J Wilson, and Y, Yang. "Overview of the Oregon Resilience Plan for Next Cascadia Earthquake and Tsunami". *Proceedings of the 10TH National Conference in Earthquake Engineering*, Earthquake Engineering Research Institute, Anchorage, AK, 2014.

[https://www.researchgate.net/publication/281411611\\_Overview\\_of\\_the\\_Oregon\\_Resilience\\_Plan\\_for\\_next\\_Cascadia\\_Earthquake\\_and\\_Tsunami](https://www.researchgate.net/publication/281411611_Overview_of_the_Oregon_Resilience_Plan_for_next_Cascadia_Earthquake_and_Tsunami)

<sup>6</sup> Ram Kulkarni, Ram Kulkarni; Ivan Wong; Judith Zachariassen; Chris Goldfinger; and Martin Lawrence, "Statistical Analyses of Great Earthquake Recurrence along the Cascadia Subduction Zone." *Bulletin of the Seismological Society of America*. October 8, 2013. P. 3205.

<sup>7</sup> Scott Learn, "Bigger Yamhill Landfill OK'ed". *The Oregonian* (May 31, 2013).

with all EPA regulations regarding the construction of landfills to withstand seismic activity and, according to Republic Services, is rated for an 8.48 event.

### The History of the Coffin Butte Area

The archeology and history of the region are of great importance to many people involved in Coffin Butte decision-making. In his oral history of the Soap Creek Valley, Zybach notes how before Western contact, the Pacific Northwest was one of the world's more densely populated nonagricultural regions. However, with the introduction of smallpox, malaria, measles, influenza, and other diseases from explorers and traders, over 96% of the local Kalapuyan people died within two generations, particularly from malaria, in 1831-1832.<sup>8</sup>

Tools from the Kalapuyan people have been found throughout the Soap Creek and Coffin Butte area.<sup>9</sup> In 2022, the Oregon State Archeologist, John Pouley, recommended a professional archaeological survey of the proposed expansion area and consultation with all appropriate Native American tribes.<sup>10</sup> Republic Services has hired the firm Archaeological Investigations to research the area. Their report is expected in Spring 2023. One significant cultural practice of the Kalapuyans was the use of annual prescribed fires. Zybach notes this “broadcast burning” served a variety of purposes, including control of unwanted plants (such as Douglas Fir), the enhancement of favored plants (such as camas), easier hunting, and other benefits such as gathering grasshoppers.<sup>11</sup> The Soap Creek Valley was settled early by white pioneers, probably aided by the native American clearing of land by burning.

The area had a colorful history in the 1800s and 1900s. For example, the town of Tampico, located south of Coffin Butte in Soap Creek Valley on the Applegate Trail, was briefly a thriving and boisterous place until purchased by the wealthy pioneer Greenberry Smith.

A local driving guide notes that, “On January 23, 1860, the pious Smith purchased Tampico and burned the entire town to the ground, including stores and homes as well as the saloons, brothels, and gambling dens.”<sup>12</sup>

*Figure 2 - View of Coffin Butte Before the Landfill: Rohner family on their farm in the 1930s (photo by Bob Zyback).*



<sup>8</sup> Zybach, 2000, p. 72-73.

<sup>9</sup> Ibid., P. 120.

<sup>10</sup> 2022 Conditional Use Permit Staff Report. Benton County Development Department. File No. LU-21-047

<sup>11</sup> Zybach, 2000, pp. 118-119.

<sup>12</sup> “Northwest Benton County Route”. Benton County, Oregon. <

[https://www.co.benton.or.us/sites/default/files/fileattachments/historic\\_resources\\_commission/page/6876/driving\\_tour\\_part\\_ii.pdf](https://www.co.benton.or.us/sites/default/files/fileattachments/historic_resources_commission/page/6876/driving_tour_part_ii.pdf)



Letitia Carson, one of the first black pioneers in the Willamette Valley, was a very early resident of Soap Creek Valley. A formerly enslaved African American, Carson came to Oregon with David Carson in 1845. When David died in 1852, her neighbor Greenberry Smith (the same man who burned down Tampico) took advantage of her unclear legal status to sell off her property. Letitia soon moved to Douglas County but successfully sued Greenberry for \$300 in lost wages and \$1400 for the loss of her cattle and legal costs.<sup>13</sup> The Black Oregon Land Trust has expressed interest in establishing a model farm on the Letitia Carson homesite.

The biggest local change after the white settlement occurred in 1941, when the U.S. Army chose to build a huge training base on the site of the town of Wells which was at the center of the present-day E.E. Wilson Wildlife Area. Within one month, the town was vacated, and houses and barns were bulldozed to be replaced by barracks. The camp itself covered an area two miles wide and six miles long with 1800 buildings. The camp was the second-largest city in Oregon at the time and housed roughly

*Figure 3 - Construction of Camp Adair & Coffin Butte Road: Overlook of Camp Adair in early 1940s, from slope on Coffin Butte looking east/southeast (photo from the Salem, OR Library's "Ben Maxwell Collection").*



40,000 troops. The area that eventually became E. E. Wilson was referred to as “Swamp Adair” due to the constant rain, mud, and standing water. The Army built sewer and drainage systems that emptied wetlands and channelized streams.<sup>14</sup>

Following the war, the residential population slowly increased until the 1970s, at which time growth accelerated rapidly. While there are no estimates of the population of other north Benton County areas close to Coffin Butte, *Nextdoor* estimates that Soap Creek Valley has 1992 residents.<sup>15</sup> Although there is extensive farming along the transit routes leading to Coffin Butte, most area adults commute to work; most homes are on lots less than 10 acres in size, and most families are not directly associated with large-scale farming or forestry practices. But the values generated by ‘living on the land’ are still strongly felt. Coffin Butte Road serves as a primary emergency exit route for Soap Creek residents and a commuter route for those working in Monmouth-Independence and Salem.

<sup>13</sup> Letitia Carson Legacy Project. Oregon State University. < <https://letitiacarson.oregonstate.edu/about-letitia-carson/>>

<sup>14</sup> Oregon Department of Fish and Wildlife. “Visitor Guide: E.E. Wilson Wildlife Area History”. [https://www.dfw.state.or.us/resources/visitors/ee\\_wilson\\_wildlife\\_area/history.asp](https://www.dfw.state.or.us/resources/visitors/ee_wilson_wildlife_area/history.asp)

<sup>15</sup> “Soap Creek, Corvallis”. Nextdoor. <https://nextdoor.com/neighborhood/soapcreek--corvallis--or/>

Today, the unusually cohesive Soap Creek community works together to restore and maintain the Soap Creek Schoolhouse, a symbol of the valley. Built-in 1935 and in use until 1946, the structure was restored by the community and remains a meeting place for local activities and an annual fund-raising event.<sup>16</sup>

### **The Coffin Butte Area Today: Wildlife Habitat and Protection**

Besides the vibrant community in Soap Creek Valley and the historical significance of Camp Adair, this area is noteworthy today as the home to the E.E. Wilson Wildlife Area, located just across Highway 99W from Coffin Butte Landfill.



*Figure 4 - Soap Creek Schoolhouse (photo by Charles Risen at Adobe Stock Images).*

#### E. E. Wilson Wildlife Area

The E.E. Wilson Wildlife Area came into existence in 1950 when the U.S. Government gave quitclaim title to the property to the Oregon Department of Fish and Wildlife. The site was originally built to serve as a US Army cantonment in 1940 and functioned as Camp Adair during the WWII era. The wildlife area covers approximately 1,788 acres of oak woodland, upland shrub, and grassland habitats. The refuge management plan's primary goal is to manage the area consistent with conservation and enhancement priorities for native wildlife and the production of game species.<sup>17</sup>

The Coffin Butte Landfill and the E.E. Wilson Wildlife Area are located at the midpoint of a triangle of National Wildlife Refuges. This National Wildlife Refuges (refuges or NWRs) system, managed by the U.S. Fish and Wildlife Service, was established in the mid-Willamette Valley during the 1960s when the Migratory Bird Commission approved the establishment of three refuges: Ankeny, Baskett Slough, and William L. Finley.

The area containing Coffin Butte Landfill is part of a wildlife corridor and refuge system connecting the Basket Slough, Ankeny, Luckiamute, and E. E. Wilson refuges to the William L. Finley refuge south of Corvallis on through to the Fern Ridge Wildlife area near Eugene. Soap Creek Valley, E.E. Wilson Refuge, and entire area surrounding the landfill has been identified by Benton County as a high-priority area for conservation actions to benefit key local species.<sup>18</sup> Tampico Ridge, the next ridge immediately south of Coffin Butte, hosts a complex mix of

<sup>16</sup> Historic Soap Creek Schoolhouse Foundation, "Soap Creek Schoolhouse", 2021.

<https://soapcreekschoolhouse.org/index.html>

<sup>17</sup> Oregon Department of Fish and Wildlife, E.E. Wilson Wildlife Management Plan (Updated January 2019)

[https://www.dfw.state.or.us/wildlife/management\\_plans/wildlife\\_areas/docs/ee\\_wilson.pdf](https://www.dfw.state.or.us/wildlife/management_plans/wildlife_areas/docs/ee_wilson.pdf)

<sup>18</sup> For one example, see: "Benton County Prairie Species Habitat Conservation Program," Benton County Natural Areas and Parks Department, 2010.

[https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/20770/BentonCo\\_001-13\\_ADOPTION.PDF?sequence=1&isAllowed=y](https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/20770/BentonCo_001-13_ADOPTION.PDF?sequence=1&isAllowed=y)

habitats, particularly Oak Savannah, and is the site of an ongoing research project looking at plant succession being conducted by Western Oregon University faculty and students.<sup>19</sup>

Figure 2 - View of E.E. Wilson Wetlands opposite Angler's Pond, 2023 (photo by Marge Popp).



## **Section 2: Historical and Social Context of Coffin Butte Landfill**

### **Benton County Confronts Its Waste Issues: Up to 1983<sup>20</sup>**

Waste disposal was simple in the early days of Benton County. What little waste there was before the age of plastics would simply be deposited into rivers, ravines, or anywhere convenient. Dumping along roadsides was particularly favored. Over time, however, unsystematic dumping created health and sanitation problems, and eyesores. For example, on July 27, 1906, *The Corvallis Gazette* advised: “Another thing in connection to cleaning up, don’t dump your trash, dead cats, dogs, and other rubbish onto the vacant lot just over the fence”. By May 15, 1911, Corvallis residents could use a “garbage ground” available just a ferry ride across the river and in June 1921, the *Daily Gazette-Times* advised residents to burn their refuse rather than dispose of it in nearby streams. By May 7, 1937, the *Gazette-Times* was reporting on the city dump’s location by Kiger Island, and reminding citizens they would be fined if they continue to simply dump their trash along roads.

On February 28, 1950, the county sanitarian warned the public to stay clear of the dumpsite south of town since they would be poisoning the approximately 200,000 rats there.<sup>21</sup> By April 5, 1950, Benton County had established a free refuse facility at the Coffin Butte Site. By April 8, 1954, Robert and Daniel Bunn owned and operated Corvallis Disposal and the Coffin Butte

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<sup>19</sup> Dickey, Eric. “Tampico Ridge LTER Provides Research Opportunities for WOU Students.” Western Oregon University. May 14, 2021. <https://wou.edu/research/2021/05/14/tampico-ridge-lter-provides-research-opportunities-for-wou-students/> A video of this project can be found at <https://www2.wou.edu/nora/woutv.video.viewer?videoid=1754>

<sup>20</sup> Unless otherwise noted, all information here is from the *Corvallis Gazette-Times*.

<sup>21</sup> *Corvallis Gazette-Times*, February 28, 1950.

facility, and the *Gazette Times* boasted of the clean efficient service. But roadside dumping remained a problem for decades even after commercial trash pickup was extended to nearly all parts of the county by 1964.<sup>22</sup>

The late 1960s brought changing attitudes towards traditional practices of burning and dumping. By 1967 burning was being phased out as Coffin Butte evolved to be a landfill operation involving covering and sealing refuse. Accordingly, the volume of waste became an increasing problem. The early 1970s brought pressure to re-locate Benton County's landfill and the exploration of several alternate approaches to disposal. As early as October 9, 1969, Corvallis Disposal began looking for an alternate landfill site and had begun negotiating with Oregon State University to use lands east of Corvallis for that purpose. In the March 19, 1971 *Gazette-Times*, County Sanitarian Roger Hayden speculated that one day soon Benton County may be barging its wastes down river to a regional site where proper sorting and recycling could take place. Hayden suggested at the time that eventually local solid waste would have to be taken to the eastern side of the state since western Oregon had location, water, and soil condition difficulties.<sup>23</sup> Without a ready alternative, however, in November of 1971, the County Commissioners approved an extension of Corvallis Disposal to use the Coffin Butte area as a landfill until December 31, 1974. Corvallis Disposal negotiated a 99-year lease option on the "Granger" site on the Independence Road near Highway 20 where they hoped to develop a landfill despite some concerns by officials about the proximity of the Willamette River.<sup>24</sup>

In 1970, there were 17 disposal sites in a five-county area that included Benton County.<sup>25</sup> Only two met the new standards for landfills, as set by the Oregon DEQ. Coffin Butte was one of many sites recommended for "phasing-out" and "closure" at a later date. In April 1970, individuals representing Benton, Linn, Marion, Polk and Yamhill counties met to discuss solid waste solutions for the five-county area. Two years later, they formed the Chemeketa Region, a cooperative program funded via a grant from the Environmental Protection Agency (EPA).<sup>26</sup> The Chemeketa program is no longer in existence. No record can be found of an updated plan after the projected timelines expired.

At the time, "the Granger site" was the leading location for a regional landfill in Benton County. However, Benton County officials and residents soon expressed concerns about the plan, noting that the parcel was on prime farmland and the Willamette River Flood Plain. The opposition prompted the Chemeketa Board to go back to the drawing table, and by September 1973, four sites were under consideration for a regional landfill.

Two months later, Coffin Butte was designated as a preferred site due to cost and convenience considerations. The selection came following a public hearing in which residents opposed all four sites and a written public comment period during which Benton County received five

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<sup>22</sup> *Corvallis Gazette-Times*, June 24, 1966.

<sup>23</sup> *Corvallis Gazette-Times*. May 12, 1972.

<sup>24</sup> *Corvallis Gazette-Times*, August 26, 1972.

<sup>25</sup> *Chemeketa Region Solid Waste Management Program Summary, Volume 1*. Stevens, Thompson, and Runyan, Inc. 1974. P.9

[https://www.co.benton.or.us/sites/default/files/fileattachments/community\\_development/page/8136/1974\\_chemeketa\\_region\\_solid\\_waste\\_management\\_program\\_summary\\_volume\\_i.pdf](https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/1974_chemeketa_region_solid_waste_management_program_summary_volume_i.pdf)

<sup>26</sup> *Chemeketa Region Solid Waste Management Program Summary, Volume 1*. Stevens, Thompson, and Runyan, Inc. 1974. PP. 3-4.

[https://www.co.benton.or.us/sites/default/files/fileattachments/community\\_development/page/8136/1974\\_chemeketa\\_region\\_solid\\_waste\\_management\\_program\\_summary\\_volume\\_i.pdf](https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/1974_chemeketa_region_solid_waste_management_program_summary_volume_i.pdf)

letters opposed to Coffin Butte and four in favor. Two additional public hearings were held in February and March 1974. At the first, testimony was overwhelmingly in favor of the project. At the second, there was significant public opposition to the proposal, especially from the North Benton County Citizens Advisory group. Testimony lasted more than 3.5 hours.<sup>27</sup>

Ultimately, the Benton County Planning Commission approved a conditional use permit (CUP) request allowing Coffin Butte to be expanded into a regional landfill, one of several designated by the Chemeketa agreement.<sup>28</sup> Residents appealed but two months later Benton County officials upheld the Planning Commission's decision. The Chemeketa agreement is not a sweeping commitment by Benton County to take all refuse from the other counties. While the charge of the Resource Recovery center being planned for the former Camp Adair site, and now in operation, was broad, access to use Coffin Butte for refuse disposal was limited to specific areas within the partnering counties, including the general areas of Monmouth/Independence (MI), West Salem (WS), Dallas (DA), Kings Valley (KV), Corvallis (CO), Albany (AL), Lobster Valley (LV), and Monroe/Harrisburg/Halsey.<sup>29</sup>

Pressures for expansion renewed by 1981, notably with the closure of the Roche Road landfill in Linn County. The next level of expansion for Coffin Butte came in 1983 when the Benton County Planning Commission approved another expansion that the Landfill's operators said would add half a century to the site's life.<sup>30</sup> Although this expansion provoked less protest than in the early 1970s, the North Benton Citizen's Advisory Committee (CAC) specified that there would be no disposal of municipal solid waste on the 59.23 acre property south of Coffin Butte Road<sup>31</sup> It is this parcel that was part of Republic Services' 2021 CUP application.

During the 1980s, the landfill operator purchased several properties surrounding the landfill, some belonging to residents whose water supplies were compromised as a result of landfill operations. One household well in sediments west of the landfill, on the former Helms home site, received sufficient contamination from the landfill site that the well had to be decommissioned under DEQ supervision. A DEQ report on the situation noted that practices at the landfill were being adjusted to minimize future problems, and the responses included the decommissioning of some wells. "Decommissioning water wells within the LOF ("Location of Facility") or in areas potentially downgradient of impacts removes potential exposure to contaminants in groundwater. Two wells currently proposed for decommissioning include PW-1, which is within the LOF, but currently unused, and the Helms well, which is outside and downgradient of the LOF. The Helms well will be used (with carbon filter unit) until September 2006 at which time it will be disconnected from use and scheduled for decommissioning."<sup>32</sup>

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<sup>27</sup> *Corvallis Gazette-Times*, March 6, 1974.

<sup>28</sup> *Chemeketa Regional Solid Waste Program Technical Report*. 1974. pp. 105-112.

[https://www.co.benton.or.us/sites/default/files/fileattachments/community\\_development/page/8136/1974\\_chemeketa\\_region\\_solid\\_waste\\_management\\_program\\_technical\\_report\\_volume\\_ii.pdf](https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/1974_chemeketa_region_solid_waste_management_program_technical_report_volume_ii.pdf)

<sup>29</sup> *Chemeketa Regional Solid Waste Program Technical Report*. 1974.

[https://www.co.benton.or.us/sites/default/files/fileattachments/community\\_development/page/8136/1974\\_chemeketa\\_region\\_solid\\_waste\\_management\\_program\\_technical\\_report\\_volume\\_ii.pdf](https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/1974_chemeketa_region_solid_waste_management_program_technical_report_volume_ii.pdf)

Also see BCTT, Subcommittee A, Compliance with Past Land Use Actions and Their Status

<sup>30</sup> *Corvallis Gazette-Times*, April 27, 1983.

<sup>31</sup> North Benton County Citizen's Advisory Council submission, Benton County File PC-83-07-c(5)

<sup>32</sup> *Record of Decision for Coffin Butte, October 2005*. Oregon Department of Environmental Quality, October, 2005, p. 16. Also see: Wilson, Bob and Gordon Brown, "1993 Coffin Butte Annual Report", July 19, 1994. P. 4

### **Coffin Butte Landfill History: Operating as a Landfill, 1983-2010<sup>33</sup>**

In the early 1980s, plans for Coffin Butte began to evolve, driven by increasing demand to expand the volume embedded at the site and changes in ownership. The 1983 Benton County decision to allow Linn County waste operators to use Coffin Butte generated significant attention but not powerful opposition and a new 'landfill site' zone was created for the 266-acre CBL site and the site development plan allowed Valley Landfills to expand the landfill site by 10 acres immediately.

In the 1980s, there appeared to be little concern about Coffin Butte's site life. An article in the *Gazette-Times* in August 1990 noted that Coffin Butte had an estimated lifespan of 60 to 70 more years and detailed the purchase of a new machine, the "Horizontal Fixed Hammer Hog", that could process wood into compost and wood chips. At the time, company officials said the machine would extend the Landfill's life by 20 years.<sup>34</sup>

In April 1994, Benton County Commissioners proposed eliminating a 10 percent surcharge on all waste coming to Coffin Butte from surrounding counties and replacing it with a 1 percent franchise fee levied on all customers. The move was an attempt to keep waste from coming into Coffin Butte from Lincoln and Tillamook counties; the latter was being sued by a company that said it could offer a better rate for disposal elsewhere. County Commissioners approved the franchise fee in July to provide a "more stable funding source" for the County's solid waste program.<sup>35</sup> In 1994, Coffin Butte lost a significant amount of business, including 43,000 tons of paper from the James River Paper Plant and 12,000 tons from Tillamook County. Overall tonnage at Coffin Butte was 270,645 in 1994, down from 313,572 in 1993.<sup>36</sup>

In addition to the surcharge debate, there was significant newspaper coverage of Valley Landfills' gas to energy project, a \$2.4 million effort to turn methane into electricity. At its inception, this facility was capable of powering 1,500 homes with clean energy. Today, PNGC Power Plant is capable of powering 4,000 homes with clean energy. Generating energy this way is a partial solution to controlling methane produced by decomposing waste at the Landfill.

Also in 1994, Valley Landfills filed another CUP, seeking to rezone 26 acres it owned from rural residential for use as a landfill, as part of its long-term planning efforts. This was estimated to increase the capacity of the landfill by 64 to 80%.<sup>37</sup> As reported in the *Gazette Times* on November 3, 1994, this request encountered stiff opposition when local landowners cited concerns over smell, noise, groundwater contamination while other county residents wondered how large the county would let the landfill grow and whether increased capacity

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[https://www.co.benton.or.us/sites/default/files/fileattachments/community\\_development/page/8139/1993\\_coffin\\_butte\\_landfill\\_annual\\_report.pdf](https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8139/1993_coffin_butte_landfill_annual_report.pdf)

<sup>33</sup> References in this section are from the *Corvallis Gazette Times* or *Albany Democrat Herald*, which generally share their reporting on these issues.

<sup>34</sup> *Corvallis Gazette-Times*. August 26, 1990.

<sup>35</sup> "Proposed Franchise Fee May Eventually Boost Garbage Rates," Wed. April 6, 1994, *Corvallis Gazette-Times*. See also: "County Increases Fee on Landfill," Thursday, July 21, 1994, *Corvallis Gazette-Times* and original sourcing in draft: "Wilson, Bob and Gordon Brown, Benton County Environmental Health Division. Coffin Butte Landfill Annual Review 1994 Operations." August 22, 1995. P. 4

<sup>36</sup> *Coffin Butte Landfill and Pacific Region Compost Annual Report, 1993*, and *Coffin Butte Landfill and Pacific Region Compost Annual Report, 1994*.

<sup>37</sup> *Corvallis Gazette-Times*, November 3, 1994.

would affect the incentives to reduce consumption or recycle. About 50 people attended a Board of Commissioners' meeting in early November.<sup>38</sup>

The residents' perspectives in 1994 are similar to those in the 2020s. Community members argued that approval of the expansion by the County Commission after the extensive negative public testimony would show a lack of concern about what the community thinks. Specific concerns focused on the potential impact on springs and water supplies, that the change would be an exception to our state land-use goals, and how it could set precedent for even more massive change in waste disposal in the future. Newspaper archives indicate that numerous residents wrote letters to the editor, authored op-eds or said they were concerned that: 1) eventually the county would have to close Coffin Butte Road, a critical emergency route; 2) they had existing concerns about traffic, noise, smells, and roadside litter; and 3) that potential earthquake damage to liners could cause contaminants to seep into the underground water supply.<sup>39</sup> After delaying the vote at an earlier date, in a December 14, 1994 hearing, the Board of Commissioners denied the expansion unanimously. An article in the *Albany Democrat-Herald* reported that Commissioner Pam Folts said the Willamette Valley is not a good place for landfills because the high amount of rainfall can cause leachate to reach groundwater.<sup>40</sup>

In the mid-1990s, Coffin Butte, its neighbors, and elected officials worked cooperatively to solve leachate-related problems. Heavy rains in 1996 led DEQ to authorize the Landfill to pump leachate into the Willamette River on an emergency basis. (The agency later said the rain had diluted the liquid, and there was no environmental harm to the area.) To avoid a similar situation, the Landfill announced plans to raise the walls on its storage ponds, sent some leachate to the City of Corvallis for treatment, and tried new liquid processing techniques.<sup>41</sup>

By 1997, the landfill property had grown to 790 acres of which 194 acres was zoned for disposal. Meeting tombstones regularly placed in the local paper by the county Solid Waste Advisory Committee (SWAC) show that the public was invited to hearings that were held to approve the extension of services to each of these counties.

The second half of 1999 was eventful for Coffin Butte. On August 24, 1999, at around 6:30 pm, the landfill caught fire.<sup>42</sup> This fire, large enough to be covered by the Associated Press as national news, burned for more than 24 hours, prompting fire crews from Adair Village, Corvallis, Albany, and Polk County to respond. The Landfill's owner said the blaze was caused by a 'hot load' delivered to the site.

Probably more notable in the long run, on December 14, 1999, after 40 years of operating Corvallis Disposal and Coffin

Figure 3 - Karl Maasdam/Gazette-Times August 25, 1999.  
Permission to use granted by OWH News Archives and Licensing Manager.



<sup>38</sup> Corvallis Gazette-Times, November 3, 1994.

<sup>39</sup> Example: *Corvallis Gazette-Times*. November 3, 1994 and November 14, 1994.

<sup>40</sup> *Albany Globe Democrat*. December 15, 1994.

<sup>41</sup> *Corvallis Gazette-Times*, July 16, 1996.

<sup>42</sup> *Corvallis Gazette-Times*. August 25, 1998.

Butte Landfill, the Bunn Family announced they had sold their operation to Allied Waste Industries, the second largest solid waste services company in the world. Company President Duane Sorensen said of Allied, “We’re really excited about these guys, they run pretty decentralized just like we do...you won’t see any change.”<sup>43</sup>

Operations at Coffin Butte changed little in the early 2000s. Throughout this period, the Solid Waste Advisory Council was very active, frequently posting notices in the local paper. In November of 2002, the Benton County Board of Commissioners signed a Memorandum of Understanding with Valley Landfills stating that Valley Landfills, Inc (VLI), “will not conduct, without the prior approval of Benton County and the State of Oregon, the placement of solid waste on the approximate 56 acres, within the landfill zone which it owns south of Coffin Butte Road.”<sup>44</sup> The required Benton County approval process specifies the need for a Conditional Use Permit (CUP) issued by the Planning Commission.

In 2008, Republic Services merged with Allied Waste Industries, and acquired control over the Coffin Butte facility. Republic Services, headquartered in Phoenix, has managed the landfill since.

### **Section 3: Current Political and Social Context of Coffin Butte Landfill**

Rate increases occurred throughout the 2000s and 2010s with relatively little public concern. In 2018, that changed when Republic Services announced that the tipping rate would rise from \$28.75 a load to \$85.75. Republic Services said the rate increase sought to discourage the general public from bringing their trash to the landfill.<sup>45</sup> “We have a lot of traffic in and out of Coffin Butte Landfill,” Julie Jackson, Republic Services’ municipal manager told the Board of Commissioners. “It’s becoming increasingly dangerous to have the public there.”<sup>46</sup>

*Figure 4 - View of Coffin Butte Landfill, Feb. 2023 from E.E. Wilson Archery Park (photo by Marge Popp).*



<sup>43</sup> *Corvallis Gazette Times*. December 15, 1999.

<sup>44</sup> “Memorandum of Understanding Relating to Land Use Issues”. Benton County and Valley Landfills, Inc (2002) [https://www.co.benton.or.us/sites/default/files/fileattachments/community\\_development/page/8136/landfill\\_mou\\_2002.pdf](https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/landfill_mou_2002.pdf)

<sup>45</sup> *Corvallis Gazette Times*. December 8, 2018.

<sup>46</sup> *Corvallis Gazette Times*, December 8, 2018.



Even after Republic Services dropped the rate to \$40, county residents voiced their displeasure at a Commissioners Meeting.<sup>47</sup> Because Coffin Butte is a privately-owned landfill, Benton County could not then, and cannot now, regulate the rates Republic charges. However, the county was able to encourage a lower fee increase because it was in the process of renegotiating its franchise fee agreement.

The current pressure for expansion is inexorably tied to the volume emplaced in Coffin Butte. Although Benton County contributed less than 12% of the total intake at Coffin Butte in 2021, pressures to expand the landfill's footprint include population growth, diversion rate, wildfire debris and, according to EPA data, more waste is being generated per capita today than ever before in history.<sup>48</sup> It is important to recognize that the current issue of Coffin Butte is not about closure, but about the manner of expansion. As the science behind landfill siting and maintenance progressed, sites with high rainfall and soils that have low compaction have lost favor. Also, as landfills increase in size, location in remote areas is preferable. Therefore, the newer large landfills, such as Roosevelt and Columbia Ridge disposal sites, are located east of the Cascades where meteorological, geologic and population density conditions are ideal.<sup>49</sup> Locating landfills must take into consideration factors other than environmental conditions and immediate impacts on close neighbors, including the costs to local residents of refuse disposal, the suitability of alternative disposal sites, and the financial impacts on local government of hosting a facility. Still, many landfills on the west side of the Cascades have been closed or are in the process of closing, and the impending closure of Riverbend Landfill in Yamhill County is one justification of Coffin Butte expansion.<sup>50</sup>

The capacity issue is discussed in detail in another section of this report, but there is a historical component to it. The amount of waste (tonnage) being delivered to Coffin Butte has increased steadily in recent years. Annual reports submitted to the county show that tonnage in 2016 was 552,978.53. The following year, tonnage increased by 66.63 percent. Republic Services has noted that much of that increase is due to the diversion of waste from the Riverbend Landfill in Yamhill County, which was having difficulties with its expansion plans.<sup>51</sup> Tonnage has continued to increase on an annual basis, except for 2020, a year that was marked by significant lifestyle changes due to the global COVID-19 pandemic. There was 1,046,066.96 tons of waste deposited at Coffin Butte in 2021, an 89.17 percent increase compared to 2016 numbers. Coffin Butte currently operates under a tonnage cap of 1.1 million.<sup>52</sup>

The current Benton County Talks Trash (BCTT) process is a reaction to specific decisions made by Benton County officials and Republic Services regarding three situations. First, the public process and outcome of the December 2020 franchise agreement between Benton County and Republic Services. Second, the BCTT process examined the issues raised when Republic Services

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<sup>47</sup> *Corvallis Gazette Times*. December 19, 2018. This article was entitled: "Public rips dump rate hike".

<sup>48</sup> Environmental Protection Agency, National Overview: Facts and Figures on Materials, Wastes and Recycling. December 2020. <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials#GenerationTrends>

<sup>49</sup> Republic Services, "Roosevelt Landfill Site: FAQs". <https://www.republicservices.com/roosevelt-landfill>

<sup>50</sup> BCTT Subcommittee A.1 Revision 5 1/10/2023

<sup>51</sup> The ongoing difficulties with Riverbend Landfill can be seen at: Nicole Montesano, *Yamhill County New-Register*. "Riverbend landfill stops accepting garbage". June 18, 2021.

<sup>52</sup> Benton County Trash Talks, "Data from Coffin Butte Landfill Annual Reports – 2014-2021", [https://www.co.benton.or.us/sites/default/files/fileattachments/community\\_development/page/8317/data\\_from\\_coffin\\_butte\\_landfill\\_annual\\_reports.pdf](https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8317/data_from_coffin_butte_landfill_annual_reports.pdf)

applied for a CUP to expand landfill operations south of Coffin Butte Road in 2021, an application approved by the SWAC, but unanimously rejected by the county Planning Committee. The third action leading to the creation of the BCTT process was the decision of Republic Services to withdraw their Board of Commission appeal of the Planning Commission decision. Instead, it reserved the option to request another CUP in the future. As a result, BCTT was created by the County Commission to prepare for a possible future request.

In each of the above situations, some residents have raised concerns about the public notice process and the lack of information given to residents before decisions were made and contracts were signed. Recommendations for fixing these communication gaps are part of this Subcommittee (E's) charge: "Develop protocols for the timely and broad distribution of CUP-related information to the public, other governmental entities, and internal committees, groups and divisions."<sup>53</sup>

Benton County officials viewed the negotiations with Republic Services leading to the 2020 franchise agreement for trash hauling very positively. That franchise fee agreement was settled on June 7, 2022, with a ten-year agreement, with the possibility of re-negotiation July 1, 2024. As County Commissioner Xan Augerot observed, "... while county officials have a long-standing working relationship of trust with Republic's local staff, many members of the community haven't been party to that."<sup>54</sup>

A communication breakdown between some residents and county officials regarding landfill issues became very apparent following the signing of new franchise agreement over Coffin Butte in mid-December 2020, which assumed an expansion of the landfill. Unlike the more highly publicized prior franchise negotiations, a review of the local newspapers through 2020 when the landfill franchise agreement was being negotiated did not reveal any announcements about the process, nor did the public seem to be made aware of this new franchise agreement in any way. At the Board of Commissioners meeting to vote on the franchise agreement, the county attorney attested that there were no public comments.<sup>55</sup> Members of the SWAC acknowledged that they were told that this was not a matter for their consideration. This is surprising considering that a September 2020 solicitation notice for Advisory Board membership explicitly states 'review franchise agreements' as a primary responsibility.<sup>56</sup>

The 2020 franchise agreement over landfill operations enhanced the financial incentive for the county to support increased refuse intake. Under the 2020 agreement, Benton County receives compensation in two forms. The "franchise fee" given for allowing the landfill to operate starts at \$2 million in 2021 and rises to \$3.5 million by 2024. The agreement was designed to incentivize the county to favor increased disposal volume and the landfill's expansion by adding a "host fee" compensation model. The "host fee" starts at \$2.87 per ton of waste in 2021 to \$3.99 per ton in 2024. Before the county receives the "host fee," however, the franchise fee is first subtracted from the per ton charge. If too little is disposed of, the county may receive no host fee, and the county is rewarded if more waste goes to Coffin Butte. As the franchise fee increases, the volume required to receive the host fee also increases. Furthermore, the fees will go up slightly if the landfill expansion is approved by 2023 and will go down slightly if the landfill

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<sup>53</sup> Benton County Talks Trash. BCTT Subcommittee E, January 23, 2023.

<https://www.co.benton.or.us/cd/page/bctt-subcommittee-e1-community-education>

<sup>54</sup> *Corvallis Gazette Times*. June 9, 2022.

<sup>55</sup> Benton County Commissioner Meeting, December 15, 2020. From recording archive.

<sup>56</sup> *Corvallis Gazette-Times*. September 8, 2020.

expansion is not approved by 2025.<sup>57</sup> Before the vote to sign the franchise agreement, Benton County Counsel Vance Croney stated that Republic Services maintained that its ability to pay higher fees was dependent on reducing cost or increasing capacity.<sup>58</sup>

In May 2021, Republic Services applied to Benton County for a CUP to expand the landfill. At the July 28, 2021, meeting, the Benton County Solid Waste Advisory Committee ‘strongly supported’ the CUP, according to a memo submitted to the Planning Commission the next day. A search of the local papers did not reveal a public notice regarding the 2020 Franchise Agreement process nor the Republic Services CUP request that followed, but by August, members of the local community formed a coordinated effort to educate themselves and fellow Benton County residents regarding what could be a doubling of the size of the Coffin Butte Landfill. Letters to the editor, critical of the planned expansion, began to appear in the local papers, and public meetings were well-attended by folks objecting to the expansion.<sup>59</sup> Reporting at the time also noted Croney’s financial arguments in favor of the expansion, particularly the revenue implications and possible future disposal costs for county residents of denying the expansion request.<sup>60</sup> These arguments engendered a *Gazette Times* editorial endorsing the expansion.<sup>61</sup>

Public notice of the Planning Commission Hearing for the Republic Services CUP application LU-21-047 (this is the planning commission’s label for this specific process) regarding the Coffin Butte Landfill appeared in the local papers on October 14, 2021. Public outcry had been building over the past few months as residents began to understand the ramifications of the 2020 Franchise Agreement and the corresponding CUP, which proposed extending the landfill area south of Coffin Butte Road, which had long been viewed locally as a ‘case closed’ impossibility given the 1983 and 1994 agreements. During the period leading up to the first LU-21-047 Planning Commission meeting, neighbors of the landfill and residents throughout the county wrote numerous letters to the editor in the local papers, convened meetings, and gathered data regarding the proposed expansion. It should be noted that, while much public commentary in attributed editorials and letters to the editor opposed the expansion, several *Gazette Times* articles written by veteran reporter James Day throughout the period from October 2021 through January 2022 gave a very positive account of the Coffin Butte expansion and could be said to advocate for its approval. In addition, on November 12, 2021, an unattributed full-length staff editorial in the *Gazette Times* recommended approval of Coffin Butte expansion, and on December 19, 2021, the paper’s editorial page feature “Roses and Raspberries” assigned a raspberry rating “to the Benton County Planning Commission for unanimously denying a proposal by Republic Services to expand the Coffin Butte landfill.”

The first LU-21-047 Planning Commission meeting generated so much ire that over a hundred residents signed up to testify at the 4.5-hour hearing, and a second meeting had to be

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<sup>57</sup> Benton County/Valley Landfills, Inc. Franchise Agreement. PP. 5-6.

[https://www.co.benton.or.us/sites/default/files/fileattachments/community\\_development/page/8136/valley\\_landfills\\_landfill\\_franchise\\_agrmt\\_2020.pdf](https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/valley_landfills_landfill_franchise_agrmt_2020.pdf)>

<sup>58</sup> Benton County Board of Commissioners Meeting. December 15, 2000. Recording.

<sup>59</sup> There were at least three letters alone on October 20, 2021. The letters emphasized that the waste was overwhelmingly from outside of Benton County, transportation implications of an enlarged facility, and impacts on a great blue heron rookery. Another news article from that day discussed the hearing that Republic Services held to explain their plan.

<sup>60</sup> *Corvallis Gazette-Times*. October 31, 2021 and November 12, 2021.

<sup>61</sup> *Corvallis Gazette-Times*. December 2, 2021.

scheduled to listen to public comment. The more than 30 citizens speaking at the November 2, 2021, and the November 16, 2021, Planning Commission hearings all opposed the expansion.<sup>62</sup> Objections raised in public comments in this process are partially why the County Commission created the Benton County Talks Trash process.

On December 7, 2021, the Planning Commission unanimously denied the LU-21-047 CUP.

Republic Services filed an appeal to the Benton County Board of Commissioners, claiming the evidence didn't support the Planning Commission's conclusions. Republic also said the landfill has maintained compliance with ODEQ's air quality permit regulations. But on March 15, 2022, the company informed the Board of Commissioners that they would withdraw the appeal. Meanwhile, from October 2021 to January 2022, the Solid Waste Advisory Council membership changed radically as four members resigned without comment and new members were appointed.

The Benton County Board of Commissioners, seeking to find common ground between the very strong resistance to the landfill expansion from members of the community and the Landfill's owner/operators, Republic Services, hired a consultant from Oregon Consensus, and an Assessment Report was filed on July 12, 2022. This led to the Solid Waste Process Workgroup "Benton County Talks Trash" being formed. The first Solid Waste Process Workgroup meeting convened on September 8, 2022. According to its charter, Benton County Solid Waste Process Workgroup, also entitled BCTT (Benton County Talks Trash), is charged by the Benton County Commissioners to serve as a "bridge" process between past events and next steps. The process is designed to reset the current dynamics with the development of "common understandings" and recommended protocols for the future substantive consideration of the solid waste issues.

The workgroup charges are reflected in the subcommittees that have been formed to drill down into clarifying aspects of solid waste management in Benton County. The workgroup must arrive at common understandings regarding the landfill and the pending Republic Services CUP, the legalities surrounding the relationship between Republic Services and Benton County, preparing for the creation of a Sustainable Materials Management Plan, and formulating effective communication channels between Benton County and its residents.

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<sup>62</sup> *Corvallis Gazette-Times*. December 8, 2021.

II. Project Website and Workplans

**Project Website:** [Link](#)

**Initial Project Workplan: (Charter)**

<b>Meeting One: 9/8/22</b>
<ul style="list-style-type: none"><li>● Introductions</li><li>● Review of Charter with Process Overview</li><li>● Member Comments</li><li>● Charge A: Discuss Common Understandings document draft</li><li>● Next Steps and Homework</li><li>● Meeting Evaluation</li></ul>
<b>Meeting Two: 9/15/22</b>
<ul style="list-style-type: none"><li>● Charge A continued: Develop Common Understandings</li><li>● Coffin Butte Tour</li><li>● Next Steps and Homework</li></ul>
<b>Meeting Three: 10/6/22</b>
<ul style="list-style-type: none"><li>● Charge B: Clarifying existing criteria and information requirements for the land use review process for any proposed landfill expansion</li><li>● Next Steps and Homework</li></ul>
<b>Meeting Four: 10/27/22</b>
<ul style="list-style-type: none"><li>● Charge B continued: Clarifying existing criteria and information requirements for the land use review process for any proposed landfill expansion</li><li>● Next Steps and Homework</li><li>● Mid-Process Evaluation</li></ul>
<b>Meeting Five: 11/3/22</b>
<ul style="list-style-type: none"><li>● Charge B continued, and Charge C: Scope the necessary tasks to start a Long-Term Sustainable Materials Management Plan process</li><li>● Next Steps and Homework</li></ul>
<b>Meeting Six: 11/17/22</b>
<ul style="list-style-type: none"><li>● Provide input on Charges D and E: Additional Topics<ul style="list-style-type: none"><li>○ Hauling Reopening</li><li>○ Roles/Responsibilities</li><li>○ Timeline for code changes</li><li>○ Consider creating a public-facing document and community education campaign on these topics</li></ul></li><li>● Authorize Draft to SWAC/DSAC and Planning Commission for comment</li><li>● Next Steps and Homework</li></ul>
<b>Meeting Seven: 12/1/22</b>
<ul style="list-style-type: none"><li>● Review SWAC/DSAC and Planning Commission Feedback</li><li>● Edit Draft Report</li><li>● Next Steps and Homework</li></ul>
<b>Meeting Eight: 12/15/22</b>

- Finalize Report to BOC
- Next Steps: The BOC is expected to consider the findings and recommendations in January 2023.
- Process Evaluation
- Celebration!

**Updated Workplan: (10/27/2022)**

Subcommittee Meetings 10/19 through 10/25	10/27/22 Meeting Four Major Topics	Subcommittee Meetings 10/31 through 11/9	11/17/22 Meeting Five Major Topics and Public Open House	Subcommittee Meetings 11/21 through 12/7	12/15/22 Meeting Six Major Topics
<p>Staff organizes existing documents by subcommittee</p> <p>One, 1.5-hour Subcommittee Kickoff Meeting</p> <p>Specific Dates Pending Doodle Poll Results</p>	<p>1) Four Subcommittee Reports</p> <p>2) SMMP Goals: Vision 2040</p> <p>3) Local Jurisdictions Discuss Charge C. SMMP and Charge E. Public Education Campaign</p>		<p>1) Four Subcommittee Reports</p> <p>2) Introduce Charge D and Create Subcommittee:</p> <p>a) Scope tasks to Plan Hauling Reopener</p> <p>b) SWAC/DSAC Role Clarity and PC/BOC Criteria Use</p> <p>c) Code Change Timeline</p> <p>3) Introduce Charge E and Create Subcommittee: Public-Facing Document and Community Education Campaign</p> <p>4) Open House – Process</p>		<p>1) Review Work, Authorize Draft, and Request Feedback</p>

			Status, Future SMMP, and Public Ed/Notificati on		
<b>Staff Draft Report 12/19 through 1/4</b>	<b>Subcommittee Meetings 1/5 through 11/11</b>	<b>1/19/22 Meeting Seven Major Topics</b>	<b>Final Report Subcommittee 1/23 through 2/7</b>	<b>2/23/23 Meeting Eight Major Topics</b>	<b>Target Date: 3/3/23 Could be: 3/31/23</b>
		<ul style="list-style-type: none"> <li>1) Last Call</li> <li>2) Review SWAC/DSA C and Planning Commission Feedback</li> <li>3) Edit Report and Poll</li> </ul>	Final Draft to Workgroup on 2/16	<ul style="list-style-type: none"> <li>1) Loose Ends</li> <li>2) Finalize Report and Official Poll</li> <li>3) Member Statements Due: 3/6/22 @ Noon</li> </ul>	<p><b>Final BCTT WG Report</b></p> <p><b>Assumes:</b> Benefit-Cost Topics are only Outlined as part of SMMP Scoping</p> <p>Landfill CUP Conditions From Other Jurisdictions is reserved for other processes.</p> <p>WG Focus is on substance – not process.</p>

**Final Workplan: (12/20/22)**

**Calendar View**

Calendar						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12/12/2022	12/13/2022	12/14/2022	12/15/2022	12/16/2022	12/17/2022	12/18/2022
Subs Meet			WG Meeting 6			
12/19/2022	12/20/2022	12/21/2022	12/22/2022	12/23/2022	12/24/2022	12/25/2022
Member SurveyMonkey						
FAC Preps D1						
12/26/2022	12/27/2022	12/28/2022	12/29/2022	12/30/2022	12/31/2022	1/1/2023
Member SurveyMonkey						
FAC Preps D1						
1/2/2023	1/3/2023	1/4/2023	1/5/2023	1/6/2023	1/7/2023	1/8/2023
Member SurveyMonkey		Subs Meet X2 to edit D1				
FAC Preps D1		FAC sends D1 to WG				
1/9/2023	1/10/2023	1/11/2023	1/12/2023	1/13/2023	1/14/2023	1/15/2023
	FAC compiles D2					
				FAC Send D2 to WG		
1/16/2023	1/17/2023	1/18/2023	1/19/2023	1/20/2023	1/21/2023	1/22/2023
			WG Meeting 7	FAC compiles D3		
			WG edits D2 at meeting			
1/23/2023	1/24/2023	1/25/2023	1/26/2023	1/27/2023	1/28/2023	1/29/2023
FAC Compiles D3		SWAC/DSAC & PC give D3 feedback				
	FAC Send D3 to WG	Subs Meet X2 to refine D3				
		Sub E & FAC to Ex Sum				
1/30/2023	1/31/2023	2/1/2023	2/2/2023	2/3/2023	2/4/2023	2/5/2023
SWAC/DSAC & PC give D3 feedback						
Subs Meet X2 to refine D3						
Sub E & FAC to Ex Sum						



3/27/2023	3/28/2023	3/29/2023	3/30/2023			
	<i>? BCTT Presentation to Board</i>					

2/6/2023	2/7/2023	2/8/2023	2/9/2023	2/10/2023	2/11/2023	2/12/2023
SWAC/DSAC & PC give D3 feedback						
Subs Meet X2 to refine D3						
Sub E & FAC to Ex Sum						
				<i>SWAC &amp; PC D3 Feedback to FAC</i>		
2/13/2023	2/14/2023	2/15/2023	2/16/2023	2/17/2023	2/18/2023	2/19/2023
Subs Meet X2 to refine D3				WG Members Rev. D4		
Sub E & FAC to Ex Sum						
		<i>Sub Feedback DUE</i>		<i>FAC sends D4 to WG</i>		
FAC Compiles D4						
2/20/2023	2/21/2023	2/22/2023	2/23/2023	2/24/2023	2/25/2023	2/26/2023
WG Members Rev. D4			<b>WG Meeting 8</b>	Informal WG & Public Polling		
			Rev. PC, SWAC & Subs' responses and suggested changes at meeting			
				Subs Meet for "Last Call"		
				Add Public Involvement & Polling Info		
2/27/2023	2/28/2023	3/1/2023	3/2/2023	3/3/2023	3/4/2023	3/5/2023
Informal WG & Public Polling						
Subs Meet for "Last Call"						
Add Public Involvement & Polling Info						
		<i>Polling Due</i>				
3/6/2023	3/7/2023	3/8/2023	3/9/2023	3/10/2023	3/11/2023	3/12/2023
FAC complies D5				WG Members Rev. D4		
Subs Meet for "Last Call"				<i>FAC Sends D5 to WG</i>		
Add Public Involvement & Polling Info						
3/13/2023	3/14/2023	3/15/2023	3/16/2023	3/17/2023	3/18/2023	3/19/2023
WG Members Rev. D4			<b>WG Meeting 9</b>	Interested Members Draft Personal Statements		
			Official Polling & Finalize Report at M9	FAC updates D5 w/ Sub E Rev.		
				Subs Consulted as Needed		
3/20/2023	3/21/2023	3/22/2023	3/23/2023	3/24/2023	3/25/2023	3/26/2023
Interested Members Draft Personal Statements				<i>Final Report to Board</i>		
FAC updates Final Draft w/ Sub E Rev.						
Subs Consulted as Needed						
	<i>Member Statements Due</i>					

### III. Workgroup Meeting Topics

**Meeting Summaries for the Workgroup Meetings can be found on the Project's Website [HERE](#)**

#### **a. Meeting One: September 8, 2022, Main Topics**

- Welcome & Introductions
- Participant Meeting Instructions
- Participant Commitments
- How We Got Here
- Review Major Charter Sections:
- Collaboration 101 Training
- Public Comment
- Triage Charge Elements
- Draft Report Structure Explore Common Understandings Section
- Mechanics: Add Representative Table
- Next Steps

#### **b. Meeting Two: September 15, 2022, Main Topics**

- Welcome & New Member Introductions
- Participant Meeting Instructions
- Participant Commitments
- Approve Draft Minutes from Meeting One
- Public Comment
- Meeting One Evaluation Highlights
- Homework Highlights
- Explore Common Understandings & Refine List of Missing Topics/Questions
- Discuss SWMP Table of Contents Concept
- Triage Charge Elements/Workplan
- Next Steps

#### **c. Landfill Tour: September 24, 2022**

- Republic (Ian) gave agenda, safety, & scale liner model speech.
- At the top of Coffin Bute hill observed the dumping area and machinery, observed the self-tipping/emptying trailers, and discussed the gas pump vacuum system.
- At an overlook of the quarry had Q&A time.
- At the power plant a CPI representative (Roman Gillan) spoke about PNCG Power owning this landfill power plant, and the Facility Manager (Steve King) gave an overview of the facility.
  - The tour was split into two groups to view the generators and interior of the power plant.

#### **d. Neighborhood Tour: October 1, 2022**

- Joel (tour guide) began with some geology, local history, and comments about the community. Then Joel and Nancy provided comments on topics including bird watching, disc golf, airport for model airplanes, North Palestine Baptist church, Santiam Christian school, local geology, and fault lines
- At a stop three miles from the landfill discussed tree cover and property siting.

- As the tour moved to the archie rang the discussion covered vehicle traffic, Yamhill landfill, Red Barn Farm, composting facility, WWII maintenance shed, zoning, land use, terracing v. continuous slope, vegetated or productive slopes, settling and gasification process, zoning, and siting of landfills.
- The tour stops at, and discusses, Bit-By-Bit Horse Farm.
- When viewing the quarry the discussion focuses on the leachate facility, republic's office, invasive species, properties purchased by landfill, OSU beef ranch, monitoring wells and water contamination.
- At the Santiam Christian School, Kevin Higgins, a firefighter with the Sherriff's office gave a talk on growing up in the area, landfill fires, types of items in landfill, and DEQ. This was followed by a video testimony from Priya Tucker, of Rising Joy Flower Farm, and resident Elisabeth Pott.
- The discussion on the bus ride back focused on affordable housing and local buildings.

**e. Meeting Three: October 6, 2022, Main Topics**

- Welcome & New Member Introductions
- Review Participant Meeting Instructions & Agenda
- BOC Presentation
- Approve Draft Minutes: Last Meeting & Tours
- Landfill Tour Questions
- Public Comment
- Comments on Meeting Two Evaluation Suggestions
- Discuss County Counsel Deference Memo & Set Stage for Legal Subcommittee
- Check-in Activity
- Big Picture Discussion
- Stand-Up the Subcommittees
- Review Amended Workplan
- Next Steps

**f. Meeting Four: October 27, 2022, Main Topics**

- Welcome & New Member Introductions
- Review Participant Meeting Instructions & Agenda
- Approve M3 Draft Minutes
- BOC Action on Updated Workplan
- Public Comment
- Update on Tour Questions & Answers
- SMMO Values & Goals Discussion
- Q&A Session with Representatives from other Counties
- Subcommittee Reports
- Next Steps

**g. Meeting Five and Open House: November 17, 2022, Main Topics**

- Welcome
- Review Participant Meeting Instructions & Agenda
- Approve M4 Draft Minutes

- Approve Updated Tour Q&A
- Updated Workplan Facilitator 11/16/22
- Public Comment
- Subcommittee Reports
- Reintroduce Charges D & E
- Next Steps
- Open House

**h. Meeting Six: December 15, 2022**

- Welcome & New Member Introduction
- Review Agenda
- Member Shares Original Document
- Public Comment
- Subcommittees A.1. & E.1. Report
- Review & Approve M5 Minutes & Evaluation Summary
- Discuss Consultant/Attorney for Next CUP
- Subcommittee A.2 Report and A.3 B.1 Report
- Introduce & Approve Third Attorney with Poll
- Subcommittee C.1. Reports
- Updated Project Workplan
- Next steps

**i. Meeting Seven: January 19, 2023**

- Welcome and Review Agenda
- Meeting 6 Minutes and Evaluation Summary
- Review Workgroup Report Draft 2
- Land Use Acknowledgement Discussion
- Subcommittee E Presentation
- SMMP Subcommittee Presentation
- CUP Subcommittee Presentation
- Legal Subcommittee Presentation
- Capacity Subcommittee Presentation
- Key Dates Review
- Review Consultant Selection Process
- Next Steps

**j. Meeting Eight: February 23, 2023**

**k. Meeting Nine: March 16, 2023**

#### IV. Key Workgroup Findings & Recommendations

Each of the following Subcommittee sections is organized as follows for ease of your review. First, we provide an Introduction, then the Subcommittee’s webpage link and its Charge and Members. Over the course of a Subcommittee’s meeting’s a running “Master Document” was created that contains the agendas, attendance, and notes for each of its’ meetings. A link to this document is provided next, and the full text can be found in Appendix D. Next, the Subcommittee’s Key Findings are provided, followed by their Recommendations. Below those, there may be a section called additional details which includes items that do not fall in a Key Finding or Key Recommendations category. Finally, there is a conclusion.

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## SECTION A: SUSTAINABLE MATERIALS MANAGEMENT PLAN (SMMP)

### INTRODUCTION

Benton County is seeking a new Sustainable Materials Management Plan (SMMP) that will guide decisions and policies for future generations. The main theme of this subcommittee's findings and recommendations are that the plan should help transition our re-focus from the linear, end-of-life waste management to a more holistic, systemic, circular approach with the materials involved. The many positive impacts of this transition include:

- Efficiencies derived from full life cycle/cradle-to-cradle principles of sustainable material management.
- Savings from waste reduction
- Creating opportunities for efficient circular economies both locally and regionally
- Better inclusion of Equity and shared prosperity in waste Considerations
- Recognizing and encouraging innovation

Traditionally, Benton County has managed waste materials with an end-of-life approach – largely by landfilling them locally in Coffin Butte Landfill, but also by recovery, recycling, and composting. This has presented challenges, which include, but are not limited to, the landfill's limitations environmentally and economically. In our work we have sought to chart the expectation and aspirations for a longer-range vision that will guide the County towards more sustainable materials management. Our report advises the County on the parameters for a Request For Proposal (RFP) that will bring in consultants to develop a Plan that enables the County to achieve that longer-range vision.

Based upon the magnitude of ideas and possibilities we have encountered, it is anticipated that the SMMP could usher in a paradigm shift in how we view and interact with materials we use in our everyday lives. In addition to Findings and Recommendations, we have recorded a list of Questions the consultants and the County can use to frame their thinking about this new paradigm, its benefits, and the practical path to get there.

One task of the subcommittee was to develop a “table of contents” outlining the subjects to be covered in an SMMP. The group started by looking at examples of Solid Waste Management Plan (SWMP) documents from various Oregon counties, listing, reviewing, and comparing the topics covered in each. The group was able to add to and edit that list, creating a “table of contents” of topics to cover in a future SMMP, as well as an associated list of questions for the SMMP to answer. Benefits and costs were covered throughout the as it related to various topics and discussions and are largely included in the overall approach of sustainable materials management approach, which evaluates the impacts across the full life cycle of materials, weighing the “costs and benefits” in the decision-making process.

The group also reviewed Benton County's 2040 Thriving Communities Initiative and examples of values and goals expressed in other planning documents to develop overarching framework to be considered for developing an SMMP.

The more recent subcommittee work has focused on future next steps and recommendations around the RFP process, including contracting out, workplan and timeline, and who's at the table. The group has included considerations of lesson's learned from outside of Benton County, including neighboring county jurisdiction presentations provided to the full work group.

## **SUBCOMMITTEE [WEBPAGE LINK](#)**

### **SUBCOMMITTEE CHARGE**

#### **Long Term Sustainable Materials Management Plan (SMMP) tasks:**

- 1) Contracting out;
- 2) Subjects to be covered;
- 3) (Moved from Common Understandings) Benefit-Cost Topics are only Outlined
- 4) (New) Add in Vision 2040 and related County documents with similar from other counties referenced
- 5) Who needs to be at the table beyond those in the County;
- 6) A workplan outline with a timeline for completion;
- 7) Topics covered in recent similar planning efforts across the state; and
- 8) What “lessons learned” should be brought forward in this process. Includes necessary foundational “common understandings” and protocols needed before beginning the actual planning process.

NOTE: This charge does not include completing the plan. It only includes a discussion of the preliminary scoping to start that planning process.

If there is sufficient time to complete the original Charge and the following activities, subcommittee to provide recommendations on: 1. the most important topics/subjects from the draft of the SWMP Table of Contents; 2. the brainstormed options for those topics/subjects; and 3. the reasoning, both pro and con, for their selection.

### **SUBCOMMITTEE MEMBERS**

- Brian May
- Daniel Redick
- Joel Geier
- John Deuel
- Ken Eklund
- Marge Popp
- Ryan McAlister
- Sean McGuire

County Staff: Daniel Redick

The **SUBCOMMITTEE’S REPORT** can be found linked [HERE](#), and in Appendix C.

The **SUBCOMMITTEE’S “MEETING NOTES”** can be found linked [HERE](#), and in Appendix D.

### **KEY FINDINGS AND KEY RECOMMENDATIONS**

Key findings and key recommendations from the full subcommittee report have been listed below. These key findings and recommendations summarize more complete content found in the full report, which can be accessed by clicking on the link adjacent to each, or by reading

content under “Key Finding” and “Key Recommendation” headings in the full subcommittee report.

**Key Findings:**

- SMMP F-1.** Many Sustainable Materials Management Plans (SMMPs) and related Request For Proposals (RFPs) have been formulated, executed, and are in use in Oregon and beyond.
- SMMP F-2.** The charges of the SMMP Subcommittee are intimately related to and should be embodied when scoping the necessary tasks to start a Long-Term Sustainable Materials Management Plan process.
- SMMP F-3.** Contracting-out processes often include a Technical Advisory Committee (TAC), which vet technical information in the RFP, and a Community Advisory Committee (CAC), which review the RFP from the community perspective. Institutions of higher learning, including Oregon State University has a large population of faculty, faculty emeriti, staff and students that are subject matter experts in many of the technical areas that the SMMP will address.
- SMMP F-4.** The overall length of the project can be heavily impacted and defined by the level of public interaction/engagement included in the project. The consultant may help define the scope of public engagement, including engagement in rural areas of the county and in communities outside the county.
- SMMP F-5.** There are aspects of the work to be performed that are technical in nature or lend themselves toward extensive research, that the consultant may conduct at the same time as public engagement. In order to expedite the process, certain procedural elements can be done concurrently. The timeline can generally be defined throughout the process.
- SMMP F-6.** The SMMP aims to reduce the full lifecycle impacts of materials management practices in Benton County and where other jurisdictions’ practices overlap with Benton County. Addressing only materials from Benton County would have limited impacts compared to that of all of the materials from neighboring counties, as Benton County’s waste contribution to the landfill is relatively small. SMMPs are not specifically about landfills, but about materials management across the full lifecycle of materials, including addressing impacts from production, transportation, use, reuse, recovery, and disposal.
- SMMP F-7.** Benton County has limited control over the waste management practices of the counties that emplace the vast majority of the annual landfill waste intake, and the volume of waste material they haul to Coffin Butte Landfill, however, the county and its infrastructure is impacted by other counties’ waste stream contributions to facilities within Benton County (via Coffin Butte Landfill, Pacific Region Compost, and transportation methods through the county).
- SMMP F-8.** The 2040 Thriving Communities Initiative identified our communities’ Core Values and has been adopted by Benton County government which is used as a benchmark or lens for initiatives such as the Benton County SMMP.



## Key Recommendations:

- SMMP R-1.** Benton County Sustainable Materials Management Plan should be developed within a Sustainable Materials Management framework, reflecting full lifecycle impacts. The development of a Sustainable Materials Management Plan should consider, 1) the 2040 Thriving Communities Initiative and our communities' Core Values, 2) national, State and local goals, vision documents (DEQ's [Materials Management in Oregon 2020 Framework for Action](#)), plans, policies, ordinances, etc. relating to materials management and climate change, 3) examples of values and goals expressed in state and local jurisdiction materials management plans, and 4) long-term strategies (to 2040) with short-term action items (5 years or less).
- SMMP R-2.** Benton County should use the 2040 Thriving Communities Initiative as a high-level lens to frame our communities' Core Values in developing the SMMP.
- SMMP R-3.** The SMMP should not just be about how Benton County can better manage materials, but to also address how to approach inter-county collaboration from a regional perspective. The RFP should indicate the need for researching and exploring opportunities for a regional multi-county approach to achieve the goals of sustainable materials management. RFP firms with experience with Oregon's materials management legislation, policies and other county materials management plans may have the capability to address this need.
- SMMP R-4.** Counties impacting Benton County through their materials management practices (including by contributing materials to Coffin Butte Landfill) should have an SMMP in place. The SMMP should have a perspective on how to strategize this.
- SMMP R-5.** SMMP content should incorporate the sustainability of materials management strategies/tactics. The result of the process should give us a method of measuring costs and benefits to evaluate the impact on economic, social, and environmental indicators. Specific goals should be included of how materials in Benton County can fit within a circular economy, cradle-to-cradle, or similar framework.
- SMMP R-6.** The SMMP should clarify Benefit-Cost perspectives being addressed through an equity analysis, including, 1) financial cost impacts associated with materials management and outcomes, 2) the equity of circular economy, how it engages and impacts consumers, 3) a perspective that goes beyond landfilling, and 4) a "who's at the table" list of stakeholder perspectives.
- SMMP R-7.** Bring "lessons learned" into the process from other sources, including international examples as well as other counties, lessons from past Benton County experiences, and West Coast states. See full report for more sources.
- SMMP R-8.** Beyond those in the County, a wide assortment of stakeholders should be brought to the table. Stakeholders include community members, advocacy groups, businesses and industry, local and state government, and resources for innovation. See report for full stakeholder list. The consultant should provide recommendations based on analysis and extensive outreach and engagement with community stakeholders from the "who should be at the table" list. These stakeholders should represent a broader area than Benton County.

- SMMP R-9.** Benton County should use an RFP to find consultant(s) for developing a Sustainable Materials Management Plan.
- SMMP R-10.** The SMMP subcommittee researched other jurisdiction's plans, compared and aggregated a list of subjects, and the SMMP should evaluate and address the subjects listed in the full subcommittee report, answering the 117 questions listed as RFP priorities allow, and include recommended courses of action.
- SMMP R-11.** Recruitment for the RFP needs to be extensive, and selection of successful proposal should be careful and thorough. Qualities of a successful applicant should include those listed in the full subcommittee report.
- SMMP R-12.** The scope of work for this project is expected to be broad and comprehensive, with specific goals recommended for the County to consider as milestones.
- SMMP R-13.** The RFP development process should: 1) provide details about the Workgroup process and its findings to RFP applicants, 2) prioritize topics, adding additional topics that are important to consider, and 3) communicate accurate priorities to applicants.
- SMMP R-14.** Members of this BCTT SMMP subcommittee should be offered to participate in subsequent stakeholder group meetings for RFP development and review. Benton County's Advisory Committees related to SMMP work should have an advisory role during the development of the plan.
- SMMP R-15.** The RFP Release/Announcement should 1) communicate an expectation that this plan can be approached by teams (multiple firms), instead of just single firms, 2) put guidelines on the size/length of proposals and sections of proposals, and 3) be distributed to allow enough time for it to be posted to various trade groups, shared with underrepresented groups, and internationally minded outlets.
- SMMP R-16.** The County should share the various steps of the process with the public, making updates available, and demonstrating transparency (cross-referencing subcommittee E.1. work).
- SMMP R-17.** The RFP should demonstrate flexibility in allowing further work plan development after applications are reviewed and accepted.
- SMMP R-18.** The SMMP Timeline should allow for extensive public interaction and engagement. In order to expedite the process, procedural elements should be done concurrently as possible. The timeline should generally be defined throughout the process.
- SMMP R-19.** Applicants should include various scope/cost options for one year, two years, and three-year timelines. The report should be released in sections, based on timeline and content priorities.
- SMMP R-20.** It's important that the SMMP process include extensive public outreach and engagement. In addition, a Technical Advisory Committee (TAC) should vet the consultant's technical work (SMMP development) and a Community Advisory Committee (CAC) to provide more general review. SMMP Sub-Committee members should be included in the CAC. The TAC should include subject matter experts from Oregon State University, and other regional academic institutions.

Many of the subject areas of central importance to the SMMP are characterized by fast-moving science, and a SAC could help the SMMP consultant to navigate to the best available data and knowledge.

- SMMP R-21.** Proposals contain the following information, with parameters around each of these items in terms of document length. Requested information includes project team experience and qualifications, understanding of the project, approach to the scope of work, cost of the proposal, the project schedule, social/environmental responsibility, and references. Each criteria includes a total set of points the proposal can be awarded. See full report for more information.
- SMMP R-22.** An evaluation team consisting of County staff and members of the stakeholder group should determine the best proposal deemed most qualified based on the above criteria.
- SMMP R-23.** The SMMP should emphasize impacts of the results of the RFP on social equity, innovation, to understand and emphasize the upstream aspects of material sustainability, and creative solutions that provide pathways for tangible long-term outcomes.
- SMMP R-24.** The workplan should include ongoing adaptive management and refinement and include a timeline for completion. The sections of the workplan outline include RFP development and release, a webinar for prospective consultants, a pre-proposal Q&A period, a period for application submittal, and the selection committee to identify shortlisted firms who are given time for additional presentation. The committee then evaluates proposals, selects a consultant, and develops a workplan with selected consultant. See full report for more information.
- SMMP R-25.** The County should evaluate if it would be in their best interest to have an SMMP in place prior to any major materials management decisions.
- SMMP R-26.** The county should consider using alternative funding mechanisms, including landfill revenue, to support the SMMP recommendations.
- SMMP R-27.** A complete materials audit is highly recommended as both a benchmark and a way to measure progress. Benton County should initiate a Waste Audit to characterize more precisely what is in the waste stream of Coffin Butte Landfill. The SMMP consultant can use this audit information when formulating this plan, and there is no up-to-date information specific to the landfill currently available. The benchmark audit should be completed as soon as possible, along with recommendations for follow up audits.

## **CONCLUSION**

A good SMMP will serve the county and residents now and in the future – it will be adaptable to new technologies while aligning with clearly stated county/state goals.

The county should not rush the selection process or solicitation process – selecting the correct partner whose core values and vision align with what has been assembled will be a key component to getting the best outcome in this process.

## SECTION B: LANDFILL SIZE/CAPACITY/LONGEVITY

### INTRODUCTION

The landfill size/capacity/longevity subcommittee aimed to research and compile factual information about the landfill as it relates to the group's charge. One of the primary interests of the group was to communicate accurate information about the landfill's estimated end-of-life and capacity, which resulted in estimates provided by Republic Services staff, as well as other information about how the estimated life span of the landfill can change depending on various factors and scenarios, which were not already included as assumptions in Republic Services' estimate. The subcommittee's report includes information about the landfill's size over time, in terms of annual tonnage accepted, landfill volume, and footprint. The report also includes information about specific locations at the landfill which relate to the capacity, including the status of the current cell, the future disposal area currently occupied by the quarry operation, the landfill zoning, and areas approved for disposal.

Supporting data researched and compiled by the group includes historical end-of-life projections, and annual intake tonnage over time. Some information about the landfill was not available for the group to review, a challenge most prevalent with information about the landfill prior to 1974. The following Key Findings and Key Recommendations are based on the information compiled in the subcommittee's report, as well as the subcommittee's discussions in each of the topic areas.

### SUBCOMMITTEE [WEBPAGE LINK](#)

### SUBCOMMITTEE CHARGE

**A chronological history of key Coffin Butte Landfill topics:**

1. Size
2. Specific locations
3. Assumptions (e.g., when will the landfill close?)

### SUBCOMMITTEE MEMBERS

- Bill Bromann
- Brian May
- Chuck Gilbert
- Daniel Redick
- Ginger Rough
- Ian Macnab
- Ken Eklund
- Mark Yeager
- Paul Nietfeld
- Shane Sanderson

County Staff: Daniel Redick

The **SUBCOMMITTEE'S REPORT** can be found linked [HERE](#), and in Appendix C.

The **SUBCOMMITTEE’S “MEETING NOTES”** can be found linked [HERE](#), and in Appendix D.

## **KEY FINDINGS AND KEY RECOMMENDATIONS**

Key findings and key recommendations from the full subcommittee report have been listed below. These key findings and recommendations summarize more complete content found in the full report, which can be accessed by clicking on the link adjacent to each, or by reading content under “Key Finding” and “Key Recommendation” headings in the full subcommittee report.

### **Key Findings:**

#### *Landfill Estimated Remaining Life, Projected End of Life (EOL)*

- LSCL F-1.** In 2003 EOL was projected to be approximately 2074, with a Landfill Life estimate of 71 years (2003 East Triangle CUP document, Benton County file PC-03-11.pdf). Twenty years later EOL is projected to be 2037-2039 with a Landfill Life of 14.5-16 years, a reduction of approximately 36 years of estimated life in 20 elapsed years. In 2013 Valley Landfills Inc. reevaluated an area of Landfill Site zoned property in the northeast corner of the site for waste placement stability engineering. This area was removed from the landfill’s site development plan based on updated state seismic guidance for landfill stability.
- LSCL F-2.** In 2013 EOL was projected to be 2053-2062, with a Landfill Life estimate of 40-49 years<sup>63</sup>. Ten years later EOL is projected to be 2037-2039 with a Landfill Life of 14-16 years, a lower and upper range reduction of approximately 16 and 23 years respectively.
- LSCL F-3.** Current (1Q2023) estimate for landfill EOL = CY 2037 – 2039, with a landfill life estimate of 14-16 years, based on an annual intake level of 1.0 – 1.1 MTons/year and a density of 0.999 Tons/yd<sup>3</sup>, assuming the quarry area will be fully excavated by the time the current disposal areas are full. Valley Landfills, Inc. has represented that this nominal life projection (“baseline”) is derived from a few data points in annual measurements, and is the product of a modeling process that is standard in the landfill industry. Valley Landfills, Inc. acknowledges that a variety of factors, including human factors, can impact landfill site life, but are not included in this baseline calculation. Valley Landfills, Inc.’s baseline projection of a 2037-2039 closure date is based both upon existing demand and Valley Landfill Inc.’s efforts to maintain and/or grow its service area and business in the market.
- LSCL F-4.** The 2021 Site Development Plan is a registered engineer of record stamped and dated plan set which includes but not limited to a projected a 2039 EOL based on an annual intake of approximately 846,000 Tons/year, but this intake tonnage is not considered binding or controlling by either ODEQ or Valley Landfills, Inc. This is based on the best information available at time of approval by Oregon DEQ, which can change based upon service area impacts.

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<sup>63</sup> [2013 Coffin Butte Landfill and Pacific Region Compost Annual Report](#)

- LSCL F-5.** Under the 2020 Franchise Agreement, the 1.1M tonnage cap is eliminated upon Benton County's approval of a CUP (expansion). If intake volumes increase, an **expansion would not necessarily guarantee an increase in site life** or the extension of the Landfill's closure date. For example, if an expansion increases available airspace but intake volumes increase the fill rate even more, the overall life of the landfill could decrease. Republic Services said it was unlikely such a scenario would occur, due to operational limitations at the Landfill and in the Service Area [could not reach consensus].
- LSCL F-6.** Nonetheless, transitioning from the current linear landfill economy to a circular economy landfill can potentially extend the life of a landfill. This is because a circular economy landfill is designed to minimize the amount of waste sent to the landfill and extract value from the materials that are discarded. By recovering valuable materials through recycling, composting, and other forms of recovery, a circular economy landfill reduces the volume of waste that needs to be disposed of in the landfill. This, in turn, reduces the rate at which the landfill is filled up, which can extend its lifespan with or without tonnage cap limitation.
- LSCL F-7.** Notwithstanding, a landfill tonnage cap is a regulatory limit on the amount of waste that can be disposed of in a landfill over a certain period of time. The tonnage cap is typically set by the local or state government and is intended to prevent the landfill from becoming overfilled and causing environmental or problems such as contamination of groundwater, soil, air, or demand and supply equilibrium problems, while transitioning to a circular economy.
- LSCL F-8.** For purposes of this discussion, the subcommittee agreed to rely on data from the annual reports and other landfill filings with the county. EPA also provides data in its greenhouse gas reporting webpage that uses different data from another source.
- LSCL F-9.** Factors such as population growth and debris from disasters may drive up intake rates and thus shorten landfill life; factors such as recycling and waste diversion, plus emerging factors such as extended producer responsibility (EPR) incentives and climate crisis legislation, may drive down intake rates and thus lengthen landfill life.
- LSCL F-10.** Landfill Life (longevity) is the availability of the landfill reserve resources and landfill ancillary resources that currently operates the landfill's demand, supply and equilibrium of refuse disposal in a linear economy model.
- LSCL F-11.** The subcommittee identified these factors that could impact usable landfill airspace: Landfill expansion(s) and associated removal of tonnage cap; the quarry excavation schedule; water table concerns; disasters that happen to the landfill itself.
- LSCL F-12.** The subcommittee identified many factors that could impact the landfill's annual tonnage; i.e., the rate at which its usable volume fills up. These included: exceedance of the tonnage cap; recession(s); economic growth; structural and societal reductions in waste generation; disposal alternatives; transportation

alternatives; global health issues such as pandemics; climate change and other environmental legislation concerning methane and other greenhouse gases; climate change and other environmental legislation concerning the reduction of waste and pollution in landfilled material; state and local legislation upgrading waste diversion efforts; environmental activism, especially about the climate crisis; wildfires and other disasters that generate debris for landfilling; service area changes; changes in population in the service area.

- LSCL F-13.** Recognizing that the question “What factors could make the landfill close earlier than the Baseline Scenarios (by 2037–39)?” is of particular importance to this report’s readers, the subcommittee has prepared a table that contains background information about each factor and proposes questions for the County and the SMMP to answer. This information can be found in Table 4.
- LSCL F-14.** Landfills are known to be major emitters of methane, but previously these emissions have typically been estimated through mathematical modeling, because the emissions themselves were hard to measure directly. The methane emissions from Coffin Butte Landfill have not been well-characterized, so the possible effects of methane-reducing legislation on the landfill’s waste intake rates are also hard to characterize.
- LSCL F-15.** One proven way to reduce a landfill’s greenhouse gas emissions is to divert organic material. Landfill gas collection systems are another tool to lessen the greenhouse gas impact but do not remediate it. In 2019 the EPA estimated that Coffin Butte Landfill’s gas collection system operates at 57% efficiency.
- LSCL F-16.** The impetus to curtail methane emissions is focusing attention on ways to divert organic waste from landfill wastestreams. The 2023 Food Donation Improvement Act, for example, enables existing food donation organizations to expand operations and incentivizes the creation of new methods and innovations in preventing food waste, both to stop wasting a valuable resource and to reduce methane emissions.

*Landfill Size: Capacity*

- LSCL F-17.** A significant portion of the permitted airspace in the quarry area (also known as Cell 6) is currently unavailable for waste disposal due to unexcavated rock. As with other cells at Coffin Butte, permitted airspace is ultimately the result of two separate decisions by two separate entities. Benton County approves the land use for the landfill’s footprint, while DEQ and the franchisee (Valley Landfills Inc.), approve the cell design that determines the physical volume available.
- LSCL F-18.** The addition of Cell 6 added approximately 13,400,000 cubic yards. Landfill total capacity increased by approximately 9,000,000 cubic yards in 2003 with the addition of the West and East triangle areas for a total of approximately 35,500,000 cubic yards. The formal County approval of Cell 6 as a disposal area has not been identified or confirmed. Since 2004, reported remaining airspace has decreased gradually, while total permitted airspace has remaining somewhat constant. As of end 2021 approximately 44% of permitted capacity remained unused.

### *Landfill Size: Intake Tonnage*

- LSCL F-19.** The amount of waste placed into the landfill has grown dramatically over the past 40 years. In 1983, 375 tons per day were placed into the landfill (117,000 tons per year). By 1993, the tonnage volume increased to 310,000 tons per year. In 2003 550,000 tons were placed into the landfill. In 2013, the waste tonnage was 479,000, and in 2021, 1,046,000 tons were emplaced.
- LSCL F-20.** The official 2022 Coffin Butte annual intake tonnage is not available at the time of this report (February 2023). The size of the Host Fee payment to Benton County in January 2023 indicates a 2022 intake volume of 1,066,436 Tons. The actual tonnage figure should be updated after the receipt of the 2022 Coffin Butte Landfill Annual Report.
- LSCL F-21.** The 2000 Landfill Franchise Agreement stipulated that the County was to perform a “Baseline” study as a reference for measuring potential future adverse effects (completed in 2001), and defined a ramping intake tonnage threshold to be applied during the term of the agreement (CY2001-2019). Intake volumes in excess of this threshold granted the County clear right to pursue specific remedies: a) the County, at its expense, could perform an updated Baseline assessment, and b) if the County determined that the new assessment indicated an adverse impact on “the Baseline,” the agreement stipulated that “the parties shall immediately proceed in good faith to negotiate an increase in the Franchise Fee and/or Host Surcharge...”.
- LSCL F-22.** The 2000 intake tonnage threshold was exceeded in calendar years 2017, 2018 and 2019.
- LSCL F-23.** Washington County waste tonnage accepted at the landfill increased by over 400% between 2016-2017, with the increased tonnage continuing through 2019. Riverbend Landfill was a regional landfill that accepted waste from many counties, including Washington County. Riverbend’s owner/operator diverted tonnage to Coffin Butte in an effort to extend Riverbend’s site life.
- LSCL F-24.** Benton County did not utilize either of the contractual remedies available to it as a result of the intake tonnage exceeding the threshold in 2017-2019. No updated Baseline study was performed, and no renegotiation of the landfill fee structure was undertaken.
- LSCL F-25.** Benton County received approximately \$3.1M of incremental revenue from the increased intake volumes over the 2017-2019 period. Of this, approximately \$1.08M was the result of intake volume in excess of the annual limits over the three-year period. This equates to roughly \$11.50 total per Benton County resident for the three-year period.
- LSCL F-26.** In an official 2018 presentation to Benton County Board of Commissioners, Benton County represented the 2000 Franchise Agreement intake threshold as “Annual Maximums Specified in Franchise Agreement.” However, the 2000 Franchise



Agreement does not describe the tonnage threshold as a “limit” or “maximum” and does not limit the number of tons that can be accepted.

- LSCL F-27.** Both the 2000 Landfill Franchise Agreement and the 2020 Landfill Franchise Agreement include a section stating that “The parties acknowledge that there may be adverse effects to the County’s infrastructure and environmental conditions due to increased annual volumes of Solid Waste accepted at the Landfill.” In both agreements this section of the agreement then stipulates terms regarding intake volumes.
- LSCL F-28.** The intake threshold defined in the 2000 Landfill Franchise Agreement and the Tonnage Cap defined in the 2020 Landfill Franchise Agreement were stipulated as contractual provisions, with consequences explicitly defined in the 2000 agreement and implicit (violation of contract) consequences in the 2020 agreement.
- LSCL F-29.** The 2020 Landfill Franchise Agreement defined a 2020 Tonnage Cap of 1.1 M Tons/year that the Landfill "shall not exceed." That includes 75,000 tons reserved annually for Benton County. The Tonnage Cap does not apply to fire, flood, natural disaster, or Force Majeure event materials.
- LSCL F-30.** The 2020 Landfill Franchise Agreement also includes a provision that the tonnage cap would be eliminated upon governmental approval of an application to “expand the landfill onto the Expansion Parcel.”
- LSCL F-31.** It is unclear if the 2020 Franchise Agreement’s enforcement mechanisms are strong enough to prevent agreement violation or if the County will pursue the options at its disposal.
- LSCL F-32.** The landfill operator generally chooses how much tonnage to accept, based on demand and their contracts with various jurisdictions and haulers. Some of the increasing tonnage accepted at the landfill from 1993-2021 reflect the increase in business development.
- LSCL F-33.** The slow downward trend in intake volume in the 2006-2010 period is explained by the franchisee as resulting from the economic downturn of 2008.
- LSCL F-34.** Republic Services states that the drop in volumes to Coffin Butte in 2020 is due to the global COVID-19 pandemic, coupled with diversion of tonnage from Riverbend Landfill to other landfills besides Coffin Butte. However, tonnage volumes increased again in 2021 due in part to changes in lifestyle/development/at home shopping patterns as a result of the pandemic, as well as debris from the Oregon wildfires.
- LSCL F-35.** A range of human factors have been seen to influence the landfill’s intake rate and therefore its operating life in the past. These include business factors such as expansions or contractions of the Service Area, social factors such as recessions and population growth, and environmental factors such as recycling and other initiatives that divert materials out of the waste stream.
- LSCL F-36.** More human factors are emerging that could influence the landfill’s intake rate and therefore its operating life in the future. These include newly enacted state legislation assigning responsibility for disposal costs to the producers of waste

material, newly enacted national legislation addressing food waste, and national legislation being rolled out that targets methane and other greenhouse gas pollution.

- LSCL F-37.** A 2016 MOU between Benton County and Republic Services acknowledged “Coffin Butte Landfill will be accepting municipal solid waste currently being delivered to Waste Management’s Riverbend Landfill for a term of 1-2 years, beginning in January of 2017.”
- LSCL F-38.** The 2016 MOU does not contain language preventing Benton County from exercising its rights under the 2000 Landfill Franchise Agreement (see Recommendations).

#### *Specific Locations*

- LSCL F-39.** Valley Landfills Inc. anticipates it will no longer be able to place waste in Cell 5 by mid-year 2025. When Cell 5 is full, Republic Services is working on a plan to deposit waste in the permitted area of the landfill known as the quarry known as Cell 6. Excavation of the primary quarry footprint is scheduled to begin in Spring of 2023 with completion in Spring 2025.
- LSCL F-40.** Approval of the 1983 rezoning was recommended by SWAC and CAC with on the condition that “No landfill be allowed on property south of Coffin Butte Road.”
- LSCL F-41.** The recommended condition prohibiting landfill south of Coffin Butte Road was not included in the 1983 rezoning ordinance through a change recommended by Benton County Staff, in which Staff noted that any new disposal area would require approval of the Planning Commission in a public vote. The process for approving landfill south of Coffin Butte Road was subsequently changed to “allowed by conditional use permit.” This appears to be done via Ord. 90-0069 (BCC 77.305) This change was memorialized in the 2002 Memorandum of Understanding executed by Valley Landfills and Benton County.

#### *Landfill Size: Footprint and Structure*

- LSCL F-42.** The 1983 rezoning action defined 194 acres as Landfill Size (LS) zone. An additional 59-acre parcel south of Coffin Butte Road, while zoned LS, would not be used for disposal of solid waste unless approved by a conditional use permit and Department of Environmental Quality permit for solid waste landfill use. The site map attached to the 2002 MOU restricted “fill” activity to the north side of Coffin Butte Road.
- LSCL F-43.** Twenty-three tax lots are owned by landfill-affiliated entities. Six of these taxlots are zoned LS, and the 5 LS tax lots on the north side of Coffin Butte Road contain landfill cell disposal areas. The most recent tax lots associated with the landfill were purchased in 2001 (non-disposal areas).
- LSCL F-44.** The landfill has developed visually over time in accordance with site development plans. Coffin Butte Landfill has changed visually since it’s designation as a regional landfill in 1974, growing in both height and size, and visual appearance. However, the overall landfill acreage hasn’t changed significantly since 1983; it has filled in more of its footprint.

## **Key Recommendations:**

- LSCL R-1.** The Sustainable Materials Management Plan should further develop scenarios and factors that may impact the landfill lifespan, including detailed analyses of likely projections. The Commissioners and County staff should keep the questions about these factors and their effects in mind when making decisions affecting the landfill.
- LSCL R-2.** Benton County should create and share a plan for the enforcement of all franchise agreements.
- LSCL R-3.** Benton County should contract for an updated Baseline Study to evaluate the impact of the current intake level at Coffin Butte. As with the 2001 Baseline Study stipulated in the 2000 Landfill Franchise Agreement, this study should determine and measure adverse effects, including but not limited to: traffic, soil conditions and contamination levels, air quality, surface and ground water conditions and contamination levels, noise, odor, visual screenings, litter, hours of operation, solid waste control systems and compliance with all solid waste Permits. This baseline study could help inform Benton County in decision making and financial choices regarding how to use the income from the landfill.
- LSCL R-4.** The County should, as soon as possible, consider the public record of the deliberations leading to the execution of the 2020 Landfill Franchise Agreement in order to assess a) which party requested that the 2020 Tonnage Cap be eliminated if expansion was approved, b) if Benton County proposed the elimination of the 2020 Tonnage Cap, determine why this was done, c) determine the County's expectation for the benefit(s) to the County of accepting up to 1.1M Tons of waste per year when the County's reserve portion is approximately 6.8% of that amount, d) interpretation of the "Tonnage Cap", specifically relative to the 2020 Tonnage Cap, and e) expectations of both parties for future landfill site expansion, including any plans for multiple (repeated) future expansions. The county should then use this information to inform landfill-related decision-making. These negotiations were conducted privately (not in public meetings), and there are elements of these discussions that may be proprietary and/or fall under attorney-client privilege.
- LSCL R-5.** Benton County should clarify and document the process for officially establishing Permitted Space, including any and all required Benton County actions and regulatory agency approvals (ODEQ, EPA, etc.).
- LSCL R-6.** The County should clarify when formal approval of Cell 6 as a disposal area was granted.
- LSCL R-7.** The Benton County Solid Waste Advisory Council (SWAC) should review all future Coffin Butte Annual Reports relative to past reports and official approvals, in particular with regard to intake volume, landfill traffic volume (both Municipal Solid Waste and leachate transport), expected Landfill Life and EOL, and total and remaining Permitted Space. SWAC should report these findings to the BOC for consideration.
- LSCL R-8.** Benton County should secure information from Republic Services about the Annual Tonnage figures for presentation to SWAC/DSAC as soon as they are available, and not wait to include them for the first time in the Annual Report.

- LSCL R-9.** The baseline scenarios laid out in this report assume that landfilling will continue as it is doing today for the next 16 years. That expectation should be tempered by signals of factors that can reshape Coffin Butte Landfill's social and regulatory landscape, especially environmental considerations related to the climate crisis. This reshaping is something that Benton County can participate in, on behalf of its citizens, as the landfill's permitted volume is filled.
- LSCL R-10.** Benton County should take steps to acquire better information about the methane emissions of Coffin Butte Landfill, because the landfill's emissions are currently not well-characterized and use this information to guide diversion programs that could limit the amount of organic waste going to the Landfill.
- LSCL R-11.** In its current actions and in concert with its Sustainable Materials Management Plan, the County should be aware of and prepare for changes in Coffin Butte Landfill's social and regulatory landscape, as the future could hold significant opportunities for the County and affiliated organizations to bring waste management closer to the County's goals and values.
- LSCL R-12.** Benton County should keep in mind that the most effective way to curtail a landfill's greenhouse gas emissions is to divert organic material from being landfilled. This can inform County and area-wide decisions regarding recycling, composting, food waste, and other initiatives affecting how the landfill's permitted volume is filled.

## **ADDITIONAL INFORMATION**

The current landfill activities north of Coffin Butte Road consist of a total of 194 acres, with 6 cells currently slated or approved for disposal of waste.

In 2003 the End of Life "EOL" of Coffin Butte Landfill was projected to be approximately to year 2074, with a Landfill Life estimate of 71 years.

In 2013 EOL was projected to be years 2053-2062, with a Landfill Life estimate of 40-49 years.

In the current year of 2023 the EOL is projected to be years 2037 -2039, with a landfill life estimate of 14-16 years.

The above landfill progression is a linear economy model that represents a waste management approach in which waste is generated, collected, and disposed of in a linear manner, without much emphasis on resource recovery or reuse. This approach is often characterized by a "take-make-dispose" model, where resources are extracted, processed into products, used, and then discarded as waste by society.

The linear model of a landfill economy is being replaced by more sustainable models, such as the circular economy. In a circular economy, waste is minimized by prioritizing waste reduction and recycling, and by designing products and processes with a focus on sustainability and

longevity. In this model, waste is seen as a valuable resource that can be reused, repurposed, or recycled, rather than being discarded into a landfill.

This approach supports the solid waste management plan of Benton County working shoulder to shoulder with a sustainable materials management plan being developed by Benton County Community Development in conjunction with Oregon Department of Environmental Quality, members of Benton County, as well neighboring Counties and municipality using Republic Services waste management services.

In Republic Services 2021 Sustainability Report, Jon Vander Ark, President and Chief Executive Officer reports, “This is our company vision, which is intentionally ambitious because we believe we are uniquely positioned to help our customers achieve their own sustainability goals. That commitment begins with our Elements of Sustainability – Safety, Talent, Climate Leadership and Communities – and these elements anchor our 2030 sustainability goals”.

The reader of this executive summary is encouraged to read further into subcommittee reports to appreciate the wealth of information the members of the community have brought forwarded in the short amount of time granted under the Benton County Talks Trash bridge approach into a needed sustainable landfill economy and transportation plan for waste disposal.

#### **i. Landfill Life Projections**

##### **A. Coffin Butte Site Life Projection: 2023 to closure**

The landfill life projections shown below are provided Republic Services. They are designed to establish a baseline – a simple operational projection that more sophisticated scenarios can be built upon.

It presumes:

- a) A steady annual tonnage intake of between 1 million and 1.1 million tons for the duration of the landfill’s projected remaining site life.
- b) Site life is currently projected by Republic Services to be between 14.5 and 16 years, with a closure date between 2037-2039.

Note: This also presumes that the landfill area known as “the quarry” can be fully excavated. A significant portion of permitted airspace at Coffin Butte is currently unusable due to unexcavated rock.

- c) As indicated in the assumptions, this baseline is not a “default future,” in that it does not incorporate outside factors.

**Scenario 1**

<b>Tons per Year</b>	1,000,000 Tons
<b>Projected Remaining Airspace 12/31/22</b>	16,008,557 CY
<b>2022 3-year Density Avg</b>	0.999 Tons/CY
<b>Site Life</b>	15.99 Years

**Scenario 2**

<b>Tons per Year</b>	1,100,000 Tons
<b>Projected Remaining Airspace 12/31/22</b>	16,008,557 CY
<b>2022 3-year Density Avg</b>	0.999 Tons/CY
<b>Site Life</b>	14.54 Years

**Definitions:**

**Tons per Year:** Projected tonnage based off recent history\*

**Projected Remaining Airspace:** Airspace remaining at the end of 2022 based off projected 2022 tons and 2022 3-year density average

**2022 3-year Density Avg:** Average density measured during 2020, 2021 and 2022 measurements

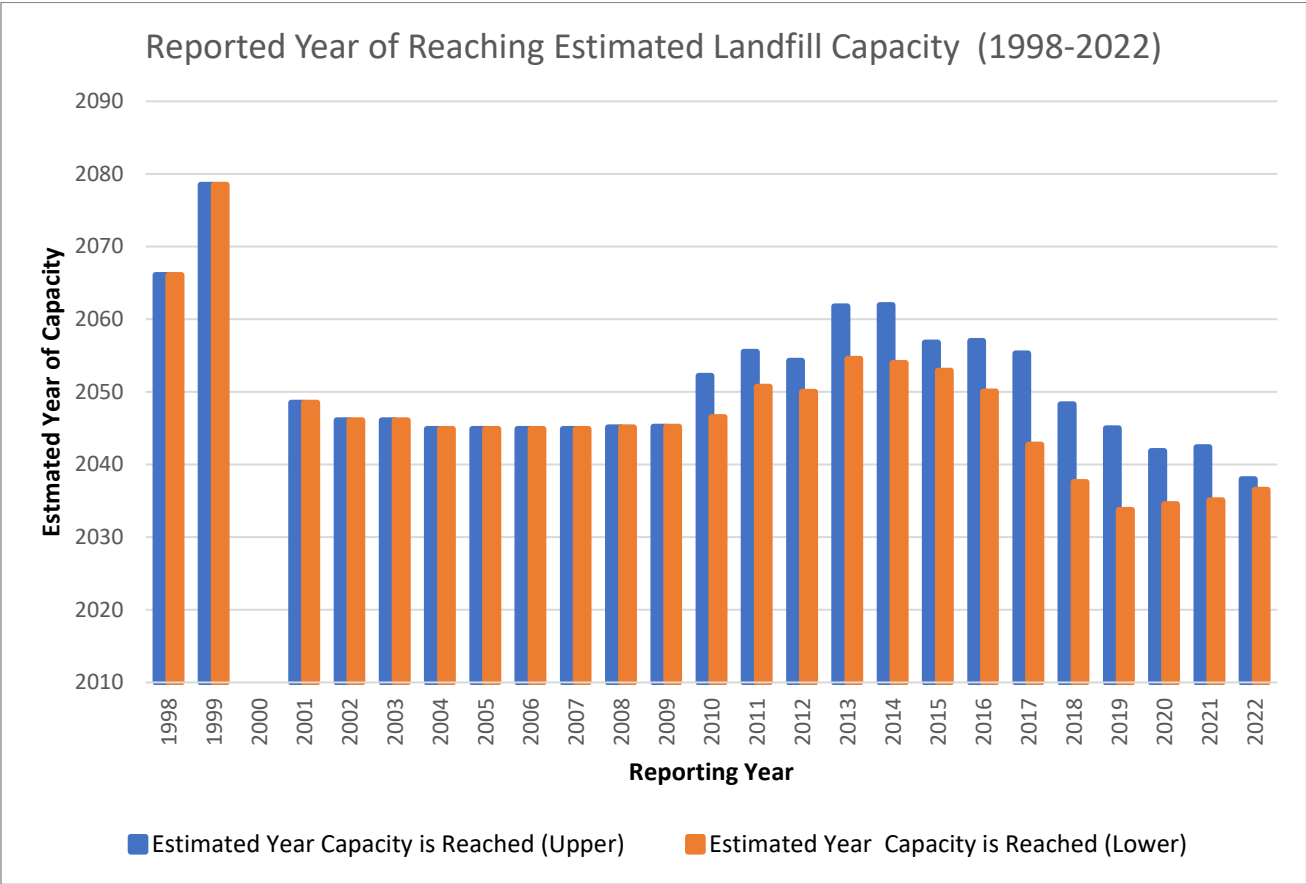
**Site Life:** Total site life including the fully excavated quarry area

\*Variables can and do impact tonnage and available airspace, and can include changes in disposal and diversion rates, natural disasters and other unforeseen market changes, etc.

The table shown above represents industry-accepted modeling for estimating a Landfill’s remaining life. Modeling is based on three factors: remaining permitted airspace, volume, and density. As noted in the text below the graphic, Republic Services acknowledges that a wide variety of variables, independently or in concert with each other, can impact the baseline(s) enumerated above.

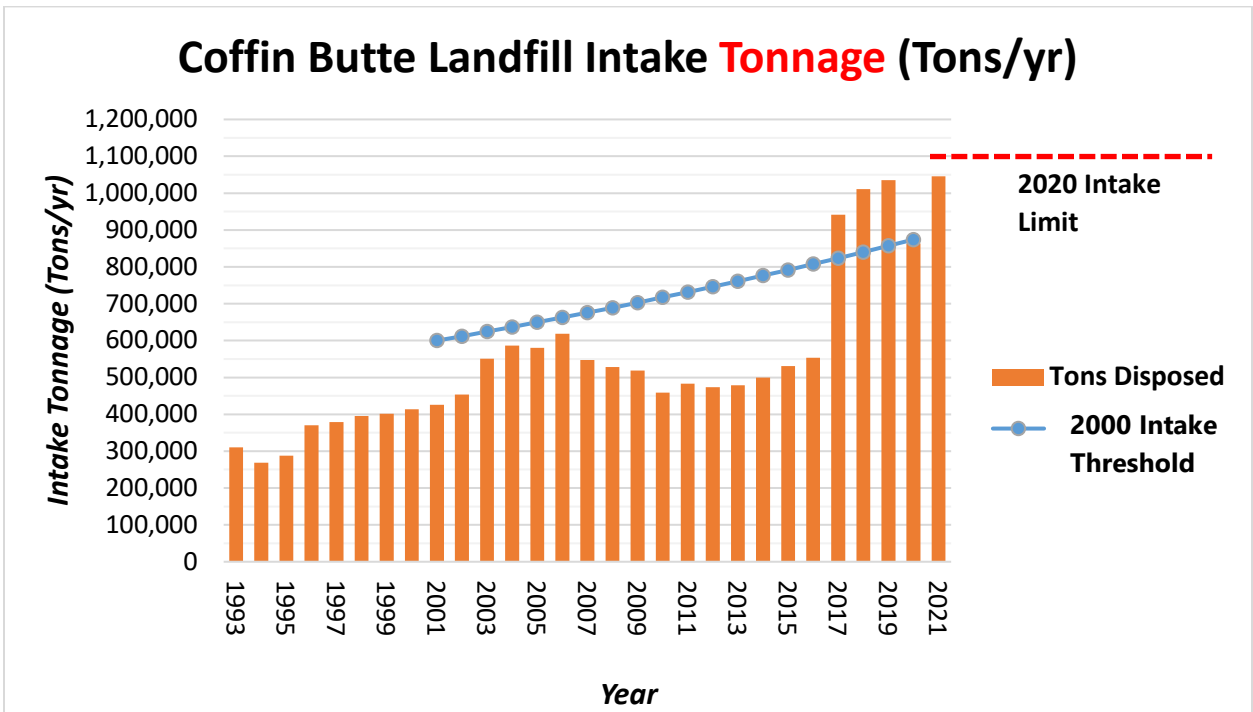
**ii. Historical Landfill Life Projections**

Figure 5: Historical EOL Projections (source: [Landfill Annual Reports](#))



**iii. Recent intake volume: 1993 – 2021**

Chart 2: Coffin Butte Landfill Intake 1993 - 2021



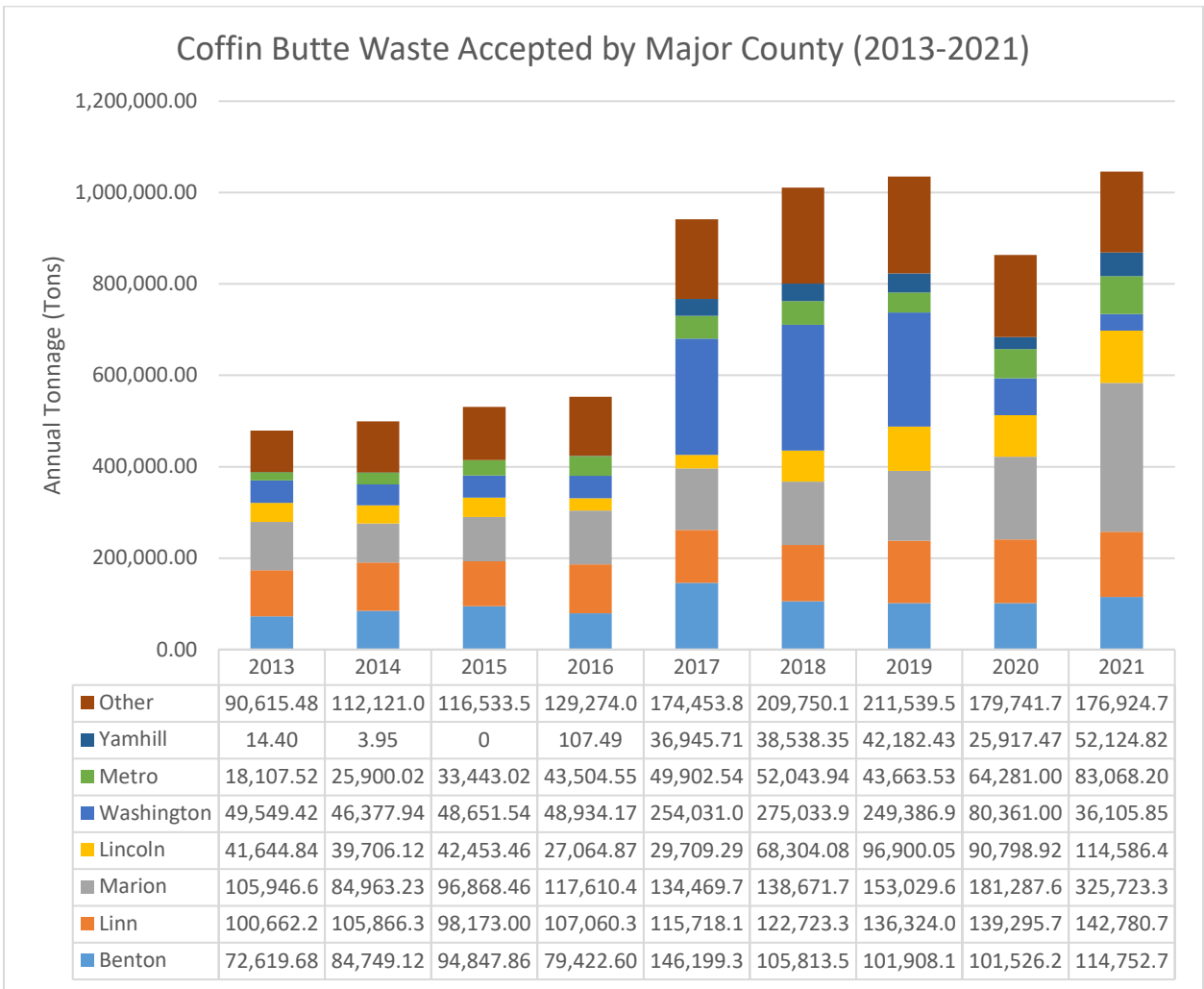
**Intake volume by source 2016 – 2021**

See chart below for a breakdown of the Coffin Butte intake by source county for the period 2013-2021. This period includes the significant intake volume increase of 2016-2017. The intake shown for Benton County includes the volume of the landfill’s daily cover, the soil used to overlay waste at the end of each day.

**Figure 6: Intake by Source, 2013 - 2021**



Coffin Butte Waste Accepted by Major County (2013-2021)



**CONCLUSION**

After reviewing extensive information about landfill size, capacity, and longevity, this subcommittee developed dozens of findings and several recommendations. These findings and recommendations summarize much of the group’s work, and readers are encouraged to review the full subcommittee report for more details on each topic. The findings and recommendations are supported by the details provided in the subcommittee’s report, which cover the landfill’s end-of-life, tonnage intake, volume, footprint, and specific locations.

## SECTION C: LEGAL ISSUES AND LAND USE REVIEW

The purpose the subcommittee is to address: a) law relevant to, and the legal status of, landfill operation and oversight; b) relevant law related to land use regulation, and c) typical practices in land use regulation. The majority of the subcommittee's work product is in the form of objective legal information; however, the charge elements that relate to land use also include descriptions of practices and considerations and are noted as such. In all areas, the subcommittee's goal has been to be clear, concise and legally informative.

Membership of the subcommittee consists of Benton County Counsel Vance Croney, Planning Commissioner Liz Irish, Republic Services land use attorney Jeff Condit and Republic Services in-house counsel Holly Doyle. The facilitator invited participation by Jeff Kleinmann, land use attorney who represented a group of property owners in the vicinity of the landfill during the Planning Commission hearings on the proposed expansion. Mr. Kleinmann declined to participate and submitted a letter stating his reasons [insert link or reference to letter]. The facilitator subcontracted with Ginny Lucker, a highly regarded land use attorney and Benton County community member, to participate on the subcommittee and provide a third legal perspective. The County staff member supporting the subcommittee was Greg Verret, Deputy Director in the Community Development Department.

The Key Findings and Key Recommendations summarize most of the subcommittee's work. However, a wealth of information on each charge element is presented in the subcommittee's full report and readers are encouraged to refer to that report for a full accounting of any topic of interest.

### SUBCOMMITTEE [WEBPAGE LINK](#)

#### SUBCOMMITTEE CHARGE

**Charge A: A Summary of the County's current rights and obligations to Republic Services, and vice versa, surrounding:**

1. The hauling franchise;
2. The landfill CUP; and
3. What legally can and cannot be conditions of any land use approvals (e.g., past compliance, compliance with future laws, codes, and policies, DEQ compliance, reopening, limitations on what can be brought into the County from where, required facilities and practices, reporting/compliance/financial monitoring requirements, etc.)
4. Interpretation and Deference: A Summary of the rights and obligations of other entities surrounding landfills, hauling, and sustainability initiatives, etc.:
  - A. Federal;
  - B. Tribal;
5. State (e.g., Is DEQ prohibited from permitting another landfill west of the Cascades and what does the "regional landfill" designation mean?);
6. Local Government; and

7. Summary of the step-by-step process in ORS chapter 459 and associated timing for the cross-jurisdictional approvals of landfill applications, (e.g. DEQ) including:
  - A. What topics are within whose authority, and
  - B. Whether, for example, the County can or should consider the topics it does not have permitting authority over when assessing the criteria outlined in Code section 53.215?

**Charge B: Land Use Review Tasks:**

1. Create a common understanding document outlining which Development Code criteria are applicable to the review of a conditional use application for landfill expansion by reviewing:
  - A. 53.215 (Criteria)
  - B. 77.305 (Conditional Uses)
  - C. 77.310 (Review)
1. 77.405 (DEQ)
2. Review Chapters 50 and 51 for context, and then prepare a conceptual list of any other Development Code criteria the WORKGROUP recommends be applicable.
3. Developing recommended guidelines for interpreting any ambiguous provisions recognizing current statutes, regulations, case law, and County precedent, etc. In doing so, refer to Comprehensive Plan for policy guidance regarding interpretation of any ambiguous Development Code provisions (see, BCC 50.015,) and Review the Planning Commission comments made during its last review of Republic Services’ CUP application for context. Examples for consideration include:
  - A. The phrase, “Other information as required by the Planning Official” 77.310(e)
  - B. The terms found in Section 53.215, e.g.
  - C. “seriously interfere”
  - D. “character of the area”
  - E. “purpose of the zone”
  - F. “undue burden”
  - G. “any additional criteria which may be required for the specific use of this code.
  - H. Other: \_\_\_\_\_
4. Necessary Tasks to Start Planning Reopening of Existing Hauling Agreement
5. Roles, Responsibilities, and Protocols of SWAC and DSAC
6. Specific Recommended Review Criteria for the Evaluation of Landfill CUP applications
7. SWAC/DSAC, Planning Commission, and BOC Use of the Review Criteria
8. Future Timeline for Discussing any Needed Changes to the Benton County Code Flowing From WORKGROUP Recommendations

**SUBCOMMITTEE MEMBERS:**

- Jeff Condit
- Liz Irish
- Vance Croney
- Holly Doyle
- Ginny Lucker

County Staff: Greg Verret

The **SUBCOMMITTEE’S REPORT** can be found linked [HERE](#), and in Appendix C.

The **SUBCOMMITTEE’S “MEETING NOTES”** can be found linked [HERE](#), and in Appendix D.

## **KEY FINDINGS AND KEY RECOMMENDATIONS**

Key findings and key recommendations from the full subcommittee report have been listed below. These key findings and recommendations summarize more complete content found in the full report, which can be accessed by clicking on the link adjacent to each.

### **Key Findings:**

**LLU F-1.** Do conditions of approval imposed as part of a later land use approval supersede conditions imposed as part of a prior approval? Unless a later land use approval expressly addresses whether conditions of a prior land use approval are superseded, the issue will be subject to interpretation by the local government (the Board of County Commissioners, in this case).

**LLU F-2.** Only the current franchise agreement has legal effect. The previous franchise agreement is superseded when a new agreement takes effect.

**LLU F-3a.** Up-front and ongoing financial assurance to cover the cost of closure, post-closure, and corrective actions are required by DEQ. Where this preliminary line of defense fails, Oregon statute holds any person owning or controlling the disposal site liable for closure and post-closure maintenance. [See additional DEQ information on this topic in full subcommittee report.]

**LLU F-3b.** DEQ reviewed the last annual FA update submittal which was dated April 1, 2022 and approved on April 13, 2022. DEQ’s approval letter summarizes the following:

1. The updated cost estimates for closure (\$16,222,800) and post-closure care (\$5,743,202) were correctly updated, prepared, and stamped by a registered P.E.
2. The current penal sum of your Bond, as provided by Evergreen National Indemnity Company, with your new Riders in place, covers the total of updated cost estimates.

DEQ identifies Valley Landfill Inc. as the owner of the landfill and the DEQ solid waste permittee for DEQ permit #306. The operator of the landfill is Coffin Butte Landfill. The owner or operator of the landfill is responsible for compliance with the permit and permit conditions. The owner or operator is responsible for providing financial assurance for closure, post closure and any needed corrective action per ORS 459.272.

Valley Landfill Inc. uses a bond to provide financial assurance. According to OAR 340-094-0140(6)(d) and (6)(e) the permittee is to recertify compliance every year which Valley Landfill Inc. did in a March 28, 2022 attachment to the annual financial assurance submittal that DEQ received.

**LLU F-3c.** [*Awaiting final wording from Vance Croney*] In negotiating the 2020 landfill franchise agreement, Benton County established three elements to provide

assurance that costs of closure, post-closure and corrective action are covered: DEQ assurances, insurance, and the environment trust fund. [Link to info/franchise agreement.]

- LLU F-4.** What legally can and cannot be conditions of any land use approvals? Conditions of approval must relate to approval criteria. To be approved, an applicant must demonstrate compliance with all discretionary approval criteria. Conditions of approval cannot substitute for compliance with applicable criteria but may be imposed to ensure the criteria are met. The county may find compliance with approval criteria by establishing that compliance is feasible, subject to compliance with a specific condition(s) of approval. A preponderance of the evidence must support a finding that the condition is “likely and reasonably certain” to result in compliance. To lessen adverse impacts on surrounding uses, the county may “impose conditions of approval to mitigate negative impacts to adjacent property, to meet the public service demand created by the development activity, or to otherwise ensure compliance with the purpose and provisions of this code.” (BCC 53.220)
- LLU F-5.** In reviewing a CUP for landfill expansion, the County has jurisdiction over only the proposed expansion. Existing and past operations are not within the County’s scope of review. Prior decisions are final and cannot be subjected to a new review or have additional/revised conditions of approval imposed as part of the CUP application for the expansion. The mechanism for enforcing conditions of approval is a separate process; see recommendation LLU R-11.
- LLU F-6.** Benton County may not prohibit a private landfill operator from accepting solid waste from outside Benton County.
- LLU F-7.** Is DEQ prohibited from permitting another landfill west of the Cascades? No.
- LLU F-8.** What does the “regional landfill” designation mean? Oregon Revised Statute (ORS) 459.005(23) defines a Regional Disposal Site as “a disposal site that receives ... more than 75,000 tons of solid waste a year from outside the immediate service area in which the disposal site is located....” The immediate service area of Coffin Butte is Benton County. Coffin Butte Landfill has received more than 75,000 tons from outside its immediate service area every year since at least 1993. Coffin Butte thus meets the definition of a regional landfill per ORS.
- LLU F-9.** Interpretation of the review criteria for a landfill-expansion conditional use permit requires determinations that are based on the facts of the specific application. The rules of statutory construction describe how ambiguous terms are to be interpreted: text, context, and legislative history. However, LUBA’s standard of review is highly deferential to the local decisionmaker’s interpretations, so if the interpretation is plausible (does not conflict with the provision’s language), LUBA (and the courts) will uphold the local interpretation. This gives the decision-maker a lot of flexibility in interpreting their own code provisions. In response to a request by the Board of Commissioners, the following four findings provide staff-provided historical information, particularly over the past 25 years, on how the County decision-makers have interpreted these terms across the full range of conditional use applications the County reviews. They are not recommendations

on how the Planning Commission and Board should interpret future applications. Restated, each body fully retains its flexibility in interpreting those terms in the context of the specific application before it.

**LLU F-9a.** The first criterion requires the decision-maker to find that *“The proposed use does not seriously interfere with uses on adjacent property, with the character of the area, or with the purpose of the zone”* [BCC 53.215(1)]. In applying the term “seriously interfere”, Staff reports that in past CUP applications the Planning Official, Planning Commission or Board has considered factors such as: does the proposed use make it difficult to continue uses on the adjacent property; would it create significant disruption to the character of the area; would it conflict, in a substantive way, with the purpose of the zone. As noted above, the county decision-makers have wide discretion in evaluating whether a use will “seriously interfere.” In the past, “seriously interfere” has generally been applied as meaning more than an inconvenience or irritation but is a lesser threshold than rendering the uses on adjacent property impossible. Speculated effect on property values has not been a primary consideration in determining serious interference.

**LLU F-9b.** In the phrase “character of the area” in BCC 53.215(1), how narrow or broad has “the area” typically been?

When the County is evaluating the “character of the area”, the “area” is based on the facts of each application and how far the effects of the proposed land use are likely to extend. The impacted area will be unique to each application and may differ by particular effect—for example, the impact of noise might extend farther than visual impact (or vice versa).

Because each review is unique, examining past cases for the specific distances utilized may not be illuminating. Staff reports that in past CUP applications the Planning Official, Planning Commission or Board has considered these factors in determining the character of the area and its extent include:

- The particular attributes of the geographic setting (including existing operations in the vicinity.)
- Is there a distinct change in the area's physical characteristics beyond a certain point (such as a change from flat land to hills or from one river basin across a ridgeline into another)?
- What features or elements give the area its character? Is it a homogenous or heterogeneous character (is there a high degree of similarity, or is it mixed)?
- How far are the effects of the proposed land use likely to extend? This may differ by particular effect—for example, the impact of noise might extend farther than visual impact (or vice versa).

**LLU F-9c.** In the conditional use review criterion of: *“The proposed use does not impose an undue burden on any public improvements, facilities, utilities, or services available to the area”* [BCC 53.215(2)], what constitutes a “burden” is again based on the facts of the application. Staff has stated that in past CUP applications the Planning Official, Planning Commission or Board has considered a “burden” on public infrastructure and service is likely “undue” if it overloads the system or causes significant degradation in terms of quality, effectiveness or timeliness of

infrastructure or service. Lesser burdens may also be “undue” if the effect jeopardizes people's health, safety, or welfare. Burdens that the County has typically not considered “undue” include those that can be mitigated through planned improvements, that are incremental service additions<sup>64</sup> consistent with that generated by other uses in the area or that fall below an established threshold (such as road classification standards). For planned improvements to be relied upon in determining that a burden is not undue, the implementation of those improvements must be certain, such as through a condition of approval specifying the improvement and the timeline for implementation. Again, as noted in LLU F-9 above, so long as the interpretation is plausible, the decision makers have wide discretion in interpreting the term “undue burden.”

- LLU F-9d.** With regard to the conditional use review criterion of BCC 53.215(3) [*“The proposed use complies with any additional criteria which may be required for the specific use by this code.”*], if the county has adopted additional code criteria that apply to a proposed use, then those code provisions would apply. This does not allow the county to apply unadopted criteria that are not in the code at the time of application. In applying for expansion in the Landfill Site zone, the BCC Chapter 77 does not adopt any additional criteria and, therefore, no additional criteria apply.
- LLU F-10.** SWAC’s bylaws require it to “assist the Board of Commissioners (Board) in Planning and implementing solid waste management, pursuant to BCC Chapter 23, the Benton County Solid Waste Management Ordinance.” BCC 77.305 directs the Solid Waste Advisory Council (SWAC) to review and make recommendations regarding the Site Development Plan and Narrative submitted on a landfill-expansion CUP; however, the code does not specify what criteria or considerations that recommendation should be based on. Based on SWAC’s bylaws and role in planning and implementing solid waste management, it appears that the intent of the language in BCC 77.305 is that the Planning Commission rely on SWAC for guidance on the impacts of the Site Development Plan and Narrative on solid waste management. However, the language of BCC 77.305 does not expressly limit the scope of SWAC’s recommendations.
- LLU F-11.** Pursuant to BCC 77.310(1)(e), to what extent may the Planning Official require additional information from an applicant for a Landfill Site Zone Conditional Use Permit? Only “other information” that relates to the approval criteria for a conditional use permit may be required under BCC 77.310(1)(e), and the applicant may choose to provide some, all, or none of the requested information. The land use decision must be based on demonstrating compliance with the code criteria, not on whether the applicant provided the requested information.
- LLU F-12.** BCC 77.310(1) lists the information required in the applicant’s narrative submitted with a conditional use application. The information required under BCC 77.310(1) includes the documents and information required to be part of the application. During the “completeness” process, the Planning Official will consider whether the

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<sup>64</sup> Incremental service additions are additions to the overall burden on services that are small relative to the total. For example, adding 10 daily vehicle trips to a road currently experiencing 300 daily vehicle trips could be considered an incremental service addition.

applicant's documents and information are sufficient for purposes of review of the application. A determination that an application is complete does not mean that the information satisfies the approval criteria.

- LLU F-13.** In addition to the list of information listed in BCC 77.310(1)(a)-(d), BCC 77.310(1)(e) allows the Planning Official to request that the conditional use application narrative include "other information". This information must relate to the approval criteria. The applicant has the discretion whether to submit the requested information. The applicant's failure to submit any requested information is relevant to the decision on the application only to the extent that the decision maker determines that the information is necessary to comply with an approval criterion.
- LLU F-14.** Pursuant to long-standing LUBA case law, representations and statements made by the applicant do not become conditions of approval unless those statements are specifically included or incorporated, directly or by reference, into the final decision as conditions of approval. See LLU R-10.
- LLU F-15.** How does the 2002 Memorandum of Understanding (MOU) fit into the Workgroup considerations? The 2002 MOU clarifies authorization for landfill activities within the Landfill Zone and establishes a point in time at which the landfill was operating in compliance with state and local requirements.
- The MOU does not address whether the County's determination of "compliance with local requirements" includes compliance with all conditions of past land use approvals.
  - The MOU indicates that, as of 11/5/2002, there were no known land use ordinance violations involving the landfill. The MOU does not describe the extent to which Benton County investigated the compliance status of any conditions of past land use approvals in preparing the MOU.
  - The MOU did not negate or supersede conditions of past land use approvals.
- LLU F-16.** Is there an opportunity for public input to determine whether an application is complete? The public may submit comments on the completeness of an application. However, the completeness process is not a review of the application's merits; only whether sufficient information has been submitted to the application's merits can be evaluated through the public hearing process. And there are no statutory or code requirements for incorporating public input on the county's administrative determination of whether an application is complete.
- LLU F-17.** Once any land use application is submitted to the County, the County Planning Official must determine within 30 days whether the application is complete. Following the completeness process<sup>65</sup> the County then has 150 days to make a final land use decision, including the completion of any appeal to the Board of Commissioners or other proceeding under County Code. If the County does not make a final decision within the prescribed time, an applicant may petition the circuit court for a "writ of mandamus." ORS 215.429(1) et seq and citing ORS 34.130. This statute requires the circuit court to approve the application unless the

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<sup>65</sup> See full discussion of completeness process [link].



County can prove it violates a substantive provision of the Comprehensive Plan or Code. If the court determines the County has not met that burden, the applicant may then proceed with the development as proposed.

**LLU F-18.** Section 2 of the June 7, 2022, collection franchise agreement between Benton County and Allied Waste Services of Corvallis (“Republic Services”) contains a mandatory limited reopener provision. Contract negotiations are not conducted in public. With that said, a process could be designed to allow public input, comment, and feedback on any provisions subject to Section 2 that may be negotiated between the parties to the agreement. The renegotiated collection franchise agreement must be agreed upon, in its entirety, by both Benton County and Republic Services.

**LLU F-19.** What options does the Planning Commission have if they determine that DEQ regulation of a particular parameter is inadequate or likely to be inadequate?

The County could not determine that DEQ regulation of a particular environmental parameter is inadequate to protect public health and deny the application on those grounds. The County also has no authority to interpret, apply or enforce DEQ regulations (except for regulatory programs that DEQ formally delegates to a local government, such as with on-site sewage disposal regulation.) Additionally, the County cannot assume that an activity will result in a violation of DEQ parameters when the activity hasn’t happened.

The County could potentially determine that DEQ’s regulation of a particular parameter is inadequate to prevent the proposed land use from seriously interfering with uses on surrounding properties. However, the County must articulate why DEQ’s requirements are insufficient, and the County typically lacks the expertise or personnel to determine whether a particular environmental parameter is being exceeded. Alternatively, the County could require that specified mitigations be implemented, which is simpler to monitor than the level of certain emissions.

**LLU F-20.** Could a new CUP approval be conditioned on cleaning up noncompliance with existing operations?

A new CUP cannot require as a condition of approval that an existing operation on a different property be modified or that noncompliance be rectified. Enforcement procedures (see Chapter 31 of the Benton County Code) would have to address the noncompliance. See recommendation R-11.

**LLU F-21.** Is compliance/noncompliance with conditions of past land use approvals a topic that can be considered in any way during a new land use application?

Generally, the new proposal must be evaluated on its own merits relative to the approval criteria. However, the current non-compliance of an existing land use condition could provide information that the Planning Commission considers in developing a condition on a new application. If an application is made to expand an existing land use that is currently out of compliance with a condition of approval of a previous decision, and that noncompliance is causing issues for surrounding land uses, noncompliance of the original land use decision is not in

itself grounds to deny the new application. However, the decision-maker could potentially look at the fact of existing noncompliance in evaluating whether that noncompliance is causing the existing land use to “seriously interfere” with uses on surrounding properties. That fact can then be used as evidence in evaluating whether the proposed land use complies with the review criteria because the same land use in a similar location was seriously interfering with surrounding uses even though it was subject to conditions of approval. If the language in a condition of a past decision was unclear or insufficient to ensure compliance with an approval criterion, in evaluating a new application the decision maker could craft and impose a condition on a new decision that more clearly describes the measures necessary to ensure compliance. Past conditions superseded by subsequent decisions or changes in the law could not form a basis for such analysis.

**LLU F-22.** Were the site plan and narrative in PC-83-7 regulatory conditions of approval?

No.

The Board adopted the applicant’s site plan and narrative in PC-83-07 as “findings” but did not specifically adopt them as conditions of approval. Findings are not conditions of approval. Rather, they explain how the decision was reached and the facts the decision maker relied on to determine compliance with a criterion. For compliance with specific findings to be enforceable they must be made conditions of approval.

The conditions that were adopted through the 1983 decision, described as “conditions of development”, specified changes to be made to the applicant’s site plan. Compliance with those revisions was not required as a condition of approval; the conditions required only that the revisions be submitted. The decision did not describe these revisions as necessary to establish compliance with any approval criteria and required only submission of additional documentation and a revised narrative.

Because a) the site plan and narrative, while relied upon as findings, were not made conditions of approval, and because b) the conditions imposed in PC-83-07 that required changes to the site plan did not require those changes on the basis that they were necessary to establish compliance with any criterion but rather required only that they be submitted, the site plan and narrative are not conditions approval of PC-83-07.

**LLU F-23.** Clarify when formal approval of landfilling Cell 6 (current quarry) was granted.

Land Use File PC-83-7 has been interpreted by Benton County, including in the 2002 MOU, as authorizing landfilling of the area known as Cell 6, the current quarry. The record in PC-83-07 does not clearly specify that the portion of the property containing the current quarry is authorized for landfilling. However, the Board of Commissioners’ findings in PC-83-7 state that 194 acres are approved for landfilling on the property north of Coffin Butte Road; that the total area of the property in the LS zone is approximately 266 acres; and that 59.23 acres of the LS zone are located south of Coffin Butte Road. That leaves approximately 207 acres north of Coffin Butte Road. Given that several areas are clearly shown on the 1983

site plan as being designated open space/buffer, there is no possible configuration of 194 acres out of the 207 acres total that does not include the current quarry area. Based on this analysis, this subcommittee concludes that quarry area was included in the area approved for landfills by PC-83-7.

- LLU F-24.** The County’s decision on a conditional use permit must be based on the evidence submitted into the record. Evidence must be submitted into the record before the record is closed. The Planning Commission makes the initial decision on a conditional use application to expand the landfill, and the record includes all evidence submitted into the record before the Planning Commission makes its decision. The Planning Commission’s decision may be appealed to the Board of Commissioners. The Board considers the record of the decision being appealed (all evidence and testimony submitted to the Planning Commission) and any new evidence or testimony that is submitted into the record at the Board’s appeal hearing. The record closes either at the end of the final hearing on the application, or if there has been a request to leave the record open before the end of the final hearing, on the date specified at that hearing.
- LLU F-25a.** A petition is circulating requesting the Board of Commissioners “OPPOSE ANY expansion of the Coffin Butte Landfill before Benton County completes a thorough, detailed waste management plan that focuses on future resilience and includes alternatives for decreasing and redistributing materials from the waste stream.” One of its sponsors said, “All [it] does is urge you, the Commissioners — if the application comes before you on appeal following a decision by the Planning Commission — to “oppose any expansion request before you have a materials management plan in place to guide you. How can you approve a land-use action that will have a permanent impact on our county and its inhabitants, for generations to come, when you don’t know what all the alternatives are?” (Emphasis in original.)
- LLU F-25b.** The petition sponsors agree with the County’s position that it cannot legally postpone consideration of any landfill expansion pending completion of a Sustainable Materials Management Plan (SMMP). However, the petition essentially states that a future waste management plan is necessary before the Board can thoroughly evaluate a proposed expansion because that plan may provide evidence that a landfill expansion is not needed, or that it may demonstrate suitable alternatives to a landfill expansion. Opposition to a conditional use permit based on potential findings from a future waste management plan would effectively impose an impermissible de facto moratorium pending the development of that plan. As discussed in Finding LLU F-17, failure by the County to reach a final decision, including all local appeals, within 150 days of a complete application can result in a writ of mandamus in which the circuit court may authorize the land use as proposed.
- LLU F-25c.** Petition sponsors have stated that they are asking the Board to conclude that, in the absence of a waste management plan, any proposal to expand the landfill necessarily violates one or more of the *current* discretionary approval criteria. A land use decision on a conditional use permit application must be based on the specifics of that application. To make a determination as to whether a land use

application violates one or more conditional use criteria requires the decision-maker to review the application and make written findings as to whether and how the application complies with the criteria. This cannot be done prior to receipt of an application or outside of the land use review process.

- LLU F-25d.** The current CUP criteria give the Board discretion and, under the existing statute, LUBA and the courts will defer to the Board’s interpretation of its criteria so long as the interpretation is “plausible.” That discretion, however, is not unlimited and does not extend to applying unadopted criteria or to adding criteria that are not in the code at the time an application is filed. The current CUP criteria do not include – and cannot plausibly be interpreted to include -- any requirement that the applicant demonstrate need or that it must evaluate alternatives to a proposed landfill expansion. Interpreting the existing code criteria to require demonstration of “need” or alternatives is beyond the range of discretion afforded by state statute and would constitute an improper code amendment under the guise of interpretation.
- LLU F-25e.** Under both state law and the county code, an application must be evaluated based on the criteria in effect on the date the application is filed. Because the current CUP criteria do not require the applicant to address need or reasonable alternatives to the expansion, even if the evidence existed today, evidence regarding the need for or alternatives to landfill expansion is not relevant to the existing conditional use approval criteria; and therefore the possible evidence that might flow from a future SMMP is not relevant to the Board’s evaluation of whether there is substantial evidence in the record as a whole related to compliance with the CUP criteria.
- LLU F-25f.** The County could amend BCC chapter 77 to add a criterion under BCC 53.215(3) to require compliance with specific provisions of an adopted SMMP. However, that criterion would apply only to applications filed after the code was amended to include, as criteria, specific requirements of such a plan. [See also Recommendation LLU R-8.]

### **Key Recommendations:**

- LLU R-1.** A process to allow public input, comment, and feedback on any provisions subject to Section 2 of the collection franchise agreement between Benton County and Allied Waste Services of Corvallis (“Republic Services”) could be designed as follows:

**After** the parties have begun discussing what specific terms may be amended pursuant to Section 2, but no more than 60 days prior to any amendment being approved by the Board of Commissioners, the County will publish a notice that it is seeking suggestions from the public for negotiation topics generated from the “concepts from the consensus-seeking process.”

Any input received would be presented to the Board of Commissioners at a work session, at which time the Board would identify those ideas or suggestions that may be included as negotiation topics.

Following the work session and as part of the ongoing negotiations, Benton County Staff will discuss with Republic Services the topics and ideas the Board of Commissioners identified.

At such time as Benton County and Republic Services reach a tentative agreement on the renegotiated terms, Staff would bring the proposed franchise changes to the board meeting, where consideration of the amended franchise agreement would be conducted in a public hearing pursuant to BCC 23.235, which will include an opportunity for the public to present testimony. The Board could approve the agreement as presented or may direct staff to resume negotiations with Republic Services to include specific topics identified by the Board.

The renegotiated collection franchise agreement must be agreed upon, in its entirety, by both Benton County and Republic Services. At such time as the terms have been agreed upon, and the Board is satisfied that public input has been adequately included or addressed in the renewed agreement, the franchise agreement will be the subject of a public hearing and, ultimately, approval by the Board of Commissioners at a regular board meeting.

- LLU R-2.** The County should provide to the public a description of the purpose of the statutory completeness review process, and the scope of the information the county planning official considers at the completeness stage. That description should clearly explain how the administrative “completeness” process fits into the review of a land use application. While the county should not discourage public involvement at all stages of the review process, the public should be informed that the statutory completeness is a preliminary step that does not include any review of whether an application does or can satisfy the approval criteria; and that the public review and hearing process that follows after the application is complete provides the public an opportunity to provide evidence and arguments to the decision makers on the merits of the application. The information should clearly inform the public that any evidence or testimony submitted at the completeness stage is not part of the “record” that the decision makers will review, and that information would have to be re-submitted during the public hearing process in order for the decision makers to review it.
- LLU R-3.** BCC 77.310 states that “The applicant for a conditional use permit shall provide a narrative which describes: \* \* \* Other information as required by the Planning Official.” [BCC 77.310(1)(e)] The workgroup could make recommendations regarding what “other information” would be helpful in a narrative. However, any committee recommendations would have to be limited to information related to the applicable criteria and could not expand that criteria. “Additional information” required by the Planning Official does not become part of the applicable criteria. BCC 77.310 states only what the applicant’s narrative shall include; it does not identify criteria for SWAC’s review of a CUP application. This absence contributed to the subcommittee’s recommendation in LLU R-6.
- LLU R-4.** BCC 77.310(1) lists the information required for a conditional use application in the landfill site zone and permits the planning official to request that the applicant’s narrative include “additional information.” However, the development code does not specify how or when that information is to be requested. In the past, the

Planning Official has used the statutory completeness review process to request additional information. However, in addition to the Planning Official's review of the information after the application has been submitted, the Board could amend the code to require that the Planning Official conduct a "preapplication conference" with the applicant to discuss the information that is required. It could also require a "neighborhood meeting" before the application is filed that requires the applicant to present its proposal to the public and allow the applicant to obtain more information about the proposal. Public comment during a pre-application neighborhood meeting, as with other public comment submitted before the application is complete and notification is sent, is not part of the formal record of the land use review and cannot be considered by decision-makers. The record includes only public comment submitted after formal notification has been sent to affected parties stating that the comment period is open.

- LLU R-5.** BCC 77.305 directs the Solid Waste Advisory Council (SWAC) to review and make recommendations regarding the Site Development Plan and Narrative submitted on a landfill-expansion CUP; however, the code does not specify what criteria or considerations that recommendation should be based on. Consistent with SWAC's bylaws and Chapter 23 of the County Code, which require SWAC to "assist the Board of Commissioners (Board) in Planning and implementing solid waste management, pursuant to BCC Chapter 23, the Benton County Solid Waste Management Ordinance", the Board of Commissioners should more clearly define SWAC's role by articulating the scope, manner and timing of SWAC's review. Interpreting the existing County Code is within the Board's purview, but amending that code effects a more permanent solution. As an initial step, the Board could issue an official interpretation of SWAC's role pursuant to Chapter 23. Then, as a subsequent step, the Board could initiate amendments to Chapter 23 and/or Chapter 77, which would then proceed through a public hearings process. (If/when SWAC's overall role shifts to sustainable materials management, instances of the term "solid waste management" above should be replaced with "sustainable materials management.")
- LLU R-6.** Amendments to the Development Code may be needed to create a clear and legally consistent process for SWAC's involvement in reviewing a CUP. Pursuant to the Development Code as written, the only criteria that a CUP decision can be based upon are those of BCC 53.215, and the Planning Commission is the decision-making body. Yet, the code states an ambiguous role for SWAC in that process and seems to imply that other considerations beyond those of BCC 53.215 should go into the decision-making process. This needs clarification.
- LLU R-7.** In addition to the two criteria listed in BCC 53.215(1) and (2), BCC 53.215(3) requires the decision maker to consider whether the "proposed use complies with any additional criteria which may be required for the specific use by this code." Currently Chapter 77 (Landfill Site zone) does not include any additional criteria that must be considered in the review of a conditional use application for the expansion of a landfill in the landfill zone. If there are additional criteria that the Board of Commissioners determines are necessary for the review of a conditional use application in the landfill zone, the Board would have to amend Chapter 77 to specify those additional approval criteria. The Board could also require that

compliance with the site plan and reclamation plan (currently required by Chapter 77 to be submitted with the application) be adopted as conditions of approval of any approved conditional use permit.

**LLU R-8.** When the County adopts its SMMP, it should amend BCC chapter 77 to add a criterion under BCC 53.215(3) to require compliance with specific provisions of an adopted SMMP.

**LLU R-9.** BCC 77.405 states, “Copies of materials submitted to the Oregon Department of Environmental Quality as a part of any permit process shall be submitted to the Planning Official. If at any time the Planning Official determines that permit application materials or conditions of DEQ permit are judged to merit public review, a Public Hearing before the Planning Commission shall be scheduled.” This provision is unclear. (The provision might have been codified before adoption of the current state agency coordination requirements, which now require a land use compatibility statement (LUCS) as part of any application for a state permit in which local land use is implicated.) The subcommittee interprets this section as requiring a review if the use originally approved has been or will be modified due to the DEQ permit. The Planning Official could make such a determination using a formal “Interpretation” pursuant to BCC 51.205(1). Recommend a code amendment to clarify this provision. For example, a code amendment could require that when DEQ issues a landfill permit, the Planning Official shall review the permit and conditions of approval and, if discrepancies with the County’s land use approval are noted, determine whether this constitutes a “modification of a conditional use permit” (BCC 53.225) and, if so, require the applicant to submit application for such modification. A workgroup recommendation on how public review of DEQ permit requirements could most benefit the public would also be helpful.

**LLU R-10.** In issuing land use decisions, Benton County decision-makers should:

- a. Draft clear findings and be certain to incorporate into the conditions of approval the items that are intended to be binding.
- b. State conditions of approval in clear and explicit terms and ensure that what is expected of the applicant in order to comply is clearly stated in the text of the conditions.

**LLU R-11.** Benton County should evaluate its existing system regarding compliance monitoring and enforcement to determine if there are sufficient mechanisms in place to ensure compliance with conditions of approval that the County imposes on land use approvals and, if not, recommend improvements. Elements of such an evaluation could include:

- a. What enforcement mechanisms exist within the County Code?
- b. Is there a mandamus option or a private right of action option?
- c. What is missing?
- d. What provisions and procedures do other counties have, particularly counties that host a privately operated landfill?
- e. The future cost of such a system, the benefits, and the consequences of not improving the current practices and procedures.

## ADDITIONAL INFORMATION

The following table summarizes the topic areas Benton County can and cannot regulate. Some of these topic areas are discussed more fully in the full subcommittee report.

**Topic Areas Benton County Can or Cannot Regulate**  
-- Summary Table --

<i>Topic Area</i>	<i>Primary Jurisdiction</i>	<i>County Allowed to Regulate?</i>	<i>Notes</i>
Wetlands	Department of State Lands	Yes, if the County has identified significant wetlands at the site in a wetland inventory adopted through the Statewide Planning Goal 5 procedure.	No significant wetlands are identified in the vicinity of the landfill on the County's adopted inventory.
Groundwater quality	DEQ	No. Statute precludes.	County can regulate the impact of one land use on another.
Groundwater quantity	OWRD	No. Statute precludes.	County can regulate the impact of one land use on another.
Noise	DEQ	Yes. DEQ has adopted noise standards but does not enforce. County may apply (only) those standards and enforce.	
Odors	DEQ's regulation of air quality via emissions standards does not specifically address odor, but DEQ does regulate nuisance odor through a complaint-based system (see DEQ's <a href="#">Nuisance Odor Strategy</a> ).	Benton County cannot substitute a different regulatory standard for DEQ's regulation of air quality emissions. County could determine that odor will violate a CUP criterion and then impose a condition regulating odor, typically by requiring specified odor mitigations to be in place.	No objective "odor meter" (similar to a decibel meter for noise) seems to be available.
Methane emissions	DEQ	Precluded if regulated by DEQ.	
Wildlife	ODFW	Yes, if Benton County were to adopt a program pursuant to	Requires Comprehensive Plan Amendment.



		the Statewide Planning Goal 5 procedure.	
Stormwater runoff	DEQ	Yes, pursuant to BCC 99.650-99.680.	
Point-source discharge to surface waters	DEQ	Yes, pursuant to BCC Chapter 36 Illicit (Non-Stormwater) Discharges.	
Light	None.	Yes, through CUP criteria and resulting conditions of approval. Not directly regulated in Development Code.	No state regulations that we are aware of.

## CONCLUSION

Solid waste topics in Benton County intersect with legal and land use issues in several ways:

- Franchise agreements (in this case collection and landfill franchises) are contracts between a local government and a service provider.
- Legal requirements for permitting a landfill at a given location.
- Land use regulations.
- Benton County’s oversight of solid waste topics through Chapter 23 of the Benton County Code, including the Solid Waste Advisory Council and the state-mandated Disposal Site Advisory Committee.

Franchise agreements are subject to contract law, applicable state statutes and county code, and applicable federal law and court cases. Franchise agreements are the product of confidential contract negotiations between the parties. However, the County and Republic Services recognize and acknowledge the public interest in these agreements and the desire to ensure the agreements reflect community priorities. The U.S. Supreme Court has determined the federal constitution prevents the County from limiting the area from which the landfill can accept waste.

Permitting a landfill or changes to a landfill is a complex mixture of state law (involving a variety of agencies) and Benton County Code. Understanding the roles and limitations on authority of each entity is important to enable community members to provide informed comment and for Benton County decision-makers to arrive at informed decisions.

Benton County has latitude to interpret the provisions of its own code and to interpret ambiguities in past decisions, provided those interpretations are plausible. Decisions and conditions of approval must be rooted in the applicable criteria in the County’s Development Code and can only address the current application (not look to alter previous land use decisions or conditions). Subjective terms in the review criteria and procedures applicable to a conditional use permit (CUP) in Benton County, including a CUP to expand the landfill, were discussed in the subcommittee findings with the intent *not* of directing how these terms should be interpreted and applied in a future land use review but of providing such legal context as exists and how the County has historically interpreted them.

The County's long land-use history with Coffin Butte Landfill has resulted in legal and interpretation questions which the subcommittee has attempted to clarify from an objective legal perspective. The 1983 approval of the landfill did include approval for landfilling of Cell 6 (the present quarry) and did not establish the site plan and narrative as regulatory conditions of approval. The 2002 memorandum of understanding (MOU) between Benton County and the landfill operator memorialized the County's understanding that at that time the landfill was operating in compliance with local requirements but the MOU did not negate conditions of past land use approvals.

The subcommittee makes recommendations to:

- clarify the role of the Solid Waste Advisory Council in the land use conditional use review process
- consider specifying what "additional information" would be helpful in review of a conditional use application
- consider requiring a "pre-application conference" and a "neighborhood meeting"
- consider specifying any additional criteria necessary for CUP review and/or requiring compliance with the proposed site plan and reclamation plan
- clarify BCC 77.405 regarding review of DEQ permits
- provide the public with information regarding the initial review of the completeness of an application
- consider a proposed process for public input in the re-opener of the collection franchise agreement
- evaluate the system of compliance monitoring and enforcement
- ensure that land use findings are clear and that conditions of approval include all elements intended to be binding and are clear about what is necessary to comply with the conditions.

## SECTION D: PAST LAND USE APPLICATION CONDITIONS

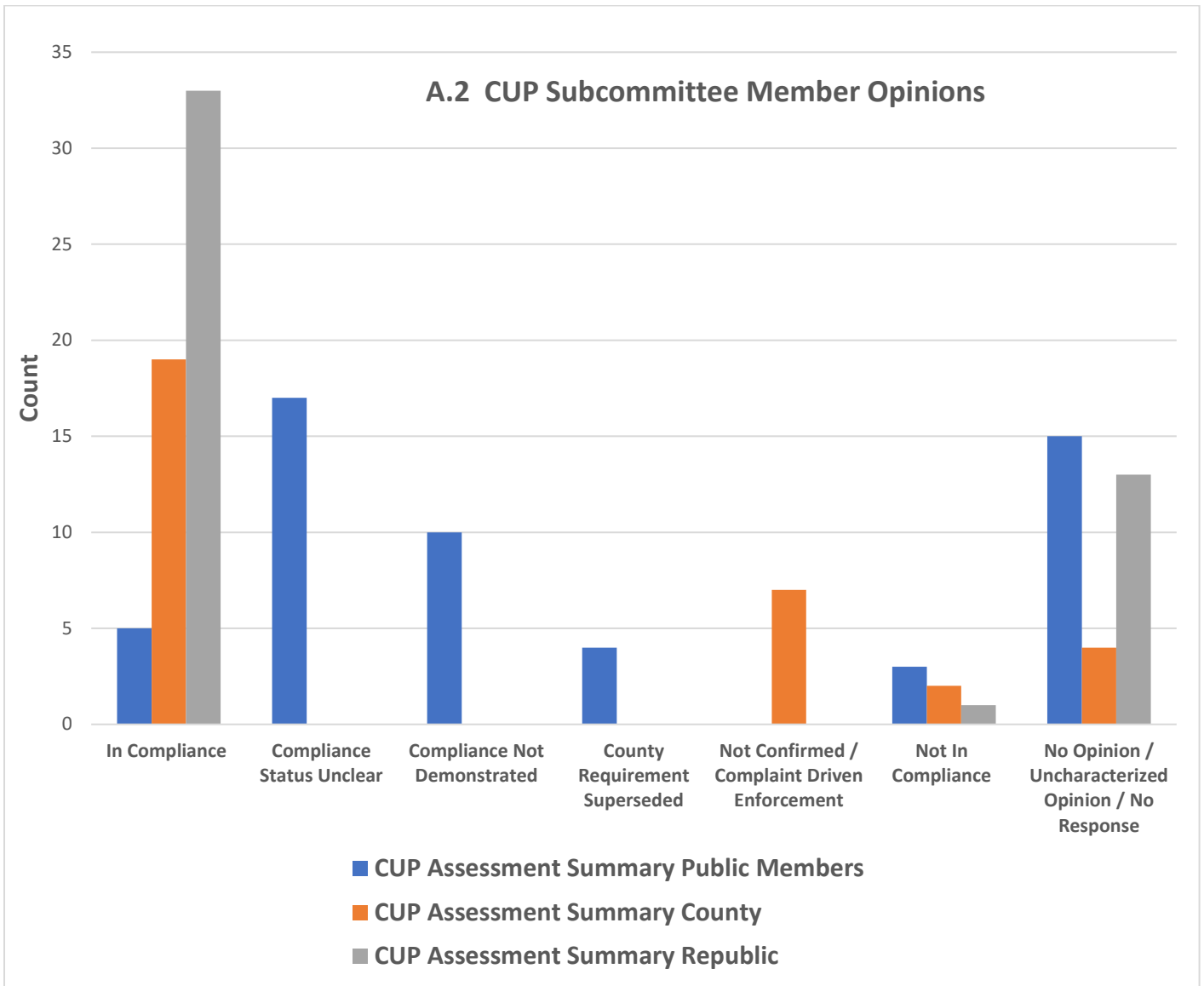
### INTRODUCTION

The subcommittee's report is intended to provide an overview of all the Coffin Butte historical documents, starting in 1974, relating to land use provided to the Subcommittee by Benton County as of November 2022. It provides the context needed to better understand how Benton County got to where it is now regarding the Coffin Butte Landfill. All files were reviewed in depth by, at a minimum, the public members of the subcommittee (Catherine Biscoe, Edward Pitera, Mark Yeager).

The subcommittee report contains a summary and plain language evaluation of each of the historical files. Where possible, real-world examples are used to explain a review. Some situations point to a need for further information from the Oregon Department of Environmental Quality (DEQ). Other situations are annotated as possibly involving requirements stated in the 50-year long historical record that may have been superseded by legal interpretations of land use decisions or new laws or modified by subsequent decisions.

**Table 2. Assessments of Land Use Application Conditions** of the subcommittee report provides an overview of 13 historical documents representing 85 conditions of approval or other information contained in the reviewed files. The 85 conditions include 17 associated with power generation and 12 associated with the quarry. Although all conditions were reviewed, the subcommittee's efforts focused on the 56 associated with the landfill. The public members and the County indicated their evaluation of each condition in eight clearly defined categories including "In Compliance", "Compliance Unclear", "Not In Compliance", "No Opinion" etc. The Republic evaluations tended to be as comments making it difficult to summarize how close to consensus the three parties were. A chart summarizing the subcommittee's review of the historical record since 1974 is included follows below. It illustrates that the public members feel they need more information before concluding the landfill is in compliance with CUP Conditions.

Evaluations of legal theories impacting the enforceability of past land use decisions can be found in the section authored by the Legal Subcommittee. Some key situations where the Legal Subcommittee findings point to Land Use commitments that may no longer be enforceable are: 1) limitations on the geographical area sending solid wastes to Coffin Butte (1974 CP-74-01) due to legal precedents; 2) screening the landfill from view from County roads, plus how the site is to appear and be used after solid waste disposal operations stop (1983 PC-83-07 / L-83-07) due to how the County decision was structured; 3) A 2002 County/Republic Memorandum of Understanding.



**SUBCOMMITTEE** [WEBPAGE LINK](#)

**SUBCOMMITTEE CHARGE**

**Charge: A chronological history of key Coffin Butte Landfill topics:**

- A) Conditions of past land use approvals;
- B) Compliance with prior land use approvals and SWMP;

**SUBCOMMITTEE MEMBERS**

- Catherine Biscoe
- Ed Pitera
- Jeff Condit
- Mark Yeager

County Staff: Inga Williams

The **SUBCOMMITTEE’S REPORT** can be found linked [HERE](#), and in Appendix C.

The **SUBCOMMITTEE’S “MEETING NOTES”** can be found linked [HERE](#), and in Appendix D.

## **KEY FINDINGS AND KEY RECOMMENDATIONS**

Key findings and key recommendations from the full subcommittee report have been listed below. These key findings and recommendations summarize more complete content found in the full report, which can be accessed by clicking on the link adjacent to each.

### **Key Findings:**

A review of the extensive number of land use decisions and associated conditions of approval reveals some overarching key findings regarding how land use decisions for the landfill, the quarry, power generation, and associated uses are implemented in Benton County.

- CUP F-1.** The Subcommittee’s Full Report is an in-depth review of selected historical land use documents. County Staff, Republic, WorkGroup and public members participating on the Subcommittee provided comments, opinions and evaluations of the historical record. Each condition was vetted in depth. Consensus was reached by public members of the Subcommittee on most topics. Consensus was not reached with County Staff and Republic. Information from DEQ is needed to potentially reach consensus on many Conditions of Approval. All inputs have been retained to assist the public in understanding the historical documents and how they were viewed by the Subcommittee. Where needed, information obtained by firsthand experiences on BCTT’s [Landfill](#) and [Neighborhood](#) Tours was used to verify the compliance status of visible Conditions of Approval.
- CUP F-2.** Benton County has not and does not actively monitor compliance with many Conditions of Approval, nor does it proactively act to enforce compliance.
- CUP F-3.** Benton County relies on complaints to initiate action to enforce Conditions of Approval.
- CUP F-4.** All County materials reviewed reflect historical information and/or decisions from public processes (e.g., meetings, hearings, advertisement notices, etc.) based on public input and approval by appropriately authorized public planning boards.
- CUP F-5.** For over 50 years, Conditional Use Approvals have been the basis for the public’s understanding of many aspects of the landfill, including but not limited to: hours of operation, management of noise, screening of the site from view, how the site should look, and how the site can be used after the landfill is closed.
- CUP F-6.** No record was found of an official Benton County decision to increase the number of counties sending wastes to Coffin Butte Landfill prior to the Supreme Court’s 1998 ruling. However, the 1983 land use decision expressly repealed the comprehensive plan provisions that were adopted after the 1974 decision that limit the number of counties that could waste to landfill. According to the staff report, the effect of this change was to remove such limitation.
- CUP F-7.** Conditions of Approval 4 and 6 in CP-74-01 require reclamation of the landfill to meet criteria relating to visual appearance, screening from abutting county road,

and use for grazing or another farm-type operation or other permitted use as approved by the Planning Commission and Board of County Commissioners. Reclamation was also addressed in PC-83-07.

- CUP F-8.** The required DEQ reports are submitted by the Applicant and maintained by the County for the public record. A full review of these County required submittals (e.g. monitoring records) was not conducted due to time constraints.
- CUP F-9.** Compliance with Conditions of Approval often involves a direction from the County that the Applicant should obtain permits from other entities such as, but not limited to, state agencies.
- CUP F-10.** Benton County did not and does not have a readily accessible, transparent complaint tracking system known to the public in place to receive and record land use complaints for documentation, investigation, and resolution.
- CUP F-11.** In assessing the status of compliance with past land use documents, there are numerous instances where supporting evidence may not be or is not available in County records.
- CUP F-12.** Benton County does not review reports and other submitted materials as required per conditions of approval. Examples include: copies of water quality and air quality permits, emergency plans, permit submittals, financial assurance statements, etc., and data produced from associated monitoring programs required of the applicant by the Oregon Department of Environmental Quality or other governmental agencies.
- CUP F-13.** Benton County has issued land use Conditions of Approval before the Applicant was granted necessary operating permits from multiple State agencies. The County advised the Applicant that those permits were required but did not check that those required permits were procured by the Applicant, except for DEQ permits.
- CUP F-14.** As of 1974 the Coffin Butte landfill was identified as a regional landfill site for wastes from ten areas in three counties. Expanding beyond this limited geographic area was to require re-review by the Planning Commission. Starting in 1998, legal precedents are believed to have superseded the 1974 requirements allowing for the expansion of the service area beyond the original three counties. Since 2013, the Coffin Butte Landfill has served 39 counties. Also since 2013, Coffin Butte Landfill has accepted waste from seven out-of-state counties (2 from CA, 5 from WA). Only one out-of-state county (in WA) was served in 2021, which represented 1.88 Tons (0.00018% of total) For supporting information see Comments for CP-74-01 Condition 1 in Table 2 Assessments of Land Use Conditions and [Legal Land Use Subcommittee analysis](#).
- CUP F-15.** County approval documents and Applicant submittals for PC 83-07/L-83-07 describe reclamation of the site once it stops receiving wastes. Requirements include what the appearance of the site is to be, terracing, allowable steepness of slopes, screening, use for grazing, consistency with agricultural and forest land use, etc.. The Subcommittee did not reach a consensus on whether the County decisions and Applicant submittals associated with PC 83-07/L-83-07 are enforceable and require compliance. The public members believe they are enforceable. The County and Republic members believe they are not enforceable. Information on the County

documents and Applicant submittals are in Comments for PC 83-07/L-83-07 Conditions 1 and 3 in Table 2 Assessments of Land Use Conditions. The viewpoints of the Public Members can be found at [here](#). The position of the Legal Subcommittee is found at [here](#).

- CUP F-16.** DEQ’s requirements for a Worst–Case Closure and Post-Closure Care Plan and financial assurances do not require Valley Landfills to comply with County’s reclamation conditions of approval or public expectations.
- CUP F-17.** Currently, it is not clear to the public what appropriate reclamation will look like for the ultimate disposition of the landfill.
- CUP F-18.** The Subcommittee did not reach a consensus on the applicability and the authority of the [2002 Memorandum of Understanding](#) and how it may affect Conditions of Approval pre-2002 decisions. About ten land use matters – over half of the decisions - and fifty-three Conditions of Approval are potentially impacted.
- CUP F-19.** Generally, DEQ has jurisdiction over many environmental impacts, and the County has jurisdiction over the land use impacts. The line between “environmental impact” and “land use” is not always clear. and may lead to conflicting perceptions of what is to be done. For example, as a remedy for groundwater contamination at the site, DEQ requires the purchase of land to limit the public’s exposure to contaminated water (RCRA Corrective Action decision), which may or may not adversely impact neighboring County approved land uses. In another situation, the County publicly agreed to limitations on the appearance and uses of the closed landfill (PC 83-07/L-83-07), but these are not reflected in Republic’s current DEQ-required site closure plans. The current Republic plan is the basis of DEQ’s required Financial Assurance filing that would fund the landfill’s closure if Republic could not do so.
- CUP F-20.** Leachate from the landfill site is trucked to public wastewater treatment plants in Corvallis and Salem which discharge to the Willamette River. The last five years have ranged from 25.6 to 31.8 million gallons per year, with an average of 28.5. Last year the amount was 29.1 million gallons. The tanker truck capacity is 7000 gallons, which means 6 to 13 trips per day with an average of ten.
- CUP F-21.** The acquisition of buffer land by landfill-related entities is a condition of DEQ’s RCRA Corrective Measures for the landfill. Landfill-related entities have acquired such buffer lands over the years that are currently zoned Rural Residential, Forest Conservation, Exclusive Farm Use. This situation was not evaluated by this subcommittee for consistency with Vision 2040 which went into effect in 2019.
- CUP F-22.** Documentation for a required submittal of a plan for emergency water supplies to the Power Generation facility was not found in the land use records.
- CUP F-23.** Odor issues have not been addressed in any of the land use Conditions of Approval.
- CUP F-24.** In reviewing historical files it was not clearly specified what conditions were to be completed before final approval of the application and which conditions are applied to the on-going use of the land.

**Key Recommendations:**

- CUP R-1.** Maintain the CUP Appendix along with the supporting County and DEQ files as an integral part of the Final WorkGroup Report.
- CUP R-2.** Make the Appendix and supporting comprehensive library of files related to the Coffin Butte landfill electronically and continuously available to the public to increase accessibility and reduce the need for public records requests.
- CUP R-3.** Actively monitor and enforce prior land use decision Conditions of Approval for the landfill or any other land use decision.
- CUP R-4.** Establish and widely advertise a reporting process for receiving, tracking, and resolving complaints, such as odor, noise, hours of operation, not following conditions of approval. This administrative process should include an appeals process. Ensure there is a mechanism for providing reports regarding the nature, number and resolution of complaints to be provided to the Board of County Commissioners in the normal course of its business.
- CUP R-5.** Ensure that all documents involved in a land use application and all documentation required to be submitted by a Condition of Approval are acquired and placed in the County records for that land use application and posted electronically and continuously available to the public.
- CUP R-6.** Create a system that tracks receipt of reports that are submitted as required per Conditions of Approval (E.g., copies of water quality and air quality permits, emergency plans, permit submittals, financial assurance statements, etc., and data produced from associated monitoring programs, etc.).
- CUP R-7.** Determine if the Site Plan and Narrative included in the applicant submittals for PC-83-07/L-83-07 are regulatory conditions the landfill is required to follow.
- CUP R-8.** Clarify and communicate to the public what appropriate reclamation will look like to appropriately manage community expectations for the ultimate disposition of the landfill. For example, the county should explain to the public, with DEQ's and Republic's assistance, DEQ's minimum reclamation requirements in the current Worst-Case Closure and Post-Closure Care Plan.
- CUP R-9.** Determine how or if the County's reclamation conditions of approval can be incorporated into DEQ's requirements for Valley Landfill's Worst-Case Closure and Post-Closure Care Plan for the landfill.
- CUP R-10.** Determine the authority of the 2002 Memorandum of Understanding as it relates to pre-2002 Conditions of Approval and broadly communicate the applicability of the 2002 MOU to the public to help manage community expectations.
- CUP R-11.** Clarify the intersecting roles between the County and DEQ in future CUP actions, recognizing the line between "environmental" and "land use" impacts may not be clear and establish a process of reconciliation.
- CUP R-12.** Establish a reporting program for compliance confirmation for facilities contributing to environmental burdens on the County, such as a landfill, industrial-scale composting, or direct dischargers to water bodies within the county, etc.
- CUP R-13.** Consider the impact of leachate from the landfill site on traffic safety, road maintenance, public wastewater treatment plants (Corvallis, Salem), and the



Willamette River (water quality, sediments, wildlife, etc.) in future assessments of the impact of landfilling in Benton County.

- CUP R-14.** Evaluate whether acquiring buffer land by landfill-related entities is consistent with Vision 2040 including the impact on housing, forestry, and agricultural land uses. Acquiring buffer land is an action specified in DEQ's 2005 Resource Conservation and Recovery Act Corrective Measures Record of Decision for the landfill. "Property purchases as buffer around the landfill." is identified as one of the remedies for groundwater contamination.
- CUP R-15.** Require submittal of a plan for emergency water supplies for fire protection to the Power Generation facility per S-97-58.
- CUP R-16.** Develop a comprehensive emergency preparedness/response plan with neighboring counties, cities and fire districts given the experiences from the nationally reported 1999 landfill fire.
- CUP R-17.** To address public concerns about odor, engage in a dialogue with the community to promptly develop and implement an odor reporting and mitigation plan that is consistent with the community's needs and DEQ requirements and County health and nuisance regulations.
- CUP R-18.** Update the Benton County Code and land use application documents to reflect the conditions of approval that are to be completed before final approval of an application and which conditions are applied to the on-going use of the land. This would improve understanding of the differing conditions of approval for the applicant, public, and decision-making bodies.

## **CONCLUSION**

The Land Use subcommittee reviewed documents spanning 50+ years to assess compliance with land use requirements and Conditions of Approval placed on the landfill. The efforts of the Benton County staff to locate and organize records and provide them in an electronic format was essential to allowing a full review of the historical documents and is appreciated. DEQ's similar efforts to assemble and make documents available for review was of great value and is also recognized. As a result of these efforts, the County now has a documented history of land use files for the landfill.

The members of the subcommittee reviewed these files from differing positions. The public members were looking for a record of compliance. In many cases, documentation of decisions made and tracked were missing, reasoning around decisions was sparse or missing, follow up documentation, once an application is closed, was seldomly found. Some records may have been in other files kept by DEQ or other county departments, but these were not available for review.

County staff and Valley Landfills, Inc. (Republic Services) were working from alternate views. Valley Landfills, Inc. has presumed their work processes have achieved compliance with Conditions of Approval since their purchase of the landfill business in 2008. Throughout this process Valley Landfills has asserted their belief that the landfill was also in compliance at the time of purchase.

Benton County's work processes do not proactively monitor and enforce all land use Conditions of Approval. This means that if an application is given final approval and the requested use is allowed to begin, then County staff found the applicant to be in compliance with initial Conditions of Approval. However, Conditions of Approval that span the life of a use are not necessarily tracked once an application file is closed. Benton County relies on complaints to initiate a compliance review.

The Public Members of the Subcommittee looked for facts in County and DEQ records to assess compliance as illustrated in the chart titled A.2 CUP Subcommittee Member Opinions (page reference), additional information is needed to gain consensus on roughly 80% of land use requirements was not reached.

The group's Findings reflect the Subcommittee's best efforts to identify facts in the record that have a bearing on compliance with land use decisions for Coffin Butte Landfill. The Recommendations of the Subcommittee outline actions that the County should implement to ensure best practices in developing and enforcing Conditions of Approval and to improve the land use review and approval process.

## SECTION E: COMMUNITY EDUCATION & PUBLIC INVOLVEMENT SUMMARY

### INTRODUCTION

Benton County relies on community participation for all aspects of government policies and decisions. In June 2021, Republic Services filed its initial Conditional Use Permit (CUP) application, requesting to expand landfill operations south of Coffin Butte Rd. Community members affected felt they had limited opportunity for input. The Benton County Planning Commission denied Republic's CUP request in December, 2021, at which point Republic Services appealed the decision to the Benton County Board of Commissioners. In March 2022, Republic services withdrew its appeal; the company is expected to file a new CUP request in 2023. The County and other Community-led groups like the Solid Waste Advisory Council Committee (SWAC) and the Planning Commission have legal criteria they must follow to make land use decisions, and community input is critical. Recommendations to ensure that community engagement and education are present for the next CUP process and other future land use decisions are discussed below.

Committee recommendations include; providing more time for public comments, updating community outreach methods to include underserved populations, providing more language accessibility, expanding website and social media reach beyond the self-selected, and ensuring that public comments are organized and easily accessible for review.

#### Goals and Objectives

- Best practice recommendations for Benton County communication and outreach with the public for the future CUP's communications concerning the Sustainable Materials Management Plan (SMMP.)
- Review past CUP processes and standard Benton County Communication practices.
- Provide ideas and feedback for the BCTTC, SWAC, and the PC to help in Community Engagement
- Develop an outreach plan that allows the Community more time to be involved in the CUP and other Land Use processes in the future and gives the County more access to Community input for decision-making.

#### SUBCOMMITTEE [WEBPAGE LINK](#)

#### SUBCOMMITTEE CHARGE

- 1) General History:
  - a. Directed at the public and those new to the issue.
  - b. Not as detailed as the initial draft
  - c. Narrative more than a table of newspaper articles
  - d. Other historical details will appear in the Capacity and CUP reports for cross-referencing.
- 2) Next CUP Communications Protocols:
  - a. Start with legal requirements from Legal Subcommittee

- b. Develop protocols for the timely and broad distribution of CUP-related information to the public, other governmental entities, and internal committees, groups, and divisions.
  - c. Look at wide distribution via multiple communication channels.
  - d. Note opportunities for input from the jump.
  - e. Possible Open House/Community Forum events
  - f. Benton County devoted website with public comment email/form, Etc.
  - g. Legal Issue: Apply to just landfill CUP or all CUPs – perhaps, two processes; one for big/large area impacts vs. smaller/localized impacts, etc. It may require code amendments.
- 3) Executive Summary:
- a. Emphasis will be on recommendations.
  - b. Note where “consensus” and MAJ- MIN
- 4) Community Education Plan:
- a. Focus on the ending of the BCTT process and preparation for the next CUP.
  - b. SMMP info?
  - c. FAQs from a process perspective – not the substantive perspective
  - d. Outreach Plan
- 5) Recommendations

## **SUBCOMMITTEE MEMBERS**

- Ginger Rough
- Cory Grogan/ JonnaVe Stokes
- Louisa Shelby
- Marge Popp
- Mark Henkels
- Mary Parmigiani

Staff: Amelia Webb

The **SUBCOMMITTEE’S REPORT** can be found linked [HERE](#), and in Appendix C.

The **SUBCOMMITTEE’S “MEETING NOTES”** can be found linked [HERE](#), and in Appendix D.

## **KEY FINDINGS AND KEY RECOMMENDATIONS**

Key findings and key recommendations from the full subcommittee report have been listed below. These key findings and recommendations summarize more complete content found in the full report, which can be accessed by clicking on the link adjacent to each.

### **Key Findings:**

Public engagement needs to be widened and become more inclusive. This is most likely to be achieved through the following measures:

- CEO F-1.** Insure language accessibility for at least the County’s most used languages. (English, Spanish, Mandarin, and Cantonese)

- CEO F-2.** Use methods that help target underserved populations, particularly youth and low-income demographics.
  - a. This can be achieved through more SMS communication and ensuring all websites and surveys are mobile-friendly.
  - b. Increase social media communication and expand to more platforms. (Reddit, TikTok, Sub-Reddit, etc.)
  - c. Utilize social media advertising.
- CEO F-3.** Use outreach methods that do not require people to be pre-signed up or self-selected. This includes, but is not limited to, flyers in public spaces, paid advertising on social media, in newspapers, and on the radio, informational mailers, and other resources.)
- CEO F-4.** Create user-friendly access to public input documents and testimonies during the process to ensure Benton County, Planning Commission, SWAC, and others.

**Key Recommendations:**

NOTE: Maps displaying the different radii referenced in the following recommendations can be found in Appendix B:5 with the full CEO report and linked here. Generally, these recommendations focus on the landfill. However, we recognize that absent a change to the code they could potentially apply to all CUP expansions. In addition, please note that recommendations are listed in chronological order of their application, not in order of significance.

- CEO R-1.** County Development Department and County PIO are responsible for conducting communication and outreach.
- CEO R-2.** The Board should consider changes to these notification recommendations based on the potential impact of other CUP applications.
- CEO R-3.** Notifications for the **BCTT Survey** for public input on the Workgroup Report should include an email blast, website post, and displays or presentations where people already spend time (i.e., Library, community events). Notifications should include a 10-Mile radius from the landfill and should go out ideally a month before the survey closes.
- CEO R-4.** Notifications for the **BCTT Report completion** should include an email blast to the Interested Parties List, Organic Subscribers, those who spoke at the meetings, the Soap Creek Neighbors Group, and other landfill neighbors. Notifications should also include a possible postcard to the entire county with a link to go to and/or scan to get on a list to be informed of further updates and/or have an open house event/public informational meeting. It should be on a weekend during the day so that most people can attend, and the link and email list should be readily available. A 10-Mile radius from the landfill is proposed, and notifications should be sent 72 hours after the report is finished.
- CEO R-5.** Notifications for **Board Hearings on the report** should include a postcard, an email blast, a newspaper notification, and social media posts and advertisements. The postcards should be sent to everyone in a 10- or 15-Mile radius of the landfill, and notifications should be sent 24 hours after the board hearing is scheduled.

- CEO R-6.** The County should notify the public **when Republic first notifies the County** that they plan to file a CUP application. This starts off any pre-filing public involvement. Notifications should include a postcard, email blast, newspaper notification, and social media posts and advertisements. Postcards should be sent to everyone within a 10- or 15-Mile radius of the landfill, and notifications need to begin 24 hours after the County is notified.
- CEO R-7.** Notifications for **CUP filings**, which includes **the application review process**, should consist of a postcard, email blast, newspaper notification, and social media posts and advertisements. Postcards should be sent to everyone within a 10- or 15-Mile radius of the landfill, and notifications need to begin 24 hours after the initiation of a CUP filing. During the “completeness” process, the Planning Official will consider whether the applicant’s documents and information are sufficient for purposes of review of the application. Determining that an application is complete does not mean the information satisfies the approval criteria.
- CEO R-8.** Notification when **County determines the application is complete** will include a postcard, email blast, newspaper notification, and social media posts and advertisements. They should be sent to the entire county and occur 24 hours after completion.
- CEO R-9.** Notifications for **SWAC Meetings** should include website posts and email blasts to interested groups and people already on the existing email list. The notifications should be sent one to two weeks before the meeting.
- CEO R-10.** Notifications of **the SWAC Recommendation** should include website posts and email blasts to interested groups and people already on the existing email list. The notifications should be sent out 24 hours after the recommendation.
- CEO R-11.** Notifications for **Planning Commission Meetings** should include website posts and email blasts to interested groups and people already on the existing email list. The notifications should be sent no later than two weeks before the meeting.
- CEO R-12.** Notifications of the **Planning Commission's decision on the application** should include website posts and email blasts to interested groups and people already on the existing email list. The notifications should be sent out 24 hours after the recommendation.
- CEO R-13.** Notifications of **when the Board is hearing the CUP application for approval** will include a postcard, email blast, newspaper notification, and social media posts and advertisements. They should be sent to everyone within a 10- or 15-Mile radius of the CUP site and occur 24 hours after scheduled.
- CEO R-14.** Notifications of the **Board’s decision on the application** will include an email blast, website banner, newspaper notification, and social media posts. The notifications should be sent out 24 hours after the decision.

## **CONCLUSION**

Community education and extended outreach are vital steps of the land use application process. Making sure everyone in the community gets information about this process requires two broad methods: specifically targeting underserved groups, and using multiple outreach methods. Targeting underserved groups can include increased social media use and other

outreach methods that can easily be accessed with a phone. It is also essential that communications are succinct and easily understood by the entire population. In addition, it is critical that some of the communications do not require community members to be pre-signed up. Using multiple outreach methods is also important, and during the process, the county should gauge the effectiveness of the communication strategy and change it if necessary.<sup>66</sup>

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<sup>66</sup> Benton County Oregon. (2022). Benton County Talks Trash solid waste process workgroup communication and outreach plan.  
[https://www.co.benton.or.us/sites/default/files/fileattachments/community\\_development/page/8384/imperati\\_grogan\\_121222\\_fw\\_bctt\\_subcommittee\\_e\\_swppwg\\_communication\\_outreach.pdf](https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8384/imperati_grogan_121222_fw_bctt_subcommittee_e_swppwg_communication_outreach.pdf)

V. Final Polling

<b>WORKGROUP Member</b>	<b>Polling</b>	<b>Charge</b>	<b>Not Here</b>	<b>Abstain</b>	<b>1</b>	<b>2</b>	<b>3</b>
Chuck Gilbert	X	All					
Marge Popp	X	All					
Elizabeth Irish	X	All					
Russ Knocke	X	All but C					
Shawn Edmonds	X	All but C					
John Deuel	X	All					
Kathryn Duvall	X	All					
Christopher McMorran	X	All					
Ryan McAlister	X	All					
Mary Parmigiani	X	All					
Ed Pitera	X	All					
Louisa Shelby	X	All					
Catherine Biscoe	X	All					
<b>Polling Totals:</b>				<b>3</b>	<b>8</b>	<b>0</b>	<b>0</b>
<b>EX-Officio</b>	<b>Polling</b>	<b>Charge</b>	<b>Not Here</b>	<b>Abstain</b>	<b>1</b>	<b>2</b>	<b>3</b>
Brian Fuller							
Brian May							
Shane Sanderson							
<b>County</b>	<b>Polling</b>	<b>Charge</b>	<b>Not Here</b>	<b>Abstain</b>	<b>1</b>	<b>2</b>	<b>3</b>
Daniel Redick							
Sean McGuire							
<b>Ex-Officio Totals:</b>			<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Grand Totals:</b>							



**RESULT:** Consensus / No Consensus

**Minority Proposal:** None

**Last Meeting Transcript**

**Member Statement in Alpha Order or group by Support, Neutral, or do not Support [List in Alpha Order]**

<b>Member</b>	<b>Affiliation</b>	<b>Statement Number</b>
Audrey O'Brien	DEQ	1
Brian May ALT: Andrew Jonson	Marion County	2
Catherine Biscoe	Public	3
Christopher McMorran	Public	4
Chuck Gilbert	SWAC/DSAC	5
Daniel Redick	Benton County Staff	6
Ed Pitera	Public	7
Elizabeth Irish	Planning Commission	8
John Deuel	Public	9
Kathryn Duvall	Public	10
Louisa Shelby	Public	11
Marge Popp	SWAC/DSAC	12
Mary Parmigiani	Public	13
Russ Knocke ALT: Ginger Rough	Planning Commission	14
Ryan McAlister	Public	15
Sean McGuire ALT: Jen Brown	Benton County Staff	16
Shane Sanderson	Linn County	17
Shawn Edmonds ALT: Julie Jackson	Republic: National	18

## Public Outreach Summary and Analytics

1. Benton County Solid Waste Situation Assessment
  - a. On Tuesday, July 19<sup>th</sup>, 2022, the Benton County Board of Commissioners heard the results of a Situational Assessment focused on solid waste and disposal, including Coffin Butte landfill. An independent third-party affiliated with Oregon Consensus presented the situation assessment. For a copy of the written report, please click [HERE](#). The assessment included a recommendation for the Board of Commissioners to create a temporary workgroup for making recommendations to the Board regarding specific solid waste topics. During the July 26<sup>th</sup>, 2022 meeting, the Board decided to move forward with the process of convening this workgroup.
  - b. Information about the Board meetings that approved the Assessment and the Charter, along with BOC meetings where members of the public gave testimony can be found at the [Solid Waste Process workgroup webpage](#)
2. Outreach: Sep 22 – Jan 23
  - a. Products:
    - i. Talking Points completed Sept. 15
    - ii. Strategic comms info completed Sept. 30
    - iii. Updates about workgroup prior to every meeting
      1. Sent to CC list every time.
    - iv. Periodic workgroup updates
      1. County internal and external newsletters
      2. Social media updates – analytics report being developed.
    - v. Public Engagement Events
      1. Tour of Coffin Butte Landfill – Sept. 24<sup>th</sup>
        - a. [Nextdoor](#)
        - b. Website [Press Release](#)
        - c. Sent to all Benton County employees.
        - d. [Benton County organic subscribers](#)
        - e. Sent SWPWG subscriber list.
        - f. [Sent to media partners](#) via FlashAlert
        - g. [Facebook](#)
        - h. [Twitter](#)
        - i. Instagram
      2. Tour of Neighborhood – Oct. 6<sup>th</sup>
        - a. [Nextdoor](#)
        - b. Website [Press Release](#)
        - c. Sent to all Benton County employees.
        - d. [Benton County organic subscribers](#)
        - e. Sent SWPWG subscriber list.
        - f. [Sent to media partners](#) via FlashAlert.
        - g. [Facebook](#)
        - h. [Twitter](#)
        - i. Instagram
      3. Open House – Nov. 17<sup>th</sup>
        - a. [Nextdoor](#)

- b. Website [Press Release](#)
  - c. Sent to all Benton County employees.
  - d. [Benton County organic subscribers](#)
  - e. Sent SWPWG subscriber list.
  - f. [Sent to media partners](#) via FlashAlert.
  - g. [Facebook](#)
  - h. [Twitter](#)
  - i. Instagram
  - j. Developed flyer.
  - k. Supported logistics.
- vi. Media releases
1. "Benton County Talks Trash" work group scheduled to address future of solid waste! - Thu, 08/11/2022
  2. Benton County workgroup talking trash and the future of solid waste - Fri, 09/09/2022
  3. "Benton County Talks Trash" Solid Waste Process Workgroup's scheduled to offer landfill/neighborhood tours - Thu, 09/22/2022
- vii. Social media posts
1. Sept. 8 official kickoff BOC updates completed Sept. 9
  2. Sept. 15 meeting post and event posted to Facebook and Nextdoor completed Sept. 15
  3. Sept. 24 landfill tour post and event posted to Facebook completed Sept. 22
  4. Oct. 1 neighborhood tour post and event posted to Facebook and Nextdoor
  5. Oct. 6 meeting #3 post and event posted to Facebook and Nextdoor completed 9/27
  6. Reminder email to SWPW committee about Oct. 6 meeting completed 10/5
  7. Oct. 24-25 subcommittee meetings email
  8. Oct. 25 SM posts for meeting #4
  9. Oct. 27 meeting #4 post, event posted to Facebook and Nextdoor, and email to committee.
  10. Reminder email to SWPW committee about Oct. 27 meeting
  11. CANCELLED Nov. 3 meeting #5 post and event posted to Facebook and Nextdoor
  12. Cancellation reminder email to SWPW committee about Nov. 27 meeting completed Nov. 1
  13. Nov. 17 meeting #5 post, events on FB and ND, and email to committee
  14. Reminder email to SWPW committee about Nov. 17 meeting and open house
  15. Dec. 15 meeting #6 post, events on FB and ND, and email to committee Survey (TBD)
  16. Reminder email to SWPW committee about Dec. 15 meeting and open house
  17. Jan. 19 meeting #7 post, events on FB and ND, and email to workgroup members
  18. Reminder email to SWPW committee about Jan. 19 meeting

**[Another one bites the dustbin in Benton County trash committee](#)**

Albany Democrat-Herald, Dec. 13, 2022. Benton County's elected board took another of its trash advisers to the curb, voting Tuesday morning, Dec. 13, to remove someone from the task force that focuses on a potential expansion at Coffin Butte.

#### **DEADLINE APPROACHES, OFFICIALS ANNOUNCE DAYTIME WARMING CENTERS**

Corvallis Advocate, Dec. 23, 2022. Ahead of the new year, the Benton County Board of Commissioners got another update from the Benton County Trash Talks workgroup during their meeting on Tuesday, Dec. 20.

#### **Tour provides peek into landfill operations, Benton workgroup dynamics**

Albany Democrat-Herald, Sep. 24, 2022. Operators of Coffin Butte had local leadership on hand, and views of the landfill near Corvallis during a tour on Saturday, Sept. 24 — but few answers.

#### **BENTON COUNTY SEEKS LANDFILL BOARD MEMBERS, SPENDS \$88,000 ON FACILITATORS**

Corvallis Advocate, Aug. 15, 2022. Benton County came out with some trashy news this week. Yes, things are moving forward for the question of what to do about the Coffin Butte landfill, as well as solid waste management in general for our County.

#### **County awards more time, money to Coffin Butte workgroup; fires member**

Albany Democrat-Herald, Oct. 25, 2022. Benton County's executive board took the unusual step of firing a volunteer adviser, voting 2-1 Tuesday, Oct. 25 to remove a delegate from its landfill task force.

#### **COUNTY BACKS NEW TRAIL IN MONROE, CITY OFFERS MORE ASSISTANCE, MORE UPCOMING SOLID WASTE MEETINGS**

Corvallis Advocate, Dec. 9, 2022. Trash Talks continue in Benton County with several upcoming meetings for the Solid Waste Process Workgroup, with the next scheduled on Dec. 15.

#### **County awards more time, money to Coffin Butte workgroup; fires member**

Albany Democrat-Herald, Oct. 25, 2022. Benton County's executive board took the unusual step of firing a volunteer adviser, voting 2-1 Tuesday, Oct. 25 to remove a delegate from its landfill task force.

#### **OSU GROWS, ROCKIT COMES TO TOWN, DAIRY POLLUTANT PETITION FAILS BY FUNDING, UPDATE TO ROCK CREEK FOREST WATERSHED, OPEN HOUSE FOR TRASH TALKS, & CHAMBER EVENTS**

Corvallis Advocate, Nov. 14, 2022. On Thursday, November 17, all are welcome to come to the Trash Talks Open House from 3:00-7:30 p.m. at the Benton County Kalapuya Building, located at 4500 SW Research Way, Corvallis.

#### **JSIP & TRASH TALKS UPDATES, MHADDAC MEETING DISCUSSES MEASURE 110 FAILURES, ELECTION DENIERS & CORPORATE FUNDING**

Corvallis Advocate, Nov. 3, 2022. Darren Nichols and Sam Imperati spoke about how things are going with the talks about the possible expansion of the Coffin Butte Landfill.

#### **TRASH TALKS START UP, JSIP DRAFT OF MASTER PLAN, NEW PUBLIC HEALTH POSITIONS REQUESTED**

Corvallis Advocate, Sep. 5, 2022. The Benton County Talks Trash workgroup will have its first meeting.

### **"Benton County Talks Trash" Solid Waste Process Workgroup scheduled to offer landfill/neighborhood tours**

Flashalert, Sep. 22, 2022. The Benton County Talks Trash Solid Waste Process Workgroup is offering the following tours:

#### **Benton County workgroup talking trash and the future of solid waste.**

Flashalert, Sep. 9, 2022. The "Benton County Talks Trash" workgroup officially kicked off Sept. 8 with a welcome from the Benton County Board of Commissioners, introductions, and discussion about a collaboration process that will be happening through mid-December to support decision-making about the future of solid waste in Benton County.

#### **Benton county talks trash - Twitter Search / Twitter**

Twitter, Aug. 12, 2022. The [#BentonCountyBoardOfCommissioners](#) want you to help "talk trash" this fall by participating in Benton County Talks Trash.

Twitter, Sep. 22, 2022. ICYMI: The Benton County Talks Trash Solid Waste Process Workgroup is offering a tour of the Coffin Butte Landfill this Saturday!

Twitter, Sep. 9, 2022. The "Benton County Talks Trash" workgroup officially kicked off yesterday with a welcome from the [#BoardOfCommissioners](#).

Twitter, Dec. 23, 2022. Ahead of the new year, the Benton County Board of Commissioners got another update from the Benton County Trash Talks workgroup, and there's some concern about tight deadlines for their report.

#### **Solid Waste Process Workgroup Meeting #7 | Facebook**

Facebook, Jan. 12, 2023. Solid waste process workgroup meeting #7.

#### **Solid Waste Process Workgroup Meeting #6 | Facebook**

Facebook, Dec. 7, 2022. Solid waste process workgroup meeting #6.

#### **Solid Waste Process Workgroup Meeting #5 & Open House Event | Facebook**

Facebook, Nov. 14, 2022. Solid Waste Process Workgroup Meeting #5 & Open House.

#### **Solid Waste Process Workgroup Meeting #4 | Facebook**

Facebook, Oct. 21, 2022. Solid Waste Process Workgroup Meeting #4.

#### **Solid Waste Process Workgroup Meeting #3 | Facebook**

Facebook, September 26, 2022. Solid Waste Process Workgroup Meeting #4.

#### **Solid Waste Process Workgroup meeting**

Nextdoor, Jan. 12, 2023. Please join us for the next Solid Waste Process Workgroup meeting on Jan 19.

#### **Solid Waste Process Workgroup Meeting #6**

Nextdoor, Dec. 7, 2022. Please join us for the next Solid Waste Process Workgroup Meeting #6.

#### **Solid Waste Process Workgroup Meeting #5 & Open House Event**

Nextdoor, Nov. 14, 2022. Please join us for the next Solid Waste Process Workgroup Meeting #5 and a special open house event.

## BENTON COUNTY WORKGROUP TALKING TRASH AND THE FUTURE OF SOLID WASTE

Nextdoor, Sep. 12, 2022. The “Benton County Talks Trash” workgroup officially kicked off Sept. 8 with a welcome from the Benton County Board of Commissioners, introductions, and discussion about a collaboration process that will be happening through mid-December to support decision-making about the future of solid waste in Benton County.

### Analytics

Benton County Solid Waste Process Workgroup - Outreach Analysis										
Benton County <small>ORISSA</small>		Facebook reach = the # of unique users who saw your content.	Twitter impression = the # of times a tweet shows up in somebody's timeline.	Instagram reach = the # of unique accounts that have seen your post or story.	Nextdoor reach = the # of unique views, opens and clicks of the post in the	E-news reach = the # of users that opened the email.	Email reach = the # of users that opened the email.			
<b>Email</b>	August 11, 2022:									
Benton County workgroup talking trash & the future of solid waste										Constant Contact Emails
										Reach 3,666
<b>Post</b>	August 12, 2022:	Facebook		Twitter		Instagram		Nextdoor		
The #BentonCountyBoardOfCommissioners want you to help “talk trash” this fall by participating		Reach	155	Impressions	143	Reach	231	Reach	1,562	
										Benton County Talks Trash@workgroup scheduled to address future of solid waste!
<b>E-news</b>	September 6, 2022:									
Benton County News - September 2022: Talking Trash										E-news
										Reach 4,783
<b>Post</b>	September 9, 2022:	Facebook		Twitter		Instagram		Nextdoor		
The “Benton County Talks Trash” workgroup officially kicked off yesterday		Reach	411	Impressions	266	Reach	480	Reach	1,630	
										Benton County workgroup talking trash and the future of solid waste.
<b>Email</b>	September 12, 2022:									
Benton County workgroup talking trash & the future of										Constant Contact Emails
										Reach 3,564
<b>Email</b>	September 15, 2022:									
Solid Waste Workgroup Meeting, Sept. 15										Constant Contact Emails
										Reach 119
<b>Post</b>	September 15, 2022:	Facebook post		Twitter		Instagram				
The #BentonCountySolidWasteWor		Reach	561	Impressions	126	Reach	219			
<b>Event post</b>	September 15, 2022:	Facebook event						Nextdoor event		
Neighborhood Tour		Reach	79					Reach	unable to capture	
<b>Internal newsletter</b>	September 20, 2022:									
This month, I would like to let you know about a new										Internal newsletter
										Reach 156
<b>Email</b>	September 20, 2022:									
Landfill and neighborhood tours scheduled										Constant Contact Emails
										Reach 118
<b>Email</b>	September 22, 2022:									
Solid Waste Workgroup Meeting, “Benton County Talks										Constant Contact Emails
										Reach 102
<b>Post</b>	September 22, 2022:	Facebook post		Twitter		Instagram				
The Benton County Talks Trash Solid Waste Process		Reach	1,226	Impressions	151	Reach	158			
<b>Email</b>	September 28, 2022:									
Neighborhood tour update										Constant Contact Emails
										Reach 109
<b>Email</b>	September 29, 2022:									
Tour the Neighborhoods that										Constant Contact Emails

surround the Coffin Butte  
**Event post**  
 Neighborhood Tour

**October 1, 2022:**

Facebook event	
Reach	313

Nextdoor event	
Reach	unable to capture

Reach	100
-------	-----

**E-news**  
 Benton County News - October  
 2022: Solid Waste Process  
 Workgroup tours Coffin Butte

**October 5, 2022:**

Nextdoor		E-news	
Reach	4,503	Reach	4,638

**Post**  
 ICYMI the Solid Waste Process  
 Workgroup is holding meeting  
 #3 tomorrow from 3-7pm.

**October 5, 2022:**

Facebook		Twitter		Instagram	
Reach	2	Impressions	139	Reach	161

n/a Facebook error

**Email**  
 Reminder - Solid Waste  
 Workgroup Meeting, "Benton  
**Event post**  
 Solid Waste Process  
 Workgroup Meeting #3

**October 6, 2022:**

Facebook event	
Reach	164

Nextdoor event	
Reach	unable to capture

Constant Contact Emails	
Reach	111

**Email**  
 Solid Waste Process  
 Workgroup Meeting, "Benton  
**Email**  
 Solid Waste Process  
 Workgroup Subcommittee

**October 20, 2022:**

Constant Contact Emails	
Reach	108

**October 21, 2022:**

Constant Contact Emails	
Reach	115

**Email**  
 REMINDER: Solid Waste  
 Process Workgroup Meeting -  
**Post**

**October 25, 2022:**

Constant Contact Emails	
Reach	111

Attend the Solid Waste Process  
 Workgroup meeting #4 this  
**Event post**

**October 25, 2022:**

Facebook		Twitter		Instagram	
Reach	778	Impressions	122	Reach	130

Solid Waste Process  
 Workgroup Meeting #4  
**E-news**

**October 27, 2022:**

Facebook event	
Reach	183

Nextdoor event	
Reach	unable to capture

Benton County News -  
 November 2022: Solid Waste  
**Email**

**November 1, 2022:**

Nextdoor		E-news	
Reach	5,054	Reach	3,732

CANCELLED: Solid Waste  
 Process Workgroup Meeting -  
**Email**  
 Open House at the next Solid  
 Waste Process Workgroup

**November 1, 2022:**

Constant Contact Emails	
Reach	115

**November 10, 2022:**

Constant Contact Emails	
Reach	3,516

**Event post**  
 Solid Waste Process  
 Workgroup Meeting #5  
**Email**  
 REMINDER: Solid Waste

**November 14, 2022:**

Facebook event	
Reach	220

Nextdoor event	
Reach	unable to capture

**November 15, 2022:**

Constant Contact Emails	
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Page 2 of 3

Process Workgroup Meeting &  
**E-news**

**December 6, 2022:**

Nextdoor		E-news	
Reach	4,256	Reach	4,215

Reach	103
-------	-----

Benton County News -  
 December 2022: Upcoming  
**Email**

**December 7, 2022:**

Constant Contact Emails	
Reach	105

Solid Waste Process  
 Workgroup Meeting - Dec. 15  
**Event post**

**December 7, 2022:**

Facebook event	
Reach	213

Nextdoor event	
Reach	unable to capture

Solid Waste Process  
 Workgroup Meeting #6  
**Post**

**December 12, 2022:**

Attend the Solid Waste Process  
 Workgroup meeting #6 this  
**Email**

**December 12, 2022:**

Facebook		Twitter		Instagram	
Reach	103	Impressions	142	Reach	179

Constant Contact Emails	
Reach	109

REMINDER: Solid Waste  
 Process Workgroup Meeting -  
 Benton County Solid Waste  
 Process Workgroup totals:

Facebook		Twitter		Instagram		Nextdoor		E-news		Constant Contact Emails	
Reach total	4,408	Reach total	1,089	Reach total	1,558	Reach total	17,005	Reach total	17,524	Reach total	12,171
Followers total	5,899	Followers total	3,079	Followers total	2,087	Followers total	21,922	Subscribers total	6,959	Subscribers total	6,959

Total Reach =	
*Total Followers =	39,946 *as of 12/31/22

Web visits		Media advisories	
SWPW page views	2,094	Page views	437
Ave. time on page	4:07		
Submitter page views	1,276		
Meeting links views	558		

**Benton County Solid Waste  
 Process Workgroup outreach**

**REACH:**  
 - The greatest reach was through the County's E-newsletter and Nextdoor (ND) platforms, which also have the most followers/subscribers. The next greatest reach is through email subscriptions, followed by Facebook (FB), Instagram (IG), and Twitter (TW) channels.  
 - The County's total reach surpassed its total number of followers/subscribers.

**ENGAGEMENT:**  
 - The County received a 3.5% overall engagement rate. 2022 industry standards for E-newsletters = 1%, ND = 0.45-0.55%, Email subscriptions = 1%, FB = 0.064%, IG = 0.67%, TW = 0.037%.  
 - Contact engagement rates: E-newsletter = 5%, ND = 0.04, Email subscriptions = 3.6%, FB = 2.4%, IG = 2.5%, TW = 1.5%. With the exception of ND, all of the engagement rates are higher than industry standards.

**Member Process Evaluation Summary**

**TO BE PROVIDED**



**Facilitator Process Reflections**

**TO BE PROVIDED**

VII. Conclusion

**TO BE PROVIDED**

## **Table of Contents**

- A. Meeting Summary and Open House Topics
- B. BCTTW, CUP, Community Involvement FAQ sheet
- C. Subcommittee Reports
  - 1. Sustainable Materials Management Plan (SMMP)
  - 2. Landfill Size/Capacity/Longevity
  - 3. Legal Issues & Land Use Review
  - 4. Past Land Use Application Conditions
  - 5. Community Education & Outreach
- D. Subcommittee “Meeting Notes”
  - 1. Sustainable Materials Management Plan (SMMP)
  - 2. Landfill Size/Capacity/Longevity
  - 3. Legal Issues & Land Use Review
  - 4. Past Land Use Application Conditions
  - 5. Community Education & Outreach
- E. Draft #3 Feedback from the Planning Commission and SWAC/DSAC
  - 1. Sustainable Materials Management Plan (SMMP)
  - 2. Landfill Size/Capacity/Longevity
  - 3. Legal Issues & Land Use Review
  - 4. Past Land Use Application Conditions
  - 5. Community Education & Outreach

## Appendix A: Meeting Summary and Open House Topics

### A. Meeting One: 09/08/2022

#### 1. Main Topics

- Welcome & Introductions
- Participant Meeting Instructions
- Participant Commitments
- How We Got Here
- Review Major Charter Sections:
- Collaboration 101 Training
- Public Comment
- Triage Charge Elements
- Draft Report Structure Explore Common Understandings Section
- Mechanics: Add Representative Table
- Next Steps

#### 2. Materials Presented

- [Agenda](#)
- [Assessment](#)
- [Facilitator Observations](#)
- [Charter](#)
- [PowerPoint](#)
- [Survey Summary](#)
- [First Draft of Report](#)

#### 3. WORK GROUP Discussion

The workgroup reviewed the major Charter sections: these were the general scope, charge elements, guiding principles, how polling works, and the “one table” concept. The workgroup triaged the draft report structure, exploring the Common Understandings section. The major themes were refining the list of missing topics/questions, providing additional information where needed, and commenting on the next draft. When discussing the mechanics of the workgroup, the central topics were establishing meeting times, and scheduling suggestions for the landfill and neighborhood tours.

For the complete Workgroup discussion, please review the [09/08/2022 Meeting Minutes here](#).

The Zoom video recording is available [here](#).

#### 4. Action Items

Members were given the Meeting One Evaluation link. Homework for the next meeting included providing information on member alternates and submitting any final topics and/or questions with supporting materials.

The County agreed to work on increasing project visibility and public information and expanding the interested party list in the making with those that were on the CUP process list.

## 5. Public Comment

Themes from Public Comments:

- a) Mountain of garbage. Need to keep existing capacity in mind and what this means for the County.
- b) Only 7% of waste comes from Benton county and should not be dumping ground for others.
- c) Process should focus more on SMMP – not a CUP application.
- d) Once a cutting-edge facility; now never-ending community problem.
- e) Coffin Butte a tragedy of commons; make those furthest away pay more.
- f) Future-orientated focus removed from the Charter – focus on more than landfilling.
- g) Consider options for harvesting energy from the landfill
- h) The workgroup is in a unique position regarding common understandings. The workgroup should get the facts and work hard to develop common understandings. This could be a worthy outcome in and of itself.

## B. Meeting Two: 09/15/2022

### 1. Main Topics

- Welcome & New Member Introductions
- Participant Meeting Instructions
- Participant Commitments
- Approve Draft Minutes from Meeting One
- Public Comment
- Meeting One Evaluation Highlights
- Homework Highlights
- Explore Common Understandings & Refine List of Missing Topics/Questions
- Discuss SWMP Table of Contents Concept
- Triage Charge Elements/Workplan
- Next Steps

### 2. Materials Presented

- [Agenda](#)
- [Draft 9/8/22 Minuets](#)
- [Comments](#)
- [Meeting One Evaluation](#)
- [Homework Summary](#)
- [Common Understandings Table of Contents](#)
- [SWMP Table of Contents](#)

### 3. WORK GROUP Discussion

Sam shared the results and explained how the evaluations and homework answers are compiled. Amelia pulls comments from SurveyMonkey and formats it for ease of review. The workgroup then had a brief discussion about fairness and balance. Important themes from exploring the Common Understandings Section and the SWMP include emphasizing that the workgroup's current purpose is to grow a full list of topics (not to finetune or get precise placement), brainstorming different areas of questioning. The

workgroup then triaged the Charge Elements/Workplan. The overarching theme was flushing out what the workgroup has the ability and resources to do.

For the complete Workgroup discussion, please review the [09/15/2022 Meeting Minutes here](#).

The Zoom video recording is available [here](#).

#### **4. Action Items**

Members were given the Meeting Two Evaluation link, and tour updates were given. Homework for the next meeting included members track changing the Charge Common Understandings and SMMP Table of Contents with any topics/questions they think are missing.

#### **5. Public Comment**

- Paul Nietfeld (engineer and resident living between Corvallis city limits and the landfill): Issues: Historic intake for coffin butte. Shows a graph with landfill input and a table with projections for landfill life, including Cell 6. Quarry challenge. Shared a desire to document intake, life, and quarry in a final report.
- Sam's shared an example about assumptions used by different parties and the need to test them collaboratively. The use of sensitivity analyses.
- Ryan McAlister adds that life events make landfill input ebb and flow.
- Chuck Gilbert: Referenced the memo submitted on sustainability & looking at the landfill as a resource and encouraged the members to read it.
- Ken Ekland: Followed up on Paul's presentation. He had concerns about volume numbers in the report/document being incorrect, so the lifespan Paul predicted may be too generous. Shared comments on the history of the Solid Waste Advisory Council (SWAC) and the Disposal Site Advisory Committee (DSAC.)
- Brian Fuller also shared comments on the topic of comparing the different assumptions and metrics used by different groups.
- A subcommittee should be set up so people from different groups can discuss these assumptions and then present them together to the workgroup. Sam also encourages people to send in additional written comments on these topics.

### **C. Meeting Three: 10/06/2022**

#### **1. Main Topics**

- Welcome & New Member Introductions
- Review Participant Meeting Instructions & Agenda
- BOC Presentation
- Approve Draft Minutes: Last Meeting & Tours
- Landfill Tour Questions
- Public Comment
- Comments on Meeting Two Evaluation Suggestions
- Discuss County Counsel Deference Memo & Set Stage for Legal Subcommittee
- Check-in Activity
- Big Picture Discussion
- Stand-Up the Subcommittees

- Review Amended Workplan
- Next Steps

## 2. Materials Presented

- Agenda
- [Draft 9/15/2022 Minutes](#)
- [Landfill Tour Minutes & Landfill Tour Questions](#)
- [Neighborhood Tour Minutes & Neighborhood Tour Questions](#)
- [Meeting Two Evaluation](#)
- [Email Attachment Comments](#)
- [County Council Deference Memo](#)
- [Common Understandings Table of Contents with Track Changes](#)
- [SWMP Table of Contents with Track Changes](#)
- [CUP Conditions with Track Changes](#)
- [Member Memo](#)
- [Republic Memo: Section 2 C and Section 3](#)
- [Charge C](#)
- [Charge B](#)

## 3. WORK GROUP Discussion

The workgroup discussed what to do with the mass number of emails that get sent between meetings. Between meeting one and two it was roughly 1,600 emails. Many of these emails focused on understanding Charge b, so a legal subcommittee to present to the group on what the law was proposed. The big picture process discussion emphasized that the workgroup is engaging in a bridge process that will set the stage for subsequent processes and decisions. The subcommittees to stand up are as follows:

- Landfill Size/Capacity/Longevity Subcommittee (Existing)
- CUP Conditions Subcommittee (Existing)
- Law Subcommittee (Pending)
  - i. Land Use Law 101
  - ii. Deference Memos
  - iii. Rights and Obligations
  - iv. Entity Rights and Obligations
  - v. Reporting Requirements

- Potential SWMP Subcommittee and Potential Amendment Request to BOC

For the complete Workgroup discussion, please review the [10/06/2022 Meeting Minutes here](#).

The Zoom video recording is available [here](#).

## 4. Action Items

Members were given the Meeting Three Evaluation link. The facilitation team will schedule and conduct the subcommittee meetings before the next workgroup meeting. County staff will organize and add additional materials to the discussed documents and present them to the workgroup at the next meeting. Republic also committed to responding to tour questions for the subcommittees to review.

## 5. Public Comment

- Audrey Sterling (Community Member): Reflects that the talk in the community focuses on the idea that the landfill is full and what to do with the trash. They need to find a place for it, so the landfill does not overflow.
- Kristen Mitchell (Executive Director of Oregon Refuse & Recycling): Explains what her company does, noting that Coffin Bute is in very good standing. She also notes that because Senate Bill 882 was passed, RMA should come into effect soon
- Cris Reese (Community Member and Small Business Owner): Expresses appreciation for the work Republic does at Coffin Bute and notes he does not want small businesses to be forced to pay garbage trucks to haul longer distances.
- Chuck Gilbert (Community Member): Comments on how the landfill and rock removal are both valuable resources.
- Jennifer Holworth (Community Member): Reflects positively on Republic's compost and recycling programs.

#### **D. Meeting Four: 10/27/2022**

##### **1. Main Topics**

- Welcome & New Member Introductions
- Review Participant Meeting Instructions & Agenda
- Approve M3 Draft Minutes
- BOC Action on Updated Workplan
- Public Comment
- Update on Tour Questions & Answers
- SMMO Values & Goals Discussion
- Q&A Session with Representatives from other Counties
- Subcommittee Reports
- Next Steps

##### **2. Materials Presented**

- [Agenda](#)
- [Draft M3 Minutes](#)
- [M3 Evaluation Summary](#)
- [Updated Workplan](#)
- [Public Comments Document](#)
- [Member Comments Document](#)
- [BCTT Tour Questions 10/25](#)
- [SMMP Values & Goals Presentation: 2040 Initiative History & Overview](#)
- [Charge C](#)
- [A.1 Subcommittee Report](#)
- [A.2 Subcommittee \\_\\_\\_\\_\\_](#)
- [A.3 Subcommittee Webpage](#)
- [C.1. Subcommittee Report](#)

##### **3. WORK GROUP Discussion**

The Facilitator reviewed the agenda, M3 Minutes, and updated workplan. The minutes were approved and the only significant change to the BOC Action and Workplan was more time was added between the Workgroup meetings, so there is time for



subcommittees to meet. After the public comment, the group went over the updated Tour Questions - Joel requested they be changed so it does not appear that the neighborhood leadership neglected to respond to Republic tour questions. Sean then presented on the SMMP Values & Goals with coverage of the 2040 Initiative, including History & Overview. Daniel had previously reached out to other Counties so they could talk about the issues/topics they have been dealing with. Key takeaways from this discussion:

1. Public engagement is critical, especially with the SWMP or SMMP.
2. Subcommittees can be very effective
3. The Recycling Modernization Act should be front and center
4. They should consider different housing types. EX: Multi-family homes have different recycling resources. How can you still support these homes?
5. Remember that solid waste is a transportation issue.
6. Keep in mind changing technologies (EX: JUNO)
7. Recycling is vital to the transient community. It is an equity issue.

Subcommittee reports were given to the group and there was discussion on ways to improve their action plans.

For the complete Workgroup discussion, please review the 10/27/2022 Meeting Minutes [here](#).

The Zoom video recording is available [here](#).

#### **4. Action Items**

Members were given the Meeting Four Evaluation link. The facilitation team will continue scheduling and conducting the subcommittee meetings with County staff. The discussion of applying Values to the CUP will be added to the agenda for the next applicable meeting. Staff and the Facilitation team will plan and communicate to members the plans for the Open House element of Workgroup Meeting Five.

#### **5. Public Comment**

- Doug Pollock (neighbor of the landfill, engineer, and parent): He explained how he documented that inkjet cartridges being sent to the landfill from HP were leaking ink into the landfill as they were crushed by landfill equipment. In response he helped develop a recyclable ink cartridges program which processed 200 tons of cartridges in its first year, half of that being ink. He also discussed how Corvallis public schools have been resistant to recycling and continue to put hazardous materials such as fluorescent tubes and epoxy into bins going to the landfill. Essentially, there is no audit of what is going into the landfill. He also emphasized that these consensus processes are hard for the real public to get involved with and be heard. He said these processes tend to favor process insiders more than the public.
- Debbie Palmer (resident) 11/16/22 Submittal: [She] expressed her opinion that the facilitator misrepresented the neighbors as wanting to close the landfill as soon as possible. She elaborated that the neighbors just want it to stop expanding, and that the County should take the estimated 10-15 years of landfill life left via already-permitted airspace to plan for post-closure waste management. She also noted the difference between intentionally-sited and accidentally-sited landfills, pointing out that Coffin Butte is an accidentally-sited one, and commented that since Republic

Services profits substantially from landfilling garbage, they have no incentive to pursue alternatives to landfilling. She summarized that she felt everyone wants to do something to combat the climate crisis, and that working towards eventual closure of the landfill would help.

- Linda Brewer (resident, soil scientist, and ten-year member of SWAC): stated that, in her opinion, Republic is doing a good job managing the landfill. She also noted that the Benton County trash rate has been held artificially low.
- Pat Schwartz (resident): expressed the belief that the Republic is an important part of the community.
- Cat Newsheller (resident): expressed the belief that Republic is simply trying a new tactic to get what they want – expanding the landfill and taking in more trash. She feels that Republic should not be making money off people's health, and if the County lets them expand, they will become out of control. She also shared personal experiences concerning the traffic and debris on HWY 99 from landfill trucks.
- Dale Elizabeth Draeger (resident): explained that they recently visited the landfill and were concerned that people were throwing away recyclable materials like metal. Republic should have someone to monitor the sorting.
- Pat Hare (City Manager of Adair Village): Pat reflected on their positive experiences working with Republic and noted that they are a large employer in the community. He also notes that when the cost to get rid of trash increases, more trash ends up on the street.
- James Rodell (resident, but not close to the landfill): He would like clear and transparent communication on whether Republic broke certain agreements and the consequences.

## **E. Meeting Five**

### **1. Main Topics**

- Welcome
- Review Participant Meeting Instructions & Agenda
- Approve M4 Draft Minutes
- Approve Updated Tour Q&A
- Updated Workplan Facilitator 11/16/22
- Public Comment
- Subcommittee Reports
- Reintroduce Charges D & E
- Next Steps
- Open House

### **2. Materials Presented**

- [Agenda](#)
- [Draft M4 Minutes](#)
- [M4 Evaluation](#)
- [Tour Q&A Final Version](#)
- [Updated Workplan](#)
- [Public Comments](#)
- [Public & Member Comments](#) (passcode: Benton1!)

- [A.1. Subcommittee Report](#)
- [A.2. Subcommittee Homepage](#)
- [A.3. & B.1. Subcommittee Homepage](#)
- [C.1. Subcommittee Report](#)

### 3. WORK GROUP Discussion

Joel Geier introduces a motion to revise the M4 notes as per the recent email exchange, which Ed Pitera seconds. Ed also suggests alternative ideas like using a transcript. Sam holds a quick poll on the original motion: Substituting the language that Joel Geier presented in place of the existing Doug Pollock comments in the Public Comments section of the Meeting 4 Minutes. (See Polling Issue 1, below, and 07:53 – 10:00 of meeting recording). Sam responds to the alternative ideas raised by Ed and suggests that people can bring in written statements if they would like or send in a written statement the next week to encapsulate the comment they made at the Workgroup. This is viewed favorably by the workgroup. Daniel explains how the comments are currently accessible on the meeting agendas via FTP’s, and the Tour Q&A and Project Workplan updates are approved.

Subcommittee reports were given to the group and there was discussion on ways to improve their action plans.

For the complete Workgroup discussion, please review the 11/17/2022 Meeting Minutes [here](#).

The Zoom video recording is available [here](#).

### 4. Action Items

Members were given the Meeting Five Evaluation link. The facilitation team will continue scheduling and conducting the subcommittee meetings with County staff, and subcommittee E will be formed and begin meeting. Notes created from the open house will be prepared for presentation at the next meeting.

**Polling Issue 1:** Substituting the language that Joel Geier presented for Doug Pollock’s current comments in the Public Comments section of the Meeting 4 Minutes.

<b>WORKGROUP Member</b>	<b>Polling</b>	<b>Charge</b>	<b>Not Here</b>	<b>Abstain</b>	<b>Yes</b>	<b>No</b>
Joel Geier	X	All			X	
Marge Popp	X	All		X		
Elizabeth Irish	X	All		X		
Russ Knocke	X	All but C			X	
Shawn Edmonds	X	All but C		X		
John Deuel	X	All			X	
Kathryn Duvall	X	All	X			
Christopher McMorran	X	All	X			

Ryan McAlister	X	All			X	
Mary Parmigiani	X	All			X	
Ed Pitera	X	All			X	
Louisa Shelby	X	All			X	
Catherine Biscoe	X	All	X			
<b>Polling Totals:</b>				<b>3</b>	<b>7</b>	<b>0</b>
<b>EX-Officio</b>	<b>Polling</b>	<b>Charge</b>	<b>Not Here</b>	<b>Abstain</b>	<b>Yes</b>	<b>No</b>
Brian Fuller				X		
Brian May			X			
Shane Sanderson				X		
<b>County</b>	<b>Polling</b>	<b>Charge</b>	<b>Not Here</b>	<b>Abstain</b>	<b>Yes</b>	<b>No</b>
Daniel Redick					X	
Sean McGuire				X		
<b>Ex-Officio Totals:</b>				<b>3</b>	<b>1</b>	<b>0</b>
<b>Grand Totals:</b>				<b>6</b>	<b>8</b>	<b>0</b>

**RESULT:** Consensus / No Consensus

Facilitator counts a Majority, so the group is going to move forward with making the changes.

**Minority Proposal:** None

## 5. Public Comment

- Schmidt Pathman: His company promotes research on Solid Waste Management and partners with Universities, national, and international organizations. Some of their concerns about landfills are: 1) the underestimation of methane produced by landfills and lessening organic materials thrown away, and 2) lessening cross contamination of recyclable materials, which can be better achieved with the sorting system they have designed. (Pending receipt (full statement) by speaker to be placed in Appendix A of Meeting Minutes.)
- Debbie Palmer: Notes that the link to the FTP links is only good for a month. She also notes that she likes the need for fidelity between the oral and written public comments.
- Daniel: Explains that, yes, the links need to be reset each month. However, they will ensure the links are always updated and available.
- Dr. Skip Rochefort: (Associate Professor of Chemical Engineering at Oregon State University) He presents a recorded lecture/slideshow on how they have created a way to create diesel fuel from plastics using only heat. (See Appendix B of Meeting Minutes for slideshow).

## F. Meeting Six

## 1. Main Topics

- Welcome & New Member Introduction
- Review Agenda
- Member Shares Original Document
- Public Comment
- Subcommittees A.1. & E.1. Report
- Review & Approve M5 Minutes & Evaluation Summary
- Discuss Consultant/Attorney for Next CUP
- Subcommittee A.2 Report and A.3 B.1 Report
- Introduce & Approve Third Attorney with Poll
- Subcommittee C.1. Reports
- Updated Project Workplan
- Next steps

## 2. Materials Presented

- [Working M6 Agenda](#)
- [Draft M5 Minutes and Open House Notes](#)
- [M5 Evaluations](#)
- [Comments](#)
- [Topic A.1. Landfill Capacity/Longevity](#)
- [E.1 Community Education](#)
- [Topic A.2. Past CUP Conditions](#)
- [A.3. Legal Issues and Topic B.1. Land Use Review](#)
- [Legal Subcommittee PPT](#)
- [Legal Subcommittee Statement](#)
- [Virginia Gustafson Lucker Resume](#)
- [C.1. SMMP](#)
- [BCTT Draft Workplan Gantt Chart](#)
- [BCTT Draft Workplan Calendar](#)

## 3. WORK GROUP Discussion

For the complete Workgroup discussion, please review the 12/15/2022 Meeting Minutes here. The meeting recording can be found [here](#).

## 4. Action Items

Members were given the Meeting Six Evaluation link. The facilitation team will continue scheduling and conducting the subcommittee meetings with County staff, an Informal Member Survey will be sent out for Members to complete over the holiday, and facilitation staff will begin drafting the first draft of the final report.

**Polling Issue 1:** Virginia (Ginny) Lucker will join the Legal Subcommittee to serve as the neutral “third leg of the stool.”

WORKGROUP Member	Polling	Charge	Not Here	Abstain	1	2	3
Chuck Gilbert	X	All			X		

Marge Popp	X	All	X				
Elizabeth Irish	X	All			X		
Russ Knocke	X	All but C				X	
Shawn Edmonds	X	All but C				X	
John Deuel	X	All			X		
Kathryn Duvall	X	All			X		
Christopher McMorran	X	All	X				
Ryan McAlister	X	All	X				
Mary Parmigiani	X	All			X		
Ed Pitera	X	All			X		
Louisa Shelby	X	All			X		
Catherine Biscoe	X	All			X		
<b>Polling Totals:</b>				<b>3</b>	<b>8</b>	<b>0</b>	<b>0</b>
<b>EX-Officio</b>	<b>Polling</b>	<b>Charge</b>	<b>Not Here</b>	<b>Abstain</b>	<b>1</b>	<b>2</b>	<b>3</b>
Brian Fuller					X		
Brian May					X		
Shane Sanderson					X		
<b>County</b>	<b>Polling</b>	<b>Charge</b>	<b>Not Here</b>	<b>Abstain</b>	<b>1</b>	<b>2</b>	<b>3</b>
Daniel Redick					X		
Sean McGuire					X		
<b>Ex-Officio Totals:</b>			<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Grand Totals:</b>			<b>3</b>	<b>0</b>	<b>13</b>	<b>2</b>	<b>0</b>

**RESULT:** Consensus / No Consensus

**Minority Proposal:** None

## 5. Public Comment

- Camille Hall: (Resident) She is sad that the Board chose to remove Nancy, and now, Joel. These members have unique experiences and knowledge that was valuable. The County currently does not have a process to deal with the tons of trash that go into the landfill. She understands that the two removed people had complained about the facilitator and commissioners and is saddened they chose to remove them.
- Debbie Palmer: (Resident) Question: Who, in the end, will be writing the SMMP? Who will write the RFP? Darren: Answering - He does not know for sure, but staff

will put together a draft RFP to hire the consultant. They may ask the Board and maybe some Subcommittees / WG if appropriate. They are looking at other counties' successful plans, and they are invested in getting it right.

- Tom Hewes: (Resident since 1974.) He seconds Camille's statement and is also extremely disappointed in the facilitator and the County for removing the two members. Question - How does having the second biggest landfill on OR align with the Country's values?
- Kate Harris: (Lives in Soap Creek and kids go to school in Adair Village) Thanks the group for being here. Explains that the Adair Village water source is in an area that gets contaminated by the landfill. The contaminants go to the Corvallis treatment plant, but how do we know the water from the park is getting cleaned for all the things? What is the filtration process? We know fires at the landfill, earthquakes, even air quality is starting to be tracked, but water is a big issue too. She hopes the focus can be on minimizing the landfill need. How can we move landfill storage to drier climates, so they are not so hazardous?
- Ron Thompson: (From Newport and is a third-generation garbage disposal business.) Wants to share his concerns if Coffin Butte were to close. It is expensive to haul stuff farther away, more emissions from trucks, and more wear on roads. They also had rates go way up when their local landfill closed, and as they already have a notable dumping problem, raising rates so people cannot afford it would make things worse. He would love to recycle everything, but landfills are an important and needed tool.
- Marge Popp: (Workgroup Member) She is also disappointed that Nancy and Joel were removed. They were hardworking and knowledgeable - and while they could challenge authority, she wishes that their positive qualities could have been more prioritized.
- Brain Fuller: (DEQ Workgroup Member) lets folks know he is retiring from DEQ, and that Audrey O'Brien will be replacing him. Audrey then introduced herself and shared some of her background at DEQ.

#### **G. Meeting Seven To be provided**

- 1. Main Topics**
- 2. Materials Presented**
- 3. WORK GROUP Discussion**
- 4. Action Items**
- 5. Public Comment**

#### **H. Meeting Eight To be provided**

- 1. Main Topics**
- 2. Materials Presented**
- 3. WORK GROUP Discussion**
- 4. Action Items**
- 5. Public Comment**

#### **I. Meeting Nine: March 16, 2023 To be provided**

- 1. Main Topics**
- 2. Materials Presented**
- 3. WORK GROUP Discussion**
- 4. Action Items**
- 5. Public Comment**



## **Appendix B: BCTTW, CUP, Community Involvement FAQ sheet**

(In progress)