

**“Benton County Talks Trash” Workgroup
Findings & Recommendations – Polling and Revisions Document**

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Legend

INFORMAL POLLING:

Green Shading = All 1s

Yellow Shading = Any 2s

Red Shading = Any 3s

FORMAL POLLING:

Pink Shading = Consensus (All 1s and 2s)

Dark Blue Shading = Majority-Minority in Favor (At least one 3)

Light Blue Shading = Majority-Minority Against (More 3s than combined 1s and 2s)

SMMP FINDINGS

The first Workgroup Polling numbers are from the informal poll. Subsequent polling was completed at the Workgroup meetings and are formal polling numbers.

SMMP F-1	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> Many Sustainable Materials Management Plans (SMMP) and related Request For Proposals (RFP)s have been formulated, executed, and are in use in Oregon and beyond.</p>	11	1	0
<p><u>Language Proposed by 3s</u> <u>Language Proposed by 2s</u> Although, many SMMP's are in use in Oregon not all are equal. Some have landfills, other do not. Some have incinerators, others have none. Many have transfer stations, while some have few. Nonetheless, all SMMP's progress from a linear economy to a more robust circular economy sustained by a materials management plan. A linear economy is a traditional economic model in which resources are extracted, used to produce goods, and then disposed of as waste. In this model, resources are typically extracted from the environment, transformed into products, used by consumers, and then discarded as waste. A circular economy is an alternative economic model that aims to keep resources in use for as long as possible, minimizing waste and maximizing the value of resources. In a circular economy, resources are used, reused, and recycled in a closed-loop system, with minimal loss of materials and energy. This in turn should increase the service life an existing landfill. In a circular economy, products are designed with their entire lifecycle in mind, so that they can be easily disassembled, repaired, and recycled. Instead of being discarded after use, products are repurposed or remanufactured into new products or materials. A Sustainable Materials Management (SMM) plan is a comprehensive approach to managing materials in a way that reduces waste and maximizes the reuse, recycling, and recovery of valuable resources. The goal of an SMM plan is to create a more sustainable and efficient materials management system that conserves natural resources, reduces greenhouse gas emissions, and supports a circular economy.</p>			
<p><u>Alternative Language Submitted by Chuck Gilbert</u> The overarching process of Benton County is the tenets and goals of sustainability in the 2040 Thriving Communities Initiative. Within the underpinnings are both the needed proposed Sustainable Materials Management Plan (SMMP) and the existing Solid Waste Management Plan (SWMP) of Benton County working shoulder to shoulder for a transition from a linear economy model of landfill waste disposal to a more robust circular economy model sustained by the SMMP and SWMP. The Benton County Solid Waste Management Plan outlines how the county manages its solid waste, including garbage, recyclables, and other materials. The plan is designed to provide guidance on how to minimize waste, increase recycling, and reduce the environmental impact of waste disposal.</p>			

<p>Although, many SMMP's are in use in Oregon not all are equal. Some have landfills, other do not. Some have incinerators, others have none. Many have transfer stations, while some have few.</p> <p>The goal of an SMM plan is to create a more sustainable and efficient materials management system that conserves natural resources, reduces greenhouse gas emissions, and supports a circular economy.</p> <p>Nonetheless, all SMMP's progress from a linear economy to a more robust circular economy sustained by a materials management plan.</p> <p>A linear economy is a traditional economic model in which resources are extracted, used to produce goods, and then disposed of as waste. In this model, resources are typically extracted from the environment, transformed into products, used by consumers, and then discarded as waste.</p> <p>A circular economy is an alternative economic model that aims to keep resources in use for as long as possible, minimizing waste and maximizing the value of resources. In a circular economy, resources are used, reused, and recycled in a closed-loop system, with minimal loss of materials and energy. This in turn should increase the service life in an existing landfill.</p> <p>In a circular economy, products are designed with their entire lifecycle in mind, so that they can be easily disassembled, repaired, and recycled. Instead of being discarded after use, products are repurposed or remanufactured into new products or materials.</p> <p>A Sustainable Materials Management (SMM) plan is a comprehensive approach to managing materials in a way that reduces waste and maximizes the reuse, recycling, and recovery of valuable resources.</p> <p>This combination of approaches 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 Services, members of Benton County, as well neighboring Counties and municipality using Republic Services waste management services.</p> <p>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".</p> <p>The reader of this committee 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.</p>			
	Formal Workgroup Polling		
<p><u>Real-Time Draft Revision 4/3/23</u></p> <p>Many Sustainable Materials Management Plans (SMMP) and related Request For Proposals (RFP)s have been formulated, executed, and are in use in Oregon and beyond.</p>			

SMMP F-2	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	11	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> Not sure if this is mentioned in charges of SMMP Subcommittee but Long-Term Sustainable Materials plan should cover the economic and environmental advantages and disadvantages of other landfills and other technologies.			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 – No Changes Made</u>	11	1	0

SMMP F-3	Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	12	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

SMMP F-4	Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	10	2	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u>			

<ul style="list-style-type: none"> 'may be" in place of "can be" "should help" in place of "may help" Consider adding "Areas of the county should include representatives from all incorporated and unincorporated Can also include recommendations from the CEO subcommittee for communication. 			
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23 – No Changes Made</i>	10	2	0

SMMP F-5	Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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. To expedite the process, certain procedural elements can be done concurrently. The timeline can generally be defined throughout the process.	11	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> Consider adding a sentence 1.5 "Extensive research work should be done in an open nature to avoid appearance of lack of transparency.			
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23 – No Changes Made</i>	11	1	0

SMMP F-6	Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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 all 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.	10	2	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> ...is relatively small, " as1 of 39 counties, and contributing only X% of the waste received at CBL" Not only other jurisdictions' not also other states/ countries 			
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23 – No Changes Made</i>	10	2	0

SMMP F-7	Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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).	9	3	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> • ...Pacific Region Compost...add "municipal water treatment facilities"...and transportation methods, etc. • Does Benton County as well as other counties and municipalities have better control over the waste collection franchise that may be able to direct waste to other landfill locations that are economically beneficial to the longevity of Coffin Butte landfill. • Edit. " material hauled to Coffin Butte Landfill. However, the county and its infrastructure are impacted" or something like that. Confusing sentence structure. 			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 – No Changes Made</u>	9	3	0

SMMP F-8	Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	10	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> • The "Benton County" 2040 Thriving Communities... Other Comments: <ul style="list-style-type: none"> • i don't know what the 2040 Thriving Communities Initiative is so am uncomfortable providing a score 			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 – No Changes Made</u>	10	1	0

SMMP RECOMMENDATIONS

The first Workgroup Polling numbers are from the informal poll. Subsequent polling was completed at the Workgroup meetings and are formal polling numbers.

SMMP R-1	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<p><u>Draft 6 Text</u> 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).</p>	10	3	0	45	17	97	35
<u>Language Proposed by 3s</u>							
<p><u>Language Proposed by 2s</u></p> <ul style="list-style-type: none"> • does 2) national, "State" need to be capitalized? • "...full lifecycle impacts of materials used in the County or brought into the County for disposal." • Also the SMMP should consider environmental and economic impacts 							
	Formal Workgroup Polling						
<i>Real-Time Draft Revision 4/3/23 – No Changes Made</i>	10	3	0				

SMMP R-2	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<p><u>Draft 6 Text</u> Benton County should use the 2040 Thriving Communities Initiative as a high-level lens to frame our communities' Core Values in developing the SMMP.</p>	12	0	0	41	19	91	36

	Formal Workgroup Polling						
<i>No Changes Made</i>	12	0	0				

SMMP R-3	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<i>Draft 6 Text</i> 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.	10	2	0	43	19	90	38
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> regional multi-county approach... "to include the counties contributing waste to CBL" ...to achieve the goals of, etc. ".. inter-county and inter-state collaboration..." "...other county and state (WA, ID, add CA?) materials management plans may have..." 							
	Formal Workgroup Polling						
<i>Real-Time Draft Revision 4/3/23 – No Changes Made</i>	10	2	0				

SMMP R-4	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<i>Draft 6 Text</i> 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.	10	3	0	41	19	92	36
<u>Language Proposed by 3s</u>							

<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> • Question: Do we have jurisdiction over other Counties? • how would Benton County compel other counties to have a SMMP? Instead, I wonder if Benton County could evaluate how other counties and wastesheds in Oregon by reviewing the Oregon DEQ annual material recovery survey results to see how other counties that send waste to Coffin Butte are doing with their OTR requirements and how they are doing with their own SMMPs. • "Counties and states..." 							
	Formal Workgroup Polling						
Real-Time Draft Revision 4/3/23 – No Changes Made	10	3	0				

SMMP R-5	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	12	0	0	41	19	90	35
	Formal Workgroup Polling						
No Changes Made	12	0	0				

SMMP R-6	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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,	12	0	0	42	18	89	37

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.							
	Formal Workgroup Polling						
No Changes Made	12	0	0				

SMMP R-7	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
Draft 6 Text 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.	11	1	0	47	13	98	26
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> “...Benton County experiences, the waste industry - particularly Republic, and Western states.”							
	Formal Workgroup Polling						
Real-Time Draft Revision 4/3/23 – No Changes Made	11	1	0				

SMMP R-8	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
Draft 6 Text 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.	10	2	0	33	24	68	52
<u>Language Proposed by 3s</u>							

<u>Language Proposed by 2s</u>							
<ul style="list-style-type: none"> Strike "Beyond those in the County" and begin with "A wide assortment..." Outside the county representation is identified with last sentence, "These stakeholders should represent a broader area than Benton County" The people at the table should also include those who would be most affected by the landfill/ other waste technology being discussed. 							
	Formal Workgroup Polling						
Real-Time Draft Revision 4/3/23 – No Changes Made	10	2	0				

SMMP R-9	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> Benton County should use an RFP to find consultant(s) for developing a Sustainable Materials Management Plan.	11	0	0	36	20	73	42
	Formal Workgroup Polling						
No Changes Made	11	0	0				

SMMP R-10	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	11	2	0	36	20	69	41
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u>							
<ul style="list-style-type: none"> Suggest "and the" be removed. Sentence would then read, "The SMMP should evaluate..." 							

<ul style="list-style-type: none"> The SMMP should address the aggregated list of subjects contained in the full subcommittee report, answering the 117 questions listed as RFP priorities allow, and include recommended courses of action. 							
	Formal Workgroup Polling						
<i>Real-Time Draft Revision 4/3/23 – No Changes Made</i>	11	2	0				

SMMP R-11	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<i>Draft 6 Text</i> 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.	11	1	0	34	19	76	34
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> Add sentence, "Evaluation of RFP candidates should include at a minimum, one member of the public."							
	Formal Workgroup Polling						
<i>Real-Time Draft Revision 4/3/23 – No Changes Made</i>	11	1	0				

SMMP R-12	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<i>Draft 6 Text</i> 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.	12	0	0	41	17	88	34
	Formal Workgroup Polling						
<i>No Changes Made</i>	12	0	0				

SMMP R-13	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	12	0	0	34	19	78	37
	Formal Workgroup Polling						
<u>No Changes Made</u>	12	0	0				

SMMP R-14	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> Members of this BCTT SMMP subcommittee should be offered to participate in subsequent stakeholder group meetings for RFP development and review. The County's Advisory Committees related to SMMP work should have an advisory role during the development of the plan.	11	3	0	39	21	80	40
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> Members of this BCTT SMMP subcommittee should be offered an opportunity to participate in subsequent stakeholder group meetings for RFP development and review. The County's Advisory Committees related to SMMP work should have an advisory role during the development of the plan. This just concerns me because there isn't a CAC for North Corvallis and the landfill area right? How should the County address this? I know there are other Advisory Committees but is the Community Advisory Committee being inactive a concern and should there be recommendations about that? I do not disagree with what the recommendation is in itself. With how I read things, I feel like there are two separate recommendations being 							

presented. I am fine with the language and would have no problem if it did not change but would ask for the reconsideration that it be split.							
	Formal Workgroup Polling						
Real-Time Draft Revision 4/3/23 – No Changes Made	11	1	0				

SMMP R-15	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
Draft 6 Text 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.	11	1	0	37	20	79	36
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> communicate an expectation that this plan may be approached by teams of multiple firms, instead of just single firms,							
	Formal Workgroup Polling						
Real-Time Draft Revision 4/3/23 – No Changes Made	11	1	0				

SMMP R-16	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
Draft 6 Text 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).	12	0	0	44	15	98	29
	Formal Workgroup Polling						
No Changes Made	12	0	0				

SMMP R-17	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> The RFP should demonstrate flexibility in allowing further work plan development after applications are reviewed and accepted.	10	1	0	35	20	77	40
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> too broad. perhaps use something like the following: the RFP should clarify that the county will allow some flexibility for the selected consultant/contractor to expand on the work plan development in the following areas: use phase 1 data developed/collected to clarify the work in phase 2, etc.							
	Formal Workgroup Polling						
<u>Real-Time Draft Revision 4/3/23 – No Changes Made</u>	10	1	0				

SMMP R-18	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	10	2	0	38	18	87	34
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> A schedule for the overall project and each of its elements such as public engagement should be developed before the project is authorized by the Board of Commissioners. This schedule should be updated each calendar quarter. And the timeline should be shared with the public. 							
	Formal						

	Workgroup Polling						
Real-Time Draft Revision 4/3/23 – No Changes Made	10	2	0				

SMMP R-19	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
Draft 6 Text 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.	12	0	0	35	20	73	38
	Formal Workgroup Polling						
No Changes Made	12	0	0				

SMMP R-20	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
Draft 6 Text 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 subcommittee 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 TAC could help the SMMP consultant to navigate to the best available data and knowledge.	11	2	0	38	19	82	36
Language Proposed by 3s							
Language Proposed by 2s <ul style="list-style-type: none"> SMMP "and/or BCTT" subcommittee members should be included... What's the plan with including the North Corvallis area CACs when there isn't any (or is there one now, not on BC website). Comments from 1s							

• Seems redundant with one earlier in the list.							
	Formal Workgroup Polling						
<i>Real-Time Draft Revision 4/3/23 – No Changes Made</i>	11	2	0				

SMMP R-21	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<i>Draft 6 Text</i> 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.	10	2	0	36	19	76	36
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> Proposals "should" contain the following... Strike "requested information includes" and start with "Project team experience" etc. Proposals should 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. 							
	Formal Workgroup Polling						
<i>Real-Time Draft Revision 4/3/23 – No Changes Made</i>	10	2	0				

SMMP R-22	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<i>Draft 6 Text</i>	11	1	0	35	18	73	43

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.							
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> An evaluation team consisting of County staff and members of the stakeholder group should determine the proposal deemed most qualified based on the above criteria (See Recommendation 21). <i>Comments from 1s</i> "...determine the three best proposals and their costs deemed..."							
	Formal Workgroup Polling						
Real-Time Draft Revision 4/3/23 – No Changes Made	11	1	0				

SMMP R-23	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> The SMMP should emphasize impacts of the results of the RFP on social equity and innovation, to understand and emphasize the upstream aspects of material sustainability and creative solutions that provide pathways for tangible long-term outcomes.	10	2	0	33	22	77	40
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> Strike "and emphasize" the upstream... The SMMP should emphasize impacts of its recommendations on social equity and innovation, while emphasizing the upstream aspects of material sustainability and creative solutions that provide new pathways for tangible positive long-term outcomes. 							
	Formal Workgroup Polling						
Real-Time Draft Revision 4/3/23 – No Changes Made	10	2	0				

SMMP R-24	Workgroup Polling	Initial Public Polling as of 3/23/23	Cumulative Public Polling as of 3/31/23
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	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	10	2	0	37	19	80	37
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> The sections of the workplan "should" include... Start sentence "The selection subcommittee "should" identify... The committee "shall" then evaluate proposals... Each firm's proposed SMMP workplan should include ongoing adaptive management and refinement and include a timeline for completion. The sections of the workplan outline should include RFP development and release plan, a webinar for prospective consultants, a pre-proposal Q&A period, and a period for application submittal. The selection committee should identify shortlisted firms who may be 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. 							
	Formal Workgroup Polling						
<u>Real-Time Draft Revision 4/3/23 – No Changes Made</u>	10	2	0				

SMMP R-25	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	13	0	0	38	20	82	37

	Formal Workgroup Polling						
No Changes Made	13	0	0				

SMMP R-26	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
Draft 6 Text The county should consider using alternative funding mechanisms, including landfill revenue, to support the SMMP recommendations.	13	0	0	39	19	76	43
	Formal Workgroup Polling						
No Changes Made	13	0	0				

SMMP R-27	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
Draft 6 Text A complete materials audit is highly recommended as both a benchmark and a way to measure progress. The 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.	10	2	0	36	17	81	34
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> Strike "and" there is no up-to-date, and start sentence with "There" is no... this may be very important. DEQ is conducting a waste composition study currently and perhaps Benton County could evaluate the results of DEQ's waste composition study to see if the results meet the SMMP needs. If there are information gaps, perhaps Benton County may want to address through a partial waste audit. 							

<p><i>Other comments</i> A complete materials audit is highly recommended as both a benchmark and a way to measure progress. The County should initiate a Waste Audit to characterize more precisely what is in the waste stream of Coffin Butte Landfill. The SMMP consultant may use this audit information when formulating this plan, as there is little 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.</p>									
	Formal Workgroup Polling								
Real-Time Draft Revision 4/3/23 – No Changes Made	10	2	0						

SMMP R-28	Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<p>Draft 6 Text (NEW) The SMMP should evaluate the costs, benefits, risks, and opportunities of a wide range of materials management strategies to find the most sustainable future for Benton County. The successful applicant should present a complete benefit-cost analysis of a wide range of strategies that work as a more integrated system, including but not limited to, the benefit-costs analysis of Benton County acting as the host of a regional landfill that contributes a small portion of the total waste the landfill receives. This analysis should include key parameters of Coffin Butte landfill, such as its operating life, its large intake from outside the county, its franchise fees, and its long-term environmental risks and costs.</p>	11	2	0	None	None	None	None
<p><u>Language Proposed by 3s</u></p>							
<p><u>Language Proposed by 2s</u></p> <ul style="list-style-type: none"> "A complete benefit-cost analysis..." is dangerous language. I would soften it, otherwise you have people coming out of the woodwork stating that the analysis has to be scrapped because no one did a count on the number of candy wrappers heading to the landfill. I'd drop the word complete and add wholistic or reasonable or another term like that. Strike "the successful applicant" and replace with "the consultant" <p>Comments from 1s Excellent</p>							

	Formal Workgroup Polling						
<u>Real-Time Draft Revision 4/3/23 – No Changes Made</u>	11	2	0				

LSCL FINDINGS

The first Workgroup Polling numbers are from the informal poll. Subsequent polling was completed at the Workgroup meetings and are formal polling numbers.

LSCL F-1	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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.</p>	13	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	13	0	0

LSCL F-2	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> In 2013 EOL was projected to be 2053-2062, with a Landfill Life estimate of 40-49 years¹. 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.</p>	13	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	13	0	0

LSCL F-3	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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/yd³, 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</p>	13	0	0

¹ [2013 Coffin Butte Landfill and Pacific Region Compost Annual Report](#)

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.			
	Formal Workgroup Polling		
<u>No Changes Made</u>	13	0	0

LSCL F-4	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	11	2	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> 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 controlled 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. On third line should be DEQ not ODEQ 			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 – No Changes Made</u>	11	2	0

LSCL F-5	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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]. 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	6	6	0

<p>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.</p> <p>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.</p>			
<p><u>Language Proposed by 3s</u></p>			
<p><u>Language Proposed by 2s</u></p> <ul style="list-style-type: none"> • Remove everything after "Service Area" • i don't know which state government is being referred to in this statement. • Remove everything after "Service Area" • Third paragraph: Flesh out the "regulatory limit" concept. Has one been set? Proposed? Point/link to supporting documentation in the report. • By transitioning the economy of Benton County and surrounding counties to support more circular systems of materials management, such as through product and packaging redesign, increased recycling, increased food waste prevention and composting, and other forms of recovery, the volume of waste that needs to be disposed of in the landfill will decrease. This, in turn, reduces the rate at which the landfill is filled up, which can extend its lifespan with or without tonnage cap limitation. • This could be more clear. Is this saying that there will be no tonnage cap at all or it will be another amount higher than 1.1 M? If the CUP is approved then there will be unlimited amounts of material dumping and so then the landfill could fill up more quickly even with expansion if materials increase? At some point, we were told that the SMMP would only make a minor dent in the landfill tonnage since Benton County is such a small percentage of the landfill's solid waste tonnage. I feel like this paragraph should have more clarity about the franchise, CUP, and tonnage correlation and how this would affect the community. 			
	Formal Workgroup Polling		
<p><u>Real-Time Draft Revision 4/3/23 – No Changes Made</u></p>	6	6	0

<p>LSCL F-6</p>	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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.</p>	12	0	0
	Formal Workgroup Polling		

<i>No Changes Made</i>	12	0	0
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LSCL F-7	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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.	12	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> "...extended producer responsibility (EPR) incentives recently authorized by Oregon..."			
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23 – No Changes Made</i>	12	1	0

LSCL F-8	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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.	12	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> "reserve resources.. ancillary resources .. linear economy model." The terms are very difficult to relate to. Please rewrite with a general community audience in mind.			
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23 – No Changes Made</i>	12	1	0

LSCL F-9	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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.	9	4	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> Remove "water table concerns; disasters that happen to the landfill itself." 			

<ul style="list-style-type: none"> • should also include engineering design, construction and management of current and future cell development, environmental considerations that may be discovered as part of future cell design, construction, operation and closure that DEQ must review and approve or request changes to. Also economic impacts that may influence generation of waste. • Remove water table concerns; disasters that happen to the Landfill itself. • Also environmental disasters/ other issues that would cause a lot of debris to be added to the landfill. 			
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23 – No Changes Made</i>	9	4	0

LSCL F-10	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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.	13	0	0
	Formal Workgroup Polling		
<i>No Changes Made</i>	13	0	0

LSCL F-11	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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.	11	1	0
<i>Language Proposed by 3s</i>			
<i>Language Proposed by 2s</i> In addition to Table 4, maybe also provide a page number to make it easier to find.			
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23 – No Changes Made</i>	11	1	0

LSCL F-12	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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.</p>	10	3	0
<u>Language Proposed by 3s</u>			
<p><u>Language Proposed by 2s</u></p> <ul style="list-style-type: none"> Remove "major" Remove "major" in the first sentence. see annual reports submitted to DEQ: https://www.oregon.gov/deq/ghgp/Documents/ghgAnnualaqpHold. 			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 – No Changes Made</u>	10	3	0

LSCL F-13	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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.</p>	10	1	2
<u>Language Proposed by 3s</u>			
<ul style="list-style-type: none"> This will become a "1" with the inclusion of the following sentence at the end of the finding. (Note, this sentence appears in the body of the report but didn't make it's way into the finding.) "Republic Services provided data to the EPA for inclusion in the 2021 GHG report that estimated the Landfill's gas collection system had an efficiency of 91.2 percent." This will become a "1" with the inclusion of the following sentence at the end of the finding. (Note, this sentence appears in the body of the report but didn't make it's way into the finding.) "Republic Services provided data to the EPA for inclusion in the 2021 GHG report that estimated the Landfill's gas collection system had an efficiency of 91.2 percent." 			
<u>Language Proposed by 2s</u>			
<ul style="list-style-type: none"> clarify language. Does collection system refer to monitoring, collection and treatment or just monitoring of landfill gas? Perhaps Benton County can obtain more recent gas monitoring, collection and treatment results from DEQ. 			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23</u>			

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 Oregon DEQ estimated that Coffin Butte Landfill's controls (engine/generators with backup flare) collected 57% (https://downloads.regulations.gov/EPA-R10-OAR-2019-0640-0011/content.pdf). Republic Services provided data to Oregon DEQ for inclusion in EPA's 2021 Greenhouse Gas report that estimated the Landfill's gas collection system had an efficiency of 91.2 percent. (Reference: https://ghgdata.epa.gov/ghgp/service/html/2021?id=1007054&et=undefined)			
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 Oregon DEQ estimated that Coffin Butte Landfill's controls (engine/generators with backup flare) collected 57% (https://downloads.regulations.gov/EPA-R10-OAR-2019-0640-0011/content.pdf).	4	3	5
Republic Services provided data to the Oregon DEQ for inclusion in EPA's 2021 Greenhouse Gas report that estimated the Landfill's gas collection system had an efficiency of 91.2 percent. (Reference: https://ghgdata.epa.gov/ghgp/service/html/2021?id=1007054&et=undefined)	8	3	0
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 Oregon DEQ estimated that Coffin Butte Landfill's controls (engine/generators with backup flare) collected 57% (https://downloads.regulations.gov/EPA-R10-OAR-2019-0640-0011/content.pdf). Republic Services provided data to Oregon DEQ for inclusion in EPA's 2021 Greenhouse Gas report that estimated the Landfill's gas collection system had an efficiency of 91.2 percent. (Reference: https://ghgdata.epa.gov/ghgp/service/html/2021?id=1007054&et=undefined)	6	1	4
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 Oregon DEQ estimated that Coffin Butte Landfill's controls (engine/generators with backup flare) collected 57% (https://downloads.regulations.gov/EPA-R10-OAR-2019-0640-0011/content.pdf). Republic Services provided data to Oregon DEQ for inclusion in EPA's 2021 Greenhouse Gas report that estimated the Landfill's gas collection system had an efficiency of 91.2 percent. (Reference: https://ghgdata.epa.gov/ghgp/service/html/2021?id=1007054&et=undefined)	11	1	0
<i>Concern with the 57% finding is not having a certain citation.</i>			
<u>Oregon adopted DEQ regulations for GHG reporting in 2021 under air quality permit program. First requirement is to calculate emissions and then in the future control requirements will be implemented.</u>			
<u>Potential Recommendation LSCL R-XX</u> <u>Compare DEQ vs EPA and identify which the county wants to reference.</u>			

LSCL F-14	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u>	13	0	0

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.			
	Formal Workgroup Polling		
<i>No Changes Made</i>	13	0	0

LSCL F-15	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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.	13	0	0
	Formal Workgroup Polling		
<i>No Changes Made</i>	13	0	0

LSCL F-16	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> The addition of Cell 6 added approximately 13,400,000 cubic yards of airspace. The 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 remained remaining somewhat constant. As of end 2021 approximately 44% of permitted capacity remained unused.	10	2	1
<i>Language Proposed by 3s</i> <ul style="list-style-type: none"> Remove: The formal County approval of Cell 6 as a disposal area has not been identified or confirmed. It is not accurate 			
<i>Language Proposed by 2s</i> <ul style="list-style-type: none"> double check land use files for 2000 LUCS and verify what the county means in the signoff of this document. Clarify. Past tense appropriate? Consider "The addition of Cell 6 would add approximately..." 			
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23</i> The addition of Cell 6 added approximately 13,400,000 cubic yards of airspace. The 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	12	0	0

<p>approximately 35,500,000 cubic yards. The County should clarify whether/when formal approval of Cell 6 as a disposal area was granted. (See LLU F-23, CUP F-XX, detailed rebuttal) provides more information on this matter. Since 2004, reported remaining airspace has decreased gradually, while total permitted airspace has remained remaining somewhat constant. As of end 2021 approximately 44% of permitted capacity remained unused. [See also LSCL F-37]</p>			
<p><u>Real-Time Draft Revision 4/3/23 Language Proposed by Ed Pitera (Consolidate with LSCL F-37)</u></p> <p>Prior to 2003, the airspace capacity was 13,100,000 cubic yards. This increased 69% to 22,100,000 cubic yards in 2003 when the County approved the addition of the West and East triangle areas for disposal. If approved by the County, the proposed "Cell 6" would add 13,400,000 cubic yards of airspace for a total of 35,500,000 cubic yards of disposal capacity. A 170% increase in permitted landfill airspace since 2003.</p> <p>The expected landfill longevity is 2 to 3 years (2025) without Cell 6 being constructed and 14 to 16 years (2037 – 2040) if Cell 6 is approved and operational in 2025.</p> <p>Valley Landfills Inc. anticipates it will no longer be able to place waste in Cell 5 by mid-year 2025. Excavation of the footprint of Cell 6 within the current rock quarry is scheduled to begin in Spring of 2023 with completion in Spring 2025.</p>			

LSCL F-17	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u></p> <p>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 placed into the landfill.</p>	12	1	0
<p><u>Language Proposed by 3s</u></p>			
<p><u>Language Proposed by 2s</u></p> <p>Recommend paragraph be consistent in annual tons. First sentence could be, "In 1983, 117,000 tons were placed in to the landfill (375 tons per day)."</p>			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	12	1	0

LSCL F-18	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u>	12	1	0

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. Actual tonnage should be updated upon receipt of the 2022 Coffin Butte Landfill Annual Report.			
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u>			
"The size of the Host Fee payment (add \$ amount) to Benton..."			
	Formal Workgroup Polling		
Real-Time Draft Revision 4/3/23 - No Changes Made	12	1	0

LSCL F-19	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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...”.	12	0	0
	Formal Workgroup Polling		
No Changes Made	12	0	0

LSCL F-20	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> The 2000 intake tonnage threshold was exceeded in calendar years 2017, 2018 and 2019.	12	0	0
	Formal Workgroup Polling		
No Changes Made	12	0	0

LSCL F-21	Informal Workgroup Polling		
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	1	2	3
<u>Draft 6 Text</u> 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.	12	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LSCL F-22	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	12	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LSCL F-23	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

LSCL F-24	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u>	12	0	0

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.			
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LSCL F-25	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	12	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LSCL F-26	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	11	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> This sentence isn't clear to me and probably not to the average person. "were required as part of the contract. The consequences of a violation of the contracts were clearly addressed in the documents" or something like that.			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	11	1	0

LSCL F-27	Informal Workgroup Polling		
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	1	2	3
<u>Draft 6 Text</u> 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.	10	2	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> • Republic was asked about the impact of Benton County going over 75,000 ton reservation at Mtg 8 and committed to reply. What is the reply? • suggestion to define Force Majeure or say unforeseeable circumstances 			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	10	2	0

LSCL F-28	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.”	12	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LSCL F-29	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	12	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LSCL F-30	Informal Workgroup Polling		

	1	2	3
<u>Draft 6 Text</u> 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.	12	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LSCL F-31	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	12	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LSCL F-32	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	12	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LSCL F-33	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u>	12	0	0

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.			
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LSCL F-34	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	13	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LSCL F-35	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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."	12	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LSCL F-36	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u>	12	0	0

The 2016 MOU does not contain language preventing Benton County from exercising its rights under the 2000 Landfill Franchise Agreement (see Recommendations).			
	Formal Workgroup Polling		
No Changes Made	12	0	0

LSCL F-37	Informal Workgroup Polling		
	1	2	3
Draft 6 Text 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.	11	2	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2</u>			
<ul style="list-style-type: none"> • DEQ will need to review and approve design plans before any construction takes place. • "...the landfill known as the quarry known as Cell 6." Typo? Please clarify. 			
	Formal Workgroup Polling		
Real-Time Draft Revision 4/3/23 - No Changes Made	11	2	0
[Delete, per Ed Pitera's proposed revision to LSCL F-16] <i>Moved to below LSCL F-16</i>			

LSCL F-38	Informal Workgroup Polling		
	1	2	3
Draft 6 Text 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."	12	0	0
	Formal Workgroup Polling		
No Changes Made	12	0	0

LSCL F-39	Informal Workgroup Polling		
	1	2	3
Draft 6 Text	11	1	0

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.			
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> "The process for approving landfill south of Coffin Butte Road was subsequently changed to “allowed by conditional use permit.”" Please clarify what this sentence means. What was changed by whom, how, when, why? What are the consequences?			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	11	1	0

LSCL F-40	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	11	0	1
<u>Language Proposed by 3s</u> Need to see the complete County file on 2002 MOU, particularly the site map referred to.			
<u>Language Proposed by 2s</u>			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23</u> 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.	11	0	0

LSCL F-41	Informal Workgroup Polling		
	1	2	3

<u>Draft 6 Text</u> Twenty-three tax lots are owned by landfill-affiliated entities. Six of these tax lots are zoned LS, and the five 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).	11	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> Please fill in "totaling xx acres" then same for yy, zz acreage amounts "Twenty-three tax lots totaling xx acres are owned by landfill-affiliated entities. Six of these tax lots totaling yy acres are zoned LS, and the five 5 LS tax lots totaling zz acres 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)."			
<u>Comments by 1s</u> Is LS defined somewhere?			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	11	1	0

LSCL F-42	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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 has not changed significantly since 1983; it has filled in more of its footprint.	12	0	1
<u>Language Proposed by 3s</u> Replacement language: "The landfill has developed since 1974. It has grow in both height and size, and changed in visual appearance. Although still within the Landfill Zone designated in 1983, the actual footprint of the landfill cells has increased as more wastes are brought to the site." Note: The original F-42 language runs into issues of geographic & regional definitions that have numerous nuances. The topic has been better addressed in the CUP and LLU sections.			
<u>Language Proposed by 2s</u>			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 [unchanged]</u> 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 has not changed significantly since 1983; it has filled in more of its footprint.	7	1	2
<u>Real-Time Draft Revision 4/3/23</u>	8	1	2

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 landfill in 1974, growing in both height and size, and visual appearance. However, the overall landfill acreage has not changed significantly since 1983; it has filled in more of its footprint.

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LSCL RECOMMENDATIONS

The first Workgroup Polling numbers are from the informal poll. Subsequent polling was completed at the Workgroup meetings and are formal polling numbers.

LSCL R-1	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> The Sustainable Materials Management Plan (SMMP) should further develop scenarios and factors that may impact the landfill lifespan, including detailed analyses of likely projections. The Board of Commissioners (Board) and Benton County (County) staff should keep the questions about these factors and their effects in mind when making decisions affecting the landfill.	11	2	0	34	16	76	32
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> Add the following: "Benton County's decision on a future CUP application can neither be denied, nor delayed, based on the status and/or development of an SMMP." Add the following: "Benton County's decision on a future CUP application can neither be denied, nor delayed, based on the status and/or development of an SMMP." 							
	Formal Workgroup Polling						
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	11	2	0				

LSCL R-2	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> The County should create and share a plan for the enforcement of all franchise agreements.	11	1	0	38	13	80	26
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u>							

The county should consider the Community Outreach and Education Subcommittee when deciding how to communicate a plan for enforcement of all franchise agreements.							
	Formal Workgroup Polling						
<i>Real-Time Draft Revision 4/3/23 - No Changes Made</i>	11	1	0				

LSCL R-3	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<i>Draft 6 Text</i> The County should contract for an updated Baseline Study to evaluate the impact of the current intake level at Coffin Butte Landfill. As with the 2001 Baseline Study stipulated in the 2000 Landfill Franchise Agreement, this new 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 the County in decision making and financial choices regarding how to use the income from the landfill.	9	4	0	31	20	73	36
<i>Language Proposed by 3s</i>							
<i>Language Proposed by 2s</i> <ul style="list-style-type: none"> This is at Benton County's discretion. Republic Services does not wish to opine on the county's business or operating decisions. This is at Benton County's discretion. Republic Services does not wish to opine on the county's business or operating decisions. The County should contract for an updated Baseline Study to evaluate the impact of the current intake level at Coffin Butte Landfill. As with the 2001 Baseline Study stipulated in the 2000 Landfill Franchise Agreement, this new 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. The Baseline Study should also include human health impact of landfill. 							

	Formal Workgroup Polling						
<i>Real-Time Draft Revision 4/3/23 - No Changes Made</i>	9	4	0				

LSCL R-4	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<p><i>Draft 6 Text</i> 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.</p>	9	3	0	24	24	62	40
<u>Language Proposed by 3s</u>							
<p><u>Language Proposed by 2s</u> "The county should use this information in its landfill-related decision-making and make it public to the extent possible. It should be recognized that the 2020 franchise 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."</p>							
	Formal Workgroup Polling						
<i>Real-Time Draft Revision 4/3/23 - No Changes Made</i>	9	3	0				

LSCL R-5	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> The County should clarify and document the process for officially establishing Permitted Space, including any and all required Benton County actions and regulatory agency approvals (Oregon Dept. of Environmental Quality (ORDEQ), Environmental Protection Agency (EPA), etc.).	9	3	0	32	18	75	32
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> Already addressed by Legal Subcommittee This was already addressed by the Legal subcommittee. Define or describe (a few adjectives would do) "Permitted Space" to help the general reader understand what is being recommended. 							
	Formal Workgroup Polling						
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	9	3	0				

LSCL R-6	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> The County should clarify when formal approval of Cell 6 as a disposal area was granted.	10	1	2	26	23	70	38
<u>Language Proposed by 3s</u> <ul style="list-style-type: none"> This recommendation should be removed. This issue has already been addressed by the legal subcommittee. This finding should be removed. This issue has already been addressed by the legal subcommittee. 							
<u>Language Proposed by 2s</u> And communicate this with the County.							
	Formal Workgroup Polling						
<u>Real-Time Draft Revision 3/23/23</u>	7	5	0				

The County should clarify when formal approval of Cell 6 as a disposal area was granted. LLU F-23 provides information on this issue.							
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LSCL R-7	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> The Benton County Solid Waste Advisory Council (SWAC) should review all future Coffin Butte Landfill 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 end of life, and total and remaining Permitted Space. SWAC should report these findings to the Board for consideration.	12	0	1	32	18	72	35
<u>Language Proposed by 3s</u> The Benton County Disposal Site Advisory Council (DSAC) should review all future Coffin Butte Landfill 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 end of life, and total and remaining Permitted Space. DSAC should report these findings to the Board for consideration.							
<u>Language Proposed by 2s</u>							
	Formal Workgroup Polling						
<u>Real-Time Draft Revision 3/23/23</u> The Benton County Disposal Site Advisory Council (DSAC) should review all future Coffin Butte Landfill 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 end of life, and total and remaining Permitted Space. DSAC should report these findings to the Board for consideration.	9	3	0				

LSCL R-8	Informal Workgroup Polling	Initial Public Polling as of 3/23/23	Cumulative Public Polling as of 3/31/23
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	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	12	0	0	31	19	74	34
	Formal Workgroup Polling						
<u>No Changes Made</u>	12	0	0				

LSCL R-9	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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 the County can participate in, on behalf of its residents, as the landfill's permitted volume is filled.	12	1	0	24	26	63	41
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> "That expectation should be tempered by signals of factors that can reshape Coffin Butte Landfill's social and regulatory landscape" Unclear, I don't know what you mean here. What signals and factors? What do you mean by reshaping and what does that entail?							
	Formal Workgroup Polling						
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	12	1	0				

LSCL R-10	Informal Workgroup Polling	Initial Public Polling as of 3/23/23	Cumulative Public Polling as of 3/31/23

	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> The 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.	12	1	0	30	21	75	35
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> please review latest submittal to DEQ before concluding that landfill gas is not well characterized.							
	Formal Workgroup Polling						
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	12	1	0				

LSCL R-11	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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 into alignment with the County's goals and values.	12	1	0	33	17	72	33
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> 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 <u>materials</u> management closer into alignment with the County's goals and values.							

	Formal Workgroup Polling						
<i>Real-Time Draft Revision 4/3/23 - No Changes Made</i>	12	1	0				
LSCL R-12	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<i>Draft 6 Text</i> The 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.	11	2	0	32	17	73	33
<u><i>Language Proposed by 3s</i></u>							
<u><i>Language Proposed by 2s</i></u> <ul style="list-style-type: none"> The county should keep in mind that "ONE OF THE" most effective ways... Not the only way.... The County should keep in mind that ONE OF the most effective WAYS to curtail a landfill's greenhouse gas emissions..." (As an industry leader with numerous composting operations, it is inaccurate to suggest this is the only way.) 							
	Formal Workgroup Polling						
<i>Real-Time Draft Revision 4/3/23 - No Changes Made</i>	11	2	0				

LLU FINDINGS

The first Workgroup Polling numbers are from the informal poll. Subsequent polling was completed at the Workgroup meetings and are formal polling numbers.

LLU F-1	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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).	11	0	0
	Final Workgroup Polling		
<u>No Changes Made</u>	11	0	0

LLU F-2	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> Only the current franchise agreement has legal effect. The previous franchise agreement is superseded when a new agreement takes effect.	11	0	0
	Final Workgroup Polling		
<u>No Changes Made</u>	11	0	0

LLU F-3A	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> Only the current franchise agreement has legal effect. The previous franchise agreement is superseded when a new agreement takes effect.	12	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u>			

"...and post-closure maintenance. The existing closure, post-closure plans do not include the physical work or monies needed to comply with the County's Land Use Conditions of Approval. [See additional DEQ information and CUP evaluations including PC-74-01 at conditions 4 & 6 and PC83-07 condition 10 in the full reports of the Legal and CUP subcommittees.]			
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23 - No Changes Made</i>	12	1	0

LLU F-3B	Informal Workgroup Polling		
	1	2	3
<p><i>Draft 6 Text</i> 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:</p> <ol style="list-style-type: none"> 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. 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. <p>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.</p> <p>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.</p> <p><u>Language Proposed by 3s</u></p> <p><u>Language Proposed by 2s</u></p> <p>#2: Who is "your"?</p>	11	1	0
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23 - No Changes Made</i>	11	1	0

LLU F-3C	Informal Workgroup Polling		
	1	2	3

<u>Draft 6 Text</u> 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: Statutory DEQ financial assurances, insurance, and the environment trust fund	12	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LLU F-4	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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)	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

LLU F-5	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

LLU F-6	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> Benton County may not prohibit a private landfill operator from accepting solid waste from outside Benton County.	12	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LLU F-7	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> Is DEQ prohibited from permitting another landfill west of the Cascades? No.	12	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	12	0	0

LLU F-8	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	11	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> What does “regional landfill” mean as it relates to Coffin Butte? In the history of Coffin Butte, there are two meanings. As described in 1974 and 1983 County records, "regional landfill" is specified as one serving a three county geographic area (Benton, Linn, Polk). Also in 1983, a Benton County document includes mention of Coffin Butte receiving about 94,000 tons per year of waste from these three counties. Receiving this tonnage of wastes brings the landfill within the requirements of Oregon Revised Statute (ORS) 459.005(23) which 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...” Whether the immediate service area of Coffin Butte is just Benton County or included Linn and Polk, Coffin Butte Landfill			

has received more than 75,000 tons from outside its immediate service area every year since at least 1993 bringing it under DEQ's requirements for "regional landfills". A US Supreme Court decision in 1998 which prohibits the County from limiting the collection area for the landfill makes the "regional" distinction moot. Coffin Butte has received wastes from 39 counties, some of them in the states of Washington and Idaho.			
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23 - No Changes Made</i>	11	1	0

LLU F-9	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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.	11	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> "...(does not conflict with the provision's language)"... What provision is being referred to? Awkward to read. Is the phrase in parentheses needed?			
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23 - No Changes Made</i>	11	1	0

LLU F-9A	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> The first criterion requires the decision-maker to find that " <i>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</i> " [BCC 53.215(1)]. In applying the term	9	0	1

<p>“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.</p>			
<p><u>Language Proposed by 3s</u> No contemporaneous historical factual records seem to have been reviewed. This appears to be the current County staffs impression / recollection of what others were thinking. This finding is extremely hard to support.</p>			
<p><u>Language Proposed by 2s</u></p>			
	Formal Workgroup Polling		
<p><u>Real-Time Draft Revision 4/3/23</u> The first criterion requires the decision-maker to find that “<i>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</i>” [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. This is not a recommendation 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.</p>	11	0	0
<p>LLU F-9B</p>	Informal Workgroup Polling 1 2 3		
<p><u>Draft 6 Text</u> 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:</p>	9	0	1

<ul style="list-style-type: none"> • 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)? <p>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).</p>			
<p><u>Language Proposed by 3s</u></p> <p>No contemporaneous historical factual records seem to have been reviewed. This appears to be the current County staffs impression / recollection of what others were thinking. This finding is extremely hard to support.</p>			
<p><u>Language Proposed by 2s</u></p>			
	Formal Workgroup Polling		
<p><u>Real-Time Draft Revision 4/3/23</u></p> <p>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:</p> <ul style="list-style-type: none"> • 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). <p>This is not a recommendation 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.</p>	11	0	0
<p>LLU F-9C</p>	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u></p>	9	1	0

<p>In the conditional use review criterion of: <i>“The proposed use does not impose an undue burden on any public improvements, facilities, utilities, or services available to the area”</i> [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 additions² 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.”</p>			
<p><u>Language Proposed by 3s</u></p>			
<p><u>Language Proposed by 2s</u> No contemporaneous historical factual records substantiating these statements are cited. Please cite and explain supporting records of actual Benton County "Undue Burden" decisions.</p>			
	<p>Formal Workgroup Polling</p>		
<p><u>Real-Time Draft Revision 4/3/23</u> In the conditional use review criterion of: <i>“The proposed use does not impose an undue burden on any public improvements, facilities, utilities, or services available to the area”</i> [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 additions³ 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.” This is not a recommendation on how the Planning Commission</p>	<p>11</p>	<p>0</p>	<p>0</p>

² 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.

³ 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.

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.			
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LLU F-9D	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> With regard to the conditional use review criterion of BCC 53.215(3) [<i>“The proposed use complies with any additional criteria which may be required for the specific use by this code.”</i>], 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.	10	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	10	0	0

LLU F-10	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	9	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> Delete "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." Option is to use Oregon statutes to explain SWAC role.			
	Formal Workgroup Polling		

Real-Time Draft Revision 4/3/23 - No Changes Made	9	1	0
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LLU F-11	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	10	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	10	0	0

LLU F-12	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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 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.	10	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	10	0	0

LLU F-13	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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	10	0	0

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.			
	Formal Workgroup Polling		
<i>No Changes Made</i>	10	0	0

LLU F-14	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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.	10	0	0
	Formal Workgroup Polling		
<i>No Changes Made</i>	10	0	0

LLU F-15	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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. <ul style="list-style-type: none"> 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. 	9	0	1
<i>Language Proposed by 3s</i> Notes Regarding the 2002 MOU: 1) it does not mention how the MOU was intended to relate to land use decisions 2) it is unclear as to what LUCS are referred to and their impact e.g.: the 1996 LUCS referred to in the MOU has not been found, 3) a LUCS dated 12/18/00 has been found as a free standing document, 4) a 2000 Site Plan (Is the the last DEQ approve in 2000 the MOU refers to?) using a LUCS dated Feb 25 '22 was found i.e. an 8 year gap between LUCS issuance and use in an identified document. 4) the current Operating Permit was issued in 2019 but references a 12/18/00 LUCS i.e. 20 year gap	2	4	4

<u>Language Proposed by 2s</u>			
	Formal Workgroup Polling		
<p>Real-Time Draft Revision 4/3/23</p> <p>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.</p> <ul style="list-style-type: none"> 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. 	8	0	2

LLU F-16	Informal Workgroup Polling		
	1	2	3
<p>Draft 6 Text</p> <p>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.</p>	10	0	0
	Formal Workgroup Polling		
No Changes Made	10	0	0

LLU F-17	Informal Workgroup Polling		
	1	2	3
<p>Draft 6 Text</p> <p>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, 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</p>	10	0	0

application unless the 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.			
	Formal Workgroup Polling		
<i>No Changes Made</i>	10	0	0

LLU F-18	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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.	10	0	0
	Formal Workgroup Polling		
<i>No Changes Made</i>	10	0	0

LLU F-19	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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.	9	1	0
<i>Language Proposed by 3s</i>			

<u>Language Proposed by 2s</u>			
<ul style="list-style-type: none"> This finding is very narrow. Consider adding this broader based finding. "The County could potentially determine that DEQ's regulations are inadequate to prevent the proposed land use from seriously interfering with uses on surrounding properties or becoming a public burden. The County could require that specified mitigations be implemented to address these concerns. 			
	Formal Workgroup Polling		
Real-Time Draft Revision 4/3/23 - No Changes Made	9	1	0

LLU F-20	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u>			
<p>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.</p>	9	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u>			
<ul style="list-style-type: none"> "...an existing operation on the same or a different property" ... 			
	Formal Workgroup Polling		
Real-Time Draft Revision 4/3/23 - No Changes Made	9	1	0

LLU F-21	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u>			
<p>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?</p> <p>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</p>	11	0	0

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.			
	Formal Workgroup Finding		
<i>No Changes Made</i>	11	0	0

LLU F-22	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u></p> <p>Were the site plan and narrative in PC-83-7 regulatory conditions of approval? No.</p> <p>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.</p> <p>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.</p> <p>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.</p>	9	0	1
<p><u>Language Proposed by 3s</u></p> <p>I believe this question needs more review. One of the documents the CUP Subcommittee reviewed is the Planning Commission recommendation for approving changes to the Comprehensive Plan. The Commission based their positive recommendation on a Staff Report and completion of multiple narratives. Many of these materials are in the file. The submittals describe proposed landfill terracing, sloping, post closure grazing, expectations for future use of these lands as indicated by the existing farm and forest use designations, methane management, and some aspects of screening the</p>			

landfill. Presumably these were included in the Comprehensive Plan. The question is what requirements / obligations, etc were agreed to for the site in 1983.			
Add as new finding LLU F-22a: In 1983 the County created community expectations for how the landfill would look in decisions documented in PC83-07. Appearance issues including steepness of the landfill slopes, terracing, screening, and returning the land to grazing or other farm-like uses were addressed and committed to by the County and landfill operator. The way the County chose to implement these commitments is questionable given legal hindsight. Whether they be enforceable “conditions of approval” or “findings” in the PC83-07 record remains in dispute. The BCTT Workgroup is not a court of law. The differing interpretations over a possible process or wording error of the 83-07 decision, that causes this issue to arise, should not be the primary concern. Of greater importance for the County’s relationship with its residents is the Planning Commission and Board of Commissioners decisions to adopt the offered designs and reclamation plans to meet public expectations. These expectations were made clear in the records of PC83-07. At a minimum, the debate over PC83-07’s intended vs. actual conditions of approval or findings draws attention to the fragile “good neighbor” relationship between the County, landfill owner/operator and the public established through the 83-07 land use hearing process. Acknowledging these discrepancies with prior commitments should form a basis for the County, landfill owner/operator, DEQ and the public to come to reasonable expectations for the appearance and long-term use and closure of the landfill facility.	5	2	4
<u>Language Proposed by 2s</u>			
	Formal Workgroup Polling		
<p><u>Real-Time Draft Revision 4/3/23 - No Changes Made</u></p> <p>Were the site plan and narrative in PC-83-7 regulatory conditions of approval? No.</p> <p>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.</p> <p>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.</p> <p>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.</p>	7	1	3

LLU F-23	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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.</p>	9	0	1
<p><u>Language Proposed by 3s</u> More background and historical support on the County's interpretation is needed. I am uncomfortable with the interpretation PC-83-7 and the 2002 MOU because: "Cell 6" is: 1) not mentioned in PC-83-7. 2) not show on applicant drawings of the landfill as late as 2011. 3) is shown on applicant drawings dated 2022. The portion of a drawing LS offered showing the 1983 "Existing Quarry": 1) places the quarry outside the "Approximate Solid Waste Disposal Boundary" and "Proposed Solid (illegible word) Disposal Boundary". 2) does not show a quarry extending into the area identified in 2020 as Cell 6. 3) does not show what use the drawing was intended for, no date drawn, etc. i.e. it cannot be validated. 4) shows a requirement for screening the landfill along Coffin Butte Road and Hwy 99 with about 3 dozen conifers. Regarding the 2002 MOU: 1) it does not mention how the MOU was intended to relate to land use decisions 2) is unclear as to what LUCS are referred to and their impact e.g.: the 1996 LUCS referred to in the MOU has not been found, 3) a LUCS dated 12/18/00 has been found as a free standing document, 4) a 2000 Site Plan (Is the the last DEQ approve in 2000 the MOU refers to?) using a LUCS dated Feb 25 '22 was found i.e. an 8 year gap between LUCS issuance and use in an identified document. 5) the current Operating Permit was issued in 2019 but references a 12/18/00 LUCS i.e. 20 year gap 6) it was written years before a "Cell 6" was defined in a landfill operator's drawing.</p>			
<p><u>Language Proposed by 2s</u> Change "Clarify" at start of this finding.</p>			
	Formal Workgroup Polling		
<p><u>Real-Time Draft Revision 4/3/23</u> 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</p>	5	3	3

<p>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.</p>			
<p>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.</p> <p>"Cell 6" is: 1) not mentioned in PC-83-7. 2) not show on applicant drawings of the landfill as late as 2011. 3) is shown on applicant drawings dated 2022. The portion of a drawing LS offered showing the 1983 "Existing Quarry": 1) places the quarry outside the "Approximate Solid Waste Disposal Boundary" and "Proposed Solid (illegible word) Disposal Boundary". 2) does not show a quarry extending into the area identified in 2020 as Cell 6. 3) does not show what use the drawing was intended for, no date drawn, etc. i.e. it cannot be validated. 4) shows a requirement for screening the landfill along Coffin Butte Road and Hwy 99 with about 3 dozen conifers.</p> <p>Regarding the 2002 MOU: 1) it does not mention how the MOU was intended to relate to land use decisions 2) is unclear as to what LUCS are referred to and their impact e.g.: the 1996 LUCS referred to in the MOU has not been found, 3) a LUCS dated 12/18/00 has been found as a free standing document, 4) a 2000 Site Plan (Is the the last DEQ approve in 2000 the MOU refers to?) using a LUCS dated Feb 25 '22 was found i.e. an 8 year gap between LUCS issuance and use in an identified document. 5) the current Operating Permit was issued in 2019 but references a 12/18/00 LUCS i.e. 20 year gap 6) it was written years before a "Cell 6" was defined in a landfill operator's drawing.</p>	5	2	4
<p>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</p>	5	1	5

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. However, no official county land use determination has been made on this point.			
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LLU F-24	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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.</p>	10	0	0
	Formal Workgroup Poll		
<u>No Changes Made</u>	10	0	0

LLU F-25A	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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.)</p>	6	3	1
<p><u>Language Proposed by 3s</u> Not relevant. It is not a work product of the WorkGroup.</p>			
<p><u>Language Proposed by 2s</u></p> <ul style="list-style-type: none"> Should the petition be mentioned considering there have been other comments that support continuation of the landfill, if not expansion. This is an issue of fairness. 			

<ul style="list-style-type: none"> The SMMP does not strike down the Solid Waste Management Plan but works shoulder to shoulder with the transition from a linear economy to a circular economy sustained by a material management plan that hopefully in time will increase the longevity of Coffin Butte with minimum expansions. If the Circular economy or in combination with an alternative inter-modal circular economy transfer station to another regional landfill does not complement the demand - supply equilibrium of Coffin Butte, then a minimum expansion of Coffin Butte may be needed to stay the supply equilibrium until the Circular economy can reach goals of sustainability. Not sure why this would need to be considered a finding - feels like a bit of a stretch. 			
	Formal Workgroup Polling		
<p><u>Real-Time Draft Revision 4/3/23</u> 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.)</p>			
Eliminate F-25a, 25b, and 25c	11	0	0

LLU F-25B	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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.</p>	6	3	1
<p><u>Language Proposed by 3s</u> Not relevant. It is not a work product of the WorkGroup.</p>			
<p><u>Language Proposed by 2s</u></p>			

<ul style="list-style-type: none"> Should the petition be mentioned considering there have been other comments that support continuation of the landfill, if not expansion. This is an issue of fairness. Finding 25b seems to be the one to keep and possibly combined with portions of 25a. 			
	Formal Workgroup Polling		
<p><u>Real-Time Draft Revision 4/3/23</u></p> <p>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.</p>			
Eliminate F-25a, 25b, and 25c	11	0	0

LLU F-25C	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u></p> <p>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 <i>current</i> 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.</p>	6	3	1
<p><u>Language Proposed by 3s</u></p> <p>Not relevant. It is not a work product of the WorkGroup.</p>			
<p><u>Language Proposed by 2s</u></p> <ul style="list-style-type: none"> Should the petition be mentioned considering there have been other comments that support continuation of the landfill, if not expansion. This is an issue of fairness. clarify land use application This again feels like we are venturing into waters outside the charge of this scope. 			
	Formal		

	Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23</u> 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 <i>current</i> 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.			
Eliminate F-25a, 25b, and 25c	11	0	0

LLU F-25D (CHANGED TO LLU F-25a)	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	9	0	1
<u>Language Proposed by 3s</u> Not relevant. It is not a work product of the WorkGroup.			
<u>Language Proposed by 2s</u>			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	10	0	0

LLU F-25E (CHANGED TO LLU F-25b)	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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	8	0	1

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.			
<u>Language Proposed by 3s</u> Not relevant. It is not a work product of the WorkGroup.			
<u>Language Proposed by 2s</u>			
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23 - No Changes Made</i>	10	0	0

LLU F-25F (CHANGED TO LLU F-25c)	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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.]	8	0	1
<u>Language Proposed by 3s</u> Not relevant. It is not a work product of the WorkGroup.			
<u>Language Proposed by 2s</u>			
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23 - No Changes Made</i>	10	0	0

LLU F-26	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> (New) Oregon Department of State Lands (DSL) has regulatory authority for all wetlands that meet the definition of “jurisdictional wetlands.” Benton County has additional regulatory authority for wetlands the County has identified as “significant” in a wetland inventory adopted pursuant to the Oregon Administrative Rule 660 Division 23 (Statewide Planning Goal 5 procedures). No significant wetlands are identified in the vicinity of Coffin Butte Landfill on the County’s adopted inventory. The County has not conducted a comprehensive wetland inventory and analysis of significance since the 1980s. See LLU R-11.	10	0	1

<p><u>Language Proposed by 3s</u> It can be seen with the naked eye that, for example, there are significant wetlands in the E. E. Wilson Wildlife Area. This finding without [Note: this is where the comment in SurveyMonkey ends.]</p>			
<p><u>Language Proposed by 2s</u></p>			
	<p>Formal Workgroup Polling</p>		
<p><u>Real-Time Draft Revision 4/3/23</u> (New) Oregon Department of State Lands (DSL) has regulatory authority for all wetlands that meet the definition of “jurisdictional wetlands.” Benton County has additional regulatory authority for wetlands the County has identified as “significant” in a wetland inventory adopted pursuant to the Oregon Administrative Rule 660 Division 23 (Statewide Planning Goal 5 procedures). While wetlands are present in the vicinity of Coffin Butte Landfill, they have not yet been evaluated and determined to be “significant” in accordance with OAR 660.. The County has not conducted a comprehensive wetland inventory and analysis of significance since the 1980s. Until then, the County cannot regulate land uses in these wetlands. See LLU R-11.</p>	11	0	1

LLU RECOMMENDATIONS

The first Workgroup Polling numbers are from the informal poll. Subsequent polling was completed at the Workgroup meetings and are formal polling numbers.

LLU R-1	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<p><u>Draft 6 Text</u></p> <p>The County should enable public input on all franchise agreements. Specifically regarding the 2022 collection franchise agreement between Benton County and Allied Waste Services of Corvallis (“Republic Services”), a process to allow public input, comment, and feedback on any provisions subject to Section 2 of that agreement 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, County staff would bring the proposed franchise agreement 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</p>	8	3	1	21	20	49	39

franchise agreement will be the subject of a public hearing and, ultimately, decision by the Board of Commissioners at a regular board meeting.							
<u>Language Proposed by 3s</u> What is the significance of naming Republic Services as Allied Waste Services of Corvallis (“Republic Services”), when it is referred to simply as Republic Services in all other contexts.							
<u>Language Proposed by 2s</u> Having public input on all franchise agreements opens up a pandora's box for BC. The issue at hand is the landfill - so keep it specific to that line item							
	Formal Workgroup Polling						
<u>Real-Time Draft Revision 3/23/23</u> [Accepted changes above – no change to language] The County should enable public input on all franchise agreements. Specifically regarding the 2022 collection franchise agreement between Benton County and Allied Waste Services of Corvallis (“Republic Services”), a process to allow public input, comment, and feedback on any provisions subject to Section 2 of that agreement 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, County staff would bring the proposed franchise agreement 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.	6	6	0				

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, decision by the Board of Commissioners at a regular board meeting.							
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LLU R-2	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<p><u>Draft 6 Text</u> 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.</p>	9	2	1	23	19	48	41
<p><u>Language Proposed by 3s</u> Lawyer talk. What is the statutory completeness review process. How can I vote on something I know nothing about?</p>							
<p><u>Language Proposed by 2s</u></p> <ul style="list-style-type: none"> • How and where this information will be described and communicated needs to be added. • For Community Outreach and Education use CEO subcommittee's recommendations. 							
	Formal						

	Workgroup Polling						
<p>Real-Time Draft Revisions 3/23/23 [No changes to the existing language]</p> <p>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.</p>	7	3	1				

LLU R-3	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<p>Draft 6 Text</p> <p>[NEW] Benton County should engage with the Oregon Department of Environmental Quality at the pre-application stage to understand relative permitting responsibilities and processes, with the goal of a more coordinated and informed review of both the land use application (by Benton County) and, if the County land use application is approved, the subsequent landfill-related permitting (by DEQ).</p>	12	0	0	None	None	None	None
	Formal Workgroup Polling						
No Changes Made	12	0	0				

LLU R-4	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	

	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<p><u>Draft 6 Text</u> 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.</p>	11	0	1	25	18	43	42
<p><u>Language Proposed by 3s</u> Again, lawyer talk. Why is not attempt made to advise me, a Benton County resident and taxpayer what the implications of this might be?</p>							
<p><u>Language Proposed by 2s</u></p>							
	Formal Workgroup Polling						
<p><u>Real-Time Draft Revisions 3/23/23</u> With regard to other information needed to make an application complete, 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 but may contribute to the completeness of the application. 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.</p>	10	2	0				

LLU R-5	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<p><u>Draft 6 Text</u> 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.</p>	11	0	0	21	21	40	47
	Formal Workgroup Polling						
<u>No Changes Made</u>	11	0	0				

LLU R-6	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<p><u>Draft 6 Text</u> 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.</p>	9	2	1	23	20	50	42

<p>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.”)</p>							
<p><u>Language Proposed by 3s</u> I can surmise that this is an attempt to stifle substantive public comment and I am opposed to this recommendation.</p>							
<p><u>Language Proposed by 2s</u> Republic Services does not want to be in the position of giving direction to the County on issues relating to its code(s).</p>							
	<p>Formal Workgroup Polling</p>						
<p><u>Real-Time Draft Revision 4/3/23</u> 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 provide nonbinding guidelines for 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</p>	7	4	1				

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.”)							
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LLU R-7	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<i>Draft 6 Text</i> 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.	8	2	1	22	21	51	38
<u><i>Language Proposed by 3s</i></u> Again, I can surmise that this is an attempt to stifle substantive public comment and I am opposed to this recommendation.							
<u><i>Language Proposed by 2s</i></u> <ul style="list-style-type: none"> • Republic Services does not want to be in the position of giving direction to the County on issues relating to its development code. • Note: Republic Services does not want to be in the position of giving direction to the County on issues relating to its development code. 							
	Formal Workgroup Polling						
<i>Real-Time Draft Revision 4/3/23</i> 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	7	4	1				

beyond those of BCC 53.215 should go into the decision-making process. This needs clarification.							
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LLU R-8	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<p><u>Draft 6 Text</u> 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.</p>	9	1	1	23	20	49	38
<p><u>Language Proposed by 3s</u> Again, no effort made to inform regarding the implications. I, as a Benton County resident but not a member of the legal community, am not intimately acquainted with either BCC 53.215(1) or (2), BCC 53.215(3).</p>							
<p><u>Language Proposed by 2s</u> Note: Republic Services does not want to be in the position of giving direction to the County on issues relating to its development code.</p>							
	Formal Workgroup Polling						
<p><u>Real-Time Draft Revision 4/3/23</u> 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</p>	9	2	1				

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.							
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LLU R-9	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	9	1	1	27	17	56	33
<u>Language Proposed by 3s</u> Again, what does this mean in layperson language?							
<u>Language Proposed by 2s</u> The County should evaluate specific recommendations of the SMMP, once adopted, and consider amending BCC chapter 77 to add a criterion under BCC 53.215(3) to require compliance with specific provisions of an adopted SMMP.							
	Formal Workgroup Polling						
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	11	0	0				

LLU R-10	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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	9	2	0	24	19	51	35

<p><i>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.</i></p>							
<p><u>Language Proposed by 3s</u></p>							
<p><u>Language Proposed by 2s</u></p> <ul style="list-style-type: none"> • DEQ has a separate public participation process that would not happen until after a county land use decision is made. • it's not clear if the subcommittee is recommending a code amendment. " A code amendment is recommended". Are you recommending a public review of DEQ permit requirements? How would that be carried out and why? 							
	Formal Workgroup Polling						
<p><u>Real-Time Draft Revision 4/3/23 - No Changes Made</u></p>	9	2	0				

LLU R-11	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<p><u>Draft 6 Text</u></p>	8	0	3	None	None	None	None

[NEW] Compliance with Oregon Department of State Lands regulations and permitting requirements for any impacts to wetlands should be a condition of approval of any land use approval at the landfill.							
<u>Language Proposed by 3s</u>							
<ul style="list-style-type: none"> Does this mean that we are acknowledging that there are wetlands in the landfill area? It is patently obvious that wetlands comprise a large percentage of the E. E. Wilson Natural Area. This is a brand new finding and we haven't had a chance to discuss or understand it. Polling as a 3 because this is a new finding we haven't had time to discuss or vet. Would like to hear more about impacts and ramifications at the workgroup meeting. 							
<u>Language Proposed by 2s</u>							
	Formal Workgroup Polling						
Real-Time Draft Revision 4/3/23 - No Changes Made	12	0	0				

LLU R-12	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
Draft 6 Text							
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.	9	1	1	26	16	56	31
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.							
<u>Language Proposed by 3s</u>							
Why was the recommendation to state matters in clear and explicit terms not applied to the LLU Recommendations themselves?							
<u>Language Proposed by 2s</u>							
Communicate decision with public							
	Formal Workgroup Polling						
Real-Time Draft Revision 4/3/23 - No Changes Made	11	0	0				

LLU R-13	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<p><u>Draft 6 Text</u> 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:</p> <ol style="list-style-type: none"> What enforcement mechanisms exist within the County Code? Is there a mandamus option or a private right of action option? What is missing? What provisions and procedures do other counties have, particularly counties that host a privately operated landfill? The future cost of such a system, the benefits, and the consequences of not improving the current practices and procedures. 	10	0	1	27	17	60	33
<p><u>Language Proposed by 3s</u> I give up, what is a legal "mandamus" option?</p>							
<p><u>Language Proposed by 2s</u></p>							
	Formal Workgroup Polling						
<p><u>Real-Time Draft Revision 4/3/23 - No Changes Made</u></p>	10	1	0				

CUP FINDINGS

CUP F-1	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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.</p>	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

CUP F-2	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> Benton County has not and does not actively monitor compliance with many Conditions of Approval, nor does it proactively act to enforce compliance.</p>	9	1	1
<p><u>Language Proposed by 3s</u> Benton County has not monitored compliance with XXX (Name a specific CUP) Land Use Conditions of Approval for the Coffin Butte Landfill. Benton County is not actively monitoring compliance with XXX (Name a specific CUP) Land Use Conditions of Approval for the Coffin Butte Landfill. Benton County is currently taking no action to enforce compliance with XXX Land Use Conditions of Approval for the Coffin Butte Landfill.</p>			
<p><u>Language Proposed by 2s</u> Is this strictly pertaining to the landfill or in all cases / projects that have conditions of approval across the board - clarifying this would be helpful</p>			
	Formal Workgroup Polling		
<p><u>Real-Time Draft Revision 4/3/23</u> Benton County has not and does not actively monitor compliance with many Conditions of Approval, nor does it proactively act to enforce compliance. See Table 5 in Appendix C4 of the CUP subcommittee report.</p>	11	0	0

CUP F-3	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> Benton County relies on complaints to initiate action to enforce Conditions of Approval.	9	0	1
<u>Language Proposed by 3s</u> Benton County relies on complaints as a way to prioritize the initiation of actions to enforce Conditions of Approval for the Coffin Butte Landfill.			
<u>Language Proposed by 2s</u>			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	11	0	0

CUP F-4	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

CUP F-5	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

CUP F-6	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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.</p>	10	1	0
<p><u>Language Proposed by 3s</u></p>			
<p><u>Language Proposed by 2s</u> 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 <u>which removed authority for government jurisdictions to restrict acceptance of waste from other jurisdictions</u>. 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.</p>			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	10	1	0

CUP F-7	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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.</p>	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

CUP F-8	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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.</p>	11	0	0

	Formal Workgroup Polling		
No Changes Made	11	0	0

CUP F-9	Informal Workgroup Polling		
	1	2	3
Draft 6 Text 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.	11	0	0
	Formal Workgroup Polling		
No Changes Made	11	0	0

CUP F-10	Informal Workgroup Polling		
	1	2	3
Draft 6 Text 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.	11	0	0
	Formal Workgroup Polling		
No Changes Made	11	0	0

CUP F-10.5	Informal Workgroup Polling		
	1	2	3
Draft 6 Text Benton County should ensure that its land use decisions clearly capture and make binding the intent of the decision-makers; and should communicate with the public the outcome of such decisions in understandable language. In addition, the County should inform the public – particularly those members living within 5 miles of the landfill - when changes outside of a public land use process affect how the landfill operates or is regulated	6	4	1
Language Proposed by 3s I am OK with this but it should be a "recommendation", not a finding.			
Language Proposed by 2s <ul style="list-style-type: none"> Brand new finding. Haven't had time to discuss or vet. This reads like a Recommendation, not a Finding. This seems like a recommendation 			

<ul style="list-style-type: none"> The county should also rely on the CEO subcommittee's report for recommendations regarding how to communicate to community members. 			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23</u> Convert to a recommendation	11	0	0

CUP F-11	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

CUP F-12	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	10	0	1
<u>Language Proposed by 3s</u> XXX (Name a specific CUP) Land Use Permits which require XXX (name specific reports or plans) documents to be reviewed by Benton County to support effective monitoring, were not reviewed on a scheduled basis.			
<u>Language Proposed by 2s</u>			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23</u> 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. See Table 5 in Appendix C4 of the CUP subcommittee report.	11	0	0

CUP F-13	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

CUP F-14	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

CUP F-14.5	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> (NEW) County land use decisions have been written in a way that makes it difficult to understand the County's commitment to public expectations and enforceability of Conditions of Approval. Building on information presented by the Legal issues and Landfill Capacity Subcommittees, examples of these are: <ul style="list-style-type: none"> • A 1983 County decision where all but one of the publicly agreed to requirements for the visual appearance and ultimate use of the landfill may be unenforceable. • A 1983 Benton County Amendment to the Comprehensive Plan. 	9	0	2

<ul style="list-style-type: none"> A 1992 United States Supreme Court ruling (Fort Gratiot Sanitary Landfill, Inc. v. Michigan Dept. of Natural Resources, 504 U.S. 353, 112 S.Ct. 2019 (1992) limiting the County’s power to regulate where wastes come from, wastes from as many as 39 counties in three states (OR, WA, ID) are allowed to be brought to Coffin Butte. These wastes have made up over 90 percent of the material coming to Coffin Butte in the last 5 years. <p>The Workgroup’s CUP Subcommittee and Legal Subcommittee have analyzed past land use documents and have reached different conclusions as to their effect. This has resulted in a sense that the “rules of the game” have changed without notification or that what was authorized to occur at the landfill has altered without a public review process. This has undermined public trust.</p>			
<p><u>Language Proposed by 3s</u></p> <ul style="list-style-type: none"> The last two sentences are opinion. We are prepared to vote "1" with the removal of the following text: This has resulted in a sense that the “rules of the game” have changed without notification or that what was authorized to occur at the landfill has altered without a public review process. This has undermined public trust. We are prepared to vote "1" with the removal of the following text: This has resulted in a sense that the “rules of the game” have changed without notification or that what was authorized to occur at the landfill has altered without a public review process. This has undermined public trust. 			
<p><u>Language Proposed by 2s</u></p>			
	Formal Workgroup Polling		
<p><u>Real-Time Draft Revision 4/3/23</u></p> <p>County land use decisions have been written in a way that makes it difficult to understand the County’s commitment to public expectations and enforceability of Conditions of Approval. Building on information presented by the Legal issues and Landfill Capacity Subcommittees, examples of these are:</p> <ul style="list-style-type: none"> A 1983 County decision where all but one of the publicly agreed to requirements for the visual appearance and ultimate use of the landfill may be unenforceable. A 1983 Benton County Amendment to the Comprehensive Plan. A 1992 United States Supreme Court ruling (Fort Gratiot Sanitary Landfill, Inc. v. Michigan Dept. of Natural Resources, 504 U.S. 353, 112 S.Ct. 2019 (1992) limiting the County’s power to regulate where wastes come from, wastes from as many as 39 counties in three states (OR, WA, ID) are allowed to be brought to Coffin Butte. These wastes have made up over 90 percent of the material coming to Coffin Butte in the last 5 years. <p>The Workgroup’s CUP Subcommittee and Legal Subcommittee have analyzed past land use documents and have reached different conclusions as to their effect. This has resulted in changes without notifications of what was authorized to occur at the landfill without a public notification process to ensure public trust.</p>			
<p>County land use decisions have been written in a way that makes it difficult to understand the County’s commitment to public expectations and enforceability of Conditions of Approval. Building on information presented by the Legal issues and Landfill Capacity Subcommittees, examples of these are:</p> <ul style="list-style-type: none"> A 1983 County decision where all but one of the publicly agreed to requirements for the visual appearance and ultimate use of the landfill may be unenforceable. A 1983 Benton County Amendment to the Comprehensive Plan. 	11	0	0

<ul style="list-style-type: none"> A 1992 United States Supreme Court ruling (Fort Gratiot Sanitary Landfill, Inc. v. Michigan Dept. of Natural Resources, 504 U.S. 353, 112 S.Ct. 2019 (1992) limiting the County’s power to regulate where wastes come from, wastes from as many as 39 counties in three states (OR, WA, ID) are allowed to be brought to Coffin Butte. These wastes have made up over 90 percent of the material coming to Coffin Butte in the last 5 years. <p>The Workgroup’s CUP Subcommittee and Legal Subcommittee have analyzed past land use documents and have reached different conclusions as to their effect. This has resulted in changes to what was authorized to occur at the landfill without notification or a public review process that would ensure public trust.</p>			
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CUP F-15	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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 here. The position of the Legal Subcommittee is found at here.</p>	10	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> Maybe mention page number of Table 2 or even link it to make it easier for community members to quickly access.			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	10	1	0

CUP F-16	Informal Workgroup Polling		
	1	2	3
<p><u>Draft 6 Text</u> 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.</p>	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

CUP F-17	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> Currently, it is not clear to the public what appropriate reclamation will look like for the ultimate disposition of the landfill.	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

CUP F-18	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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 in pre-2002 decisions. About ten land use matters decisions – over half of the decisions - and fifty-three Conditions of Approval are potentially impacted.	9	0	2
<u>Language Proposed by 3s</u> <ul style="list-style-type: none"> We could poll a "2" with removal of the last sentence. (already addressed by legal subcommittee.) Could potentially move to a "2" with revised language. Strike last sentence and note that the legal subcommittee has addressed this. 			
<u>Language Proposed by 2s</u>			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23</u> 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 in pre-2002 decisions. The resolution of this issue potentially impacts ten land-use matters, which is over half of the decisions, containing fifty-three Conditions of Approval.	11	0	0

CUP F-19	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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 (Record of Decision from the DEQ Cleanup Program), which may or may not adversely impact neighboring County approved land uses. In another situation, the	10	0	2

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.			
<u>Language Proposed by 3s</u>			
<ul style="list-style-type: none"> We could poll a "2" or potentially a "1" if we removed everything starting with "for example." We could poll a "2" or potentially a "1" if we removed everything starting with "for example." 			
<u>Language Proposed by 2s</u>			
	Formal Workgroup Polling		
<p><u>Real-Time Draft Revision 4/3/23</u></p> <p>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 (Record of Decision from the DEQ Cleanup Program), 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. Republic prepares annual plans to verify there is sufficient financial assurance per DEQ requirements.</p>	10	1	0

CUP F-20	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u>			
Leachate from the landfill site is currently 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.	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

CUP F-21	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u>			
The acquisition of buffer land by landfill-related entities is a condition of DEQ's Record of Decision from the DEQ Cleanup Program for the landfill. Landfill-related entities have acquired such buffer lands over the years that are currently zoned	11	0	0

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.			
	Formal Workgroup Polling		
<i>No Changes Made</i>	11	0	0

CUP F-22	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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.	11	0	0
	Formal Workgroup Polling		
<i>No Changes Made</i>	11	0	0

CUP F-23	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> Odor issues have not been addressed in any of the land use Conditions of Approval.	9	2	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> Remove "issues" Remove "issues," which pre-supposes/implies there have been problems. 			
	Formal Workgroup Polling		
<i>Real-Time Draft Revision 4/3/23 - No Changes Made</i>	9	2	0

CUP F-24	Informal Workgroup Polling		
	1	2	3
<i>Draft 6 Text</i> 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.	11	0	0
	Formal Workgroup Polling		
<i>No Changes Made</i>	11	0	0

CUP F-25	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> (NEW) A Land Use Compatibility Statement (LUCS) with a faxed date of Feb 25 '92 along with instructions on how to fill it out and what the intended use of the LUCS is was found as a supporting document in a 2000 Updated Site Development Plan report. The current 2019 dated Operating permit is based on a 2000 dated LUCS.	11	0	1
<u>Language Proposed by 3s</u> New. Haven't had time to vet or discuss.			
<u>Language Proposed by 2s</u>			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	7	3	0

CUP F-26	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> (NEW) There are Valley Landfill, Inc. Closure Plan Reports / Financial Assurance documents dating from the mid 1990's identifying areas of the landfill that are closed to meet DEQ requirements. Financial Assurance amounts were reduced to reflect the closure.	10	0	2
<u>Language Proposed by 3s</u> <ul style="list-style-type: none"> We haven't had time to completely vet this new finding, but it lacks critical context: The annual closure fund update is based on the currently constructed area of the landfill that is not closed. So, if an area is closed it can be removed from the closure portion of the fund. But we still must maintain the post closure care portion. As we construct new cells to the landfill, we are required to add funds for their closure. Thus, the overall fund has increased, not decreased as implied in this finding. We haven't had time to completely vet this new finding, but it lacks critical context: The annual closure fund update is based on the currently constructed area of the landfill that remains to be closed. So, if an area is closed it can be removed from the closure portion of the fund. But we still must maintain the post closure care portion. As we construct new cells to the landfill, we are required to add funds for their closure. Thus, the overall fund has increased, not decreased as implied in this finding. 			
<u>Language Proposed by 2s</u>			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23</u>	9	2	0

There are Valley Landfill, Inc. Closure Plan Reports / Financial Assurance documents dating from the mid 1990's identifying areas of the landfill that are closed to meet DEQ requirements. Financial Assurance amounts were reduced to reflect the closure. The landfill owner utilized existing financial assurance to meet DEQ closure requirements in the 1990s. For explanation of financial assurance see LLU F-3B.			
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CUP F-27	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> (NEW) There is a record of citizen odor complaints in a March 29, 2005 DSAC meeting minutes. Detailed information (e.g. date, time, weather conditions) on odors was reportedly presented to DSAC. Two odor control methods mentioned: 1) Keep the power generation equipment running or keep the flare lit (i.e. burn the vapors), 2) "We are using soil cover and closing the landfill at night." September 16, 2008. Landfill representative told County to refer complainants to the landfill organization because the landfill is obligated to report them to DEQ.	9	1	1
<u>Language Proposed by 3s</u> Relevance? This is an 18 year old odor complaint.			
<u>Language Proposed by 2s</u> Why is there a reference to an 18 year old odor complaint added to this document at the last minute?			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	9	2	0

CUP F-28	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> (NEW) Sources of Wastes: A 2001 tonnage report does not list any wastes as coming from out of state. Reports from subsequent years do e.g. 2002 lists ~12,000 tons under "Private Vehicles" (as separate from Commercial). 2003 @ ~37,000; 2004 @ ~34,000 tons; 2005 @ ~18,000; 2006 @ ~16,000	9	2	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> Why do we need to know this?			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	9	2	0

CUP F-29	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> (NEW) A “Special Waste Management Plan (Draft) 10/03 file date” identifies wastes other than household material that can be brought to Coffin Butte.	8	1	2
<u>Language Proposed by 3s</u> <ul style="list-style-type: none"> this is significantly out of date. We have a special waste section in our operations plan that’s been updated several times since 2003. The most recent was submitted to DEQ in 2020. this is significantly out of date. We have a special waste section in our operations plan that’s been updated several times since 2003. The most recent was submitted to DEQ in 2020. 			
<u>Language Proposed by 2s</u> Why do we need to know this, what is it related to?			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	8	3	0

CUP F-30	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> (NEW) No records for DEQ’s air emissions (Title V) or surface water (NPDES) programs were available for review.	9	1	2
<u>Language Proposed by 3s</u> <ul style="list-style-type: none"> Title V reports are submitted to the county in our quarterly submittals. Title V reports are submitted to the county in our quarterly submittals. 			
<u>Language Proposed by 2s</u> the air quality permit and annual reports are available on the DEQ website. The stormwater NPDES permits and monitoring reports were provided to the Benton County FTP site and through public records requests.			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23</u> Remove this Finding	11	0	0

CUP F-31	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u>	9	2	0

(NEW) A number of County records were made available for review as of November 2022. However, files for PC-94-10[1] and PC-94-11[2] listed for CUP review in the October CUP planning document were not available.[1] PC-94-10 Zone change from Rural Residential to Landfill Site Zone, Comprehensive Plan change from Rural Residential to Landfill Site[2] PC-94-11 A conditional use permit to expand the area approved for a landfill within the Landfill Site Zone and update the site development plan.			
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> Delete PC-94-10 (NEW) A number of County records were made available for review as of November 2022. However, files for PC-94-11[1] listed for CUP review in the October CUP planning document were not available. [1] PC-94-11 A conditional use permit to expand the area approved for a landfill within the Landfill Site Zone and update the site development plan.			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	9	2	0

CUP F-32	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> (NEW Hosting a privately owned landfill in the County involves a complex interplay of land use decisions, environmental regulations, legal precedent, and community perceptions.	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

CUP RECOMMENDATIONS

The first Workgroup Polling numbers are from the informal poll. Subsequent polling was completed at the Workgroup meetings and are formal polling numbers.

CUP R-1	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> Maintain the CUP Appendix along with the supporting County and DEQ files as an integral part of the Final Workgroup Report.	11	0	0	33	12	69	25
	Formal Workgroup Polling						
<u>No Changes Made</u>	11	0	0				

CUP R-2	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	11	0	0	26	19	64	32
	Formal Workgroup Polling						
<u>No Changes Made</u>	11	0	0				

CUP R-3	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> Actively monitor and enforce prior land-use decision Conditions of Approval for the landfill or any other land use decision.	7	4	0	29	16	63	31

<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u>							
<ul style="list-style-type: none"> Actively monitor and enforce prior land-use Conditions of Approval for all land use decisions. Actively monitor and enforce prior land-use decision Conditions of Approval for any land use decision. Actively monitor and enforce currently active land-use decision Conditions of Approval for the landfill or any other land use decision. Does this mean actively enforcing past CUP agreements now? I don't disagree, just the legal committee said we can't do that right? 							
	Formal Workgroup Polling						
Real-Time Draft Revision 4/3/23 - No Changes Made.	7	4	0				

CUP R-4	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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 Commissioners (Board) in the normal course of its business.	11	0	0	29	16	63	32
	Formal Workgroup Polling						
No Changes Made	11	0	0				

CUP R-5	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose

<u>Draft 6 Text</u> 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.	11	0	0	28	17	64	30
	Formal Workgroup Polling						
<u>No Changes Made</u>	11	0	0				

CUP R-6	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> Create a system that tracks receipt of reports that are submitted as required per Conditions of Approval. For example, copies of water quality and air quality permits, emergency plans, permit submittals, financial assurance statements, and data produced from associated monitoring programs, etc.	10	1	0	29	16	65	30
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> and make these easily accessible to the residents of the community							
	Formal Workgroup Polling						
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	10	1	0				

CUP R-7	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	9	0	2	28	16	59	31
<u>Language Proposed by 3s</u>							

<ul style="list-style-type: none"> • The Legal subcommittee has determined that these are NOT regulatory conditions. This recommendation should be removed. • The Legal subcommittee has determined that these are NOT regulatory conditions. This recommendation should be removed. • Add as a new CUP Finding: In 1983 the County created community expectations for how the landfill would look in decisions documented in PC83-07. Appearance issues including steepness of the landfill slopes, terracing, screening, and returning the land to grazing or other farm-like uses were addressed and committed to by the County and landfill operator. The way the County chose to implement these commitments is questionable given legal hindsight. Whether they be enforceable “conditions of approval” or “findings” in the PC83-07 record remains in dispute. The BCTT Workgroup is not a court of law. The differing interpretations over a possible process or wording error of the 83-07 decision, that causes this issue to arise, should not be the primary concern. Of greater importance for the County’s relationship with its residents is the Planning Commission and Board of Commissioners decisions to adopt the offered designs and reclamation plans to meet public expectations. These expectations were made clear in the records of PC83-07. At a minimum, the debate over PC83-07’s intended vs. actual conditions of approval or findings draws attention to the fragile “good neighbor” relationship between the County, landfill owner/operator and the public established through the 83-07 land use hearing process. Acknowledging these discrepancies with prior commitments should form a basis for the County, Republic, DEQ and the public to come to reasonable expectations for the appearance and long-term use and closure of the landfill facility. 							
<u>Language Proposed by 2s</u>							
	Formal Workgroup Polling						
<u>Real-Time Draft Revisions 3/23/23</u> 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. Please see LLU F-22 for a contrary view.	6	5	0				
<u>Real-Time Draft Revisions 4/3/23</u>	7	2	2				

<p>Add as new Recommendation CUP R-7a: In 1983 the County created community expectations for how the landfill would look in decisions documented in PC83-07. Appearance issues including steepness of the landfill slopes, terracing, screening, and returning the land to grazing or other farm-like uses were addressed and committed to by the County and landfill operator. The way the County chose to implement these commitments is questionable given legal hindsight. Whether they be enforceable “conditions of approval” or “findings” in the PC83-07 record remains in dispute. The BCTT Workgroup is not a court of law. The differing interpretations over a possible process or wording error of the 83-07 decision, that causes this issue to arise, should not be the primary concern. Of greater importance for the County’s relationship with its residents is the Planning Commission and Board of Commissioners decisions to adopt the offered designs and reclamation plans to meet public expectations. These expectations were made clear in the records of PC83-07. At a minimum, the debate over PC83-07’s intended vs. actual conditions of approval or findings draws attention to the fragile “good neighbor” relationship between the County, landfill owner/operator and the public established through the 83-07 land use hearing process. Acknowledging these discrepancies with prior commitments should form a basis for the County, landfill owner/operator, DEQ and the public to come to reasonable expectations for the appearance and long-term use and closure of the landfill facility.</p>							
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CUP R-8	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<p><u>Draft 6 Text</u> 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.</p>	12	0	0	27	17	60	34

	Formal Workgroup Polling						
No Changes Made	12	0	0				

CUP R-9	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
Draft 6 Text 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.	11	1	0	25	19	58	34
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> the terminology may benefit from clarification. Worst case scenarios are different than closure and post closure plans.							
	Formal Workgroup Polling						
Real-Time Draft Revision 4/3/23 - No Changes Made	11	1	0				

CUP R-10	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
Draft 6 Text Determine the authority of the 2002 Memorandum of Understanding (MOU) 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.	9	2	0	25	20	56	34
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> ??							
	Formal Workgroup Polling						
Real-Time Draft Revision 4/3/23 - No Changes Made	9	2	0				

CUP R-11	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	11	0	0	28	16	63	29
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u>							
<u>Real-Time Draft Revisions</u>							

CUP R-12	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	9	1	1	28	16	62	31
<u>Language Proposed by 3s</u> We can poll a "1" on this if "burdens" is changed to "impacts"							
<u>Language Proposed by 2s</u> Change "burdens" to "impacts"							
	Formal Workgroup Polling						
<u>Real-Time Draft Revisions 3/23/23</u> Establish a reporting program for compliance confirmation for facilities contributing to environmental impacts on the County, such as a landfill, industrial-scale composting, or direct dischargers to water bodies within the County, etc.	11	0	0				

CUP R-13	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
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	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	11	0	0	27	16	61	31
	Formal Workgroup Polling						
<u>No Changes Made</u>	11	0	0				

CUP R-14	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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 Record of Decision from the DEQ Cleanup Program for the landfill. "Property purchases as buffer around the landfill." is identified as one of the remedies for groundwater contamination.	8	1	2	23	21	51	42
<u>Language Proposed by 3s</u> <ul style="list-style-type: none"> The County doesn't have authority to regulate transactions between private landowners. Remove recommendation The County doesn't have authority to regulate transactions between private landowners. This recommendation should be removed. 							
<u>Language Proposed by 2s</u> Replace "Vision 2040" with "2040 Initiative".							
	Formal Workgroup Polling						
<u>Real-Time Draft Revisions 4/3/23</u> Evaluate whether acquiring buffer land by landfill-related entities impacts 2040 Initiative including the impact on housing, forestry, and	9	1	2				

agricultural land uses. In addition, identifying options to disclose to the community who adjacent land owners are.							
<u>Real-Time Draft Revisions 4/3/23</u>							
Evaluate whether acquiring buffer land by landfill-related entities is consistent with 2040 Initiative including the impact on housing, forestry, and agricultural land uses. Acquiring buffer land is an action specified in DEQ's Record of Decision from the DEQ Cleanup Program for the landfill. "Property purchases as buffer around the landfill." Is identified as one of the remedies for groundwater contamination.	8	2	2				

CUP R-15	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> Require submittal of a plan for emergency water supplies for fire protection to the Power Generation facility per S-97-58.	11	0	0	29	16	63	30
	Formal Workgroup Polling						
<u>No Changes Made</u>	11	0	0				

CUP R-16	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> Develop a comprehensive emergency preparedness/response plan with neighboring counties, cities and fire districts given the experiences from the nationally reported 1999 landfill fire.	11	0	0	28	17	63	32
	Formal Workgroup Polling						
<u>No Changes Made</u>	11	0	0				

CUP R-17	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	10	1	0	29	16	63	31
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> Especially target community members that live close to landfill. (Soap Creek VNEQS)							
	Formal Workgroup Polling						
<u>Real-Time Draft Revisions 4/3/23 - No Changes Made</u>	10	1	0				

CUP R-18	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	11	0	0	27	17	59	31
	Formal Workgroup Polling						
<u>No Changes Made</u>	11	0	0				

CUP R-19	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	

	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> (NEW) Do not use the existence of a LUCS as evidence or proof of compliance with DEQ requirements until additional information is available from DEQ on how to interpret their use of a LUCS.	8	1	3	None	None	None	None
<u>Language Proposed by 3s</u> <ul style="list-style-type: none"> • New finding. Need to discuss. • We haven't had time to vet this finding. • I feel like we need more information about this. I could support it with more information. 							
<u>Language Proposed by 2s</u> DEQ has provided information already on what a LUCS is used for. A LUCS should not be used as evidence of compliance with DEQ requirements. Per Oregon Administrative Code, OAR 340-018, a LUCS is a signed document provided by a local government that verifies that the entity applying for a DEQ permit is located in an area zoned appropriately for the proposed use by the local government.							
	Formal Workgroup Polling						
<u>Real-Time Draft Revisions 3/23/23</u> New CUP F-19.5: With regard to the 2002 MOU, DEQ has provided information already on what a LUCS is used for. A LUCS should not be used as evidence of compliance with DEQ requirements. Per Oregon Administrative Code, OAR 340-018, a LUCS is a signed document provided by a local government that verifies that the entity applying for a DEQ permit is located in an area zoned appropriately for the proposed use by the local government.	9	2	0				

CUP R-20	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u>	9	1	0	None	None	None	None

(NEW) Review historical and current closure related documentation to determine their impact on the ultimate closure of the landfill site.							
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> ??							
	Formal Workgroup Polling						
Real-Time Draft Revisions 4/3/23 - No Changes Made	9	1	0				

CUP R-21	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> (NEW) Continue working with DEQ to access their files and make the information readily available on the County website.	10	1	0	None	None	None	None
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> DEQ has provided information already on what a LUCS is used for. A LUCS should not be used as evidence of compliance with DEQ requirements. Per Oregon Administrative Code, OAR 340-018, a LUCS is a signed document provided by a local government that verifies that the entity applying for a DEQ permit is located in an area zoned appropriately for the proposed use by the local government.							
	Formal Workgroup Polling						
Real-Time Draft Revisions 4/3/23 - No Changes Made	10	1	0				

CUP R-22	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> (NEW) Conduct additional searches of County records and other depositories of County correspondence such as DEQ records to uncover	9	2	0	None	None	None	None

documents that may impact the evaluation of future land use matters. Make existing files for PC-94-10 and PC-94-11 available to the public.							
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> NEW) Conduct additional searches of County records and other depositories of County correspondence such as DEQ records to uncover documents that may impact the evaluation of future land use matters. Make existing files for PC-94-11 available to the public.							
	Formal Workgroup Polling						
<u>Real-Time Draft Revisions 4/3/23 - No Changes Made</u>	9	2	0				

CUP R-23	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> (NEW) Future users review all then-available source files for evaluating land use decisions and not rely solely on Appendix A.2. documentation.	8	2	1	None	None	None	None
<u>Language Proposed by 3s</u> I need more information to support this							
<u>Language Proposed by 2s</u>							
	Formal Workgroup Polling						
<u>Real-Time Draft Revisions 3/23/23</u> Future users are encouraged review all then-available source files for evaluating land use decisions and not rely solely on Appendix A.2. documentation.	11	0	0				

CUP R-24	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u>	8	0	3	None	None	None	None

<p>(NEW) Retain a specialized professional team of outside resources to act in the County’s behalf in all aspects of upcoming expansions of the landfill. This team should be structured to require only guidance from County staff. The team resources should not be dependent on County staff for administrative tasks or clerical support. A Public Member of BCTT knowledgeable in the issues should participate in the selection of outside resources.</p>							
<p><u>Language Proposed by 3s</u></p> <ul style="list-style-type: none"> • There are multiple "new" recommendations in this section of the report, none of which were discussed or vetted before being submitted for inclusion. • Would like to discuss further at the meeting as this is a new finding and we need more information about its intent. • Interesting but need more information. Isn't this what the Planning Commission and SWAC are for? Could this be an Advisory Committee combined with the ACs in the SMMP? Sounds expensive and if was only volunteers it would be hard to find people possibly due to not having any support staff. 							
<p><u>Language Proposed by 2s</u></p>							
	<p>Formal Workgroup Polling</p>						
<p><u>Real-Time Draft Revisions 3/23/23</u> Retain a specialized professional team of outside resources to act in the County’s behalf in all aspects of upcoming expansions of the landfill. This team should be structured to require only guidance from County staff. The team resources should not be dependent on County staff for administrative tasks or clerical support. Public Members of BCTT knowledgeable in the issues should participate in the selection of outside resources.</p>	<p>9</p>	<p>3</p>	<p>0</p>				

CEO FINDINGS

The first Workgroup Polling numbers are from the informal poll. Subsequent polling was completed at the Workgroup meetings and are formal polling numbers.

CEO F-1	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> Insure language accessibility for at least the County's most used languages. (English, Spanish, Mandarin, and Cantonese).	10	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> Replace "Insure" with "Ensure".			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	10	1	0

CEO F-2	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.	11	0	0
	Formal Workgroup Polling		
<u>No Changes Made</u>	11	0	0

CEO F-3	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> 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.)	10	1	0
<u>Language Proposed by 3s</u>			

<u>Language Proposed by 2s</u> Note the closed parentheses			
	Formal Workgroup Polling		
<u>Real-Time Draft Revisions 4/3/23</u> 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.	10	1	0

CEO F-4	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> Create user-friendly access to public input documents and testimonies during the process to ensure Benton County, Planning Commission, SWAC, and others.	10	1	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> Create user-friendly access to public input documents and testimonies during the <u>public input</u> process <u>led by</u> Benton County, Planning Commission, SWAC, and others.			
	Formal Workgroup Polling		
<u>Real-Time Draft Revisions 4/3/23 - No Changes Made</u>	10	1	0

CEO F-5	Informal Workgroup Polling		
	1	2	3
<u>Draft 6 Text</u> (NEW) It is important for CUP applicants to have a pre-application meeting with community members to further foster collaboration and open communication.	9	2	0
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u> New finding.			
	Formal Workgroup Polling		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	9	2	0

CEO F-6 [was not included in poll]	Informal Workgroup Polling		
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	1	2	3
<u>Draft 6 Text</u> <u>(NEW) Community input on environmental health and safety concerns in the area around the landfill is helps assess criteria for a CUP. In the last CUP process, community members were concerned about odor, noise, air quality and other environmental health issues that may affect the use of the surrounding property and character of the area⁴. Concerns & Complaints on the Benton County website provides links and phone numbers to report odor and air quality concerns about the landfill to the County, DEQ and Republic Services. There is not a link for noise or light complaints. The follow up and public access to this data is unclear.</u>			
<u>Language Proposed by 3s</u>			
<u>Language Proposed by 2s</u>			
	No Formal Workgroup Polling Done		
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>			

⁴Benton County. (2021). Planning commission findings. <https://www.co.benton.or.us/pc>

CEO RECOMMENDATIONS

The first Workgroup Polling numbers are from the informal poll. Subsequent polling was completed at the Workgroup meetings and are formal polling numbers.

CEO R-1	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> The County Development Department and County Public Information Officer are responsible for conducting communication and outreach.	7	4	0	33	12	66	26
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> • Add: "on future land use application filings." • Add: "on future land use application filings." • add: "for future land use applications." • The County Development Department and County Public Information Officer are responsible for conducting communication and outreach related to CUP and similar decision making processes. 							
	Formal Workgroup Polling						
<u>Real-Time Draft Revision 4/3/23 - No Changes Made</u>	7	4	0				

CEO R-2	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> The Board of Commissioners (Board) should consider changes to these notification recommendations based on the potential impact of other CUP applications.	9	0	1	29	15	58	32
<u>Language Proposed by 3s</u> I don't understand this recommendation.							
<u>Language Proposed by 2s</u>							

	Formal Workgroup Polling						
<i>Real-Time Draft Revision 3/23/23 - No Changes Made</i>	12	0	0				

CEO R-3	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<i>Draft 6 Text</i> 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.	11	0	0	27	17	58	35
	Formal Workgroup Polling						
<i>No Changes Made</i>	11	0	0				

CEO R-4	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<i>Draft 6 Text</i> 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.	11	0	0	25	19	56	37
	Formal Workgroup Polling						
<i>No Changes Made</i>	11	0	0				

CEO R-5	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	11	0	0	24	20	55	36
	Formal Workgroup Polling						
<u>No Changes Made</u>	11	0	0				

CEO R-6	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> The County should notify the public when Republic Services 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.	9	2	0	25	20	56	38
<u>Language Proposed by 3s</u>							
<u>Language Proposed by 2s</u> <ul style="list-style-type: none"> This should be at the county's discretion. The County "at its discretion" should notify... 							
	Formal Workgroup Polling						
<u>Real-Time Draft Revision 3/23/23 - No Changes Made</u>	9	2	0				

CEO R-7	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	11	0	0	24	21	54	38
	Formal Workgroup Polling						
<u>No Changes Made</u>	11	0	0				

CEO R-8	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	11	0	0	22	22	53	36
	Formal Workgroup Polling						
<u>No Changes Made</u>	11	0	0				

CEO R-9	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u>	11	0	0	27	18	64	31

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.							
	Formal Workgroup Polling						
No Changes Made	11	0	0				

CEO R-10	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
Draft 6 Text 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.	11	0	0	25	20	59	36
	Formal Workgroup Polling						
No Changes Made	11	0	0				

CEO R-11	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
Draft 6 Text 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.	11	0	0	25	19	59	32
	Formal Workgroup Polling						
No Changes Made	11	0	0				

CEO R-12	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	

	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	11	0	0	25	19	59	34
	Formal Workgroup Polling						
<u>No Changes Made</u>	11	0	0				

CEO R-13	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	11	0	0	22	22	55	38
	Formal Workgroup Polling						
<u>No Changes Made</u>	11	0	0				

CEO R-14	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> 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.	11	0	0	27	18	61	33
	Formal Workgroup Polling						
<u>No Changes Made</u>	11	0	0				

CEO R-15	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> (NEW) Applicants of CUPs should have a pre-application meeting with communities affected by the CUP. These pre-application meetings should inspire transparency between the applicant and community members. Communication of these pre-application meetings should include an email blast, website post, and postings on the county's various social media outlets.	9	1	1	None	None	None	None
<u>Language Proposed by 3s</u> Would like to discuss further at the meeting.							
<u>Language Proposed by 2s</u> Again, new finding.							
	Formal Workgroup Polling						
Real-Time Draft Revision 3/23/23 Applicants of CUPs should have a pre-application meeting with notification to the communities affected by the CUP as directed by the County.	12	0	0				

CEO R-16 [Not included in poll]	Informal Workgroup Polling			Initial Public Polling as of 3/23/23		Cumulative Public Polling as of 3/31/23	
	1	2	3	Generally Support	Generally Oppose	Generally Support	Generally Oppose
<u>Draft 6 Text</u> (NEW) CEO R- Neighborhood concerns about the landfill need to be collected, tracked, and resolved in an organized reporting and appeals process as cross referenced in CUP R-4 and CUP R-17. The data and actions taken should be accessible by the public. An updated area of the website with a streamlined reporting process for odor, noise, air quality and other environmental health concern reporting is needed. Ideally a community member could click on the area of concern and check off boxes quickly to make a report. Phone numbers and emails should also be available for	7	5	0	None	None	None	None

<p>those who can more easily access these methods of communication. A link to the reporting area of the website on social media accounts would also be needed.</p>							
<p><i>Language Proposed by 3s</i></p>							
<p><i>Language Proposed by 2s</i></p>							
	<p>Formal Workgroup Polling</p>						
<p><i>Real-Time Draft Revision 4/3/23</i> Neighborhood concerns about the landfill need to be collected, tracked, and resolved in an organized reporting and appeals process as cross referenced in CUP R-4 and CUP R-17. The data and actions taken should be accessible by the public. An updated area of the website with a streamlined reporting process for odor, noise, air quality and other environmental health concern reporting is needed.</p>	5	5	2				
<p><i>Real-Time Draft Revision 4/3/23</i> Neighborhood concerns about the landfill need to be collected, tracked, and resolved in an organized reporting and appeals process as cross referenced in CUP R-4 and CUP R-17. The data and actions taken should be accessible by the public. An updated area of the website with a streamlined reporting process for odor, noise, air quality and other environmental health concern reporting is needed. For example, a community member could click on the area of concern and check off boxes quickly to make a report. Phone numbers and emails should also be available for those who can more easily access these methods of communication. A link to the reporting area of the website on social media accounts would also be needed.</p>	9	3	0				