

Compliance with Past Land Use Actions Summary of Meetings

A.2 Subcommittee

Charge A: Common Understandings Tasks

A chronological history of key Coffin Butte Landfill topics:

1. Conditions of past land use approvals;
2. Compliance with prior land use approvals and SWMP;

Members

Catherine Biscoe

Ed Pitera

Jeff Condit

Mark Yeager

County Staff: Inga Williams

Facilitator: Sam Imperati

Relevant Documents: <https://www.co.benton.or.us/cd/page/bctt-subcommittee-a2-past-land-use-application-conditions>

Past Land Use Applications are stored at an FTP website due to the size of the files. The link is located on the subcommittee webpage.

Meeting #1 10/24/22 3:30 – 5:30 PM (PST)

Agenda

Welcome and Introductions (5 minutes)
Review Subcommittee Tasks (5 minutes)
Process Protocols and Goals (5 minutes)
Overview of Documents(s) (10 minutes)
Discussion (40 minutes)
BCTT 10/27/22 Meeting Reports (20 minutes)
Schedule 2 to 3 Additional Meetings (and Logistics) in November (5 minutes)
Adjourn

Attendance

Member	Present
Catherine Biscoe	X
Ed Pitera	X
Jeff Condit	X
Mark Yeager	X
Nancy Whitcombe	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers	
None	

Recording

<https://transcripts.gotomeeting.com/#/s/f3c173b328e1fc6d6d321c8a170ae86367ab9bf9c76e549802861ffc1c513708>

Next Steps/Action Items

Reopen FTP site for CUP records (County Staff. Completed)
Provide examples of what/how to include specified conditions in the Common Understanding Document (Ed. Completed)

Workgroup Presentation

Highlights

Our Goal remains the same: A clear common understanding of the conditions placed on the landfill and their compliance status. (The deliverable is a document.)

We discussed what needs to be added to the draft document to make it useful:

- add information from staff reports (sense of community issues);
- a timeline showing land use decisions and disposal volumes. We focused on:
- fleshing out a complete list of past land use decisions – Approvals/Denials/Guidance;
- changing title to Land Use Files to reflect all information to be captured;
- how to present the conditions of approval in summary form in the Common Understanding Document with links to source material;
- the nature and scope of land use records available to the subcommittee, where to find the electronic files, and identifying missing documents.

We agreed to have a “spokesperson” to report out subcommittee progress to the WorkGroup and that person does not have to be the same for each WorkGroup meeting.

Action Items

Reopen FTP site for CUP records (County Staff. Completed)

[Provide examples of what/how](#) to include specified conditions in the Common Understanding Document (Ed. Completed)

Meeting #2 11/7/22 3:30 – 5:30 PM (PST)

Agenda

Process Protocols and Goals (20 minutes)

Overview of Documents(s) (170 minutes)

Discussion (40 minutes)

Attendance

Member	Present
Catherine Biscoe	X
Ed Pitera	X
Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers	
None	

Notes

¹Some common understandings on group expectations are a starting point. Using the "Compliance with Past Land Use Actions and Their Status" dated 11/4/22 as an example, my proposals for your consideration are as follows:

Work Item	Proposed Operating Norm	Rationale
Distribution of Subcommittee Work Products including revised drafts / documents	Issue to all subcommittee members at the same time and clearly state when markups are due back to the editor. Timing for issuing document to subcommittee: No later than 5:00pm of last County work day before a subcommittee meeting.	Fairness Foster mutual respect for the efforts of others

Documents in Progress	Use docx format in track changes mode with each person using their own initials. If participants feel they need to explain something, they are to put it in a separate Comment. Retain a copy of the last mark-up.	Transparency Help the people most interested in a change work things out with others of opposing views in the group.
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¹ From Ed Petera, subcommittee member

Meetings	Recognize reaching Consensus is an objective in all meetings. Use agendas with timed topics, who is to address the topic, and desired outcome. Have a moderator/time keeper for each topic (change for each item), agree to action items, responsibilities and follow-up timing. Standing Contingency: If a document for discussion is not issued on time, the agenda defaults to a 10 minute time slot for a subcommittee member to explain the 2 or 3 highest priorities for adoption or change.	Effectiveness RE: Always have a Plan B
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Working to Consensus Example: What I [Ed P.] expected us to work to was consensus on the "Conditions of Approval" as presented at the 10/27 BCTT meeting and a "Comments on Current Status" worded as "Not currently in compliance". Further searches of County and RSI files are needed to establish if or when this condition was superseded. Alternatives may include BOC and Planning Commission action to void this condition.

Recording

[Recording](#) (Password: BentonCounty1!)

Workgroup Presentation

Will discuss at next meeting

Meeting #3 11/14/22 3:30 – 5:30 PM (PST)

Agenda:

Topic	Lead	Start	Duration	Materials
Review Common Understandings Tasks	Facilitator	3:30	5 mins	Charge
Process Protocols	Facilitator	3:35	5 mins	Ed Petera's Email

Review Compliance table – what it includes, how did we get to this draft	Staff	3:40	5 mins	Draft A Compliance Table
Review Compliance document - suggested modifications	Facilitator	3:45	10 mins	
Work through the Compliance document to establish consensus. Identify the conditions that are complete Identify the conditions that are no longer relevant Identify the conditions to dive further into		3:55	45 mins	
Discuss the Open House Set Up who wants to staff the table what items and information is expected to be presented	Facilitator	4:40	5 mins	
Identify dates of next two subcommittee meetings	Facilitator	4:45	5 mins	
Identify Action Items needed to meet subcommittee’s charge.	Facilitator	4:50	10 mins	Appendix A

Attendance

Member	Present
Catherine Biscoe	X
Ed Pitera	X
Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers	
None	

Meeting Notes

Highlights

Goal remains the same: A clear common understanding of the conditions placed on the landfill and their compliance status. (Deliverable is a two-column document with Conditions of Approval and Current Status)

We continue to modify the draft document to make it more useful:

- Inclusion of all member inputs to integrate/discard in a final validated version.
- Clarifying where a land use decision might be supported, clarified, or superseded by other public documents, e.g., County Codes, state regulatory definitions, business records, etc. Example: Substantive analysis of 1974 land use decision designating Coffin Butte Landfill as a regional sanitary landfill site based on a specific limited physical geographic area. County Code amended in 1983 to allow other areas but only Lebanon and Sweet Home cited. Search of other supporting / clarifying documents needed.

(Enabled by County & DEQ expanding ready electronic access to documents. Thank you!)

Action Items

- Develop a timeline showing land use decisions and disposal volumes. (Unassigned/needs collaboration with A1 Landfill Size/Capacity/Longevity Subcommittee)
- Revise Working Document (Inga. In Progress)
- Provide Draft Introduction “Land Use 101 perspective”. (Mark Complete. Reviewing Legal Subcommittee input)

Recording

[Recording](#) (Password: BentonCounty1!)

Next Steps/Action Items:

- Staff will reformat the draft
- Committee members will add comments to the draft
- Staff will compile the comments into one document

Meeting #4 11/28/22 3:30 – 5:30 PM (PST)

Agenda

Topic	Lead	Start	Duration	Materials
Discussion on developing a timeline of key DEQ decisions about the site and requirements on its operation	Facilitator	3:30	20 mins	
Work through the Compliance document to establish consensus. Identify the conditions that are complete Identify the conditions that are no longer relevant Identify the conditions to dive further into	Staff	3:50	60 mins	Combined Document Yeager’s Version Pitera’s Version
Review Compliance document - suggested modifications	Facilitator	4:50	5 mins	
Identify Action Items needed to meet subcommittee’s charge.	Facilitator	4:55	5 mins	

Attendance

Member	Present
Catherine Biscoe	
Ed Pitera	X
Cozette Tran-Caffee in for Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X

Observers	
None	

Meeting notes

DEQ Decisions

- Include DEQ permits and compliance in the summary chart.
- In document, linking to DEQ permits, listing where they can be found, or including docs.
- Some DEQ permits may be digitized, others are in boxes.
- DEQ permits could inform recommendations for report.
- “Record of Decision” “Facility investigation” – Issues (noise, odors) were addressed in these docs.
- Public would want to know how these issues were addressed.
- DEQ permits may reveal conflicts between state and county docs. Sam will set up a meeting on Wednesday to identify way to access DEQ docs.
- Work through the Compliance document to establish consensus. Next steps:
- Mark and Ed (maybe Catherine) will schedule time to meet and review comments.
- Conditions then will go to Inga and Republic for comments and response.
- Review Compliance document - suggested modifications.
- Was the narrative submitted by Republic legally binding?
- Sam will bring this legal question to Subcommittee A.3. Legal Issues.
- Ed and Mark will draft question for Sam to send to legal subcommittee.

Next Steps/Action Items

Sam will bring legal question to Subcommittee A.3. Legal Issues.

Ed and Mark will draft question for Sam to send to legal subcommittee.

Relevant Documents:

[Combined Document](#)

[Yeager’s Version](#)

[Pitera’s Version](#)

Recording:

[Recording](#) (Passcode: bx+7t2&i)

Meeting #5 12/5/22 3:30 – 5:30 PM (PST)

No Agenda

Attendance

Member	Present
Catherine Biscoe	X
Ed Pitera	X
Cozette Tran-Caffee in for Jeff Condit	X
Mark Yeager	
Staff: Inga Williams	X

Facilitator: Sam Imperati	X
Observers	
None	

Meeting notes

- Overview of progress made by subcommittee groups since last full subcommittee meeting on 11/28/22.
- CUP Document review sub-group – Met Saturday, 12/3/22, 3:00pm-5:00pm. Group members present: Ed, Mark, and Catherine.
- Added tracking columns onto the Table of Contents to sort by priority level.
- Information to include: DEQ requirements and permits (going back through year 2000), volumes, lengths of time counties have been involved, leachate.
- Planning to complete review by Thursday, Dec. 8 to send out to the group by Friday, Dec. 9.
- Scope issue” of subcommittee
- Item #6 PC-94-10 was denied. But, there may be relevant related context involved. Is further research within the scope of this subcommittee?
- It is a narrative in document may be is worth reviewing.
- It’s worth it to research further if the group decides.
- Scope of the subcommittee has expanded as timeframe increased.
- Sam took document to Legal subcommittee and there was mixed support for the expansion of the subcommittee’s scope.
- Denied records contain pages of context, important to understanding the full picture. Regardless of the ultimate denial of the documents.
- Cozette in support of framing of scope of reviewing approval conditions and whether there has been compliance but looking at the relevant factual matter from the denied documents.
- Sam supports an evolution of the scope.

Next Steps/Action Items

- Ed will add two new columns in CUP Document prior to review, one for the County and one for Republic.
- Ed and Catherine will prepare 5 of the high priority revisions for group by Friday 12/9/22 for review.
- Republic needs to review but doesn’t need to be a final review.
- Republic will review by early next week, prior to meeting on 12/15/22.

Recording

[Recording](#) (Password: BentonCounty1!)

Meeting #6 12/12/22 3:30 – 5:30 PM (PST)

Agenda

Topic	Lead	Duration (Minutes)	Material

CUP Condition Assessment: Extent of Historical Document Review EX: PC-83-07/L-83-07; PC-94-10; PC-94-11 (Objective: Confirm consensus)	MY	10	See 12/9/22 Yeager email RE: PC-83-07 Analysis Example
Past CUP Condition Table: Discussion of Updated table and CB/MY/EP input. Sharing with RSI & County (Objective: Provide to more people for discussion)	EP (3 min) / All	35	Share via Zoom
DEQ Records Request: Update on approach, need consensus on details. (Objective: Consensus on how to proceed)	EP (3 min) / All	10	See 12/8/22 email to B Fuller Re: DEQ Permits for the Coffin Butte Landfill
Hold to 4:00pm Introductory Statement: Revision (Objective: Consensus)	SI/All	10	See 12/9/22 email from SI
Consensus Building: CP-74-01 Geographic Area Topic Update (Objective: Update)	SI / CT-C	5	None
Compliance Language Issue: Inability to confirm compliance. DEQ Primacy. How to do better in the future. (Objective: Guidance on how to proceed)	EP / All	5	Concept Discussion Only
Non A2 Task: Historical Timeline Content Suggestions (Objective: Guidance on how to proceed)	EP / All	5	Concept Discussion Only

Attendance

Member	Present
Catherine Biscoe	X
Ed Pitera	X
Cozette Tran-Caffee in for Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers	
None	

Meeting notes

CUP Condition Assessment [PC-83-07 Analysis](#)

Mark started the discussion. He referenced his documents regarding PC-83-07 Analysis as an example. PC-83-07 included conditions that were administrative and there is a need to get to the substantive requirements that are included in the staff report and applicant's submittal. For historical context, it feels important that we look at the files even if they have not been adopted and the subcommittee should include the site plan conditions even though they are

not included as conditions of approval. Inga indicated that including the information is good but the site plan and those conditions are not legally applicable. Sam indicated that the subcommittee should be free to make a decision on how the policy applies to a condition.

Past CUP Condition Table

- Ed started the discussion. He recognize that with the broadened scope that items don't fit neatly in the table – and he is moving some of these to [Lessons Learned](#) document. He is reformatting the table and added a progress tracking table up front. Added in a Key Words column. Hot button issues are highlighted.
- In the main body – ended up with things that don't fit the conditions but do fit in the long term charter of raising conditions. Listed them as Observations and Recommendations. Some will have a lot of detail because they are sensitive. Still working on the format.
- Leachate one was a hot button – Compliance not Demonstrated. Really a Wastewater Plant issue and Compliance Superseded because it is being done in another facility. Ed got all the way through the document, Mark and Catherine need to do more review. Cozette made some suggestions on the definitions of terms used - subsequent change in wording made to Not in Compliance and County Requirement Superseded. Added a new bullet definition of "Legal Requirement Superseded." Mark stated that for County Requirement Superseded ,it indicates that there has been a handover to DEQ, the term makes no judgement as to whether the condition is in compliance or not.

DEQ Records Request

Ed showed a table/document outlining [What Is Being Asked For From DEQ](#). Shared a schematic showing Applicable Environmental Laws & DEQ Oversight. Want to see what the authorizing documents are. Not looking for compliance, looking for information and process and to have a road map for people to know who to ask and what to ask for. As the resources continue to develop it will be very useful for future use. Relatively easy to navigate.

Critical Path issue

One: when can Catherine and Mark go through all the pages?

Two: when can the document be sent to Inga and Cozette?

Three: the goal is between Dec. 16th and Jan. 3rd, Sam needs to take the substance of the document and put it in a draft report.

Ed can combine Catherine and Mark's comments together. Cozette would prefer all comments together for Republic review. Ed, Catherine, and Mark will try to get together this coming weekend and then it will get sent to Inga and Cozette next Tuesday, the 20th.

[Introductory Paragraph](#)

One paragraph added. Sam asked if anyone had any changes to the document received from the Legal Subcommittee. Ed stated that there was still too much dissonance. Suggestion is to take out the paragraph. Mark indicated that a joint meeting is needed.

The subcommittee ran out of time to review any further topics.

Next Steps/Action Items

- Mark and Catherine will complete their review of the Land Use Actions document and include more comments. Ed will review one more time. The document will be sent to Inga and Cozette on the 20th.

- Ed will continue to work on the DEQ document.
- Sam will set up a joint meeting with the Legal Subcommittee.

Recording

[Recording](#) (Passcode: uR%8XNP1)

Meeting #7 1/9/23 3:30 – 5:30 PM (PST)

Agenda

Topic	Start	Duration	Materials
Landfill MOU	3:30	15	
CUP Introductory language	3:45	5	
BCTT Rough Draft Report 1-3 format	3:50	15	Sam’s 1/3/23 Email with rough draft attachment
Work through Combined Compliance document	4:05	50	
Tasks to Complete and Next Steps	4:55	5	

Attendance

Member	Present
Catherine Biscoe	X
Ed Pitera	
Jeff Condit	
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers	
None	

Meeting notes

The meeting started with a review of the agenda. Agenda item #4 had not been received from Jeff Condit yet. Sam checked in with Jeff on 1/8/22 and he indicated that the document is being reviewed by Holly in Phoenix, then it would be sent to the subcommittee.

A meeting to discuss the CUP Introductory Language was scheduled for Wednesday the 11th so that item was removed from discussion. Sam said he would send out the new version of the introduction that Virginia Lucker wrote up. [This version was attached to the calendar invitation.] Catherine asked “If we can’t come to a consensus on the language, can we include versions from each subcommittee?” Sam said he wasn’t sure yet how that would work.

Landfill MOU – the next step would be to see if the CUP members wanted to engage in a conversation on the MOU with the legal issues subcommittee. Mark and Catherine would get together to discuss the MOU and Vance’s memo and Mark would bring the summary of that discussion to the joint meeting on Wednesday (Catherine could not make the Wednesday meeting). [This topic did not get discussed at the joint meeting that occurred]

Sam went over the format on the BCTT Rough Draft. He explained that each subcommittee would be required to add Key Findings and Key Recommendations into the document. The final subcommittee document would be included as an appendix. For the first draft, Inga is being

asked to provide the Key Findings and Key Recommendations. She will send that to the remainder of the committee so they can add to it over the weekend if they wish.

Next Steps/Action Items

- Mark and Catherine will meet to discuss the 2002 MOU and think about key findings and key recommendations
- Inga will send out the reformatted version of the Land Use Compilation document that was sent to Jeff Condit and will complete the Key Findings and Key Recommendations section of the BCTT Draft by Wednesday afternoon. That BCTT Draft will be sent to Mark, Catherine and Jeff Wednesday afternoon so they can add to it over the weekend.
- Sam will send out Virginia's draft of the Introductory Paragraph

Recording

[Recording](#) (Passcode: kQ!sY3u@)

Meeting #8 1/18/23 3:00 – 3:30 PM (PST)

Agenda

Discuss BCTT Presentation

Attendance

Member	Present
Catherine Biscoe	X
Ed Pitera	
Jeff Condit	
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	
Observers	
None	

Meeting notes

The attendees discussed the possible presentation for the next day's Working Group Meeting. Inga indicated that she thinks she forgot to email the meeting notice to Jeff Condit. The group decided to break early so that Catherine and Mark could read through the First Draft of the BCTT report.

Recording

[Recording](#) (Passcode: Qu2lk?M!)

Meeting #9 1/23/23 3:30 – 5:00 PM (PST)

Agenda

Discuss Introductory Language
Discuss MOU Legal Memo
Discuss Findings and Recommendations

Attendance

Member	Present
Catherine Biscoe	X
Ed Pitera	
Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers	
None	

Meeting notes

Changed next week's meeting date to February 1st.

Introductory language

Mark – Now reviewing draft 2 of the workgroup report, unclear to him what is being proposed. If replacing top three paragraphs and replacing with the new additional paragraph. Too complex in his estimation. Too obtuse.

Catherine – hoping that the subcommittee can convey what our perspective is. A lot of questions and a lot of where we are going from the workgroup. This statement is essential to answer some questions.

Sam – One, this is a key bit of information. Two, Ed should be involved. Must be legally accurate and user friendly. The term “compatibility” has become the focal point of reader tension.

Would not serve to have two different versions of this document. Need consensus on this key piece of information.

Catherine – She and Mark would propose changes to the Introduction.

Legal memo on MOU

Mark hasn't looked at it recently. Haven't spent any time on it recently. Did a once over on it when it first came out.

Findings and Recommendations

Since the last meeting, one of the steps was to go through the document and make formatting changes. Inga reformatted. Substantively it is the same.

Mark – his first reaction is – felt like some very important things that were included later in the document that had what he thought had some overarching key findings are missing. Further discussion about recommendations occurred.

Sam – next meeting, send out agenda in advance. CUP subcommittee's comments on Legal subcommittees memorandum on MOU

Action Items

Inga to send out the Key Findings and Key Recommendations list for review and revision by Jeff, Catherine and Mark

Recording

[Recording](#) (Passcode: LM@b.1v2)

Meeting #10 2/1/23 3:30 – 5:00 PM (PST)

Agenda

Topic	Duration
Landfill MOU	15
CUP Introductory language	15
Work through Combined Compliance document to discuss Compliance issues	50
Tasks to Complete and Next Steps	10

Attendance

Member	Present
Catherine Biscoe	X
Ed Pitera	X
Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers	
None	

Meeting notes

The meeting started with a discussion of the 2002 Landfill Memorandum of Understanding. #14 of the MOU states that “Since 1996, Benton Co. has signed the Land Use Compatibility Statements, ...” Ed asked to get the past LUCS documents to review what they say. This will need to be requested from DEQ. Jeff Condit stated that it is Republic’s position and the position of the Legal Subcommittee that this memorandum says the County finds that Republic has been operating in compliance with past land use actions. This MOU is basically a reset of where Republic is and where the landfill can go. This is from prior to 1996 to 2002. Sam asked if we have a copy of a LUCS in our files. Ed has seen a few of the documents. Catherine and Mark have not seen the documents. Catherine asked which authority the document is intended to address. Sam asked what the core concern is surrounding this issue. Catherine stated that she is not able to reconcile evidence that shows that everything from ’74 to ’76 is actually being done when you look at the record or what is actually being done on the site. Mark stated he disagrees with the Legal subcommittee’s interpretation. He states that his review of the documentation shows that the sole purpose for the MOU was to clarify that Valley Landfills would not have to get separate approval from Benton County to place landfill north of Coffin Butte Road.

The next discussion occurred around the new introductory language created by Ginny. Members of the legal subcommittee are comfortable with this with the exception of Liz who asked if it could be made less legalistic. Sam asked the sub-subcommittee to put their thoughts together on this paragraph. Catherine asked to give Ed an opportunity to review this. Mark indicated that the intro paragraph intent was some way to orient the reader if they chose to go through the whole land use review table. The attempt was to try to describe the land use and review approval process. Sam said let’s assume it won’t be in the introduction. There was a discussion around the term “compatibility.” Ed indicated he thought that the intro language

and the legal topic need to be separated.

The members were asked their availability for a meeting for the week of the 20st since the 20th is a holiday. It was decided to have the meeting on the 20th. Inga indicated that was ok with her [but she needs to get permission from Darren].

The next quick review was by Inga going over new language she added, explanations before tables, and an explanation of some changes from the last draft. All changes for the next draft will come through as track changes. Inga indicated she needs to update the comments from the County's perspective. Sam asked about the relationship between county comments and the 2002 memorandum. Inga indicated she didn't know about the 2002 MOU until about 3 weeks ago so none of her comments were based on the MOU.

Next Steps

Inga will request the landfill LUCS from DEQ, dating from 1996 to present.

Inga indicated that she needs to update Staff's comments on the CUP reviews.

Ed stated he would propose a rewrite of the Intro language.

Recording

[Recording](#) (Passcode: PzPeVJ9\$)

Meeting #11 2/6/23 3:30 – 5:00 PM (PST)

Agenda

Topic	Duration
Ed's New Intro Language	30
Work through Combined Compliance document to discuss Compliance issues	60

Attendance

Member	Present
Catherine Biscoe	X
Ed Pitera	X
Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers	
Ginger Richardson	X

Meeting notes

The first half hour of the meeting was not recorded.

Discussion about the new Intro language. Inga was asked to paste the sub-subcommittee intro into the Introduction section of the workgroup report. Sam will then draft a new legalese version to add to a new section of the report. Jeff and Inga are asked to review the intro and make comments.

Recap – started off with a discussion of the proposed introductory language by Ed Monday

morning. This was based on a conversation that Catherine, Mark and Ed had on Sunday. Purpose of the cleaner language was to make it easier to read and get back to the original intent of the introduction. Sam said it needs a reference to the 2002 MOU – want a cross reference to it. Add to the Intro, “There are two major issues that the CUP subcommittee have worked on with the Legal subcommittee. They are the 2002 MOU and the meaning of compatibility”

Asked the committee to look at the subcommittee’s report and start suggesting revisions. Sam needs the new draft completed by the 17th. Inga needs revisions to the full subcommittee report - the additional language – and revisions to the Key Findings and Key Recommendations. Inga asked if the sub-subcommittee members had talked over the Definitions of Compliance. Confusion over none brought up again. Inga reiterated that “None” was meant to indicate that a Finding had not been made – this needs to be clarified in the Key Findings. Ed asked that a comment made by Republic be removed from the Definitions of Compliance page and added somewhere else. Jeff agreed that he could do that.

Sam highlighted the Consensus box to the right of the stated Condition. There has been no reconciliation yet of the comments and views. Sam asked for recommendations on how to get to consensus. The subcommittee discussed a condition of approval regarding the requirement for DEQ documents to be submitted to the county. Sam’s concern is that given how little agreement there is between the members, it would take us a couple of months to go through and try to reconcile each of those things. Are the 5 members going to be ok if we leave it in this condition, i.e. no consensus. Suggested adding a paragraph to the intro, “as you will see there are 80x conditions below, by and large, the subcommittee was not able to reach consensus on their current status. As a result, in the box below current status you will see the views of A, B, C, and D. The key recommendations appear on...” Not practical in the time we have left to then ask the workgroup members to vote on the consensus status. Further discussion ensued on trying to come to consensus on some of the conditions. A further suggestion was to come to consensus on some of the conditions and then tee up some of the more major conditions where non-consensus exists for the workgroup to poll.

Next Sam asked who submitted revisions to the Findings and Recommendations. Inga indicated she only received comments from Mark. Mark indicated that going back through the conditions is not a constructive use of his time. He would prefer to focus on the Findings and Recommendations. Mark said he would write an alternative assertion on the 2002 MOU. Jeff said he would supply comments and revisions to the Findings and Recommendations. Catherine also stated she would prefer to focus on Findings and Recommendations. Mark suggested aggregating the “themes” of the conditions.

Next Steps

Mark is going to work on putting together thoughts on the 2002 MOU. He already submitted comments on the Findings and Recommendations.

Ed is going to work on the Finding and Recommendations document. [Ed had to go to central Oregon and could not meet the noon by Thursday deadline]

Jeff stated he would try to get his completed by the deadline.

Recording

Meeting #12 2/13/23 3:30 – 5:00 PM (PST)

Agenda

Topic	Duration
Review and Discussion of Ed’s Intro Language with comments from Jeff and Inga AND decision on inclusion of “compatibility topic”	25
Review of Mark/Jeff’s Comments on Land Use Findings and Recommendations	20
Review of Mark’s Comments on Compliance with Past Land Use Approvals	20
Review of Staff Updated Comments and continue discussion of coming to consensus	20
Tasks to Complete and Next Steps	5

Attendance

Member	Present
Catherine Biscoe	X
Ed Pitera	X
Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers:	
Ginger Richardson	X

Meeting notes

Ed sent out a new draft of the Introduction late Monday morning. He made changes to the draft that Jeff and Inga had reviewed and which had been sent out on Friday. Discussion began on the new draft. Mark objected to Jeff’s revision where he struck out “landfill” and added the words “certain ongoing” to describe “conditions.” Catherine indicated that she was also not comfortable with the addition of the word “such” in the next sentence. Discussion occurred how to resolve this issue. Add “many” in place of “certain ongoing” and use “these” in place of “such”. Discussion turned to the paragraph called “Understanding Conditions of Approval and How They are Applied” that was added before the land use review table. Sam suggested adding, “While these distinctions were not involved in any of the landfill CUPs involved in this review, staff is now specifically segregated these conditions” in place of the first sentence of the third paragraph. Final decision on the Intro paragraph issue was to remove “such” and not replace it with anything. Review continued with the proposed changes made to the last and second to last paragraph. The decision was to remove the last paragraph.

Catherine objected to the wording of the second to last paragraph. Ed committed to providing the summary of DEQ records. “This summary table provides an overview of the detailed analysis of...” Ed showed the Summary Table that is referenced in the Intro. It identifies if the condition is for landfill, power generation facility, or quarry. It also identifies what type of compliance each member decided on. It was decided to include this table, Ed still needs to

finalize. Use this language “A summary table of the CUP findings since 1974. To get the reasoning behind the table you need to go to pages x – 100.”

Key Findings and Recommendations discussion occurred starting at 4:50. Sam asked what the plan is between now and Thursday to get this to the best shape we can get this. We need to move from putting a comment to using actual language. Jeff made the suggestion to take out all of the Key Findings because they are duplicative. The recommendation was to create overall Key Findings.

Next Steps

Use the introduction we landed today. Strip the specific findings, focuses in on the overarching findings send them out

Need one more meeting to land the plane. No comments unless you want an explanation – we need to see actual words for the findings.

A new meeting to reconcile the Findings was set for Wednesday evening from 5:45 to 7:15. If there were still loggerheads, Sam would try to merge them together.

Recording

[Recording](#) (Passcode: +zAe9P60)

Meeting #12A 2/15/23 3:30 – 5:00 PM (PST)

Agenda

Review overarching Key Findings and Recommendations for Friday’s draft.

Attendance

Member	Present
Catherine Biscoe	
Ed Pitera	X
Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers	
Ginger Richardson	X

Meeting notes

Sam reviewed the morning’s joint meeting. Reviewed Mark’s Findings submittals with Jeff’s proposed changes.

Replaced the phrase “ongoing conditions of approval” with “many conditions of approval.”

There was a lot of discussion surrounding one finding that referenced conditions of approval requiring the applicant to get DEQ approval before beginning the approved use. The county considers these advisory conditions to the applicant and some of the subcommittee members believe the county should ensure that these permits are completed.

Ed asked if there was some way that we could bridge the gap with Republic, DEQ, and what the public expects on reclamation plans.

Next Steps

Inga will take the key findings and key recommendations put them in a new document. Send them to the members and ask the members to track changes and get them back to us.

Recording

[Recording](#) (Passcode: !3rn?*Y9)

Meeting #13 2/20/23 3:30 – 5:00 PM (PST)

Agenda

Continue review of key findings and key recommendations.

Attendance

Member	Present
Catherine Biscoe	X
Ed Pitera	X
Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers	
None	

Meeting notes

The subcommittee continued to review key findings. The document that was reviewed contained suggested language from the small work group, Jeff, and Inga. Emphasis was made that these findings are for the landfill, the quarry, the power generation facility, and accessory uses. The subcommittee completed a review of the key findings and moved onto key recommendations. During review it became apparent that some of the content in the recommendations would work better as findings. The subcommittee set another meeting for the next day to continue the review.

Next Step

Meet the next day to continue review.

Recording

[Recording](#) (Passcode: +&e5V52M)

Meeting #13A 2/21/23 10:30 – 12:00 PM (PST)

Agenda

Continue review of key findings and key recommendations.

Review the introductory language.

Attendance

Member	Present
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Catherine Biscoe	X
Ed Pitera	X
Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers:	
None	

Meeting notes

Discussion continued on the key recommendations. In one section there is reference to the contents of the narrative referenced in conditions of approval for PC-83-7. Mark, Catherine, and Ed wrote a

detailed memo regarding why the contents of the narrative should apply the use, i.e. be considered regulatory. It was agreed that Jeff would write a response to be included in the document that will then be linked to the recommendation. Sam also continued to state that the comments under the recommendations need to be included as findings.

Next Steps

Ed stated he would take the document and try to work on creating recommendations from the comments and reorganizing the findings and recommendations so that they aligned.

Recording

[Recording](#) (Passcode: 5+@t1@L0)

Meeting #14 2/27/23 3:30 – 5:00 PM (PST)

Agenda

Review the document revised by Ed, “Attached is a mark-up of the Key Findings and Recommendations Compliance with Past Land Use Actions Subcommittee provided at BCTT Meeting 8 on 23 Feb 2023. The mark-up is intended to clarify and flesh out many of the entries including those that were identified as “Pending”. Where possible, the comments of the full Workgroup were incorporated to make the listing clearer and more readable. This version has not been vetted by Catherine and Mark. It still may be worth reviewing to help finish the report.”

Attendance

Member	Present
Catherine Biscoe	X
Ed Pitera	X
Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers:	
None	

Meeting notes

Inga asked Ed and Jeff to write a combined conclusion or separate conclusions to be added under the findings and recommendations section. Inga also shared the newly drafted workplan which added an extra workgroup meeting to calendar. Sam came on and explained what he

expects for the body of the conclusion. Discussion occurred around the new calendar. The subcommittee agreed to add a finding pointing to the subcommittee appendix which contains the main portion of the work and explanation. There was discussion about Republic's acquisition of land and if it relates to Vision 2040 in a recommendation.

Next Steps

Jeff needs to add his response to Mark, Catherine, and Ed's position on the 1983 narrative. At the end of the meeting, Jeff committed to review the unfinished work document, make revisions, and send it out the next day to everyone else to complete their review.

Recording

[Recording](#) (Passcode: 0.l&yggQ)

Meeting #15 3/6/23 3:30 – 5:00 PM (PST)

Agenda

Continue to review the key findings and key recommendations using the document created by the small workgroup.

Attendance

Member	Present
Catherine Biscoe	X
Ed Pitera	X
Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers:	
Darren Nichols	X

Meeting notes

The subcommittee continued to discuss the findings and recommendations. One of the conditions stated that there was no record of a county decision allowing the landfill to expand the area that it took waste from prior to the Supreme Court decision. Inga brought up the section of the 1983 land use application that showed the revisions to the Comprehensive Plan policies for the landfill. The 1983 decision removed the policy that restricted the landfill from expanding the service area. Then there was discussion about whether the 1983 decision superseded the 1974 decision about reclamation. Another portion of the discussion revolved around access to public documents and how to word the recommendation around that access and monitoring the county's decisions. Review ended on recommendation 8.

Next Steps

Inga will send out the latest document to the subcommittee and Jeff will review and make comments.

Recording

[Recording](#) (Passcode: W^+6SLcd)

Meeting #16 2/13/23 3:30 – 5:00 PM (PST)

Agenda:

Attendance:

Member	Present
Catherine Biscoe	X
Ed Pitera	X
Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X
Observers:	
Darren Nichols	X

Meeting notes:

The subcommittee reviewed the Key Findings and Key Recommendations that Jeff had reviewed and commented on and sent out on Sunday. The subcommittee began their review at recommendation #9. Then went back to the Findings to review the other items that Jeff had made changes to. Final consensus on all Findings and Recommendations was reached. The subcommittee then did a quick review of the Conclusion and the members agreed to get a finalized version to Inga the next day.

Recording

[Recording](#) (Passcode: Y7a!+7LN)

Additional Meetings

Joint Meeting with the Legal Issues Subcommittee November 17, 2022

Notes

The Land Use subcommittee asked to have an Introduction added to the beginning of the Table of Past Land Use Approvals document. Mark Yeager volunteered to draft the Introduction. The other subcommittee members reviewed it and suggested revisions. The draft was sent to the Legal Issues subcommittee for review.

As there were areas where the committees did not find resolution on wording, a joint meeting was scheduled to allow interaction and real time discussion among the two committees.

Recording

[Recording](#) (Passcode: D.2Z?HMF)

Meeting with DEQ November 30, 2022

[Recording](#) (Passcode: AnXE6Y.)

Small Work Group Meeting December 1, 2022

Notes

The subgroup consisting of Catherine Biscoe, Ed Pitera, and Mark Yeager met via Zoom on Thursday, 1 December 2022. The goal of the work session was to foster consensus building on views of the supporting documents for the Past CUP Conditions document and update text of the current version of the document. The Zoom session lasted about 1 hour 52 minutes and was recorded.

Highlights include discussing:

- the content of the draft document "compliance_with_past_land_use_approvals_-_11-25-22_draft.pdf".
- understandings of what is in PC-83-07/L-83-07.

Action Items

- Continue individual efforts to provide input to update "compliance_with_past_land_use_approvals_-_11-25-22_draft.pdf"
- Review PC-83-07/L-83-07 in detail for how overall documents relate to "conditions" entries shown in "compliance_with_past_land_use_approvals_-_11-25-22_draft.pdf".
- Schedule follow-up subgroup working sessions. Notes:
- Full Reference is: PC-83-07/L-83-07 Amendments to the Benton County Comprehensive Plan and Plan Map (Ordinance 251), and amendments to the Zoning Ordinance and Zoning Map (Ordinance 261). Amendments to the Comprehensive Plan Text and Map, amendments to the Zoning Ordinance and Zoning Map, and a Site Development Plan (M-48615-83, PC-83-07-C(1)).

Recording:

[Recording](#) (Password: BentonCounty1!)

Small Work Group Meeting December 3, 2022

Notes

The subgroup consisting of Catherine Biscoe, Ed Pitera, and Mark Yeager met via Zoom on

Saturday, 3 December 2022. The goal of the work session was to foster consensus building on views of the Past CUP documents. The Zoom session lasted about 1 hour 47 minutes and was recorded.

Highlights include:

- Creating a WORKSHEET from the CUP Table of Contents to help us manage workflow priorities, assignments, progress, etc.
- Discussion of wording of comments in most recent version of "compliance_with_past_land_use_approvals_-_11-25-22_draft.pdf".
- Discussion of how to convey information [in PC-83-07/L-83-07](#) to Legal Subcommittee in a way that is clear, comprehensive and fosters consensus building.

Action Items

- Continue individual efforts to provide input to update compliance_with_past_land_use_approvals_-_11-25-22_draft.pdf". (Target completion by 120822)
- Consolidate comments in for inclusion in next copy of draft. (Target completion for 120922)
- Prepare draft analysis of PC-83-07/L-83-07 for subgroup review. (Complete as soon as reasonable)

Recording:

[Recording](#) (Password: BentonCounty1!)

Small Work Group Meeting December 7, 2022

Notes

The subgroup consisting of Catherine Biscoe, Ed Pitera, and Mark Yeager met via Zoom on Wednesday, 7 December 2022. The goal of the work session was to foster consensus building on views of the supporting documents for the Past CUP Conditions document and update text of the current version of the document. The Zoom session lasted about 1 hour 49 minutes and was recorded.

Highlights include discussing:

- the content of the draft document "[Compliance with Past Land Use Approvals - 11-14-22 Draft EWP Input Mark Catherine Zoom 120722.docx](#)".
- the inclusion of details for the "conditions" cited in PC-83-07/L-83-07. This information is gleaned from County records and describes physical design parameters (landfill terrace size, face slopes, etc) and reclamation requirements considered appropriate as of 1983.
- a reasonable scope for a request of historical documents from DEQ.

Action Items

- Continue individual efforts to provide input to update "[Compliance with Past Land Use Approvals - 11-14-22 Draft EWP Input Mark Catherine Zoom 120722.docx](#)".
- Provide Zoom Recording File to I. Williams.

Recording

[Recording](#) (Password: BentonCounty1!)

Small Work Group Meeting December 11, 2022

Notes

The subgroup consisting of Catherine Biscoe, Ed Pitera, and Mark Yeager met via Zoom on Sunday, 11 December 2022. The goal of the work session was to foster consensus building on views of the supporting documents for the Past CUP Conditions document and update text of the current version of the document. The Zoom session lasted about 2 hours 20 minutes and was recorded.

Highlights include discussing:

- the content of the draft document "Compliance with Past Land Use Approvals - 11-14-22 Draft EWP Input Mark Catherine Zoom 121022 v1.doc".
- details on how to include information on the "conditions" cited in PC-83-07/L-83-07. This information is gleaned from County records and describes physical design parameters (landfill terrace size, face slopes, etc) and reclamation requirements considered appropriate as of 1983.

Action Items

- Continue individual efforts to provide input to update this meeting's work product "[Compliance with Past Land Use Approvals - 11-14-22 Draft EWP Input Mark Catherine Zoom 121022 v2.doc](#)".
- Provide Zoom Recording File to I. Williams.

Recording

[Recording](#) (Password: BentonCounty1!)

Small Work Group Meeting December 17, 2022

Notes

The subgroup consisting of Catherine Biscoe, Ed Pitera, and Mark Yeager met via Zoom on Saturday, 17 December 2022. The goal of the work session was to foster consensus building on views of the supporting documents for the Past CUP Conditions document and update text of the current version of the document. The Zoom session lasted about 1 hour 40 minutes and was recorded.

Highlights include discussing:

the content of the most recent version of the Small Groups Past CUP Table draft document "[Compliance with Past Land Use Approvals - 11-14-22 A2 Small Group Markup 121222 v3.doc](#)"; refining the intent and name of the "Lessons Learned" listing. To be renamed Observations and Recommendations;
including consideration of the County's Community Wildfire Protection Plan if the County addresses potential emergency preparedness needs for the landfill.

Action Items

Continue individual efforts to provide input to update.

Meet on 18 December with the goal of producing a draft CUP document suitable for distribution to the full Subcommittee.

Recording

[Recording](#) (Password: BentonCounty1!)

Small Work Group Meeting December 18, 2022

Notes

The subgroup consisting of Catherine Biscoe, Ed Pitera, and Mark Yeager met via Zoom on Sunday, 18 December 2022. The goal of the work session was to foster consensus building on views of the supporting documents for the Past CUP Conditions document and update text of the current version of the document. The Zoom session lasted about 4 hours 11 minutes and was recorded.

Highlights:

- Completed review of each “condition” and reached consensus on Small Subgroup view of "Compliance with Past Land Use Approvals” document. [Draft from this session](#) with "track changes” is [linked] but must be finalized before release to full A.2. Subcommittee.
- Refined format of text to include more summary information in “Table of Contents” to alert reader to subjects addressed in a document.
- Explored the issue of a 600 foot limit on the trash pile at Coffin Butte (Condition 10, PC-02-07). More information is needed to make a sound assessment of compliance. Reviewed currently available County GIS file which appears to show contours lines in excess of 600 feet at the top of the trash file. However, the text of Condition 10, PC-02-07 refers to an "Attachment 2". This "Attachment 2” needs to be found to understand the elevation datum used for the 600 foot height limit. Note: A discussion with Republic is expected to be helpful.
- The County GIS based representation of the site was useful in visualizing the landfill e.g. grass covered areas, plastic covered areas, water bodies, discharge points, etc.. It might be helpful to use the GIS system to orient some discussions during BCTT meetings.

Action Items

Finalize this meeting’s work product “12-18 Review - Compliance with Past Land Use Approvals - 11-14-22 A2 Small Group Markup of 121222 v3 copy” by Tuesday 12/20/22.

Investigate “600 Ft” limit issue.

Recording

[Recording](#) (Password: BentonCounty1!)

Joint Meeting with Legal Issues Subcommittee January 11, 2023

Notes

The Land Use subcommittee and the Legal Issues subcommittee discussed the three versions of the CUP Introduction.

Recording

[Recording](#) (Passcode: D.2Z?HMF)

Small Work Group Meeting February 5, 2023

The subgroup consisting of Catherine Biscoe, Ed Pitera, and Mark Yeager met via Zoom on Sunday, 2/5/23 at 8:09pm. The Zoom session lasted about 1 hour 33 minutes and was recorded. The Introduction for the CUP Report was revised. The consensus document was transmitted on 6 February 2023.

Recording

[Recording](#) (Password: BentonCounty1!)

Joint Meeting with Legal Issues Subcommittee February 15, 2023 10:00 AM

(PST)

Attendance

Member	Present
Catherine Biscoe	
Ed Pitera	X
Jeff Condit	X
Mark Yeager	X
Staff: Inga Williams	X
Facilitator: Sam Imperati	X

Notes

The Land Use subcommittee and the Legal Issues subcommittee discussed the three versions of the CUP Introduction. Spent a lot of time on the 2002 MOU.

Recording

[Recording](#) (Password: BentonCounty1!)

Small Work Group Meeting February 16, 2023

Notes

The subgroup consisting of Catherine Biscoe, Ed Pitera, and Mark Yeager met via Zoom on Thursday, 2/16/23. The Zoom session lasted about 3 hours 40 minutes and was recorded. The Findings and Recommendations for the CUP Report were revised. The consensus document was transmitted on 16 February 2023.

Recording

Missing

Small Workgroup Meeting 3/2/23

Notes

The subgroup consisting of Catherine Biscoe, Ed Pitera, and Mark Yeager met via Zoom on Thursday, 3/2/23. The Zoom session lasted about 1 hour 30 minutes and was recorded. Proposed revisions were made to some Findings and Recommendations for the CUP Report. The group plans to meet Friday 3/3/23 to try to finish revisions of the CUP Findings and Recommendations. The revisions should be available for the next Subcommittee Meeting on Monday 3/6/23.

Recording

[Recording](#) (Password: BentonCounty1!)

Small Workgroup Meeting 3/3/23

Notes

The subgroup consisting of Catherine Biscoe, Ed Pitera, and Mark Yeager met via Zoom on Friday, 3/3/23. The Zoom session lasted about 1 hour 30 minutes and was recorded. The Subgroup's proposed revisions to Findings and Recommendations for the CUP Report were finalized. The revised draft is attached for use at the next Subcommittee Meeting on Monday 3/6/23.

Recording

[Recording](#) (Password: BentonCounty1!)