

From: [WYSE Nancy](#)
To: [N Whitcombe](#)
Cc: [AUGEROT Xanthippe](#); [MALONE Patrick](#); [NICHOLS Darren](#); [Sam Imperati](#); [Benton County Talks Trash](#); [Nicholas Fowler](#); [Jen Gervais](#)
Subject: Re: Benton County Solid Waste Process Group
Date: Friday, September 30, 2022 7:59:53 PM

Thank you, Nancy, for getting back to me so quickly. I appreciate having this in advance of our next Board meeting.

Cheers,

-Nancy

On Sep 30, 2022 1:37 PM, N Whitcombe <nwhitcombe@gmail.com> wrote:

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Thank you very much for asking for specifics.

A. Planning Commission ASK -- Whitcombe "Ask" as a member of the Planning Commission (caveat: I am still a very, very newly-forged planning commissioner, but I have endeavoured to the best of my ability to ascertain from more senior members that the following concerns are not unfounded):

1. **What will be the mechanism** by which material produced by the workgroup will be incorporated into quasi-judicial Planning Commission/BoC deliberations on an **imminent** CUP landfill expansion proposal ("imminent" defined as one that is likely to drop within the next 18 months or so, before a revision of current codes might be completed)?

2. **If there is no mechanism**, is it possible that incorporating workgroup work product might be grounds for LUBA reversal if the PC/BoC **does** take workgroup work product into consideration during deliberations/preparing findings?
If the PC/BoC (on appeal, if that occurs) **does not** take workgroup work product into consideration (because there is no mechanism), what is the point of preparing it?

3. **If there is a partial mechanism** for an imminent CUP such that some work product **might be useful** (for example, a recommendation to the BoC that staff work on a CUP be outsourced due to CDD staff shortages, or an enumeration of prior CUP conditions of approval which have not been complied with, for example), but that other elements of Mr. Imperati's charge **are probably not useful** (for example, none of the current or former Planning Commissioners I have spoken welcome or even want workgroup clarification of the "ambiguous" terminology laid out by Mr. Imperati) what **might be** and what **is probably not** useful is something that needs to be made clear to the workgroup.

What is the mechanism by which workgroup work product will be utilized in an imminent CUP expansion application?

B. Workgroup ASK -- Whitcombe "Ask" on behalf of the workgroup -- the workgroup appears to have a different understanding than Mr. Imperati of the primary purpose of the workgroup. Mr. Imperati seems to think that the primary purpose of the workgroup is short-

term (an imminent landfill expansion), whereas the workgroup as a whole appears to be more interested in medium- and long-term planning. Mr. Imperati has told the workgroup that in order to focus more on the latter (medium- & long-term) and less on the former (short-term), the workgroup would have to apply directly to the BoC (caveat: this is not an issue that has been explicitly discussed, it's more of a "feel of the room"): --

Would the BoC support a redirection of workgroup efforts toward longer range planning?

C. Personal/Volunteer ASK -- Whitcombe "Ask" on behalf of herself (and potentially other workgroup members)

If the charges for the workgroup are currently excessive for the time allotted, how could we refocus workgroup efforts to best ensure that volunteers don't burn out?

What is a reasonable amount of time for workgroup participants to spend not only in meetings, but in work outside meetings?

Thank you very much,

Nancy Whitcombe

On Thu, Sep 29, 2022 at 2:10 PM WYSE Nancy <nancy.wyse@co.benton.or.us> wrote:

Hi Nancy,

Thank you for reaching out and sharing your thoughts. The Board of Commissioners will have a conversation at our next Board Meeting (Oct 4th) regarding the BCTT Work Group to clarify roles, responsibilities, and expectations. As the BOC Chair, I will then come to the next BCTT meeting to share that message.

You are more than welcome to speak for up to three minutes during the public comment time at our next meeting. Please note that the public comment time is intended to gain input from community members, not to engage in a back and forth dialogue.

What would be helpful for me (speaking as one commissioner) would be to have a short and succinct numbered list, in writing, of your specific asks. That would help me understand exactly what you are asking for. It would also be helpful for me if you distinguish between what you, as one individual member, are requesting, versus formal requests that have been made by the BCTT WG as a body. I assume that any requests made by the body would be communicated to the BOC by our staff- but perhaps this is one area we need clarification on.

Please let me know if you have any additional questions for me.

Best regards,



Nancy V. Wyse *(She/hers)*
Commissioner

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From: N Whitcombe <nwhitcombe@gmail.com>

Sent: Thursday, September 29, 2022 9:33 AM

To: WYSE Nancy <nancy.wyse@Co.Benton.OR.US>; AUGEROT Xanthippe <Xanthippe.Augerot@Co.Benton.OR.US>; MALONE Patrick <Pat.Malone@Co.Benton.OR.US>

Cc: NICHOLS Darren <darren.nichols@Co.Benton.OR.US>; Sam Imperati <samimperati@icmresolutions.com>; Benton County Talks Trash <bentoncountytalkstrash@Co.Benton.OR.US>

Subject: Benton County Solid Waste Process Group

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I would like to follow up with Commissioners on the progress of the workgroup to date.

Mr. Imperati has suggested that members of the workgroup apply to the Commissioners if we are to focus more on medium- and long-term solid waste planning rather than on a new landfill expansion which appears the landfill operator is poised to submit before year-end.

So that is what I am doing.

In discussions with my fellow current Planning Commissioners (within the constraints of Oregon public meetings law), with former Planning Commissioners, with the DLCDC, and with land use attorneys of my acquaintance, I have expressed my concern that workgroup work product would be able to be incorporated into the current strictly codified quasi-judicial evaluation process.

My concerns have not been dismissed out of hand. In fact, I have been told that my concerns are not unfounded, that well-meaning “clarification” — developed outside of the strict constraints of the quasi-judicial process — of applicable codes, terms, and processes might end up backfiring (on appeal to LUBA, etc.)

A solid waste management plan is a large outlay for the County, and I certainly think it is not unreasonable for the volunteer group to spend 30-50% of the remaining time budgeted to assign potential priorities to be included in an RFP. And in fact it appears that medium- long-range planning is what the workgroup members themselves want to do, and thought they were signing up for when they volunteered to serve.

I also think that reassessing Chapter 77 (LS) zone (which hasn't been touched since 1983), & Chapter 60 (FC) zone (to tighten up permissions for landfilling uses in FC zones), would be very useful, and that a formal recommendation could be made to do so either by the workgroup or by the Planning Commission to the Board.

I think that the Board should be apprised of the current work that has been assigned to the workgroup and the materials provided to the workgroup by County Staff, and do a high-level assessment of what is actually practical to accomplish in the time remaining, keeping in mind that the workgroup members are volunteers and many have other time commitments (often in other positions that directly benefit Benton County, either as paid staff, or in other volunteer positions). I think that it is not possible for the workgroup to tackle the charges that have been developed — by the facilitator, by staff, and identified as important by the workgroup itself — in the time remaining to the workgroup, especially with staff shortages, etc.

I personally spent more than 40 hours on the workgroup, and on Planning Commission (Adair UGB) work in the past couple of weeks. This is a recipe for volunteer burnout.

I think the workgroup is salvageable, but I think a course correction is in order.

I am available by phone any time today or tomorrow or I can answer questions at the next Board meeting if you would prefer that venue.

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N J Whitcombe

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N J Whitcombe