

MEETING MINUTES
Benton County Planning Commission
January 5, 2021

A regular Meeting of the Benton County Planning Commission was called to order at 7:03 p.m. The meeting took place virtually via Go To Webinar, with Chair Ken Kenaston presiding. Members of the public were invited to attend.

I. ROLL CALL

COMMISSION MEMBERS:

Present

David Dowrie, Vice Chair
John McEvoy
Ken Kenaston, Chair
Nicholas Fowler
Christina White
Jennifer Gervais
Sean Scorvo
Evelyn Lee

STAFF:

Present

Greg Verret, Community Development Director
Inga Williams, Staff Planner
Linda Ray, Recorder

During introductions, Chair Kenaston welcomed the newest member of the Planning Commission; Christina White. Commissioner White is newly retired as an engineer and comes from the Philomath area.

Chair Kenaston opened the discussion regarding elections for Chair and Vice Chair which takes place at the first meeting of each calendar year. He asked the group for nominations. Commissioner Dowrie nominated Commissioner Kenaston to continue his role as Chair. Seconded by Commissioner Gervais, the **MOTION** passed unanimously. Commissioner McEvoy nominated Commissioner Fowler as Vice Chair. Seconded by Commissioner Gervais, the **MOTION** passed unanimously.

II. ITEMS FROM THE GENERAL PUBLIC: None.

- III. PRIORITY ITEMS FROM THE PLANNING COMMISSION: At the August 18th meeting there was a motion made early into the meeting to approve the application and there hadn't been much discussion. To clarify the series of events that took place during that deliberation, Chair Kenaston explained that they viewed the motion as an opportunity to begin the discussion. But the normal procedure is not done this way. Generally if there is an issue with controversy, there is discussion about different aspects of the application and the Commissioners work through how they might want to see things proceed or modified and then make a motion to approve an application with modified conditions or deny. Chair Kenaston described the process on August 18 as confusing and asked for feedback from Commissioners on how to change the process or if they should stick with the way things have been. Commissioner Fowler suggested that as long as the PC is doing remote style of hearings, it would be good to do a roll call of each member to fully permit them to provide an opinion before calling for a

vote on the matter. He noted that some commissioners speak more than others during the discussion, so this process would be helpful to hear opinions of all Planning Commissioners before calling for vote. Chair Kenaston stated that this will be implemented. All commissioners were in agreement to have a roll call for commenting before voting instead of making motions to open discussion.

IV. PUBLIC HEARING

FILE NUMBER: LU-20-062. NATURE OF REQUEST: Conditional Use Permit to approve a private family burial ground; PROPERTY LOCATION: 7555 NW Mountain View Drive, Corvallis; T11S, R5W, Section 1CA, Tax Lot 2900. APPLICABLE CRITERIA: Benton County Code (BCC) Sections 51.610, 51.615, & 51.625; 53.205 through 53.235; 91.155; & Oregon Revised Statutes (ORS) Chapter 97. STAFF | Inga Williams

Declarations of Ex Parte Contact, Conflicts of Interest, or Bias: None.

Staff Report:

Planner Williams began her presentation by pointing out a discrepancy on the first page of the staff report under the “nature of the application”. She clarified that the text should read “to approve a private burial ground of up to 300 square feet” instead of what was written: “to approve burial ground for up to 3”. Planner Williams then shared an aerial view of the property on the screen and pointed out the location of the burial ground and noted that this was in the Rural Residential zone. She stated that the burial ground request will not be used as commercial, but only for the family of Tom & Berthe Palmrose. Planner Williams explained that Oregon Statutes state that the owner of the burial ground has to be the owner of the property which is confirmed in this case. To proceed with a burial, the property owner has to have written permission from the local Planning Commission and must also disclose (once they start burials) that a body is buried on the property and the location on the property, which is filed with the county records office. Set backs are to be 100’ from any drinking water source. Planner Williams noted that there are two wells on the property; one on the south end that is shared with neighboring property owners, and the other is located near Mountain View Drive.

The applicants proposed that the burial ground will be 30’ from the eastern property boundary (which is over the 25’ requirement). There are no streams, rivers, lakes or ponds in the immediate area. There will not be any stones or monuments placed at the burial ground, but the area will be landscaped as a garden. Future burials will be performed with a “green technique” which means no harsh chemicals. Planner Williams pointed out that the property is accessed by a private access road that is 50’-60’ from the east boundary of the property.

Planner Williams noted that neighbors have raised concern about the impact on the aquifer (drinking water source for adjacent properties). She reached out to Oregon Department of Environmental Quality and a hydrogeologist from DEQ; Mr. Seth Sadofsky, PhD, RG, responded that in his opinion, the burial ground would not contaminate the nearby drinking water source. Planner Williams concluded that the conditional use permit meets the criteria for approval.

Questions from the Planning Commission:

Commissioner Dowrie asked if future potential property owners would have to do a record search to become aware of the burial ground on the property if approved. Planner Williams replied that a covenant filed with the records office will be required that will state that a burial ground is located on the property. That covenant will go with the parcel and due to state law will be provided to all future property owners. She went on to clarify that the applicants will also have to provide a map with the notice indicating where the burial ground is located on the property. Commissioner Dowrie asked what recourse would be taken if monuments were established after the approval of the application. Planner Williams replied that if monuments were placed afterwards (should the decision be approved), then the application approval would be withdrawn and the conditional use permit would be null and void and the county would proceed with code compliance with the property owners.

Commissioner Fowler addressed the topic of “green” burial and asked for more information on the terminology and method. Planner Williams provided that research she had done online indicated that a green burial is basically a burial that is chemical and casket or coffin free. Planner Williams also stated that the terminology can be better defined in conditions for the approval of the permit if the Planning Commission chooses. She noted that the applicant restricted themselves to this method of burial in their application.

Commissioner White asked if the property owner has provided geo tech studies or data on storm water in the area they have proposed for the burial ground. She noted that neighbors have expressed concern on this topic. Director Verret explained that the response from DEQ is the most specific analysis and information that the county has received. Mr. Sadofsky also looked at the logs for wells in the vicinity of the proposed burial ground. He also stated that Planner Williams did a thorough search of ORS/OAR regulations for burial and found very little to nothing on burials and their effects on drinking water or rules and/or regulations on those. There was even less information available for private burial grounds.

Commissioner McEvoy noted that the rules regarding septic systems and wells is 100’ set back to prevent raw sewage entering the ground. So the set-back for this burial ground meets the similar set back.

Commissioner Gervais pointed out that there is no way to determine if water is moving in which case bacteria could travel and there is no good way of determining that.

Planner Williams stated that the information submitted by Mr. Mata (a neighbor to the Palmrose property) were comments and not testimony that could be submitted as evidence because those comments do not address the code criteria in this land use case. Commissioner Gervais disagreed stating that because this is a conditional use permit and the Planning Commission is charged with looking at potential impacts to infrastructure, she believes that Mr. Mata’s comment about possible contamination to a well would fit applicable criteria under that code.

Chair Kenaston responded by noting that the DEQ testimony addresses the isolation of the aquifer while the question for the PC is if the ground water flowing off the hill slope is taking contaminants across the landscape and into the ditch or other properties. Planner Williams

responded that there is no available data about the surface run off available. A “green” burial recommends that the burial site is between 4’-5’ deep for faster decomposition (typically within two months). She noted the area highlighted in the staff report that shows the general area location and that given the amount of grass and trees, they will prevent contaminants from getting through. Director Verret responded by referring to Commissioner McEvoy’s reference to the septic drainage area stating that the burial site is deeper than the typical drain field depth. So the likelihood of overland flow is significantly less than that of a septic system.

Applicants’ Presentation:

Joel Kalberer, attorney for applicant highlighted DEQ’s analysis and noted that it is extremely unlikely to affect the area. He agrees with the comments in the staff report and noted that this application is a permitted use both under the state law and county code. Mr. Kalberer stated that though the applicant’s request for a burial site is not common, it will not create a negative impact on the area. He also stated that property owners often bury their livestock and animals on their property without any negative impact on the area. Mr. Kalberer addressed Mr. Mata’s written comment on regulations and stated that none of the regulations refer to the term “moving water”. That reference has to do with septic standards and nothing to do with this particular application or the disposing of a body.

Ms. Palmrose (the applicant) began her presentation by stating that she hears and understands the concerns and uncomfortableness of the neighbors regarding this application for a burial ground. She emphasized that “green burials” are legal and environmentally sound. There are no dangers of toxins and infectious disease in this method. She noted that ground water would have to filter through 80-100 different types of soil before reaching the aquifer. She also referred to the topography map showing that the burial ground is not uphill or close to any surface water flooding areas or water systems. She finalized her presentation by stating that there will not be any visual reminders within sight for neighbors and the location of the burial ground will be covered by trees and shrubs as if a garden. Ms. Palmrose further explained that green burials in good soil do not pose a threat to surface water, especially in the legal distances being required. She found information on greenburialcouncil.org. Ms. Palmrose explained that the area has been gardened for nine years and has increased its topsoil, fertility, and water absorption which further helps with the healthy decomposition.

Questions from the Planning Commission:

Commissioner White mentioned the concern from the neighbors regarding water issues and asked if there was information from the property owners on the depth of the groundwater or soil types. Planner Williams responded that no geotechnical study was provided or required. County staff consider Mr. Sadofskys (DEQ hydrogeologist) response as significant evidence.

Commissioner Lee asked for a more specific definition of a “Green burial”. To which Mr. Kalberer responded stating that he is unaware of a legal description of the process but the information available describes it as one that does not allow the use of toxic chemicals. He also stated that the Palmrose family does not plan to use a casket for the burial of their loved one. The Commissioners requested better clarification of the “green burial” process in the conditions of approval. There was also a short discussion with Commissioner White

suggesting that the county staff incorporate more detailed revisions regarding burials and “green burials” in the county code in the future.

Testimony in support of application:

Ms. Ingrid Thurow gave testimony in support of the applicant. Ms. Thurow is Brendan Sorenson’s partner. He is the son of Berthe Palmrose and step son to Tom Palmrose. Mr. Sorenson was unable to make it to the meeting due to work, so Ingrid expressed Brendan’s testimony. Mr. Sorenson explained that he has been helping his family care and nurture the land on their property. It is their intention to make a space that is vibrant and beautiful with trees, flowers and shrubs; a garden of sorts for their loved one. He feels this not only honors the land but also honors their beloved family member and continued stewardship of the land.

Testimony in opposition of application:

Linda Endo submitted a written testimony and shared that she had no further questions or comments for the Planning Commission.

Jesse Mata was the next to testify and the issue he raised was the question of maintenance. He also referred to a lien and outstanding debit issue with the Palmrose family. Mr. Mata felt that the outstanding debt and legal fees need to be resolved in full before the application is approved.

John Mata began his testimony by pointing out that there was a mistake at the beginning of the hearing when referring to the well situation. He clarified that the south well (or upper well) has not been in use for more than a decade. So it is not a sufficient water source for the residents. The lower well which sits below the proposed burial ground is the main water source for three surrounding properties. Mr. Mata further described the lower well area that is often a “wet meadow” that runs off onto Mountain View Drive (about 10’ below). He estimates that the run off is 100 gallons per minute explaining that it is an active water feature. He believes that under Chapter 91.155 of the code that the proposed burial site needs to be away from water sources. He stated that the water level (to his knowledge) is 45 feet below the surface (below the grade) and the wet meadow is about 10 feet above the road. Mr. Mata also argues that the proposed burial area down by the garden sites are in an area of active water movement that would meet the criteria under code of “other water sources”. He asked the Planning Commission that if they were to approve the application that it is restricted to the green burial methods or hydrolysis method that would not pose a risk to the well. Mr. Mata also pointed out that the location designated on the map provided by county staff is inaccurate.

Commissioner McEvoy asked Mr. Mata about the presence of coliform in the well water. Mr. Mata clarified that natural commensal coliform and those that come from animal or human waste was evident in the previous testing of the well

Commissioner Gervais attempted to understand the contamination concern and asked if there was a septic system located near the well. Planner Williams referred to the site plan submitted by the applicant which shows the septic system as north of the house on the property.

Director Verret noted that in speaking with well professionals and Environmental Health staff, coliform can appear from several sources.

Commissioner Lee asked for more clarification on the proposed location and information about the actual topography in relation to the well and burial site. Planner Williams shared a map that designated the well and burial sites more closely.

Mr. Mata closed his testimony by mentioning a French drain that was cut into the property which will affect the flow and movement of water on the property. He is unsure how close that drain is to the well but has noticed increase flow of water since it was installed.

Rebuttal from applicant:

Ms. Palmrose addressed the concern of the French drain that was installed under the barn on the property. She explained that the drain goes to the level of the cellar of the barn which comes out down the hill. She also clarified that the burial area is an orchard and garden and not a wetland area.

Mr. Kalberer pointed out on the topographical map that the burial ground hydrologically flows down to Mountain View Drive and not in the direction of the well.

Questions from the Planning Commission:

Commissioner Lee expressed her concern about the vagueness of Mr. Sadofsky's (hydrogeologist for DEQ) comment. She hoped to see more specific information. Director Verret responded that analysis of this type is typically challenging and can often involve varying opinions. He suggested that DEQ took a general understanding of the environmental quality and limited data he had available to him without doing a site visit. Director Verret also suggested that Mr. Sadofsky's conclusion was that there was limited risk from the proposed land use and not sufficient risk to warrant a site visit or further investigation. He believes that DEQ would recommend further study if it was necessary to establish a degree of safety.

Commissioner White followed up by commenting that she highly recommends that county staff do a development standard that has more specificity to "green burials". She feels it needs to be described better and include language that involved distances and survey of the area.

Planner Williams then shared a topographic map that reflected 360' at the top of the property (south) and 310' at the road (north). Commissioner Gervais pointed out on the topographic map that the contour of the goat barn is the same as the burial site.

Request for Continuance or to Hold the Record Open:

After discussion and a request by Mr. Kalberer and Mr. Mata to hold the record open, Commissioner Fowler made a motion to hold the record open for 7 days, seconded by Commissioner Dowrie, the **MOTION** passed. Testimony regarding this case will be accepted until January 12th at 5 pm. The applicant reserved the right to submit final written argument 7 days after the January 12th deadline.

This public hearing will reconvene at 7:00 P.M. on January 19th for the Planning Commission to deliberate on LU-20-062.

- V. ITEMS FROM THE PLANNING COMMISSION: None.
- VI. ITEMS FROM PLANNING STAFF: Greg mentioned the amended chapters of the County Development Code were mailed out with this meeting's packet and need to replace the existing chapters in each Commissioners Code Book binder.
- VII. APPROVAL OF MINUTES: The August 18th minutes will be reviewed for approval at the January 19th meeting.
- VIII. UPCOMING AGENDA ITEMS: Feb 2nd work session on agricultural exempt structures. Commissioner Gervais requested that the revised minutes for June 2nd be included in the packet for the upcoming work session on February 2nd.
- IX. ADJOURNMENT: 9:17 pm.

MEETING MINUTES
Benton County Planning Commission
May 18, 2021

A regular Meeting of the Benton County Planning Commission was called to order at 7:00 p.m. The meeting took place virtually via Go To Webinar, with Chair Ken Kenaston presiding. Members of the public were invited to attend.

The meeting was called to order at 700 pm

COMMISSION MEMBERS:

Present

John McEvoy
Ken Kenaston, Chair
Nicholas Fowler, Vice Chair
Christina White
Jennifer Gervais
Evelyn Lee
Sean Scorvo

STAFF:

Present

Greg Verret, Community Development Director
Inga Williams, Staff Planner
Linda Ray, Recorder

Members Excused: David Dowrie

PUBLIC HEARING

FILE NUMBER: LU-20-088. NATURE OF REQUEST: Conditional Use Permit to construct a 149 foot high monopole telecommunication tower in UR-5 zone. APPLICANT: Tillman Infrastructure LLC; PROPERTY OWNER: Debra Sofich; PROPERTY LOCATION: 825 Wake Robin Road, Corvallis; T12S, R5W, Section 10D, Tax Lot 500; APPLICABLE CRITERIA: Benton County Code (BCC) Section 51.505, Sections 51.705 through 51.840, Sections 53.205 through 53.235, Section 64.205, Chapter 88, Chapter 99; Benton County Comprehensive Plan – Corvallis Urban Fringe Policy 4.3.5, Policy 13.11.11, Policy 40.4.3; and ORS 215.416 STAFF | Inga Williams

Director Verret started the meeting by explaining that several comments came in after the PC packets were mailed. Comments received were from members of the public and a revision of the comment from the City of Corvallis staff. A request was made by the applicant to reschedule the meeting in light of the additional comments received. The commissioners discussed rescheduling the public hearing to the next available date. Commissioner Fowler made a motion to reschedule the public hearing for Tuesday, June 22nd. Seconded by Commissioner Gervais, the **MOTION** passed unanimously.

APPROVAL OF MINUTES: Commissioner Gervais made a motion to approve the February 2nd minutes. Seconded by Commissioner White, the **MOTION** was unanimously approved.

The meeting adjourned at 7:13 pm.

MEETING MINUTES
Benton County Planning Commission
July 20, 2021

A regular Meeting of the Benton County Planning Commission was called to order at 7:00 p.m. The meeting took place virtually via Go To Webinar, with Chair Ken Kenaston presiding. Members of the public were invited to attend.

The meeting was called to order at 7:03 pm

COMMISSION MEMBERS:

Present

John McEvoy
Ken Kenaston, Chair
Nicholas Fowler, Vice Chair
Evelyn Lee
Sean Scorvo

STAFF:

Present

Greg Verret, Community Development Director
Inga Williams, Staff Planner
Toby Lewis, Floodplain Manager/Associate
Planner
Linda Ray, Recorder

Absent: Christina White and Jennifer
Gervais

PUBLIC HEARING #2: FILE NUMBER: LU-21-032; PROPOSED ACTION: **Amendments to the Benton County Development Code.** The majority of the amendments will be made to Chapter 83 (Floodplain Management); minor adjustments will also be made to Chapters 51 (Development Code Administration), 57 (Flood Plain Agriculture), 88 (Natural Features Overlay), 94 (Property Line Adjustments), 95 (Partitions), 97 (Subdivisions), and 99 (General Development Standards) APPLICABLE CRITERIA: Benton County Development Code Sections 53.605 through 53.625 (Text Amendment); Benton County Comprehensive Plan Section 7.2 (Floodplain) AFFECTED PROPERTY: The proposed Development Code amendments apply to: All land in unincorporated Benton County, located within the Special Flood Hazard Area, as identified on the Benton County Flood Insurance Rate Maps

Planner Toby Lewis had a work session with the Planning Commission on July 6th to propose the edits and revisions that were made to the Floodplain Sections to the Benton County Code; Chapter 83.

The following were revisions suggested by the Planning Commissioners that they found in their review:

- Section 83.020 – Chair Kenaston asked about the definition of “critical facility” and if it referred to bridges. Planner Lewis clarified that the language is referring to structures on this point and that the term “structure” for floodplain regulation purposes does not include bridges.
- Chair Kenaston also pointed out on page 24 where it refers to “substantial improvement”, he asked for clarification on the language “does not include A or B”, and if that included a mandated condition, citing an example of needing to complete

improvements to current building code requirements that might be more expensive than what would have been required previous building code requirements. Planner Lewis replied that this portion of the definition is specific to improvements that are required to be made because they have been specifically cited as hazardous or otherwise non-compliant with building codes and are required to be brought up to current building code standards for safety or hazard issues. It does not refer to upgrading a structure due to voluntary improvements.

- Commissioner Scorvo asked why the severability language is required by FEMA to be included. Planner Lewis stated that, upon asking this question of the state, the response was that if one clause in the county's floodplain regulations is deemed unenforceable or needs to be removed, the severability language ensures that the rest of the ordinance remains in effect.
- Page 42 – Section 5.1.4: Commissioner Kenaston asked why a home in the floodplain is required to be anchored. Planner Lewis stated that the intent for anchoring is to keep structures on a property so they don't move, as in they don't lift up off the property and float away onto another property. This also applies to propane tanks. The wording in this part of the code is required by FEMA as is and cannot be changed; however, it is not intended to keep people from constructing structures such as house boats or houses that are designed to float up during flood conditions. Such structures can still meet the anchoring requirements if they are designed properly so that there are posts or piers of some sort that they are “anchored” to that allows the structure to float in place but keeps it from floating off the property.
- Page 44 – Section 5.1.8, paragraph 2: There is a typo in the highlighted section (last line of the paragraph); “exist”, should be “exit”.

After further review and no additional corrections, Commissioner Fowler made a **MOTION** to recommend that the Board of Commissioners adopt the proposed text amendments to the Development Code contained in Attachment A, as modified at the hearing that were limited to graphical error corrections. Seconded by Commissioner McEvoy, the **MOTION** passed unanimously.

The Floodplain Code Amendments will now be presented to the Board of Commissioners at the August 17th hearing. Information regarding the time of the hearing can be obtained from the Board of Commissioners office and website.

The meeting was adjourned at 10:32 pm.

MEETING MINUTES
Benton County Planning Commission
August 3, 2021

A regular Meeting of the Benton County Planning Commission was called to order at 7:00 p.m. The meeting took place virtually via Go To Webinar, with Chair Ken Kenaston presiding. Members of the public were invited to attend.

The meeting was called to order at 7:01 pm

COMMISSION MEMBERS:

Present

Ken Kenaston, Chair
Nicholas Fowler, Vice Chair
Christina White
Jennifer Gervais
Evelyn Lee
Sean Scorvo

Absent: John McEvoy

STAFF:

Present

Greg Verret, Community Development Director
Kristin Anderson, Staff Planner
Linda Ray, Recorder

Commissioner White and Commissioner Gervais were in attendance, but did not participate in the deliberations due to their absence at the July 20, 2021 hearing.

PUBLIC HEARING DELIBERATIONS

FILE NUMBER: LU-21-025. NATURE OF REQUEST: Preliminary plat approval of a 9-lot subdivision on a 21 acre property in the RR-2 zone, originally to be called "South Anderson Blues Subdivision" but proposed on August 4 to be called "Legacy Estates Subdivision." APPLICANT: Scott Taylor; PROPERTY OWNER: Sandra Villwock; PROPERTY LOCATION: No address. 0.5 miles southwest of City of Adair Village, between NW Arboretum Rd. and Hwy 99W. Twn. 10 S, Range 4 W, Section 31C, Tax Lot 2800; APPLICABLE CRITERIA: Benton County Code Chapter 63 "Rural Residential," Chapter 97 "Subdivisions," and Chapter 99 "General Development Standards."

The Planning Commission met on July 20, 2021 and this meeting was the deliberation from that meeting.

Commissioner Gervais made the **MOTION** to approve the floodplain section of the July 20th minutes. Seconded by Commissioner Scorvo, the **MOTION** passed. The minutes related to the subdivision hearing will be presented to the Planning Commission later.

Commissioner Fowler complimented county staff, the applicant and those that testified for providing high quality materials and statements.

Discussion:

- Commissioner Fowler is in favor of approving the application with the goal to be sensitive to the applicant and not apply any undue burden or cost and to be sensitive to the concerns of the neighbors. Commissioner Fowler is not in favor of approving the rights of ways, public easement or Oregon State's requests described in their testimony. Commissioner Fowler disagreed with Conditions #7-9 and #23 in the staff report. Commissioner Fowler also endorses a modification to Condition #44 to the applicant's agreement to ensure there is 50' separation and no drain tiles in the area.
- Commissioner Scorvo supports the approval with all Conditions intact. He stated that in his opinion, all easement requests are necessary. He emphasized the future risk of evacuation if a disaster occurs. The easement will add a measure of safety preparation in the future. Commissioner Fowler conceded his original denial on the roadway easements. But he feels strongly that the public access to the private property is a burden to the applicant.
- Commissioner Lee agreed with approving the application and noted that the easement is proactive and doesn't require any activity at the moment.
- Chair Kenaston expressed his concern about the drain tiles and would like to see all nine lots be reviewed by Environmental Health before approving the application. He also is in favor of the Condition requiring the right of way to be preserved in case it is needed in the future.
- Chair Kenaston addressed the request by a community member to change the proposed name of the new subdivision from "South Anderson Blues." He recommended approval of this request which will state that the new name requires approval from the County Surveyor.

Commissioner Fowler made a **MOTION** to approve the tentative plat for the subdivision and the Conditions of Approval will be modified by incorporating some of staff recommendations from the staff memo dated July 12, 2021. It would incorporate potential Conditions for enhanced connectivity, Condition #7 and #8, but exclude (not incorporate) Condition #9. His motion also omits Condition #23 and adds a Condition of Approval that the name of the subdivision be approved by the County Surveyor. Seconded by Commissioner Scorvo. The **MOTION** passed 4-0.

Commissioner Lee made a friendly amendment to the **MOTION** by adding the modification to Condition #29. The septic drain field is covered in Condition #29. The storm water maintenance district is covered in Condition F.

The decision was as follows;

- Approval of Condition E. A new subdivision name will be proposed and requires approval from the County Surveyor. "Anderson Blues" will not be used in the subdivision name.

- Approval of the Condition stating: “At the start of the 3-year warranty period the applicant shall provide Public Works with a warranty bond in the amount of 15% of the value of the work performed within the Benton County right of way. **Including the wording from Condition “F”:** The applicant shall form a Stormwater Maintenance District which is designed to provide for the long-term maintenance, repair, and/or renovation of the stormwater detention pond and its appurtenances, including the drainageway from the detention pond to Arbor Creek. The district shall be established so as to maintain, repair, and/or renovate the facility in perpetuity. *If stormwater detention and treatment prove inadequate, as determined by the County Engineer, the Stormwater Maintenance District shall fund alterations to the system as directed and approved by the County Engineer or Oregon Department of Environmental Quality.* [BCC 99.670(7)]

The Planning Commission also approved Conditions 1-8, 10-22, 24-28, 30-38 of the Staff Report and Conditions B and F from the July 27 Staff Memo.

The Planning Commission denied approval of the Staff Report’s Conditions 9, 23, and 29 and the Staff Memo’s Conditions A, C, D, and E.

The Planning Commission votes were as follows;

Chair Kenaston – Y

Commissioner Fowler – Y

Commissioner Lee – Y

Commissioner Scorvo – Y

Items from the Planning Commission. None

Items from the Planning Staff.

Director Verret mentioned the upcoming location move for the Community Development Department. The Department will relocate to the new Research Way building in the Spring of 2022.

There have been several conversations among county staff about Planning Commission meetings and the new process of meeting online due to the pandemic. Director Verret stated that it does not appear that future in-person meetings will take place. County staff will continue to provide the Go To Webinar platform until further notice. Chair Kenaston raised the concern of public engagement with online meetings. County staff have received one complaint about the new process for online meetings.

Director Verret gave an update on the future role of the Director of the Community Development Department. The county has posted a job recruitment for the Director position. Director Verret's role will be changing to a Deputy Director role that focuses on long-range planning projects and focusing on development of programs. Interviews for the Director position will be held at the end of August or start of September. Staff hope to see the new Director position filled in October.

Agenda Items. The next Planning Commission meeting will be a public hearing for LU-21-047; Conditional Use Permit; Valley Landfills LLC.

The meeting adjourned at 8:19 pm.

MEETING MINUTES
Benton County Planning Commission
November 2, 2021

A regular Meeting of the Benton County Planning Commission began at 7:00 p.m. The meeting took place virtually via Go To Webinar, with Chair Ken Kenaston presiding. Members of the public were invited to attend.

The meeting was called to order at 7:07 pm

COMMISSION MEMBERS:

Present

John McEvoy
Ken Kenaston, Chair
Nicholas Fowler, Vice Chair
Evelyn Lee
Sean Scorvo
Christina White
Jennifer Gervais

STAFF:

Present

Greg Verret, Community Development Director
Inga Williams, Staff Planner
Gordon Kurtz, County Engineer
Linda Ray, Recorder

Ex parte:

Commissioner Gervais had two members of the public contact her personally about the application and asked her questions about the order of proceedings. She instructed the members of the public to contact county staff with those questions and does not see this as a conflict of interest.

Commissioner McEvoy stated that he is a member of the Solid Waste Advisory Council (SWAC). He attended the October 13th regular meeting and at that time the landfill expansion was discussed. The reason for this discussion was to be able to provide any advisory items as necessary or needed to the PC. He believes the information he received at the SWAC October 13th meeting will not cause him to be biased in this hearing.

PUBLIC HEARING: FILE NUMBER: LU-21-047. NATURE OF REQUEST: Conditional Use Permit for the Coffin Butte Landfill to place a new disposal cell south of Coffin Butte Road, to relocate the leachate ponds south of Coffin Butte Road, and to vacate (close to the public) Coffin Butte Road and relocate the roadway around the area of the new disposal cell. PROPERTY LOCATION: North and south of Coffin Butte Road, T10S, R4W, Section 18, Tax Lots 1107, 1200, 1101, 1104, 1108, 801. APPLICABLE CODE CRITERIA: Benton County Code (BCC) Section 51.505, Sections 51.705 through 51.840, Sections 53.205 through 53.235, Section 60.215, Section 60.220, Chapter 77, Chapter 99.

STAFF REPORT

Associate Planner Inga Williams began her staff report by sharing a map of the landfill on screen that highlighted the expansion area at Coffin Butte Landfill. The first area of review was (tax lots 801 & 1108 – zoned FC & landfill site) the parcels are already fully impacted by landfill uses. Planner Williams does not see any further impacts from this modification.

The second area she highlighted on the map is for Tax lot 1107 which is proposed for the new landfill cell and middle portion of the access road. The applicant's proposal is to vacate Coffin Butte Road in order to expand that area of the landfill. The decision for this road closure is a separate hearing process and the decision would be made by the Board of Commissioners. Williams showed via the map the proposed internal traffic route that connects to Soap Creek Road. The road will be used by landfill vehicles and Knife River vehicles accessing the rock quarry.

The third section designated on the map is Tax lot 1200. It is adjacent to Hwy 99W and is zoned Forest Conservation. This area is proposed to hold two new leachate ponds, a new employee building and the beginning portion of the internal access road. It currently contains the methane gas generated power plant. There is also a compensatory wetland mitigation area and great blue heron habitat in this area.

The last tax lots reviewed were lots 1101 & 1104. These parcels are zoned Forest Conservation. These lots are proposed in the application as the end portion of the internal access road and currently occupied by the Coffin Butte offices. Williams showed the location where a locked gate at Soap Creek Road would be used for access. This would be for emergency vehicles and landfill employees. No requirements by staff were made for a buffer along this access road in the staff report.

Williams gave a short explanation of the conditions of approval associated with this application. Staff proposed preliminary conditions of approval and operating conditions – which together are the conditions of approval. The applicant must meet all preliminary approval conditions to obtain final approval and move forward with operating conditions which apply as long as the landfill is in existence. Staff has concluded that with these conditions that the applicant can reach approval.

In discussion and in response to questions from the Commission, Staff provided the following additional information:

- The proposed expansion area is not a protected habitat for the Fender's Blue Butterfly.
- The proposal to close Coffin Butte Road is not part of this application and will be decided by the Board of Commissioners if the application is approved.

- Williams spoke with a representative from the Department of Environmental Quality that clarified that they will not review the proposal unless it is approved by local government first. There could be potential conversations with DEQ, but no review will take place. Williams clarified that if the application is approved, the applicant will need to provide information on groundwater, soils, etc. to DEQ and that would also involve a 30-day public review process.
- County Engineer Gordon Kurtz stated that the proposed expansion is larger than one acre, so the applicant will be required to obtain permits from DEQ during construction for erosion control and destruction of a wetland. An ecological assessment will also be performed. The applicant would also need to obtain an erosion and sediment control permit through the County.
- DEQ would monitor any possibilities of ground water contamination. The Planning Commissioners could also include this requirement as a condition of approval.
- County Engineer Kurtz addressed the question about a surety bond as an advisory condition. He explained that the bond would be part of future construction projects that have not yet been conditioned. Public Works does not typically condition a surety bond until the road construction design that has been proposed, in order to better estimate cost.
- The intent for the proposed internal access road would be for Knife River and landfill traffic use.
- Improving Tampico Road to the standard of the County Transportation System Plan could be a reason that the use would make an impact on the area and could therefore be found not to comply with the criteria.
- The applicant would be responsible to have additional analysis completed on road improvements to Tampico Road.
- Concerning Wiles Road, the applicant would have to have an analysis performed to determine the quality of the road, the baseline and needs of improvements.

Planning Commissioners also requested more information about DEQ's role and whether violation of a DEQ standard could be considered a violation of the conditional use permit.

PRESENTATION BY THE APPLICANT

Four participants presented on behalf of the applicant (Valley Landfills LLC);

Julie Jackson – Municipal manager for Republic Services

Ian McNab – Oregon environmental manager at RS

Greg Blackmore - Blackmore Planning and Development Services

Joe Bessman – Traffic engineer with Transight Consulting.

Julie Jackson, municipal manager for Republic Services gave a brief presentation of the company (*See Exhibit A*) followed by a closer examination of the proposal by Ian McNab, Oregon Environmental Manager for Republic Services. Greg Blackmore, Blackmore Planning and Development Services, went on to state that an internal staff of environmental specialists and two technicians would be part of the expansion project.

He explained that the timing of the potential evacuation of the rock quarry by Knife River is the reason Republic Services have applied for a Conditional Use Permit (CUP). If the CUP is approved, it would give Knife River 12 more years to continue to use the quarry. He also stated that if the Planning Commission were to approve the application, it would preserve this rock resource and provide reliable disposal for decades to come. Republic Services held a virtual town hall meeting on October 19th and after receiving public feedback, they made direct changes to the proposal. Mr. McNab went on to explain one of those changes as the new traffic route to improve the flow of traffic to the landfill.

Mr. Blackmore highlighted the conditionals of approval proposed in the staff report by Associate Planner Williams. The applicant submitted a memo (*Exhibit B*) prior to the meeting that discussed conditions of approval that they felt needed more discussion;

- Condition #1 (Wetland Mitigation). This involved a requirement to move the employee building or access road to avoid mitigation. The applicant submitted an EXHIBIT that proved the proposed landfill expansion does not affect wetland mitigation.
- Condition #7. The requirement for improvements made to Tampico Road. Mr. Blackmore explained that a traffic study was performed and based on the weight capacity, the traffic numbers did not reflect an impact that would merit the need for improvement. The applicant requests that this condition be removed.
- The applicant requested a minor revision to Condition #4 that discusses wildlife assessment, monitoring or mitigation methods so that they could work with Oregon Department of Fish & Wildlife on those issues.
- In regards to operational items listed in the Conditions of Approval, the applicant is waiting on the results of a noise study which has not been submitted to the record at this time. The applicant requested the option to adjust this condition depending on the findings found in the noise study. Mr. Blackmore stated that the applicant anticipates the report to be ready for submittal by November 16th. Mr. Blackmore asked for the record to be kept open so that the noise study could be submitted for review. The applicant is willing to hold the 150-day review clock to pause for the noise study to be reviewed and accepted into the record.

In discussion and in response to questions from the Commission, the Applicant provided the following additional information:

- Republic Services has been in the process of removing old waste from cells and transporting it to lined waste cells for better containment. The quarry operation will take 12 more years to complete the project. The location of the quarry will ultimately become an additional lined cell for landfill use.
- Odor and gas emission concerns are addressed and up to standard.

- The gas energy plant on Coffin Butte Road is monitored by a third party and there will be no need to expand the plant should the application be approved.
- The expansion proposal has been in the planning stage for a couple years.
- Republic Services only has one other alternative if the application for expansion is denied and that is to move in to the quarry space before it is finished being used.
- The rock quarry is a separate operation and is not involved in the landfill process.
- It would not be economically feasible for Knife River to handle the rock multiple times in efforts to vacate the area sooner and it would involve more gas emissions if the move was made sooner.
- “PSEL” is a term that DEQ uses to determine gas emission limits and it is a way of measuring odors.
- The landfill buffer zone includes excess non-landfill properties that Republic Services has purchased over time. There are no formal agreements about the buffers in that zone.
- Both facilities, the power plant and quarry, have their own permits with DEQ. Those existing activities will not change and will continue to operate as usual if the application is approved. No conditions of approval associated with this application would impact the operations of the energy plant or quarry.

ORAL TESTIMONIES

- Nancy Whitcombe, 37409 Moss Rock Drive, shared *Exhibit C* which included maps of the area that showed the progression of the landfill dating back to 1973. She stated that a series of small incremental steps have been significant and devastating to the surrounding land uses. Ms. Whitcombe asked the Planning Commission to deny the application.
- Paul Neitfeld, 37409 Moss Rock Drive, shared *Exhibit D* and discussed the issue of revenue should Coffin Butte close. He noted that revenue is already coming in to the county due to the expansion of Adair Village and multiple housing developments that are being constructed in the area. Mr. Neitfeld expressed two concerns; the potential of the tonnage cap being removed if the application was approved and a recommendation made by the Disposal Site Advisory Council (DSAC) and Solid Waste Advisory Council (SWAC) that was made without enough review and consideration of the analysis. Mr. Neitfeld requested the Planning Commission deny the CUP.
- Joel Geier, 38566 Highway 99W, Shared *Exhibit E* and expressed his concern about private well and water contamination from the landfill expansion. He also stated that closing Coffin Butte Road would affect traffic and public safety. Mr. Geier also stated that the expansion would impact a bird population in the area and would permanently affect the character of the area. Mr. Geier asked the Planning Commission to deny the application.

- Cat Newsheller, 37296 Soap Creek Road, expressed her concerns on the process of the application to this point. She stated that there was inconsistent and vague code interpretation that were not held to any standards. The SWAC was short staffed and did not involve any members that were local to the landfill proximately. Ms. Newsheller noted that there has been no outreach to fill the vacancies that exist on the Council. She also expressed concern of the Board of Commissioners signing the Franchise Agreement with Republic Services without informing the public. She also stated that landfill-area residents were not notified about the Wiles/Robison Road proposal. Ms. Newsheller asked the Planning Commission to deny the expansion.
- Kevin Kenaga, 37461 Soap Creek Road, expressed concern about the Benton County Solid Waste Advisory Council's recommendation regarding this application stating that not enough information was provided for the council to make a recommendation.
- Becky Merja, 27407 Writsman Creek, gave several points of feedback on the Benton County Comprehensive Plan and how this application would conflict with the county code. Ms. Merja asked the Planning Commission to deny the application.
- Rana Foster, 980 SE Mason Place, referenced several chapters in the Benton County Code stating that the application fails to meet those requirements.
- Norm & Debbie Johnson, 28831 Tampico Road, shared *Exhibit F*. Ms. Johnson made three points for denying the application; the need for fundamental surveys to ensure actions proposed in the application meet state and federal laws that are designed to protect public values on private lands, the need for a mercury survey to be completed and that the proposed new disposal cells alter the character of the area. The Johnsons are in opposition of the landfill expansion.
- Kenneth Funk, 29195 Tampico Road, expressed concern of the expansion potentially causing contamination of his well and could reduce the value of his property. He disagrees with the percentage of waste coming to Coffin Butte from other counties and feels that increased traffic on Tampico road will cause changes to the character of the land and place an undue burden.
- Russell Balisok, 37592 Zeolite Hills Road, stated that in times of inclement weather, Coffin Butte Road is the safest way for them to access Hwy 99. He asked the Planning Commission to reject the application for expansion and road closure.
- Tom Hewes, 37368 Blue Heron Road, has lived in the Soap Creek Valley for 26 years and stated that some of the neighboring residents of the landfill have contracted cancer. He is not accusing the landfill for his own diagnosis of cancer but has concerns that he has been exposed to environmental toxins coming from the landfill. He does not feel safe with the potential increase of contamination of water supply and fumes in the area. He asked the Planning Commission to deny the application for expansion.

- Brady & Kendra Callahan, 28283 Stage Stop Lane. The Callahan's have lived in the Soap Creek Valley for 20 years. Mr. Callahan expressed concerns about noise, odor and groundwater contamination, along with impacts to the neighboring E.E. Wilson area if the application is approved and expansion proceeds. Mr. Callahan does not see the conditions of approval as a guarantee to the community that the impacts from the expansion would be minimal. He asked the Planning Commissioners to deny the application. Kendra Callahan uses Coffin Butte Road for regular travel and during inclement weather. She stated that Coffin Butte is the best evacuation route in case of fire or natural disaster. So closing Coffin Butte would limit escape routes for her. She asked the Planning Commission to deny the application.

Due to time restraints, Chair Kenaston stopped testimony for the evening and announced that public testimony would continue with the list of testifiers (that previously signed up) at the November 16th public hearing. He encouraged community members to submit written testimonies since the record would be kept open.

The applicants will be given a chance to provide a rebuttal at the November 16th hearing as well. The record will then be kept open until November 19th to provide time for the applicant to submit the noise pollution analysis. The applicant is also willing to extend the deadline for public response until November 29th.

The record for this public hearing will close at 5:00 pm on November 29th and will no longer be open for additional written comment. The applicant has until 5:00 pm on December 7th to submit a written argument in response to the testimonies and findings.

The Planning Commission will then reconvene on December 7th at 7:00 pm for deliberations on this hearing.

The meeting adjourned at 11:36 pm.

EXHIBIT A



REPUBLIC[®]
SERVICES



Coffin Butte Public Hearing
November 02, 2021

EXPERIENCE & QUALIFICATIONS

36K

EMPLOYEES

5M

AVERAGE PICKUPS PER DAY

16K

TRUCKS

One of the largest fleets in the U.S.

21%

OF FLEET POWERED
BY NATURAL GAS

345

HAULING FACILITIES

75

LANDFILL GAS &
RENEWABLE ENERGY
PROJECTS

76

RECYCLING CENTERS

186

ACTIVE, MODERN-DAY
LANDFILLS

45

STATES

12

COMPOST
FACILITIES

2.1M

PEOPLE POSITIVELY
IMPACTED THROUGH
CHARITABLE GIVING

99%+

SERVICE
RELIABILITY RATE

75%

REPUBLIC DRIVERS HAVE
WON 75% OF THE
INDUSTRY'S DRIVER OF THE
YEAR AWARDS SINCE 2009

2,400+

MUNICIPAL
CUSTOMERS

130

CLOSED LANDFILLS
MANAGED

1st

IN INDUSTRY TO SET
A SCIENCE-BASED,
GREENHOUSE GAS
EMISSIONS TARGET

39%

BETTER SAFETY
PERFORMANCE THAN THE
INDUSTRY AVERAGE

Based on OSHA recordable rates

70+

YEARS SERVING
THE COMMUNITY

89

EMPLOYEES

40

ACRES OF
WETLANDS

4,000

HOMES POWERED
THROUGH LANDFILL
GAS TO ENERGY PROJECT

30

CNG TRUCKS

1,400

DIRECT AND INDIRECT JOBS
CREATED STATEWIDE*

**From 2017 annual economic impact study*



\$135k

NATIONAL NEIGHBORHOOD PROMISE
AWARD TO LIVING SOUTHTOWN
URBAN RENEWAL IN 2019

\$115k

SUPPORT FOR COMMUNITY
PARTNERS AND LOCAL BUSINESS
SINCE THE PANDEMIC

\$50,000

IN ANNUAL ROADSIDE
CLEANUP COSTS

Proudly supporting these community partners:

- ABC House
- Assistance League of Corvallis
- Benton County 4-H Auction
- Benton County Sheriff's Chili Cook-off
- CARDV
- Celebrate Corvallis
- Cochran Memorial Park
- Corvallis Sustainability Coalition
- Cub Scout Day Camp
- Fall Festival
- Food For Families
- Furniture Share
- Jackson Street Youth Shelter
- Living Southtown
- Old Mill Center for Families
- OSU Community Garden
- Philomath Community Garden
- Philomath Frolic
- Philomath Veteran Banner Program
- Relief Tree Nursery
- Relay for Life
- Sage Community Garden

Our Commitment to Sustainable Practices

556

acres dedicated to preservation and non-landfill operations

300+

installed landfill gas wells

150

cubic yards of compost donated to area community gardens that grow local produce

140K

tons of compost processed at Pacific Region Composting each year

350

tons of electronics recycled annually through Oregon e-cycles

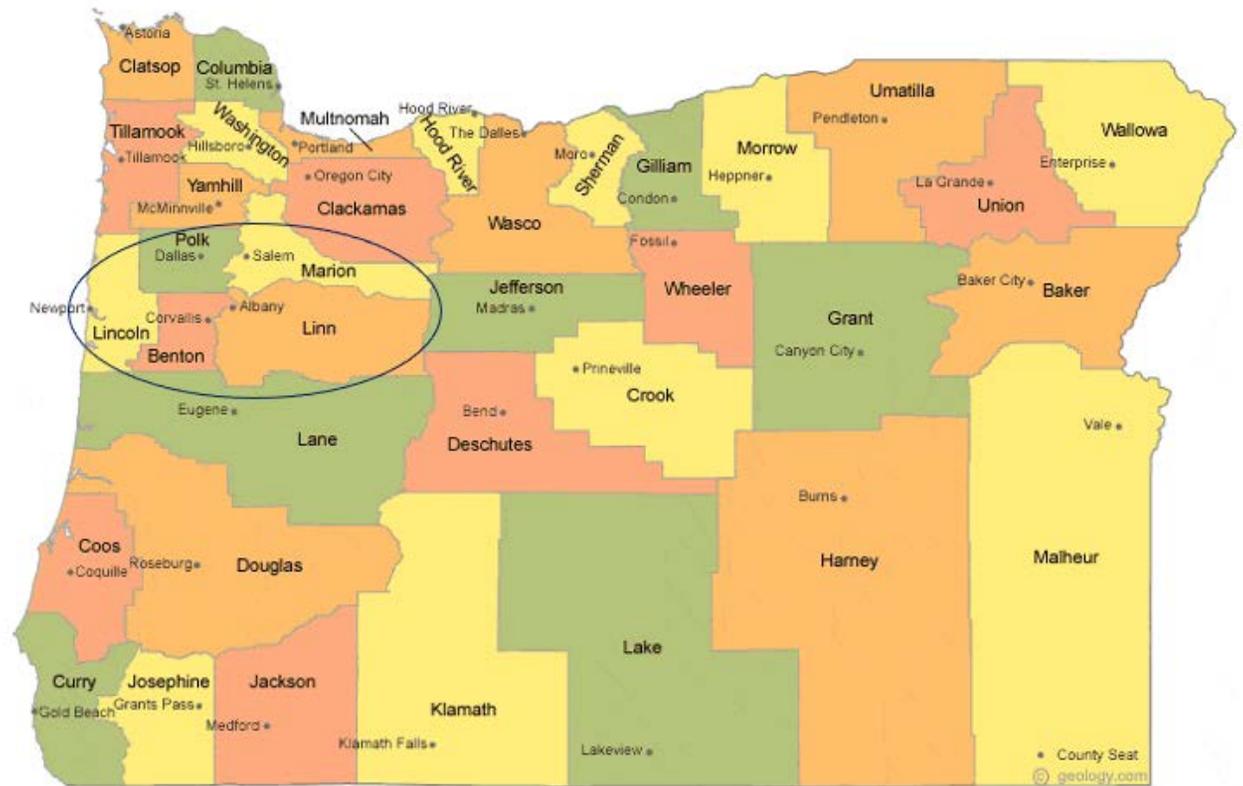
4K

number of homes landfill gas to energy project is capable of powering

Regional Landfill

Most of the waste Coffin Butte takes comes from the five counties surrounding Benton County.

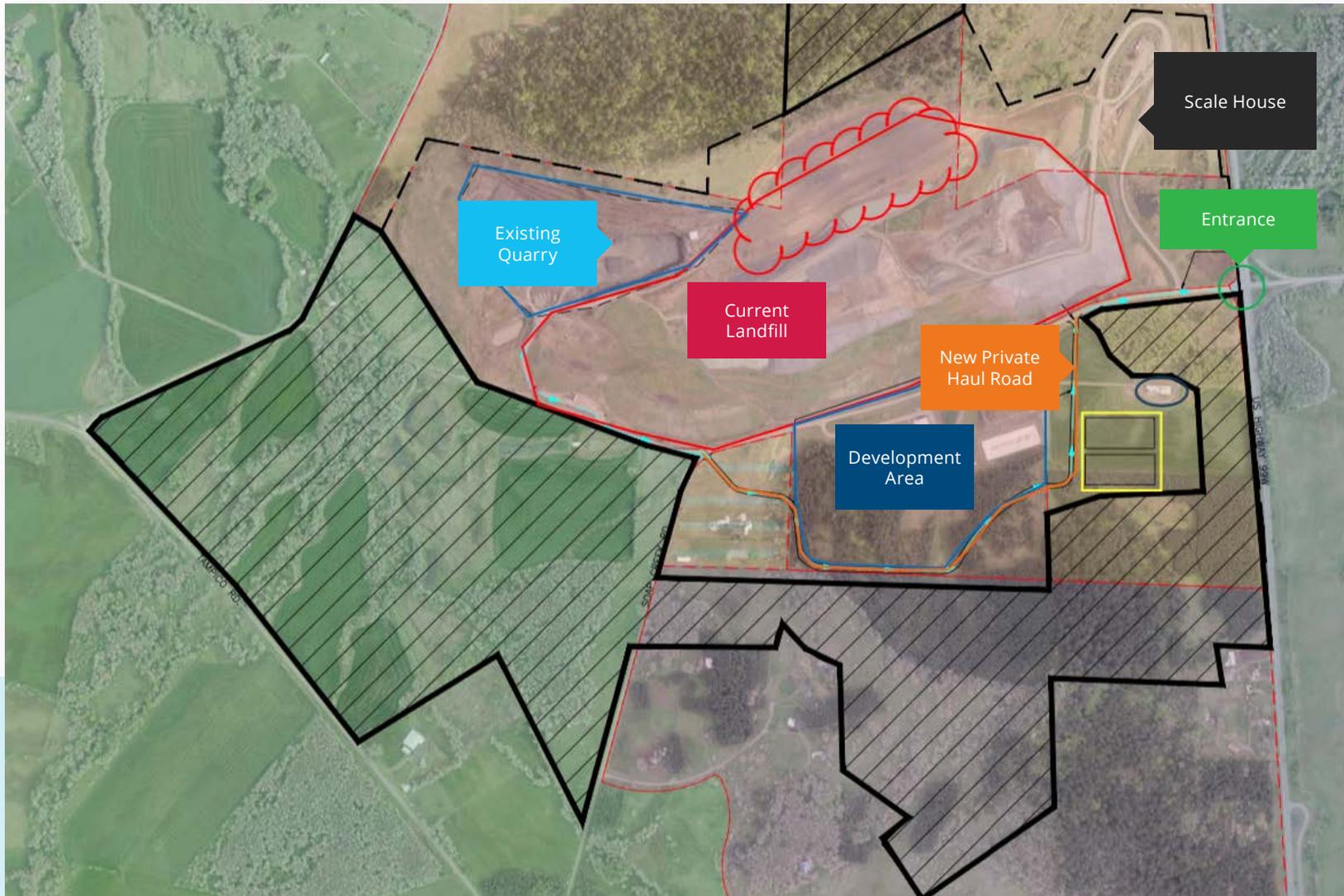
- Benton
- Linn
- Lane
- Polk
- Marion
- Lincoln



70% of waste comes from this region

Community Benefits

- Reliable and cost-efficient waste disposal
- Critical infrastructure that ensures a community can grow and develop safely
- Economic engine that offers certainty as local governments make long-term planning decisions
- Local disposal of trash reduces CO2 emissions
- Minimizes wear and tear on local roads and decreases fuel costs



- ✓ New 49-acre waste disposal area
- ✓ Adds 12 years of landfill life
- ✓ Re-route Coffin Butte Road

- ✓ Relocated leachate ponds
- ✓ Build new access road

Why We Need a Conditional Use Permit

Long-term planning for safe and reliable disposal for decades to come

1

Just 178 acres of Coffin Butte's 740-acre property is permitted for waste disposal.

2

We've reported to Oregon's Department of Environmental Quality that Coffin Butte, as permitted, has about 4 years of site life remaining in the current cell and another 15 years of life in the cell planned for the quarry location.

3

CUP is a regulatory step for waste disposal in an already zoned area. Approval will add 12 years of life to the landfill.

What We Heard

- Access challenges and other concerns for initial Tampico Road proposal
- Expansion of Coffin Butte could adversely affect traffic flow and increase congestion
- Landfill expansion could result in additional noise and possible off-site odor
- Water usage concerns and potential for groundwater impacts
- Any potential wetland and wildlife impacts
- Any potential impacts on property values



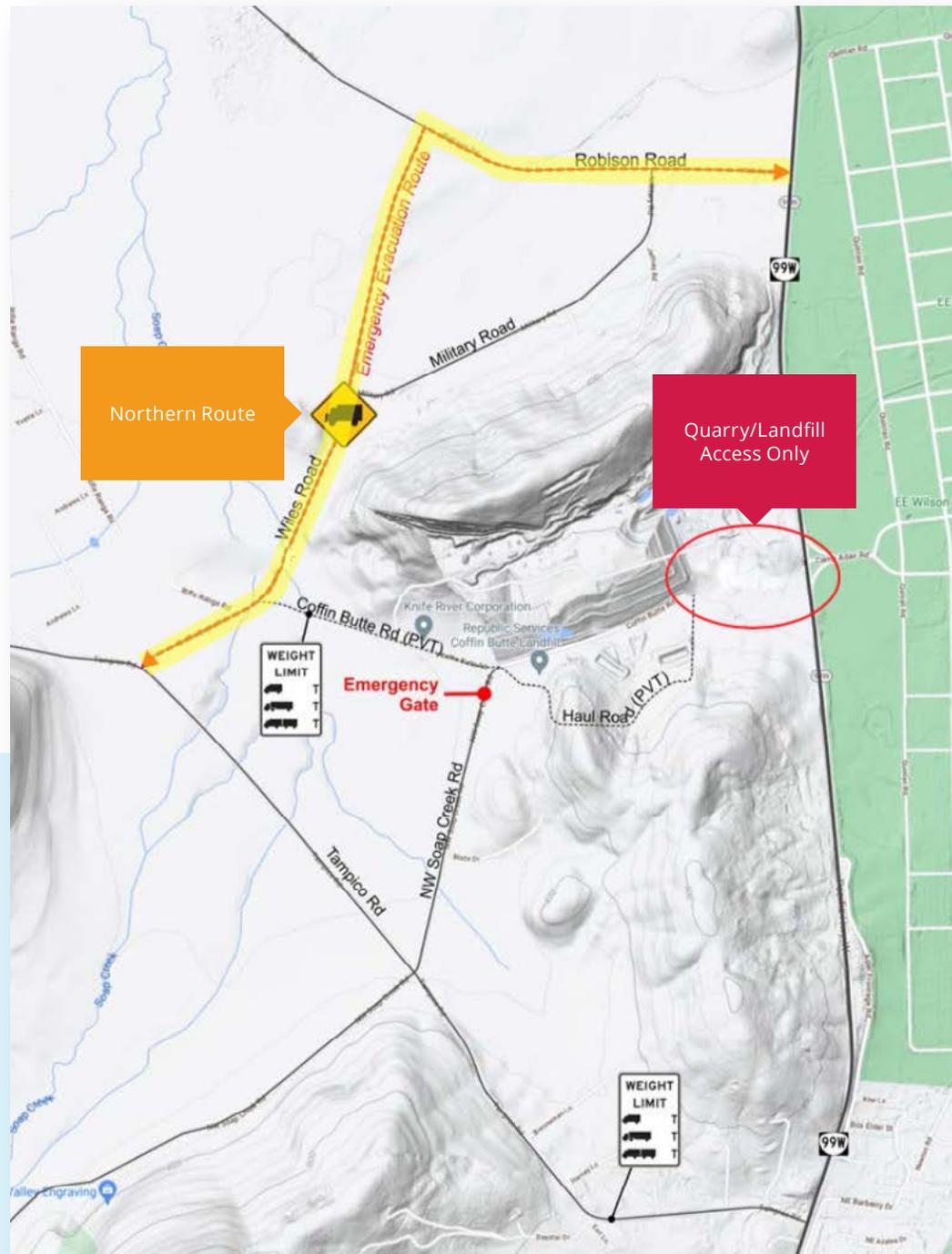
Our Revised Plan

- ✓ **Design a new, upgraded and paved northern route** to alleviate fire safety and access concerns
- ✓ **Make no changes to Tampico Road**
- ✓ **Construct a private “truck haul” route** that could also be used to provide emergency access
- ✓ **Use existing trees and additional buffering** to eliminate noise concerns
- ✓ **Hire a wildlife biologist** to conduct assessments on habitat impacts; mitigation plan as needed

As a good neighbor, we pledge to continue to operate Coffin Butte Landfill in accordance with all local, state and federal regulations. These include guidelines for:

- **Groundwater monitoring**
- **Noise and odor control**

TRAFFIC MAP



1. Construct new emergency access route aka “the northern route” connecting 99 West to Robison Road and then down to Tampico Road

- This route is straight, flat, and has extensive sight lines
- New route would be paved, allowing emergency egress from southern subdivision, along 99W.
- Eliminates concerns about safety and access along Tampico Road
- Will allow for similar traffic volumes, mitigating concerns related to traffic volume

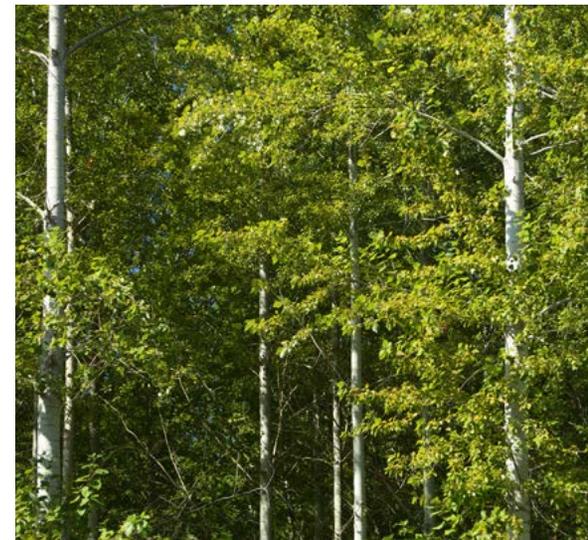
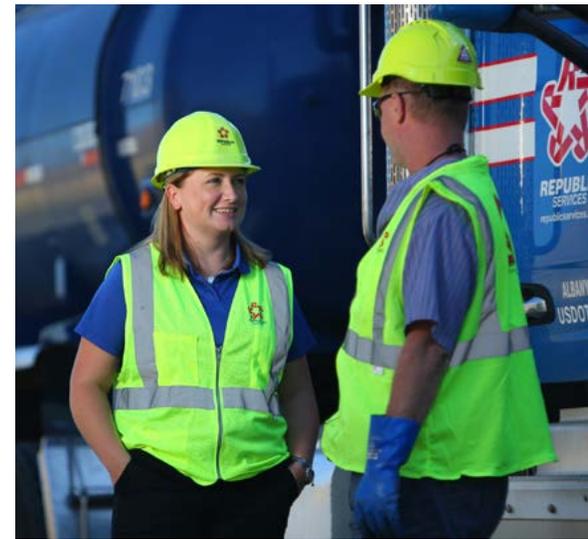


2. Create new private road for landfill trucks, connecting Coffin Butte Road to 99W, along the quarry, on the east side of Coffin Butte

- Road will be designed to accommodate large vehicles
- Private road will not be open to the public
- Private road will be designed and can be used a secondary emergency access route

3. Revised plan eliminates need for any changes or adjustments to Tampico Road

4. Proposed “northern route” and private road will be buffered by existing landscaping and topography, minimizing noise and sightline impacts



Benton County Proposed Conditions: Topic Areas

★ Wetlands

★ Archeological Survey

★ Operating Conditions

★ Reclamation Plan

★ Additional Traffic Assessment

★ Tampico Road

★ Wiles/Robison Improvements

★ Soap Creek Improvements

★ Great Blue Heron Rookeries

Coffin Butte agrees with the majority of the conditions the county suggested:

- ★ PA-1(b) – **Wetlands**. Prepare wetland delineation and removal fill permit
- ★ PA-2 - **Site Plan Map**. Submit final site plan map of the approved proposal
- ★ PA-3 - **Archaeological Survey**. Complete professional survey of the expansion area; consult with Native American tribes, and the State Historic Preservation Office
- ★ PA-4 – **Great Blue Heron Rookery**. Hire a wildlife biologist; determine if rookeries are active or abandoned
- ★ PA-4(b) – **Great Blue Heron Rookery**. Survey for evidence of nest activity
- ★ PA-4(c) – **Great Blue Heron Rookery**. Biologist to conduct follow-ups surveys of the rookeries
- ★ PA-5 – **Covenant**. Declaratory statements to be recorded into the County Deed Records
- ★ PA-6 – **Reclamation Plan**. Submit updated plan
- ★ PA-7(a) – **Traffic Impact Analysis**. Provide comprehensive traffic impact analysis
- ★ PA-7(d) – **Traffic/Roads**. Survey, design and construct cul-de-sac at Soap Creek Road terminus
- ★ PA-7(c) **Traffic and access**. Analyze the Wiles/Robison corridor, including improvement needs for the existing Wiles Road Bridge, to determine if it is suitable for use as an emergency evacuation route in coordination with the Adair Rural Fire District and County staff.
 - » PA-7(d)(i) **Traffic and access**. The Soap Creek Road cul-de-sac dimensions shall conform to the most rigorous requirements of the local fire protection district.
- ★ PA-7(d)(ii) – **Traffic/Roads**. Dedicate right-of-way to public to accommodate cul-de-sac, if necessary
- ★ PA-7(d)(iii) – **Traffic/Roads**. Locked gate to control access to the vacated segment of Soap Creek Road
- ★ PA-7(e) – **Traffic/Roads**. Provide emergency access and egress easements
- ★ PA-7(l) **Construction plan**. Provide the County with a proposed detailed chronological sequencing plan for accomplishing the above named roadway conditions.
- ★ PA-7(l) (i,ii) - **Traffic/Roads**. Enter into an agreement for improvements (AFI) with the county
- ★ PA-7 (j) – **Traffic/Roads**. Enter into a separate improvement agreement with the county
- ★ OA-2(d) – **Hours of Operation**. Landfill can be opened outside normal business hours during an emergency or when requested by a government agency
- ★ OA-5 – **Lighting**. Install light shields or other tools to reduce light pollution
- ★ OA-6 – **Grading**. The final grade of the new cell shall not exceed 500 feet
- ★ OA-7 – **Construction and operation**. These should be done as described in application
- ★ OA-8 – **Permits**. Obtain/maintain all perms required federally, locally and at state level.

Items Coffin Butte would like to further address:

- » PA-1(a) **Wetlands**. Relocate the beginning part of the internal road and the employee building outside the wetland area.
- » PA-4(a) **Rookery**. Map the eastern rookery prior to preliminary construction work.
- » PA-4(a)(i) **Wildlife biologist**. Map the rookery and identify a 300 foot buffer around it; do not disturb trees in the buffer area.
- » PA-7(b)(i) **Tampico Road**. Professional Land Surveyor to establish the extents of the Tampico Road right-of-way between Hwy 99W and Soap Creek Road.
- » PA-7(b)(ii) **Tampico Road**. Survey, design, and construct Tampico Road between Hwy 99W and a point 100 feet north of the Soap Creek Intersection to Major Collector standards, among other items.
- » PA-7(b)(iii) **Tampico Road**. Construct Tampico Road drainage ditches, stormwater conveyances, connections to off- right-of-way conveyances, and detention/treatment facilities to accommodate runoff.
- » PA-7(f) **Right-of-Way acquisition**. The applicant shall be responsible for all right-of-way acquisition, if needed, to meet the road improvement conditions of this land use action.
- » PA-7(h) **Infrastructure approvals**. Provide calculations, design, and specifications for all proposed public infrastructure to Benton County Public Works staff for review and approval.

Items Coffin Butte would like to further address *(continued)*:

- » OA-1 **Trucks.** Trucks using the new internal haul route shall not use Jake brakes to slow or stop their speed
- » OA-2(a) **Operating Hours.** Monday through Friday, internal operations shall not begin prior to 5:30 am. The site may open to commercial vehicles at 6 am and to public vehicles at 8 am. The site shall close to all vehicles at 5 pm and internal operations shall end by 6 pm.
- » OA-2(b) **Operating Hours.** Saturday internal operations shall not begin prior to 7:30 am. The site shall not open to commercial and public traffic prior to 8 am and shall close to both at 5 pm. Internal operations shall end by 6 pm.
- » OA-2(c) **Operating Hours.** The site shall be closed on Sunday
- » OA-3 **Trucks and vehicles.** All vehicles being used for operations on the new cell shall be outfitted with white noise back up alarm.
- » OA-4(a) **Blue Heron Rookery.** No trees shall be removed from the stand of trees that encompass any active great blue heron rookery or from the 300-ft buffer.
- » OA-4(b) **Blue Heron Rookery.** From February 15 through July 31, during the nesting period for the Great Blue Heron, neither construction to prepare the ground or build the leachate ponds, employee building, road bed, or landfill cell shall occur within a quarter mile of the rookery boundary.
- » OA-4(c) **Blue Heron Rookery.** The applicant's biologist shall monitor, for 10 years after preliminary approval, the eastern great blue heron rookery throughout the nesting season to determine site-specific nesting chronology, nest productivity, the degree of habituation to disturbance, and nearby foraging habitat. The applicant's biologist shall consult with ODFW on improvements that can be made to the site, and the applicant shall incorporate those improvements as needed.

In Summary:



We meet code criteria and standards



We heard community concerns and addressed them



Have done what we can to continue providing critical infrastructure for the region



Request record remain open to present findings of Noise Study

Appendix



OUR VALUES

Respectful, Responsible, Reliable, Resourceful and Relentless – those are the Five R’s that make up the Republic Star. They are the guiding principles of how we do business and represent the foundation of our culture. They are also at the very heart of who we are as we work every day to protect our planet. Responsibly handling our country’s recycling and waste is only one part of being an industry leader and we are committed to doing what’s best for our communities, customers, employees, shareholders and the environment every day.

The Five R's of the Republic Star:

 **RESPECTFUL**

 **RESPONSIBLE**

 **RELIABLE**

 **RESOURCEFUL**

 **RELENTLESS**

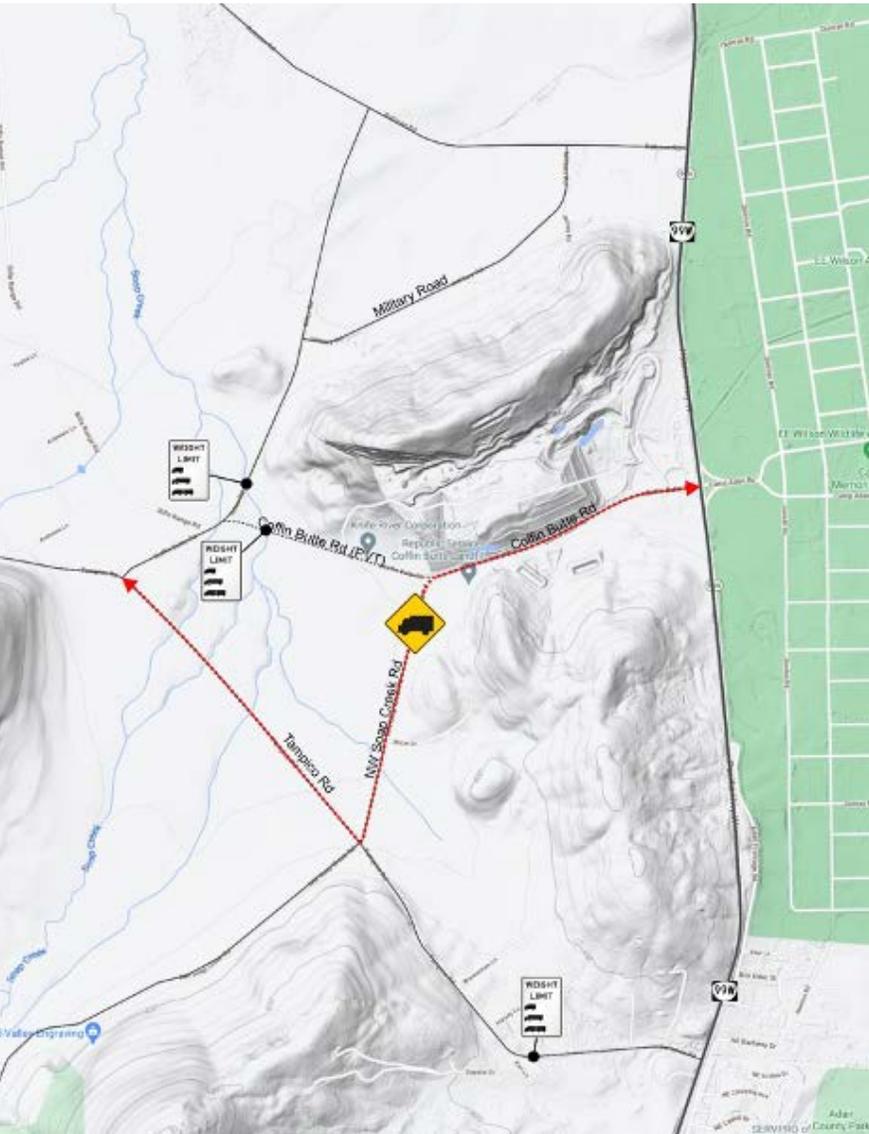


2019-2021 AWARDS & RANKINGS

We're passionate about being responsible stewards of our nation's waste. Together, we are leading the way in our industry, and receiving notable recognition and rankings for our achievements.



Coffin Butte Traffic Plan: Addendum



- Coffin Butte Road west from Hwy 99 to the quarry is a designated Freight Route.
- The retained Coffin Butte Road connection to Hwy 99 will continue to meet the Freight Route requirements to the quarry.
- Tampico Road, Soap Creek Road, Wiles Road, and Robison Road are not designated freight routes.
- Weight restrictions are present on many of the surrounding routes that limit trucks.
- The proposed improvements to the Wiles Road to Robison Road emergency route will accommodate typical trucks and fire needs.

*Image source: Adopted Benton County Transportation System Plan, Figure 14: Proposed County Freight Routes

Little to No Effect on Travel Times



| ROUTE | DIRECTION | DISTANCE | EST. TRAVEL TIME |
|---------------------------------------------------------|------------------------------------|------------|------------------|
| Wiley-Robinson Route (1-2-3 in map) | To/From North on Hwy 99W | 2.43 miles | 3.2 minutes |
| Soap Creek-Coffin Butte Road (1-5-6-3 in map) | | 3.44 miles | 4.4 minutes |
| Wiley-Robinson Route (1-2-3-6-4 in map) | To/From South on Hwy 99W | 4.94 miles | 6.0 minutes |
| Soap Creek-Coffin Butte Road (1-5-6-4 in map) | | 4.10 miles | 5.1 minutes |

- Travel time changes of about plus (+) one minute to the south, minus (-) one minute to the north
- Route avoids increasing truck impacts to residential area along Tampico Road
- Creates a new evacuation route to County Minor Collector standards
- Maintains gated secondary emergency access through landfill site
- Quarry and landfill truck traffic retained on Coffin Butte Road

Our proposal meets all transportation requirements:

- ★ Burden of application is to mitigate project impacts on the transportation system created by the project.
- ★ The northern evacuation route will support weight-restricted traffic currently required to use Coffin Butte Road. Together with Airlie Road this will support the travel basin needs.
- ★ Paving of the northern route and improvements to County standards will capture trips from Tampico Road and allow them to continue to use a safer [paved] route to access Highway 99.
- ★ The landfill and quarry will continue to be served from Coffin Butte Road so no changes to travel patterns on Tampico Road are expected.
- ★ The County's comments recognize that the desire to improve Tampico Road is not related to the landfill.

Burden of Proof Narrative
Supplemental Submittal 11/02/2021 – PC Hearing
Conditional Use Permit – Landfill Development South of Coffin Butte Road

I. BACKGROUND:

The purpose of this Supplemental Submittal Packet is to address specific Recommended Conditions of Approval in the Staff Report that was issued on October 26, 2021. This memo is supported by new evidence and/or evidence has previously been submitted. The format of the memo is as follows:

- Reference to Recommended Condition of Approval
- Discussion of the Issue
- Suggested Revision

For the Recommended Conditions of Approval that are not discussed herein, Republic Services is in general agreement with Staff Findings and the associated Recommended Conditions of Approval.

PA-1 a. Wetlands. On Tax Lot 1200, which contains a mitigation wetland, the applicant shall relocate the beginning portion of the internal road so that all construction activity and the resultant roadbed are located outside of the wetland area. In addition, the applicant shall relocate the employee building outside of the wetland area.

Discussion of the Issue – It appears that this condition was included to address an unclear, undocumented, and/or misunderstood mitigation wetland. To address the issue and provide the County with the evidence that is needed to document the location of the mitigation wetland, in relation to the planned improvements, the applicant is providing the following additional information.

- **Exhibit A** - the Department of State Lands final approval of the mitigation wetlands.
- **Exhibit B** - the Declaration of Covenants and Restrictions and access easement for the Coffin Butte Landfill Wetland Mitigation Project.
- **Exhibit C** - Benton County Survey CS 10805, which memorializes the mitigation wetlands location.
- **Exhibit D** – A map that documents the location of both the planned improvements and the mitigation wetlands. As documented on this map, the planned improvements do not impact the mitigation wetlands.

Suggested Revision – Because the evidence in the record documents that the mitigation wetlands will not be not impacted, this Recommended Condition of Approval should be removed. Furthermore, Recommended Condition of Approval PA-1(b) sufficiently addresses DSL wetland requirements.

PA-4(a) The eastern rookery that was documented as active in Spring of 2021 should be mapped prior to ground disturbance in the late fall or early winter, 2021, when herons are not present to determine nest trees and delineate the current boundary of the rookery.

Discussion of the Issue: As established in the Staff Report, the Great Blue Heron Rookeries are not mapped by Benton County and not part of a Benton County Overlay. Therefore, to the extent that they are protected, they are protected under state or federal guidelines that have been referenced by ODFW Staff. This Recommended Condition of Approval is Benton County Planning Staff's attempt to capture the comments raised by ODFW Staff in their October 21, 2021 letter.

Attached as **Exhibit E** is a wildlife biologist initial assessment of the site, including an assessment of both the eastern and western rookeries. The submitted document addresses this Recommended Condition of Approval.

Suggested Revision – Because the evidence in the record documents substantial conformance with this Recommended Condition of Approval, it could be removed.

PA-4(a)(i) The wildlife biologist hired by the applicant shall map the perimeter of the rookery as defined by the outermost nest trees, and then identify a 300-ft buffer of trees around the rookery. Trees within this 300-ft buffer shall not be disturbed.

Discussion of the Issue: As established in the Staff Report, the Great Blue Heron Rookeries are not mapped by Benton County and not part of a Benton County Overlay. Therefore, to the extent that they are protected, they are protected under state or federal guidelines that have been referenced by ODFW Staff. This Recommended Condition of Approval is Benton County Planning Staff's attempt to capture the comments raised by ODFW Staff in their October 21, 2021 letter, however the 300-foot buffer is not referenced by ODFW Staff and not required by any BDC Section.

Suggested Revision – Given that the Condition of Approval is intended to ensure that the Applicant conforms of ODFW enforced requirements and that the 300 foot buffer appears to have been arbitrarily adopted, the applicant suggest adding the following language to the end of the condition, “.. unless otherwise approved by ODFW.”

The wildlife biologist hired by the applicant shall map the perimeter of the rookery as defined by the outermost nest trees, and then identify a 300-ft buffer of trees around the rookery. Trees within this 300-ft buffer shall not be disturbed, unless otherwise approved by ODFW.

PA-7 Public Works (B) Tampico Road (i)(ii)(iii)

Discussion of the Issue: From the initial consideration of this project, Republic Services has known that with the removal of Coffin Butte Road, a viable alternative route would

be needed. Prior to the initial submittal, Republic Staff consulted with County Staff, and based upon those discussion, Republic initially proposed improvements to Tampico Road. Subsequent to the amount and content of the public comments received (in response to the initial submittal), the applicant determined that improvements to Tampico Road were problematic. For that reason, an alternative route to the north was identified that could provide a viable alternative, primarily for emergency access, but also for the minor amount of “freight” trips generated to and/or from the west.

In the Staff Report, to address comments received by the Benton County Engineering and Survey Division, the County determined that improvements to Tampico Road are needed, not for emergency access, but rather to provide an adequate freight route. Evidence in the record does not support this position. As documented in Exhibit F – Traffic Engineer’s Supplemental Memo related to the Freight Route, the Benton County Transportation System Plan establishes a freight route from the quarry area of the Coffin Butte Landfill, to the east. Quarry freight trips will continue to use an internal road that serves this purposes. Regarding other trips and/or freight trips that would currently use the Coffin Butte Road route, the report estimates an average of 4 trucks per day. Furthermore, the time differences between Coffin Butte and the planned alternative are plus or minus 1 minute. Such an minimal time impact, to a minimal number of trips is insignificant, particularly when considered in relation to the benefit to the region of an active regional landfill with capacity .

In addition to the Traffic Report, the Project Attorney, Jeffrey Condit provides a legal analysis of the Tampico Road Improvements in Exhibit G. In the legal analysis, the attorney points out that the Engineering and Survey Division comments are purely speculative and that requiring improvements to both Tampico and Wiles/Robison has not been documented to be roughly proportional to the impacts of redirecting approximately 4 trips at most 2 additional minutes, when traveling to the east.

Suggested Revision – Because the evidence in the record does not support these Recommended Conditions of Approval, they should be removed.

PA-7(F) The applicant shall be responsible for all right-of-way acquisition, if needed, to meet the road improvement conditions of this land use action.

Discussion of the Issue: Road improvements in the Staff Report relate to, the Soap Creek cul-de-sac, Tampico Road, Wiles Road, Robison Road and Hwy 99W. As discussed above, providing both Tampico Road improvements and Wiles/Robison Road improvements is not supported by the evidence in the record. Furthermore improvements to Hwy 99W will be contingent upon ODOT requirements.

Suggested Revision – To ensure that the Condition addresses concerns of the County and of ODOT, the applicant suggests the following revision.

Based upon the updated Traffic report that is detailed in PA-7(A), the applicant shall be coordinate with ODOT and Benton County to establish right-of-way

requirements. Prior to vacating Coffin Butte Road, any needed right-of-way shall be acquired to meet the road improvement conditions of this land use action.

PA-7(G) The applicant, the County and ODOT shall work cooperatively to analyze and address requirements for modification of the Tampico Road/Hwy 99W and Robison Road/Hwy 99W intersections.

Discussion of the Issue: As detailed above, improvements to both Tampico Road and Wiles/Robison Road are not warranted; therefore improvements to both of these Hwy 99W intersections are also not warranted.

Suggested Revisions: Because both improvements to both intersections are not warranted, the applicant suggests the following revision:

The applicant, the County and ODOT shall work cooperatively to analyze and address requirements for modification of the Robison Road/Hwy 99W intersection.

PA 7 (H) The applicant shall provide calculations, design, and specifications for all proposed public infrastructure to Benton County Public Works staff for review and approval.

Discussion of the Issue: This condition of approval is not precisely drafted, as written it only identifies “proposed public infrastructure”, whereas other “non-proposed” public infrastructure may be required as a Condition of Approval. The condition could be improved for accuracy.

Suggested Revision: The applicant proposes the following revision for greater specificity:

The applicant shall provide to Benton County Public Works staff calculations, design, and specifications for public infrastructure that they are required to install in association with this approval.

OA-1. Trucks using the new internal haul route shall not use Jake brakes to slow or stop their speed.

OA-2. Operating hours for the new cell shall be as follows:

(A) Monday through Friday, internal operations shall not begin prior to 5:30 am. The site may open to commercial vehicles starting at 6 am and to public vehicles starting at 8 am. The site shall close to both commercial and public vehicles at 5 pm and internal operations shall be completed by 6 pm.

(B) Saturday internal operations shall not begin prior to 7:30 am. The site shall not open to commercial and public traffic prior to 8 am and shall close to both at 5 pm. Internal operations shall be completed by 6 pm.

(C) The site shall be closed on Sunday.

OA-3. All vehicles being used for operations on the new cell shall be outfitted with white noise back up alarm.

Discussion of the Issue: It is the applicant's understanding that these conditions of approval are intended to mitigate for potential noise impacts related to the operations of the new cell. To date, the applicant has been working with The Greenbusch Group, Inc. to analyze and report on the potential noise impacts, below is a brief summary of the Greenbusch work to date, along with planned work:

1. What you have completed to date.

To date we have completed the following tasks:

- Reviewed and developed responses to public comments and attended a public meeting.
- Measured existing sound levels at three locations for 72 hours near residential use properties to document the current acoustical environment near the expansion area.
- Measured sound levels from equipment used for landfill operations.
- Created a computer noise model of the expansion area and predicted sound levels from future operations.

2. What else do you remaining.

The following tasks are underway, but have not yet been completed:

- Analyze the data collected from the measurements of existing sound levels. This task has been started and should be completed by the middle of next week [week of Nov 1].
- Develop noise mitigation for future operations (if needed). Code limits include an allowable increase to existing sound levels so we will not know whether predicted sound levels are meeting code requirements until after we complete the analysis of existing sound levels.
- Author the Draft Noise Study. This has also been started, but the other remaining tasks will need to be completed before it can be issued.

3. When will you be completed.

- Finish reviewing the existing sound level data by mid next week (approximately 11/3)
- Develop noise mitigation options for future operations, if needed, by 11/9. If it appears mitigation will be necessary, we will notify you and include a description of the proposed mitigation.
- Issue the Draft Noise Study by November 16, 2021.

Given that the applicant has not yet provided a detailed assessment of the noise impacts, it is understandable that the noted mitigation measures have been added. However, based upon the noise assessment, it is possible that is based upon the noise impacts generated, that alternative noise mitigation measure could be employed.

Suggested Revision: No revisions are suggested at this time, however the applicant is requesting that the record remain open per ORS 197.763(6)(c) so that the complete noise assessment can be added to the record. The applicant is willing to toll the 150 day review clock for 30 days (15 Days for submittal of noise assement and 15 days for response) to allow for the information to be added to the record and analyzed by staff and the public.

OA-4. OA-4 Great Blue Heron Rookery. Unless modified by written agreement issued by the Oregon Department of Fish and Wildlife:...

(C) The applicant’s biologist shall monitor, for 10 years after preliminary approval, the eastern great blue heron rookery throughout the nesting season to determine site-specific nesting chronology, nest productivity, the degree of habituation to disturbance, and nearby foraging habitat. The applicant’s biologist shall consult with ODFW on improvements that can be made to the site, and the applicant shall incorporate those improvements, that will enhance nesting productivity, mitigate disturbance, and enhance nearby foraging habitat.

Discussion of the Issue: As established in the Staff Report, the Great Blue Heron Rookeries are not mapped and not part of a Benton County Overlay. Therefore, to the extent that they are protected, they are protected under state or federal guidelines referenced by ODFW Staff. This Recommended Condition of Approval is Benton County Planning Staff’s attempt to capture the comments raised by ODFW Staff in their October 21, 2021 letter. However, ODFW has not established a 10 year monitoring program in their comments.

Suggested Revisions: Because this Recommended Condition extends beyond any requirements of the Benton County Code and beyond the measures noted by ODFW, the applicant suggests the following revision:

In coordination with ODFW, the eastern great blue heron rookery shall be monitored throughout the nesting season to determine site-specific nesting chronology, nest productivity, the degree of habituation to disturbance, and nearby foraging habitat. The applicant’s biologist shall consult with ODFW on improvements that can be made to the site, and the applicant shall incorporate those improvements, that will enhance nesting productivity, mitigate disturbance, and enhance nearby foraging habitat. If needed, any on-going monitoring requirements shall be coordinated with ODFW.

III. SUMMARY AND CONCLUSIONS

Overall, the materials provided in this packet, along with the previously submitted application packets document conformance with all applicable standards and criteria of the Benton County Code.

As previously noted, for an opposition concern to be valid, the concern must address an applicable criterion and it must be accompanied by sufficient evidence or argument to permit it to be address. Generalized concerns or allegations without evidence or unrelated to applicable criteria are not a valid basis for denial. Furthermore, any Condition of Approval shall be written to ensure conformance with a specific Code Standard or Approval criterion and supported by the evidence in the record. The Country may not impose conditions that are arbitrary, not supported by substantial evidence, or that are too discretionary or do not provide clear guidance to the applicant as to what it required.

First and foremost, based upon the evidence in the record, the Planning Commission can finds that the project conforms to all Code standards and approval criteria. Additionally, the proposed application will benefit Benton County, the design will allow for a valuable local resource to be fully extracted and used (instead of filling it in), the development provides for needed landfill capacity for Benton County and the greater region, and the project provides all of these benefits in a manner that will not significantly impact surrounding properties and/or property owners. The Applicant thanks the Planning Commission for their thorough assessment of this complex application.

Exhibits

- A. DSL Wetland Sign-off**
- B. Wetland Restrictions**
- C. Mitigation Wetland Survey**
- D. CEC Exhibit – Mitigation Wetlands and Planned Improvements**
- E. Wildlife Biologist Report**
- F. Traffic Memo Addressing Tampico Road and Freight**
- G. Legal Assessment of Tampico Road Improvements**

Nancy Whitcombe, 37049 Moss Rock Drive, Corvallis, Oregon

- Licensed architect (currently retired) first licensed: 1989
- LEED Green professional
- Land Use nerd
- Planning Commissioner in a rural Colorado town for 8 years

I have never in my life opposed a land use action

I request that this hearing be continued in order to present more evidence

- Impact of landfills on Property values

I suspect that if this is approved, the impact of the visibility of the landfill and increased volume could cause homeowners in Adair Village alone to lose 7-14% of the values of their homes, very conservatively: \$19,000,000 in property values alone. Property values are a useful proxy metric for difficult to quantify land use effects such as: noise/traffic/odor/filth/disease/water quality/stigma

- The SWAC recommendation

The meeting that produced the SWAC recommendation was not conducted according to their bylaws, and their recommendation is invalid. The letter accompanying their recommendation is materially inaccurate

- Transportation issues

Benton County Sheriff's Emergency preparedness would like to comment on the issue of the closure of Coffin Butte Road but has no avenue to do so. Others will be raising additional transportation issues

- The Staff Report

The Staff Report was rushed and contains many inaccuracies. Staff should have an opportunity to receive feedback and correct these inaccuracies

- Public Comment, interested Community organizations

Many members of the public are unaware of this land use issue. Boards of interested organizations (the Co-op, Mary's River Grange, Corvallis City Council, Adair City Council, the Sierra Club, etc., Fire Districts, etc) have not had opportunities to convene and comment on this land use action because of the short timeline imposed by the Applicants

- Inadequate guidance in prior Solid Waste Management Plans (most recent: 1977) & the 2007 Comp Plan (43 more years of life)

This CUP be denied. All of the guiding documents that SWAC & PC relies on are nonexistent or out of date. There is no emergency, and the applicant can easily afford to re-submit this application (it is a 10.15 billion dollar per year of gross revenue for profit corporation located out of state). Benton County cannot afford to make a rushed, poor decision based on inadequate evidence that will have devastating, material, significant impacts on Benton County for the indefinite future.

What it looks like down the road



Screening



Step 1: The cycle of expansion

1. Emergency! An area (first, Benton County, then the Chemeketa region, now basically most areas West of the Cascades plus Washington State) needs to put garbage somewhere!
2. Neighbors: We are concerned about:
 - Traffic
 - Odor/vermin/well contamination
 - Who wants to live next to a landfill?
 - Etc.
3. SWAC/Planning Staff/Planning Commission/BoC: “Don’t be such selfish babies, this garbage has to go somewhere, and we will protect your interests”
 - It’s local garbage (ever-broader definition of “local”), traffic will not be a problem (we’ve done a study!).
 - Tell it to DEQ (and then ignore reports to DEQ, which accomplish nothing)
 - We will make sure you won’t see the landfill with screening
4. Neighbors: OK, we trust you

Step 2: Broken Promises

1. Projected garbage volume/traffic volume/noise/landfill stigma are wildly underestimated
2. Neighbors: We don't want to live here anymore I guess. We'd better sell, this neighborhood is going downhill:
3. Who will buy property near a landfill? The landfill operator!
 - Former forest land (FC), farm land (EFU), Residential land (RR) is purchased by the landfill and is assimilated as "buffer". But that land is retired from productive use. The new "buffer" allows the landfill operator to expand landfill activities into what used to be "buffer".
4. Why does the landfill operator need more property? Well, it turns out there's a greater volume of garbage, from more places, than was originally estimated. Gosh.
5. Neighbors who used to be on the outskirts of the landfill are now on the inskirts. They object to using old "buffer" as new landfill, but are told:
"Don't be such selfish babies, this garbage has to go somewhere, and we will protect your interests"
4. Neighbors: OK, I guess we can live with it

Step 3: Return to Step 1

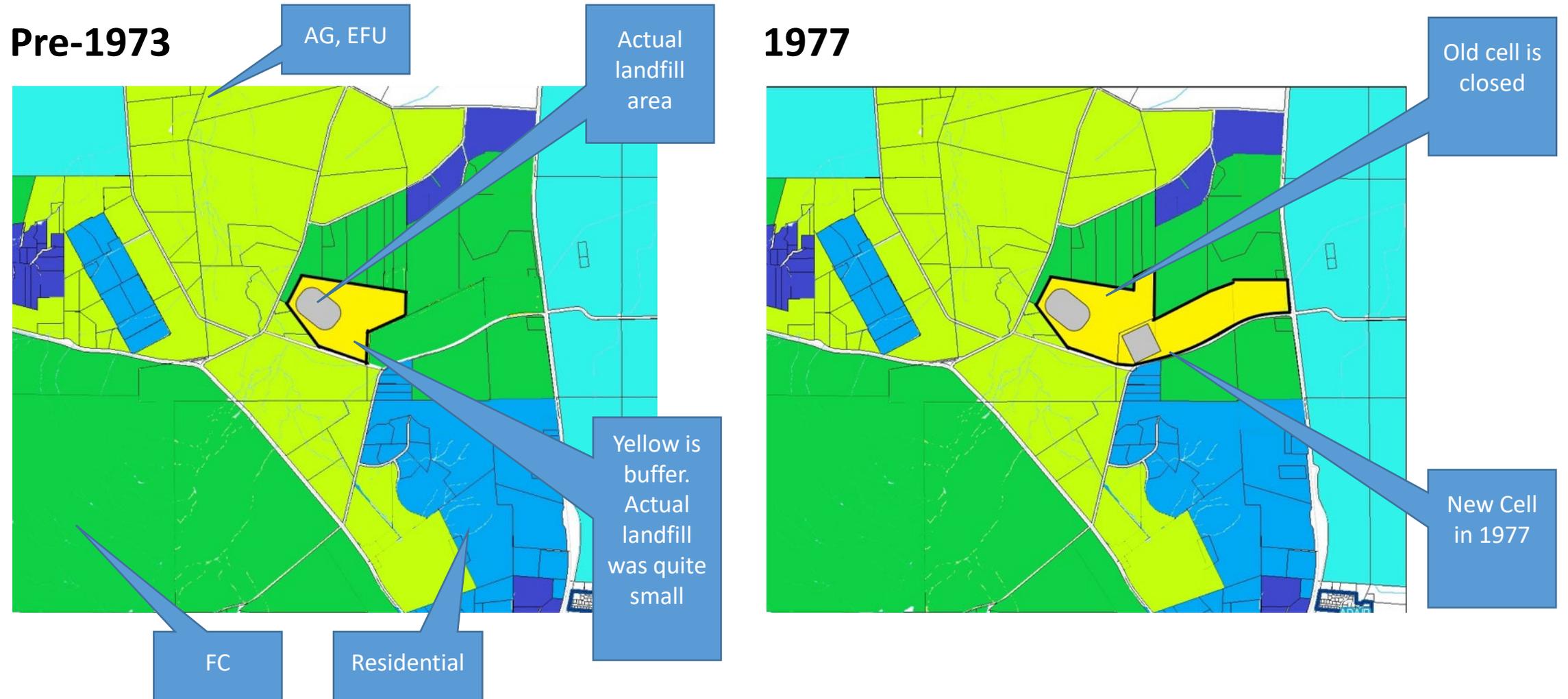
What other land use grows and grows at the expense of surrounding uses? Especially when those are resource lands?

The history of this land use is that it blights the uses around it, and then assimilates them, and then moves out to blight land uses that formerly were far away.

Each incremental step is not unreasonable, it's possible to argue that the most recent small modification of the land use is not "significant", but looked at as a whole, the impact on surrounding land uses has not only been "significant" it has been devastating.

There is no neighborhood left where there use to be farms, timber harvesting, residential neighborhoods. Everything is blighted.

Landfill operations expansions over time

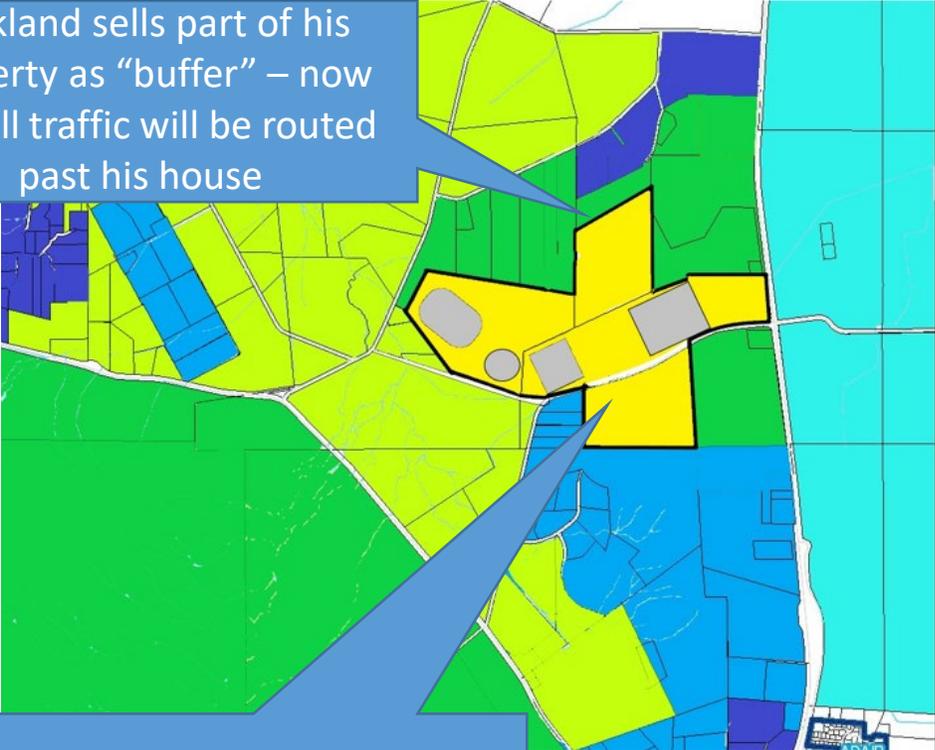


Landfill operations expansions over time

1981: "Landfill" Zone

Berkland sells part of his property as "buffer" – now landfill traffic will be routed past his house

Rick Kipper's grandfather sold out...says VLI promised this parcel would be "buffer"



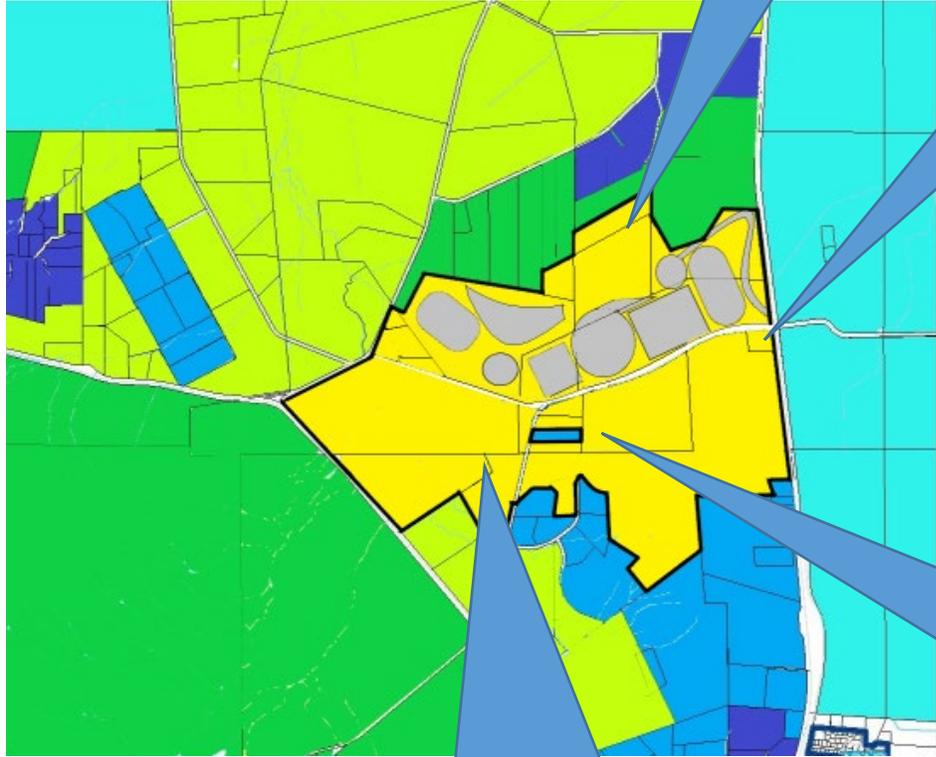
Today

Former "Buffer" is mostly full

Landfill uses spread out onto FC and EFU lands

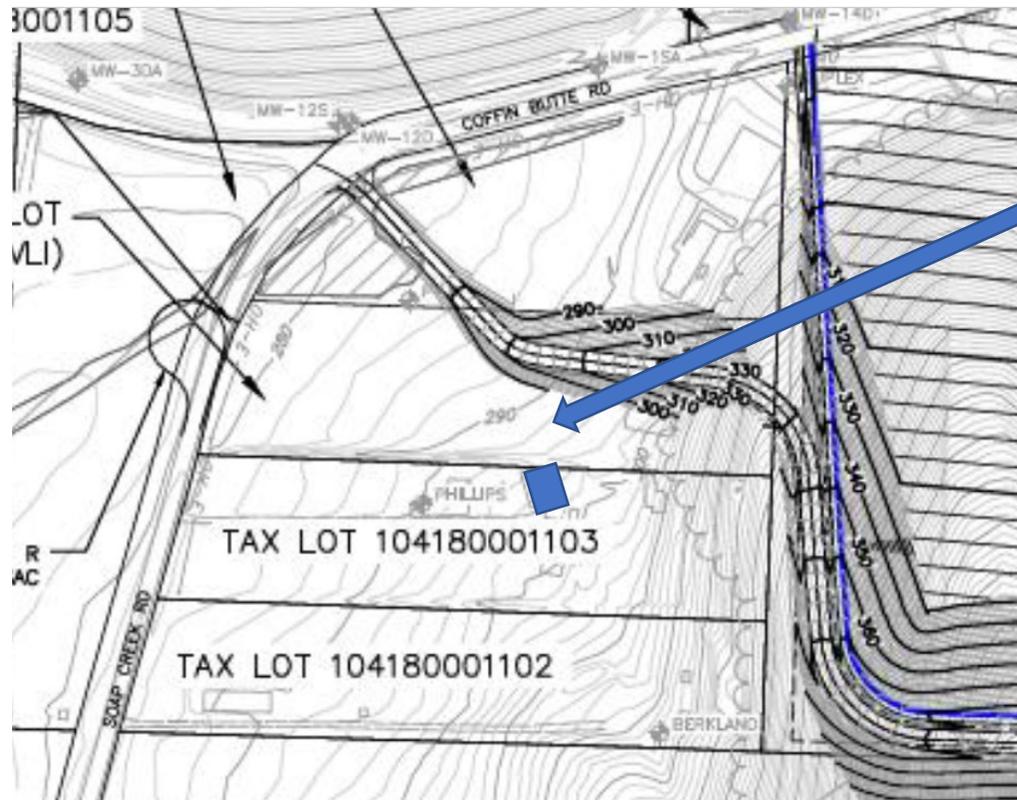
What used to be far away from the landfill is now adjacent to it

Neighboring properties are acquired or engulfed



Owners of the “Phillips property”

What happens to this poor landlocked, engulfed, devastated property is alone significant enough to deny this CUP



Phillips property:

Formerly probably $\frac{1}{4}$ - $\frac{1}{2}$ mile away from major landfill/quarry disruption

If CUP approved, the quarry will literally be on top of their house, less than 50' away and 10' above them

Staff comments about nearby properties are disparaging:

- “substandard parcels”
- “a 1973 manufactured home”

Staff comments, and staff in fact frequently leaving this parcel out of maps in the Staff Report, kind of proves my point. This property has been written off by everybody except the poor folks who live there. Why aren't people who live in a mobile home worthy of having their enjoyment of their property protected. If this giant haul road is not a significant detriment to this property, I don't know what is.

Staff's comments about this property were shameful.

Then and now

1973, 1977, 1984, 1994, 2003, 2007, 2020

- When will the dump close?
2000
- How much per year?
Between 90,000 & 110,000 ton/yr – this volume amount was provided to the Planning Commission and was the basis for granting the first CUP's...Volume has increased literally tenfold since then
- How much total?
Cumulative total, 20 years, 1,760,000 tons
- Where will garbage come from?
Only from the immediate area, we have a plan!

Now

- When will the dump close?
Probably 2050, but last year we told DEQ that we had until 2040, so who really knows?
- How much per year?
 - If the CUP is **not** granted, it maxes out at 1,100,000 tons/year
 - If the CUP **is** granted, it could be anything! Or, as Julie Jackson says "we hate tonnage caps"!
- How much total?
All we can tell you is how many years! Which in the past has been wildly inaccurate -- off by 100% - 200%! And we are unable to calculate capacity. One guess, which was 15 million tons, was said to be "high". When asked "but what is the actual number?" Republic claimed not to know. As of 2019, DEQ estimates 16 million tons are in place. So in 12 years (which will probably turn out to be 6 years, if history is any guide), the amount of garbage that went into the landfill from 1973 to 2019 – a period of almost 50 years – will be trucked to the landfill and deposited in a new mountain of trash that will mark Benton County's norther boundary forever.
- Where will garbage come from?
That used to be important, but now you're not allowed to ask. Sorry.

GOAL

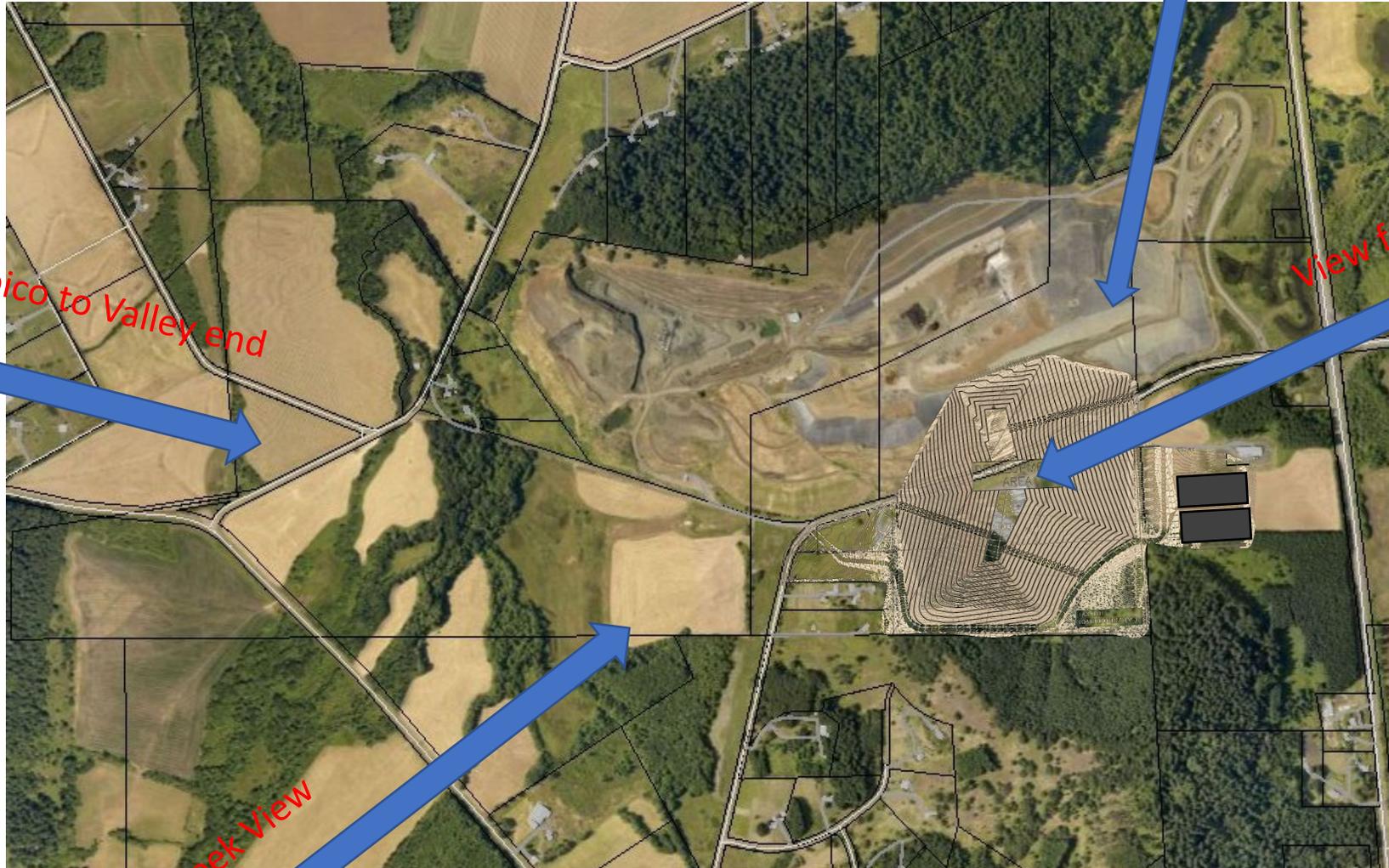
Our long-range organizational goal is to achieve total resource recovery. It is hoped this can be accomplished by expanding our present activities to a comprehensive, flexible, economic program that meets the solid waste needs of Benton County and is consistent with Regional and State plans.

1974 Promise – “this landfill is temporary until we can get a handle on 100% recycling”

[source: Waste Control Systems, Inc. presentation to the Benton County Planning Commission for fulfillment of a solid waste recovery system plan as part of the CUP issued in 1974, from the]

Blight, extremely visible

View from Hiking trail (an Eagle Scout project – kid carried lumber on his back)



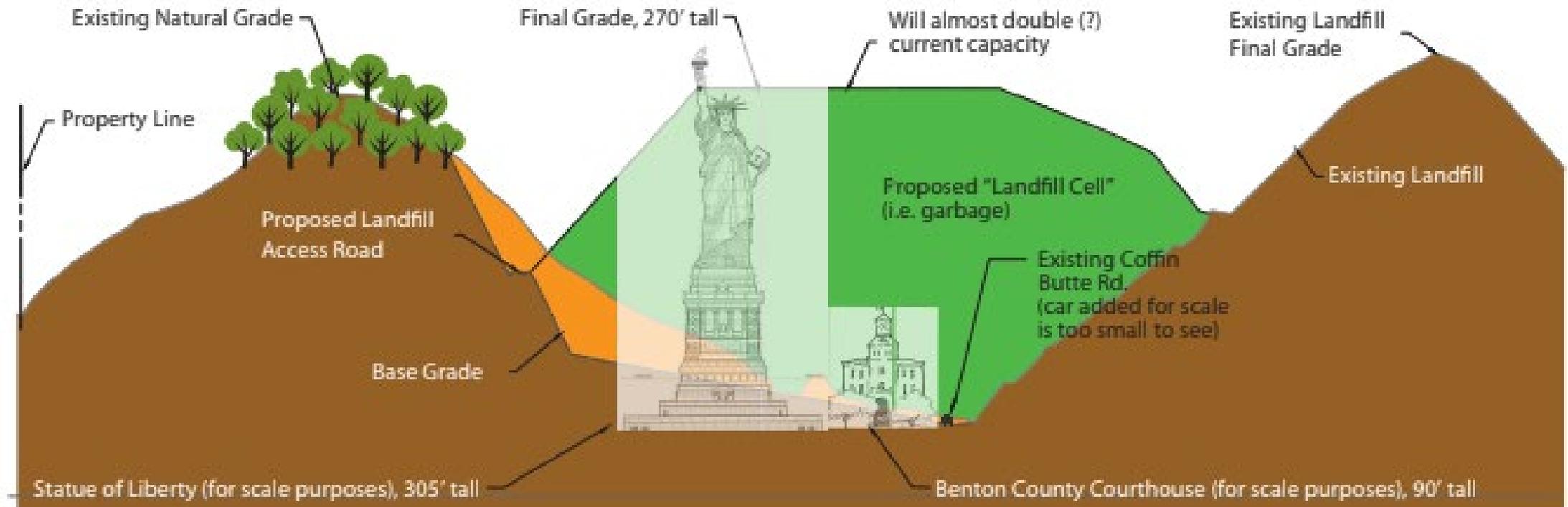
View from Tampico to Valley end

View from EE Wilson

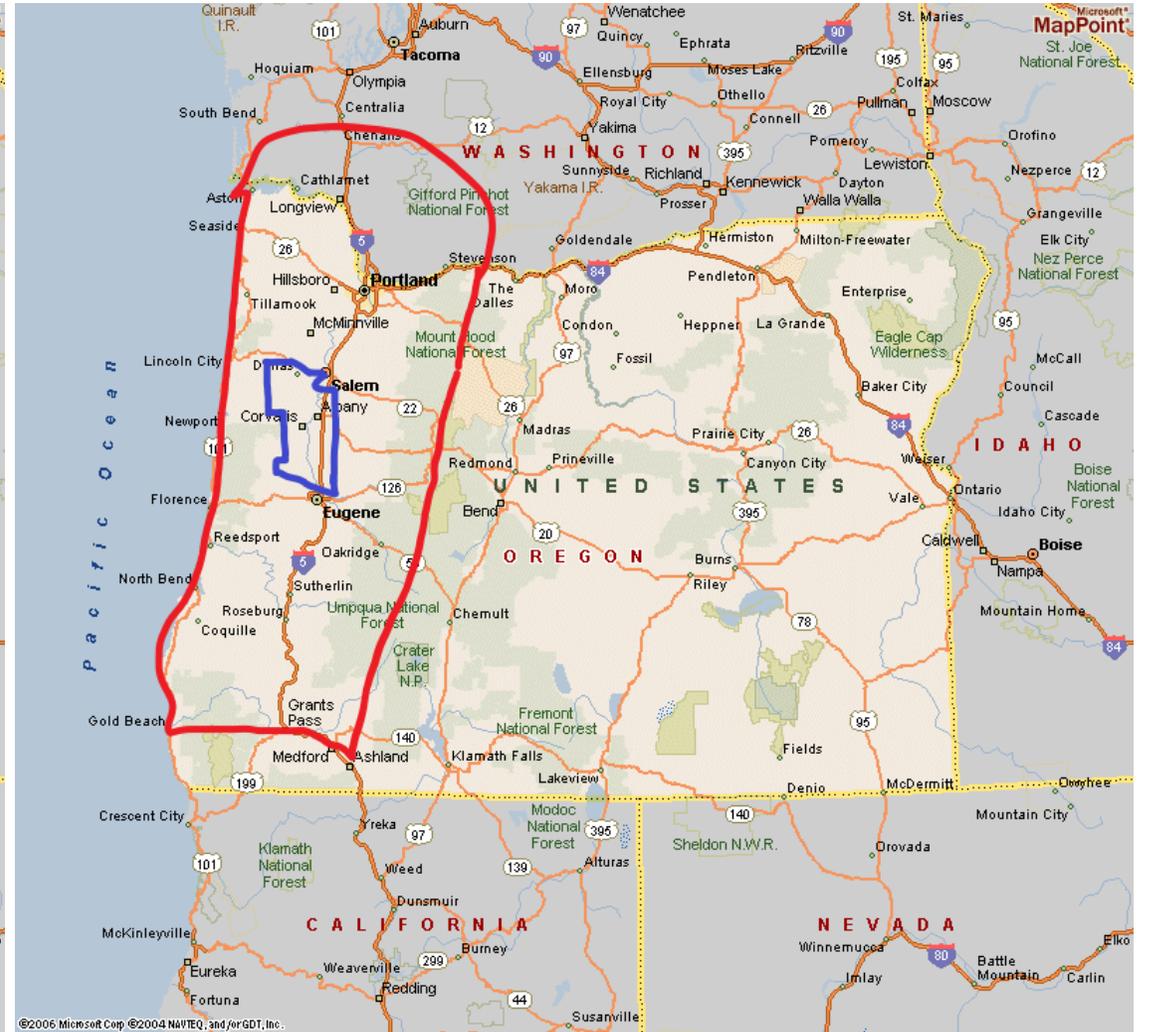
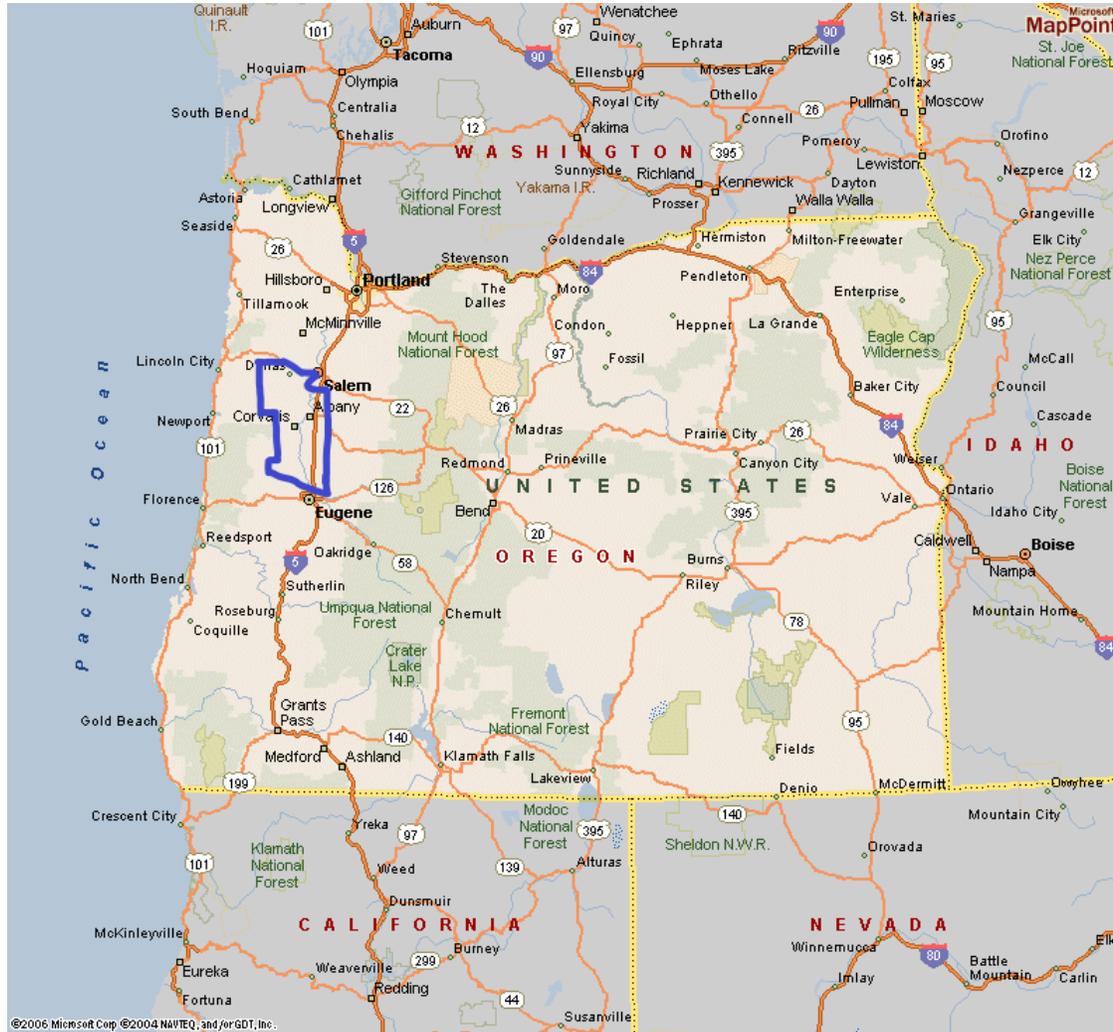
Soap Creek View

Blight, extremely visible

“Welcome to Benton County!”



Service area initial CUP v. current CUP application



Then and now

1973, 1977, 1984, 1994, 2003, 2007, 2020

- How will neighbors be protected?
 - “the scars that erode the face of Coffin Butte should be filled”
 - “only a small acreage is used for fill at one time and then this acreage shall be returned to grazing”
 - There will be “screening with natural vegetation that portion of the subject property abutting the county road
- What about my well?
 - Technology will protect you!
- How will this change the landscape?

Clear intent from prior CUPs: The intent is to have this return to its appearance from before the landfill was permitted

Now

- How will neighbors be protected?

Those neighbors are such NIMBYS! If they didn't want to live next to a dump they shouldn't have bought houses next to a dump

This ignores the following:

 1. neighbors have not come to the dump; the dump has come for the neighbors
 2. the volume of the dump has increased tenfold,
 3. prior CUP conditions have been ignored and/or flouted)
- What about my well?
 - It's our policy to buy the property that the well is located on, then, since it's on Landfill property, we don't have to worry about it anymore
- How will this change the landscape?

It's entirely new geography, here forever, and the tradeoff is \$10-\$20/person per year for six-ten years in additional money to Benton County. Height limit in industrial zones for buildings is 60', but, hey, if it's a mountain made of garbage, the sky is (literally) the limit.

The last landfill standing: it will get a LOT of trash

Oregon State Recovered Tons and Recovery Rates

| Year | Tons Recovered | Tons Disposed | Calculated Rate ⁹ |
|------|------------------------|------------------------|------------------------------|
| 1992 | 839,679 | 2,263,099 | 27.1 |
| 1993 | 974,685 | 2,280,513 | 29.9 |
| 1994 | 1,118,912 | 2,312,669 | 32.6 |
| 1995 | 1,257,204 | 2,362,146 | 34.7 |
| 1996 | 1,338,259 | 2,497,170 | 34.9 |
| 1997 | 1,462,114 | 2,633,017 | 35.7 |
| 1998 | 1,604,985 | 2,695,903 | 37.3 |
| 1999 | 1,626,271 | 2,788,699 | 36.8 |
| 2000 | 1,765,817 | 2,778,463 | 38.9 |
| 2001 | 1,999,085 | 2,635,072 | 43.1 |
| 2002 | 2,029,261 | 2,723,365 | 42.7 |
| 2003 | 2,116,880 | 2,796,787 | 43.1 |
| 2004 | 2,317,064 | 2,923,462 | 44.2 |
| 2005 | 2,523,367 | 3,026,457 | 45.5 |
| 2006 | 2,494,050 | 3,235,828 | 43.5 |
| 2007 | 2,437,569 | 3,248,126 | 42.9 |
| 2008 | 2,326,146 | 2,890,503 | 44.6 |
| 2009 | 2,082,631 | 2,586,721 | 44.6 |
| 2010 | 2,163,957 | 2,523,808 | 46.2 |
| 2011 | 2,306,124 | 2,437,767 | 48.6 |
| 2012 | 2,391,490 | 2,424,833 | 49.7 |
| 2013 | 2,390,859 ¹ | 2,513,404 ¹ | 48.8 ¹ |
| 2014 | 2,307,269 ¹ | 2,634,653 ¹ | 46.7 ¹ |
| 2015 | 2,369,080 ¹ | 2,784,467 ¹ | 46.0 ¹ |
| 2016 | 2,225,943 ¹ | 3,050,432 | 42.2 ¹ |
| 2017 | 2,286,969 ¹ | 3,207,448 ¹ | 41.6 ¹ |
| 2018 | 2,307,322 | 3,345,503 | 40.8 |

¹ These tonnage figures are corrected from earlier

1996 – How many landfills in Oregon?

88 (eighty-eight)

[Source: EPA List of Municipal Solid Waste Landfills, 1996]

From Benton County BOC minutes (09/04/2018),
 “Closure of Riverbend Landfill in Yamhill County will very likely occur in two (2) years or less leaving Coffin Butte Landfill as the last remaining regional disposal site in Northwest Oregon

2021 – How many landfills in Oregon?

7 (seven)

How many landfills in NW Oregon?

ONE!

In 2021, Julie Jackson from Republic was in Grant’s Pass trying to get them to send their waste to Coffin Butte...and they HAVE a landfill

[Source: EPA Website, “Project and Landfill Data by State”,
<https://www.epa.gov/lmop/project-and-landfill-data-state>]

[Source: 2018 Oregon Material Recovery and Waste Generation Rates Report, by Materials Management Program, Land Quality Division, Oregon DEQ, April, 2020 (most recent available)]

How it started

Tons/year, projected:
1974:
88,837
from
portions of
three
counties

TABLE XLII
BENTON COUNTY LANDFILL
WASTE PROJECTIONS - ALTERNATE B
BY SERVICE DISTRICT

| YEAR | KV | | | CO | | | WASTE ¹ | RESIDUE ² TOTAL T/Y | RESIDUE ² CUMULATIVE TOTAL, T |
|------|--------|-------|-------|-------|--------|---------|--------------------|-----------------------------------|------------------------------------------------|
| 1974 | 27,451 | 5,516 | 965 | 1,103 | 53,688 | 88,707 | 88,827 | 88,827 | |
| 1975 | 28,647 | 5,859 | 1,007 | 1,151 | 56,000 | 92,664 | 92,664 | 181,491 | |
| 1976 | 29,688 | 6,071 | 1,043 | 1,192 | 58,034 | 96,028 | 96,028 | 229,505 | |
| 1977 | 30,739 | 6,287 | 1,080 | 1,234 | 60,090 | 99,430 | 99,430 | 279,220 | |
| 1978 | 31,808 | 6,506 | 1,117 | 1,277 | 62,178 | 102,886 | 102,886 | 330,663 | |
| 1979 | 32,896 | 6,728 | 1,156 | 1,321 | 64,307 | 106,408 | 106,408 | 383,867 | |
| 1980 | 33,996 | 6,953 | 1,194 | 1,365 | 66,457 | 134,449 | 134,449 | 451,092 | |
| 1981 | 35,069 | 7,172 | 1,232 | 1,408 | 68,554 | 138,691 | 138,691 | 520,438 | |
| 1982 | 36,154 | 7,394 | 1,270 | 1,452 | 70,675 | 142,974 | 142,974 | 591,925 | |
| 1983 | 37,271 | 7,622 | 1,309 | 1,496 | 72,859 | 147,401 | 147,401 | 665,626 | |
| 1984 | 38,373 | 7,848 | 1,348 | 1,541 | 75,012 | 151,759 | 151,759 | 741,505 | |
| 1985 | 39,124 | 8,001 | 1,375 | 1,571 | 76,480 | 154,728 | 154,728 | 818,869 | |
| 1986 | 39,863 | 8,152 | 1,400 | 1,600 | 77,926 | 157,650 | 157,650 | 897,694 | |
| 1987 | 40,596 | 8,303 | 1,426 | 1,630 | 79,359 | 202,983 | 202,983 | 999,186 | |
| 1988 | 41,326 | 8,452 | 1,452 | 1,660 | 80,784 | 206,627 | 206,627 | 1,102,500 | |
| 1989 | 42,054 | 8,601 | 1,478 | 1,688 | 82,210 | 210,272 | 210,272 | 1,207,636 | |
| 1990 | 42,782 | 8,749 | 1,503 | 1,718 | 83,631 | 213,910 | 213,910 | 1,314,591 | |
| 1991 | 43,484 | 8,893 | 1,528 | 1,746 | 85,004 | 217,422 | 217,422 | 1,423,302 | |
| 1992 | 44,172 | 9,033 | 1,551 | 1,773 | 86,349 | 220,858 | 220,858 | 1,533,731 | |
| 1993 | 44,865 | 9,176 | 1,576 | 1,802 | 87,703 | 224,324 | 224,324 | 1,645,893 | |
| 1994 | 45,557 | 9,318 | 1,600 | 1,829 | 89,056 | 227,875 | 227,875 | 1,759,831 | |

1. Before resource recovery. Direct to landfill 1974 & 1975. Processed at Resource Recovery after 1975
2. 50 percent residue after recovery from 1976 on.

Projection:
1994:
113,938

Waste projections:
1974-1994, TOTAL:
1,759,831 tons

How it's going

1974 Projection: average of 88,000 tons/yr

1977 Management Plan: this will go to zero by the year 2000

2020 Tonnage is 860,000 tons/year

2024 (projected) potentially all the garbage for all of Western Oregon, 3,001,000 people (2015 figure) at 4.4 lbs of MSW/day that go to landfills x the last landfill in the area

= 2,400,000 Tons of MSW/yr

= 2,736% of original CUP estimate (1974)

= 280% of 2020 MSW deposited

What bearing does this huge increase in volume have on land use?

MORE VOLUME

= MORE TRAFFIC/ACCIDENTS

= MORE ODOR/NOISE/DUST (HEALTH EFFECTS: CANCER/NEUROLOGICAL EFFECTS?)

= MORE CONVERSION OF SURROUNDING/ENGULFED PROPERTIES TO "BUFFER" (i.e. Future Landfill)

Is a 280% increase "significant" OF COURSE IT IS

HOW DO WE KEEP THE VOLUME OF WASTE DEPOSITED TO CURRENT LEVELS?

DENY THE CUP: Per the Franchise Agreement, that caps volume

“Property purchase near the landfill is an effective means of preventing groundwater use and minimizing land uses not compatible with landfill operations”

FOCUSED RISK ASSESSMENT AND
FEASIBILITY STUDY

COFFIN BUTTE LANDFILL

BENTON COUNTY, OREGON

Prepared for
Valley Landfills, Inc.
September 23, 2003

6.3.6 Property Purchase

Property purchase near the landfill is an effective means of preventing groundwater use and minimizing land uses not compatible with landfill operations. Such purchases can have a secondary benefit of providing additional buffer area around the landfill and long-term access to groundwater monitoring wells. As property adjacent to the landfill property comes on the market, VLI will pursue negotiations with the owners to buy the property. Properties of current interest to the VLI include the Phillips property south of the landfill and the small rectangular piece of property immediately west of the Closed Landfill, east of Wiles Road.

[Source: “Focused Risk Assessment and Feasibility Study, Coffin Butte Landfill, Benton County, Oregon Prepared for Valley Landfills, Inc, September 23, 2003, page 50”]

Why is this important?

- Because Coffin Butte Landfill can NOT be a good neighbor to surrounding land uses: Farm, Forest, Rural Residential
- CUP after CUP has tried to tell the landfill “Be a good neighbor”
- But the landfill CAN NOT be a good neighbor, the landfill can only ASSIMILATE & ENGULF neighboring land uses.
- That is their STATED POLICY
- SURROUNDING LAND USES ARE NOT COMPATIBLE – that’s from 2003.

DENY THE CUP

SWAC's Recommendation is materially inaccurate, the DSAC/SWAC meeting in which neighbor comments were heard was not actually a meeting (no quorum), and the subsequent meeting specifically disallowed public comments, in contravention of SWAC bylaws

The Phillips property alone will experience impacts that are significant enough to deny the CUP

The landfill's engulfs surrounding properties and turns them into landfill. Land Use is designed specifically to ease incompatibility between land uses, not exacerbate them

The applicant has admitted that property near the landfill is "not compatible with landfill operations". Compatibility with surrounding uses is the cornerstone of land use decisions. The applicant has made this determination. All Planning Commission has to do is agree with the applicant.

2 Nov. 2021
Benton County Planning
Commission

Testimony Re: LU-21-047

Paul Nietfeld

37049 Moss Rock Dr.

9005/9007 NW Arboretum Rd.

File: Nietfeld_BentonCountyPlanningCommission_2Nov2021_final.pptx

North Benton County: Adair + Arboretum

- Nice area: much is rural to semi-rural, pleasant natural environment yet close to Corvallis and medical center
- Historically zoned FC/EFU/RR-10/RR-2
- Area is experiencing high growth in upper mid-range homes. However:
 - Landfill currently not visible from most sites or main highway (99W)
 - Air pollution, noise and trash truck traffic loads tolerable
 - No obvious encroaching water pollution from the landfill
- Expansion of Coffin Butte could impact this growth
 - Cell 7 (“new cell”) proposed would clearly be visible from 99W
 - Likely increase in truck traffic resulting in more air pollution, noise, accident risk etc.
 - Increased threat of toxic chemical pollution, including to water wells
- 100’s of new homes → \$100k – \$200k+ per year of NEW tax revenue

Coffin Butte expansion risks slowdown or loss of this new tax revenue growth in Benton County



On offer for \$509,900

10/31/2021

7100 SE Andrea Ln., 0.13ac

Calloway Creek subdivision

Approx. 2.5 mi. south of Coffin Butte

Approx. 250’ west of Hwy 99W

One of >150 new homes in this area

Expected **Benton County** tax pmt:

Approx. \$1000/yr

(Formerly approx. \$0.30/yr as EFU)

Major new revenue for Benton county

Coffin Butte Inflow Rate

The 2020 Franchise Agreement removes the 1.1M Ton/Yr inflow cap if this Conditional Use Permit is approved

(2020 Benton County / Valley Landfill Franchise Agreement, Section 5(b))

- Potential for large increase in annual volume of inflow
- Landfill lifetime will be correspondingly decreased – see Table
- Republic Services will have a strong profit motive to maximize inflow
- Significant (1.5x? 2x?) truck traffic increase likely
 - Wear & tear on roads
 - Accident risk
- Noise, traffic congestion, general degradation of semi rural area into effectively an industrial zone
- **There will be no means for Benton County to limit landfill inflow volume**
- *Would this be the first time that the landfill operator will not be limited by the county to a maximum inflow cap?*

Projected Landfill Life

| <u>Vol. (T/yr)</u> | <u>Life</u> | |
|--------------------|-------------------|--------------------|
| | <u>W/O Cell 7</u> | <u>With Cell 7</u> |
| 500,000 | 31.2 | 49.2 |
| 750,000 | 20.8 | 32.8 |
| 850,000 | 18.3 | 28.9 |
| 1,100,000 | 14.2 | 22.3 |
| 1,700,000 | 9.2 | 14.5 |
| 2,000,000 | 7.8 | 12.3 |

(See detail next page)

Life Calculation Detail

Basis:

From Republic Services's Coffin Butte 2020 Annual Report:

| | |
|---------------------------------------|---------------------------|
| Total permitted capacity: | 38,443,830yd ³ |
| Consumed to date: | 20,455,706yd ³ |
| Remaining (calc using R's #s above): | 17,988,124yd ³ |
| Remaining (per R 2020 annual report): | 17,621,208yd ³ |
| Less estimated 2021 use of | 863,210yd ³ |
| Est. remaining, start of 2022: | 16,757,998yd ³ |

Estimates for proposed new cell [Cell 7]:

| | |
|---------------------------------------------|--------------------------|
| Estimated life (per Ian Macnab 10/13): | 12yr |
| Weight capacity at 750,000 T/yr: | 9,000,000T |
| Volume capacity at 0.93 T/yd ³ : | 9,677,419yd ³ |

→ **Assumed Cell 7 Volume: 9,677,419yd³**

Density assumption:

DENSITY 0.93T/yd³

| Vol. (T/yr) | Life (yr) | |
|-------------|------------|-------------|
| | W/O Cell 7 | With Cell 7 |
| 400,000 | 39.0 | 61.5 |
| 450,000 | 34.6 | 54.6 |
| 500,000 | 31.2 | 49.2 |
| 550,000 | 28.3 | 44.7 |
| 600,000 | 26.0 | 41.0 |
| 650,000 | 24.0 | 37.8 |
| 700,000 | 22.3 | 35.1 |
| 750,000 | 20.8 | 32.8 |
| 800,000 | 19.5 | 30.7 |
| 850,000 | 18.3 | 28.9 |
| 900,000 | 17.3 | 27.3 |
| 950,000 | 16.4 | 25.9 |
| 1,000,000 | 15.6 | 24.6 |
| 1,050,000 | 14.8 | 23.4 |
| 1,100,000 | 14.2 | 22.3 |
| 1,150,000 | 13.6 | 21.4 |
| 1,200,000 | 13.0 | 20.5 |
| 1,250,000 | 12.5 | 19.7 |
| 1,300,000 | 12.0 | 18.9 |
| 1,350,000 | 11.5 | 18.2 |
| 1,400,000 | 11.1 | 17.6 |
| 1,450,000 | 10.7 | 17.0 |
| 1,500,000 | 10.4 | 16.4 |
| 1,550,000 | 10.1 | 15.9 |
| 1,600,000 | 9.7 | 15.4 |
| 1,650,000 | 9.4 | 14.9 |
| 1,700,000 | 9.2 | 14.5 |
| 1,750,000 | 8.9 | 14.0 |
| 1,800,000 | 8.7 | 13.7 |
| 1,850,000 | 8.4 | 13.3 |
| 1,900,000 | 8.2 | 12.9 |
| 1,950,000 | 8.0 | 12.6 |
| 2,000,000 | 7.8 | 12.3 |

20.8 agrees with the 21.8 life est in 2020 Coffin Butte Annual Report (Less 1 yr for 2021 vs. 2020)

Approximate current (2020) rate

Cap in 2020 Franchise Agreement if CUP not approved

Double current rate

CPU Factual Deficiencies and Misunderstandings in DSAC/SWAC Analysis

- Basic information deficiencies in CUP LU-21-047:
 - Lack of detailed cell size & use data
 - Lack of airspace estimate & life calc. for proposed new Cell 7
 - See example (right) from previous application
- Ambiguity in CUP narrative document:
 - The 20-25 years of volume is from NOW, not 2003 (Section G, Page 8); see 2020 Coffin Butte Annual Report for confirmation
- No official DSAC public meeting to consider this CUP
 - 10/13/21 did not have quorum; no DSAC on 10/19/21
- Misunderstandings in 10/19/21 SWAC meeting:
 - Misunderstanding of expected lifetime (34:45 in mtg record)
 - Misstatement of the terms of the Franchise Agreement regarding tonnage cap automatic expiration in 3 years (42:00)
 - Undocumented/unsubstantiated fear of trash rate incr. (57:20)
 - Misleading claim of budgetary component of Host Fees: 7% claimed, but this is of General Revenue, not overall (1:16:23)
 - Implication that a vote to deny this CUP would eliminate this revenue stream completely for the county → tax increase (1:17:40)
 - **No discussion of the effect of the elimination of the tonnage cap, which is a contractual effect of approving this CUP**

Previous Valley Landfill CUP Application PC-03-11:

Table 3-1: Summary of Estimated Landfill Cell Areas and Capacities (as of October 1999)

| Cell No. | Capacity ³ (cubic yards) | Plan-View Footprint Area (acres) | Actual Estimated Area to be Lined (accounting for slopes) (acres) | Estimated Cell Life (years) ⁴ |
|------------------------------------------------|----------------------------------------|----------------------------------------|-------------------------------------------------------------------------|------------------------------------------------|
| 2 | 1,337,000 | 31.3 | N/A | 2.7 |
| 3A | 841,000 | 7.8 | N/A | 1.7 |
| 3B | 457,000 | 5.3 | 5.4 | 0.9 |
| 3C | 2,849,000 | 9.9 | 10.0 | 5.7 |
| 3D | 1,827,000 | 10.8 | 11.0 | 3.7 |
| 4 | 1,567,000 | 13.9 | 14.0 | 3.1 |
| 5 (Y2K Plan) | 4,256,000 | 20.7 | 22.8 | 8.5 |
| 6 | 13,397,000 | 59.9 | 74.5 | 26.8 |
| SUBTOTAL | 26,531,000 | 159.6 | 137.7 | 53.1 |
| Additional capacity with CUP for West Triangle | 3,400,000 | 4.7 | 9.3 | 6.8 |
| Additional capacity with CUP for East Triangle | 5,600,000 | 6.5 | 6.5 | 11.2 |
| REVISED TOTAL | 35,531,000 | 170.8 | 153.5 | 71.1 |

Benton County Landfill Revenue Projections

- SWAC discussed landfill fee revenue as a factor in their 10/19/21 recommendation decision
- **Apparent error** in Benton County Adopted Biennium 2021-2023 Budget document (Landfill Surcharge Table, P. 16, years 2022-2023)
 - Inconsistent with payments defined in the 2020 Franchise Agreement
- **Impact of a decision to deny this CUP is NOT a loss of \$3.5M/yr. in Benton County revenue**
- See table (right) for projected revenue 2021 – 2030 based on 2020 Franchise Agreement terms and approximate current inflow of 880,000 Tons/yr., assuming CPI annual adjustment of 2%

Franchise Fee + Host Fee @ 880,000 T/yr.
with CPI = 2% for years 2021 - 2030:

| Year | Approve CUP | Deny CUP | Δ Approve - Deny |
|------|-------------|-------------|------------------|
| 2021 | \$2,525,600 | \$2,525,600 | \$0 |
| 2022 | \$2,578,400 | \$2,578,400 | \$0 |
| 2023 | \$3,440,800 | \$2,631,200 | \$809,600 |
| 2024 | \$3,511,200 | \$3,511,200 | \$0 |
| 2025 | \$3,570,000 | \$3,018,400 | \$551,600 |
| 2026 | \$3,653,052 | \$3,078,768 | \$574,284 |
| 2027 | \$3,726,114 | \$3,140,343 | \$585,770 |
| 2028 | \$3,800,636 | \$3,203,150 | \$597,486 |
| 2029 | \$3,876,649 | \$3,267,213 | \$609,435 |
| 2030 | \$3,954,181 | \$3,332,557 | \$621,624 |

(See detail next page)

Revenue Projection Detail: Assumptions & Extrapolated Fee Rates

Fee Schedule from the 2020 Franchise Agreement:

| | Year | CUP approved 2023 or earlier: | CUP denied: | |
|---------------|------|-------------------------------|-------------|----------------|
| Franchise Fee | 2021 | FF2021APPVD \$2,000,000 | FF2021DENY | \$2,000,000 |
| | 2022 | FF2022APPVD \$2,040,000 | FF2022DENY | \$2,040,000 |
| | 2023 | FF2023APPVD \$2,080,000 | FF2023DENY | \$2,080,000 |
| | 2024 | FF2024APPVD \$3,500,000 | FF2024DENY | \$3,500,000 |
| | 2025 | FF2025APPVD \$3,570,000 | FF2025DENY | \$2,500,000 |
| Host Fee | 2021 | HF2021APPVD \$2.87 Per Ton | HF2021DENY | \$2.87 Per Ton |
| | 2022 | HF2022APPVD \$2.93 Per Ton | HF2022DENY | \$2.93 Per Ton |
| | 2023 | HF2023APPVD \$3.91 Per Ton | HF2023DENY | \$2.99 Per Ton |
| | 2024 | HF2024APPVD \$3.99 Per Ton | HF2024DENY | \$3.99 Per Ton |
| | 2025 | HF2025APPVD \$4.07 Per Ton | HF2025DENY | \$3.43 Per Ton |

Volume assumptions:

| | |
|---------|----------------|
| VOLUME0 | 500,000 T/yr |
| VOLUME1 | 880,000 T/yr |
| VOLUME2 | 1,700,000 T/yr |

CPI assumed for 2025 - 2040:

| | |
|-----|----------------|
| CPI | 2.00% Per year |
|-----|----------------|

Density assumption:

| | |
|---------|-------------|
| DENSITY | 0.93 T/yr*3 |
|---------|-------------|

Benton Co. Population:

| | |
|-------|-----------------|
| BCPOP | 95000 Residents |
|-------|-----------------|

Annual Fees, calculated from fee schedule table with CPI:

| Year | CUP Approved | | CUP Denied | |
|------|--------------|----------|-------------|----------|
| | Franchise | Host | Franchise | Host |
| 2021 | \$2,000,000 | \$2.8700 | \$2,000,000 | \$2.8700 |
| 2022 | \$2,040,000 | \$2.9300 | \$2,040,000 | \$2.9300 |
| 2023 | \$2,080,000 | \$3.9100 | \$2,080,000 | \$2.9900 |
| 2024 | \$3,500,000 | \$3.9900 | \$3,500,000 | \$3.9900 |
| 2025 | \$3,570,000 | \$4.0698 | \$2,500,000 | \$3.4300 |
| 2026 | \$3,641,400 | \$4.1512 | \$2,550,000 | \$3.4986 |
| 2027 | \$3,714,228 | \$4.2342 | \$2,601,000 | \$3.5686 |
| 2028 | \$3,788,513 | \$4.3189 | \$2,653,020 | \$3.6399 |
| 2029 | \$3,864,283 | \$4.4053 | \$2,706,080 | \$3.7127 |
| 2030 | \$3,941,568 | \$4.4934 | \$2,760,202 | \$3.7870 |
| 2031 | \$4,020,400 | \$4.5833 | \$2,815,406 | \$3.8627 |
| 2032 | \$4,100,808 | \$4.6749 | \$2,871,714 | \$3.9400 |
| 2033 | \$4,182,824 | \$4.7684 | \$2,929,148 | \$4.0188 |
| 2034 | \$4,266,480 | \$4.8638 | \$2,987,731 | \$4.0992 |
| 2035 | \$4,351,810 | \$4.9611 | \$3,047,486 | \$4.1812 |
| 2036 | \$4,438,846 | \$5.0603 | \$3,108,436 | \$4.2648 |
| 2037 | \$4,527,623 | \$5.1615 | \$3,170,604 | \$4.3501 |
| 2038 | \$4,618,176 | \$5.2647 | \$3,234,017 | \$4.4371 |
| 2039 | \$4,710,539 | \$5.3700 | \$3,298,697 | \$4.5258 |
| 2040 | \$4,804,750 | \$5.4774 | \$3,364,671 | \$4.6163 |

Revenue Projection Detail: Projections for Sample Volumes

| Year | Approve VOL0 | Approve VOL1 | Approve VOL2 | Deny VOL0 | Deny VOL1 | Deny VOL2 | Δ Approve - Deny | | | Δ Approve - Deny, per Resident | | |
|------|--------------|--------------|--------------|-------------|-------------|-------------|------------------|-----------|-------------|--------------------------------|--------|---------|
| | | | | | | | VOL0 | VOL1 | VOL2 | VOL0 | VOL1 | VOL2 |
| 2021 | \$2,000,000 | \$2,525,600 | \$4,879,000 | \$2,000,000 | \$2,525,600 | \$4,879,000 | \$0 | \$0 | \$0 | \$0.00 | \$0.00 | \$0.00 |
| 2022 | \$2,040,000 | \$2,578,400 | \$4,981,000 | \$2,040,000 | \$2,578,400 | \$4,981,000 | \$0 | \$0 | \$0 | \$0.00 | \$0.00 | \$0.00 |
| 2023 | \$2,080,000 | \$3,440,800 | \$6,647,000 | \$2,080,000 | \$2,631,200 | \$5,083,000 | \$0 | \$809,600 | \$1,564,000 | \$0.00 | \$8.52 | \$16.46 |
| 2024 | \$3,500,000 | \$3,511,200 | \$6,783,000 | \$3,500,000 | \$3,511,200 | \$6,783,000 | \$0 | \$0 | \$0 | \$0.00 | \$0.00 | \$0.00 |
| 2025 | \$3,570,000 | \$3,570,000 | \$6,918,660 | \$2,500,000 | \$3,018,400 | \$5,831,000 | \$1,070,000 | \$551,600 | \$1,087,660 | \$11.26 | \$5.81 | \$11.45 |
| 2026 | \$3,641,400 | \$3,653,052 | \$7,057,033 | \$2,550,000 | \$3,078,768 | \$5,947,620 | \$1,091,400 | \$574,284 | \$1,109,413 | \$11.49 | \$6.05 | \$11.68 |
| 2027 | \$3,714,228 | \$3,726,114 | \$7,198,174 | \$2,601,000 | \$3,140,343 | \$6,066,572 | \$1,113,228 | \$585,770 | \$1,131,601 | \$11.72 | \$6.17 | \$11.91 |
| 2028 | \$3,788,513 | \$3,800,636 | \$7,342,137 | \$2,653,020 | \$3,203,150 | \$6,187,904 | \$1,135,493 | \$597,486 | \$1,154,233 | \$11.95 | \$6.29 | \$12.15 |
| 2029 | \$3,864,283 | \$3,876,649 | \$7,488,980 | \$2,706,080 | \$3,267,213 | \$6,311,662 | \$1,158,202 | \$609,435 | \$1,177,318 | \$12.19 | \$6.42 | \$12.39 |
| 2030 | \$3,941,568 | \$3,954,181 | \$7,638,760 | \$2,760,202 | \$3,332,557 | \$6,437,895 | \$1,181,366 | \$621,624 | \$1,200,865 | \$12.44 | \$6.54 | \$12.64 |
| 2031 | \$4,020,400 | \$4,033,265 | \$7,791,535 | \$2,815,406 | \$3,399,209 | \$6,566,653 | \$1,204,994 | \$634,056 | \$1,224,882 | \$12.68 | \$6.67 | \$12.89 |
| 2032 | \$4,100,808 | \$4,113,930 | \$7,947,366 | \$2,871,714 | \$3,467,193 | \$6,697,986 | \$1,229,094 | \$646,738 | \$1,249,379 | \$12.94 | \$6.81 | \$13.15 |
| 2033 | \$4,182,824 | \$4,196,209 | \$8,106,313 | \$2,929,148 | \$3,536,537 | \$6,831,946 | \$1,253,676 | \$659,672 | \$1,274,367 | \$13.20 | \$6.94 | \$13.41 |
| 2034 | \$4,266,480 | \$4,280,133 | \$8,268,439 | \$2,987,731 | \$3,607,267 | \$6,968,585 | \$1,278,749 | \$672,866 | \$1,299,854 | \$13.46 | \$7.08 | \$13.68 |
| 2035 | \$4,351,810 | \$4,365,736 | \$8,433,808 | \$3,047,486 | \$3,679,413 | \$7,107,956 | \$1,304,324 | \$686,323 | \$1,325,851 | \$13.73 | \$7.22 | \$13.96 |
| 2036 | \$4,438,846 | \$4,453,051 | \$8,602,484 | \$3,108,436 | \$3,753,001 | \$7,250,116 | \$1,330,411 | \$700,050 | \$1,352,369 | \$14.00 | \$7.37 | \$14.24 |
| 2037 | \$4,527,623 | \$4,542,112 | \$8,774,534 | \$3,170,604 | \$3,828,061 | \$7,395,118 | \$1,357,019 | \$714,051 | \$1,379,416 | \$14.28 | \$7.52 | \$14.52 |
| 2038 | \$4,618,176 | \$4,632,954 | \$8,950,024 | \$3,234,017 | \$3,904,622 | \$7,543,020 | \$1,384,159 | \$728,332 | \$1,407,004 | \$14.57 | \$7.67 | \$14.81 |
| 2039 | \$4,710,539 | \$4,725,613 | \$9,129,025 | \$3,298,697 | \$3,982,715 | \$7,693,881 | \$1,411,842 | \$742,898 | \$1,435,144 | \$14.86 | \$7.82 | \$15.11 |
| 2040 | \$4,804,750 | \$4,820,125 | \$9,311,605 | \$3,364,671 | \$4,062,369 | \$7,847,758 | \$1,440,079 | \$757,756 | \$1,463,847 | \$15.16 | \$7.98 | \$15.41 |

Benton County Republic Services

Thank you to the local Republic Services office and personnel, particularly Steve Peters, for your assistance in modifying the Moss Rock trash collection route to minimize wear on our local road.

Summary

There are multiple risks for Benton County in approving this CUP:

1. Potential impact on new home construction and tax base growth in north Benton County
2. Probable serious negative implications from the elimination of the annual tonnage cap
3. Misconceptions and inadequate study in the analysis phase
4. Overestimation of the county tax revenue benefit of approval

Recommendations:

Deny this CUP.

Stay with the 2003 SDP plan.

Use the 10+ years remaining under that plan to undertake a comprehensive study of options and alternatives (including Cell 7).

Move forward with a well-researched plan optimal for Benton County.

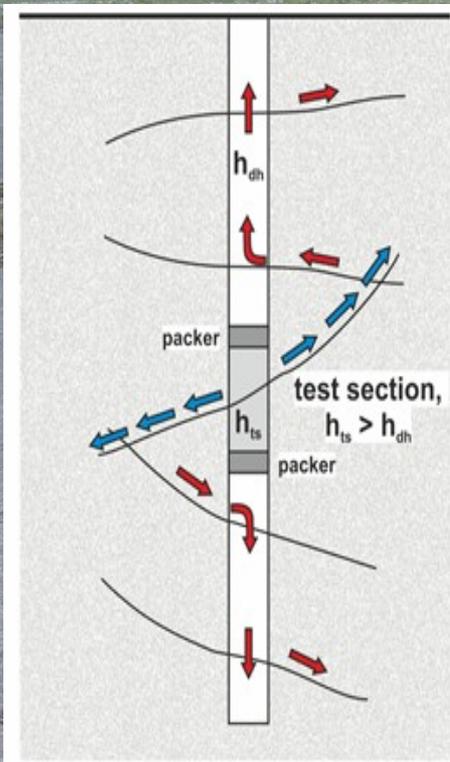
Questions?

Thank you

Comments on landfill expansion proposal

Joel Geier, Ph.D. (hydrogeology)

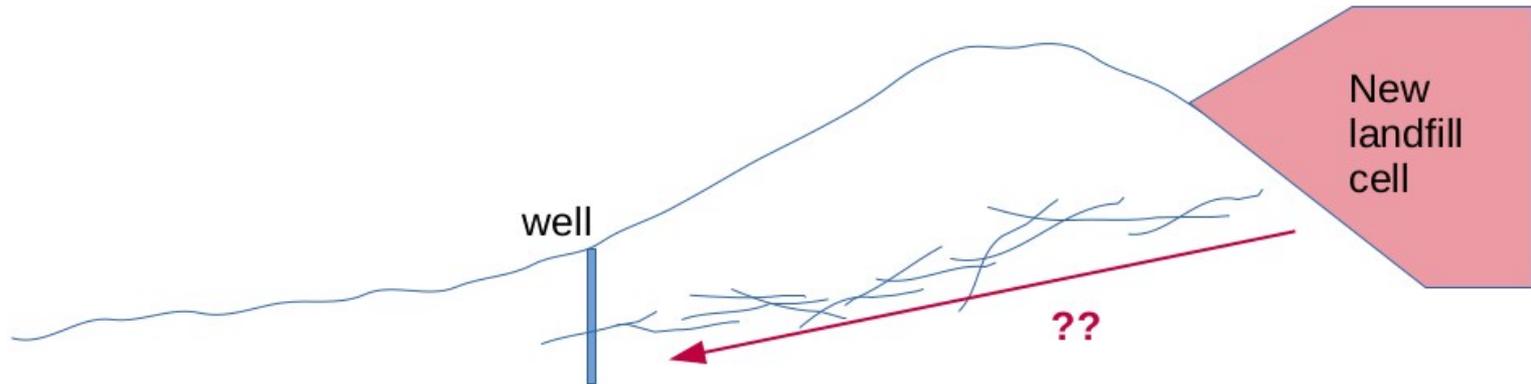
EXHIBIT E



November 2, 2021

• Corvallis, Oregon

Should we worry about our water wells?



Republic doesn't like to admit that landfills can leak despite the best "liner systems"

Republic's geologist acknowledges that groundwater flow in fractured bedrock is **hard to predict**.

No real data from Tampico Ridge.

No demonstrated understanding of **high arsenic levels**.

Applicant's consultants confuse the fundamental concepts of **topographic** divide vs. **groundwater** divide.

Republic's landfills do sometimes **leak** And they might not report it for months.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN FRANCISCO BAY REGION

In the matter of:)

REPUBLIC SERVICES, INC.)
AND)
WEST CONTRA COSTA)
SANITARY LANDFILL, INC.)

SETTLEMENT AGREEMENT AND
STIPULATION FOR ENTRY OF
ADMINISTRATIVE CIVIL LIABILITY
ORDER

VIOLATION 3

Republic and WCCSL allegedly violated Water Code section 13267(b)(1) by failing to report seepage from the disposal area immediately after it was discovered (sometime in March 2017) and file a written report with information on the seepage within five days thereafter, as required by WDR Permit Attachment A, Part A, section F, *Reports to be Filed with the Board*. Seepage occurred near the bottom of the south-facing Landfill slope and is visible in Google Earth historical images as early as April 1, 2015. Republic and WCCSL discovered the landfill seepage as early as March 2017, as indicated in *Information Regarding Area B Runoff Pond, Slope Inclination, Construction and Demolition Slope Maintenance Project Information, and Seepage Monitoring Data – West Contra Costa County Sanitary Landfill*, submitted to the Regional Water Board on August 27, 2017. Therefore, a seepage report should have been submitted no later than five days after the end of March (April 5, 2017). Because Republic and WCCSL did not submit a report until August 27, 2017, there were at least 145 days of violation.

IT IS SO STIPULATED.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION, PROSECUTION TEAM

Date: March 26, 2021

By: Lisa Horowitz McCann
Lisa Horowitz McCann
Assistant Executive Officer
Digitally signed by Lisa Horowitz McCann
Date: 2021.03.26 06:20:45 -0700

Republic Services, Inc.

Date: 03/30/21

By: John B. Nickerson
John Nickerson
Vice President, Operations Services
Associate General Counsel

Does Oregon DEQ have the capacity to keep them honest?

Just checking in to see where you/DEQ is with review of the workplan. At the moment, we are tentatively scheduled for starting the test pits on August 16 for several days and then the borings will begin after Labor Day.

Hope you're doing well.

Hi Eric,

DEQ agrees with and approves this work plan for site characterization.

I'm out the rest of this week, but let me know when you get the field work scheduled and I will try and get out there.

Eric



“Chasing the Plume”

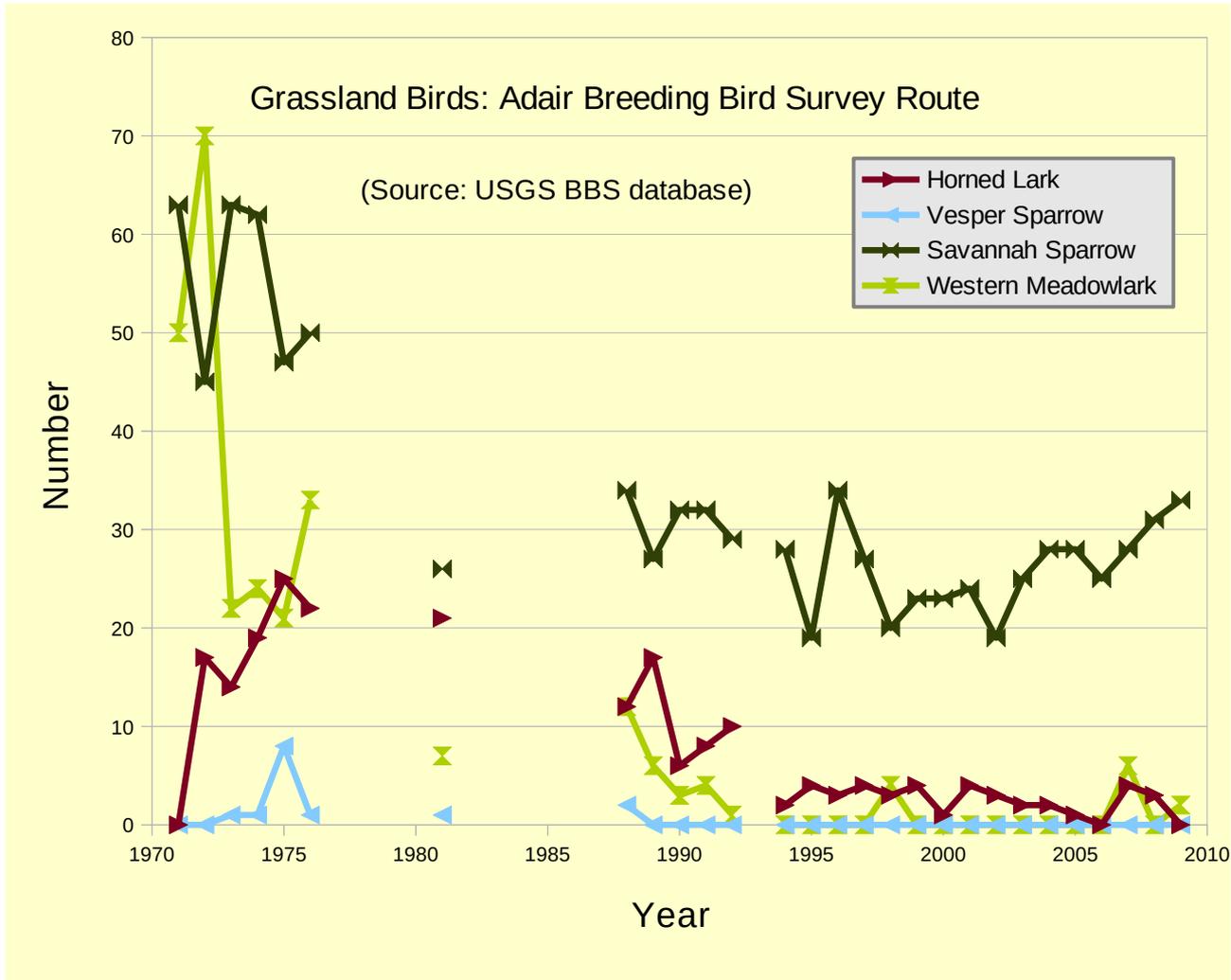
This will affect traffic and public safety all the way to Corvallis



This will impact heron rookeries



By concentrating crows and ravens, it might affect other birds including endangered species



**This will permanently affect
the character of our area
and interfere with our use of our property**

Please reject this CUP application.

View of Coffin Butte Before the Landfill

Rohner family on their farm in 1930s (photo from monograph by Bob Zyach, 1990)



File Number LU-24-047

Comments on the Application by Republic Services for a Conditional Use Permit to Expand Coffin Butte Landfill

Debbie and Norm Johnson
28831 Tampico Road
Corvallis, OR 97330

We previously provided comments during the first iteration of this application and after looking at documents associated with the revised application, we would like to include these additional points.

- 1) **Republic Services has not done basic background survey and planning to ensure that their application is consistent with the state and federal laws and regulations designed to protect public values on private lands.**

Specifically, they have not:

- a. completed an archeological survey to evaluate whether there are historic or pre-contact sites within the development area that documents both the survey findings and development area context;
- b. surveyed the two known great blue heron rookery locations (Figure 1) to understand their status. Heron rookeries are protected under the Oregon Forest Practices Act (which **does apply** to the development area – we checked), the Migratory Bird Treaty Act, and Statewide Land Use Planning Goal 5; or
- c. surveyed for threatened, endangered, and special status species.

Granting a “Preliminary Conditional Use Approval”, as has been recommended by the Benton County Community Development Department, treats these valued public resources as insignificant hindrances that can be mitigated away should they turn up at some point in the process. It should be noted that heron rookeries, endangered plant and animal habitat, and archeological sites cannot be removed and placed elsewhere unlike the “mitigated” wetlands previously installed on Coffin Butte Landfill property. Their presence could preclude or greatly modify the application.

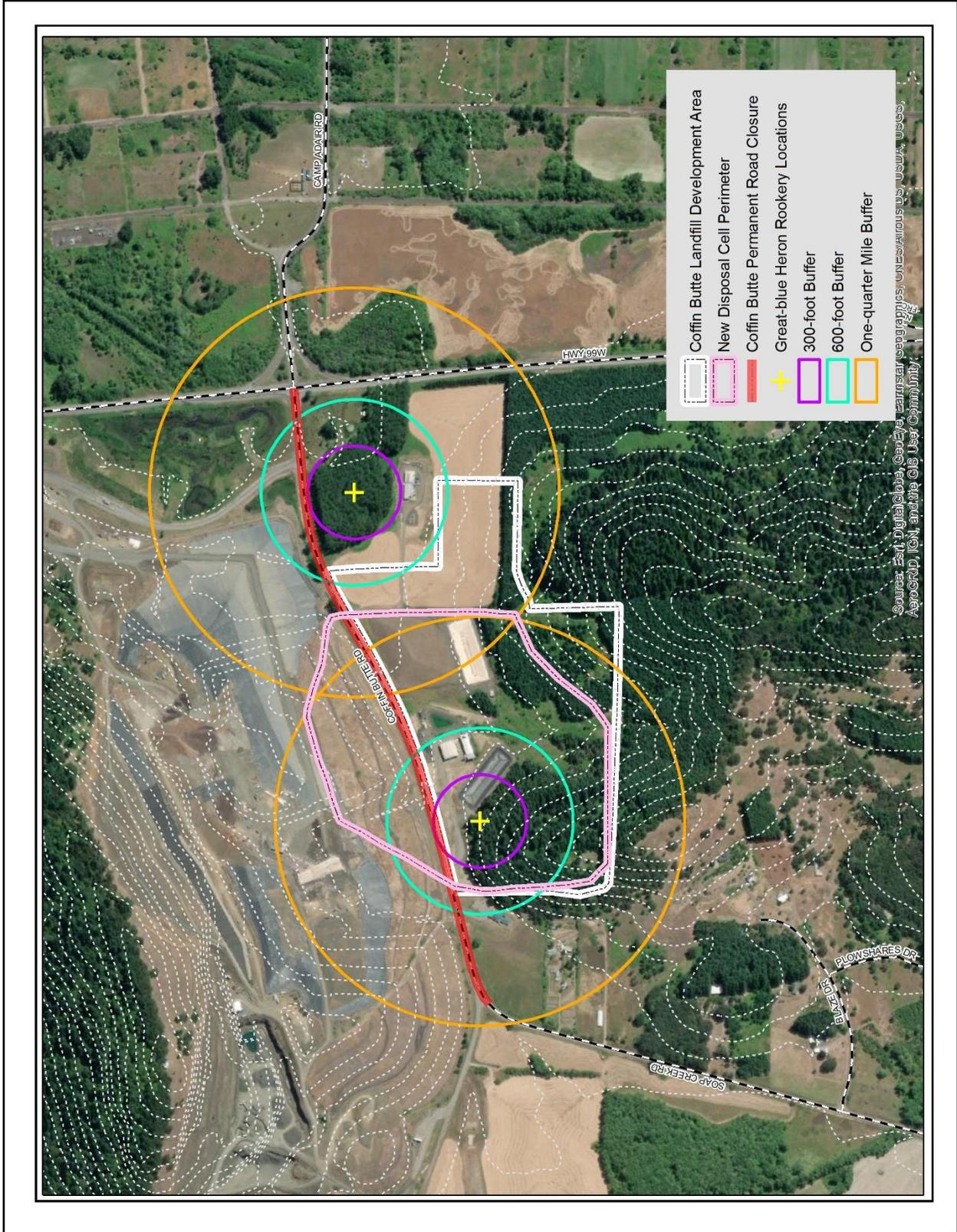


Figure 1. Known great blue heron rookery locations. Buffer sizes relate to noise and nest site disturbance restrictions in applicable heron rookery guidelines.

2) The expansion project will alter the character of the area.

Replacing a rural, public road and a maturing forest with a disposal cell that varies from 210 to 270 feet tall and encompasses 64-acres will change the character of the area (Figure 2a and 2b).

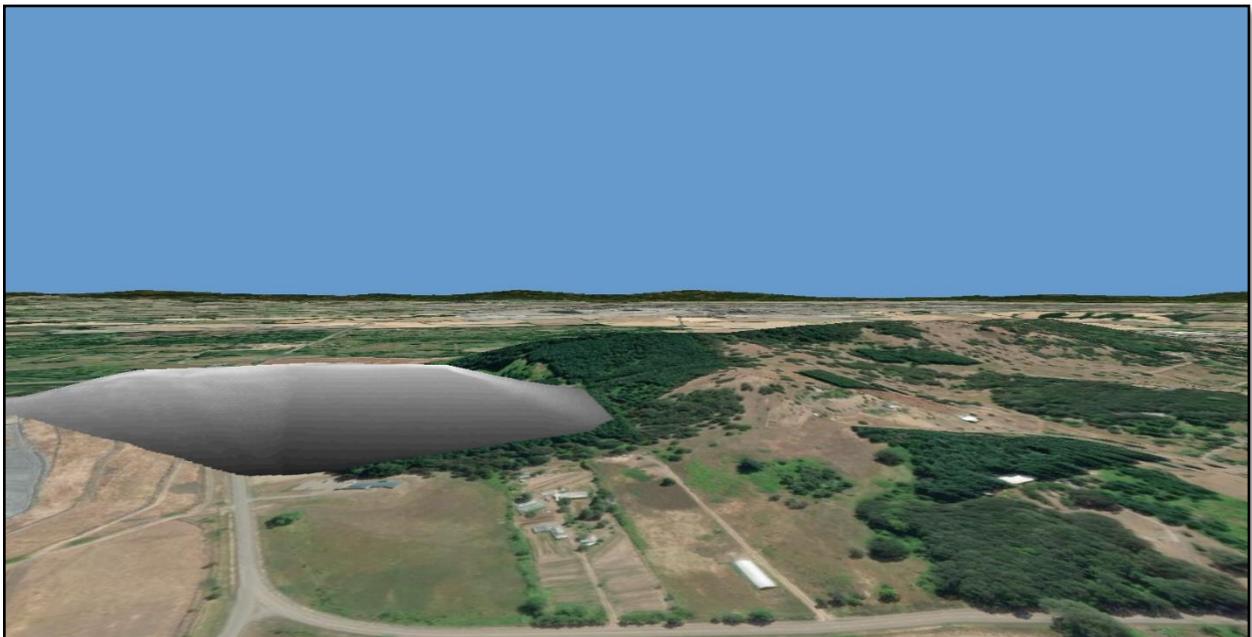


Figure 2. Current view (looking east from Soap Creek Road) of the proposed landfill expansion area (top), and the new disposal cell, based on applicant's Figure 7d, Grading Plan (bottom).

3) Closing Coffin Butte Road will alter the current transportation system in a way that damages the character of the area and reroutes log, rock, and industrial fertilizer trucks into a residential area.

Republic Services has said that they have listened to public objections about proposed changes to Tampico Road and have responded by substituting an alternative route for heavy truck traffic and emergency use (via Wiles and Robison Roads), and in their public meeting about the landfill expansion they said in no uncertain terms that Tampico Road will not be altered. Yet the County has indicated that Tampico Road “will still need to be improved to support freight traffic and increased traffic from vehicles no longer able to use Coffin Butte Road” (Benton County Community Development Department Staff Report LU-21-047). The “freight” traffic, such as log, rock, and fertilizer trucks, currently use Coffin Butte Road to access Highway 99W and are restricted from using the portion of Tampico Road southeast of Soap Creek Road where many people live.

Conversations about modifications to Tampico Road should include the residents who will be impacted and the State Historic Preservation Office (since a portion of Tampico Road was recorded as an archeological site associated with the town of Tampico) – not just county road engineers and industrial “freight” users. These conversations need to occur before a decision is made to close the publicly constructed and maintained Coffin Butte Road because that decision greatly impacts not only the surrounding transportation system, but the local Tampico community.

Closing Coffin Butte Road will apparently result in the modification of Tampico Road and with it the potential for removing or damaging historical trees and sites, moving the road closer to homes, and sending large, loaded trucks into a residential community. This action will clearly alter the character of the area and impact the safety of residents; therefore, the Conditional Use Permit should be rejected.

In closing, we would like to urge the Planning Commission to take the concerns of Benton County residents more seriously than some members of the Solid Waste Advisory Council (SWAC) whose chair referred to their public comment session as a “perfect opportunity for them to talk until they were talked out.” The “them” are the people SWAC serves—Benton County community members. Public comments should always be treated with respect and some level of interest even if it is not entirely clear how they fit into the scope of review.

Debbie and Norm Johnson
November 2, 2021

MEETING MINUTES
Benton County Planning Commission
November 16, 2021
(Continuation of public hearing for LU-21-047)

A regular Meeting of the Benton County Planning Commission began at 7:00 p.m. The meeting took place virtually via GoTo Webinar, with Chair Ken Kenaston presiding. Members of the public were invited to attend.

The meeting was called to order at 7:07 pm

COMMISSION MEMBERS:

Present

John McEvoy
Ken Kenaston, Chair
Nicholas Fowler, Vice Chair
Evelyn Lee
Sean Scorvo
Jennifer Gervais
Christina White

STAFF:

Present

Greg Verret, Community Development Director
Inga Williams, Staff Planner
Gordon Kurtz, County Engineer
Linda Ray, Recorder

Ex parte Contact:

None

PUBLIC HEARING: FILE NUMBER: LU-21-047. NATURE OF REQUEST: Conditional Use Permit for the Coffin Butte Landfill to place a new disposal cell south of Coffin Butte Road, to relocate the leachate ponds south of Coffin Butte Road, and to vacate (close to the public) Coffin Butte Road and relocate the roadway around the area of the new disposal cell. PROPERTY LOCATION: North and south of Coffin Butte Road, T10S, R4W, Section 18, Tax Lots 1107, 1200, 1101, 1104, 1108, 801. APPLICABLE CODE CRITERIA: Benton County Code (BCC) Section 51.505, Sections 51.705 through 51.840, Sections 53.205 through 53.235, Section 60.215, Section 60.220, Chapter 77, Chapter 99.

CONTINUATION OF ORAL TESTIMONIES

- Jeff Morrel, 38464 Hwy 99W, has lived in the area for the past 33 years. His biggest concern with this application is ground water contamination and issues with the proposed closure of Coffin Butte Road. Mr. Morrel is in opposition of the application.
- Marge Popp, 1436 SW Birdy Drive, expressed concern about the waste being shipped to Coffin Butte from other counties. She would also like to see more active members engaged in negotiations on the Solid Waste Advisory Council. Ms. Popp is in opposition of the application.

- Grant Carlin, 38581 Soap Creek Road, stated his concerns about compliance when it comes to noise emissions and ground water issues if the application is approved and landfill is expanded. He believes the expansion will impact the neighborhood and is in opposition of the application.
- Mardi Bisland, 37645 Govier Place, stated concern about the methane gases emitted by the landfill and potential for more dangers in the Soap Creek Valley if the application is approved and the landfill expands. He referenced the county's Comprehensive Plan and noted that this proposal is not in accordance with that plan when it comes to natural hazards or closure of roads.
- Jeffrey Kleinman, 1207 SW 6th Avenue, Portland, is an attorney representing landfill neighbors. Mr. Kleinman submitted **Exhibit G** which is a memorandum addressing the safety and concerns for environmental quality of property owners affected by the landfill. He stated that the CUP violates the county's Comprehensive Plan and Transportation Plan. Mr. Kleinman also stated concerns about the potential closure of Coffin Butte Road. Mr. Kleinman pointed out a letter submitted to the Planning Commission from the Adair Rural Fire/Rescue in opposition of the application and asked the Commissioners to deny the application for the CUP.
- Mark Yeager, 37269 Helm Drive. Mr. Yeager has been a Soap Creek resident since 1987 and presented **Exhibit H**. His testimony addressed the Transportation Plan and concerns of traffic impacts should Coffin Butte Road be closed. Mr. Yeager also spoke to the lack of a leachate disposal plan. Mr. Yeager is in opposition of this application.
- Joseph Crocket, 37609 Soap Creek Road, stated his concern about public safety and the potential closing of Coffin Butte Road. He also suggested reducing intake while accelerating the excavation of the quarry as a simple solution with the least negative side-affects.
- Ken Eklund, 37340 Moss Creek Drive, spoke to issues surrounding the methane production by the landfill and landfill 2.0 regulations coming in the future. His presentation can be found in **Exhibit I**.
- Jim Fairchild, 31540 Homestead Road, Philomath, stated his concerns about the rock quarry and Republic Services' assurances that this area will be used on schedule.
- Catherine Stearns, 29140 Tampico Road, believes this application will degrade the character of the area. She believes the expansion will allow Republic Services to increase the waste intake and removes the cap on tonnage.
- Tyrone Belgarde, Knife River representative, stated the company's agreement in the expansion of the landfill. He is concerned that if it is not approved it will not allow Knife River sufficient time to process and mine the rock for consumer use. He stated that the life of the quarry is 8 to 10 years with the volumes that are available to process.

- Priya Thakkar, 38987 Arena Road, Ms. Thakkar owns “Raising Joy Flower Farm” on her property and is concerned the expansion will make further impacts on wildlife, the area’s bird population, to her farm and her livelihood. She shared the impacts of the odor, especially on foggy days. She also stated her concerns regarding the potential closure of Coffin Butte Road and the value that it holds especially during inclement weather as a safe route.
- Doug Pollock, 37293 Helm Drive, shared his concerns about the safety risks involved on Tampico road closing Coffin Butte Road and asked the Planning Commission to deny the application. His presentation can be found in *Exhibit J*
- Adam Hyla Holdorf, 2434 SW Holden Street, Apt A, Seattle, WA, visits family that have property near the landfill. He grew up on Soap Creek Road and shared his concern about traffic increase if Coffin Butte Road is closed. He requested the Planning Commission reject the application.
- Debra Higbee-Sudyka, 4750 SW Nash Avenue, urged the Planning Commission to reject the application. She shared several reasons, including climate change (addressing last summer’s heat dome experienced in Benton County) and an urgent need for source reduction, reuse and resource recovery. She stated that as stipulated in BCC chapter 23, the county should be devoting a percentage of its solid waste fees to these activities. She feels the solution is not expanding or creating more landfill space but addressing the root of the problem, waste management. She emphasized the need for more solutions rather than more landfills and asked the Planning Commission to reject the application.
- Mike Houglum, 37681 Govier Place (just off Soap Creek) shared the importance of having a safe evacuation route and the closure of Coffin Butte would make a significant impact on the area. He also shared concerns about the odor from the landfill and increase should it be expanded.
- Lyla Houglum, 37681 Govier Place, stated that the proposed expansion interferes with adjacent properties by increasing dust, light, noise, odor, traffic patterns and safety in addition to resident’s health. She sees other options to eliminate the need for an expansion and increase the life of the landfill; decrease intake from other counties and encourage more recycling. She also expressed concerns for the suggestion to use Tampico Road and high volume of large trucks that will frequent that route causing increased safety risks.
- Carrie Norris, 38966 Arena Road, expressed concerns about the safety of Tampico Road and disagrees with the proposal to close Coffin Butte Road. She asked the Planning Commission to deny the proposal since there are numerous issues that cause an impact and interfere with the character of the area.

APPLICANT'S REBUTTAL

Jeffrey Condit, attorney with Miller Nash LLP, 1111 SW 5th Street, Portland, presented on behalf of the applicant during the rebuttal. His responses are as follows:

- The criteria regarding “seriously interfering” and causing an “undue burden” should be considered in relation to the proposed expansion, and not in relation to the existing use at Coffin Butte landfill.
- Request to remove Condition #7 for the following reasons:
 - Implementing the northern route will provide a safe evacuation route and from observing traffic analysis, the northern route will not be an issue.
 - Tampico Road traffic levels do not merit improvements.
- The applicant will be submitting a noise study analysis on November 19th and will address comments to that prior to the deliberations.
- An extensive analysis was done by Tuppan Consultants on September 29th that concludes that groundwater will not be a concern with the potential expansion. Tuppan Consultants have been working on the groundwater flow in the Coffin Butte area for 20 years and the applicant believes the report deserves weight. The liner system on the bottom of the landfill (that removes leachate from migrating to the groundwater flow) is highly regulated. If those regulations get tougher, the applicant will comply. The groundwater quality and flow will be monitored by new wells in addition to existing wells. Groundwater flow will not increase with the potential expansion.

Planning Commissioners asked questions of participants and received the following responses:

- Hydrogen sulfate is a regulated substance from the landfill
- A request was made by Commissioner Fowler for answers to the following questions provided in the written statement by the applicant prior to deliberations:
 - Does the CUP require converting some of the land in the Forest Conservation zone into the Solid Waste Disposal Site zone and does that require DEQ approval. The attorneys for the neighborhood association referred to this process as “putting the cart before the horse.”
 - The Planning Commission does not have jurisdiction to approve or deny the closing of Coffin Butte Road. The current application assumes the road will be vacated. Commissioner Fowler would like the applicant to address the procedures of this topic in their final written argument.
- The calculation by Republic Services for the “12 to14-year life expectancy” was based on data projecting that the landfill will receive 750,000 to 800,000 tons of waste per year. The current cap is set at 1.1 million tons per year. The applicant will provide more information in their written submittal regarding the cap and conditions surrounding that topic.

- Republic Services provides a report to DEQ and Benton County each year that includes any complaints regarding groundwater, odor or noise. To date, no violations have been cited.
- The applicant will provide information regarding escaping methane from the landfill in their written submittal. Currently the gas power plant is collecting 3000 cubic feet per minute. Projections for that increase with the potential landfill expansion is not completed until the final designs are approved by DEQ. At this time the applicant can only provide rough estimates based on EPA models. The methane collected at the power plant is converted into carbon dioxide.
- The decision to vacate Coffin Butte Road would be decided by the BOC if the CUP is approved. That decision would first involve an opportunity for input through a public hearing.
- If the CUP is approved, and the right-of-way for Coffin Butte Road is vacated, the vacated land will have the zoning of the abutting land.
- Regarding requiring the applicant to establish a surety bond for potential negative consequences, this would be difficult to establish as a condition of approval because of the uncertainty about what the negative effects would be and what the cost to mitigate them would be. More generally, Republic Services was required in their agreement with Benton County to set aside \$5 million in an environmental trust fund. The balance is now close to double that amount.
- The current application covers both zones: Forest Conservation and Landfill Site. There is no need for further CUP applications.
- Staff believes that expecting truck traffic to use the northerly route is unreasonable. As a result of closing Coffin Butte Road, truck traffic would be directed through the Tampico corridor which would create hazards. Benton County Public Works has emphasized the need to widen Tampico road and increase the size of the lanes to provide safe route to serve the public (pedestrians, bicycles) and others trying to access resource lands. Peak traffic analysis (spring, summer, fall) have not yet been performed. Staff stated that the applicant's arguments to not make improvements to Tampico Road need to be updated and assess the impacts of the closure of Coffin Butte Road.
- The applicant will address the timing of lifting the tonnage cap (if the application is approved) in their written submittal.
- Republic Services confirmed that no waste from the Portland Metro area will be coming to the landfill.
- Having no tonnage Cap at the landfill allows for unexpected situations such as wildfire debris that Coffin Butte accepted after the 2020 wildfires. Having a Cap at the landfill can hinder Coffin Butte's ability to meet such needs.
- Benton County Public Works does not have a position regarding the letter of opposition from Adair Fire/Rescue to the closure of Coffin Butte Road.

Commissioner Gervais made a **MOTION** for a **continuance** of the hearing to deliberations on December 7th. Seconded by Commissioner White, the **MOTION passed 6-0**.

APPROVAL OF MINUTES

Commissioner Fowler made a **MOTION** to **approve** the July 20, 2021 minutes. Seconded by Commissioner Scorvo, the **MOTION passed 5-0, 1 abstained**. Commissioner Gervais was not in attendance at the meeting and abstained from voting on the minutes.

Commissioner Fowler made a **MOTION** to **approve** the August 3, 2021 minutes. Seconded by Commissioner McEvoy, the **MOTION passed 4-0, 2 abstained**. Commissioner Gervais and Commissioner White were not in attendance and abstained from voting on the minutes.

In closing, Commissioner Gervais addressed the Commission, applicant, county staff and public stating that interruptive behavior during a public hearing should not be tolerated. When she was a member of the Corvallis Planning Commission, if a participant was disruptive, they were dismissed from the meeting.

Commissioner Gervais also addressed county staff and expressed gratitude for their efforts and management of the meeting materials during this public hearing.

The meeting was adjourned at 10:29 pm.

JEFFREY L. KLEINMAN
ATTORNEY AT LAW
THE AMBASSADOR
1207 S.W. SIXTH AVENUE
PORTLAND, OREGON 97204

TELEPHONE (503) 248-0808
FAX (503) 228-4529
EMAIL KleinmanJL@aol.com

November 16, 2021

**SUPPLEMENTAL MEMORANDUM OF VALLEY NEIGHBORS
FOR ENVIRONMENTAL QUALITY AND SAFETY**

TO: Benton County Planning Commission
FROM: Jeffrey L. Kleinman
RE: File No. LU-21-047 (Republic Services/Valley Landfills Inc.)

I represent Valley Neighbors for Environmental Quality and Safety (“Valley Neighbors”) in this proceeding. I previously filed a memorandum with you on November 2, 2021. I am submitting this brief supplement to address one additional point in advance of my oral testimony tonight.

One issue which appears to have been overlooked throughout the review of this conditional use application arises from the fact the a portion of the proposed use is located within the county’s Forest Conservation (FC) Zoning District, which has its own set of conditional use approval criteria.

BCDC 60.215(11) identifies the following as a conditional use in the FC Zone “subject to review by the Planning Commission:”

(11) Disposal site for solid waste approved by the Benton County Board of Commissioners and the Oregon Department of Environmental Quality together with equipment, facilities, or buildings necessary for its operation.

DEQ has not approved the area in the FC Zone or the other areas covered by this application as a “disposal site for solid waste.” The board of commissioners has not approved the area within in the FC Zone as a part or element of a disposal site for solid waste. Thus, approving this application now would place the cart before the horse, and is impermissible.

The approval criteria for this conditional use in the FC Zone are set out in BCDC 60.220(1):

(1) A use allowed under BCC 60.205 or 60.215 may be approved only upon findings that the use:

(a) Will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

(b) Will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

(c) Complies with criteria set forth in BCC 53.215 and 53.220.

The first two criteria above are different from and in addition to those set out in BCDC 53.215, which are applicable to the portions of this application within *and* outside the FC Zone. The record shows and will continue to show that the applicant has not met its burden of proving compliance with BCDC 60.220(1)(a) or (b). There is unrefuted evidence that the closure of Coffin Butte Road will significantly change and significantly increase the cost of accepted farming and forest practices on agriculture and forest lands, especially by eliminating the accepted, most direct, least expensive route to markets. Moreover, the forest use of the subject area will be greatly reduced if not lost entirely. The road closure's creation of a significant increase in fire hazard and significant increase in fire suppression costs, as well as a significant increase in the risks to fire suppression personnel, have been addressed by fact witnesses.

CONCLUSION

For all the reasons set out above and on the record before you, the applicant has simply not met its burden of proof herein. This application must be denied.

Respectfully submitted,

Jeffrey L. Kleinman

Jeffrey L. Kleinman

Introduction

EXHIBIT H

- Mark Yeager, Civil and Environmental Engineer
- BC Resident 1981, Soap Creek 1987
- Extensive written comments
- Issues complex, permanent, life changing
- Highlight issues

Highlights

Coffin Butte Road Closure

Transportation Plan Goals and Objectives

Assessment of Traffic Impacts

Undue Burden Criteria

Transportation Plan Amendment Required

Leachate Disposal Plan

Expansion Not Needed

TSP Goals and Objectives

Safety, health, environment - well meaning words

Emergency access, particulate emissions

Coffin Butte Road closure violates all

Re-distribution of >70,000 trips per year

Greenhouse gas emissions - lip service

Traffic Impacts

Traffic counts mis-
represent true
conditions

Conflict with BC
counts, adopted
TSP

Cannot assess
impacts with
invalid information



Coffin Butte Road Closure – Undue Burden

More than
emergency
response and
evacuation

>70,000 trips
re-routed
annually

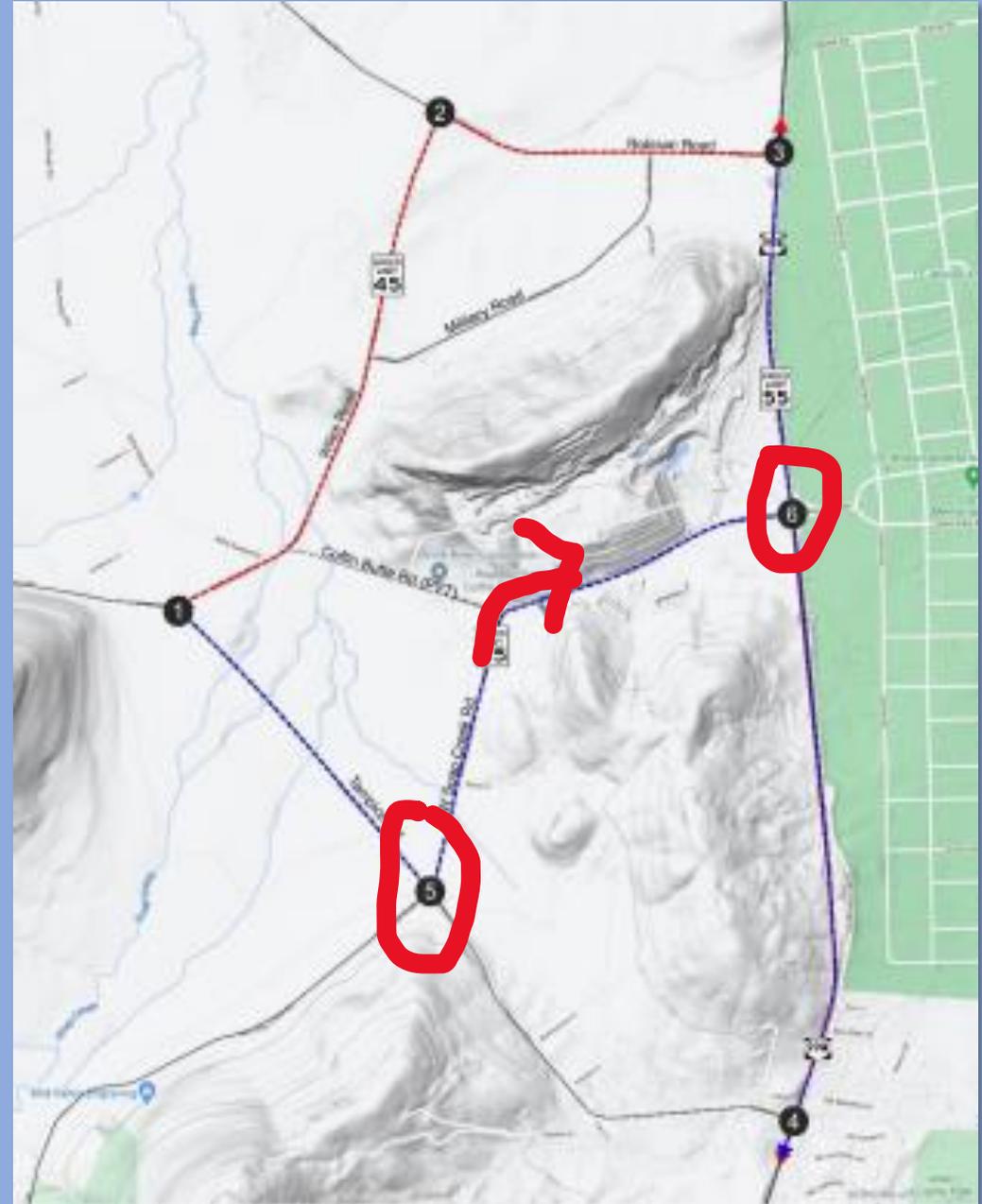
Tampico Road
eastbound heavily
impacted

Existing Route

Soap Creek – Coffin Butte Road

Northbound and/or Eastbound
1.53 miles

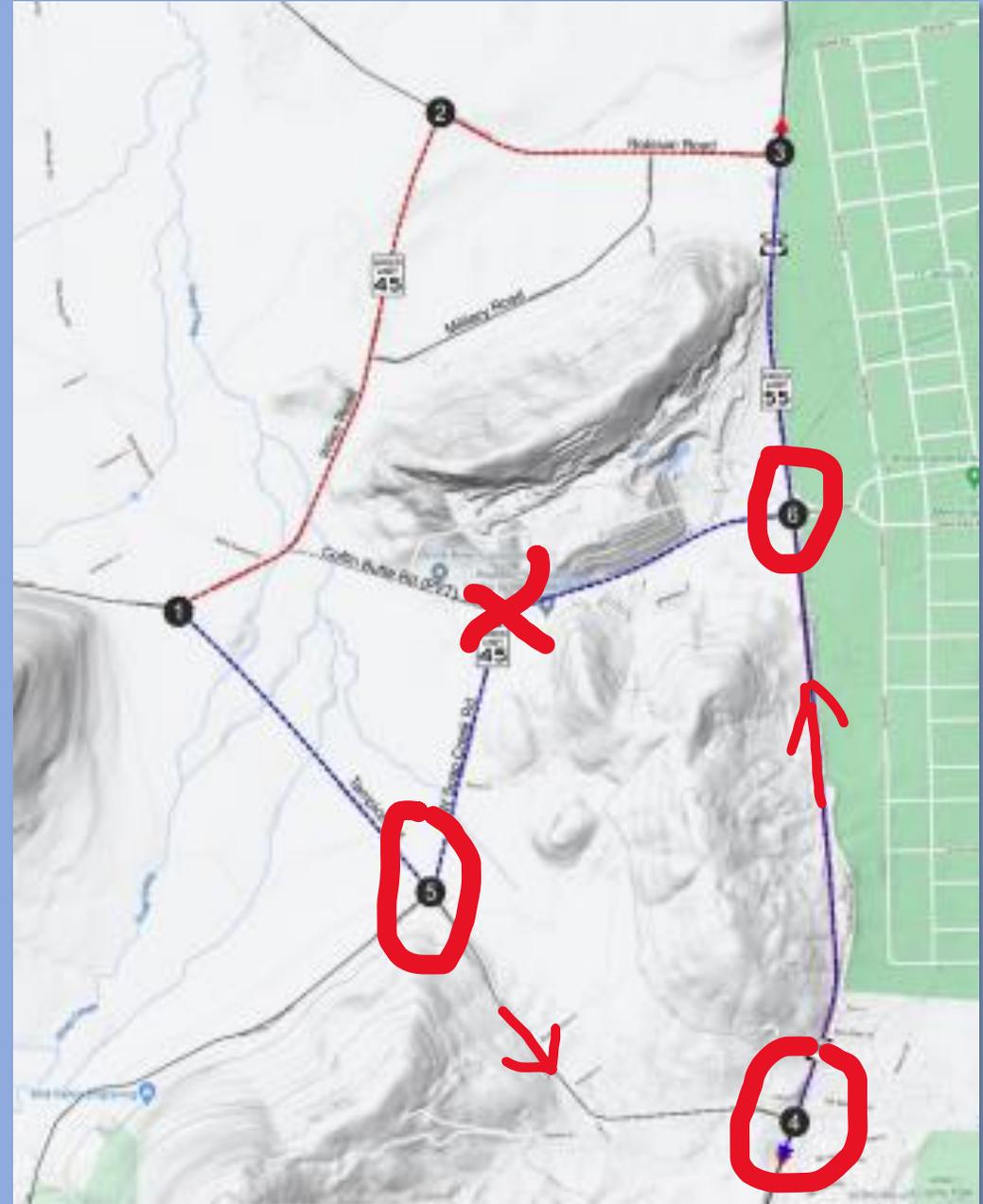
Only East/West Crossing
5 miles north or south



Coffin Butte Road Closed

Tampico Road – Hwy 99W

Northbound and/or Eastbound
3.15 miles



| Route | Direction | Distance (Each way) |
|----------------------------------------------------------------------|-------------------------------------|------------------------|
| Soap Creek – Coffin Butte Route (5 – 6 in map) | To/From North on Hwy 99W | 1.53 miles |
| Tampico – Hwy. 99 Route (5 – 4 – 6 in map) | | 3.15 miles |
| Tampico - Wiley – Robison Route (5 – 1 – 2 - 3 in map) | | 3.41 miles |

Daily
Extra
Distance
Traveled

~73,000 trips per year

1.6 to 1.9 miles extra each way

>200,000 miles extra traveled each year, forever

VMT Goals?

Greenhouse gas emissions?

Air quality impacts?

Criteria Check

Undue Burden

On public
improvements – YES

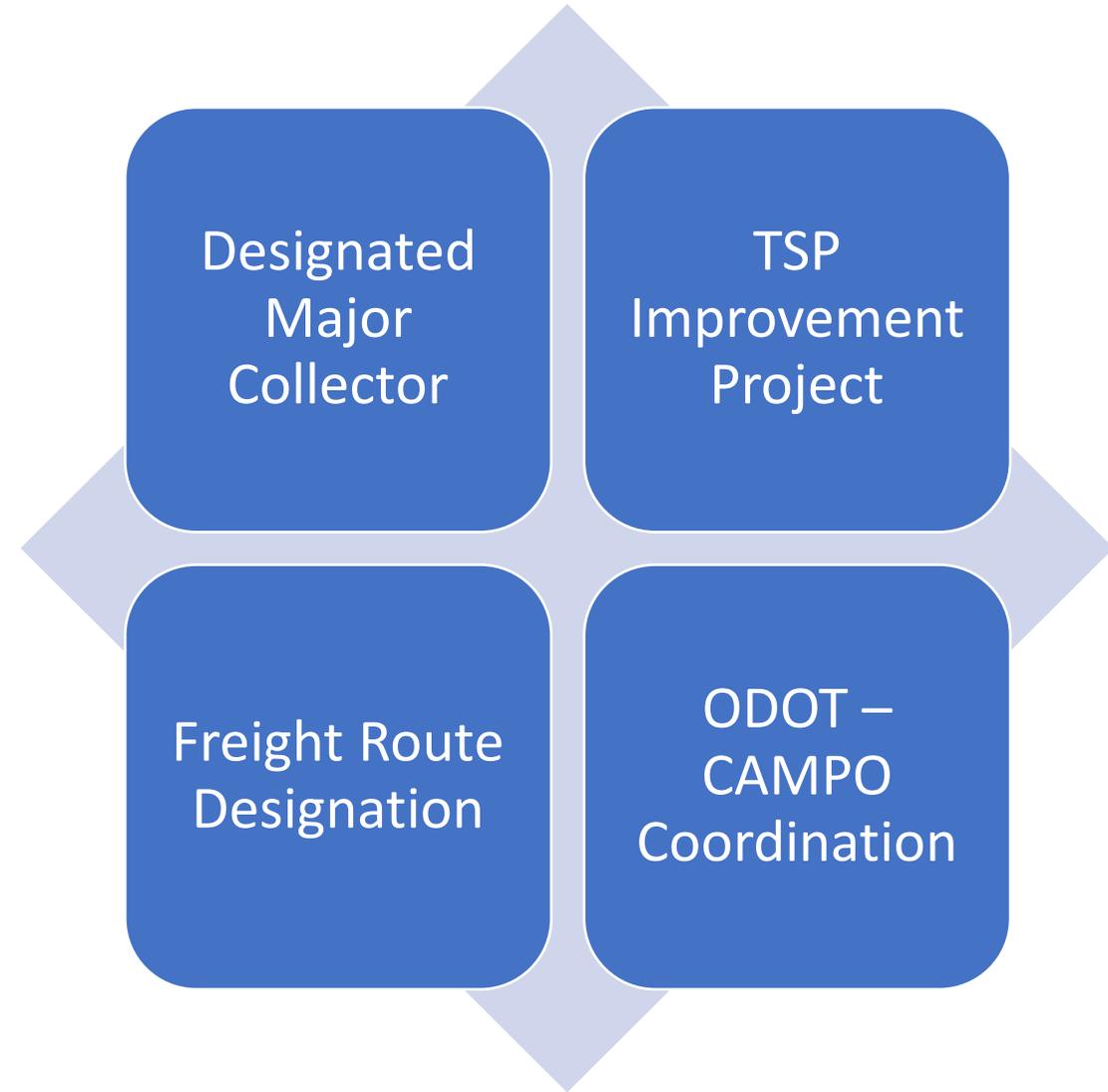
On services
available – YES



Application Must Be Denied

Coffin Butte Road Closure

TSP
Amendment
Required



Leachate Disposal Plan

Generates 25-30 MG per year

More landfill = more leachate

Heavy metals, high nutrients, PFAS

Municipal WWTPs – effluent limitations

Onsite treatment options failed

Leachate generation continues forever

No plan!

A large landfill site with a massive pile of garbage in the foreground and a field in the background. The garbage is piled high, with various items like plastic bags, cardboard boxes, and a wooden handle visible. In the background, there is a large, flat, brownish field, possibly a former agricultural field, and a line of trees under a clear sky.

Expansion Not Needed

- Properly managed decades of capacity remain
- Permanent closure of critical public asset
- Environmental legacy and liability BC citizens
- Expansion approval = tonnage cap removed!
- Impacts grow dramatically
- Closely examine future of waste management





EXHIBIT I

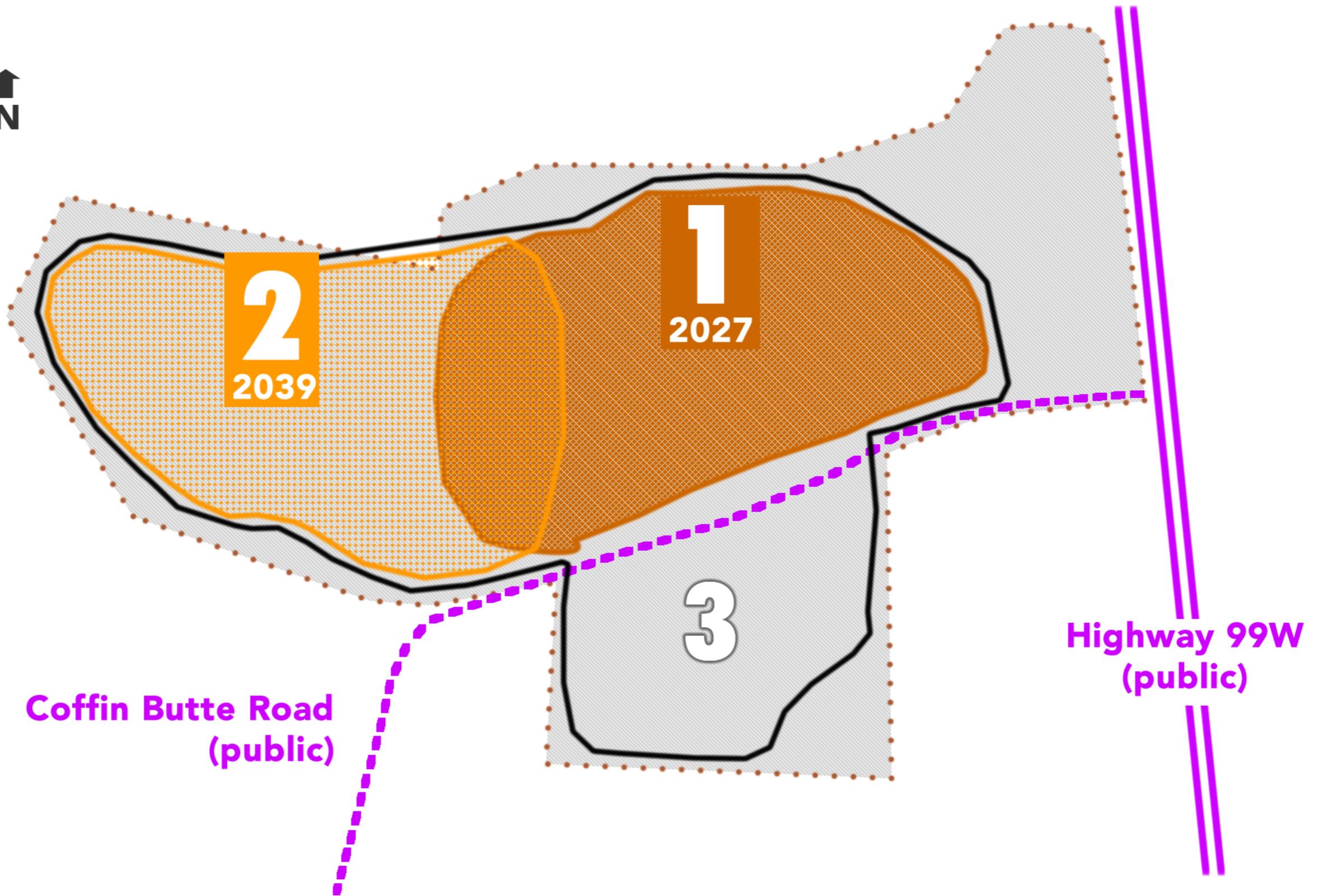
KEN EKLUND – FUTURIST
FUTUREEVERYTHING@WRITERGUY.COM

KEN EKLUND – FUTURIST
FUTUREEVERYTHING@WRITERGUY.COM

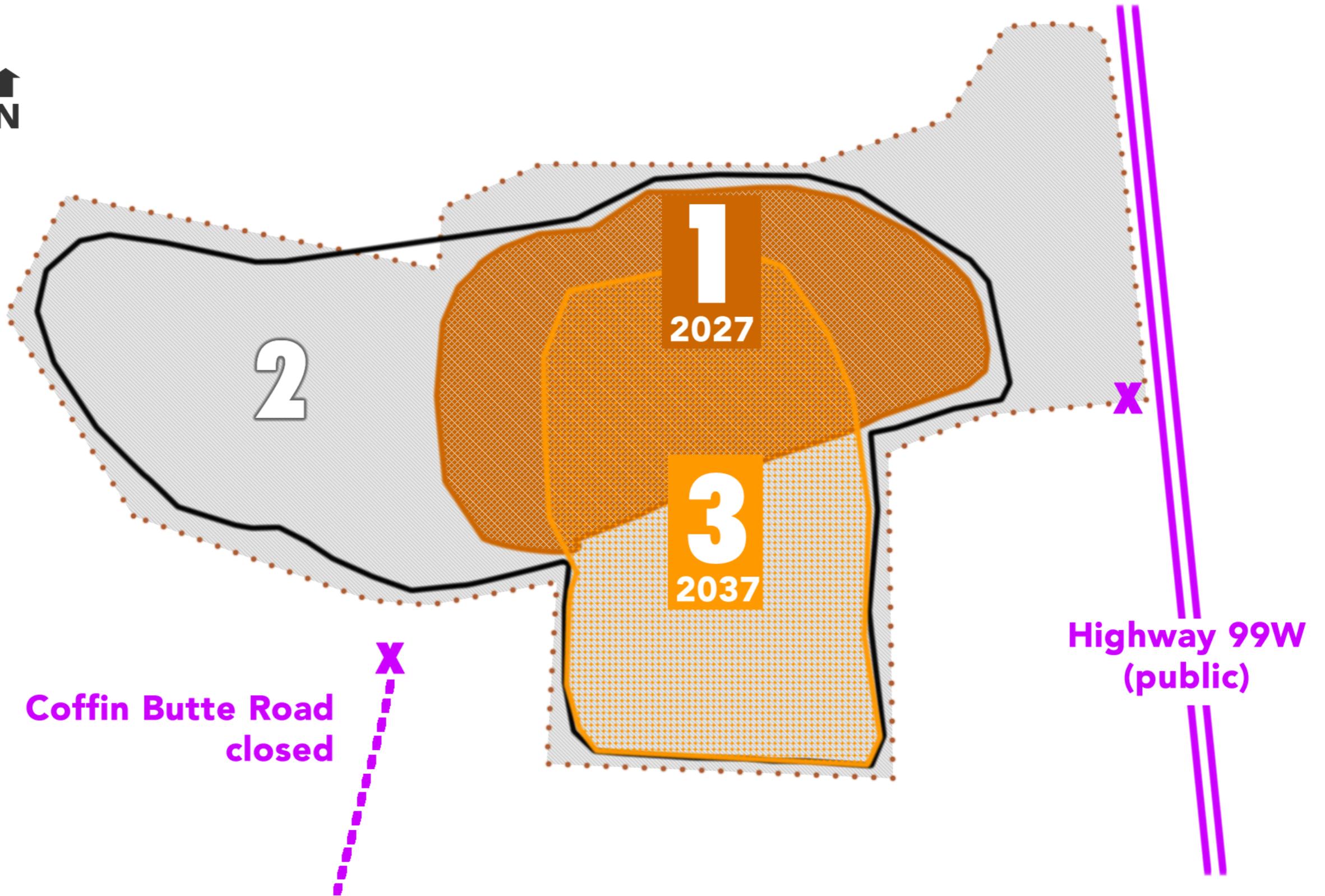
I HELP PEOPLE THINK
MORE CLEARLY
ABOUT THE FUTURE

A silhouette of a deer with large antlers stands on a road at night. The scene is illuminated by the headlights of a car approaching from the left, creating a bright glow and lens flare. The background is a dark, blue-tinted sky. The text is overlaid in the center of the image.

I HELP PEOPLE THINK
MORE CLEARLY
ABOUT THE FUTURE



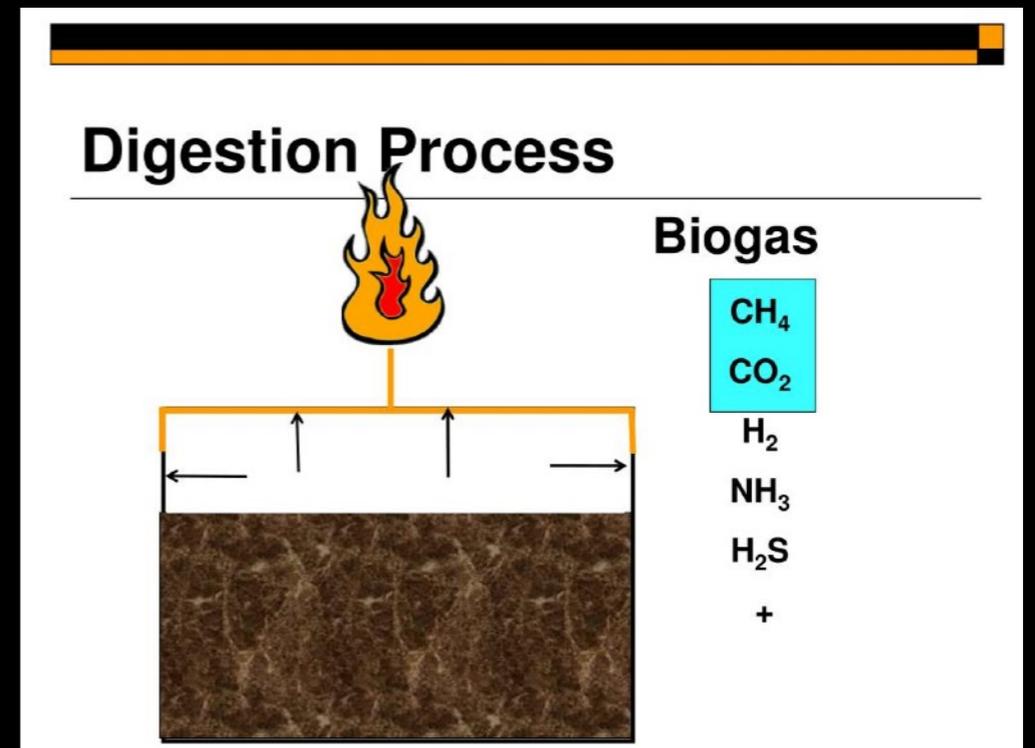
AS PLANNED: 1-2-3



REPUBLIC: 1-3-2

COFFIN
BUTTE
METHANE
FACTORY

LANDFILLS ARE METHANE FACTORIES, BY DESIGN



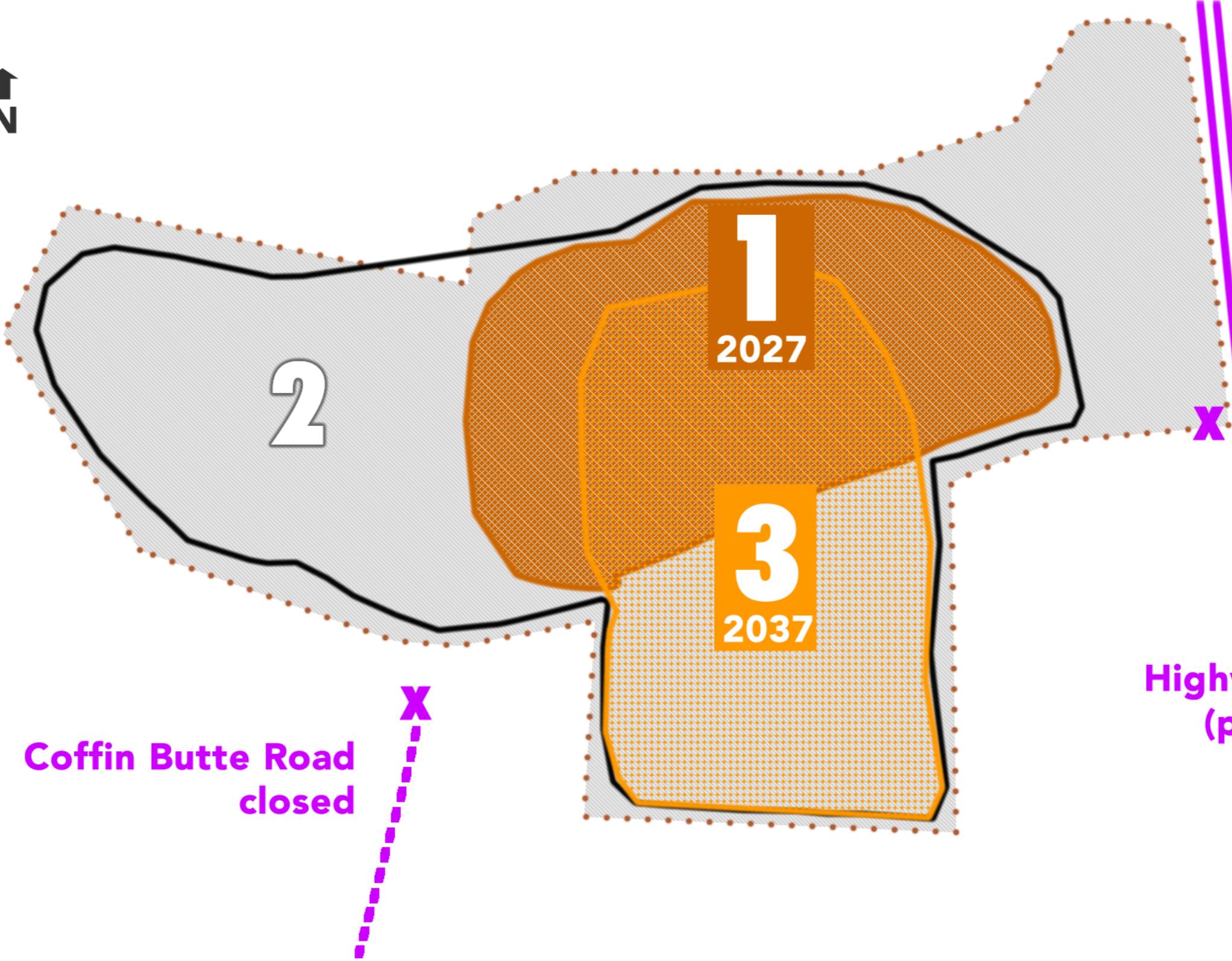
MOST METHANE
LEAKS OUT

METHANE IS
THE WORST



THE MISSING MEASUREMENT





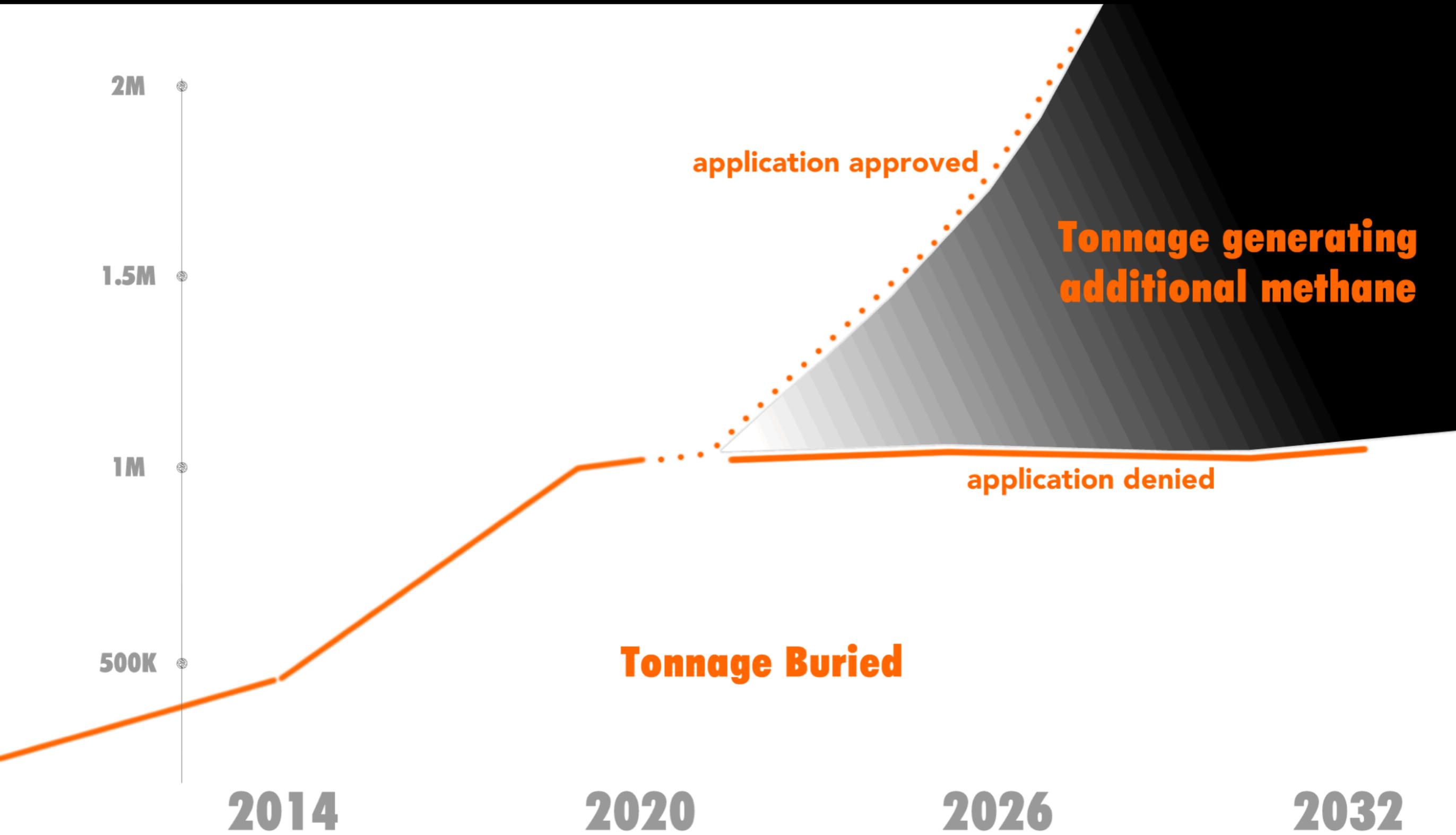
2

1
2027

3
2037

Coffin Butte Road
closed

Highway 99W
(public)



Tonnage Buried

application approved

application denied

Tonnage generating additional methane

AUSTRIA SWEDEN
UNITED KINGDOM DENMARK
IRELAND FRANCE
GERMANY SPAIN
POLAND SLOVAKIA
ITALY PORTUGAL
FINLAND



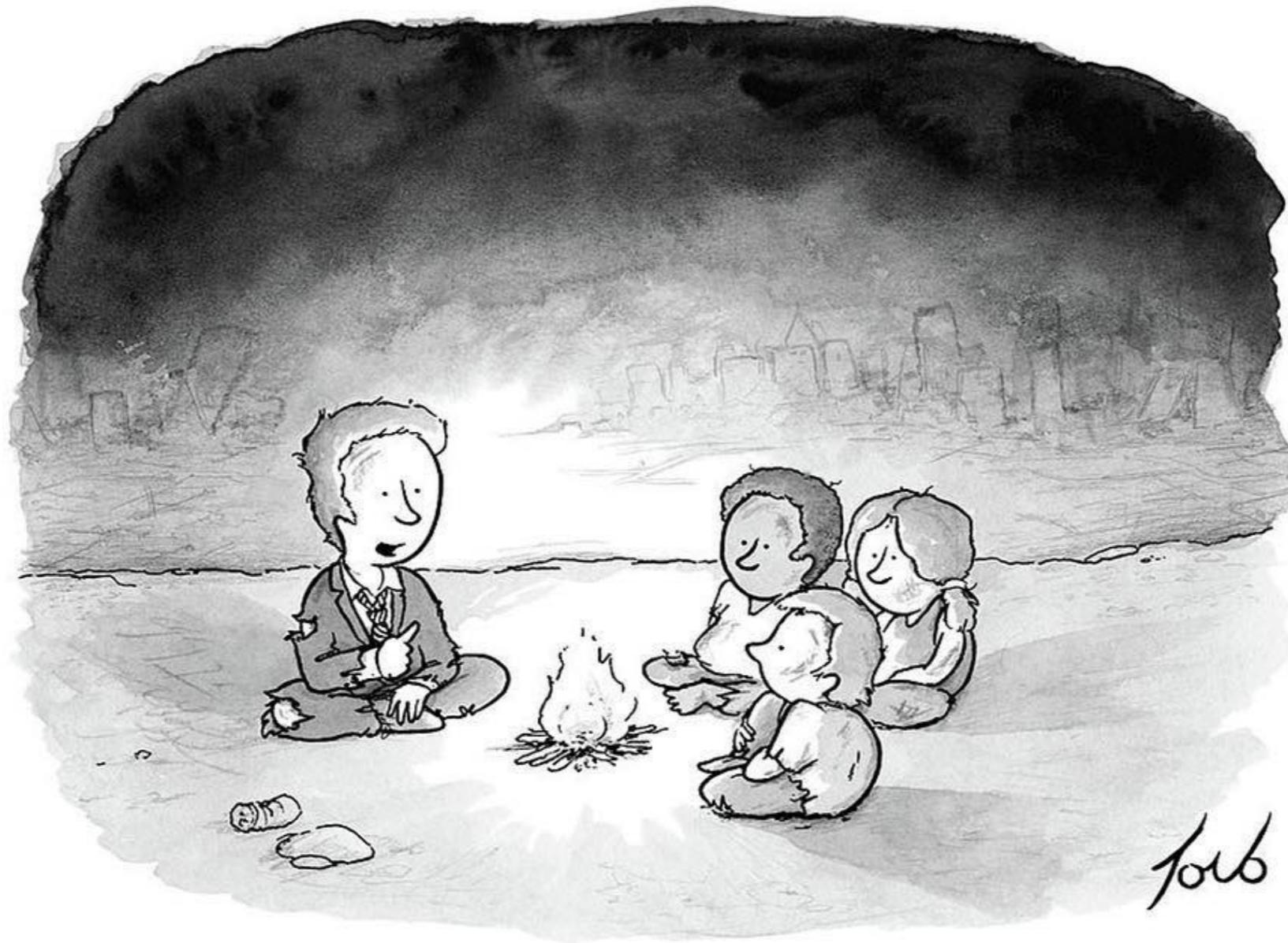
DOUBLE THE LANDFILL VOLUME

REMOVE YEARLY LIMITS ON LANDFILL

A black dog and a baby are sitting in a field of bluebonnets. The dog is on the right, looking forward with its tongue out. The baby is on the left, looking towards the camera. The field is filled with green stems and blue flowers. A white oval speech bubble is positioned above the baby, and another white oval speech bubble is positioned below the dog.

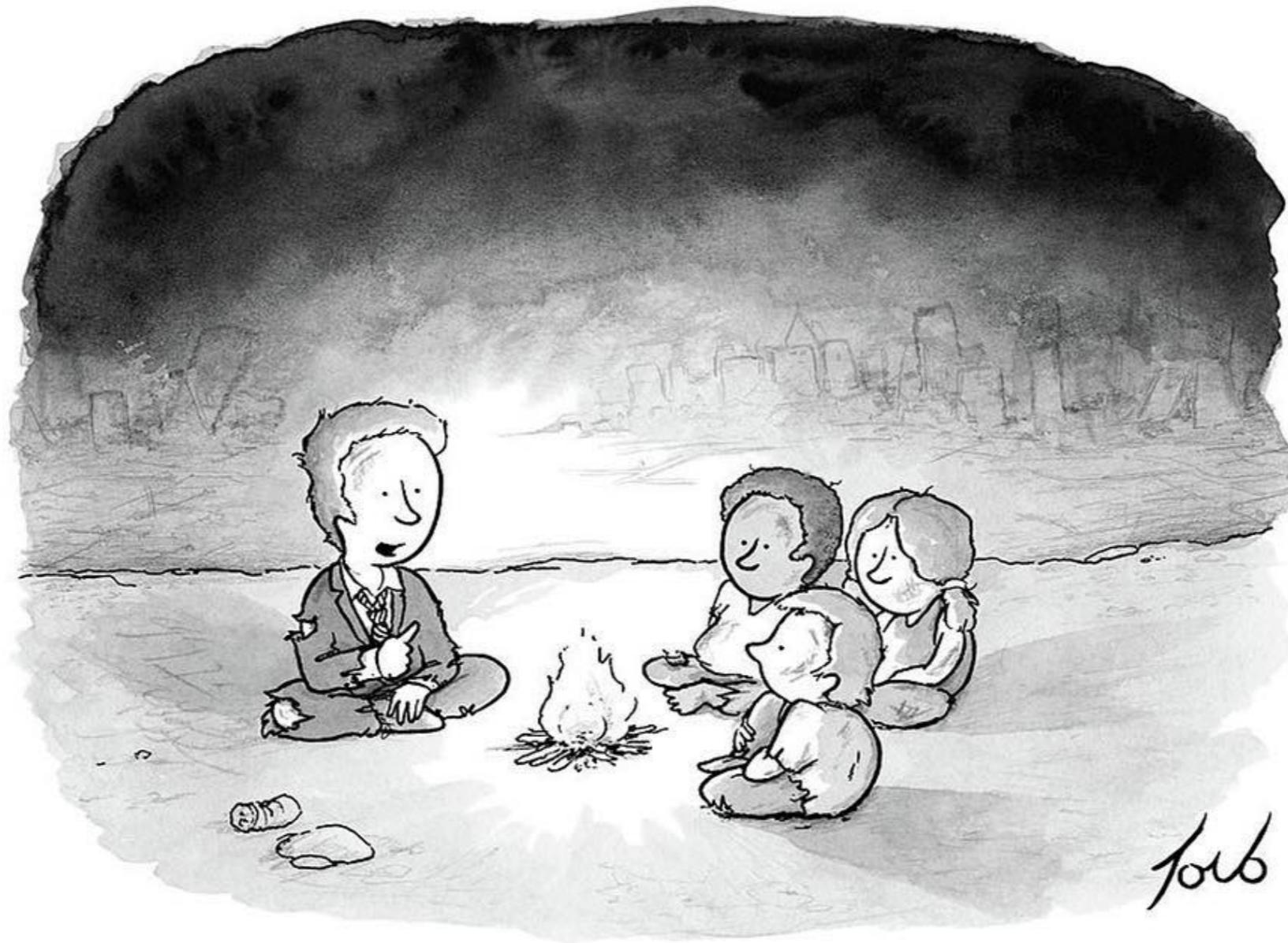
Twice the methane!

In half the time!



*“Yes, the planet got destroyed.
But for a beautiful moment in time we
created a lot of value for shareholders.”*

^ Republic's



*“Yes, the planet got destroyed.
But for a beautiful moment in time we
created **some additional budget
for the County.**”*







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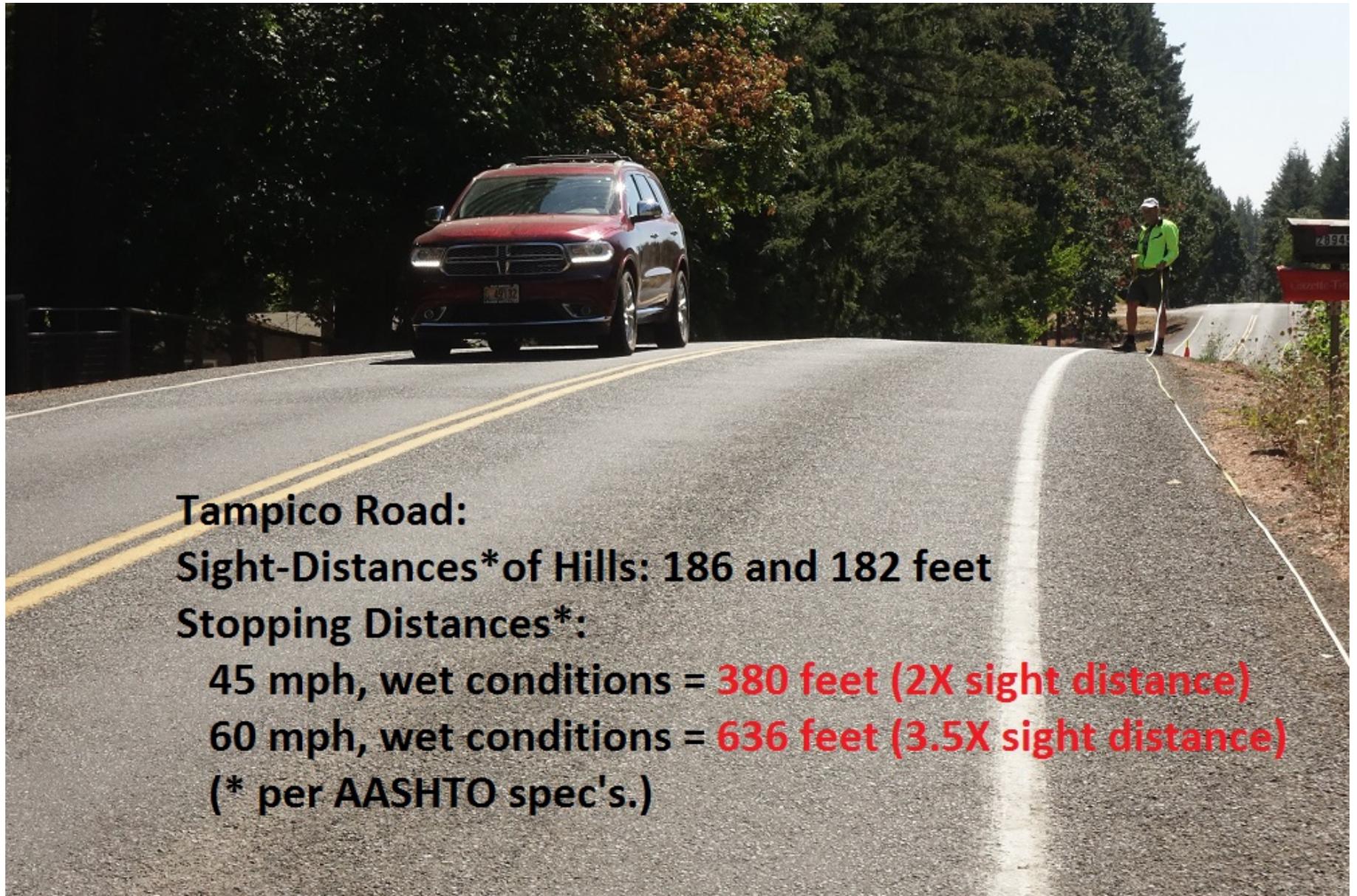
CLIMATE CHANGE

A black dog and a baby are sitting in a field of bluebonnets. The dog is on the right, looking forward with its tongue out. The baby is on the left, looking towards the camera. The field is filled with green stems and blue flowers. A white oval speech bubble is positioned above the baby, and another white oval speech bubble is positioned below the dog.

Twice the methane!

In half the time!

EXHIBIT J



Tampico Road:

Sight-Distances* of Hills: 186 and 182 feet

Stopping Distances*:

45 mph, wet conditions = **380 feet (2X sight distance)**

60 mph, wet conditions = **636 feet (3.5X sight distance)**

(* per AASHTO spec's.)



Tampico Road - Limited Sight Distances

Sight-Distance* of Hill: 207 feet

Stopping Distances*:

45 mph, wet conditions: 380 feet (1.8X Sight-Distance)

60 mph, wet conditions: 636 feet (3X Sight-Distance)

(* per AASHTO spec's.)



Tampico Road - Limited Sight-Distances

Sight-Distance* of Hill: 161 feet

Stopping Distances*:

45 mph, dry conditions: **262 feet**

45 mph, wet conditions: **380 feet**

65 mph, wet conditions: **738 feet**

Braking Distance (45 mph, wet): 215 feet

(*per AASHTO spec's.)



Tampico Road - Limited Sight-Distances

Sight-Distance* of Hill: 161 feet

Stopping Distances*:

45 mph, dry conditions: **262 feet**

45 mph, wet conditions: **380 feet**

65 mph, wet conditions: **738 feet**

Braking Distance (45 mph, wet): 215 feet

(*per AASHTO spec's.)

MEETING MINUTES
Benton County Planning Commission
December 7, 2021

A regular Meeting of the Benton County Planning Commission began at 7:00 p.m. The meeting took place virtually via GoTo Webinar, with Chair Ken Kenaston presiding. Members of the public were invited to attend.

The meeting was called to order at 7:07 pm

COMMISSION MEMBERS:

Present

Ken Kenaston, Chair
Nicholas Fowler, Vice Chair
Evelyn Lee
Sean Scorvo
Jennifer Gervais
John McEvoy

STAFF:

Present

Greg Verret, Community Development Director
Inga Williams, Staff Planner
Linda Ray, Recorder

Absent: Christina White

Ex parte Contact:

None

PUBLIC HEARING DELIBERATIONS: FILE NUMBER: LU-21-047. NATURE OF REQUEST: Conditional Use Permit for the Coffin Butte Landfill to place a new disposal cell south of Coffin Butte Road, to relocate the leachate ponds south of Coffin Butte Road, and to vacate (close to the public) Coffin Butte Road and relocate the roadway around the area of the new disposal cell. PROPERTY LOCATION: North and south of Coffin Butte Road, T10S, R4W, Section 18, Tax Lots 1107, 1200, 1101, 1104, 1108, 801. APPLICABLE CODE CRITERIA: Benton County Code (BCC) Section 51.505, Sections 51.705 through 51.840, Sections 53.205 through 53.235, Section 60.215, Section 60.220, Chapter 77, Chapter 99.

A public hearing took place on November 2nd & November 16th, 2021 regarding this Conditional Use Permit. This meeting was the deliberations for the Planning Commissioners decision to approve or deny the application.

PLANNING COMMISSION DISCUSSION:

Chair Kenaston began the deliberations by sharing his feedback in written form and by reading his comments aloud for the benefit of the public. He is leaning towards denying the Conditional Use Permit Application. Those comments can be found in **Exhibit A**.

The following are responses by the Planning Commissioners to Chair Kenaston's feedback:

- Commissioner Fowler expressed gratitude to the public for their research and testimony. He saw two pieces of the process that he researched and examined: the CUP to use an existing Forest Conservation Zone as landfill site, and landfill operations across a right-of-way. Commissioner Fowler could see some support for the first piece in which conditions of approval could mitigate that piece of the process. He spoke to the second piece concerning the landfill expansion across a public right-of-way and how property owners could have anticipated new cells in the future expansion, but could not have expected a road closure. Closing Coffin Butte Road and expanding the landfill in that direction would seriously interfere with the character of the area. Because of that portion of the application, Commissioner Fowler cannot support the application and will vote to deny.
- Commissioner Lee stated that in regards to Criterion 1 (does not interfere with the area), she felt the application fails to meet the code criteria because of the impact of increased traffic on Tampico Road. It changes the volume and nature of the traffic (heavy equipment, freight, etc.). She also noted that Soap Creek and Wiles Road were never discussed even though the traffic would increase on those roads as well with the proposed changes. Criterion 2 "does not oppose an undue burden", Commissioner Lee quoted the County Engineer's feedback on the rock quarry and different feedback from Republic Services and Knife River that do not match on their prediction of the life span of the quarry (she noted a gap of four years between the two.) She does not feel this justifies closing Coffin Butte Road. Commissioner Lee also referenced the comment by Adair Rural Fire/Rescue that advised the need to keep Coffin Butte Road open as it is the best egress for property owners surrounding the landfill.
- Commissioner Scorvo was in agreement with all the feedback previously given to the other Commissioners. He spoke to the economic burden on neighbors surrounding the landfill along with gas emission concerns coming from the landfill. He is concerned about the long-term health affects the landfill puts on neighbors. The proposed Coffin Butte Road closure creates an undue burden for the surrounding neighbors. Commissioner Scorvo also gave feedback on the financial burden the approval of the application could leave on neighbors. He is concerned about over-reliance on Oregon DEQ without a backstop and is inclined to deny the application.
- Commissioner McEvoy stated that he was in agreement with the concerns already covered by the other Commissioners. He is inclined to deny the application.
- Commissioner Gervais shared her concerns about increasing the traffic on Tampico Road regardless of widening and making improvements. It will alter the character of the area by widening it and can cause increased risk to non-motorized community members. She also stated that the applicant failed to meet burden of proof on noise and odor concerns. Closing Coffin Butte Road would also be a loss of the best egress for the landfill neighbors as show in the February ice storm of 2021 where the evacuation route made a difference for residents in that area.

With anticipation for a denial of this CUP, Chair Kenaston led a discussion on the next steps to provide the Planning Commissioner's findings for that decision. As a result of this discussion, county staff will compile a comprehensive list (using Chair Kenaston's document for denial and feedback from other commission members) and draft their findings to include in the Notice of Decision for denying the application. The Commissioners agreed that it was not necessary for staff to send a first draft of the Notice, but to include them on the final draft that was to be sent out to the public.

Commissioner Gervais made a **MOTION** to **deny** the Conditional Use Permit application, LU-21-047 for reasons captured in the discussion that took place on December 7, 2021 Planning Commission deliberations. Seconded by Commissioner Fowler, the **MOTION passed**, 6-0.

The hearing was adjourned at 8:22 pm.

PLANNING COMMISSION COMMENTS:

Chair Kenaston expressed his gratitude for his experience working with county staff and fellow Planning Commissioners. He made two suggestions for future meetings when a public hearing shows to be a longer process:

1. Allow for consecutive dates to give ample time for the staff and applicant to present, following up with a date for testimonies to ensure the public is provided time to speak. He recommended consecutive dates and not wait until the previously designated bi-monthly Planning Commission meetings. This would also benefit the timeline regarding the 150-day requirement for a hearing.
2. More time to review materials before they deliberate on a land use application.

Commissioners expressed their gratitude to Chair Kenaston for his years of service on the Planning Commission as his term expires on December 31, 2021.

Commissioner Gervais stated concerns about members introducing new information during a rebuttal. She cautioned against discussing any new material not already submitted into the testimony as it could jeopardize the decision made by the Planning Commission.

Commissioner Scorvo shared his desire to see more proactive data available to the members to help them constitute the meaning of "undue burden" when being presented with an application for approval. He would also like to have more discussion and agreement on the "rules of order" during a public hearing.

The Commissioners also expressed interest in more training on their responsibilities as a Commission and how to better fulfill their roles. They would also like to have more work sessions in the future to discuss topics and help prepare for potential issues and long term planning.

The meeting adjourned at 8:59 pm.

Landfill CUP LU-21-047 Discussion in Deliberations

General comments about this application

I am disappointed with this application and after reviewing the testimony and the draft Conditions of Approval, **I most favor Denying The Application.** I offer draft findings specific to the Benton County Code criteria later in this document for my fellow planning commissioners to read. I offer some general comments here about this application, in no particular order.

I want to criticize Republic Services for their lack of imagination. Other alternatives exist; maybe some without much controversy. We can't modify their proposal; mostly just band-aid conflict mitigations to their proposal with Conditions of Approval. When is it no longer their proposal? nor the best solution? Whatever happened to collaboration, design charrettes, and planning prior to application? Relying on Conditions of Approval for other jurisdictional approval can create a bias for those other jurisdictional agencies to make a project move along when it probably shouldn't.

Coffin Butte Road --Closing Coffin Butte Road is not in the best interest of Benton County residents. Closing Coffin Butte Road is not supported by the Transportation System Plan and flies in opposition to the principles used in our other land use actions regarding connectedness. We don't create dead-end roads from roads that travel through and provide access to other properties in the county. We are often creating connections or reserving those connections for the future. Coffin Butte Road exists for many good reasons, has been continually supported for many years by the public and is one of the best ingress and egress routes for county residents, businesses, and emergency responders. The county should not give it up.

There is a lot of missing information for planning commission consideration --A report from Benton County Environmental Health, impacts on wildlife, effect on greenhouse gases and climate change, and sustainability. More input was needed from the Solid Waste Advisory Council; they didn't provide any background about alternatives considered, a timeline for programs and implementation. There was some public testimony in our hearing about global alternatives to landfills, other regional landfill closures; their rationale, and result. The SWAC expertise and discussion is lacking in this application and decision.

There were too many concerns with long term ramifications left to Conditions of Approval, such as potential groundwater contamination. The protection of groundwater water quality is a high priority and the risk of contamination from the landfill expansion is too great to allow and too difficult to remediate if it happens. Prevention of the risk is more effective than limited monitoring after implementation.

There were disturbing reports of cancer clusters in the neighborhood of the landfill which should spark further investigation. Reports of odor have been testified from nearby residents out 6.8 miles from the landfill and the odor is indicative of other un-quantified emissions other gases with unknown health

effects. One nearby resident pointed to studies in Europe that tied poor air quality in the proximity of landfills to bad health issues. This should be further investigated.

The stability of landfill cells in the event of a major subduction zone earthquake was not explored. These large earthquakes are forecast for Oregon within the planning lifetime for this landfill.

The feasibility of timely construction of mitigated roadway segments and resultant loss of character and livability of neighborhoods was not explored. Proposed mitigations to overcome conflicts must be both feasible and not create other problems.

draft Landfill CUP findings LU-21-047

General Conditional Use Criteria - Chapter 53

53.215 Criteria. The decision to approve a conditional use permit shall be based on findings that: (1) 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; (2) The proposed use does not impose an undue burden on any public improvements, facilities, utilities, or services available to the area; and (3) The proposed use complies with any additional criteria which may be required for the specific use by this code. [Ord 90-0069]

53.215 (1) The proposed use does seriously interfere with uses on adjacent property:

Many residents of the area testified that the odor and noise has continually gotten worse over the years. Some testified that they have to seek shelter inside to avoid the noise and smell. They warn that the levels expected in the future will affect their rural residential uses. Some farmers have testified that getting workers to work in the stench has been an issue.

Odor: The current mitigation of an earthen cap over cells does not mitigate smell and smell reflects emissions of other gases. The same mitigation is proposed for the expansion. If it currently does not mitigate the odor, then it cannot be used as a proposed mitigation for the future and be expected to minimize the concern.

Bad air quality: People living in areas with poor air quality does pose serious interference with livability. Risk of health concerns is likely with the landfill expansion; enough so nearby residents speak out about it. Some residents point to increasing cancer clusters in their neighborhood and suggest that poor air quality may be responsible. One nearby resident pointed to studies in Europe that tied poor air quality in the proximity of landfills to bad health issues.

Noise: The noise study contracted by the applicant has been criticized as faulty and inadequate. Proposed mitigations do not seem feasible and such conditions couched as "whenever feasible" or "if permitted by safety conditions" do not seem stringent enough. Further concern of noise from banging truck gates, loud noises from unloading, was not addressed. The proposed condition of approval PA-7 (A) is inadequate to address this concern.

53.215 (1) The proposed use does seriously interfere with the character of the area:

Residents of the area point to the change in the character of the area. The minimal footprint of the landfill in previous years has and will be changed to a dominant footprint. The proposed expansion will increase that interference in a number of ways. A whole valley will be filled with garbage. Open space and views of the cascades will disappear. The agricultural production from fields have gone away. The livability of the area because of noise, odors, and the visibility of the garbage pile will continue to degrade. One resident said their view of the dump has steadily increased, is now noticed and commented on by her children, and is expected to increase more if the expansion is allowed.

53.215 (1) The proposed use does seriously interfere with the purpose of the zone:

The applicant has not met the burden of proof that the proposal will not interfere with the purpose of the Forest Conservation Zone for protection of the wildlife resources. The Conditions of Approval for further study of Great Blue Heron rookeries do not provide us with timely information to determine if the criteria is met nor if mitigation is possible. Further, testimony regarding threatened Streaked Horn Lark populations, Oregon Vesper Sparrow populations, and wildlife movements in the area of the landfill expansion point to the need for more wildlife investigations before action is taken in this area. I am concerned the applicant does not see the importance of these potential wildlife impacts.

PA-4 only addresses Great Blue Heron concerns. Either that condition should be expanded to include other wildlife or additional conditions should be added. I am also concerned the applicant has limited ability to hire qualified consultants. The inventory of GBH nesting activity by their hired consultant has been challenged by residents with compelling photographic evidence.

The proposed landfill expansion relies heavily on the buffering of noise, odor, sight, and other nuisances by adjacent property. Some of this buffering is provided by properly zoned land. However some of the adjacent land is zoned Rural Residential (tax lots 10419001600 and 104180001200. Rural residential zoning has no provisions for landfill buffering or for the extension of the landfill's grading footprint. The buffering of the landfill site and proposed grading plan for the new haul road under this CUP shows the new haul road positioned on the lot boundary of tax lot 104180001107 (zoned LS) and tax lot 10419001600 (zoned RR-10) and the land graded in the RR-10 zone. As stated in testimony, "if the landfill requires a buffer to operate and extend grading, that buffer becomes a landfill use. As such it should require appropriate zoning; a zone change if necessary. If the landfill cannot operate without establishing an illegal use on residentially-zoned lands, then reconsideration of this expansion location is necessary."

53.215 (2) The proposed use does impose an undue burden on public improvements, facilities, or services available to the area:

Coffin Butte Road, a public road is a public road, has not been vacated, and is used as a bicycle and walking route, log truck and freight haul road, and a emergency egress by the neighborhoods to the south and west, and used by Adair Rural Fire and Rescue for public safety and fire access. The closure of Coffin Butte Road seriously affects adjacent property owners, facilities, and services to the area and the proposed Conditions of Approval do not lower the impact below the level of serious. The proposed mitigations may not be feasible, or if implemented, may seriously interfere with uses on adjacent property or seriously interfere with the character of the area. The Adair Rural Fire Protection District Board advises that "this route should not be closed" and "closure of Coffin Butte Road would be detrimental to public safety". Proposed Conditions of Approval to mitigate this roads loss through improvement to the northern route will not be "superior to Coffin Butte Road with regards to evacuation routes and public safety".

Leachate from the proposed expansion is planned to be hauled off-site and disposed at the Corvallis Wastewater Treatment facility. The increased volume of leachate hauled will increase tanker truck

loads to Corvallis and burden the transportation corridor and create an undue burden on the CWTF. Treated leachate from CWTF is released into the Willamette River and poses water quality concerns. There is no leachate plan presented for this increased volume and continued maintenance and disposal for the future.

Conditional Use Criteria for the Forest Conservation Zone - Chapter 60

60.220 Conditional Use Criteria. (1) A use allowed under BCC 60.205 or 60.215 may be approved only upon findings that the use: (a) Will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; (b) Will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and (c) Complies with criteria set forth in BCC 53.215 and 53.220.

60.220 Conditional Use Criteria. (1) (a) The proposed use will force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

One commercial forester commented that their harvesting operations used Coffin Butte Road as a major haul route and that closure of the road would impact their forestry operation. "Closing Coffin Butte Road and replacing it with an alternative will add time and cost".

Another commercial forester commented that closing Coffin Butte Road will create problems for them in increased costs and safety issues.

60.220 Conditional Use Criteria. (1) (b) The proposed use will significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

Adair Rural Fire and Rescue uses Coffin Butte Road for public safety and fire access. Alternative routes take more time for fire response and are narrower. "The closure of Coffin Butte Road will negatively impact the response time from the Substation to the northern/northeastern areas of our fire district and North Albany automatic aid response areas".

Conditional Use Criteria for the Landfill Site Zone - Chapter 77

77.310 Conditional Use Review. (1) The applicant for a conditional use permit shall provide a narrative which describes: (a) Adjacent land use and impacts upon adjacent uses; (b) Future use of site as reclaimed, and impacts of that reclamation on adjacent uses; (c) Provisions for screening of the site from public roads and adjacent property; (d) Egress and ingress; and (e) Other information as required by the Planning Official.

(2) A site plan map shall accompany a conditional use permit application. The map shall contain at least a scale, north arrow, assessor map numbers, location of existing landfill, access, proposed alteration, leachate treatment or monitoring areas surface water systems, and existing and proposed screening (location and types of materials). A statement shall be placed on the map that the site plan map and narrative together are considered as the Site Development Plan. A signature block shall be included for the date the approval is given and the signature of the Planning Official indicating approval. (3) A conditional use permit application shall contain a reclamation plan describing present efforts and future reclamation plans related to the site. (4) The following environmental and operational considerations shall be reviewed prior to changes in the documents referenced above: (a) Geology; (b) Groundwater and surface water; (c) Soil depth and classification, and erosion control factors; (d) Slope; and (e) Cover material availability, transportation, and use. [Ord 261, Ord 90-0069]

77.310 Conditional Use Review. (1) (c) Provisions for screening of the site from public roads and adjacent property is inadequate.

The staff discussion in the staff memorandum of November 29, 2021 concluded that screening is appropriate for this application. Pages 2-5 proposes screening mitigation activities (tree planting), but even those would not be sufficient. Proposed condition of approval OA-6 and OA-7 for screening are not adequate to address screening of the site from public roads or adjacent property. It will be impossible to adequately screen the view of this mountain of garbage. Since no mitigation is possible, we must deny the application for non-compliance to the criteria.