

To: Benton County Board of Commissioners
From: Commissioner Shepherd
Date: October 14, 2025 for the LU-24-027 hearing
Re: Ex Parte Contacts related to LU-24-027

OVERVIEW

This document is a written list of the ex parte contacts I have received from January 15, 2025, to the present regarding LU-24-027 (aka the expansion of Coffin Butte Landfill.) At the instruction of counsel, the only ex parte contacts relevant to the application that will be listed are those received after the application was approved on January 15, 2025. No contacts previous to that date will be listed in this document.

Due to the importance of this issue to the community, the topic of the landfill often comes up in conversations with constituents and in local news articles. Because of the saturation of this issue locally, while I believe this to be a comprehensive list of the comments I received, some comments, that I have since forgotten or that did not register to me as an ex parte contact, may be unintentionally omitted. None are intentionally omitted.

Questions about the status of the application are also not included. Those comments did not provide an opinion on the application itself, but rather the process. Any time I received a question asking how I think the commission might vote, I responded that I did not know because the decision made by the commission will be on the evidence provided in the hearings, not on pre-formed opinions.

This list will not include discussions surrounding the Sustainable Materials Management Plan (SMMP) unless those discussions include specific support or opposition to expanding Coffin Butte Landfill. This list will also not include concerns or complaints from residents about smell, leachate, contamination, or other issues related to the landfill as it currently exists, unless expansion is explicitly mentioned. It will also not include signs, banners, or fliers that I have seen in passing related to the landfill expansion

Regardless of the testimony I received outside the public hearing process, and despite assumptions made by proponents and opponents of LU-24-027, I have never stated or implied how I would vote on LU-24-027 or any similar proposal.

JANUARY 2025

- Jan. 15: I received an email from Kevin Kenaga stating that Benton County should not be considering any landfill expansion because of sewage sludge and leachate.
- Jan. 15: I received an email from Nancy Whitcombe with concerns that landfill expansion would negatively impact health of residents.
- Jan. 21: Commissioners received a letter from a constituent in opposition to expanding the landfill
- Jan. 21: I received an email from Mark Yeager regarding expansion and public records requests.
- Jan. 27: I received an email from Becky Merja regarding opposing expansion and privatization of waste management.
- Jan. 28: I received an email from Pamela and Lawrence Burnor opposing expansion of the landfill.
- Jan. 28: Received an email from Debbie Palmer titled “refuse Coffin Butte Expansion Extension”

- Jan. 31: Received an email from Bryanna Sarnowski suggesting that, instead of expanding the landfill, commissioners “hold Republic accountable for the currently existing problems that the landfill creates here.”

FEBRUARY 2025

- Feb. 3: Received a web submission from Sara Ash with concerns about the landfill and opposing expanding the landfill.
- Feb. 21: Received a web submission from Joseph Majeski about trash on the side of the highway and opposing the landfill expansion.

MARCH 2025

- Mar. 10: Received an email from Malcolm Anderson opposing the expansion of the landfill.
- Mar. 31: Received an email from Greg Alpert opposed to the expansion of the landfill.

APRIL 2025

- Apr. 3: Received an email from Boyd Lyon concerning management of the landfill and concerns about the rationale for the proposed expansion.
- Apr. 8: Received an email from Marge Popp regarding landfill expansion and concerns that the Sustainable Materials Management Plan (SMMP) process was meant to muddy the waters regarding the landfill expansion CUP.
- Between April 17th and April 29th I received approximately 209 form emails from across the state opposing LU-24-027. While some form letters were customized, all included a similar paragraph opposing LU-24-027.
- Between April 24th and April 25th I received approximately 9 emails from residents concerned about their testimony opposing the landfill expansion not being included in the record for the Planning Commission’s hearing. This issue was rectified by staff.

JUNE 2025

- Jun. 20: Received an email from Debra Higbee with information from the Oregon Chapter Sierra Club regarding the Coffin Butte landfill expansion.

JULY 2025

- Jul. 24: While attending a community event, had a middle school-aged child run up to me and ask me to “vote no on the landfill” and then ran away.

AUGUST 2025

- Aug. 6: Had lunch with Yamhill County Commissioner Bubba King after he toured the Coffin Butte Landfill. Commissioner King asked why people were opposed to the expansion and I, without bias, conveyed the summary of some of the ex-parte testimony I had received in opposition to the landfill.
- Aug. 7: Attended a community event and had a former Benton County Planning Commissioner tell me he was in favor of expanding the landfill.
- Aug. 14: Received a call from Lincoln County Commissioner Walter Chuck regarding the landfill. Commissioner Chuck asked if he should come and testify regarding the landfill and I told him he was welcome to do so.
- Aug. 20: Attended Sen. Ron Wyden’s town hall in Philomath. Dozens of attendees were wearing stickers opposing the landfill expansion.

SEPTEMBER 2025

- Sep. 1: Attended a Labor Day rally at the Benton County Courthouse. There, two people approached me to express opposition to the landfill expansion. There were also a handful of people holding signs or wearing stickers opposing the landfill expansion.
- Sep. 3: Received an email from Linda Brewer in favor of expanding Coffin Butte Landfill.
- Sep. 4: The Benton County Democrats received an email from Elise Yarnell, Newberg City Councilor, to speak to the Benton County Democrats regarding the Coffin Butte Landfill. I forwarded this request along to the rest of the Benton County Democrats Executive Committee. At our Sep. 4th Executive Committee meeting, I recused myself, handed leadership of the meeting to the Second Vice Chair, and left the meeting room for the duration of the discussion regarding how to address Councilor Yarnell's request.
- Sep. 8: I attended a City of Philomath Work Session and Regular meeting. Republic Services was scheduled to present about the landfill at that meeting and I left the meeting before representatives from Republic spoke.
- Sep. 9: Was told by Holly Shutta that she received what she described as a "push poll" phone call from Benton Clean & Strong with "propaganda" in favor of the expansion of the landfill. She then told me she told the poll worker she was opposed to the expansion.
- Sep. 11: Received an email from Shelley Su opposed to expanding Coffin Butte Landfill.
- Sep. 17: The Benton County Democrats received an additional email from Elise Yarnell, Newberg City Councilor, to speak to the Benton County Democrats regarding the Coffin Butte Landfill. I forwarded that email along to the Benton County Democrats Secretary to respond to the inquiry.
- Sep. 18: While chairing a meeting of the Benton County Democrats, the topic of the Coffin Butte Landfill expansion arose. I handed over the running of the meeting to the first vice chair and left the room for the duration of that discussion.
- Sep. 20: While visiting the Corvallis Farmers Market, I saw two people sitting at a table with signs opposing the Coffin Butte Landfill expansion and gathering signatures opposing the expansion. While there I saw at least two dozen people interact and sign the petition.
- Sep. 22: Attended a community dinner event where a constituent told me she opposed the expansion of the Coffin Butte Landfill.
- Sep. 27: While attending Corvallis Fall Festival, I saw people I know visiting a table with signs indicating opposition to the landfill expansion.

OCTOBER 2025

- Oct. 2: Received an email from Cindy Alexis opposing the landfill expansion and criticizing Republic Services for sending her a form text message.
- Oct. 2: Starting on October 2nd, I began to receive form emails in favor of the expansion of Coffin Butte Landfill. As of the writing of this document I have received 31 such emails.
- Oct. 2: At the Oct. 2nd meeting of the Benton County Democrats Executive Committee meeting, I left the Zoom meeting while the Executive Committee discussed action regarding Coffin Butte Landfill and handed over the running of the meeting to the First Vice Chair.
- Oct. 6: I watched virtually the meeting of the Corvallis City Council. At the end of that meeting, Corvallis Mayor Charles Maughan said he was opposed to the expansion of Coffin Butte Landfill.
- Oct. 7: Received an email from Joyce Marvel-Benoist opposed to the landfill expansion.
- Oct. 7: Received an email from Debra Higbee on behalf of 350 Salem, Beyond Toxics, Oregon Chapter Sierra Club, and Valley Neighbors for Environmental Quality and Safety opposed to the expansion of Coffin Butte landfill.

OTHER DISCLAIMERS

Benton County Democrats

I am currently the Chair of the Benton County Democrats. On November 21, 2024, I presided over a meeting where the Benton County Democrats adopted a resolution opposing the expansion of Coffin Butte Landfill. I did not participate in discussion of the resolution nor vote on the resolution, but, not yet being a commissioner, I did preside over the meeting in purely a parliamentary role.

Since becoming a commissioner, I have recused myself from any conversation during a Benton County Democrats meeting regarding the landfill and handed over control of the meeting to my next in charge. I have not been a part of the approval process for any social media content, organizing action, or fliers generated or distributed by the Benton County Democrats related to the proposed expansion of Coffin Butte Landfill.

Media Articles

I have read, seen the title of, or someone has relayed the content of the vast majority of articles, letters to the editor, or editorials, related to the proposed expansion of Coffin Butte Landfill and the Planning Commission's consideration of the application which were published in the *Corvallis Gazette-Times*, *Albany Democrat-Herald*, *Philomath News* and other news outlets.

Websites

I have seen both the website www.cleanstrongbenton.com which is advocating for the expansion and www.coffinbuttefacts.org which is advocating against the expansion. The Benton Clean & Strong includes a list of those who support the landfill expansion including Albany Mayor Alex Johnson II, Albany City Councilor Steph Newton, Corvallis City Councilor Jan Napack, Yamhill County Commissioner Bubba King, and Lincoln County Commissioner Walter Chuck.

STATEMENT OF IMPARTIALITY

It has come to my attention that community members as well as Republic Services have publicly and privately made assumptions on how I will vote on LU-24-027 before any of the public hearings or deliberation among the Commissioners. I once again emphasize that I have never stated or implied how I would vote on LU-24-027 or any similar proposal.

I can and will make a fair and impartial decision on this land use decision based on the applicable criteria and free from personal bias.



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