

From: [Marge](#)
To: [Coffin Butte Landfill Appeals](#)
Subject: Uphold PC decision and BCCT Final Report Conclusions to deny Coffin Butte Landfill Expansion
Date: Sunday, October 12, 2025 11:21:46 AM
Attachments: [BCTT 6-13-23 BOC PPT.pdf](#)

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Dear Commissioners Wyse, Shepherd, and Malone,

I am submitting, as an attachment, Sam Imperati's June 13, 2023, presentation of the Benton County Task Team (BCTT) final report to the Benton County Board of Commissioners (BCTT 6-13-23 BOC PPT). On that date, the Board of Commissioners voted unanimously to accept the findings and recommendations of the BCTT Workgroup.

Please review this presentation for an accurate overview of the BCTT task force's conclusions, which were developed after thousands of hours of staff and volunteer effort. Key points from the report include:

- * Despite Republic Services' claims that landfill expansion is urgently required, there are actually 14 to 16 years of life remaining in permitted landfill cells, indicating no immediate need for expansion.
- * A number of conditions of approval from prior land use permits were found to be out of compliance.
- * The county has the latitude to interpret its own code provisions and ambiguities in past decisions, provided these interpretations are plausible. The Board of Commissioners has the complete authority to oppose any expansion of the Coffin Butte Landfill.

The Benton County Board of Commissioners voted unanimously to accept the findings and recommendations of the BCTT Workgroup.

Sincerely,
Marge Popp



BCTT Presentation to Benton County Board of Commissioners

June 13, 2023

Land Acknowledgment: The Land We're On



Agenda

- Introductions
- ~1.5 Hour BCTT Presentation
- Break
- ~1.5 Hour Board Discussion

Overview



The process was designed to serve as a “bridge” between past events and any next steps.



Goal: help reset the current dynamics through the development of “common understandings” and recommended protocols for future consideration of solid waste issues.



A recommendation-making body with a specific Scope. The findings and recommendations are not binding on decision-makers



The formal process began on September 8, 2022, and ended on April 10, 2023.



11 public Workgroup meetings and 86 subcommittee meetings.

Core Elements of the Charge



- Develop Common Understandings to form the basis of the work
 - Clarify existing criteria and information requirements for the land use review process for any proposed landfill expansion
 - Scope the necessary tasks to start a Long-Term Sustainable Materials Management Plan process
 - Consider creating a public-facing document and community education campaign on these topics
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Core Elements of the Charge

- Provide input on additional topics raised in the Assessment
 1. Scope the necessary tasks to start planning for the reopening of the existing hauling agreement to be amended by July 1, 2024.
 - a) Corvallis
 - b) BCTT Concepts
 2. Clarify the differences, with BOC feedback, between the roles, responsibilities, and protocols of SWAC and DSAC on these topics
 3. Develop specific recommended review criteria for the evaluation of CUP applications.
 - a) Should SWAC and DSAC use the same review criteria as the Planning Commission and the BOC; and
 4. Create a future timeline for discussing any needed changes to the Benton County Code flowing from any WORKGROUP recommendations.

Findings & Recommendations

- **Goal:** produce relevant, verifiable facts – not speculation or opinions framed as facts.
- Workgroup formally vetted 124 Findings and 94 Recommendations
- Overall, the Workgroup achieved 94% agreement on the 218 Findings and Recommendations.
- Six findings and six recommendations where at least one member voted against it, but each received a majority recommendation.
- Three potential findings on the petition circulating were removed at the last meeting.



Findings & Recommendations



Section A: SMMP

Section B: Landfill Size/ Capacity/ Longevity

Section C: Legal Issues & Land Use Review

Section D: Past Land Use Application Conditions

Section E: Community Education & Public Outreach Summary

Section A: Sustainable Materials Management Plan (SMMP)

Main Theme: An SMMP should help transition and re-focus from linear, end-of-life waste management to more holistic, systemic, circular approaches for all materials. The many positive impacts:

- Efficiencies of full life cycle/cradle-to-cradle sustainable material management.
- Cost savings and other benefits from waste reduction
- Creating opportunities for efficient circular economies both locally *and regionally*
- Better inclusion of equity and shared prosperity in waste considerations
- Recognizing and encouraging innovation in the materials stream

Section A: Sustainable Materials Management Plan (SMMP)

KEY FINDINGS AND KEY RECOMMENDATIONS

			Unanimous Agreement		Consensus Agreement		Majority-Minority Approval	
Sub. Comm.	Findings and Recs	Total	# with all 1s	% with only 1s	# with no 3 votes	% with no 3 votes	# with at least one 3	% with at least one 3
SMMP	Findings	8	1	12.5%	8	100.0%	0	0.0%
SMMP	Recs	28	10	35.7%	28	100.0%	0	0.0%

Section B: Landfill Size /Capacity / Longevity

CHARGE:

- Landfill Size
- Specific locations
- Assumptions (e.g., When will the landfill close?)

KEY FINDINGS AND KEY RECOMMENDATIONS

			Unanimous Agreement		Consensus Agreement		Majority-Minority Approval	
Sub. Comm.	Findings and Recs	Total	# with all 1s	% with only 1s	# with no 3 votes	% with no 3 votes	# with at least one 3	% with at least one 3
LSCL	Findings	42	26	61.9%	41	97.6%	1	2.4%
LSCL	Recs	12	1	8.3%	12	100.0%	0	0.0%

Section B: Landfill Size /Capacity / Longevity

The current landfill activities north of Coffin Butte Road consist of a total of 194 acres, with 6 cells currently slated or approved for disposal of waste.

Variable nuanced factors can influence the landfill's size, capacity, & longevity.

- In 2003, the End of Life (EOL) of Coffin Butte Landfill was projected to be approximately 2074, with a Landfill Life estimate of 71 years.
- In 2013, EOL was projected to be years 2053-2062, with a Landfill Life estimate of 40-49 years.
- In 2023, the EOL is projected to be years 2037 -2039, with a landfill life estimate of 14-16 years.

Valley Landfills Inc. anticipates it will no longer be able to place waste in Cell 5 by mid-year 2025. When Cell 5 is full, Republic Services is working on a plan to deposit waste in the permitted area of the landfill known as the “quarry” (Cell 6.) Excavation of the primary quarry footprint is scheduled to begin in Spring of 2023, with completion in Spring 2025.

Section C: Legal Issue & Land Use Review

CHARGE:

A Summary of the County's current rights and obligations to Republic Services, and vice versa, surrounding:

- a. The hauling franchise;
- b. The landfill CUP; and
- c. What legally can and cannot be conditions of any land use approvals

Rights and obligations of other entities surrounding landfills, hauling, sustainability initiatives, etc.

Clarifying existing criteria and information requirements for the land use review process for any proposed landfill expansion.

Section C: Legal Issue & Land Use Review

KEY FINDINGS AND KEY RECOMMENDATIONS

			Unanimous Agreement		Consensus Agreement		Majority-Minority Approval	
Sub. Comm.	Findings and Recs	Total	# with all 1s	% with only 1s	# with no 3 votes	% with no 3 votes	# with at least one 3	% with at least one 3
LLU	Findings	35	23	65.7%	30	85.7%	5	14.3%
LLU	Recs	13	5	38.5%	9	69.2%	4	30.8%

Section C: Legal Issue & Land Use Review

- County has latitude to interpret the provisions of its own code and to interpret ambiguities in past decisions, provided those interpretations are plausible.
- Decisions and conditions of approval must be rooted in the applicable criteria in the County's Development Code and can only address the current application (not look to alter previous land use decisions or conditions).
- Subjective terms were discussed with the intent *not* of directing how these terms should be interpreted and applied in a future land use review, (provided existing legal context and how the County has historically interpreted them.)

Section C: Legal Issue & Land Use Review

Subcommittee Recommendations

- Role of the SWAC in the land use conditional use review process;
- “Additional information” that would be helpful when reviewing a CUP;
- “Pre-application conference” and a “neighborhood meeting;”
- Additional criteria necessary for CUP review and/or requiring compliance with the proposed site plan and reclamation plan;
- Clarifying BCC 77.405 regarding review of DEQ permits;
- Provide public with information regarding the initial review of application completeness;
- Process for public input in the re-opener of the collection franchise;
- Evaluate the system of compliance monitoring and enforcement;
- Ensure land use findings are clear; that conditions of approval include all elements intended to be binding and are clear about what is necessary to comply with the conditions.

Section D: Past Land Use Application Conditions

Charge:

- A) Conditions of past land use approvals
- B) Compliance with prior land use approvals and SWMP

Context:

- Historical documents, starting in 1974 through November 2015.
- 2021 Application was not reviewed
- Provide the context needed to better understand how we got to where it is now.
- Summary and plain language evaluation of each of the historical files.
 - Some situations need further information from DEQ
 - Other situations may have been superseded by legal interpretations of land use decisions or new laws or modified by subsequent decisions

Section D: Past Land Use Application Conditions

- *Assessments of Land Use Application Conditions* provides an overview of 13 historical documents representing 85 conditions of approval or other information in the reviewed files. The 85 conditions include 17 associated with power generation and 12 associated with the quarry.
- Members reviewed these files from differing positions.
 - The public members were looking for a record of compliance.
 - County staff and Valley Landfills, Inc. (Republic Services) presumed their work has achieved compliance with Conditions of Approval since their purchase of the landfill business in 2008. Throughout process Valley Landfills asserted their belief that the landfill was also in compliance at the time of purchase.

Section D: Past Land Use Application Conditions

Takeaways:

- Efforts focused on the 56 conditions associated with the landfill.
 - Six clearly defined categories, including “In Compliance”, “Compliance Unclear”, “Not In Compliance”, “No Opinion,” etc.
- Evaluations of legal theories impacting the enforceability of past land use decisions can be found in the Legal Subcommittee section
- Examples of Legal Subcommittee findings where Land Use commitments may no longer be enforceable are:
 - Limitations on the geographical area sending solid wastes to Coffin Butte (1974 CP-74-01) due to legal precedents;
 - Screening the landfill from view from County roads, plus how the site is to appear and be used after solid waste disposal operations stop (1983 PC-83-07 / L-83-07) due to how the County decision was structured;
 - 2002 County/Republic Memorandum of Understanding.

Section D: Past Land Use Application Conditions

KEY FINDINGS AND KEY RECOMMENDATIONS

			Unanimous Agreement		Consensus Agreement		Majority-Minority Approval	
Sub. Comm.	Findings and Recs	Total	# with all 1s	% with only 1s	# with no 3 votes	% with no 3 votes	# with at least one 3	% with at least one 3
CUP	Findings	33	22	66.7%	33	100.0%	0	0.0%
CUP	Recs	25	13	52.0%	23	92.0%	2	8.0%



Section D: Past Land Use Application Conditions

Monitoring and Enforcement:

- Benton County's work processes do not proactively monitor and enforce all land use Conditions of Approval.
- Once final approval is given and requested use is allowed to begin, County staff then find the applicant to be in compliance with initial Conditions of Approval.
- Conditions of Approval that span the life of a use are not necessarily tracked once an application file is closed.
- Benton County relies on complaints to initiate a compliance review rather than performing proactive site inspections.

Section E: Community Education & Public Outreach Summary

Goals and Objectives

- Best practice recommendations for County communication and outreach with the public for future CUP's and communications concerning the SMMP.
- Review past CUP processes and standard communication practices.
- Provide ideas and feedback for the Board, SWAC, and the PC to help in Community Engagement
- Develop outreach plan that allows community members more time to be involved in the CUP and other Land Use processes in the future and gives the County more access to community input for decision-making.

Section E: Community Education & Public Outreach Summary

KEY FINDINGS AND KEY RECOMMENDATIONS

			Unanimous Agreement		Consensus Agreement		Majority-Minority Approval	
Sub. Comm.	Findings and Recs	Total	# with all 1s	% with only 1s	# with no 3 votes	% with no 3 votes	# with at least one 3	% with at least one 3
CEO	Findings	6	1	16.7%	5	83.3%	0	0.0%
CEO	Recs	16	13	81.3%	16	100.0%	0	0.0%

Section E: Community Education & Public Outreach Summary

Takeaways:

- Community education and extended outreach are vital steps
- Making sure everyone in the community gets information about this process requires two broad methods:
 - specifically targeting underserved groups and using multiple outreach methods.
 - It is also essential that communications are succinct and easily understood by the entire population.



BCTT Process Caveats

- Workgroup accomplished a substantial amount of work in a relatively short period of time, but much remains to be done.
- BCTT was not designed to complete an SMMP, nor to opine on the merits of any past or future CUP expansion. It was designed to develop common understandings and identify paths forward.
- One item came up too late in the process for the Workgroup to vet.
 - Metro Council adopted Ordinance No. 17-1401, a Landfill capacity policy that prohibits the disposal of waste generated within the Metro region at a new or “limited capacity landfill.” (One that seeks a site development plan amendment for expansion.)
- Process was not designed to opine on Republic Services’ expected Coffin Butte expansion application.

Members (Past & Current) Statements

- Past and current workgroup members and subcommittee members were invited to submit Member Statements for inclusion in the final report.
- Those views are important to the report because the candid comments provide both substantive and process insights ranging from criticism to support.

Member	Affiliation
Catherine Biscoe	Public
Ed Pitera	Public
Ginger Rough (Follow-up information)	Republic Alternate
Joel Geier	Former Member
Ken Eklund	Subcommittee
Elizabeth Irish	Planning Commission
Louisa Shelby	Public
Marge Popp	SWAC/DSAC
Mark Henkels	Subcommittee
Mark Yeager	Subcommittee
Mary Parmigiani	Public
Russ Knocke	Republic: National
Ryan McAlister	Public
John Deuel	Public
Shawn Edmonds	Republic: Local
Chuck Gilbert	SWAC/DSAC

Appendices – Table of Contents

A. Meeting Summaries and Open House Topics

B. Final Poling Results

1. Draft #6 Language Final Polling Result – Grouped by F&Rs
2. Final Polling Numbers by Member – Grouped by F&R
3. Rev Transcripts for M10 and M11 (Formal Polling Meetings)

C. Subcommittee Reports

1. Sustainable Materials Management Plan (SMMP)
2. Landfill Size/Capacity/Longevity
3. Legal Issues & Land Use Review
4. Past Land Use Application Conditions
5. Community Education & Outreach

D. Draft #3 Feedback from the PC and SWAC/DSAC

E. Public Survey Results

F. Member Survey Results – Review of the BCTT Process

G. County Counsel Email Exchange





Additional Points

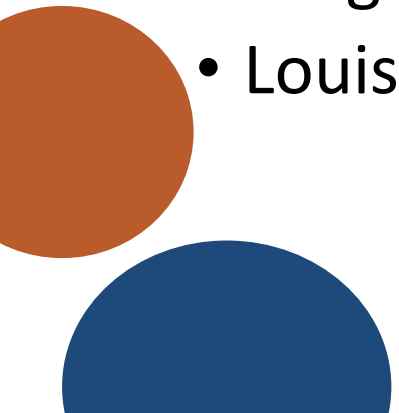
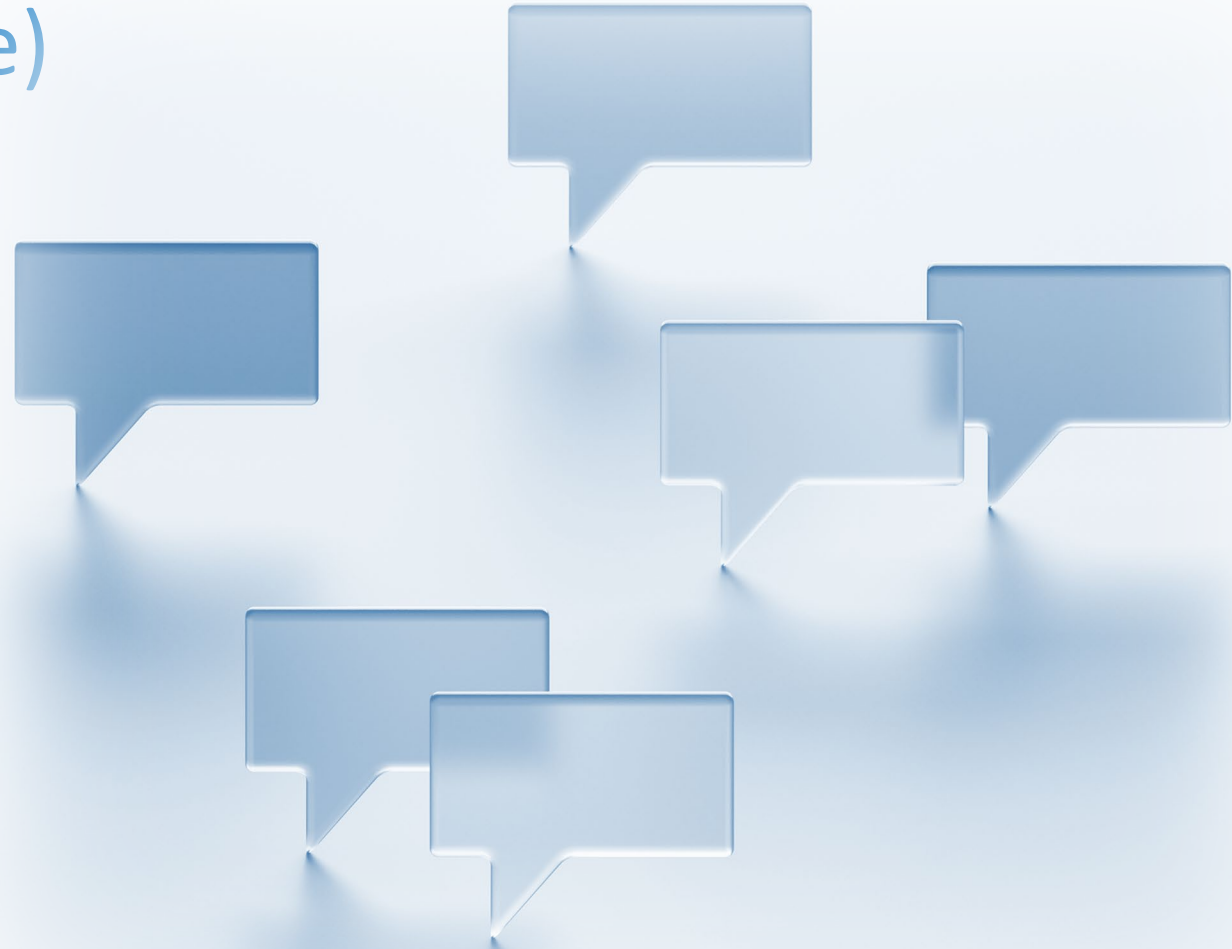
For the first time, the County has virtually all of the key documents organized and accessible in one place. They include both County and DEQ records over the past five decades.

During the process, the Board agreed with the facilitator's Assessment recommendations to retain outside legal and planning advice for the anticipated expansion CUP application.

A BCTT process evaluation was conducted. With regard to the overall process, one member was "dissatisfied," one was "somewhat dissatisfied," and seven were "satisfied." Readers are encouraged to review the full results and form their own conclusions.

BCTT Member Closing Comments (Tentative Attendance)

- Catherine Biscoe
- John Deuel
- Kathryn Duvall
- Liz Irish
- Ed Pitera
- Ginger Rough
- Louisa Shelby



Break



Board Discussion





THANK YOU!