

Mid-Willamette Brd Alliance

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DELIVERED

[Signature]

Benton County Planning Commission
Benton County Community Development
4500 SW Research Way
Corvallis, Oregon 97333-1139

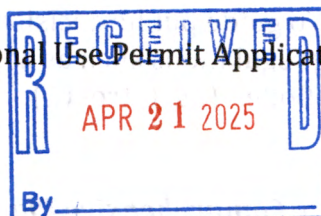


MID-WILLAMETTE BIRD ALLIANCE

Date: April 14, 2025

Reference: LU-24-027, Coffin Butte Landfill Conditional Use Permit Application

To: Benton County Planning Commission
Benton County Community Development
4500 SW Research Way
Corvallis, OR 97333-1139



We appreciate the opportunity to comment on the future of the Coffin Butte Landfill, a county planning decision of great concern to our human community, and to the wildlife communities dependent on habitats that lie within and proximate to the parcels of this Conditional Use Permit (CUP) application. Since our inception in 1972 as Audubon Society of Corvallis, our more than 300 members support conservation of birds, other native wildlife, and natural habitats through science, education, and recreational activities made available freely to all.

We oppose any further expansion of the Coffin Butte Landfill and urge the Planning Commission to reject this application. We believe the Planning Commission will find that the Applicant, Republic Services, does not provide evidence to conclude that conditional use permit issuance would not violate County Development Code criteria and Comprehensive Plan policies. Further, based on its current performance, Republic Services cannot be expected to demonstrate that it can assure the County of its future compliance with any conditions that the county might issue.

We assert that any approval of Application LU-24-027 would directly violate Benton County Code criteria 53.215(1) and 53.215(2). We further assert that such a decision would violate or otherwise evade County Comprehensive Plan policies 5.1.2, 5.1.5, 5.2.1, 5.3.1, 5.4.1, 5.4.2, 5.4.3, 5.6.7, 5.7.4, 5.8.2, 5.9.1, 5.9.4, 5.9.5, 5.9.7, 6.1.2, 6.5.7 and 6.5.8. In addition, as Benton County has committed to a Prairie Species Habitat Conservation Plan (HCP) under Section 10 of the U.S. Endangered Species Act, covered species protections and long-term actions committed to by Benton County under the accompanying Prairie Conservation Strategy must not be further compromised by permitting further expansion of the Coffin Butte Landfill. Such approval would also directly counter state-wide goals for species and county-identified priority habitats under the E.E. Wilson Wildlife Management Plan and the Oregon Conservation Strategy.

Rationale

We have come to this position through careful study of guiding documents relevant to the decision process before you. Over-arching guidance is supplied through Oregon State Land Use Laws, particularly in the promulgation of State and County Land Use Goals. Tiered to statewide land use planning goals, current Benton County Comprehensive Plan Implementation states: "The policies of the Comprehensive Plan serve as the basis for the implementing regulations of the Development Code." Its purpose from the Introduction Guide #2 is, "To guide public decisions on land use changes as reviewed through implementing regulations such as zoning and land division ordinances, such as the Development Code." (pg. Intro-11)

Benton County Comprehensive Plan Goal 5 Overview: Natural Resources, Scenic & Historic Areas, Open Spaces

"Protection of these diverse natural resources calls for a variety of approaches....

Natural areas, scenic areas and open space are to be managed to preserve their essential character, through Benton County's direct management of its lands and by encouraging private landowners to manage appropriately.

Ecosystem components such as wetlands and riparian areas provide multiple utility functions benefiting humans and the environment, and require cooperation among landowners in order to maintain healthy systems. Inventory, analysis and development of protection plans and landowner education programs guide the management of these important resources....

Protection of groundwater resources and wildlife habitat requires the cooperation and participation of local, state and federal agencies. Benton County's policies support the work of those agencies through collaboration on land use decisions and promotion of conservation efforts."

"The statewide planning program directs counties to inventory natural resources and identify significant sites for which protection plans are to be developed. In some cases, significant sites have been identified by state or federal agencies. Interagency coordination and cooperation with local, state and federal programs is particularly important in the implementation of the Goal 5 policies."

Goal 5.9 Wildlife Habitat: *To conserve and protect wildlife habitats and to promote habitat management that maintains wildlife diversity.*

Policies

5.1.2 *Benton County shall work to maintain and enhance ecological health of valued natural areas throughout the county by preserving and restoring natural habitats and maintaining the integrity and stability of these areas.*

Our Finding:

The continuance and expansion of the Coffin Butte Landfill disrupts Oregon's recovery efforts at the E.E. Wilson Wildlife Area, by directly attracting avian predators (such as common raven) to the area with nests of imperiled species of concern (streaked horned lark, Oregon vesper sparrow, western meadowlark), by

attracting invasive Eurasian starlings that displace cavity nesting species of concern (western bluebird, purple martin), and by further compromising wetland, riparian and open water habitats for multiple fish and wildlife species with air and waterborne contaminants. The great blue heron heronry on landfill property may have been abandoned due to bald eagle nest predation or to human cause, but now appears to be established on E.E. Wilson lands immediately adjacent to Highway 99W, where newly fledged herons will experience a far higher risk to road-killed losses. Counter to 5.1.2, Benton County has not worked to preserve the recognized heronry on the applicant's land, nor if by approving this application will it be able to work to preserve and restore the natural habitat of E.E. Wilson or maintain its integrity and stability.

5.1.5 Benton County shall work with watershed councils, land managers, property owners, and others to protect, maintain, and/or enhance healthy functioning ecosystems and watersheds through conservation incentive programs including property tax benefits, income tax credits, regulatory streamlining, direct funding, voluntary agreements, and technical assistance.

5.3.1 Benton County shall work with public and private organizations, landowners, and the general public to identify, record, and protect valued scenic and open space resources.

5.4.1 Benton County shall recognize the need for protection of open spaces, especially along natural drainage courses.

5.4.2 Benton County shall promote private land stewardship of farm and forest lands, respect private property rights, and work with non-profit groups and others to maintain a comprehensive system of connected open spaces that will protect the most valued natural, scenic, and recreational areas of the county.

5.4.3 Benton County shall work to protect ecological and hydrological functions of open space, promoting best management practices and green infrastructure.

5.4.4 To protect valued open spaces, Benton County shall use a variety of methods such as land purchase, conservation easements, riparian protection ordinance, open space tax deferrals, gifts and donations, and density transfers.

5.6.7 Benton County's riparian planning process shall place particular emphasis on identifying and protecting headwater areas from adverse impacts of development.

5.7.4 Benton County shall work with others to conserve and protect natural functions of the county's most important wetland habitats.

5.9.1 Benton County shall actively participate with appropriate local, state, and federal agencies to identify, conserve, and protect fish and wildlife habitat.

5.9.4 In making land use decisions, Benton County shall protect identified sensitive wildlife habitat types and wildlife corridors from adverse impacts.

5.9.5 Benton County shall notify the Oregon Department of Fish and Wildlife (ODFW) early in the review process and collaborate with that agency regarding zone and plan amendments, conditional use permits, and subdivision and series partition applications in areas that include habitat types identified by ODFW as Habitat

Conservation Priorities: in-stream habitat, native prairie grasslands, oak woodlands and savannas, riparian floodplains and wetlands.

5.9.7 *Benton County shall coordinate with Oregon Department of Fish and Wildlife to minimize conflicts between transportation infrastructure and wildlife migration routes.*

Our Finding:

Local and seasonal movements of Roosevelt elk between the Soap Creek watershed and E.E. Wilson must cross Hwy 99W, and pose an ongoing serious risk to both vehicle traffic and to elk. We are not aware of any discussions between Benton County, ODFW, and ODOT regarding this conflict, and are concerned that any continued expansion of landfill operations southward, while Adair Village expands northward, will disrupt movement corridors and exacerbate conflict, all without addressing any underlying causal factors.

We would expect that ODFW, which maintains the South Willamette Watershed District office and E.E. Wilson Wildlife Area office near the Coffin Butte Landfill, will have already been “worked with” or “coordinated with” early in the staff review process of this application. However we have no evidence of this during the extended absence of any open public advisory body discussions concerning ongoing county landfill or solid waste disposal practices and issues.

5.8.2 *Benton County shall require developers to provide sufficient information to enable Benton County to evaluate whether a proposed use could adversely affect the sustainability of aquifer production when reviewing land use applications.*

Our Finding:

Despite historical ground and surface water contamination on record, and leading up to and during staff review time of this application, evidence has indicated that the east leachate storage pond south of Coffin Butte Road had possibly developed a liner rupture which may have allowed leachate to pass into surface and ground water. Neither Benton County nor Republic Services have reported this possible discharge at any public forum, in any newsletter, or to any advisory body. Such information must be included in landfill site documentation, and not buried while potential landfill expansion is under public review.

6.1.2 *In cooperation with appropriate agencies, Benton County shall manage its air, water and land resources to insure their protection, conservation, restoration, or enhancement.*

6.5.7 *Benton County shall maintain a committee that advises the Board of Commissioners on solid waste and disposal site issues.*

6.5.8 *Benton County shall assure safe, accessible, and environmentally sound disposal of solid waste at the Coffin Butte Regional Sanitary Landfill.*

Our Finding:

By policy, Benton County is required to ("shall") manage its air, water and land resources to insure their protection or conservation. Regulatory efforts to do so at the Coffin Butte Landfill and its surroundings have been insufficient, resulting in interference with restoration and enhancement efforts being attempted by others adjacent to the landfill site.

For a considerable period of time recently, Benton County abolished both its Solid Waste Advisory Council and Disposal Site Advisory Council. Maintaining such committees is the lifeblood of the democratic process, and allows all community members to collectively engage towards a more sustainable future.

County government cannot assure anyone of a safe, accessible and environmentally sound disposal of solid waste in the absence of transparency in its Coffin Butte Landfill policy planning and implementation.

E.E. Wilson Wildlife Area Management Planⁱⁱ

As a wildlife and habitat conservation organization with deep roots in the community, MWBA is also aware of the establishment, purposes, and management of E.E. Wilson Wildlife Area, immediately adjacent to, east of, and downslope of Coffin Butte Landfill and its proposed expansion. Our members recreate there regularly and assist in its volunteer efforts and citizen science projects. Benton County recognizes all its eastern portion with Open Space zoning, identifies it as key expansion habitat for two HCP covered species, and lists all of the management area habitats as priorities. The full text of the E.E. Wilson Wildlife Area Management Plan may be viewed or downloaded here:

https://www.dfw.state.or.us/wildlife/management_plans/wildlife_areas/docs/ee_wilson.pdf

"The Oregon Conservation Strategy is an overarching state strategy for conserving fish and wildlife. It provides a shared set of priorities for addressing Oregon's conservation needs. The Conservation Strategy brings together the best available scientific information, and presents a menu of recommended voluntary actions and tools for all Oregonians to define their own conservation role."ⁱⁱⁱ

In Benton County, E.E. Wilson Wildlife Area manages one-half of all Strategy Components, manages four of Oregon's eleven key Strategy Habitats, harbors dozens of Oregon Strategy Species, and falls within an important Conservation Opportunity Area (Corvallis Area Forests and Balds). Meanwhile the adjacent Coffin Butte Landfill and its proposed expansion carry all of statewide landscape threats to conservation that Benton County can by choice work to improve: Barriers to Animal Movement, Invasive Species, Water Quality and Quantity, and Land Use Changes. <https://oregonconservationstrategy.org/>

The Benton County Prairie Species Habitat Conservation Plan (HCP) and its Appendix E Prairie Conservation Strategy (PCS) provides our concluding reference.^{iv} HCPs offer non-federal landowners an incidental take permit over a multi-decade period in exchange for a commitment to ensure HCP-covered species are provided sufficient habitat for their

persistence, even with an expected level of individual losses. Seven imperiled species are covered under this HCP agreement, and three are relevant for consideration in this CUP application: Fender's blue butterfly, Kincaid's lupine, and Nelson's checkermallow. E.E. Wilson management has worked to establish both these plant species with the expectation that Fender's blue butterflies may populate this area.

Covered Species; Fender's Blue butterfly (PCS pg. 22)

"USFWS has identified Finley National Wildlife Refuge as a potential Fender's blue butterfly network. Additionally, E.E. Wilson has the potential to support Fender's blue butterfly and could form a network with Kincaid's lupine patches currently existing along the Soap Creek drainage and along the Benton/Polk county border. Creating stepping stone patches less than 1 km apart in north Benton County will require coordination and cooperation between USFWS, ODFW, Oregon National Guard, Oregon State University, Luckiamute Watershed Council, additional NGOs, and private landowners."

Priority Long Term Actions, Connect (PCS pg. 46)

"C5: Connect Fender's blue butterfly habitat in the Soap Creek watershed from Oregon State University's property to E.E. Wilson by protecting stepping stone habitat patches less than 1 km apart. Work with interested private landowners who are willing to plant nectar species and provide information on conservation easements and incentive programs."

Our Finding:

It is self-evident that any butterfly flight corridor between Soap Creek Valley and E.E. Wilson will be further obstructed by any enlargement of the landfill between Tampico Ridge and Coffin Butte, all the more so by the host of avian scavengers and insectivorous passerines that amass at the open face of the Coffin Butte landfill.

Conclusion

Development Code Chapter 53: Conditional Uses; Administrative Procedures, General Review^{vi}

BCC 53.215 (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;

BCC 53.215(2): The proposed use does not impose an undue burden on any public improvements, facilities, utilities, or services available to the area;

Based on our findings, the proposed use seriously interferes with uses on adjacent public and private property, significantly alters and disrupts the ecological, visual, and rural character of both the zoned area and all other surrounding zoned uses, and thereby greatly exceeds the purpose of the zone.

It has been clearly established that the current landfill use already imposes an undue burden on public rights-of-way, transportation routes, esthetic and scenic values, as well as conservation and restoration efforts and recreational opportunities at state

facilities, along with greatly increased traffic, incidental refuse, incompatible noise, noxious odor, combustible vapor, and contaminated air, soil and water.^{vii} Such grievous current offense cannot justify its furtherance or any proposed increase in its size or use.

We again appreciate the opportunity to provide comment to inform your Planning Commission consideration.

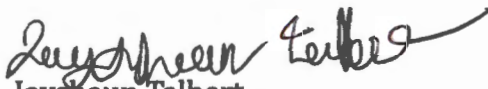
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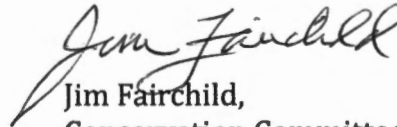
Karan Fairchild, Co-President



Dave Mellinger, Co-President



Jayshaun Talbert,
Conservation Chair



Jim Fairchild,
Conservation Committee

Cc: Oregon State Representatives for Benton County:

David Gomberg, House District 10

Sarah Finger McDonald, House District 16

Dick Anderson, Senate District 5

Sara Gelser Blouin, Senate District 8

ⁱ Benton County (2007). *Benton County Comprehensive Plan*. Benton County, Oregon:

<https://cd.bentoncountyor.gov/wp-content/uploads/2023/12/benton-county-comprehensive-plan-2007.pdf>

ⁱⁱ Oregon Fish & Wildlife Department (2019). *E.E. Wilson Wildlife Area Management Plan*. Oregon Department of Fish & Wildlife, Salem, Oregon

ⁱⁱⁱ Oregon Fish & Wildlife Department (2016). *The Oregon Conservation Strategy*. Oregon Department of Fish & Wildlife, Salem, Oregon

^{iv} Benton County (2010). *Benton County Prairie Species Habitat Conservation Plan*. 160 pp plus appendices. Benton County, Oregon: www.co.benton.or.us/parks/hcp

^v Audubon Society of Corvallis, now Mid-Willamette Bird Alliance, was one of the stakeholder NGOs in the HCP planning process. (HCP, p 15)

^{vi} Benton County (2024 to current). *Development Code of Benton County, Chapter 51 –100 Benton County Development Code*. Benton County, Oregon.

^{vii} Benton County Planning Commission Record and Testimony (2021). *CUP Application #LU-21-047*, Benton County, Oregon