

POLK COUNTY BOARD OF COMMISSIONERS

DATE: March 26, 2025
TIME: 9:00 a.m.
PLACE: Polk County Courthouse, Dallas, Oregon

THE LOCATION OF THIS MEETING IS ADA ACCESSIBLE. PLEASE ADVISE THE BOARD OF COMMISSIONERS AT (503-623-8173), AT LEAST 24 HOURS IN ADVANCE, OF ANY SPECIAL ACCOMMODATIONS NEEDED TO ATTEND OR TO PARTICIPATE IN THE MEETING VIRTUALLY.

PAGE: **AGENDA ITEMS**

- 1. CALL TO ORDER AND NOTE OF ATTENDANCE**
- 2. ANNOUNCEMENTS**
 - (a) Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. Each meeting is held in the Courthouse Conference Room, 850 Main Street, Dallas, Oregon. Each meeting begins at 9:00 a.m. and is conducted according to a prepared agenda that lists the principal subjects anticipated to be considered. Pursuant to ORS 192.640, the Board may consider and take action on subjects that are not listed on the agenda. The Board also holds a department staff meeting at 9:00am on every Monday in the Commissioners Conference Room at 850 Main Street, Dallas, Oregon.
- 3. COMMENTS (for items not on this agenda and limited to 3 minutes. We encourage all community members to engage with public comments to the Board of Commissioners. However, out of respect for our audience and a general sense of decorum please refrain from vulgar, threatening or inappropriate language.)**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF THE MINUTES FROM March 19, 2025**
- 6. APPROVAL OF CONSENT CALENDAR**
- 7. SUPPLEMENTAL BUDGET FY24-25 & RESOLUTION NO. 25-06 – Greg Hansen**
- 8. RECLASSIFICATION OF AN EMPLOYEE – Matt Hawkins**

CONSENT CALENDAR

- a) Ratification of Hearings Officers Decision regarding the granting of a Franchise for a Transfer Station - PCCO 70.0706.
(Austin McGuigan, Community Development Director)
- b) Property Value Appeals Board Appointments, Michael Sewell & Timothy English
(Cole Steckley, PVAB Clerk)

**THE BOARD OF COMMISSIONERS WILL MEET IN EXECUTIVE SESSION
PURSUANT TO ORS 192.660.**

ADJOURNMENT

POLK COUNTY PUBLIC MEETINGS AND PUBLIC HEARINGS
GUIDELINE FOR CITIZENS

REGULAR MEETING AGENDA

Regular meetings of the Polk County Board of Commissioners convene at 9 a.m. each Wednesday morning. Any person wishing to bring a matter before the Board at one of these meetings may do so by mailing or delivering written notice, concisely describing the nature of the item, to the Board of Commissioners, Polk County Courthouse, Dallas, Oregon 97338, by noon on the preceding Thursday. Unless otherwise announced, meetings are held in the Main Conference Room of the Courthouse.

APPEARANCE OF INTERESTED CITIZENS

The Board sets aside a time at each regular meeting for comment by the public on subjects not appearing on the Agenda. Individuals may come forward and make any statement they wish, but not to exceed three (3) minutes in length, except as is required to give concise answers to questions from Board members. If the subject will require a lengthier presentation, or merits inclusion as an item on the Agenda of a future meeting, the Board shall schedule it accordingly.

PUBLIC HEARING FORMAT
Land Use

1. Chairman opens hearing.
 - a. Reading of hearing request or appeal statement.
 - b. Call for abstentions (ex parte contact or conflict of interest).
2. County staff presents background, summary and its recommendation (20-minute limit).
3. Applicant (Appellant) presents his/her case (15-minute limit).
4. Public testimony. Note that all testimony and evidence must be directed toward the applicable factual and legal criteria as identified in the record and/or during this hearing. Do not repeat previous testimony. Simply note for the record that you are in agreement with that earlier testimony. Your time to present testimony is limited. FAILURE TO RAISE AN ISSUE IN THIS HEARING, IN PERSON OR BY LETTER, OR FAILURE TO PROVIDE ADEQUATE SPECIFICITY TO AFFORD THE BOARD AN OPPORTUNITY TO RESPOND TO THE ISSUE MAY PRECLUDE LATER APPEAL TO LUBA ON THAT ISSUE.
 - a. Individuals in favor of the application or appeal.
 - b. Individuals against the application or appeal. At the discretion of the Chairman, an attorney, consultant, or other designated representative of two or more individuals may be allowed the combined time for each represented individual who does not speak, not to exceed 20 minutes. The Chairman may require proof of designation.
5. Rebuttal by Applicant (Appellant) (10-minute limit).
6. Questions from Board (discussion limited to individuals questioned by the Board).
 - a. Staff.
 - b. Applicant (Appellant).
 - c. Individuals testifying.
7. Chairman closes hearing and announces closing of Record.
8. Chairman announces date for deliberation and decision.
9. The Board's decision is deemed the final decision of Polk County. It may be appealed to LUBA within 21 days of its issuance in written form. The address and phone number of LUBA may be obtained from the Polk County Community Development Department and will also appear on the Notice of Decision which will be mailed to all persons who testify, submit comments, or print their name and address on the hearing attendance sheet at the back of the hearing room.

POLK COUNTY BOARD OF COMMISSIONERS
MINUTES March 19, 2025

1. CALL TO ORDER & ATTENDANCE

At 9:00 a.m., Commissioner Pope declared the meeting of the Polk County Board of Commissioners to be in session. Commissioner Mordhorst and Commissioner Gordon were present.

Staff present: Greg Hansen, Administrative Officer
Morgan Smith, County Counsel
Matt Hawkins, Administrative Services Director

2. ANNOUNCEMENTS

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The Grand Ronde Sanitary District Board is meeting on March 19, 2025 at 9:15 a.m. The meeting will take place in the Polk County Courthouse, 850 Main Street, Dallas, OR, 97338.

3. COMMENTS

None.

4. APPROVAL OF AGENDA

**MOTION: COMMISSIONER MORDHORST MOVED, COMMISSIONER GORDON
SECONDED, TO APPROVE THE AGENDA.**

**ALL VOTED YES
MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.**

5. APPROVAL OF MINUTES OF March 12, 2025

**MOTION: COMMISSIONER GORDON MOVED, COMMISSIONER MORDHORST
SECONDED, TO APPROVE THE MINUTES OF March 12, 2025.**

**ALL VOTED YES
MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.**

6. APPROVAL OF CONSENT CALENDAR

**MOTION: COMMISSIONER GORDON MOVED, COMMISSIONER MORDHORST
SECONDED, TO APPROVE THE CONSENT CALENDAR.**

**ALL VOTED YES
MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.**

7. MONTHLY TREASURER'S REPORT

Steve Milligan, Polk County Treasurer, handed out his monthly treasurer's report to the Board. Mr. Milligan stated that he had a discussion with Katlyn D' Agostini about this report presentation and wanted to know who made the decision to put this on the agenda each month. Commissioner Pope stated that the Board made this decision. Mr. Milligan asked why it was made without him. Commissioner Pope stated that they wanted to give him an opportunity to tell them and the public how the job is going and Mr. Milligan responded to that statement. Mr. Milligan then explained why he has not placed any information on the Treasurer's page on the Polk County website and Commissioner Gordon recommended putting this report on his page, as well as his photo, contact information and maybe some information about himself. Mr. Milligan then responded to that recommendation and stated that he is currently working with the Finance Director to get things sorted. Commissioner Gordon asked for specifics on what is not going well and Mr. Milligan answered his question.

The following items were approved by Motion under **5. APPROVAL OF CONSENT CALENDAR:**

- a) Polk County Contract No. 25-28, ODOT
(Todd Whitaker, Public Works Director)

At 9:14 a.m. County Counsel announced that the meeting was recessed to Executive Session pursuant to ORS 192.660(2) (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

At 9:40 a.m. the Executive Session ended, Commissioner Pope directed staff to move forward as discussed during the Executive Session and adjourned the meeting.

POLK COUNTY BOARD OF COMMISSIONERS

Craig Pope, Chair

Jeremy Gordon, Commissioner

Lyle Mordhorst, Commissioner



INTEROFFICE MEMORANDUM

POLK COUNTY COURTHOUSE

TO: BOARD OF COMMISSIONERS
FROM: GREG HANSEN, ADMIN. OFFICER
DATE: MARCH 3, 2025
SUBJECT: SUPPLEMENTAL BUDGET 2024-2025

RECOMMENDATION:

The Board approve the Supplemental Budget Resolution 25-06 to increase revenues and appropriations within the Domestic Mediation Fund and County School Fund for fiscal year 2024-2025.

ISSUE:

Should the Board approve a supplemental budget resolution for fiscal year 2024-2025?

BACKGROUND:

During fiscal year 2024-2025 budget year, the Domestic Mediation Fund and the County School Fund have or will have expenditures and or revenues beyond what was anticipated when the budget was adopted based upon accounting practices.

Both of the identified Funds will have unanticipated revenues which requires corresponding appropriations. All of these changes require a supplemental budget due to the amount of the change exceeding 10% of current operating budget.

ALTERNATIVES:

The following are alternatives:

1. Approve the recommendation as proposed. Allows the County to meet all of the budgetary requirements and laws.
2. Modify the recommendation to increase or decrease the amount of the supplemental budget.
3. Not approve a supplemental budget and end up violating Oregon budget law.

FISCAL IMPACT:

The increase in revenues and expenditures for the Domestic Mediation Fund is \$92,000 and the County School Fund is \$40,000.

**BEFORE THE BOARD OF COMMISSIONERS
FOR POLK COUNTY, OREGON**

In the Matter of a Supplemental)
Budget to Increase Appropriations)
and Revenues within the Domestic)
Mediation Fund, and the County)
School Fund.)

RESOLUTION NO. 25-06

WHEREAS, this matter came before the Board of Commissioners in regular session on Wednesday, March 26, 2025; and

WHEREAS, the Domestic Mediation Fund requires an increase in both revenues and appropriations due to unanticipated revenue from the State to cover expenses in mediation services which was not anticipated during the preparation of the budget for the current year; and

WHEREAS, the County School Fund requires an increase in both revenues and appropriations due to unanticipated franchise tax revenue which is passed through the County, and was not anticipated during the preparation of the budget for the current year; and

WHEREAS, ORS 294.480 (1)(a) provides the authority to make a supplemental budget for the current fiscal year when an occurrence or condition exists which had not been ascertained at the time of the preparation of the budget; now, therefore,

IT IS HEREBY RESOLVED that the Board of Commissioners, County of Polk, adopt this resolution in the full in the amount shown below:

Domestic Mediation Fund – (160)

<u>Total Requirements</u>	\$73,000
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Domestic Mediation (422)	
Increase from \$ 73,000 to \$ 165,000	\$ 92,000

TOTAL ADJUSTED REQUIREMENTS	\$165,000
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County School Fund – (270)

Total Requirements \$186,000

County School Fund (197)

Increase from \$186,000 to \$ 226,000 \$ 40,000

TOTAL ADJUSTED REQUIREMENTS \$ 226,000

Dated March 26, 2025 at Dallas, Oregon.

POLK COUNTY BOARD OF COMMISSIONERS

Craig Pope, Chairman

Approved as to Form

Lyle Mordhorst, Commissioner

Morgan Smith
County Counsel

Jeremy Gordon, Commissioner



MEMORANDUM

TO: Board of Commissioners
FROM: Matt Hawkins, Admin. Services Director
DATE: March 21, 2025
SUBJECT: Reclassification of a Management Analyst I

Wednesday – March 26, 2025 (5 minutes)

RECOMMENDATION:

The Board of Commissioners approve the reclassification of a Management Analyst I.

ISSUE:

Shall the Board approve the reclassifications?

DISCUSSION:

It is recommended that Todd Hakman from Health Services be reclassified from a Management Analyst I to the HS Quality and Analytics Coordinator. Health Services reports that the duties Todd is actually completing fall more in line with the duties and responsibilities of the HS Quality and Analytics Coordinator. Todd has been with Polk County since July of 2021 and performed at a very high level during this time.

Todd is currently at step 3 of the Management Analyst I position which is \$7,196 monthly. If the reclassification is approved, Health Services has requested extra steps for Todd due to his outstanding performance which would have him moving to step 5 of the HS Quality and Analytics Coordinator position which is \$8,338.

Should the reclassification be approved, it would be effective April 1, 2025.

FISCAL IMPACT:

This reclassification will have an impact on the budget for FY 24-25 of approximately \$18,000 including PERS contribution should it be for 12 months. The Health Services budget is able to absorb these additional costs.



POLK COUNTY

POLK COUNTY COURTHOUSE ★ DALLAS, OREGON 97338
(503) 623-9237

COMMUNITY DEVELOPMENT

AUSTIN M'GUIGAN
Director

NOTICE OF HEARINGS OFFICERS DECISION

The Polk County Hearings Officer issued a decision in the matter of ReHub Polk:

The Polk County Hearings Officer **GRANTED** the franchise application for a solid waste transfer facility franchise subject to conditions and Polk County Board of Commissioners ratification.

REVIEW AND

DECISION CRITERIA: Polk County Code of Ordinances (PCCO) Chapter 70

STAFF CONTACT: Austin McGuigan: (503) 623-9237;
mcguigan.austin@co.polk.or.us

A copy of the Hearings Officer's decision, documents and evidence, and the applicable criteria are available for inspection at no cost and will be provided at the Community Development Department (Polk County Courthouse, 850 Main Street, Dallas, Oregon 97338 (503-623-9237) for the cost of copying.

The decision of the Hearings Officer becomes final upon review and ratification by the Board of Commissioners, unless the decision of the Hearings Officer is appealed to the Board or if the Board calls it up for review under PCCO Section 70.0708.

Any interested party, applicant for a franchise, other affected franchise holders or franchise applicants may appeal an adverse decision of the Hearings Officer by filing written notice of appeal with the Board within the time prescribed by Section 70.0706(8) of this Ordinance. Within the same period of time, the Board on its own motion may call up a decision of the Hearings Officer for review. The Board is scheduled to ratify the decision by consent calendar on Wednesday March 26, 2025 at 9 a.m. Any appeal would need to be submitted to the **Polk County Community Development Department** (Polk County Courthouse, 850 Main Street, Dallas, Oregon 97338) prior to March 26, 2025.

**BEFORE THE COMMUNITY DEVELOPMENT
DEPARTMENT FOR POLK COUNTY, OREGON**

In the Matter of the Application of:

REHUB POLK.

**ORDER RE: APPLICATION FOR
SOLID WASTE TRANSFER
FACILITY FRANCHISE (PCCO
CH. 70)**

I. SUMMARY OF PROCEEDINGS

A. BACKGROUND

This matter arose on the application of ReHub Polk, a subsidiary of Apple Tree Holdings, LLC, (“Applicant”) a family-owned Oregon Company to operate a solid waste transfer facility franchise in Polk County, Oregon. The franchise application proposes to construct an enclosed regional solid waste transfer facility that would collect solid waste from the public and from the franchised solid waste collection companies within Polk County. These types of facilities can presort waste, re-bulk it, and then transport it to final disposal locations, markets or larger transload facilities. This solid waste transfer facility franchise proposal includes the collection of solid waste, recycling, inert material and yard debris.

The Applicant has identified a proposed location to construct the facility at the former Rickreall Dairy, 8845 Rickreall Road, Rickreall Oregon 97371. This location is zoned Exclusive Farm Use (EFU). The Applicant has a purchase option with the property owner. However, establishing a solid waste transfer facility in the EFU zone would require a conditional use permit from Polk County. This franchise application process is only to evaluate whether or not Polk County should grant a solid waste transfer facility franchise to ReHub Polk. If Polk County grants a solid waste transfer facility franchise to ReHub Polk, they would then need to apply for the conditional use permit. The land use process for a conditional use permit would evaluate the impacts of a detailed construction and operations proposal on surrounding farm and forest activities and the neighborhood.

Applications for a Polk County solid waste franchise are subject to Polk County Code of Ordinance (PCCO) chapter 70.

B. PROCEDURAL HISTORY

On May 14, 2024, the application was submitted to Polk County.

On May 15, 2024, Morgan Smith, Polk County Legal Counsel, announced at a regularly scheduled Board of Commissioners meeting that Polk County received the application.

On May 21, 2024, at a regularly scheduled Board of Commissioners public meeting, Austin McGuigan, Polk County Community Development Director, gave an initial summary of the application and identified the need to collect supplemental information in order to determine whether or not the proposal was viable. Specifically, McGuigan suggested the Board have Polk County Community Development Staff (“County Staff”) consult with the collection franchisees and cities within the county in order to determine their interest in utilizing a regional solid waste transfer facility. Additionally, McGuigan recommended hiring a consultant to evaluate the proposal. The Board agreed, finding good cause to extend the processing time, and designated County Administrator Greg Hansen to lead the investigation with assistance from McGuigan. Pursuant to PCCO 70.0706(1), applications shall be reviewed by the Administrator who shall make

such investigation as deemed appropriate and who may request assistance of other persons as necessary.

Polk County hired Bell & Associates, Inc., a consulting firm specializing in the financial and operational analysis of integrated solid waste management. Chris Bell is a certified public accountant. Chris Bell, CPA reviewed the application and provided an independent analysis of the Applicant's proposal.

After conducting these meetings and collecting supplemental information, the Administrator developed a recommendation that: (1) there is a need for a transfer facility franchise; (2) the applicant is qualified and has demonstrated sufficient experience to ensure compliance with the Solid Waste Ordinance; and (3) the transfer facility should include adequate and appropriate space and equipment for Polk County to host household hazardous waste events. The Administrator set a public meeting for January 8, 2025, for the Polk County Board of Commissioners to consider the application and the recommendation of the Administrator.

On December 13, 2024, notice was sent to all holders of another solid waste franchise in any part of the service area and all incorporated municipal cities located within Polk County. On December 25, 2024, notice was published in the Itemizer Observer newspaper.

On January 8, 2025, the Polk County Board of Commissioners conducted a public meeting where they considered the application and recommendation of the Administrator. The Board of Commissions deliberated and designated Leslie Howell as the Polk County Hearings Officer to receive the Administrator's recommendation, hear testimony and review evidence pursuant to PCCO 70.0706(5),

This matter is set for a public hearing before the Polk County Hearings Officer on February 10, 2025. On January 13, 2025, notice of the public hearing was sent to the all the holders of another solid waste franchise in any part of the service area and all incorporated municipal cities located within Polk County and the Applicant. On January 22, 2025, notice was published in the Itemizer Observer newspaper.

II. PUBLIC HEARING

A duly advertised public hearing was held in the Polk County Courthouse on February 10, 2025. ReHub Polk was represented by Nick Dahl and attorney Alan Sorem. The Hearings Officer announced that she had no interest (financial or personal) in the matter nor any *ex parte* contact with any involved party. County Staff summarized its report and recommended approval of the solid waste transfer facility with three conditions of approval. Dahl and Attorney Sorem presented additional testimony in favor of the application and stated that ReHub Polk supported County Staff's recommendation. There were many community members in attendance. No one in attendance spoke in favor of the application. Several community members spoke against the application. Dahl and Attorney Sorem presented rebuttal testimony. Additional written testimony in favor of the application and against the application was also received into the record at the public hearing.

At the public hearing, two members of the public raised a procedural issue with this application and requested the application process be suspended. They testified that Polk County is a member of a regional solid waste plan, and that regional solid waste plan must be amended prior to Polk County approving this franchise application. On Rebuttal, the Applicant testified that this application is not a land use decision and that chapter 70 does implement the local comprehensive plan. The Applicant also testified that the County identified the proper review criteria this application is subject to. The Hearings Officer denied this request to hold the application in abeyance pending regional amendment.

There was also a request to keep the record open for seven (7) days. The Hearings Officer denied the request.

Leslie Howell, Polk County Hearings Officer, presided. All of the testimony, evidence, and arguments are a part of the record and were considered in this matter.

The Hearings Officer has authority to make a recommendation to the Board of Commissioners on this matter.

III. APPLICABLE LAW

Pursuant to PCCO 70.0706(3), upon the basis of the application, evidence submitted, and results of said investigation, the Administrator shall make a finding on, (1) the need for a transfer franchise; (2) the qualifications of the applicant; and (3) whether additional areas should be included or additional service or equipment should be provided. On the basis of said findings, the Administrator shall recommend to the Board whether the application should be granted, denied, or modified.

Pursuant to PCCO 70.0706(6), upon the basis of the application, any evidence or testimony, submitted, and the Administrator's recommendation, the Hearings Officer shall make findings on the need for a transfer or disposal franchise, the qualifications of the applicant and whether additional area should be included; additional services be provided; additional equipment, facilities, land or personnel be provided; whether conditions should be imposed on disposal; and, with respect to disposal sites, whether or not the site may be integrated with existing private or public sites and whether or not the site is economically feasible.

IV. FINDINGS

Polk County's Solid Waste management program incorporates regional cooperation and agreements, the Polk County Comprehensive Plan, Oregon Revised Statutes Chapter 459, as well as County Code. Part of Polk County's Solid Waste management program includes extending franchises to independent companies – a "franchise" is a general privilege to provide a specified solid waste management service issued by the Board. *See PCCO 70.0301(11)*. A franchise decision for solid waste is not a "land use" decision as defined by ORS Chapter 197 and is not subject to LUBA's jurisdiction. *See Kamp v. Washington County*, 55 Or LUBA 711 (2007). Polk County's solid waste management planning has been based on the Chemeketa Regional Solid Waste Management Program. This planning resulted in the solid waste policies and goals found in Element J of the Polk County Comprehensive Plan which state that, in accordance with the Chemeketa Plan, Polk County will pursue the development of the following:

1. A solid waste transfer station in the Dallas-Rickreall area;
2. A rural drop-box station at Falls City; and
3. A backup landfill to serve in the event of an emergency.

Thus, Polk County has previously identified a need for a solid waste transfer station in the Dallas-Rickreall area. A transfer facility would open up opportunities to utilize other distant landfills in the event of an emergency or as disposal costs in the region continue to escalate as local disposal options and capacity diminish. As stated above, this application for a Franchise is governed by Chapter 70 of PCCO.

The Applicant, Rehub Polk, is a subsidiary of Apple Tree Holdings, LLC. The Applicant is requesting a franchise for a solid waste transfer facility. Nick Dahl is the president of Apple Tree Holdings, LLC. Apple Tree Holdings, LLC is a family owned, Oregon company. Mr. Dahl presented testimony at the public hearing that he has over 26 years' experience in the waste industry and that he is currently the president of the Oregon Refuse and Recycling Association and a chair on the West Coast Refuse and Recycling Coalition. Additionally, during the pendency of this application, Polk County hired Bell & Associates, Inc. Bell found that the investors in Apple

Tree are experienced in the waste industry within Oregon; therefore, they understand the financial risks associated with constructing and operating a transfer station.

The Administrator concluded that the Applicant is qualified and has demonstrated sufficient experience to ensure compliance with the Solid Waste Ordinance. The Hearings Officer concurs with the Administrator's findings, and finds the Applicant is qualified and has demonstrated sufficient experience to ensure compliance with Solid Waste laws and regulations.

For several decades, Polk County has benefited from close proximity to the Coffin Butte Landfill in Benton County where nearly all of the solid waste collected in Polk County is currently disposed. This proximity has helped to keep disposal costs low and long-term stability in the solid waste disposal market has minimized the need for additional facilities. However, there is currently increasing uncertainty in the solid waste disposal market in our region. In August of 2020, the Yamhill County Board of Commissioners denied an expansion of the River Bend Landfill in Yamhill County. This landfill is currently closed to franchise haulers. In September 2024, Reworld (no affiliation to ReHub) informed Marion County that they would be closing operations of the incinerator in Brooks and would stop taking Marion County's waste on December 31.

These closures are putting further pressure on the Coffin Butte Landfill in Benton County which is beginning to reach the end of its operational life. In 2021, the Benton County Planning Commission denied an application for an expansion of the Coffin Butte Landfill. In March 2022, Republic Services, who operate the landfill, ultimately withdrew the application on appeal to the Benton County Board of Commissioners. On June 21, 2024, Republic Services reported to the Benton County Board of Commissioners that the airspace and remaining capacity of the landfill is projected to result in 12.9 years of additional life. In their report, Republic Services stated that an approved conditional use permit would ensure continuity of disposal services while Benton County works to develop a Solid Materials Management Plan. In June 2024, Republic Services also submitted a scaled down conditional use application for expansion that could extend the life of the landfill for an additional 6 years. A decision on the expansion application has not been issued as of the writing of this decision.

At the public hearing, the Applicant testified that siting and constructing a solid waste facility is a long process and can take years to complete. Given the recent changes in the region and closure of a secondary post-collection facility, there is a present need to move waste out of the county and into the market. The Applicant testified that if and when Coffin Butte fills up, that material will need to be moved from this county to a landfill further east such as eastern Oregon or Washington.

In Bell's review of the application, Bell found that the funding, construction, and operation of a private transfer facility to serve Polk County residents and businesses is now an option, given the uncertainties of the eventual closure of the Coffin Butte Landfill.

Two written comments from Benton County residents in support of the application were received in the record on February 10, 2025. Both comments raise concern about the continued viability of the Coffin Butte landfill. The comments also allege that Coffin Butte is under investigation by the EPA for multiple violations and Coffin Butte may have input limitations prior to reaching the end of its operational life.

The Hearings Officer finds that currently almost all of Polk County's solid waste is disposed of at the Coffin Butte Landfill in Benton County. The Hearings Officer also finds the Coffin Butte Landfill has acknowledged through its own application filings with Benton County that it is beginning to reach the end of its operational life. While the timing of the closure of the Coffin Butte Landfill is uncertain; it is that uncertainty that is highlighting the need for a different solid waste plan. The Hearings Officer finds the record contains substantial evidence that there is a need for a solid waste transfer franchise.

According to Bell, the primary concern when planning a transfer facility is the throughput of material, whether solid waste, recycling or a combination of both. If the material volume is not adequate, the facility will charge a higher fee than expected, which could further decrease the

inbound volume and lead to its eventual failure. Without volume, the facility is financially impaired. To assist with their due diligence, the Applicant hired the engineering firm Maul Foster & Alongi, Inc, which has previous experience with solid waste planning and engineering projects within the Pacific Northwest, to draft the ReHub operations plan submitted with the application. The Applicant's rate impact analysis assumes that all of the mixed solid waste generated in Polk County would go through the transfer facility. A best-case scenario for rates. Their rate analysis also assumes all mixed solid waste is transported by truck to Eastern Oregon for disposal. A worst-case scenario for rates. Their rate analysis estimate, using composite variables, estimates the total monthly impact on residential customers in Dallas to be \$3.66, Independence \$4.91, Monmouth \$4.88, West Salem \$3.77 and Unincorporated Polk \$3.66.

County Staff utilized Bell & Associates to provide a more comprehensive independent rate analysis using similar assumptions and also provide a rate analysis for Falls City. In this analysis, Bell estimated lower monthly rate impacts to residential customers than the Applicant; Dallas \$2.70, Independence \$3.67, Monmouth \$3.75, West Salem \$1.86 and Falls City \$3.60. Bell also estimated a change in commercial disposal cost per ton as a percentage change: Dallas 3.8%, Independence 8.4%, Monmouth 8.8%, West Salem 5.8% and Falls City 8.8%; and a change in industrial disposal cost per ton as a percentage change: Dallas -2.1%, Independence 10.2%, Monmouth 11.6%, West Salem -0.1%, and Falls City 11.6%. These detailed analyses are available for review.

In order to determine whether there would be sufficient throughput volume to keep costs within the assumptions used in the rate impact analyses, Polk County needed to know whether or not franchised haulers would be willing to use the facility and whether or not cities would be willing to direct their franchise haulers to use the facility.

Pursuant to PCCO 70.0706(2), the Administrator shall notify the holder of, or an applicant for, another franchise for any part of the service area under consideration for a franchise or whose existing or proposed disposal site would reasonably be affected by the disposal site consideration.

County Staff contacted all of the franchised haulers within Polk County, beginning in June of 2024, informed them of the application and offered to hold individual meetings. County Staff conducted meetings with Valley Recycling and Disposal, Brants, and Republic Services. Recology chose not to meet with County Staff. Meetings with the franchise haulers generally included in depth discussions about the projected impact on rates and efficiency. The haulers were generally in favor of the proposal. The Applicant was made available to answer questions and Polk County offered the use of Bell & Associates for additional third-party analysis. Valley Recycling and Disposal had specific concerns about the impact on commercial rates. Republic Services, who also operate the Coffin Butte landfill, would like the facility to utilize the Coffin Butte landfill. None of the haulers, with the exception of Recology, objected to utilizing the transfer facility if approved by Polk County.

County Staff then conducted similar meetings with cities located within Polk County, with the exception of Willamina who is served by Recology. These meetings included a joint work session with the Cities of Independence and Monmouth City Councils, two public meetings with the City of Dallas City Council, a public meeting with the City of Falls City Council, a public meeting with the City of Salem Solid Waste Committee and a public meeting with the City of Salem City Council.

County Staff had robust conversations with the cities that were focused on rate impacts, efficiency, resilience in the watershed, and adapting to changes in waste disposal options in the Willamette Valley. City of Salem had concern about the routing efficiency of recycling collected in Salem. City of Salem also identified transportation efficiency gains if composting was permitted at the transfer facility. Dallas, Falls City, Independence and Monmouth all had a strong desire to keep rate impacts low. Additionally, all cities cited a need for and interest in the ability to permit dismantling of recreational vehicles at a franchised transfer facility. Discarded, inoperable, or abandoned vehicles or vehicle parts are defined as solid waste in the PCCO and thereby could be

dismantled and processed at a transfer facility with proper permitting. Polk County Environmental Health Staff expressed a desire to have a permanent location to conduct household hazardous waste collection events that use a third party to collect, transport and properly dispose of hazardous waste that is generated in the residential waste stream.

There was an understanding by all of the cities that the options and capacity for solid waste disposal in our region are diminishing and that we should be collaborating to provide continuity of service. Each of the cities expressed a willingness to explore utilization of Intergovernmental Agreements (IGA) between Polk County and each of the cooperating cities to address their individual operational needs and to utilize a franchised transfer facility in Polk County for mixed solid waste. These IGA's could ensure the throughput needed to keep costs low.

The assumptions used to determine rate impacts are also predicated on the location proposed by the Applicant near the unincorporated community of Rickreall. A transfer facility location within the Rickreall vicinity would have close proximity to the major cities within Polk County which reduces travel distances for franchise haulers, thereby lowering solid waste collection costs. The impact on solid waste collection rates was identified as a threshold issue for the cities when determining whether or not they would enter into an IGA to utilize the facility. Failure to execute a sufficient number of IGA's with the cities would limit throughput and the economic feasibility of the transfer facility for the remaining participants.

Because of the uncertainty of the future land use process, the Administrator recommends a condition of franchise approval that would limit the siting of the transfer facility within a five mile radius of the Highway 99W and Highway 22 intersection. An alternative location outside of this five mile radius would require a new solid waste transfer facility franchise and the existing franchise would be null and void. This condition of franchise approval is also in line with the location siting in the Comprehensive Plan.

Additionally, the Administrator finds that the increasing uncertainty in the solid waste disposal market in our region will result in an increasing need for a transfer facility as time goes on. If the Applicant fails to develop the facility in a timely manner, but continues to hold the franchise, it could impair the ability of the County to meet the need which thereby could result in an environmental health crisis. As a result, the Administrator recommends a condition of franchise approval that would require the Applicant to obtain all required permits, including land use authorization and Oregon Department of Environmental Quality (DEQ) permits, and have a fully operational transfer facility in compliance with all federal, state and local laws by the close of calendar year 2029. If the Applicant believes at a future date that they may fail to meet this condition, the Polk County Board of Commissioners, at their sole discretion, can extend the timeline for full operation.

At the public hearing, the vast majority of testimony against the application focused on the potential site of the waste transfer facility. The comments raised issues with increased traffic, noise, noxious odor, light pollution, diminished value of surrounding properties, environmental impacts, flooding, highest and best use of property, and wildlife. Public testimony identified concerns that a conditional use application would not address the identified issues. In particular, one community member testified that that this proposal was for a specific siting in a specific location; therefore, the comprehensive plan is an issue, there is missing information, the burden of proof has not been met, and more information is needed for an objective decision.

At the public hearing, Attorney Sorem presented rebuttal testimony that the sequencing of events that County code provides may be frustrating and here, the decision is whether or not to award a franchise. The attorney also reiterated that if the County does award a franchise, the conditional use application will address traffic, impacts related to noise, odor and air quality.

All comments are included as part of the record. The Applicant has the burden of proof. The Hearings Officer recognizes the public interest and comment on this application. This application solely seeks a franchise agreement with the county and the review and decision criteria is limited

to the Applicant's request. LUBA has previously held that Franchise agreements are not land use decisions. Further, this decision does not authorize a site-specific transfer facility location. The Applicant acknowledges that in order to site the facility on the property identified in this franchise application a separate land use application will need to be submitted. That land use application will have specific review and decision criteria for the County and/or Hearings Officer to evaluate.

The Hearings Officer finds that the record contains substantial evidence that this franchise application for a solid waste transfer station is economically feasible so long as it is within a five mile radius of the Highway 99W and Highway 22 intersection. The Hearings Officer further finds there is a need for and interest in the ability to permit dismantling of recreational vehicles at a franchised transfer facility. The Hearings Officer finds that with the Administrator's above recommended conditions of approval the application complies with the review and decision criteria.

V. CONCLUSIONS AND RECOMMENDATION

Based on the information in the record and the findings outlined above, the Hearings Officer concludes that that: (1) there is a need for a transfer franchise; (2) the Applicant is qualified and has demonstrated sufficient experience to ensure compliance with the Solid Waste Ordinance; and (3) the transfer facility should include adequate and appropriate space and equipment for Polk County to host household hazardous waste events; and (4) that conditions should be imposed on the transfer facility franchise based on locational economic feasibility. Additionally, the Hearings Officer finds the franchise agreement should include specific requirements for recreational vehicle dismantling.

The Hearings Officer hereby GRANTS, subject to Polk County Board of Commissioners ratification, the proposed solid waste transfer station franchise with Rehub Polk with the recommended additional appropriate conditions below:

1. The transfer facility shall be constructed within a five mile radius of the Highway 99W and Highway 22 intersection. An alternative location outside of this five mile radius would require a new solid waste transfer facility franchise and the existing franchise would be null and void.
2. The franchisee shall obtain all required permits, including land use authorization and Oregon Department of Environmental Quality (DEQ) permits, and have a fully operational transfer facility in compliance with all federal, state and local laws by the close of calendar year 2029. If the applicant believes at a future date that they may fail to meet this condition, the Polk County Board of Commissioners, at their sole discretion, can extend the timeline for full operation.
3. The franchisee shall provide a permanent location with adequate and appropriate space and equipment for Polk County to dismantle recreational vehicles and to host household hazardous waste collection events that use a third party to collect, transport and properly dispose of hazardous waste that is generated in the residential waste stream.

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VI. EFFECTIVE DATE AND APPEAL

Pursuant to PCCO 70.0706(8) the decision of the Hearings Officer becomes final upon review and ratification by the Board, unless the decision of the Hearings Officer is appealed to the Board or if the Board calls it up for review under PCCO 70.0708

Dallas, Oregon

March 17, 2025.

Leslie Howell

Leslie Howell
Polk County Hearings Officer

MEMORANDUM

TO: Board of Commissioners
FROM: Cole Steckley, PVAB Clerk
DATE: March 21, 2025
SUBJECT: Property Value Appeals Board Appointments

RECOMMENDATION:

Appoint non-office holding residents to both pools of individuals who are willing to serve on the Property Value Appeals Board. This allows a non-office holding member to act as the Chairperson in the case of an unforeseen absence:

1. Members of the county governing body or non-office holding county residents referred to as the Chairpersons Pool.
 - a. Commissioner Lyle Mordhorst will preside as Board Chair and representative for the county governing body.
 - b. Commissioner Jeremy Gordon will act as Alternate Board Chair.
 - c. Timothy English
 - d. Michael Sewell
2. Non-office holding residents of the county who are not members of the governing body, members of the governing body of a school district, taxing district or an employee of the county.
 - a. Michael Sewell
 - b. Timothy English

BACKGROUND:

The county governing body shall appoint a pool of board members who may be selected by the county clerk to sit on the Property Value Appeals Board. The term of office for the Property Value Appeals Board members Lyle Mordhorst and Timothy English began on the date of appointment and end on June 30, 2025. The term of office for the Property Value Appeals Board members Michael Sewell and Jeremy Gordon began on the date of appointment and end on June 30, 2026.

The Property Value Appeals Board will:

1. Hear petitions for reduction of the real market, maximum assessed, specially assessed, or assessed value of property as of January 1.
2. Hear petitions to waive penalties for late filing of real or personal property returns.

FISCAL IMPACT: No fiscal impact on County.