



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** February 15, 2023

**SUBJECT:** Consideration of a recommendation from the Solid Waste Advisory Committee relative to the implementation of FAA Advisory Circular 150/5200-33C recognizing a 5-mile public-use airport exclusion zone for the siting of landfills, and discussion of siting a new solid waste facility

**RECOMMENDED MOTION:**

Motion to approve a recommendation from the Solid Waste Advisory Committee to recognize the FAA recommended 5-mile radius around the Redmond and Bend airports as a requirement for purposes of screening and selecting candidate sites for the County's Solid Waste Management Facility.

**BACKGROUND AND POLICY IMPLICATIONS:**

On January 25, 2023, the Board of County Commissioners gave direction to staff to convene a special meeting of the SWAC to review Federal Department of Aviation (FAA) Advisory Circular 150/5200-33C, with regards to a recommendation in the advisory that prohibits the siting of landfills within a 5-mile radius of a public-use airport.

The SWAC convened on Tuesday, February 7 to discuss the FAA Advisory and the impacts the 5-mile restriction would have on three sites that have been identified as candidates for the new Solid Waste Management Facility. Staff also presented a summary of discussions with management from the Redmond and Bend airports and their positions that no new landfills be sited within a 5-mile radius of their facilities. Recognizing the 5-mile restriction would eliminate three candidate sites from consideration, one in Redmond (near the Negus Transfer Station), and two east of Bend (Central Oregon Irrigation District property off Bear Creek Road and a site on County-owned property off Rickard Road).

Public comment specific to the FAA Advisory was received at the meeting and those that spoke to the FAA Advisory and recognizing the 5-mile radius as a requirement were in support of that position.

A motion was presented and unanimously passed by the SWAC members present recommending the Board of County Commissioners consider the recommendation in FAA Advisory Circular 150/5200-33C that landfills not be sited within 5-miles of public use

airports be considered a requirement for the purposes of screening and selecting candidate sites for the County's Solid Waste Management Facility.

#### Solid Waste Facility Site Screening Update

In June 2022, the Board of County Commissioners approved the Site Selection Criteria (SSC) Technical Memorandum, which established the process and methodology for evaluating and identifying candidate sites for a new facility to replace Knott Landfill, which is anticipated to reach capacity in 2029. That process focuses on three primary criteria topics:

- Site Characteristics/Engineering
- Natural Environments
- Land Use

After approval of the SSC, the Solid Waste Department, the Parametrix team (consultants for the facility siting project) and the SWAC began an effort to evaluate candidate sites throughout the County using the broad site screening criteria, methodology, and scoring matrix specified in the SSC Memorandum. That process includes the following primary steps:

1. Identifying exclusionary areas where candidate sites could not be considered due to factors such as city limits and urban growth boundaries, land use zoning, and federally mandated siting restrictions.
2. Identifying broad areas of interest that were not impacted by the exclusionary areas.
3. Identification of 31 potential sites throughout the County that were identified for broad screening analysis.
4. Further screening of the preliminarily identified sites which resulted in a list of 12 potential candidate sites for consideration in the focused screening process specified in the SSC. Thirteen sites were originally identified and one was eliminated as the property owner reached out and indicated he did not want to sell his property.

In December 2022, the broad area screening results and an overview of the process and scoring were presented to the SWAC. At the same time, letters were sent to property owners of candidate sites and owners of properties adjacent to the candidate sites. After the release of the candidate site list, comments began to be submitted in opposition to several of the sites on the candidate list.

The January SWAC meeting was formatted to provide a brief update on the site screening work underway and an overview of comments received to date. The majority of the meeting time was reserved to receive comments from the public.

#### Summary of Comments Received

As of Wednesday, February 6, we have received 661 submittals of comments in opposition to several of the candidate sites. The attached table provides a numerical tally categorizing the nature of opposition comments received on specific sites. Also attached are Word Cloud charts which provide a visual representation of the numerical distribution of comments received for 6 of the current candidate sites. It should be noted that numerous

comments were received that did not address specific sites. With many of the non-site specific comments, it could be inferred that the comments were directed to all sites east of the Central Oregon Badlands.

### Status of Candidate Sites

Several of the sites have been dropped from further consideration at this time. Those site include the following:

Site	Reason
151300-Negus/Redmond	FAA 5-mile radius restriction <sup>1)</sup>
181300-COID/Bear Creek	FAA 5-mile radius restriction <sup>1)</sup>
181315-County/Rickard	FAA 5-mile radius restriction <sup>1)</sup>
191400-2400 Millican West	Property owner declined to sell
191600-West Butte	Property owner declined to sell

<sup>1)</sup> Assumes Board approved the SWAC recommendation to recognize FAA 5-mile restriction.

There are two privately owned candidate sites whose owners have not responded to inquiries. Staff has sent follow-up letters requesting a response.

### Outreach

Staff exchanged several emails and phone calls with FAA representatives and met with the Oregon Department of Aviation to ensure there was a full understanding related to airports and landfill siting.

Staff and the Parametrix team have held preliminary meetings with the Oregon Department of Fish and Wildlife and the US Department of Fish and Game. The team will continue to interface with these agencies throughout the siting process.

Meetings are pending with Pine Mountain Observatory and the Oregon Natural Desert Association to discuss the project.

Early in the process, staff introduced the facility siting effort and process to the Central Oregon Conservation Network and provided a follow-up presentation to the group on February 14.

While the facility siting team has reached out to the tribal councils, we have yet to hear back from any of them at this time.

The facility siting team will host an open house in April to share information with the community about the site evaluation process efforts to date and steps that will be taken moving forward with the Solid Waste Management Facility siting project.

### Next Steps

Solid Waste and the Parametrix team anticipates presenting the results of the focused site screening effort at the SWAC meeting on March 21. The SWAC will be provided with

relevant information on the scoring and ranking of the sites will be developed with input from the SWAC.

Staff will return to the Board for a work session on the results of the focused site screening and solicit input and direction on the results of both the scoring and ranking. At that time, the Board could consider modifications to the scoring criteria for the next phase in the site screening process to address some of the policy issues that have come up during the process to date and comments received.

#### Bureau of Land Management Parcels

Early in the facility siting process, the former County Administrator and Director of Solid Waste met with staff of the Bureau of Land Management (BLM) to explore the possibility of acquiring BLM land for the County's landfill needs. The outcome of that meeting was that the County would not pursue BLM land as the location/size of parcels identified for disposal by BLM were not suitable and the timelines for acquisition were not viable considering the anticipated closure for Knott Landfill.

During the current effort, Department and Parametrix staff reviewed BLM parcels that were classified as Zone 3 (tenured for disposal) and it was determined that those parcels were either in exclusion areas identified through the SSC effort, or were too small or improperly shaped to warrant consideration. Additionally, staff contacted BLM with an inquiry as to confirm the time required for land exchange or conveyance process should we identify a BLM parcel or parcels that have potential. The response from BLM was that it can take six to over 10 years to go through the acquisition process, which does not work with the timeline we are facing for securing a new site.

Staff has been working with Commissioner Chang to identify potential BLM parcels that may suit the needs of the County for a new facility. Commissioner Chang has been working with elected federal representatives on the possibility for making desirable BLM land more readily available on a compressed schedule that would meet the County's needs for property. If successful, parcels that have the potential for use will be included in the site evaluation process that is underway.

#### **BUDGET IMPACTS:**

None

#### **ATTENDANCE:**

Chad Centola, Director of Solid Waste  
Tim Brownell, Incoming Director of Solid Waste  
Dwight Miller, Project Manager, Parametrix