

House Bill 3971, at first inspection, seems to encompass a very large area with nine of the most populous counties in Oregon. Nothing is further from the truth. Indeed it is a very single minded bill expressly written to benefit the desires of a few Lane County government employees.

One of the primary tenants of just law is - **that a person cannot be a judge in his own case**. Yet that is at the very heart of this proposed bill.

Section 2. (3)(a)

A local government may approve or deny an application for a facility under this section without a hearing.

There is no justice in this bill, only the desire to force the will of a few county employees on all the residents of Lane County. These few county employees are asking you to give them the power to ignore any and all laws they chose. Laws that were established to protect the environment and the health of the people.

It is my contention that this proposed bill has been written entirely and solely to benefit Lane County Government and an untenable situation they are trying to overcome. A situation that they created by their own doing and their overwhelming arrogance and utter disregard for all the county statutes that dictate the proper methods of waste management i.e. garbage disposal.

A little background will enable you to understand why I feel this proposed bill was crafted explicitly for Lane County.

In December, 2023 Lane County purchased a \$1.5M, 26 acre parcel, that is designated wetlands, which also floods occasionally, before applying for **ANY** required permits from agencies such as: US Army Corps of Engineers, Oregon Department of State Lands and the Oregon Department of Environmental Quality, Northwest Region.

Coincidentally, the above piece of property fits the exact requirements of this bill. I doubt it describes any other location in all of Willamette Valley.

Section 2. (2)

- (a) Owned by a local government unit;**
- (b) Located in the Willamette Valley, as defined in ORS 215.010;**
- (c) Located outside of any urban growth boundary; and**
- (d) Zoned to allow for industrial, light industrial or public facilities uses.**

Note: Current Lane County Land Use law prohibits the processing of raw garbage in Light Industrial zoning.

Jan 25, 2024 – Lane County Commissioner Pat Farr asked the following “Has anybody said anything about **“the property”** that we’re building on? Has anybody mentioned to you that, ‘Hey, you may not be able to build there?’

“the property” is a 26-acre piece of land in Goshen. It is a known, documented, wetlands property that occasionally floods. Wild Hog Creek flows thru the property, within 150’ of the proposed facility. Wild Hog Creek ultimately drains into the Upper and Lower Willamette River, then to the McKenzie River where the McKenzie River Trust maintains a protected sanctuary and then ultimately to the Pacific Ocean. You would be hard pressed to find a more unsuitable location to locate a garbage processing facility.

On Feb 14, 2025 a Land Use hearing was convened. The County lawyer spent over 20 minutes attempting to convince the Hearing Official that since the County owned the property and they were the government, they did not have to follow any land use laws, i.e. they were a law unto themselves and not governed by county, state or federal requirements.

On April 22, 2025 the Hearing Official determined they were NOT above the law and denied their claim. This proposed bill is their next attempt to usurp their own laws concerning proper land use, Oregon State law and the Federal Government law.

There are a few curious aspects of this proposed bill that seem to point to a single minded purpose.

Section 2. (1), line 7 proclaims this bill “**declares that short-term and long-term solid waste disposal in the Willamette Valley is a matter of statewide concern**”. Why would Eastern Oregon have any concern? Or for that matter, why would the other 8 counties in Willamette Valley care?

Section 3. Section 2 of this 2025 Act is repealed on January 2, 2028. Why set a specific time limit if it is for all of Willamette Valley?

Lane County’s actions violate every principle of Environmental Justice that informs DEQ’s EPA delegated federal Clean Water Act program and ACOE’s and DSL’s authority over fill and removal permits. We, as a nation, have spent untold billions of dollars to maintain the lowest level of water pollution in the entire world. Lane County doesn’t care about the environment; they just want to build their pet project.

I ask that you kill this bill before it wastes any more of your valuable time, a) since it seems clearly self serving and b) is attempting to negate duly enacted laws.

I am willing to discuss any of the above, provide additional material or clarify any of the points/assertions I have made.

Respectfully,

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