

LU-24-027 IN-PERSON TESTIMONY SUBMITTAL COVER SHEET

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Statement for the Record – LU-24-027 (Coffin Butte Landfill Expansion)

To: Benton County Board of Commissioners

Re: LU-24-027 – Coffin Butte Landfill Expansion

Subject: Objection Regarding Apparent Undue Influence in the Findings of the October 15, 2025 Staff Report as presented at the October 22 Board hearing

Members of the Board,

This statement is submitted in response to matters raised on the record of the Board's hearing of October 22 and 23, 2025.

As a Benton County resident, I am writing to express deep concern about the appearance of undue influence by the applicant's attorney, Jeff Condit, over the preparation and framing of the Staff Report for LU-24-027 as presented on October 22.

From a public perspective, the Staff Report, as presented at the October 22 hearing appears less like a neutral County analysis and more like a statement shaped to align with the arguments and preferred framing advanced by the applicant's attorney. Repeated points, framings, and positions that have been central to the applicant's counsel as reiterated on October 22, were echoed in the Staff Presentation based on the Staff Report, while key counter-analysis, including the unanimous decision and reasoning of the Benton County Planning Commission, received little to no meaningful weight or integration.

This raises a serious process concern: members of the public must be able to trust that staff evaluations are independent, impartial, and not filtered through the advocacy lens of the party seeking approval. When the public can reasonably perceive that the Staff Report echoes the applicant's attorney more than it reflects the County's own neutral evaluation — especially on contested framing questions — it undermines confidence in the fairness of this proceeding.

I am not asserting misconduct or intent. I am stating that, in appearance and effect, the Staff Report gives the impression that the applicant's lawyer has shaped not only the arguments presented on their own behalf but also the framework used by staff to evaluate those arguments. That perception alone damages public trust in the integrity of this process. Examples of apparent undue influence are cited in Appendix A.

I respectfully ask the Board of Commissioners to recognize and correct for this imbalance, and to weigh the Planning Commission's unanimous finding — a decision grounded in extensive local review and resident testimony — as the more credible, independent, and community-rooted evaluation of this application.

Respectfully submitted,
Marge Popp
Benton County resident

Appendix A – Verbatim Evidence from the Staff Report (Selected Excerpts)

The following table quotes passages from the October 15, 2025 Staff Report, echoed in the Staff Presentation at the October 22nd hearing and explains how each passage might signal undue influence [Benton County, Oregon](#)

Legend (influence types)

1 = Imported legal framing • 2 = Selective weighting / one-sided acceptance • 3 = Minimizing/discounting Planning Commission • 4 = Procedural shift aligning with applicant • 5 = Applicant arguments in staff voice

Staff #	Report location	Verbatim excerpt from Staff Report BOC1_BC0004_10152025	Influence type	Why this signals undue influence (resident view)
1	p.24	“Staff agrees with the Applicant that the words used (‘seriously interfere’) in the LS Zone are different than the standard farm and forest impacts test language... Staff does not agree that the words used in LS Zone should be interpreted to mean the same thing as different words used in the FC Zone.”	1	Staff adopts the applicant’s preferred parsing of the controlling standard, anchoring the review to the applicant’s legal framing.
2	p.51	“Staff agrees with the Applicant that... the ‘area’ in this criterion can be defined by the extent of the effects of the existing landfill use (the ‘base case’) as well as the effects of the proposed landfill expansion... Staff concurs with the Applicant’s proposed analysis area which, at approximately 90 square miles... ”	5	The core evaluation box (what counts as the “area”) is lifted from the applicant’s approach, dramatically broadening the frame to dilute localized impacts.
3	p.52–53	“All existing developments and uses, including the existing landfill, define the character of the area. Staff agrees with BCTT findings referenced by the Applicant... ‘as the Applicant noted’... (bulleted list follows).”	5	Staff explicitly keys its agreement to items “referenced by the Applicant,” echoing the applicant’s voice to characterize the area.
4	p.31	“Staff engineering review found the Applicant’s proposed conditions to be viable... The Applicant provided additional analysis indicating that noise levels during	2	Staff accepts the applicant’s chosen thresholding and relies on applicant-provided

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	construction will also be well within [thresholds] ...”		analysis to clear it, with little visible counter-analysis.
5 p.38	“The Applicant has provided qualified expert responses... Staff concurs... Transportation impacts... are minimal and are not expected to ‘seriously interfere’ ...”	2	Classic one-sided acceptance: staff concurs with applicant experts and reaches a minimizing conclusion on impacts.
6 p.73–74	“Staff concurs with the Applicant’s findings and evidence... This standard is met.” (Fire risk section)	2	Staff adopts the applicant’s fire-risk narrative largely whole, culminating in a categorical pass (“standard is met”).
7 p.74–76	“Staff concurs with the Applicant that the location of the employee [and] maintenance building is efficiently located... and not likely to impact nearby farm or forest uses”	2	Multiple concurrence statements mirror the applicant’s siting justification rather than independently balancing nearby uses.
8 p.77	“Staff concurs... Staff finds no reason to doubt the Applicant’s argument that the development is appropriately sized.”	2	The “no reason to doubt the Applicant” line reverses burden—suggesting deference to the applicant’s assertion instead of neutral testing.
9 p.60–61	“The Planning Commission decision ignored these analyses and failed to offer a reasonable alternative interpretation.” (re: terminology/standards)	3	Staff characterizes the unanimous PC denial as “ignored” and “failed,” minimizing that independent body rather than engaging its reasoning at parity.
10 p.8–9	Footnote and text citing Cottrell (LUBA No. 2023-086) with editorial note about removal of “weighing of evidence” language from PC findings.	1	Staff spotlights an external appellate framing that narrows how evidence is weighed—an approach the applicant’s counsel has

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		promoted—tilting the lens of review.

NOTE: To the extent AI tools were employed in preparing the appendix, their function was purely mechanical: locating and formatting verbatim excerpts from the existing public record. The technology did not supplant analysis, conclusions, or persuasive content developed by Benton County residents. The evidentiary weight rests entirely on the underlying record, not on the tool used to organize it.