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

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BOC ID: BOC3

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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: Disregard for the Planning Commission's Findings in 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.

I am submitting this statement to object to the way the October 15, 2025 Staff Report which was presented at the October 22 Board hearing minimizes and effectively belittles the unanimous decision of the Benton County Planning Commission to deny the Coffin Butte Landfill expansion.

The Planning Commission is not a casual advisory body. It is the County's appointed decision-making authority for land-use permits under Benton County Code Chapter 53, charged with applying the same criteria that now come before you on appeal. Its findings were based on a full evidentiary record, extensive public testimony, and many hours of deliberation. The Commissioners' 7-0 vote to deny the expansion was clear, well-reasoned, and grounded in their duty to interpret County standards in the public interest.

Yet the Staff Report as reflected in staff presentations at the October 22 hearing. treats that decision as a mere procedural footnote. The document mentions the Commission only in passing, reframes its central findings as "concerns," and then systematically replaces them with staff's own conclusions or those of consultants retained by the applicant. Nowhere does the report, or the staff testimony delivered on the 22nd , acknowledge, much less engage with, the Commission's actual reasoning on incompatibility, environmental risk, or the lack of demonstrated need. In fact, it was even report implied that the Planning Commission's findings were unclear or incomplete—an assertion that is both inaccurate and disrespectful to the integrity of that body's work.

This approach undermines the public's trust in the County's land-use process. When staff disregard the unanimous decision of the County's designated hearing authority, it sends the message that professional staff or private consultants—not the citizen commissioners appointed to represent the community—are the ultimate arbiters of our local land-use standards. That is not what Benton County Code, or Oregon's land-use system, intends.

I urge the Board to recognize the Planning Commission's findings as the legitimate and well-supported foundation of this case. The Commission's conclusion—that the proposed expansion fails to meet Benton County Code 53.215 and would seriously interfere with the character of the area and the welfare of nearby residents—deserves your deference and respect.

For these reasons, I request that the Board give full weight to the Planning Commission's unanimous denial and reject the staff's recommendation to approve LU-24-027.

Respectfully submitted,

Marge Popp
Resident of Benton County
October 29, 2025

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 diminishes or sidelines the Planning Commission's decision.

Section	Verbatim Excerpt	Comment
Procedural Context – "Appeal to Board of Commissioners"	"On August 12, 2025, Valley Landfills, represented by Jeffrey G. Condit of Miller Nash LLP, submitted an appeal challenging the Benton County Planning Commission's denial of LU-24-027 and providing additional evidence relating to construction, noise, and groundwater impacts… This October 15, 2025 Staff Report reviews the Applicant's submitted evidence… Staff's recommendation is based on the expertise of and review from independent third-party consulting planners, engineers, and legal counsel."	Treats the Commission's denial as a mere checkpoint in the process.
Issues Overview – Reliance on DEQ/EPA	"The Planning Commission (PC) concluded that DEQ and EPA regulations, monitoring, and enforcement were inadequate… Staff recommends that the Board's review be focused on evaluating impacts	Summarizes the PC's concern only to supplant it with staff's position; frames Commission analysis as background, not as controlling.

	within the County's authority."	
Issues Overview – Long-Range Planning and Policy	"The PC found that Benton County should have additional plans and policies related to the Coffin Butte Landfill… Staff considers this as general advice from the PC to the BOC that is unrelated to any applicable approval criteria."	Explicitly downgrades a central Commission concern to non-binding "advice," sidelining its relevance to decision criteria.
Issues Overview – Weighing of Evidence	"The Planning Commission's decision… did not provide a clear indication of which evidence the PC found more persuasive… Staff recommends the BOC identify which evidence was more persuasive."	Imputes lack of clarity to the PC, inviting the Board to substitute its own weighing—undercutting the Commission's unanimous decision.
Findings – "Key to Reading Findings"	"This Staff Report includes a sub-heading for 'Planning Commission Decision'… followed by a final sub-heading called 'Staff Response'."	Even where PC findings are summarized, the final word is always the Staff Response—structurally subordinating the Commission's analysis.
Recommendation	"County Staff finds that, with conditions, the proposed expansion meets County land use requirements. Therefore, Staff recommends that the Board approve LU-24-027."	Presents approval as the unchallenged endpoint; does not grapple with the Commission's opposite conclusion.

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 residents. The evidentiary weight rests entirely on the underlying record, not on the tool used to organize it.