

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

Received From: MARK YEAGER

Date: 10/29/25 3⁴⁰ PM

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See Attached

City, State, Zip: CORVALLIS

FOR BOC OFFICE STAFF USE ONLY

BOC ID: BOC3

IDENTIFIER: T0721

October 29, 2025

Benton County Commissioners

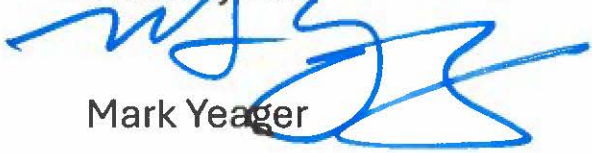
LU-24-027

This letter is submitted in response to matters raised on the record of the Board's hearing of October 22 and 23, 2025. By way of response, my commentary is submitted in the form of proposed, specific findings supporting Valley Neighbors' attorney's General Findings for Denial.

The following findings are organized by individual impact and, as to each, discuss the inadequacy of the related, proposed conditions of approval.

Once again, I urge you to deny this application and adopt the following findings for denial.

Thank you.



Mark Yeager

37269 Helm Drive

Corvallis Oregon 97330

Attachments:

Proposed Denial Findings – Noise

Proposed Denial Findings – Litter

Proposed Denial Findings - Odor

PROPOSED FINDINGS - NOISE

The Applicant has attempted to dismiss all the community's testimony as anecdotal or not credible compared to their paid consultants hired by Republic. Working with County staff, they have crafted many conditions of approval that are simply words on paper that have no actual chance of preventing or mitigating serious interference with uses on adjacent property or with the character of the area.

Additionally, the \$80,000 per year they want to give the County to MONITOR compliance with conditions of approval will not allow the County to ENFORCE any conditions. The record shows that DEQ no longer enforces noise regulations, and Benton County Code does not have any procedure for revocation of a conditional use permit, once issued. Enforcement would require lengthy and expensive judicial proceedings and would be totally funded by the County. Republic will not pay Benton County to sue them to force compliance. If conditions of approval are not met, there is no practical means of enforcement, and the violations will continue unabated.

Condition P2-2 relates to noise generated during "pre-commercial operations." Condition P2-2 does not set out specific necessary steps to abate noise above the level set by the condition, merely suggesting possible measures and not setting out consequences (cessation of work? revocation proceedings?) if the standard is not or cannot be met. Thus, this condition fails to meet the requirement that it renders compliance "possible, likely and reasonably certain to succeed." It does not.

Condition OP-3 relates to noise generated thereafter, during ongoing commercial operations, the long-term operation of the proposed dump. It suffers from similar defects, but they are far more numerous and extensive. Sound measurements mean nothing without a sound standard being set, compulsory continuous monitoring and reporting, and measures assuring compliance or shutting down the operation. Further, the condition covers only "on-site equipment," not arriving trucks or trailers delivering trash, with their own diesel engine and brake noise, back-up beepers, and clanging tailgates. Republic-owned or operated on-site equipment comprises roughly one percent (1%) of the vehicles operating on the site. A very small percentage of the arriving-and-departing truck traffic consists of Republic's own off-site vehicles and are somewhat subject to Republic's control. However, even Republic's trucks require and use regular back up beepers as this is required by law for their operation on public streets and roads.

The condition of approval to install proximity backup alarms on Republic-owned vehicles that work on the landfill full time will do nothing to prevent or mitigate the off-site noise that plagues adjacent properties, i.e., jake brakes, engine noise, banging doors, vector cannons, fireworks, etc. Again, there is no unbiased evidence in the record that condition of approval OP-3 will prevent or mitigate off-site noise impacts. They aren't even proposing to measure off-site noise - once a week they propose to measure noise from "on-site" equipment, and 3 years later they propose to do a study.

There is no independent evidence in the record that meets the burden of proof required to demonstrate that installing proximity backup alarms for Republic-owned, on-site equipment will not cause serious interference with uses on adjacent property.

Testimonies submitted and included in the Planning Commission proceedings:

Adjacent Property Owner/Resident Testimony (E. and L. Bradley, Exhibit BC7.1, p. 2):
"This proposal seriously interferes with the use of our property. Republic Services is currently in violation of County code 53.12. The last few years we have suffered through noise outside business hours, [...]"

Adjacent Property Owner/Resident Testimony (J. Searls, Exhibit BC7.2, p. 5):
"I believe an expansion will negatively impact the value of my property, farm and home. An expansion will bring more traffic and machinery closer to my home and family. The dump is already a nuisance for us. [...] We already hear big machinery and trucks operating during quiet hours of the night/ morning. [...] Sometimes I go out on our deck to enjoy the views and our land only to be hit with a noxious odor caused by the landfill. It is disgusting and worrisome and ruins the moment. The odors cause me to go back inside."

Adjacent Property Owner/Resident Testimony (C. Merril, Exhibit BC7.4, p. 2):
"The proposed expansion would seriously interfere with the character of the surrounding area and impose an undue burden on public resources, in violation of Benton County Code 53. 215 1) and (2). Specifically, this expansion raises major concerns about: [...] Odor and noise issues that degrade quality of life for residents and visitors. The blasting noise is excessive sometimes, and will shake my house and rattle my windows. [...]"

Adjacent Property Owner/Resident Testimony (G. Carlin, Exhibit BC7.7, p. 3-5):
Staff summary: The commenter expressed concern that the applicant's expected noise impacts were understated. The commenter disagreed with the conclusion of the applicant's sound consultant in their 2021 proposal - which posited that noise levels would not increase – citing subsequent temporary operations near the proposed expansion area that involved heavy equipment and generated significant noise. These activities, including the closing of truck doors, vehicle braking, and the use of horns, pile drivers, and backup alarms, according to the commenter, could be heard from two miles and scared their dogs from going outside. The commenter argued that if the expansion were approved, such noise would become a 5:30 a.m. to 6:00 p.m., daily and long-term situation, negatively affecting their property value.

Adjacent Property Owner/Resident Testimony (L.A. Davis, Exhibit BC7.8, p. 2):
"The operational noise is already so loud and obnoxious, with the rattling of windows as the sounds of the semi tractor trailers downshift and grind along, it would only increase with the expansion. Since there would be no cap on how much garbage could be brought in, the traffic and noise would only increase, disturbing the rural community atmosphere and turning it into a heavily industrialized area."

Adjacent Property Owner/Resident Testimony (I. Finn, Exhibit BC7.9, p. 2-3):

Staff Summary: The testimony highlights the noise impacts from the current landfill operations, which the commenter states begin as early as 4 a.m. in the summer and often continue until 8 or 9 p.m., six days a week. These include the sounds of diesel engines, banging metal doors, backup alarms, and fireworks used to deter birds. The noise regularly disrupts the speaker's ability to enjoy their landscaped property during the best times of the year. They express concern that the proposed expansion, which would move operations closer to their home and potentially extend activity to seven days a week, would exacerbate impacts, prevent peace from constant noise, and significantly interfere with the residential use of their property.

Adjacent Property Owner/Resident Testimony (R. Holdorf, Exhibit BC7.10, p. 2):

"In the past five years as Republic has ramped up business, the existing landfill has drastically changed the character of my neighborhood. [...] the truck motors and beeping backup noises echo through my window early in the morning."

Adjacent Property Owner/Resident Testimony (C. Holdorf, Exhibit BC7.10, p. 4):

"There is an endless stream of trucks and noise, [...]"

Additional noise testimony from adjacent properties can be found here:

Edwardsson 28840 Daystar Drive and 28903 Tampico Road Corvallis, OR 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0516_04282025_EDWARDSSON_Kenn.pdf

Barb Fick live at 28984 Blaze Drive, Corvallis, 97330

28964 Blaze Drive, Corvallis, 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0519_04282025_FICK_Barbara.pdf

Ian Finn 28984 Blaze Drive, Corvallis, 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0546_04292025_FINN_Ian.pdf

Rose Holdorf 38483 Plowshares Road

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0099_10032025_Email_HOLDORF_Rose.pdf

Testimony from nearby properties:

Priya Thakkar 38987 Arena Rd

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0133_10052025_Email_THAKKAR_Priya.pdf

Dale Draeger 37420 Moss Rock Dr. Corvallis, Oregon 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0367_04202025_DRAEGER_Dale.pdf

Testimony from other affected persons:

Ken Kenaston 2870 SW Morris Ave, Corvallis, OR 97333.

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0130_10052025_Email_KE_NASTON_Ken.pdf

SUMMARY

If the staff proposed conditions of approval for off-site noise prevention and mitigation are examples of things the Commissioners believe are going to make it OK to approve this application, the Commissioners are sadly mistaken, and the Commissioners will be doing a profound disservice to constituents, visitors, and wildlife.

Commissioners, you have discretion in making this decision. There is plenty of evidence in the record regarding noise impacts from the proposed expansion and documenting serious interference with uses on adjacent property.

The burden of proof is on the applicant to demonstrate that their proposed use (even with the Conditions) will not violate the criteria (BCC53.215(1)). They have not met that burden of proof.

Proposed Finding: The applicant has not met the required burden of proof with respect to serious interference with uses on adjacent property, or serious interference with the character of the area with respect to the impacts of noise. It has not been demonstrated through independent evidence in the record that noise impacts can or will be mitigated through conditions of approval to not “seriously interfere” with adjacent properties, or with the character of the area. BCC 53.215(1).

PROPOSED FINDINGS - ODOR

The Applicant has attempted to dismiss all the community's testimony as anecdotal or not credible compared to their paid consultants hired by Republic. Working with County staff, they have crafted many conditions of approval that are simply words on paper that have no actual chance of preventing or mitigating serious interference with uses on adjacent property or with the character of the area.

Additionally, the \$80,000 per year they want to give the County to MONITOR compliance with conditions of approval will not allow the County to ENFORCE any conditions. Benton County Code does not have any procedure for revocation of a conditional use permit, once issued. Enforcement would require lengthy and expensive judicial proceedings and would be totally funded by the County. Republic will not pay Benton County to sue them to force compliance. If conditions of approval are not met, there is no practical means of enforcement, and the violations will continue unabated.

Conditions of approval OP-2, Site Operations, and OP-4, Odor, do not, in any way, mitigate or prevent serious interference with uses on adjacent property or character of the area due to odor impacts. For the expansion site, six days a week, a minimum of a two-acre working face will be open from 5 a.m. to 7 p.m. on average, allowing landfill gases to escape to the atmosphere. On Sundays, the working face will be open from 11 a.m. until 6 p.m.

In addition, documented landfill gas leaks from holes in tarps covering the landfill and escaping gases at methane extraction points (see EPA inspection reports 2022 and 2024 in the record) allow releases of odors to the atmosphere at numerous locations continuously, 24 hours per day.

Covering the working face (OP-2) does nothing to prevent or manage odor migration throughout the region during the course of the working day. Hundreds of odor complaints have been documented, filed with Oregon DEQ, and submitted to the Disposal Site Advisory Committee (DSAC).

The premise of condition of approval OP-4 is that the "anecdotal" reports of serious odor interference with uses on adjacent property are not believed unless verified by the Nasal Ranger. The odor issues are real and will not be mitigated by monitoring with landfill-paid consultants or staff. Monitoring is not mitigation. And even if it is verified that an odor issue is occurring, the proposed condition of approval does not contain any proposed remedy for the odor interference. There are no consequences for odor interference with uses of adjacent property or character of the area.

The evidence in the record as to the frequency and of landfill odor serious interference on adjacent land is overwhelming:

Adjacent Property Owner/Resident Testimony (E. and L. Bradley, Exhibit BC7.1, p. 2):

"This proposal seriously interferes with the use of our property. Republic Services is currently in violation of County code 53. 12. [...] Some days the odor is unbearable."

Adjacent Property Owner/Resident Testimony (J. Searls, Exhibit BC7.2, p. 2):

"I have concerns about how this will negatively impact my property and farm. It is our goal to provide perennial and annual crops for our community each year from our land- as well as provide farm services throughout the valley. [...] An expansion of the landfill could harm our soil and air quality making it harder to produce crops.

It is hard to smile at our farm sometimes when noxious odors from the Coffin Butte Landfill infiltrate our property. These odors/ gases already cause problems and they are out of control. An expansion of the landfill will bring the piles of garbage (future dump cells) physically closer to my farm which will create a bigger odor problem."

Adjacent Property Owner/Resident Testimony (J. Searls, Exhibit BC7.2, p. 5):

"I believe an expansion will negatively impact the value of my property, farm and home. An expansion will bring more traffic and machinery closer to my home and family. The dump is already a nuisance for us.

We can already smell the horrible odors that bleed out Coffin Butte Landfill.

Adjacent Property Owner/Resident Testimony (C. Merrill, Exhibit BC7.4, p. 2):

"Specifically, this expansion raises major concerns about: [...]

- [...] many times the odor is so strong that people will not come over to visit, and I can not be outside and enjoy my property. [...]*
- Odor and noise issues that degrade quality of life for residents and visitors. The blasting noise is excessive sometimes, and will shake my house and rattle my windows."*

Adjacent Property Owner/Resident Testimony (P. Morrel, Exhibit BC7.5, p. 3):

*"I am hoping that the expansion proposal will be denied for a variety of reasons. Some of the more pressing concerns are bulleted below:
[...]*

Odors from the landfill have obviously increased as the amount of waste they receive has increased. Unfortunately, since reporting the odors doesn't result in any real action by the State and certainly not the landfill. As a result, we don't bother to complain. I can't imagine how many more days I'll need to keep my house windows closed if the size of the landfill increases."

Adjacent Property Owner/Resident Testimony (J. Morrel, Exhibit BC7.5, p. 6):

"Odor Issues: Odors are a reality at any landfill, although we do appreciate Republic's attempts to minimise this issue through landfill gas collection, tarping and daily cover. However, moving the landfill further south will inevitably result in increased odor complaints. As noted earlier, we have

noted many more days when we can detect the landfill, but normally do not complain as we see little purpose, especially when we learned that most of these complaints go to the State who then talks to the landfill operators and dismisses them. Residents will be forced to deal with increasing odors. The smell alone is an issue, but recent reports from flyovers suggest that methane levels are often far in excess of minimum effects levels. Expansion will further increase local methane exposure regardless of attempts to capture some of the releases. This has the potential to impact the health of local residents."

Adjacent Property Owner/Resident Testimony (L. A. Davis, Exhibit BC7.8, p. 2):

"The smell is so bad at times I have to stay inside, which interferes with the numerous chores that have to be done. It not only affects my property, but I was at Adair Park with my dog the other day and had to immediately return home due to the horrendous methane stench. It's a lovely park that should be shared by all, but it's not possible if you can't breathe and your eyes start watering."

Adjacent Property Owner/Resident Testimony (I. Finn, Exhibit BC7.9, p. 2):

"[...] The odors from the existing facility seriously interfere with the use of my property. When the odors occur, you must stay indoors and close your windows. We know the landfill is leaking large amounts of methane, but with the methane come lots of other toxic landfill gases that are likely endangering our health. Being essentially right next door to my house, the proposed expansion will seriously interfere with my use of my property. [...]"

Adjacent Property Owner/Resident Testimony (R. Holdorf, Exhibit BC7.10, p. 2):

*"[...] it smells worse and more frequently than I ever remember in my 36 years of calling this place my home, [...]
The proposed expansion could devastate the assets my family has cultivated on this land. Building a new landfill cell on the opposite side of Coffin Butte Road keeps me up at night. After 36 years, will we be forced to move? Will we lose all property value?"*

Adjacent Property Owner/Resident Testimony (C. Holdorf, Exhibit BC7.10, p. 4):

*"There is [...] an almost constant stench at all times of day and night.
I am very concerned that if Republic is allowed to start a new landfill on the south side of Coffin Butte Rd, our property value would plummet [...] This, in addition to the certainty of more noise, worse odors, [...]"*

Adjacent Property Owner/Resident Testimony (A. Holdorf, Exhibit BC7.10, p. 6):

"We pay in the stronger -than -ever smell of the landfill on the frequent —more frequent than ever — mornings when its nuisance gases seep through the still air."

Adjacent Property Owner/Resident Testimony (D. Hackleman, Exhibit BC7.11, p. 3, 4, 7):

"The vastly increased intake of refuse has already negatively impacted the value of my property.[...] Odors that were uncommon for decades are on the increase [...]"

Observations:

Page 3 of 7

PROPOSED FINDINGS - ODOR

1. *The air quality at my residence and all the others on the North side of the Butte seems to be increasingly affected by odors believed to be emanating from the landfill as it is now growing at a far greater rate than it was in prior years. It is suspected that this is due to the increased elevation and change of the location of the dumping sites, but may also be impacted by covering practices. This last year, I have noticed many days in which an odor is present, however I have been remiss in reporting each day of an odor event as they are so frequent. Once I am indoors, the filtering in my HVAC system reduces the intensity. I do not measure the composition of the emissions detected. These odors are those of decaying organic matter. [...]*

I chose this property based on its qualities for residence, agriculture, forestry and radio telecommunications. These uses have been identified in the legal documents I prepared regarding my land use. [...]

Residence: [...]

Odors and audio emissions from the landfill have been on the increase over the last several years. While odors have been present frequently, I have not sent in very many notes regarding odors or audio emissions. At this time, odors are present frequently, and do detract from the ambiance of my residence. Odors are present even during periods in which the landfill is closed."

Adjacent Property Owner/Resident Testimony (B. Briskey, Exhibit BC7.12, p. 2):

"My property shares 1580 feet of fence line with the NW corner of the landfill and the topology brings the smell right to us anytime there's a south component to the wind direction. [...] Since Republic moved all the refuse out of Cell 6 and Knife River blasted to remove more of the Butte at that NW corner, we've already experienced more odor [...]

*I haven't complained about the odor because, hey, I live next to a dump. But the **increase in odor** is also raising my awareness to the apparent lack of mitigation and potential long-term damage from toxicity exposure. I hosted business associates once and the stench forced me to cancel the meeting and everyone left — I haven't been able to host events since then."*

ADDITIONAL ODOR TESTIMONY IN THE RECORD:

Adjacent property testimony:

Jeff Morrell 38464 Highway 99W

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0351_04192025_MORRELL_Jeffrey.pdf

Tisha Morrell 38464 Highway 99W

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0147_10052025_Email_MORRELL_Tisha.pdf

Jeff Morrell 38464 Highway 99W

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0146_10052025_Form_MORRELL_Jeffrey.pdf

Nearby testimony:

Priya Thakkar 38987 Arena Rd

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0133_10052025_Email_THAKKAR_Priya.pdf

Priya Thakkar 38987 Arena Rd

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0134_10052025_Email_THAKKAR_Priya.pdf

Faye Yoshihara 37461 Soap Creek Rd. Corvallis, OR 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0107_10032025_Email_YOSHIHARA_Faye.pdf

Elizabeth Patte 37655 Zeolite Hills Rd., Corvallis 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0440_04212025_PATTE_Elizabeth.pdf

Janet Ohman 37609 Soap Creek Rd. Corvallis, OR 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0385_04202025_OHMAN_Janet.pdf

Dale Draeger 37420 Moss Rock Dr. Corvallis, Oregon 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0367_04202025_DRAEGER_Dale.pdf

Bruce Cowger 37194 Helm Drive, Corvallis, OR 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0106_04132025_COWGER_Bruce.pdf

Bruce Cowger 37194 Helm Drive, Corvallis, OR 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0123_10052025_Email_COWGER_Bruce.pdf

Faye Yoshihara 37461 Soap Creek Rd. Corvallis, OR 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0069_03312025_YOSHIHARA_Faye.pdf

Other affected property testimony:

Robert Wheatcroft 7755 NE Logsdon Road, Corvallis, OR 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0471_10192025_Form_WHEATCROFT_Robert.pdf

Mark Henkels 7540 NE Pettibone Drive, Corvallis, OR 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0040_03252025_HENKELS_Mark.pdf

Pam Castle 993 NW Cypress Avenue Corvallis, OR 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0033_03232025_CASTLE_Pamela.pdf

Carol Walsh 990 NW Highland Terrace Ave

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0027_03212025_WALSH_Carol.pdf

Tremaine Arkley 9775 Hultman Rd Independence, OR 97351

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0065_09262025_Mail_ARKLEY_Tremaine.pdf

Ken Kenaston 2870 SW Morris Ave, Corvallis, OR 97333.

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0130_10052025_Email_KENASTON_Ken.pdf

Ken Kenaston 2870 SW Morris Ave, Corvallis, OR 97333

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0131_10052025_Email_KENASTON_Ken.pdf

Steve Michaels 1215 NW Kainui Drive Corvallis, Oregon

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0151_10062025_Email_MICHAELS_Steve.pdf

Greg Paulson 993 NW Cypress Ave, Corvallis, 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0166_10062025_Form_PAULSON_Gregory.pdf

SUMMARY

If the staff proposed conditions of approval, OP-2 and OP-4, for off-site odor prevention and mitigation are examples of things the Commissioners believe are going to make it OK to approve this application, Commissioners are sadly mistaken, and the Commissioners will be doing a profound disservice to constituents, visitors, and wildlife.

Commissioners, you have discretion in making this decision. There is plenty of evidence in the record regarding odor impacts from the proposed expansion and documenting serious interference with uses on adjacent property.

The burden of proof is on the applicant to demonstrate that their proposed use (even with the Conditions) will not violate the criteria (BCC53.215(1)). They have not met that burden of proof.

Proposed Finding (Odor): The applicant has not met the required burden of proof with respect to serious interference with uses on adjacent property, or serious interference with the character of the area with respect to the impacts of odor. It has not been demonstrated that odor impacts can or will be mitigated through conditions of approval to not “seriously interfere” with adjacent properties, or with the character of the area. BCC 53.215(1).

PROPOSED FINDINGS - LITTER

The Applicant has attempted to dismiss all the community's testimony as anecdotal or not credible compared to their paid consultants hired by Republic. Working with County staff, they have crafted many conditions of approval that are simply words on paper that have no actual chance of preventing or mitigating serious interference with uses on adjacent property or with the character of the area.

Additionally, the \$80,000 per year they want to give the County to MONITOR compliance with conditions of approval will not allow the County to ENFORCE any conditions. Benton County Code does not have any procedure for revocation of a conditional use permit, once issued. Enforcement would require lengthy and expensive judicial proceedings and would be totally funded by the County. Republic will not pay Benton County to sue them to force compliance. If conditions of approval are not met, there is no practical means of enforcement, and the violations will continue unabated.

The litter control conditions of approval are utterly unworkable. There is no independent evidence in the record that the proposed fencing scheme will control windborne litter such as paper and plastic which renders adjacent cattle grazing lands (Krueger testimony) on adjacent EFU land unusable for that purpose. In addition, the adjacent non-profit horse therapy program, Bit by Bit, also experiences serious interference (Bradley and Starkey testimony) with their operations - they are prevented from using their pastures without full-time supervision because of the windswept and airborne litter from the landfill. The proposed expansion site will bring landfill operations even closer to both businesses.

For example, condition of approval OP- 9 requires two layers of ground level fencing. However, the ground level fencing will not prevent landfill litter from being lifted into the air by updrafts and deposited on adjacent or nearby property. And offering to pick up litter after it has been deposited and eaten by livestock is too little, too late. The lived experiences by adjacent properties from the current landfill operations and the prospect of expanded operations moving even closer, make litter and windblown trash a serious interference that cannot be prevented. The risk of disease or death of livestock on adjacent lands due to ingestion of landfill litter is real, documented in the record, and is not acceptable.

The proposal to pick up trash weekly along the nearby roads rings hollow because even with all the complaints, they don't do it now and cannot be believed when they say that they will do it in the future.

Daily roadside patrols are inadequate. Weekly clean up on affected farm properties is inadequate, as hourly patrolling is needed to protect livestock. Under the *Stop the Dump* line of cases, farmers and others need not accept strangers on their properties. The offer of such entry and performance of "services" is not mitigation. It is an acknowledgement that the serious interference caused by litter is real.

There is no unbiased evidence in the record that the proposed condition of approval OP (9) will prevent or mitigate serious interference with uses on adjacent property.

As discussed earlier, there are no consequences for violations. Condition OP-9 assures nothing.

The evidence in the record as to the frequency and volume of landfill litter deposition on adjacent land is overwhelming:

Adjacent Property Owner/Resident Testimony (E. and L. Bradley, Exhibit BC7.1, p. 2):

"[...] This proposed expansion would move the landfill even closer to our property line. We are one of the closest southern neighbors. The buffer land is no longer sufficient due to the growing pile of debris. This proposal seriously interferes with the use of our property. Republic Services is currently in violation of County code 53. 12. The last few years we have suffered through [...], plastic bags blowing from the landfill, over the trees, onto our property, [...]"

Adjacent Property Owner/Resident Testimony (J. Searls, Exhibit BC7.2, p. 5):

"I believe an expansion will negatively impact the value of my property, farm and home. [...] We already have daily litter along Highway 99. I am concerned that an expansion will exacerbate these problems."

Adjacent Property Owner/Resident Testimony (R. Wilson, Exhibit BC7.6, p. 2):

"[...] Due to our proximity to the landfill where we grass a herd of cattle for local food production, we have been finding a staggering increase of air blown trash coming from the dump. We get styrofoam, plastic bags, and metallic chip bag that become air born from the landfill and litter the pastures we use to raise livestock. This poses a significant risk to the animals. If a cow or calf were to eat a plastic bag or Styrofoam this would certainly mean their death. With an expansion to the landfill it can only be expected to intake more trash that will lead to more airborne plastics reaching susceptible animals, both wildlife and nearby associated livestock. We feel it is imperative that Republic Services is responsible for the care the material they take into the landfill and should use methods to prevent airborne debris from leaving their site. [...]"

Adjacent Property Owner/Resident Testimony (E. Finn, Exhibit BC7.9, p. 2):

*"The current operation on the north side of Coffin Butte Road seriously interferes with the use of my property due to [...], flying paper and plastic,[...]. [...] And if this expansion is approved, the annual trash tonnage limit will be removed thereby opening the door to yet more trash coming in every day. **Moving the proposed operation 2,000 feet closer to my home will exacerbate these impacts!**"*

Adjacent Property Owner/Resident Testimony (R. Holdorf, Exhibit BC7.10, p. 2)

"[...]

In the past five years as Republic has ramped up business, the existing landfill has drastically changed the character of my neighborhood. [...], I have to pick up more fly away garbage from our property, [...]"

Adjacent Property Owner/Resident Testimony (C. Holdorf, Exhibit BC7.10, p. 5)

"[...]

This landfill is already a health hazard and has a big negative impact to the community at large - as an eyesore, from the stench and from the garbage along the roads and in fields & yards, [...]"

Adjacent Property Owner/Resident Testimony (D. Hackleman, Exhibit BC7.11, p. 3, 4, 6):

"The vastly increased intake of refuse has already negatively impacted the value of my property. Refuse is apparent on Hwy99W in increasing amounts from improperly secured transport vehicles. [...] Observations: [...]

2. Airborne debris are being deposited on my property from the landfill at a rate that has been increasing during the last few years. I can supply photos of such material should these be necessary. The majority are plastic films such as bags and wrappers commonly discarded in refuse streams. [...]"

Adjacent Property Owner/Resident Testimony (G. Lind Flak, Exhibit BC7.14, p. 2):

"[...] Each morning, I drive on Coffin Butte Road, cross Hwy 99 and continue on Camp Adair Road on my way to work in Albany. Camp Adair Road is littered with trash as far as Independence Highway and even onto Hwy 20. Last summer, I followed a trail of pink insulation in the ditches and hanging from bushes and trees along the road, all the way from Hwy 20 to the Coffin Butte landfill in my neighborhood. There were bright pink pieces of insulation on Hwy 20 heading toward Corvallis, Independence Highway, Camp Adair Road, Hwy 99, and Coffin Butte Road up to the landfill entrance. A year later and I still see pieces of that pink insulation. It's disgusting we allow this to happen."

Additional litter testimony submitted:

Adjacent Property:

Krueger Testimony 28903 Tampico Road Corvallis Oregon 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0782_07092025_KRUEGER_Angela.pdf

Bradley Testimony 38578 Hwy 99W Corvallis Oregon 97330

McKenna - https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0774_07092025_BRADLEY_McKenna.pdf

Page 3 of 6

PROPOSED FINDINGS - LITTER

Erin and Lowell Testimony 38578 Hwy 99W Corvallis Oregon 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0773_07092025_BRADLEY_Erin.pdf

[https://www.bentoncountyor.gov/wp-content/uploads/LU-24-](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0739_06302025_BRADLEY_Erin.pdf)

[027/PlanningCommission/Public%20Testimony/T0739_06302025_BRADLEY_Erin.pdf](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0739_06302025_BRADLEY_Erin.pdf)

Bit by Bit Board 38578 Hwy 99W Corvallis Oregon 97330

[https://www.bentoncountyor.gov/wp-content/uploads/LU-24-](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0772_07092025_BIT%20BY%20BIT)

[027/PlanningCommission/Public%20Testimony/T0772_07092025_BIT%20BY%20BIT](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0772_07092025_BIT%20BY%20BIT)
[Board.pdf](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0772_07092025_BIT%20BY%20BIT)

Ian Finn 28984 Blaze Drive, Corvallis, 97330

[https://www.bentoncountyor.gov/wp-content/uploads/LU-24-](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0546_04292025_FINN_Ian.pdf)

[027/PlanningCommission/Public%20Testimony/T0546_04292025_FINN_Ian.pdf](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0546_04292025_FINN_Ian.pdf)

Rose Holdorf 38483 Plowshares Road

[https://www.bentoncountyor.gov/wp-content/uploads/LU-24-](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0420_04212025_HOLDORF_Rose.pdf)

[027/PlanningCommission/Public%20Testimony/T0420_04212025_HOLDORF_Rose.pdf](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0420_04212025_HOLDORF_Rose.pdf)

Ryan Wilson 28903 Tampico Road Corvallis Oregon 97330

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[027/PlanningCommission/Public%20Testimony/T0534_04282025_WILSON_Ryan.pdf](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0534_04282025_WILSON_Ryan.pdf)

Barb Fick live at 28984 Blaze Drive, Corvallis, 97330

28964 Blaze Drive, Corvallis, 97330

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[027/PlanningCommission/Public%20Testimony/T0519_04282025_FICK_Barbara.pdf](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0519_04282025_FICK_Barbara.pdf)

Rose Holdorf 38483 Plowshares Road

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[027/BoardOfCommissioners/Written%20Testimony/BOC1_T0099_10032025_Email_H](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0099_10032025_Email_H)
[OLDORF_Rose.pdf](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0099_10032025_Email_H)

Kirsten Starkey 38578 Hwy 99W Corvallis Oregon 97330

[https://www.bentoncountyor.gov/wp-content/uploads/LU-24-](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC2_T0659_10232025_Hearing)

[027/BoardOfCommissioners/Written%20Testimony/BOC2_T0659_10232025_Hearing](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC2_T0659_10232025_Hearing)
[STARKEY_Kirsten.pdf](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC2_T0659_10232025_Hearing)

Bruce Thomson 9153 NW Tanya Place Corvallis OR 97330

[https://www.bentoncountyor.gov/wp-content/uploads/LU-24-](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0535_10202025_Email_TH)

[027/BoardOfCommissioners/Written%20Testimony/BOC1_T0535_10202025_Email_TH](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0535_10202025_Email_TH)
[OMSON_Bruce.pdf](https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0535_10202025_Email_TH)

Page 4 of 6

PROPOSED FINDINGS - LITTER

Nearby property testimony:

Doug Pollock – cyclist – Helm Drive Corvallis

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0442_04212025_POLLOCK_Doug.pdf

David Patte 37655 Zeolite Hills Rd, Corvallis, Oregon 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0439_04212025_PATTE_David.pdf

Margaret Herring 37831 Soap Creek Road

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0272_10082025_Form_HERRING_Margaret.pdf

Mark Yeager 37269 Helm Drive Corvallis

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0463_10192025_Email_YEAGER_Mark.pdf

Other affected property:

Friends of Polk County

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/PlanningCommission/Public%20Testimony/T0392_04202025_WHEELER_Patricia.pdf

Robert Wheatcroft 7755 NE Logsdon Road, Corvallis, OR 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0471_10192025_Form_WHEATCROFT_Robert.pdf

Martha Truninger 1130 NW Overlook Dr Corvallis, OR 97330

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0029_09042025_Email_TRUNINGER_Martha.pdf

SUMMARY

If the staff proposed conditions of approval, OP -9, for off-site litter prevention and mitigation are examples of things the Commissioners believe are going to make it OK to approve this application, Commissioners are sadly mistaken, and the Commissioners will be doing a profound disservice to constituents, visitors, and wildlife.

Commissioners, you have discretion in making this decision. There is plenty of evidence in the record regarding litter impacts from the proposed expansion and documenting serious interference with uses on adjacent property.

The burden of proof is on the applicant to demonstrate that their proposed use (even with the Conditions) will not violate the criteria (BCC53.215(1)). They have not met that burden of proof.

Proposed Finding - LITTER

The applicant has not met the required burden of proof with respect to serious interference with uses on adjacent property, or serious interference with the character of the area with respect to the impacts of litter or windblown trash. It has not been demonstrated that impacts from uncontrolled or uncontained trash can or will be mitigated through conditions of approval to not “seriously interfere” with adjacent properties, or with the character of the area.