

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

Received From: MARK YEAGER

Date: 10/29/25 3⁴⁵ PM

Email: mayeager@gmail.com

Phone: 541 990 4577

Address: 37269 HELM DR

City, State, Zip: CORVALLIS

FOR BOC OFFICE STAFF USE ONLY

BOC ID: Boc3

IDENTIFIER: T0722

October 29, 2025

Benton County Commissioners

Procedural Errors 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.

As a matter of record, the agency review of the conditional use permit (CUP) for the expansion of the Coffin Butte Landfill included a review of the proposal by the Benton County Environment and Natural Resources Advisory Committee (ENRAC). ENRAC's review resulted in a recommendation of denial of the CUP.

The review of the proposed CUP by ENRAC was contrary to review requirements clearly spelled out in Benton County Code Chapter 77, Landfill Site.

Chapter 77 Landfill Site (LS)

77.005 Purpose. The Landfill Site Zone shall establish a specific landfill area in Benton County. [Ord 26I, Ord 90-0069]

Benton County Code 77.305 requires as follows:

77.305 Conditional Uses Approved by the Planning Commission.

Any proposal to expand the area approved for a landfill within the Landfill Site Zone is allowed by conditional use permit approved by the Planning Commission. **The Benton County Environmental Health Division and the Solid Waste Advisory Council shall review and make recommendations through the Planning Official to the Planning Commission regarding the Site Development Plan Map and narrative.** The Oregon Department of Environmental Quality shall be given an opportunity to review and comment on any proposal which may affect this site. [Ord 26I, Ord 90-0069]

The Solid Waste Advisory Council was prohibited from reviewing the proposed conditional use permit because the County Commissioners illegally "dissolved" the Council by motion in a meeting on August 15, 2023, in violation of BCC 23.020. See Code requirement below:

BCC 23.020 Solid Waste Advisory Council Established.

The Board shall create a County Solid Waste Advisory Council in accordance with Benton County Code sections 23.025 through 23.035 and may create a Regional Solid Waste Advisory Council or Committee in cooperation with cities and other counties. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2003-0183]

Review By SWAC Denied by County Action

According to Benton County Code, this application should have been reviewed by Benton County's Solid Waste Advisory Council (SWAC), who would have given you their recommendation. If not for the County's ill-advised dissolution of SWAC, by statute this would have included all members of DSAC except for the landfill's representative (currently Paul Koster).

DSAC's membership includes David Livesay, former president of GSI Water Solutions and currently leading a DSAC subcommittee which is charged with an independent evaluation of the applicant's groundwater monitoring network at Coffin Butte. Mr. Livesay's findings would be highly relevant for your evaluation of groundwater issues related to this application. However, staff have not shared his report, nor made the proceedings of that subcommittee's meetings public. This would have given you access to the expertise of Mr. Livesay and other highly qualified current members of DSAC, independent of the landfill's representative.

As explained above, SWAC's statutory role in this process was assigned to the Environmental and Natural Resource Advisory Committee (ENRAC) by Benton County Board of Commissioners Order #D2024-048 in July of 2024. Although ENRAC members did their best to come up to speed on the issues, they acknowledged that many aspects of landfill operations were new to them. In his personal statement appended to ENRAC's recommendation to deny this application, the chair of ENRAC expressed frustration that they were also hindered by County staff. I urge you to read his statement to give you further insight into the process.

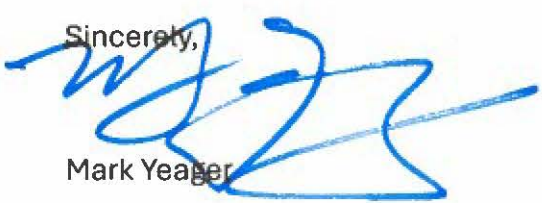
Review By Benton County Environmental Health Division

Further, this land use proceeding, LU-24-027, also erred by refusing or neglecting to get the required review and input from the **Benton County Environmental Health Division** as required by BCC 77.305.

These procedural errors by Benton County prejudiced my substantial rights, and those of the broader community, in this proceeding due to our not being provided with a fully informed and educated decision maker as required by Benton County Code.

Further consideration of this conditional use permit, LU-24-027, cannot proceed until the Code required reviews are completed.

Sincerely,



Mark Yeager