

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

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FOR BOC OFFICE STAFF USE ONLY

BOC ID: B003

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Oct 29, 2025
LU24-027 CUP Appeal
BOC

Dear BOC,

I am in opposition of LU24-027 CUP Landfill Expansion. We have to print out our final comments to the record, so I am hopeful that referencing large documents is good enough to get these documents into this appeal record.

Please include Planning Commission Denial deliberations LU21-047 CUP Expansion Coffin Butte and Closure of Coffin Butte Road from Jan. 5, 2021 as archived in BOC meeting minutes page 15-158.

ENRAC April 8, 2025 Deliberations on CUP LU24-027 seem to be missing their final decision discussion from page 20 of this meetings minutes. I printed out first page and page 20 of the April 8, 2025 ENRAC presentation to the BCPC Commission for LU24-027 CUP Expansion of Coffin Butte Regional Landfill to show ENRAC's April 8, 2025 missing final denial decision.

Can BC digital archives staff, thanks, please work to restore the ENRAC final decision in the April 8, 2025 deliberation materials for BC digital Archives if it is missing from page 21. Thanks. MUNIDOCS should have record of ENRAC final denial decision and argument for LU24-027 CUP.

With Tampico Ridge springs and water tables not well define or studied, in LU24-027 CUP, this expansion site may be hydrologically the wrong location to place tons of waste materials, forever. Wells in this area on Tampico Ridge and lower down on the valley floor of Soap Creek and the Highway 99 Corridor Rural

Residential landowners, and E.E Wilson Wildlife Refuge, EFU irrigation wells in Soap Creek Valley, City of Adair Village Well head on Tampico Ridge may all be impacted by landfill gas which could make it's way into surrounding area watertables when water pressure is lost, over time, due to this landfill blasting and mining over time, decreasing sustained and protected, subterranean hydrologic head pressure to area wells. 2

Four feet depth, four years of blasting, to remove 30-32 acres feet of materials in this location, as a state of Oregon DGAMI and ACOE permitted Knife River contracted, Mineral extraction as aggregate mining on Tampico Ridge and damage to area wells and springs violates OAR 340-041-0033 Sect 307(a) Clean Water Act.

Mining under permit that has not been evaluated by ODGAMI or ACOE, to study if: landfill gas created over time, and on into the future, as landfill liners leaks, or leachate pond liner leaks and gas wells not function correctly, may allow landfill gas pressure to build up inside stored trash, may be a future dissolve methane gas hazard to surrounding and adjacent landowner area water supplies, that has not been identified or addressed by this applicant.

DGAMI and ACOE both may not have looked at this application with this consideration.

LU24-027 CUP applications hydrology reports do not evaluate/or consider the potential for landfill gases to enter area water tables, springs and wells on into the future. Methane is odorless, explosive and highly toxic. Rural residents may find Methane in their water supplies only after the quality of their water deter

Landfill gases could move into water tables on Tampico Ridge, and move into area springs and enter wells and Rural Residents

homes, on or near Tampico Ridge, creating toxic odorless methane indoor air contamination pollution/fire hazards at these Tax lots. Potential landfill generated gas pollution into area water tables has not been investigated by this applicant in an hydrological study, or in landfill design engineering over time certification that this gas pollution of area water-tables, springs and well process will not occur on into the future from 2025 CUP decision, and the start of construction in phase one and two in 2025 on Tampico Ridge. 3

With CUP requirement removed due to LU24-027 being built on the South side of Coffin Butte Road, the future of BC control over what is built as landfill cells, going forward ends.

Landfill Cells would be able to be constructed on the south side of CBRoad, and be filled to the north, without BC CUP land use application requirements.

Unlimited dumping as triggered legally by the passage of LU24-027 into land use law removes BC control over tonnage cap. BOC and BC attorney worked to create 2022-2040 Franchise Operation Agreement to allow unlimited dumping, when LU24-027CUP passed into land use law in 2025.

Unlimited legal dumping and loss of CUP hearing process both allow Republic Service to expand operations, increase operation hours and days of the week from the proposed increase in operation under in LU24-027 CUP.

BC will have to further agree to more operating hours.

Coffin Butte Road will be taken from BC with Road Vacation Form, ORS368.326-368.366 OAR660-072-0060(2)(b) under the BOC Discretion. 4

BOC can decide to not allow Republic Service the right to take Coffin Butte Road, because of 2022-2040 Franchise Operation Agreement triggering LEGAL unlimited dumping, and the need to build LU24-027 CUP Expansion in Tampico Ridge to except unlimited tonnage, and to lean this tonnage to the north overtop of Coffin Butte Road on the mothballed north landfill that is not vegetated under a required in a not implemented or enforced by BC, existing COA linked to the North Landfill CUP of X date.

BC has a tonnage cap issued to Republic Service. Republic Service self reports once a year, total tonnage to BC.

BC is not monitoring COA ascribed in a prior CUP tonnage cap, for the expired North Landfill DEQ SWMP permit.

DEQ is not monitoring BC's ascribed COA tonnage cap. BC did not limit North Landfill height as a COA in North Landfill CUP. North Landfill current height exceeds an existing COA, that BC legally agreed upon with VLF Inc/Republic Services that was not implemented by BC or Republic Services, so this COA was invalid.

Republic Service scale records may show the tonnage cap set in a prior Conditional Use Permit – COA, for the North Landfill Expansion CUP has been exceeded since X date/year.

Providing truthful and factually supported incoming waste tonnage reports to BC, hopefully legally commercially regulated by the Federal Government/State of Oregon weigh scale data to BC,

allows Republic Service to continue to do truthful and respectful to BC, operations in BC by HOST Benton County, Oregon. 5

BC is possibly unable, or unwilling to hire a Staff person to oversee any Conditions of Approval (COA) for any CUP issued Conditions of Approval, as described in Benton County Talks Trash 2024 Document. BCTT document and support materials should be forever, stored on the BC archive website in its entirety. BC Attorney and BOC as final decision makers, worked to edit the BCTT final Document jointly with Republic Services staff, to create a weaker BCTT final Report.

With unlimited landfill expansion due to removal of CUP requirement because of LU24-027 CUP Expansion passage into land use law, any future ability of local Rural Residential, AG, EFU, Commercial, City of Adair Village landowners, will have a much harder time trying to sell their tax lots, and these tax lots will decline in cost per acre assessed value, or square foot valuation, due to impacts of expanding landfill encroaching rapidly in Landfill Zone, that VLF INC- WCSI and Subsidiaries owns.

LU24-027 passage into land use law, guarantee's tax base reductions to BC, for the long term because of rapid and nonstop landfill expansions on Tampico Ridge, in Coffin Butte Valley and into the surrounding Soap Creek Valley on EFU and RR zoning that VLF INC continues buying, to change to LF Zone.

VLF INC changing RR zones to Lfill Zone, currently with LU24-027, pressurizes private property owners and will force landowners to sell their abutting tax lots or road rights of way, as each tax lot converted to Landfill Zone is filled with trash.

Any abutting RR land owners ability to sell their land for fair market value, drops. 6

There is precedence setting, future potential, because of LU24-027 passage into land use law, that VLF Inc, will be a future buyer, for most of any abutting RR zoning, next to Landfill Zone going forward.

As the long term impacts of LF Zone on abutting RR Zones degrades these tax lots valuation over time,, and takes away, or reduces the chances of any future ability to sell these abutting to LF Zone, all RR Zones to anyone except the willing buyer of VLF INC.

RR with compromised(polluted) wells and with daily air quality degradation of the use and enjoyment of their properties from landfill derived, air quality toxic odor problems, that are not abutting Landfill Zone will also be able to be condemned and these owners will be then, forced to sell these non abutting tax lots, impacted by LF operations further away, to VLF INC, as the only buyer.

DOGAMI may not have officially been notified of the extent of LU24-027 construction process, overburden(daily cover) storage area certifications, new road construction for storage of overburden, to be uses as daily cover for decades to come, for the sale of overburden out of State of Oregon and permits needed for this business transaction by VLF Inc as the owner of these State of Oregon mining permits: of any site erosion controls and for how long these controls are maintained beyond construction, impacts to area hydrology with daily blasting over four or more years, impacts to area from construction traffic, impacts to area water tables and wells from blasting and excavation of the overburden down to x depth as final project elevation.

Historic/prehistoric landslides in this area may not have been evaluated for this LU24-027 CUP appeal application. Area strata may be tipping, and layered, and wet, so building a massive landfill cell or multiple cells on top of any tipping geological surface here, may be unsafe on the north slope of Tampico Ridge.

This expansion may be being built on prehistoric/historic landslide scars which makes this slope unstable on into the future. Joel Geier noted in opposition testimony Oct. 23, 2025 that the toe of the trash cell's fill on Tampico Ridge, could fill with water, by absorbing down slope subsurface water table, and from water drainage into north toe of all compacted landfill materials to be located here. Regardless of liner technology, which are documented to fail.

With this hydrologic reality, this creates problems with slope stability here, of these millions of tons of compacted trash materials, perched on this wet possibly tipping slope of Tampico Ridge, which will be pushed/packed into this and other excavations into Tampico Ridge.

Digging above LU24-027 in the future, may create potential problems for LU24-027 slope stability with further water table, spring and well water damages for all pending Landfill Zone around LU24-027 when the applicant developed these tax lots on Tampico Ridge into Landfill Cells.

LU24-027 should be viewed in context with these future uncontrolled Landfill Zone developments constructed in Tampico Ridge, above and next to LU24-027, to cross a closed vacated Coffin Butte Road, to lean trash on the moth balled, but not closed as per a not applied Condition of Approval(COA) which required Rep. Ser to vegetate closed landfills.

North Landfill is mothballed specifically to have trash put on it in 6 years when Tampico Ridge landfill closes, Coffin Butte Road is vacated and CUP Requirement no longer applies to all future landfill cell construction, when any trash cell constructions are built to the south of the then, Coffin Butte Road, which is gone, due to Road Vacation granted by BOC, as a Discretionary agreement similar to Road Vacation agreement BC was fine with, in the prior historic, LU21-047 CUP Expansion of CBRLandfill and Closure of Coffin Butte Road, BC Planning denied at that time.

Please use your Discretionary power of your elected official, by the Taxpayer to Denie LU24-027 CUP Appeal, and denie any future use of Road Vacation process to Republic Service, VLF Inc, Corvallis Disposal, WCSI or their subsidiaries, for the passage of LU24-027 into land use law which triggers unlimited dumping Legally, and triggers the need in four or five years to allow the applicant to use a Road Vacation Form, to take Coffin Butte Road away from BC, as a Commercial Truck Route and Evacuation Route.

BC Sheriff for LU21-027 CUP recommended not closing CBRoad forever. The BC Sheriff may not have been asked to testify for LU24-027 CUP about Coffin Butte Road because the applicant selected to leave this out of this application.

BC residence and BC Sheriff and Adair Rural Fire And Rescue Dept. Captain and Volunteer Staff, will have no contact with BC discussion to grant Road Vacation to Rep. Service on paper on into the future, because of LU24-027 build out/closure in 5 years, and need for VLF INC to take CBRoad to place trash from Tampico Ridge, to the mothballed but not closed, under an existing, historic, COS-vegation requirement, that is not being implemented by BC, on the mothballed but not closed.

With LU24-027 CUP passed into land use law, Rep. Ser will continue to build trash Cells from the south to the north mothballed but not closed landfill, and possibly to join the Cell 6 Knife River leased quarry with trash compacted from the south of the buried former, Coffin Butte Road Right of Way BC will give to VLF INC.

Please oppose LU24-027 for the health and safety of BC, and for protecting long term control over this applicant as HOST in building endless landfill cells when and wherever they please, with limited environmental air, water, and soil permitting from DEQ. Oregon DOGAMI, EPA and ACOE over site only in pollution permits, and excavation permits for mineral mining, BC will have no local control.

SWAC and DSAC will have an uphill battle to make any substantive change, or to work to recommend to the BOC, for the long term protection of the health and safety of BC.

BC taxpayers will be left paying for a pending, massive valley wide, and Tampico Ridge destroyed Landfill zoned, super fund landfill that VLF Inc can walk away from at any time. Federal funding for super funded clean up may be the only hope for BC long term, to pay for and care for any future BC owned, by abandonment, of this future massive landfill, allowed at this time, to continue to be built the wrong place environmentally. BC will have a second superfund site.

The BOC decision for this CUP is the most important land use decision that will be made for your office as of this date.

Work to make this and all future land use decisions work in favor of this applicant has been going on for years together with Rep. Ser

and BC Attorney. As documented in communications between Rep. Ser Staff and BC Attorney Croney. BC staff did not ask to be included in these dealings with this corporation and BC as HOST of this Regional Landfill. 10

Work by BC Attorney and Rep. Ser Staff to write Franchise Operation Agreement 2022-2040 in line with CUP expansions to acquire legally directed: unlimited dumping and pay one million dollars to BC General Fund supports, BC and Rep. Ser working together, to create a future of landfill expansions and the removal of all future CUP land use requirements, and eliminate public involvement in all landfill expansions going forward.

LU24-027 passage into land use law, free's up the applicant to freely build landfill cells on into the future, damaging the quality and character of this area, reducing land values and decreasing/decimating BC tax base going forward. BC attorney has sealed the deal with LU24-027 to degrade the county tax base, degrade the counties environment and put landowners and the environment at continuous risk on into the future.

Fire hazards from the operation of this landfill in three locations increases. Fire hazards increase in this area, from unlimited dumping and unlimited trash cell construction, started by the passage of LU24-027 into land use law. Methane generation will continue and increase. Leachate generation will continue and increase, with unlimited dumping, leachate will continue to be dumped almost directly into the Willamette River at Salem, Adair Village, Monmouth, or from contracted Municipal waste water plants that get paid by Rep. Ser to take landfill leachate. Republic Service leachate directly impacts the health and safety of all downstream residents who drink Willamette River water due to PFAS, and a long list of toxin's found in landfill leachate.

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BC will loose all control they have, with the tonnage cap
LEGALLY being removed, and unlimited dumping triggered by
LU24-027 CUP passage in 2025 into law under Franchise Operation
Agreement 2022-2040.

Please oppose LU24-027 appeal and use discretionary power of
your office to denie any future Vacation of Coffin Butte Road to
VLF Inc their real estate agent or WSCI and Subsidiaries.

R.Foster 980SEMasonPl, Corvallis OR.

R. Foster Oct 29, 2025
LU-24-027 CUP BGC
Opposition Appeal



ENRAC Deliberations on CUP Expansion Application

REPORT: April 8, 2025

Page 1 of 2

The following Report was created by ENRAC based on a worksheet that each member completed. Topics were identified at the March 12 meeting, and each row within the "Topic/Issue" is from an individual ENRAC member. No effort was made to aggregate or find consensus per topic.

Overview

The following are resources, considerations, potential impacts to consider, and a general framework for ENRAC Members to evaluate Republic Services' application for a Conditional Use Permit (CUP) to expand the Coffin Butte landfill. ENRAC will develop a recommendation to be submitted to the Benton County Planning Commission to reject, accept, or accept the application with conditions. There is no legal or formal required length, content, or structure for the recommendation. The recommendation must be voted on and approved by ENRAC by April 22.

CUP Application Materials

The following are links to the CUP application & related materials:

- [Landfill expansion application](#) (submitted July 19, 2024)
- [Revised application](#) (submitted Oct. 30, 2024)
- [Additional information](#) (submitted Jan. 15, 2025)
- [First Addendum to Burden of Proof](#) (submitted March 14, 2025)
- To learn more about the decision process visit bentoncountyor.gov/coffin-butte-landfill

What to Consider Per Code

Per Code 53.215, the following are the considerations, but not limited to, when evaluating the CUP:

The decision to approve a conditional use permit shall be based on findings that:

- (1) The proposed use does not seriously interfere with uses on adjacent property, with the character of the area, or with the purpose of the zone;*
- (2) The proposed use does not impose an undue burden on any public improvements, facilities, utilities, or services available to the area; and*
- (3) The proposed use complies with any additional criteria which may be required for the specific use by Benton County Development Code. [Ord 90-0069]*

The following are additional Codes as reference:

- [Chapter 23 – Solid Waste Management](#)
- [Chapter 77 – Landfill Site \(LS\)](#)

The following should be kept in mind when evaluating the application:

- Your analysis must focus only on the expansion area, NOT the landfill itself or its history
- The definition of "area" can be interpreted by you and/or by issue; such as, impacts to neighboring communities, impacts that go beyond the landfill, impacts on other jurisdictions, etc.
- You can consider & evaluate short-, mid- &/or long-term Impacts
- Benton County cannot control where the waste that is received at the landfill originates

bureaucratic and institutional inertia against a sense of ideal functioning, adequate review, and democratic thriving.

CUP Expansion Application
Report April 8, 2025

At time of writing, ENRAC remains in deliberation and in consideration of how to articulate, present, and accommodate all of these influences. And we have fleetingly little time to do that, let alone to a level of scrutiny many would deem applicable.

What needs most to be considered is what level of actionable precaution and consideration of data should be included to assess the CUP Application. There will always be more data and more opinions, more arguments and important vital considerations to every aspect of BC, community, residents, region, and environment. ENRAC understands the BC PC to have a more regimented and policy angle on its approval process, will be assessing and accumulating copious public comment and existing documentation, and we hope to support that endeavor. But, to point, ENRAC makes its assessment without those regimented needs and hopes to encapsulate a different and environmentally driven perspective herein.

Assessment at the time of requirement is what is needed.

Therefore, with the above arguments and considerations, the ENRAC board recommends...

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ENRAC

Decision

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from

BC Archives

for LU 24-027^{CUP} PC

Hearing