

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

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As a matter of rebuttal to the public testimony of October 22-23 for LU-24-027

This testimony is submitted as an individual and not to be construed as on behalf of or speaking for the Benton County Planning Commission decision-making body, or any individual Planning Commissioners involved in this process.

Dear Benton County Board of Commissioners,

I have had the privilege of being invited by Benton County Board of Commissioners to serve on several appointed Benton County volunteer positions, including the Willamette Criminal Justice Council, (5 years) the HOPE Advisory Board (5.5 years), Benton County Talks Trash (BCTT) (8 months) and the Benton County Planning Commission (2.5 years)...a total of nearly 14 years of Benton County experience and 2 years of similar service as a Philomath City Councilor.

I am the only Benton County Planning Commissioner that served on the BCTT Work Group and the Conditions of Past Land Use Applications Subcommittee reviewing all 50 years of land use applications related to the Coffin Butte Landfill site in Benton County, including DEQ records.

Through these roles, like you, I have come to understand the importance of serving with objectivity, fiscal responsibility, accountability, and transparency, along with acknowledging community voices of which we represent and serve, and which deserve to be heard and held with regard and respect while seeking excellence in government and objectivity in decision-making.

I have previously submitted my Opening Statement as a Planning Commissioner for the LU-24-027 deliberations held on July 22, 2025, and my individual reasons for denial, outlining 40 instances where in my assessment, I believed Republic Services as the applicant was insufficient in meeting the burden of proof as to meeting Benton County's applicable criteria related to the landfill expansion. The 87 pages of that submittal extensively outline my assertion, and concerns regarding procedural irregularities of this land use process.

For the purposes of rebuttal, I submit the following additional perspectives...

Benton County Code – Chapter 50 and Oregon Revised Statutes require consideration of the Benton County Comprehensive Plan to support in policy the implementation of BCC 53.215 when considering the criteria applied to LU-24-027, as well as the adopted Comprehensive Plans of all incorporated cities in Benton County: The Cities of Adair Village, Albany, Corvallis, Monroe and Philomath. The public testimony record is filled with reference to relevant Comprehensive Plan policies.

Chapter 50
Benton County Comprehensive Plan

50.005 Comprehensive Plans Incorporated by Reference.

(1) The Benton County Comprehensive Plan, including the Comprehensive Plan Map, is hereby incorporated by reference into the Benton County Code.

(2) The Comprehensive Plans of the Cities of Adair Village, Albany, Corvallis, Monroe and Philomath are hereby adopted as part of the Benton County Comprehensive Plan for the respective areas between the urban growth boundary and the city limits of the above-mentioned cities. [Ord 90-0069]

50.010 Purpose. *The Comprehensive Plan is the official policy guide for decisions about growth, development, and conservation of natural resources in Benton County. [Ord 90-0069]*

50.015 Relationship to Development Code. *The policies of the Comprehensive Plan shall serve as the basis for developing the implementing regulations of the Development Code. The policies of the Comprehensive Plan are not implementing regulations and shall not be directly applied to individual applications except as provided by the Development Code. When the interpretation of a particular Development Code provision is in doubt, the Comprehensive Plan shall be referred to for policy guidance. [Ord 90-0069]*

So, when residents of Benton County look at the Benton County Comprehensive Plan, they have reason to believe that the Comprehensive Plan policies as adopted will help shape, inform and guide the application of criteria for a land use application in Benton County...the public has and should have a set of community expectations as outlined in the Comprehensive Plan.

Land Use Procedural Concerns

The procedures implemented by staff and legal counsel during the Benton County Planning Commission hearings for LU-24-027 raised many concerns due to inconsistency, the appearance of legal opinion and guidance given the Planning Commission and not supported in law, and the constraints placed on the Planning Commission in fulfilling its duties.

After serving on the BCTT Work Group and the CUP/Past Land Use Application subcommittee, and reviewing 50 years of land use records, what was clear was the importance of **competent, comprehensive and legally defensible land use decisions** through lawful and unbiased process, in particular in the drafting of the final findings of the record. It is this lack of, or interpretation without adjudication by county staff of past land use decisions and records that has led to challenges, sometimes contentious between proponents and opponents of the landfill expansion application in 2021 and again in 2025.

Examples of these unresolved concerns in the BCTT report include the expansion of landfill operations into Cell 6 that *did not rely* on wording in official findings and where no clear record of approval of this expansion exists, the interpretations (legal *opinion*) of the 2002 Memorandum of Understanding re: conditions of approval compliance and the site plan and narrative from the 1983 (PC-83-07) land use applications that was deemed unenforceable due to its believed lack of wording in the official final findings of the record, which is inconsistent with the findings interpretations for Cell 6.

It is unclear why the findings and recommendations from BCTT and its subcommittees were not more thoroughly applied in advance of and during LU-24-027, outside of the staff/legal counsel accepting and using the legal subcommittee's definitions of "seriously interfere," "character of the area," and "use of the zone," in what many in the public interpreted as limitations placed on the Planning Commission.

These limitations presented by defining these terms in advance of the LU-24-027 hearing played out throughout the hearing, resulting in challenges raised by Planning Commissioners regarding what appeared to be interference in the legal process. To be clear, none of these pre-determined terms and definitions were adjudicated, and none were formally adopted by the Planning Commission in advance of the hearing only having discussions occurring intermittently during the deliberation on certain definitions at the July 22 and July 29 meetings. This led to unnecessary conflicts, including on the terms of "adjacent," then "experts" and words used by staff in the final findings presented for adoption, such as "rejects" and "relies," which were words not used and actions not taken by the Planning Commission during the hearing.

Republic Services Public Relations Campaign.

Republic Services as the applicant for LU-24-027, the expansion of Coffin Butte Landfill to areas South of Coffin Butte Road presented to the Board of Commissioners their limitations to similar definitions and applications...of note, the limiting of areas of adverse impacts on "adjacent" properties of which they have declared should be ¼ mile.

With this in mind, the public relations campaign orchestrated by Republic Services to rally support for a landfill expansion included the DHM Research survey and corresponding record (BOC1_T0598 10202025) submitted by John Horvick, Sr. Vice President of DHM Research. This survey illustrates a similar pattern of record provided by the applicant, presenting testimony that lacks the applicable criteria related "facts" and interpretations required for objective application of criteria, rendering it of little value to land use procedure. While interesting evaluations of the public's opinion, the data largely do not meet any applicable criteria of which can be applied to the landfill expansion application as presented in LU-24-027.

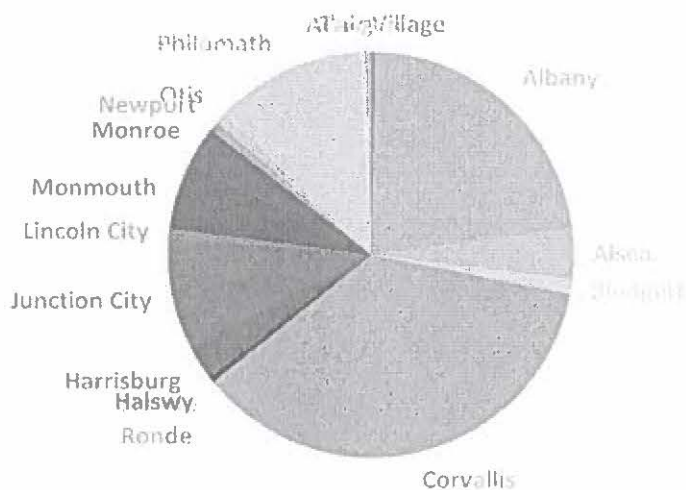
Similarly, the Benton County Clean and Strong submittals of approximately 260 "letters of support" (BOC1_0574, et al.) do not address criteria, but rather reflect a cookie-cutter

campaign, soliciting support from far outside of the region in many cases. Ironical that the applicant would have you accept adverse impact zones of only ¼ mile from the landfill, while asserting that support from regions outside of the area as far as Portland, Lincoln City, Otis, Harrisburg and Junction City will offset or temper the actual experience of adjacent, adjoining and nearby residents and other considerable relevant testimony in opposition.

The breakdown of these letters of support are from the following cities, with ranges of distance from 8-12 miles generally for Corvallis and Albany to 35-65 miles from the landfill for the cities further from...hardly within the proposed ¼ impact zone.

Adair Village	1
Albany	56
Alsea	10
Blodgett	3
Corvallis	89
Grande Ronde	1
Halswy	1
Harrisburg	7
Junction City	22
Lincoln City	2
Monmouth	13
Monroe	8
Newport	2
Otis	2
Philomath	30
Portland	1
Tangent	1

PROPONENT LETTERS SUBMITTED BY BENTON COUNTY CLEAN AND STRONG



The duplicated letters of support of landfill expansion generally reads as such:

Keep Our Garbage Services Local, Reliable and Affordable

I am writing to urge you to support the Coffin Butte expansion. This is a practical, responsible plan that ensures our county keeps solid waste management and garbage service under local control, where it belongs.

Expanding Coffin Butte brings several important benefits:

- Keeps costs low for families and services. Without expansion, our waste may have to be hauled long distances, driving up transportation costs and straining household and county budgets.
- Generates critical local revenue. Coffin Butte generates nearly \$6 million each year to Benton County's budget, the second-largest source of discretionary local revenue after property taxes. These dollars support our local schools, public safety, and road maintenance.
- Supports renewable energy and climate goals. By capturing landfill gas, Coffin Butte powers more than 4,000 homes annually with clean energy, reducing greenhouse gas emissions and helping Oregon meet its climate commitments.
- Ensures reliable, affordable service. Residents and businesses depend on consistent, affordable solid waste management. Expansion secures this for the long term.

Coffin Butte already plays a vital role in our community — keeping costs down, powering homes with renewable energy, and funding critical services without raising taxes. Expansion will strengthen these benefits and position Benton County for a stronger, more sustainable future.

I urge you to approve this important project.

Shannon Adkins
2615 Southwest Pickford Street
Corvallis, OR 97333

What are NOT criteria related to recent hearing testimony or record:

- The affordability of waste hauling rates for nearby cities or counties
- The affordability of waste rates for Benton County users
- The revenues generated through the 2020 Franchise Agreement, paid to Benton County, as un-restricted funds or as property tax revenues
- The precedent of any landfill operating in Benton County
- The assertion that because a landfill has been operating in Benton County that it should continue doing so unrestricted
- Climate goals alleged to be achieved through managing a landfill in Benton County
- Energy usage of methane emissions to fuel homes - the application does not show this will be an effect of the proposed expansion.
- Funding to support schools, roads, or other public services perceived or implied
- Sustainability perceived or implied through this landfill expansion.
- Any obligation to support the waste management of other cities, counties or regional communities through this landfill expansion

Typical of many responses was the interest in affordability, and local access to waste management services – but what was found over and over is that when informed of environmental risks, leachate, methane emissions, toxic odors, litter, noise, traffic, bio-accumulation of toxic substances, fire risks, or any combination of these things, that public support for landfill expansion diminished greatly – in short, an informed public changed the opinion greatly on whether or not landfill expansion should be approved.

The pandering to public emotion and financial risk of perceived increase rates of waste hauling services is a shameless tactic – along with the farmer's market free 5 gallons of compost scheme to portray what a good neighbor Republic Services and Coffin Butte Landfill have been or promise to be...the record speaks for itself...all 50 years of it.

County Commissioners, what is clear here is the difference between the proponent public opinion, and the criteria which must be applied to the landfill expansion area. The burden of proof by the applicant, Republic Services, was not met during the Planning Commission hearings, and again has not been met in the Board of Commissioners hearings. This lack of meeting the burden of proof by the applicant and the extensive record documenting serious interference, conflicts with the character of the area, and evidence of undue burden.

Both in 2021 and 2025 the Planning Commission appointed by you and/or your peers has unanimously denied this expansion application. Your appointed Environmental and Natural Resources Advisory Committee has recommended denial, first responders and the Adair Rural Fire and Protection District has recommended denial, and the code and statutory oversights through DSAC and SWAC have repeatedly recommended denial of this application. Along with

public testimony and the adverse impacts of the current operation and those expected with expanding the landfill size and scope are more than enough to provide plausibility and legal defense in denying this application.

Respectfully Submitted,
Catherine Biscoe
Philomath, OR