

# CONCERNING THE LIKELIHOOD THAT ANY OF THIS WILL ACTUALLY WORK July 9, 2025

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## HISTORY OF COFFIN BUTTE LANDFILL

The history of the landfill is one marked by repeated attempts on the part of the County to ensure that the landfill did not adversely impact surrounding properties.

It is a history of **repeated failure** on the part of the County to achieve this goal. As a result, acreage owned by the landfill has grown in size by 500 acres from 1983 to the present day.

Each of these 500 acres was owned by an individual person who valued what used to be a beautiful property in one of the most beautiful areas of the county.

Watching the ruination of lands that you've improved and cared for is heartrending. You want to hand it down to your children, or sell it to somebody who will care for it as much as you have. But when your property is next to a landfill, you can't do those things. You can't hand your house down to your kids because you don't want to make your grandchildren sick, and eventually you end up selling your property to the landfill itself because there are no other buyers.

There is no reason to think that the current expansion request end any differently that previous ones.

## “BY-RIGHT” USE V. “CONDITIONAL” USE

If a use is “by right” that means no land use process is required.

You go right to the building department to submit your plans.  
But a “conditional” use is one that may have adverse impacts.

An applicant for a “conditional” use can do one of two things, EITHER:

1. Demonstrate that the proposal will have no adverse impacts, or
2. Acknowledge that it WILL have adverse impacts, but that elements of the proposal are sufficient to eliminate those impacts

For the application before you, the County and the applicant agree that there ARE adverse impacts that WILL significantly impact adjacent uses if unmitigated.

So unless **each and every one** of those conditions is **strictly adhered to**, other property owners will be impacted. They’ll be impacted **significantly**, and the impact will be **adverse**.

## COUNTY’S CONSULTANT COUNSEL SAYS:

County’s consultant counsel says that prior non-compliance with conditions of approval has not been adjudicated.

But you don’t need adjudication of something you can see with your own eyes.

And what you can see with your own eyes (and from property records) is that over the past fifty years, the landfill has grown. And it has grown at the expense of neighboring non-landfill uses.

Zoning is supposed to prevent what has happened over the past fifty years at the landfill.

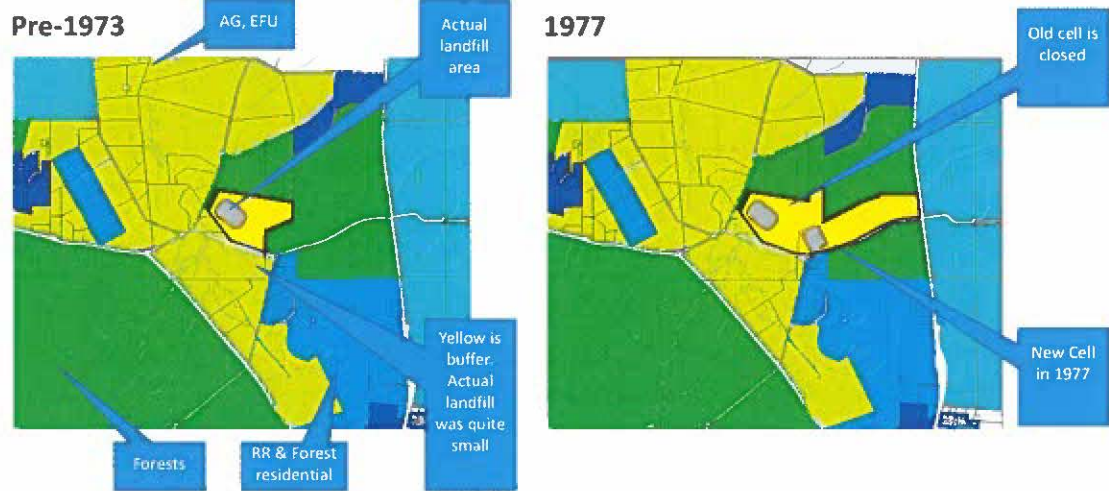
It is not normal for one land use to so adversely impact all surrounding land uses that it engulfs and assimilates them. That’s the plot of a horror movie.

What does it mean that this has happened here?

**It means that zoning has failed.**

The landfill engages in Potemkin farming on some of the land that it has acquired, but the real purpose of that land is to rezone at some point in the future and turn into more landfill. How do we know this? There is an email.

## LANDFILL EXPANSIONS OVER TIME



### 1983: When the LS zone was created

The Comprehensive Plan in effect in 1983 stated that it would be "inappropriate" for there to be disposal on a parcel where residences lay to the southeast or southwest

That is this little tongue of property that will insert disposal directly into surrounding RR properties

### Today

Each of the 500 acres by which the landfill property has grown over the past 50 years had been a property that had been owned by somebody who loved and cared for this land.

But if you own a property near the landfill, you don't want to pass it down to your kids. Because you don't want to make them sick.

The landfill benefits by being a "bad neighbor" by first devaluing and then purchasing the devalued property

The tiny blue wedge is the Phillips property, which if this application is approved will become valueless, backing onto a 150' tall wall of reeking garbage.

## “WE HAVE MANY ACRES”

*source: public records request for emails between County Counsel Vance Croney and Republic Services*

*Julie Jackson to Vance Croney, October 14, 2020, 11:23 am to 11:51 am:*

**“We have many acres** that could hold waste and that will likely be a future discussion with the County.

Julie”

*Vance Croney to Julie Jackson, October 14, 2020, 11:23 am to 11:51 am:*

**“Republic...has many acres of EFU-zoned land that certainly can be used for additional cells, but would require rezoning...”**

Thanks. Vance.”

## “WE HAVE MANY ACRES”

*source: public records request for emails between County Counsel Vance Croney and Republic Services*

Vance,

This is a very rough estimate, but we expect about 15-20 years of additional life with the new cell.

Julie

Ok, thanks Julie. I was way off, I thought the additional landfill-zoned acreage would get you 40-60 years of additional landfill life. Thanks.

Vance

Vance,

This is just the estimate for the cell area we are asking to rezone. We have many acres that could hold waste and that will likely be a future discussion with the County.

Julie

Hmm. Republic has a chunk of land south of Coffin Butte that is already zoned Landfill which only requires conditional use approval to begin use as a landfill cell. It also has many acres of EFU-zoned land that certainly can be used for additional cells, but would require rezoning. Are we both talking about the Landfill zoned acreage as creating an additional 15-20 years of life?

Sorry for the questions but I want to be sure I'm correct when I discuss with the BOC ramifications of lifting a tonnage cap. Thanks. Vance.

## STAFF'S HEROIC EFFORTS TO CRAFT CONDITIONS OF APPROVAL

Staff has crafted **84 requirements** to keep this proposal from significantly harming abutting, adjacent, and other uses within the 90-square-mile area.

But unless the applicant voluntarily complies, or unless the County has the means, the sophistication, and the appetite to enforce these conditions, they are meaningless.

First, let's address whether the applicant will voluntarily comply.

The applicant has never been more motivated to reduce odors than in the past four years, awaiting resubmittal of this application after the previous application was denied on the basis of odor (among other things)

## WILL THE APPLICANT COMPLY VOLUNTARILY?

The applicant might want to comply **if it didn't cost any money**. Let's talk about odor: they know what would help: stop taking sewage sludge and rotting animal carcasses and construction debris (the County's odor expert says that construction debris doesn't contribute to odors, which is flat-out wrong, and I will be submitting written testimony to that effect if allowed).

The Applicant could have voluntarily reduced total garbage intake! But has any of this happened? **NO! FOUR YEARS AFTER** the applicant could have taken action to reduce odors, they are worse than ever. So, what action has the applicant taken to reduce odors?

**NOTHING.**

## CAN THE APPLICANT COMPLY VOLUNTARILY?

Is compliance with the requirement that landfill odors not be nuisances even possible?

Probably not. The Applicant operates landfills all over the country, and if you google "Republic Services" AND "odors" AND "class action suit"

...let's just say...there are a lot of hits.

Odor lawsuits cost the Applicant money. A lot of money. I'm sure that if there were an easy solution to the odor problem at landfills, the applicant would have implemented it.



## WILL BENTON COUNTY ENFORCE COMPLIANCE?

We love Benton County. We love Benton County staff. But let's face it, Benton County is a small county with a small staff, budget problems, and the Applicant is a 16-billion-dollar Fortune-500 company with a lot of lawyers.

Benton County knows that the landfill is hurting the people who live here. They heard about it in excruciating detail in 2021.

The county heard that people...:

1. ...**were afraid** the landfill **was making them sick**, AND
2. ...were having **quality of life impacts** as a result of landfill odors, that kept them from hiring and retaining farm workers, AND
3. ...**hated the eyesore** that the landfill had become.

What actions could the County have taken in response?

## WHAT COULD BENTON COUNTY HAVE DONE?

In response to concerns,

1. ...that the landfill was **making them sick**, ...the County could have reached out to the Oregon Health Authority to investigate cancer clusters,

**AND**

In response to concerns,

2. ...about quality of life impacts as a result of landfill odors, ...the County could have reached out to DEQ and asked for a followup on nuisance complaints with

enforcement action and civil penalties,

**AND**

In response to concerns,

3. ...about the embarrassing eyesore that the landfill had become. ...the County could have asked the applicant to apply final cover to closed cells fronting the highway revegetate, and plant some damn trees already, as is required by the 1983 Zoning AND the 1965 Highway Beautification Act.

## WHAT DID BENTON COUNTY DO?

BENTON COUNTY DID NOTHING!

**NOTHING!**

(just to be clear, we're not talking about CDD staff here, but for the most part about our elected representatives, who stuck their fingers in their ears and sang "lalalalala I can't HEAR you")

## SO, THIS "ORGANIC" WASTE INTAKE LIMIT?

Let's not even get into the definition of "organic" or that the County's odor consultant believes that Construction and Demolition debris does not cause odors (when in fact drywall is a huge contributor to the generation of hydrogen sulfide).

We're not impressed. Why not? What happens if the Applicant exceeds the "organic" waste intake limit?

Does the County have the appetite to enforce this limit, or will the County do the same thing it did in 2017 when the Applicant exceeded contractual volume limits, which was

**NOTHING.**

WE'VE SEEN THIS MOVIE BEFORE. **WE KNOW HOW IT ENDS.**

**DON'T WASTE YOUR TIME TRYING TO CRAFT THE PERFECT LANGUAGE FOR CONDITIONS OF APPROVAL. IT'S BEEN TRIED BEFORE AND IT HAS NEVER WORKED. IT WILL JUST GO DOWN THE MEMORY HOLE LIKE EVERYTHING ELSE** (ask me about the 2003 BASELINE STUDY for example)

## CONFIRMING THE MODEL

Chair Fowler asked if the model were confirmable. Starting at the 1:18 timestamp in the video of the 7/8/2025 hearing, Ellery Howard of Maul Foster addressed this issue by referring to the 2023 intake volumes cited in the 2023 Coffin Butte Annual Report.

Using the 2023 “actual emissions” provided by the Applicant in the Applicant’s model results in odors that, per Chad Darby, the County’s odor expert asserted that using the Applicant’s “actual emissions” at 2023 amounts of “organic” waste (however defined) using the Applicant’s model there were odors that were detectable, but which do not rise to the level of “nuisance”.

## BUT THIS IS WHAT HAPPENED IN 2023





Polk County Itemizer-Observer:  
**Two weeks ago, they had their buyers.**  
Date of Article: **March 2, 2023**

*"Two weeks ago, they had their buyers"*

*"The day they decided to quit was the day a south wind  
blew up from the dump. He was allergic to it and got  
violent migraines"*

*"Tom said the buyers left behind 'a chunk of money'  
after pulling out of the deal, so they're OK for now..."*

## **BELIEVE BENTON COUNTY WHEN IT SAYS THIS APPLICATION WILL RESULT IN ADVERSE IMPACTS**

More people will finally give up and move away. Residents' wells and ponds will dry up. They will pick litter out of their fields and hope they get to it before their livestock does. More people will decide to sell out to the landfill. The Phillipses home may in fact become uninhabitable due to odor and noise. This application needs to be denied just to protect the Phillipses.

## **BUT DON'T BELIEVE THAT CONDITIONS OF APPROVAL WILL BE ENFORCED**

...the Applicant has too many resources, too many lawyers, and too much money for the County to enforce anything the Applicant doesn't want enforced.

EMERSON VINEYARD, 3.84 MILES TO THE NORTH AND WEST (NOT SOUTH) OF THE LANDFILL, BUYER BACKED OUT IN THE YEAR THAT THE APPLICANT'S ODOR MODEL SAID THAT ODORS DON'T RISE TO THE LEVEL OF "NUISANCE"