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July 9, 2025

Planning Commission:

Chair Fowler, members of the Commission:

Testimony in Opposition of LU-~~21-042~~ 24-027

I want to thank the members of the Planning Commission for their work on this application. I know that your work here has been difficult. We appreciate your service.

I also want to thank and express my gratitude to the community that has come out to engage in this process – a small group that was once characterized by the County as a bunch of NIMBYs has become a region-wide movement to demand a new way forward for waste management in Oregon.

The Figure 8 graphic in the staff report and the more than 1300 petition signatures show the broad base of support to stop this expansion.

PRIOR CONDITIONS OF APPROVAL

I served on the BCTT subcommittee that reviewed the entire record of every prior land use decision regarding the landfill site. At the conclusion of our review of all prior land use proceedings, the public members of our subcommittee developed key findings that can be found beginning on page 98 of the BCTT report which is included in the record.

The BCTT report that the applicant and staff rely on heavily for definitions to craft their proposal, also discusses landfill compliance with conditions of approval.

Key Finding CUP F-2 states, "Benton County has not and does not actively monitor compliance with many Conditions of Approval, nor does it proactively act to enforce compliance." This finding was adopted unanimously by the voting members of the BCTT Committee.

This wording is a watered-down version of what members of the committee wrote. The public members' much stronger statement was edited by the County without approval prior to publication of the document.

A thorough review of Coffin Butte Landfill's historical land use conditions, as documented in the BCTT Past Land Use Committee's report and appendices, reveals a pattern of noncompliance by landfill operators and a systemic failure by Benton County staff to enforce conditions of approval and ensure accountability.

The County readily admits that it does not have a system in place to monitor compliance with the Conditions of Approval and that they have no staff or other resources to enforce compliance.

More key findings from the BCTT report –

CUP F-3 Benton County relies on complaints to initiate action to enforce Conditions of Approval.

CUP F-10 Benton County did not and does not have a readily accessible, transparent complaint tracking system known to the public in place to receive and record land use complaints for documentation, investigation, and resolution.

Both were adopted unanimously. Has the County done anything toward implementing the recommendations of the BCTT in this area. NO.

Two specific and measurable examples of non-compliance with Conditions of Approval include the screening requirement in the Order for PC-83-07, Item 10: Screen the landfill operation with fencing or berms so it cannot be seen the County Road or adjacent properties. That is clearly not the case today, and as noted in Sen. Gelser Blouin's recent newsletter "Driving through the countryside, the mountain of waste is impossible to miss because it towers above the fields and trees that surround it."

A second example of explicit non-compliance comes from PC-02-07 wherein condition of approval #10 requires landfill activity to be limited to 600 ft contour elevation. The applicant's submittals and the drawings on page 64 of the supplemental staff report clearly show the elevation of the existing landfill at 625 ft, a clear violation of the condition of approval. The landfill operator unilaterally exceeded the height limitation on the existing dump, and the County has done nothing about it.

To my knowledge, the County has never taken any enforcement action against the landfill operators in response to non-compliance with conditions of approval. Based on staff testimony, the new code enforcement person will have no role in monitoring or enforcing landfill conditions of approval.

Conditions of Approval are required when a proposed development is incompatible with surrounding land uses and may have an adverse effect on nearby properties. Those conditions of approval have been determined to be NECESSARY to mitigate adverse impacts. BUT if the conditions are not implemented and not enforced, then they are worthless. You can wrap yourself up in this security blanket, but it won't keep you warm.

The landfill operators' consistent disregard for land use conditions, paired with Benton County's non-existent oversight, has undermined the integrity of the land use process. The

County's unwillingness to challenge noncompliance through penalties or corrective actions has allowed Republic Services to operate without meaningful accountability, contrary to the public interest and the intent of the conditional use permits.

COUNTY BIAS IN PROCEEDINGS

Since 2020, with the adoption of the renewed franchise agreement between the County and Valley Landfills, the history in this case is a sordid one where the County staff and the developer have been exclusive partners in attempting to force this expansion upon the residents of this County. Their efforts to disenfranchise residents have been numerous.

Yet, the understanding of the short and long-term impacts of becoming Oregon's trash depot has filtered throughout the community and the outrage has continued to grow. The NIMBY moniker applies to many residents of Benton County – we don't want to become western Oregon's trash can.

The County will be paid a minimum of \$1 million per year in exchange for approval of this conditional use permit. See Sections 4 generally, and Sections 4(c)(i) and 4(c)(ii) specifically in the 2020 franchise agreement that is part of the record.

We are told, "it's not about the money." But what else could it be? Do you know of any previous land use proceeding where the applicant guaranteed to pay the County money in exchange for approval of a development proposal?

Following the County's failure to get its Planning Commission to approve the 2021 expansion application (denied unanimously 6-0), 4 of the 6 Commission members left or were not invited back. Shortly thereafter, the County adopted a massive appeal fee increase that requires a \$5000 deposit and a signed blank check to cover all costs incurred by the County to handle an appeal. And it only applies to appeals of landfill decisions. Talk about disenfranchisement of the residents.

The evidence in this case clearly demonstrates that the proposed new landfill will seriously interfere with uses on adjacent property and the character of the area. In addition, public facilities such as EE Wilson Wildlife Area, the Willamette River and McDonald/Dunn forests will bear an undue burden from the impacts of this proposed development.

LITTER IMPACTS

You have received testimony from numerous commenters about the widespread presence and impacts of windblown trash from the dump on nearby properties. The proposed mitigation measures will have little to no effect on the litter situation and the moving of the new dump closer to impacted properties will make the problem worse.

I am entering testimony of Angela Krueger and Ryan Wilson into the record this evening – it contains many pictures of windblown trash on their property where they graze their cows. They also have a video of a cow munching on a piece of plastic, but I am prohibited from entering that into the record.

Like the Bradley's, the litter from the proposed dump operation will seriously interfere with the use of their adjacent property and threaten their livelihood.

STORMWATER AND WATER QUALITY IMPACTS

The proposed drainage plan submitted by the applicant (CEC) directs runoff from the LS property through an outfall from the southernmost stormwater basin onto rural residential property. That is not allowed.

The wheels on trucks exiting the dump site are often covered with contaminated mud from the working face area. That mud is tracked onto the surface of nearby paved roads (CBR, Hwy 99, Camp Adair Road) and either washes off into roadside ditches or the dump water truck is used to spray the mud off the road. This stormwater is contaminated, and the practice must be prohibited. A truck tire washing station should be installed just prior to the exit onto paved roads.

NOISE IMPACTS

The applicant proposed mitigation measures for noise reduction neglect the many instantaneous sharp sounds that come from activities near the working face. These include the clanging tracks from the bulldozers working in and around the working face, the banging garbage truck dump doors when drivers go forward and quickly stop to encourage all the trash out of the bed of the truck, and the horn blowing that is used to communicate between trucks on the working face.

Managing noise from on-site vehicles (meaning Republic-owned) touches a very small fraction of the vehicles entering the site and will do very little to reduce overall sound levels.

Noise levels from the proposed expansion will be closer to many properties and will seriously interfere with uses on adjacent properties.

The proposed hours of operation will allow the dump to start internal activities at 4:00 a.m. and extend until 6:00 p.m. 6 days a week. And now they are proposing to be open on Sundays as well. This is unacceptable and represents serious interference with uses on adjacent properties.

ODOR IMPACTS

Either the folks doing the odor studies don't actually get what is happening, or maybe they think the public is just naïve.

The odors from the dump do not emanate in a uniform fashion or get transported offsite in some simplified pattern. I live 5 miles south of the dump and I regularly smell it so strongly that I must limit my outdoor activities. Further, on numerous occasions I have smelled the landfill odor in north Corvallis on 9th street, more than 9 miles away.

Also, as a bicycle and motorcycle rider, I know how pockets of air settle in different areas and contain different temperatures and odors. This regularly happens with landfill odors.

Further, going out with their sniffer devices and logging instances of odor detection and measurement does nothing to control the odors.

The proposal for a self-established limit of 930,000 tons of organic waste annually is a non-starter. First, since organic waste generally makes up 40-50% of municipal solid waste, the 930,000 annual tons of organic waste means they will be bringing in more than 1.8 million tons overall. A dramatic increase over the current tonnage cap of 1.1 million tons.

Having spent many, many hours observing landfill activities at the working face, I have never seen a single instance of garbage truck content audit. And the pictures in the record of illegal material going into dumpsters around Albany and Corvallis, tell you that Republic does nothing to manage trash going into the dump. To assert that somehow, they are going to limit the amount of organic waste is not believable.

Also, the annual limit is meaningless in terms of consistent loading – they could bring in 750,000 tons of organic waste in 4 or 5 months in the summer causing massive increases in odor emissions.

The odor impacts from the existing facility seriously interfere with activities and property uses over a wide swath of Benton and Polk counties. Adding more waste by expanding the dump and increasing the annual tonnage will make matters worse.

REVIEW CRITERIA

After the lengthy and contentious expansion application process in 2021, the County moved quickly to erect a huge barrier to landfill-related appeals of any Planning Commission decision by members of the public.

And with all the handwringing about the qualitative nature of the conditional use permit review criteria – Benton County uses a one-size-fits-all review for any conditional use permit – they did nothing to modify the criteria as it applies to landfills.

So, they are using the same criteria for a landfill that they would use for a dog-grooming shop in a residential area. It doesn't make sense, and they have done that to allow themselves leeway to approve this application. They are not interested in protecting the people or the environment. It's a disgrace.

HISTORY

In 1974 there was significant resistance to the designation of Coffin Butte as a site to serve a small portion of a few adjacent counties. In 1983 during the rezoning process, County residents once again sounded the alarm about this dump and were steadfast that no trash should ever be placed south of Coffin Butte Road. Again in 1994, there were dozens of letters submitted against the proposal to expand the landfill site into the rural residential zone, and that expansion effort was defeated. But this effort will just not die. In 2021, a unanimous Planning Commission denied a similar expansion request to the one that is being proposed now. But here we are again in 2025.

With all that we now know about landfiling in general and this landfill's operations more specifically, we must have the courage to deny this application and demand a new way forward.

The evidence in the record to deny this application is overwhelming. The burden of proof has not been met. This proposal cannot and does not meet the review criteria for a conditional use permit.

Please deny this application.

Sincerely,

Mark Yeager