

## Charge B: Clarifying Requirements For Future Landfill CUP

(9/22/22)

The Charter's section II. Scope and Charge, element B, follows. It has been reformatted to be consistent with the evolving draft of the Workgroup Report.

This proposed element does NOT include opining on the merits of Republic Services' expected Coffin Butte application, nor does it involve the actual writing of potential code language or recommendations that change the current steps in the existing CUP review process. The scope is limited to developing conceptual language for recommended review criteria and recommended guidelines for interpreting any existing ambiguous provisions using the below "Common Understanding" as guideposts. The WORKGROUP must operate within the legal parameters associated with its specific recommendations.

### **B. Clarifying existing criteria and information requirements for the land use review process for any proposed landfill expansion.**

- 1) Create a common understanding document outlining which Development Code criteria are applicable to the review of a conditional use application for landfill expansion by reviewing:
  - a. 53.215 (Criteria)
  - b. 77.305 (Conditional Uses)
  - c. 77.310 (Review)
  - d. 77.405 (DEQ)
- 2) Review Chapters 50 and 51 for context, and then prepare a conceptual list of any other Development Code criteria the WORKGROUP recommends be applicable.
- 3) Developing recommended guidelines for interpreting any ambiguous provisions recognizing current statutes, regulations, case law, and County precedent, etc. In doing so, refer to Comprehensive Plan for policy guidance regarding interpretation of any ambiguous Development Code provisions (see, BCC 50.015,) and Review the Planning Commission comments made during its last review of Republic Services' CUP application for context.

Examples for consideration include:

- a. The phrase, "Other information as required by the Planning Official" 77.310(e)

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- b. The terms found in Section 53.215, e.g.
  - i. “seriously interfere”
  - ii. “character of the area”
  - iii. “purpose of the zone”
  - iv. “undue burden”
  - v. “any additional criteria which may be required for the specific use by this code.

c. Other: \_\_\_\_\_

- 4) Develop protocols for the timely and broad distribution of CUP-related information to the public, other governmental entities, and internal committees, groups, and divisions.

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