

## Compliance with Past Land Use Actions and Their Status

### Homework Compilation of Summary of Responses to Informal Triaging

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#	Date	File #	Request	Result
1	1974	CP-74-01	Designating Coffin Butte Landfill as a regional sanitary landfill site as recommended in the Chemeketa Regional Solid Waste Program Report <sup>1</sup> and Sanitary Landfill expansion.	PC Approved PC Decision Appealed
			<p>COMMITTEE MEMBER COMMENTS</p> <ul style="list-style-type: none"> <li>missing documentation: applicant statement</li> <li>missing documentation: petition (attachment a), unknown attachment (presumptive attachment b), NBCCAC letter (attachment c)</li> </ul> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>	BOC Approved
COMMITTEE MEMBER COMMENTS				
1.5	1977	CP-77-??	POTENTIALLY MISSING CUP, LANDFILL EXPANSION BY 22 ACRES	Unknown
STAFF RESPONSE: Staff was unable to locate any landfill LU file in this time frame.				
2	1983	PC-83-07/L-83-07	<p>Amendments to the Benton County Comprehensive Plan and Plan Map (Ordinance 251), and amendments to the Zoning Ordinance and Zoning Map (Ordinance 261).</p> <p>Amendments to the Comprehensive Plan Text and Map, amendments to the Zoning Ordinance and Zoning Map, and a Site Development Plan (M-48615-83, PC-83-07-C(1)).</p>	BOC Approved.

<sup>1</sup> The [Chemeketa Regional Solid Waste Program Report](#) was produced in 1974 as part of a regional collaborative effort between Benton, Marion, Linn, Polk, and Yamhill counties (Stevens, Thompson & Runyan, Inc., 1974a). This report details recommendations and options for disposal sites, collection strategies, and other materials management approaches.

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			<p>COMMITTEE MEMBER COMMENTS</p> <p>this is not a cup, this is a zoning modification, and all of the orders in the modification continue to bind the owner of the property absent any subsequent rezoning action, hence missing documentation for this land use action is especially pertinent</p> <p>missing documentation: applicant statement            missing documentation: meeting minutes            missing documentation, specifically “adopted as findings”            A staff report, including appendices 1, 2, and 3            B site plan review            C application            D background review            E state planning goal exception</p> <p>conditions that approval is subject to:</p> <ol style="list-style-type: none"> <li>1. where are...the narrative and the map</li> <li>2. where is...required expanded narrative statement, section 1.a.ii to include the physical configuration of the completed landfill areas and method of maintenance</li> <li>3. where is...detail description of the method of screening (in compliance with the 1967 highway beautification act, per the letter from the Oregon attorney general included in the file)</li> <li>4. where is...anticipated chemical composition of “any leachate material”</li> <li>5. where is...environmental and operational factors in art. xxx.05.a.1.(f) for the approximately 10 acres proposed for addition to the landfill</li> <li>6. where is...” detailed reclamation plan that sets form [sic] the anticipated physical characteristics of the ‘terracing’ including an average height and width of the terracing, etc.”</li> <li>7. where is...plan to protect the small ponds</li> <li>8. where is...updated, long-term leachate control plan, soil study...accumulations in the soils will remain far below any toxicity levels.</li> </ol>	

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			<p>supporting documents for this land use action (zoning ordinance amendment) -- especially the report from the north Benton County CAC, SWAC, and the staff report – include important information about why a cup is required on the 59-acre parcel zoned Is to the south of coffin butte road</p> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>	
COMMITTEE MEMBER COMMENTS				
1988? Vacation of Tampico Ridge Subdivision not included				
<b>3</b>	<b>1988</b>	<b>LD-88-11</b>	<p><b>A Lot line adjustment with a transfer of 37.94 acres from parcel A to parcel B.</b></p> <p>COMMITTEE MEMBER COMMENTS</p> <p>all documentation is missing missing documentation: applicant statement missing documentation: meeting minutes missing documentation: staff report missing documentation: notice of decision</p> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>	<b>Development Department Approved</b>
COMMITTEE MEMBER COMMENTS				
19?? Vacation of end of Coffin Butte Road?, Bridge of Soap Creek? Not included				
<b>4</b>	<b>1994</b>	<b>PC-94-03</b>	<p><b>A conditional use permit for a 2.2 megawatt power generation facility. The facility would utilize the gas generated from the decomposing refuse in the landfill as the fuel source.</b></p>	

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5	1994	PC-94-10	Zone change from Rural Residential to Landfill Site Zone, Comprehensive Plan change from Rural Residential to Landfill Site	BOC Denied
6	1994	PC-94-11	<p><del>A conditional use permit to expand the area approved for a landfill within the Landfill Site Zone and update the site development plan. An exception to the Statewide Planning Goal 4. A conditional use permit to expand the generating capacity of the existing electric generation plant that is served by the gas produced at the Coffin Butte Landfill. Phase I of the expansion would increase the capacity of the plant from the current 2.2 MW to 5 MW and Phase II would increase the capacity to 10 MW.</del> STAFF RESPONSE: Confirmed</p> <p>COMMITTEE MEMBER COMMENTS</p> <p>A conditional use permit to expand the area approved for a landfill within the Landfill Site Zone and update the site development plan.</p> <p>green below appears to be copy/paste error</p> <p>An exception to the Statewide Planning Goal 4. A conditional use permit to expand the generating capacity of the existing electric generation plant that is served by the gas produced at the Coffin Butte Landfill. Phase I of the expansion would increase the capacity of the plant from the current 2.2 MW to 5 MW and Phase II would increase the capacity to 10 MW.</p>	PC Approved; PC Decision Appealed; Application Withdrawn

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			<p>all documentation is missing</p> <p>since this application was for the identical parcel that the 2021 cup proposed, it would be useful to find out what the grounds for denial were</p> <p>this was an incredibly contentious application extensively covered in local reporting, why are there no contemporary news articles cited by staff regarding this in the news article section?</p> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>	
7	1997	S-97-58	<p><b>A conditional use permit to expand the generating capacity of the existing electric generation plant that is served by the gas produced at the Coffin Butte Landfill. Phase I of the expansion would increase the capacity of the plant from the current 2.2 MW to 5 MW and Phase II would increase the capacity to 10 MW.</b></p> <p>COMMITTEE MEMBER COMMENTS</p> <p>all documentation is missing missing documentation: applicant statement missing documentation: meeting minutes missing documentation: staff report missing documentation: notice of decision</p> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>	Community Development and Parks Department Approved
8	1999	PC-99-06	<p><b>A Conditional Use Permit for mining and processing of mineral and aggregate resources. The proposed area consists of 1.43 acres adjacent to the existing quarry operation.</b></p>	

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			<p>COMMITTEE MEMBER COMMENTS</p> <p>quarry operations on this parcel have ceased (see next permit)</p>	<p>Planning Commission approved</p>
9	2002	PC-02-07	<p><b>A Conditional Use Permit for landfilling of an area that will be excavated for mining of mineral and aggregate resources Approved by the Planning Commission with Conditions. (West Triangle Expansion). The proposed area consists of 1.43 acres adjacent to the existing quarrying and landfill operation, and is designed to fulfill the reclamation plan for the previously approved quarry on this site.</b></p> <p>COMMITTEE MEMBER COMMENTS</p> <p>all documentation is missing  missing documentation: applicant statement  missing documentation: meeting minutes  missing documentation: staff report  missing documentation: notice of decision</p> <p>Staff Comment:  All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below:  <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a>  The password is BentonCounty1!</p>	<p>Planning Commission approved</p>
10	2003	PC-03-11	<p><b>A Conditional Use Permit for excavation and landfilling of 9.45 acres adjacent to the existing landfill operation, approved by planning commission with conditions. This portion of the landfill would represent an addition to the existing, previously approved, Landfill Site Zone. (East triangle).</b></p> <p>COMMITTEE MEMBER COMMENTS</p> <p>most documentation is missing  missing documentation: applicant statement  missing documentation: meeting minutes  missing documentation: staff report</p>	<p>Planning Commission approved</p>

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11	2011	LU-11-016	<p><b>Conditional Use Permit for the construction of a new public recycling and refuse transfer facility at Coffin Butte Landfill. The request also includes enhancements to the stormwater conveyance and detention system, as well as a container and drop box storage area, and a landfill construction staging and storage area in FC zone.</b></p>	<p><b>Planning Commission approved</b></p>
			<p>COMMITTEE MEMBER COMMENTS</p> <p>most documentation is missing            missing documentation: applicant statement            missing documentation: meeting minutes            missing documentation: staff report</p> <p>Staff Comment:            All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below:  <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a>            The password is BentonCounty1!</p>	
12	2013	LU-13-061	<p><b>Conditional Use Permit for "minor additions and modifications" at Coffin Butte Landfill to change the location of a construction staging and storage area in the vicinity of the existing office structure.</b></p>	<p><b>Planning Commission approved</b></p>
			<p>COMMITTEE MEMBER COMMENTS</p> <p>most documentation is missing            missing documentation: applicant statement            missing documentation: meeting minutes            missing documentation: staff report</p> <p>Staff Comment:</p>	

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13	2015	LU-15-001	<p><b>Alteration of a nonconforming use to continue and enhance a stormwater treatment facility in the Exclusive Farm Use Zone, associated with Coffin Butte Landfill.</b></p> <p>COMMITTEE MEMBER COMMENTS</p> <p>most documentation is missing            missing documentation: applicant statement            missing documentation: meeting minutes            missing documentation: staff report</p> <p>Staff Comment:            All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below:  <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a>            The password is BentonCounty1!</p>	Community Development Department Approved
14	2021	LU-21-047	<p><b>Conditional Use Permit to expand Coffin Butte Landfill. Republic Services proposed: to create a new disposal cell for the Coffin Butte Landfill which will extend from the current cell south of Coffin Butte Road; close Coffin Butte Road to public traffic (vacate the right-of-way*) so the new cell can cover the road; relocate a replacement roadway (for landfill and quarry traffic only) around the area of the new disposal cell; relocate the leachate ponds south of Coffin Butte Road, and move some other structures. Closing Coffin Butte Road will likely require improvement of at least one other roadway in the area to accommodate increased traffic—potentially Tampico Road or Wiles and Robison Roads.</b></p> <p>COMMITTEE MEMBER COMMENTS</p> <p>missing documentation: planning commission written memoranda            missing documentation: staff findings</p> <p>Staff Comment:</p>	Planning Commission Denied; PC Decision Appealed; Appeal Withdrawn



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#### EACH REQUEST WITH RESULTS and STATUS FOR TRIAGING

##### General Comments from Committee Members:

- I understand that county staff might want to explain why, for many conditions (lighting, noise etc.) they have not been monitoring. But it makes the document less clear than it ought to be. "Complaint-based monitoring" really means "no monitoring" in practice. In such cases, I've suggested this more direct language.
- Some of the responses really seem to be beating around the bush to avoid saying, "not in compliance." For example if screening is "not completed" even 20 years after a permit was issued, why not just state clearly, "Not in compliance."
- The document was not fully ready for us to do this kind of triage. There are numerous places where the "status" column says something to the effect, "More research needed." We can't really give a final opinion on those items until the research is completed. In some cases they might turn out to be non-controversial. But for now I'm voting 3 on all of those.
- This approach was not actually what I suggested for triaging these issues in the meeting. I suggested a "vote-a-rama" which we quickly went through the list as a group, just voting 1/2/3 with minimal discussion of each item. I regret that my suggestion wasn't fully understood, as I think this wound up being a whole lot more work for everyone, outside of the time that people are already committing to meetings.
- This is really a lot of applications to do things that are not allowed by right, 14 individual applications with many missing (Tampico vacation, coffin butte vacation, 1977 cup (?)). has any other business or individual in the history of Benton County been the applicant in so many land use actions? if the landfill is the record holder, is that overall situation something that should be considered when additional special permissions are requested?
- What does a 1-2-3 signify here? By putting "3" what am I saying? I am not sure. I have tried to explain in the comments.

##### General Staff Comments:

- Staff rarely monitors a use once the land use file is finalized. We consider a file Finalized when the Conditions of Approval outlined in the decision have been satisfied.

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- There are various mentions to “LUCS” in the comments. The committee members will need to clarify what document they believe they are looking for because staff is unaware of any LUCS requests for the landfill.

Date	File #	Request	Result		
1974	CP-74-01	<p><b>Designating Coffin Butte Landfill as a regional sanitary landfill site as recommended in the Chemeketa Regional Solid Waste Program Report<sup>2</sup> and Sanitary Landfill expansion.</b></p> <p>COMMITTEE COMMENTS</p> <ul style="list-style-type: none"> <li>missing documentation, see pp 1-7</li> </ul> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>	<p><b>PC Approved</b></p> <p><b>PC Decision Appealed</b></p> <p><b>BOC Approved</b></p>		
Conditions of Approval		Status	1	2	3
<p><i>Note: It is uncertain whether any of these conditions of approval remain in effect or have been superseded by subsequent land use decisions, including the adoption of the LS zone and approval of Coffin Butte Landfill under that new zoning designation in 1983. County staff is researching this question.</i></p> <p><b>1.</b>The service area to be served by the Coffin Butte Site should be defined and the approval should be confined to serving only areas MI, WS, DA, KV, MI, CO, AL, LV, and MH, as defined on the enclosed map<sup>3</sup>.</p>		Additional Research Needed	3	1	5

<sup>2</sup> The [Chemeketa Regional Solid Waste Program Report](#) was produced in 1974 as part of a regional collaborative effort between Benton, Marion, Linn, Polk, and Yamhill counties (Stevens, Thompson & Runyan, Inc., 1974a). This report details recommendations and options for disposal sites, collection strategies, and other materials management approaches.

<sup>3</sup> The [Chemeketa Regional Solid Waste Program Report](#) labels specific Chemeketa Region Service Areas, including the general areas of Monmouth/Independence (MI), West Salem (WS), Dallas (DA), Kings Valley (KV), Corvallis (CO), Albany (AL), Lobster Valley (LV), and Monroe/Harrisburg/Halsey (MH), which are mapped and detailed on Figure IV-7 of the Report (Stevens, Thompson & Runyan, Inc., 1974b).

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Expanding Coffin Butte to service additional areas should require a re-review by the Planning Commission.				
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>Republic Services acquired Coffin Butte Landfill in 2008. Certain records prior to that date may be incomplete. We agree that the changes to the County’s land use regulations and subsequent conditional use approvals mean that the analysis and the conditions in the 1974 decision are no longer relevant. Further, Republic Services<sup>4</sup> has reported the counties of origin and tonnage for the last 20 years to the Board of Commissioners under the terms of its franchise agreement.</li> <li>Unable to accept this assessment until additional research is complete.</li> <li>Modified in 1983, but still relevant as to intent – not sure how to rank this...with every land use application there has consistently been discussion about how much Benton County residents did not want out-of-county waste being deposited into the landfill; I believe the meeting minutes reflect that the applicant stated that the landfill was just for Benton County</li> </ul> <p>STAFF RESPONSE: staff is unsure when the change occurred to allow trash to be brought to the landfill from outside those areas identified above occurred. There is no information in any land use file that staff searched through.</p>				
2. The site management activities conducted at Coffin Butte should be reviewed periodically by the County Sanitarian (ex-officio member of the Planning Commission). A report of compliance to all state and local standards should be made at least once annually to the Planning Commission by the Sanitarian.	1 <sup>st</sup> report submitted on 8-12-75 to the Planning Commission	3	3	2
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>The report was supposed to be annual but this assessment only mentions one year. More information needed to confirm compliance.</li> <li>I see annual reports dating back to 2005. Were there annual reports submitted before then? <a href="https://www.co.benton.or.us/cd/page/solid-waste-collection-franchisee-annual-reports">https://www.co.benton.or.us/cd/page/solid-waste-collection-franchisee-annual-reports</a></li> <li>Replaced by DSAC in 1983, but still relevant as to intent; if DSAC had been regularly informed of non-compliance with conditions of approval, perhaps the landfill would have been more compliant</li> </ul>				

<sup>4</sup> For ease of reference, “Republic Services” is used throughout this version of the document but depending on the topic the actual legal entity on the applicable permits documents or otherwise may be Valley Landfills, Inc.

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STAFF RESPONSE: It will need to be a decision of the Board of County Commissioners as to whether this condition should be resumed.				
<p><b>3.</b> Efficient leachate collection and treatment, including the old site, should be maintained by the applicant to insure against pollution of nearby waterways. In addition, wells should be established on the periphery of the solid waste site to monitor any potential seepage into underground aquifers (groundwater pollution).</p>	<p>In first year, per the status report, a collection-retention lagoon was installed to treat leachate from the old site.</p> <p>No longer relevant, replaced with later conditions for run-off.</p>	5	1	3
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• Disagree strongly with staff: “efficient leachate collection and treatment” is extremely relevant, a continuing problem, and in fact domestic wells have been contaminated, which should be noted in the “common understandings” document. Contamination of domestic wells has been a continuing concern of owners of parcels adjacent to the landfill, for good reason (see 1993 Coffin Butte Annual Report, the Helms Well, page 4). Current leachate treatment is impossible onsite, as promised in the most recent CUP (2003), it is certainly possible to argue that the intent of this provision was not to have landfill leachate treatment burden public facilities (the Corvallis water treatment facility is so overburdened by leachate that 15 million gallons/year +/- are trucked to a Salem facility). Let’s have the discussion about whether it is “efficient” to import waste into Benton County instead of diverting it to landfills with less precipitation (which consequently produce less leachate) and whether discharging dioxins/PFAS into the Willamette is “polluting...nearby waterways”</li> <li>• These requirements are still relevant. Has the original collection-retention lagoon been maintained and was it effective in iterating leachate? Past members of SWAC assessed that it was not effective.</li> <li>• Wells were required to monitor potential seepage of contaminants into groundwater. "Runoff" refers to surface waters, not groundwater, so this assessment does not address the original requirement.</li> </ul> <p>STAFF RESPONSE: County staff has no regulatory authority over leachate collection or disposal. This is a function for DEQ.</p>				
<p><b>4.</b> The scars that erode the face of Coffin Butte, when plans meet DEQ approval, shall be filled and compacted to a condition permitting re-seeding and eventual visual reclamation of the area and including screening with natural vegetation that portion of the subject property abutting the county road.</p>	<p>No longer relevant, this area will be covered by a disposal cell and be part of the overall site reclamation</p>	3	2	3
<p><b>COMMITTEE COMMENTS</b></p>				

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<ul style="list-style-type: none"> <li>Disagree strongly with staff. “Temporary” cover of tarp-covered closed landfill cells sitting “temporarily” for a generation is clearly not the intent of this provision. Meeting minutes and applicant statements provide clarification as to the intent of this provision. This provision additionally requires “visual reclamation” of an area which has been so deformed by an accumulation of garbage that is geographic in scope. This provision also addresses screening, which is also clearly a non-complied-with condition of approval.</li> <li>This was part of conditions of approval for a landfill that was then scheduled to close by 2000. The condition was not met. To date, no part of the site has been reclaimed by seeding with native vegetation. The "scars eroding the face of Coffin Butte" have in fact been increased by subsequent expansions, to a height well above the proposed grade for the currently permitted landfill design, even after expansions.</li> </ul> <p>STAFF RESPONSE: It would be more accurate to state that subsequent expansions of the footprint and additions to uses on and adjacent to the site made this condition unrealistic to fulfill until the entirety of the landfill is completed.</p>				
5. That by July 1, 1976, a plan including detailed elements on design, location, management, and financing of a solid waste resource recovery system be prepared and submitted to the Planning Commission for further consideration. Until such a plan is completed, the conditional use approval shall be limited to only the sanitary landfill method of waste disposal.	Complete, 1977 Waste Control Systems, Inc. Solid Waste Management Plan	5	2	1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>Needs detail, &amp; relevant as to intent: This plan said that the landfill would close by the year 2000 and be replaced by a waste-to-energy facility. Approval of a landfill in 1974 was not a “forever landfill” – it was a bridge to a different way of dealing with solid waste. It is important to note that, in order to not repeat prior mistakes</li> </ul>				
6. The landfill operation shall be phased so that only a small acreage is used for full at one time and then this acreage shall be returned to grazing, another farm-type operation or other permitted use as approved by the Planning Commission and the Board of County Commissioners.	No longer relevant, was over-ridden by the DEQ approved reclamation plan.	4	1	3
<p><b>COMMITTEE COMMENTS</b></p>				

## Compliance with Past Land Use Actions and Their Status

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<ul style="list-style-type: none"> <li>• DEQ approval of a reclamation plan does not supercede county conditions of approval. No part of the landfill has yet been restored to grazing, farming, or even natural alternatives such as native prairie vegetation.</li> <li>• Disagree strongly with staff. Land use is land use, and is a County regulation. Unless specifically referred to in the land use language, DEQ has parallel, authority, not overriding authority. Land use policies deal with compatibility issues (i.e. generation of odors/dust); DEQ policies deal with environmental quality. Those are different regulatory bodies and one saying “this is OK” does not negate the authority of the other (Unless that is specified within the regulation itself, which in this case it is not)</li> </ul> <p>STAFF RESPONSE: It would be more accurate to state that subsequent expansions of the footprint and additions to uses on and adjacent to the site made this condition unrealistic to fulfill until the entirety of the landfill is completed.</p>			
7. That efforts be made to encourage voluntary separation of recoverable materials such as tin, aluminum, paper, glass, etc. to reduce the amount of landfill materials.	Cardboard being recovered by the collection firm. More items are being recycled currently.	5	3
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• Some efforts have been made but they have been largely ineffective. Benton County's ratio of recycling to landfilling has not improved appreciably since the 1970s.</li> <li>• Presumably the intent of this provision was to have recycling efforts contribute to increasing the life of the landfill. Currently, Benton County could go to zero waste tomorrow, and presumably, the landfill would still take in the maximum volume cap within a short time, because of the new owner's vertical integration. This should be noted in the Common Understandings document.</li> </ul> <p>STAFF RESPONSE: The applicant has and is fulfilling this condition.</p>			

#### COMMITTEE MEMBER COMMENT

Date	File #	Request	Result
1977	PC-??	missing cup? additional 22-acre disposal cell? STAFF RESPONSE: No missing land use file found.	3

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Date	File #	Request	Result			
1983	PC-83-07; L-83-07	<p><b>Amendments to the Benton County Comprehensive Plan and Plan Map (Ordinance 251), and amendments to the Zoning Ordinance and Zoning Map (Ordinance 261).</b></p> <p><b>Amendments to the Comprehensive Plan Text and Map, amendments to the Zoning Ordinance and Zoning Map, and a Site Development Plan (M-48615-83, PC-83-07-C(1)).</b></p> <p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>missing documentation, see pp 1-7</li> </ul> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> S The password is BentonCounty1!</p>	BOC Approved.			
<b>Conditions of Approval</b>		<b>Status</b>		<b>1</b>	<b>2</b>	<b>3</b>
1. Cross reference the narrative and the map in both documents.		The narrative was updated to provide information related to all of these conditions.		5	2	2
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>impossible to assess with missing narrative</li> </ul> <p>STAFF RESPONSE for this and duplicative comments below: The updated narrative is found in the document titled “PC-83-07-C(3)” starting on Page 3 of 60</p> <p>All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>						
2. Expand the narrative statement, section (1.a.ii), on reclamation to include the physical configuration of the completed landfill areas and method of maintenance of the proposed pasture uses. Include a statement regarding the effects of methane and internal heat		The narrative was updated to provide information related to all of these conditions.		5	1	2



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<p>generation on the long-term maintenance of the pasture, and include irrigation plans if proposed.</p>				
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• impossible to assess with missing narrative</li> <li>• We have not been provided with the necessary information to assess whether the narrative was amended to fully address these issues, or whether the assessment of methane generation was adequate for purpose. As noted above, there is still no "pasture" on the site.</li> </ul> <p>STAFF RESPONSE for this and duplicative comments below: The updated narrative is found in the document titled "PC-83-07-C(3)" starting on Page 3 of 60</p> <p>All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a>  The password is BentonCounty1!</p>				
<p><b>3.</b> Describe in more detail in the narrative, the method of screening: include a description of the location, height, width, depth and physical composition of the berm; and include the type and location of vegetative screening; and include a statement regarding the long-term maintenance of the berm and vegetative screens.</p>	<p>The narrative was updated to provide information related to all of these conditions.</p>	5	1	2
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• For this and other statements regarding "updates of the narrative, the Solid Waste working group has not been supplied with sufficient information to evaluate compliance. This same comment applies to all entries below. We are being asked to opine on these things without adequate information. I suggest that we should not be giving a rubber stamp of approval to statements that we have not actually had opportunity to examine fully -- it's both meaningless and likely to be abused in future CUP applications.</li> <li>• impossible to assess with missing narrative</li> </ul> <p>STAFF RESPONSE for this and duplicative comments below: The updated narrative is found in the document titled "PC-83-07-C(3)" starting on Page 3 of 60</p> <p>All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a>  The password is BentonCounty1!</p>				

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<p>4. Include in the narrative the anticipated chemical composition of any leachate material to be used for irrigation south of Coffin Butte Road; and include documentation that the material to be utilized as irrigation meet federal and state standards for any run-off that may leave the property lines.</p>	<p>The narrative was updated to provide information related to all of these conditions.</p>	5	1	2
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• For this and other statements regarding "updates of the narrative, the Solid Waste working group has not been supplied with sufficient information to evaluate compliance. This same comment applies to all entries below. We are being asked to opine on these things without adequate information. I suggest that we should not be giving a rubber stamp of approval to statements that we have not actually had opportunity to examine fully -- it's both meaningless and likely to be abused in future CUP applications.</li> <li>• impossible to assess with missing narrative</li> </ul> <p>STAFF RESPONSE for this and duplicative comments below: The updated narrative is found in the document titled "PC-83-07-C(3)" starting on Page 3 of 60</p> <p>All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a>  The password is BentonCounty1!</p>				
<p>5. Include in the narrative review of the Environmental and Operational Factors in Art.XXX.05.A.1.(f) for the approximately 10 acres proposed for addition to the landfill area.</p>	<p>The narrative was updated to provide information related to all of these conditions.</p>	4	2	2
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• For this and other statements regarding "updates of the narrative, the Solid Waste working group has not been supplied with sufficient information to evaluate compliance. This same comment applies to all entries below. We are being asked to opine on these things without adequate information. I suggest that we should not be giving a rubber stamp of approval to statements that we have not actually had opportunity to examine fully -- it's both meaningless and likely to be abused in future CUP applications.</li> <li>• impossible to assess with missing narrative, where are the 10 acres proposed for addition? need drawings</li> </ul> <p>STAFF RESPONSE for this and duplicative comments below: The updated narrative is found in the document titled "PC-83-07-C(3)" starting on Page 3 of 60</p>				

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<p>All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>				
<p>6. Provide a detailed reclamation plan that sets form the anticipated physical characteristics of the “terracing” including an average height and width of the terracing, provide documentation that the site is physically available to be reclaimed in this manner.</p>	<p>The narrative was updated to provide information related to all of these conditions.</p>	5	1	2
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>For this and other statements regarding "updates of the narrative, the Solid Waste working group has not been supplied with sufficient information to evaluate compliance. This same comment applies to all entries below. We are being asked to opine on these things without adequate information. I suggest that we should not be giving a rubber stamp of approval to statements that we have not actually had opportunity to examine fully -- it's both meaningless and likely to be abused in future CUP applications.</li> <li>impossible to assess with missing reclamation plans (which would probably be in the form of drawings, not “narrative”)</li> </ul> <p>STAFF RESPONSE for this and duplicative comments below: The updated narrative is found in the document titled “PC-83-07-C(3)” starting on Page 3 of 60</p> <p>All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>				
<p>7. Submit for review by the Development Director a plan detailing the proposed method Valley Landfills shall use to protect the small ponds found in the Northeast corner of the property.</p>	<p>The narrative was updated to provide information related to all of these conditions.</p>	5	1	2
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>For this and other statements regarding "updates of the narrative, the Solid Waste working group has not been supplied with sufficient information to evaluate compliance. This same comment applies to all entries below. We are being asked to opine on these things without adequate information. I suggest that we should not be giving a rubber stamp of approval to statements that we have not actually had opportunity to examine fully -- it's both meaningless and likely to be abused in future CUP applications.</li> <li>impossible to assess with missing pond protection plans (note: presumably not in compliance since the small ponds currently appear to be buried below a large pile of waste)</li> </ul>				

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<p><b>8.</b> The current DEQ operational permit will expire on January 31, 1984. Valley Landfills, Inc. has been requested to submit an updated, long-term leachate control plan as part of the permit renewal process. This plan must contain provisions for a leachate storage facility so leachate irrigation will not occur on pasture lands from November 1 through May 1 of each year. The control plan must also provide for a soil study that designates present and future leachate irrigation areas. This plan must show that the amount of irrigation area available is compatible with future leachate generation volumes so metal or nutrient accumulations in the soils will remain fat below any toxicity levels.</p>	<p>Overseen by DEQ. The Comm. Dev. Department does not confirm and inspect records to ensure that conditions such as these are completed. It is a DEQ permit and if the DEQ does not approve the permit then the applicant could not continue the use and would be out of compliance.</p>	2	4	3
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• DEQ does not monitor soil toxicity</li> <li>• Republic Services maintains an active solid waste permit with the Oregon Department of Environmental Quality and is in compliance with that permit. Further, leachate irrigation ceased in the late 1990s, as a result of new regulatory rules. All leachate is sent to a local wastewater treatment plant.</li> <li>• request has been made of Brian fuller, DEQ to find out if DEQ monitors soil toxicity</li> <li>• there has never been a cup submitted to Benton County that included off-haul of all leachate generated at the landfill for treatment at municipal facilities &amp; release into the Willamette. all cup's (1974/1983/2003) where documentation is available have contained, in the application, assertions that all leachate would be treated on-site.</li> <li>• This statement is not adequate to confirm that these conditions were met, or that they were fully evaluated by DEQ. Certainly in the case of "irrigation area," any such plan did not work and as a result the leachate is being hauled to wastewater treatment plants rather than being irrigated. It would be more accurate to characterize this as a failure of design that led to non-compliance, which required alternative methods to maintain DEQ permitting.</li> </ul>				

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<p>STAFF RESPONSE: The requirement is for a leachate control plan, there is no requirement that states that all leachate must be treated on-site. Staff would not have had enough expertise to be able to dictate how leachate is handled.</p> <p>A CUP application is a government review of a proposed use, hauling leachate is not a land use but an action that is dependent on a land use.</p> <p>The soil study referenced above was in regard to leachate irrigation areas, not a general review of soil toxicity. Since leachate is no longer disposed of through irrigation, this condition is no longer applicable.</p>				
<p>9. As the site expands eastward, additional monitoring wells will be required. Depending on DEQ budget limitations, the permittee may have to share in the responsibility for sampling and monitoring of these wells.</p>	<p>Overseen by DEQ. The Comm. Dev. Department does not confirm and inspect records to ensure that conditions such as these are completed. It is a DEQ permit and if the DEQ does not approve the permit then the applicant could not continue the use and would be out of compliance.</p>	3	3	2
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>As above, there should be a check of whether DEQ has actually evaluated this. Just because DEQ approved a permit does not necessarily mean that this condition was met.</li> <li>domestic wells have been contaminated. current subchapter part "d" dual landfill liners have been required since 1993. this technology is less than 30 years old, and may have to continue to perform for hundreds of years, during which time the liner can become brittle. the EPA has concluded that all landfills will eventually leak "no liner ... can keep all liquids out of the ground for all time. eventually liners will either degrade, tear, or crack and will allow liquids to migrate out of the unit. some have argued that liners are devices that provide a perpetual seal against any migration from a waste management unit. EPA has concluded that the more reasonable assumption, based on what is known about the pressures placed on liners over time, is that any liner will begin to leak eventually." citation: EPA, 1988</li> <li>is any leachate collected in the secondary collection system? if so, the liner is already leaking</li> <li>Republic Services has added additional monitoring wells as required and continues to be in compliance with its DEQ permits.</li> </ul> <p>STAFF RESPONSE: The applicant states they are in compliance. DEQ can be requested to verify.</p>				
<p>10. Screen the landfill operation with fencing or berms so it cannot be seen from the County Road or adjacent properties.</p>	<p>Not completed.</p>	2	1	5

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<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>not in compliance document not included letter from the Oregon justice department regarding screening requirement per the 1967 highway beautification act</li> <li>Republic Services' records are incomplete, as this amendment is nearly 40 years old, and the company was neither the owner, nor the operator of the landfill at that time. However, Republic Services has planted trees to screen the landfill from Highway 99. Based on the age of the condition and the changing site conditions over the past four decades, Republic disagrees with the conclusion that this condition has not been completed.</li> <li>There should be a more clear statement that the applicant is not in compliance with this requirement.</li> </ul> <p>STAFF RESPONSE: Not is compliance is probably a more accurate description as not completed implies it was not done at all. The screening may have been done but has eroded or died in the interim. It should be recreated and maintained to be in compliance with the requirement.</p>				
<p><b>11.</b> Daily cover of refuse with earth is not possible at this site due to the clay soils. The current (and future) permit addresses requiring daily compaction of refuse and require exposed refuse areas to not exceed 2 acres during the periods of October 15 to June 1 and to not exceed ¾ of an acre during all other periods. This shall be adhere to.</p>	<p>The landfill uses an alternative daily cover approved by DEQ, which includes Covanta Ash material. The landfill also uses temporary cover.</p>	3	3	2
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>land use requirement not addressed by staff: this is a land use requirement; DEQ is not mentioned, and does not have override authority need more information: does the area of open fill exceed ¾ of an acre from June 2 through October 14? what is it now? does the area of open fill exceed 2 acres during the periods of October 15 through June 1?</li> <li>Republic Services generally agrees with this assessment but would like the record to reflect that we do use site soils as daily cover, in addition to alternative daily covers.</li> <li>The statement here does not address whether exposed refuse areas have been limited to the acreages stated. There should be a more clear statement of whether this has been complied with, and whether the county has done any monitoring.</li> </ul> <p>STAFF RESPONSE: The landfill should respond as to whether they comply with this condition currently. I would also suggest that DEQ be requested to verify if this condition is still acceptable by updated landfill standards. If it is not being complied with and DEQ confirms that it is still an acceptable requirement, then the applicant can be informed that they should comply with this condition.</p>				

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<p><b>12.</b> Occasionally, leachate seeps through the site berms during heavy rainfall periods. If these occur in the future, a requirement to channel these flows into the leachate collection system within a timely period (i.e., 3 days) may be added.</p>	<p>Overseen by DEQ.</p>	2	3	3
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• disagree with staff: DEQ not mentioned, therefore DEQ does not have regulatory authority. question: does leachate seep through site berms? is not answered</li> <li>• This condition was put in place prior to today’s highly-engineered landfill design requirements. At the time, landfill liners were not required. Republic Services complies with all current regulatory requirements, which include liners. Leachate does not seep through perimeter berms.</li> <li>• Whether overseen by DEQ or not, there should be a clear statement of whether this condition has been complied with, and whether the county has ever checked on this.</li> </ul> <p><b>STAFF RESPONSE:</b> The landfill has submitted a response above. This condition appears to no longer be applicable.</p>				
<p><b>13.</b> DEQ permits are normally issued for a maximum of 5 years. As part of the permit renewal process, DEQ requires updated operational and construction plans to reflect the current permit period. As such, changes in environmental controls may be required to incorporate new technology into the landfill operation.</p>	<p>This is an advisory to the applicant rather than a condition that needed to be met.</p>	5		1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• DEQ currently issues 10-year permits. The agency reviews and approves landfill liner plans and schematics prior to any construction.</li> <li>• DEQ is mentioned therefore it is appropriate to refer to DEQ compliance, although if the LUCS is not current, the permit may not be valid</li> </ul>				

Date	File #	Request	Result
1988	LD-88-11	A Lot line adjustment with a transfer of 37.94 acres from parcel A to parcel B.	

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		<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>missing documentation, see pp 1-7</li> <li>what was this and why?</li> </ul> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8E51mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8E51mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>	<p><b>Development Department Approved</b></p>
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Date	File #	Request	Result		
1994	PC-94-03	<p><b>A conditional use permit for a 2.2 megawatt power generation facility. The facility would utilize the gas generated from the decomposing refuse in the landfill as the fuel source.</b></p> <p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>missing documentation, see pp 1-7</li> </ul> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8E51mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8E51mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>	<p><b>Development Department Approved</b></p>		
<b>Conditions of Approval</b>		<b>Status</b>	<b>1</b>	<b>2</b>	<b>3</b>
<p><b>1.</b> The facility shall be housed in a structure approximately 50 by 100 feet or less in size, as described in the application materials.</p>		Superseded by subsequent expansion approval. Original generator building 3,900 square feet	6		1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>missing information: application materials</li> </ul>					



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<ul style="list-style-type: none"> <li>This is actually a really great way to answer a factual question. Allowable structure size, 5000 sf, built structure, 3,900 square feet, that's verifiable data. It would of course be good to have the application materials, since that is referenced (for example, were other building materials specified?)</li> </ul> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>				
<p><b>2.</b> Noise levels shall comply with the New Industrial and Commercial Noise Standards (OAR 30403-355)-as measured at the nearest dwellings existing on the date of approval of this conditional use permit.</p>	<p>Noise testing completed in 1997.</p>	5	1	2
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>noise is an issue at the landfill and 1997 was a long time ago -- ensure the facility is still in compliance; verify that noise standards have not been updated</li> <li>Was there ever a follow-up study after the facility was expanded?</li> </ul>				
<p><b>3.</b> The applicant is responsible for ongoing monitoring of noise levels. Upon request of the Planning Official, the applicant shall provide the County with sufficient information to determine whether the facility is in compliance with Condition 2 of this permit.</p>	<p>Available records do not indicate any such requests by the Planning Official.</p>	2	4	2
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>County has not monitored.</li> <li>noise is an issue at the landfill: ask the applicant to demonstrate that the facility is in compliance</li> <li>Republic Services agrees with the County's assessment. Our available records do not indicate any such requests by the Planning Department.</li> </ul>				

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<p>4. The applicant shall obtain and comply with all applicable permits from Oregon Department of Environmental Quality (DEQ). The applicant shall provide copies of all DEQ permits to the County.</p>	<p>This is a standard type of condition that ties a County permit to a permit issued by another agency. The County does not actively monitor compliance with outside agency permitting requirements, but if the outside agency determines that their permitting requirements have not been met then the applicant is also out of compliance with the Benton County permit.</p>	4	2	1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• when was the most recent LUCS on file at DEQ completed?</li> </ul>				
<p>5. Expansion of the generating capacity of the facility is authorized under this permit as long as all conditions of approval, including those specifying building size and noise levels, are met. The Planning Official may require that the applicant obtain a new conditional use permit in order to expand the facility if, in his judgment, conditions existing at the time of the proposed expansion warrant a conditional use review.</p>	<p>A new CUP was submitted and approved to expand the size of the facility.</p>	7		
<p>6. Lighting shall be located so that it does not face directly, shine or reflect glare onto an adjacent street or property.</p>	<p>Monitoring of this condition is complaint driven.</p>	4		4
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• County has not monitored</li> <li>• Not enough information to determine if this condition is met.</li> <li>• staff comment is non-responsive; check the facility at night</li> <li>• While we are on the landfill tour on Saturday, I heard you [Ian] talking with Joel Geier, and the subject of the arc lamps on the scene came up (photo attached). You told Joel that the lamps were not used mornings, only in afternoons. However, I went out this morning at 6 am and saw that the lights were indeed already on atop Coffin Butte, and there appeared to be operations going on, as I could see the red taillights of trucks moving around up there also. So it seems you are mistaken about the use of the arc lamps, and have been for some time. All last winter, for example, the lights were on every workday morning. I know this because I can see them from where I live when I go out to get the paper, weather permitting. They were on even if I got up at 5 am.</li> </ul> <p><b>STAFF RESPONSE:</b> Staff has no records of complaints regarding lights at the landfill.</p>				

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7. Obtain all required septic, access, building, plumbing, mechanical, electrical, and other applicable permits prior to construction.	Electrical - C9500565, C9501197, C9600514, C9600852	7		1
<b>COMMITTEE COMMENTS</b>				
<ul style="list-style-type: none"> <li>septic/ada/building/plumbing/mechanical? certificate of occupancy?</li> </ul>				

Date	File #	Request	Result
1994	PC-94-10	<b>Zone change from Rural Residential to Landfill Site Zone, Comprehensive Plan change from Rural Residential to Landfill Site.</b>	<b>BOC Denied</b>
		<b>COMMITTEE COMMENTS</b> <ul style="list-style-type: none"> <li>missing documentation, see pp 1-7</li> </ul> Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20File">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20File</a> The password is BentonCounty1!	<b>COMMITTEE MEMBER COMMENTS</b> <ul style="list-style-type: none"> <li>why no opportunity to even comment on relevancy? relevant to current work 3</li> </ul>

Date	File #	Request	Result
1994	PC-94-11	<b>A conditional use permit to expand the area approved for a landfill within the Landfill Site Zone and update the site development plan. <del>An exception to the Statewide Planning Goal 4. A conditional use permit to expand the generating capacity of the existing electric generation plant that is served by the gas produced at the Coffin Butte Landfill. Phase I of the expansion would increase the capacity of the plant from the current 2.2 MW to 5 MW and Phase II would increase the capacity to 10 MW.</del></b>	<b>PC Approved; PC Decision Appealed; Application Withdrawn</b>
		<b>COMMITTEE COMMENTS</b> <ul style="list-style-type: none"> <li>cut/paste error follows: an exception to the statewide planning goal 4. a conditional use permit to expand the generating capacity of the existing electric generation plant that is</li> </ul>	<b>COMMITTEE MEMBER COMMENTS</b>

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		<p>served by the gas produced at the coffin butte landfill. phase i of the expansion would increase the capacity of the plant from the current 2.2 mw to 5 mw and phase ii would increase the capacity to 10 mw. <b>Staff Concur</b></p> <ul style="list-style-type: none"> <li>• why no documentation of this? this was the identical 59-acre parcel that was the subject of lu-21-047, which also proposed coverage of coffin butte road.</li> <li>• for example, one of the reasons that the board eventually denied this application was that a property owner near the landfill had a buyer back out of a house sale when landfill expansion plans were made public. that is what is known as an “adverse impact” and would be useful to include in common understandings</li> <li>• missing documentation, see pp 1-7</li> </ul> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>	<ul style="list-style-type: none"> <li>• why no opportunity to even comment on relevancy? relevant to current work 3</li> </ul>
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Date	File #	Request	Result
1997	S-97-58	<p><b>A conditional use permit to expand the generating capacity of the existing electric generation plant that is served by the gas produced at the Coffin Butte Landfill. Phase I of the expansion would increase the capacity of the plant from the current 2.2 MW to 5 MW and Phase II would increase the capacity to 10 MW.</b></p> <p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• LS uses spillover to non-LS (forest conservation?) zone</li> <li>• missing documentation, see pp 1-7</li> </ul> <p>STAFF RESPONSE: This is an allowed conditional use in FS zone.</p> <p>All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a></p>	<p><b>Community Development and Parks Department Approved</b></p>

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Conditions of Approval		Status		
		1	2	3
<p><b>1.</b> The Phase I generation facility shall be located in a structure approximately 75 by 85 feet; as shown in the application. The Phase 2 expansion shall be located in a building approximately 120 by 200 feet, as shown in the application materials. The Phase 2 expansion shall be located at least 300 feet from State Highway 99W, as shown in the application materials.</p>		7	1	
<p><b>2.</b> Both the Phase 1 and Phase 2 expansions shall be constructed in accordance with the application materials. In addition, the siting standards of BCC 60.405 (2) and (3) and BCC 60.415(4), (5), (9), and (11) shall be met.</p>		<p>Permit B0700147 Phase I expansion Permits B0700323, B0700416, B0700415, F0600068, B1400497</p>		
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>certificate of occupancy?</li> </ul>		5	2	1
<p><b>3.</b> Noise levels for both Phase I and Phase 2 expansions shall comply with the Noise Control Regulations for Industry and Commerce in Oregon Administrative Rules 340-035- 0035 as measured at the nearest dwellings existing on the date of approval of this conditional use permit.</p>		<p>Noise Compliance Monitoring memorandum submitted on June 11, 1997 by Pacific Northwest Generating Cooperative.  Subsequent to the compliance monitoring memorandum, the County would require additional testing only if there was reason to believe the noise standards were no longer being met (such as through a noise complaint received from an adjacent dwelling).</p>		
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>And were complaints received? Not enough information to determine if this condition was met.</li> <li>County has not monitored subsequent</li> <li>Is this document available to the public?</li> <li>noise is an issue at the landfill; ensure the facility is still in compliance; verify that noise standards have not been updated</li> </ul>		4	2	3

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<p>4. The applicant is responsible for ongoing monitoring of noise levels. Upon request of the Planning Official, the applicant shall provide the County with sufficient information to determine whether the facility is in compliance with Condition 3 of this permit.</p>	<p>Available records do not indicate any such requests by the Planning Official.</p>	3	2	4
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• County has not monitored</li> <li>• noise is an issue at the landfill; ensure the facility is still in compliance</li> <li>• Not enough information</li> <li>• Republic Services agrees with the County’s assessment. Our available records do not indicate any such requests by the Planning Department.</li> </ul> <p>STAFF RESPONSE: Staff has no records of complaints regarding noise at the landfill.</p>				
<p>5. The applicant shall continue to provide sanitation facilities for the generation plant employees that are located on site. The facilities shall include:</p> <ol style="list-style-type: none"> <li>a) Drinking water within the generating plant building by a potable water container, refilled periodically;</li> <li>b) A portable toilet located at the generating plant site;</li> <li>c) Plumbed restroom facilities, with water closets and hot and cold running water shall be available for use by employees at the Coffin Butte Landfill office;</li> <li>d) Generating plant employees shall have vehicles available for trips to the Coffin Butte Landfill office restroom facilities;</li> <li>e) The maximum number of generating plant employees shall be five (5).</li> </ol>	<p>OSHA letter from September 29, 1997 included relating to the toilet facilities and drinking water being compliant with OSHA standards for sanitation.</p>	7		1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• applicant “shall continue”...is the facility still in compliance? is potable water still available, are the other conditions complied with? portable toilet/available vehicles/5 maximum employees?</li> </ul>				

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<p><b>6.</b> The application shall obtain and comply with all applicable permits from the Oregon Department of Environmental Quality (DEQ). The applicant shall provide copies of all DEQ permits for the generation facility to the Community Development and Parks Department.</p>	<p>This is a standard type of condition that ties a County permit to a permit issued by another agency. The County does not actively monitor compliance with outside agency permitting requirements, but if the outside agency determines that their permitting requirements have not been met then the applicant is also out of compliance with the Benton County permit.</p>	4	3	1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• when was the most recent LUCS on file at DEQ completed?</li> </ul>				
<p><b>7.</b> Lighting shall be located so that it does not face directly, shine, or glare onto an adjacent road or property.</p>	<p>Monitoring of this condition is complaint driven.</p>	5		4
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• check the facility at night</li> <li>• County has not monitored</li> <li>• Not enough information</li> </ul>				
<p><b>8.</b> The property owner shall submit a declaratory statement to be recorded in the Benton County Deed Records for the subject property that recognizes the rights of adjacent forest uses, consistent with BCC 620.220().</p>	<p>Completed.</p>	6	1	1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• provide copy in documentation</li> </ul>				
<p><b>9.</b> The applicant shall prepare a site specific development plan addressing emergency water supplies for fire protection. The plan shall be submitted to the local fire protection agency for review. The plan approved by the local fire protection agency shall be submitted to the Community Development and Parks Department prior to the issuance of building permits for the structure for Phase 1. A revised site specific development plan shall be</p>	<p>Additional Research Needed</p>	2	3	3

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<p>completed prior to issuance of construction permits for the Phase 2 expansion. The site development plan shall address:</p> <ul style="list-style-type: none"> <li>a) Emergency access to the local water supply in the event of a wildfire or other fire-related emergency;</li> <li>b) Provision of an all-weather road or driveway to within 10 feet of the edge of identified water supplies which contain 4,000 gallons or more and exist within 100 feet of the driveway or road at a reasonable grade (e.g. 12 percent or less);and</li> <li>c) Emergency water supplies shall be clearly marked along the access route with a Fire District approved sign.</li> </ul>				
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• appears to be not in compliance. these (plus assurance of power generation in an outage) would be a good start at considering requirements for the LS zone in a potential revisit of chapter 77</li> <li>• Republic Services is also conducting further research.</li> <li>• This explanation of status cannot be accepted until the topic has been researched.</li> </ul> <p><b>STAFF REPNSE: Compliance with this condition is not confirmed.</b></p>				
<p><b>10.</b> The applicant shall obtain all required septic, road approach, building, plumbing, mechanical, electrical, and other applicable permits prior to commencement of construction for both the Phase I and Phase 2 expansion. Contact the Permits Clerk and Building Official at the Community Development and Parks Department regarding permits and fees.</p>	<p>Completed for Phase 1.</p>	<p>4</p>	<p>2</p>	<p>1</p>
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• CO for Phase 1? CO for Phase 2?</li> <li>• Republic Services' records do not show any non-compliance issues with Phase II. While the owner/operator of Coffin Butte Landfill was the applicant for this CUP request, primary responsibility for compliance would have been with Pacific Northwest Generating Cooperative, an independent third-party contractor and not a Republic Services' subsidiary.</li> </ul>				



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- What about Phase 2?

STAFF RESPONSE: Phase 2 of the expansion has not be utilized by the applicant.

Date	File #	Request	Result			
1999	PC-99-06	<b>A Conditional Use Permit for mining and processing of mineral and aggregate resources. The proposed area consists of 1.43 acres adjacent to the existing quarry operation.</b>	<b>Planning Commission approved</b>			
		<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• missing documentation, see pp 1-7</li> </ul> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8E51mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8E51mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>				
<b>Conditions of Approval</b>		<b>Status</b>		<b>1</b>	<b>2</b>	<b>3</b>
1. Obtain approval of a reclamation plan from the Oregon Department of Geology and Mineral Industries or the Oregon Division of State Lands. Operation and reclamation plan shall demonstrate consistency with the intended subsequent site use.		This is a standard type of condition that ties a County permit to a permit issued by another agency. The County does not actively monitor compliance with outside agency permitting requirements, but if the outside agency determines that their permitting requirements have not been met then the applicant is also out of compliance with the Benton County permit.		3	4	1
<b>COMMITTEE COMMENTS</b>						
<ul style="list-style-type: none"> <li>• extraction believed to be completed, see next permit request, staff should verify. is there a CUP closeout process at Benton County CDD?</li> </ul>						

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<p>2. if the mining is the primary cause of traffic on the unpaved public road, that road shall be kept dust-free by the applicant if dwellings are located within 300 feet of the roadway. The applicant and lease-holding operator shall endeavor to use only those public roads designated for truck usage, unless making local deliveries of mineral and aggregate resources to residential areas serviced by roads not designated for truck usage.</p>	<p>Public roads serving primarily quarry traffic are paved.</p>	<p>6</p>	<p>2</p>	
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• extraction believed to be completed, see next permit request, staff should verify. is there a CUP closeout process at Benton County CDD?</li> <li>• Is there no equivalent condition about dropping rocks which create road hazards on the highway?</li> </ul> <p>STAFF REPONSE: No equivalent condition exists.</p>				
<p>3. The applicant or lease-holding operator shall provide screening to partially obscure the mining site from view by adjoining occupied property and public roads in Soap Creek Valley and north Benton County to the extent reasonable and practicable to do so. The screening shall consist of an ornamental fence or wall, a vegetated berm, or preservation of vegetated natural slope in character with the natural landscape of Soap Creek Valley.</p>	<p>Additional Research Needed</p>	<p>1</p>	<p>4</p>	<p>4</p>
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• extraction believed to be completed, see next permit request, staff should verify. is there a CUP closeout process at Benton County CDD?</li> <li>• Not in compliance. The quarry is visible for miles around.</li> <li>• Republic Services did not own Coffin Butte Landfill at this time. Therefore, we do not have detailed records about any screening that was done. While the owner/operator of Coffin Butte Landfill was the applicant for this CUP request, primary responsibility for compliance with these and other requirement would have been the third-party quarry contractor. It appears from Google Earth historical photos that the third-party contractor did make an attempt to construct some berms and screening, but Republic Services do not have access to those records.</li> </ul>				

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STAFF RESPONSE: Staff will need to field verify but it appears through comments that the applicant is not in compliance with this condition.				
<p><b>4.</b> The applicant or lease-holding operator shall ensure that the mining operation does not exceed the maximum sound level permitted by the Oregon Department of Environmental Quality. The applicant or lease-holding operator shall monitor noise generated by mining activities on one randomly selected day per month when noise complaints are received, notwithstanding a minimum of one time per year. Noise data and reports of findings from this monitoring shall be placed on file, in a timely way with the Benton County Community Development Department for public inspection. A berm, or other sound-absorbing construction materials such as acoustical cinder blocks or other similar methods may be used to reduce the sound off-site to levels at or below those permitted by the Oregon Department of Environmental Quality. Any sound-reduction construction will be consistent with the visual buffering required in Condition #3 above. The applicant or lease-holding operator shall limit blasting to the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.</p>	Additional Research Needed	1	4	4
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• As noted above, the owner/operator of Coffin Butte Landfill was the applicant for this CUP only because it was the property landowner. Primary responsibility for compliance with these and other requirements would have rested with the third-party quarry contractor.</li> <li>• County has not monitored. Blasting has, on occasion, rattled windows and produced earthquake-like vibration in residences up to 1/2 mile away. Following several such incidents, residents complained to the company which now provides advance notice of planned blasts.</li> <li>• extraction believed to be completed, see next permit request, staff should verify. is there a cup closeout process at Benton County CDD?</li> <li>• extraction believed to be completed, see next permit request, staff should verify. is there a cup closeout process at Benton County CDD?</li> </ul>				

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STAFF RESPONSE: Staff will need to field verify but it appears that the applicant is not in compliance with this condition. Staff is unaware of any noise data being submitted to the Community Development Department.				
5. Provide on-site parking for employees, customers, and visitors to the mining site.	Additional Research Needed	3	3	3
<b>COMMITTEE COMMENTS</b> <ul style="list-style-type: none"> <li>As noted above, the owner/operator of Coffin Butte Landfill was the applicant for this CUP only because it was the property landowner. Primary responsibility for compliance with these and other requirements would have rested with the third-party quarry contractor.</li> <li>extraction believed to be completed, see next permit request, staff should verify. is there a cup closeout process at Benton County CDD?</li> <li>In compliance</li> </ul>				
6. Maintain a security fence between the mining operation and the public road when such road is located within 200 feet of the mining operation.	Additional Research Needed	3	3	3
<b>COMMITTEE COMMENTS</b> <ul style="list-style-type: none"> <li>As noted above, the owner/operator of Coffin Butte Landfill was the applicant for this CUP only because it was the property landowner. Primary responsibility for compliance with these and other requirements would have rested with the third-party quarry contractor.</li> <li>extraction believed to be completed, see next permit request, staff should verify. is there a cup closeout process at Benton County CDD?</li> <li>In compliance</li> </ul>				
7. Not excavate in a manner which would result in disturbance of perimeter fencing or screening, or would impair the intent of the reclamation plan.	Additional Research Needed	3	2	4
<b>COMMITTEE COMMENTS</b>				

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<ul style="list-style-type: none"> <li>As noted above, the owner/operator of Coffin Butte Landfill was the applicant for this CUP only because it was the property landowner. Primary responsibility for compliance with these and other requirements would have rested with the third-party quarry contractor.</li> <li>extraction believed to be completed, see next permit request, staff should verify. is there a cup closeout process at Benton County CDD?</li> <li>The provision for screening has not been met, as noted above.</li> </ul>			
<p><b>8.</b> The quarry operation hours shall occur only between 7:00 a.m. and 5:00 p.m. Monday through Friday, and 7:00 a.m. and 3:00 p.m. on Saturdays. Quarrying operations shall not be conducted on Sundays.</p>	Additional Research Needed	3	2
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>As noted above, the owner/operator of Coffin Butte Landfill was the applicant for this CUP only because it was the property landowner. Primary responsibility for compliance with these and other requirements would have rested with the third-party quarry contractor.</li> <li>extraction believed to be completed, see next permit request, staff should verify. is there a cup closeout process at Benton County CDD?</li> <li>Generally in compliance (the quarry has been a better neighbor than the landfill, in this regard).</li> <li>"Operating hours" seem to be where there is most reluctance to make a clear statement that the landfill is out of compliance. Three or four special kinds of "operations" are mentioned that take place outside of the operating hours that were stated as conditions for the permits. On this last issue, for comparison I took a look at Lane County's Short Mountain Landfill. That landfill only serves commercial account holders, yet they seem to be able to restrict those haulers to their stated operating hours (7 AM to 5 PM weekdays and Saturdays). Seems like there's a lesson for Benton County our working group in there.</li> </ul> <p><b>STAFF RESPONSE:</b> This has not been verified with the quarry operator yet.</p>			
<p><b>9.</b> The applicant shall retain the dual-access road system to provide for emergency service access to the subject site.</p>	Additional Research Needed	1	5
<p><b>COMMITTEE COMMENTS</b></p>			3

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<ul style="list-style-type: none"> <li>As noted above, the owner/operator of Coffin Butte Landfill was the applicant for this CUP only because it was the property landowner. Primary responsibility for compliance with these and other requirements would have rested with the third-party quarry contractor.</li> <li>extraction believed to be completed, see next permit request, staff should verify. is there a cup closeout process at Benton County CDD?</li> <li>There is only one serviceable route in to the quarry site for emergency service. The bridge over Soap Creek is no longer passable for emergency vehicles (both structurally unsound and with barriers in place).</li> </ul> <p>STAFF RESPONSE: This has not been verified with the quarry operator yet.</p>				
<p><b>10.</b> The quarrying activity shall be limited to the 600 foot contour elevation and below, as shown by the applicant on Attachment 2 to the application.</p>	<p>Additional Research Needed</p>	<p>2</p>	<p>3</p>	<p>4</p>
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>As noted above, the owner/operator of Coffin Butte Landfill was the applicant for this CUP only because it was the property landowner. Primary responsibility for compliance with these and other requirements would have rested with the third-party quarry contractor.</li> <li>extraction believed to be completed, see next permit request, staff should verify. is there a cup closeout process at Benton County CDD?</li> <li>Google Earth images from 8/13/2020 show that quarrying activity extends up to approximately the 700 ft contour.</li> </ul> <p>STAFF RESPONSE: This has not been verified with the quarry operator yet. It is possible to request the quarry to provide proof that they complied with this condition.</p>				
<p><b>11.</b> Copies of water quality and air quality permits, and data produced from associated monitoring programs, required of the applicant by the Oregon Department of Environmental Quality, shall be placed on file, in a timely way, with the Benton County Community Development Department for public inspection.</p>	<p>Additional Research Needed</p>	<p>2</p>	<p>3</p>	<p>4</p>

## Compliance with Past Land Use Actions and Their Status

### Homework Compilation of Summary of Responses to Informal Triaging

<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>As noted above, the owner/operator of Coffin Butte Landfill was the applicant for this CUP only because it was the property landowner. Primary responsibility for compliance with these and other requirements would have rested with the third-party quarry contractor.</li> <li>extraction believed to be completed, see next permit request, staff should verify. is there a cup closeout process at Benton County CDD?</li> <li>This explanation of status cannot be accepted until the topic has been researched.</li> </ul> <p>STAFF RESPONSE: This has not been verified with the quarry operator yet.</p>				
<p><b>12.</b> Copies of storm-water runoff permits and data produced from associated monitoring programs required of the applicant by the Oregon Department of Environmental Quality, shall be placed on file in a timely way, with the Benton County Community Development Department for public inspection.</p>	<p>Additional Research Needed</p>	2	3	4
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>As noted above, the owner/operator of Coffin Butte Landfill was the applicant for this CUP only because it was the property landowner. Primary responsibility for compliance with these and other requirements would have rested with the third-party quarry contractor.</li> <li>extraction believed to be completed, see next permit request, staff should verify. is there a cup closeout process at Benton County CDD?</li> <li>This explanation of status cannot be accepted until the topic has been researched.</li> </ul> <p>STAFF RESPONSE: This has not been verified with the quarry operator yet.</p>				

Date	File #	Request	Result
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**Compliance with Past Land Use Actions and Their Status**  
Homework Compilation of Summary of Responses to Informal Triaging

2002	PC-02-07	<p>A Conditional Use Permit for landfilling of an area that will be excavated for mining of mineral and aggregate resources Approved by the Planning Commission with Conditions. (West Triangle Expansion). The proposed area consists of 1.43 acres adjacent to the existing quarrying and landfill operation, and is designed to fulfill the reclamation plan for the previously approved quarry on this site.</p>	Planning Commission approved		
		<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• LS uses spillover to non-LS (forest conservation?) zone without partition</li> <li>• missing documentation, see pp 1-7</li> </ul> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>			
<b>Conditions of Approval</b>		<b>Status</b>	<b>1</b>	<b>2</b>	<b>3</b>
<p>1. Obtain approval from the Oregon Department of Environmental Quality for landfill operations on this site.</p>		<p>This is a standard type of condition that ties a County permit to a permit issued by another agency. The County does not actively monitor compliance with outside agency permitting requirements, but if the outside agency determines that their permitting requirements have not been met then the applicant is also out of compliance with the Benton County permit.</p>	3	4	1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• does the most recent LUCS on file with DEQ predate this cup application?</li> <li>• Republic Services has obtained all the necessary approvals and permits from the Oregon Department of Environmental Quality and remains in compliance with these conditions and approvals.</li> </ul>					
<p>2. In cases where landfill operations are the primary cause of traffic on unpaved public roads in the area, those roads shall be kept dust-free by the applicant.</p>		<p>No longer applicable. Coffin Butte Road is entirely paved.</p>	6	1	1



**Compliance with Past Land Use Actions and Their Status**  
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<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• See previous comment on this issue re: Robison Rd. and Wiles Rd.</li> <li>• The public section of Coffin Butte Road is entirely paved.</li> <li>• there continue to be unpaved public roads in the vicinity of the landfill. does the landfill contribute to traffic on those roads? if so, how much?</li> </ul> <p>STAFF RESPONSE: The county considers this condition to be completed.</p>				
<p><b>3.</b> The applicant or lease-holding operator shall ensure that the landfill operation does not exceed the maximum sound level permitted by the Oregon Department of Environmental Quality.</p>	<p>County monitoring of this condition is complaint-based.</p>	4	1	4
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• noise is an issue at the landfill; ensure the facility is still in compliance</li> <li>• Not enough information.</li> <li>• Not monitored by the county.</li> </ul>				
<p><b>4.</b> Provide on-site parking for employees, customers, and visitors to the landfill site.</p>	<p>Completed.</p>	6		1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• truck traffic to the landfill begins backing up HWY 99 beginning before 4:30am; ensure that traffic to the landfill does not pose a safety hazard</li> </ul> <p>STAFF RESPONSE: The comment does not appear to pertain to the condition.</p>				
<p><b>5.</b> Maintain a security fence between the landfill operation and the public road when such road is located within 200 feet of the landfill operation.</p>	<p>Security fence is present</p>	6		1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• check fence perimeter to ensure fencing is intact and surrounds the entire perimeter; from a casual inspection, it appears deferred maintenance may be in order</li> </ul>				

## Compliance with Past Land Use Actions and Their Status

### Homework Compilation of Summary of Responses to Informal Triaging

<p>6. The landfill operation hours shall occur between 8:00 a.m. and 5:00 p.m. Monday through Saturday, and 12:00 p.m. through 5:00 p.m. on Sundays, with 24-hour access for commercial customers.</p>	<p>Per Ian McNab: Monday through Friday internal operations begin at approximately 4:30am. The site opens to commercial vehicles starting at 5am and to public vehicles starting at 8am. The site closes to both commercial and public vehicles at 5pm with onsite operations wrapping up around 5:30pm. The hours are self-imposed and can be extended based on a customer's needs. On Saturday internal operations begin at approximately 7:30am. The site opens to commercial and public traffic at 8am and closes to both at 5pm. Internal operations finish around 5:30pm. The site is closed on Sunday.</p> <p>The contractors constructing landfill infrastructure are allowed to operate outside of normal landfill hours, however, typically do not start before 6am and typically end by 7pm. Occasionally they also work on Sunday.</p>	3	3	3
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• "Operating hours" seem to be where there is most reluctance to make a clear statement that the landfill is out of compliance. Three or four special kinds of "operations" are mentioned that take place outside of the operating hours that were stated as conditions for the permits. On this last issue, for comparison I took a look at Lane County's Short Mountain Landfill. That landfill only serves commercial account holders, yet they seem to be able to restrict those haulers to their stated operating hours (7 AM to 5 PM weekdays and Saturdays). Seems like there's a lesson for Benton County our working group in there.</li> <li>• How does 24 hour access work with compliance to noise complaints?</li> <li>• Not in compliance</li> <li>• Not in compliance. See previous note regarding operating hours.</li> <li>• Republic Services is in compliance with this requirement, which governs landfill operations. However, it's important to note that internal operations, which include the arrival of field personnel on-site, begins at 4:30 a.m., Monday through Friday, and at 7:30 a.m. on Saturday. Additional operations not governed by the conditional use permit include work by third party contractors on landfill infrastructure, and commercial customers, who have 24-hour access to the Landfill.</li> </ul>				

## Compliance with Past Land Use Actions and Their Status

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STAFF RESPONSE: A definition of Operation Hours is what appears to be needed for this condition. Staff considers operation hours to be those hours when the landfill is open to the public. Staff would have been aware at the time this condition was imposed that the landfill would need to work outside of the hours identified above to complete activities necessary to the maintenance of the landfill.				
7. The applicant shall retain the dual-access road system to provide for emergency service access to the subject site.	Additional Research Needed	2	2	4
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• good candidate for Chapter 77 review</li> <li>• Republic Services is in compliance with this requirement and has made a dual-access road system. Access is available via Highway 99 and Tampico Road.</li> <li>• This explanation of status cannot be accepted until the topic has been researched.</li> </ul> <p>STAFF RESPONSE: The applicant indicates they are in compliance with this condition.</p>				
8. The landfill activity shall be limited to the 600 foot contour elevation and below, as shown by the applicant on the Site Development Plan in the application.	Additional Research Needed	3	1	5
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• applicant should provide lidar, coordinate &amp; verify with county GIS</li> <li>• Not in compliance. The south face of Coffin Butte is scarred/eroded by excavations above the landfill up to approximately 675 ft elevation, per GoogleEarth images dated 8/13/2020</li> <li>• Republic Services is in compliance and operating within the 600-foot contour elevation as specified in the Site Development Plan.</li> </ul> <p>STAFF RESPONSE: The applicant indicates they are in compliance with this condition.</p>				
9. Copies of water quality and air quality permits, and data produced from associated monitoring programs, required of the applicant by the Oregon Department of Environmental Quality, shall be placed on file, in a timely way, with the Benton County Community Development Department for public inspection.	The county regularly receives copies.	5	2	1

## Compliance with Past Land Use Actions and Their Status

### Homework Compilation of Summary of Responses to Informal Triaging

<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• Are these available for inspection, and if so, where?</li> <li>• landfill not in compliance with June surface emission methane monitoring required by DEQ; Benton County should obtain an independent assessment of overall methane emissions, arsenic levels in monitoring wells are high, odor: per public records requests, odor complaints to DEQ are not documented/investigated/logged to the extent that residents have given up on making complaints to DEQ. per testimony at CU-21-047, odors are significant enough at the landfill that people sometimes cannot leave their homes; DEQ is apparently unaware of this situation, suggested action: ask DEQ how better to communicate current odor problems at the landfill to DEQ, annual report to DEQ: for many years, the reports required by Benton County DSAC to DEQ “documenting local citizens’ concerns and the manner in which the owner or operator [of the landfill] is addressing those concerns” (ORS 459.325) have not been completed and submitted as required by Oregon statute. even now, there is no DSAC meeting dedicated to this required activity. as a result, DEQ has not been informed of many of the problems that citizens experience at coffin butte landfill. dedicated DSAC meeting to which the public are invited to air landfill concerns, include the results of this meeting in DEQ annual report</li> </ul>				
<p><b>10.</b> Copies of storm-water runoff permits and data produced from associated monitoring programs required of the applicant by the Oregon Department of Environmental Quality, shall be placed on file in a timely way, with the Benton County Community Development Department for public inspection.</p>	<p>The county regularly receives copies.</p>	6	1	1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• Are these available for inspection, and if so, where?</li> <li>• see CUP LU-15-001 the area zoned LS is inadequate to fully contain landfill operations and as a result ancillary landfill operations spill out onto properties not zoned for landfill operations (forest conservation/exclusive farm use/rural residential). this is why the landfill has had so many applications for non-by-right land uses over the past 50 years. this is a question that should be addressed holistically, not piecemeal. once landfill operations begin to be allowed on non-landfill parcels, those non-landfill parcels, over time, become indistinguishable from landfill parcels. this incrementally blights the neighborhood and should be addressed in a bcc code revamp</li> </ul>				

Date	File #	Request	Result
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**Compliance with Past Land Use Actions and Their Status**  
Homework Compilation of Summary of Responses to Informal Triaging

<b>2003</b>	<b>PC-03-11</b>	<b>A Conditional Use Permit for excavation and landfilling of 9.45 acres adjacent to the existing landfill operation, approved by planning commission with conditions. This portion of the landfill would represent an addition to the existing, previously approved, Landfill Site Zone. (East triangle).</b>	<b>Planning Commission approved</b>				
		<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• LS uses spillover to non-ls (forest conservation?) zone without partition</li> <li>• missing documentation, see pp 1-7</li> </ul> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>					
<b>Conditions of Approval</b>		<b>Status</b>			<b>1</b>	<b>2</b>	<b>3</b>
1. The applicant shall continue to operate within the approval of the Oregon Department of Environmental Quality Solid Waste Disposal Permit No 306.		The Comm. Dev. Department does not confirm and inspect records to ensure that conditions such as these are completed. It is a DEQ permit and if the DEQ does not approve the permit then the applicant could not continue the use and would be out of compliance.			3	4	1
<b>COMMITTEE COMMENTS</b>		<ul style="list-style-type: none"> <li>• Republic Services has obtained all the necessary approvals and permits from the Oregon Department of Environmental Quality and remains in compliance with these conditions and approvals.</li> <li>• when was the most recent LUCS on file at DEQ completed?</li> </ul>					
2. In cases where landfill operations are the primary cause of traffic on unpaved public roads in the area, those roads shall be kept dust-free by the applicant.		No longer relevant.			5		2
<b>COMMITTEE COMMENTS</b>							

## Compliance with Past Land Use Actions and Their Status

### Homework Compilation of Summary of Responses to Informal Triaging

<ul style="list-style-type: none"> <li>See previous notes re: Robison Rd. and Wiles Rd.</li> <li>there continue to be unpaved public roads in the vicinity of the landfill. does the landfill contribute to traffic on those roads? if so, how much?</li> </ul>				
3. The applicant or lease-holding operator shall ensure that the landfill operation does not exceed the maximum sound level permitted by the Oregon Department of Environmental Quality.	County monitoring of this condition is complaint-based.	4	1	3
<b>COMMITTEE COMMENTS</b> <ul style="list-style-type: none"> <li>County does not monitor.</li> <li>noise is an issue at the landfill; ensure the facility is still in compliance</li> </ul>				
4. Provide on-site parking for employees, customers, and visitors to the landfill site.	Complied with.	7		1
<b>COMMITTEE COMMENTS</b> <ul style="list-style-type: none"> <li>truck traffic to the landfill begins backing up hwy 99 beginning before 4:30am; ensure that traffic to the landfill does not pose a safety hazard</li> </ul>				
5. Maintain a security fence between the landfill operation and the public road when such road is located within 200 feet of the landfill operation.	Complied with.	7		7
<b>COMMITTEE COMMENTS</b> <ul style="list-style-type: none"> <li>check fence perimeter to ensure fencing is intact and there are no deferred maintenance issues</li> </ul>				

**Compliance with Past Land Use Actions and Their Status**  
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<p><b>6.</b> The landfill operation hours shall occur between 8:00 a.m. and 5:00 p.m. Monday through Saturday, and 12:00 p.m. through 5:00 p.m. on Sundays, with 24-hour access for commercial customers.</p>	<p>Per Ian McNab: Monday through Friday internal operations begin at approximately 4:30am. The site opens to commercial vehicles starting at 5am and to public vehicles starting at 8am. The site closes to both commercial and public vehicles at 5pm with onsite operations wrapping up around 5:30pm. The hours are self-imposed and can be extended based on a customer's needs.</p> <p>On Saturday internal operations begin at approximately 7:30am. The site opens to commercial and public traffic at 8am and closes to both at 5pm. Internal operations finish around 5:30pm. The site is closed on Sunday.</p> <p>The contractors constructing landfill infrastructure are allowed to operate outside of normal landfill hours, however, typically do not start before 6am and typically end by 7pm. Occasionally they also work on Sunday.</p>	3	3	3
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• not in compliance</li> <li>• Not in compliance, see previous notes on operating hours.</li> <li>• Republic Services is in compliance with this requirement, which governs landfill operations. However, it's important to note that internal operations, which include the arrival of field personnel on-site, begins at 4:30 a.m., Monday through Friday, and at 7:30 a.m. on Saturday. Additional operations not governed by the conditional use permit include work by third party contractors on landfill infrastructure, and commercial customers, who have 24-hour access to the Landfill.</li> </ul>				
<p><b>7.</b> The applicant may relocate the eastern haul road, and shall retain the dual-access road system to provide for emergency service access to the subject site.</p>	<p>Additional Research Needed</p>	2	3	4
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• good candidate for chapter 77 review</li> </ul>				

## Compliance with Past Land Use Actions and Their Status

### Homework Compilation of Summary of Responses to Informal Triaging

<ul style="list-style-type: none"> <li>Republic Services is in compliance with this requirement. The eastern haul access road was relocated, per county regulations, during the construction of Cell 4 in 2012. Access is maintained today.</li> <li>This explanation of status cannot be accepted until the topic has been researched</li> </ul>				
<p><b>8.</b> Copies of water quality, stormwater runoff, and air quality permits; and data produced from associated monitoring programs, required of the applicant by the Oregon Department of Environmental Quality, shall be placed on file in a timely way with the Benton County Community Development Department for public inspection.</p>	The county regularly receives copies.	4	3	1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>Are these documents available for public inspection, and if so, where?</li> <li>landfill not in compliance with June surface emission methane monitoring required by DEQ; Benton County should obtain an independent assessment of overall methane emissions, arsenic levels in monitoring wells are high, odor: per public records requests, odor complaints to DEQ are not documented/investigated/logged to the extent that residents have given up on making complaints to DEQ, annual report to DEQ: for many years, the reports required by Benton County DSAC to DEQ “documenting local citizens’ concerns and the manner in which the owner or operator [of the landfill] is addressing those concerns” (ORS 459.325) have not been completed and submitted as required by Oregon statute. even now, there is no DSAC meeting dedicated to this required activity. as a result, DEQ has not been informed of many of the problems that citizens experience at coffin butte landfill. contamination: domestic wells have been contaminated</li> </ul>				
<p><b>9.</b> A plan for a landscape buffer to mitigate visual impacts shall be approved by the Community Development Department. Landscape screening in the form of deciduous trees between the east triangle and Highway 99W, and a mixed deciduous/evergreen buffer shall be planted and maintained in good health by the applicant.</p>	Not completed	2	1	6
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>Not in compliance</li> <li>not in compliance</li> <li>Republic Services was unable to find records relating to this requirement, nor does it have any indication that there was any enforcement action from the County. Republic Services did plant a mitigating/vegetative buffer in 2016.</li> </ul>				



## Compliance with Past Land Use Actions and Their Status

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<p><b>10.</b> Approval shall be obtained from the Oregon Division of State Lands for any activities on the subject property that affect designated wetlands.</p>	<p>This is a standard type of condition that ties a County permit to a permit issued by another agency. The County does not actively monitor compliance with outside agency permitting requirements, but if the outside agency determines that their permitting requirements have not been met then the applicant is also out of compliance with the Benton County permit.</p>	3	4	1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• Must be active monitor</li> <li>• Republic Services has obtained all the necessary approvals and permits from the Oregon Department of Environmental Quality and remains in compliance with these conditions and approvals.</li> <li>• verification of compliance should be obtained. did the wetlands formerly include the small ponds that were slated for protection in the 1983 rezone</li> </ul>				

Date	File #	Request	Result
2011	LU-11-016	<p><b>Conditional Use Permit for the construction of a new public recycling and refuse transfer facility at Coffin Butte Landfill. The request also includes enhancements to the stormwater conveyance and detention system, as well as a container and drop box storage area, and a landfill construction staging and storage area in FC zone.</b></p> <p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• LS uses spillover to non-LS</li> <li>• missing documentation, see pp 1-7</li> </ul> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>	Planning Commission approved

## Compliance with Past Land Use Actions and Their Status

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Conditions of Approval	Status	1	2	3
<p><b>1.</b> Development shall comply with the plans and narrative in the applicant's proposal identified as Attachment 'A' except as modified by the approval or the conditions below. Modifications to the operation of the facility other than those addressed through this decision, including, but not limited to, the relocation of additional activities, or the configuration of relocated activities in a manner not substantially in conformance with the submitted conceptual site plan, shall require approval through a Modification of a Conditional Use Permit request (BCC 53.225).</p>	<p>Standard condition requiring the applicant to implement the conditional use permit as described in their application. Compliance is not actively monitored.</p>	3	3	2
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• narrative not provided, attachment A not provided</li> <li>• Republic Services believes it is in compliance with the terms of the 2011 conditional use permit.</li> <li>• Why doesn't the county monitor compliance. considering that the county receives \$X million per biennium which originally was supposed to be dedicated to issues associated with hosting a landfill?</li> </ul>				
<p><b>2.</b> As required by BCC 60.220 (2) the applicant shall record a declaratory statement acknowledging the rights of adjacent and nearby property owners to conduct forest operations consistent with the Forest Practices Act and Rules prior to issuance of building permits.</p>	<p>Completed.</p>	4	3	1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• has staff verified documentation</li> </ul>				
<p><b>3.</b> The applicant shall demonstrate compliance with the applicable siting standards specified in BCC 60.405 through materials submitted for issuance of building permits.</p>	<p>In compliance.</p>	7		1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• certificate of occupancy? ADA compliance?</li> </ul>				

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<p>4. All new facilities constructed under this approval shall comply with the applicable provisions of Building Code, Electrical Code, Plumbing Code, Mechanical Code, Fire Code, and rules and regulations imposed by state and federal agencies.</p>	<p>In compliance.</p>	<p>7</p>		<p>1</p>
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• certificate of occupancy?</li> </ul>				
<p><i>Conditions of Approval from PC-03-11 that remain applicable and should be continued (as of the time of this decision):</i></p>				
<p>1. Obtain necessary approvals from the Oregon Department of Environmental Quality for landfill operations on this site.</p>	<p>The Comm. Dev. Department does not confirm and inspect records to ensure that conditions such as these are completed. It is a DEQ permit and if the DEQ does not approve the permit then the applicant could not continue the use and would be out of compliance.</p>	<p>3</p>	<p>3</p>	<p>2</p>
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• DEQ permit approvals should be listed here. Are all of them up to date?</li> <li>• Republic Services is in compliance with the DEQ requirement.</li> <li>• when was the most recent LUCS on file at DEQ completed?</li> </ul>				
<p>2. In cases where landfill operations are the primary cause of traffic on unpaved public roads in the area, those roads shall be kept dust-free by the applicant.</p>	<p>No longer applicable. Coffin Butte Road is entirely paved.</p>	<p>5</p>		<p>2</p>
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• The status assessment here does not address whether unpaved public roads were kept dust-free prior to paving. For example, Tampico Road has only been fully paved within the past 3 years, and received frequent landfill traffic. Did the applicant demonstrate compliance by performing dust suppression on that road prior to the recent paving by the county? Robison Road, Wiles Road, and Rifle Range Road still receives frequent traffic associated with the landfill, as well as frequent illegal dumping. All of these are still unpaved, except for small sections of Robison Rd. east of Military Rd and at the Soap Creek crossing.</li> </ul>				

## Compliance with Past Land Use Actions and Their Status

### Homework Compilation of Summary of Responses to Informal Triaging

<ul style="list-style-type: none"> <li>there continue to be unpaved public roads in the vicinity of the landfill. does the landfill contribute to traffic on those roads? if so, how much?</li> </ul>				
<p>3. The applicant or lease-holding operator shall ensure that the landfill operation does not exceed the maximum sound level permitted by the Oregon Department of Environmental Quality.</p>	County monitoring of this condition is complaint-based.	3	1	4
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>It should be stated more clearly that compliance cannot be confirmed, as the county has never checked.</li> <li>noise is an issue at the landfill; ensure the facility is still in compliance</li> </ul>				
<p>4. Provide on-site parking for employees, customers, and visitors to the landfill site.</p>	In compliance.	7		1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>truck traffic to the landfill begins backing up HWY 99 beginning before 4:30am; ensure that traffic to the landfill does not pose a safety hazard</li> </ul>				
<p>5. Maintain a security fence between the landfill operation and the public road when such road is located within 200 feet of the landfill operation.</p>	In compliance.	6		1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>check fence perimeter to ensure fencing is intact and there are no deferred maintenance issues</li> </ul>				
<p>6. The landfill operation hours shall occur between 8:00 a.m. and 5:00 p.m. Monday through Saturday, and 12:00 p.m. through 5:00 p.m. on Sundays, with 24-hour access for commercial customers.</p>	<p>Per Ian McNab: Monday through Friday internal operations begin at approximately 4:30am. The site opens to commercial vehicles starting at 5am and to public vehicles starting at 8am. The site closes to both commercial and public vehicles at 5pm with onsite operations wrapping up around 5:30pm. The hours are self-imposed and can be extended based on a customer's needs.</p> <p>On Saturday internal operations begin at approximately 7:30am. The site opens to commercial and public traffic at</p>	4	2	3

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	<p>8am and closes to both at 5pm. Internal operations finish around 5:30pm. The site is closed on Sunday.</p> <p>The contractors constructing landfill infrastructure are allowed to operate outside of normal landfill hours, however, typically do not start before 6am and typically end by 7pm. Occasionally they also work on Sunday.</p>			
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• Clearly not in compliance. if landfill operations routinely start at 4:30 am M-F. Operations are operations, no way to spin this.</li> <li>• Not in Compliance</li> <li>• Republic Services is in compliance with this requirement, which governs landfill operations. However, it's important to note that internal operations, which include the arrival of field personnel on-site, begins at 4:30 a.m., Monday through Friday, and at 7:30 a.m. on Saturday. Additional operations not governed by the conditional use permit include work by third party contractors on landfill infrastructure, and commercial customers, who have 24-hour access to the Landfill.</li> </ul>				
<p>7. The applicant shall retain the dual-access road system to provide for emergency service access to the subject site.</p>	<p>Additional Research Needed</p>	<p>1</p>	<p>3</p>	<p>5</p>
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• good candidate for chapter 77 review</li> <li>• Republic Services is in compliance with this requirement. The eastern haul access road was relocated, per county regulations, during the construction of Cell 4 in 2012. Access is maintained today.</li> <li>• This assessment of status is not possible for the working group to confirm until research has been completed.</li> </ul>				
<p>8. OMITTED</p>	<p>N/A</p>			
<p>9. Copies of water quality and air quality permits, and data produced from associated monitoring programs, required of the applicant by the Oregon Department of Environmental Quality, shall be placed on file, in a timely way, with the Benton County Community Development Department for public inspection.</p>	<p>The county regularly receives copies.</p>	<p>5</p>	<p>1</p>	<p>2</p>

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<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>landfill not in compliance with June surface emission methane monitoring required by DEQ; Benton County should obtain an independent assessment of overall methane emissions, arsenic levels in monitoring wells are high, odor: per public records requests, odor complaints to DEQ are not documented/investigated/logged to the extent that testimony has been given that residents have given up on making complaints to DEQ, annual report to DEQ: for many years, the reports required by Benton County DSAC to DEQ “documenting local citizens’ concerns and the manner in which the owner or operator [of the landfill] is addressing those concerns” (ORS 459.325) have not been completed and submitted as required by Oregon statute. even now, there is no DSAC meeting dedicated to this required activity. as a result, DEQ has not been informed of many of the problems that citizens experience at coffin butte landfill. contamination: domestic wells have been contaminated</li> <li>These have not all been made available for public inspection. Whether this is the fault of the applicant or the county is impossible to judge, as a member of the interested public. During the 2021 CUP process, I had to use Public Information Request procedures to obtain information from DEQ that was not available from Benton County.</li> </ul>				
<p><b>10.</b> Copies of storm-water runoff permits and data produced from associated monitoring programs required of the applicant by the Oregon Department of Environmental Quality, shall be placed on file in a timely way, with the Benton County Community Development Department for public inspection.</p>	<p>The county regularly receives copies.</p>	5	3	1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>During the July 2022 DSAC meeting, Applicant's representative stated that runoff reports for the PRC composting facility were provided to DEQ but not to Benton County, because the county had never requested those explicitly. This needs to be clarified.</li> </ul>				

Date	File #	Request	Result
2013	LU-13-061	<p><b>Conditional Use Permit for "minor additions and modifications" at Coffin Butte Landfill to change the location of a construction staging and storage area in the vicinity of the existing office structure.</b></p> <p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>missing documentation, see pp 1-7</li> </ul>	<p><b>Planning Commission approved</b></p>

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		<p>Staff Comment:  All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below:  <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8ES1mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a>  The password is BentonCounty1!</p>			
Conditions of Approval		Status	1	2	3
<p>1. Development shall comply with the plans and narrative in the applicant' s proposal identified as Attachment 'A', except as modified by the approval or the conditions below. Modifications to the operation of the facility other than those addressed through this decision, including, but not limited to, the relocation of additional activities, or the configuration of relocated activities in a manner not substantially in conformance with the submitted conceptual site plan, shall require approval through a Modification of a Conditional Use Permit request (BCC 53. 225).</p>		Complied with.	6		1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• narrative not provided, attachment a not provided</li> </ul>					
<p>2. As required by BCC 60.220 (2), the applicant shall record a declaratory statement acknowledging the rights of adjacent and nearby property owners to conduct forest operations consistent with the Forest Practices Act and Rules prior to issuance of building permits.</p>		Additional Research Needed	2	2	4
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• Republic Services understands this requirement. At this juncture, no building permits have been issued for this area.</li> <li>• This explanation of status cannot be accepted until the topic has been researched.</li> <li>• unknown compliance</li> </ul>					

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<p><b>3.</b> Any new access to a county road or change to an existing access shall require a permit issued through the Benton County Public Works Department.</p>	<p>Advisory</p>	<p>5</p>	<p>1</p>	<p>1</p>
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• have changes in landfill access received a public works permit?</li> <li>• Republic Services has not added or requested additional access and understands the stated requirement.</li> </ul>				
<p><b>4.</b> Disturbance of 1 Acre or More. A National Pollutant Discharge Elimination System (NPDES) permit is required for all construction activities that disturb one acre or more. The NPDES permit must be obtained through Benton County Public Works and the Oregon Department of Environmental Quality.</p>	<p>Advisory</p>	<p>4</p>	<p>1</p>	<p>2</p>
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• have there been construction activities that disturb one acre or more? if so, have NPDES permits been obtained?</li> <li>• No evidence of compliance.</li> <li>• Republic Services has not added or requested additional access and understands the stated requirement.</li> </ul>				
<p>Conditions of Approval from prior approvals that remain in effect (<i>as of the time of this decision</i>):</p>				
<p><b>1.</b> Obtain necessary approvals from the Oregon Department of Environmental Quality for Landfill operations on this site.</p>	<p>The Comm. Dev. Department does not confirm and inspect records to ensure that conditions such as these are completed. It is a DEQ permit and if the DEQ does not approve the permit then the applicant could not continue the use and would be out of compliance.</p>	<p>3</p>	<p>3</p>	<p>1</p>
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• This is not part of the Landfill and DEQ permits are not required. If such approvals become necessary in the future, Republic Services will obtain them.</li> </ul>				



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<ul style="list-style-type: none"> <li>when was the most recent LUCS on file at DEQ completed? if the landfill is not compliant with land use conditions of approval, would DEQ still approve all necessary permits?</li> </ul>				
2. In cases where Landfill operations are the primary cause of traffic on unpaved public roads in the area, those roads shall be kept dust -free by the applicant.	No longer applicable. Coffin Butte Road is entirely paved.	5		1
<b>COMMITTEE COMMENTS</b> <ul style="list-style-type: none"> <li>No evidence of compliance.</li> <li>there continue to be unpaved public roads in the vicinity of the landfill. does the landfill contribute to traffic on those roads? if so, how much?</li> </ul>				
3. The applicant or lease - holding operator shall ensure that the Landfill operation does not exceed the maximum sound level permitted by the Oregon Department of Environmental Quality.	County monitoring of this condition is complaint-based.	3	2	2
<b>COMMITTEE COMMENTS</b> <ul style="list-style-type: none"> <li>County cannot confirm compliance.</li> <li>noise is an issue at the landfill; ensure the facility is still in compliance</li> <li>Republic Services has no record of complaints on this parcel.</li> </ul>				
4. Provide on-site parking for employees, customers, and visitors to the Landfill site.	In compliance.	7		
<b>COMMITTEE COMMENTS</b> <ul style="list-style-type: none"> <li>truck traffic to the landfill begins backing up HWY 99 beginning before 4:30am; ensure that traffic to the landfill does not pose a safety hazard</li> </ul>				
5. Maintain a security fence between the Landfill operation and the public road when such road is located within 200 feet of the Landfill operation.	In compliance.	7		

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<b>COMMITTEE COMMENTS</b>				
<ul style="list-style-type: none"> <li>check fence perimeter to ensure fencing is intact and there are no deferred maintenance issues</li> </ul>				
<p>6. The Landfill operation hours shall occur between 8: 00 a.m. and 5: 00 p.m. Monday through Saturday, and 12: 00 p.m. through 5: 00 p.m. on Sundays, with 24 -hour access for commercial customers.</p>	<p>Per Ian McNab: Monday through Friday internal operations begin at approximately 4:30am. The site opens to commercial vehicles starting at 5am and to public vehicles starting at 8am. The site closes to both commercial and public vehicles at 5pm with onsite operations wrapping up around 5:30pm. The hours are self-imposed and can be extended based on a customer's needs.</p> <p>On Saturday internal operations begin at approximately 7:30am. The site opens to commercial and public traffic at 8am and closes to both at 5pm. Internal operations finish around 5:30pm. The site is closed on Sunday.</p> <p>The contractors constructing landfill infrastructure are allowed to operate outside of normal landfill hours, however, typically do not start before 6am and typically end by 7pm. Occasionally they also work on Sunday.</p>	3	2	3
<b>COMMITTEE COMMENTS</b>				
<ul style="list-style-type: none"> <li>Clearly not in compliance.</li> <li>not in compliance</li> <li>This is not part of Coffin Butte Landfill operations. It is a material storage facility. There are no operating hours here.</li> </ul>				
<p>7. The applicant shall retain the dual - access road system to provide for emergency service access to the subject site.</p>	Additional Research Needed	2	2	4
<b>COMMITTEE COMMENTS</b>				
<ul style="list-style-type: none"> <li>Awaiting additional research.</li> <li>Republic Services is in compliance with this requirement. The eastern haul access road was relocated, per county regulations, during the construction of Cell 4 in 2012. Access is maintained today.</li> </ul>				

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8. <i>OMITTED</i>	N/A			
9. Copies of water quality and air quality permits, and data produced from associated monitoring programs, required of the applicant by the Oregon Department of Environmental Quality, shall be placed on file, in a timely way, with the Benton County Community Development Department for public inspection.	The county regularly receives copies.	3	3	1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• As noted above, these are not available for public inspection as required.</li> <li>• landfill not in compliance with June surface emission methane monitoring required by DEQ; Benton County should obtain an independent assessment of overall methane emissions, arsenic levels in monitoring wells are high, odor: per public records requests, odor complaints to DEQ are not documented/investigated/logged to the extent that testimony has been given that residents have given up on making complaints to DEQ, annual report to DEQ: for many years, the reports required by Benton County DSAC to DEQ “documenting local citizens’ concerns and the manner in which the owner or operator [of the landfill] is addressing those concerns” (ORS 459.325) have not been completed and submitted as required by Oregon statute. even now, there is no DSAC meeting dedicated to this required activity. as a result, DEQ has not been informed of many of the problems that citizens experience at coffin butte landfill. contamination: domestic wells have been contaminated</li> <li>• There are no permits or monitoring data as this relates to a material storage facility.</li> </ul>				
10. Copies of storm -water runoff permits and data produced from associated monitoring programs required of the applicant by the Oregon Department of Environmental Quality, shall be placed on file in a timely way, with the Benton County Community Development Department for public inspection.	The county regularly receives copies.	3	3	1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• As noted above, these are not available for public inspection as required.</li> <li>• There are no permits or monitoring data as this relates to a material storage facility.</li> </ul>				

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Date	File #	Request	Result		
2015	LU-15-001	<p><b>Alteration of a nonconforming use to continue and enhance a stormwater treatment facility in the Exclusive Farm Use Zone, associated with Coffin Butte Landfill.</b></p> <p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>missing documentation, see pp 1-7</li> </ul> <p>Staff Comment: All land use files prior to 2021 are located in a folder titled Prior Land Use Applications and the 2021 CUP information is saved to multiple files in the main folder. The link is below: <a href="https://sftp.co.benton.or.us/public/folder/nARx2ueF8E51mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files">https://sftp.co.benton.or.us/public/folder/nARx2ueF8E51mgYX9RNAiA/Coffin%20Butte%20Landfill%20Files</a> The password is BentonCounty1!</p>	<b>Community Development Department Approved</b>		
<b>Conditions of Approval</b>		<b>Status</b>	<b>1</b>	<b>2</b>	<b>3</b>
<p>1. Development shall substantially comply with the plans and narrative in the applicant's proposal identified as Attachment A. Significant modifications to the construction or operation of the stormwater system other than those addressed through this decision shall require additional approval.</p>		<p>The Comm. Dev. Department does not confirm and inspect records to ensure that conditions such as these are completed. It is a DEQ permit and if the DEQ does not approve the permit then the applicant could not continue the use and would be out of compliance.</p>	3	3	1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>attachment a is not provided</li> <li>This development condition was at the County's discretion. However, as it relates to stormwater system construction and monitoring, Republic Services has all the DEQ permits necessary and is in compliance.</li> <li>We are missing a clear statement from the county on whether the site is in compliance, independent of DEQ. See previous comments.</li> </ul>					

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<p>2. The applicant shall obtain and maintain compliance with the terms of all necessary federal, state, and local permits for construction and operation of the stormwater system described in this application.</p>	<p>The Comm. Dev. Department does not confirm and inspect records to ensure that conditions such as these are completed. It is a DEQ permit and if the DEQ does not approve the permit then the applicant could not continue the use and would be out of compliance.</p>	3	3	1
<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• the stormwater system is in an area identified as “wetlands” – does this trigger additional permitting requirements</li> <li>• This development condition was at the County’s discretion. However, as it relates to stormwater system construction and monitoring, Republic Services has all the DEQ permits necessary and is in compliance.</li> <li>• We are missing a clear statement from the county on whether the site is in compliance, independent of DEQ. See previous comments.</li> </ul>				

Date	File #	Request	Result
2021	LU-21-047	<p><b>Conditional Use Permit to expand Coffin Butte Landfill. Republic Services proposed: to create a new disposal cell for the Coffin Butte Landfill which will extend from the current cell south of Coffin Butte Road; close Coffin Butte Road to public traffic (vacate the right-of-way*) so the new cell can cover the road; relocate a replacement roadway (for landfill and quarry traffic only) around the area of the new disposal cell; relocate the leachate ponds south of Coffin Butte Road, and move some other structures.</b></p> <p><b>Closing Coffin Butte Road will likely require improvement of at least one other roadway in the area to accommodate increased traffic—potentially Tampico Road or Wiles and Robison Roads.</b></p>	<p><b>Planning Commission Denied; PC Decision</b></p>
		<p><b>COMMITTEE COMMENTS</b></p> <ul style="list-style-type: none"> <li>• Republic Services appealed the Planning Commission’s decision, but voluntarily withdrew that appeal to engage with the community and participate in the Oregon Consensus process. Republic Services and Coffin Butte Landfill remain committed to the Oregon Consensus process and this group’s work. We look</li> </ul>	

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		forward to being part of Benton County's long-term solid waste management and diversion solution strategy.	
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