

## Compliance with Past Land Use Actions and Their Status

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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 BOC Approved
2	1983	PC-83-07/L-83-07	Amendments to the Benton County Comprehensive Plan and Plan Map (Ordinance 251), and amendments to the Zoning Ordinance and Zoning Map (Ordinance 261).  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)).	BOC Approved.
3	1988	Board Order	Order to Vacate a portion of Tampico Ridge Subdivision	BOC Approved
4	1988	LD-88-11	A Lot line adjustment with a transfer of 37.94 acres from parcel A to parcel B.	Development Department Approved
5	1994	PC-94-03	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.	Development Department Approved
6	1994	PC-94-10	Zone change from Rural Residential to Landfill Site Zone, Comprehensive Plan change from Rural Residential to Landfill Site	BOC Denied
7	1994	PC-94-11	A conditional use permit to expand the area approved for a landfill within the Landfill Site Zone and update the site development plan.	PC Approved; PC Decision Appealed; Application Withdrawn
8	1997	S-97-58	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.	Community Development and Parks Department Approved
9	1999	PC-99-06	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.  Update: Quarry operations on this parcel have ceased	Planning Commission 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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#	Date	File #	Request	Result
10	2002	PC-02-07	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.	Planning Commission approved
11	2002	Board Order	Vacation of a portion of Coffin Butte Road	BOC approved
12	2003	PC-03-11	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).	Planning Commission approved
13	2011	LU-11-016	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.	Planning Commission approved
14	2013	LU-13-061	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.	Planning Commission approved
15	2015	LU-15-001	Alteration of a nonconforming use to continue and enhance a stormwater treatment facility in the Exclusive Farm Use Zone, associated with Coffin Butte Landfill.	Community Development Department Approved
16	2021	LU-21-047	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.	Planning Commission Denied; PC Decision Appealed; Appeal Withdrawn

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<b>Conditions of Approval</b>			<b>Current Status</b>
<p>1. 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>. Expanding Coffin Butte to service additional areas should require a re-review by the Planning Commission.</p>			Consensus:  Majority Opinion:  Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>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> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <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> <li>• Republic: 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> </ul> <p><u>Subcommittee</u></p>			

<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).

<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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<p>MY: Not clear that RS assertion that the COA for this land use approval are no longer relevant. There needs to be evidence presented to demonstrate that the geographic limitations have been superseded.</p> <p>EWP: (Compliance Opinion) Not In Compliance. (Basis) RSI Annual reports over multiple years indicate solid wastes outside of the geographical area defined in this 1974 Approval have been and continue to be disposed of at Coffin Butte e.g. see <a href="#">RSI annual report</a> (Explanation) Further searches of County and RSI files are needed to establish if or when this condition was superseded to authorize landfilling materials outside of the 1974 defined area. Benton County Code 25I dated 1983 authorizes acceptance of material from Sweet Home and Lebanon. Alternatives to finding historical authorization may include BOC and Planning Commission action to void limitations on the geographic area allowed to bring material to Coffin Butte. A relevant concept is the DEQ definition of “regional” landfill. It is based on tonnage received. It does not refer to a geographic area. It is based on tonnage processed. Additional searches for State statues or regulations that prohibit counties from limiting the areas from which wastes can be received from is suggested. (Notes)</p> <ul style="list-style-type: none"> <li>• Support for 1977 geographical definition found in: <ul style="list-style-type: none"> <li>▪ 1983 Code reference “BEFORE THE BOARD OF COMMISSIONERS FOR BENTON COUNTY, OREGON An Ordinance Amending the Benton County Comprehensive Plan and Specifically Amending the Public Facilities and Services and Environmental Quality Elements and Amending the Comprehensive Plan Map Ordinance 25I” Specific language to be inserted in the code under “Landfill and Solid Waste Policies” includes: <p>“27. The Coffin Butte site shall have a landfill site designation and shall serve as a regional landfill servicing a geographical area including Linn, Polk, and Benton Counties.”</p> </li> <li>▪ PC-83-07-C(3) PDF page 13</li> </ul> </li> <li>• Note 1974 Chemeteka report defines “regional” in physical geography terms, DEQ defines “regional” in terms of amount of tonnage received. DEQ Reference: 23) “Regional disposal site” means a disposal site that receives, or a proposed disposal site that is designed to receive more than 75,000 tons of solid waste a year from outside the immediate service area in which the disposal site is located. As used in this subsection, “immediate service area” means the county boundary of all counties except a county that is within the boundary of the metropolitan service district. For a county within the metropolitan service district, “immediate service area” means the metropolitan service district boundary. <i>From &lt;<a href="https://www.oregonlegislature.gov/bills_laws/ors/ors459.html">https://www.oregonlegislature.gov/bills_laws/ors/ors459.html</a>&gt; per B Fuller to S Imperati email 110722</i></li> <li>• Status of search for County business related documents mentioning geographic service area: <ul style="list-style-type: none"> <li>▪ Franchise Agreements prior to 2020 not found. Need to find this.</li> <li>▪ No mention of geographic service area in 2020 Franchise Agreements <a href="https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/valley_landfills_landfill_franchise_agrmt_2020.pdf">https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/valley_landfills_landfill_franchise_agrmt_2020.pdf</a></li> <li>▪ There is a 2016 Benton County / RSI Memorandum of Understanding the is an “...acknowledgement that Coffin Butte Landfill will be accepting municipal solid waste currently being delivered to Waste Management's Riverbed Landfill for a term of 1-2 years, beginning in January of 2017. (<a href="https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/republic_svcs_riverbend_landfill_500952_mou_120116.pdf">https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/republic_svcs_riverbend_landfill_500952_mou_120116.pdf</a>)</li> </ul> </li> </ul> <p>(Open Item) Search DEQ permits for information allowing geographic areas to use CB Landfill.</p>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
<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.</p>			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>It will need to be a decision of the Board of County Commissioners as to whether this condition should be resumed. Annual Reports from 2005 found here <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></p> <p><u>Workgroup Committee</u></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?</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> <p><u>Subcommittee</u></p> <p>EWP: (Compliance Opinion) Status Unclear. Reporting requirement may have been met by DSAC in 1983 (Workgroup Committee Comments). DSAC records need review to ascertain if this condition is being met</p>			
<p>3. 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>			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
<p>In first year, per the status report, a collection-retention lagoon was installed to treat leachate from the old site. No longer relevant, replaced with later conditions for run-off. County staff has no regulatory authority over leachate collection or disposal. This is a function for DEQ.</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p> <p>MY: The fate of leachate generated by the landfill should not simply be ignored by the County and delegated to DEQ. The requirement to “insure against pollution of nearby waterways” is very much still relevant. Trucking of leachate to Corvallis’ sewage treatment plant does not result in effective treatment or insure against pollution of nearby waterways. Many of the toxic pollutants contained in leachate simply pass through the treatment plant with very little or no pollutant removal and end up in the Willamette River (PFAS, heavy metals, pharmaceuticals, personal care products (PCP). The Willamette River is a key recreation asset (boating, fishing, swimming, etc.) for residents of Benton County, and a source of drinking water supply for downstream residents.</p> <p>EWP: (Compliance Status) Unclear. (Basis): A review of DEQ and RSI records is needed. Caution: “Leachate” is not the same a “runoff” . (Open Item(s)) Staff’s comments on the applicability of “later conditions for run-off” to leachate need to be verified</p>			
<p>4. 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>Consensus: Majority Opinion:</p>

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<b>Conditions of Approval</b>			<b>Current Status</b>
			Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>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> <p><u>Workgroup Committee</u></p> <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><u>Subcommittee</u></p> <p>MY: While this land use action is nearly 50 years old, it sets the baseline expectations for how this industrial activity can be allowed to exist as a non-compatible land use in AG, forest, and rural residential lands. It is not appropriate for Staff to unilaterally decide that imposed conditions of approval that are commitments to the residents of Benton County are no longer relevant.</p> <p>EWP: (Compliance Opinion) Superseded by DEQ requirements. (Explanation) “Scars” are not defined in the CUP condition. It is presumed that “scars” refer to areas where earth or rock has been excavated from the butte. Additional landfill cells are planned to be built along this rock face. It is unclear what type of plan needs to be submitted to DEQ for approval to meet this condition. DEQ Approved Site Development Plan supersedes this County requirement? (Open Item(s)) DEQ records concerning the landfill need to be reviewed.</p>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
<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.</p>			<p>Consensus: Majority Opinion: Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Complete, 1977 Waste Control Systems, Inc. Solid Waste Management Plan</p> <p><u>Workgroup Committee</u></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> <p><u>Subcommittee</u></p> <p>EWP: (Compliance Opinion) In Compliance</p>			
<p>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.</p>			<p>Consensus: Majority Opinion: Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>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> <p><u>Workgroup Committee</u></p>			



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<ul style="list-style-type: none"> <li>• DEQ approval of a reclamation plan does not supersede 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><u>Subcommittee</u></p> <p>MY: While this land use action is nearly 50 years old, it sets the baseline expectations for how this industrial activity can be allowed to exist as a non-compatible land use in AG, forest, and rural residential lands. It is not appropriate for Staff to unilaterally decide that imposed conditions of approval that are commitments to the residents of Benton County are no longer relevant.</p> <p>EWP: (Compliance Opinion “small acreage” condition) In compliance based on observations / company testimony during September 2022 County sponsored Coffin Butte Tour. (Compliance Opinion) Landfill not ready for compliance with “...shall be returned to grazing...” condition. Timing governed by DEQ. Site not ready until it meets closure requirements. (Ref. CFR from Brian e-mail) These conditions from 1977 have not been met but may have been superseded by DEQ approvals of Site development Plans. (Basis) Landfill operations and closure are governed by DEQ requirements. Some of the landfill areas have not received wastes since the 1990s, others since 2011. RSI has determined areas of the landfill are “In Closure” under Federal rules. Approximately 41.7 planimetric acres have already received Final Closure. This area should already have a 1.5 feet thick Vegetative Cover per Federal requirements and be suitable for reuse. (Notes) Ref: County File: 5Reclamation Plan - Closure-Post Closure Plan Report Final. Report Title: “Worst Case” Closure and Post-Closure Plan, Coffin Butte Landfill, Benton County, Oregon, Prepared by GeoLogic, September 2020</p> <p>2.3 Areas to Receive Final Closure - The present “worst case” closure scenario consists of constructing a final cover over the existing active landfill minus the areas that have already received final closures to-date. At present, landfill liner has been constructed through Cell 5C (see Figure 1), totaling 123.5 planimetric acres of lined waste footprint. Approximately 41.7 planimetric acres have already received final closure; therefore, the area still to receive final cover is 81.8 acres.</p> <p>(Open Item(s)) It is suggested the County bring some clarity to this condition by:</p> <ol style="list-style-type: none"> <li>1. reevaluating the appropriateness of the ...“shall be returned to grazing, another farm-type operation...”. Questions to consider include: Given current public perceptions of landfills, does it make sense to expect grazing on top of a landfill to yield products people? Given the steepness of the as-built landfill cover slopes, is it reasonable to expect grazing animals will not damage the cover system exposing wastes and allowing air to be drawn into the landfill mass?</li> <li>2. giving nearby residents some sense of what can reasonably be expected under “...or other permitted use as approved by the Planning Commission and the Board of County Commissioners.” E.g., A park with walking trails much like the Baylands Nature Preserve in Palo Alto, CA.</li> </ol>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
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.			Consensus:  Majority Opinion:  Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>The applicant has and is fulfilling this condition.</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p> <p>EWP: (Compliance Opinion) In Compliance based on personal experience as a Benton County resident.</p>			

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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.
<b>Conditions of Approval</b>			<b>Current Status</b>
<p>1. Cross reference the narrative and the map in both documents.</p>			<p>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Completed. The narrative was updated to provide information related to all of these conditions. The updated narrative is found in the document titled "PC-83-07-C(3)" starting on Page 3 of 60</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>impossible to assess with missing narrative</li> </ul> <p><u>Subcommittee</u></p> <p>EWP: The information from the narrative need to be supplied. Examples provided. Information in "PC-83-07-C(3)" includes requirements for terracing, post closure grazing and "...will be consistent with the expected future use of these lands as indicated by the existing farm and forest land use designations." (Note) County records incomplete although referred to in "PC-83-07-C(3)" no site plan is included. Excerpts follow:</p> <p style="padding-left: 40px;">Reclamation, physical layout, and maintenance provisions: From pdf file pages 4 &amp; 5 (original document page 4) "ii. Reclamation ( Conditions No. 2 and 6) When completed the present landfill area (see site development map) will appear as a low terrace rising from Coffin Butte Road into the site. The expansion area, labelled " Additional Landfill Disposal Ares:" on the <i>site plan [emphasis added]</i>, will consist when completed of a series of terraces progressing up the lower south slope of Coffin Butte. Each terrace in the expansion area will consist of a +/- 12 ft, high vertical " confinement berm" sloping 3/ 1, and a 10 20 ft, wide horizontal surface at 2% slope. The overall slope of the terraced hillside will be similar to the existing slope. An upgradient cutoff drainage system ( <i>see site plan</i>) [emphasis added] will be provided to intercept seasonal surface drainage and route it around the new fill area. The feasibility of reclaiming the site in this manner is discussed in the attached letter dated May 23, 1983, prepared for Valley Landfills by Sweet, Edwards &amp; Assoc., geological consultants.</p>			

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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>	BOC Approved.
<b>Conditions of Approval</b>			<b>Current Status</b>
<p>Reclamation From pdf file page 4: (original document page 2) “Reclamation of the: landfill in the manner described will be compatible with the existing predominant open space and resource lands characteristics of the adjacent and surrounding lands and the current uses of these lands, and will be consistent with the expected future use of these lands as indicated by the existing farm and forest land use designations.”</p> <p>Reclamation From pdf file page 18 (original document page 8): ... “Reclamation of the landfill in the manner proposed will be compatible with the predominately open space and resource lands characteristics of the adjacent and surrounding lands and the current uses of these lands, and will be consistent with the expected future use of these lands as indicated by the current farm and forest land use designations. Based on the need to provide facilities for waste disposal, the lack of any other existing or planned disposal sites within this area, the environmental, economic, social and energy benefits from maintaining the existing landfill, and the established compatibility' of the landfill with the adjacent land uses, changing the land use designation for the Coffin Butte Landfill qualifies for an Exception to Goal 4.”</p> <p>Reclamation From pdf file page 16 (original document page 6): “The long- term environmental consequences of this proposal to the region served by the landfill will be to have a recognized site for waste disposal operating under a D.E.Q.- approved development plan and meeting D.E.Q. standards.” End of quotations</p> <p>(Compliance Opinion)</p> <p>A. Design Conditions/Requirements Superseded. (Basis) Landfill design concepts conveyed in site plans from 1983 appear to be superseded by subsequent DEQ approved Site Development Plans (Explanation) DEQ requirements on landfill design, operation and closure have primacy over County requirements. (Notes) County provided records are incomplete. Although referred to in “PC-83-07-C(3)”, no site plan is included. Referred to site plan is not needed since it will have been superseded by subsequent RSI submittals/DEQ approvals.</p> <p>B. Reclamation Requirements have not been triggered. (Basis) Review of PC-83-07-C(3), Site Closure Plan (Explanation) Site is an on-going operation and not subject to reclamation requirements at this time. (Notes) The reclamation requirements cited in 1983 need review. Current practices to manage the risks to human health and the environment posed by a closed landfill plus current practices for maintaining the integrity of the final cap need to be considered.</p>			
<p><b>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 generation on the long-term maintenance of the pasture, and include irrigation plans if proposed.</b></p>			<p>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<b>Comments</b>			

## Compliance with Past Land Use Actions and Their Status

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<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Staff</u></p> <p>Completed. The narrative was updated to provide information related to all of these conditions. The updated narrative is found in the document titled "PC-83-07-C(3)" starting on Page 3 of 60</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p> <p>MY: The first narrative is not included in the record. The revised narrative does, in fact, use the words methane, heat generation, screening, leachate, etc. Reading the narrative, it can only be concluded that none of the promises in the narrative have been completed. The most indivisible of these are the restoration to pastureland, grazing, and screening. Thankfully, leachate is not being used to irrigate the trash.</p> <p>EWP: (Compliance Opinion) Superseded by DEQ requirements (Basis) Three aspects of this condition: Physical Configuration, Maintenance Method, Methane Statement: "Physical Configuration" and "Maintenance Method" Superseded by DEQ requirements especially Site Development Plans and site closure plans Superseded by DEQ requirements "Methane Statement" From pdf file pages 5 (original document page 3) "The completed disposal areas will be covered by a minimum eight inch clay cap covered by twenty-eight inches of soil. The depth of the cover will minimize the effect of methane on the pasture grasses. Similarly the cover crop should not be affected by internal heat generation. Rather, warm subsurface temperatures have proved beneficial to root development."</p>			
<p><b>3. 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.</b></p>			<p>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>

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<b>Conditions of Approval</b>			<b>Current Status</b>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Completed. The narrative was updated to provide information related to all of these conditions. The updated narrative is found in the document titled "PC-83-07-C(3)" starting on Page 3 of 60</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p> <p>MY: There is a very detailed description of the promised screening in the narrative. However, none of the promises have been kept, nor has the County taken any enforcement actions to ensure completion of screening requirements.</p> <p>EWP: (Compliance Opinion(s)) Physical berm: Superseded by subsequently issued DEQ Site Development Plans, Vegetative screening: Superseded by subsequently issued DEQ Site Development Plans, Maintenance: Not in compliance based on current appearance of site. (Basis) Screening Requirements: physical berm, vegetative screening, and their maintenance From pdf file pages 6 &amp; 7 (original document page 4 &amp; 5) Note: These conditions are from a 1983 document. Actions may have been taken at that time but the County did not provide records to substantiate compliance..</p> <p>"iii. Screening (Condition No. 3) Additional screening will be provided in keeping with the current site screening program used at the landfill. This program consists of a keyed berm with conifers planted 10' on center along Coffin Butte Road from 99W to the landfill entrance _road, and similar plantings extending north along 99W from Coffin Butte Road to the north landfill property line.</p> <p>The permanent, fixed, keyed berm is represented. on the site development plan by the solid black line labelled " Approximate Solid Waste Disposal. Boundary." As shown, the berm encompasses the present landfill area and the existing development area. The berm is 10 - 12 feet high, 10 feet wide at the top and 60 70 feet wide at the base, and has an outside slope of 3/ 1. The depth of the key is three feet. The berm is composed of low permeability materials from on- site sources. The berm has been hydroseeded and will be grazed.</p>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
<p>Screening plants will consist of trees from the tree farm owned by Valley Landfills on their land south of Coffin Butte Road. Initial height of the plantings will range from 6 - 10 feet. Additional plantings can be made on the terraces to screen disposal operations on the slopes, as needed. The plantings will receive ongoing maintenance by the landfill operators.” (Notes) 1983 site plan drawing was not provided in the County documentation.</p>			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Completed. The narrative was updated to provide information related to all of these conditions. The updated narrative is found in the document titled “PC-83-07-C(3)” starting on Page 3 of 60</p> <p><u>Workgroup Comments</u></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> </ul>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
<ul style="list-style-type: none"> <li>impossible to assess with missing narrative</li> </ul> <p><u>Subcommittee</u></p> <p>MY: A rudimentary analysis of leachate composition is included in the revised narrative. It is now known that the chemical composition of leachate from landfills is far more complex and dangerously toxic.</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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Completed. The narrative was updated to provide information related to all of these conditions. The updated narrative is found in the document titled "PC-83-07-C(3)" starting on Page 3 of 60</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p> <p>EWP: (Compliance Opinion) In Compliance, Requirement Superseded (Basis) From pdf file pages 7 &amp; 8 (original document page 5 &amp; 6) v. Other Information Required by the Development Director (Conditions No. 5 and 7) A review of the Environmental and Operational Factors of Art. XXX . 05. A1 is contained in a report titled Coffin Butte Sanitary Landfill Expansion Plan prepared by Randy Sweet, Geologist, and Regional Consultants, Inc. in Oct., 1977. This report was submitted to the Benton County Commissioners, Health Department, and Solid Waste Advisory Committee. A copy of this report will be made available to the Development Department if requested. The small ponds will remain as at</p>			



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<b>Conditions of Approval</b>			<b>Current Status</b>
<p>present for the next ten years. At the end of this period the use of the ponds and surroundings will be reevaluated and, if anything is to be done, state of the art engineering practices will be employed in conformance with the standards in effect at that time. A modified site development plan will be submitted for County review when appropriate.</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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Completed. The narrative was updated to provide information related to all of these conditions. The updated narrative is found in the document titled “PC-83-07-C(3)” starting on Page 3 of 60</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p> <p>MY: There is a very detailed description of the promised screening in the narrative. However, none of the promises have been kept, nor has the County taken any enforcement actions to ensure completion of screening requirements.</p> <p>EWP: (Compliance Opinion(s)) In Compliance, Requirement Superseded by Subsequent DEQ Site Development Plans</p>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Completed. The narrative was updated to provide information related to all of these conditions. The updated narrative is found in the document titled "PC-83-07-C(3)" starting on Page 3 of 60</p> <p><u>Workgroup Committee</u></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> <p><u>Subcommittee</u></p> <p>EWP: (Compliance Opinion(s)) Not In Compliance, Requirement may have been Superseded by Subsequent DEQ Site Development Plans (Basis) 6 8 "The small ponds will remain as at present for the next ten years. At the end of this period the use of the ponds and surroundings will be reevaluated and, if anything is to be done, state of the art engineering practices will be employed in conformance with the standards in effect at that time. A modified site development plan will be submitted for County review when appropriate."</p>			
<p>8. 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</p>			<p>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>

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<b>Conditions of Approval</b>			<b>Current Status</b>
leachate generation volumes so metal or nutrient accumulations in the soils will remain fat below any toxicity levels.			
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>The requirement is for a leachate control plan, there is no requirement that states that all leachate must be treated on-site. Planning staff would not have had enough expertise to be able to dictate how leachate is handled. 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>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> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• DEQ does not monitor soil toxicity</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> <li>• Republic: 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> </ul>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Subcommittee</u></p> <p>MY: The effort to absolve the County of any responsibility for ensuring proper management and treatment of leachate ignores the County’s duty to ensure compatible land use in Benton County. Leachate generation is a by-product of approving the hosting a landfill in the County. Ignoring the fate of leachate generated by the landfill is akin to approving a residential subdivision without any consideration of how and where the sewage generated is safely disposed. The fate of leachate generated by the landfill should not simply be ignored by the County and delegated to DEQ. Trucking of leachate to Corvallis’ sewage treatment plant does not result in effective treatment or insure against pollution of nearby waterways. Many of the toxic pollutants contained in leachate (PFAS, heavy metals, pharmaceuticals, personal care products, etc.) simply pass through the treatment plant with very little or no pollutant removal and end up in the Willamette River. The Willamette River is a key recreation asset (boating, fishing, swimming, etc.) for residents of Benton County, and a source of drinking water supply for downstream residents.</p> <p>EWP: (Compliance Opinion) Requirement Superseded by Subsequent DEQ Operating and Monitoring Permits</p>			
<p><b>9.</b> 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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></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> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: Republic Services has added additional monitoring wells as required and continues to be in compliance with its DEQ permits.</li> <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</li> </ul>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
<p>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</p> <ul style="list-style-type: none"> <li>is any leachate collected in the secondary collection system? if so, the liner is already leaking</li> </ul> <p><u>Subcommittee</u></p> <p>EWP: (Compliance Opinion) Requirement Superseded by Subsequent DEQ Operating and Monitoring Permits</p>			
<p><b>10.</b> Screen the landfill operation with fencing or berms so it cannot be seen from the County Road or adjacent properties.</p>			<p>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Not completed. 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><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>Republic: 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>not in compliance document not included letter from the Oregon justice department regarding screening requirement per the 1967 highway beautification act</li> <li>There should be a more clear statement that the applicant is not in compliance with this requirement.</li> </ul> <p><u>Subcommittee</u></p> <p>MY: The revised narrative submitted by the applicant is very detailed. None of the requirements have been completed or maintained. The County has not taken any enforcement action to ensure that these requirements be met.</p>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
EWP: (Compliance Opinion) Requirement Superseded by Subsequent DEQ Operating and Monitoring Permit			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>The landfill uses an alternative daily cover approved by DEQ, which includes Covanta Ash material. The landfill also uses temporary cover.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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>• 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>• 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><u>Subcommittee</u></p> <p>MY: Using highly toxic Covanta Ash material to cover the garbage is another example of the County absolving itself from any obligation to protect Benton County residents from incompatible land uses. Oregon DEQ does not have a stellar record for effectively preventing pollution (air or water) through their permit processes.</p>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
EWP: (Compliance Opinion) Requirement Superseded by Subsequent DEQ Operating and Monitoring Permits			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Overseen by DEQ. This condition is no longer be applicable.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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>• 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>• 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><u>Subcommittee</u></p> <p>EWP: (Compliance Opinion) Requirement Superseded by Subsequent DEQ Operating and Monitoring Permits</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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1983	PC-83-07 L-83-07	Amendments to the Benton County Comprehensive Plan and Plan Map (Ordinance 251), and amendments to the Zoning Ordinance and Zoning Map (Ordinance 261).  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)).	BOC Approved.
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>This is an advisory to the applicant rather than a condition that needed to be met.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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> <p><u>Subcommittee</u></p> <p>EWP: (Compliance Opinion) Requirement Superseded by Subsequent DEQ Operating and Monitoring Permits</p>			

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.	Development Department Approved



## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1994	PC-94-03	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.	Development Department Approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p>1. The facility shall be housed in a structure approximately 50 by 100 feet or less in size, as described in the application materials.</p>			<p>Consensus: Majority Opinion: Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Superseded by subsequent expansion approval. Original generator building 3,900 square feet</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>missing information: application materials</li> <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><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion - Defer to County Staff</p>			
<p>2. 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>Consensus: Majority Opinion: Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Noise testing completed in 1997.</p> <p><u>Workgroup Committee</u></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> </ul>			

### Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1994	PC-94-03	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.	Development Department Approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<ul style="list-style-type: none"> <li>Was there ever a follow-up study after the facility was expanded?</li> </ul> <p><u>Subcommittee</u></p> <p>MY: To ensure land use compatibility, compliance with noise requirements cannot be a snapshot in time. Periodic testing and monitoring to ensure continued compliance is required and the County does not monitor or enforce land use (e.g., noise impacts) requirements.</p> <p>EWP: No Compliance Opinion - Defer to County Staff</p>			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Noise testing completed in 1997. Available records do not indicate any such requests by the Planning Official.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>Republic: Republic Services agrees with the County’s assessment. Our available records do not indicate any such requests by the Planning Department.</li> <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> </ul> <p><u>Subcommittee</u></p> <p>MY: To ensure land use compatibility, compliance with noise requirements cannot be a snapshot in time. Periodic testing and monitoring to ensure continued compliance is required and the County does not monitor or enforce land use (e.g., noise impacts) requirements.</p> <p>EWP: No Compliance Opinion - Defer to County Staff</p>			
<p><b>4.</b> 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>Consensus:</p> <p>Majority Opinion:</p>

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1994	PC-94-03	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.	Development Department Approved
<b>Conditions of Approval</b>			<b>Current Status</b>
			Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></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> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>when was the most recent LUCS on file at DEQ completed?</li> </ul> <p><u>Subcommittee</u></p> <p>EWP: Compliance Not Demonstrated. No record of required action provided.</p>			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>A new CUP was submitted and approved to expand the size of the facility.</p> <p><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion</p>			
<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>Consensus:</p>

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1994	PC-94-03	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.	Development Department Approved
<b>Conditions of Approval</b>			<b>Current Status</b>
			Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Monitoring of this condition is complaint driven. Staff has no records of complaints regarding lights at the landfill.</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p> <p>MY: Can the County describe the system for documenting, responding to, and resolving complaints received? A complaint driven system of enforcement is unsatisfactory, particularly when Benton County residents are unaware of specific requirements and certainly rely on Benton County staff to monitor and enforce land use requirements.</p> <p>EWP: No Compliance Opinion</p>			
<p><b>7.</b> Obtain all required septic, access, building, plumbing, mechanical, electrical, and other applicable permits prior to construction.</p>			Consensus: Majority Opinion: Minority Opinion:
<b>Comments</b>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1994	PC-94-03	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.	Development Department Approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Staff</u></p> <p>This building permit(s) is finalized [Electrical - C9500565, C9501197, C9600514, C9600852]</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>septic/ada/building/plumbing/mechanical? certificate of occupancy?</li> </ul> <p><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion</p>			

Date	File #	Request	Result
1994	PC-94-10	Zone change from Rural Residential to Landfill Site Zone, Comprehensive Plan change from Rural Residential to Landfill Site.	BOC Denied

Date	File #	Request	Result
1994	PC-94-11	A conditional use permit to expand the area approved for a landfill within the Landfill Site Zone and update the site development plan.	PC Approved; PC Decision Appealed; Application Withdrawn

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1997	S-97-58	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.	Community Development and Parks Department Approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p>1. 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>			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>The expansion added 4,300 square feet to the original building.</p> <p><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion</p>			
<p>2. 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>			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Zoning compliance reviewed completed along with building permits – completed [Permit B0700147 Phase I expansion &amp; Permits B0700323, B0700416, B0700415, F0600068, B1400497]</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• certificate of occupancy?</li> </ul>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1997	S-97-58	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.	Community Development and Parks Department Approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion</p>			
<p>3. 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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></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><u>Workgroup Committee</u></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> <p><u>Subcommittee</u></p> <p>MY: Can the County describe the system for documenting, responding to, and resolving complaints received? To ensure land use compatibility, compliance with noise requirements cannot be a snapshot in time. Periodic testing and monitoring to ensure continued compliance is required and the County does not monitor or enforce land use (e.g., noise impacts)</p>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1997	S-97-58	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.	Community Development and Parks Department Approved
<b>Conditions of Approval</b>			<b>Current Status</b>
requirements. A complaint driven system of enforcement is unsatisfactory, particularly when Benton County residents are unaware of specific requirements and certainly rely on Benton County staff to monitor and enforce land use requirements.			
<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>Consensus: Majority Opinion: Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Available records do not indicate any such requests by the Planning Official.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: Republic Services agrees with the County’s assessment. Our available records do not indicate any such requests by the Planning Department.</li> <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> </ul> <p><u>Subcommittee</u></p> <p>MY: Requiring the Applicant to self-monitor and regulate without any oversight by the County is ineffectual and a disservice to the residents of Benton County to whom County staff and the Board of Commissioners are accountable.</p> <p>EWP: No Compliance Opinion. Information needed on County process for addressing citizen complaints.</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> <p>a) Drinking water within the generating plant building by a potable water container, refilled periodically;</p>			<p>Consensus: Majority Opinion:</p>



## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1997	S-97-58	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.	Community Development and Parks Department Approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<ul style="list-style-type: none"> <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> </ul>			Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>OSHA letter from September 29, 1997 included relating to the toilet facilities and drinking water being compliant with OSHA standards for sanitation.</p> <p><u>Workgroup Committee</u></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> <p><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion</p>			
<p>6. 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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><u>Staff</u></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>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1997	S-97-58	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.	Community Development and Parks Department Approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Workgroup Committee</u></p> <p>when was the most recent LUCS on file at DEQ completed?</p> <p><u>Subcommittee</u></p> <p>EWP: Compliance Not Demonstrated. No record of required action provided.</p>			
<p>7. Lighting shall be located so that it does not face directly, shine, or glare onto an adjacent road or property.</p>			<p>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Monitoring of this condition is complaint driven. There are no records of any complaints.</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p> <p>MY: Can the County describe the system for documenting, responding to, and resolving complaints received? A complaint driven system of enforcement is unsatisfactory, particularly when Benton County residents are unaware of specific requirements and certainly rely on Benton County staff to monitor and enforce land use requirements to ensure compatibility.</p> <p>EWP: No Compliance Opinion</p>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1997	S-97-58	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.	Community Development and Parks Department Approved
<b>Conditions of Approval</b>			<b>Current Status</b>
8. 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().			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u> Completed.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• provide copy in documentation</li> </ul> <p><u>Subcommittee</u> EWP: No Compliance Opinion</p>			
9. 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 shall 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 completed prior to issuance of construction permits for the Phase 2 expansion. The site development plan shall address:			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1997	S-97-58	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.	Community Development and Parks Department Approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Staff</u> Additional research needed, compliance with this condition is not confirmed.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: Republic Services is also conducting further research.</li> <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>• This explanation of status cannot be accepted until the topic has been researched.</li> </ul> <p><u>Subcommittee</u></p> <p>MY: Landfill activities have a high potential of igniting fires and there have been fires previously at Coffin Butte. The potential for starting a wildfire is also great given the location of this industrial activity. Further, the frequency of power outages and the dependency of landfill operations (e.g., leachate management and methane gas extraction) are dependent on reliable power supplies.</p> <p>EWP: Compliance Not Demonstrated. No record of required action provided.</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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u> Completed for Phase 1. Phase 2 of the expansion has not been utilized by the applicant.</p>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1997	S-97-58	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.	Community Development and Parks Department Approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Workgroup Committee</u></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> <li>• What about Phase 2?</li> </ul> <p><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion</p>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1999	PC-99-06	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p>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.</p>			<p>Consensus: Majority Opinion: Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></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> <p><u>Workgroup Committee</u></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> </ul> <p><u>Subcommittee</u></p> <p>MY: What is the mechanism whereby any State agency is informed of a County land use action to allow an activity that requires a permit from a State agency? If the County issues an approval for a land use prior to the landowner getting the required permits, how will the County ensure that all the required permits have been received since the County does no monitoring or enforcement.</p> <p>EWP: Compliance Not Demonstrated. No record of required action provided.</p>			
<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>Consensus: Majority Opinion: Minority Opinion:</p>

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1999	PC-99-06	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Public roads serving primarily quarry traffic are paved. Complete.</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p> <p>MY: This is a classic example of an unenforceable condition of approval – who or how will the “primary cause” of traffic be determined? Then the requirement that the applicant or quarry lease holder “endeavor” to use only roads designed for truck traffic, what does that mean? A meaningless condition that does not have any chance of being enforced. Issuing a land use approval to a property owner binds the property owner and that obligation cannot be transferred to the lease holder.</p> <p>EWP: No Compliance Opinion</p>			
<p><b>3.</b> 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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Staff will need to field verify but it appears through comments that the applicant is not in compliance with this condition.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>Republic: 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</li> </ul>			

### Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
1999	PC-99-06	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p>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.</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> </ul> <p><u>Subcommittee</u>            MY: As the property owner, RS or any previous landowner cannot delegate their responsibility to comply with conditions of approval to a third-party. It is the responsibility of the landowner to comply. Further, making an attempt to provide screening is not compliance. Again, County inability or unwillingness to monitor or enforce conditions of approval makes the whole land use review and approval process meaningless.</p> <p>EWP: No Compliance Opinion. Field verification needed.</p>			
<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>			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u>            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.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>Republic: 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> </ul>			



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<b>Conditions of Approval</b>			<b>Current Status</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> <p><u>Subcommittee</u></p> <p>MY: As the property owner, RS or any previous landowner cannot delegate their responsibility to comply with conditions of approval to a third-party. It is the responsibility of the landowner to comply. Again, County inability or unwillingness to monitor or enforce conditions of approval makes the whole land use review and approval process meaningless.</p> <p>EWP: No Compliance Opinion</p>			
<p>5. Provide on-site parking for employees, customers, and visitors to the mining site.</p>			<p>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Additional Research Needed</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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> <p><u>Subcommittee</u></p> <p>MY: As the property owner, RS or any previous landowner cannot delegate their responsibility to comply with conditions of approval to a third-party. It is the responsibility of the landowner to comply.</p> <p>EWP: No Compliance Opinion</p>			

## Compliance with Past Land Use Actions and Their Status

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1999	PC-99-06	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
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.			Consensus: Majority Opinion: Minority Opinion:
<b>Comments</b> <u>Staff</u> Additional Research Needed <u>Workgroup Committee</u> <ul style="list-style-type: none"> <li>• Republic: 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> <u>Subcommittee</u> EWP: No Compliance Opinion			
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.			Consensus: Majority Opinion: Minority Opinion:
<b>Comments</b> <u>Staff</u> Additional Research Needed <u>Workgroup Committee</u>			

## Compliance with Past Land Use Actions and Their Status

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<b>Conditions of Approval</b>			<b>Current Status</b>
<ul style="list-style-type: none"> <li>• Republic: 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><u>Subcommittee</u></p> <p>MY: As the property owner, RS or any previous landowner cannot delegate their responsibility to comply with conditions of approval to a third-party. It is the responsibility of the landowner to comply.</p>			
<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>			<p>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Additional Research Needed</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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><u>Subcommittee</u></p>			

## Compliance with Past Land Use Actions and Their Status

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<b>Conditions of Approval</b>			<b>Current Status</b>
<p>MY: As the property owner, RS or any previous landowner cannot delegate their responsibility to comply with conditions of approval to a third-party. It is the responsibility of the landowner to comply. Again, County inability or unwillingness to monitor or enforce conditions of approval makes the whole land use review and approval process meaningless.</p> <p>EWP: In Compliance. Period County inspections are suggested to address resident concerns.</p>			
<p>9. The applicant shall retain the dual-access road system to provide for emergency service access to the subject site.</p>			<p>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Additional Research Needed</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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><u>Subcommittee</u></p> <p>MY: As the property owner, RS or any previous landowner cannot delegate their responsibility to comply with conditions of approval to a third-party. It is the responsibility of the landowner to comply. Again, County inability or unwillingness to monitor or enforce conditions of approval makes the whole land use review and approval process meaningless.</p> <p>EWP: No Compliance Opinion</p>			
<p>10. 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>Consensus:</p> <p>Majority Opinion:</p>

### Compliance with Past Land Use Actions and Their Status

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<b>Conditions of Approval</b>			<b>Current Status</b>
			Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Additional Research Needed</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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><u>Subcommittee</u></p> <p>MY: As the property owner, RS or any previous landowner cannot delegate their responsibility to comply with conditions of approval to a third-party. It is the responsibility of the landowner to comply. Again, County inability or unwillingness to monitor or enforce conditions of approval makes the whole land use review and approval process meaningless.</p> <p>EWP: No Compliance Opinion – Further information needed</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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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> </ul>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
<ul style="list-style-type: none"> <li>This explanation of status cannot be accepted until the topic has been researched.</li> </ul> <p><u>Subcommittee</u></p> <p>MY: As the property owner, RS or any previous landowner cannot delegate their responsibility to comply with conditions of approval to a third-party. It is the responsibility of the landowner to comply. Again, County inability or unwillingness to monitor or enforce conditions of approval makes the whole land use review and approval process meaningless.</p> <p>EWP: Compliance Not Demonstrated. No record of required action provided.</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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Additional Research Needed</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>Republic: 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><u>Subcommittee</u></p> <p>MY: As the property owner, RS or any previous landowner cannot delegate their responsibility to comply with conditions of approval to a third-party. It is the responsibility of the landowner to comply. Again, County inability or unwillingness to monitor or enforce conditions of approval makes the whole land use review and approval process meaningless.</p> <p>EWP: Compliance Not Demonstrated. No record of required action provided.</p>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2002	PC-02-07	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
1. Obtain approval from the Oregon Department of Environmental Quality for landfill operations on this site.			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></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> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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>• does the most recent LUCS on file with DEQ predate</li> <li>• this cup application?</li> </ul> <p><u>Subcommittee</u></p> <p>MY: What is the mechanism whereby any State agency is informed of a County land use action to allow an activity that requires a permit from a State agency? If the County issues an approval for a land use prior to the landowner getting the required permits, how will the County ensure that all the required permits have been received since the County does no monitoring or enforcement.</p> <p>EWP: Compliance Not Demonstrated. No record of required action provided.</p>			

## Compliance with Past Land Use Actions and Their Status

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<b>Conditions of Approval</b>			<b>Current Status</b>
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.			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>No longer applicable. Coffin Butte Road is entirely paved. The county considers this condition to be completed.</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p> <p>MY: This is a classic example of an unenforceable condition of approval – who or how will the “primary cause” of traffic be determined? Many roads in the vicinity of the landfill are unpaved and are likely to receive traffic headed to the landfill.</p> <p>EWP: No Compliance Opinion</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.			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p>			



## Compliance with Past Land Use Actions and Their Status

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<b>Conditions of Approval</b>			<b>Current Status</b>
<p>County monitoring of this condition is complaint-based.</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p> <p>MY: How and when does the County ensure that the maximum sound level has not been exceeded. Since this is another example of complaint-based enforcement, what system is in place to document, respond to, and resolve noise related complaints? The landowner cannot delegate regulatory compliance or accountability with these types of requirements to a lease-holding operator.</p> <p>EWP: Compliance Not Demonstrated. No evidence of County process to capture/respond to action provided.</p>			
<p>4. Provide on-site parking for employees, customers, and visitors to the landfill site.</p>			<p>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Completed.</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
EWP: No Compliance Opinion			
<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>			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Security fence is present</p> <p><u>Workgroup Committee</u></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> <p><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion</p>			
<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>			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>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.</p>			

### Compliance with Past Land Use Actions and Their Status

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<p><b>Conditions of Approval</b></p>			<p><b>Current Status</b></p>
<p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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> <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> </ul> <p><u>Subcommittee</u></p> <p>MY: Staff and RS do not get to interpret operating hours to mean something different than what was imposed as a written condition of approval. The words are the words. By definition the industrial activity of operating an active landfill is an incompatible use in an agricultural, forest and rural residential area. As such, operating hours are critical to mitigation of the numerous deleterious effects of the landfill operation. Requiring the landfill to limit operations to mitigate impacts “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” means what it says, and the condition of approval was adopted by the Planning Commission. The public has a right to expect the operating hours to be enforced as approved and adopted. Beginning operations at 4:30 a.m. is a violation of this condition of approval. Under staff and RS interpretation, could the landfill operate 24 hours a day?</p> <p>EWP: No Compliance Opinion</p>			
<p><b>7. The applicant shall retain the dual-access road system to provide for emergency service access to the subject site.</b></p>			<p>Consensus: Majority Opinion: Minority Opinion:</p>

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<b>Conditions of Approval</b>			<b>Current Status</b>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Complete</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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>• good candidate for Chapter 77 review</li> <li>• This explanation of status cannot be accepted until the topic has been researched.</li> </ul> <p><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion</p>			
<p><b>8.</b> 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.</p>			<p>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>The applicant indicates they are in compliance with this condition.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: Republic Services is in compliance and operating within the 600-foot contour elevation as specified in the Site Development Plan.</li> <li>• applicant should provide lidar, coordinate &amp; verify with county GIS</li> </ul>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
<ul style="list-style-type: none"> <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> </ul> <p><u>Subcommittee</u></p> <p>MY: Did the staff do any independent verification that the landfill is operating within the 600 foot contour?</p> <p>EWP: No Compliance Opinion</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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>The county regularly receives copies. Appendix I <a href="https://www.co.benton.or.us/cd/page/materials-management-document-library">https://www.co.benton.or.us/cd/page/materials-management-document-library</a></p> <p><u>Workgroup Committee</u></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>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2002	PC-02-07	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Subcommittee</u></p> <p>MY: Are the reports reviewed? Any independent verification by staff that the monitoring requirements for both air quality and water quality are being met and reported as required? The June 2022 report of methane exceedances and re-testing looks suspect – 7 hours to perform first test, just over an hour for the re-test?</p> <p>EWP: No Compliance Opinion. Insufficient time to review County File.</p>			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>The county regularly receives copies. <a href="https://www.co.benton.or.us/cd/page/materials-management-document-library">https://www.co.benton.or.us/cd/page/materials-management-document-library</a></p> <p><u>Workgroup Committee</u></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> <p><u>Subcommittee</u></p> <p>MY: Are the reports reviewed? Any independent verification by staff that the monitoring requirements for both air quality and water quality are being met and reported as required? The June 2022 report of methane exceedances and re-testing looks suspect – 7 hours to perform first test, just over an hour for the re-test?</p> <p>EWP: No Compliance Opinion. Insufficient time to review County File.</p>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2003	PC-03-11	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).	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p>1. The applicant shall continue to operate within the approval of the Oregon Department of Environmental Quality Solid Waste Disposal Permit No 306.</p>			<p>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></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><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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> <p><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion.</p>			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p>			

### Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2003	PC-03-11	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).	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p>No longer relevant.</p> <p><u>Workgroup Committee</u></p> <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> <p><u>Subcommittee</u></p> <p>MY: Same comment as before – who and how is “primary cause” defined and enforced.</p> <p>EWP: No Compliance Opinion.</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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>County monitoring of this condition is complaint-based.</p> <p><u>Workgroup Committee</u></p> <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> <p><u>Subcommittee</u></p> <p>MY: How and when does the County ensure that the maximum sound level has not been exceeded. Since this is another example of complaint-based enforcement, what system is in place to document, respond to, and resolve noise related complaints? The landowner cannot delegate regulatory compliance or accountability with these types of requirements to a lease-holding operator.</p>			



## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2003	PC-03-11	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).	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
EWP: No Compliance Opinion			
<p>4. Provide on-site parking for employees, customers, and visitors to the landfill site.</p>			<p>Consensus: Majority Opinion: Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u> Complied with.</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u> EWP: No Compliance Opinion</p>			
<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>			<p>Consensus: Majority Opinion: Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u> Complied with.</p> <p><u>Workgroup Committee</u></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>			

### Compliance with Past Land Use Actions and Their Status

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<b>Conditions of Approval</b>			<b>Current Status</b>
<u>Subcommittee</u> EWP: No Compliance Opinion.			
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.			Consensus:  Majority Opinion:  Minority Opinion:
<b>Comments</b>  <u>Workgroup Committee</u> <ul style="list-style-type: none"> <li>• Republic: 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> <li>• not in compliance</li> <li>• Not in compliance, see previous notes on operating hours.</li> </ul> <u>Subcommittee</u>  MY: Staff and RS do not get to interpret operating hours to mean something different than what was imposed as a written condition of approval. The words are the words. By definition the industrial activity of operating an active landfill is an incompatible use in an agricultural, forest and rural residential area. As such, operating hours are critical to mitigation of the numerous deleterious effects of the landfill operation. Requiring the landfill to limit operations to mitigate impacts “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” means what it says, and the condition of approval was adopted by the Planning Commission. The public has a right to expect the operating hours to be enforced as approved and adopted. Beginning operations at 4:30 a.m. is a violation of this condition of approval. Under staff and RS interpretation, could the landfill operate 24 hours a day?  EWP: In Compliance			

## Compliance with Past Land Use Actions and Their Status

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<b>Conditions of Approval</b>			<b>Current Status</b>
7. 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.			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Additional Research Needed</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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>• good candidate for chapter 77 review</li> <li>• This explanation of status cannot be accepted until the topic has been researched</li> </ul> <p><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion.</p>			
8. 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.			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p>			

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Date	File #	Request	Result
2003	PC-03-11	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).	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p>The county regularly receives copies. Appendix I  <a href="https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/2021_cbl_site_development_plan_appendix_g_i.pdf">https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/2021_cbl_site_development_plan_appendix_g_i.pdf</a></p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p> <p>MY: Are the reports reviewed? Any independent verification by staff that the monitoring requirements for both air quality and water quality are being met and reported as required? The June 2022 report of methane exceedances and re-testing looks suspect – 7 hours to perform first test, just over an hour for the re-test?</p> <p>EWP: No Compliance Opinion. Insufficient time to review County File.</p>			
<p>9. 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>			<p>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Not completed</p> <p><u>Workgroup Committee</u></p>			

### Compliance with Past Land Use Actions and Their Status

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<b>Conditions of Approval</b>			<b>Current Status</b>
<ul style="list-style-type: none"> <li>• Republic: 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> <li>• Not in compliance</li> <li>• not in compliance</li> </ul> <p><u>Subcommittee</u></p> <p>MY: The County freely admits that it does no monitoring or enforcement of its adopted conditions of approval, and the County states that it relies on the applicant to comply with the requirements. <b>Republic says</b> they can't find their records related to the screening requirements and states further "<b>nor does it have any indication that there was any enforcement action from the County.</b>" Review of this extensive record of land use actions for the landfill demonstrates this exact circumstance over and over. Apparently, the conditions of approval have absolutely no meaning and cannot be relied on to mitigate the impacts of incompatible land use activities performed at the landfill.</p> <p>EWP: Not In Compliance</p>			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></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> <p><u>Workgroup Committee</u></p>			

### Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2003	PC-03-11	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).	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<ul style="list-style-type: none"> <li>• Republic: 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>• Must be active monitor</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> <p><u>Subcommittee</u></p> <p>MY: Obviously there are or were wetlands on the property in the vicinity of the activity otherwise the County would not have added this condition of approval. It is again inexplicable that these types of requirements are not monitored or enforced. What is the point?</p> <p>EWP: Compliance Not Demonstrated. No record of required action provided.</p>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2011	LU-11-016	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<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>			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Standard condition requiring the applicant to implement the conditional use permit as described in their application. Compliance is not actively monitored.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: Republic Services believes it is in compliance with the terms of the 2011 conditional use permit.</li> <li>• narrative not provided, attachment A not provided</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><u>Subcommittee</u></p> <p>MY: It is again inexplicable that these types of requirements are not monitored or enforced. What is the point of having this condition?</p> <p>EWP: Compliance Not Demonstrated. No record of required action provided.</p>			
<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>			Consensus: Majority Opinion: Minority Opinion:

## Compliance with Past Land Use Actions and Their Status

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<b>Conditions of Approval</b>			<b>Current Status</b>
<p><b>Comments</b></p> <p><u>Staff</u> Completed.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>has staff verified documentation</li> </ul> <p><u>Subcommittee</u> MY: Where is this statement in the record? EWP: In Compliance</p>			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u> Completed.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>certificate of occupancy? ADA compliance?</li> </ul> <p><u>Subcommittee</u> EWP: No Compliance Opinion</p>			



## Compliance with Past Land Use Actions and Their Status

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<b>Conditions of Approval</b>			<b>Current Status</b>
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.			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u> Completed.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• certificate of occupancy?</li> </ul> <p><u>Subcommittee</u> EWP: No Compliance Opinion</p>			
<i>Conditions of Approval from PC-03-11 that remain applicable and should be continued (as of the time of this decision):</i>			
1. Obtain necessary approvals from the Oregon Department of Environmental Quality for landfill operations on this site.			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u> 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>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2011	LU-11-016	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: Republic Services is in compliance with the DEQ requirement.</li> <li>• DEQ permit approvals should be listed here. Are all of them up to date?</li> <li>• when was the most recent LUCS on file at DEQ completed?</li> </ul> <p><u>Subcommittee</u></p> <p>MY: How do state agencies like DEQ become aware of some pending or approved land use action by Benton County? Having these types of requirements with no monitoring or enforcement is inexplicable.</p> <p>EWP: Compliance Not Demonstrated. No record of required action provided.</p>			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>No longer applicable. Coffin Butte Road is entirely paved.</p> <p><u>Workgroup Committee</u></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>			

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<b>Conditions of Approval</b>			<b>Current Status</b>
<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><u>Subcommittee</u></p> <p>MY: The comments above capture the concern – there are several unpaved roads in the vicinity of the landfill that receive landfill traffic. Who determines “primary cause” and what does the County do about it?</p> <p>EWP: No Compliance Opinion</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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>County monitoring of this condition is complaint-based.</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p> <p>MY: How and when does the County ensure that the maximum sound level has not been exceeded. Since this is another example of complaint-based enforcement, what system is in place to document, respond to, and resolve noise related complaints? The landowner cannot delegate regulatory compliance or accountability with these types of requirements to a lease-holding operator.</p> <p>EWP: Compliance Not Demonstrated. No record of County process to capture / respond to complaints provided.</p>			

### Compliance with Past Land Use Actions and Their Status

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<b>Conditions of Approval</b>			<b>Current Status</b>
4. Provide on-site parking for employees, customers, and visitors to the landfill site.			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u> In compliance.</p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u> EWP: No Compliance Opinion</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.			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u> In compliance.</p> <p><u>Workgroup Committee</u></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>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2011	LU-11-016	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion</p>			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic Services: 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> <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> </ul> <p><u>Subcommittee</u></p> <p>MY: Staff and RS do not get to interpret operating hours to mean something different than what was imposed as a written condition of approval. The words are the words. By definition the industrial activity of operating an active landfill is an incompatible use in an agricultural, forest and rural residential area. As such, operating hours are critical to mitigation of the numerous deleterious effects of the landfill operation. Requiring the landfill to limit operations to mitigate impacts "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" means what it says, and the condition of approval was adopted by the Planning Commission. The public has a right to expect the operating hours to be enforced as approved and adopted. Beginning operations at 4:30 a.m. is a violation of this condition of approval. Under staff and RS interpretation, could the landfill operate 24 hours a day?</p> <p>EWP: In Compliance</p>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2011	LU-11-016	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
7. The applicant shall retain the dual-access road system to provide for emergency service access to the subject site.			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>In compliance.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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>• good candidate for chapter 77 review</li> <li>• This assessment of status is not possible for the working group to confirm until research has been completed.</li> </ul> <p><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion. Insufficient time to review County records.</p>			
8. OMITTED			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.			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2011	LU-11-016	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p>The county regularly receives copies. Appendix I  <a href="https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/2021_cbl_site_development_plan_appendix_g_i.pdf">https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/2021_cbl_site_development_plan_appendix_g_i.pdf</a></p> <p><u>Workgroup Committee</u></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><u>Subcommittee</u></p> <p>MY: Are the reports reviewed? Any independent verification by staff that the monitoring requirements for both air quality and water quality are being met and reported as required?</p> <p>EWP: No Compliance Opinion. Insufficient time to review County records.</p>			
<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>Consensus:                      Majority Opinion:                      Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>The county regularly receives copies.  <a href="https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/2021_cbl_site_development_plan_appendix_g_i.pdf">https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/2021_cbl_site_development_plan_appendix_g_i.pdf</a></p>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2011	LU-11-016	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Workgroup Committee</u></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> <p><u>Subcommittee</u></p> <p>MY: Are the reports reviewed? Any independent verification by staff that the monitoring requirements for both air quality and water quality are being met and reported as required?</p> <p>EWP: No Compliance Opinion. Insufficient time to review County records.</p>			



## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2013	LU-13-061	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<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>			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Complied with.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>narrative not provided, attachment a not provided</li> </ul> <p><u>Subcommittee</u></p> <p>MY: This list of standard conditions that never get reviewed for compliance or enforced does not build confidence in the land use planning process in Benton County.</p> <p>EWP: No Compliance Opinion</p>			
<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>			Consensus: Majority Opinion: Minority Opinion:
<b>Comments</b>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2013	LU-13-061	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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> <p><u>Subcommittee</u></p> <p>MY: This list of standard conditions that never get reviewed for compliance or enforced does not build confidence in the land use planning process in Benton County.</p> <p>EWP: No Compliance Opinion</p>			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Advisory</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: Republic Services has not added or requested additional access and understands the stated requirement.</li> <li>• have changes in landfill access received a public works permit?</li> </ul> <p><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion</p>			
<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>Consensus:</p> <p>Majority Opinion:</p>

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2013	LU-13-061	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
			Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>Advisory</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: Republic Services has not added or requested additional access and understands the stated requirement.</li> <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> </ul> <p><u>Subcommittee</u></p> <p>MY: This is a new requirement and will likely make the list of standard conditions of approval that will not be monitored or enforced.</p> <p>EWP: No Compliance Opinion</p>			
Conditions of Approval from prior approvals that remain in effect ( <i>as of the time of this decision</i> ):			
<p><b>1.</b> Obtain necessary approvals from the Oregon Department of Environmental Quality for Landfill operations on this site.</p>			<p>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></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>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2013	LU-13-061	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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> <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> <p><u>Subcommittee</u></p> <p>MY: This list of standard conditions that never get reviewed for compliance or enforced does not build confidence in the land use planning process in Benton County.</p> <p>EWP: Compliance Not Demonstrated. No record of required action provided.</p>			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>No longer applicable. Coffin Butte Road is entirely paved.</p> <p><u>Workgroup Committee</u></p> <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> <p><u>Subcommittee</u></p> <p>MY: Many previous comments submitted regarding this condition of approval. Many unpaved roads still exist in the vicinity of the landfill.</p> <p>EWP: No Compliance Opinion</p>			
<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>			<p>Consensus:</p> <p>Majority Opinion:</p>

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2013	LU-13-061	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
			Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>County monitoring of this condition is complaint-based.</p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: Republic Services has no record of complaints on this parcel.</li> <li>• County cannot confirm compliance.</li> <li>• noise is an issue at the landfill; ensure the facility is still in compliance</li> </ul> <p><u>Subcommittee</u></p> <p>MY: This list of standard conditions that never get reviewed for compliance or enforced does not build confidence in the land use planning process in Benton County.</p> <p>EWP: No Compliance Opinion</p>			
4. Provide on-site parking for employees, customers, and visitors to the Landfill site.			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Staff</u></p> <p>In compliance.</p> <p><u>Workgroup Committee</u></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>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2013	LU-13-061	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<u>Subcommittee</u> EWP: No Compliance Opinion			
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.			Consensus: Majority Opinion: Minority Opinion:
<b>Comments</b> <u>Staff</u> In compliance. <u>Workgroup Committee</u> <ul style="list-style-type: none"> <li>• check fence perimeter to ensure fencing is intact and there are no deferred maintenance issues</li> </ul> <u>Subcommittee</u> EWP: No Compliance Opinion			
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.			
<b>Comments</b> <u>Workgroup Committee</u> <ul style="list-style-type: none"> <li>• Republic: This is not part of Coffin Butte Landfill operations. It is a material storage facility. There are no operating hours here.</li> <li>• Clearly not in compliance</li> <li>• not in compliance</li> </ul>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2013	LU-13-061	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Subcommittee</u></p> <p>MY: Staff and RS do not get to interpret operating hours to mean something different than what was imposed as a written condition of approval. The words are the words. By definition the industrial activity of operating an active landfill is an incompatible use in an agricultural, forest and rural residential area. As such, operating hours are critical to mitigation of the numerous deleterious effects of the landfill operation. Requiring the landfill to limit operations to mitigate impacts "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" means what it says, and the condition of approval was adopted by the Planning Commission. The public has a right to expect the operating hours to be enforced as approved and adopted. Beginning operations at 4:30 a.m. is a violation of this condition of approval. Under staff and RS interpretation, could the landfill operate 24 hours a day?</p> <p>EWP: In Compliance</p>			
7. The applicant shall retain the dual - access road system to provide for emergency service access to the subject site.			Consensus: Majority Opinion: Minority Opinion:
<p><b>Comments</b></p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>Awaiting additional research.</li> <li>Republic: 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> <p><u>Subcommittee</u></p> <p>EWP: No Compliance Opinion</p>			
8. OMITTED			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.			Consensus: Majority Opinion:

### Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2013	LU-13-061	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
			Minority Opinion:
<p><b>Comments</b></p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: There are no permits or monitoring data as this relates to a material storage facility.</li> <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> </ul> <p><u>Subcommittee</u></p> <p>MY: Material storage areas can and do generate stormwater runoff unless they are completely covered. How and when does the County know if permits for this facility are procured from DEQ?</p> <p>EWP: No Compliance Opinion. Insufficient time to review County records.</p>			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: There are no permits or monitoring data as this relates to a material storage facility.</li> <li>• As noted above, these are not available for public inspection as required.</li> </ul>			



**Compliance with Past Land Use Actions and Their Status**

Date	File #	Request	Result
2013	LU-13-061	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.	Planning Commission approved
<b>Conditions of Approval</b>			<b>Current Status</b>
<p><u>Subcommittee</u></p> <p>MY: Material storage areas can and do generate stormwater runoff unless they are completely covered. How and when does the County know if permits for this facility have been issued by DEQ?</p> <p>EWP: No Compliance Opinion. Insufficient time to review County records.</p>			

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2015	LU-15-001	Alteration of a nonconforming use to continue and enhance a stormwater treatment facility in the Exclusive Farm Use Zone, associated with Coffin Butte Landfill.	Community Development Department Approved
<b>Conditions of Approval</b>			<b>Current Status</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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Workgroup Committee</u></p> <ul style="list-style-type: none"> <li>• Republic: 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>• attachment a is not provided</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> <p><u>Subcommittee</u></p> <p>MY: Nonagricultural uses in the EFU zone are specifically limited by ORS. Whether the continuation and alteration of a non-conforming use in the EFU zone is appropriate may be beyond the scope of this review. However, that fact that this action was approved at the staff level, and apparently at the behest of the department, requires further review. More time is needed to review the record. Was DLCDC notified of this land use action?</p> <p>EWP: Compliance Not Demonstrated. No record of required action provided.</p>			
<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>Consensus:</p> <p>Majority Opinion:</p> <p>Minority Opinion:</p>
<p><b>Comments</b></p> <p><u>Staff</u></p>			

## Compliance with Past Land Use Actions and Their Status

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.

### Workgroup Committee

- Republic: 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.
- the stormwater system is in an area identified as "wetlands" – does this trigger additional permitting requirements
- We are missing a clear statement from the county on whether the site is in compliance, independent of DEQ. See previous comments.

### Subcommittee

EWP: Compliance Not Demonstrated. No record of required action provided.

## Compliance with Past Land Use Actions and Their Status

Date	File #	Request	Result
2021	LU-21-047	<p>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.</p> <p>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.</p>	<p>Planning Commission Denied; PC Decision Appealed; Application Withdrawn</p>
<p><b>Comments</b></p> <p><u>Workgroup Comments</u></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 forward to being part of Benton County’s long-term solid waste management and diversion solution strategy.</li> </ul> <p><u>Subcommittee</u></p> <p>EWP: Unapproved. Compliance Status not relevant.</p>			

## Compliance with Past Land Use Actions and Their Status

### 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."
- 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?