

From: [Sam Imperati](#)
To: [Mark Yeager](#); [Edward Pitera](#); [Catherine Biscoe](#)
Cc: [WILLIAMS Inga](#); [NICHOLS Darren](#); [Condit, Jeffrey G.](#); Cozette.TranCaffee@millernash.com; [Benton County Talks Trash](#)
Subject: RE: PC-83-07 Analysis Example
Date: Friday, December 9, 2022 12:17:04 PM
Attachments: [image001.png](#)
[PC-83-07 Analysis .docx](#)
[PC-83-07-C\(2\) DEO Letter.pdf](#)
[PC-83-07-C\(1\) BOC FINDINGS AND ORDER.pdf](#)
[PC-83-07-C\(3\) pg 3-8 Tross SITE DEVELOPMENT PLAN.pdf](#)
[PC-83-07-C\(2\) pg 11-29 STAFF REPORT.pdf](#)

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Mark, Ed and Catherine,

I appreciate the information. I may not be understanding the reason for the analysis as it appears to set up the following subcommittee scope options. Should the CUP Subcommittee do A or B, below?

- A. "A more limited interpretation of compliance with land use actions that only includes review of the administrative conditions of development or approval does not allow for the proper assessment of compliance with the substantive land use requirements," or
- B. "A more detailed analysis is provided below in support of the request to ensure that we include the review of substantive requirements included in a land use approval as part of our work in preparing the Compliance with Past Land Use Actions and Their Status document of the A2 subcommittee is presented below. The example is PC-83-07."

You are clearly free to bring this up to the WG on Thursday, but I want to be clear that my unequivocal answer is, B.

Please let me know if I'm missing something.

Thanks, Sam



From: Mark Yeager <mayeager@gmail.com>
Sent: Friday, December 9, 2022 9:17 AM
To: Sam Imperati <samimperati@icmresolutions.com>; Edward Pitera <ewpitera25@gmail.com>; Catherine Biscoe <catherinerae17@yahoo.com>; bentoncountytalkstrash@co.benton.or.us
Subject: PC-83-07 Analysis Example

Hi Sam - Catherine, Ed and I have worked together on the attached analysis of the PC-83-07 as an example as to the importance of reviewing the substantive requirements for land use decisions relevant to the landfill properties.

I am attaching a narrative Word document as well as several supporting document attachments for you to review and distribute to the rest of our subcommittee and others as appropriate.

Please let me know if you have any questions.

Thank you,

Mark Yeager

December 9, 2022

Hi Sam -

We (Catherine, Ed and Mark) need a broader discussion with other subcommittees and possibly the larger Workgroup before we can move toward completing our review regarding compliance with the substantive requirements of some past land use decisions.

Many of the land use documents we reviewed are structured with a land use decision that addresses both administrative matters like who is signing the decision, under what authority, etc., as well as substantive “conditions” the applicant must meet. In these cases, it is relatively easy to make a meaningful decision on whether the applicant complies with the substantive requirements or conditions. An example is CP-74-01 that addresses establishing the landfill and the geographical area it was to serve.

In other cases, the land use decision contains what needs to be done regarding the administrative matters while the substantive requirements or applicant commitments are contained in documents that are adopted as part of the entire package but are not specifically called out on the face page of the decision. In contrast to CP-74-01, in PC-83-07 for example, many of the “conditions” are mechanical like “1. Cross reference the narrative and the map in both documents.” What is missed by just looking at the “condition” is the substantive information concerning the Site Plan, slopes and terracing, County oversight, leachate management, visual screening, land reclamation, and recycling.

A more limited interpretation of compliance with land use actions that only includes review of the administrative conditions of development or approval does not allow for the proper assessment of compliance with the substantive land use requirements.

A more detailed analysis is provided below in support of the request to ensure that we include the review of substantive requirements included in a land use approval as part of our work in preparing the Compliance with Past Land Use Actions and Their Status document of the A2 subcommittee is presented below. The example is PC-83-07.

For this review, we looked at the PC-83-07 BOC Notice of Decision, the staff report and the applicant’s documents submitted in support of the land use request. Beginning with the BOC Notice of Decision (attached for reference):

Reference PC-83-07 - Board of Commissioners Findings of Fact Conclusion of Law and Order dated June 15, 1983 (excerpted from PC-83-07(C)(1) file page 25 (italics added):

“4. The *Board expressly adopts as findings the following documents*, which are on file in the Benton County Community Development Department located at 180 Fifth Street, Corvallis, Oregon:

- a. *Staff Report; File No. PC - 83- 7, including Appendices 1, 2, and 3*
- b. *Site Plan Review for the Coffin Butte Landfill*
- c. Application of Valley Landfills, Inc.

d. Background Review for the Proposed Coffin Butte Landfill Expansion

e. State Planning Goal Exception for Coffin Butte Landfill”

Continuing with that review of documents, we looked at the ORDER portion of the BOC decision (italics added):

PC-83-07 Board of Commissioners ORDER (excerpted from page 3 of the Order also shown on page 25 of PC-83-07(C)(1):

“Based on the above, it is ORDERED hereby as follows:

The requests by Valley Landfills, Inc. for Comprehensive Plan Text and Map Amendments, Zoning Ordinance and Zoning Map Amendments *and a Site Development Plan approval, as indicated specifically in the Staff Report (paragraph 4a above),* are hereby Approved subject to the following conditions:.....”

The document goes on to list 13 specific conditions to be met. These conditions are made up of the Planning Commission recommended conditions plus those submitted to the County by DEQ on April 13, 1983 (shown on pages 8 and 9 of PC-83-07(C)(2)).

Then we looked to the Staff Report that recommended conditions be included to require the applicant to update documents to provide more details as to what was going to be done should the application be approved.

PC-83-07 – STAFF REPORT pages 7 and 8 – “That the Planning Commission recommend to the Board of Commissioners approval of the Coffin Butte Landfill Site Development Plan based on the findings contained in the staff report and subject to the following Conditions of Development” (excerpted from PC-03-07(C)(2) pages 11-29.

“1. Cross reference the narrative and the map in both documents.

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.

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.

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.

5. Include in the narrative a 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.

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.

7. Submit for review by the Development Director a plan detailing the proposed method Valley landfills shall use to protect the small ponds found on the Northeast corner of the property."

Finally, since the Site Plan Review was specifically adopted by the BOC, we looked to that document to provide additional substantive requirements applicable to this land use request.

The Site Development Plan for the approved land use is contained in the document titled SITE PLAN REVIEW FOR THE COFFIN BUTTE LANDFILL – excerpted from page 1 of Jeffery R. Tross document in the record for PC-83-07. See pages 3-8 of file PC-83-07(C)(3) – italics added.

"This report is provided in conformance with the requirement of the " Site Development Plan" section of the Landfill Site Zone for a narrative description of the Coffin Butte Landfill site plan and operating characteristics. This report includes the information required by Conditions of Development Nos. 1 - 7 contained in the Staff Report and adopted by the board of Commissioners."

This analysis clearly demonstrates the need to look beyond the administrative conditions associated with any land use approvals to ensure that there is a clear understanding of substantive requirements or commitments associated with a particular land use application and/or approval. In this way, the work of evaluating the status of prior land use requests and compliance with substantive requirements can be completed.

The documents that have been used as reference materials are included as attachments.

Submitted by:

Mark Yeager
Ed Pitera
Catherine Biscoe

JEFFREY R. TROSS
Land Planning and Development Consultant
P.O. Box 621, Salem, Oregon 97308
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SITE PLAN REVIEW FOR THE COFFIN BUTTE LANDFILL

This report is provided in conformance with the requirement of the "Site Development Plan" section of the Landfill Site Zone for a narrative description of the Coffin Butte Landfill site plan and operating characteristics. This report includes the information required by Conditions of Development Nos. 1 - 7 contained in the Staff Report and adopted by the Board of Commissioners. The information is presented in the format established in the Zone text:

1. Criteria for Review

a. Narrative

i. Adjacent Land Use

The Coffin Butte Landfill is surrounded by wooded slopeland, small farm or woodlot tracts, commercial agricultural lands and scattered rural residential acreages. The existing landfill has had no significant impact, and has imposed no restrictions upon the use of the surrounding resource lands. Most of the nearby rural residences are located north of Coffin Butte and have not been adversely affected by the landfill or its operations. The residences have been developed subsequent to the landfill. A few residences are located to the west and south of the landfill, but have experienced no significant adverse impact as a result of landfill operations. The location and distribution of residences in the vicinity of the Coffin

Butte Landfill is displayed on the large site location map presented at the public hearing.

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 Area" on the site plan, 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 (see site plan) 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 & Assoc., geological consultants.

All disposal areas, including the terraces, will be reclaimed for pasture. Portions of this landfill property including the completed disposal area (see site plan), as well as some of the outside lands in the vicinity of the landfill, are currently used for this purpose. The area within the landfill reclaimed for pasture will be maintained by periodic regrading and replanting as required to compensate for settling. Otherwise, maintenance will consist of farming methods commonly used for pastureland.

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.

There are two existing irrigation areas shown on the site plan map. An existing lechate irrigation area is shown within the active disposal area, which is within the labelled "present landfill area." Another irrigation area is shown within the labelled "Existing Development Area" east of the present landfill area. A leachate irrigation pump is shown at the west end of the leachate lagoon. Irrigation will be conducted by means of buried, fixed-head irrigation pipes that are already in place. During dry weather leachate will be applied to the pastures as the soil field capacity permits. During inclement weather leachate will be irrigated back through the refuse. All irrigation practices and application rates will conform to DEQ standards.

The land south of Coffin Butte Road, labelled "Future Development Area" on the site plan, will be used for leachate irrigation as needed and as a tree farm for growing screening plants. Leachate irrigation will be done at an agronomic rate. Run-off onto adjacent properties is not permitted by DEQ regulations.

The chemical composition of the leachate at Coffin Butte has been analysed by Waterlab, Inc. of Salem. The analysis is attached to this report. Leachate applied to the land south of Coffin Butte Road is expected to be of similar composition to the sample tested. (Condition No. 4).

A leachate monitoring system consisting of nine on-site monitoring wells will be provided. The wells are scheduled to be monitored by DEQ on a quarterly basis.

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.

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.

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.

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.

- iv. Access to the site will consist of 99W to Coffin Butte Road, as at present.
- 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.A.1 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 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.



Benton County Planning Department

180 N.W. 5th Street

Corvallis, Oregon 97330

(503) 757-6819

STAFF REPORT

FILE NO: PC-83-7

STAFF CONTACT: C. Plemons

NATURE OF REQUEST: To amend the Benton County Comprehensive Plan regarding certain policies relating to the Coffin Butte Landfill, change the Comprehensive Plan Map for the area to Landfill Site, and to change the Zone Designation to Landfill Site zone, for approximately 266 acres.

PROPERTY LOCATION: To the west of Highway 99W, north of Coffin Butte Road. T10S, R4W, Section 18, Tax Lot 301, 1106, and 1107; T10S, R5W, Section 13, Tax Lot 1000.

PROPERTY OWNER: Valley Landfills, Inc., P. O. Box 807, Corvallis, OR 97339

ZONE DESIGNATION: Forest Conservation - 40 acre minimum (FC-40)

COMP. PLAN DESIGNATION: Forest Conservation

CAC PLANNING AREA: North Benton

HISTORICAL NARRATIVE

The Coffin Butte Landfill was first zoned as Suburban Residential - Agricultural in 1970. In 1974, the western portion of the property (the existing landfill area) was zoned Agriculture-Forestry, and the eastern portion (or that bordering Highway 99W) was zoned Rural Residential. All of the property was re-zoned to Forest Conservation in 1979.

In 1974 a Conditional Use Permit was requested by Corvallis Disposal Company (operator of Coffin Butte at that time) to expand the existing landfill site. The Benton County Planning Commission held public hearings on February 19, 1974 and March 5, 1974 and approved the request subject to certain conditions.

The approval by the Planning Commission was appealed to the Benton County Board of Commissioners. On May 15, 1974, the Board of Commissioners upheld the decision of the Planning Commission, and amended the Conditions of Approval to require that a "Solid Waste Management Plan for Benton County" be submitted for review by the Planning Commission. March 29, 1977, this plan was reviewed and the landfill has operated since then under the ownership of Valley Landfills, Inc.

SITE CHARACTERISTICS

Surrounding Land Use

The site is located between the Oregon State Department of Fish and Wildlife Game Farm and Highway 99W to the East, Wiles Road to the West, Coffin Butte to the North, and Poison Ivy Hill and Coffin Butte Road to the South.

There are several residences south of the landfill. Two residences and a duplex are located southeast of the junction of Sulphur Springs and Coffin Butte roads. A residence is located east of the junction of Coffin Butte and Wiles Roads, and several are located south of Coffin Butte Road between Sulphur Springs and Wiles Road.

Land uses to the east of the landfill site are primarily associated with the State Game Farm. North of the site are a number of residences, with forestry occurring on the face of the butte and agriculture on the flat lands to the north of the butte face. West of the butte is primarily agricultural. South of the landfill, between Wiles Road and Sulphur Springs roads, is agricultural. Between Sulphur Springs road and Highway 99W, are forest uses. The applicant owns approximately 59 acres south of Coffin Butte and currently leases the acreage to a Christmas tree grower.

Implementing Ordinances

The siting, expansion and monitoring of the landfill is supervised by a number of County, State and Federal agencies. Benton County's Solid Waste Management Ordinance, Number 23, adopted in December 1980, governs the franchising of the landfill operator and requires submittal of an application and factual information:

"Upon the basis of the application, evidence submitted, and the results of any investigation, the Department shall make a finding on the qualifications of the applicant and whether or not additional service, land, equipment or facilities should be provided and what conditions of service should be imposed including, without limitation, whether the site should be opened to the public and under what conditions, whether or not certain types of wastes, solid wastes or hazardous wastes should be excluded from the site or types of wastes which should be required to be accepted at the site, and shall make a finding as to whether or not the site is economically feasible, whether or not the site may be integrated with existing private or County-owned or operated sites, and further, that the sites complies with all rules and regulations adopted pursuant to this ordinance or ORS Chapter 459. The Board may impose any conditions deemed necessary to carry out the purposes and policy of this ordinance."

The Benton County Comprehensive Plan and Zoning Ordinance governs uses of the site and the size and location of the landfill service area.

Oregon Revised Statutes 459 and the National Resource Conservation and Recovery Act of 1976 also governs municipal solid waste, leachates, and other factors relating to landfill operations.

STAFF COMMENTS:

On March 8, 1983, the Planning Commission held a Study Session on this issue. A summary of the concerns that developed are presented and discussed below.

Benton County Solid Waste Advisory Council recommended approval of the requests subject to two conditions:

1. No landfill be allowed on north face of Coffin Butte.
2. No landfill be allowed on property south of Coffin Butte Road.

These two conditions were also requested by the North Benton Citizens Advisory Committee (CAC) and they recommended approval of the requests.

Staff concurs with these conditions. The property on the North face of Coffin Butte (approximately 30 acres) should remain under the Comprehensive Plan Designation of Forestry Conservation (FC), from the crest of the butte North.

The other issue concerning the property south of Coffin Butte Road can be resolved through Conditions of Development placed on any approval of the site plan by the Planning Commission. The proposed zone allows no additional landfill activities unless approved by the Planning Commission at a public hearing. Therefore, the Commission may limit expansion into any area that is

not appropriate for a landfill.

SUMMARY OF REQUESTS

- REQUEST NO. 1. Amend certain Benton County Comprehensive Plan policies related to Solid Waste. (Refer to Appendix 1 for those policies) *Ord 25*
- REQUEST NO. 2. Amend the Comprehensive Plan Map to change the Plan designation on the property from Forest Conservation (FC) to Landfill Site (LS).
- REQUEST NO. 3. Amend the Benton County Zoning Ordinance to include a Landfill Site Zone. *Ord 26*
- REQUEST NO. 4. Amend the Zoning Map to change the zoning to Landfill Site from Forest Conservation.
- REQUEST NO. 5. Approval of a Site Development Plan to enlarge the area approved for use as a landfill.

Discussion on Comprehensive Plan Text Amendments

The three Comprehensive Plan policies proposed by the applicant for amendment are, in part, a direct result of the Conditions of Approval placed on the landfill in 1974. That permit limited the service area of the landfill to portions of Western Linn County and Southern Polk County. Therefore, any proposal to amend the Conditions of Approval regarding the service area must also be accompanied by an Amendment to the Benton County Comprehensive Plan text.

The applicants have included evidence relative to this Plan text amendment on Page 2 and 3 of their submittal information. This material is in conformance with the requirements in Chapter IV.A.3.b (page 82) of the Benton County Comprehensive Plan.

Deletion of these policies would remove the requirement to limit the landfill service area. The applicant states that if these policies are deleted, approximately 19,500 additional tons per year of solid waste from Polk and Linn Counties will be deposited in the Coffin Butte Landfill. This is estimated to shorten the existing life of the landfill by 10 years. However, the applicants have noted, if the proposal to allow the expansion of the landfill is approved, the life of the site will be 50 years.

Staff Recommendation

Staff recommends approval of the following motion:

That based on the request and discussion contained in the Staff Report, and on the criteria, discussion and conclusions found in the Goals Analysis section of the Appendix, the Planning Commission recommend to the Board of

Commissioners that the Comprehensive Plan policies 24, 25, and 26 relating to solid waste in the Public Facilities and Services element be deleted; and that new policies in the Environmental Quality element be added as follows:

25. Benton County shall coordinate its solid waste actions, programs, and policies with those of the Chemeketa Solid Waste Management Plan or its successor.
26. The Solid Waste Advisory Council as established by the Solid Waste Ordinance shall continue to advise the Benton County Board of Commissioners on all solid waste matters.
27. The Coffin Butte site shall have a landfill site designation and shall serve as a regional landfill servicing a geographic area including Linn, Polk and Benton Counties.
28. A designated percentage of the annual County franchise fee should be used for educational and promotional programs on waste reduction and recycling, emphasizing methods in which individuals and businesses can reduce, redirect, or utilize recoverable materials whose present destination is the landfill.
29. Recycling facilities, public or private, should be located at rural sites for the convenience of County citizens.

Discussion on Plan Map Amendment

The proposed Comprehensive Plan Map Amendment to Landfill Site (LS) from Forestry (FC) allows the rezoning of the site to Landfill Site Zone, and implements Comprehensive Plan policy 27 as discussed above. This Plan Map designation is intended to be site specific and is to apply to the property until such time as the site is properly reclaimed to a resource use, and the redesignation of the site is approved.

Staff Recommendation

Staff recommends approval of the following motion:

That the Planning Commission recommend to the Board of Commissioners that based on implementing Comprehensive Plan Policy 27, and the Criteria, Discussion and Conclusions found in the Goals Analysis section of the Staff Report:

1. Based on the recommendation of the North Benton CAC and the Solid Waste Advisory Council, amend the request to remove the property from the crest of Coffin Butte northward from any change in Plan Map Designation; and
2. Approval of the amended request to change the Comprehensive Plan designation from Forestry to Landfill Sites (LS) as outlined in the Site Plan, for approximately 266 acres located from the crest of Coffin Butte south to Coffin Butte Road and including 59.23 acres owned by the applicant south of Coffin Butte Road.

Discussion on Zoning Ordinance Text Amendment

This is a proposed addition to the Zoning Ordinance, creating a Landfill Site Zone that is site specific, and is applied to property under the ownership or control of the landfill operator. The draft of this zone can be found in the appendix. This zone is also intended to implement the Comprehensive Plan policies as proposed in this report.

This zone coordinates the permitting process now placed in three agencies - the Benton County Environmental Health Department, the County Development Department, and the Oregon Department of Environmental Quality. It is intended to eliminate duplication of effort by providing a Public Hearing Review Process.

Activities normally associated with a landfill operation are allowed as permitted uses in the zone, but it should be noted that all activities associated with disposal of solid waste are guided by both the Site Development Plan and the Solid Waste Franchise.

Once the landfill area is completely filled, the operators of the site are required by both County and State law to reclaim the area in accordance with an approved plan. The land then reverts to a resource use as determined by the Planning Commission at a later date.

Staff Recommendations

Staff Recommends approval of the following motion:

That the Planning Commission recommend to the Board of Commissioners amending of Benton County Zoning Ordinance to include the Landfill Site (LS) Zone as Article XXX.

Zoning Map Amendment Discussion

As discussed earlier in this report, this zone is intended to be a site specific zone to be placed in the property owned or under the control of Valley Landfills. The placement of this zone on the property implements certain policies in the Comprehensive Plan. While this zone designation is site specific, it does not allow the placement of solid waste except in accordance with the approved site Development Plan and the Solid Waste Franchise.

Staff Recommendation

Staff recommends approval of the following motion:

That the Planning Commission recommend that the Board of Commissioners amend Benton County Zoning Map to place the Landfill Site (LS) zone on the subject property from the Crest of Coffin Butte southward to Coffin Butte Road, and including the 59.23 acre parcel south of Coffin Butte Road, and that the northern 30 acres from the Crest of Coffin Butte north be retained in the Forest Conservation (FC) zone.

Site Development Plan Review

Staff Comments

Valley Landfills, Inc. has submitted a Site Plan Map and Narrative, as required by the draft Landfill Site Zone, for approximately 266 acres of land proposed to be designated as Landfill Site.

As discussed in the staff report on the Plan Amendment and Zone Change requests, approximately 184 acres were approved in 1974 for landfill use. The Site Development Plan, as finally approved, will replace that previous permit.

This request proposes to expand the area approved for landfills by approximately 10 acres for a total of 194 acres. The remaining 72 acres would be left in open space or utilized for leachate irrigation and tree farm.

The Development Plan narrative and the Staff Report on the Amendment request discusses impacts on surrounding land uses. The narrative also briefly discusses site screening, access and reclamation of completed landfill areas.

The Development Plan Map locates future, existing and completed landfill areas, the leachate collection system, location of landscaping, and drainageways. The location of the tree farm and leachate irrigation area south of Coffin Butte Road are also shown.

The Plan Map also contains a statement regarding the amount and type of materials to be used for the final covering of completed landfill areas.

Findings

1. The proposed Site Development Plan implements Policy 27 of the Environmental Quality Element in the Benton County Comprehensive Plan.
2. The proposed uses of the property are permitted uses in the Landfill Site Zone.
3. The Site Development Plan sets forth the future development of the property owned by Valley Landfills, Inc., as a municipal solid waste disposal site in accordance with the provisions of the Landfill Site Zone.

Staff Recommendation

Staff recommends approval of the following motion:

That the Planning Commission recommend to the Board of Commissioners approval of the Coffin Butte Landfill Site Development Plan based on the findings

contained in the staff report and subject to the following Conditions of Development.

1. Cross reference the narrative and the map in both documents.
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.
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.
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.
5. Include in the narrative a 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.
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.
7. Submit for review by the Development Director a plan detailing the proposed method Valley Landfills shall use to protect the small ponds found on the Northeast corner of the property.

ACKNOWLEDGMENT OF CONDITIONS

By placing my signature below, I am the Manager of the above-named Valley Landfills, Inc. and hereby understand and agree to the conditions placed on this land use action by Benton County. (This copy must be signed and returned to the Development Department before any permits are issued.)

Applicant

Date

Planning Official

Date

APPENDIX 1.

EXISTING COMPREHENSIVE PLAN POLICIES RELATIVE TO SOLID WASTE
(Those Policies the Applicant Proposes for Amendment are Marked with an "*")

Public Facilities and Services:

24. Benton County shall participate in the update of the regional solid waste management plan (now known as the "Chemeketa Plan").
25. Benton County shall coordinate its solid waste plans and policies with the regional plan.
26. In updating the Chemeketa Plan strong consideration shall be given to the following policies as adopted by the Planning Commission, April 4, 1978.
 - * a. The Coffin Butte site be designated as a regional landfill serving a geographic area including Benton and parts of Linn and Polk counties.
 - * b. The sanitary landfill franchise operator continue to work toward a resource recovery system and submit an annual plan or status report on the system.
 - c. Periodic reports of compliance with all state and local standards be referred to the Planning Commission. The North Benton CAC shall be notified regarding time and place of said reports.
 - d. The land area adjacent to the southeastern and southwestern parts of Coffin Butte should be considered in appropriate for residential use.
 - * e. The Benton County Planning Commission and Board of Commissioners should not allow any new expansion of the present Coffin Butte disposal site service area (Benton County and portions of southern Polk County and western Linn County).
 - f. A portion of the annual County franchise fee should be used for educational and promotional programs on waste reduction, emphasizing methods which individuals and businesses can reduce, redirect, or utilize the recoverable materials whose present destination is the landfill.
 - g. Recycling facilities should be located at the Coffin Butte disposal site.

Environmental Quality

25. Benton County shall coordinate its solid waste actions, programs, and policies with those of the Chemeketa Solid Waste Management Program or its successors.
26. Benton County shall update or replace the Chemeketa Plan via the creation of a Solid Waste Advisory Council. This council will soon be established through the County Solid Waste Ordinance revision. The Council shall include a cross-section of participants including representatives from cities within the County and the County at large. Staff members from Environmental Health, Public Works and Planning Department shall assist but shall not be voting members of a Solid Waste Advisory Council.

27. The Coffin Butte site shall be designated as a regional landfill serving a geographic area including Linn, Polk and Benton Counties.
28. The Benton County Planning Commission and Board of Commissioners shall not * allow any new expansion of the present Coffin Butte landfill service area. (See Figure H-1).
29. Valley Landfill, Inc., Corvallis Disposal Company and all waste related service providers should submit an annual plan or status report and continue to work toward a waste reduction and recovery system through education.
30. A designated percentage of the annual County franchise fee should be used for educational and promotional programs on waste reduction and recycling emphasizing methods in which individuals and businesses can reduce, redirect, or utilize recoverable materials whose present destination is the landfill.
31. Recycling facilities, public or private should be located at rural sites for the convenience of County citizens.
32. Periodic public agency or private industry reports shall be made to the Board of Commissioners reviewing Coffin Butte and the Corvallis demolition landfill environmental conditions. The Planning Commission and the North Benton CAC shall be notified of time and place of the presentation of the reports.

Appendix II

CITIZEN ADVISORY COMMITTEE, AGENCY AND CITIZEN COMMENTS

Comments from the local citizen group, various agencies and citizens are summarized below:

North Benton Citizen Advisory Committee:

The North Benton CAC voted unanimously to recommend approval of the requests subject to these conditions: (1) The land on the north side of Coffin Butte remain in Forest Conservation (FC) and be subject to separation from the parent parcel; and (2) No disposal of municipal solid waste on the 59.23 acre parcel south of Coffin Butte Road.

Oregon State Highway Division:

"The existing left turn channelization onto Coffin Butte provides good access and traffic flow to the development area. This should continue as the access to this development. There is an existing field access to this property just north of Coffin Butte Road. This should not be used for any other purpose and no additional access to Highway 99W would be granted."

"The quarry belonging to Oregon State Highway Division just north of the subject location is presently being developed and used. Plans are to continue the use for an indefinite period. We would not object to this development, but we would not want rules imposed on this development that would also restrict the use of the quarry."

Benton County Solid Waste Advisory Council (SWAC):

The SWAC recommended approval of the zone change and plan amendments subject to the same conditions as North Benton CAC requested.

Mauro and Marie Martignoni:

Mauro and Marie Martignoni own property bordering Highway 99W and are opposed to the requested Plan and Zone Amendments as they purchased their land based on the Forestry designation and feel that expansion of the landfill across Coffin Butte Road would decrease the value of their land.

David and Debra Hackleman:

David and Debra Hackleman are adjacent property owners and are in favor of the request if the property on the north of Coffin Butte remains under Forestry Conservation (FC) zone.

APPENDIX III

GOALS ANALYSIS FOR COMPLIANCE REVIEW

Since the Benton County Comprehensive Plan has not been acknowledged by the State Land Conservation and Development Commission (LCDC), this requested Plan must be found to comply with the Statewide Planning Goals. Under each goal the Plan policies and pertinent "in order to comply" statements from LCDC are listed.

GOAL 1. CITIZENS INVOLVEMENT: To develop a citizens involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Criteria

LCDC has concluded that Benton County does not comply with Goal 1, because the county "...has failed to provide adequate opportunity for review and comment on proposed plan revisions for CAC's..." and that in order to comply the county must "...ensure that adequate opportunity for citizen involvement in accordance with plan policy is provided." Benton County Comprehensive Plan Policy A.1.d states that the County shall provide "...ample mechanisms for citizen input to County decisions..."

Discussion

Benton County has altered its normal hearings process to allow ample opportunity for public input. The County scheduled a study session before the Planning Commission to receive public testimony prior to the actual hearing. The local newspapers have placed articles on the proposed landfill in their "community sections". The Citizens Advisory Committee was notified and held an advertised public meeting to discuss the proposal. Property owners within the affected area were notified by mail.

Conclusion

Benton County has met the requirements for Goal 1.

GOAL 2. LAND USE PLANNING: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Criteria

LCDC has determined that Benton County complies with Goal 2. The applicant has submitted material in conformance with the procedures outlined in the Comprehensive Plan. The county scheduled the request for Public Hearing in conformance with the Plan. Therefore, the request complies with Goal 2. Portions of the site have been reclaimed and seeded to pasture grasses.

GOAL 3. AGRICULTURAL LANDS:

This site is designated as Forestry on the Comprehensive Plan Map. Therefore, the resource use of this site will be considered under Goal 4.

GOAL 4. FOREST LANDS:

Criteria

Benton County does not comply with Goal 4, however none of the "in order to comply" statements are relevant to siting of landfills. The site has Douglas Fir Site Classes of III and IV so the request must be analysed for Goal 4 and Plan Compliance. The following Comprehensive Plan policies are relevant to this proposal:

Policy L.6 (page 77) states that lands designated "Forestry" on the Comprehensive Plan Map shall be conserved and protected for forest uses.

Policy L.9 (page 78) states that non-forestry uses shall be prohibited or regulated so as to mitigate any possible conflicts.

An exception to Goal 4 is not needed since the applicants are required to submit a reclamation plan, and return the land to a resource use.

Discussion

Approximately 184 acres out of the total 333 acres had prior DEQ and County approval for a landfill, and thus, the forestry uses are limited. Of the remaining 119 acres, 59 acres located south of Coffin Butte Road are currently in forestry use. The remaining 60 acres are located on Coffin Butte itself which has a Douglas Fir Site Class of IV. The south face is currently in grassland, the north primarily in Oak with some Douglas Fir. Any forestry operations that would occur on that 60 acre parcel would occur on the north face of the Butte due to the shallow, soils on the south face, which make reforestation difficult.

Staff has recommended that the north face of Coffin Butte be removed from consideration and kept as Forestland. The property south of Coffin Butte Road cannot be utilized for landfills unless approval is granted by the Planning Commission at a Public Hearing.

Two of the Plan policies also discuss reduction of conflicts with resource use. Most of the resource uses occurring in the Coffin Butte area are field crops and livestock, and occur south of Coffin Butte Road and west of Sulphur Springs Road. Other resource uses include field crops north of Military Road and west of Kyles Road. The north face of Coffin Butte contains a mixture of non-resource residences and small woodlot uses. These resource and non-resource uses have co-existed with the landfill since its inception in the late 1940's.

Conclusion

The discussion above points out that there will be very few conflicts with surrounding resource uses. Portions of the subject property not currently in use as a landfill are in pasture, as are the portions already reclaimed. The area proposed for expansion, will not remove land from resource use on a permanent basis as it will be reclaimed to a resource use when landfilling have been completed.

Therefore, based on the above discussions and also based on the fact that the landfill must be reclaimed to a resource use, the requested amendment complies with Goal 4.

GOAL 5. OPEN SPACES, SCENIC AND HISTORIC AREAS, NATURAL AREAS AND NATURAL RESOURCES: to conserve open space and protect natural and scenic resources.

Criteria

LCDC has determined that Benton County does not comply with Goal 5. There are four (4) quarries located in or adjacent to the site. Three quarries are owned by the Oregon State Highway Division and are on land designated as Forestry. The remaining site is found within the landfill site itself. All of these sites are designated as "3C" sites, meaning that they are adequately protected by the plan and zoning designations of Forestry. Policy 12 in the Natural Resources and Hazards of the Comprehensive Plan, and Article XX (Conditional Use) of the Zoning Ordinance, specify the standards for determining on a case-by-case basis what types of mitigation may be necessary if there are impacts on the site.

Policy C.12 (p. 9) reads: Benton County shall establish performance standards or specific criteria for the review of mineral extraction applications. These should include the following: proper maintenance of air and water quality, fish and wildlife habitat, erosion control, visual quality, noise standards and access requirements, the efficient use of the resource reclamation of the site once the resource has been exhausted, and determination of the subsequent use of the site. If a mineral extraction Conditional Use Permit is applied for, the applicant shall provide to the County staff a copy of the DOGAMI application which includes pertinent information regarding extraction, reclamation and subsequent use of the extraction site.

The County has other policies relating to Rock Materials in the Comprehensive Plan; Element C - Natural Resources and Hazards (pp 8 and 9):

C.8 Benton County recognizes that it is necessary to maintain rock material resource land sufficient to supply an adequate quantity of rock materials for the needs of the County. The County shall protect aggregate resources through the use of appropriate zoning techniques, with particular emphasis immediately directed at existing and potential production and processing sites near urbanizing or rural residential zones of the County.

C.9 Benton County shall appropriately zone mineral resource areas or provide for mining operations by designating them as a Conditional Use within a zoning district, which will allow for the efficient utilization of mineral resources with minimum conflicts with adjacent lands and/or consider natural resource use conversions.

C.10 Benton County shall encourage the efficient utilization of rock materials after extraction.

C.11 Benton County will cooperate with State regulatory agencies in requiring timely reclamation or restoration of all lands used for quarrying, extraction, or site mining to mitigate environmental impacts created by such operations, and guarantee the suitability of mineral lands for other beneficial uses.

C.13 Secondary or tertiary land uses of approved rock and gravel sites shall be determined by the Planning Commission when an extraction permit application is submitted. Operation and reclamation plans shall be provided by the applicant to show how they are commensurate with the intended subsequent site use.

C.14 County staff shall work with landowners, aggregate operators, and State agencies to coordinate site reclamation operations.

C.15 For other than dumpstone (riprap) quarries Conditional Use review shall be required for either the expansion or activation of any of the aggregate sites listed in the Natural Resources and Hazards Background Report as 3C sites.

Discussion

The Natural Area that exists on the site has been disturbed by the existence of the landfill and Benton County removed the site from the inventory for this reason. The location of the three Highway Department quarries will not conflict with the landfill, nor will the landfill conflict with the quarries. The quarries were in existence at the time of the original permit in 1974, and were not an item of discussion at that time. The County will work with the Highway Division on reclamation plans that will be coordinated with the reclamation plans for the landfill itself.

The quarry located within the landfill site has been in existence for many years. Although it is a pre-existing non-conforming use presently, its status under the new zone will become permitted, in accordance with approved Department of Geology and Mineral Industries (DOGAMI) permits. Reclamation of the site will be coordinated with the overall reclamation of the landfill site.

The LCDC Goal 5 in order to comply statements discuss sites and areas that do not relate to the Coffin Butte landfill. The site was discussed in the LCDC staff report but shown to have satisfactorily met the Goal 5 requirements.

Conclusion

Based on the above information, this request complies with Goal 5.

GOAL 6. AIR, WATER, AND LAND RESOURCES QUALITY: To maintain and improve the quality of the air, water, and land resources of the state.

GOAL 7. AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS: To protect life and property from natural disasters and hazards.

Criteria

These two goals are considered together in this report. L.C.D.C. has determined that Benton County complies with both planning goals. The Comprehensive Plan contains several policies relating to these two goals. Since two elements of the Comprehensive Plan contain policies directly addressing the landfill site, and are subject to amendment with this request, staff has separated those policies for consideration in the section of the staff report entitled "Comprehensive Plan Text Amendment Discussion". Policies addressing Goals 6 and 7 relative to this request are found in the Environmental Quality Element and are as follows:

- H.1. Benton County shall manage its air, water and land resource qualities in cooperation with appropriate agencies to insure their protection, conservation and improvement.
- H.2. Benton County land use actions shall consider the threshold of the County's air, water and land resource qualities within the parameters set by statewide implementation plans and, when needed, more stringent parameters when local impacts are involved.
- H.3. Benton County shall designate areas suitable for establishment, control and management of the following: municipal waster water recycling plants or land application sites, solid waste disposal and recycling sites, sludge disposal and industrial zones.
- H.4. Benton County shall buffer or separate those land uses which create or lead to conflicting requirements and impacts upon the air, water and land resources to the County.

Discussion

Both the Environmental Health and Planning Departments have cooperated with the Department of Environmental Quality in their efforts to protect groundwater in the area of the landfill as Policy H.1, and have not yet discovered any degradation of water below the required minimum in the monitor wells periodically tested.

The establishment of landfill sites and plan designation implements policy H.5, by separating the landfill from resource uses and removing it from the Forestry designation. The applicant has attempted to buffer the landfill from surrounding uses by placing a berm between the landfill and Coffin Butte Road.

The applicant has stated in the submittal material that a leachate control system is installed and is functional. The applicant is not allowed to receive hazardous waste. The materials placed in the landfill are residential, commercial and non-hazardous industrial. The leachate control system, (and daily covering with soil) treat any solid waste effluent that may flow out of the landfill.

Conclusion

Based on the above discussion, the requested amendment complies with Goals 6 and 7.

GOAL 8. RECREATIONAL NEEDS: To satisfy the recreational needs of the citizens of the state and visitors.

Criteria

L.C.D.C. has concluded that the Benton County Comprehensive Plan complies with Goal 8. Therefore, if the requested Plan amendment complies with the applicable Plan policies, it is consistent with Goal 8. Benton County Comprehensive Plan policies do not specifically address the Coffin Butte site.

Conclusion

There are no Plan policies directly relating to the proposed amendment and the recreational use of the site and adjacent quarries are not encouraged nor allowed, therefore the request complies with Goal 8.

GOAL 9. ECONOMY OF THE STATE: To diversify and improve the economy of the state.

Criteria

LCDC has determined that Benton County complies with Goal . Therefore, if the request complies with Plan policies it complies with Goal 9.

Plan Policy B.6. (page 6) states that the County shall protect the economic viability of agriculture and timber resources by continuing the following policies: a) preservation of resource land, and b) reduction or elimination of conflicts with resource use.

Discussion

The potential conflicts with resource use are discussed in the Goal 4 section of this report as is the preservation of resource land.

The location of the landfill does not impact the economy of Benton County in a negative way. The landfill provides an economical and efficient location for the placement of waste from commercial and industrial plants in the County.

Conclusion

Based on the discussion above and in the Goal 4 Section of this report, this request complies with Goal 9.

GOAL 10. HOUSING: To provide for the housing needs of Citizens of the State.

Criteria

L.C.D.C. has concluded that Benton County complies with Goal 10. Therefore, if the request complies with the applicable Plan policies, it is consistent with Goal 10. Benton County Comprehensive Plan policies in the Housing Element do not specifically address the relationship of housing to the landfill site.

Conclusion

Based on the above, this request complies with the Benton County Comprehensive Plan and therefore, complies with Goal 10.

GOAL 11. PUBLIC FACILITIES AND SERVICES: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Criteria

L.C.D.C. has determined that Benton County complies with Goal 11. If the requested Plan amendment complies with the applicable Plan policies, it is consistent with Goal 11.

This Goal is addressed in the "Comprehensive Plan Text Amendment Discussion" section.

GOAL 12. TRANSPORTATION: To provide and encourage a safe, convenient and economic transportation system.

Criteria

L.C.D.C. has determined that Benton County complies with Goal 12. This request does not involve a change in the Transportation element of the Comprehensive Plan, therefore, this request complies with Goal 12.

GOAL 13. ENERGY CONSERVATION: To conserve energy.

Criteria

LCDC has determined that Benton County complies with Goal 13. There are no Energy Plan Policies relating to the amendment and the request does not involve a change in the Energy Element, therefore, this request complies with Goal 13.

GOALS 14 AND 15. URBANIZATION AND GREENWAY:

These goals are not applicable to this request.

48615-83

BEFORE THE BENTON COUNTY BOARD OF COMMISSIONERS
STATE OF OREGON

IN THE MATTER OF AN AMENDMENT TO THE BENTON COUNTY COMPREHENSIVE PLAN REGARDING CERTAIN POLICIES RELATING TO THE COFFIN BUTTE LANDFILL, A CHANGE IN THE COMPREHENSIVE PLAN MAP FOR THE AREA TO LANDFILL SITE, AN AMENDMENT TO THE ZONING ORDINANCE TO INCLUDE THE LANDFILL SITE PARCEL, AND A SITE DEVELOPMENT PLAN REVIEW FOR APPROXIMATELY 266 ACRES DESIGNATED BY THIS ACTION AS LANDFILL SITE. AREA IN QUESTION SO DESCRIBED AS FOLLOWS: To the West of Highway 99W, North of Coffin Butte Road, T10S, R4W, Section 18, Tax Lot 301, 1106, and 1107; T10S, R5W, Section 13 Tax Lot 1000.

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

I.

NATURE OF PROCEEDINGS

This case involves a request of Valley Landfills, Inc. (PC-83-2 and L-83-7) for amendments to the Benton County Comprehensive Plan and Plan Map (Ordinance 25I), amendments to the Zoning Ordinance and Zoning Map (Ordinance 26I), and a review of the Site Development Plan for an area known as the Coffin Butte Landfill.

On March 8, 1983, the Planning Commission held a duly advertised Study Session to solicit public comment on this proposal. The Planning Commission took no formal action at this study session, but did in fact listen to the concerns of citizens in the immediate area and other interested persons. It was instructed to address these concerns in the preparation of a Staff Report to be submitted to the Planning Commission at a regularly scheduled public hearing held on April 26, 1983.

Following the duly advertised public hearing held on April 26, 1983 the Planning Commission voted unanimously to amend the Comprehensive

I - Findings of Fact/Coffin Butte Landfill
W/P 2999/19

BENTON COUNTY COUNSEL
180 N.W. 5th St.
CORVALLIS, OREGON 97330
TELEPHONE 733-6890

1 Plan related to solid-waste policies, change the Comprehensive Plan Map to
2 delineate the Coffin Butte Landfill site, amend the Zoning Ordinance to
3 add a specific Landfill Site Zone, and approve the Site Development Plan
4 for the landfill site.

5 On May 25, 1983 the Board of Commissioners met at a duly
6 advertised public hearing to consider the adoption of Ordinance 25I to
7 amend the Comprehensive Plan Text and Map, and Ordinance 26I to amend the
8 Zoning Ordinance and Zoning Map.

9 The Board of Commissioners having considered all of the
10 testimony, both oral and written, and after reviewing the actions of the
11 Planning Commission and a review of the documents submitted in the form of
12 a Staff Report, finds as follows:

13 II.

14 Findings of Fact/Conclusions of Law

- 15 1. The Board finds that various Comprehensive Plan Text
16 Amendments relating to solid waste disposal policies are
17 necessary for the health and welfare of the County, and that
18 the area known as the Coffin Butte Landfill should be clearly
19 sited on the Comprehensive Plan Map.
- 20 2. The Board further finds that the Zoning Ordinance must be
21 changed to coincide with the Comprehensive Plan Text
22 Amendments and Map Amendments, and that the Zoning Map must
23 be changed to clearly reiterate that a Landfill Site zone
24 exists.
- 25 3. The Board further finds that the Planning Commission actions
26 following a duly advertised public hearing held on April 26,

1 1983 unanimously approving five requests as outlined in the
2 Staff Report (p2) Summary of Requests File No. PC-83-7, was
3 taken in accordance with the procedures for public hearings
4 under State law and County Ordinance and that all parties
5 were given adequate public notice of the proceedings.

6 4. The Board expressly adopts as findings the following
7 documents, which are on file in the Benton County Community
8 Development Department located at 180 NW Fifth Street,
9 Corvallis, Oregon:

- 10 a. Staff Report; File No. PC-83-7, including Appendices 1,
11 2, and 3
12 b. Site Plan Review for the Coffin Butte Landfill
13 c. Application of Valley Landfills, Inc.
14 d. Background Review for the Proposed Coffin Butte Landfill
15 Expansion
16 e. State Planning Goal Exception for Coffin Butte Landfill

17 III.

18 ORDER

19 Based on the above, it is ORDERED hereby as follows:

20 The requests by Valley Landfills, Inc. for Comprehensive Plan
21 Text and Map Amendments, Zoning Ordinance and Zoning Map Amendments and a
22 Site Development Plan approval, as indicated specifically in the Staff
23 Report (paragraph 4a above), are hereby Approved subject to the following
24 conditions:

- 25 1. Cross reference the narrative and the map in both documents.
26 2. Expand the narrative statement, Section (1.a.ii), on
reclamation to include the physical configuration of the

- 1 completed landfill areas and method of maintenance of the
- 2 proposed pasture uses. Include a statement regarding the
- 3 effects of methane and internal heat generation on the long
- 4 term maintenance of the pasture, and include irrigation plans
- 5 if proposed.
- 6 3. Describe in more detail in the narrative, the method of
- 7 screening; include a description of the location, height,
- 8 width, depth and physical composition of the berm; and
- 9 include the type and location of vegetative screening; and
- 10 include a statement regarding the long term maintenance of
- 11 the berm and vegetative screens.
- 12 4. Include in the narrative the anticipated chemical composition
- 13 of any leachate material to be used for irrigation south of
- 14 Coffin Butte Road; and include documentation that the
- 15 material to be utilized as irrigation meet federal and state
- 16 standards for any run-off that may leave the property lines.
- 17 5. Include in the narrative a review of the Environmental and
- 18 Operational Factors in Art.XXX.05.A.1.(f) for the
- 19 approximately 10 acres proposed for addition to the landfill
- 20 area.
- 21 6. Provide a detailed reclamation plan that sets forth the
- 22 anticipated physical characteristics of the "terracing"
- 23 including an average height and width of the terracing,
- 24 provide documentation that the site is physically available
- 25 to be reclaimed in this manner.
- 26

BENTON COUNTY COUNTY COUNSEL
100 N.W. 3rd St.
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TELEPHONE 737-8890

Page

5 - Findings of Fact/Coffin Butte Landfill
W/P 2999/19

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7. Submit for review by the Development Director a plan detailing the proposed method Valley Landfills shall use to protect the small ponds found on the Northeast corner of the property.
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 leachate generation volumes so metal or nutrient accumulations in the soils will remain far below any toxicity levels.
9. As the site expands eastward, additional monitoring wells will be required. Depending on DEQ budget limitations, the permittee may have to share in the responsibility for sampling and monitoring of these wells.
10. Screen the landfill operation with fencing or berms so it cannot be seen from the County Road or adjacent properties.
11. 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

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of October 15 to June 1 and to not exceed 3/4 of an acre during all other periods. This shall be adhere to.

12. 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.

13. 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 this landfill operation.

Adopted this 15th day of June, 1983.
Signed this 15th day of June, 1983.

BOARD OF COMMISSIONERS

VOTE
Schrock yes
Ross absent
Carr yes

Absent
Barbara Ross, Chairman
Dale D. Schrock
Dale D. Schrock, Commissioner

Charline K. Carr
Charline K. Carr, Commissioner

Approved as to Form:
Richard T. Ligon
Richard T. Ligon
Benton County County Counsel

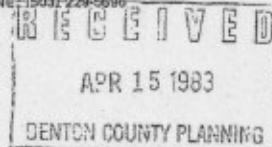


Department of Environmental Quality

Willamette Valley Region
895 Summer Street, NE
Salem, Oregon 97310

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

April 13, 1983



- Ms. Carolyn Flemons
Benton County Planning Department
180 N.W. 5th St.
Corvallis, OR 97330

RE: SW-Coffin Butte Landfill
Solid Waste Permit #306
Docket Request PC-83-7
Benton County

Dear Carolyn:

DEQ considers the Coffin Butte Landfill to be a long-term regional site that is essential to orderly solid waste management in the mid-Willamette Valley area. It is being developed with the best state-of-the-art technology available to meet environmental concerns and federal RCRA criteria.

In regard to Docket Item PC-83-7, we recommend approval subject to the applicant complying with the following:

1. 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 or program 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 the amount of irrigation area available is compatible with future leachate generation volumes so metal or nutrient accumulations in the soils will remain far below any toxicity levels.
2. 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 the wells.
3. Site screening of the actual landfill operation has generally been good; however, we agree with some comments you have received regarding screening of the salvage areas. A requirement to screen these areas with fencing or berms so they cannot be seen from the County Road or adjacent properties is a reasonable request.

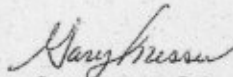
Ms. Carolyn Plemons
Page 2
April 13, 1983

4. Daily cover of refuse with earth is not possible at this site due to the clay soils. The current (and future) permit addresses this by requiring daily compaction of refuse and requiring exposed refuse areas to not exceed 2 acres during the periods of October 15 to June 1 and to not exceed 3/4 of an acre during all other periods.
5. Occasionally, leachate seeps develop through the site berms during heavy rainfall periods. These generally cannot be predicted, and cannot be properly corrected until summer. 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) is a reasonable request.
6. DEQ permits are normally issued for a maximum of 5 years. As part of the permit renewal process, we required updated operational and construction plans to reflect the current permit period. As such, changes in environmental controls may be required to incorporate new technology as it becomes available.

Overall, we feel Valley Landfills, Inc., has been doing a good job with managing the Coffin Butte Landfill. Incorporating the above comments as a condition of your approval will complement the actions of DEQ and should result in a continued environmentally sound operation at Coffin Butte.

Thank you for the opportunity to comment. If you need additional input, please call me at 378-8240.

Sincerely,



Gary Nesser, R.S.
Assistant Regional Manager

GWN/wr

cc: Bill Webber, Valley Landfills, Inc., P.O. Box 1, Corvallis 97330
cc: Benton County Health Dept., 530 NW 27th, Corvallis 97330
cc: DEQ Solid Waste Division