



Coffin Butte Landfill:

Appeal of Benton County Planning Commission Decision (LU-24-027)

Benton County Board of Commissioners,
October 22, 2025





Executive Summary

A 50 percent smaller expansion than the 2021 proposal (6 v 12 years).

Widens and improves Coffin Butte Road, including adding bike lanes.

Improved vegetation along major transportation corridors

Containment of the Landfill's working face and disposal area to the Landfill Site (LS) Zone.

Robust conditions of approval and, new proposed tonnage cap.

BENTON COUNTY STAFF REPORT



County Staff finds that the Applicant has provided expert technical evidence showing that, with conditions, the proposed expansion meets County land use requirements. **Therefore, Staff recommends that the Benton County Board of Commissioners approve LU-24-027. "**



OUR VIEW

Valley Landfill's Inc. appreciates the work of Benton County staff, as well as the third-party experts hired by the County to review the application.

We concur with the Staff Report's findings and recommended conditions of approval.



BENTON COUNTY CODE, LEGAL ARGUMENTS AND CITATION

In Oregon, state and local regulations are construed under the rules of statutory construction set forth in *State v. Gaines*, 346 Or 160, 171-73, 206 P3d 1042 (2009).

Under this case, the Courts look to text, context, and legislative history.

The Key Criteria for Approval are set forth in BCC 53.215:

The decision to approve a conditional use permit shall be based on findings that:

1. **The proposed use does not seriously interfere** with uses on adjacent property, with the character of the area, or with the purpose of the zone;
2. **The proposed use does not impose an undue burden** on any public improvements, facilities, utilities, or services available to the area[.]



BENTON COUNTY CODE, LEGAL ARGUMENTS AND CITATION

The application and the staff report use Webster's Dictionary to construe terms such as "adjacent," "seriously interfere," and "undue burden."

The Planning Commission's construction of "adjacent" to include properties miles away is not remotely consistent with Webster's definition.

BCC 53.215 asks the factfinder to look to impacts on "adjacent properties" and the "character of the area."

In this context, the term "adjacent" is clearly intended to capture the neighboring properties to the expansion while "character of the area" is intended to address the larger landscape.

The staff report correctly construes those terms.



BENTON COUNTY CODE, LEGAL ARGUMENTS AND CITATION

Weighing of evidence.

When presented with conflicting evidence a land use decisionmaker must identify that evidence and explain why it found some evidence more probative than other evidence. *See, e.g., Barkers Five, LLC v. Land Conservation & Dev. Comm'n*, 261 Or App 259, 361-62, 323 P3d 368 (2014).

The Planning Commission failed to do this.



- The Applicant submitted significant evidence by a multitude of technical experts.
- The County's independent experts agreed with this evidence and recommended the application be approved with conditions.
- BCTT recommended hiring independent experts due to County staff not having the necessary technical expertise.
- If the Board finds conflicting evidence more compelling than the applicant's evidence supported by the County technical experts, it needs to clearly explain why for purposes of review and to inform the Applicant of what it must do to comply.

BENTON COUNTY CODE, LEGAL ARGUMENTS AND CITATION

Conditions of approval.

Some testimony pointed the number of conditions of approval as proof of a flawed application.

Conditions of approval are part and parcel of the average land use decision and expressly authorized by state statute and the County Code.

The number of conditions attached to this application is consistent with the complexity and potential impacts of the development.

- **Conditions have been added to and made more robust by the applicant and staff as we have responded to concerns raised by the county and members of the public.**
- **They now include a condition proposed by the Applicant requiring the applicant to financially support the county's review and enforcement of the conditions.**
- **This demonstrates the Applicant's commitment to compliance.**



Clarifying the Record: What we heard and what we did

Demonstrating Responsiveness

EXPANSION PROPOSAL

This application is the result of nearly four years of listening, dialogue and feedback from multiple stakeholders.

WHAT WE HEARD

The expansion is too large and crosses over Coffin Butte Road.

Engage with the community and other stakeholders

Don't expand onto Forest Conservation or other areas

Don't close Coffin Butte Road because it's a critical fire egress//thoroughfare



WHAT WE DID

- ✓ Cut the size of the expansion in half, from 12 years to 6 years, at current tonnage rates. Expansion parcel leaves Coffin Butte Road intact.
- ✓ Participated in the 10-month long Benton County Talks Trash process; held two in-person public meetings and one virtual webinar after announcing CUP application proposal.
- ✓ Contained proposed expansion to parcels permitted for “landfill use only.”
- ✓ Proposed improvements and expansion of Coffin Butte Road, including adding a left turn lane and bike lanes.

GROUNDWATER AND ODOR

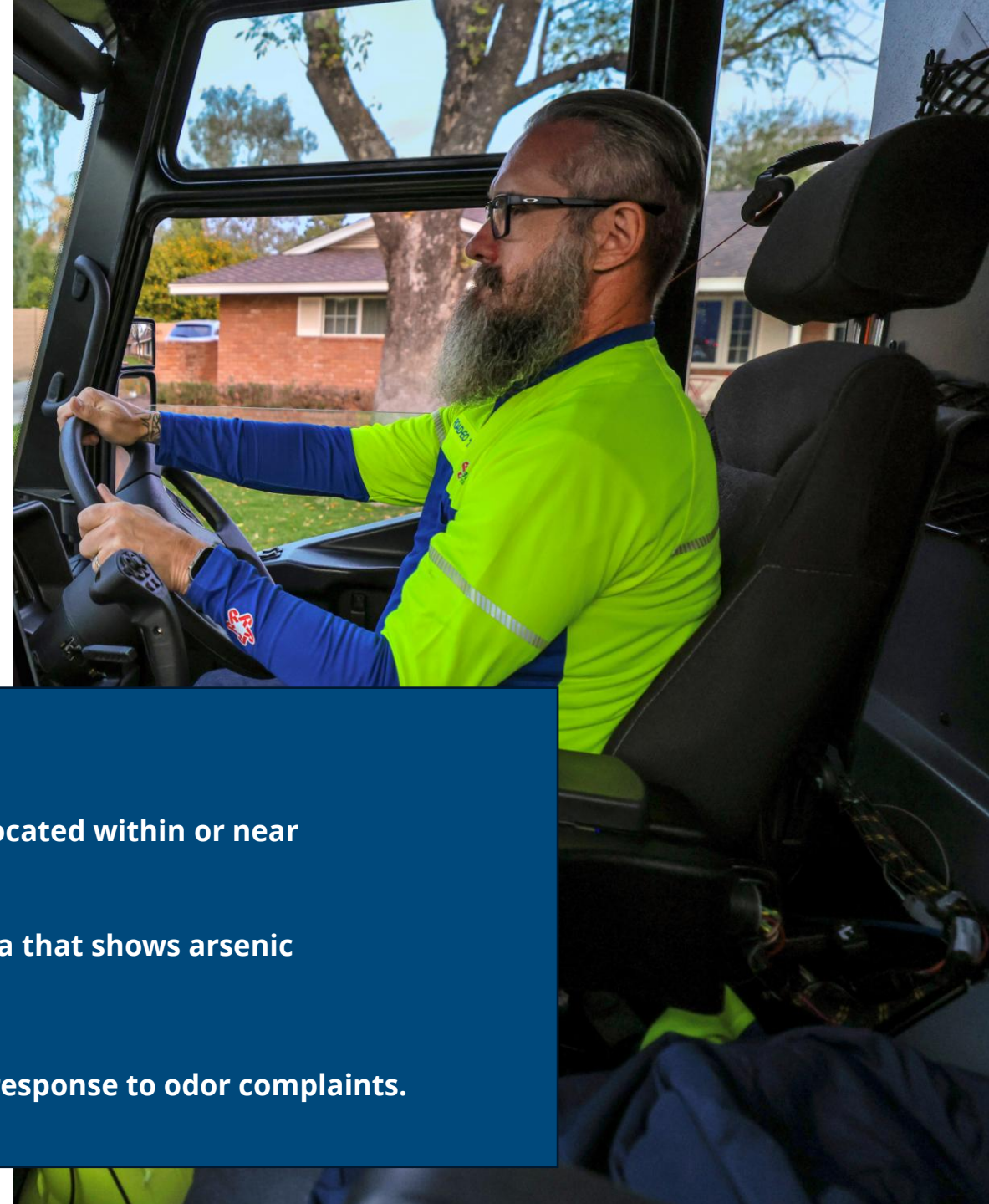
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WHAT WE HEARD

Construction will have a negative impact on groundwater wells near the landfill.

Toxins from the Landfill have and will continue to contaminate the groundwater supply.

Odors negatively impact neighbors and will increase if the expansion is approved.



WHAT WE DID

- ✓ Assessed impact using hydrogeologic data from 15 wells and boreholes located within or near the expansion footprint.
- ✓ Provided robust, expert testimony backed by scientific and technical data that shows arsenic is naturally occurring and not the result of contamination.
- ✓ Committed to consistent monitoring of potential landfill odors and fast response to odor complaints.

GROUNDWATER CONDITIONS OF APPROVAL

P1-1 Groundwater. (A) Well Impacts. The Applicant shall establish baseline water level, aquifer level, and water quality.

P2-4 Groundwater. (A) Well Impacts. The Applicant shall monitor potential groundwater impacts to wells on adjacent properties through construction. Water levels in these four wells shall continue to be monitored at least twice monthly as part of the CBL groundwater monitoring program established in Condition P1-1(A)(ii).

See also: If the sentry/monitoring wells show a decrease that is affecting adjacent properties' well levels that is unrelated to local climate conditions or changes in residential use, **VLI will conduct outreach to those property owners to evaluate and implement mutually agreeable solutions at VLI's expense.**

OP-5 Groundwater. (A) Well Impacts. The Applicant shall conduct sampling and tracking of potential groundwater impacts to wells on adjacent properties.

**Full conditions outlined in Staff Report; some conditions edited here for brevity.*



ODOR CONDITIONS OF APPROVAL

P2-3 Odor. (A) Applicant shall establish at least four odor survey points along the site perimeter. (B) Applicant shall assign and train two personnel to conduct the daily odor surveys required by Ongoing Performance Requirement OP-4(B).

OP-4 Odor. (A) During the first 48 months of landfill operations, the Applicant shall employ, at its cost, the services of a qualified third-party for an independent verification of the daily odor surveys conducted using certified inspectors with training in how to appropriately use a Nasal Ranger Field Olfactometer. Applicant is required to perform independent third-party verification at least once every 30 days and the third-party survey shall be documented and recorded.

**Full conditions outlined in Staff Report; some conditions edited here for brevity.*



NOISE AND FIRE

This application is the result of nearly four years of listening, dialogue and feedback from multiple stakeholders.

WHAT WE HEARD

The expansion will increase noise.

Construction noise would be disruptive to property owners.

We have underreported the number of fires at Coffin Butte Landfill requiring a response.

The on-site water truck is in disrepair and would not be sufficient in terms of fighting an on-site fire.

WHAT WE DID

- ✓ Conducted a sound study and proposed sound mitigation measures, including ambient noise back-up alarms for trucks.
- ✓ Determined that predicted noise levels from cell construction would be well below the sound limit threshold set by the Oregon Administrative Rules (OAR).
- ✓ Submitted a public records request to Adair Rural Fire, confirming that there is no evidence of significant fire risk (fewer than a dozen calls requiring suppression since 2013.)
- ✓ Committed to having a second 4,000-gallon water truck, with one on-site at all times.



NOISE AND FIRE CONDITIONS OF APPROVAL

P2-2 Noise. (A) Applicant shall **replace all tonal back-up alarms on its on-site equipment with ambient sensing back-up alarms.**

Additional provisions: verify that sound levels have been reduced as required, conduct additional sound measurements; utilize additional noise reduction measures if required.

OP-10 Fire Protection. (A) Applicant shall **maintain at least two 4000-gallon+ water trucks in good repair,** with at least one truck present at the landfill site at all times to help extinguish fires.

At such time as Applicant may replace or update the water trucks or other firefighting infrastructure in the expansion area, such new truck or equipment will provide protection equal to or better than the truck or equipment being replaced. (B) Applicant **shall maintain a log of all fire incidents** on Applicant's property used for landfill activities and accessory uses. Applicant will provide a verbal report of any fire events that have occurred since the last meeting at each Benton County Disposal Site Advisory Committee (DSAC) meeting. Applicant shall report all fire incidents to DEQ. (C) Applicant shall **conduct semi-annual fire-protection and emergency preparedness training** of its on-site personnel. (D) Applicant shall provide 24-hour per day on-site surveillance and monitoring of the landfill expansion area during red flag days.

**Full conditions outlined in Staff Report; some conditions edited here for brevity.*



OPERATIONS AND LITTER

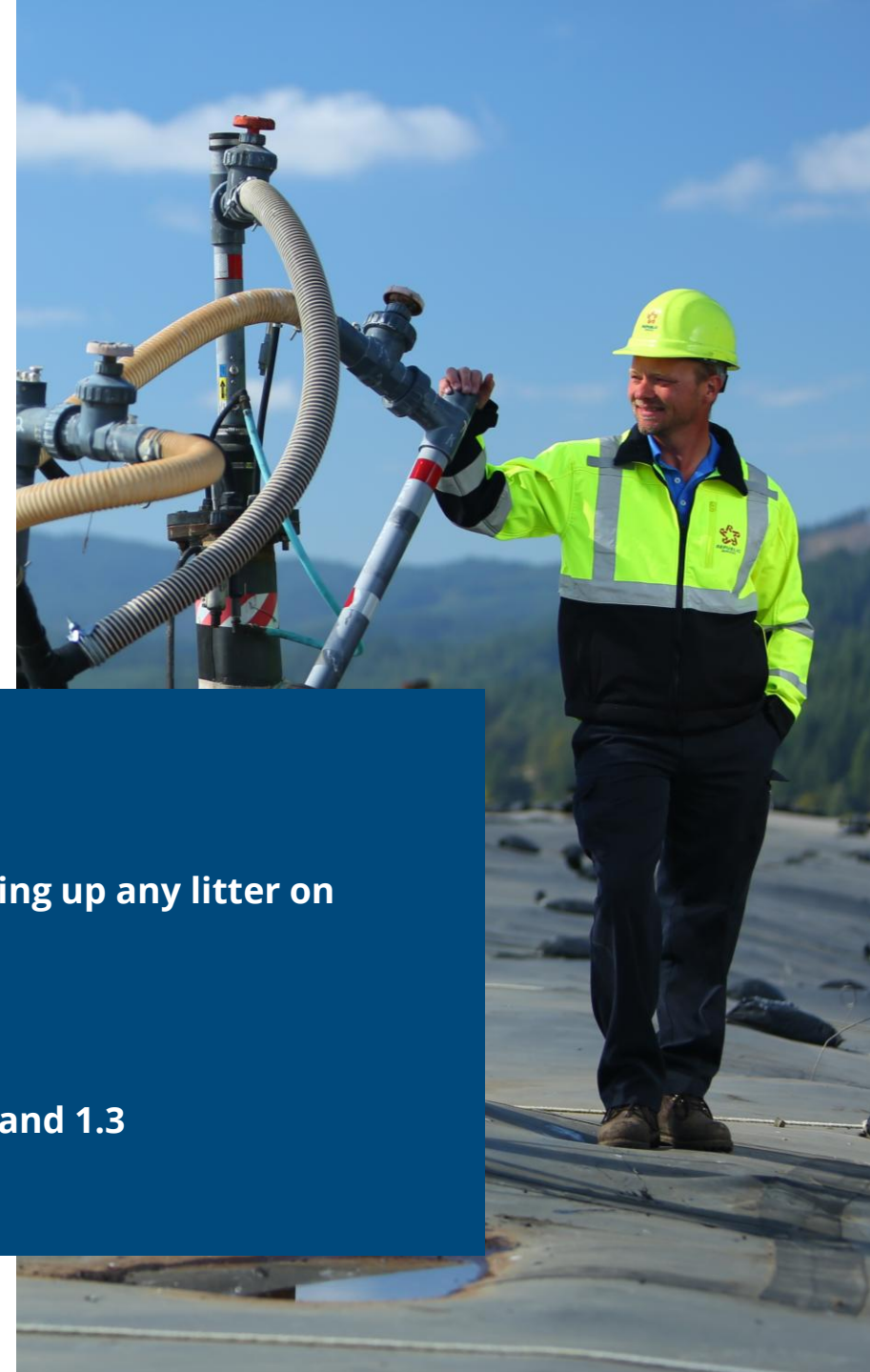
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WHAT WE HEARD

Blowing litter from the landfill negatively impacts nearby property owners and impacts the character of the surrounding area.

Concerns about the landfill's height at buildout.

The amount of waste will vastly increase with the removal of the tonnage cap upon expansion.



WHAT WE DID

- ✓ **Proposed additional fencing around the entirety of the landfill; committed to picking up any litter on adjacent properties at property' owner's request.**
- ✓ **Committed to a maximum height elevation.**
- ✓ **Proposed two new tonnage caps: 1 million tons per year of municipal solid waste, and 1.3 million tons per year of total solid waste (includes MSW.)**

OPERATIONAL CONDITIONS OF APPROVAL

OP-2 Site Operations. (A) The working face (area of active disposal operations) **shall not exceed two acres in size** unless it is necessary to increase the size to accommodate disposal due to a natural disaster such as a fire or other event requiring a larger working face to meet public health needs. (B) **Applicant shall install daily cover over the working face at the conclusion of every day** that the area is open to the public. (C) **Applicant shall provide interim daily cover of twelve inches of compacted soil** on all areas of the expansion area not actively receiving waste in compliance with applicable rules and regulations. (D) Applicant shall keep all landfill infrastructure in good repair, and shall repair within 48 hours any disabled, damaged, or nonworking infrastructure.

OP-4(G): Tonnage Cap Amending OP-4(G), to include the following tonnage caps: **1.0 million tons per year of municipal solid waste ("MSW") and 1.3 million tons per year of total solid waste** (inclusive of MSW). Note that this condition will apply from the date of approval of the CUP and so will replace the tonnage cap in the Franchise that will expire upon approval of the CUP under the terms of the Terms of Franchise.

OP-8 Maximum Elevation. The 'top of waste grade' of the new landfill expansion area **shall not exceed 450 feet above mean sea level** in elevation. The top of the final cover shall not exceed 453 feet above mean sea level in elevation.

**Full conditions outlined in Staff Report; some conditions edited here for brevity.*



LITTER CONTROL AND GENERAL COMPLIANCE CONDITIONS OF APPROVAL

OP-9 Litter Control. (A) General Compliance. The Applicant shall implement and maintain all current litter control measures as described, to include the following:

Working Face Fencing, to include bull fencing around the entire landfill, plus a secondary line.

Perimeter Fencing, to include installation and maintenance of Defender Fencing in high-risk areas.

Wire Fencing, along the main haul road, reinforced with orange snow cone fencing.

Off-Site Litter Management is expanded to include Tampico Road and Soap Creek Road; Landfill should conduct daily patrols and clean-up operations and has also committed to clean up litter on a weekly basis if it has written consent of adjacent property owners.

(Additional provisions specified in staff report; edited here for brevity.)

P1-9 Compliance Enforcement. Applicant shall compensate the County in an amount of \$80,000, for a staff position to A) Review compliance with the Pre-Construction Phase, Pre-Commercial Phase and Ongoing Performance Phase Requirements. (B) Review sentry/monitoring well records. (C) Provide Coffin Butte Landfill expertise to assist the county in monitoring ongoing landfill activities and related community concerns. (D) Perform inspections of the expansion area to assess compliance or to address complaints or compliance issues. (E) Perform such other service related to Coffin Butte Landfill as may be required. (F) Produce an annual report on subject matters (A) through (E) by June 30 of each calendar year.

**Full conditions outlined in Staff Report; some conditions edited here for brevity.*



TRAFFIC

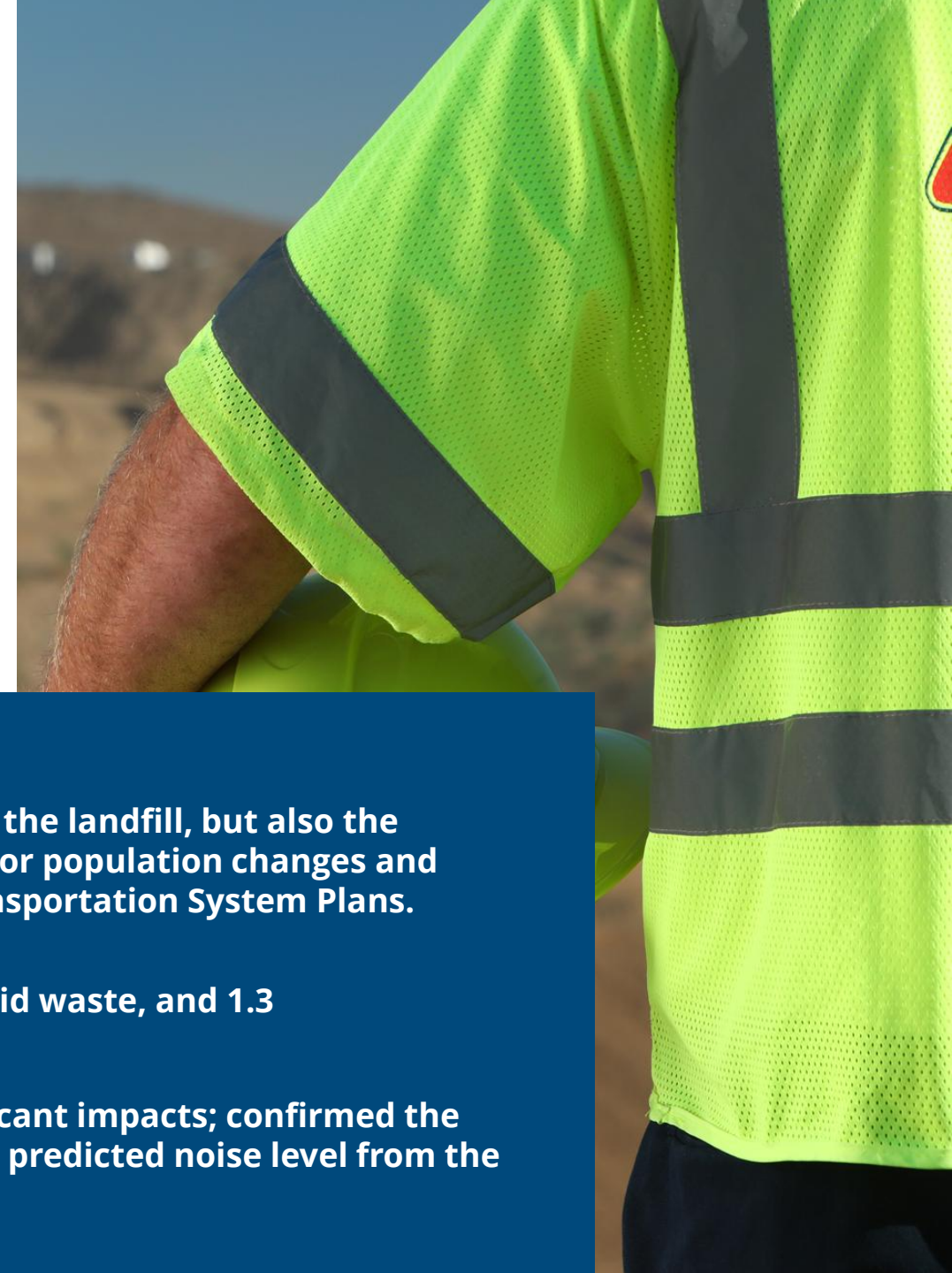
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WHAT WE HEARD

Traffic impact analysis does not include three to four years of construction traffic, nor the increase in traffic from nearby housing developments.

Traffic counts do not consider increase in truck traffic resulting from the removal of the tonnage cap in the 2020 Franchise Agreement..

The expansion application does not adequately address heavy truck traffic and associated noises and impacts.



WHAT WE DID

- ✓ Ensured our expert traffic study not only captured trips associated with the landfill, but also the excavation of the adjacent Knife River Quarry. The study also accounts for population changes and increased housing, using growth rates identified in the Linn-Benton Transportation System Plans.
- ✓ Proposed two new tonnage caps: 1 million tons per year of municipal solid waste, and 1.3 million tons per year of total solid waste (includes MSW.)
- ✓ Assessed construction noise to ensure that it would not have any significant impacts; confirmed the Oregon Administrative Rules (OAR) allow for sound limits well above the predicted noise level from the Coffin Butte construction.

TRAFFIC CONDITIONS OF APPROVAL

P1-5: Public Works. (A) Applicant, the County and ODOT must work cooperatively to analyze and address requirements for modification of the Coffin Butte Road/Hwy 99W intersection, if deemed necessary.

P2-6: Public Works. (A) Applicant shall survey, design, and construct improvements to Coffin Butte Road between Hwy 99W and milepost 0.377 to, at minimum, to the Major Collector design standard.

(B) To accommodate westbound left turns into the new facility, Applicant shall construct a center turn lane with a turn pocket storage capacity of four (4) standard semi-trailer trucks (~180 feet) with islands and 30:1 tapers to match existing.

(C) Historically, the County has employed a section of 5" of HMAC over 17" of CAB for facilities that receive heavy truck traffic. The Applicant shall complete a pavement design analysis in conformance with the AASHTO Guide for Design of Pavement Structures to determine if the above section is adequate on Coffin Butte Road given the high volume and loaded weights of the heavy truck traffic. The Applicant shall construct either the section identified in the analysis or a minimum 5" of HMAC over 17" CAB, whichever is more restrictive.



Questions?