

## **PROPOSED CONDITIONS OF APPROVAL**

**January 15, 2025, Update**

Applicant's proposal is hereby granted Preliminary Conditional Use Approval. Operating (Final) Approval is subject to completion of all Preliminary Approval Conditions listed below. Applicant shall adhere to the following conditions under the terms of approval of this conditional use permit.

**Until Applicant completes the Preliminary Approval Conditions, Applicant shall not:**

- (A) Construct the internal haul road;
- (B) Construct the leachate ponds;
- (C) Construct the employee building;
- (D) Construct the new landfill cell.

**Upon Applicant submitting** documentation demonstrating that the Preliminary Approval Conditions have been met, the Planning Official will issue a written notice of Operating Approval at which time Applicant may initiate construction of items (A) through (D) above, subject to the Operating Approval Conditions below.

Operating Approval Conditions shall remain in effect for the duration of the Project. Failure by Applicant to comply with the Operating Approval Conditions may result in revocation of the Conditional Use Permit.

### **Preliminary Approval Conditions**

The following Preliminary Approval Conditions shall be completed during the four-year period that begins on the later of: (a) the date of final decision (including resolution of any appeals) of the Conditional Use Permit; or (b) from the date of Oregon Department of Environmental quality ("DEQ") approves of all required environmental permits ("Preliminary Approval Period"). The Planning Official may grant one extension for up to a year prior to the expiration of the Preliminary Approval Period if Applicant makes a written extension request stating the reasons preventing completion within the approval period. Failure to commence the Preliminary Approval Conditions within the Preliminary Approval Period shall render this Conditional Use Permit void.

**Phase 1 Preliminary Approval Conditions** – Only those activities necessary to complete the following conditions are authorized until all of these Phase 1 Preliminary Approval Conditions have been met.

**PA-1 Wetlands.** On Tax Lot 1200, Applicant shall prepare and obtain approval from the Oregon Department of State Lands of a wetland delineation. Applicant shall not locate any portion of the project within the mitigation wetland and required buffer of the mitigation wetland as shown in Applicant's Exhibit 2.

**PA-2 Site Plan Map.** Applicant shall submit to the Planning Official a final site plan map of the approved proposal. The map shall contain a scale, north arrow, assessor map numbers, location of existing landfill, access, proposed alteration, leachate treatment or monitoring areas surface water systems, and existing and proposed screening (location and types of materials). A statement shall be placed on the map that the site plan map and narrative together are considered as the Site Development Plan. A signature block shall be included for the date the approval is given and the signature of the Planning Official indicating approval.

**PA-3. Covenant.** If not already completed, the property owner shall sign a declaratory statement to be recorded into the County Deed Records for the subject property on which the conditional use is located that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules, and that recognizes the hazards associated with the area.

**PA-4. Screening.** Applicant shall install the landscape screening as shown in Applicant Exhibit 2 and the Site Development Plan. The trees shall be at least 8 feet tall upon planting and be of a species to reach a height of at least 40 feet upon maturity.

**Phase 2 Preliminary Approval Conditions** – Upon completion of the Phase 1 Preliminary Approval Conditions, Applicant may initiate the ground-disturbing activities identified in the following Phase 2 Preliminary Approval Conditions. Elements of this phase that do not include ground disturbance may be initiated in Phase 1.

**PA-5 Public Works.**

(A) Applicant shall provide calculations, design, and specifications for all proposed public infrastructure to Benton County Public Works staff for review and approval.

(B) Prior to receiving operating approval of this conditional use permit, Applicant shall fulfill ONE of the following TWO options to meet the conditions for improvements noted above:

(i) Applicant shall construct the improvements noted above as required,  
OR

(ii) Applicant shall enter into an Agreement for Improvements (AFI) with the County. The AFI will require security for the full amount of the work to be performed plus a 20% contingency. The security may take the form of a bond, a conditional irrevocable line of credit, or a cash deposit. The security serves to assure faithful performance of the required improvements, as outlined above, within 18 months of execution of the AFI.

(C) Upon completion of the proposed improvements to Coffin Butte Road as shown in the Engineer Plans attached as Applicant Exhibit 2 and acceptance

by the County Engineer, Applicant shall dedicate the improvements and any necessary additional right-of-way to the County.

(D) Applicant shall apply for and obtain a Post-Construction Stormwater Permit as required by BCC 99.670.

**Operating Approval Conditions (to be met for the duration of the Project):**

**OA-1. Hours of Operation.** Operating hours for disposal of waste in the landfill shall be as follows:

(A) Monday through Saturday, the site may open to vehicles using the commercial tipping area starting at 5 a.m. and to all other customers starting at 8 a.m. The site shall close to both commercial and other customers at 5 p.m. Internal operations, including but not limited to leachate hauling, infrastructure construction, disposal area activities and site maintenance is permitted to occur prior to and after these hours.

(B) On Sunday, the site will not open before 12 p.m. and will close no later than 5:00 p.m. Internal operations, including but not limited to leachate hauling, infrastructure construction, disposal area activities, and site maintenance, are permitted to occur prior to and after these hours.

(D) During an emergency or when requested by a State, Federal, or County agency, Applicant may open the landfill outside of these hours.

**OA-2. Vehicle Noise.** All Applicant vehicles being used for operations on the new site shall be outfitted with white noise back up alarms.

**OA-3 Noise Study Updates.** Applicant shall provide an updated noise study prepared Applicant's noise consultants once every three years. Applicant will implement mitigation measures to bring any non-compliant noise levels into compliance with DEQ noise regulations.

**OA-4 Maintenance of Tree Buffer.** Applicant shall maintain the existing tree buffer along Hwy 99W and the new screening measures required in PA-4 above. Applicant will replace any dead trees during the rainy season.

**OA-5 Eastern Blue Heron Rookery.** Applicant shall continue to monitor the eastern Great Blue Heron Rookery in 2025 as recommended in Applicant's Addendum to the Final 2024 Wildlife Habitat Assessment and Surveys attached as Applicant's Exhibit 3. Applicant shall protect the eastern rookery and buffer areas as set forth in Exhibit 3 unless and until it is determined to be abandoned under the rules of the Oregon Department of Fish and Wildlife following the 2025 survey.

**OA-6. Outdoor Lighting.** On all outdoor lighting, Applicant shall install light shields or use lights with the correct beam angle encased above and to the sides in order to channel the light downward and reduce the amount of light pollution.

**OA-7. Maximum Elevation.** The final grade of the new landfill cell shall not exceed 500 feet in elevation.

**OA-9. Compliance with Application Materials.** Applicant shall construct and operate the expanded landfill as described in the application materials, except as modified by these conditions of approval.

**OA-10 Odor Monitoring and Mitigation.** After Applicant completes construction of the new landfill cell, but prior to commencing disposal operations, Applicant shall determine a minimum of four odor survey points located on the perimeter of the Development Site boundary. Applicant shall designate two site personnel to be trained to detect odors on an n-butanol scale by using a Nasal Ranger Field Olfactometer or comparable technology. Each working day, one of the trained personnel will conduct at least one odor survey at each odor survey point and record the observations on a survey form, including data about the time, location, weather conditions, and intensity and description of any odor. If odors are detected, steps shall be taken to attempt to identify the source. If it is determined to be attributable to the Project, Applicant shall mitigate the source of the odor consistent with the practices set forth in Applicant's Exhibits 12 and 15. Applicant shall maintain the survey documentation and documentation about steps taken to mitigate odors detected at the survey points for a minimum of four years. A summary format of the information will be provided in Applicant's annual report to the County. In addition, while site personnel is conducting the daily odor patrol, he/she will wear a portable gas monitor (or similar portable device) set to measure the level of hydrogen sulfide ("H<sub>2</sub>S"), which at certain thresholds can indicate the presence of landfill gas odors. The monitor will be set to an appropriate threshold and if the monitor detects levels of H<sub>2</sub>S above the threshold, it will be recorded in the survey documentation and site personnel will promptly attempt to identify and mitigate the source of the elevated level if it is determined to be attributable to the Project. .

**OA-11. Maintenance of Other Required Permits.** Applicant shall obtain and maintain all required federal, state and Benton County permits for construction and operation of the landfill.

**QA-12 Compliance with Archeological Report Conditions.** Applicant will comply with the operational conditions set forth in Applicant's Exhibit 26.

**Advisory Notices:**

**Advisory 1. Endangered Species Act.** Federal law requires that Applicant comply with the federal Endangered Species Act and is responsible for obtaining any required permit approvals from the U.S. Fish and Wildlife Service. Failure to do so may be a violation of federal law.

## **Advisory 2. Public Works.**

(A) Existing survey monuments must be preserved and protected. Any survey monuments disturbed during construction must be replaced at the expense of Applicant or Applicant's contractor.

(B) All public improvements shall be subject to a 3-year warranty period. At the start of the 3-year warranty period, Applicant shall provide Public Works with a warranty bond in the amount of 15% of the value of the work performed within the Benton County right-of-way.

(C) Applicant shall apply and obtain approval for a Permit to Perform Work in the County right-of-way for all work within County rights of way. The permit will be issued when construction drawings are approved and all supporting documentation has been provided to the County.

(D) Applicant shall provide the County with a unit price cost estimate for the work to be performed within Benton County rights of way. This estimate shall include trenching, backfilling, paving, striping, signing, grading/restoration, seeding, mulching, fence replacement, and any required landscaping. Permit fees will be 4.0% of the estimate provided.

(E) Applicant shall obtain a DEQ 1200-C permit, and a Benton County ESC permit prior to start of land disturbing activities.

(F) Applicant shall obtain approval for all required local, state and federal permits prior to start of land disturbing activities.

(G) Construction and post-construction storm drainage discharge shall conform to the standards and tenets established by Oregon Drainage Law and shall conform to all Oregon Department of Environmental Quality and Benton County stormwater quality standards using Oregon Department of Transportation erosion and sediment control details and best management practices.

**Advisory 3. Wetlands.** Prior to ground disturbance, Applicant shall prepare and obtain approval from Oregon Department of State Lands of a wetland delineation and removal fill permit. Any amount of disturbance to a compensatory mitigation area requires a removal-fill permit. A Federal permit may be required by the Army Corps of Engineers.