



TUALATIN CITY COUNCIL AND TUALATIN DEVELOPMENT COMMISSION

Monday, October 10, 2011

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

WORK SESSION begins at 5:00 p.m.
REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden
Council President Monique Beikman
Councilor Wade Brooksby Councilor Frank Bubenik
Councilor Joelle Davis Councilor Nancy Grimes
Councilor Ed Truax

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda - *Item C*, following Presentations, at which time citizens may address the Council concerning any item not on the agenda, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.ci.tualatin.or.us/government/CouncilPackets.cfm, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the City's website, the day of the meeting at www.ci.tualatin.or.us/government/CouncilPackets.cfm.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, variances, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all provided all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

Executive session is a portion of the Council meeting that is closed to the public to allow the Council to discuss certain confidential matters. No decisions are made in Executive Session. The City Council must return to the public session before taking final action.

The City Council may go into Executive Session under the following statutory provisions to consider or discuss: *ORS 192.660(2)(a)* employment of personnel; *ORS 192.660(2)(b)* dismissal or discipline of personnel; *ORS 192.660(2)(d)* labor relations; *ORS 192.660(2)(e)* real property transactions; *ORS 192.660(2)(f)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 192.660(2)(m)* security issues. **All discussions within this session are confidential.** Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.



**OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL FOR
OCTOBER 10, 2011**

A. CALL TO ORDER
Pledge of Allegiance

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Update for October, 2011
2. 8th Annual West Coast Giant Pumpkin Regatta
3. Prescription Drug Turn-In Day Announcement
4. Tualatin Citizen Involvement Organizations (CIO) Organizational Meetings Announcement

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Approval of the Minutes for the Work Session and Meeting of September 26, 2011.

E. SPECIAL REPORTS

1. Tualatin-Sherwood Road Improvements Project Update

F. PUBLIC HEARINGS – Legislative or Other

G. PUBLIC HEARINGS – Quasi-Judicial

1. A Conditional Use Permit for Grimm's Fuel Company Modifying an Existing Conditional Use Permit for a Resource Recovery Operation (CUP-97-03) within the General Manufacturing Planning District at 18850 SW Cipole Road (Tax Map 2S1 21A, Tax Lots 1800 & 1900)(CUP-11-03)

H. GENERAL BUSINESS

I. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

J. COMMUNICATIONS FROM COUNCILORS

K. EXECUTIVE SESSION

L. ADJOURNMENT

City Council Meeting

B. 1.

Meeting
Date: 10/10/2011

Information

ANNOUNCEMENTS

Tualatin Youth Advisory Council Update for October, 2011

Attachments

A - PowerPoint Youth Advisory Council Update

International Walk + Bike to School Day



- Thank you to all the school volunteers, Tualatin Police Department and Legacy Meridian Park Hospital!

Tualatin YAC – Youth Participating in Governance

Haunted House

- October 26, 27, 28, 29
- 7:00pm-10:00pm
- Van Raden Community Center
- \$3 youth/\$4 adults
- New this year: "Boo Room" for younger kids - \$1



Tualatin YAC – Youth Participating in Governance

West Coast Giant Pumpkin Regatta

- October 22, 2011
- 10:00am – 4:00pm
- Concessions
- Pumpkin crafts
- Face painting
- Lots more!



Tualatin YAC – Youth Participating in Governance

National League of Cities Congress of Cities

- November 10-12, 2011
- Phoenix, AZ
- Concurrent national summit on Your City's Families
- Thank you Mayor Ogden for your fundraising efforts!



NLC
PHOENIX
2011
YOUR CITY'S
FAMILIES

Tualatin YAC – Youth Participating in Governance

City Council Meeting

B. 2.

Meeting

10/10/2011

Date:

Information

ANNOUNCEMENTS

8th Annual West Coast Giant Pumpkin Regatta

Attachments

Pumpkin Regatta Announcement



**THE CITY OF TUALATIN'S
8TH ANNUAL
WEST COAST GIANT PUMPKIN REGATTA**

*Stranger Things
Have Happened*

*** SATURDAY, OCTOBER 22, 2011 10AM-4PM ***
 LAKE AT THE TUALATIN COMMONS * 8325 NYBERG STREET, TUALATIN * RAIN OR SHINE!
 * 5K REGATTA RUN * LIVE MUSIC * PUMPKIN PIE EATING CONTEST * PUMPKIN CARVING * SOUVENIRS *
 * STROLLING ENTERTAINMENT * COSTUME CONTEST *

**12TH ANNUAL
TERMINATOR
WEIGH OFF!**

Comcast

Pacific GIANT Vegetable Growers





SATURDAY, OCTOBER 22 5K RUN/WALK

www.fitcitytualatin.com

Brought to you by the Lembke family and



City Council Meeting

B. 3.

Meeting
Date: 10/10/2011

Information

ANNOUNCEMENTS

Prescription Drug Turn-In Day Announcement

Attachments

A - PowerPoint Prescription Drug Turn-In Day

Prescription Drug Turn-In

October 29
10am-2pm

Tualatin Police Department

8650 SW Tualatin Rd.

Drive-thru convenience.
No questions asked.

Dispose of your unused
Medications safely.

Help protect your
family, community,
and environment!



dispose
unused
Rx

For more
information,
please visit
www.dea.gov

For more info: 503-691-4846

Tualatin Together supports the Tualatin Police Department's efforts to help keep potentially dangerous unwanted prescription and non-prescription drugs from being misused and abused by youth. This event is part of a national effort by the US Office of National Drug Control Policy, the US Drug Enforcement Administration and communities across the country.



City Council Meeting

B. 4.

Meeting
Date: 10/10/2011

Information

ANNOUNCEMENTS

Tualatin Citizen Involvement Organizations (CIO) Organizational Meetings Announcement

Attachments

A - PowerPoint CIO Organizational Meetings



Tualatin
Citizen Involvement
Organizations
www.tualatincio.org

CIO Organizational Meetings

**CIO 1, CIO2, CIO5 &
Commercial CIO**

CIO Organizational Meetings

CIO	Date	Time	Location
CIO 1	Thursday October 20, 2011	6:30 p.m.	Tualatin Heritage Center 8700 SW Sweek Dr. Tualatin, OR 97062
CIO 2	Wednesday October 26, 2011	6:30 p.m.	Legacy Meridian Park Medical Center Room 104 19300 SW 65 th Ave. Tualatin, OR 97062
CIO 5	Wednesday October 26, 2011	6:30 p.m.	Tualatin High School (Commons/Cafeteria) 22300 SW Boones Ferry Rd. Tualatin, OR 97062
Commercial CIO	Thursday November 3, 2011	3:00 p.m.	Tualatin Library Community Room 18878 SW Martinazzi Ave. Tualatin, OR 97062

www.tualatincio.org



The City of Tualatin invites you to the

Blake Street Bikeway Design Workshop



Explore the undeveloped Blake Street right-of-way site, and discover its assets! Then share your design ideas with your neighbors and the design team at a fun, interactive workshop! Help us design a multi-use pathway for pedestrian and bicycle use that meets your needs and enhances your neighborhood. You can:

- Help us name the pedestrian and bicycle area!
- Identify the benefits this multi-use pathway can provide!
- Learn about planning and design process!
- Share ideas and considerations!
- Propose a name for the multi-use pathway!
- Interact with City staff and the design team!

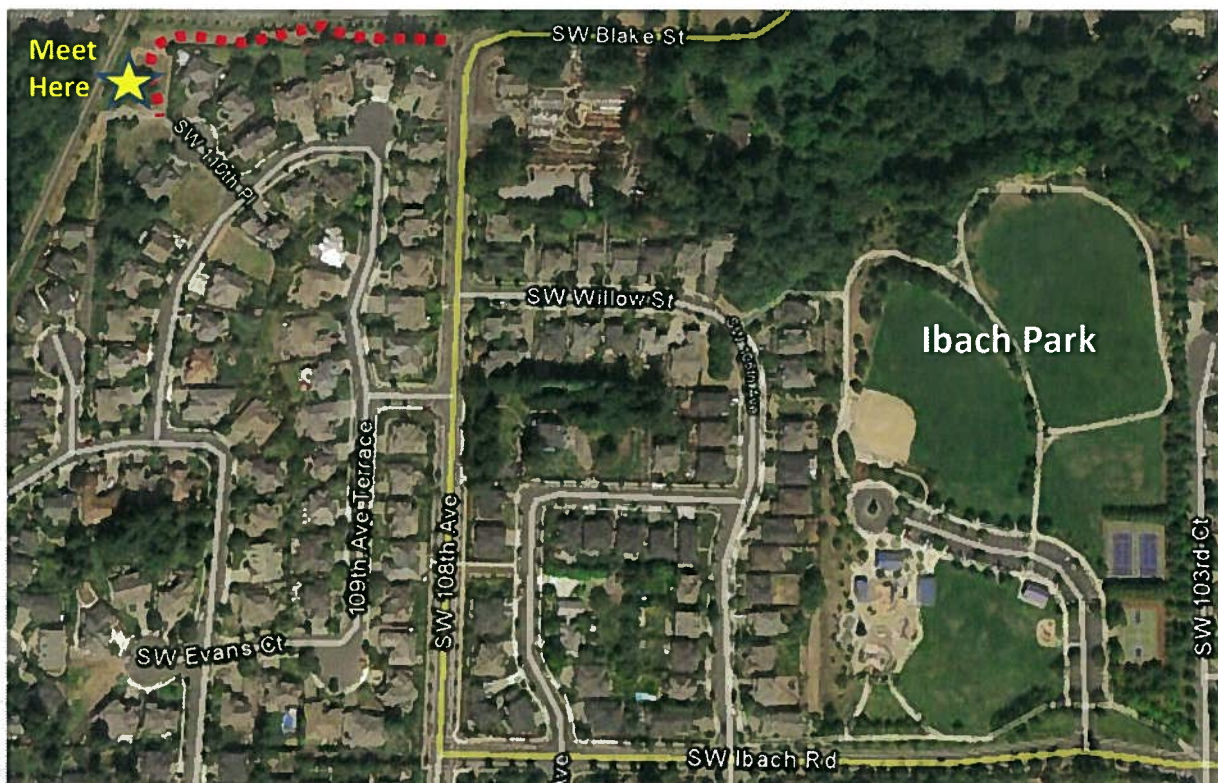
**Walking Tour of Site
Saturday**

October 15, 2011

11:00 a.m. - 2:00 p.m.

If you can't attend the Design Workshop, please comment at www.tualatinparks.com or by contacting Paul Hennon, Community Services Director, phenon@ci.tualatin.or.us or 503.691.3060.

We value your input greatly!



Meet at SW 110th Place cul-de-sac within the Hedges Park Subdivision

Blake Street Bikeway

Public Involvement Opportunities



- 1. October 15, 2011** **DESIGN WORKSHOP**
Saturday, 11:00 a.m. to 2:00 p.m.
SW 110th Place in Hedges Park Subdivision

 - Walking tour of site
 - Learn about planning process
 - Share ideas and considerations
 - Propose name for facility
 - Interact with staff and design team

- 2. November 9, 2011** **COMMUNITY WORKSHOP**
Wednesday, 6:30 p.m. to 8:00 p.m.
Tualatin Police Services Building

 - Meet and discuss ideas with staff and design team
 - Review and comment on project goals, design alternatives, and facility name
 - Provide direction for preferred Master Plan

- 3. December 13, 2011** **TUALATIN PARK ADVISORY COMMITTEE (TPARK) MEETING**
Tuesday, 6:30 p.m. to 8:00 p.m.
Council Chambers

 - Review and comment on final preferred Master Plan and cost estimates
 - TPARK recommendation to Council on Master Plan acceptance

- 4. January 9, 2012** **CITY COUNCIL MEETING**
Monday, 7:00 p.m.
Council Chambers

 - Consider acceptance of Master Plan and approve facility name
 - Direct staff to prepare supplemental budget for funding final design and construction



Apps that the City Council (CC) Has Reviewed

	2005	2006	2007	2008	2009	2010	2011*	Totals
ANN	5	8	1	1	0	0	0	15
CUP	2	2	2	4	4	5	2	21
HIST**	0	0	0	0	0	0	0	0
IMP	0	0	0	1	1	0	0	2
PMA	3	1	1	3	3	2	0	13
PTA	9	9	6	8	10	4	5	51
RNU	0	0	0	0	0	0	0	0
TRP	0	0	0	0	0	0	0	0
VAR	0	0	0	0	0	1	0	1
SVAR	0	0	0	0	1	1	0	2
All	19	20	10	17	19	13	7	105

*thus far

**landmark designation or removal thereof; excludes appeals to CC

Yearly Avg. (105 / 6 yrs, 3 mos.): 15.5

Monthly Avg. (105 / 81 mos.): 1.3

Chart based on:

- o Land use apps Access database
- o Log book handwriting
- o Memory
- o Network drive case info

Land Use Application Types & Local Reviewing Bodies

App Acronym	App Title	TDC Sections or Other Source	Administrative / Staff	Local Reviewing Bodies					Applicable Appeals Body
				Architectural Review Board	Core Area Parking District Board	Tualatin Planning Advisory Committee	Urban Renewal Advisory Committee	City Council	
ANN	Annexation	4.050; 31.067; ORS 222.125; MC 3.09		ARB	CAPD	TPAC	URAC	CC	Oregon Circuit Court
AR	Architectural Review	31.071 - 079; 34.210; 73	✓ *	✓ *					ARB*/CC*
ARSF	Architectural Review, Single-Family	73	✓						CC
MAR	Minor Architectural Review	n/a	✓						n/a
CUP	Conditional Use Permit	32						✓	LUBA
ENFL	Code Enforcement: Land Use	31	✓						CC
ENFS	Code Enforcement: Signs	31.110 & 111; 38	✓						CC
HIST	Historic Landmark: Alternation / New Construction	68.090	✓						CC
	Demolition	68.050	✓						CC
	Designation or Removal of Designation	68.020						✓	LUBA
	Relocation	68.050	✓						CC
IMP	Industrial Master Plan	37						✓	LUBA
INT	Interpretation	1.010; 31.070	✓						CC
PMA	Plan Map Amendment	1.030 - 032						✓	LUBA
PTA	Plan Text Amendment	1.030 - 032				✓		✓	LUBA
RNU (?)	Reinstatement of Nonconforming Use	35						✓	LUBA
S	Sign Permit	34.210; 38.060 - 080	✓						CC
SUB	Subdivision**	34.210; 36.1	✓						CC
PAR	Partition**	34.210; 36.2	✓						CC
PLA	Property Line Adjustment**	36.310 - 380	✓						CC
TCP	Tree Cutting (or Removal) Permit	34.210; 73.250	✓						CC
TRP	Transitional Use Permit	34.180 - 186						✓	LUBA
TUP	Temporary Use Permit	34.010 - 020	✓						CC
VAR	Variance	33.025						✓	LUBA
MVAR	Minor Variance	33.024	✓						CC
SVAR	Sign Variance	33.022						✓	LUBA
n/a	Core Area Parking District Tax Appeal	TMC 11-3			✓				CC

LUBA [Oregon Land Use Board of Appeals](#)
MC [Metro Code](#)
OAR [Oregon Administrative Rules](#)
ORS [Oregon Revised Statutes](#)
TDC [Tualatin Development Code](#)
Note: The Tualatin Community Plan (TCP) is Chapters 1 through 30 of the TDC.

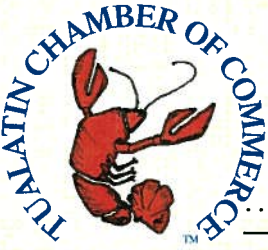
TMC [Tualatin Municipal Code](#)

Interim review body
Deciding body

* The ARB reviews AR requests that meet or exceed these thresholds:
residential: 100 multi-family (MF) dwelling units, any MF request adjacent to an RL district;
commercial: 50,000 sq ft; or
manufacturing: 150,000 sq ft.
Source: TDC 73.030(2).

** Engineering Division is the primary reviewer.

Note: [TDC 31.076 addresses "requests for review" \(appeals\).](#)



... business and community working together

Submitted for the record at the
Oct. 10, 2011 Council meeting under
Item G-1 - Conditional Use
Permit (CUP-11-03)

Friday, October 7, 2011

Mayor Ogden & Tualatin City Councilors
City of Tualatin
18880 SW Martinazzi Ave.
Tualatin, OR. 97062

RE: Grimm's Fuel Company Modification of Existing Conditional Use Permit

Dear Mayor Ogden and Tualatin City Councilors,

The Tualatin Chamber of Commerce Government Affairs Council (GAC) recently met with Jeff Grimm from Grimm's Fuel Company regarding their request for a Modification of their existing Conditional Use Permit. Grimm's is proposing to modify their permit to allow a Resource Recovery Facility to include small amounts of residential food waste. While they have no immediate plans to begin processing residential food waste, they believe they may need this ability to remain economically viable in the future.

If approved, Grimm's would begin accepting organic materials that would be delivered by their haulers as part of their curbside yard debris recycling programs and then be processed through their existing processing systems. When combined with other organic composting materials produced at their facility, food waste would be less than .6% of their total materials. They are not applying to compost commercial food waste.

Based on the stringent guidelines from Metro and the DEQ that regulates the composting of residential food waste, the Tualatin Chamber of Commerce GAC and Board of Directors is recommending that the Tualatin City Council approve Grimm's Fuel Company's request for Modification of the existing Conditional Use Permit.

Recycling of residential food waste is the next step in the evolution of composting and is paramount to reaching our local, regional and statewide recycling goals. This proposed modification will give Tualatin residents a local and energy efficient option for recycling their residential food waste and reduce green-house gasses by removing these materials from the landfills.

Sincerely,

Robert Knight
Tualatin Chamber Board President

Linda Moholt
Tualatin Chamber CEO

P.O. Box 701
Tualatin, OR 97062
18791 SW Martinazzi Ave.

Phone: 503/692-0780
Fax: 503/692-6955
chamber@tualatinchamber.com
www.tualatinchamber.com



City of Tualatin

City Council SPEAKER REQUEST FORM

IMPORTANT: Any citizen attending Council meetings may speak on any item on the agenda. If you wish to speak, please complete this form and return to the **City Recorder**. *This document is a public record.*

NAME Linda Mohoff DATE 10-10-11
STREET ADDRESS 19181 SW. 55th CT. Tualatin
STATE OR ZIP 97062 E-MAIL linda@tualatinchamber.com

I wish to speak during **CITIZEN COMMENTS** on a subject that is **not** on the current Council agenda. *(3-minute time limit per speaker)*

Subject _____

I wish to speak on **AGENDA ITEM No.** Grimms ^{CUP-97-03} (TESTIMONY TIME MAY BE LIMITED)

IN FAVOR _____ OPPOSED _____ NEUTRAL

NOTE: IF WRITTEN DOCUMENTATION IS PRESENTED PLEASE FURNISH AT LEAST ONE (1) COPY, ALONG WITH THIS FORM, TO THE CITY RECORDER FOR THE OFFICIAL RECORD.



City of Tualatin

City Council SPEAKER REQUEST FORM

IMPORTANT: Any citizen attending Council meetings may speak on any item on the agenda. If you wish to speak, please complete this form and return to the **City Recorder**. *This document is a public record.*

NAME Jeffrey D Wiren DATE 10/10/11

STREET ADDRESS 18134 SW 135th Terr

STATE OR ZIP 97062 E-MAIL jwiren@remax.net

I wish to speak during **CITIZEN COMMENTS** on a subject that is **not** on the current Council agenda. *(3-minute time limit per speaker)*

Subject _____

I wish to speak on **AGENDA ITEM No.** 61 (TESTIMONY TIME MAY BE LIMITED)

_____ IN FAVOR

_____ OPPOSED

NEUTRAL

NOTE: IF WRITTEN DOCUMENTATION IS PRESENTED PLEASE FURNISH AT LEAST ONE (1) COPY, ALONG WITH THIS FORM, TO THE CITY RECORDER FOR THE OFFICIAL RECORD.



City of Tualatin

City Council SPEAKER REQUEST FORM

IMPORTANT: Any citizen attending Council meetings may speak on any item on the agenda. If you wish to speak, please complete this form and return to the **City Recorder**. *This document is a public record.*

NAME Stephen Titus DATE 10-10-11

STREET ADDRESS 10170 SW Sedlake Ct

STATE OR ZIP 97062 E-MAIL sttitus@gmail.com

I wish to speak during **CITIZEN COMMENTS** on a subject that is not on the current Council agenda. *(3-minute time limit per speaker)*

Subject _____

I wish to speak on **AGENDA ITEM No.** 61 (TESTIMONY TIME MAY BE LIMITED) CUP 11-03

X IN FAVOR _____ OPPOSED _____ NEUTRAL

NOTE: IF WRITTEN DOCUMENTATION IS PRESENTED PLEASE FURNISH AT LEAST ONE (1) COPY, ALONG WITH THIS FORM, TO THE CITY RECORDER FOR THE OFFICIAL RECORD.



City of Tualatin

City Council SPEAKER REQUEST FORM

IMPORTANT: Any citizen attending Council meetings may speak on any item on the agenda. If you wish to speak, please complete this form and return to the **City Recorder**. *This document is a public record.*

NAME DAN HARDY DATE 10/10/2011
STREET ADDRESS 23156 SW GREENGATE PLACE
STATE OR ZIP 97140 E-MAIL dan.hardy@wvbk.com

I wish to speak during **CITIZEN COMMENTS** on a subject that is not on the current Council agenda. *(3-minute time limit per speaker)*

Subject _____

I wish to speak on **AGENDA ITEM No.** _____ ^{CONDITIONAL USE PERMIT}
(TESTIMONY TIME MAY BE LIMITED)

_____ IN FAVOR _____ OPPOSED X NEUTRAL

NOTE: IF WRITTEN DOCUMENTATION IS PRESENTED PLEASE FURNISH AT LEAST ONE (1) COPY, ALONG WITH THIS FORM, TO THE CITY RECORDER FOR THE OFFICIAL RECORD.



City of Tualatin

City Council SPEAKER REQUEST FORM

IMPORTANT: Any citizen attending Council meetings may speak on any item on the agenda. If you wish to speak, please complete this form and return to the **City Recorder**. *This document is a public record.*

NAME TED SAEDI DATE 10/10/2011

STREET ADDRESS 18397 SW 135TH TERRACE

STATE OR ZIP 97062 E-MAIL TSAEDI@HOTMAIL.COM

I wish to speak during **CITIZEN COMMENTS** on a subject that is not on the current Council agenda. *(3-minute time limit per speaker)*

Subject _____

I wish to speak on **AGENDA ITEM No.** _____ (TESTIMONY TIME MAY BE LIMITED)

_____ IN FAVOR

_____ OPPOSED

_____ NEUTRAL

NOTE: IF WRITTEN DOCUMENTATION IS PRESENTED PLEASE FURNISH AT LEAST ONE (1) COPY, ALONG WITH THIS FORM, TO THE CITY RECORDER FOR THE OFFICIAL RECORD.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Executive Assistant

DATE: 10/10/2011

SUBJECT: Approval of the Minutes for the Work Session and Meeting of September 26, 2011.

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the Work Session and Meeting of September 26, 2011.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: A - Work Session Minutes of September 26, 2011
B - Meeting Minutes of September 26, 2011

**OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR
SEPTEMBER 26, 2011**

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Councilor Wade Brooksby

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; City Engineer Mike McKillip; Police Chief Kent Barker; Operations Director Dan Boss; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Development Manager Eric Underwood; Assistant to the City Manager Sara Singer; Senior Planner William Harper; Assistant Planner Colin Cortes; Executive Assistant Maureen Smith

1. CALL TO ORDER

Mayor Ogden called the Work Session to order at 5:31 p.m.

2. Stafford Area Update

Planning Manager Aquilla Hurd-Ravich said Clackamas County has announced plans to do some work on the feasibility of including the Stafford area in the Urban Growth Boundary (UGB), which is all currently outside of the UGB. The discussion with Council is to determine what position Tualatin should take in this anticipated planning work.

Planning Manager Hurd-Ravich gave a brief background of the Stafford area and what has transpired over the years with the area. The Stafford Hamlet was formed in 2006; Tualatin joined with West Linn on opposing the designation of this area as an urban reserve.

Clackamas County is beginning the discussion on planning the area, which could lead to a recommendation about Stafford being included in the UGB in 2016. The Borland Neighborhood Association, a group of stakeholders, asked the Clackamas County Board to begin studying it; the Stafford Hamlet Board believes the whole area should be studied, not just one piece. Planning Manager Hurd-Ravich reviewed the upcoming forums that Clackamas County will be holding on the issue; the results will determine whether there will be a study done. If the decision is to move forward with a study, it wouldn't begin until next fiscal year.

Mayor Ogden explained some history on the Stafford area and the position that Tualatin took at that time on the land designation of the area. Although Tualatin was not supportive of development of the area, Tualatin recognized that development was likely to happen and wanted to at least be at the table for any discussions. Which city would be best situated to serve and govern the area was also discussed. It was explained that West Linn and Lake Oswego have voter-approved annexation. Discussion followed and it was asked of staff to find out more information about how an "objection" by Tualatin would be addressed should Stafford decide to incorporate as a separate city. Discussion continued on the issues of density, transportation and governance.

Mayor Ogden said the question is whether the current City Council has the same position that was taken by previous Councils. The overall concurrence of all Council present is to stay with the current position.

3. Basalt Creek Concept Plan Update

Planning Manager Aquilla Hurd-Ravich began the discussion with a PowerPoint display of maps of the Basalt Creek planning area, and also noted the Boones Ferry Road Norwood to Day project and alternatives.

Mayor Ogden noted he and Council President Beikman attended a meeting where the discussion was on the Boones Ferry Road project design and alignment alternatives. Discussion followed.

Planning Manager Hurd-Ravich explained that Washington County is planning improvements on Boones Ferry Road between Norwood and Day. There is \$9 million for the improvements from various sources of funding for the project. Washington County Engineer Gary Stockhoff explained the differences between the alternatives displayed. He explained the consideration of the impacts that were taken with the alternatives and which would have the least impact. He further explained about accommodating bike lanes, although there are many issues with topography, etc. Washington County wants to get underway with the project as there is a deadline on receiving funds.

Planning Manager Hurd-Ravich noted Washington County is holding an Open House on Thursday, September 29, 2011, from 5:30 p.m. - 7:30 p.m. at Tualatin Elementary School. Construction is anticipated to start in the summer of 2012 with completion by the end of 2013. Discussion continued with review of the alternatives and what property/structures would be impacted.

County Engineer Stockhoff said this information is to give an update of what is happening and for Tualatin to have time to review the alternatives. Brief discussion followed.

Council asked for an update from staff after the Open House is held. Staff could bring back the discussion at the next Council meeting.

4. Council Meeting Agenda Review, Communications & Roundtable

Council reviewed the Consent Agenda with no comments or changes.

Councilor Grimes and Bubenik noted their attendance at a meeting on planning for Tualatin's "Centennial Celebration."

Councilor Davis said she attended the Washington County Communications Agency (WCCCA) meeting, and Tualatin can expect an 8.5 percent increase, which is equipment-driven and software upgrades. Councilor Davis added that WCCCA is looking to expand and include more cities in the area.

Mayor Ogden noted his attendance at Metro's Policy Advisory Committee last week.

Councilor Grimes said she attended the Clackamas County Coordinating Committee meeting discussion on bringing 316 acres (Advance Road Area) into the Urban Growth Boundary for residential expansion (Metro UGB analysis area 4H). Brief discussion followed on Tualatin's position and the planning work that Tualatin is doing with Wilsonville on a portion of area (Basalt Creek). A letter in support of Wilsonville was suggested to send to Metro. Staff will follow-up.

5. ADJOURNMENT

Mayor Ogden adjourned the work session at 6:54 p.m.

Sherilyn Lombos, City Manager



Maureen Smith, Recording Secretary



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR SEPTEMBER 26, 2011

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; City Engineer Mike McKillip; Police Chief Kent Barker; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Human Resources Director Nancy McDonald; Finance Director Don Hudson; Assistant to the City Manager Sara Singer; Program Coordinator Becky Savino; Teen Program Specialist Julie Ludemann; Management Intern Ben Bryant; Executive Assistant Maureen Smith

A. CALL TO ORDER

Mayor Ogden called the meeting at 7:04 p.m.

Pledge of Allegiance was led by Councilor Truax.

B. ANNOUNCEMENTS

1. International Walk + Bike to School Day Announcement

Recreation Programmer Julie Ludemann presented a PowerPoint on the next International Walk + Bike to School Day. The event will be held on Wednesday, October 5, 2011. Last year over 600 children participated, and the momentum continued with over 200 Walk + Bike to School Challenge Month participants in May. The goal this year is to get even more kids involved.

Council President Beikman said she had become very involved in this program, and considers it a success by seeing the many bike racks that are now full at Byrom Elementary. It was asked and Ms. Ludemann explained that expanding the program to other schools is always welcome. Staff has reached out to all the schools, but she noted participation can depend on the volunteer base of parents, teachers, etc.

2. Boones Ferry Road Improvements Announcement

Planning Manager Aquilla Hurd-Ravich announced Washington County is holding an Open House on Thursday, September 29, 2011 at Tualatin Elementary School from 5:30 p.m. to 7:30 p.m. Washington County officials will present information on the Boones Ferry Road (Norwood to Day) project.

3. Proclamation Declaring October 2011 as National Arts and Humanities Month

Councilor Bubenik gave a brief history on the arts in Tualatin, such as the annual ArtSplash event, the Visual Chronicle program for adults and teens, an active Arts Advisory Committee, and numerous recreation programs, in addition to the focus of arts in Tualatin Tomorrow. Councilor Bubenik read the proclamation declaring October 2011 as National Arts and Humanities Month in the City of Tualatin.

4. Farmers Market 2011 Season Update

Tualatin Farmers Market representative Candice Kelly spoke on the Farmers Market, and noted there is one more market day scheduled for this season on September 30. This is the second year of the Farmers Market and it is more successful than last year. Ms. Kelly thanked the community for their support of the market in its second season.

Mayor Ogden congratulated the organizers and everyone involved in the Farmers Market, and also pointed out that Tualatin's market is non-profit and not subsidized as are some other cities' farmers markets.

5. Proclamation Declaring Friday, September 30, 2011 as Mike McKillip Day and the Tualatin Planning Advisory Committee Recognition of Retiring City Engineer McKillip

City Manager Sherilyn Lombos gave a presentation acknowledging retiring City Engineer Mike McKillip. She reviewed his accomplishments and dedication of 32 years of service with the City of Tualatin.

Tualatin Planning Advisory Committee members Jeff DeHaan and Mike Riley were present to acknowledge the tenure and retirement of City Engineer McKillip.

The City Council acknowledged City Engineer McKillip's years of dedication and service to the City of Tualatin and wished him the best in his retirement.

Mayor Ogden read the proclamation declaring Friday, September 30, 2011 as "Mike McKillip Day" in the City of Tualatin.

City Engineer McKillip thanked Council and gave a brief speech on the years with the City.

C. CITIZEN COMMENTS - None.

D. CONSENT AGENDA

MOTION by Councilor Joelle Davis, SECONDED by Council President Monique Beikman to adopt the Consent Agenda as read.

Vote: 7 - 0 MOTION CARRIED

1. Approval of the Minutes for the Work Session and Meeting of September 12, 2011.
2. Resolution No. **5069-11** Relating to Parking on Martinazzi Avenue between Boones Ferry Road and Seneca Street and Rescinding Resolution No. 4959-10
3. Resolution No. **5070-11** Adopting the September 2011 Update to the Public Works Construction Code
4. Resolution No. **5071-11** Authorizing an Application by the City of Tualatin for a Community Development Block Grant to Design and Construct a Fire Sprinkler System at the Juanita Pohl Center
5. Approval of a New Liquor License Application for Native Foods Cafe

E. SPECIAL REPORTS

1. TEAM Tualatin Summer 2011 Wrap-Up

Volunteer Specialist Chanda Stone presented a PowerPoint on the 2011 TEAM Tualatin program wrap up and reviewed the accomplishments of the past summer.

Council thanked staff and all involved in another successful year of the TEAM Tualatin program.

2. Final Report of the Summer 2011 Concerts and Movies on the Commons

Program Specialist Julie Ludemann and Program Coordinator Becky Savino presented a PowerPoint wrap-up of the 2011 Concerts on the Commons and the Movies on the Commons. It was another successful year for both events. Staff also thanked the sponsors of the two programs.

Council congratulated staff on another great and successful year of the Concerts and Movies on the Commons, and also thanked the community sponsors for these events.

3. Report on the Annual Pavement Management Program

Operations Director Dan Boss and Streets/Sewer/Storm Manager Bert Olheiser presented a PowerPoint on Tualatin's Pavement Management Program. The program began in 1988 when Council adopted a pavement management plan as one of its goals and staff put together a maintenance plan, which few cities had at that time. The road utility fee was established, which was one of the few in the nation. The investment was made to ensure roads are maintained over time, and the City developed a good maintenance strategy and continually looks at methods over time to keep up with development strategies.

Operations Director Boss also recognized Manager Bert Olheiser on his first year as manager of the work that was done. Tualatin's Pavement Condition Index (PCI) rating is 91%, which is an excellent rating, and is a common government scoring system for road evaluation. PCI's use a scale of zero (awful) to 100 (perfect). Operations Director Boss said he is not aware of any other community in the U.S. with that rating.

Mayor Ogden asked and Operations Director Boss explained the City is in a good position over the long haul with the road utility fee. The rate hasn't been raised since the program has been in place.

Council thanked staff for the excellent work that's been done to manage the maintenance of the City's road system.

4. Intersection Safety Camera Program Update

Police Chief Kent Barker gave an update on the Intersection Safety Camera program. He presented a PowerPoint and reviewed the intersections where cameras are located, and showed several videos of violations occurring. The citations issued and the extensive review process that is done with each citation was explained. Chief Barker noted the greater percentage/locations of violators are from surrounding cities and other areas. It is important to note that traffic crashes have decreased at the two safety camera intersections, and Chief Barker said a full year's worth of data at each intersection will be useful.

Mention was made that the Bridgeport/72nd intersection turning movements can be confusing for drivers, and Chief Barker explained there are a few things that could be done to lessen driver confusion.

F. **PUBLIC HEARINGS** – Legislative or Other

G. **PUBLIC HEARINGS** – Quasi-Judicial

H. **GENERAL BUSINESS**

1. Ordinance No. **1334-11** Relating to Tualatin Tomorrow and Adding a New Chapter 11-10 to the Tualatin Municipal Code
-

Candice Kelly, Tualatin Tomorrow representative and Assistant to the City Manager Sara Singer presented a PowerPoint on the background and proposal of Tualatin Tomorrow transitioning into a City advisory committee. Ms. Kelly explained the proposed structure and membership and partners. The mission statement of Tualatin Tomorrow was reviewed and noted by Ms. Kelly that they have started on a work plan.

Mayor Ogden noted Councilors Bubenik and Beikman have spent considerable time on the Tualatin Tomorrow visioning project.

PUBLIC COMMENTS

Jan Giunta, SW Shawnee Trail, Tualatin, OR, commented that as one of the leaders in the Citizen Involvement Organization (CIO) she supports the ordinance and looks forward to working with Tualatin Tomorrow.

Councilor Grimes asked about funding in the budget for the CIOs and Tualatin Tomorrow and Councilor Bubenik explained that funding has been set aside for both programs and the amount has yet to be determined. City Manager Lombos noted staff will come back to Council and define the funding allocation more definitively.

MOTION by Council President Beikman, SECONDED by Councilor Truax for a first reading by title only. MOTION by Council President Beikman, SECONDED by Councilor Davis for a second reading by title only. MOTION CARRIED. The poll was unanimous. MOTION by Council President Beikman, SECONDED by Councilor Bubenik to adopt the ordinance relating to Tualatin Tomorrow and adding a new Chapter 11-10 to the Tualatin Municipal Code. MOTION CARRIED.
Vote: 7-0

I. ITEMS REMOVED FROM CONSENT AGENDA - None.

J. COMMUNICATIONS FROM COUNCILORS - None.

K. EXECUTIVE SESSION - None.

L. ADJOURNMENT

MOTION by Council President Monique Beikman, SECONDED by Councilor Frank Bubenik to adjourn the meeting at 8:49 p.m.

Vote: 7 - 0 MOTION CARRIED

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary

City Council Meeting

E. 1.

Meeting
Date: 10/10/2011

SPECIAL Tualatin-Sherwood Road Improvements Project Update

REPORTS:

Information

Attachments

Letter

Flyer

September 14, 2011

RE: Tualatin-Sherwood Road Landscaping Project

Dear Neighbor,

For several years the community has been engaged in conversations about the need to enhance the look and feel of the Tualatin-Sherwood Road corridor. This corridor is a prominent, visible entrance into Tualatin. After an extensive design process, we are ready to begin construction of this important project.

The enclosed fact sheet describes the project location, goals, design features and schedule. **The project boundaries are between Fred Meyer and Boones Ferry Road.** In that area, most of the landscaping will be removed and replaced, new street lights will be added, the traffic signal at Martinazzi and Tualatin-Sherwood Road will be replaced and a new, beautiful gateway art piece will be placed where the CITY OF TUALATIN sign currently stands.

We are very mindful of the fact that Tualatin-Sherwood Road is a traffic artery for our businesses and residents and as such are **requiring that any work that impacts traffic be done between 7pm and 5am.** Work is expected to begin in late September and be completed around the first of the year, 2012.

We will do everything we can to make sure our neighbors are impacted as little as possible during this time; however, if you have any concerns or comments, please feel free to contact me at 503-691-3034 or khofmann@ci.tualatin.or.us or during construction, Jon Sparks, the construction inspector, can be contacted at 503-691-3037 or jsparks@ci.tualatin.or.us.

Thank you for being part of the Tualatin community!

Kaaren Hofmann
Civil Engineer



Tualatin-Sherwood Road Improvements

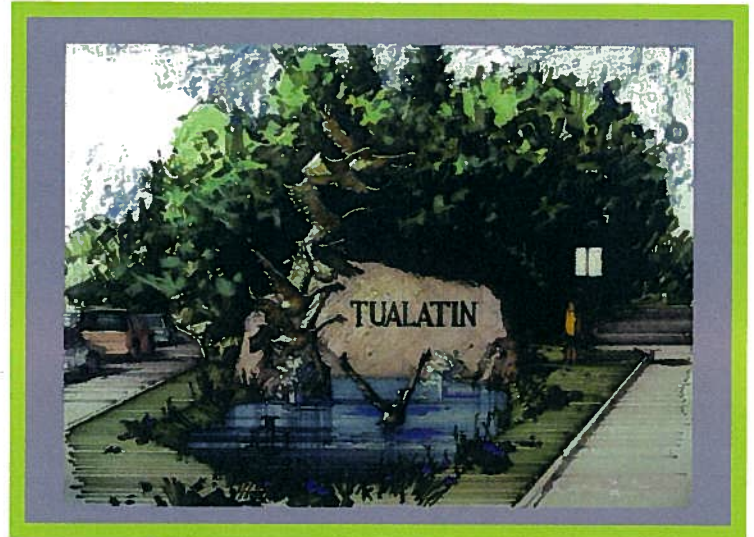
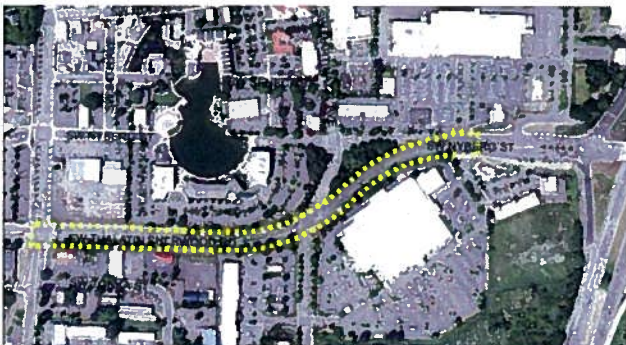
Overview

The City of Tualatin strives to foster a sense of place and belonging along with a unique identity for the City. Tualatin takes pride in being known as a warm and welcoming community for new businesses, retail shoppers, and residents alike – indeed, this is central to our unique identity. Nowhere in our community do we welcome more people than on Tualatin-Sherwood Road. In fact, Tualatin-Sherwood Road is one of the most heavily travelled roads in the region. While this presents a challenge to facilitate significant amounts of traffic, it also presents an opportunity for us to showcase our beautiful City.

In recognition of Tualatin-Sherwood Road's prominent presence in our community, the City of Tualatin's Development Commission and City Council approved a list of improvements to the corridor. Namely, these enhancements include safety upgrades and better illumination, additional landscaping, and a new artistic gateway feature.

Location

The enhancements along Tualatin-Sherwood Road will occur between the Fred Meyer entrance and Boones Ferry Road.

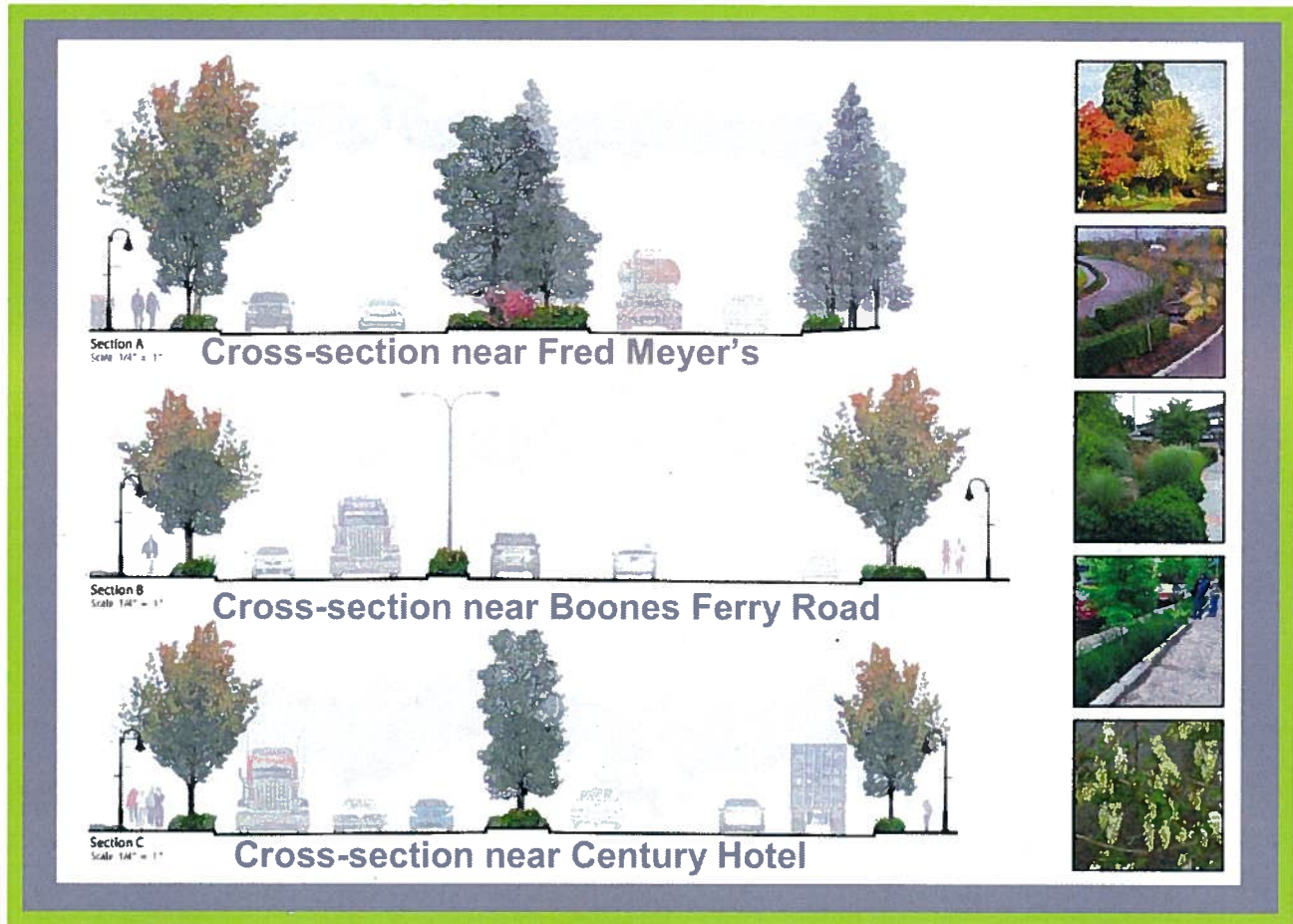


Gateway Feature

The gateway feature – along with the other landscape improvements – was unanimously recommended to the Tualatin Development Commission and City Council. The Tualatin-Sherwood Road Gateway Selection Committee recommended this feature due to its representation of who we are as a community and what we value. The water feature is intended to integrate the essence of the Tualatin River and communicate Tualatin's dedication to nature. The geese were chosen in recognition of the symbolic message they represented in the Native American culture. Geese embody the definition of community, cooperation, and belonging as they travel together and never leave an ill or wounded bird behind.



Tualatin-Sherwood Road Improvements



Landscape & Safety Improvements

In addition to the new gateway feature, significant work will be done to enhance the safety and landscape along Tualatin-Sherwood Road. Improvements will include:

- New landscaping in the median and planter strips
- Eliminating former turn lane by widening the median between Nyberg Street and Martinazzi Avenue
- Additional trees in the median and planter strips
- New traffic signal poles at the Commons, and Martinazzi Avenue
- Streetlights similar to the ones along Boones Ferry Road in downtown for improved lighting
- ADA-acceptable curb cuts

Timeline

Work is set to begin in late September and be completed in the early months of 2012. Recognizing that Tualatin-Sherwood Road is a major traffic artery, all work that impacts traffic will be limited to the hours between 7 P.M. and 5 A.M.





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: William Harper, Senior Planner
Alice Rouyer, Community Development Director

DATE: 10/10/2011

SUBJECT: A Conditional Use Permit for Grimm's Fuel Company Modifying an Existing Conditional Use Permit for a Resource Recovery Operation (CUP-97-03) within the General Manufacturing Planning District at 18850 SW Cipole Road (Tax Map 2S1 21A, Tax Lots 1800 & 1900)(CUP-11-03)

ISSUE BEFORE THE COUNCIL:

The issue before the City Council is a request by Grimm's Fuel Company for Conditional Use Permit 11-03 to modify an existing conditional use permit for a resource recovery operation (approved in CUP-97-03) to add composting of residential food scrap material collected at curbside with yard debris by municipal franchise haulers at the Grimm's Fuel Company facility located in the General Manufacturing Planning District at 18850 SW Cipole Road (Tax Map 2S1 21A, Tax Lots 1800 & 1900).

RECOMMENDATION:

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare a resolution granting Conditional Use Permit 11-03 with four recommended conditions of approval.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Conditional Use Permit (CUP) request.
- The subject property is approximately 11.4 acres at 18850 SW Cipole Road on Tax Lots 2S12A 1800 & 1900, south of SW Pacific Highway (99W). The property is in the MG (General Manufacturing) Planning District.
- A Vicinity Map is included as Attachment A. Nearby properties include Construction Equipment Company and former Southwest Ready Mix properties to the east, the International Line Builders property to the south (across future SW Cummins Drive); Loen Nursery fields (across SW Cipole Road, outside UGB) and undeveloped land

designated ML (Light Manufacturing)(west of SW Cipole, outside City). The subject property is adjacent to SW Pacific Hwy. on the north and the southern-most residential lots in Pony Ridge Subdivision are approximately 530 feet north of the subject property.

- The applicant is Jeffrey Grimm of Grimm Brothers, LLC representing Grimm's Fuel Company as the property owner and the business owner. The Application and Materials are Attachment B.
- "Resource Recovery" is a conditional use within the MG Planning District, Tualatin Development Code (TDC) 61.030(2). Grimm's Fuel Company was granted Conditional Use Permit CUP-94-11(Resolution 3035-94) for a Resource Recovery Facility on December 12, 1994 and the succeeding CUP-97-03 (Resolution 3419-98) on March 23, 1998. The resource recovery activity approved in both conditional use permits consists of recycling and composting of yard debris, construction wood waste and land clearing debris material.

The processing and sale of barkdust, sawdusts, topsoil, firewood and landscape materials, and the sale and distribution of heating oil are permitted uses in the MG Planning District and the Grimm's Fuel properties.

- The request is to modify the existing conditional use permits for resource recovery to add limited residential food scrap material collected by municipal franchise haulers to the existing yard debris composting operation.
- At this time, Grimm's Fuel Company does not have a contract or agreement with Metro, the City of Tualatin, other municipality or a solid waste hauler to accept residential food scrap material. The application does not propose any expansion or significant improvements to the site or equipment to receive, process, and compost the residential food scrap material.
- The applicant conducted two neighborhood/developer meetings, one on July 1, 2011 at 5-7 pm and a second on July 21, 2011 at 6-7:30 pm to explain the proposal to neighboring property owners and to receive comments. Besides the applicant and Grimm's Fuel staff members and one member of the Community Development Department staff, 14 persons attended the July 1 meeting and 10 persons attended the July 21 meeting. A brief summary of the meetings is included in the Application and Materials (Attachment B).
- Since 1975 Grimm's Fuel Company has operated a facility for receiving, processing and storing wood waste from construction and the forest products industry and yard debris materials from municipal haulers, commercial services companies (landscaping, building contractors) and homeowners at the SW Cipole Road location. Grimm's Fuel also accepts a limited amount of waste garden produce (pumpkins and seasonal fruit) to mix in with yard debris composting. The principal products for retail and wholesale have been barkdust, soil, compost and other landscape products, as well as wood fuel and home heating fuel that are allowed as a permitted use in the MG (General Manufacturing) Planning District. Since 1994 Grimm's Fuel Company has processed yard debris and wood waste on the subject site as a resource recovery use under conditional use permits CUP-94-03 and CUP-97-03.

The municipal and private yard debris resource recovery operation utilizes the grinding,

screening, and pile-composting process that Grimm's Fuel Company has developed. As the availability of wood waste materials from timber and wood processing industry sources have declined substantially since the 1980's and 1990's, the yard debris material from municipal and private sources has been the primary source of the garden compost product popular with homes and development throughout the area. Municipal curbside yard debris is approximately 35% by volume of the material received at the Grimm's Fuel facility.

The history of Grimm's Fuel Company on the site and the processing methods used for composting yard debris are described in the Application Materials (Attachment B). Grimm's Fuel operates the resource recovery activities on the site in compliance with Conditional Use Permit CUP-97-03 and existing permits from Metro, Clean Water Services, and the Oregon Department of Environmental Quality.

- The Metro Solid Waste Management programs and the local hauler franchise programs such as Tualatin's rely on recyclers and on processors such as Grimm's Fuel Company to reduce the amount of landfilled waste by recycling and recovering useful material from the homes and businesses of the region. Residential yard debris collected by the franchise hauler in Tualatin is typically taken to the Grimm's Fuel Company SW Cipole Road facility because it can accept and process the material and because of its nearby location in Tualatin that substantially reduces transportation costs. Haulers from other nearby cities such as Sherwood or Tigard may also bring residential yard debris material to the Grimm's Fuel site for unloading and processing. Because of the presence of other yard debris processing facilities and transfer stations in the South Metro area (S&H Logging, Allied Waste Transfer Station), yard debris collected by Lake Oswego, West Linn, and Oregon City haulers is not taken to the Grimm's Fuel facility.
- As a means to meet current State and Metro mandates and goals for improving the solid waste system in the Portland urban region for environmental protection, landfill waste reduction and to hold down costs to residents and businesses, both the Oregon Department of Environmental Quality (DEQ) and Metro have been encouraging local governments and processors to look at separating food waste from the material that is taken to the landfills.

On October 31, 2011, the City of Portland will move from a successful 1 1/2-year pilot project to a city-wide curbside food scrap program that will mix food scraps from each single-family residence with the yard debris collected weekly for reloading or composting at facilities in Portland or outside the region. Currently Portland residents send 30,000 tons of compostable food scraps to the Arlington landfill. By shifting trash pickup from weekly to bi-weekly and due to the lower costs of composting food material instead of landfilling, the monthly service costs are expected to remain the same for 80% of Portland residential customers. The Cities of Salem and Keizer have a curbside program that began in July 2010 and the City of Gresham is reportedly looking at a curbside composting program as well.

The City of Tualatin has curbside yard debris collection service with its residential trash and recycling program. Tualatin does not have a residential food scrap collection service.

- In response to the trends and changes in the solid waste programs of Metro and member cities, and with encouragement from Oregon DEQ, Grimm's Fuel Company has decided to apply for the necessary permits to incorporate composting of municipal residential food scraps with the existing yard debris composting operation. The Grimm's Fuel

application explains:

- the changes in the wood waste and yard debris collection systems and markets for the raw and processed materials;
 - the interest and trends toward food scrap composting;
 - how the Grimm's Fuel composting methods will work when mixing yard debris and food scrap materials, and;
 - some of the cost and service impacts of introducing food scraps with residential yard debris on the cities, the residents, the haulers and facilities such as Grimm's Fuel.
- In the Conditional Use Permit application (Attachment B), Grimm's Fuel Company proposes a system to receive from municipal franchise haulers curbside-collected food scraps mixed with yard debris and then quickly grind, screen and introduce the material to the large volumes of composting material that Grimm's processes. The application materials describes the composting process, how the expected volumes and characteristics of food scraps will work and the limits on the sources and kinds of material that will be accepted and processed.

As described in the application, no private food waste will be accepted from individual residents or non-municipal haulers. Grimm's Fuel Company does not propose accepting commercial food waste from market or restaurant sources, except for a condition allowing a future "pilot project" in conjunction with METRO and DEQ if the region moves toward mandatory programs for commercial sources.

- During the two Neighbor Developer meetings and in letters sent to the City and Grimm's, nearby property owners raised questions and concerns about odor from the composting operation, the amount of truck traffic, stormwater runoff and vector problems that could occur when food scraps are introduced to the composting facility. At the meetings and in the application materials, Grimm's Fuel Company addresses the concerns (Attachment B, pp. 4-7, Exhibit E) with information about the proposed food scrap composting process, existing and proposed management and control of the material handling and composting operation, and ongoing regulation and monitoring of the resource recovery facility by state and regional agencies.
- Attachment D is a compilation of comment letters and messages received about the CUP-11-03 proposal. Letters from Metro, Oregon Department of Environmental Quality, Allied Waste (City franchisee) and neighboring property owners are included.
- Staff has reviewed the application materials and included pertinent excerpts in the Analysis and Findings section of this report (Attachment C). An Engineering Division Memorandum addressing transportation, stormwater and other public facilities associated with the proposed CUP is included (Attachment E).
- The Engineering Division memorandum dated September 14, 2011 (Attachment E) does not identify vehicle trip generation as a concern. The memorandum addresses the Grimm's Fuel Company operation in respect to requirements for stormwater runoff, water quality and sanitary sewer and concludes that Tualatin standards will be incorporated in Oregon DEQ, METRO and Clean Water Services permitting.
- The applicable policies and regulations that apply to the proposed conditional use in the MG Planning District include: TDC Chapter 7 "Manufacturing Planning Districts," Sections 7.030 "Objectives" and 7.040 "Manufacturing Planning District Objectives;" Chapter 32

“Conditional Uses,” Section 32.030 Conditional Uses – Siting Criteria; and Chapter 61 “General Manufacturing Planning District (MG),” Section 61.030 “Conditional Uses.” The attached analysis and findings (Attachment C) consider the applicable policies and regulations.

- Before granting the proposed Conditional Use Permit, the City Council must find that the use is allowed as a conditional use in the MG Planning District and the criteria listed in TDC 32.030 are met. The Analysis and Findings (Attachment C) examines the application with respect to the criteria for granting a CUP. Staff recommends four conditions of approval.
 1. The Grimm’s Fuel Company resource recovery use for composting food scraps shall be limited to receiving material only from authorized residential food waste program sources from municipalities in the Metro region and collected by the municipalities’ authorized franchise waste and recycling haulers.
 2. Grimm’s Fuel Company shall obtain authorization from Metro and from Oregon Department of Environmental Quality prior to accepting food waste for resource recovery composting at the subject property. If Grimm’s Fuel Company loses or defaults on a permit authorization, no residential food scrap materials may be accepted or processed at the subject facility.
 3. In response to the applicant’s request for a limited exception to restrictions on receiving and composting commercial food waste, after a period of 2 years from the issuance of CUP-11-03 and with notice to the City of Tualatin Community Development Department and neighboring property owners, Grimm’s Fuel may participate in a Metro-sponsored “Pilot Project” to compost food waste from local commercial sources such as a restaurant or grocery. Beyond the completion of a Pilot Project and if Grimm’s Fuel Company seeks to add commercial food waste material to the resource recovery operation approved in CUP-11-03, conditional use permit approval shall be obtained.
 4. Grimm's Fuel Company or its successors shall remain in compliance with all conditions of approval of conditional use permit CUP-97-03 and Architectural Reviews for the subject property and all requirements of the Tualatin Development Code Chapter 63, Manufacturing Planning Districts-Environmental Regulations.
- Based on the application and the analysis and findings (Attachment C) and with the recommended conditions of approval, the proposed resource recovery activity to include composting of municipal residential food scraps by Grimm's Fuel Company (CUP-11-03) meets the criteria of TDC 32.030.

OUTCOMES OF DECISION:

Approval of the Conditional Use Permit (CUP) request will result in the following:

1. Allows the applicant to include composting of residential food scrap material with the existing yard debris composting operation on the subject property. The operation will be subject to any conditions determined by the Council and subject to permit approvals from Metro and the Oregon Department of Environmental Quality.
2. Conditions of approval address the source of material, obtaining permits from Metro and DEQ, provisions for a Metro sponsored commercial food scrap Pilot Project, and

requirements for compliance with Tualatin standards and regulations.

Denial of the CUP request will result in the following:

1. The applicant will not be allowed to conduct composting of residential food scrap material on the subject property.

ALTERNATIVES TO RECOMMENDATION:

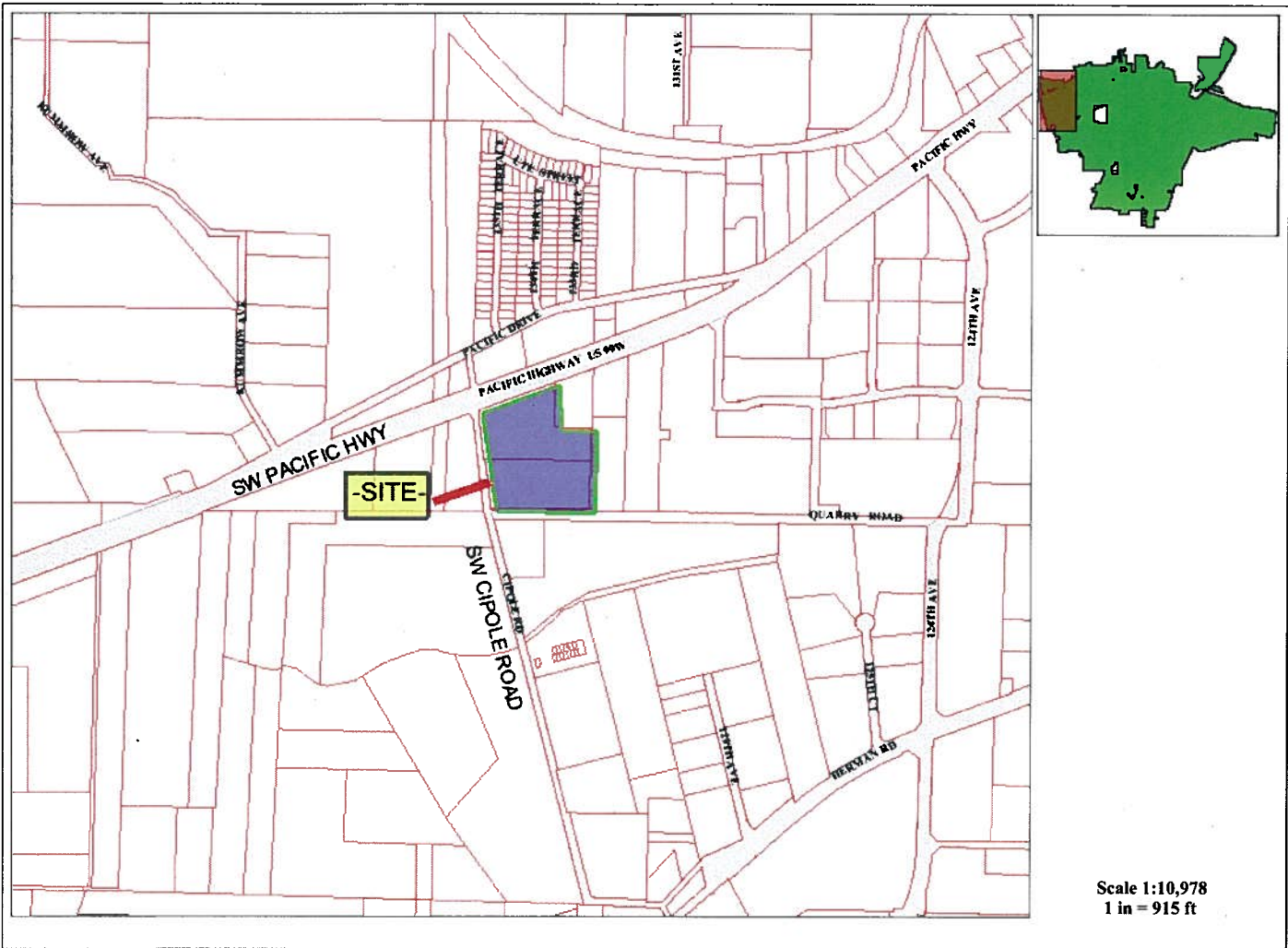
The alternatives to the staff recommendation for the Council are:

1. Approve the proposed Conditional Use Permit (CUP) with conditions that the Council deems necessary based on the criteria in Tualatin Development Code 32.030.
2. Deny the request for the proposed CUP with findings that state which criteria in Tualatin Development Code 32.030 the applicant fails to meet.
3. Continue the discussion of the proposed CUP and return to the matter at a later date.

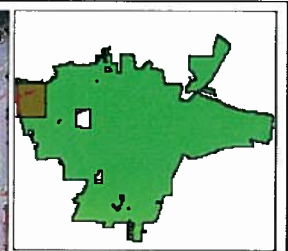
FINANCIAL IMPLICATIONS:

The Fiscal Year 2011/12 budget allocated revenue to process current planning applications, and the applicant submitted payment of \$1,365 per the City of Tualatin Fee Schedule to process the application.

Attachments: A - Vicinity & Aerial maps
 B - Applicant's Materials
 C - Analysis & Findings
 D - Comment Letters and Messages
 E - Engineering Division Memorandum



Vicinity Map



Scale 1:5,876
1 in = 490 ft

Aerial Map

MODIFICATION OF CONDITIONAL USE
PERMIT

For:

GRIMM'S FUEL COMPANY
YARD DEBRIS & WOOD WASTE
RECYCLING CENTER

Located at:

18850 SW Cipole Rd.
Tualatin, Oregon 97062

DEQ permit #1228
Metro License # YD-043-07

Presented to:

City of Tualatin
18880 S.W. Martinazzi Avenue
Tualatin, Oregon 97062

Table of Contents

A. General Information.....	pg. 3
B. Background Information.....	pg. 3
C. Existing Conditions.....	pg. 4
D. Project Information/ Proposed Modification.....	pg. 5
E. City of Tualatin Development Code.....	pg. 7

Appendices

Appendix A:	Application For Conditional Use
Appendix B:	Affidavit Of Mailing
Appendix C:	Affidavit Of Posting
Appendix D:	Metro Regulatory Guidance Bulletin

List of Figures

Figure 1:	Site Location Map
Figure 2:	Site Plan
Figure 3:	Neighborhood Meeting Sign
Figure 4:	Processing Steps
Figure 5:	Assessor's Maps

Exhibits

Exhibit A:	Mailing List
Exhibit B:	Notice of Neighborhood Meeting(s)
Exhibit D:	Meeting Sign Up Sheet(s)
Exhibit E:	Meeting Notes
Exhibit F:	Legal Description

**Grimm's Fuel Company
Application To Modify Conditional Use Permit
Resource Recovery Facility**

A. General Information

1. Application:
Modification to an existing conditional use permit for the operation of a Resource Recovery Facility to include residential food waste.
2. Location:
18850 SW Ciople Rd. Tualatin, OR. 97062. The property is located south of Hwy 99W and east of Cipole Road. (Tax Map 2S121A, Tax Lots 1800 and 1900). See Figure 1, Location Map.
3. Comprehensive Plan and Zoning Designation General Manufacturing (GM) Planning District.
4. Applicant:
Grimm's Fuel Company (GFC)
18850 SW Cipole Rd.
Tualatin, OR. 97062
Ph. 503-636-3623
5. Property Owner:
Grimm Brothers, L.L.C.
18850 SW Cipole Rd.
Tualatin, OR. 97062
Ph.503-636-3623

B. Background Information

1975: Grimm's Fuel Company (GFC) purchases 6.15 acres of real property (Tax Lot 1800) in Washington County located at the southeast corner of Cipole Rd. and Hwy 99W. After initial site preparation, GFC begins storage, processing, distribution and the retail sale of organic materials such as barkdust, sawdust, topsoil, wood and rock.

1977: GFC purchases 5.27 acres of adjoining real property (Tax Lot 1900), constructs a 60' x 100' repair shop/office and installs a bulk petroleum product distribution and storage facility.

1980: GFC begins the construction of a Resource Recovery Facility to process source separated yard debris, wood waste and other organic materials. The Portland area is designated a non-attainment area for National Air Quality Standards prompting the DEQ to ban backyard burning December 1980. Facing possible legislative action, DEQ lifts the ban in March 1981 until reasonable alternatives to burning and land filling of yard debris can be developed. In cooperation with DEQ and Metro, GFC participates in an EPA funded demonstration project to investigate viable alternative disposal methods for yard debris. As a result of this project, backyard burning of yard debris is banned in the Portland area.

November 1982: The City of Tualatin annexes a portion of southwest Washington County, located west of Tualatin, forming an Industrial Planning Area. The annex includes GFC properties. At this time planners in Tualatin and around the country were unsure how to treat facilities such as GFC. Originally the Tualatin Development Code classified the operation as a Recycling facility and listed this activity as a permitted use. Tualatin now views the facility as a Resource Recovery Facility and lists these activities as a conditional use in the General Manufacturing zone.

1988: GFC purchases an additional 34.29 acres of industrial property east of their existing location for outdoor storage and future expansion.

December 1994: The City Council of the City of Tualatin grants GFC a Conditional Use Permit to operate a Resource Recovery Facility (Resolution No. 3035-94) subject to certain conditions.

August 1996: DEQ issues a NPDES Storm Water Discharge Permit (1200-Z) to GFC. Storm water is tested a minimum of 4 times per year to insure compliance.

September 1997: Pursuant to condition 6 of Resolution No. 3035-94, GFC submits application for review of the conditional use permit.

December 1997: METRO issues GFC a Yard Debris Composting Facility License. (YD-0397) As part of the license, Metro now conducts an average of 9 surprise facility inspections per year.

March 1998: The City Council of the City of Tualatin grants a resolution (Resolution No. 3419-98) for the modification to GFC's Conditional Use Permit to operate a Resource Recovery Facility.

January 1999: DEQ issues SW General Permit No. C2-003, authorizing GFC to operate a composting facility.

August 2009: DEQ adopts new rules regulating composting facilities. These new regulations represent significant changes to the composting rules and are being implemented to further protect public health and the environment.

August 2011: GFC files an application to modify their conditional use permit for the operation of a resource recovery facility to include residential food waste from the curbside collection program.

C. Existing Conditions

1. Subject Property.

The subject property is 11.42 acres in size and is used for a variety of retail, storage, and processing activities. Retail activities include the storage, sales and distribution of landscape materials such as rock, barkdust, soil and compost. Since the early 1980's GFC has served as a regional facility for recycling organic waste such as yard debris, wood waste, land clearing debris, manure and pre-consumer vegetative food waste as part of Portland's regional solid waste system. Raw materials are received and processed into high quality compost and/or hog fuel. Since 1980 Grimm's has recycled almost 10 million cubic yards of organic waste. Due to certain market forces, incoming materials peaked in 2005 and have been steadily decreasing since that time.

2. Surrounding Land Use.

North-Hwy 99W. North of Hwy 99W is a vacant 2.05 acre parcel that is zoned for commercial use. East of this parcel are several commercial establishments such as Funtime RV and Willamette Landscape. North of these establishments is Pacific Drive and the Pony Ridge subdivision. East-Anderson Forge and Machine; Construction Equipment (2.01 acres). South-International Line Builders, 21.97 acres. Repair shop, heavy equipment storage and offices engaged in the installation of high voltage power lines. West-Vacant land. Approximately 4 acres with Bonneville Power high voltage lines to the west. Zoned General Commercial (CG) but outside the city. (See figure 1.)

3. Surrounding Community Planning Districts.

North	CG-General Commercial
East	MG-General Manufacturing
South	MG-General Manufacturing
West	MG-General Manufacturing

D. Project Information/Proposed Conditional Use Modification.

- 1. Goal:** GFC would like to modify our conditional use permit for the operation of a resource recovery facility to include residential food waste from the curbside collection program. Grimm's needs the ability to recycle food waste at our resource recovery facility in order to remain competitive in an ever-changing market place. While the addition of small amounts of food waste will have little effect on incoming volumes, Grimm's will be less likely to lose materials as Tualatin and other jurisdictions begin expanding their organics recycling programs to include food waste. Recycling of residential food waste is the next step in evolution of composting and is paramount to reaching our recycling goals.
- 2. Regulatory issues:** Composting facilities in the Metro region are highly regulated. The goal is to insure that these facilities are not a nuisance to the community or a threat to the environment. Metro conducts an average of 9 surprise facility inspections per year to insure that we are in compliance with our Metro Composting Facility License and that we are operating our facility in accordance with our Metro Operating Plan. Storm water from the facility is tested a minimum of 4 times per year under our NPDES 1200-Z Storm Water Discharge permit. Storm water from the facility is recycled when practical-generally April through September. DEQ also regulates and inspects the facility under their Solid Waste Composting Permit rules. In 2010 DEQ re-wrote these rules and is now in the process of implementing these more stringent regulations.
- 3. Approval process:** Land use approval is the first step in a long process to obtain permission to process this type of organic material. The various

regulatory agencies will take an active role in deciding whether Grimm's will be allowed to receive residential food waste. Prior to receiving any of these materials, Grimm's will need to obtain Metro Council approval and a Metro franchise. Our proposal will need to comply with Metro's Solid Waste Guidance Bulletin, which outlines the considerations that will guide Metro's regulatory decisions about food waste processing activities. This proscriptive document may preclude Grimm's from processing this type of organic matter. See Appendix D.

Finally, Grimm's will also need to get DEQ approval to handle these types of organics. DEQ's permit process involves site screening and risk assessment. Approval of a new operating plan, which centers around best management practices, would be required and would ensure that our facility is not a threat to the environment or to the public health. A public comment and hearing procedure would also be required.

4. **Recycling goals:** Food waste composting is a key component in reaching the local, regional and statewide recycling goals. Thus, both Metro and DEQ are encouraging composting facilities to start processing more food waste. The city of Portland has begun co-mingling residential food waste with the yard debris in their curbside collection programs. Other cities such as Tualatin are sure to follow suit as processing capacity becomes available.
5. **Proposal:** Assuming that we can obtain permission from Tualatin, Metro and DEQ, Grimm's would like to begin accepting and processing residential food waste. This waste would be delivered by haulers as part of their curbside yard debris recycling programs and then be processed through our existing processing system. It is estimated that food waste from such a program would be 3 to 5% of the total mix received from haulers. When combined with GFC's other organic waste, food waste will be less than .6% of our total material.

We are not proposing to compost commercial food waste at this time. It is our opinion that a full-blown commercial food waste composting facility will require a substantial step up in technology and financial commitment. To operate in an urban environment such a facility would require intake buildings, aerated composting slabs, bio-filtration systems, etc. We are not prepared to make such a commitment at this time. If we decide to construct such a facility at some time in the future then we will again apply to the city for a modification to our conditional use permit. However, we would like the ability to do some small-scale (less than 1000 tons) demonstration projects or experiments with commercial food waste in order to test the feasibility of processing this type of organic matter. While we have no immediate plans for such an experiment, we would like

to obtain the city's permission with this application to conduct such a project without having to repeat the land use approval process.

6. **Processing and material handling:** Processing this material through our existing system should not be an issue given these relatively small amounts of food waste. However, we will adjust our materials handling and processing procedures to give these materials first priority in order to minimize odor and vector potential. A portion of our receiving area will be designated for the exclusive use of the haulers delivering mixed loads containing food waste. This dumping area will be located adjacent to our grinder. These materials will be processed as they are received and will not be stored in the receiving area for extended periods of time. After processing, the material will be mixed with a small amount of finished compost and conveyed directly to the composting piles. These piles quickly reach temperatures in excess of 120 degrees and are turned several times before being screened. Screened compost is then placed in the finished goods stockpile for final curing. See Figure 4, Processing Steps.
7. **Odors:** Odor issues are a primary consideration at most composting facilities. Due to certain operational changes at the facility, we have had 3 documented odor complaints since 1992. We are confident that incorporating small amounts of food waste into our system will have no effect in our ability to control odors. Malodorous loads will be mixed with sawdust or another carbon source and then processed as it is received. Mixing a small amount of finished compost into green waste helps inoculate the material with beneficial bacteria and accelerates the composting process, which helps minimize odors.
8. **Vectors:** Vectors are not a problem at our facility because we grind the waste as it is received. Inoculating the green waste with finished compost causes the material to quickly heat up to 120-140 degrees thus discouraging vectors. At the end of each shift, the compost pile will be covered with clean ground yard debris or finished compost to further reduce vector potential.

E. City of Tualatin Development Code

Section 32.030 states the applicant must provide evidence substantiating that all applicable code requirements are satisfied and that the facility meets the following five criteria:

1. **The use is listed as a conditional use in the underlying planning district.** GFC's facility is located within the MG Planning District, which allows "Resource Recovery" facilities to operate as a conditional use.

2. The characteristics of the site are suitable for the proposed use, considering the size, shape, location, topography, existence of improvements and natural features.

a. Size and Configuration.

The property is 11.42 acres in size with 380 feet of Hwy 99W frontage and 658 feet of Cipole Rd. frontage. GFC also owns 34.29 acres of additional MG property located east of the processing facility. These properties are joined by a 16.5' tax lot to the south. This gives a total of 45.71 acres of industrial property, which is more than adequate to handle GFC's current and future operations.

b. Topography and natural features.

The site generally slopes to the south and is terraced into three separate areas. (See site plan.) The first area is approximately the same elevation as Hwy 99W and is approximately 68 feet in width. This area is used for landscaping, parking, and as a driving area. The second terrace is approximately 12 feet below Hwy 99W and is approximately 300 feet in width. The westerly portion of this terrace contains storage bins for retail sales of barkdust, compost, and topsoil. There are also underground storage tanks with product dispensers for petroleum products. The remainder of this terrace is the receiving area for incoming raw materials waiting to be processed. The third terrace is approximately 22 feet below Hwy 99W and is approximately 290 feet in width. The westerly portion of this area contains a truck scale, scale house and repair shop. The remaining portion of this terrace contains the processing plant and the finished goods storage area.

c. Improvements.

Necessary public facilities and existing private facilities are available at the site including streets, water and utility services. A description of these facilities is described in detail under criteria 3.

d. Natural Features.

The site has undergone extensive modification over the last 35 years, and there are no apparent geological hazards or limitations. The only natural feature remaining on the property are several large fir trees located on the northeast corner of the site. These trees have been preserved to the greatest extent possible and have been incorporated into the site's landscape plan.

3. The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

a. Transportation.

The proposed modification will have no effect on the existing transportation system. The site is served to the north by Hwy 99W and to the west by Cipole

Rd. Hwy 99W is designated as a major arterial in the TDC and is under the jurisdiction of the Oregon Department of Transportation (ODOT.) The road is presently a four lane divided roadway with left turn lanes. Direct access to Hwy 99W from the site is minimal, consisting of one exit-only driveway. This driveway is shared with Construction Equipment Company and provides the only access to their property. (See site plan.)

Primary access to the site is from Cipole Rd., which is classified as a major connector street by the TDC and is under the jurisdiction of Washington County. The road is presently a two-lane roadway serving the northwest industrial area of Tualatin. Tri Met provides daily transit service along Hwy 99W between downtown Portland and Sherwood.

b. Water.

Water is currently provided by two wells located on the property. Additional water for emergency fire protection is available to the property via a 12-inch city water main located in the Cipole Rd. right of way and a ten-inch water main located in the Hwy 99W right of way.

c. Sanitary and storm sewer.

The proposed modification will have no effect on the existing storm and sanitary systems. Sanitary sewer service is currently provided by an eight-inch line that runs under the proposed Cummins Street. There is currently no public storm water drainage system in the area. Storm water from the site is collected in a series of catch basins and then flows east along the southerly property line through a 15-inch culvert to GFC's tax lot 2100. Here storm water flows through a series of sediment ponds and serpentine ditches.

4. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for their primary uses listed in the underlying planning district.

The character of the area immediately surrounding the GFC facility has changed very little since being annexed in 1982. The core businesses, GFC, Anderson's Forge, etc. remain essentially unchanged. However, as properties in the Cipole Rd. and Hwy 99W area shift from rural to industrial, commercial, and residential land uses, the possibility of impacting surrounding properties increases. The applicant is fully aware of this and has taken numerous steps over the years to minimize these potential impacts. For example, noise levels have been lowered by placing mufflers on the heavy equipment and limiting the hours of operation. Odor issues have been minimized by changing the composting methods. Windrow piles were changed to static piles and the material is conveyed directly to the compost pile, eliminating the use of large loaders, which caused compaction. Dust control is achieved by processing materials as they are received, adding water during processing, and regularly watering down driveway

areas with the water truck. Adding a relatively small amount of food waste to our operation will have no effect on the surrounding area.

The GFC facility is located within the MG Planning District. Properties to the east, west, and south are also MG. Properties to the north are CG which is buffered by Hwy 99W which is over 150 feet wide. Section 7.040 (3.a) states that the MG Planning District is suitable for a wide range of heavier manufacturing and processing activities. "Such areas could be expected to be more unsightly and to have more adverse environmental effects."

GFC's facility does not limit or preclude any development for nearby properties.

5. The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use. The objectives that apply are as follows.

11. Coordinate development plans with regional, state and federal agencies to assure consistency with statutes, rules and standards concerning air, noise, water quality and solid waste.

In 1988 the Department of Environmental Quality identified yard debris as a principle recyclable in the Portland Metropolitan area. Thus, local governments and Metro were directed to formulate yard debris recycling plans, which would provide citizens with the opportunity to recycle yard debris. (OAR 340-60-035) GFC meets this objective by being an integral part of the Regional Yard Debris Recycling Plan, the Regional Solid Waste Management Plan, and Washington County's Yard Debris Recycling Plan.

Food waste composting is a key component in reaching the local, regional and state wide recycling goals. Thus, both Metro and DEQ are encouraging composting facilities to start processing more food waste. GFC's proposed modification will give the citizens of Tualatin the opportunity to recycle their residential food waste and thus help the city to meet their recycling goals in an economical and sustainable manner.

Compost produced at the facility is sometimes used as a bio-filter at large industrial facilities to purify the air, reduce odors and break down hazardous volatile organic compounds. For example, dangerous fumes from paint booths can be filtered through a compost bio-filter and the beneficial bacteria in the compost breaks down the hazardous compounds into harmless carbon dioxide and water.

13. Develop regulations to control sedimentation of creeks and streams caused by erosion during development of property.

The use of yard debris compost is recognized as a leading method of erosion control. The facility helps meet this objective by producing large quantities of yard debris compost.

15. Arrange various land uses in a manner that is energy efficient. Currently food waste processing facilities are few and far between. The city of Portland is trucking these materials to Seattle and /or Benton county outside of Corvallis.

This practice is expensive, inefficient and non-sustainable. Our proposed modification will give residents a local and energy efficient option for recycling their residential food waste.

16. Encourage industrial firms to use co-generation as a means to utilize waste heat from industrial processes.

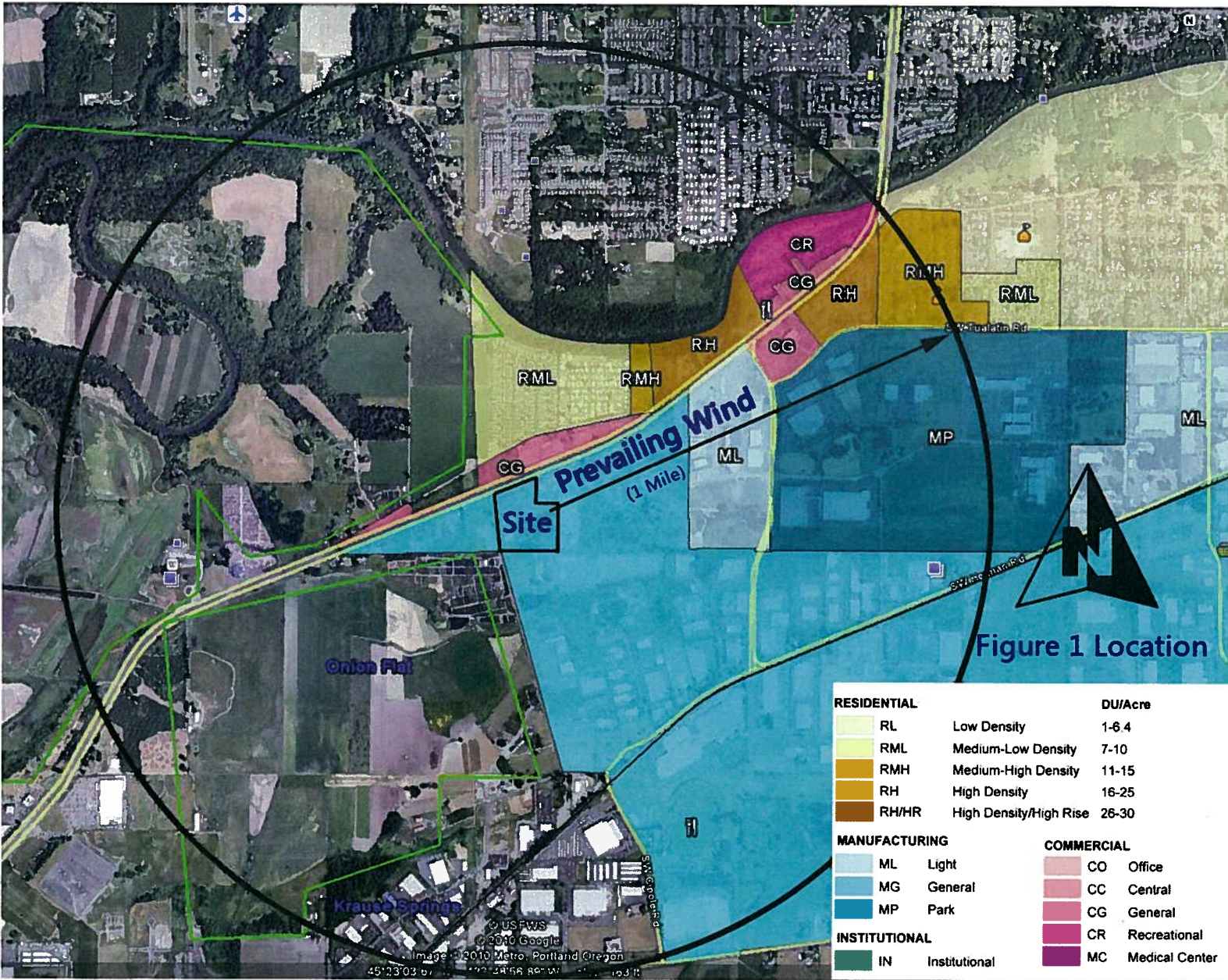
Since 1981 GFC has been processing construction, demolition, and other woody waste into fuel.

22(a)(iii). Coordinate with CWS to implement their Healthy Streams Action Plan and other programs such as their Stormwater Management Plan and Design and Construction Standards. Clean Water Services widely recognizes the use of compost berms/socks/blankets/etc. as means of providing erosion control in the region. The use of compost is encouraged throughout their plans, standards and best management practices. Composted food waste will be ideal for these uses.

14.040(3) Reduce sediment and other pollutants reaching the public storm and surface water system by implementing the Oregon Department of Environmental Quality and USA requirements for surface water management and water quality in the Tualatin River basin, reduce soil erosion, manage surface water runoff and improve surface water quality.

Products produced at the facility are used to control erosion, construct bio-filters, enhance wetlands, amend soil structure and promote plant growth. Composting of residential food waste will further enhance our ability to provide high quality compost products.

The requested modification for our Conditional Use for a Resource Recovery Facility meets all applicable City of Tualatin criteria and standards. The proposal is consistent with the character of the existing and planned development in the area, and satisfies the objectives stated above.



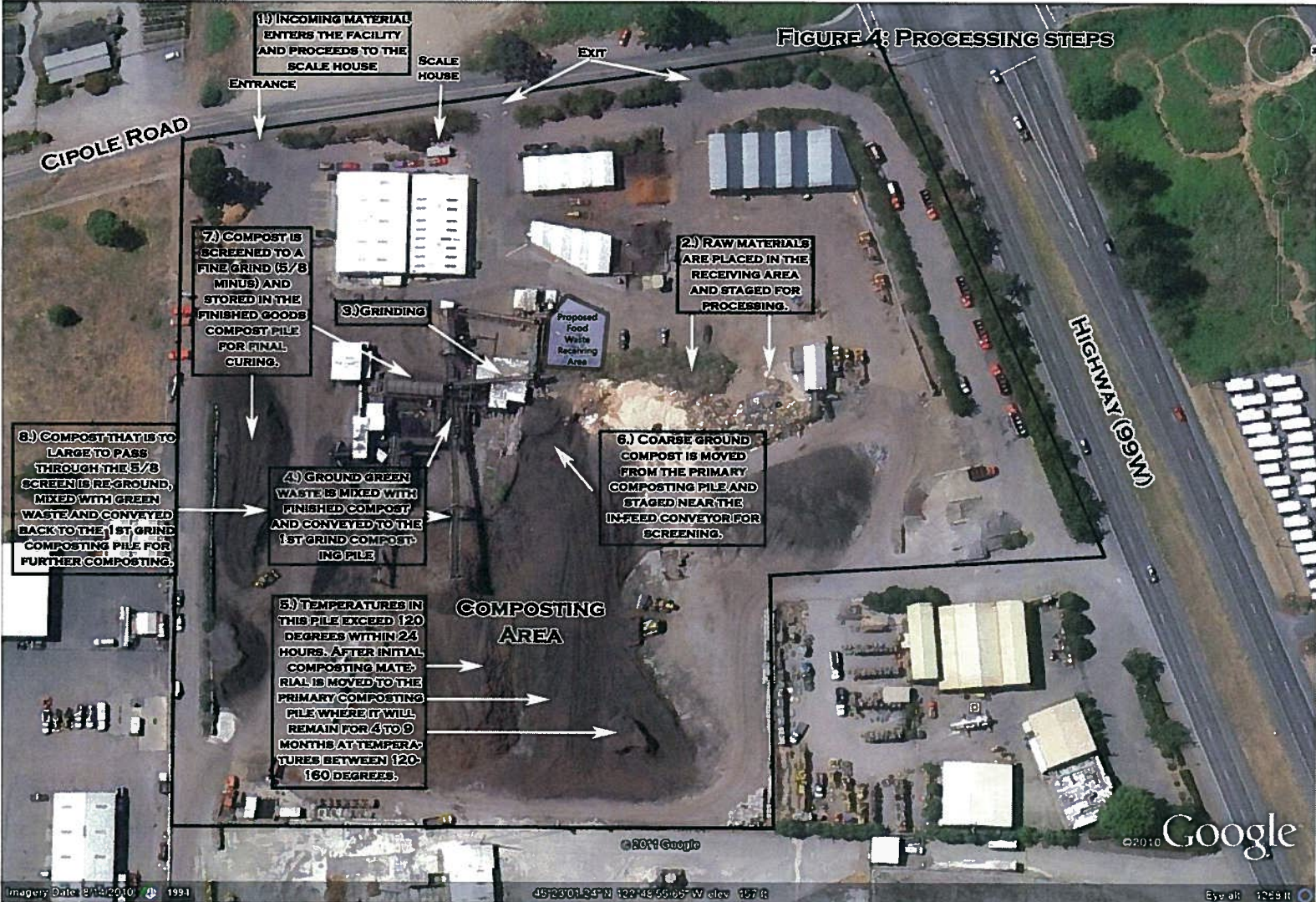


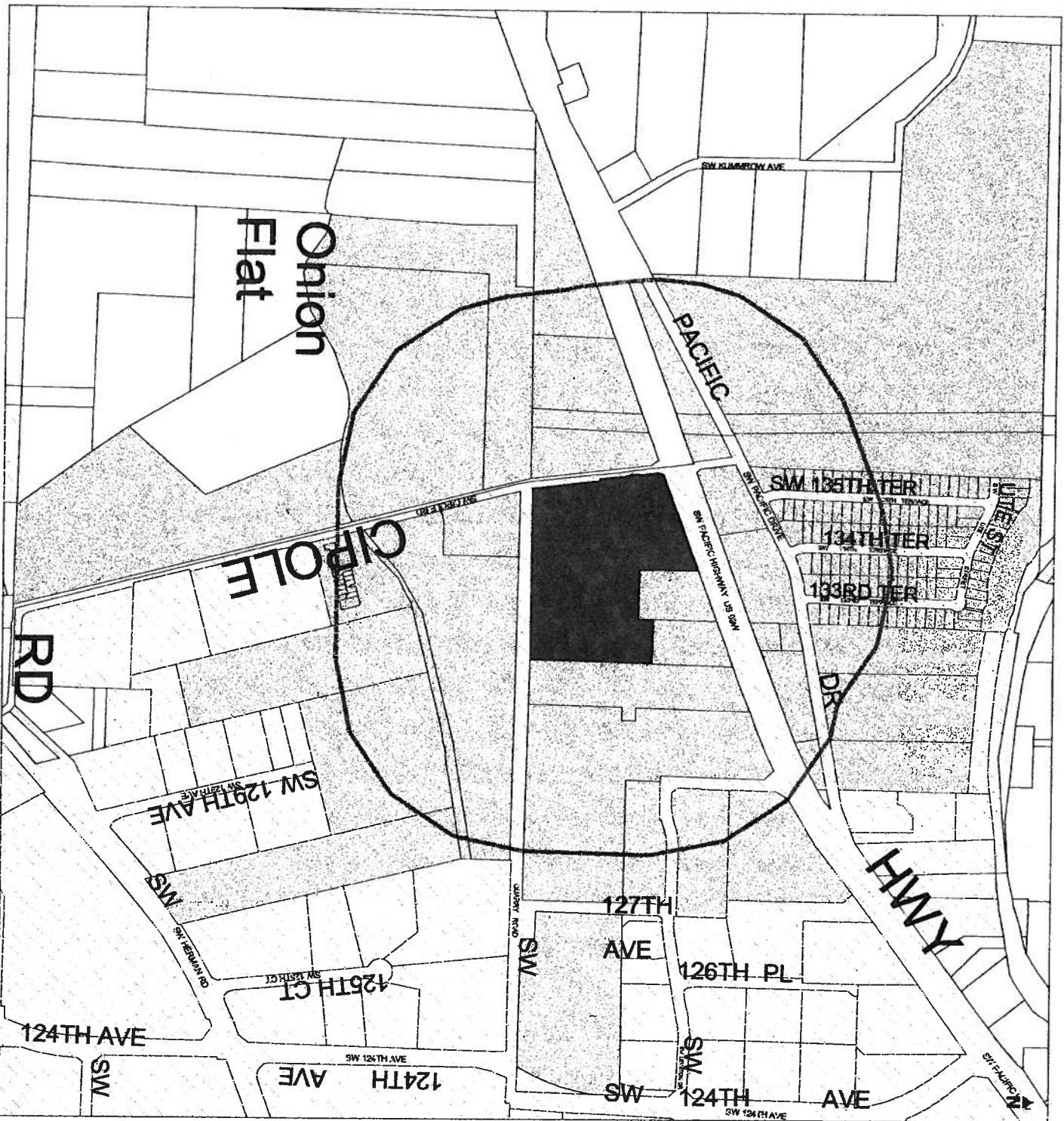
**NEIGHBORHOOD MEETING SIGN
PACIFIC HWAY & CIPOLE RD.**



**NEIGHBORHOOD MEETING SIGN
CIPOLE ROAD**

FIGURE 4: PROCESSING STEPS





WASHINGTON COUNTY
 GEOGRAPHIC INFORMATION SYSTEM
MAILING AREA
1000' + ADJACENT
SUBDIVISION LOTS
 GRIMM'S FUEL
 2S121A001800
 2S121A001900



This map was derived from several databases. The County cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, notification of errors would be appreciated.

Plot date: Jun 15, 2011; Q:\Workgroups\GIS\SDS\public\notice\magic\Notification.APR

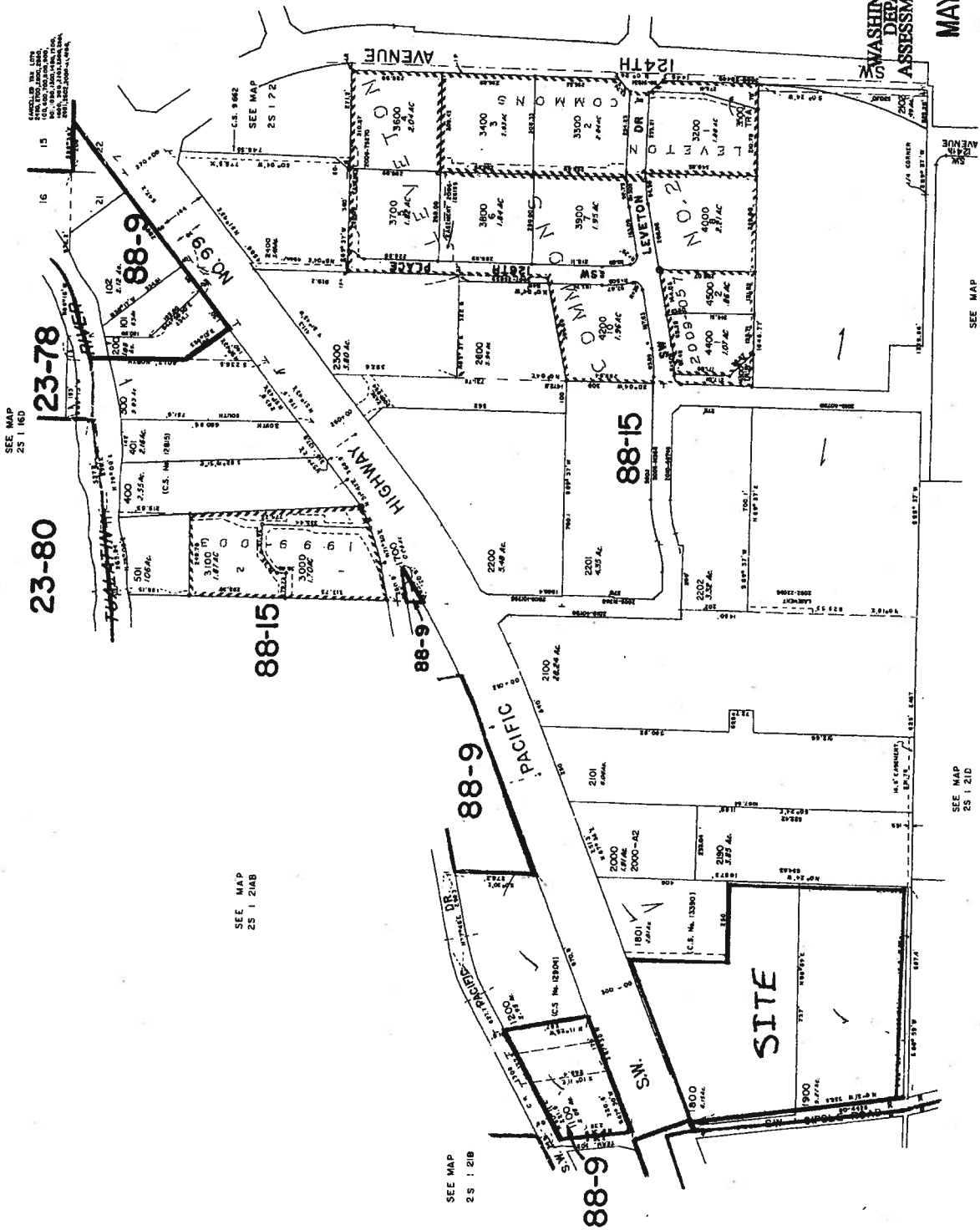
Figure 5

2S 1 21A

NE 1/4 SECTION 21 T2S R1W W.M.
WASHINGTON COUNTY OREGON

SCALE 1"=200'

FOR ASSESSMENT PURPOSES ONLY
DO NOT RELY ON FOR ANY OTHER USE



WASHINGTON COUNTY
DEPARTMENT OF
ASSESSMENT & TAXATION

MAY 25 2011

TUAL FOR ASSESSMENT PURPOSES
2S 1 21 ONLY - DO NOT RELY ON
FOR OTHER USE

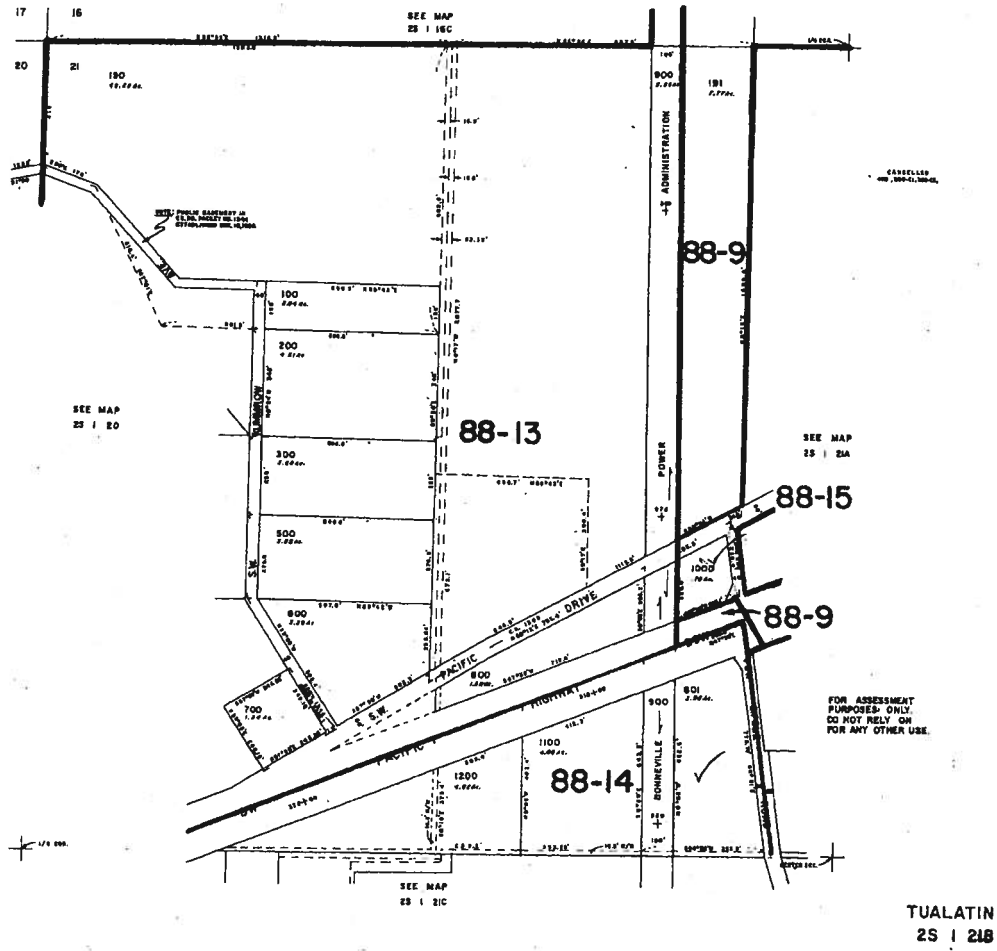
SEE MAP
2S 1 21DA

SEE MAP
2S 1 21D

Figure 5.

NW1/4 SECTION 21 T2S RIW W.M.
WASHINGTON COUNTY OREGON
SCALE 1"=200'

2S | 21B



WASHINGTON COUNTY
DEPARTMENT OF
ASSESSMENT & TAXATION
MAY 25 2011
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Figure 5.



City of Tualatin

www.ci.tualatin.or.us

APPLICATION FOR CONDITIONAL USE

Community Development Department - Planning Division
 18880 S.W. Martinazzi Avenue
 Tualatin, OR 97062
 503-691-3026

Case No. _____
 Fee Rec'd. _____
 Receipt No. _____
 Date Rec'd. _____
 By _____

PLEASE PRINT IN INK OR TYPE

Code Section 61.030 Conditional Use to allow Modification of existing
Conditional use permit-resource recovery facility. Planning District MG

Owner's Name Grimm Brothers, LLC Phone 503-636-3623

Owner's Address 18850 SW Cipole Rd. Tualatin, OR 97062
 (street) (city) (state) (ZIP)

Owner recognition of application: _____

signature of owner(s)

Applicant's Name Grimm's Fuel Company Phone 503-636-3623

Applicant's Address 18850 SW Cipole Rd. Tualatin, OR 97062
 (street) (city) (state) (ZIP)

Applicant is: Owner Contract Purchaser Developer Agent

Other Facility Operator

Contact person's name Jeffery Grimm Phone 503-636-3623

Contact person's address 18850 SW Cipole Rd. Tualatin, OR 97062
 (street) (city) (state) (ZIP)

Assessor's Map Number 2S121A Tax Lot Number(s) 1800 & 1900

Address of Property 18850 SW Cipole Rd. Tualatin, OR Lot Area 11.42 acres

Existing Buildings (Number and Type) _____

Resource recovery facility; Storage & distribution of rock,
 Current Use barkdust, compost, topsoil, home heating oil; contractors repair
shop.

As the person responsible for this application, I, the undersigned hereby acknowledge that I have read the above application and its attachments, understand the requirements described herein, and state that the information supplied is as complete and detailed as is currently possible, to the best of my knowledge.

Name Jeffery Grimm Date 6/6/2011 Phone 636-3623
 Address 18850 SW Cipole Rd. Tualatin OR 97062
 (street) (city) (state) (ZIP)

**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Jeffery D. Grimm, being first duly sworn, depose and say:

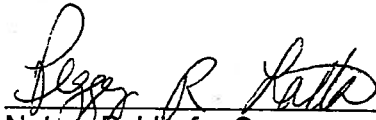
That on the 16th day of June, 2011, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.



Signature

SUBSCRIBED AND SWORN to before me this 29 day of June,
2011.





Notary Public for Oregon
My commission expires:

RE: _____

**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

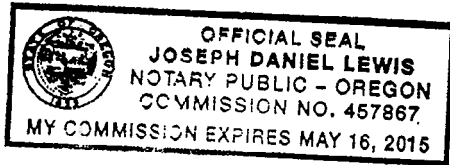
I, Jeffery D. Grimm, being first duly sworn, depose and say:

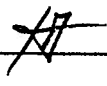
That on the 6th day of July, 2011, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.



Signature

SUBSCRIBED AND SWORN to before me this 12 day of August, 2011.



Joseph D Lewis 

Notary Public for Oregon
My commission expires: May 16, 2015

RE: _____

NEIGHBORHOOD/DEVELOPER MEETING AFFIDAVIT OF POSTING IN PUBLIC PLACES


STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Jeffery D. Grimm, being first duly sworn, depose and say:

As the applicant for the Grimm's CPU Modification project, I hereby certify that I posted copies of the Notice of the Neighborhood/Developer meeting in accordance with the requirements of the Tualatin Development Code and the Community Development – Planning Division on the 6th day of July, 2011, copy attached; and that I posted said copies in public and conspicuous places within the City at the subject property, to wit:

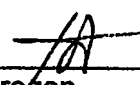
1. 18850 SW Cipole Rd. Tualatin, OR at main entrance.
2. 99W at Cipole Rd.
3. _____
4. _____

Dated this day of 12th of August, 2011.


Signature

Subscribed and sworn to before me this day of August 12, 2011.



Joseph D Lewis 
Notary Public for Oregon
My Commission expires: May 16, 2015

RE: _____

**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF POSTING IN PUBLIC PLACES**

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Jeffery D. Grimm, being first duly sworn, depose and say:

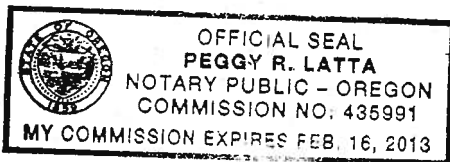
As the applicant for the Grimm's CUP Modification project, I hereby certify that I posted copies of the Notice of the Neighborhood/Developer meeting in accordance with the requirements of the Tualatin Development Code and the Community Development – Planning Division on the 16th day of June, 2011, copy attached; and that I posted said copies in public and conspicuous places within the City at the subject property, to wit:

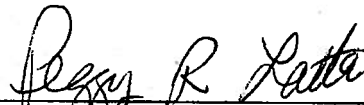
1. 18850 SW Cipole Rd. Tualatin, OR at the mail entrance
2. 99W at Cipole Rd.
3. _____
4. _____

Dated this day of 29th June, 2011.


Signature

Subscribed and sworn to before me this day of 29 June, 2011.




Notary Public for Oregon
My Commission expires: Feb 16, 2013

RE: _____



Metro Solid Waste Regulatory Guidance Bulletin

GB 9

JUNE 2010

Solid Waste Reload and Processing Facilities Accepting Food Waste from the Metro Region (Applicable to Both In-Region and Out-of-Region Facilities)

Metro's solid waste regulatory system supports the region's sustainability and waste reduction goals by ensuring that Metro area waste is delivered to appropriate, well-operated reloading and processing sites. Metro routinely coordinates and consults with local governments and the Oregon Department of Environmental Quality (DEQ) about these types of facilities, whether they are located inside or outside the region.

Introduction

This Metro regulatory guidance document has been developed to provide solid waste facility owners and operators an overview of the considerations that will guide Metro's regulatory decisions about food waste reloading and processing facilities that seek to accept food waste from the Metro region. Food waste processing facilities, such as composting, anaerobic digestion and food waste reloading facilities that seek Metro approval must comply with the requirements in the Metro Code, including but not limited to:

- 1) Proof that the applicant has received local land use approval;
- 2) Demonstrate that the food waste will be responsibly and sustainably managed;
- 3) Minimize the creation of negative impacts on adjacent communities; and
- 4) Ensure that the end-product is safe and marketable.

For the purpose of this document, there are two general categories of food waste requiring Metro's regulatory oversight: vegetative food waste and mixed food waste. A facility that accepts vegetative food waste or mixed food waste will be required to meet more stringent standards and achieve a higher level of management attention than a facility accepting only yard debris. The two types of food wastes are described below:

"Vegetative food waste": refers to source-separated, pre-consumer vegetative food waste, including waxed cardboard packaging, typically generated at grocery stores and produce

warehouses, and food processing or packaging plants. Vegetative food waste is classified in the DEQ compost rule as Type 1 feedstocks.

"Mixed food waste": refers to source-separated, pre-and post-consumer food waste, including meat and dairy products that are typically generated in restaurants, cafeterias, grocery stores, food processing businesses and private homes. Mixed food waste is classified in the DEQ compost rule as Type 3 feedstocks.

This document is not intended to provide instructions on how to process food waste; however, it does provide general performance expectations and operating guidelines for managing this waste stream. When properly managed, food wastes can be processed without creating malodors and other negative impacts.

Establishing Sustainable Food Waste Processing Capacity for the Region

Establishing a sustainable food waste processing system, such as composting and anaerobic digestion, is essential for meeting the goals established by Metro in the Regional Solid Waste Management Plan. A sustainable system is one that provides stable processing capacity, reliable and well-managed facilities, and long-term capacity to meet the current and future needs of the region while not negatively impacting the host community or the environment.

Locating a food waste processing or reloading facility can be a time consuming process given the need to secure local land use approval, support from the surrounding community and environmental permits. Nearby homes and businesses will be concerned about the potential impacts of a food waste reload or composting facility (e.g., malodors, vectors and traffic). While processing and reloading conducted in urban areas require more stringent oversight, facilities located in rural communities must also be able to operate without creating adverse impacts on nearby homes, businesses or the environment.

Metro's Regulatory Approval Process

Facilities must receive Metro authorization before accepting food waste generated in the Metro region. Applications for such authorization require that the facility submit detailed design and operation plans.

In-region facility (located inside the Metro boundary)

In order to operate inside the Metro region, a food waste reload or processing facility must submit an application to Metro in order to obtain a Metro solid waste facility license or franchise. An existing Metro licensed yard debris reload or yard debris composting facility must apply for and receive Metro authorization prior to accepting any food waste – even if it is comingled with yard debris. Metro Code Chapter 5.01 governs solid waste facility regulation and describes the application process and regulatory requirements.

Out-of-region facility (located outside the Metro boundary)

A processing facility located outside the Metro region that seeks to accept food waste generated from inside the Metro region on a permanent basis should seek approval to become a Designated Facility by the Metro Council. Upon approval, the facility would

then enter into an agreement with Metro called a Designated Facility Agreement ("DFA"). The DFA authorizes the facility to receive and process source-separated food waste from the Metro region under specific terms and conditions that address facility design standards, operating conditions and reporting obligations.

A hauler (or generator) that seeks to deliver food waste from the Metro region directly to an out-of-region facility that has not obtained a Metro DFA must apply for and obtain a non-system license (NSL). An NSL may be granted by the Metro Council for up to two years. Metro Code Chapter 5.05 governs solid waste that leaves the Metro region and describes requirements for how a facility located outside the Metro region can obtain an agreement to accept food waste that is generated inside the region.

An application for a food waste processing franchise, a designated facility, or a non-system license is subject to Metro Council approval. The Metro Chief Operating Officer approves licenses to operate food waste reloads when the food waste is delivered to a Metro-authorized facility. The Metro license and franchise application process requires that any facility seeking to accept Metro-area food waste must submit an application in accordance with the applicable Metro Code requirements. These requirements include proof of local land use approval and compliance with permitting requirements of the DEQ (or its equivalent).

General Performance Goals and Operating Guidelines

A facility that seeks Metro authorization to accept food waste generated in the region must adequately address the performance goals and operating guidelines listed in this section as part of the application process.

General Performance Goals

These performance goals describe Metro's general expectations for any food waste processing and reload facility and are similar to those adopted by the Metro Council for material recovery facilities. Each of the goals listed below must be addressed as part of the application process for both in-region and out-of-region facilities:

- 1) **Environment.** Facilities must be designed and operated to preclude the creation of undue threats to the environment including but not limited to, stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste and other prohibited waste.
- 2) **Health and safety.** Facilities must be designed and operated to preclude the creation of conditions that may degrade public health and safety, including but not limited to, fires, vectors, pathogens and airborne debris.
- 3) **Nuisances.** Facilities must be designed and operated to preclude the creation of nuisance conditions, including but not limited to, litter, dust, malodors and noise.
- 4) **Processing.** Facilities processing food waste must be designed and operated to assure that the food waste is processed in a timely manner and the end-products are safe and marketable.
- 5) **Record keeping.** Facilities shall keep and maintain complete and accurate records of

the amount of all solid waste and recyclable materials that are received, recycled, reloaded, processed and disposed.

General Facility Operating Guidelines

The following operating guidelines clarify some of Metro's key expectations regarding odor management practices at food waste processing and reloading facilities. In particular, the following areas of concern must be addressed comprehensively as part of the application process for both in-region and out-of-region facilities:

Receiving (tipping) and mixing area at processing facilities. Food waste has the potential to create significant odor when tipped at the receiving and mixing areas. The receiving and mixing activities should be conducted inside a roofed structure, enclosed on at least three sides with the ability to effectively enclose the fourth side to contain malodors. Further, the building must have an effective negative air circulation system that can be routed to a biofilter, or an alternative method for preventing odors from being released from the building. Alternatives to this management method may be considered on a case-by-case basis and would depend on the details of the specific proposal, the type of material, processor experience and the site location.

Feedstock management and processing methods. Facilities must establish an operating plan that adequately addresses feedstock management (e.g., moisture, porosity, pH, carbon to nitrogen values) as appropriate to the proposed processing method (e.g., in-vessel, covered system, aerated pile).

Aerated compost systems. Most food waste compost systems include some form of forced aeration, using pumps to push (positive aeration) or pull (negative aeration) air through the pile core. In addition, facilities processing food waste typically cover compost piles with breathable fabrics or other equivalent products or structures to contain malodors and avoid soggy anaerobic piles during periods of heavy rain. Since covered and aerated composting systems are known to effectively reduce the production of malodors, Metro considers these to be the minimum standards for composting facilities accepting the region's food waste. Alternatives to this management method may be considered on a case-by-case basis and would depend on the details of the specific proposal, the type of material, processor experience and the site location.

Biofilters. Facilities proposing to use a biofilter must provide the design criteria and specifications for the biofilter in the facility design plan.

Leachate management. Facilities must manage leachate to avoid off-site impacts. Food wastes can release large amounts of liquid. In addition to causing odors, these liquids contain nutrients and pathogens that must be managed in accordance with the rules and regulations of the DEQ or its functional equivalent.

Stormwater management. Facilities must ensure stormwater is controlled to minimize contamination with raw food waste feedstocks and liquids that have not undergone pathogen reduction. Stormwater must be managed in accordance with the DEQ or its functional equivalent.

Pathogen reduction. Facilities must implement procedures to safeguard and protect human health and the environment because food waste contains human pathogens, fungi and bacteria. The DEQ has regulations to address pathogen reduction at composting facilities that vary depending on the processing method used by the facility. To ensure that the finished product is safe to use, pathogen reduction procedures must be addressed in the facility operating plan.

Vector control. Facilities must operate in a manner that is not conducive to the harborage of rodents, birds, insects, or other vectors capable of transmitting infectious diseases to humans or from one person or animal to another.

Food waste reload facilities. Facilities that receive food waste or food waste mixed with yard debris must consolidate, reload and transport these materials to a Metro designated facility or under authority of a Metro non-system license. In order to minimize the generation of malodors, food waste and food waste mixed with yard debris cannot be kept on-site long enough for more than negligible biological decomposition to occur - or within 24 hours of receipt. Such reloading activities must be conducted inside a roofed structure that is enclosed on at least three sides (for additional odor management, a negative aeration system to a biofilter should be considered in urban locations). Transport containers must have watertight seals and be covered. Leachate and stormwater must be managed in accordance with DEQ requirements (or equivalent).

Anaerobic digestion systems. Metro standards for anaerobic digestion systems are similar to composting facilities that receive and process food waste. In particular, the same standards apply for receiving waste, feedstock management, odor control, leachate and stormwater management. Pathogen reduction requirements would depend on the processing system and disposition of the by-products. Additional guidance would be provided to these facilities based on the proposed method of processing and facility site location.

All food waste facilities are required to abide by the specific operating standards that are specified in the license, franchise or DFA. Facilities must prepare and implement a Metro approved facility operating plan that addresses procedures such as: inspecting incoming loads, managing prohibited waste, dust prevention, emergencies, and nuisance complaints.

Record Keeping and Fees/Taxes

Record Keeping and Reporting. Metro's regulatory authorizations and agreements allowing the acceptance of food waste will include record keeping and reporting requirements. Complete and accurate records must be kept for all transactions including the ticket or slip number, material category type, date the load was accepted, the net weight of the load, material origin, and the fee charged by the facility. Monthly records must be provided in an electronic format prescribed by Metro. These records provide a basis for regional solid waste planning, compliance, and monitoring operational activities.

Metro Regional System Fee and Excise Tax. Metro's Regional System Fee and Excise Tax (fees and taxes) are not paid on source-separated food waste that is delivered and successfully processed at a Metro-approved facility. However, waste that is not recovered, and is subsequently disposed, is subject to full fees and taxes. Metro's

regulatory authorizations and agreements include the terms and conditions for when fees and taxes must be paid. For example, if the facility accepts food waste that does not meet its acceptance criteria or the facility fails to process the material as required, the facility would be liable for payment of fees and taxes, for each ton of waste delivered to a solid waste disposal site.

Conclusion

In summary, facilities proposing to accept food waste from the Metro region must be able to address the performance goals and operating guidelines by submitting a facility design plan, a facility operating plan, and a comprehensive odor minimization and management plan as part of its application to Metro. Effective and reliable odor management controls are essential characteristics of a viable, sustainable and long-term food waste processing strategy for the Metro region.

Questions or Concerns

If you have questions about the information in this regulatory guidance document or would like more information, please contact Bill Metzler, Senior Planner, Metro Finance and Regulatory Services, Solid Waste Compliance and Cleanup Program at 503-797-1666 or email at bill.metzler@oregonmetro.gov.

BMcbj
S:\KEM\metzler\Organics Strategy 2010\Guidance Bulletin\Guidance Bulletin Points_Final.docx
Quesse



GRIMM'S FUEL CO.

DOING BUSINESS SINCE 1929

18850 SW Cipole Rd., Tualatin, OR 97062

Barkdust
Garden Mulch
Mushroom Compost
Blended Soil
Decorative Rocks

Phone 503-636-3623

503-692-3756

Fax 503-692-2015

Exhibit B

June 14, 2011

RE: Modification of the existing Conditional Use Permit for Grimm's Fuel Company.

Dear Property Owner:

You are cordially invited to attend a meeting on July 1, 2011 at 5:00 pm at the offices of Grimm's Fuel Company. This meeting shall be held to discuss a proposed project located at 18850 SW Cipole Road in Tualatin, Oregon. Grimm's is proposing to modify their existing Conditional Use Permit for the operation of a Resource Recovery Facility to include small amounts of residential food waste.

Grimm's would like to begin accepting and processing local residential food waste. This organic material would be delivered by haulers as part of their curbside yard debris recycling programs and then be processed through our existing processing system. When combined with the other organic composting materials produced at our facility, food waste will be less than 0.6% of our total material. We are not proposing to compost commercial food waste.

Odor issues are a primary consideration for us at our composting facility. We are confident that incorporating small amounts of food waste into our system will have no effect on our ability to control and minimize odors. Loads that may have odor potential will be mixed with sawdust or another carbon source and then processed immediately as it is received. Mixing a small amount of finished compost into green waste helps inoculate the material with beneficial bacteria and accelerates the composting process which helps minimize odors. At the end of each shift, the compost pile will be covered with clean ground yard debris or finished compost to further reduce possible odor and vector potential.

Recycling of residential food waste is the next step in the evolution of composting and is paramount to reaching our local, regional and statewide recycling goals. Our proposed modification will give Tualatin residents a local and energy efficient option for recycling their residential food waste and reduce green house gasses by removing these materials from the landfills.

The purposes of this meeting is to provide a means for Grimm's and surrounding property owners to meet and discuss this proposal and identify any issues regarding this proposal. Please feel free to call if you have any questions.

Regards,

Jeff Grimm

Grimm's Fuel Company



GRIMM'S FUEL CO.

DOING BUSINESS SINCE 1929

18850 SW Cipole Rd., Tualatin, OR 97062

**Barkdust
Garden Mulch
Mushroom Compost
Blended Soil
Decorative Rocks**

Phone 503-636-3623

503-692-3756

Fax 503-692-2015

Exhibit B

July 6, 2011

RE: Modification of the existing Conditional Use Permit for Grimm's Fuel Company.

Dear Property Owner:

You are cordially invited to attend a meeting on July 21, 2011 at 6:00 pm at the offices of Grimm's Fuel Company. This meeting shall be held to discuss a proposed project located at 18850 SW Cipole Road in Tualatin, Oregon. As you know Grimm's is proposing to modify their existing Conditional Use Permit for the operation of a Resource Recovery Facility to include small amounts of residential food waste.

Thanks to those who were able to attend our last neighborhood meeting. It was a pleasure to meet everyone and to hear your comments and concerns. I really appreciate the opportunity to explain our proposal and to receive feedback from our neighbors.

Attached is an agenda/outline that served to guide our last discussion. Once again, I would like to promote an open, free flowing discussion and this outline is just a reminder of some of the highlights.

I hope you will all join us for a brief 15-minute tour of our facility before the meeting. Once again, we will fire up the grill and provide burgers and hot dogs after the meeting so bring your appetites.

Again, the purposes of this meeting is to provide a means for Grimm's and surrounding property owners to meet and discuss this proposal and identify any issues regarding this proposal. Please feel free to call if you have any questions.

Regards,

Jeff Grimm

Grimm's Fuel Company

Summary
Neighborhood Meeting Held By Grimm's Fuel Company

Hosted by: Jeff Grimm, General Manager (503-636-3623)
Email – jefgfc@teleport.com

Where: Company offices at 5 p.m. on Friday, July 1, 2011

Summary Prepared By: Cathy Holland

Attending: 17 residents of North Tualatin area (Ridge, Green Haven, Hazelbrook area) and 1 business owner from an adjacent property. Will Harper from the City of Tualatin Development Department attended as an observer.

1. Grimm's Fuel may amend their City of Tualatin conditional use permit and their DEQ permit to allow the company to receive and process residential food waste (meats, cheeses, breads, vegetables, etc.) from the Sherwood and Tualatin area. They are not considering expanding their permit to include industrial food waste (a much higher volume).
2. Jeff Grimm made the presentation. He was very forth coming and open to neighbor comments.
3. The reason they are looking into this amendment is that it appears that in the future Metro may require that haulers picking up yard debris may also need to pick up food waste co-mingled with yard debris. If that happens, then Grimm's Fuel may lose all of yard debris business if they do not expand their permit for residential food waste.
4. Grimm has evaluated the process and is looking for feedback from neighbors regarding their concerns. They have not turned in an application to the city or DEQ and are just considering their options.
5. Neighbors acknowledged that odors from the facility have been greatly reduced over the last 20 years due to efforts by the company.
6. Concerns expressed by the neighbors at the meeting about the new potential processing included the following:
 - a. Odors.
 - b. Pests (rats, raccoons, mice, seagulls, etc.).
 - c. Pollution (water run off into wet lands or nearby properties).
 - d. Bacteria (E-coli, staph, etc.).
 - e. Increased moisture from the food waste.
 - f. Timing of the meeting (Friday evening before the 4th of July weekend).
7. Grimm addressed those concerns as follows:
 - a. He agreed that a second neighborhood meeting is needed. This meeting was scheduled without consulting a calendar and they didn't realize that it was on the Friday before the 4th of July weekend since they do not get it off. They plan to schedule that second meeting as soon as possible.

- b. The way it works is that residents collect food waste (meats, cheeses, breads, vegetables, etc.) in a bucket. They then dump that bucket into their yard debris container and the hauler collects it. Grimm's already accept vegetable waste both in the residential haulers with yard debris and from large industrial dumpsters of vegetable waste (lettuce, tomatoes, etc.).
 - c. Grimm's immediately grinds the material as soon as it is received. The process then involves turning and spraying with water.
 - d. Grimm has visited other sites where residential food waste processing is included with yard debris. He noted that most of it not all of these sites do have an odor.
 - e. The odor release occurs at the turning. The percentage of food waste to yard debris also impacts the order. The percentage varies depending on the season (winter may have a greater percentage of food waste.) This is an issue he is studying.
 - f. His objective is implement a process that will have minimum impact on neighbors including odors. He believes that all of the other problems can be addressed by engineering and process design. He plans to bring additional information on those problems to the next meeting.
 - g. He is still in a "proposal" phase and has not decided for sure that they want to take this on. His concern is that Metro may require it for Grimm's to continue to accept yard debris.
 - h. When asked if he would consider an enclosed building, he said that the cost might be prohibitive if he is only doing residential waste. Other facilities that he has visited do have a building but they are doing the heavy duty industrial waste processing.
8. Other information provided by Grimm:
- a. Cities currently hauling food waste from residents - Portland (it is hauled to Everett, Washington) and Eugene.
 - b. Cities currently recycling industrial food waste - Portland and McMinnville.
 - c. Allied Waste is building a food recycling facility in Benton County. If Tualatin uses that facility, the cost may be higher because of the cost of transportation.
9. Other interesting comments by attendees:
- a. A nearby business owner lives in Keizer. Keizer has just started collecting food waste. She also expressed concerns about water pollution on nearby property.
 - b. One resident had gone online and pulled quite a bit of information on the process. Apparently California leads the nation in this effort.
 - c. Recent legislation appears to have moved recycling goals into recycling mandates so that new rules are driving the process.
10. Harper pointed out the City Council now requires these neighborhood meetings before the permit request is submitted. Developers have to address in the permit information any concerns raised at these meeting. He also

explained how conditional use permits work and how they are "performance based" that is that the company has to comply with restrictions in the permit. If not, the permit is revoked.

- 11. It appears that most people attending the meeting had an opportunity to express their concerns and that Grimm understood what those concerns were.**
 - 12. Grimm will continue his research and set up the next meeting.**
-

Exhibit E

Grimm's Fuel Company (GFC)
Neighborhood and Developer Meeting
Thursday July 21, 2011

A.) Tour: 6:00 – 6:15

B.) Meeting: 6:15 – 7:30

Goal: To provide an opportunity for Grimm's to explain our Proposal and for the neighbors to share information, address concerns, and identify issues.

Proposal: We have **no** plans to compost any food waste at this time. We have **not** been approached by any hauler or municipality to handle these materials and have no plans to do so. This proposal has been initiated by a DEQ rules change that requires all composting facilities to renew their permits.

We are **not** proposing to compost commercial food waste. These materials are messy and have a greater potential to produce odors.

If approved by the City of Tualatin, Metro, and DEQ, we may someday consider accepting and processing residential food waste. Commercial haulers, as part of their existing yard debris recycling programs, would deliver this material. It is estimated that food waste from such a program is 3-5% of the total mix received from haulers. When combined with GFC's other organic waste, food waste will be less than 0.6% of our total materials.

Why:

1. GFC needs to remain competitive. Material volumes have been decreasing since 2005. (Volume sensitivity.)
2. New players in the industry. (Allied Waste, Recology, etc.)
3. Pressure to meet recycling goals and reduce 'green house' gasses.

Regulatory Issues:

1. The City of Tualatin has land use authority: Conditional Use process.
2. Metro franchise vs. license. Regulatory Guidance Bulletin.
3. DEQ's new regulations.
4. Statewide and local recycling goals (mandate). 64% by 2009. (RSWMP) Organics are a key element in reaching this goal.

Current Materials:

1. Yard Debris (Grass, branches, leaves, etc.)
2. Pre-consumer vegetative food waste. (Apples, pumpkins, lettuce, grapes, etc. Metro approval is required on large quantities.)
3. Wood waste. (Pallets, boards, wood, etc.) Used to generate electricity.
4. Manure. (Hay, race track straw, animal bedding, etc.)

Proposed Materials:

1. Residential food waste (meats, cheeses, breads, vegetables, etc.) mixed with yard debris. This is collected from the curbside by haulers. 3 to 5% of the mix is food waste, 95% is yard debris.

How it works: Food scraps are moved from the garbage can into the yard debris can and picked up weekly. (Portland. McMinnville. Eugene.)

Odors: Caused by anaerobic (without oxygen) conditions in the pile.

Current Conditions

1. Most severe when turning south 1/3rd of the pile.
2. Water recycling system.
3. Modification of sprinkler system.
4. History. 1992 system changes. DEQ files.
5. Metro Operating Plan. Complaint Documentation Form.
6. Minimization Plan. (Processed as soon as possible, mix high nitrogen loads with a carbon source, mix ground green waste with finished compost as processed to accelerate the process.)

Food waste handling and processing to minimize odors.

1. Processed as it is received. Morning/early afternoon
2. Mix potentially smelly loads with sawdust of other carbon source.
3. Mix ground green waste with finished compost.
4. Cover daily with pure yard debris or compost
5. Small volumes.

Questions and comments:

C.) Barbeque: 7:30-8:00

T.L.
1800
\$
1900
"Cipole"
Property

A portion of that property in Section 21, Township 2 South, Range 1 West of the Willamette Meridian deeded to Emil Krause in Book 126, Page 185, Washington County Deed Records, Washington County, Oregon, more particularly described as follows:

Beginning at the intersection of the Easterly line of County Road 505 (Cipole Road) and the Southerly line of Pacific Highway; thence Southerly along said easterly line of Cipole Road to the North line of that parcel deeded to Atlas Concrete Inc., in Book 1005, page 24, Washington County Deed Records; thence North 88° 59' East 717 feet to the northeast corner of said Atlas Concrete Tract and the East line of the Krause Tract; thence along said east line to the Southeast corner of that parcel deeded to Albert B. Cole in Book 827, page 275, Washington County Deed Records; thence along the south line of said Cole parcel, 250 feet, to the southwest corner thereof; thence North 0° 24' West along the west line of said Cole parcel, to the northwest corner thereof and the southerly line of Pacific Highway; thence along said southerly line to the point of beginning.

TOGETHER WITH easement appurtenant as described in instrument of record in Book 827 at Page 275, Deed Records, Washington County, Oregon.

SUBJECT TO easements, conditions and restrictions of public record, zoning and use restrictions, limitations of access as set forth in instrument of record in Book 362 at Page 264, Deed Records of Washington County, Oregon, and subject to rights of the public in any portion within Cipole Road, and the usual printed exceptions of title policies, including any state of facts that an accurate survey would show.

INDEXED

EXHIBIT "B"

A tract of land in the Northeast quarter of Section 21, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, described as follows: Beginning at a point in the centerline of County Road No. 505 at a point North 8° 31' West 16.64 feet from a bolt marking the Southwest corner of that certain 48.04 acre tract of land conveyed to Emil Krause by deed book 126, page 185, which bolt bears South 88° 59' West, 2,851.4 feet from the quarter corner on the East line of Section 21, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon; running thence North 8° 31' West along the center of said road 338.6 feet; thence North 88° 59' East, 737.0 feet to a point on the East line of the said Krause Tract; thence South 0° 30' East along said East line 335.7 feet to an iron pipe; thence South 88° 59' West parallel with and 16.5 feet distant Northerly from the South line of said Krause Tract a distance of 689.74 feet to the place of beginning.

13581 SURETY TITLE INSURANCE COMPANY

ATTACHMENT C

CUP-11-03: ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC) 32.030 must be met if the proposed Conditional Use Permit (CUP) for a modification of the existing resource recovery conditional use is to be granted. The Applicant prepared a narrative that addresses the CUP criteria (Attachment B). Staff has reviewed the Applicant's material and included excerpts in the findings below.

1. The use is listed as a conditional use in the underlying planning district.

The Applicant requests a modification of an existing conditional use permit for a resource recovery use to allow limited composting of residential food scraps collected by municipal franchise haulers with the existing Grimm's Fuel Company yard debris composting operation at 18850 SW Cipole Road (Tax Map 2S121A, Tax Lots 1800 & 1900).

A resource recovery facility is allowed as a conditional use in the General Manufacturing (MG) Planning District as stated in TDC 61.030(2). The proposed site is in the MG Planning District. Grimm's Fuel Company was granted Conditional Use Permits CUP-94-11 and CUP 97-03 (Resolution 3419-98) for a Resource Recovery Facility on March 23, 1998. The resource recovery approved in CUP-97-03 consists of yard debris recycling and composting and construction wood waste and land clearing debris recycling. Receiving, processing and composting of residential food scrap material is a resource recovery activity.

Criterion 1 is met.

2. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.

Size: The subject property is 11.42 acres in size. The site is currently developed with a shop building with scales, sales desk and offices; elevated machinery for processing yard debris, construction wood materials and wood product materials for barkdust, fuel and compost products; large concrete pads for receiving, loading and storing materials; a bin storage building for barkdust, soil and other finished wood materials and a large outdoor storage area for composting and storing bulk materials prior to finishing and sale. The applicant proposes to incorporate residential food scrap material into the existing yard debris composting operation. No additional facilities or improvements are proposed. Grimm's Fuel Company also conducts barkdust storage and finished material work on the adjacent and nearby

Tax Lots 2190 and 2100 that the company owns. The site size is suitable for the use.

Shape: The shape of the subject property is two rectangular lots and is suitable for the proposed use. Primary access to the subject site is via three driveways from SW Cipole Road to the west.

Location: The site is east of SW Cipole Road at the southeast corner of SW Pacific Hwy. in the MG (General Manufacturing) Planning District. Nearby properties include Construction Equipment Company and former Southwest Ready Mix properties to the east, the International Line Builders property to the south (across future SW Cummins Drive); Loen Nursery fields (across SW Cipole Road, outside UGB) and undeveloped land designated ML (Light Manufacturing)(west of SW Cipole Road, outside City). The subject property is adjacent to SW Pacific Hwy. on the north and the southern-most residential lots in Pony Ridge Subdivision are approximately 530 ft. north of the subject property. The site's location is in an area characterized by existing industrial uses. The site's location is suitable for the proposed conditional use.

Topography: The topography of the site is mildly sloping from north to south and is suitable for the proposed conditional use.

Improvements: The site is improved with two buildings, open-sided storage sheds, processing machinery, loading and receiving areas, storage areas, parking spaces and site landscaping improvements approved in Architectural Review AR-04-13 and AR-95-08.

Natural Features: The subject site does not contain natural features.

The applicant states "GFC (Grimm's Fuel Company) also owns 34.29 acres of additional MG property located east of the processing facility. These properties are joined by a 16.5 ft. (wide) tax lot to the south. This gives a total of 45.71 acres of industrial property, which is more than adequate to handle GFC's current and future operations." (Attachment B, pg. 8)

Criterion 2 is met.

3. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Transportation. The applicant states "The proposed modification will have no effect on the existing transportation system. Primary access to the site is from Cipole Rd., which is classified as a major connector street by the TDC and is under the jurisdiction of Washington County. The road is presently a two-lane roadway serving the northwest industrial area of Tualatin." (Attachment B, pp. 8-9)

Water. "Water (for the composting operation) is currently provided by two wells located on the property. Additional water for emergency fire protection is available to the property via a 12-inch city water main located in the Cipole Rd. right of way and a ten-inch water main located in the Hwy 99W right of way."

Sanitary and Storm Sewer. "The proposed modification will have no effect on the existing storm and sanitary systems. Sanitary sewer service is currently provided by an eight-inch line that runs under the proposed Cummins Street. There is currently no public storm water drainage system in the area. Storm water from the site is collected in a series of catch basins and then flows east along the southerly property line through a 15-inch culvert to GFC's tax lot 2100. Here storm water flows through a series of sediment ponds and serpentine ditches." (Attachment B, pg. 9)

The Engineering Division provides the following information in Attachment E.

Transportation

"There will be no change to the number of (hauler) vehicles picking up the (yard debris) bins. As this does not change the quantity of vehicles (arriving at the facility), no additional trip impact will occur from allowing this use, therefore there will be no increase to any nearby intersection's LOS."

Public Facilities & Services:

"Public sanitary sewer exists in SW Quarry Road to the south of this site. No public stormwater lines exist adjacent to this development. Stormwater from the site flows east along the south property line through a 15-inch culvert to Grimm's Fuel Co. lot to the east where it flows into a series of sediment ponds and serpentine ditches. Water lines exist in SW Pacific Highway and SW Cipole Road to the north and east. Grimm's is both connected to the public water line for domestic and to well water for non-potable use. This is acceptable."

"The applicant will need to verify the capacity of existing public lines (storm sewer) prior to obtaining a Water Quality and Public Works Permit associated with development improvements in the future."

"When the runoff from business operations requires additional evaluation due to inclusion of process related chemicals or materials, Clean Water Services evaluates the runoff through their 1200-Z program. Grimm's currently has their stormwater tested a minimum of 4 times per year under a NPDES 1200-Z Storm Water Discharge permit. Additionally, DEQ regulates and inspect the facility under their Solid Waste Composting Permit rules. Future operations with approval of this CUP will continue to include CWS and DEQ permitting and inspection, but will additionally include a Metro franchise complying with Metro's Solid Waste Guidance Bulletin."

Based on Staff review and analysis of the application and the recommended conditions of approval, the proposed conditional use is timely, considering the adequacy of

transportation systems, public facilities and services existing or planned for the area affected by the use.

Criterion 3 is met.

4. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

The subject property is in the CG Planning District. Surrounding Planning/Zoning Districts and land uses include:

- | | | |
|----|-------|--|
| N: | CG | RV Repair and Sales (across SW Pacific Hwy) |
| | FD-10 | Contractors Shop (out of City, in Washington County) |
| | RML | Pony Ridge Subdivision (North of SW Pacific Drive) |
| | RML | Angel Haven Manufactured Home Park (North of SW Pacific Drive) |
| E: | MG | Construction Equipment Company |
| | MG | Grimm's Fuel Property (former Southwest Ready Mix) |
| S: | MG | Contractors Shops and Equipment (Omega Industrial Park)
(across Future SW Cummins Road ROW) |
| W: | AF-5 | Loen Plant Nursery (across SW Cipole Rd, in Washington County) |
| | AF-20 | Farm land in Washington County |

The nearest residential areas to the Grimm's Fuel Company site are the Pony Ridge Subdivision (135 residential lots) and the Angel Haven home park, located approximately 530 ft. north of the subject property (Attachment A). The area on the south side of SW Pacific Hwy, east of SW Cipole Road is characterized by industrial development in the MG Planning District to the south and east. The buildings in the vicinity of the subject building are industrial buildings with industrial uses. The north side of SW Pacific Hwy. is a mix of service and small commercial uses.

The Applicant states:

"The character of the area immediately surrounding the GFC (Grimm's Fuel Company) facility has changed very little since being annexed in 1982. The core businesses, GFC, Anderson's Forge, etc. remain essentially unchanged. However, as properties in the Cipole Rd. and Hwy 99W area shift from rural to industrial, commercial, and residential land uses, the possibility of impacting surrounding properties increases. The applicant is fully aware of this and has taken numerous steps over the years to minimize these potential impacts. For example, noise levels have been lowered by placing mufflers on the heavy equipment and limiting the hours of operation. Odor issues have been minimized by changing the composting methods. Windrow piles were changed to static piles and the material is conveyed directly to the compost pile, eliminating the use of large loaders, which caused compaction. Dust control is achieved by processing materials as they are received, adding water during processing, and regularly watering down driveway areas with

the water truck. Adding a relatively small amount of food waste to our operation will have no effect on the surrounding area." (Attachment B, pp 9-10)

As described in the application, residential food waste from a municipal program similar to the City of Portland curbside program that begins on October 31, "...is estimated to be 3-5% of the total mix received from haulers. When combined with GFC's other organic waste, food waste will be less than 0.6% of our total material." (Attachment B, pp 6-7)

The hauler- collected mix of residential food scrap and yard debris material will be received at the center of the Grimm's Fuel Company site where the processing of yard debris for compost begins with grinding and screening. (Attachment B, Figure 2-Site Plan, Figure 4-Processing Steps). The material is conveyed to the composting piles east of the receiving area where the material is regularly turned for aeration (by heavy loader equipment) and watered to promote the composting action for up to 12 months. Grimm's composting operation is a pile method designed to maintain the temperature and moisture that optimizes the conditions for biological activity to break down the material. As proven by the existing Grimm's Fuel Company yard debris composting process, the conditions of the process eliminate or reduce problems with odor, dust and smoke from the materials. The processing location and methods are described in detail in the application materials (Attachment B, pp 7-2, Figures 2-Site Plan and 4-Processing Steps).

At the Neighbor-Developer meetings in July and August, businesses near the site and residents of the Pony Ridge Subdivision and Angel Haven Park raised concerns about the potential for odor, air and water pollution, storm water runoff and pest/vector problems and how they would be addressed by Grimm's and by the City. Grimm's Fuel Company responses at the meetings and in the application materials are summarized below:

Odor. "Odor issues are a primary consideration at most composting facilities. Due to certain operational changes at the facility, we have had 3 documented odor complaints since 1992. We are confident that incorporating small amounts of food waste into our system will have no effect in our ability to control odors. Malodorous loads will be mixed with sawdust or another carbon source and then processed as it is received. Mixing a small amount of finished compost into green waste helps inoculate the material with beneficial bacteria and accelerates the composting process, which helps minimize odors." (Attachment B, pg. 7).

When processing organic material such as yard debris and food scraps, odor is "...caused by anaerobic (without oxygen) conditions." (Attachment B, Exhibit E- Meeting Notes). Grimm's currently manages the receiving step to minimize odor problems from incoming loads and the composting process to promote aerobic conditions. The steps are listed in the meeting excerpt below:

Odors: Caused by anaerobic (without oxygen) conditions is the pile.

Current Conditions

1. Most severe when turning south 1/3rd of the pile.
2. Water recycling system.
3. Modification of sprinkler system.
4. History. 1992 system changes. DEQ files.
5. Metro Operating Plan. Complaint Documentation Form.
6. Minimization Plan. (Processed as soon as possible, mix high nitrogen loads with a carbon source, mix ground green waste with finished compost as processed to accelerate the process.)

Food waste handling and processing to minimize odors.

1. Processed as it is received. Morning/early afternoon
2. Mix potentially smelly loads with sawdust of other carbon source.
3. Mix ground green waste with finished compost.
4. Cover daily with pure yard debris or compost
5. Small volumes.

CUP-97-03 establishes the resource recovery use and requires that Grimm's Fuel continues to operate the facility in a manner that controls odor problems. Research into the City's enforcement records reveals no logged complaints of odor associated with the Grimm's Fuel facility since CUP-97-03 was approved in 1998. The current and proposed METRO Solid Waste Permits also have requirements for odor control by the permit holder. A copy of the METRO Regulatory Solid Waste Guidance Bulletin (June 2010) for food waste processing facilities is Attachment C, Appendix D. It provides information about the regulatory approval process that Grimm's Fuel Company must pass with the operating guidelines that METRO will apply to a permit that include odor management, pathogen reduction and vector control. Both METRO and DEQ submitted comment letters regarding the Grimm's Fuel proposal (Attachment D)

Air and Water Pollution. At the Neighbor-Developer meetings and in the application materials, Grimm's Fuel Company explained the controls that the facility has related to air and water contamination from the composting process and permitting for air and water quality by the Department of Environmental Quality (DEQ). Dust is minimized by watering, controlled receiving and loading, mechanical processing and the composting steps. Based on monitoring and management practices in association with DEQ, Grimm's believes there is no infiltration of natural rainfall or site water into the ground associated with the existing composting process and material storage.

Stormwater Runoff. At the Neighbor-Developer meetings and in the application materials, Grimm's Fuel Company explained the stormwater management facilities on the site. Subject to permits from Clean Water Services and DEQ, Grimm's Fuel is required to contain and clean stormwater from the site of particulates, nutrients and

contaminants prior to release into a public or natural system. Most of the stormwater that reaches the property is captured on-site and introduced to the composting material as a moisture source.

Pests/Vectors. Grimm's Fuel Company reports few current problems with pests and vectors associated with the composting operation and due to the processing methods, does not expect rodents and other small mammals, insects or birds to be a problem on the site or for neighbors if food scrap composting begins.

"Vectors are not a problem at our facility because we grind the waste as it is received. Inoculating the green waste with finished compost causes the material to quickly heat up to 120-140 degrees thus discouraging vectors. At the end of each shift, the compost pile will be covered with clean ground yard debris or finished compost to further reduce vector potential." (Attachment B, pg. 7).

The regulations and permits required by METRO and the Department of Environmental Quality for resource recovery, composting, food waste processing, air quality and water quality provide specific standards and significant oversight for the existing and proposed Grimm's Fuel Company resource recovery operation. If Tualatin grants a conditional use permit for the food scrap composting activity, Grimm's Fuel Company has to receive permit approval from both METRO and DEQ before receiving the material at the facility. Clean Water Services has authorities for stormwater management and sanitary waste and can address problems through existing permits or new permitting. The agencies have authorities and the abilities to monitor and enforce the terms of the permits that they issue and can effectively address problems with a resource recovery operation including odor, air and water pollution, stormwater management and quality and pest/vector control.

The Grimm's Fuel Company application provides information about the proposal and the company's management and control of its operation and the proposed residential food scrap composting activity. Grimm's proposes to only accept residential food scrap material from municipal solid waste and recycling program sources. No commercial or private source material will be accepted as part of this application, with a proposed exception to conduct a "pilot project" with Metro for a limited volume of commercial source food waste. Grimm's Fuel indicates it preference to delay consideration of a pilot project until after a residential food scrap composting operation is working and deemed satisfactory.

The company directly addresses the concerns of neighboring businesses and residents about the potential for problems with odor from the composting of yard debris and food materials, air and water pollution that would be a harm or nuisance to neighboring properties, stormwater management and concerns about attracting unwanted pests or vectors to the area.

To ensure that the Grimm's Fuel Company composting operation is limited to receiving and processing material from municipal residential food scrap composting programs and the composting process will be conducted and will perform in a way that minimizes

or eliminates problems and nuisances that could affect neighboring businesses and residents, staff recommends three conditions of approval:

1. As proposed in the application, the Grimm's Fuel Company resource recovery use for composting food scraps shall be limited to receiving material only from authorized residential food waste program sources from municipalities in the Metro region and collected by the municipalities' authorized franchise waste and recycling haulers.
2. As discussed in the application, Grimm's Fuel Company shall obtain authorization from Metro and from Oregon Department of Environmental Quality prior to accepting food waste for resource recovery composting at the subject property. If Grimm's Fuel Company loses or defaults on a permit authorization, no residential food scrap materials may be accepted or processed at the subject facility.
3. In response to the applicant's request for a limited exception to restrictions on receiving and composting commercial food waste, after a period of two (2) years from the issuance of CUP-11-03 and with notice to the City of Tualatin Community Development Department and neighboring property owners, Grimm's Fuel may participate in a Metro-sponsored "Pilot Project" to compost food waste from local commercial sources such as a restaurant or grocery. Beyond the completion of a Pilot Project and if Grimm's Fuel Company seeks to add commercial food waste material to the resource recovery operation approved in CUP-11-03, conditional use permit approval shall be obtained.
4. Grimm's Fuel Company or its successors shall remain in compliance with all conditions of approval of conditional use permit CUP-97-03 and Architectural Reviews for the subject property and all requirements of the Tualatin Development Code Chapter 63, Manufacturing Planning Districts-Environmental Regulations.

Based on the applicant's submitted information and review by staff, with the existing site improvements, and the conditions of approval limiting residential food waste composting and requiring permit approval by Metro and the Department of Environmental Quality, it is concluded that the proposed use will not alter the character of the surrounding area in any manner which substantially limits, impairs or precludes the surrounding properties for the primary uses listed in the underlying Planning Districts.

Criterion 4 is met.

5. The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

The Applicant cites the commercial planning district objectives in TDC 6.010(3) and 6.040(5). Following is the applicant's statements of the objectives (in **bold face type**) that are applicable to the proposed conditional use.

4.050(11). Coordinate development plans with regional, state and federal agencies to assure consistency with statutes, rules and standards concerning air, noise, water quality and solid waste.

The applicant states "In 1988 the Department of Environmental Quality identified yard debris as a principle recyclable in the Portland Metropolitan area. Thus, local governments and Metro were directed to formulate yard debris recycling plans, which would provide citizens with the opportunity to recycle yard debris. (OAR 340-60-035) GFC meets this objective by being an integral part of the Regional Yard Debris Recycling Plan, the Regional Solid Waste Management Plan, and Washington County's Yard Debris Recycling Plan."

"Food waste composting is a key component in reaching the local, regional and state wide recycling goals. Thus, both Metro and DEQ are encouraging composting facilities to start processing more food waste. GFC's proposed modification will give the citizens of Tualatin the opportunity to recycle their residential food waste and thus help the city to meet their recycling goals in an economical and sustainable manner."

"Compost produced at the facility is sometimes used as a bio-filter at large industrial facilities to purify the air, reduce odors and break down hazardous volatile organic compounds. For example, dangerous fumes from paint booths can be filtered through a compost bio-filter and the beneficial bacteria in the compost breaks down the hazardous compounds into harmless carbon dioxide and water." (Attachment B, pg. 10)

4.050(15) Arrange various land uses in a manner that is energy efficient. The applicant states "Currently food waste processing facilities are few and far between. The city of Portland is trucking these materials to Seattle and /or Benton County, outside of Corvallis. This practice is expensive, inefficient and non-sustainable. Our proposed modification will give residents a local and energy efficient option for recycling their residential food waste." (Attachment B, pg. 10-11)

4.050 (22)(a)(iii). Coordinate with CWS to implement their Healthy Streams Action Plan and other programs such as their Stormwater Management Plan and Design and Construction Standards. The applicant states "Clean Water Services widely recognizes the use of compost berms/socks/blankets/etc. as means of providing erosion control in the region. The use of compost is encouraged throughout their plans, standards and best management practices. Composted food waste will be ideal for these uses." (Attachment B, pg. 10-11)

14.040(3) Reduce sediment and other pollutants reaching the public storm and surface water system by implementing the Oregon Department of Environmental Quality and USA requirements for surface water management and water quality in the Tualatin River basin, reduce soil erosion, manage surface water runoff and improve surface water quality. The applicant states "Products produced at the facility are used to control erosion, construct bio-filters, enhance wetlands, amend soil structure and promote plant growth. Composting of residential food waste will further enhance our ability to provide high quality compost products." (Attachment B, pg. 10-11)

In addition to the objectives discussed by the applicant, the following objective is applicable to the proposal:

7.030(12) Protect residential, commercial, and sensitive industrial uses from the adverse environmental impacts of industrial use. Based on the information in the application, the analysis and findings and on the recommended conditions of approval, the proposed addition of municipal residential food scrap material to the existing yard debris composting operation will contribute little or no adverse impact to residential, commercial and sensitive industrial uses in terms of odor, noise, dust, air or water pollution, release of stormwater or attraction of unwanted pests and vectors.

Staff concurs that the proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above findings and analysis and with the recommended conditions of approval listed below, the Grimm's Fuel Company conditional use permit application for a resource recovery use to include limited residential food waste composting meets the criteria of TDC 32.030.

Recommended Conditions of Approval:

1. The Grimm's Fuel Company resource recovery use for composting food scraps shall be limited to receiving material only from authorized residential food waste program sources from municipalities in the Metro region and collected by the municipalities' authorized franchise waste and recycling haulers.
2. Grimm's Fuel Company shall obtain authorization from Metro and from Oregon Department of Environmental Quality prior to accepting food waste for resource recovery composting at the subject property. If Grimm's Fuel Company loses or defaults on a permit authorization, no residential food scrap materials may be accepted or processed at the subject facility.
3. In response to the applicant's request for a limited exception to restrictions on receiving and composting commercial food waste, after a period of two (2) years from the issuance of CUP-11-03 and with notice to the City of Tualatin Community Development Department and neighboring property owners, Grimm's Fuel may participate in a Metro-sponsored "Pilot Project" to compost food waste from local commercial sources such as a restaurant or grocery. Beyond the completion of a Pilot Project and if Grimm's Fuel Company seeks to add commercial food waste material to the resource recovery operation approved in CUP-11-03, conditional use permit approval shall be obtained.

4. Grimm's Fuel Company or its successors shall remain in compliance with all conditions of approval of conditional use permit CUP-97-03 and Architectural Reviews for the subject property and all requirements of the Tualatin Development Code Chapter 63, Manufacturing Planning Districts-Environmental Regulations.



June 16, 2011

William Harper
Senior Planner
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062

Dear Mr. Harper:

This letter is in regard to the request from Grimm's Fuel Company (Grimm's) to the City of Tualatin for a modification to its conditional use permit to allow Grimm's to accept residential food waste mixed with yard debris. My comments below are intended to put Grimm's request into the context of regional solid waste management plans and programs. I offer no opinion on whether the requested modification is consistent with the City's code and rules.

Our region's waste reduction efforts are guided by the Regional Solid Waste Management Plan (RSWMP), which was developed by Metro and local governments with the input of the solid waste industry and interested citizens. The RSWMP identifies key sectors and material streams on which the region should focus its efforts in order to meet state-mandated recycling targets. There are significant environmental and economic benefits associated with diverting the region's discards from disposal to productive uses as feedstock for new products.

One of the targeted material streams is food waste from businesses and households. In order to be effective in recovering food waste, we need to have a number of facilities geographically distributed around the region that can either process the food waste on site, such as composters, or provide convenient and efficient reloading services to get the material to processors. Grimm's would serve as one of these facilities if it receives the appropriate approvals from Tualatin, Metro and the Oregon Department of Environmental Quality.

Metro shares the City's interest in ensuring that the facilities that manage the region's waste and recyclable materials do so in ways that are safe and minimize impacts on the communities in which they are located. For your reference, I've attached Metro Solid Waste Regulatory Guidance Bulletin #GB9 entitled *Solid Waste Reloading and Processing Facilities Accepting Food Waste from the Metro Region*. The bulletin is intended to provide guidance to facilities seeking to manage food waste within the region.

Thank you for the opportunity to comment. Please let me know if you have any questions about the information I've provided. You may reach me at 503-797-1760 or Matt.Korot@oregonmetro.gov.

Sincerely,

Matt Korot
Resource Conservation & Recycling Program Director

c: Roy Brower, Metro Solid Waste Compliance & Cleanup Manager
Jeff Grimm, Grimm's Fuel Company



Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

Northwest Region

CITY OF TUALATIN RECEIVED
2020 SW 4th Ave, Suite 400
Portland, OR 97201

(503) 229-5263

JUN 29 2011

FAX (503) 229-6945

TTY 711

June 27, 2011

COMMUNITY DEVELOPMENT
PLANNING DIVISION

Aquilla Hurd-Ravich
City of Tualatin
Planning Department
18880 SW Martinazzi Avenue
Tualatin, OR 97062

Re: Grimm's Fuel Company Composting Facility
18850 SW Cipole Road
Tualatin, Oregon
Washington County

Dear Aquilla Hurd-Ravich:

It is the Oregon Department of Environmental Quality's understanding that Jeff Grimm of Grimm's Fuel Company Composting Facility is working with the City of Tualatin for a change in land use so that Grimm's may accept food waste for composting. DEQ received a permit application from Grimm's for a new composting permit in response to the new DEQ compost rules adopted in September 2009. As land use decisions are the responsibility of local governments, DEQ is awaiting the City of Tualatin's decision before proceeding with the evaluation and processing of Grimm's compost permit application.

DEQ supports food scrap composting and the benefits of diverting food waste from our landfills. DEQ encourages efforts to recover and compost materials. By expanding operations to include food scraps, Grimm's would help the state recover organic material that may otherwise be landfilled.

Besides producing an environmentally beneficial product, Grimm's would support Metro's 2008-2018 Regional Solid Waste Management Plan and the Region's recovery goal of 64% for 2009 and beyond. As part of approving Metro's RSWMP, DEQ required that Metro demonstrate how it would meet its 64% recovery goal, if not in 2009, then shortly thereafter.

Organics is an area of waste generation that Metro identified as having significant potential for increased recovery; organics recovery from the Metro region for 2009 is almost 20,000 tons. Metro has estimated that it will need to more than double its annual collection of food waste to meet its recovery goal. All three Metro counties and a number of cities in the three county region are receiving increased requests from businesses and the public for organics collection services.

In order to collect additional tons in the region, new capacity must be identified. Ideally that capacity would include in-region compost facilities to avoid both the transportation-related environmental impacts and the costs of processing outside of the region.


When food waste is kept out of landfills and used instead to make compost, multiple benefits accrue: the production of a valuable soil amendment, the reduction of artificial fertilizer use on crops and in gardens, and the reduction of greenhouse gas emissions from landfills. Landfilling of mixed solid waste produces methane which is a greenhouse gas. Methane is 23 times more potent as a greenhouse gas than carbon dioxide. Food waste is a particular concern as this type of waste produces more methane per ton than most mixed solid waste.

June 27, 2011
City of Tualatin
Page 2 of 2

If the City of Tualatin determines that Grimm's meets land use requirements, DEQ will write the compost permit and provide oversight to Grimm's to ensure the compost facility will meet the requirements of DEQ's Compost Performance Standards, which include protecting human health and the environment and controlling and minimizing nuisance conditions.

Please contact Stephanie Rawson at rawson.stephanie@deq.state.or.us or (503) 229-5562 with additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Audrey O'Brien".

Audrey O'Brien
Manager, Environmental Partnerships Section

cc: Jeff Grimm, Grimm's Fuel Company (jefgfc@teleport.com)



Mr. Will Harper
Senior Planner
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062

CITY OF TUALATIN
RECEIVED

JUL 27 2011

COMMUNITY DEVELOPMENT
ECONOMIC DEV DIVISION

RIVERBEND LANDFILL CO., INC.

13469 SW Highway 18
McMinnville, OR 97128
(503) 472-8788
(503) 434-9770 Fax

July 25, 2011

RE: Assessment of the need for food waste composting options and the ability of Grimm's Fuel to provide service to collection companies in the region

Dear Mr. Harper:

I am writing you in regards to the permit application submitted by Grimm's Fuel in Tualatin to add food waste to their existing permit.

As you know, Jeff Grimm and his team have provided a valuable service to the community and to the local waste hauling companies for many years. Given the increasing emphasis and waste recovery and the desire to limit the amount of material landfilled, it is my opinion that Grimm's Fuel plays a key role. In the case of food waste, it is necessary to develop a network of locations to process the material. Grimm's Fuel has demonstrated their ability to process this material in a responsible manner. They have always been an asset to the customers they serve as well as a good neighbor in the local community.

I hope you will support Grimm's Fuel throughout the permit process in order to develop the proper infrastructure that benefits recycling.

Please feel free to contact me at 503-894-1160 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Stern". The signature is fluid and cursive, with a large initial "M" and "S".

Matt Stern
Area Director of Recycling Operations
Waste Management

From everyday collection to environmental protection, Think Green® Think Waste Management.



CITY OF TUALATIN
RECEIVED

JAN 19 2011

COMMUNITY DEVELOPMENT
PLANNING DIVISION

James King & Co.

19939 S.W. Cipole Rd.
Sherwood, OR 97140
P.O. Box 37
Tualatin, OR 97062
(800) 824-8635
(503) 925-0408
(503) 925-8708 (Fax)

To: Aquilla Hurd-Ravich
City of Tualatin
Planning Department
18880 SW Martinazzi Ave.
Tualatin, Oregon 97062

Date: 7/5/2011


From: Tim Pearson, President
James King Co.
19939 SW Cipole Rd.
Sherwood, OR 97140

Dear Sirs/Madame:

As a long time business owner on Cipole Road, I was at first concerned about Grimm's Fuel Company's proposal to begin composting food waste. My Company has been on Cipole Rd for nearly 14 years and while we can occasionally smell odors from their facility they are not overly objectionable and much better than they were many years ago. After reviewing their proposal, I am confident that Grimm's will be able to continue to minimize their odors even after incorporating small amounts of food waste.

We have no objection to their proposal to incorporate food waste into their compost.

Sincerely,


Tim Pearson
President
James King Co.



CITY OF TUALATIN
RECEIVED

JUL 27 2011

COMMUNITY DEVELOPMENT
ECONOMIC DEV DIVISION

Mr. Will Harper, Senior Planner
City of Tualatin, Planning Department
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062

July 22, 2011

Dear Mr. Harper

Thank you for giving our neighborhood the opportunity to learn about the application process of the conditional use permit for Grimm's Fuel. It was very helpful and I now have a better understanding and appreciation of their composting business.

NorthStar Electrical Contractors has been actively conducting business in the City of Tualatin since 1999. We have been in business since 1976. As a member of the Tualatin Business Community we want to promote business in the City. We strongly recommend the approval of the Expanded Conditional Use Permit for Grimm's Fuel.

Our facility is located one parcel South of Grimm's Fuel on Cipole Road. Because of the strict regulation placed on composting, and the good business practices in place at the Composting Facility, we think the application under consideration should be approved. In doing so, Grimm's Fuel provides needed jobs in the City of Tualatin, and composting provides an outstanding service to the community.

Sincerely yours,



NorthStar Electrical Contractors
Kenneth E. Murphy, President

CC: Jeff Grimm @ Grimm's Fuel

October 2, 2011

Planning Division
18880 SW Martinazzi Ave.
Tualatin, OR 97062
Attn: Mr. William Harper, AICP

Re: Request of Grimm's Fuel Company to modify the current CUP

Dear Mr. Harper:

As an owner of property within 1,000 feet (SW Cipole Rd at Highway 99) of the Grimm's Fuel Company facility, I am writing in strong opposition to granting the request by Grimm's Fuel Company to modify the current Conditional Use Permit (CUP) to allow recycling of residential food waste material to the existing yard debris composting operation.

My understanding from other property owners in the vicinity is that the existing plant already creates bothersome smell pollution. I anticipate that adding food waste to the mix will only exacerbate that pollution. Just a minimum of research on the subject found an article in the Seattle Times that reveals strong complaints from residents, mayors and even tribal officials regarding odors from two food recycling plants near Seattle. There have been 1,700 complaints since 2007, averaging more than one complaint a day. One company official says that some technologies have reduced the odors by 98%. This is a relative term since the other 2% may still be extremely odiferous.

Like most properties in the area, ours has seen a significant drop in value the last few years. Approval of the request to modify the CUP will only further depress a hard hit area.

While it is recognized that recycling of all types is commendable, going green in one sphere (food waste recycling) should not be cause to create additional pollution in another.

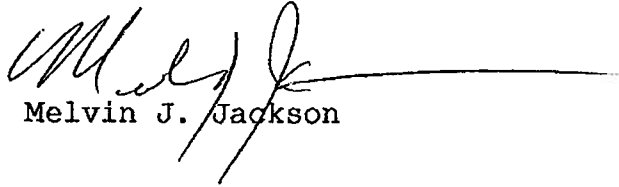
CITY OF TUALATIN
RECEIVED

OCT 05 2011

COMMUNITY DEVELOPMENT
PLANNING DIVISION

I respectively and strongly recommend the Planning Division deny the Grimm's Fuel Company request to modify the existing CUP.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Melvin J. Jackson', with a long horizontal line extending to the right from the end of the signature.

Melvin J. Jackson

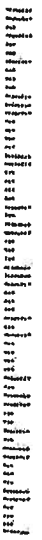
Melvin J. Jackson
217 Petteway Dr.
Jacksonville, NC 28540

EMERALD LAKEVIEW APRES
PO BOX 11
08 OCT 2001 PM



Planning Division
18880 SW Martinazzi Ave.
Tualatin, OR 97062
Attn: Mr. William Harper, AICP

9706237052



From: gail [grandmagail@olynet.com]
Sent: Tuesday, October 04, 2011 2:40 PM
To: Will Harper
Subject: Grimm's Fuel Company CUP request

Mr. Harper,

October 4th, 2011

I am writing this letter to you and the Tualatin Planning Division and City Council because I am a concerned joint landowner in this Tualatin area. Our property is within the 1,000 feet (right across hwy. 99) of the Grimm's site.

I disagree with the addition to Grimm's Fuel Co. of using and adding residential food waste to the yard debris that they already collect. The bad odor coming from such an addition would not be conducive to the use of the land and our property in this vicinity.

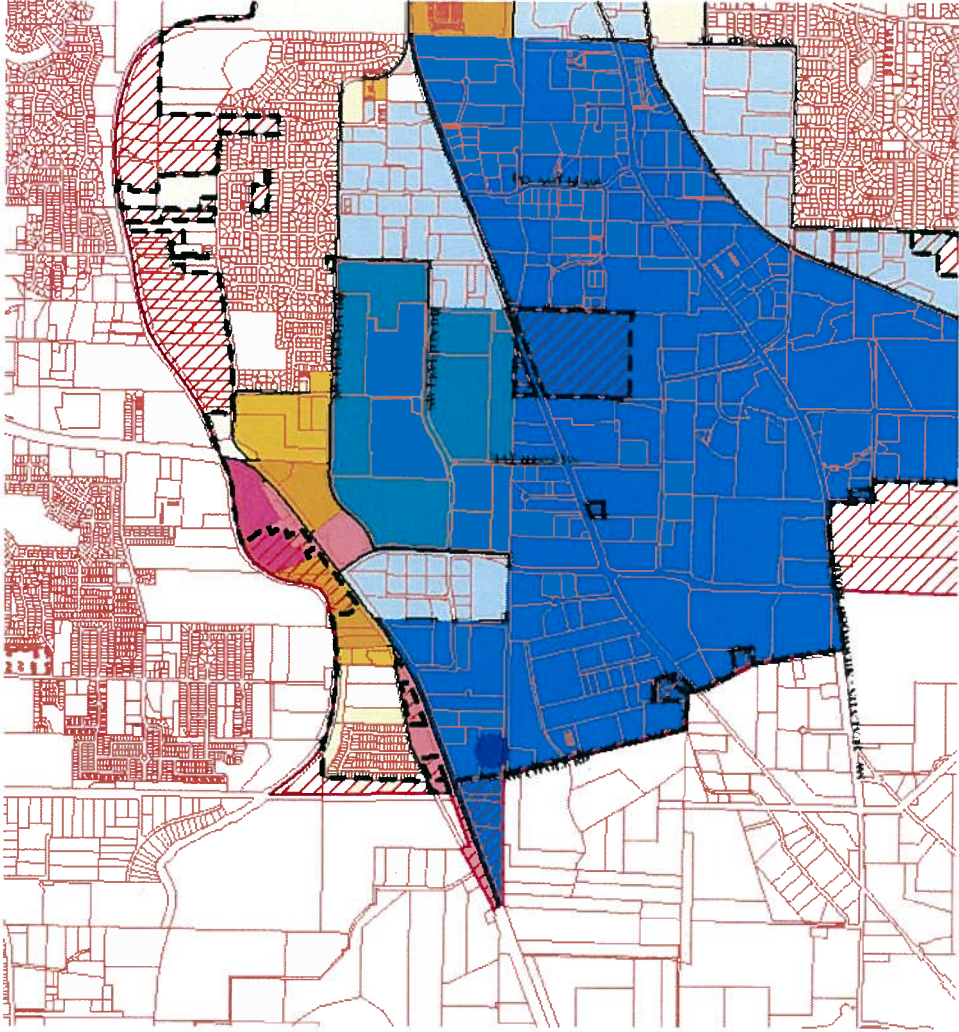
This type of addition/project has been added in other areas (Maple Valley, WA etc.) with very negative results such as emitting a terrible odor. In my opinion this would make our property less valuable.

Thank you,

Gail Tornquist
195 Tornquist Road
McCleary, WA 98557



Grimm's Fuel Company -
Vicinity Aerial



RESIDENTIAL		DU/Acre	
RL	Low Density	1-6.4	
RML	Medium-Low Density	7-10	
RMH	Medium-High Density	11-15	
RH	High Density	16-25	
RH/HR	High Density/High Rise	26-30	

MANUFACTURING		COMMERCIAL	
ML	Light	CO	Office
MG	General	CC	Central
MP	Park	CG	General
MBP	Business Park	CR	Recreational
INSTITUTIONAL		MC	Medical Center
IN	Institutional		

Grimm's Fuel Company – Planning District Vicinity Map



City of Tualatin

www.ci.tualatin.or.us

MEMORANDUM

DATE: September 14, 2011

TO: Will Harper
Senior Planner

FROM: Tony Doran, EIT
Engineering Associate

SUBJECT: CUP 11-03, Grimm's Resource Recovery– Modify existing conditional use permit for a Resource Recovery facility to allow residential food waste composting.
18850 SW Cipole Road Tax Lots: 2S121A #1800 & 1900

TDC 32.030 (3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

Reasonable Worst Case Site Trip Generation:

The proposed use would allow the current site to process residential food waste along with landscaping recycling. The same residential bins from the existing curbside collection program that currently are used for landscaping recycling will then be allowed to contain food waste. There will be no change to the number of vehicles picking up the bins. As this does not change the quantity of vehicles, no additional trip impact will occur from allowing this use, therefore there will be no increase to any nearby intersection's LOS.

Water, Sanitary, & Storm:

Grimm's is connected an existing public sanitary sewer in SW Quarry Road to the south of this site. No public stormwater lines exist adjacent to this development. Stormwater from the site flows east along the south property line through a 15-inch culvert to Grimm's Fuel Co. lot to the east where it flows into a series of sediment ponds and serpentine ditches. Water lines exist in SW Pacific Highway and SW Cipole Road to the north and east. Grimm's is both connected to the public water line for domestic and to well water for non-potable use. This is acceptable.

The applicant will need to verify the capacity of existing public lines prior to obtaining a Water Quality and Public Works Permit associated with the development of the future Architectural Review.



City of Tualatin

www.ci.tualatin.or.us

TMC 3-2-010 Definitions.

(6) "Garbage" means all animal and vegetable wastes from the preparation, cooking, and dispensing of food or the commercial or industrial processing thereof.

(13) "Sewage" means the water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present. The admixture with sewage of industrial wastes or water shall also be considered sewage.

TMC 3-5-120 Maintaining Water Quality.

(2) Pollutants such as fuels, lubricants, bitumens, raw sewage, and other harmful materials shall not be discharged into or near rivers, streams or impoundments.

Impervious outdoor locations create the potential for stormwater to convey untreated runoff into the stormwater system which would pollute rivers and streams. Therefore, all impervious areas that receive or convey stormwater are required to appropriately treat stormwater prior to release. When the runoff from business operations requires additional evaluation due to inclusion of process related chemicals or materials, Clean Water Services evaluates the runoff through their 1200-Z program. Grimm's currently has their stormwater tested a minimum of 4 times per year under a NPDES 1200-Z Storm Water Discharge permit. Additionally, DEQ regulates and inspect the facility under their Solid Waste Composting Permit rules. Future operations with approval of this CUP will continue to include CWS and DEQ permitting and inspection, but will additionally include a Metro franchise complying with Metro's Solid Waste Guidance Bulletin.

Any upsizing, new lines, or new connections for all public utilities will be evaluated during future land use decisions and permits.

Please let me know if you have questions, ext 3035.