

1994

B-5 GRIMMS CUP 1994

RESOLUTION NO. 3035-94

A RESOLUTION GRANTING A CONDITIONAL USE (CUP-94-11) TO OPERATE A RESOURCE RECOVERY FACILITY IN A GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 18850 SW CIPOLE ROAD (2S1 21A, TAX LOTS 1800 AND 1900)

WHEREAS a public hearing was held before the City Council of the City of Tualatin on November 28, 1994, upon the application of Rodney and Jeff Grimm of Grimm's Fuel Company, for a conditional use permit to allow operation of a resource recovery facility in a General Manufacturing (MG) Planning District at 18850 SW Cipole Road, upon real property described as:

Tax Map: 2S1 21A Tax Lots: 1800 and 1900, Washington County, Oregon.

WHEREAS notice of public hearing was given as required under the provisions of the Tualatin Development Code by mailing a copy of the notice to property owners located within 300 feet of the property, which is evidenced by the attached Affidavit of Mailing marked "Exhibit A," which is incorporated by reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicants, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application with all Councilors voting in favor; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its Findings of Fact the attached City staff report, dated November 28, 1994, marked as "Exhibit B," and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact the Council finds that the applicants have provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use for a resource recovery facility is in the best interests of the residents and inhabitants of the City, the applicants, and the public generally.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. Subject to the conditions set forth in Section 2, the applicants, Rodney and Jeff Grimm of Grimm's Fuel Company,

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are granted a conditional use permit to operate a resource recovery facility in a General Manufacturing (MG) Planning District at 18850 SW Cipole Road (2S1 21A Tax Lots 1800 and 1900).

Section 2. The conditional use granted under Section 1 is subject to the following condition:

1. The applicant shall submit by March 30, 1995, an application for Architectural Review approval of the improvements cited in Finding #3 of the staff report.

2. The conditional use permit shall be for a resource recovery facility located on Tax Lots 1800 and 1900 of Washington County Assessor's Map 2S121A. Any expansion of the resource recovery operation onto the properties known as Tax Lots 2100 and 2202 on Assessor Map 2S121A will require conditional use approval.

3. The applicant shall conduct the resource recovery operation in a manner that minimizes or prevents dust impacts on the residential areas located north of SW Pacific Drive and on properties in the MP District.

4. The applicant shall conduct the resource recovery operation in a manner that minimizes or prevents conditions that produce odor impacts on the residential areas located north of SW Pacific Drive and neighboring properties. These measures shall include procedures for quickly processing yard debris material brought onto the site and managing the size, location, and spacing of compost piles to facilitate mixing and aeration. Fire protection and dust conditions shall also be considered in managing the material piles.

5. The applicant shall submit a landscaping and site plan with the AR required in Condition #1 to provide adequate screening as a visual buffer from public view.

6. The applicant shall submit to the City an application by September 30, 1997, for Council review of compliance with the conditions of approval for the conditional use permit.

INTRODUCED AND ADOPTED this 12th day of December, 1994.

CITY OF TUALATIN, Oregon

By [Signature]  
Mayor

ATTEST:

By [Signature]  
City Recorder

1998

B-5 GRIMMS CUP 1997

RESOLUTION NO. 3419-98

A RESOLUTION GRANTING THE MODIFICATION OF THE CONDITIONS OF APPROVAL FOR A CONDITIONAL USE (CUP-94-11) THROUGH CUP-97-03 TO ALLOW A RESOURCE RECOVERY FACILITY IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT

WHEREAS, upon the application of Grimm's Fuel Co., a public hearing was open on November 24, 1997, continued to January 12, 1998 and again to March 9, 1998, when the hearing was held to review compliance with the conditions of approval of a Conditional Use Permit (CUP-94-11) to allow a resource recovery facility in the General Manufacturing (MG) Planning District at 18850 SW Cipole Rd (2S1 21A 1800 & 1900). A legal description of this property is attached as "Exhibit A".

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to property owners located within 300 feet of the property, which is evidenced by the Affidavit of Mailing marked "Exhibit B," attached and incorporated by this reference, and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit C," attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application by a unanimous vote, with Councilors Cain, Forrest, Green, Lamb and Weller present; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the City staff report, dated March 9, 1998, marked "Exhibit D," and the Yard Debris Composting Facility License, dated December 23, 1997, marked "Exhibit E; attached and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use permit to allow operation of a resource recovery facility in a General Manufacturing (MG) Planning District at 18850 SW Cipole Road is in the best interests of the residents and inhabitants of the City, the applicant, and the public generally.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

COPY

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Section 1. The applicant, Grimm's Fuel Co., is hereby granted a conditional use permit to allow a resource recovery facility in the General Manufacturing (MG) planning district at 18850 SW Cipole Rd (2S1 21A 1800 & 1900).

Section 2. The conditional use granted under Section 1 is subject to the following condition:

1. Grimm's Fuel shall construct a permanent water quality facility that meets the SWM requirements and is adequate to serve the Cipole Road site. The facility shall be completed and operational by June 30, 1998.

INTRODUCED AND ADOPTED this 23rd day of March, 1997

CITY OF TUALATIN, Oregon

By  \_\_\_\_\_

Mayor

ATTEST:

By  \_\_\_\_\_

City Recorder

B-5 GRIMMS CUP 2011

RESOLUTION NO. 5072-11

A RESOLUTION GRANTING 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 CIPOLE ROAD (TAX MAP 2S1 21A, TAX LOTS 1800 & 1900) (CUP 11-03).

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on October 10, 2011, upon the application of Grimm's Fuel Company; and

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to affected property owners located within 1,00 feet of the property, which is evidenced by the Affidavit of Mailing marked "Exhibit A," attached and incorporated by this reference, and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote 6-0] with Councilor Bubenik absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff report, dated October 10, 2011, marked "Exhibit C," attached and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use permit is in the best interests of the residents and inhabitants of the City, the applicant, and the public generally.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council agrees with staff recommendations.

Section 2. Grimm's Fuel Company is granted a Conditional Use Permit that would 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

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Company facility located in the General Manufacturing Planning District at 18850 SW Cipole Road (Tax Map 2S1 21A, Tax Lots 1800 & 1900, subject to the following conditions:

- 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 as 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.
- 5. Applicant shall prepare and submit an odor mitigation program that documents existing efforts and identifies how to mitigate future complaints about odor. If there are unresolved odor complaints as verified by City staff, then the City Council may hold a hearing to determine whether the CUP should be allowed to remain as is, be modified with additional conditions, or revoked.

INTRODUCED AND ADOPTED this 24th day of October, 2011.

CITY OF TUALATIN, Oregon

By [Signature]  
Mayer

APPROVED AS TO LEGAL FORM

[Signature]  
Brenda L. Brader  
CITY ATTORNEY

ATTEST:

By [Signature]  
City Recorder