

**Oregon Department of Environmental Quality
LAND USE COMPATIBILITY STATEMENT (LUCS)**

p. 1 of 2

SECTION 1 - TO BE COMPLETED BY APPLICANT

| | |
|---|---|
| A. Applicant Name: Grimm's Fuel Company | B. Project Name: Grimm's Fuel Company |
| Contact Name: Jeff Grimm | Physical Address: 18850 SW Cipole Rd. |
| Mailing Address: 18850 SW Cipole Rd. | City, State, Zip: Tualatin, Oregon 97062 |
| City, State, Zip: Tualatin, Oregon 97062 | Tax Lot #: 1800 & 1900 |
| Telephone: 503-636-3623 | Township: 2S Range: 1W Section: 21 |
| Tax Account #: R529379 & R529397 | Latitude: 45°23' 00.0" N |
| | Longitude: 122° 48' 53.00" W |

C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):

Storage, processing, distribution of organic materials such as barkdust, compost, topsoil, wood and rock. Composting approximately 200,000 cubic yards per year of yard debris, manure, per-consumer vegetative food waste and residential food scraps material collected at curbside with yard debris by municipal franchise haulers. Other activities include repair shop/office and the bulk storage of petroleum products for home heating.

- D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.**
- | | |
|---|--|
| <input type="checkbox"/> Air Quality Notice of Construction | <input type="checkbox"/> Hazardous Waste Treatment, Storage, or Disposal Permit |
| <input type="checkbox"/> Air Contaminant Discharge Permit (<i>excludes portable facility permits</i>) | <input type="checkbox"/> Clean Water State Revolving Fund Loan Request |
| <input type="checkbox"/> Air Quality Title V Permit | <input type="checkbox"/> Wastewater/Sewer Construction Plan/Specifications (<i>includes review of plan changes that require use of new land</i>) |
| <input type="checkbox"/> Air Quality Indirect Source Permit | <input type="checkbox"/> Water Quality NPDES Individual Permit |
| <input type="checkbox"/> Parking/Traffic Circulation Plan | <input type="checkbox"/> Water Quality WPCF Individual Permit (<i>for onsite construction-installation permits use the DEQ Onsite LUCS form</i>) |
| <input type="checkbox"/> Solid Waste Land Disposal Site Permit | <input type="checkbox"/> Water Quality NPDES Stormwater General Permit (<i>1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z</i>) |
| <input type="checkbox"/> Solid Waste Treatment Facility Permit | <input type="checkbox"/> Water Quality General Permit (<i>all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile.</i>) |
| <input checked="" type="checkbox"/> Solid Waste Compost Facility Registration or Permit | <input type="checkbox"/> Water Quality 401 Certification for federal permit or license |
| <input type="checkbox"/> Solid Waste Letter Authorization Permit | |
| <input type="checkbox"/> Solid Waste Material Recovery Facility Permit | |
| <input type="checkbox"/> Solid Waste Energy Recovery Facility Permit | |
| <input type="checkbox"/> Solid Waste Transfer Station Permit | |
| <input type="checkbox"/> Waste Tire Storage Site Permit | |
| <input type="checkbox"/> Pollution Control Bond Request | |

E. This application is for: Permit Renewal New Permit Permit Modification Other:

SECTION 2 - TO BE COMPLETED BY CITY OR COUNTY PLANNING OFFICIAL

Instructions: Written findings of fact for all local decisions are required; written findings from previous actions are acceptable. For uses allowed outright by the acknowledged comprehensive plan, DEQ will accept written findings in the form of a reference to the specific plan policies, criteria, or standards that were relied upon in rendering the decision with an indication of why the decision is justified based on the plan policies, criteria, or standards.

A. The project proposal is located: Inside city limits Inside UGB Outside UGB

B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use): Tualatin

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SECTION 2 - TO BE COMPLETED BY CITY OR COUNTY PLANNING OFFICIAL

Applicant Name: GRIMA'S FUEL CO.

Project Name:

C. Is the activity or use allowed under Measure 49? No, Measure 49 is not applicable Yes; if yes, then check one:

Express; approved by DLCD order #:

Conditional; approved by DLCD order #:

Vested; approved by local government decision or court judgment docket or order #:

D. Is the activity or use compatible with your acknowledged comprehensive plan as required by OAR 660-031?

Please complete this form to address the activity or use for which the applicant is seeking approval (see 1.C on the previous page). If the activity or use is to occur in multiple phases, please ensure that your approval addresses the phases described in 1.C. For example, if the applicant's project is described in 1.C as a subdivision and the LUCS indicates that only clearing and grading are allowed outright but does not indicate whether the subdivision is approved, DEQ will delay permit issuance until approval for the subdivision is obtained from the local planning official.

The activity or use is not regulated by the acknowledged comprehensive plan; explain:

YES, the activity or use is pre-existing nonconforming use allowed outright by (provide reference for local ordinance):

YES, the activity or use is allowed outright by (provide reference for local ordinance):

YES, the activity or use received preliminary approval that includes requirements to fully comply with local requirements; findings are attached. CUP 97-03 APPROVED YARD DEBRIS COMPOSTING / CUP 11-03 APPROVED RESIDENTIAL

YES, the activity or use is allowed; findings are attached.

FOOD WASTE COMPOSTING

NO, see 2.C above, activity or use allowed under Measure 49; findings are attached.

NO, (complete below or attach findings for noncompliance and identify requirements the applicant must comply with before compatibility can be determined):

Relevant specific plan policies, criteria, or standards:

Provide the reasons for the decision:

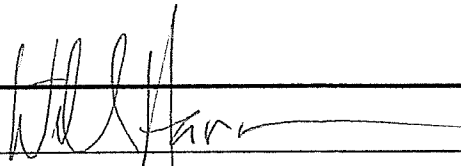
Additional comments (attach additional information as needed):

RESOLUTION 5072-11 APPROVED CUP 11-03 FOR GRIMM'S FUEL CO. FOOD WASTE COMPOSTING, WITH CONDITIONS.

WJH

LUCS-12-08

Planning Official Signature:



Title: SENIOR PLANNER

Print Name: William Hooper

Telephone #: 503 691 3027

Date: 5.8.12

If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:

Planning Official Signature:

Title:

Print Name:

Telephone #:

Date:

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

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 _____

Mayor

APPROVED AS TO LEGAL FORM

Brenda L. Brader
CITY ATTORNEY

ATTEST:

By _____

City Recorder