



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR  
OCTOBER 10, 2011

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Present: Mayor Lou Ogden (arrived at 5:16 p.m.); Council President Monique Beikman;  
Councilor Wade Brooksby (arrived at 6:05 p.m.); Councilor Frank Bubenik;  
Councilor Joelle Davis; Councilor Nancy Grimes

Absent: Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Community  
Development Director Alice Rouyer; Operations Director Dan Boss; Community  
Services Director Paul Hennon; Finance Director Don Hudson; Planning Manager  
Aquilla Hurd-Ravich; Assistant to the City Manager Sara Singer; Senior Planner  
William Harper; Assistant Planner Colin Cortes; Associate Planner Cindy Hahn;  
Project Engineer Dayna Webb; Parks and Recreation Manager Carl Switzer;  
Police Captain Mark Gardner; Management Intern Ben Bryant; Executive  
Assistant Maureen Smith

**1. CALL TO ORDER**

Council President Beikman called the work session to order at 5:05 p.m.

**2. *Citizen Involvement Organization Implementation Update***

City Manager Sherilyn Lombos introduced CIO Organizational Committee members  
Mike Riley and Jan Giunta to give an update on the organizational meetings, etc.

Ms. Giunta distributed some information and said the first brochure of information  
has been put together, and their website is up. They are working on the organization  
of the meetings and to get enough people involved to begin the particular CIO. They  
will also be sending out a newsletter and other information pertaining to the initial  
set-up of each CIO.

Mr. Riley said information has been dispersed to the website, and inserts, lawn  
signs, and other avenues of distribution will be done. The bylaws are published on  
the CIO website: [www.tualatincio.org](http://www.tualatincio.org). When the organizational meetings are held  
that will determine which CIO a citizen is from and they will be given a copy of the  
bylaws as they arrive. Mr. Riley noted a staff person will be present at each of the  
organizational meetings to give the City's perspective. Mr. Riley continued with the  
review of the agenda for the organizational meetings. Ms. Giunta said a guest  
speaker, an attorney, will be attending the meetings to cover the portion of  
parliamentary procedure, etc.

Jonathan Crane was present and spoke on the business CIOs, which are much the same as the residential ones. The goal is to have an inclusive way of reaching out to the City and vice versa. Mr. Crane said the motivation is one voice - one business. Discussion followed. It was asked and explained that businesses, no matter how large, etc. will get only one vote. It was discussed how a business is determined to be a business, which is typically through the business license process. Having a business license is required, and it was suggested that it could be addressed in the bylaws in greater detail.

**3. *Outside Agencies Allocation of Funds for FY 2011/12***

City Manager Sherilyn Lombos began the discussion on outside agencies funding allocation. Discussion followed. A suggestion was made to fund only the Tualatin agencies, but it was also discussed how all the agencies help not only in Tualatin, but others. There was a concern expressed about the Sexual Assault Resource Center (SARC) not submitting an application this year and not recognizing their future needs. Discussion followed and it was decided to allocate the same amounts to the same agencies as was done last year, and reallocating the funding from the SARC to the Caring Closet.

**4. *Tonquin Trail / Blake Street Right-of-Way Update***

Community Services Director Paul Hennon and Parks and Recreation Manager Carl Switzer presented a PowerPoint on the Tonquin Trail / Blake Street Right-of-Way update.

Park Manager Switzer gave a brief review and background of the Tonquin Trail Master Plan. A number of different alignments have been reviewed over the past 18 months. Council discussed the master plan in February, with the direction given of no trails in residential areas, and to keep off-street as much as possible. Parks Manager Switzer said they went back to a previous alignment that could fit the bill as close as possible. The alignment was presented to the Project Steering Committee. The recommended route of the trail was reviewed and it was noted that it does not cross the Blake Street right-of-way. The proposed alignment shows the trail no longer through neighborhoods, and the vast majority of the trail is now off-street. Discussion followed on the proposed alignment, and review of the areas where the trail would be on street. Parks Manager Switzer reviewed what's next such as funding issues, alignment, etc. Parks Manager Switzer said the plan will be finalized and presented to the committee, and when completed public comments will be invited. After comment period concluded it will be put on a Council agenda for adoption by all three cities and submitted to Metro.

Community Services Director Hennon gave a recap on Blake Street, and the residents are still concerned that the right-of-way will not be used for vehicles. There is enough to do a master plan for that area and staff has hired a consultant. Neighbors like the idea of creating an asset of the area and that it won't be converted into a roadway. Director Hennon distributed an information sheet that was given to Blake Street area residents on a design workshop to be held on October 15, 2011 to offer comments, share ideas, etc. Brief discussion followed about funding and options, and options of the types of material that could be used.

City Manager Lombos said staff will be back to Council in January, 2012 with options and recommendations.

**5. *Planning Commission Research: Follow-up from July 27, 2011 Joint Special Meeting with the Tualatin Planning Advisory Committee (TPAC)***

Community Development Director Alice Rouyer, Planning Manager Aquilla Hurd-Ravich, and Assistant Planner Colin Cortes were present, along with five members of the Tualatin Planning Advisory Committee (TPAC) for discussion on the issue.

Assistant Planner Cortes referred to a summary of how other cities handle their Planning Commission and what are the various types of decisions and issues that are handled by each city. It was mentioned the attachments include comparative tables of other cities.

Discussion began with noting what types of issues could be heard by a Tualatin Planning Commission. It was reviewed what issues are required by law that need to be decided by Council, which typically are legislative in nature. What could be heard before a Tualatin Planning Commission are: Conditional use permit (CUP), Industrial master plan (IMP), Reinstatement of use, Sign variance (SVAR), Transitional use permit (TRP) and Variance (VAR). Annexations, plan map and text amendments need to be heard by Council with the way Tualatin's mapping system is done. Discussion followed and it was mentioned it appears that TPAC is already doing most of what a Planning Commission would do, except conditional use permits.

Discussion followed by Council on the issue of transferring conditional use permits to TPAC. Council President Beikman said as an elected official, she believes that conditional use permits should still be decided by Council. TPAC members said the biggest issue for them is duplication of effort and frustration of how the current process works. Discussion followed on how the current process is done with TPAC. It was suggested by Council that having a TPAC member come to Council meetings on particular issues would help Council understand the direction of how TPAC arrives at a particular recommendation. Discussion continued on the importance of TPAC representation at Council hearings, and it was requested to have a TPAC "report" be part of related public hearings.

The question was asked and explained by staff what it would entail and what would be required to change the advisory committee to a planning commission. It was asked and explained about the appeal process to the State Land Use Board of Appeals (LUBA) or to Council. Discussion followed and Council consensus was to shift all items as stated above, except for conditional use permits, to TPAC, and to change the name to Tualatin Planning Commission.

**6. *Council Meeting Agenda Review, Communications & Roundtable***

Council reviewed the Consent Agenda with no changes.

**7. *ADJOURNMENT***

Mayor Ogden adjourned the work session at 7:02 p.m.

**Vote: 6 - 0 MOTION CARRIED**

Sherilyn Lombos, City Manager

*Maureen Smith* Maureen Smith, Recording Secretary



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

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

Absent: Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich; Assistant to the City Manager Sara Singer; Senior Planner William Harper; Civil Engineer Kaaren Hofmann; Teen Program Specialist Julie Ludemann; Management Intern Ben Bryant; Executive Assistant Maureen Smith

**A. CALL TO ORDER**

Mayor Ogden called the meeting to order at 7:07 p.m.

Pledge of Allegiance was led by Councilor Davis.

**B. ANNOUNCEMENTS**

**1. Tualatin Youth Advisory Council Update for October, 2011**

Tualatin Youth Advisory Council (YAC) members gave a brief PowerPoint update on recent events they participated in that included Walk + Bike to School Day, where approximately 400 kids participated. The YAC reviewed upcoming fall events, appearing in costume to promote their Halloween "Haunted House" fundraiser. Members will also be attending the upcoming National League of Cities Congress of Cities conference, and thanked Mayor Ogden for his fundraising efforts to enable members to attend.

**2. 8th Annual West Coast Giant Pumpkin Regatta**

Parks and Recreation Manager Carl Switzer presented information on Tualatin's 8th Annual Giant Pumpkin Regatta to be held on October 22, 2011, 10:00 a.m. to 4:00 p.m. Tualatin Chamber of Commerce CEO Linda Moholt was also present.

Linda Moholt presented information on the 3rd Annual Regatta 5K Run/Walk. It was created three years ago with various partners that came together in honor of Tualatin resident Matthew Lembke, who lost his life in Afghanistan. Ms. Moholt said \$10,000 was raised last year, which went directly to scholarships for Tualatin graduating seniors. The run starts at 9:00 a.m. More information is available at [www.tualatinchamber.com](http://www.tualatinchamber.com).

Parks and Recreation Manager Switzer reviewed the list of events happening at the Regatta and invited all to attend. It was asked and answered that media will be there, and a piece will be done by the Travel Channel for viewing in late October. Over the years various media outlets have covered the Regatta. Also noted this year's poster was done by the same local artist Brenda White, and there will be note cards of the poster available this year.

**3. Prescription Drug Turn-In Day Announcement**

Police Chief Kent Barker announced another "Prescription Drug Turn-In Day" on October 29, 2011 from 10:00 a.m. to 2:00 p.m. The event is held to dispose of unwanted and unused prescription medications properly. It has become such a popular event that the sponsor, the U.S. Drug Enforcement Administration (DEA), is scheduling additional events. Tualatin participated in the last event held in April.

Police Chief Barker also noted Legacy Meridian Park Hospital, a sponsor of the event, is holding a "Wellness Fair" that is open to the public on Sunday, October 30, 2011 where unwanted and outdated prescription medications can be turned in as well.

**4. Tualatin Citizen Involvement Organizations (CIO) Organizational Meetings Announcement**

Mike Riley, member of the Citizen Involvement Organization (CIO) spoke on the upcoming organizational meetings that are being held for CIOs 1, 2 and 5. Additional information is also available on their website at [www.tualatincio.org](http://www.tualatincio.org).

It was asked of staff to create a more detailed link/information on the City's website to the CIO website. Mr. Riley added they are working to solicit individuals to participate in the CIOs.

**C. CITIZEN COMMENTS**

None.

**D. CONSENT AGENDA**

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

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

**Vote: 6 - 0 MOTION CARRIED**

**E. SPECIAL REPORTS**

**1. Tualatin-Sherwood Road Improvements Project Update**

Engineering Manager Kaaren Hofmann and Community Development Director Alice Rouyer presented an update on the Tualatin-Sherwood Road Improvements project. Information on the project has been sent out to the surrounding neighbors within the project area. Construction will begin soon and all work will be done in the evening. Project completion is scheduled by end of February. Engineering Manager Hofmann also noted the artist for the gateway feature will be at the next Tualatin Arts Advisory Committee (TAAC) meeting if anyone is interested to attend.

**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)**

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.765(5) and (6)] and opened the public hearing. Councilor Bubenik noted he attended the second Open House held by Grimm's in July, but noted it will not affect his decision. No other bias or exparte contact noted.

Senior Planner Will Harper presented the staff report and comments that have been received and entered the entire staff report into the record. The request is from Grimm's Fuel for a Conditional Use Permit 11-03 to modify an existing permit for a resource recovery operation to add composting of residential food scrap material collected at curbside with yard debris by municipal franchise haulers at the Grimm's facility located in the General Manufacturing Planning District at 18850 SW Cipole Road.

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. Senior Planner Harper explained what is being done locally. The cities of Salem and Keizer have curbside programs that began in July 2010 and the City of Gresham is reportedly looking at a curbside composting program. A pilot program has been in place in Portland for over a year and is moving to city-wide in the near future. Grimm's proposes to use the same process that they use for their other recycling composting process. Two neighborhood meetings were held by Grimm's in July and both were well attended. Senior Planner Harper said summaries and explanations are found in Attachment

B of the staff report materials. Attachment D is a collection of materials in support/not in support of the proposed CUP. It was noted that Metro and DEQ would be the regulatory agencies to obtain compliance for regulation and requirements of the proposed use.

Grimm's Fuel Company does not propose accepting commercial food waste from market or restaurant sources at this time, 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. In response to trends and changes in the solid waste programs of Metro and member cities, Grimm's Fuel Company has decided to apply for the necessary permits to incorporate composting of municipal residential food scraps with their existing yard debris composting operation.

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 the four recommended conditions of approval.

#### **APPLICANT**

*Jeff Grimm, Grimm's Fuel Company, Tualatin, OR 97062*, said the company has been in Tualatin at its location since 1975. There have been many changes since then and the property was annexed into the City in 1982, and was granted a Conditional Use Permit in 1994. Mr. Grimm said approximately ten years ago Metro began a review of the rules regarding composting standards, and after a long process, the Department of Environmental Quality (DEQ) issued new rules. Mr. Grimm said it was suggested to get land use approval from Tualatin first if considering food waste composting in the future. Grimm's is not proposing to do anything at this time, and not proposing commercial food processing, only residential. He noted that Portland has been in a pilot project for a long while, which is a weekly pickup of yard debris/food scraps. Envisioning how it could work in Tualatin, Mr. Grimm said it would be approximately 3-5% of food scraps and would not increase volume overall. Portland is getting ready to go city-wide, and other cities are looking at the process. Mr. Grimm displayed a map of his facility and reviewed the process of the materials that currently come to Grimm's for composting and how it works through the curing process. It was mentioned that when Grimm's started composting in the early 1980s, there were no regulatory requirements, and over time has become heavily regulated. Mr. Grimm recited reasons for the request and mainly is for his business to stay current with the region. He recognized that the main concerns are vector and odor and went on to explain how the process would be done almost immediately, with the pile capped at the end of each day.

#### **PROPONENT**

*Linda Moholt, SW Martinazzi Avenue, Tualatin, OR*, CEO, Tualatin Chamber of Commerce, distributed a letter in support of Grimm's request. After reviewing the proposal, the Chamber elected to support the operation.

*Steve Titus, SW Sedlak Court, Tualatin, OR*, came to show his support of Grimm's request. He noted that Grimm's does a good job of recycling construction waste and for 17 years he has lived on Sedlak downwind from Grimm's and has not had any sense of odor. The neighborhood meetings were open and Mr. Titus said

Grimm's is a good neighbor and urged Council to grant the request.

## **OPPONENTS**

None.

## **OTHER PUBLIC COMMENT**

*Dan Hardy, SW Greengate Place, Sherwood, OR* , said he lived and still owns a home in Tualatin's Pony Ridge Subdivision. He said there were times some early mornings that there was a slight odor from Grimm's, but was of no concern. Mr. Hardy said he does have a concern about the food composting, and related odor. He elaborated on his concerns by asking if the City has spoken with other agencies that have a similar-type program and the repercussions from that.

*Ted Saedi, SW 135th Terrace, Tualatin, OR* said he also has a concern about odor.

*Jeff Wiren, SW 135th Terrace, Tualatin, OR* , asked to have the four conditions proposed in the staff report read.

Senior Planner Harper read the conditions proposed for the conditional use permit of what would be required by Grimm's if they were granted the permit. The question of odor was addressed and Mr. Grimm explained his goal is to keep any odor at least the same or even less and to continue addressing and responding to that issue.

It was asked and Mr. Grimm explained the type of compound and materials that are composted do not necessarily make any difference with regards to odor. It was asked and Mr. Grimm noted the other facilities he visited and that he doesn't know of any others that are proposing the composting process he is going to use. He believes it is the better way to address any odor issue.

It was asked if the Tualatin Wildlife Refuge located not far from Grimm's has been contacted and concern about attracting predators. Mr. Grimm replied he has not been in contact with the refuge but does not believe there will be a problem. It was also mentioned as a concern that although Grimm's is not proposing commercial food waste, there is the request for a pilot test program. Concern remained that if the CUP for residential food waste is granted at this time, it could be difficult to deny the commercial aspect in the future, if this CUP is granted. It was asked and answered by Mr. Grimm that he would have to go to an indoor facility if he were to process commercial waste. It was suggested to check what other communities have experienced with these types of processes and perhaps Council could visit some of the other facilities that are currently undertaking the food composting.

Council asked of staff if a condition could be included in the proposal to address that if there is an increased level of odor, the applicant would be required to respond to the City with a mitigation plan, etc. Senior Planner Harper said staff learned in looking at Metro's process in resource recovery and these types of facilities and also what DEQ requires in their permitting process, there is not a system in place to measure odor. It is however in the permit process to report complaints, etc. as part of the process, and staff relies on the other agencies enforcement that is built into the permit with Grimm's. It was asked if there is a mechanism that residents could come to Council to lodge a complaint, and Senior Planner Harper said all the agencies are connected and Council can also re-address the CUP with the applicant if there is a problem.

Planning Manager Aquilla Hurd-Ravich said that the Development Code addresses odor issues and that it could be asked by the applicant to address ways to mitigate odor. Also if the City receives a certain level of complaints, etc., it could be part of the conditional use conditions listed in the staff report. Mr. Grimm said that it is part of the other regulatory requirements from the other agencies. Mayor Ogden said it is more for a way to have a mechanism to address an issue directly with Council. It was also asked and answered that not Grimm's will not be laying out a capital investment for the proposed residential use.

It was asked if there is communication with other regulatory agencies on issues that are raised by residents. Senior Planner Harper said he hasn't received any complaints for a number of years about Grimm's, but he was told that DEQ has received two complaints in the past two years. It was explained how a complaint would be handled by city staff, and that it could be part of the comments that the City will be giving to Metro and other agencies.

*Jeff Wiren, SW 135th Terrace, Tualatin, OR* spoke again and said he is opposed to Condition #3 and said Council could look at limiting the amount of food waste that Grimm's will be processing. Nominal, incremental food waste is one thing, but commercial waste would be different, and he is concerned about it turning into commercial waste processing. He suggested it could be addressed by specifying a percentage limit of intake.

Mayor Ogden closed the oral testimony portion of the hearing.

#### **COUNCIL DELIBERATION**

Councilor Grimes suggested starting with residential, before doing any commercial (including a pilot program), and approve the CUP with that condition.

Councilor Bubenik said in reviewing Condition #3, there is a two-year period before such a pilot program could be started.

Councilor Davis said it is a difficult decision for her as she believes in recycling and composting and doesn't like the idea of taking waste hundreds of miles somewhere else. At the same time she has some concern about this request. The suggestion of limiting the percentage of waste and the two year window helps somewhat but it remains difficult.

Councilor Bubenik asked if the pilot program is on the radar, and Senior Planner Harper said he has heard that Metro is trying to introduce the program in the region, as there is currently not a place to take it to, except remote locations. He added it can also be expensive to build an indoor facility to address commercial food waste.

Mayor Ogden said the concern appears to be odor and Council wants to be in the position to revoke the CUP if it becomes a problem. He has confidence that whatever level the threshold becomes that the City will know about any problems, and Council has the ability to undo the conditional use permit if need be. He also added that Grimm's cannot do commercial food waste without doing another permit. He recommended the addition of another condition that if the odor starts to become a problem, the City has the ability to revisit the CUP, etc. Council President Beikman said adding a fifth condition is not needed and is onerous, as it is adequately addressed in the staff report.

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Wade Brooksby to adopt the staff report and supporting attachments and direct staff to prepare a resolution granting Conditional Use Permit 11-03 with the four recommended conditions of approval as stated in the staff report and to add an additional condition addressing a review mechanism.

**Vote: 6 - 0 MOTION CARRIED**

**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**

Council President Beikman thanked everyone that participated in the latest Walk + Bike to School Day, and she has seen an increase on a daily basis of kids continuing to walk and bike to their school.

**K. EXECUTIVE SESSION - None.**

**L. ADJOURNMENT**

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to adjourn the meeting at 9:21 p.m.

**Vote: 6 - 0 MOTION CARRIED**

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary