

## MINUTES

Members Present: Chair Stassens, Vice Chair Tiedge, Commissioners Chroust-Masin, Geary, Hall, Hillestad, Morgan, and Thomas

Members Absent: None

Staff Present: Mr. Montgomery, Mr. Pomeroy, Mr. Koch, Mr. Bisset, and Ms. Sullivan

### **1. Approval of Minutes: April 21, 2016**

Chair Stassens called the meeting to order at 6:31 p.m., and called for action on the Planning Commission minutes from the April 21, 2016 meeting. Commissioner Morgan MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Geary. Motion PASSED unanimously.

### **2. Public Hearing (Quasi Judicial)**

#### **◆ Docket CU 5-16**

Request: Approval of a conditional use permit to allow for the expansion of the existing materials recovery facility by adding: 1) 7,500 square feet for commercial waste drop off and transfer load out ("transfer station"); 2) 6,300 square feet for public waste drop off; and 3) 2,650 square feet for public recycling drop off/drive-through.

Location: The subject site is located at 2200 NE Orchard Avenue, and is more specifically described as a portion of Tax Lot 2500, Section 15, T. 4 S., R. 4 W., W.M.

Applicant: Recology Western Oregon

Chair Stassens called the public hearing to order at 6:36 p.m. and called for abstentions, objections to jurisdiction, and disclosures. Two Planning Commissioners disclosed that they knew the applicant, but that wouldn't affect their decision. All Commissioners noted that they had visited the subject site. There being no abstentions or objections to jurisdiction, Chair Stassens requested the staff report. Planning Director Montgomery referred to his staff report and the application materials that were provided to the Planning Commission prior to the hearing. He noted that three additional items have been received and entered them into the record: an email from Julie Berndt, DEQ dated May 18<sup>th</sup>; a letter from Kia Sorenson dated May 18<sup>th</sup>; and, a letter from Ed DeRaeve dated May 17<sup>th</sup>. Mr. Montgomery stated that staff recommends approval of the application with the conditions provided. He then briefly itemized the conditions of approval.

Chair Stassens asked if the Commissioners had any questions of staff.

Commissioner Geary asked, regarding Condition 11, how the applicant would pay all SDC fees at the time of "submittal"; wouldn't they be collected at the time of "issuance" of the building permit?

Mr. Montgomery stated that staff would have no issue with changing the word submittal to issuance of building permits.

Commissioner Morgan stated that he had a question regarding condition no. 9; Commissioner Hillestad indicated that he had questions regarding condition nos. 6, 9, 10, and 14.

City Attorney David Koch advised the Commissioners to listen to the applicant's testimony, and any testimony received in favor of or opposition of the application before offering any suggestions or revisions to satisfy the concerns of the conditions of approval.

Chair Stassens asked the applicant to describe the request and the proposal.

Mike Robinson, attorney with Perkins Coie, and the applicant's representative, introduced Fred Stemmler, General Manager for Recology Western Oregon.

Fred Stemmler responded to some of the initial concerns and comments expressed by the Planning Commission. He stated that in terms of litter control, the facility and expansion is completely enclosed, which limits the amount of litter outside the facility. In addition, they currently have daily walk-arounds to remove litter. In regards to the expansion, he stated there are several limitations on the facility based on community meetings and discussions. Mr. Stemmler addressed the concerns of odors and stated that they did a walk through with neighbors at the current facility and their facility in Astoria to show that odors are limited and wouldn't be an impact to the community at this proposed location.

Mr. Robinson brought to the Planning Commission's attention the site plan for the facility (Exhibit 4) as it exists and as proposed for expansion. He also referenced Exhibits 13 and 14, Department of Environmental Quality (DEQ) permits and inspection reports, respectively.

Mr. Robinson introduced Mark Butorac, traffic engineer with Kittleson & Associates, George Drake Civil Engineer, and Amy Lecoch, Environmental Specialist. They are in attendance to answer any questions related to their field of expertise.

Mr. Robinson stated that he and the applicant have reviewed the staff report and the recommended conditionals of approval, and they agree with the findings in the staff report and the conditions of approval.

Mr. Stemmler explained that the goal of this proposal is to divert more waste from the landfill. It is his opinion that this facility would create a long term solution for the area's waste, and allow for new innovative recycling and diversion practices, including bulk handling through both manual and automated systems; thereby creating less waste and more recycling.

Mr. Robinson discussed the outreach process used by Recology as part of this application process, which included neighborhood meetings and discussions with surrounding business. The results of these meetings are three letters in support of the facility. He also mentioned the email from Julie Berndt (DEQ).

Mr. Robinson explained how the application meets all the criteria required of a conditional use permit. He feels the use is compatible with the surrounding uses, and has generous setbacks from other developments, and lots of space. Mr. Robinson noted also that the facility is completely enclosed and that "drapes" will help control odor, noise and dust. He stated that the cumulative effect of the conditions is to require a well-run facility that won't have an adverse impact on the neighbors. Mr. Robinson explained that this facility would be regulated not only by the City, but also by the State to assure that it is properly operated.

Mr. Robinson finished the applicant's testimony by thanking the Commission for their time and encouraging them to vote to approve the conditional use permit application, with the conditions of approval recommended by staff.

Commissioner Chroust-Masin spoke about the current local landfill, the possibility of it staying open for another 10-15 years, and asked if the projection of 50,000 tons of waste annually at this facility would still be accurate after the landfill closes

Mr. Stemmler stated that would be hard to project that far in the future. He noted that with the information he's read, the landfill will continue to stay open less than 15 years, even with the expansion.

Chair Stassens asked if other Commissioner's had questions.

Commissioner Hillestad asked about the DEQ standards to protect the wetland and what is being done to prevent surface runoff or pollutants from entering the wetland area.

Mr. Stemmler explained that different methods were used to restrict the amount of run-off and pollutants from entering the wetlands, including filtration systems, retention and settling ponds, and the use of filtration swales to make sure the discharge is clean.

Commissioner Morgan asked of the applicant what percentage of garbage picked up in the service area would go through the sorting process.

Mr. Stemmler stated that 100% would be eligible for processing and sorting before leaving the facility.

Chair Morgan asked for clarification on the drive-thru system to the recycling center.

Mr. Stemmler said that the current recycling center area would remain the same and have the same functionality.

Commissioner Geary asked for clarification of the proposed closure of the north driveway people currently use to access the drop-off site.

Mr. Stemmler said that the north driveway would be closed and a new ingress would be established, allowing for a right turn into the current parking for the recycling drop off area.

Commissioner Morgan asked how often the state inspections occur at the facility.

Amy Lecoach, Group Environmental Manager for Recology's Pacific Northwest Region, stated that DEQ conducts inspections at this facility a minimum of annually. DEQ also performs additional inspections if there have been complaints about the facility.

Commissioner Morgan ask if the type of inspection would change or increase as a result of the expansion.

Ms. Lecoach said that the transfer station and the material recovery facility are similar. She assumes that there are more frequent DEQ inspections as the facility is beginning operations. Ms. Lecoach also stated that she and her staff perform monthly inspections of all Recology facilities to verify compliance with all conditions of land use permits, solid waste permits, and any regulation the facility is required to meet.

Commissioner Geary asked about the current wood recycling operation and its capacity, and if there are plans to expand that.

Mr. Stemmler said he can look into getting that information, but currently the wood is processed through the adjacent compost site and would continue to be processed there.

Commissioner Hillestad asked if there are plans to convert their vehicles to operate on more environmentally-friendly fuels.

Mr. Stemmler explained that the vast majority of vehicles are diesel and the alternative are CNG or LNG, and there are no fueling options in the community that could sustain a sizable fleet, so until the infrastructure changes, there are not a lot of options for change. He mentioned that there are minor improvements with truck efficiency and stated the fleet size would not substantially change.

Commissioner Hillestad asked if there were other options with the wood recycling, for example using the material for fuel.

Mr. Stemmler stated that, generally speaking, the product is turned into hog's fuel.

Commissioner Morgan asked about Recology's Astoria transfer station and the sorting process used there.

Mr. Stemmler said that Astoria has some recycling, but it does not have an active sort system.

Commissioner Chroust-Mason stated that he assumes when Riverbend landfill closes, the garbage will be shipped out of the county, and asked if they have looked at rail as a form of transport.

Mr. Stemmler said that would not be an easy alternative to orchestrate because the restrictions and limitations put on the contract requires the waste move within 48-hours.

Chair Stassens asked for clarification if Buildings "A" and "B" were for collecting waste and processing, and if one was for truck use only.

Mr. Stemmler said that Building "A" is for the commercial drop off and Building "B" is for public drop off.

Chair Stassens asked if there were any other question of the applicant.

There being none, Chair Stassens asked if any members of the audience would like to speak in favor of the application.

Susan Meredith, 14100 SW McCabe Chapel Road, stated she was there on behalf of her neighbor Susan Watkins, who was unable to attend tonight's meeting. Ms. Meredith read a letter written by Ms. Watkins to the Commission.

Marcia Mikesh, 524 SE Hembree Street, spoke in support of the application, stating she thought it was a well thought out design and plan.

Chair Stassens asked if any other members of the audience wanted to speak in favor of the application.

There being none, Chair Stassens asked if anyone wanted to speak in opposition to the proposal.

Ed Gormley stated that he has had a number of meetings with Mr. Stemmler regarding the proposed transfer station. Mr. Gormely stated that one of his concerns is the potential for this facility to produce odors that will impact the surround area. He spoke of the amount of time and money spent to try to develop the adjacent industrial park, and that dumping waste onto concrete within a building is going to smell. Mr. Gormely said that if this application is approved, there should be a stipulation that it not be constructed until the closing of Riverbend Landfill.

Mr. Gormely said that he thinks that the truck traffic will be higher than the numbers in the report by Kittleson. He also said he's not sure how the smell will be contained, unless it is a double containment building. Mr. Gormley spoke of possible increase in rates to customers, and the idea of constructing the transfer station at Riverbend Landfill.

Mr. Gormely asked if there was a requirement for maintaining the landscaping that is required to be installed. He also requested that the applicant patrol the building and Lafayette Avenue to pick up trash.

Chair Stassens wanted to clarify that Mr. Gormley's main concerns are the smell and the extra truck traffic on Lafayette Avenue, which he affirmed.

Doug Hurl, 720 NW Michelbook Ct., said that he agrees with Mr. Gormely that there is going to be the smell and complaints. Mr. Hurl stated that he doesn't think it is in the City's best interest to build the recycle facility and transfer station within the city limits.

Chair Stassens asked if anyone else wished to speak in opposition of the application.

Hearing none, Chair Stassens asked if any person wished to pose questions to the Chair to be addressed by any of the opponents to the application.

There being none, Chair Stassens asked if there were any public agencies that wished to provide testimony.

Mr. Montgomery noted for the record that staff provided opportunity to comment to a number of public agencies and those that responded and their summary comments are in the staff report. He also mentioned the email from the Department of Environmental Quality that was entered into the record earlier this evening.

Chair Stassens asked if the applicant wished to respond to any of the opposing testimony.

Mr. Stemmler clarified that water would not be added to any of the waste. He added that the sort process is what is considered "dry waste", which means it is free of food or decomposing products. He stated that he does not support the idea of moving the transfer station to the landfill site. Mr. Stemmler stated that he took a neighbor of the transfer station to the Astoria site so they could see how a transfer station operates and addresses the issue of odor. He responded to the traffic concern saying he is confident with the report done by Kittleson. Mr. Stemmler then commented on the concern about trash or debris falling out of trucks, stating that the facility operates under strict guidelines and that if a driver sees trash fly out of their truck, they stop and pick it up.

Commissioner Geary asked about the figures referenced with potential cost implications to customers and if that is a worse case scenario.

Mr. Stemmler said that doesn't include the value of the commodities, which is measured at the existing cost of disposal and that the rates change year after year.

Commissioner Morgan asked about the economics of placing the transfer station at the current location as opposed to Riverbend.

Mr. Stemmler stated that he could not comment on that as they are two completely different corporations and ownership and he doesn't have the ability to speculate on that. He stated he's building an addition to an existing structure to complement what is currently operated at the Orchard Avenue location.

Mr. Robinson stated that the purpose of this hearing is to determine if the application met the approval criteria, not whether the facility could be operated at Riverbend. He noted that Mr. Gormley and Mr. Hurl had valid concerns regarding odor and traffic that the applicant has addressed. Mr. Robinson concluded his comments by noting that any odor problem would be handled through the use of "drapes" and that the facility is obligated to operate based on City and State permits.

Chair Stassens asked Mr. Stemmler to verify the route planning for the trucks to take from the facility.

Mr. Stemmler said that the route would depend on the destination of the vehicle, but that most routes would take a right turn from the facility to Riverside Drive.

Chair Stassens asked if other transfer stations are located within an urban setting.

Mr. Stemmler said that both Newberg and Astoria facilities are near urban developemnt. Mr. Stemmler said that they had recently called both cities to see if any complaints have been made about the transfer stations and found that there were none.

Commissioner Morgan asked if the applicant would be comfortable with an added condition that would require a public hearing if there were complaints about the operation of the facility.

Discussion ensued regarding the merits of adding a review condition to the approval.

Mr. Koch stated that the annual community meetings which would be a condition of approval for this application, if approved, could trigger a public review hearing.

Mr. Montgomery also mentioned that as part of the Conditional Use Permit process, any failure to meet the conditions of approval by the applicant may require a review of the application by the Planning Commission.

Chair Stassens asked if there were any other questions for the applicant and if anyone who testified wished to request the hearing be continued.

No one that participated in the hearing requested the hearing be continued, and Mr. Robinson stated the applicant waives the seven day period.

Chair Stassens closed the public hearing at 8:14 pm.

Chair Stassens asked the Commissioners to begin discussion of the applicant's request. Commissioners Chroust-Masin, Geary, and Thomas agreed that the transfer station is needed and that something needs to be done about the waste disposal issue.

Commissioner Hillestad agrees with this plan, but stated he wished to add some amendments to the conditions to make them more objective and therefore easier to enforce.

Commissioner Morgan said he thinks the proposal is good, but he's a little concerned about the potential for odors.

Commissioner Hall stated he is also concerned about the odors, but is in favor of the application.

Vice-Chair Tiedge said he doesn't know what the alternative would be and it's mostly McMinnville's garbage. He also believes that you will be able to smell the odor and stated that he's consistently cautious of rewriting conditions or mediating at the commission level. Mr. Tiedge said he does support the application and conditions presented by staff.

Chair Stassens commended the applicant and staff for the work put into the application and that she supports the application. She said that we as a community have a goal to provide environmentally and economically friendly solutions for disposing of waste, and this proposal would move us in that direction.

Chair Stassens asked if there would be support to change any of the conditions.

Chair Stassens noted that an amendment to Condition No. 11 has already been proposed to change the word "submittal" to "**issuance.**"

Commissioner Hillestad proposed the phrase "**at least twice daily**" be added to Condition No. 6, in regards to the litter issue. The proposed amendment was not supported by the other Commissioners.

Commissioner Hillestad requested that the word "**current**" be placed before "Recology" in Condition No. 9 so that if the service area expanded, Recology would have to submit a new request to the Planning Commission.

Discussion ensued regarding this proposed amendment, following which was not supported by the other Commissioners.

Commissioner Hillestad proposed Condition No. 10 be amended by adding that "**The vehicle access doors and currents should be kept closed, except briefly to allow vehicles access as they arrive or exit.**" The Commission agreed with the amendment as proposed.

Finally, Commission Hillestad proposed to amend Condition No. 14 to require a person be available at all times to respond to complaints.

Discussion ensued as to the meaning and availability of being able to speak with staff person at any time of the day. Mr. Montgomery noted that a person would have access to a number they can call and register complaints, via text message, voicemail, or post to a website and that someone would respond the next day. He said there is also a place to register complaints with DEQ.

Following this discussion, the Commission agreed to not make changes to Condition No. 10.

Commissioner Hall MOVED, based on the findings of fact, the conclusionary findings for approval, and materials submitted by the applicant to APPROVE CU 5-16 subject to the conditions as noted in the staff report and amended as follows:

- Condition No. 9 - replace west of Grand Ronde and east of Grand Island with **east** and **west** respectively.
- Condition No 10 - add "e" to read as follows: "**The vehicle access doors and curtains shall be kept closed except briefly to allow vehicles to arrive and exit.**"
- Condition No. 11 - replace the word "submittal" with "**issuance.**"

SECONDED by Commissioner Chroust-Masin. The motion passed unanimously.




### 3. Old / New Business

Planning Director Montgomery stated that he had three brief items to share with the Commission: 1) That the Council had appointed Nanette Pirisky to replace Amanda Pietz on the Planning Commission; 2) That the next Planning Commission meeting will have one item on the agenda related to the sign amortization clause and its enforcement; and 3) That the Planning Commission action that approved a 20-lot subdivision off Redmond Hill Road was appealed and a public hearing before the City Council will be held on June 28, 2016.

### 4. Adjournment

Commissioner Chroust-Masin MOVED to adjourn the meeting; SECONDED by Commissioner Geary. Motion PASSED unanimously and Chair Stassens adjourned the meeting at 8:50 p.m.

  
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Doug Montgomery  
Secretary