

# CITY OF THE DALLES PLANNING COMMISSION MINUTES

**Thursday, May 6, 2010**  
City Hall Council Chambers  
313 Court Streets  
The Dalles, OR 97058  
*Conducted in a handicap accessible room*

## **CALL TO ORDER:**

Chair Lavier called the meeting to order at 6:31 pm.

## **BOARD**

**MEMBERS PRESENT:** Bruce Lavier  
Ron Ahlberg  
Mark Poppoff  
Ted Bryant  
John Nelson

## **BOARD**

**MEMBERS ABSENT:** Chris Zukin  
Benjamin Hoey

## **STAFF PRESENT:**

City Attorney Gene Parker  
Senior Planner Richard Gassman  
Administrative Secretary Brenda Green

## **APPROVAL OF AGENDA:**

It was moved by Ahlberg and seconded by Poppoff to approve the agenda as submitted. The motion carried unanimously; Zukin and Hoey absent.

## **APPROVAL OF MINUTES:**

Commissioner Bryant pointed out that on page two, paragraph two, it should read that the front door faces 14<sup>th</sup>, not Trevitt.

It was moved by Ahlberg and seconded by Bryant to approve the minutes of April 15, 2010 as modified. The motion carried unanimously; Zukin and Hoey absent.

**PUBLIC COMMENT:** none

## **QUASI-JUDICIAL PUBLIC HEARING:**

Application Number; CUP 157-10 of Dirt Hugger LLC **Request:** To obtain approval to site a Commercial Compost Facility. **Location:** Property is located at 4350 River Trail Way. The property is further described as 2N 13E 21 tax lot 800. Property is zoned "I" – Industrial.

Chair Lavier read the rules for conducting a public hearing. He asked the Commissioners if they had

any bias, conflict of interest, or ex-parte contact. Commissioner Poppoff declared that since he had a landscaping business he could potentially be a client of the applicant. Commissioner Ahlberg shared that he composts. City Attorney Parker asked Poppoff and Ahlberg if they had had any conversations outside of the current hearing in regards to the application, and asked if they felt that their involvement with composting would put a bias on their decision. Poppoff and Ahlberg both stated no. There were no challenges from the audience. Lavier declared the public hearing open and asked for the Staff Report.

Senior Planner Gassman presented the Staff Report. He distributed an aerial picture of the site and described where the access points, roads and driveways were. Gassman explained the history of the property including the current purchase option held by Google and the reasoning behind not requiring paving improvements right away. Gassman pointed out the five letters that had been received in regards to the application; they were labeled Exhibits A-E. He summarized the letters by stating that they were all in favor of the application but that they all essentially stated they would like to see the paving requirements pushed back even further than staff's original recommendation. In response to those letters, Gassman stated that staff had talked and changed their recommendation of Condition #7 to read; The Planning Commission will review public improvement requirements, such as paving of River Trail Way, and a requirement of a paved surface access way to the site from the end of the public right of way, in September 2011, after the Google option deadline.

Commissioner Bryant asked what would happen if Google decided tomorrow to exercise their option. Commissioner Ahlberg wondered if it would be different than any other landlord/tenant law and that most likely they would be required to give notice. City Attorney Parker responded that he was not privy to the details of the purchase option, and that the eviction of Dirt Hugger LLC would be based on the details of that option as well as the lease agreement.

Senior Planner Gassman continued with his staff report explaining that the application is also asking for approval of a Site Plan Review. Considering that the applicant will not be siting a building on the property, staff felt that the two processes could be completed at the same time; and recommends approval of both the Conditional Use Permit and the Site Plan Review. In regards to the Site Plan Review, Gassman pointed out that Staff recommends accepting the applicant's submitted landscaping plan in lieu of landscaping along River Trail Way.

Commissioner Bryant asked about the visibility of the operation from Riverfront Trail. Senior Planner Gassman replied that it will be visible but that there will be landscaping including berms shielding the operation. Commissioner Nelson added that the property sits within a slight land depression further shielding it.

Commissioner Ahlberg inquired about drainage from the compost piles. Senior Planner Gassman suggested having the applicant answer the question.

### **Public Testimony**

#### **Proponents:**

Pierce Louis, 418 17<sup>th</sup> Street, Hood River; Mr. Louis introduced himself as the applicant then explained their landscaping plan and the reasons behind it. Louis addressed Commissioner Ahlberg's question in regards to drainage by explaining the direction of the land slope and the installation of bioswales.

Commissioner Nelson asked about predicted traffic generation. Mr. Louis explained that initially the traffic will just be from employees and Waste Connections who will be doing the curbside pick-up. Louis added that eventually the goal is to accept materials directly from consumers and allow pick-up of compost by consumers. Nelson explained that he was concerned with dust from the roadways. Louis replied that they will be using water sprayers on the composting piles and could also spray the road if it became an issue.

Commissioner Ahlberg inquired about odor control. Mr. Louis described their research including visiting ten other similar facilities. He explained how odor is controlled through appropriate moisture levels and described some of the mitigation techniques that will be utilized.

Commissioner Ahlberg asked about their water source. Mr. Louis replied that they will be using river water for the composting process. Commissioner Bryant asked if they had a water right. Louis explained that they will be utilizing the Port's water right.

Commissioner Nelson questioned if there was a plan for vector control. Mr. Louis described their methods including tarps that could be brought over the piles.

Mr. Louis further described his company's background, the need for a composting area in the Gorge and the amount of feedstock forecasted to be available in the Gorge. He explained that their initial plan is based on a prediction of two thousand tons of feedstock.

Commissioner Bryant re-opened the question of Google exercising their option. Mr. Louis informed the Commission that they were willing to accept that risk.

Commissioner Nelson asked about variations of operations due to the seasons. Mr. Louis replied, yes operations will vary, mostly regarding how much moisture needs to be added during the dry seasons.

Commissioner Ahlberg inquired if any chipping will be done on the property. Mr. Louis replied yes and that they will be contracting it out.

Andrea Klaas; 3636 Klindt Drive; introduced herself as the Executive Director of the Port of The Dalles and explained some of the details of the lease that the applicant will sign with the Port. Klaas expressed her confidence that the landscaping being proposed would be adequate, and described the Port's industrial water right. She concluded by stating that the Port is in support of the application.

Commissioner Bryant asked if Ms. Klaas was worried about materials being left if the applicant had to vacate the land. Ms. Klaas replied no, the lease will contain the normal clause requiring removal of anything that is put onto the property.

**Opponents:**

Louise Longheinrich; 2108 Garrison St, explained that she was not opposed to the project, but that she wanted to express her concerns and make sure that the necessary questions were being asked. Her concerns included; the potential for leaching of materials into Chenowith Creek, Taylor Lakes and the Columbia River; the possibility of cracks in the pad already on the property, how the carbon to nitrogen process would be regulated, where the type II feedstock would come from, where the feedstock would

be stored until it was time to add to the piles, and how the facility would affect the Riverfront trail usage.

**Rebuttal:**

Tyler Miller; 1585 Nunamaker Rd, Hood River introduced himself as the co-applicant, then addressed Ms. Longheinrich's concerns. He described how leachate facilities and bioswales work and assured the Commission that the entire operation would be regulated by the DEQ. Miller provided a description of how the retention pond water would be utilized, and what moisture content levels the piles would be kept at to minimize the potential for leaching and odor. In regards to the effect of the facility on users of the Riverfront Trail, Miller presented the idea that the facility being partially visible would be a benefit. He described it as a way to educate the public and stated that they plan to put up an explanatory sign to describe their facility and the process going on.

Commissioner Nelson asked how much more land the applicant was planning on utilizing should the business grow, and how it would affect the land. Mr. Miller explained that the first stage of the plan could accommodate up to ten thousand tons of feedstock, if it went beyond that amount they would have the capacity to go up to twenty thousand tons in a second stage of development, but that even at that amount the entire facility would stay within the five acre site. Miller stressed that as the business grows, all operations would be regulated by DEQ.

Commissioner Bryant asked about the types of vegetation used in bioswales. Mr. Miller described the vegetation as types of grasses, but did not define them any further.

Commissioner Bryant asked about the pH of the leachate. Mr. Miller explained that the goal is to have it balanced, so it would be seven.

Commissioner Ahlberg asked how tall the piles would be. Mr. Miller described the piles. Ahlberg wondered if there was the possibility of the piles being a hazard if people got into the facility and tried to climb the piles. Miller explained the slope and the make up of the piles and described why he did not see it as a possibility.

Commissioner Nelson inquired if the property would be fenced. Mr. Miller responded that only the road would be gated preventing vehicular traffic from entering when the facility was closed.

Pierce Louis, applicant, spoke on the question of where manure feedstock would come from. He explained that that type of feedstock will not be utilized in the current plan. He informed the commission that when and if it is added, they will work directly with DEQ. He also explained some of the requirements of receiving manure as feedstock.

Lindsey Miller, 1585 Nunamaker Rd, Hood River; explained that after the business is started she hoped to start a not for profit to support composting including outreach programs. Ms. Miller spoke in regards to the public perception of the composting business especially from the Riverfront Trail. She suggested that instead of looking at being able to see some of the operation as a negative, it should be viewed as an educational opportunity and as a community asset; a progressive, green and sustainable facility. She pointed out that even the mobile office will be using reclaimed materials and solar energy.

Senior Planner Richard Gassman noted that the application being considered was a Conditional Use

Permit which features the ability of the Planning Commission to revoke the permit through a public hearing process if the applicant does not uphold the conditions set forth in the permit.

Commissioner Bryant asked the DEQ representative if it would be considered a Confined Animal Feeding Operation (CAFO) if they included animal waste.

Bruce Lumper, DEQ solid waste program, 400 E Scenic Drive, introduced himself as the permit writer for the application. He responded to Commissioner Bryant by saying no, it would not be considered a CAFO.

Commissioner Bryant inquired about what would happen if there was an acute odor emergency. Mr. Lumper explained that the sort of operation being proposed could be easily scooped up and disposed of if an odor issue went out of control. Lumper also spoke in regards to the permitting process by explaining DEQ's process and assured the Commission that DEQ could also pull the applicant's permit if operations were not being handled within their specifications. Lumper gave the Commissioners additional information about bioswales. He also stated that the City will be receiving reports in regards to the operations even if no complaints received.

Chair Lavier closed the public testimony portion of the hearing.

**Deliberation:**

Commissioner Nelson commented that he would like to see a requirement for the wind screening to be put in right away, and that he would like some dust control to be required on River Trail Way. Nelson also expressed his concern about the varieties of type II and type III feedstock that the applicant will use. Senior Planner Gassman suggested adding language that would require the applicant to complete the landscaping condition within a certain time frame after they begin operations.

Commissioner Bryant shared that he did not agree with a dust control requirement, pointing out that Crestline has just as much traffic volume, if not more. Commissioner Poppoff suggested a requirement to only control the dust between Crestline and the proposed Dirt Hugger site.

Commissioner Poppoff felt that the applicant should install chicken wire or something similar to control debris being blown from the site. Commissioner Ahlberg felt that requiring a fence would be asking too much considering that they don't even know if they will be able to stay on the property. Poppoff suggested it could be a simple fence that could be dismantled and taken with them if they leave.

After a general discussion, the Commissioners agreed to add language to condition number thirteen to read "Landscaping to be added within 60 days of start of operation".

The Commission discussed condition number seven and mutually agreed to the modified wording as suggested by staff.

Commissioner Ahlberg pointed out that in regards to a fence; he felt that the applicant would take their own measures to protect their product and to retain their CUP should they start to have issues with the wind.

Commissioner Bryant moved to approve CUP 157-10 based on staff reports and findings of facts, with thirteen conditions including the modifications to condition numbers seven and thirteen. It was seconded by Poppoff, the motion carried unanimously, Zukin and Hoey absent.

**RESOLUTION:** Commissioner Bryant moved to adopt Resolution PC 493-10 approving CUP 157-10 with thirteen conditions as modified. Ahlberg seconded the motion. The motion carried unanimously, Zukin and Hoey absent.

**COMMISSIONER/STAFF COMMENTS**

Commissioner Bryant brought up his concern regarding the lighting at the Lone Pine McDonalds. He reported that it shines into the eyes of drivers crossing the bridge. Senior Planner Gassman explained the provision that governs where lighting can be and stated that he will have it looked into.

Commissioner Bryant inquired about setbacks in regards to covering a porch. Senior Planner Gassman described the five foot set back. Bryant described a property that he was questioning and described it as being on Pentland Street between Fourteenth and Fifteenth.

Commissioner Ahlberg asked if the lighting requirements for businesses also apply to residential situations in which a neighbor's security lighting shines into a neighboring window. Senior Planner Gassman stated he would look into the general nuisance ordinance to see if residential lighting was covered.

The Commissioners were given recent pictures of the progress of the round about. There was a general discussion regarding the pictures and the progress of the project.

**NEXT MEETING:** The next scheduled meeting is May 20, 2010.

**ADJOURNMENT:** The Planning Commission meeting was adjourned at 8:25 p.m.

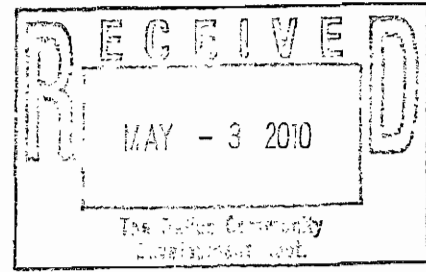
Submitted by  
Brenda Green, Administrative Secretary

  
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Bruce Lavier, Planning Commission Chair

# Kenneth A. Farner

814 West 11<sup>th</sup> ❖ The Dalles, OR 97058  
(541) 298-1100 ❖ email: kenaf@gorge.net

Exhibit A



May 3, 2010

To: Planning Commission, City of The Dalles, Oregon

Re: CUP # 157-10, Dirt Hugger LLC

I hereby submit testimony to the Commission in support of approving the Dirt Hugger application.

The operation they propose will benefit our community in providing jobs by turning waste that is costly to dispose of into a product that can be sold. The site is an ideal location for them to initiate their business plan, test their assumptions and work out those operational issues that any start-up company must go through with minimum up front capital at risk.

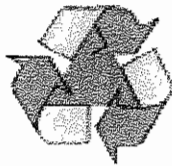
As disclosed in the staff report the site is subject to an option that could be exercised at any time in the next two years. Not adequate tenure to invest in leasehold improvements.

The staff recognizes this fact. However, I recommend that the delayed development agreement to pave the unpaved portion of River Trail Way (Finding 14 and Condition 7) be increased to two years. That will allow Dirt Huggers a more adequate period to refine their operations; but, more importantly, extend the delay to a time when the possibility to future tenure would be known and could then be negotiated if they then desire.

Respectfully;

*Kenneth A. Farner*  
Kenneth A. Farner





# Tri-County

Hazardous Waste & Recycling Program

To: City of The Dalles  
Community Development Department  
313 Court Street  
The Dalles, Oregon 97058

From: David Skakel  
Solid Waste Specialist  
Tri-County Hazardous Waste & Recycling Program  
419 East 7<sup>th</sup> Street  
The Dalles, Oregon 97058



To whom it may concern,

5/4/2010

I wish to provide a letter of support for the (attached) Conditional Use Permit applied for by Dirt Hugger, LLC for the purposes of operating a commercial composting facility on lands at the Port of The Dalles.

Our program provides hazardous waste collection and waste reduction outreach and support for citizens of Wasco, Sherman and Hood River Counties and the six cities within. As such, we administer the Wasco County Recovery Plan (to DEQ) on behalf of Wasco County. That plan (excerpt attached) does identify a goal to: "Encourage the development of regional commercial composting facility".

In that regard, our program believes that the location of a commercial composting facility to serve the local region would likewise serve that missing piece of our program mission, which essentially relates to community benefit.

Furthermore, our program has authorized a Compost Advisory Group of interested stakeholders to discuss and make recommendations to our steering committee about regional 'best practices' for managing organic material. And we expect the applicant (Dirt Hugger, LLC) to participate in that process.

Sincerely,

A handwritten signature in black ink that reads "David S. Skakel".

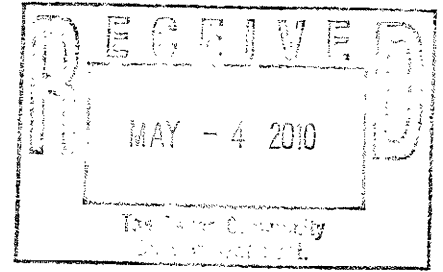
David S. Skakel

DRAFT

Wasco County Wasteshed Recovery Plan Update

2007 – 2009

Submitted by  
Pat Bozanich,  
Tri-County Hazardous Waste and Recycling Program Manager



May 4, 2010

To: City of The Dalles Planning Commission  
attn: Dick Gassman  
313 Court Street  
The Dalles, OR 97058

From: Bob McFadden

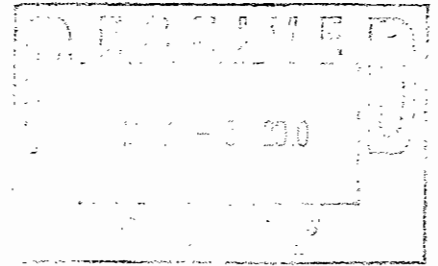
Re: Application Number CUP 157-10 Dirt Hugger LLC

As I am unable to attend the Planning Commission meeting I am offering this written testimony for the public hearing in the matter of the above application.

What I am addressing is Condition #7 that speaks about River Trail Way and a paved surface access way to the site within one year. As noted in Finding 14, the property is currently subject to an option to purchase by Google (Design, LLC) and should that option not be exercised the property will still belong to Port of The Dalles but without anything clouding title. This site is known as the North Chenowith site and has been master planned for development by Port of The Dalles. Paving in an area that has been master planned for future development does not make any sense as the paving may not follow what has been planned. Gravel has worked for many years in that area and until such time as the Port of The Dalles activates their master plan or Design, LLC company exercises their option and proceeds with their development plan any paving of any existing trail makes absolutely no common sense. Yes it is the standard that paving occur, but in this case holding to that standard is not in the best interests of any of the parties, Dirt Hugger LLC, the Port or the City.



Port of The Dalles  
3636 Klindt Drive  
The Dalles, OR 97058



May 4, 2010

City of The Dalles  
Planning Commission  
attn: Dick Gassman  
313 Court Street  
The Dalles, OR 97058

RE: Conditional Use Permit # 157-10, Dirt Hugger LLC

Dear Dick:

The Port of The Dalles would like to be on record as supporting this project and the conditional use permit but we are concerned with Finding #14 and the paving requirement. While the Port understands the need for permanent, paved access to the site, requiring this to be completed in one year is too short of a timeline.

Dirt Hugger LLC will be located on a small portion of the old Mt. Fir site. This 80+ acre industrial site is currently undeveloped, and will remain so until one of 2 things happen: 1) the current option is exercised and the site is developed by Design LLC, or 2) the option is not exercised and the site is developed by the Port. In either instance, neither a development timeline nor location of a permanent road has been determined nor has a permanent location for Dirt Hugger LLC been established. Because of this uncertainty it would make more sense to set a condition that requires Dirt Hugger LLC to connect to the public infrastructure once it is in place.

This is a new business venture and can be a great addition to our community. Anything that we can do to support and assist them during their first start up years can only help make the project more successful.

Sincerely,

Andrea Klaas

**Richard Gassman**

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**From:** Columbia Tree Service [columbiatree@embarqmail.com]  
**Sent:** Thursday, May 06, 2010 1:52 PM  
**To:** Richard Gassman  
**Subject:** Dirt Hugger Compost Facility

Hi Richard,

My Name is Kris Zorza with D&Z Grinding. I'm unfortunately not going to be here today for the meeting but I would like to say that I have had several meetings with Tyler & Pierce from Dirt Huggers. I think that they're proposal to put a commercial composting company on The Port of The Dalles property will have several benefits for the local economy and making an impact on renewable materials being sent to our landfills. The cost of hauling and dump fees at landfills is far greater than a tipping fee at a local compost site. The amount of space that biomass and food waste take up in our landfills is astonishing, especially when you take into consideration that it's a viable material that has many uses and if done properly can turn a profit. I believe that Dirt Huggers has a well established plan and are taking the right steps to ensure that their composting facility will be managed under strict guidelines while reducing the amount of unnecessary wood/food waste going into our landfills and potentially adding jobs at the same time.

Thanks for your time,

Kris Zorza  
D&Z Grinding  
2271 Tucker Rd  
Hood River, OR 97031  
541-806-0703