



**PLANNING COMMISSION
MINUTES**

Date: 05/21/2013

Time: 6:00 p.m.

Location: Christmas Valley Community Center
87345 Holly Lane, Christmas Valley, Oregon 97641

Members Present

Tom Burkholder
Ken Hamlington
Bert Young
Ronne Lindsay
Meredith Smith
Donald Parker
John Flynn

Members Absent/Excused

Public in Attendance: Deanne Wright, Henry Rivers, Larry Morrison, Robert Wright, David P. Van Dusen, Michele B. Wallace, Ryan Bonham, Phillip Branstetter, Todd Christopherson, Teresa Lane, Thomas B. Van Dusen, Margaret H., Marcia and Steve Adams, James Ross, Jim B., Chuck Nofziger, Rev. Susan Burch, Rev. Clyde Burch, Carl Shumway, Ron Bemis, Patti Bemis, Robin Barlow, Terrence Barlow, Becky Tocol, Bobbie Koons, David Koons, Brian Mayer, Jared Smith, Karen Smith, Deb Diment, Earl Diment, Ann Robinson, A. & Dale Esgate, Georgia Telfer, Kent & Liz Ewell, Frank Baxter, Jeanette Stirnemann, Roger Wilson, Mark A. Bedinger, Larry Grassman, Tara Grassman, Sandra Bauer, Terry M. P., Anita S. J. Bailey, Diane Croy, Steve Lavalley, Shawn Lavalley, Harold A. Miles, Larry Turnbow, Ken Morehouse, Frank Spratt, Wendy Gibson, Shari Harris-Dunning, Audrey O' Brien, Judy Dark, Bill Brown, Caroline Meyer, Carla Rook, George Rook, Donna Griffith, Terry Crawford, LeeRoy Horton, John Wise, Dixie Elmore, Dave Elmore, Julie Bryant, Roberta Able, Muriel Jackson, Noah Balance, James Silreus, Marty M., Glenna Wade, Pat Conell, Debbie Morehouse, Ron Smalleg, Morris Smalleg, Julianne E. Crawl, Deanna Roberts, Brayden Roberts, Doug Norris, Thomas E. Hiatt, Ellonna Desando, Buck Church II, Collwen R. Foltz, Steve Mizera, Ron Johnson, Courtne Grassman, Dusty Grassman, Patricia Wilson, Linn Oster and Rick DuMilieu.

Meeting was called to order at 6:00 p.m. by Chairman Burkholder who explained the protocol of the meeting and appeal procedures.

Item #1: APPROVAL OF MINUTES

Approval was needed for the March 19, 2013 and April 26, 2013 meeting minutes before the Planning Commission. Commissioner Ronne Lindsay motioned to accept the March 19, 2013 minutes as submitted. Commissioner Meredith Smith seconded the motion. Motion passed with 6 "yes" votes and 1 abstained: Donald Parker was not at the March meeting.

Commissioner Meredith Smith motioned to accept the April 26, 2013 meeting minutes. Commissioner Ronne Lindsay seconded the motion. Motion passed with 7 "yes" votes.

Item #2: CONDITIONAL USE PERMIT APPLICATION NO. 13-011-CUP

Continued Public Hearing concerning the application by Larry & Cindy Morrison, doing business as Klamath Soil Amendments, to establish a Solid Waste Site and conduct Commercial

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Activities in Conjunction with Farm Use, on a 40 acre parcel. The property is described as: Within T27S, R18E, Section 23, TL 100 in an A-2, Agriculture Use Zone and located at 56541 Oil Dri Road, Christmas Valley, Oregon. A decision will be based on Articles 3 and 24 of the amended Lake County Zoning Ordinance of 1980.

Swearing in of Parties of Interest, this included: Larry Morrison, Todd Christopherson and various members of the audience.

Mr. Morrison continued by thanking the commission for the opportunity to come before them again. He stated they had revised their plan to not include Type 3 Feedstock and had changed their application from including Type 3 to only Type 2 and Type 1 Soils which would eliminate a lot of problems everyone was concerned about. Mr. Morrison presented a power-point presentation he had brought regarding his plans for the project. He continued to explain the wind break they were planning in three to four areas behind the building, the comparison of other sites such as Dirt Huggers in Hood River, OR, stating this project probably dealt with worse winds than the Christmas Valley area. Mr. Morrison continued to explain the problems of the North Plains plant in Oregon, by stated they have had complaints with odor but the complaints were never substantiated. Mr. Morrison then attempted to present a short video, but lack of a strong internet connection made this impossible.

Discussion continued on the pamphlet that was handed out to the commission by the applicant, and the issues involving the wind. Mr. Morrison continued by saying there would be 60 to 90 tons of compost delivered per day as a test run to make sure this would be adequate for the farmers in the area. Mr. Morrison indicated if production was started by July they would have product available by November or December. He continued to say he felt 98% of the people in the Christmas Valley area needed this product and were OK with the production of this product.

Discussion continued on Pages 3 through 6 of the presentation Part C (Exhibit A, *in the record), referencing storm water and the perception in Christmas Valley of only 8 inches a year. Discussion continued on the addition of 5,000 gallons of water per day and the run-off generated. Mr. Morrison responded the water would not be going through the compost. Discussion continued on the monitoring of the watering process and the use of metering to measure temperature, oxygen and moisture. The Planning Commission and Mr. Morrison continued with a discussion on monitoring the ground water situation.

Chairman Tom Burkholder explained the meeting was open for public comment and the representative's appointed to testify on behalf of the "Concerned Citizens of Christmas Valley".

Terry Crawford, Owner and Editor of the Community Breeze, a monthly publication, continued by reading from her prepared statement (Exhibit B*).

Terrence Barlow read his prepared comments drafted on behalf of many (Exhibit D*).

Terrence had submitted Affidavits of Authorization with many signatures allowing a few calling themselves "Concerned Citizens of Christmas Valley" to speak on the behalf of many.

Wendy Gibson read her prepared comments drafted on behalf of many (Exhibit F*).

David Koons spoke for Steve Mizera by reading from Mr. Mizera's letter (Exhibit G*).

Ron Bemis read his prepared comments (Exhibit H*).

Patti Bemis read her prepared comments (Exhibit I*).

Nellie Leeann Brown read her prepared comments (Exhibit J*).

Donna Griffithe read her prepared comments (Exhibit K*).

Reverend Susan Burch read her prepared comments (Exhibit L*).

Deanne Wright continued by speaking for the Native Americans in the Christmas Valley area. Ms. Wright indicated she was a member of the Confederated Tribes of Grand Ronde,

Grand Ronde, Oregon. She continued by saying she had been ask to speak on behalf of Perry Chocktoot from the Klamath Tribes – Attachment AU of the Staff Report for May 21, 2013. She continued to say Mr. Chocktoot was requesting the project to be stopped until they have a chance to check for Native American burial grounds on the property.

Chairman Tom Burkholder indicated he wished to have the questions brought forward, answered by the Department of Environmental Quality (DEQ) representatives, Audrey O'Brien, Manager of the Solid Waste Program, Portland and Shari Harris-Dunning, DEQ Solid Waste Program, Bend.

Shari Harris-Dunning stated there was an application from Larry Morrison, DBA Klamath Soil Amendments, but they could not move forward in the DEQ's process until a land use decision was made on the County level. Chairman Burkholder asked if DEQ handled the environmental screening and Ms. Harris answered, yes, it was part of the process. Ms. Harris continued by saying the first thing they look at when they receive an application is to make sure the application is complete with all the site information and from that point they start the environmental screening process. They look at the potential impacts to surface water, ground water and vector concerns, with such things as rodents and birds. She continued to say there are a lot of areas that go into the determination.

Audrey O'Brien continued by saying in addition to looking at surface and ground water, as well as vector concerns, they also look at the odor issues, pathogens and the impacts from those factors as well. She continued to say they want to make sure the composting process is done sufficiently to eliminate or reduce the potential for pathogens, to an acceptable level.

Ms. Harris continued by saying that each project is looked at on a site by site case basis; as well as the applicant and the application; and whether we think it is a low risk or potential risk to any of the areas we are looking at.

Chairman Burkholder asked: if this project was permitted what would be the on-going inspection process, such as on the ground water, odor issues as well as vectors; all of the issues that have been brought forward tonight.

Ms. Harris answered, when a low-risk composting site, a registration is granted, which is good for 10 years and that they do not generally inspect those sites unless they receive some complaints. A full permit granted by the DEQ would require a permit schedule and routine inspections. She continued by saying a very detailed operation plan would be needed and the applicants management plan would be incorporated into the permit. Also if the applicants violated the conditions of their permit, there would be actions taken.

Discussion continued on the air quality and if there was an exact way of measuring. Ms. O'Brien answered DEQ did not monitor any facility for air quality at the property boundary, instead we look at the composting and if it is done well enough to make sure there won't be any off site dust issues.

Discussion continued on the odor issues and what they would be based on. Ms. O'Brien answered there were no standards in place for odor controls. Ms. O'Brien continued to say with every composting project DEQ expects there will be some odors but they expect the odors to be representative of the food composting but in a way the odors would not be offensive and not excessive.

Discussion continued on the State-wide Goal 6 in regards to air & water quality. Ms. Harris answered this was where the problem was, what odors may be offensive to one person may not be offensive to someone else. She continued to say if one is composting properly the odors are different then if there is not proper compost.

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Discussion continued on nuisance issues and how to get a handle on those. Chairman Burkholder asked if an applicant comes to the DEQ with an application for Type I and Type II composting what would it take to change the application to also include Type III materials or if that was an option. Ms. Harris answered if a permit was issued for only Type I and Type II materials the applicant could only use the permit for those two types. If the applicant wanted to change the permit to also include Type III materials they would need to go through the process of obtaining public comments again. Ms. O'Brien indicated there would need to be an evaluation as to the composting being done on the site and if it could handle the change in feedstock or if additional requirements would apply.

Chairman Burkholder recognized and invited those that had comments and statements to please come forward but ask them to be brief.

Judy Dark read her prepared comments (Exhibit M*).

Julie Bryant of Summer Lake read her prepared comments, a condensed version of the letter she submitted (see Attachment AY and Exhibit N).

Becky Tocol read her prepared comments (Exhibit O*).

Ron Johnson stated he had been in Christmas Valley since 1976. He stated the wind in the Valley is predominately SW or NW; any and all stink coming off of rotting material will come into the town of Christmas Valley, 80% of the time. Mr. Johnson stated if this compost was so good why did they not compost the materials in the Willamette Valley and bag it over there. Mr. Johnson continued by saying they would be bringing in at least 6 truckloads a day and stated Oregon Department of Transportation (ODOT) does not give any of their PUC Tax monies to the County.

Michele Wallace spoke about being an adjacent property owner to the Kitty Litter plant site and asked Mr. Morrison to respond to the questions she had: the processing of 46,800 tons per year on 3 to 4 acres; she stated she has a dirt berm behind her house with no vegetation on it and gets sand blasted every time the wind blows; how would Mr. Morrison expect to keep the dirt berms in place around the project; evaporation of the 5,000 gallons of water would be very slow and it would affect the ground water; her well was 100 feet deep and was affected by the pivot irrigation pumps over a mile away; and her concerns with odor issues.

Earl Diment stated he had been living in the Valley for about 3 years after having retired from the Portland Fire Bureau. He stated he had done fire life safety training for the city of Portland and said he had been on a lot of brush and composting fires. He stated bark and composting fires don't burn for 8 hours or even a few days but can burn all summer. Mr. Diment continued to say the issue of fire would be a real issue with him and with the limited resources there would be no way to combat such a fire or put a fire plan together that would.

Reverend Susan Burch asked to speak again about Native American issues. Her grandmother and she walked the land and where a part of the Kitty Litter plant sits on, was 320 acres at the time and American Fossil Company told her where people are buried. She continued to say she did not want them dug up when Mr. Morrison is digging to put up the berm – family and generations of tribal burial grounds were dug into when Oil Dri road was constructed. She stated her father is a retired surveyor.

Reverend Clyde Burch inquired if Mr. Morrison would be required to have a business license to put this facility in Lake County. Chairman Burkholder answered Larry & Cindy Morrison was doing business as Klamath Soil Amendments. Planning Director Darwin Johnson stated it was not required.

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Frank Baxter shared his visit to the Aumsville site and the decision that led the company to decrease the food scrapes taken in. Mr. Baxter continued by comparing how close people would be living to the Christmas Valley plant. Mr. Baxter stated the Aumsville plant had only been given a 2 year permit.

Chairman Burkholder asked if Lake County Road Master Rick DuMilieu had anything to add. Mr. DuMilieu stated the Road Dept. would be taking 2.5 million out of reserves this year. He stated there were already 1500 to 1700 hay trucks coming out of Christmas Valley already and the road department was considering reducing their hours to part time. Mr. DuMilieu continued by saying he was also the Solid Waste Manager, continuing with the question he had asked about the plastic materials in the composting materials that would be going to the transfer site. He continued with the answer given by Mr. Morrison at the April meeting.

Oregon State Water District 12, Watermaster Brian Mayer after introducing himself indicated state law exempts under 5,000 gallons for commercial uses but anything over that amount of usage would require a water right. Concerning water availability, water could be transferred but there would be no new water. A question was asked about the run off. Mr. Mayer answered that would be a DEQ issue and that his department did not handle water quality only through well construction. Mr. Mayer continued by saying the depths of wells varies in the area, as do water levels and at this time the Water Resources Department is monitoring between 40 and 60 wells for water levels. He continued by giving the website that could be accessed to obtain data on the wells the department monitors – www.wrd.state.or.us (look for the state's observation wells).

Discussion continued on if the applicant stayed under 5,000 gallons per day would it be expected for them to drill a well on their own property. Mr. Mayer answered if there was a well on the property they would not require a new well to be drilled, if it could produce 5,000 gallons. Discussion continued on what the DEQ might require. Also discussed was water transfers and metering.

Chairman Burkholder addressed Mr. Morrison as to the testimony heard and asked if he had any rebuttal and Mr. Morrison's response was there were a lot of specific concerns over health, etc. but that they cannot do anything, other than what will be regulated by DEQ. And also that if they get a Conditional Use Permit from the County, DEQ will be setting the amounts they would be able to take in.

Chairman Burkholder addressed Mr. Ron Johnson asking if he had anything to add. Mr. Johnson continued by saying in the early 60's there was some discussion about constructing an incinerator in the Portland area to help dispose of the garbage and shouldn't they be able to take care of this problem themselves.

After much discussion Chairman Burkholder closed the public comment period on Conditional Use Permit #13-011-CUP. Discussion continued among the Planning Commission – Staff Report findings; Tribal issues; Historical Preservation office's report; Incomplete application forms submitted; notices that were submitted; Goal 6 – Item 3, implementation – planning guidelines; DEQ's inspection period; and the location of the project.

Commissioner John Flynn made a motion to deny Condition Use Permit #13-011-CUP as submitted. Commissioner Ken Hamlington seconded the motion. Planning Director Darwin Johnson stated with the motion the Planning Commission should state the reasons for their vote for the record to address areas in the findings. Chairman Burkholder stated a "yes" vote would be to deny and a "no" vote would be to approve.

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Commissioner Ronne Lindsay – Vote: Yes. Reasons: Did not hear any public support for the project – no prior composting experience – water concerns – voters’ concerns in regards to DEQ regulations – the adverse effect on tourism – health concerns – fire concerns – and possible Tribal concerns.

Commissioner Meredith Smith – Vote: Yes. Reasons: Detrimental impact on adjoining properties and people – alters the stability of land use – public health – safety – general welfare including economic determinant to adjoining land owners as well as people in the area – air and water would ultimately be affected – fire danger – and Tribal concerns.

Commissioner John Flynn – Vote: Yes. Reasons: his primary concern was the overall effect on the surrounding land owners.

Commissioner Donald Parker – Vote: Yes. Reasons: Too many unanswered questions on both sides of the equation – we have carried this too long and a decision needs to be made.

Chairman Tom Burkholder – Vote: No. Reasons: An agreement could be made with the right conditions in order to get past issues of concern.

Commissioner Bert Young – Vote: Yes. Reasons: Did not hear any public support – adjoining property owner concerns – property values – overall community concerns – fire concerns – and the economic impact to the region in regards to tourism.

Commissioner Ken Hamlington – Vote: Yes. Reasons: Based on the state wide planning Goal 6.

Planning Director Darwin Johnson stated all the comments would be summarized in the findings. Motion passed 6-1 to deny the application by Larry Morrison, DBA Klamath Soils Amendments to establish a Composting Site (Solid Waste Site).

There being nothing further to come before the Planning Commission, the meeting adjourned at 8:41 pm.

Respectfully Submitted,



Darwin Johnson Jr.
Planning Director



LAKE COUNTY