

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A YARD)
DEBRIS PROCESSING FACILITY LICENSE)
TO C. L. DANNAR NURSERY TO OPERATE)
A YARD DEBRIS PROCESSING FACILITY)
AND DECLARING AN EMERGENCY.)

ORDINANCE NO. 98-764
Introduced by Mike Burton,
Executive Officer

WHEREAS, Section 5.01.030 of the Metro Code requires an owner or operator of a yard debris processing facility to be licensed by Metro; and

WHEREAS, Section 5.01.040 of the Metro Code requires yard debris processing facilities to comply with the licensing requirements in Chapter 5.01; and

WHEREAS, Metro Code Section 5.01.060(a) requires applications for a license to be filed on forms provided by the Executive Officer, and specifies that licenses are subject to approval by the Council; and

WHEREAS, C. L. Dannar Nursery has submitted a yard debris processing facility license application to operate its existing yard debris composting facility in Gresham, Oregon as specified in Metro Code Section 5.01.060(c)(2); and

WHEREAS, the Metro Code Chapter 5.01.230 to 5.01.380 sets forth provisions relating to the licensing of yard debris processing facilities; and

WHEREAS, based on information submitted by C. L. Dannar Nursery, specified in the Staff Report or otherwise submitted, the Executive Officer has found that the facility is in compliance with applicable provisions and standards in the Metro Code related to the licensing of yard debris processing facilities; and

WHEREAS, the facility is an existing operation providing necessary services to the public; and

WHEREAS, nuisance impacts from yard debris processing facilities such as odor, dust and noise can adversely affect the health, safety, and welfare of the public; and

WHEREAS, the purpose of the licensing agreement is to protect the health, safety, and welfare of Metro area residents; and


WHEREAS, The Council finds that it is necessary for the welfare of the Metro area that this ordinance take effect immediately, pursuant to Sections 37 (2) and 39 (1) of the Metro Charter; and

WHEREAS, The Executive Officer recommends that the Council grant the attached license to C. L. Dannar Nursery; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Council authorizes the Executive Officer to enter into the attached licensing agreement for a yard debris processing facility.
2. An emergency having been declared for the reasons stated above, this ordinance shall take effect immediately, pursuant to Sections 37 (2) and 39 (1) of the Metro Charter.

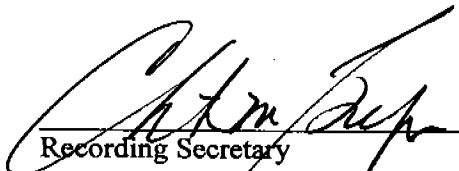
ADOPTED by the Metro Council this 25th day of JUNE 1998.



Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:



Recording Secretary



Daniel B. Cooper, General Counsel

EXHIBIT A

YARD DEBRIS COMPOSTING FACILITY LICENSE

issued by

METRO

600 N.E. Grand Avenue
Portland, Oregon 97232-2736
(503) 797-1700

LICENSE NUMBER: YD10-98

DATE ISSUED: (see Section 2)

AMENDMENT DATE: N/A

EXPIRATION DATE: _____

ISSUED TO: CHARLES DANNAR.

NAME OF FACILITY: C.L. DANNAR NURSERY

ADDRESS: 8102 S.E. 242 AVE

CITY, STATE, ZIP: GRESHAM, OR 97080

LEGAL DESCRIPTION: (see attached application)

NAME OF OPERATOR: C.L. DANNAR NURSERY

PERSON IN CHARGE: CHARLES DANNAR, OWNER

ADDRESS: 8102 S.E. 242 AVE.

CITY, STATE, ZIP: GRESHAM, OR 97080

TELEPHONE NUMBER: (503)667-9848

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LICENSE AGREEMENT

This License is issued by Metro, a municipal corporation organized under the Constitution of the State of Oregon and the 1992 Metro Charter ("Metro"), to C.L. Dannar Nursery ("Licensee").

In recognition of the promises made by Licensee as specified herein, Metro issues this License, subject to the following terms and conditions:

1. DEFINITIONS

The definitions in Metro Code Section 5.01.010 shall apply to this License, as well as the following definitions. Defined terms are capitalized when used.

"Composting" means the controlled biological decomposition of organic materials through microbial activity which occurs in the presence of free oxygen. Composting does not include the stockpiling of organic material.

"Facility" means the site where one or more activities that the Licensee is authorized to conduct occur.

"Hazardous Waste" has the meaning specified in ORS 466.005.

"Prohibited Wastes" has the meaning set forth in Section 5.2 of this License.

2. TERM OF LICENSE

This License is issued for a term of five years from the date signed by Metro and the Licensee, following approval by the Metro Council.

3. LOCATION OF FACILITY

The licensed Facility is located at 8102 S.E. 242 Ave. Gresham, OR 97080

4. OPERATOR AND OWNER OF FACILITY AND PROPERTY

4.1 The owner of the facility is Charles Dannar.

4.2 The owner of the property underlying the Facility are Charles L. and Mary A. Dannar. Licensee warrants that owner has consented to Licensee's use of the property as described in this License.

4.3 The operator of the Facility is C.L. Dannar Nursery. Licensee may contract with another person or entity to operate the Facility only upon ninety (90) days prior written notice to Metro and the written approval of the Executive Officer.

5. AUTHORIZED AND PROHIBITED ACTIVITIES AND WASTES

5.1 Subject to the following conditions, Licensee is authorized to operate and maintain a yard debris composting facility.

5.1.1 Licensee shall accept only yard debris, landscape waste, clean wood wastes (e.g., untreated lumber, wood pallets). No other wastes shall be accepted at the Facility unless specifically authorized in writing by Metro.

5.1.2 Licensee shall accept yard debris only for the production of compost for on-site use, at agronomic rates, in conjunction with the nursery operations.

5.1.3 Excessive stockpiling of compost that will not be used on-site for the nursery operations, within a reasonable timeframe, is not allowed.

5.2 Prohibited Wastes

5.2.1 Licensee is prohibited from receiving, processing or disposing of any solid waste not authorized in this License.

5.2.2 Licensee shall not accept Hazardous Waste. Any Hazardous Waste inadvertently received shall be handled, stored, and removed pursuant to state and federal regulations.

6. MONITORING AND REPORTING REQUIREMENTS

6.1 Licensee shall monitor facility operation and maintain accurate records of the following:

6.1.1 Amount of feedstock received and quantity of product produced at the facility.

6.1.2 Records of any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.

6.1.3 Records of any public nuisance complaints (e.g., noise, dust, vibrations, litter) received by the operator, including:

- (a) The nature of the complaint;
- (b) The date the complaint was received;
- (c) The name, address, and telephone number of the person or persons making the complaint; and
- (d) Any actions taken by the operator in response to the complaint.

6.1.4 For every odor complaint received, the licensee shall record the date, time, and nature of any action taken in response to an odor complaint, and record such

information within one business day after receiving the complaint. Records of such information shall be made available to Metro and local governments upon request.

- 6.2 Records required under this section shall be reported to Metro no later than thirty (30) days following the end of each quarter. The report shall be signed and certified as accurate by an authorized representative of Licensee.
- 6.3 The licensee shall submit to Metro pertinent duplicate copies of regulatory information submitted to the DEQ and local jurisdictions pertaining to the facility, within 30 days at the same time of submittal to DEQ and/or a local jurisdiction.

7. DESIGN AND OPERATIONAL REQUIREMENTS

- 7.1 Activities shall be conducted in accordance with the Metro approved facility design plan, operations plan and odor minimization plan submitted as part of the License Application. In addition:

- 7.1.1 To control odor and dust the Licensee shall:

- (a) Install dust control and odor systems whenever excessive dust and odor occur, or at the direction of Metro. Alternative dust and odor control measures may be established by the Licensee with Metro approval.
 - (b) Take specific measures to control odors in order to avoid or prevent any violation of this License, which measures include (but are not limited to) adherence to the contents of the odor minimization plan.

- 7.1.2 With respect to vector control, the Licensee shall manage the Facility in a manner that is not conducive to infestation of rodents or insects. If rodent or insect activity becomes apparent, Licensee shall initiate and implement additional vector control measures.

- 7.2 The Licensee shall provide an operating staff which is qualified to perform the functions required by this License and to otherwise ensure compliance with the conditions of this License.
- 7.3 The licensee shall utilize functionally aerobic composting methods for processing authorized wastes at the facility.
- 7.4 All facility activities shall be conducted consistent with applicable provisions in Metro Code Chapter 5.01: Additional Provisions Relating to the Licensing of Yard Debris Processing Facilities (Sections 5.01.230 - 5.01.380). Licensee may modify such procedures. All proposed modifications to facility plans and procedures shall be submitted to the Metro Regional Environmental Management Department for review and approval. The Executive Officer shall have 10 business days from receipt of proposed modifications to object to such modifications. If the Executive Officer does not object, such modifications shall be considered approved following the 10-day period. Licensee may implement proposed modifications to Facility plans and procedures on a conditional

basis pending Metro review and notice from Metro that such changes are not acceptable.

8. FACILITY CLOSURE

- 8.1 In the event of closure of the facility, all yard debris, composting material, end-product, and other solid wastes must be removed from the facility within 180 days following the commencement of closure.
- 8.2 Licensee shall close the facility in a manner which eliminates the release of landscape waste, landscape waste leachate, and composting constituents to the groundwater or surface waters or to the atmosphere to the extent necessary to prevent threats to human health or the environment.
- 8.3 Within 30 days of completion of closure, Licensee shall file a report with Metro verifying that closure was completed in accordance with this section.

9. ANNUAL LICENSE FEE

Licensee shall pay an annual license fee of \$300, as established under Metro Code Section 5.01.320. The fee shall be delivered to Metro within thirty (30) days of the effective date of this License and on the same date for each year thereafter. Metro reserves the right to change its license fees at any time, by action of the Metro Council, to reflect license system oversight and enforcement costs.

10. INSURANCE

- 10.1 Licensee shall purchase and maintain the following types of insurance, covering Licensee, its employees, and agents:
- (a) Broad form comprehensive general liability insurance covering personal injury, property damage, and personal injury with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
 - (b) Automobile bodily injury and property damage liability insurance.
- 10.2 Insurance coverage shall be a minimum of \$500,000 per occurrence, \$100,000 per person, and \$50,000 property damage. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
- 10.3 Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSURED. Notice of any material change or policy cancellation shall be provided to Metro thirty (30) days prior to the change or cancellation.
- 10.4 Licensee, its contractors, if any, and all employers working under this License are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage

for all their subject workers. Licensee shall provide Metro with certification of Workers' Compensation insurance including employer's liability.

11. INDEMNIFICATION

Licensee shall indemnify and hold Metro, its agents, employees, and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with licensee's performance under the license, including patent infringement and any claims or disputes involving subcontractors. Licensee shall not assume liability for any negligent or intentionally wrongful act of Metro, its officers, agents or employees.

12. COMPLIANCE WITH LAW

Licensee shall fully comply with all federal, state, regional and local laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this License, including all applicable Metro Code provisions whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the Facility by federal, state or local governments or agencies having jurisdiction over the Facility are part of this License by reference as if specifically set forth herein. Such conditions and permits include those attached as exhibits to this License, as well as any existing at the time of issuance of this License and not attached, and permits or conditions issued or modified during the term of this License.

13. METRO ACCESS TO FACILITY

Authorized representatives of Metro shall be permitted access to the premises of the Facility at all reasonable times for the purpose of making inspections and carrying out other necessary functions related to this License. Access to inspect is authorized during all business hours.

14. DISPOSAL RATES AND FEES

- 14.1 The rates charged at licensed facilities are exempt from Metro rate setting.
- 14.2 Licensee is exempted from collecting and remitting Metro fees on waste received at the Facility. Licensee is fully responsible for paying all costs associated with disposal of residual material generated at the facility, including all Metro fees and taxes. A licensee shall obtain a non-system license prior to disposal of residuals at any facility not designated by Metro.
- 14.3 Licensee shall adhere to the following conditions with regard to disposal rates charged at the facility:
 - (a) A licensee may modify rates to be charged on a continuing basis as market demands may dictate. Rate schedules should be provided to Metro on a regular basis, and shall be provided to Metro on request.

- (b) Public rates charged at the facility shall be posted on a sign near where fees are collected. Rates and disposal classifications established by a licensee shall be reasonable and nondiscriminatory.

15. GENERAL CONDITIONS

- 15.1 Licensee shall be responsible for ensuring that its contractors and agents operate in compliance with the terms and conditions of the license.
- 15.2 This License shall not vest any right or privilege in the licensee to receive specific quantities of yard debris during the term of the license.
- 15.3 The power and right to regulate, in the public interest, the exercise of the privileges granted by a license shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such legal requirements against licensee.
- 15.4 This License may not be transferred or assigned without the prior written approval of Metro, which will not be unreasonably withheld.
- 15.5 To be effective, a waiver of any term or condition of a license must be in writing, signed by the executive officer. Waiver of a term or condition of a license shall not waive nor prejudice Metro's right otherwise to require performance of the same term or condition or any other term or condition.
- 15.6 This License shall be construed, applied, and enforced in accordance with the laws of the State of Oregon and all pertinent provisions in the Metro Code.
- 15.7 If any provision of a license is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, the validity of the remaining provisions contained in the license shall not be affected.

16. REVOCATION

Suspension, modification or revocation of this License shall be as specified herein and in the Metro Code.

17. MODIFICATION

- 17.1 At any time during the life of this License, either the Executive Officer or the Licensee may propose amendments or modifications to this License. Except as specified in the Metro Code, no amendment or modification shall be effective unless it is in writing, approved by the Metro Council, and executed by the Licensee and the Executive Officer.
- 17.2 The Executive Officer shall review the License annually, consistent with Section 6 of this License, in order to determine whether the License should be changed and whether a recommendation to that effect needs to be made to the Metro Council. While not

exclusive, the following criteria and factors may be used by the Executive Officer in making a determination whether to conduct more than one review in a given year:

- (a) Licensee's compliance history;
- (b) Changes in waste volume, waste composition, or operations at the Facility;
- (c) Changes in local, state, or federal laws or regulations that should be specifically incorporated into this License;
- (d) A significant release into the environment from the Facility;
- (e) A significant change or changes to the approved site development plan and/or conceptual design; or
- (f) Any change in ownership that Metro finds material or significant.
- (g) Community requests for mitigation of impacts to adjacent property resulting from Facility operations.

18. NOTICES

18.1 All notices required to be given to the Licensee under this License shall be delivered to:

Charles L. Dannar, Owner
 C.L. Dannar Nursery
 8102 S.E. 242 Ave
 Gresham, OR 97080

18.2 All notices required to be given to Metro under this License shall be delivered to:

Bill Metzler, Compost Facility License Administrator
 Metro Regional Environmental Management Department
 600 NE Grand Avenue
 Portland, OR 97232-2736

18.3 Notices shall be in writing, effective when delivered, or if mailed, effective on the second day after mailed, postage prepaid, to the address for the party stated in this License, or to such other address as a party may specify by notice to the other.

C.L. Dannar Nursery

METRO

 Facility Owner or
 Owner's Representative

 Mike Burton, Executive Officer
 Metro

Date

Date

BM:gbc
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REGIONAL ENVIRONMENTAL MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 98-764, FOR THE PURPOSE OF GRANTING A YARD DEBRIS PROCESSING FACILITY LICENSE TO C.L. DANNER NURSERY TO OPERATE A YARD DEBRIS COMPOSTING FACILITY AND DECLARING AN EMERGENCY

Date: June 23, 1998

Presented by: Councilor McFarland

Committee Recommendation: At its June 16 meeting, the Committee considered Ordinance No. 98-764 and voted 2-0 to send the ordinance to the Council with a do pass recommendation. Voting in favor: Councilor McFarland and Chair Morissette. Councilor Washington was absent.

Background

At the request of the region's local governments Metro has developed and is in the process of implementing a licensing program for yard debris facilities. The purpose of the program is to provide a uniform set of regional regulatory standards that must be met by a facilities. These standards include facility design, operations and odor minimization.

Committee Issues/Discussion: Bruce Warner, Regional Environmental Management Director, presented the staff report. Warner noted that the license applicant, Danner Nursery, has been in operation for several years. The facility is located in Gresham. It currently processes about 5,000 cubic yards of yard debris annually and accepts material from both commercial and general public customers. The nursery covers about 30 total acres including the composting operation of about 10 acres. The compost is generated for on-site use only. The facility has all of the necessary operating permits from other governments

EXECUTIVE SUMMARY

ORDINANCE 98- 764 GRANTING A YARD DEBRIS PROCESSING FACILITY LICENSE TO C.L. DANNAR NURSERY AND DECLARING AN EMERGENCY.

PROPOSED ACTION

- Grants a yard debris processing facility license to C.L. Dannar Nursery to operate its **existing** yard debris composting facility located in Gresham, Oregon.

WHY NECESSARY

- Metro Code Section 5.01.030 requires an owner or operator of a yard debris processing facility to be licensed by Metro.
- The terms of the license will be to protect public health, safety, and welfare. The declaration of an emergency is pursuant to the Metro Charter and is required for the license agreement to take effect immediately.

DESCRIPTION

- The 30-acre site is zoned EFU (Exclusive Farm Use District), with a portion of the property (ten acres) allocated for a yard debris composting operation and the remaining 20 acres for a landscape nursery farm.
- The facility accepts loads of yard debris from commercial and residential sources. The facility is open to the public.
- The facility accepts approximately 5,000 cubic yards of yard debris per year for processing.

ISSUES/CONCERNS

- The site is zoned Exclusive Farm Use (EFU), and located in unincorporated Multnomah County.
- The facility is an approved use, provided that the compost is used on-site for the nursery operations.
- The license agreement contains two special conditions consistent with the land use approval for this type of composting operation in an EFU zone.
- These conditions will prevent the operation from accepting yard debris in quantities inconsistent with the allowed use, and prevent the excessive stockpiling of compost that cannot be used for the nursery operations.

BUDGET/FINANCIAL IMPACTS

- There will be a slight increase in revenues from the annual license fee of \$300 per year paid by the licensee. Current staffing levels are expected to be adequate to handle any technical assistance or enforcement requirements that might arise from licensing this facility.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 98-764 FOR THE PURPOSE OF GRANTING A YARD DEBRIS PROCESSING FACILITY LICENSE TO C.L. DANNAR NURSERY TO OPERATE A YARD DEBRIS PROCESSING FACILITY AND DECLARING AN EMERGENCY.

May 19, 1998

Presented by: Bruce Warner
Bill Metzler

INTRODUCTION

The purpose of this report is to provide the information necessary for the Metro Council to act on the recommendation that C.L. Dannar Nursery be awarded a license to operate a yard debris composting facility located in Gresham, Oregon. The license agreement is attached to Ordinance No. 98-764 as Exhibit A.

This report is divided into four main parts as follows: a) a description of the facility and other relevant applicant information; b) list of submittals; c) staff analysis of the application and whether the facility meets the standards as specified in Metro Code in order to be awarded a license; and d) staff's recommendations and any specific conditions to be contained in the license agreement.

The purpose of the licensing program is to ensure that yard debris processing facilities are designed and operated in a manner that minimizes nuisance impacts on surrounding communities and businesses.

Key Findings and Recommendations Include:

- Yard debris processing facilities are licensed by the Metro Council if they submit the required plans and show compliance with applicable provisions in Metro Code Chapter 5.01 Additional Provisions Relating to the Licensing of Yard Debris Processing Facilities and Yard Debris Reload Facilities (Sections 5.01.230 - 5.01.380).
- Staff has reviewed all required submittals and has determined that C.L. Dannar Nursery meets the requirements of the Metro Code related to licensing yard debris processing facilities.
- The license agreement contains conditions consistent with Multnomah County Planning Department allowances for this type of composting operation. The conditions are related to composting operations in an Exclusive Farm Use (EFU) zone. According to the Multnomah County Planning Department, this operation is allowed in an EFU zone as a farm use, as long as the yard debris accepted is composted and used only on-site for the nursery operations. If the facility owner wants to pursue larger scale composting for commercial production, Multnomah County will require the applicant to apply for a conditional use permit.
- The declaration of an emergency is pursuant to Section 37 (2) and 39 (1) of the Metro Charter. It is necessary for the welfare of the Metro region that this agreement be effective immediately. The facility is an existing operation providing necessary services to the public.

FACILITY AND APPLICANT INFORMATION

Location:

- Facility address: 8102 SE 242 Ave. Gresham, OR 97080
- The facility lies in Section 23, Township 1S, Range 3 East, Multnomah County, Oregon

Zoning and Permitting:

- The site is zoned Exclusive Farm Use (EFU), and located in unincorporated Multnomah County. The facility is inside the Metro Boundary, but outside the Metro Urban Growth Boundary.
- According to the Multnomah County Planning Department, this operation is allowed in an EFU zone as a farm use, as long as the yard debris accepted is composted and used only on-site for the nursery operations. If the facility owner wants to pursue larger scale composting for commercial production, Multnomah County will require the applicant to apply for a conditional use permit.
- The soils at the site are currently classified as "III(e)" and are not considered "high-value farmland" and, therefore, the statutory siting restrictions for certain composting facilities on EFU high-value farmland are not an issue with this operation.

General Facility Description:

- This facility covers approximately thirty acres used for a privately owned nursery business. Ten acres are utilized for the composting operation. The incoming compostables are grass clippings, leaves, sod, and small diameter limbs. The facility accepts approximately 5,000 cubic yards of yard debris per year for processing.

Completeness and Sufficiency of Application

Applicants for yard debris processing facility licenses are required to complete the application form and provide additional information as requested. The license application form and other material required to process the license were submitted and has been determined to be complete and adequate.

Applicant Qualifications

C.L. Dannar Nursery is a locally owned and operated facility and has been composting at the current location for over two years. Mr. Dannar has been practicing composting for over fifteen years as an organic farmer.

II. LIST OF SUBMITTALS / STAFF REPORT ATTACHMENTS

Attachment 1 - Site Map/Aerial Photograph (1997 RLIS)

Attachment 2 - Application for a Yard Debris Processing Facility License

III. ANALYSIS OF LICENSE APPLICATION

A license will be granted if the Metro Council finds that the applicant complies with Metro Code Chapter 5.01 - *Solid Waste Facility Regulation* and the specific standards set forth in Additional Provisions Relating to the Licensing of Yard Debris Processing Facilities and Yard Debris Reload Facilities (Sections 5.01.230 - 5.01.380).

Staff have reviewed the license application and other supporting documentation, and have found that the facility meets all applicable Metro Code requirements and is eligible for a yard debris processing facility license, with conditions related to the composting of yard debris for on-site use on EFU zoned land. The following table summarizes staff's analysis:

Key Metro Code Licensing Provisions	Acceptable	Unacceptable	See details in analysis below
5.01.260 General Yard Debris Facility Design Requirements & Design Plans	X		1
5.01.270 General Operating Requirements for Yard Debris Facilities	X		2
5.01.280 Yard Debris Processing Operations Plan	X		2
5.01.290 Yard Debris Facility Odor Minimization Plans	X		3

In addition, staff offers the following details regarding the application, which are contained in three main parts:

- FACILITY DESIGN** (corresponds to Metro Code Section 5.01.260 - General Yard Debris Facility Design Requirements & Design Plan).

The facility design requirements are intended to ensure that the facility is designed and constructed in a safe and suitable manner that can support the type of processing and the quantity of material that the applicant is proposing to process.

Staff has found that this facility is designed and constructed in a manner suitable for maintenance and processing operations, visual inspection of piling areas, and fire fighting operations. The facility meets the requirements for effective barriers to unauthorized entry, all-weather access roads, and has sufficient processing and storage capacity to handle incoming volumes of yard debris.

General Description

An all-weather asphalt road provides access to the facility. This facility will process vegetation such as grass clippings, sod, leaves and small-diameter limbs into compost and mulch. The only entrance to the facility is secured with a locked gate. The facility has signs at the entrance, directing traffic flow and providing other business information.

The facility uses the windrow composting method with dimensions of 100' (length) x 12' (height) x 12' (width) and accepts approximately 5,000 cubic yards of yard debris per year. The processing time from receipt to finished product is approximately 365 days. The estimated capacity in cubic yards of the

facility storage area for incoming materials is 500 cubic yards. The estimated capacity for finished product storage is 10,000 cubic yards.

Storm water run-off is routed through a series of roads and swales on the east, south, and north property lines and drain into a large pond on the northern property line.

Comments:

- The applicant's completed license application and submittals constitute the Design Plan, and meet all applicable Metro Code requirements for Section 5.01.260 - General Yard Debris Facility Design Requirements & Design Plans.

2. **OPERATIONAL PLAN** (corresponds to Metro Code Section 5.01.270 - General Operating Requirements for Yard Debris Facilities and Section 5.01.280 - Yard Debris Processing Operations Plan).

The purpose of the operational plan requirements is to ensure that the facility minimizes nuisance impacts on surrounding communities and businesses, while protecting public health and safety.

Staff have found that this facility is operated in a manner that meets Metro Code operational requirements and that the operating plan submitted as part of the license application, sufficiently addresses process management and monitoring procedures for yard debris composting facilities. The composting operation accepts yard debris for the productions of soil amendment products for on-site use at the nursery operations.

General Description

Incoming loads are visually inspected at the receiving area and estimated cubic yardage of the load is used to assess the unloading fee by facility staff. Most loads are covered with a tarp and drivers of vehicles of uncovered loads are verbally instructed that loads should be covered prior to transport on a public road. All incoming loads are visually inspected for non-compostables, and loads not in compliance are rejected. Any non-compostable material delivered to the facility is identified by staff and deposited in a container for disposal.

Incoming material is stockpiled in windrows upon delivery to site. The incoming yard trimmings are not ground up before placed into the windrow. To monitor and adjust pile temperature, a thermometer probe is inserted at various locations of the windrow and results are documented. If oxygen or moisture is required, the windrows are turned via a track-loader with a bucket, and water added as needed. Finished compost is then screened with the larger woody material being separated out and incorporated into a new windrow.

- Noise: All equipment meets DBA noise requirements. In addition, site topography provides both a visual and sound buffer for noise abatement.
- Vector control: Vectors are controlled by rapidly processing (within 1 day) the incoming materials. Active compost piles and finished product rarely attract or harbor vectors.
- Dust control: All roads are watered down to control dust. In addition, compostable materials are watered down during processing to control dust.
- Litter: The facility grounds are maintained on a regular basis.

- Fire protection: Fire inspections are done on a daily basis. A fire trailer is on standby with all equipment needed to fight a fire. Excavator and bulldozer operators are trained to respond to any potential fire problem. All incoming yard debris is processed on a regular basis to keep the pile size manageable. Monitoring of pile temperature, oxygen, and moisture levels are performed on a regular basis.

Comments:

- The applicant's completed license application and submittals constitutes the Operations Plan, and meets all applicable Metro Code requirements for Section 5.01.270 - General Operating Requirements for Yard Debris Facilities and Section 5.01.280 - General Yard Debris Facility Design Requirements & Design Plans.

3. ODOR MINIMIZATION PLAN (corresponds to Metro Code Section 5.01.290 - Yard Debris Facility Odor Minimization Plan).

The Odor Minimization Plan requirement is designed to ensure that the facility is operated in a manner that minimizes and mitigates odor impacts on surrounding communities and businesses.

Staff has found that this facility is operated in a manner that meets the applicable Metro Code requirements and has submitted an odor minimization plan as part of the license application. The odor minimization plan sufficiently addresses all processing, odor management and monitoring procedures for this type of operation.

General Description

Since deliveries of accumulated grass clippings from landscape companies can be a primary source of odor, loads of bad-smelling grass clippings are immediately processed. Grass clippings are blended with drier, woody yard trimmings (carbon source). The yard debris is not ground prior to incorporating it into a windrow in order to promote air space in the pile.

Odor complaints: Complaints are documented and investigated by facility staff. Wind speed and direction are noted. Odor control procedures are implemented to include material mixing, and changing the time of day the material is turned.

Comments:

- The applicant's completed license application and submittals constitutes the Odor Minimization Plan, and meets all applicable Metro Code requirements for Section 5.01.290 - Yard Debris Facility Odor Minimization Plans.

IV. CONCLUSIONS

Staff has reviewed all required submittals, and has determined that the C.L. Dannar Nursery meets the requirements of the Metro Code related to licensing yard debris processing facilities. In addition, staff has discussed the land use status and approval of this facility with the Multnomah County Planning Department. The facility is an approved use, provided that the compost is used on-site for the nursery operations. Staff recommends including two special conditions in the license agreement. The conditions will provide consistency with the Multnomah County land use approval for this composting operation pertaining to its location in an EFU zone without a high-value farmland designation.

Special Conditions

In order to maintain consistency with the Multnomah County Planning Department provisions for composting in EFU zoned land, the License Agreement (Section 5 - Authorized and Prohibited Activities and Wastes) contains the following conditions:

- Licensee shall accept yard debris for the production of compost for only on-site use, at agronomic rates, in conjunction with the nursery operations.
- Excessive stockpiling of compost that will not be used on-site for the nursery operations, within a reasonable timeframe, are not allowed.

These conditions will prevent the operation from accepting yard debris in quantities inconsistent with the allowed use, and prevent the excessive stockpiling of compost that cannot be used for the nursery operations.

V. BUDGET IMPACTS

There will be a slight increase in revenues from the annual license fee paid by the licensee of \$300 per year. Current staffing levels are expected to be adequate to handle any technical assistance or enforcement requirements that might arise from licensing this facility.

VI. STAFF RECOMMENDATION

Based upon the preceding analysis, it is the opinion of staff that C.L. Dannar Nursery should be granted a yard debris processing facility license in accordance with the provisions of the license agreement attached to Ordinance No. 98-764 as Exhibit A.

VII. EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 98- 764

BM:gbc

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MAIL THIS APPLICATION TO:

DATE RECEIVED BY METRO:

Metro
 Attn.: Bill Metzler
 Regional Environmental Management
 600 N.E. Grand Avenue
 Portland, OR 97232-2736

RECEIVED

MAR 18 1999

LICENSE APPLICATION FORM METRO REGIONAL
 ENVIRONMENTAL MANAGEMENT
YARD DEBRIS PROCESSING FACILITY

Check all that apply:

- Yard Debris Composting
- Other (specify) _____

Note: This form should not be used for yard debris reload facilities. A separate form for reload facilities is available from Metro.

Date of Application: _____

PART 11. NAME OF FACILITY: C, L. DANNAR NURSERYFacility Address: 8102 S.E. 242 AVE.GRESHAM, OR 97080

2. PROSPECTIVE LICENSEE

Public Agency: _____ Private: Name of Licensee: CHARLES L. DANNARMailing Address: 8102 S.E. 242 AVE.GRESHAM, OR 97080Phone Number: (503) 667-9848

3. OWNER(S) OF PROPERTY

Name: CHARLES L. + MARY A. DANNAR

Mailing Address: 8102 S.E. 242 AVE

GRESHAM, OR 97080

Phone Number: (503) 667-9848

4. SUBCONTRACTOR(S)

Name, address and function of any prospective licensee's facility operation subcontractors:

NONE

5. SITE LEGAL DESCRIPTION

(Include tax lot(s) descriptions, Section, Township and Range):

#1300-15, 3E, SEC. 23

SECTION 23 TOWNSHIP 15 RANGE 3E

6. ZONING

Present Land Use Zone: EFU

Restrictions: _____

7. Is a conditional use permit necessary for the facility?

Yes _____ No X

If required, has the permit been obtained?

Yes _____ No X

8. PUBLIC HEARING(S)

Date(s) and nature of Public Hearing(s) held or to be held, if any:

NONE

9. PERMITS ISSUED OR APPLIED FOR

List name and number of all permits (i.e., DEQ Solid Waste Disposal Permit, Conditional Use Permit, National Pollution Discharge Elimination System Permit, Etc.), plus name, address, and contact person at the agency responsible for issuing the permit(s).

Permit(s) Applied for:

NONE

Permit(s) Received:

NONE

10. ESTIMATED QUANTITY OF YARD DEBRIS TO BE ACCEPTED

Annually: 5,000 cubic yards

Daily: _____ cubic yards

Annually: _____ tons (optional)

Daily: _____ tons (optional)

11. PUBLIC/COMMERCIAL OPERATIONS

Will the facility be open to the public?

Yes X No _____

Will the facility be open to commercial solid waste collectors?

Yes X No _____

12. OPERATING HOURS AND TRAFFIC VOLUME

OPERATING HOURS	PUBLIC	COMMERCIAL
Hours Per Day	8-5 PM	8-5 PM
Days Per Week (CLOSED SUN. AM.)	6 1/2	
Estimated Vehicles Per Day	10	1

13. Does the owner/operator of this facility own, operate, maintain, have a proprietary interest in, or is the owner financially associated with or subcontracting the operation of the facility to any individual, partnership or corporation involved in the business of collecting residential, commercial, industrial or demolition refuse within the boundary of Metro?

Yes _____ No X

14. Will the facility be open to solid waste collection companies who collect outside the boundary of Metro?

Yes _____ No ?

PART 2

GENERAL FACILITY DESIGN PLAN

1. Describe how stormwater is managed at the facility.

POND CATCH BASIN

a. Is precipitation run-on diverted around the processing area?

Yes X No _____

Describe ROAD + DITCH FLOW DIVERTS 85%
PRECIPITATION

b. Is run-off from the facility controlled?

Yes X No _____

Describe POND FLOW

2. Describe any barriers that the facility has (or will have) to prevent unauthorized entry and dumping (fencing, gates, locks).

TOTAL FENCED - GATE AND SECURITY GUARD.

3. Are there all weather access roads to the site?

Yes X No _____

4. Does (or will) the facility have scales?

Yes _____ No X

5. Does the facility have signs (at entrance, directing traffic flow, public information) ?

Yes X No _____

Please describe the location(s) and type of sign(s):

- 1. MAIL BOX ADDRESS
- 2. (SIGN) NAME 2' LETTERS END OF BARN
- 3. A-FRAME 2' FT. SIGN
- 4. SIGN FOR PRICING + DUMP LOCATION MARKERS

6. What is the estimated capacity (cubic yards) of the facility storage area(s) for incoming yard debris waiting to be processed?

500 YDS.

7. What is the estimated capacity (cubic yards) for finished product storage?

10,000 YDS.

8. Please describe how you handle, store and remove hazardous or other non-permitted or non-compostable wastes delivered to the facility.

1. MATERIAL RECEIVED, INSPECTED AS RECEIVED,
ROLLED + SORTED, PILED + RE-PILED AS
NECESSARY.

PART 3

GENERAL OPERATING PLAN

1. Describe your methods of measuring and keeping records of incoming yard debris.

VISUAL INSPECTION & DETERMINATION AS
TO CLASS & QUANTITY.

2. How often are the facility grounds cleaned of litter?

WEEKLY

3. Describe how you encourage delivery of yard debris in covered loads.

SUGGEST TO PUBLIC, NEED THERE OF WITH
SIGN

4. Describe how you control the types of materials you receive, and methods for removing, recovering and disposing of non-compostables.

VISUAL INSPECTION, AGREEMENT WITH PARTIES
DELIVERY THAT NON-COMPOSTABLES HAVE A CHARGE-
BACK &/OR UP CHARGE FEE & REQUIREMENT FOR
MATERIAL TO BE REMOVED.

5. Where do you dispose of non-compostable wastes?

6. Please give a general description of the steps you take to process yard debris (from delivery to end-product).

7. What is the maximum length of time required to process each day's receipt of:

- a. Yard debris ? 24-48 hrs
- b. Grass clippings ? 24-48 hrs.

8. How long does it typically take to process yard debris at your facility (from receipt to finished product)?

1 yr.

a. How long do you cure the finished product?

6 mo.'s

9. If applicable, what are the dimensions of the windrows or piles that are typically constructed at your facility (length, width, height)?

100' x 12' x 12'

10. How do you manage the windrows or piles? What kind of equipment do you use?

BY TURNING PROCESS WITH KOMATSU
TRACKHOE, I DO NOT RUN ANY EQUIPMENT
ONTO THE PILES.

11. Describe how you control the following:

a. Noise (from machinery and equipment):

TREE BARRIERS + MUFFLERS ON MACHINERY

b. Vectors (insects, birds, rodents):

GEESE, DUCKS, CHICKEN, CATTLE, LLAMAS, GOATS,
CONSTANT TURNING OF PILES, RODENT BAIT.

c. Dust:

IRRIGATION AS NECESSARY

d. Litter:

SORTING + ELIMINATION OF SAME

12. Describe the fire prevention, protection and control measures used at the facility.

SPRINKLERS + WATER AVAILABLE ALL AREAS.

13. Does (or will) the facility have legible sign(s) at public entrances including:

Name of facility?	Yes <u>X</u>	No <u> </u>
Name of the operator?	Yes <u>X</u>	No <u> </u>
Hours of operation?	Yes <u>X</u>	No <u> </u>
List of materials that will and will not be accepted?	Yes <u>X</u>	No <u> </u>
Schedule of charges?	Yes <u>X</u>	No <u> </u>
Phone number in case of emergency?	Yes <u>X</u>	No <u> </u>

14. Describe your methods for monitoring and adjusting the following (during processing):

a. Temperature:

THERMOMETERS & WATER INJECTION AS NECESSARY,
CONSTANT TURNING.

b. Oxygen levels:

VISUAL & TURNING

c. Moisture levels:

VISUAL & WATER APPLICATION

15. In general, what are your plans (existing or proposed) for marketing the finished product?

FARM USE - PRODUCT NEEDED FOR 10 ACRES OF
GREEN HOUSES.

PART 4

ODOR MINIMIZATION PLAN

1. Generally describe how you handle loads of bad smelling yard debris and grass clippings?

MOVEMENT + AERATION, PLUS FIBER ADDED WITH AIR.
THIS SITE, SPECIFIC LOCATION IS NOT BOTHERED BY HIGH
WINDS, IN GENERAL THERE IS AN AIR-FOIL LIFT
CREATED BY THE SANDY RIVER GORGE WHICH LIFTS ALL
HIGH WINDS DIRECTLY ALOFT TO DILUTE RAISE ODORS
OUT OF THE AREA.

2. Describe your procedures for receiving, recording and remedying odor complaints or odor problems at the facility.

NEVER HAD ANY

3. Describe your methods for minimizing and controlling odors at the facility.

CURTAIN OF TREES GROWING, CHANNEL AIR FLOW
UP + OUT OF AREA + DISPERSED BY AIR DILUTION

4. Describe your procedures for avoiding delay in processing yard debris during all weather conditions.

ALL WEATHER EQUIPMENT

5. Prior to turning or moving composted material, describe how the following factors are considered:

a. Time of day:

HAVE NOT NEEDED TO CONSIDER, NEVER HAD PROBLEMS.

b. Wind direction:

NO PROBLEMS (SEE ITEM #1 - PART #4)

c. Percent moisture:

TALLER WIND ROWS IN WINTER, SHORTER WINDROWS IN SUMMER.

d. Estimated odor potential:

NONE, OR VERY MINIMAL

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LICENSE APPLICANT

I hereby certify that the information contained in this application is true and correct to the best of my knowledge. I agree to notify Metro within 10 days of any change in the information submitted as a part of this application.

Signature and title of person completing this application:

SIGNATURE *Charles J. Banner* TITLE OWNER

DATE 3-6-98 PHONE (503) 667-9848

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U. S. DEPARTMENT OF AGRICULTURE
8102 S. E. 242nd Ave
Gresham, Oregon 97030
Phone (503) 687-3043

