

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF GRANTING A) Resolution No. 91-1348
FRANCHISE TO PRIDE DISPOSAL CO.)
FOR THE PURPOSE OF OPERATING A) Introduced by Rena Cusma,
RELOAD TRANSFER FACILITY) Executive Officer

WHEREAS, Section 5.01.030 of the Code of the Metropolitan Service District (Metro Code) requires a Metro franchise for any person to establish, operate, maintain or expand a disposal site, processing facility, transfer station, or resource recovery facility within the District; and

WHEREAS, Pride Disposal Co. has applied for a non-exclusive franchise to operate a "reload" facility to be located at 13980 S. W. Edy Road, Sherwood, Oregon for the purpose of consolidating solid wastes from packer trucks into transfer vehicles for transport to disposal facilities; and

WHEREAS, Pride Disposal Co. submitted evidence of compliance with Metro Code Section 5.01.060 requirements for franchise applications and operational plans; and

WHEREAS, Since Pride Disposal Co. will not accept any solid wastes at the facility from other commercial haulers or the public; no charges will be made for use of the facility; no fee will be collected at the facility and Metro User Fees will be collected at time of disposal at a Metro-approved disposal site; regulation of rates by Metro pursuant to Code Section 5.01.180, Metro rate setting requirements and collection of Metro User Fees pursuant to Section 5.01.150 is unnecessary and moot and no enhancement fee shall be allocated by Metro pursuant to the provisions of Policy No. 12 of the Regional Solid Waste Management Plan; and

WHEREAS, The proposed franchise agreement is shown as Exhibit A to the Resolution; now, therefore,

BE IT RESOLVED,

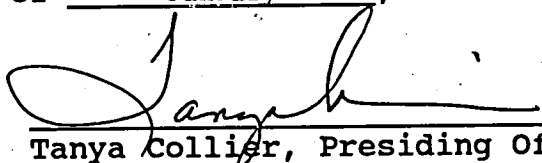
1. That the Council of the Metropolitan Service District authorizes the Executive Officer to enter into a franchise agreement with Pride Disposal Co. in the form as shown on Exhibit A to this Resolution, within ten days after date of this resolution.

2. That Pride Disposal Co.'s operation of the franchised facility shall be exempt from Metro rate regulation and collection of User Fees at the facility because commercial haulers not owned by Pride Disposal will be prohibited from use of the facility and disposal of solid waste at the facility by members of the public will be prohibited, and no rates or other charges will be made at the facility.

3. No enhancement fee need be allocated pursuant to Policy No. 12 of the Regional Solid Waste Management Plan.

4. That operations may not commence at the franchised facility until all Department of Environmental Quality, local land use, mitigation agreements (as may be necessary) and other approvals have been issued.

ADOPTED by the Council of the Metropolitan Service District this 10th day of January, 1991.



Tanya Collier, Presiding Officer

Exhibit A
SOLID WASTE FRANCHISE
issued by the
METROPOLITAN SERVICE DISTRICT
2000 S.W. 1st
Portland, Oregon 97201-5398
503-221-1646

FRANCHISE NUMBER: # 8
DATE ISSUED: November 21, 1990
AMENDMENT DATE: N/A
EXPIRATION DATE: November 21, 1995
ISSUED TO: Pride Disposal Company
NAME OF FACILITY: Pride Disposal Reload/Recycling Facility
ADDRESS: 13980 SW Edy Road
LEGAL DESCRIPTION: Tax Lots 101 and 103
Sec. 28 T25 R1W
CITY, STATE, ZIP: Sherwood, OR 97140
NAME OF OPERATOR: Pride Disposal Company
PERSON IN CHARGE: Mike Leichner
ADDRESS: P.O. Box 820
CITY, STATE, ZIP: Sherwood, OR 97140
TELEPHONE NUMBER: (503) 625-6177

This Franchise will automatically terminate on the expiration date shown above, or upon modification or revocation, whichever occurs first. Until termination, Pride Disposal Co. is authorized to operate and maintain a solid waste transfer facility at the above location in accordance with the Metro Code and the attached Franchise Schedules A, B, C and D, and in accordance with any provisions specified in the Solid Waste Disposal Site Permit to be issued by the State of Oregon, Department of Environmental Quality.

This Franchise may be revoked at any time for any violation of the conditions of this Franchise or the Metro Code. This Franchise does not relieve the Franchise Holder from responsibility for compliance with ORS Chapter 459 or other

applicable federal, state or local statutes, rules, regulations, codes, ordinances or standards.

Mike Leichner

Rena Cusma
Executive Officer
Metropolitan Service District

**FRANCHISE CONDITIONS
SCHEDULE A**

Franchise Number:

Expiration Date:

AUTHORIZED AND PROHIBITED SOLID WASTES

- SA-1 The following types of materials are specifically prohibited from the processing facility:
- A. Bulky combustible material, car bodies, dead animals, tires, sewage sludges, septic tank pumpings and hospital wastes.
 - B. All chemicals, liquids, explosives, infectious materials and other materials that may be hazardous or difficult to manage, unless specifically authorized by Metro.
- SA-2 No solid waste shall be received at the facility from any commercial collection vehicles not operated by the franchise holder or hauling or disposing of solid waste from any area not included in the boundary of the boundaries of a solid waste collection franchise granted on or before January 4, 1991, nor may any solid wastes be received at the facility from members of the public.
- SA-3 ~~Salvaging and hand or mechanical sorting of dry mixed waste on the tipping floor to recover materials is prohibited, except for limited handling of "corrugated cardboard and tin from pre-sorted commercial loads" as noted in the franchise application. No waste shall be allowed to remain on the tipping floor for longer than a 24-hour period.~~
- SA-4 Operation shall be carried out in a manner to avoid rodent or vector production and bird attraction.
- SA-5 Storage of separated curbside collection recyclables shall be neatly stored in containers or areas provided for this purpose and shall be transported off-site to materials markets as often as necessary.
- SA-6 The Franchise Holder shall perform litter patrols to keep the facility and adjacent property and streets free of blowing paper and other material on at least a daily basis or more often if necessary.
- SA-7 The Franchise Holder shall operate the facility in accordance with the Application and Operation Plan dated September 07, 1989.

SA-8 All solid waste transferring vehicles and devices using public roads shall be constructed, maintained, and operated so as to prevent leaking, sifting, spilling, or blowing of solid waste while in transit and shall be operated and maintained in accordance with all applicable federal, state and local laws, rules, regulations, codes or ordinances.

SA-9 The Franchise Holder may accept no more than ~~15,000~~ 20,000 tons of mixed waste per year without amendment to this Franchise Agreement.

**FRANCHISE CONDITIONS
SCHEDULE B**

Franchise Number:

Expiration Date:

MINIMUM MONITORING AND REPORTING REQUIREMENTS

SB-1 The Franchise Holder or designated Representative shall effectively monitor the processing facility operation and maintain records of the following required data to be submitted to Metro per the schedule indicated below:

	DATA TYPE	FREQUENCY
A.	Name and Address	Each Report
B.	Date	Each Report
C.	Tons or Cubic Yards of Waste Delivered by Commercial Collection Vehicles	Daily
D.	Number of Commercial Collection Vehicles	Daily
E.	Unusual Occurrences Affecting the Operation of the Facility	Each Occurrence
F.	Signature and Title of the Franchisee or Designated Agent	Each Report

SB-2 Monitoring results shall be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to Metro by the 10th day of the month following the end of each month.

SB-3 The Franchise Holder shall pay an annual franchise fee established in Metro Code Section 5.03.030 within 30 days of the effective date of the Franchise Agreement and each year thereafter.

SB-4 The Franchise Holder shall report to Metro any changes in excess of five (5%) of ownership of the Franchisee's corporation or similar entity, or of the partners of a partnership within ten (10) days of such changes of ownership.

SB-5 The Franchisee may contract with another person to operate the disposal facility only upon ninety (90) days prior written notice to Metro and the written approval of the Executive Officer. If approved, the Franchisee shall remain responsible for compliance with this Franchise Agreement.

- SB-6 The Franchisee shall maintain during the term of the Franchise public liability insurance in the amounts set forth in SC-1 and shall give thirty (30) days written notice to Metro of any lapse or proposed cancellation of insurance coverage or performance bond.
- SB-7 The Franchisee shall file an Annual Operating Report detailing the operation as outlined in this Franchise on or before the anniversary date of the Franchise of each year for the preceding year.
- SB-8 The Franchise Holder shall submit to Metro within 30 days duplicate copies of any information submitted to, or required by, the Department of Environmental Quality pertaining to the solid waste permit for this facility.
- SB-9 In the event a breakdown of equipment, fire or other occurrence causes a violation of any conditions of this Franchise Agreement or of the Metro Code, the Franchise Holder shall:
- a. Immediately take action to correct the unauthorized condition or operation.
 - b. Immediately notify Metro so that an investigation can be made to evaluate the impact and the corrective actions taken and determine additional action that must be taken.
- SB-10 In the event that the facility is to be closed permanently or for a protracted period of time during the effective period of this Franchise, the Franchise Holder shall provide Metro with written notice, at least ninety (90) days prior to closure, of the proposed time schedule and closure procedures.
- SB-11 Authorized representatives of Metro shall be permitted to inspect source separated recyclable quantity information during normal working hours or at other reasonable times with notice.
- SB-12 Franchisee shall file quarterly with Metro a report indicating the types of quantities and selling price of source-separated and non-source-separated recyclables (per Schedule SA-5)

**FRANCHISE CONDITIONS
SCHEDULE C**

Franchise Number:

Expiration Date:

GENERAL CONDITIONS AND COMPLIANCE SCHEDULES

- SC-1 The Franchise Holder shall furnish Metro with certified copies of public liability insurance, including automotive coverage, in the amount of not less than \$300,000 for any number of claims arising out of a single accident or occurrence, \$50,000 to any claimant for any number of claims for damage to or destruction of property, and \$100,000 to any claimant for all other claims arising out of a single accident or occurrence, or such other amounts as may be required by State law for public contracts. Metro shall be named as an additional insured in this insurance policy.
- SC-2 The term "transfer facility" is used in this Franchise to denote "transfer station" as defined in Section 5.01.010(u) of the Metro Code.
- SC-3 The transfer of this Franchise shall be binding upon, and the Franchise Holder shall be responsible for, all acts and omissions of all contractors and agents of the Franchise Holder.
- SC-4 The facility operation shall be in strict compliance with all applicable sections of the Metro Code regarding storage, collection, transportation, recycling and disposal of solid waste.
- SC-5 The Franchise Holder shall provide an adequate operating staff that is duly qualified to carry out the reporting functions required to ensure compliance with the conditions of this Franchise Agreement.
- SC-6 Metro may reasonably regulate the hours of site operation as it finds necessary to ensure compliance with this Franchise Agreement.
- SC-7 At least one sign shall be erected at the entrance to the facility. This sign shall be easily visible, legible, and shall contain at least the following:
- a. Name of facility;
 - b. Emergency phone number;
 - c. Operational hours;

- d. Notice that the facility is closed to all waste haulers except those owned by the Franchise Holder and collecting from its own routes.
- e. That receipt of solid waste from the public is prohibited; and
- f. Metro information phone number

SC-8 If the Executive Officer finds that there is a serious danger to the public health or safety as a result of the actions or inactions of a Franchisee, he/she may take whatever steps necessary to abate the danger without notice to the Franchisee.

SC-9 Authorized representatives of Metro shall be permitted access to the premises of the processing facility owned or operated by the Franchise Holder at all reasonable times for the purpose of making inspections and carrying out other necessary functions related to this Franchise. Access to inspect is authorized:

- a. during all working hours;
- b. at other reasonable times with notice; and
- c. at any time without notice where, at the discretion of the Metro Solid Waste Department Director, such notice would defeat the purpose of the entry.

SC-10 This Franchise Agreement is subject to suspension, modification, revocation or non-renewal upon finding that:

- a. The Franchisee has violated the Disposal Franchise Ordinance, the Franchise Agreement, the Metro Code, ORS Chapter 459 or the rules promulgated thereunder or any other applicable law or regulation; or
- b. The Franchisee has misrepresented material facts or information in the Franchise Application, Annual Operating Report, or other information required to be submitted to Metro; or
- c. The Franchisee has refused to provide adequate service at the franchised site, facility or station, after written notification and reasonable opportunity to do so.

- d. There has been a significant change in the quantity or character of solid waste received or the method of solid waste handling.

SC-11 This Franchise Agreement, or a photocopy thereof, shall be displayed where it can be readily referred to by operating personnel.

SC-12 The granting of a Franchise shall not vest any right or privilege in the Franchise to receive specific types or quantities or solid waste during the term of the Franchise.

- a. To ensure a sufficient flow of solid waste to Metro's resource recovery facilities, the Executive Officer may, at any time during the term of the Franchise, without hearing, direct solid wastes away from the Franchisee, or direct the disposal point for such wastes. In such case, Metro shall make every reasonable effort to provide notice of such direction to affected haulers of solid waste.
- b. To carry out any other purpose of the Metro Disposal Franchise Ordinance, the Executive Officer may, upon sixty (60) days prior written notice, direct solid wastes away from the Franchisee or limit the type of solid wastes that the Franchisee may receive.
- c. Any Franchisee receiving said notice shall have the right to a contested case hearing pursuant to Code Chapter 2.05. A request for a hearing shall not stay action by the Executive Officer. Prior notice shall not be required if the Executive Officer finds that there is an immediate and serious danger to the public or that a health hazard or public nuisance would be created by a delay.

SC-13 All notices required to be given to the Franchisee under this Franchise Agreement shall be given to Mike Leichner, PO Box 820, Sherwood, Oregon 97140. All notices and correspondence required to be given to Metro under this Agreement shall be given to the Solid Waste Director, Solid Waste Department, Metropolitan Service District, 2000 S.W. First Avenue, Portland, OR 97201-5398.

SC-14 Facility operations may not commence until all DEQ, local land use and all other permits and approvals have been issued.

SC-15 In addition to the provisions of SC-12 of waste flow to and from the facility shall be subject to regulation and direction by Metro pursuant to the provisions of Metro Code Chapter 5.05.

SC-16 The Franchisee shall utilize the Metro South Station for transfer and disposal of solid waste covered by the franchise until such time as the Washington County facilities are operational. At that time the Franchisee shall use the Washington County facilities unless directed elsewhere by Metro.

**FRANCHISE CONDITIONS
SCHEDULE D**

Franchise Number:

Expiration Date:

TRANSFER RATES

- SD-1 The Franchisee shall charge no rates or collect any fees for the use of the facility.
- SD-2 The Franchisee shall maintain complete and accurate records of all costs, revenues, rates, waste flows and such other information as may they may be periodically directed to obtain pertaining to the franchise operation. These records shall be made available on written request by Metro.

PEN:acy
December 11, 1990
PRIDFRAN.ACF



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: January 2, 1991
TO: Council Solid Waste Committee
FROM: Karla Forsythe, Council Analyst *KLF*
RE: Issues raised by Resolution No. 90-1348: Pride Disposal Application for a Franchise for a "Reload" Facility

Need for Code revisions

Under current Metro Code provisions (Section 5.01.010(u)), any facility which is ". . . normally used as an adjunct of a solid waste collection and disposal system or resource recovery system, which is between a collection route and a processing facility or disposal site" is defined as a transfer station. This definition covers widely divergent activities, ranging from major transfer stations such as Metro South and "Northwest" to facilities such as those proposed by Pride Disposal, which consolidate one hauler's routes and perform limited material recovery. According to Planning and Development staff, there are many reload facilities (some of which have not applied for franchise approval), with more reload facilities anticipated in the future. However, neither the Regional Solid Waste Management Plan nor the Metro Code specifically address "reload facilities".

Council staff recommends that the Council Solid Waste Committee ask Solid Waste staff to provide information to the committee about: a) the number and types of existing reload facilities; b) future facilities of which staff is aware; c) regulatory concerns relating to reload facilities; d) the desirability of amending the Code to specifically address reload facilities ; e) the desirability of revising Chapter 5.01 (Disposal Site Franchising) in its entirety, and f) a proposed timeline for revisions to this section of the Code (taking into account other Departmental priorities).

Clarification of Council action

The amended staff report on page 3 refers to Council approval of the Washington County plan. A more accurate characterization would refer to the terms of Resolution No. 90-1358B, under which the Council recognized and gave priority to the Washington County Plan provided it is determined to be consistent with all Regional Solid Waste Management Plan provisions (after completion of the technical analysis).

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 91-1348, FOR THE PURPOSE OF GRANTING A FRANCHISE TO PRIDE DISPOSAL CO. FOR THE PURPOSE OF OPERATING A RELOAD TRANSFER FACILITY

Date: January 3, 1991

Presented by: Councilor DeJardin

Committee Recommendation: At the January 2, 1991 meeting, the Committee voted 4-0 to recommend Council adoption of Resolution No. 91-1348. Voting in favor were Councilors Buchanan, Collier, DeJardin and Wyers. Councilor Saucy was excused.

Committee Issues/Discussion: Phil North, Senior Solid Waste Planner, presented the staff report. He said that Pride Disposal wants to site a reload facility, which is considered a transfer station under the Metro Code. The City of Sherwood has expressed its support for the project. Staff at first had reservations about recommending approval of the franchise, since the potential impact on transfer station facilities in Washington County was not clear. In a letter dated September 25, 1990, Washington County Commissioner Steve Larrance indicates the Washington County Steering Committee supports the proposal, so staff's initial concern has been alleviated.

In response to a question from Councilor Collier, Mr. North referred to a memorandum from Sherwood City Manager Jim Rapp indicating that the City believes the resolution is adequate with respect to land use approval conditions.

Cathy Thomas appeared on behalf of Pride Disposal, and requested two amendments to the franchise agreement. First, she asked that paragraph SA-3 on page 3 of Schedule A be revised to eliminate the prohibition on salvaging and sorting dry mixed waste on the tipping floor, since Pride Disposal might want to undertake this activity in the future if it is economically feasible. Second, she asked that SA-9 on page 4 be revised to allow the franchise holder to accept no more than 20,000 tons of mixed waste annually, instead of 15,000 tons as currently provided. She said that given population growth and anticipated tonnage increases, it is preferable to increase the allowable tonnage initially rather than to require Pride Disposal to return for an amendment to the franchise agreement.

In response to a question from Councilor DeJardin, Ms. Thomas indicated that Pride Disposal had not contacted the City regarding these changes. Mr. North said that in the view of the Solid Waste Department, neither request was unreasonable. Councilor Collier noted that the City will have the opportunity to voice any concerns when the Council considers the resolution.

SOLID WASTE COMMITTEE REPORT
Resolution No. 91-1348
January 3, 1991
Page 2

Councilor Wyers asked whether Pride Disposal plans to expand the facility in the future. Ms. Thomas said that Pride would dispose of waste at the new Washington County facility, and does not anticipate expanding, given the proposal from United Disposal Service to build a transfer station.

After reviewing a memorandum from Council staff, the Committee asked Mr. North to amend the Solid Waste Department staff report to accurately describe Council action with regard to the Washington County Plan. The Committee also asked that a discussion of the possible need for revisions to Metro Code provisions for disposal site franchising be included on the next Solid Waste Committee agenda.

/kf

AMENDED STAFF REPORT

PRESENTED TO THE COUNCIL FOR CONSIDERATION OF
RESOLUTION NO. 91-1348 TO APPROVE THE APPLICATION FOR A
FRANCHISE BY PRIDE DISPOSAL TO ESTABLISH A "RELOAD"
FACILITY IN THE CITY OF SHERWOOD, OREGON

Date: December 26, 1990

Presented by: Bob Martin
Phil North

FACTUAL BACKGROUND AND ANALYSIS

In September 1989 Michael Leichner, d/b/a Pride Disposal Co. (hereafter "Pride") submitted an application for a franchise to establish a "reload" facility in the City of Sherwood, Oregon. Subsequently, in October 1989 the application was withdrawn by Pride before any determination or recommendation was made on the merits of the application.

In March 1990 Pride requested that Metro accept as resubmitted the application originally filed by Pride. After submittal of additional information from Pride received July 20, 1990 the application was determined to be complete.

In summary, the Pride franchise request if granted would contain the following principal elements:

- 1) Establishment of a "reload" facility to be located at 13980 S. W. Edy Road, Sherwood, Oregon. A "reload" facility would be considered a transfer station under the provisions of Metro Code definitions, Section 5.01.010(u).
- 2) Packer trucks would be reloaded into drop boxes or transfer trailers at the facility and be hauled to Metro South Station for disposal until the Washington County facilities are operational.
- 3) Recyclable storage would be done at the facility.
- 4) Cardboard and tin from commercial loads would be baled at the facility.
- 5) Only vehicles from Pride's collection operation would be permitted to use the facility.

In addition to the above items, the City of Sherwood Planing Commission made its Conditional Use Permit approval contingent upon "...an agreement being reached between the City of Sherwood and Metro regarding mitigation measures required for operation of the recycling facility...." Staff contact with the City of Sherwood indicates that the City may not seek additional conditions apart from those already contained within the proposed

franchise agreement. Nonetheless, the Resolution approving the franchise specifically conditions first operation of the facility as being conditioned upon satisfaction of local approvals, "...mitigation agreements (as may be necessary)..." and other approvals.

The standard for review of a franchise application is found in Section 5.01.070 of the Metro Code. In summary, the criteria are as follows:

- i. Is the applicant qualified?
- ii. Does the proposed franchise comply with the Regional Solid Waste Management Plan?
- iii. Is the facility needed, considering the location and number of existing and planned disposal sites, transfer stations, processing facilities and resource recovery facilities and their remaining capacities?
- iv. Has the applicant complied with or can the applicant comply with all other applicable regulatory requirements? These include local land use requirements, DEQ permits, submission of necessary information under Section 5.01.060 and a determination of rates or variance from rate setting under Section 5.01.180.

From the application submitted and the investigation of the application, it can be determined that the applicant is qualified to operate the proposed facility. Pride has successfully operated a waste hauling business in the Metro region for the past four years, having purchased an existing business with approximately twenty-five years of service to the local community. This experience, knowledge of routes, waste composition and waste handling techniques all can contribute to the successful integration of a "reload" facility into the applicant's operation.

Compliance of the proposed franchise with the Regional Solid Waste Management Plan (RSWMP) is more problematic. The applicant cites RSWMP Policy No. 16 for the principle that "...each local government shall exercise its responsibilities for solid waste in its area." Stating that the City of Sherwood has supported this facility, the applicant believes Policy No. 16 to have been met.

Consideration of the application relative to Policy No.16 must be within a larger context than the City of Sherwood. While the city support is crucial, there are other significantly affected parties. In particular, the Washington County Solid Waste Steering Committee ("Committee") and its represented parties may be affected.

The Committee is comprised of members representing municipal and waste hauling interests in Washington County. The Committee has labored for over a year to establish the framework for a

Washington County system for solid waste processing and transfer. This plan, has recently been reviewed by the Council, and by Resolution No. 90-1358B, the Council "...recognizes and gives priority to Washington County's Solid Waste System Plan...provided it is determined to be consistent with all Regional Solid Waste Management Plan provisions, including the Washington County System Plan Chapter." This recent action by the Council has substantially eliminated the concern that approval of this franchise might negatively impact the Washington County Plan.

At this point, it is the opinion of staff that the applicant's proposal is consistent with Policy No. 16 of the Regional Solid

Waste Management Plan. The proposal is considered to be consistent because:

- 1) The City of Sherwood approved a conditional use for the location of the applicant's facility. Local government "responsibilities" in the context of Policy No. 16 of the RSWMP are also met by virtue of Washington County's endorsement of the Pride proposal as being "compatible with any solid waste plan developed for Washington County." See Attachment 1, copy of letter from Washington County Commissioner Steve Larrance
- 2) Possession of a "compatible" facility is consistent with the Washington County Plan and the recent approval of the Plan by the Council.

With respect to the "need" criterion referred to in (iii) above, the applicant asserts that business efficiencies can be attained. Additionally, Washington County has indicated the facility, if approved, would be compatible with any solid waste plan developed by the Washington County Systems Plan Steering Committee. Since the facility would not accept waste from other than the applicant's own packer trucks from its own routes, system costs and efficiencies are not impacted. Therefore it is believed that a sufficient showing of "need" has been made to satisfy the minimum requirements of Code Section 5.01.070.

Furthermore, no variance to Metro rate setting is required because the applicant will not be receiving waste from other haulers or the public. No rates, enhancement fees (pursuant to Policy No. 12 of the RSWMP), nor other charges will be collected at the facility. As such, Metro rate regulation is rendered unnecessary and moot.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1348 approving the franchise application.



METRO

Memorandum

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

TO: Council Solid Waste Committee
FROM: Richard Devlin, Councilor *RD*
DATE: December 18, 1990
SUBJ: Resolution No. 90-1348

I request that the Council Solid Waste Committee postpone consideration of Resolution No. 90-1348, for the purpose of granting a franchise to Pride Disposal Co. for the purpose of operating a reload transfer facility.

The City of Sherwood has expressed concerns that the franchise agreement does not contain mitigation measures as identified in the conditional use approval for the facility (see paragraph 2 b. of the attached letter).

Postponement should not unduly delay action on this resolution, since it is likely that this issue can be resolved before the next Council Solid Waste Committee meeting.

SEP 20 1989



90 NW Park Street
Sherwood, Oregon 97140
625-5522 625-5523

September 18, 1989

Michael Leichner
Pride Disposal Co.
PO Box 839
Sherwood, OR 97140

Dear Mike:

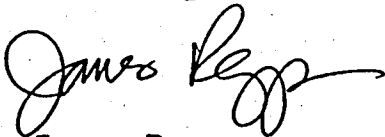
On September 13, 1989, the City Council considered the appeal against the conditional use permit (CUP) approval of your proposed recycling facility on Edy Road (case file No: CUP 89-2). The Council elected to apply a substitute set of conditions to the CUP. The conditions established by the City Planning Commission on July 17, 1989 are therefore superseded. The new conditions read as follows:

1. Phase 1 operations shall be limited to the sorting and storage of source-separated recyclable hauled by Pride Disposal only and further that:
 - a. Pride Disposal dedicate all required right-of-way off Tax Lots 101 and 103 for the Tualatin-Sherwood/Edy Road improvement project.
 - b. METRO confirm in writing that storage of source-separated recyclables is not subject to its jurisdiction.
 - c. Pride Disposal submit a non-remonstrance agreement for further storm drainage and street improvements on Tualatin-Sherwood/Edy Road.
 - d. Pride Disposal submit, and the Planning Commission approve, a site plan for its facility limiting usage to the sorting and storage of source-separated recyclables.
 - e. Any other use permitted outright in the GI zone may be conducted in the facility subject to full compliance with applicable Code standards.
2. Phase 2 operations may expand to include separation of recyclables and solid water on-site provided that:

- a. Such expanded operations commence within the time limits for CUP's specified by Code Section 4.302.05, conform to all other applicable Code standards, and subject to a full public hearing before the Planning Commission.
- b. Written agreements are reached between the City of Sherwood and METRO regarding mitigation measures for the expanded operation or other issues that the City may identify.
- c. A franchise agreement for the expanded operation is executed between METRO and Pride.
- d. Pride submits proof of compliance and/or issuance of all applicable METRO and State Permits for the expanded operation.
- e. Pride's facility is constructed or modified to comply with State noise and air quality standards and to contain any noxious or odorous gases that would otherwise be detectable beyond Pride's property boundaries.

Please let me know if you have any further questions or concerns. You may now proceed to the Planning Commission for site plan approval for the "source-separated" operation only.

Sincerely,



James Rapp
City Manager

cc: John Hughes, Attorney for Appellant
Lisa Berzok, Interim Planner
Planning Commission