

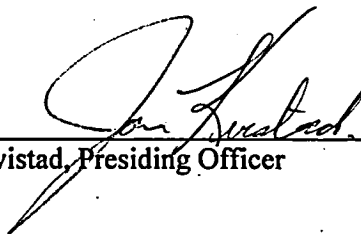
with applicable provisions and standards in the Metro Code related to the licensing of yard debris processing facilities; and

WHEREAS, the Executive Officer recommends that the Council grant the attached license with the requested variances from the Metro Code, with conditions, to Minsinger's Floral 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. Minsinger's Floral Nursery is granted a variance from the Metro Code Section 5.01.300(a)(1) pertaining to quarterly reporting requirements.
3. Minsinger's Floral Nursery is granted a variance from Metro Code Section 5.01.320 pertaining to the annual license fee.

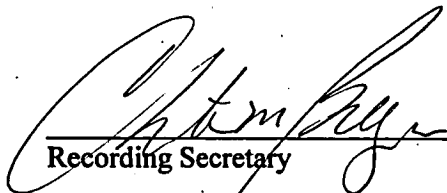
ADOPTED by the Metro Council this 5th day of MARCH 1998.



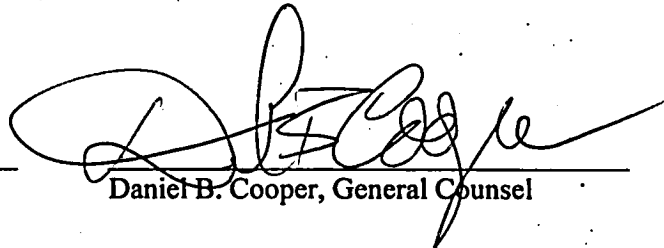
Jon Kvistad, Presiding Officer

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: YD-0598

DATE ISSUED: (see Section 2)

AMENDMENT DATE: N/A

EXPIRATION DATE: _____

ISSUED TO: MINSINGER'S FLORAL NURSERY

NAME OF FACILITY: MINSINGER'S FLORAL NURSERY

ADDRESS: 655 ROSEMONT ROAD

CITY, STATE, ZIP: WEST LINN, OREGON 97068

LEGAL DESCRIPTION: (see attached application)

NAME OF OPERATOR: MINSINGER'S FLORAL NURSERY

PERSON IN CHARGE: CHARLES MINSINGER

ADDRESS: 655 ROSEMONT ROAD

CITY, STATE, ZIP: WEST LINN, OREGON 97068

TELEPHONE NUMBER: (503) 636-1843

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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 Minsinger's Floral 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 655 Rosemont Road, West Linn, Oregon 97068. Tax lot 01600; Section 22, Township 2 South, Range 1 East.

4. OPERATOR AND OWNER OF FACILITY AND PROPERTY

4.1 The owner of the Facility is Charles E. Minsinger.

4.2 The owner of the property underlying the Facility is Charles E. Minsinger.

4.3 The operator of the Facility is Minsinger's Floral 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, and 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, for processing, yard debris in an amount not to exceed 600 cubic yards per year. This limitation in accordance with the variances from Metro Code Sections 5.01300 and 5.01.320 as granted by the Metro Council.

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

In accordance with the variance granted by the Metro Council, licensee is not subject to certain standard reporting requirements. Licensee is required to monitor facility operations as set forth below:

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 The licensee shall submit to Metro duplicate copies of regulatory information submitted to the DEQ and local jurisdictions pertaining to the facility, 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.
- 7.5 Licensee shall remove compost from the Facility as frequently as possible.

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

In accordance with the variance granted by the Metro Council, licensee is not subject to the annual license fee requirements established under Metro Code Section 5.01.320.

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 E. Minsinger
Minsinger's Floral Nursery
655 Rosemont Road
West Linn, Oregon 97068

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

Licensing Program Administrator (Yard Debris Facilities)
Metro Regional Environmental Management Department
600 N.E. 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.

MINSINGER'S FLORAL NURSERY

METRO

Facility Owner or
Owner's Representative

Mike Burton, Executive Officer
Metro

Date

Date

BM:ay

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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 98-725 FOR THE PURPOSE OF GRANTING A YARD DEBRIS PROCESSING FACILITY LICENSE TO THE MINSINGER FLORAL NURSERY INC. TO OPERATE A YARD DEBRIS COMPOSTING FACILITY

Date: January 20, 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 the Minsinger Floral Nursery be awarded a license to operate a yard debris composting facility located in West Linn, Oregon. The license agreement is attached to Ordinance No. 98-725 as Exhibit A.

This report is divided into four main parts: (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 specific conditions to be contained in the license agreement.

The purpose of the licensing program is to help 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:

- Staff has reviewed all required submittals and has determined that Minsinger Floral Nursery meets the requirements of the Metro Code related to licensing yard debris processing facilities.
- The applicant has requested variances from the Metro Code Section 5.01.300(a)(1) regarding the requirements for quarterly reports and Metro Code Section 5.01.320 regarding the payment of annual license fees. Staff recommends that the variances be granted with conditions as described in Part III of this staff report and set forth in the Licensing Agreement - Section 5.1.2.
- The terms of the license will protect public health and safety and maintain consistency with the Regional Solid Waste Management Plan. The Metro licensing program includes problem resolution through intergovernmental cooperation, technical assistance and enforcement measures.

I. FACILITY AND APPLICANT INFORMATION

Location:

- The site is located south of State Highway 224, north of the Clackamas River, and east of Interstate 205, in Clackamas County (reference Attachments 3 & 4 – Site Location Aerial Photographs).

- Facility address: 655 Rosemont Rd., West Linn, Oregon 97068
- The facility lies in Section 22, Township 25, Range 1 East, Clackamas County Oregon. Tax Lot 01600.

Zoning and Permitting:

- The site is zoned Rural Residential Farm Forest (RRFF5). No permits have been required of the applicant from Clackamas County. The facility is located inside the Metro Boundary, but outside the Urban Growth Boundary.

General Facility Description:

- The 4.19-acre site is primarily used for a nursery with compost being produced on-site for use in the nursery. Fresh grass clippings, leaves and manure are the feedstocks incorporated into a windrow and composted.
- Approximately 400 cubic yards of material is accepted annually.
- The grass clippings and leaves come from a local landscape company, and the manure comes from a neighbor's horse stable. There is no charge to the landscape company or the neighbor to dispose of these materials at this nursery.
- The incoming feedstocks are mixed together on an asphalt surface and formed into a windrow 7' high x 10' wide x 30' long and aerated daily with a Caterpillar 910 wheel loader to minimize the potential for anaerobic conditions and prevent odors.
- The composting process takes six months to complete. The compost is then stockpiled in an open-sided structure with a roof, and cures for an additional three months. The primary end use of the compost is to provide soil amendment for the nursery operations. Finished compost is also available for sale to landscapers and homeowners.

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 have been determined to be complete and adequate.

Applicant Qualifications

The applicant has been using a low-technology compost processing technique for his nursery for over thirty-five years at this location.

II. LIST OF SUBMITTALS / STAFF REPORT ATTACHMENTS

Attachment 1 - Application for a Yard Debris Processing Facility License, prepared by Charles Minsinger, owner, dated July 15, 1997 and revised October 1, 1997.

Attachment 2 - Variance Request. Letter from Mr. Charles Minsinger dated November 12, 1997,

requesting variances from Metro Code requirements pertaining to licensing yard debris processing facilities.

Attachments 3 & 4 – Site Location Aerial Photographs.

III. ANALYSIS OF LICENSE APPLICATION

The Metro Code licensing standards are set out in detail in order to establish clear and concise standards for an efficient administrative process. A standardized licensing application form was developed to ensure that the information would be sufficiently detailed to illustrate whether the facility is in compliance with the applicable Metro Code provisions.

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. The following table summarizes staff's analysis:

Metro Code Licensing Provisions	Acceptable	Unacceptable
5.01.260 General Yard Debris Facility Design Requirements & Design Plans	X	
5.01.270 General Operating Requirements for Yard Debris Facilities	X	
5.01.280 Yard Debris Processing Operations Plan	X	
5.01.290 Yard Debris Facility Odor Minimization Plans	X	

Variances from the Metro Code

The applicant has requested two variances from the Metro Code provisions for the licensing of composting facilities.

The request for the variances are in accordance with Metro Code Section 5.01.110, which allows Council to grant specific variances from particular Code requirements. The two variances requested are as follows:

1. Variance to Metro Code Section 5.01.300(a)(1) - Yard Debris Facility Records, quarterly reports.

The applicant requests a variance from the licensing reporting requirements in Metro Code Section 5.01.300. The reporting requirements in this section requires licensees to deliver a quarterly report to Metro describing the quantity of feedstocks accepted for processing. The applicant states that, based on the very limited size and operation of the facility, strict compliance with this requirement would be extremely burdensome and highly impractical. Due to the very small amount of feedstock currently accepted at the facility (under 500 cubic yards per year), staff agrees and recommends that this variance be granted with the condition that the facility operations are not expanded and remain consistent with the license application.

2. Variance to Metro Code Section 5.01.320 - Yard Debris Facility Annual License Fees.

The second request is for a variance to the Metro Code Section 5.01.320 (annual license fees of \$300 per year). The applicant states that, based on the very limited size and operation of the facility, compliance with this requirement would be extremely burdensome and highly impractical. This facility uses nearly all of the compost produced on-site to enhance horticultural production at the nursery. Staff agrees, and recommends that the variance be granted with the condition that the facility operations are not expanded and remain consistent with the license application.

Recommendations and specific conditions for granting the variances

Due to the very limited size and scope of the composting operations, staff recommends that the requested variances be granted with special conditions. As a condition for granting the two variances, the facility and processing operations must remain consistent with the description in the license application. If the facility operations are expanded from that stated in the license application, the applicant must notify Metro and the variances will be re-examined (reference the conditions in the License Agreement Section 5.1.2).

V. BUDGET IMPACTS

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 on the foregoing analysis it is the opinion of staff that Minsinger Floral Nursery should be granted a yard debris processing facility license, with the requested variances and conditions, in accordance with the provisions of the License attached to Ordinance No. 98-725 as Exhibit A.

VII. EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 98-725.

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

OCT 1 1997

REVISED

**LICENSE APPLICATION FORM
YARD DEBRIS PROCESSING FACILITY**

**METRO REGIONAL
ENVIRONMENTAL MANAGEMENT**

Check all that apply:

- Yard Debris Composting No Branches
- Other (specify) Leaves - Grass - Manure

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: 7-15-97

PART 1

1. NAME OF FACILITY: Minsingers Floral Nursery
 Facility Address: 655 Rosemont Rd
West Linn Oregon 97068

2. PROSPECTIVE LICENSEE

Public Agency: Private:
 Name of Licensee: Same as above
 Mailing Address: _____

 Phone Number: 636-1843

3. OWNER(S) OF PROPERTY

Name: Charles E. Minsinger

Mailing Address: _____

Phone Number: _____

4. SUBCONTRACTOR(S)

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

5. SITE LEGAL DESCRIPTION

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

Tax Lot 01000 4.19 Acres

SECTION 22 TOWNSHIP 25 RANGE 1 E

6. ZONING

Present Land Use Zone: RS

Restrictions: _____

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

Yes _____ No X

If required, has the permit been obtained?

Yes _____ No /

8. PUBLIC HEARING(S)

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

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:

Permit(s) Received:

10. ESTIMATED QUANTITY OF ~~YARD DEBRIS~~ TO BE ACCEPTED

Not every day

Annually: 400 cubic yards

Daily: 5 Cu Yds cubic yards

Annually: 132[?] tons (optional)
wet or Dry?

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?~~ *Landscapers* Yes X No _____

12. OPERATING HOURS AND TRAFFIC VOLUME

OPERATING HOURS	PUBLIC	COMMERCIAL
Hours Per Day	8	8
Days Per Week	7	7
Estimated Vehicles Per Day <i>between 3 and 8 or 10</i>		

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 X

PART 2

GENERAL FACILITY DESIGN PLAN

1. Describe how stormwater is managed at the facility.

Mostly, it either soaks into natural soils or runs
into woods that absorbs excess run off.

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

Yes X No

Describe By means of natural or made berms or
diversionary channels

b. Is run-off from the facility controlled?

Yes X No

Describe diverted to collecting basin, then pumped
to spray onto pile of mixed material, to
maintain a proper amount of moisture content.
APPROX - 60%

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

Access driveway goes thru nursery. We are always
available to watch for loads we don't want, such as
branches ect.

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):

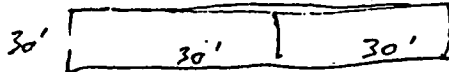
Signs designating what we take, and dont take
near point of dumping.

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

over wall is a space about 10' by 50' - about 3 to 6 feet deep

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

Approximately 500 Cu yds Total, under cover and in open area



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

what litter we get, we pick it out by hand and put in
garbage can Garbage pick up weekly
No hazardous material accepted

PART 3

GENERAL OPERATING PLAN

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

There is no set method of measuring incoming material.
In a days time we may get 4 or 5 trailers or
pick ups, with any where from a garbage bag to 2 or 3
cu yards of grass or leaves

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

Daily - as we walk around, we pick up straws - Cellophane,
Pop Cans ect, and put into garbage can.

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

The loads of grass - or leaves are usually wet
enough that it doesn't blow out of pick ups -

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

We look over the trailers, pick ups ect, as they come in
we stop any that has brush.

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

In Garbage can. There is never any great
amount of non compostable material.

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

Material is Layered into a pile. When 1/2 rotted, is moved to another spot as moving material decomposes better if aereated. Also it helps to mix material each time it is ~~used~~ moved

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

- a. ~~Yard debris~~? depending on how much material is received.
- b. Grass clippings? Moving raw material to pile usually takes Leaves Manure from 20 minutes to 1/2 hour. per day.

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

About 6 months.

a. How long do you cure the finished product?

up to 6 months or until it is used. or sold

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

Static Piles are usually 40' by 6 to 8 feet high.
x 40'

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

We use a Caterpillar 910 Loader to move or pile.

Also a Ford 1710 farm tractor with bucket loader

11. Describe how you control the following:

a. Noise (from machinery and equipment):

Loader and tractor have mufflers.

We work during week day normal business hours

9 am to 5 pm

b. Vectors (insects, birds, rodents):

Havent seen any rodents, Insects or other
problems with Varmints

occasionally a heron will try to grab a fish
from one of the ponds.

c. Dust:

Gravel drive way are sprinkled everyday as we
water shrubs and plants in nursery.

d. Litter:

Hand Picked everyday as noticed in walkaround.

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

We have two Wells, water lines to all parts of
property. Also we are able to divide piles into
smaller units with equipment, so as to control
natural heating.

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> </u>	No <u>X</u>
Hours of operation?	Yes <u>X</u>	No <u> </u>
List of materials that will and will not be accepted?	Yes <u>X X</u>	No <u> </u>
Schedule of charges?	Yes <u> </u>	No <u>X</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:

Heat Probes to check internal heat.
Pile has water sprayed onto it at intervals as
needed to maintain proper moisture content.
we try to keep moisture content around 60% - Not soggy but dem

b. Oxygen levels:

Piles are moved occasionally - that mixes and
 Aerates material

c. Moisture levels:

We keep piles moist (60%) not soggy

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

We will sell to landscapers - or homeowners
word of mouth advertising and having a Superior
Products takes care of amount we have for sell.

PART 4

ODOR MINIMIZATION PLAN

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

Material is moved from receiving area to pile every evening and mixed with manure so there is no odor problems. Also as material is aerated it naturally takes care of odor.

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

Have not had any complaints in 35 years of composting. We must be doing something right.

our mixture is just right for a naturally pleasing product to use around home yards.

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

Properly mixing materials; moving material periodically.

Area of piles is surrounded by tall fir trees and brush, and prevailing winds dissipate any odor that might occur. No problems.

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

Our receiving area is blacktopped. so we can work in rain.
drive ways are gravelled and sprinkled regularly.
Material is removed from dumping area each
evening to adjacent pile so no build up at that spot.

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

- a. Time of day:

usually whenever we have time

- b. Wind direction:

the prevailing wind is from the N.E.
There are tall trees all around so we are protected
from wind currents.

- c. Percent moisture:

If it rains we dont have to sprinkle pile.

- d. Estimated odor potential:

None. Proper Carbon ratio 50% Carbon - shavings
50% Nitrogen grass-leaves
We mix manure with shavings with grass
And/ or leaves in piles

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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 E. Mensinger TITLE owner

DATE 9-27-97 PHONE 636-1843

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Comment —

our composting facility is an offshoot of our Nursery business.

We started composting in about 1943 in North Portland in our nursery there, to provide a source of planting mix to use in our container trees and shrubs.

We have been at our Rosemont Road address since 1963, and have used same methods as before.

We have a landscaped area of about 2 acres to display how trees and shrubs grow, and we use about 1/2 or more of our compost to mulch our shrub beds each spring, so don't have a great deal left to sell.

Because, this whole area has heavy clay, the home owners like our compost and planting mix to loosen their soil and provide nutrients.

John Poseid has seen our facility, ask him.

Ch. Mensinger

Site legal Description

TAX LOT 01600

4.19 Acres

Section 22

Township 25

Range 1E

Buffam Res

open fields

our Home

Woods

Shade Flg Trees
Retail



Drive Way

Prevailing Winds

North

Plants Retail

Greenhouse

Plants Retail

Container Plants

30 x 60 Covered Pole Bldg

Compost PL Mix

Shop

Gravel Main Drive Way

Dumping Area

Working Compost Pile

Finished Compost

Landsaped Display Gardens - 2 ACRES -

Dense Fir Woods & Brush

Larson House



Dense Woods & Brush

Rosemont Rd

November 12, 1997

Mr. John Foseid
Compost Projects Coordinator
Metro Regional Environmental Management
600 NE Grand Avenue
Portland, OR 97232

Dear Mr. Foseid:

This letter is in regard to my application for a Metro yard debris compost facility license. I understand that the Metro Code Section 5.01.110 contains provisions for granting specific variances from particular requirements of the Metro Code.

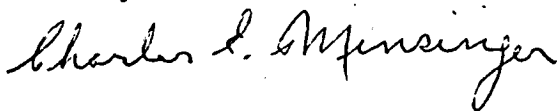
Because of the size and nature of my nursery composting site, I am requesting that the Metro Executive Officer and Metro Council favorably consider and grant me a variance from the following license requirements in the Metro Code:

- Section 5.01.300 Yard Debris Facility Records
- Section 5.01.320 Yard Debris Facility Annual License Fees (\$300 per year)

As you can see from my license application, I accept about 400 cubic yards of material per year. Most of the compost I make is used at my nursery and the rest is sold. I run a very small and simple operation that is part of my nursery. Strict compliance with the Metro Code requirements for facility record reporting and paying the annual license fee will be extremely burdensome and highly impractical for my business.

Thank you for your consideration.

Sincerely,









Charles E. Minsinger
655 Rosemont Road
West Linn, OR 97068

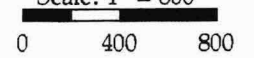
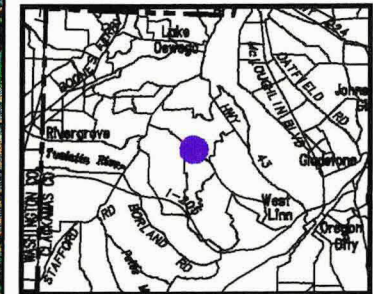
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METRO REGIONAL
ENVIRONMENTAL MANAGEMENT

Minsinger Nursery

1996 Aerial Photos

-  Metro Boundary
-  Urban Growth Boundary
-  Parks and Open Space
-  Taxlots
-  County Line
-  Subject Property

Scale: 1" = 800'

METRO







600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 787-1909
Email drc@metro.dst.or.us





Minsinger Nursery

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0 100 200



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REGIONAL ENVIRONMENTAL MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 98-725, FOR THE PURPOSE OF GRANTING A YARD DEBRIS PROCESSING FACILITY LICENSE TO MINSINGER'S FLORAL NURSERY, INC. TO OPERATE A YARD DEBRIS COMPOSTING FACILITY

Date: February 17, 1998 Presented by: Councilor Washington

Committee Recommendation: At its February 17 meeting, the Committee considered Ordinance No. 98-725 and voted unanimously to send the ordinance to the Council with a do pass recommendation. Voting in favor: Councilors McFarland, Washington and Chair Morissette.

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, Minsinger's Floral Nursery has been composted material for its own use for many years. The facility is inside the Metro boundary, but outside the UGB. Warner indicated that this is a very small operation, but that, under the licensing standards, it is required to obtain a license. Warner noted that facility had maintained a excellent relationship with its neighbors and that staff was unaware of any opposition to the proposed license. Because of the size of the facility, staff recommends that the customary \$300 annual fee and quarterly reporting requirements be waived.