

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING A TRANSFER OF ) ORDINANCE NO. 99-796  
METRO YARD DEBRIS PROCESSING FACILITY )  
LICENSE NO. YD-0197 FROM THE SCOTTS HYPONEX )  
CORPORATION TO CLACKAMAS COMPOST PRODUCTS, INC. )  
TO CONTINUE OPERATIONS AT AN EXISTING, APPROVED )  
YARD DEBRIS PROCESSING SITE ) Introduced by Mike Burton,  
 ) Executive Officer

WHEREAS, on December 19, 1996 the Metro Council approved Ordinance No. 96-666 for the purpose of authorizing the Executive Officer to enter into a Licensing Agreement for a yard debris processing facility with the Scotts Hyponex Corporation located at 11620 SE Capps Road in Clackamas Oregon; and

WHEREAS, Clackamas Compost Products, a division of Lane Forest Products, Inc. located in Eugene, Oregon desires to continue operating the composting operation located at 11620 SE Capps Road in Clackamas; and

WHEREAS, pursuant to Metro Code Section 5.01.400(b) yard debris processing facility licenses issued prior to August 1, 1998 are governed by the former Metro Code Sections 5.01.230 through 5.01.380; and

WHEREAS, in accordance with the provisions in former Metro Code Section 5.01.380(d), Clackamas Compost Products has submitted a Metro License Transfer Application to transfer the Metro License Agreement No. YD-0197 to Clackamas Compost Products; and

WHEREAS, based on information submitted by Clackamas Compost Products, Inc., as 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, all other terms and conditions in the current Metro yard debris composting facility license No. YD-0197 originally issued to the Scotts Hyponex Corporation will remain in effect; and

WHEREAS, the facility is an existing operation providing necessary services to the public and has organic materials on-site; 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 Executive Officer has recommended that the Council approve this Ordinance granting a transfer of the attached License Agreement to Clackamas Compost Products, Inc.; now therefore,

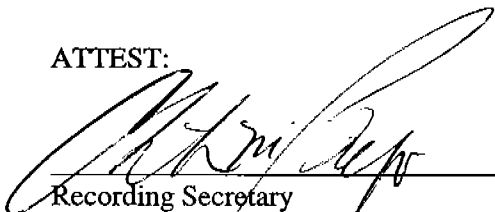
THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Council authorizes the Executive Officer to enter into the License Agreement for a yard debris processing facility, in a form substantially similar to the form attached as Exhibit A, within ten days of the effective date of this ordinance.

ADOPTED by the Metro Council this 6<sup>th</sup> day of May 1999.

  
Rod Monroe, Presiding Officer

ATTEST:

  
Recording Secretary

Approved as to Form:

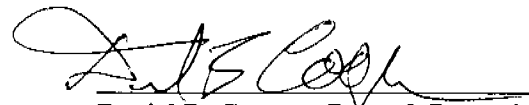
  
Daniel B. Cooper, General Counsel

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 - 01 -97

DATE ISSUED: March 6, 1997 (see Section 2)

AMENDMENT DATE: Transferred to Clackamas Compost Products, Inc. on:

EXPIRATION DATE: March 6, 2002

TRANSFERRED TO: CLACKAMAS COMPOST PRODUCTS, INC.

NAME OF FACILITY: CLACKAMAS COMPOST PRODUCTS, INC.

ADDRESS: 11620 SE CAPPS ROAD

CITY, STATE, ZIP: CLACKAMAS, OR 97015

LEGAL DESCRIPTION: (see attached application)

NAME OF OPERATOR: Clackamas Compost Products, Inc. / Lane Forest Products

PERSON IN CHARGE: Tom Campbell

ADDRESS: P.O. Box 1431

CITY, STATE, ZIP: Eugene, OR 97440

TELEPHONE NUMBER: (503) 557-1028 (John Essner, Clackamas Site Manager);  
(541) 345-9085 (Tom Campbell Facility Manager-Eugene)

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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 the ~~Scotts Hyponex Corporation~~ Clackamas Compost Products, Inc. ("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 11620 SE Capps Road, Clackamas, Oregon. Tax lot 1800; Northeast 1/4, Section 15, Township 2 South, Range 2 East, W.M; Clackamas County Oregon.

## 4. OPERATOR AND OWNER OF FACILITY AND PROPERTY

4.1 The owner of the Facility is Lane Forest Products, Inc. O.M. Scott & Sons Company/~~Hyponex Corporation~~.

4.2 The owner of the property underlying the Facility is Terry Emmert, Emmert Inc. 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 ~~Scotts Hyponex Corporation~~ Clackamas Compost Products, Inc. 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.

### **5.2 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 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.

- 7.5 Licensee shall remove compost from the Facility as frequently as possible, but not later than one year after processing is completed.

## **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:

~~Trey George III, General Manager~~ Susan Posner, Vice President  
~~Scotts Hyponex Corporation~~ Clackamas Compost Products, Inc.  
~~535 W. Main Street~~ PO Box 1431  
~~Melalla, OR 97038~~ Eugene, OR 97440

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  
Metro  
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.

CLACKAMAS COMPOST PRODUCTS, INC.

METRO

\_\_\_\_\_  
Facility Owner or  
Owner's Representative

\_\_\_\_\_  
Mike Burton, Executive Officer  
Metro

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

BM:clk

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## REGIONAL ENVIRONMENTAL MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 99-796, FOR THE PURPOSE OF TRANSFER OF METRO YARD DEBRIS PROCESSING FACILITY LICENSE NO. YD-0197 FROM SCOTT HYPONEX CORPORATION TO CLACKAMAS COMPOST PRODUCTS, INC. TO CONTINUE OPERATIONS AT AN EXISTING, APPROVED YARD DEBRIS PROCESSING SITE

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Date: April 28, 1999

Presented by: Councilor Park

**Committee Recommendation:** At its April 21 meeting, the Committee considered Ordinance No. 99-796 and voted unanimously to send the ordinance to the Council with a do pass recommendation. Voting in favor: Councilors McLain and Park and Chair Washington.

**Committee Issues/Discussion:** Terry Petersen, Acting REM Director, presented the staff report. Petersen explained that the purpose of the ordinance is to transfer the existing license for a yard debris processing facility near Oregon City from the former owner, Scott Hyponex to Clackamas Compost Products, which recently purchased the facility.

Petersen noted that the facility was one of the first facilities to obtain a Metro yard debris facility license from Metro. The reason for the change in ownership is that Scott, a national firm, has made a corporate decision to divest all of its composting facility. Petersen noted that the new owner has successfully operated a composting facility in Eugene for several years. In effect, he indicated that the proposed ordinance was simply transferring the operation of the facility from one good operator to another good operator.

Committee members had no questions concerning the proposed ordinance.

## **EXECUTIVE SUMMARY**

### **ORDINANCE 99-796 AUTHORIZING A YARD DEBRIS PROCESSING FACILITY LICENSE TRANSFER TO CLACKAMAS COMPOST PRODUCTS, INC.**

#### **PROPOSED ACTION**

- This Ordinance transfers the Metro Yard Debris Processing Facility License from Scotts Hyponex Corporation to Clackamas Compost Products, Inc.

#### **WHY NECESSARY**

- Metro Code Chapter 5.01 requires an owner or operator of a yard debris processing facility to be licensed by Metro.
- License transfers are authorized by the Metro Council pursuant to Chapter 5.01 of Metro Code to ensure that uninterrupted service can be provided by Metro licensed facilities during changes in facility operators or ownership.
- In accordance with provisions in Metro Code, Clackamas Compost Products, Inc. has submitted a Metro License Transfer Application, and requests authorization to continue operating the composting facility (previously Scotts Hyponex) located at 11620 SE Capps Road, in Clackamas.

#### **DESCRIPTION**

- The site is zoned Heavy Industrial. The facility was established in 1992, as an outright permitted use subject to local design review. The operation was approved by the Clackamas County Design Review Committee.
- The facility accepts loads of yard debris from commercial and residential sources and recycles approximately 48,000 cubic yards of yard debris per year. The facility is open to the public.
- Clackamas Compost Products has been in both the yard debris composting and urban wood recycling business for the past six years in Eugene, Oregon, and has a good operating record there.

#### **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

FOR THE PURPOSE OF AUTHORIZING A TRANSFER OF METRO YARD DEBRIS PROCESSING FACILITY LICENSE NO. YD-0197 FROM SCOTTS HYPONEX CORPORATION TO CLACKAMAS COMPOST PRODUCTS, INC. TO CONTINUE OPERATIONS AT AN EXISTING, APPROVED, YARD DEBRIS PROCESSING SITE

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March 22, 1999

Presented by: Bruce Warner  
Bill Metzler

### I. INTRODUCTION

The purpose of this report is to provide the information necessary for the Metro Council to act on the recommendation that the Metro Yard Debris Processing Facility License Agreement No. YD-0197, (originally issued to the Scotts Hyponex Corporation located at 11620 SE Capps Road in Clackamas, Oregon) be transferred to Clackamas Compost Products, Inc. as the new facility operator. The License Agreement is attached to Ordinance No. 99-796 as Exhibit A.

#### Key Findings Include:

- Yard debris processing facility licenses are authorized by the Metro Council.
- License transfers are authorized by the Metro Council pursuant to Chapter 5.01 of Metro Code to ensure that uninterrupted service can be provided by Metro licensed facilities during changes in facility operators or ownership.
- On March 6, 1997, Scotts Hyponex Corporation was issued a Metro Yard Debris Processing Facility License (No. YD-0197) to operate a yard debris processing facility at 11620 SE Capps Road in Clackamas, Oregon. The Scotts facility has operated in good standing with Metro under the terms of their license agreement.
- Clackamas Compost Products, a division of Lane Forest Products, Inc., took over the Scotts Hyponex composting operation located at 11620 SE Capps Road in Clackamas. Clackamas Compost Products has been in both the yard debris composting and urban wood recycling business for the past six years in Eugene, Oregon, and has a good operating record there.
- In accordance with the provisions in Metro Code, Clackamas Compost Products has submitted a License Transfer Application to Metro. The request is to transfer the Metro License Agreement No. YD-0197 made with Scott's Hyponex Corporation (the previous site operators) to Clackamas Compost Products, the new site operators.
- The Executive Officer has determined that the Metro License Transfer Application, submitted by Clackamas Compost Products is complete. Clackamas County approves of the issuance of the Metro License Transfer, and land use approvals are in place.

- This Ordinance transfers the Metro Yard Debris Processing License from Scotts Hyponex Corporation to Clackamas Compost Products, Inc.
- All other terms and conditions in the current Metro yard debris composting facility license No. YD-0197 originally issued to the Scotts Hyponex Corporation will remain in effect for Clackamas Compost Products, Inc.
- The Executive Officer has reviewed all required submittals and has determined that Clackamas Compost Products, Inc. meets the requirements of the Metro Code related to licensing yard debris-processing facilities.

## II. 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.
- Facility address: 11620 SE Capps Road, Clackamas, Oregon 97015.
- The facility lies in the Northeast 1/4, Section 15, Township 2 South, Range 2 East, W.M; Clackamas County Oregon. Tax Lot 1800.

### Zoning:

- The site is zoned I-3, Heavy Industrial. The facility is an outright permitted use, subject to design review. On September 25, 1992, the Clackamas County Design Review Committee approved the yard debris composting facility.

### General Facility Description:

- The 9.57-acre site is leased by Clackamas Compost Products, Inc. The site area used for yard debris composting operations is limited to 6.9 acres by action of the Clackamas County Design Review Committee - File No: Z0854-92.
- The facility accepts loads of yard debris from commercial and residential sources. The facility is open to the public.
- The facility will process approximately 48,000 cubic yards of yard debris per year.

### Applicant Qualifications

- Clackamas Compost Products, Inc. is a division of Lane Forest Products, Inc. located in Eugene, Oregon. Lane Forest Products has been in both the yard debris composting and urban wood recycling business for the past six years utilizing an 18-acre site in Eugene, and has a good operating record there.

### Completeness and Sufficiency of Application

Applicants for transfers of yard debris processing facility licenses are required to complete an application form and provide additional information as requested. The Executive Officer has reviewed the license transfer application, and have found that the facility meets all applicable Metro Code requirements and is eligible for a yard debris processing facility license.

### **III. CONCLUSIONS**

The Executive Officer has reviewed all required submittals, and has determined that a transfer of License No. YD-0197 from the Scotts Hyponex Corporation to Clackamas Compost Products, Inc. should be granted. Clackamas Compost Products, Inc. meets the requirements of the Metro Code related to licensing yard debris-processing facilities. The original License Agreement granted to Scotts Hyponex; when transferred to Clackamas Compost Products Inc.; will appropriately address the licensing standards for the new facility site operators.

### **IV. 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.

### **V. STAFF RECOMMENDATION**

Based upon the preceding analysis, it is the opinion of staff that License Agreement No. YD-0197 made between Metro and the Scotts Hyponex Corporation located at 11620 SE Capps Road in Clackamas, Oregon, should be transferred to Clackamas Compost Products, Inc. (the new facility operators) in accordance with the provisions of the amended license agreement attached to Ordinance No. 99-796 as Exhibit A.

### **VI. EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of Ordinance No. 99-796.

BM:clk  
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