

 **Metro** | *Memo*

DATE: September 10, 2012

TO: Metro Council President Tom Hughes

FROM: Scott Robinson, Deputy Chief Operating Officer



COPIES: Metro Council

RE: **Notice of Council Option to Review an Amended Solid Waste Facility License for Recology Foster Road Recovery Facility to Accept Residential Yard Debris Mixed with Food Waste for Reloading (Metro Code Section 5.01.067(e))**

The Deputy Chief Operating Officer (DCOO) has reviewed a change of authorization license application submitted by Recology Oregon Material Recovery, Inc. (Recology) to accept residential yard debris mixed with food waste for the purpose of reloading at its existing Foster Road Recovery Facility to an authorized composting facility. Under the Metro Code, the Deputy, on behalf of the COO is required to inform you of the change of authorization because it involves a substantial change in the type of waste received at FRRF and the COO intends to approve the license amendment with conditions, including some unique special conditions for this facility intended to address public comments.

Metro Code section 5.01.067(e) provides that if the COO decides to approve an amendment to an existing solid waste license to allow for a substantial change in the type or quantity of solid waste processed at the facility, the COO shall inform the Council President in writing no fewer than ten days before any such solid waste license application is approved. The DCOO is therefore providing the Council with this notice. Under Code section 5.01.067(e), a majority of the Council must act within ten days (by September 25, 2012) to subject Recology's request to Council review.

The Foster Road facility is currently a Metro licensed material recovery facility located at 6400 SE 101st Avenue, Building 4-A, in Portland (Metro District 6). The facility occupies a 6.2 acre area within a 100-acre industrial site (known as the Freeway Industrial Park). The facility has been operating with a Metro license since 2002. Recology took over ownership in 2009. The applicant is requesting authority to reload residential yard debris mixed with food waste, generated from the city of Portland's residential curbside compost program, for transport to appropriate processing facilities. The applicant does not propose to accept commercial food waste and does not intend to compost at the site (for more detailed information, refer to the attached staff report).

The DCOO is recommending approval of the license amendment with unique special conditions to address public comments and minimize negative impacts on the surrounding community that may be associated with residential food waste reloading. In addition to requirements that the material be received inside a building, on a non-pervious surface, managed on an aerated floor using biofiltration, and a leachate collection system, the significant additional special conditions proposed by the DCOO include:

- Requiring the yard debris mixed with food waste to be moved off site every 24 hours (rather than 48 hours as proposed by Recology and approved by the city of Portland). Additionally, if valid odor issues were to occur as a result of the operation, Metro will retain the option of requiring the residential yard debris mixed with food waste to be removed at the end of each day.
- Yard debris (not mixed with food waste), currently being managed outside, must be managed inside the building, further reducing a potential source of odor.
- The intake building must be completely closed when not in use.
- All receiving areas for yard debris mixed with food waste must be cleaned and rinsed down by the end of each week.
- A community outreach plan must be developed for the facility.

A copy of the staff report is attached which provides more detail on the application, special conditions and public comments. The proposed amended facility license is available upon request.

If the majority of Council wishes to review and consider the application, it should do so by resolution no later than at its regular meeting on September 20, 2012. A draft resolution is available should a councilor decide to introduce it. Please contact the Office of Metro Attorney if you have questions about legal issues or wish to obtain a draft resolution template. Contact Scott Robinson or Roy Brower if you have questions about the facility or would like copies of the draft license.

cc Martha J. Bennett, Chief Operating Officer
 Councilor Rex Burkholder
 Councilor Carlotta Collette
 Councilor Shirley Craddick
 Councilor Kathryn Harrington
 Councilor Carl Hosticka
 Councilor Barbara Roberts

Attachment

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STAFF REPORT

IN CONSIDERATION OF APPROVING A SOLID WASTE FACILITY LICENSE CHANGE OF AUTHORIZATION APPLICATION SUBMITTED BY RECOLOGY OREGON MATERIAL RECOVERY TO RELOAD RESIDENTIAL YARD DEBRIS MIXED WITH FOOD WASTE AT THE EXISTING FOSTER ROAD RECOVERY FACILITY

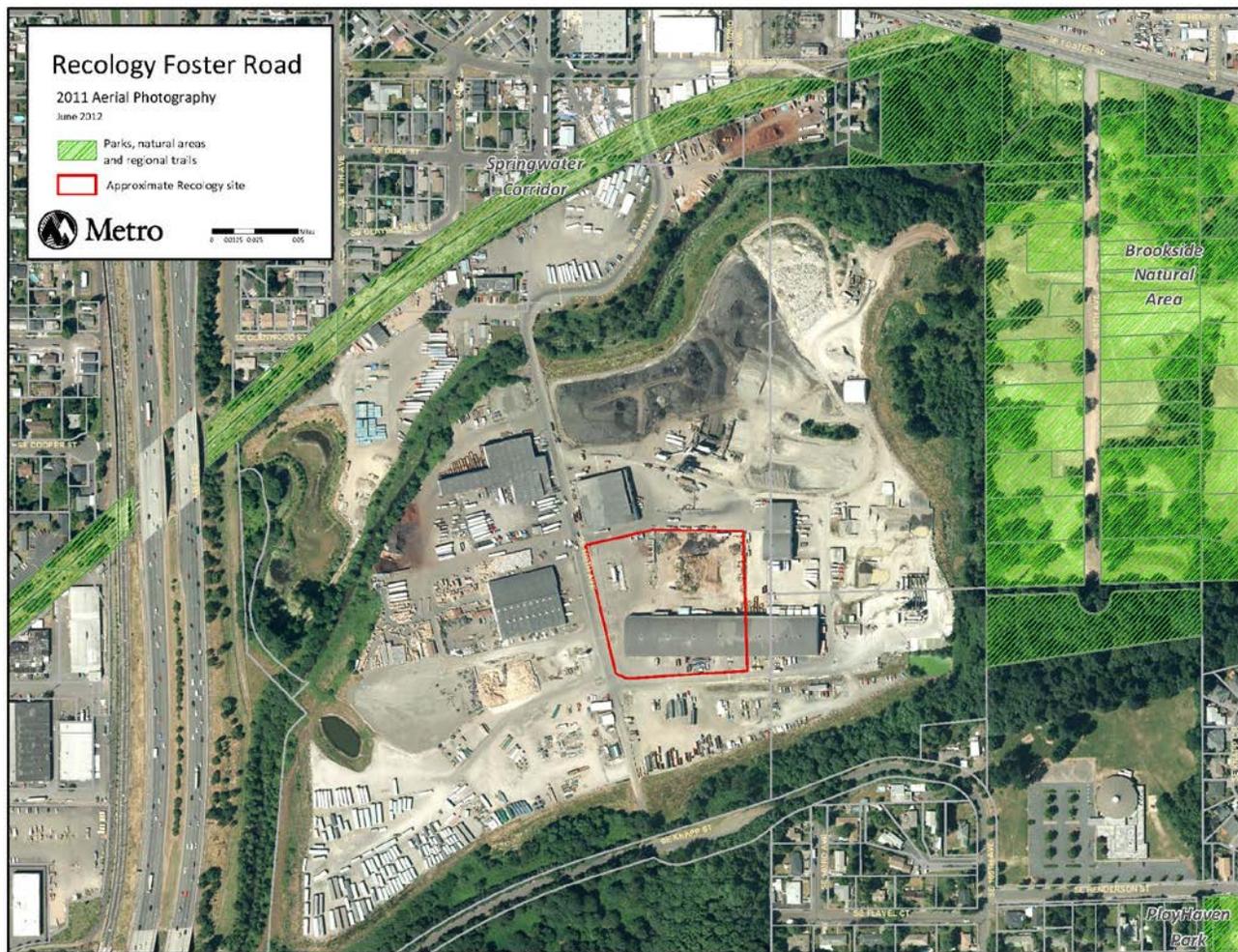
Date: September 10, 2012

Prepared by: Bill Metzler 503-797-1666

BACKGROUND

On January 24, 2012, Recology Oregon Material Recovery (ROMR) submitted an application to amend its existing Solid Waste Facility License No. L-036-09A for the Foster Road Recovery Facility (FRRF) located at 6400 SE 101st Avenue, Building 4-A in Portland (Metro Council District 6). ROMR proposes to establish a reload operation that accepts residential yard debris mixed with food waste (residential food waste), at FRRF. The residential food waste comes mainly from the city of Portland's organics collection program. This report provides information on the applicant's request and recommends that Metro issue an amended license, with special conditions, to FRRF (see page 9 for list of Special Conditions).

The FRRF license amendment application was deemed complete effective June 13, 2012 upon issuance of the Oregon Land Use Board of Appeals (LUBA) final decision and order that affirmed the city of Portland's conditional use decision approving the reloading of residential food waste at FRRF.



Airphoto of the existing Foster Road Recovery Facility at 6400 SE 101st Avenue, Building 4-A in Portland.

Once facility improvements are completed at FRRF, ROMR proposes to deliver the residential yard debris/food waste mix to a Recology owned and operated composting facility located outside the Metro region in the city of Aumsville under a separate Metro Non-System License (NSL) application. ROMR may also seek to obtain NSLs to deliver residential food waste to other authorized composting facilities outside the Metro region.

ROMR currently operates a Metro-licensed material recovery facility and residential food waste reload facility (Suttle Road Recovery Facility) on Suttle Road, in north Portland. ROMR also operates a Metro licensed yard debris reload facility (Oregon City Recovery Facility) in Oregon City, however, this facility is currently inactive. ROMR is owned by Recology, a waste management company headquartered in San Francisco, California, and is also the contract operator for the Metro Central Transfer Station.

Recology owns and operates the following out-of-region composting facilities that are regulated by the DEQ and host local governments:

- Nature's Needs in North Plains, Oregon (currently in a performance trial with Washington County for food waste composting).
- NW Greenlands in Aumsville, Oregon.
- NW Greenlands in McMinnville, Oregon.

FRRF has operated as a Metro-licensed solid waste facility since 2002. On November 2, 2009, Metro approved the transfer of ownership of FRRF (formerly known as Pacific Land Clearing I) and control of the existing license to ROMR. Since 2009, Metro has conducted 26 inspections of FRRF under ROMR ownership, and has not issued any Notices of Violation related to compliance issues. The facility is currently in compliance with Metro's requirements.

ROMR has also owned and operated the Suttle Road Recovery Facility (formerly PLC III) since November 2, 2009. During that time, Metro has issued one Notice of Violation to the facility for failure to perform load checks. This matter has been resolved and the facility is currently in compliance with Metro's requirements.

Metro regulatory oversight of solid waste facilities in the region

Metro is responsible for managing the regional solid waste system to ensure that it is maintained in a sustainable, economically healthy, and environmentally sound manner. In that regard, Metro is responsible for authorizing, monitoring and regulating the operations of private solid waste facilities like FRRF, and ensuring that such facilities meet applicable regulatory, operational, environmental, contractual, and financial requirements.

Metro's regulatory oversight of the solid waste system consists primarily of monitoring private solid waste operations and enforcing compliance with the Metro Code, administrative procedures, performance standards, Metro-granted authorizations (i.e. licenses and franchises), and flow control instruments (i.e. non-system licenses and designated facility agreements). Metro's regulatory program conducts periodic facility inspections of FRRF. Metro conducts at least eight inspections a year at FRRF, and more frequent inspections as needed. Metro inspectors ensure that the region's solid waste facilities comply with the Code and other applicable standards.

Metro inspectors document their field observations, compliance findings, and other pertinent site information. In the event that violations are discovered during an inspection, the circumstances related to the discovery of the violation, nature of the violation and any other pertinent information are documented in the Inspection Report in order to support an enforcement action if necessary. Metro may initiate enforcement actions in response to violations of the Code or Metro-granted authorizations including assessment of penalties. In cases where violations of local, state, or federal laws are identified, the Metro staff coordinates with the appropriate regulatory agency for further investigation and follow-up. In addition, Metro has provided support to the Lents area through its illegal disposal cleanup program by cleaning up over 388 illegal dumpsites in the area since 2010, including assisting the city of Portland in cleaning up two major tire dumps in the east Lents floodway area (Brookside Natural Area) in 2012.

History of City of Portland Land Use Approval

According to the city of Portland, the property on which FRRF is located is zoned Heavy Industrial (IH) and General Employment (EG2) which allows a mix of uses with a strong industrial orientation. The city of Portland required a Type III Conditional Use Review because food waste reloading is classified as a Waste-Related use. The following is a summary of the land use review and approval process related to FRRF's conditional use review:

- On April 27, 2011, the city of Portland's Hearings Officer issued a written decision approving the conditional use review and adjustment.
- On May 12, 2011, Cottonwood Capital Property Management, LLC, Frank Fleck and Gary Gossett filed an appeal of the Hearings Officer's decision to the Portland City Council.
- On December 6, 2011 the Portland City Council upheld the Hearings Officer's decision with conditions (**Attachment 1**).
- On December 20, 2011, Cottonwood Capital Property Management, LLC, Frank Fleck and Gary Gossett appealed the decision of the Portland City Council to the Oregon Land Use Board of Appeals (LUBA).
- On June 13, 2012, LUBA issued a final opinion and order that affirmed the City of Portland's decision (**Attachment 2**).

History of Metro License Change of Authorization Application

On May 6, 2011, Metro received an initial application from ROMR requesting authorization to accept and reload source-separated commercial food waste, and source-separated residential food waste mixed with yard debris at the FRRF. The application was not initially accompanied by a Land Use Compatibility Statement (LUCS) from the city of Portland and could not be processed by Metro because the application was incomplete.

On January 24, 2012, Metro received a revised license change of authorization application from ROMR requesting authorization to accept and reload residential food waste at FRRF. However, the application could not be processed until a final decision was made by LUBA. The FRRF license application was deemed complete by Metro on June 13, 2012 upon issuance of the LUBA final decision and order that affirmed the city of Portland's conditional use decision.

The City of Portland Residential Curbside Compost Program (known as Portland Composts!)

ROMR submitted the license change of authorization application to Metro in response to a new residential food waste collection program developed by the city of Portland. On August 17, 2011, the Portland City Council passed Ordinance Number 184821, which provides, among other things, for the implementation of a city-wide residential compost program. Under this program, Portland residents can combine food scraps with yard debris for weekly curbside collection. Beginning October 31, 2011, the effective date of the City ordinance, Metro considered all compostable organic materials collected through the Portland residential compost program to contain food waste and these materials could only be delivered to facilities that are authorized by Metro to accept food waste.

Currently there are six facilities inside the Metro region that are authorized to accept and reload residential food waste to authorized processing facilities:

- 1) Metro South (Oregon City)
- 2) Metro Central (Portland)
- 3) WRI (Wilsonville)
- 4) Pride Recycling (Sherwood)
- 5) Troutdale Transfer Station (Troutdale)
- 6) Suttle Road Recovery Facility (Portland)

Approval of this license amendment application will authorize FRRF to accept and reload residential food waste with conditions (see page 9 for list of Special Conditions).

APPLICATION SUMMARY

The FRRF site is located in an area developed with heavy industrial uses and is commonly known as the Freeway Land industrial complex in the Lents neighborhood. The facility occupies a 6.2-acre area within a 100-acre heavy industrial park. There are several other heavy industrial operations there, including an asphalt batch plant, paper recycling operation, wood pallet recycler, cement company and a variety of equipment and rental businesses.



Existing site conditions at the Foster Road Recovery Facility

According to the application, the site would see an increase in roughly 45 new truck trips to/from the site. These trucks would consist of garbage style trucks (approximately 35 trucks) delivering yard debris mixed with food waste and semi-trucks (approximately 10 trucks) hauling away the reloaded yard debris mixed with food waste to an off-site composting facility. The reloading operation will not accept commercial food waste. According to the city of Portland, the amount of food scraps fluctuates seasonally from ten to twenty percent of the total mix when collected with yard debris.

The residential food waste will be delivered to FRRF inside an enclosed building that is designed to mitigate potential odors from delivery, consolidation and reloading activities. Odor controls inside the building will include an in-floor negative aeration system that will collect the air from the pile of residential food waste and route it to a biofilter designed to neutralize malodors. Any liquid waste (i.e. leachate) that may drain from the residential food waste will be collected, contained and transported to an approved off-site facility.

According to the application, the residential food waste is proposed to be reloaded within 48 hours of receipt and transported to an authorized composting facility located outside the Metro region. Metro, however, proposes to shorten the reloading timeframe so that all residential food waste will be reloaded within 24 hours of receipt (see page 9, Special Conditions). No composting will take place at the FRRF site. The facility proposes to accept residential food waste deliveries between the hours of 7 a.m. to 5 p.m. Monday through Friday and 8 a.m. to 5 p.m. on Saturdays.

According to the city of Portland Bureau of Transportation, the existing uses at the FRRF site generate 290 trips. In order to minimize the potential for traffic impacts, the city of Portland has limited the number of garbage-type trucks delivering residential food waste to the facility to a maximum of 35 round trips per day. Additionally, the number of outbound truck trips to remove residential food waste from the facility has been limited to 10 trips (or 5 round trips) per day between the hours of 7 a.m. to 6 p.m. Monday through Friday and from 8 a.m. to 6 p.m. on Saturdays.



Intersection at Springwater Corridor Trail and SE 101st

The road into the facility (SE 101st) crosses the Springwater Corridor Trail, which serves as a popular trail for biking, walking, running and other pedestrian uses. However, there appears to be adequate signage on the roads and on the trail at the intersection. The overall additional traffic from the reload operation will not significantly add to the traffic load in the area.

If the proposed license amendment is approved by Metro, ROMR will then submit a Non-System License (NSL) application likely requesting authorization to deliver the residential food waste to the NW Greenlands facility in Aumsville, or another authorized food waste composting facility. The ROMR-owned and operated NW Greenlands composting facility located in Aumsville will likely serve as the primary receiving and composting facility.

Odor control

According to the application, the facility design and operating practices will control and manage any malodors from residential yard debris mixed with food waste. All residential food waste will be managed inside the enclosed food waste receiving and reloading building. The application states that odors will be mitigated by the implementation of good housekeeping measures and best management practices. In addition, the receiving area will include an impervious aerated pad, where air will be pulled through the residential food waste pile and vented to a biofilter where malodorous air will be treated to neutralize malodors. All incoming residential food waste will be mixed with yard debris to assist in moisture absorption, which will also reduce odors.

According to the application, the reloading and shipment offsite of incoming residential food waste will be expedited to ensure that materials are not stored onsite longer than necessary (proposed not to exceed 48 hours). Metro, however, proposes to shorten the reloading timeframe so that all residential food waste will be reloaded within 24 hours of receipt and has added other conditions intended to further minimize odor at the facility (see page 9, Special Conditions). Equipment used to load, unload and push food waste and yard debris will be washed on a regular basis. Regular odor monitoring will be conducted by trained staff members in an effort to evaluate the effectiveness of the odor control practices.

Vector prevention and control

According to the application, vectors, such as flies, yellow jackets, rodents and birds will be minimized by implementing good housekeeping procedures, and expediting the reloading and shipment offsite of incoming residential food waste. Although the application states that the residential food waste is proposed to be reloaded within 48 hours of receipt and transported to an authorized composting facility, the ROMR application also states that it does not anticipate incoming materials remaining onsite for any period longer than 24 hours. In the event of organics remaining onsite for more than 24 hours (such as over a weekend), ROMR proposes that organics would be covered by ground up yard debris or loaded into the semi-trailer used for transporting the material offsite to an authorized composting facility. Metro, however, proposes to shorten the reloading timeframe so that all residential food waste will be reloaded within 24 hours of receipt. Recology proposes to tarp the trailer and park it within the building, thereby eliminating any accessible food source for vectors. Additionally, ROMR states that they will maintain a contract with an independent pest control company to ensure that vectors do not become a problem.

METRO CODE CRITERIA

FRRF is an existing Metro licensed material recovery facility seeking a change of authorization to accept and reload residential food waste. Metro Code Section 5.01.045(a) (4) requires a reload facility to have a Metro solid waste facility license.

Metro Code Section 5.01.095(a) requires that a person holding a license to submit an application pursuant to Section 5.01.060 when seeking authorization to: (1) accept wastes other than those authorized by the applicant's license, or (2) perform activities other than those authorized by the applicant's license, or (3) modify other limiting conditions of the applicant's license.

Metro Code Section 5.01.095(b) requires applications for a change of authorization or limits to be filed on forms or in the format provided by the Chief Operating Officer.

Metro Code Section 5.01.060 provides:

(a) Applications for a Franchise or License or for renewal of an existing Franchise or License shall be filed on forms or in the format provided by the Chief Operating Officer.

The application was filed on forms and in the format provided by the Chief Operating Officer and was accompanied by the required application fee of \$100.

(b) In addition to any information required on the forms or in the format provided by the Chief Operating Officer, all applications shall include a description of the Activities proposed to be conducted and a description of Wastes sought to be accepted.

The application contains a description of the activities to be conducted and a description of waste sought to be accepted. In addition, the application contains the proposed reconfigured site plan and a preliminary operating plan. The final operating plan will be reviewed and approved or modified by Metro prior to accepting residential food waste.

(c) In addition to the information required on the forms or in the format provided by the Chief Operating Officer, applications for a License or Franchise shall include the following information to the Chief Operating Officer:

(1) Proof that the applicant can obtain the types of insurance specified by the Chief Operating Officer during the term of the License.

The applicant has provided proof that it has obtained the required insurance.

(2) A duplicate copy of all applications for necessary DEQ permits and any other information required by or submitted to DEQ.

The applicant has submitted a duplicate copy of its DEQ permit application. The DEQ will issue a draft permit for public review and comment, and likely hold a public hearing in October 2012 (if a hearing is determined to be necessary). Based on public comments received, the DEQ will then make a decision on issuance of a revised solid waste permit sometime in October or November 2012.

(3) A duplicate copy of any closure plan required to be submitted to DEQ, or if DEQ does not require a closure plan, a closure document describing closure protocol for the solid waste facility at any point in its active life.

The DEQ does not require that the facility submit a closure plan, therefore the applicant included a closure plan for all on-site activities (material recovery and food waste reloading) with its Metro license application. The cost to implement the closure plan was estimated to be \$5,740.

(4) A duplicate copy of any documents required to be submitted to DEQ demonstrating financial assurance for the costs of Closure, or if DEQ does not require such documents or does not intend to issue a permit to such facility, the applicant must demonstrate financial assurance or submit a proposal for providing financial assurance prior to the commencement of Metro-regulated activities for the costs of Closure of the facility. The proposal shall include an estimate of the cost to implement the Closure plan required in Section 5.01.060(c) (3). If an application is approved, the license or

franchise shall require that financial assurance is in place prior to beginning any activities authorized by the license or franchise. However, regarding applications for licenses, if DEQ does not issue a permit or require such financial assurance documents, then the Chief Operating Officer may waive this requirement if the applicant provides written documentation demonstrating that the cost to implement the Closure plan required in Section 5.01.060(e)(3) will be less than \$10,000.

The DEQ does not require proof of financial assurance for this facility. The applicant provided documentation that the cost to implement a closure plan would be \$5,740. In accordance with Metro Code Section 5.01.060(c)(3), FRRF has requested that the Chief Operating Officer waive the financial assurance requirement since the cost to implement the closure plan will be less than \$10,000.

(5) *Signed consent by the owner(s) of the property to the proposed use of the property.*

The property is owned by Jameson Partners LLC, dba Freeway Land II and has submitted a signed Property Use Consent form approving the use on the subject property on which the facility is located. ROMR is the leasee at the Freeway Land Business Complex.

(6) *Proof that the applicant has received proper land use approval.*

Proof of land use approval has been provided in the form of a DEQ Land Use Compatibility Statement (LUCS), signed by a planner at the city of Portland. The LUCS states that the proposed activity is allowed as a Conditional Use and is accompanied by an approval of a conditional use and an adjustment adopted by the City of Portland (LU 10-194818 CU AD) on December 6, 2011 and upheld on appeal to LUBA on June 13, 2012.

(7) *Identify any other known or anticipated permits required from any other governmental agency.*

The applicant must obtain an amended solid waste facility permit from the DEQ and building permits from the City of Portland. The applicant has obtained a storm water permit from the DEQ.

PUBLIC NOTICE AND OPPORTUNITY TO COMMENT

Metro Public Notice

On June 29, 2012, in accordance with Metro Code section 5.01.067(c), prior to determining whether to approve or deny the application, the Chief Operating Officer provided public notice and the opportunity for the public to provide written comment on the application. The public notice was sent to 480 surrounding property owners around the facility. The nearest residential area is located about 600 feet south of the facility. The public notice was also sent to the Metro solid waste interested parties, the Lents Neighborhood Association, Green Lents, the Lents Good Neighbor Agreement Development Team, the Lents Urban Renewal Advisory Committee, the Springwater Trail Preservation Society, the Johnson Creek Watershed Council, and was posted to Metro's web site.

The public comment period ended on July 30, 2012. A total of fifteen (15) written comments were submitted to Metro. All commenters expressed opposition to or concern about potential odors, nuisance, vector, traffic and perceived negative impact on living conditions and property values (**Attachment 3**). However, no new issues have been raised that were not raised during the city of Portland's land use hearing process.

It is important to note that Metro received two additional comments outside of the public comment period (one before and one after) that are related to whether Metro would collect community enhancement fees at

FRRF to support the local community. Under current Metro Code, however, the application of community enhancement fees is currently limited by the facility type. Metro has applied community enhancement fees in conjunction with certain regional transfer facilities energy recovery sites. Private local transfer and reload facilities are not currently subject to this type of fee under the Metro Code. Community enhancement fees will not be initially applied to FRRF at this time. However, it does not preclude application of this type of fee in the future. In order to provide better clarity for the Metro Council and citizens, staff will be engaging Council in a reexamination of the Metro Code, policy and practices related to application of community enhancement fees.

SPECIAL CONDITIONS INCLUDED IN THE LICENSE

In addition to standard provisions contained in similar solid waste facility licenses that address the full range of operating requirements, recordkeeping and enforcement provisions, Metro staff recommends that the proposed license contain several additional unique special conditions. The following special conditions help address the concerns expressed during the public comment period about the unique characteristics of the proposed food waste reloading operation specifically related to odor management and vector prevention, and will help minimize potential adverse impacts on nearby residential areas and businesses.

Completion of facility construction in accordance with approved design (Section 3.0 of the License).

This section of the license includes provisions that stipulate that the Licensee may not accept any residential food waste at the food waste facility until Metro has certified that the food waste facility construction is complete according to plans submitted by the applicant and approved by the DEQ, Metro and the city of Portland.

Acceptance and management of source-separated residential food waste (Section 4.4 of the license).

The amendments in this section stipulate the type of food waste that the licensee may accept for reloading at the facility. This will ensure that only residential food waste will be delivered and reloaded at the facility and *not* commercial food waste from businesses, restaurants, and grocery stores.

The following are special conditions included in Section 4.4 of the license to provide additional assurance that food waste will be reloaded rapidly, and that the receiving and reloading areas will be cleaned and maintained on a regular schedule:

- Receive, manage, store, and reload all food waste on an impervious surface and inside a roofed building that can be enclosed on at least three sides.
- Keep the building enclosed on all four sides when not receiving or outloading loads of residential food waste.
- All food waste must be reloaded and transported off-site to a Metro authorized facility within 24-hours of receipt, or sooner. Metro retains the option to require removal of material by the end of the day if valid odor complaints are found to be originating from the facility based on a Metro investigation.
- The food waste receiving areas, push walls, adjacent truck receiving bays and equipment that come into contact with residential food waste must be cleaned at least once each week (each Friday), or more frequently as established in the operating plan.
- The floor drains for collecting food waste leachate and water along the food waste receiving and reloading area must be cleaned at least once each week and by end of the week (each Friday), or more frequently as established in the operating plan.

- The aeration system and biofilter in the food waste receiving area must be maintained, operated and in proper working order at all times when residential food waste is present inside the building.
- The leachate collection and storage system must be cleaned, maintained and in proper working order at all times when residential food waste is present inside the building, as established in the operating plan.

Odor (Section 6.8 of the license). This section has been amended to explicitly allow Metro to make a determination that if the Licensee's odor management procedures (as required in an operating plan) are inadequate for preventing the detection of off-site malodors from the food waste activities, the Licensee shall be required to implement additional odor control measures that may include, but are not limited to:

- Design and installation of an alternative "whole building" negative ventilation system for the entire receiving and reloading building so that any malodorous air can be quickly vented through a biofilter specifically designed and constructed to remove such odors.
- All food waste must be reloaded and transported off-site to a Metro authorized facility by the close of each business day or by 6 p.m., whichever is earlier.
- All yard debris must be managed and stored inside the enclosed building that houses the residential food waste (Section 4.8 of the license).

Vectors (Section 6.9 of the license). Due to the proximity of the facility to the Brookside Natural Area, the amendments in this section require that the licensee focus on vector prevention measures for food waste management as provided in Section 4.4. If vector control measures are necessary, the facility and its contractors shall ensure that methods are utilized that will not harm or have adverse impacts on wildlife in the adjacent natural areas.

Contingency plan for food waste processing (Section 7.6.6 of the license). Amendments to this section require that the licensee develop a contingency plan for delivering the food waste to a transfer station if the licensee is unable to deliver the food waste to a Metro authorized composting facility.

Community outreach plan (Section 7.14 of the license). Provisions in this section require the licensee to develop and implement a community outreach plan as part of the operating plan. The community outreach plan must describe, at a minimum, how the licensee will hear and respond to local community concerns regarding the facility operations. The licensee is required to provide an annual report to Metro on the plan implementation activities. Metro will retain its legal authority to enforce the license conditions and Metro Code requirements independent of the community outreach plan.

BUDGET IMPACTS

The residential food waste mixed with yard debris that will be accepted under authority of this license is exempt from paying the regional system fee and excise tax. The overall impact of the city of Portland's food waste composting program has already been factored into Metro's budget.

However, the residential yard debris mixed with food waste that will be delivered to FRRF in FY 2012-13 will most likely be tonnage diverted away from either Metro Central Transfer Station or Metro South Transfer Station. This tonnage shift may cause a small increase in the per-ton cost of disposal for Metro's customers mainly because Metro's fixed operating costs will be spread over fewer tons. The impact of the tonnage shift away from Metro's transfer station to FRRF would decrease the Parks and Environmental Services budget in the future because Metro would no longer incur the cost of transferring, transporting, and composting the residential compostable materials diverted to FRRF. The impact of the diverted tons will be fully factored into the budget and rates for FY 2013-14.

RECOMMENDED ACTION

Approving the amended license for FRRF will assist in the implementation of the city of Portland's residential food waste compost program (Portland Composts!) and Metro's organics recovery program. Staff recommends granting an amended Solid Waste Facility License to FRRF for the purpose of accepting and reloading residential food waste from the city of Portland curbside compost program. The facility is subject to the terms and conditions incorporated into the attached license document, which will minimize the impact of the facility on nearby residences, business and natural areas.

LIST OF ATTACHMENTS TO STAFF REPORT

Attachment 1 – Portland City Council Decision to Affirm Conditional Use

Attachment 2 – Final Opinion and Order of LUBA

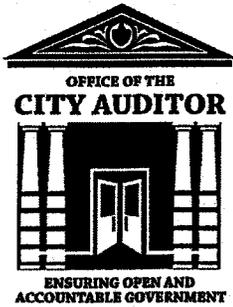
Attachment 3 – Public Comments Received by Metro

BM:

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Attachment 1

Portland City Council Decision to Affirm Conditional Use



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade
1221 S.W. 4th Avenue, Room 140, Portland, Oregon 97204
web: www.portlandonline.com/auditor/
Email: Karla.Moore-Love@portlandoregon.gov
Phone: (503) 823-4086 Fax: (503) 823-4571



NOTICE OF FINAL DECISION

TO: All Interested Persons
DATE: December 6, 2011
RE: LU 10-194818 CU AD

Appeal of Cottonwood Capital Property Management LLC, Frank Fleck and Gary Gossett against Hearings Officer's decision to approve with conditions the application of Recology Oregon Material Recovery, Inc. for a conditional use to establish a waste-related use that accepts and processes food waste that is blended with yard debris, within a fully enclosed building at 6400 SE 101st Avenue (Hearing; LU 10-194818 CU AD)

Enclosed is a copy of the Order of Council on LU 10-194818 CU AD denying the appeal of Cottonwood Capital Property Management LLC, Frank Fleck and Gary Gossett. With this decision, the City Council denies the appeal and affirms the Hearings Officer's decision approving the application of Recology Oregon Material Recovery, Inc. for a conditional use and adjustments, with modified conditions of approval. If you wish to obtain a copy of the City Council's findings and conclusions, please contact Karla Moore-Love, Council Clerk at (503) 823-4086 or by email at: Karla.Moore-Love@portlandoregon.gov

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. The Board's address is: Public Utility Commission Building, 550 Capitol Street NE, Suite 235, Salem, OR 97310-2552. You may call the Land Use Board of Appeals at 1-503-373-1265 for further information on filing an appeal.

Encl.

**ORDER OF COUNCIL ON APPEAL OF
COTTONWOOD CAPITAL PROPERTY MANAGEMENT LLC, FRANK FLECK AND GARY
GOSSETT AGAINST HEARINGS OFFICER'S DECISION TO APPROVE WITH CONDITIONS
THE APPLICATION OF RECOLOGY OREGON MATERIAL RECOVERY, INC. FOR A
CONDITIONAL USE TO ESTABLISH A WASTE-RELATED USE THAT ACCEPTS AND
PROCESSES FOOD WASTE THAT IS BLENDED WITH YARD DEBRIS, WITHIN A FULLY
ENCLOSED BUILDING AT 6400 SE 101ST AVENUE (HEARING; LU 10-194818 CU AD)**

Applicant: Dave Dutra
Recology Oregon Material Recovery, Inc.
4044 N Suttle Road
Portland, OR 97217

Recology Oregon Material Recovery, Inc.
50 California Street 24th Floor
San Francisco, CA 94111

**Applicant's
Representatives:** Michael Robinson, Attorney
Perkins Coie LLP
1120 NW Couch Street, 10th Floor
Portland, OR 97209-4128

Steve Gramm, Engineering Consultant
PBS Environmental
1310 Main Street
Vancouver, WA 98660

Appellants: Cottonwood Capital Property Management, LLC,
Frank Fleck and Gary Gossett
c/o Kell, Alterman & Runstein LLP
520 SW Yamhill Street, Suite 600
Portland, OR 97204

Owner: Kevin Loftus
Jameson Partners LLC
2495 NW Nicolai Street
Portland, OR 97210

Site Address: 6400 SE 101st Avenue

Legal Description: BLOCK 4 INC PT VAC STS LOT 1-10 LAND & IMPS SEE R624825 (R022400261)
MACH & EQUIP, AMBOY; BLOCK 11 TL 6500 SPLIT MAP R215713 (R551002240), MCKINLEY PK;
BLOCK 11&12 TL 5100 SPLIT MAP R215712 (R551002230), MCKINLEY PK; TL 100 70.21 ACRES
LAND & IMPS SEE R606684 (R992222591) MACH & EQUIP SPLIT MAP R336871 (R992222590),
SECTION 21 1S 2E; TL 3200 19.55 ACRES, SECTION 22 1S 2E; TL 100 7.58 ACRES SPLIT MAP
R336673 (R992211480), SECTION 22 1S 2E, SECTION 21 1S 2E, TL 400 6.21 ACRES

Plan District: Johnson Creek Basin

Land Use Review: Type III, CU AD, Conditional Use Review and Adjustment Review

Procedure: Type III public hearing before the Hearings Officer, appealed to the City Council.

Proposal: Recology proposes to accept mixed residential yard debris/food waste at a 6.2 acres lease area (the "Subject Property") within an approximately 100 acres site (the "Site") for recycling. Currently landscape materials and wood debris, as well as building materials and other dry, non-perishable materials, are accepted at the Subject Property for recycling. The mixed yard debris/food waste will be delivered to the Subject Property via garbage collection trucks; approximately 35 total garbage trucks per day in and out of the Subject Property. Landscape material and other dry non-perishable materials will continue to be accepted from private self-haulers and the general public.

The mixed yard debris/food waste material, from residential sources, will be unloaded inside the existing large industrial building. Inside the building, the material will be sorted and mixed with additional yard and other wood waste materials that are accepted at the Subject Property. The compostable material will be loaded onto semi-trucks for shipment to an off-site composting facility. The mixed residential yard debris/food waste will be stored inside the building for no more than a 48-hour period before it is hauled to another site.

Recology intends to install a biofilter aeration system to control odors inside the building. Also inside the building, Recology proposes to install a drain system to collect and contain liquids (leachate) from the food waste materials. The leachate will be transported off-site. The facility will also include a 3,000 square foot exterior area for retail sales of exterior landscape-type materials such as compost, soil, mulch and gravel. The facility will accept food waste deliveries only between the hours of 7 a.m. to 5 p.m., Monday through Friday, and 8 a.m. to 5 p.m. on Saturday.. No new exterior improvements or alterations are proposed at the Subject Property.

A Type III Conditional Use Review is required because food waste recycling is classified as a Waste-Related use. An Adjustment Review is needed to vary from an applicable development standard. Specifically, an adjustment is requested to waive the requirement that vehicle access to the Site and Subject Property be provided from a designated Major City Traffic Street. Access to the facility is from SE Foster onto a private street, vacated SE 100th Avenue.

The appeal hearing before the City Council was opened in the Council Chambers, 1221 SW 4th Avenue on July 13, 2011 at approximately 3:15 p.m. At the conclusion of the public hearing and after hearing public testimony, Council continued the hearing to August 31, 2011 at 2:00 p.m. On August 31, 2011 at approximately 2:00 p.m. Council convened to reschedule the hearing to September 8, 2011 at 2:00 p.m. On September 8, 2011 at approximately 2:00 p.m., Council convened to continue the hearing to October 5, 2011 at 2:00 p.m. On October 5, 2011 at approximately 2:00 p.m., Council convened for deliberation and voted 4-1 to tentatively deny the appeal of Cottonwood Capital Property Management LLC, Frank Fleck and Gary Gossett and uphold the Hearings Officer's decision with conditions, including additional modifications of approval. Council directed findings be prepared for November 2, 2011 at 11:00 a.m. On November 2, 2011 at approximately 11:00 a.m., Council convened to reschedule the hearing to November 16, 2011 at 10:00 a.m. On November 16, 2011 at approximately 10:00 a.m. Council convened to reschedule the hearing to November 30, 2011 at 10:45 a.m. On November 30, 2011 at approximately 10:45 a.m. Council voted 4-1 to

deny the appeal of Cottonwood Capital Property Management LLC, Frank Fleck and Gary Gossett and uphold the Hearings Officer's decision with conditions, including additional modifications of approval and adopted findings and conclusions.

DECISION

Based on evidence in the record and adoption of the Council's Findings and Decision in Case File LU 10-194818 CU AD and by this reference made a part of this Order, **it is the decision of the City Council to deny the appeal of Cottonwood Capital Property Management LLC, Frank Fleck and Gary Gossett. With this decision, the City Council affirms the Hearings Officer's decision approving the application of Recology Oregon Material Recovery, Inc. for a conditional use with adjustments and modifies the Hearings Officer's Conditions specifically, the Council:**

Approves a Conditional Use to establish a Waste-Related use that accepts and processes food waste that is blended with yard debris, within a fully-enclosed building, as described in Exhibits A.1 through A.6, and

Approves an Adjustment to waive the Waste-Related location and access requirements (Section 33.254.030) to allow access onto the facility from a private driveway (vacated SE 100th Avenue), subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 10-194818 CU AD." All requirements must be graphically represented on the required plans and must be labeled "REQUIRED."
- B. Two signs, which identify the food waste recycling operation, must be installed on entrance gates to the facility. The signs must include 24-hour emergency contact information.
- C. An aeration and biofilter system must be installed to negate food waste odors.
- D. An internal drain and containment system must be installed to collect the liquid waste (leachate) inside the food waste processing building. The leachate must be taken to an off-site location for disposal.
- E. Prior to obtaining occupancy approval from the Bureau of Development Services, Recology must revise the Nuisance Mitigation Plan (*identified as Exhibit H in the Recology July 27, 2011 submittal to Council*) to address the control of flies and yellow jackets and submit the revised plan to the Bureau of Development Services.
- F. Prior to obtaining occupancy approval from the Bureau of Development Services, Recology must meet in good faith with the Lents Neighborhood Association for the purpose of reaching agreement on a Good Neighbor Agreement. "Good faith" shall include at a minimum scheduling and being available to meet with the Association for a minimum of 3 dates before opening of the facility, within a 3-month time period from the effective date of this decision. Facilitation shall be provided through the Office of Neighborhood Involvement or a facilitator acceptable to both parties provided by Recology. A report with a list of persons who attended the meetings, comments from both sides and any participant or observer wishing to comment on the process and outcome, and documentation of any Agreement shall be submitted to the Bureau of Development Services, the Office of Neighborhood Involvement, and City

Council offices prior to commencing use of the building for food waste processing. The Good Neighbor Agreement discussions could include potential mitigation for possible impacts on neighborhood livability.

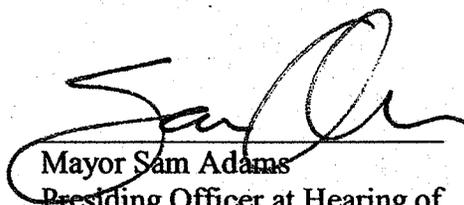
- G. The Recology (or any successor in interest) facility may only be used to process Residential Source food wastes. No Commercial Source food waste is permitted.
- H. Organics containing food waste shall be removed from the Subject Property and Site within forty-eight (48) hours of delivery to the Subject Property.
- I. Recology (or any successor in interest) will accept food waste deliveries/deposits only between the hours of 7 am to 5 pm Monday through Friday and 8 am to 5 pm on Saturdays.
- J. Recology (or any successor in interest) will limit the number of garbage hauler trucks delivering food waste to the facility, to a maximum of 35 round trips per day.
- K. Recology (or any successor in interest) will limit the number of truck trips to and from the site per day, for the purpose of removing food waste from the site to 10 trips (or 5 round trips) per day. Recology (or any successor in interest) will transport the blended food waste from the site only between the hours of 7 am to 6 pm, Monday through Friday and 8 am to 6 pm on Saturdays.
- L. All public information, including Internet and marketing information, must include a directional map that identifies the Recology facility within the larger 100-acre industrial site and identifies the site's entrance at SE 101st and SE Foster Boulevard.
- M. Recology (or any successor in interest) trucks and any associated businesses, including commercial haulers, must be instructed to use only the SE Foster and SE 101st Avenue access; access to/from the Subject Property via SE Knapp shall not be permitted (excepting for emergency response vehicles).
- N. Recology (or any successor in interest) must document all nuisance complaints that are received, including but not limited to: litter, noise, odors, dust, traffic and vectors. For every nuisance complaint received, the facility will record, in a complaint log, the following information:
- The nature of the complaint; and
 - The date and time the complaint was received; and
 - The name, address and telephone number (if provided) of the person or persons making the complaint; and
 - The Recology (or any successor in interest) employee who received the complaint; and
 - Any actions taken by Recology (or any successor in interest) employee(s) to resolve the complaint.

A record of all complaints and action taken must be maintained at the facility for a minimum of one (1) year. Annually, and upon request, a copy of the complaint log must be delivered by mail to the Lents Neighborhood Association Chairperson (per Office of Neighborhood Involvement website information), the East Portland Neighborhood Office and to the BDS Code Compliance Division. Recology (or any successor in interest) will provide Department of Environmental Quality Solid Waste representatives, Metro Solid Waste representatives, and the Bureau of Development Services access to review the complaint log and other required logs, records and reports.

- O. Recology (or any successor in interest) will allow unscheduled/unannounced visits into the facility by the Department of Environmental Quality Solid Waste representatives, Metro Solid Waste representatives, and City of Portland code inspectors.
- P. Confirmed violations of Title 33 odor standards (33.262.070) shall be subject to Bureau of Development Services code enforcement policies.
- Q. Between the hours of 7 am and 10 pm, Recology (or any successor in interest) shall operate in compliance with the City's Noise Control Title 18. Before Recology (or any successor in interest) may conduct the processing, sorting, grinding and cleaning operations during nighttime hours 10 pm to 7 am, they must submit to the City of Portland Noise Control Officer and the Bureau of Development Services Code Compliance Division, additional noise analysis from a licensed engineer demonstrating compliance with Title 18, specifically pertaining to reduced sound levels applicable between 10 pm and 7 am. BDS verification of violations of Title 18 shall be subject to immediate issuance of Noise Citation civil penalties.
- R. Recology (or any successor in interest) must remove all food-waste materials and collected leachate from the site prior to flooding. The site may not accept food waste until the City of Portland determines that the Johnson Creek high-water level has dropped below flood stage at the Recology facility location.

IT IS SO ORDERED:

DEC 06 2011
Date


Mayor Sam Adams
Presiding Officer at Hearing of
November 30, 2011
9:30 a.m. Session

Attachment 2

Final Opinion and Order of LUBA

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BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

COTTONWOOD CAPITAL PROPERTY
MANAGEMENT, LLC, FRANK FLECK,
and GARRY GOSSETT,
Petitioners,

vs.

CITY OF PORTLAND,
Respondent,

and

RECOLOGY OREGON MATERIAL
RECOVERY, INC.,
Intervenor-Respondent.

LUBA No. 2011-120

FINAL OPINION
AND ORDER

Appeal from City of Portland.

Lee Davis Kell, Portland, filed the petition for review and argued on behalf of petitioners. With him on the brief was Thomas Rask, III and Kell Alterman and Runstein LLP.

Kathryn S. Beaumont, Senior Deputy City Attorney, and Linly F. Rees, Deputy City Attorney, Portland, filed a joint response brief and Linly F. Rees argued on behalf of respondent.

Michael C. Robinson, Portland, filed a joint response brief and argued on behalf of intervenor-respondent. With him on the brief were Seth J. King and Perkins Coie.

RYAN Board Member; BASSHAM, Board Chair; HOLSTUN, Board Member, participated in the decision.

AFFIRMED

6/13/2012

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

NATURE OF THE DECISION

Petitioners appeal a city council decision granting (1) a conditional use permit to allow food waste to be accepted at an existing material recovery facility, and (2) an adjustment to vehicle access standards that apply to the conditional use permit application.

MOTION TO INTERVENE

Recology Oregon Material Recovery Inc, the applicant below, moves to intervene on the side of respondent. There is no opposition to the motion and it is granted.

FACTS

Intervenor leases the subject 6.2 acre property located at 6400 S.E. 101st Avenue, roughly in the middle of an existing approximately 100-acre industrial park that is zoned Heavy Industrial (IH). Interstate-205 is located adjacent to the industrial park on the west, and S.E. Foster Road intersects S.E. 101st Avenue approximately one-half mile to the north of the industrial park. A tree buffer surrounds the entire industrial park, and residential uses are located south of the subject property, south of S.E. Knapp Street.

Intervenor operates an existing transfer facility that currently accepts non-food waste, including yard debris and construction debris. Intervenor applied for a conditional use permit to allow the existing facility to accept mixed food waste and yard debris for recycling and transfer to an off-site composting facility. No composting is proposed to occur at the site. The hearings officer approved the application for the conditional use permit and the adjustment, and petitioners appealed the decision to the city council. The city council approved the applications, and this appeal followed.

FIRST THROUGH THIRD ASSIGNMENTS OF ERROR

A. Introduction

Portland City Code (PCC) 33.815.220 sets out the approval criteria for a conditional use permit for waste related uses. One of those approval criteria, PCC 33.815.220(C),

1 provides that the city must find that “[t]here will be no significant health or safety risk to
2 nearby uses” from the proposed use. A second approval criterion, PCC 33.815.220(G),
3 requires the city to find that “[t]he proposal complies with the regulations of Chapter 33.254,
4 Mining and Waste Related Uses.” In turn, PCC 33.254.060 requires the applicant to submit a
5 mitigation plan to mitigate any nuisance impacts from the use and an operating plan that
6 documents that the proposed use can comply with operating standards for odor and noise set
7 out in PCC 33.262.070 (Odor) and PCC 33.262.050 (Noise). In their first, second, and third
8 assignments of error, petitioners challenge various aspects of the city’s decision that
9 conclude that PCC 33.815.220(C) and (G) are met, and that the proposed use can comply
10 with the city’s operating standards for odor and noise set out in PCC 33.262.070 and PCC
11 33.262.050. In their second and third assignments of error regarding PCC 33.262.070 and
12 PCC 33.262.050 (odor and noise standards) petitioners largely repeat the arguments they
13 make concerning odor and noise under their first assignment of error regarding the city’s
14 PCC 33.815.220(C) health and safety standard. We therefore combine our discussion of
15 those assignments of error.

16 **B. Odor and Leachate**

17 PCC 33.262.070 provides:

18 “A. Odor standard. Continuous, frequent, or repetitive odors may not be
19 produced. The odor threshold is the point at which an odor may just be
20 detected.

21 “B. Exception. An odor detected for less than 15 minutes per day is
22 exempt.”

23 The application proposes to install a fully enclosed odor control system and a leachate
24 management system that is comprised of an aeration system and biofilters that includes an

1 aerated floor and negative air system.¹ The city council concluded that the proposed system
2 would control odors so that PCC 33.262.070 would be satisfied and that there would be no
3 significant health or safety risks from odors or leachate under PCC 33.815.220(C), and
4 further imposed additional conditions on the proposed use that limit the daily number of
5 garbage trucks and require the removal of mixed yard debris/food waste within 48 hours after
6 it is deposited.

7 In a portion of their first assignment of error, petitioners argue that the city's
8 conclusions that there will be no significant health or safety risks from odor and leachate and
9 that the proposed use can operate within the standard set out in PCC 33.262.070 is not
10 supported by substantial evidence in the record. According to petitioners, the evidence in the
11 record is insufficient to demonstrate that the proposed odor and leachate control systems will
12 work, since intervenor did not design and test a prototype of the systems. Petitioners also

¹ The decision describes the odor control and leachate management systems and the city's findings regarding the applicable approval criteria:

“* * *[T]rucks carrying mixed yard debris/food waste arrive at the Subject Property, drive to the building, back into the building through bay doors and dump the material onto the floor. The concrete floor of the building, at the location where the material is dumped, has channels covered by perforated grating. Furthermore, if mixed yard debris/food waste is not removed the same day as it is delivered, then it * * * will be covered/treated with debris and or hog fuel already located on the Subject Property. Covering the yard debris/food waste will minimize odors escaping from the mixed yard debris/food waste.

“Odors will be controlled, while in the building, with the installation of an aerated floor and negative air system. Specifically, the system entails vent holes being drilled into the floor of the building. A fan will be used to pull the air into the holes, into pipes that then lead to a biofilter. The biofilter is composed of wood chips which are used to scrub the odor. Also, the liquid by-product from the waste material, aka leachate, will be collected and piped into a tank and transported off site.

“ * * * * *

“[T]he collection piping system will be constructed of heavy-duty materials that will prevent leaking. Moreover, the system will be tested to ensure that it operates without leaking. * * * Further, the piping system is enclosed in concrete which would prevent contamination. Therefore, the risk of a leak in the leachate system is quite low and would be immediately apparent, which will prevent impacts to area groundwater and surface water.” Record 25-26, 32.

1 fault the city to failing to impose conditions of approval that petitioners proposed to mitigate
2 any odors.

3 LUBA is authorized to reverse or remand a land use decision if the local government
4 “[m]ade a decision not supported by substantial evidence in the whole record.” ORS
5 197.835(9)(a)(C). In reviewing the decision to determine whether it is supported by
6 substantial evidence in the whole record, LUBA must consider all the evidence in the record
7 that the parties cite and determine whether, based on that evidence, the city’s decision is
8 supported by substantial evidence. *Younger v. City of Portland*, 305 Or 346, 358-60, 752
9 P2d 262 (1988). We have no trouble concluding that the record includes substantial evidence
10 to support the city’s decision. In addition to providing detailed specifications regarding the
11 proposed systems, intervenor introduced a letter from a registered engineer who reviewed the
12 proposed odor and leachate control systems and concluded that the systems would satisfy the
13 applicable approval criteria. Record 356-57. Petitioners point to no evidence in the record
14 that calls into question the evidence that the proposed systems will control odor and leachate
15 generated by the proposed use so that the facility will comply with the applicable approval
16 criteria, and petitioners have not explained why construction and testing of a prototype is
17 essential to verify that the odor control and leachate systems will work in the way they are
18 intended, when the evidence in the record supports a conclusion that they will work in the
19 way they are intended. Finally, petitioners have not explained why the city council’s failure
20 to impose the conditions of approval that petitioners proposed is error.

21 In their second assignment of error, petitioners argue that the city’s findings that the
22 proposed system will meet the operating standard in PCC 33.262.070 are “unlawful in

1 substance.”² The city council adopted findings that the proposed use will operate in
2 compliance with PCC 33.262.070:

3 “The food waste will be confined within a fully-enclosed building.
4 Furthermore, [the applicant] intends to install a biofilter aeration system and
5 will capture the liquid waste from the processing building and remove it off
6 site under Condition D. The condition requires the installation of both
7 systems as identified in the submitted plans. If the biofilter system does not
8 adequately reduce detectable odors, [the applicant] must implement other
9 means of addressing the off-site impacts in order to achieve obgoing
10 compliance with this Zoning Code, DEQ and Metro requirements. See
11 findings under approval criterion 33.815.220(C).” Record 42.³

12 Petitioners maintain that the findings are internally inconsistent and are inconsistent with
13 other findings in the decision. The city and intervenor (respondents) respond that the
14 decision clearly finds that the proposed use will meet the operating standards for odor and
15 that there will be no significant health or safety risks to nearby uses, and that the quoted
16 findings merely state that the proposed use is subject to the ongoing operating standard set
17 out in PCC 33.262.070, and if the proposed system does not function in compliance with that
18 operating standard the applicant must ensure that its use complies with the standard.
19 Accordingly, respondents argue, there is nothing in the challenged findings that allows
20 LUBA to reverse or remand the decision. We agree with respondents.

21 **C. Noise**

22 PCC 33.262.050 provides:

23 “The City noise standards are stated in Title 18, Noise Control. In addition,
24 the Department of Environmental Quality has regulations which apply to

² “Unlawful in substance” is not one of the bases for reversal or remand set out in ORS 197.830, which specifies LUBA’s standard of review. ORS 197.850(9) provides the standard of review that the Court of Appeals employs in reviewing final orders issued by LUBA. ORS 197.850(9)(a) provides in relevant part that the Court shall reverse or remand a LUBA order if it finds “[t]he order to be unlawful in substance or procedure * * *”

³ In the petition for review, petitioners quote findings adopted by the hearings officer that address PCC 33.262.070 that are found at Record 319. The findings that petitioners quote are similar, but not identical, to findings that the city council adopted that are found at Record 42.

1 firms adjacent to or near noise sensitive uses such as dwellings, religious
2 institutions, schools, and hospitals.”

3 Title 18 of the City Code provides that 65 decibels (dba) is the maximum permissible sound
4 level that may be generated from an industrial source and received by a residential use
5 between 7:00 a.m and 10:00 p.m. PCC 18.10.010 (A).

6 Intervenor submitted into the record a noise study prepared by a registered acoustical
7 engineer that concluded that maximum noise from intervenor’s operations would be in the
8 range of 56 to 60 dba at the nearest residence located approximately 550 feet south of the
9 subject property, below the maximum permissible level set out in PCC 18.10.010(A) of 65
10 dba. Record 1259. Based on that noise study, the city concluded that noise from the
11 proposal would not create a significant risk to health or safety of nearby uses and that noise
12 from the operations would meet the operating standard in PCC 33.262.050 and PCC
13 18.10.010(A).

14 In a portion of its first assignment of error, and in its third assignment of error,
15 petitioners argue that the city’s decision is not supported by substantial evidence in the whole
16 record. Petitioners first argue that intervenor’s sound study is flawed because the study does
17 not include data regarding the noise generated by other activities that contribute to the total
18 noise level in the area. In making that argument we understand petitioners to argue that
19 intervenor was required to demonstrate that the cumulative noise level from all noise
20 generating sources within the vicinity of the subject property will not exceed PCC
21 18.10.010’s maximum permissible dba levels.

22 Respondents respond that the applicable approval criteria require intervenor to
23 demonstrate only that noise from its operations will not create a significant health or safety
24 risk to nearby uses, and that the evidence in the record shows that noise from its operations
25 will satisfy the ongoing operating standard at PCC 18.10.010(A). Respondents argue that
26 nothing in the applicable approval criteria require intervenor to demonstrate that total noise
27 from all noise sources will satisfy the applicable criteria. We agree. PCC 33.815.220(G)

1 requires the city to determine that “the proposal” can satisfy the operating standards for
2 mining and waste related uses in PCC 33.252. The word “proposal” suggests that the city did
3 not intend for an applicant to demonstrate that noise from all sources that have off-site
4 impacts to a nearby use must be below the noise threshold set out in PCC 18.10.010(A).
5 Absent any developed argument that other applicable standards, such as the Oregon
6 Department of Environmental Quality (DEQ) standards that PCC 18.10.010(A) refers to,
7 require the city to demonstrate that cumulative noise from all noise generating sources does
8 not exceed a maximum permissible sound level, petitioners’ argument provides no basis for
9 reversal or remand.

10 In their third assignment of error, petitioners also argue that the evidence in the record
11 does not support the city’s conclusion that the operating standard for noise can be met
12 because the sound study is based on assumptions or predictions about future noise from
13 operations. However, petitioners do not explain why a noise study that is based on
14 reasonable assumptions about the noise that will be produced from operations from the
15 property is inherently unreliable. Neither do petitioners challenge the assumptions that the
16 noise study is based on. The noise study is a model of future behavior and events, and absent
17 any argument or evidence that calls into question the assumptions that it is based on, we
18 conclude that it is evidence a reasonable decision maker could rely on to predict the likely
19 noise impacts from operations on the property. *Brockman v. Columbia County*, 62 Or LUBA
20 394, 402 (2011).

21 **D. Stormwater**

22 Finally, in the first assignment of error, petitioners argue that the city’s finding that
23 the proposal does not require a new or modified stormwater permit is not supported by
24 substantial evidence in the record.⁴ During the proceedings before the city council,

⁴ The city found:

1 petitioners argued that the application did not provide enough detail about stormwater
2 permitting for the facility and that the proposal might require a modification to intervenor's
3 existing National Pollutant Discharge Elimination System (NPDES) permit. The city
4 adopted findings in response to those arguments. Petitioners argue that the statement in the
5 findings quoted in n 4, that the city's Bureau of Environmental Services (BES) staff
6 determined that the proposal would not impact Johnson Creek or the stormwater system, is
7 not supported by evidence in the record, because a letter from BES that is in the record
8 instructs the recipient to contact BES to inquire about stormwater impacts. Thus, petitioners

"Because [intervenor] is proposing no new development or exterior changes to the Subject Property, and because of the leachate collection system, BES has determined that the proposal will not impact the existing stormwater system and/or the Johnson Creek resources. Stormwater from impervious surfaces [is] proposed to drain/flow to numerous existing catch basins and eventually drain/flow into a detention pond (located on the West side of the site). To address BES Source Control requirements, the City Council found that a condition is necessary that requires containment and off-site disposal of leachate waste. Condition of Approval D requires an internal drain and containment system.

"The Appellants contended that the application did not satisfy PCC 33.815.220(C) because of possible stormwater impacts. The opponents identified two separate contentions under this heading. First, they asserted that the application did not include sufficient detail regarding stormwater permitting for the facility. The Appellants further contend that the facility may require modifications to the existing NPDES permits for the site.

" * * * * *

"[Intervenor] submitted an Operations Plan that explains that stormwater from the Facility will drain into numerous catch basins before discharging into an existing culvert. Consistent with the Operations Plan, City BES staff determined that the proposal would not impact the stormwater system and/or Johnson Creek resources and thus no new stormwater permits would be required in conjunction with the Facility. The Appellants do not contend that staff erred in reaching this conclusion.

" * * * * *

"The City Council has weighed the argument and evidence submitted by opponents and [intervenor] and finds that stormwater/water pollution will not cause a significant health or safety risk to nearby uses for the reasons stated above. The City Council Finds that this criterion is satisfied. * * *." Record 29-30.

1 argue, there is not substantial evidence in the record to support the city's conclusion that no
2 modified or new NPDES permit is required.

3 Respondents point to ample evidence in the record to support the city's conclusion
4 that there will be no significant health or safety impacts to nearby uses from stormwater on
5 the site, because there will be no stormwater impacts from the proposal. BES concluded that
6 there will be no stormwater impacts from the proposal because all activity authorized under
7 the permit will occur within the existing transfer building, and the leachate will be contained
8 at all times either in pipes or in a containment tank and removed from the site, and surface
9 stormwater will be directed to a detention pond system on the west side of the subject
10 property. Petitioners do not address that evidence or point to any evidence in the record that
11 calls into question that evidence. Accordingly, we agree with respondents that a reasonable
12 decision maker could conclude that there will be no significant risk to health or safety of
13 nearby uses from stormwater on the site.

14 The first, second and third assignments of error are denied.

15 **FOURTH ASSIGNMENT OF ERROR**

16 PCC 33.815.220(I) requires the city to determine that the “[p]ublic benefits of the use
17 outweigh any impacts that cannot be mitigated.” The city found that there are no impacts
18 from the proposed use that cannot be mitigated through conditions of approval.

19 “[T]he potential impacts identified by opponents are addressed by Recology's
20 credible, substantial evidence and representations as to the operation of the
21 Subject Property and, to the extent necessary, mitigated through the conditions
22 of approval imposed in this decision.” Record 46.

23 Referring to their first three assignments of error, petitioners contend in their fourth
24 assignment of error that the city's findings that impacts from odor, noise, leachate, and
25 stormwater from the project will be mitigated are not supported by substantial evidence in the
26 record. However, we do not see anything in the argument presented in support of petitioners'
27 fourth assignment of error that differs from the arguments in support of the first three

1 assignments of error. To the extent petitioners make the same argument in support of their
2 contention that the proposal will have impacts that cannot be mitigated, we reject it here as
3 well.

4 The city also found that the proposal benefits the public in helping implement the
5 city's food composting program:

6 "The opponents argue that there is no 'public benefit' because there are
7 existing transfer facilities with capacity to handle the additional food waste.
8 However, the criterion at issue does not require an alternatives analysis or
9 evidence of 'public need' as suggested by the opponents. Rather, the criterion
10 requires a finding that there will be public benefits of the use that will
11 outweigh any impacts that cannot be mitigated. As described above, the City
12 Council finds that adding a new facility in this particular location will provide
13 public benefit by helping the city to implement its food waste composting
14 program and providing a central location that will reduce the number of truck
15 trips and efficiently sort the organic material." Record 46.

16 In a portion of their fourth assignment of error, we understand petitioners to argue that the
17 city's finding that the proposal satisfies PCC 33.815.220(I) misconstrues that provision and is
18 not supported by substantial evidence in the record. As they argued below, we understand
19 petitioners to argue on appeal that the city is required under PCC 33.815.220(I) to determine
20 whether there is a need for the proposal, and that the evidence in the record demonstrates that
21 the proposal is not necessary in order for the city to implement its composting program
22 because there are existing facilities that have the capacity to accept the food waste. Petition
23 for Review 26-28.

24 The city council's interpretation of PCC 33.815.220(I) is not inconsistent with the
25 express language of the provision, and we therefore affirm that interpretation. ORS
26 197.829(1); *Siporen v. City of Medford*, 349 Or 247, 243 P3d 776 (2010). Accordingly, even
27 if there is evidence in the record that demonstrates that the proposed facility is not needed
28 because there are other facilities that could accept the food waste, that evidence does not
29 undermine the city's conclusion that the public benefits of the proposal outweigh any impacts

1 accessed from a Local Service Traffic Street will “equally or better meet the purpose of”
2 PCC 33.254.030. According to petitioners, such findings cannot be made, because under no
3 circumstances could allowing additional trips to access the property via a Local Service
4 Traffic Street, as compared to requiring that the access be directly from a Major City Traffic
5 Streets, possibly *reduce* the impacts and nuisances from waste related uses on surrounding
6 land uses, or *reduce* transportation impacts from waste-related uses, two of the purposes set
7 out in PCC 33.254.010.

8 Respondents argue that PCC 33.805.040(A) does not require the city to compare the
9 traffic impacts of locating the proposed use at the subject property with the same impacts
10 from locating the use at a different, hypothetical site with direct vehicle access to a Major
11 City Traffic Street. Rather, according to respondents, PCC 33.805.040(A) requires the city to
12 conclude that the proposed access street has the capacity and infrastructure to handle the
13 traffic that will be created by the use and the surrounding street system will be no more
14 adversely affected by the use than if the use was sited with vehicle access to a Major City
15 Traffic Street. Respondents point to a traffic analysis in the record that concludes that S.E.
16 101st Avenue and S.E. Foster Road are expected to be able to handle the additional traffic
17 that the proposed use will generate, and that the intersections of (1) S.E. Foster Road and
18 S.E. 101st Avenue, and (2) S.E. 101st Avenue and the Springwater Trail will continue to
19 operate at Level of Service A even with the additional traffic.⁵ Record 226-27.

20 In *Loprinzi's Gym v. City of Portland*, 56 Or LUBA 358, 366-67 (2008), we noted
21 that “the ‘equally or better’ language in PCC 33.805.040(A) seems to call for some sort of

⁵ That traffic analysis also takes the position that S.E. 101st Avenue is designated in the Transportation Element as a “Truck Access Street.” Policy 6.9(E) provides that “[t]ruck Access Streets are intended to serve as access and circulation routes for delivery of goods and services to neighborhood-serving commercial and employment uses.”

1 comparison,” and we remanded the decision for the city to better explain the purpose of the
2 regulation at issue. In the present appeal, the city council adopted the following findings:

3 “[Portland Bureau of Transportation] PBOT reviewed Recology’s
4 transportation analysis and had no concerns. As outlined in Recology’s
5 response, and summarized above, the proposed new Waste-Related use is not
6 anticipated to have a significant trip generation impact or generate trip types
7 that are inconsistent with the street designations * * *. PBOT agreed with
8 Recology’s traffic studies * * * *that the transportation system is capable of*
9 *supporting the additional traffic that is estimated to be generated by the use.*
10 *S.E. 101st Avenue and SE Foster Road can support the new use from a*
11 *capacity, safety, and access standpoint. PBOT and Recology’s traffic studies*
12 *concluded that the proposed use is not anticipated to have any detrimental*
13 *impacts on the overall safety of the Springwater Trail crossing at SE 101st*
14 *Avenue. The City Council agrees with the Hearings Officer and concurs with*
15 *the conclusions reached by PBOT and Kittleson and finds this approval*
16 *criterion is met.*

17 “* * * * *

18 “* * * The proposed use is located in an existing industrial park area that is
19 already accessed by large trucks. The Hearings’ Officer’s decision to approve
20 the adjustment is consistent with existing access to the site, and this
21 application is appropriate and eligible for an adjustment under the applicable
22 City criteria. * * *” Record 47-48 (Emphasis added.)

23 Notwithstanding our decision in *Loprinzi’s Gym* we do not agree with petitioners that a
24 comparison like the one that they suggest is called for here is the only way the PCC
25 33.805.040(A), “will equally or better meet the purpose of the regulation to be modified”
26 standard can be applied. Again, the purposes of the regulation to be modified are the
27 reduction of impacts and nuisances and reduction of transportation impacts. The PCC
28 33.254.030 Location and Vehicle Access requirement presumably was adopted to meet those
29 purposes by requiring facilities such as the one challenged in this appeal to locate on Major
30 City Traffic Streets, rather than lower functional classification streets such as the Local
31 Service Traffic Street from which access is proposed here. We understand the city council to
32 have found that, if the proposed access street is a street like S.E 101st Avenue, which is
33 apparently a designated Truck Access Street that is intended to carry truck traffic and has

1 ample capacity to carry the expected truck traffic, the reduction of impacts and nuisances and
2 reduction of transportation impacts purposes set out in PCC 33.254.010 are satisfied without
3 requiring application of and compliance with the PCC 33.254.030 Location and Vehicle
4 Access requirement. That interpretation and application of the PCC 33.254.030 requirement,
5 the purposes for that requirement, and the PCC 33.805.040(A) “will equally or better meet
6 the purpose of the regulation to be modified” standard are not reversible under ORS
7 197.829(1) and *Siporen*.

8 The fifth assignment of error is denied.

9 The city’s decision is affirmed.

Attachment 3

Public Comments Received by Metro

From: The Blacks [gpblack@comcast.net]
Sent: Wednesday, July 04, 2012 12:48 PM
To: Bill Metzler
Subject: The coming stink of Lents area

Mr. Metzler, do you live with in 2 miles of this proposed facility? We do & I & my husband are not happy at all of this push over Land use approval!

We have read articles in the Oregonian paper of Recology Company's promises that were not kept & nothing is done about the complaints by neighborhoods.

What do you promise if the stink fills our neighborhoods & takes our house values down? YOU CAN NOT KEEP THE SMELL OF THESE MIXED RECYCLING PRODUCTS IN A BUILDING!!!

The doors will open very frequently to put more products in & haul it out & LET STINK OUT !!! My mixed products STINK out side my door in the closed recycling bin right now & then add thousands more what do think will happen??

What recourse will we have if the odor, is a problem for our neighborhood??

A very worried nearby neighbor.

From: Davide Bricca [mailto:davbricca@yahoo.com]
Sent: Monday, July 30, 2012 1:11 PM
To: Bill Metzler
Subject: STOP Recology at Metro

The fact of the matter is that the Lents site is unnecessary and does not demonstrate a balance of public need versus public good. The convenience for haulers does not outweigh the devastating long-term impacts that the facility will have on the residents of Lents. Residential areas are inappropriate locations for any type of waste management. The city of North Plains OR has already been devastated by foul odors, flock of seagulls dining on scraps, rodents infestation ecc. A composting facility so close to us will DESTROY our neighborhood, just to benefit Recology so that they do not have to drive a few extra miles to get out of town. This is a ridiculous proposition. Recology should have never been able to apply for a composting permit. Their track record as a company is below acceptable. As a company Recology as had problems with every composting facility they own. Have you seen they way the operate the current facility in Lents? Have you seen how dirty, disorganized and unhealthy it is so far? Why would you entrust them with a composting permit, they already struggle with regular recycling in this facility and they would do worse with something harder to handle.

The question you need to ask yourself is would you be happy living a block away from a composting facility? I'm sure your answer is NO, so don't expect us to cooperate with this insanity.

My wife and I moved from Seattle 3 years ago because Portland is known for great living, great transportation and because Portland seems to care more for its citizens. We were trying to make a smart investment in the current economy so we bought a duplex around 97th and Foster. We knew from careful research that our property taxes would be higher at the house we chose versus some others, due to the urban renewal taxes to support bringing back Lents to a desirable, safe, neighborhood. We didn't mind. We trusted the city that they cared about Lents. After all the Pearl had been part of an Urban Renewal and look how it has changed for the better just in 10 years. Also the green Max line was opened right as we were moving in so we were sure that positive strides were being made in this area.

Now this Recology proposal. This is only 3 blocks from my house. As of now the trucks cheat and go thru the neighborhood all day long when they could take Foster all the way to the facility. If no one polices' them now, why would we believe any differently when more trucks are added. Not to mention that my wife and I put everything we have in our first house. We were so careful to pick a property that we would not end up owing more than the house was worth. What Recology will do takes away all our years of planing and saving. It ruins our future. Our house value will go down, its been proven in Oregon and San Francisco and Nevada. This is fact. Given that this proposal has been out for awhile, my wife and I initially were neutral on the issue. We like to do our research and then deceide. Since there

is a similar plant in North Plains Oregon we went one weekend to check it out. I encourage you to do the same. Just walking around the stench is terrible. We asked people we saw out in their yards or on the street what they thought of the plant. Not one person had anything positive to say. We were told over and over that the smell has taken over their lives. You can smell it in your clothes, when you lie down to go to bed, first thing when you wake up in the morning. One woman told me her college daughter won't visit home anymore because the constant stench makes her sick.

I strongly encourage all those involved to please consider what you are doing to your residents. The people who trust you to make decisions for the whole city, not just for money. My wife and I are very green, we compost ourselves in our yard. We understand the need for this plant. But there are many true industrial areas in and around this great city that would not stamp out an already struggling neighborhood. Please do not take away all we have in the world, our own self reliance when another solution could easily be found.

Thank You

Davide and Tamara Bricca

JUL 27 '12 PM 3:45

July 28, 2012

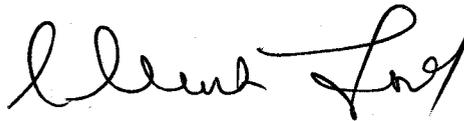
Bill Metzler
Metro
600 NE Grand Ave
Portland, OR 97232 -2736

Ref: Recology Partition for Foster Road

Dear Mr. Metzler,

I would like to add my opposition statement on the proposed change to Recology's operations on Foster Road. If this proceeds, I can see growing problems with traffic in the area, already quite congested, and the possible increase in the rodent and insect population in the area. Recology has gotten a bad record for the operations at North Plains, lowering the property value, due to the offensive odor. I hope we don't see this happen in our residential area neighboring this site. Possibly a lawsuit if values decrease, might send a message.

Charles Ford
9817 SE Mary Jean Ct
Portland, OR 97266



Sharon Cole.txt

From: Sharon [sharriec@comcast.net]
Sent: Sunday, July 22, 2012 6:37 PM
To: Bill Metzler
Subject: say no to recology in lents

Hi Bill,

I've been a resident of the Lents community for 32 years. I've seen a lot of changes. The people and businesses of Lents are trying hard to improve the area. Several old buildings have been razed and attractive new businesses have replaced them. New homes have been built. I live on Mount Scott, and this area is full of lovely single family homes and even a nice new park. But all this hard work is about to be undone with the addition of a garbage dump right in the middle of our neighborhood! Oh wait! I forget! It's not a garbage dump - it's a "transfer station". And it's not garbage, it's yard debris and "food scraps" for "compost". Food scraps sounds like potato peelings and bread crusts, doesn't it? But sadly, it's not. It's food that is no longer useable, (I might be tempted to call that "garbage") and metro is planning to bring hundreds of trucks of this "composting material", aka garbage, into our neighborhood to be stored while awaiting transfer to the composting site. Are you aware that all these trucks will travel daily through neighborhoods full of homes that house families and that the "food scraps" will be rotting food accompanied by odors and vermin? What a way to help a struggling community make itself better! Surely there is another location that is NOT surrounded by homes where this transport station can be. Bill, I am begging you to think beyond the easy way out. Don't add to the problems of the Lents community...find another place for the transfer station. Please, say NO to recology in Lents.

Thank you for listening,
Sharon Cole

Lents Neighborhood Association

PO Box 90833
Portland, OR 97290



Bill Metzler, Senior Solid Waste Planner
Metro Finance and Regulatory Services
600 NE Grand Avenue
Portland, OR 97232
bill.metzler@oregonmetro.gov
(503) 813-7544

July 30, 2012

This letter is in reference Recology of Oregon Material Recovery application to accept and reload yard debris mixed with food waste in conjunction with its existing Metro-licensed material recovery facility at the Freeway Land Industrial Park in southeast Portland.

At the July 24th, 2012 general meeting an informational agenda item on the Metro Recology application was presented. This resulted in an unadvertised motion and action of the general membership and by a 11-6 vote, the general membership of the Lents Neighborhood Association chose to send a letter stating their opposition to approval of Recology's application and requested that the following concerns of the opponents of the Recology transfer facility be communicated to Metro for consideration in your application review process.

- **Odors.** Compost left in the facility too long would emit odors that would disrupt surrounding residences.
- **Vectors.** Neighbors were concerned that the facility would harbor rats and other vectors, which could spread to surrounding residences.
- **Traffic.** A group called the "Springwater Trail Preservation Society" is concerned about the impact of trucks crossing the Springwater Trail at the 101st Avenue entrance to Freeway Lands.
- **Flooding.** Opponents were concerned that flooding on Johnson Creek could inundate the facility, causing compost to enter Johnson Creek.
- **Recology's track record.** Opponents cited concerns about Recology's operations in other locations.
- **Lents' image.** Neighbors expressed frustration that Lents was selected for a waste transfer facility.

It's fair to note that proponents of the project also cite Recology's track record as reasons to support the project.

Should Metro approve this application, I urge you to work with neighbors to address these, and other, concerns. The Lents Neighborhood Association remains committed to the success of Lents Town Center and to encouraging development of new employment sites at Freeway Lands, one of the region's premier industrial areas.

Cora Potter
Land Use Chair
Lents Neighborhood Association

From: FJFleck@comcast.net
Sent: Saturday, July 21, 2012 11:56 AM
To: Bill Metzler
Subject: Recology yard and food waste operation on SE 101st in Lents
Attachments: Lents Neighborhood Association letter opposing Recology.jpg; Letter to City Council on Recology from Judy Shiprack.pdf; Letter to City Council on Recology from Sen Rod Monroe.pdf

In regards to the proposal by Recology to operate a food waste operation in Lents:

1. The people in Lents are against it.
2. The Lents Neighborhood Association is against it (see letter attached).
3. Multnomah County Commissioner Judy Shiprack, who represents Lents, is against it (see letter attached).
4. State Senator Rod Monroe, who represents Lents, is against it (see letter attached).
5. There are several other Metro facilities that can handle this food waste.

Join us and oppose the locating of the food waste operation in Lents. Thank you.

Sincerely,
Debra Fleck
7507 SE 105th Ave
Portland, OR 97266

Lents Neighborhood Association

PO Box 90833
Portland, OR 97290



Portland City Council
1221 SW Fourth Avenue
Portland, OR 97204

July 5, 2011

Mayor and Commissioners:

This letter is in reference to LU 10-194818 CU AD, a proposal for a compost transfer facility set for discussion at your July 13 meeting. I'm writing to notify you of the Lents Neighborhood-Association's opposition to this proposal.

On June 28, by a 10-7 vote, the Association voted to oppose the proposed transfer facility.

My personal observations were that project opponents had the following key concerns:

- **Odors.** Compost left in the facility too long would emit odors that would disrupt surrounding residences.
- **Vectors.** Neighbors were concerned that the facility would harbor rats and other vectors, which could spread to surrounding residences.
- **Traffic.** A newly-formed group called the "Springwater Trail Preservation Society" is concerned about the impact of trucks crossing the Springwater Trail at the 101st Avenue entrance to Freeway Lands.
- **Flooding.** Opponents were concerned that flooding on Johnson Creek could inundate the facility, causing compost to enter Johnson Creek.
- **Recology's track record.** Opponents sited concerns about Recology's operations in other locations.
- **Lents' image.** Neighbors expressed frustration that Lents was selected for a waste transfer facility.

It's fair to note that the seven proponents of the project also cited Recology's track record as reasons to support the project.

If the council rejects the land use appeal and moves forward with the project, I urge it to work with neighbors to address these, and other, concerns. The Lents Neighborhood Association remains committed to encouraging development of new employment sites at Freeway Lands, one of the region's premier industrial areas.

Nick Christensen
President
Lents Neighborhood Association



Commissioner Judy Shiprack
MULTNOMAH COUNTY OREGON

District 3

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
(503) 988-5217 Phone
(503) 988-5262 Fax

July 7, 2011

Portland City Council
1221 SW 4th Ave.
Portland, OR 97204

Mayor Adams and Commissioners,

As the District 3 Commissioner of Multnomah County who represents the citizens in the Lents community, I am writing to you in regards to Recology's request for a Conditional Use Permit to process food waste at its facility in my District. I commend you for your efforts in making curbside pickup of compostable materials a reality and support providing citizens and businesses with the opportunity to recycle food waste. However, it is my view that the site on SE 101st is not the appropriate place to help achieve this goal and I encourage you to consider the impact that this operation will have on the citizens and businesses near the site.

Specifically, the Recology site is surrounded by the Lents neighborhood and bordered by the Springwater Corridor and Johnson Creek. I value the health and safety of local families and outdoor recreationists and wish to preserve the livability of the community. Earlier efforts like the Reidel International solid waste composting facility in the Cully neighborhood proved the difficulty of incorporating this type of activity into a neighborhood environment.

As elected officials, we struggle daily to secure opportunities for our community to prosper. The City of Portland has a shortage of land where business and industrial development can occur. It is my view that approving the permitting for food waste composting on this 100 acre site will diminish the future opportunities for business development and job creation in the Lents neighborhood.

Again, I applaud your leadership on food recycling, but for the sake of Lents, please do not approve Recology's permit. There are many other viable sites that already handle this type of compostable waste.

Thank you,

Commissioner Judy Shiprack
Multnomah County, District 3

cc: Metro Council
Lents Neighborhood Association
Springwater Trail Preservation Society
Johnson Creek Watershed Council

ROD MONROE
STATE SENATOR
DISTRICT 24



OREGON STATE SENATE
900 COURT ST NE
SALEM, OR 97301

July 7, 2011

Portland City Council
1221 SW 4th Ave.
Portland, OR 97204

Mayor Adams and Members of the Council,

As the State Senator representing the citizens in the Lents community, I am writing to you today in regards to Recology's request for a Conditional Use Permit to process food waste at its facility on SE 101st. I am in support of providing citizens and businesses with the opportunity to recycle food waste and commend you for your efforts in making curbside pickup of compostable materials a reality. However given the location of the proposed site, it is critical to engage the community and solicit public input before making decisions that could have significant impacts to the surrounding neighborhoods.

Over the next couple of weeks, you will have the opportunity to demonstrate transparency and engage your constituents in this important matter. It is my view that the site on SE 101st is not the appropriate place to help achieve your recycling goal, and we encourage you to consider the impact that this facility will have on the citizens near the site.

Specifically, the Recology site is located in the center of a community, surrounded by the Lents and Mt. Scott neighborhoods and bordered by the Springwater Corridor, Johnson Creek, and Playhaven Park. Recology's operations will cause unnecessary public nuisances including foul odor and noise, but will also raise serious health concerns due to air and water pollution, traffic from large trucks, and disease-carrying vermin. We value the health and safety of local families and outdoor recreationists and wish to preserve the livability of the community.

I have come to this conclusion not just because I lived and represented east Portland for over 40 years, but also as a former Metro Councilor for 8 years who worked on recycling and garbage disposal issues throughout the Portland Metro area. I can tell you that as a Metro Councilor, we would have never approved food mulching site inside the limits of any city, especially one as dense as Portland.

We struggle daily to provide opportunities for our constituents to prosper. Given the shortage of real estate in the City of Portland where business and industrial development can occur, I believe that this site, with its proximity to Foster Road and Interstate-205, can be put to better use. This



100-acre site has the potential to employ hundreds of citizens, while Recology's proposal would just employ a few individuals and spoil the site for future development.

Thank you for taking leadership on food recycling, but for the sake of our constituents, please do not approve Recology's permit to process food in the middle of the metropolitan area. There are many other viable sites in rural areas that already receive and treat compostable materials. I am confident that by choosing an alternate site for processing the city's food waste and wet yard debris, the City of Portland will be able to execute a successful recycling program without sacrificing the quality of life in our neighborhoods.

Thank you,

A handwritten signature in cursive script, appearing to read "Rod Monroe". The signature is written in black ink and is positioned above the printed name.

Senator Rod Monroe
Senate District 24

From: Sharon Haley [sharonhaley@spiritone.com]
Sent: Sunday, July 22, 2012 7:35 PM
To: Bill Metzler
Subject: Recology

I understand Recology is attempting to get a food waste facility at 101st and SE Foster Rd. (LENTS RESIDENTIAL NEIGHBORHOOD). This kind of operation should never ever be in a family-oriented neighborhood --- Oregon is a BIG state with lots of open spaces where the stench of rotting food won't bother anyone -- (at least any human anyone).

Would you consider having this dump in your neighborhood? **What, What??** Did I hear a "YES"? Oh, Good!! Then let's put it in your neighborhood.

Just to give you an idea of the smell, go to K-Mart or Lowes off Hwy. 224 @ Johnson Road in Milwaukie when there is a southerly breeze and the stench from McFarlands is overwhelming and, so far as I know, DOESN'T include rotting food stuffs.

Please, please, please, do NOT subject Lents residents to this abomination -- we don't deserve it.

Thanks for your consideration in this matter.

Sincerely,

Sharon Haley

From: Joel Miller [millerjoelr@gmail.com]
Sent: Tuesday, July 17, 2012 10:02 AM
To: Bill Metzler
Subject: Don't Let Recology Ruin Our Neighborhood

Mr. Bill Metzler
Senior Solid Waste Planner
Metro Finance and Regulatory Services
600 NE Grand Avenue
Portland, Oregon 97232

Dear Mr. Metzler:

Regarding Recology's attempt to obtain permission to accept food waste at its facility on SE 101st Avenue in the heart of Lents, we feel strongly that residential areas are inappropriate locations for this type of waste management. "Convenience" for haulers does not outweigh the devastating long-term impact this activity would have on the residents of our neighborhood.

We have resided nearby the Recology site for over 35 years and feel as though the Lents area is, and always has been, Portland's stepchild neighborhood. If approved, there will be very tangible, negative impacts on the citizens of Lents. Existing sites already are available to process the city's volume of food waste.

To protect Lents from being "trashed" once again, the only reasonable decision Metro can make is to deny Recology's request to accept food waste at their facility.

Sincerely,

Mr. and Mrs. Joel Miller
10635 SE Rex Street
Portland, Oregon 97266

From: Tiffany Murray [tiffanyraemurray@yahoo.com]
Sent: Friday, July 20, 2012 11:29 AM
To: Bill Metzler
Subject: No food waste at Recology in the Lents neighborhood

Bill Metzler, I have great concern over food waste at the proposed food compost site in the Lents neighborhood. First of all to refer to this as a freeway land and not mention that is a residential neighborhood and Johnson Creek wild life refuge does not accurately portray the area. I do not want food waste at the site. I am concerned it will pollute the environment, create health hazard, bring in vermin and insects, molds and bacteria, smell from waste, bring in more noise and exhaust from trucks and reduce property value. Please send food scraps away from such a heavily populated area.

Thank you,
Tiffany Murray

From: [Nick Sauvie](#)
To: [Barb Leslie](#)
Subject: Lents Recology Siting Public Comment
Date: Wednesday, July 25, 2012 10:00:44 AM

ROSE Community Development opposes siting the Recology food waste transfer station at the proposed Lents location. The proposed site is immediately adjacent to a residential neighborhood. The track record of Recology in operating similar facilities is spotty. Further, Metro's Washington County food waste site immediately experienced the same problems that people in Lents fear – odor, heavy truck traffic and decreased livability.

Another negative is that the proposed Recology site is located in a rare and valuable industrial zone. The Lents community is counting on this area to provide a large number of family wage jobs. The proposed use by Recology would provide a small number of low wage jobs in comparison to other industrial uses. Further, the waste station would detract from efforts to attract new businesses to the adjacent industrial and commercial areas.

ROSE is a community-based nonprofit organization that has been working for the last 20 years to revitalize outer southeast Portland neighborhoods. We have developed a number of affordable housing units close to the proposed Recology site and are very concerned that this proposal would take away their peaceful enjoyment in their homes and quality of life. Foul odors and dozens of heavy trucks rumbling through the neighborhood every day will do that. I hope that Metro denies Recology's permit.

Nick Sauvie
Executive Director
503-788-8052 x16



5215 SE Duke Street
Portland, OR 97206

7507 SE 105th Ave
Portland, OR 97266
July 15, 2012

JUL 18 12 01 06

RE: Recology food waste facility on SE 101st Ave

Bill Metzler
Metro Finance and Regulatory Services
600 Grand Ave
Portland, OR 97232
Dear Bill Metzler,

We have been working to restore the image of Lents. Allowing Recology to process food waste in the heart of Lents would be an unnecessary setback to our progress.

One of the biggest problems with Recology's proposal is their inability to ensure that its food waste operations on 101st will truly go unnoticed. From the beginning of this process, Recology's proposal has lacked critical details, including a stormwater management plan, adequate aeration, leachate collection, biofilter system, and a protocol for unauthorized material. The stench from Recology's operations will be a welcome mat for disease-carrying vermin and the site will be an open wound festering in the middle of our community.

The fact of the matter is that the Lents site is unnecessary and does not demonstrate a balance of public need versus public good. The convenience for haulers does not outweigh the devastating long-term impacts that the facility will have on the residents of Lents.

There are five transfer facilities in the greater Portland area already permitted to process food waste. Metro Central in Portland, Metro South in Oregon City, Willamette Resources in Wilsonville, Troutdale Transfer Station in Troutdale and Pride Disposal in Sherwood. All are located on the outskirts of town, so as not to compromise the livability of communities. These five facilities have ample capacity to handle Portland's food waste and they are all located far from homes and away from neighborhoods. The same cannot be said of Recology's proposed food waste transfer facility on SE 101st and Foster Rd., a site located in the heart of Lents. Processing stinky refuse, including rotting meat, fish, dairy and other food, in an old wooden building poses unnecessary hazards to the surrounding neighborhoods and Johnson Creek. The Recology site in the heart of Lents is unnecessary.

On August 25, 2011, Metro sent a letter to 20 yard debris waste facilities telling them that they will no longer be allowed to accept Portland yard debris because it will contain food waste. If Metro approves Recology's proposal to accept food waste at their 101st facility, there will be negative unintended consequences. The 19 other yard debris companies could ask for the same approval to handle food waste. How could the city and Metro say NO to them after saying YES to Recology? We could have 19 more food waste yard debris facilities in and around Portland. Is that what we want in our neighborhoods?

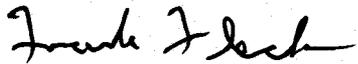
For decades, the stated policy on waste management has been to haul garbage away from homes to be processed; food waste should be handled similarly. Please recognize that residential areas are inappropriate locations for any type of waste management. We need

to work together to restore the health and viability of Lents. Do not take us a step backwards by allowing this unnecessary and stinky operation to take place in my backyard.

Lents is, and always has been, the city's stepchild neighborhood. The city has always treated Lents like a dumping ground, and now they want to put a dump here. Considering that there will be very tangible negative impacts to the citizens of Lents and that existing sites are already available to process the City's volume of rotten food waste, the only reasonable decision for Metro is to protect Lents from being trashed once again.

Please protect the citizens and the community of Lents and deny Recology's application to put a food waste dump in Lents.

Sincerely,
Frank Fleck



President
Springwater Trail Preservation Society

Attachments:

Senator Rod Monroe letter in opposition to Recology
Commissioner Judy Shiprack letter in opposition to Recology
Metro 8/25/11 letter to yard debris companies
Metro 8/25/11 list and map of Yard debris companies

ROD MONROE
STATE SENATOR
DISTRICT 24



OREGON STATE SENATE
900 COURT ST NE
SALEM, OR 97301

July 7, 2011

Portland City Council
1221 SW 4th Ave.
Portland, OR 97204

Mayor Adams and Members of the Council,

As the State Senator representing the citizens in the Lents community, I am writing to you today in regards to Recology's request for a Conditional Use Permit to process food waste at its facility on SE 101st. I am in support of providing citizens and businesses with the opportunity to recycle food waste and commend you for your efforts in making curbside pickup of compostable materials a reality. However given the location of the proposed site, it is critical to engage the community and solicit public input before making decisions that could have significant impacts to the surrounding neighborhoods.

Over the next couple of weeks, you will have the opportunity to demonstrate transparency and engage your constituents in this important matter. It is my view that the site on SE 101st is not the appropriate place to help achieve your recycling goal, and we encourage you to consider the impact that this facility will have on the citizens near the site.

Specifically, the Recology site is located in the center of a community, surrounded by the Lents and Mt. Scott neighborhoods and bordered by the Springwater Corridor, Johnson Creek, and Playhaven Park. Recology's operations will cause unnecessary public nuisances including foul odor and noise, but will also raise serious health concerns due to air and water pollution, traffic from large trucks, and disease-carrying vermin. We value the health and safety of local families and outdoor recreationists and wish to preserve the livability of the community.

I have come to this conclusion not just because I lived and represented east Portland for over 40 years, but also as a former Metro Councilor for 8 years who worked on recycling and garbage disposal issues throughout the Portland Metro area. I can tell you that as a Metro Councilor, we would have never approved food mulching site inside the limits of any city, especially one as dense as Portland.

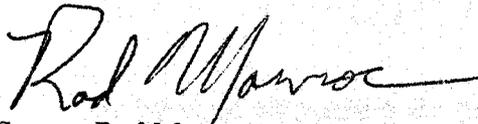
We struggle daily to provide opportunities for our constituents to prosper. Given the shortage of real estate in the City of Portland where business and industrial development can occur, I believe that this site, with its proximity to Foster Road and Interstate 205, can be put to better use. This



100-acre site has the potential to employ hundreds of citizens, while Recology's proposal would just employ a few individuals and spoil the site for future development.

Thank you for taking leadership on food recycling, but for the sake of our constituents, please do not approve Recology's permit to process food in the middle of the metropolitan area. There are many other viable sites in rural areas that already receive and treat compostable materials. I am confident that by choosing an alternate site for processing the city's food waste and wet yard debris, the City of Portland will be able to execute a successful recycling program without sacrificing the quality of life in our neighborhoods.

Thank you,

A handwritten signature in black ink, appearing to read "Rod Monroe", with a long horizontal flourish extending to the right.

Senator Rod Monroe
Senate District 24



Commissioner Judy Shiprack
MULTNOMAH COUNTY OREGON

District 3

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
(503) 988-5217 Phone
(503) 988-5262 Fax

July 7, 2011

Portland City Council
1221 SW 4th Ave.
Portland, OR 97204

Mayor Adams and Commissioners,

As the District 3 Commissioner of Multnomah County who represents the citizens in the Lents community, I am writing to you in regards to Recology's request for a Conditional Use Permit to process food waste at its facility in my District. I commend you for your efforts in making curbside pickup of compostable materials a reality and support providing citizens and businesses with the opportunity to recycle food waste. However, it is my view that the site on SE 101st is not the appropriate place to help achieve this goal and I encourage you to consider the impact that this operation will have on the citizens and businesses near the site.

Specifically, the Recology site is surrounded by the Lents neighborhood and bordered by the Springwater Corridor and Johnson Creek. I value the health and safety of local families and outdoor recreationists and wish to preserve the livability of the community. Earlier efforts like the Reidel International solid waste composting facility in the Cully neighborhood proved the difficulty of incorporating this type of activity into a neighborhood environment.

As elected officials, we struggle daily to secure opportunities for our community to prosper. The City of Portland has a shortage of land where business and industrial development can occur. It is my view that approving the permitting for food waste composting on this 100 acre site will diminish the future opportunities for business development and job creation in the Lents neighborhood.

Again, I applaud your leadership on food recycling, but for the sake of Lents, please do not approve Recology's permit. There are many other viable sites that already handle this type of compostable waste.

Thank you,

Commissioner Judy Shiprack
Multnomah County, District 3

cc: Metro Council
Lents Neighborhood Association
Springwater Trail Preservation Society
Johnson Creek Watershed Council



Metro | Making a great place

August 25, 2011

«CONTACTPERSONNAME»
«FACILITYNAME»
«ADDRESS»
«CITY», OR «ZIP»

Re: City of Portland Residential Compost Program effective October 31, 2011

Dear «CONTACTPERSONNAME»:

Last week the Portland City Council passed Ordinance Number 184821. This Ordinance provides, among other things, for development of a city-wide residential compost program. Under this program Portland residents may combine food waste with yard debris for weekly curbside collection. Beginning October 31, 2011, the effective date of the ordinance, Metro will consider all materials collected through the City of Portland's residential compost program to contain food waste and these materials must be delivered to facilities that are authorized by Metro to accept food waste.

The terms of your Metro Solid Waste Facility License prohibit the facility from "receiving, processing, reloading, or disposing of" putrescible waste, including food waste. Accordingly, as of October 31 the facility's license prohibits the facility from accepting waste from Portland's residential curbside compost program. Enclosed is "Solid Waste Reloading and Processing Facilities Accepting Food Waste from the Metro Region," which provides information to facilities that may be interested in seeking Metro authorization to accept food waste.

For your information, following is a list of facilities currently authorized by Metro to accept food waste:

- Metro Central Transfer Station (Portland)
- Metro South Transfer Station (Oregon City)
- Pride Disposal and Recycling (Sherwood)
- Troutdale Transfer Station (Troutdale)
- Willamette Resources, Inc. (Wilsonville)

Over the next several months, additional facilities may become authorized to accept food waste and could provide additional options for reloading, transfer, or processing of this material.

If you would like specific information about Portland's compost collection program, please contact Bruce Walker, Bureau of Planning & Sustainability, at 503-823-7772. If you have any questions about the information in this letter, the guidance bulletin, or Metro's approval process, please contact Bill Metzler at 503-797-1666 or by email at bill.metzler@oregonmetro.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy W. Brower".

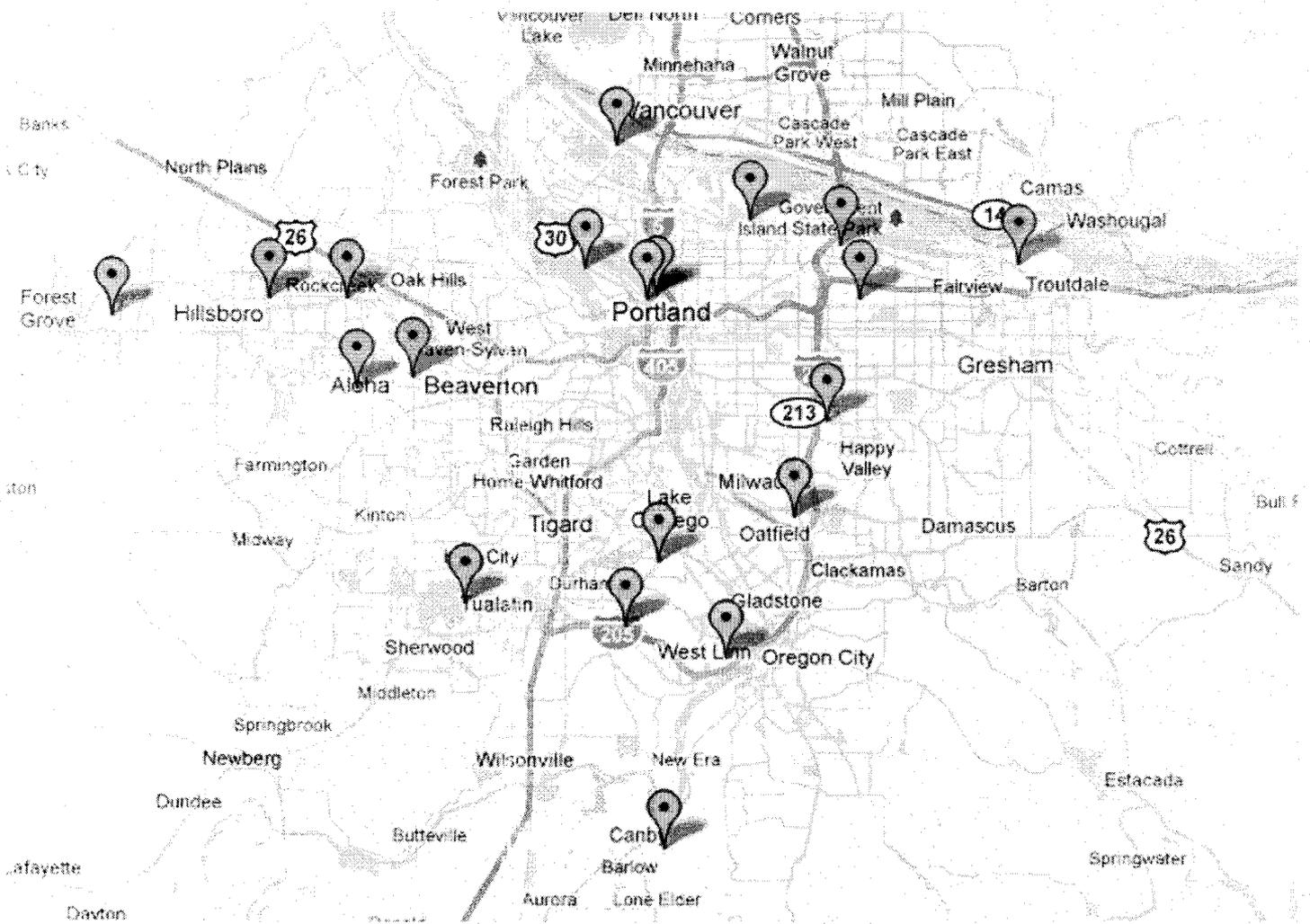
Roy W. Brower
Solid Waste Compliance & Cleanup Manager

Attachment

- cc: Bruce Walker, City of Portland, Bureau of Planning & Sustainability
Audrey O'Brien, DEQ, Northwest Region
Paul Ehinger, Metro Parks and Environmental Services
Matt Korot, Metro Resource Conservation and Recycling
Margo Norton, Metro Finance & Regulatory Services
Bill Metzler, Metro Solid Waste Compliance & Cleanup

AGREEMENT #	FACILITYNAME	ADDRESS	CITY	ZIP	CONTACTPERSONNAME	PHONE
L-106-08A	Aloha Garbage Co.	PO Box 6329	Aloha	97006	Steve Larrance	503-649-3482
L-134-11	City of Roses Disposal & Recycling (CORE)	PO Box 20431	Portland	97294	Alando Simpson	503-285-9940
L-003-08B	Environmentally Conscious Recycling (ECR)	PO Box 20096	Portland	97294	Vince Gilbert	503-253-0867
L-109-07B	Greenway Recycling, LLC	PO Box 4483	Portland	97208	Terrell Garrett	503-793-9238
L-007-07A	KB Recycling Inc	PO Box 550	Carby	97013	Andy Kahut	503-563-1438
L-102-11	Recology Suttle Road Recovery Facility	4044 N. Suttle Road	Portland	97217	David Dutra	503-226-6161
L-036-09A	Recology Foster Road Recovery Facility	4044 N. Suttle Road	Portland	97217	David Dutra	503-226-6161
YD-064-08	Alwood Recyclers, Inc.	PO Box 115	Fairview	97024	Randy Wubben	503-667-5497
YD-085-08	Best Buy In Town Landscape Supply	4975 SW 65th	Portland	97221	Timothy Perri	503-645-6865
YD-041-09	City Of Portland Leaf Compositing (Sunderland Recycling Facility)	2929 N. Kirby Avenue	Portland	97227	Jill Jacobsen	503-823-4409
927550	City Of West Linn Dan Davis Recycling Center Yard Debris Depot	4100 Norfolk Street	West Linn	97068	Sam Foxworthy	503-742-8616
YD-042-09	Clackamas Compost Products, LLC	20200 SW Stafford Road	Tualatin	97062	Casey Stroupe	503-246-1914
YD-115-10	Downtown Recycling LLC / Quick Stop Recycling LLC	PO Box 12106	Portland	97212	David McMahon	503-246-1914
YD-043-07	Grimm's Fuel Company, Inc.	18850 SW Cipole Road	Tualatin	97062	Jeff Grimm	3623
YD-103-07	Landscape Products & Supply	1748 NE 25th Avenue	Hillsboro	97124	Casey Stroupe	503-638-1011
YD-026-08	McFarlane's Bark, Inc.	13345 SE Johnson Road	Milwaukie	97222	Dan McFarlane	503-659-4240
YD-067-08	Northwest Environmental & Recycling, Inc.	1045 North 4th Avenue	Cornelius	97113	Warren Dow Jr	503-357-6090
YD-045-06	S & H Logging, Inc.	20200 SW Stafford Road	Tualatin	97062	Casey Stroupe	503-638-1011
YD-118-10	Wood Waste Management, LLC	PO Box 5618	Portland	97238	Rick Franklin	503-493-3370
YD-044-10	Woodco	PO Box 5434	Aloha	97006	David G. Underwood	503-649-5430

Processing Facilities Prohibited from Accepting Food Waste



Aloha Garbage Co.
 City of Roses Disposal & Recycling LLC
 Environmentally Conscious Recycling
 Greenway Recycling LLC
 KB Recycling Inc
 Recology Suttle Road Recovery facility
 Recology Foster Road facility
 Allwood Recyclers Inc
 Best Buy in Twon landscape supply
 City of West Linn Dan Davis Recycling
 Center

City of Portland Leaf Composting
 Clackamas Compost Products
 Quick Stop Recycling
 Grimm's Fuel Company
 Landscape Products & Supply
 McFarlane's Bark, Inc
 Northwest Environmental & Recycling, Inc
 S & H Logging, Inc
 Wood Waste Management, LLC
 Woodco

From: George Reinmiller [proprietor@salmonberry.com]
Sent: Monday, July 02, 2012 4:49 PM
To: Bill Metzler
Subject: application of Recology Oregon Material Recovery, Inc. to accept and reload residential yard debris mixed with food waste

Dear Mr. Metzler,

I own a property at 9748 SE Woodstock Ct very near the above facility- and am of course very concerned that the additional activity by Recology of Oregon dealing with food waste will cause unpleasant aromas for the neighborhood. As you know, there are many primarily single family residences in this mixed use neighborhood- and the activities of Recology Oregon should not be inconsistent with maintaining an adjacent healthy residential neighborhood.

Thank you for taking these comments under consideration,
George C. Reinmiller

office address:
521 SW Clay
Portland, OR 97201
503-226-3607
503-226-1321. (f)
proprietor@salmonberry.com

From: Katherine Sheehan [mailto:katherinetsheehan@gmail.com]
Sent: Monday, July 30, 2012 3:27 PM
To: Bill Metzler
Subject: proposed food waste facility on SE 101st

Dear Mr. Metzler,

I respectfully appeal to you to deny the request by Recology to operate a food waste transfer station on SE 101st in Lents. Having traveled often past a similar facility in upstate New York where I lived until a year ago, I can attest to the strong stench that carries for miles from a facility of that type. I purchased my home at 7641 SE 109th Avenue on March 1, 2011 - about 6 weeks prior to Recology's informing neighbors of their intent. I strongly believe that home values will be negatively impacted by Recology's operation in Lents.

Members of the city council have admitted that a food waste transfer station should not be located in the middle of a residential area, even stating that they wouldn't want it in their neighborhood, but yet they approved the request anyway.

So far the transfer of food waste and yard debris has been successfully handled at the metro facility in the center of other commercial uses. The only service that Recology's 101st location would provide is to save some trash haulers on travel time and expense. Trash haulers have already recently been granted an increase in cost of service, so I believe that increase should cover their costs. Also, I believe that all households should bear the burden of higher costs of service instead of the cost burden being placed on the homeowners of Lents in the form of devalued properties.

Please consider my request and the requests of many other Lents neighbors and deny Recology's request to operate the food waste transfer station at SE 101st.

Sincerely,
Katherine T. Sheehan

Senior Waste Planner

Mr. Bill Metzler

JUL 27 '12 4:08:02

The Foster road recovery facility is in a flood plain area. This area floods almost every year. The mixed debris with food waste will be compromised if this occurs. It will be carried into neighborhoods around the facility. If metro agrees to allow Recology to deliver and hold food waste. I'm sure that Recology will also be held liable for clean-up if it spreads into our neighborhoods?

It's my understanding that Recology will only hold these materials at this site for 48 hours and then be transported to another composting facility located outside the metro region. This will cause increased noise and air pollution in our area. If Recology plans to truck it in and out within this short time period why are they not going to take it directly to the composting facility that is already outside the metro area in the first place?

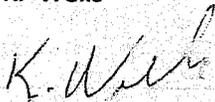
We all want to have a clean and healthier living environment. Recology can build this facility outside the metro region by the composting site. It only makes sense that they should have these two facilities' all in the same area; instead of spreading them around the metro city limits.

As per Oregon dept. of Environment Quality's Portland Air Toxics. Portland has an air pollution problem. If Recology transports these materials to only one location this will cut down on Portland's air pollution.

I request that you deny Recology the use of the area in the Lents neighborhood, because it is only being held here on a temporary bases.

Thank You

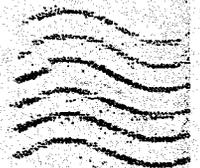
K. Wells



Wells
6430 SE 96th Ave
Portland, ORE 97266-4521

PORTLAND, ORE 97211

25 JUL 2012 4:08 PM



Bill Metzler, Senior Solid Waste Planner
Metro Finance and Regulatory Services
600 N.E. Grand Ave
Portland, ORE 97232-2736

From: RUSSELL D WILBURN [rwilburn3@msn.com]
Sent: Monday, July 02, 2012 1:44 PM
To: Bill Metzler
Subject: Recology

Dear Bill

I am opposed to putting raw garbage on Foster Road and 101st in Portland.

The smell coming up the hill would be terrible and I so not want to live with that. I choose to build in the area and I need you to help preserve my living conditions

Thank you

Russ Wilburn
10719 S. E., Knapp Circle
Portland
Oregon 97266