

CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 10-203967 CU AD (HO 4110005)

**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

Applicant/Owner: 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

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Sheila Frugoli

Site Address: 4044 N SUTTLE ROAD

Legal Description: LOT 1, PARTITION PLAT 1993-83; LOT 2, PARTITION PLAT 1993-83

Tax Account No.: R649733280, R649733290

State ID No.: 2N1E32D 01600, 2N1E32D 01500

Quarter Section: 1726

Neighborhood: St. Johns

Business District: Columbia Corridor Association

District Neighborhood Coalition: North Portland Neighborhood Services

Plan District: None

Zoning: IHch, Heavy Industrial zone with the Environmental Conservation and Aircraft Landing overlay zones.

Other Designation: The southern most portion of the site, designated with the Environmental Conservation overlay zone, is also within the Smith and Bybee Lakes Natural Resource Management Plan.

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

BDS Staff Recommendation to Hearings Officer: Part approval with conditions, part denial (requested adjustment to PCC 33.254.040 B.)

Public Hearing: The hearing was opened at 1:30 p.m. on April 6, 2011, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 2:59 p.m. The record was held open until 4:30 pm on April 7, 2011 for new written evidence, and until 4:30 pm on April 14, 2011 for Applicant's final rebuttal. The Applicant requested that the record be closed effective April 11, 2011 (Exhibit H.19). The Hearings Officer closed the record on April 14, 2011.

Testified at the Hearing:

Sheila Frugoli, BDS Staff Representative

Michael Robinson, 1120 NW Couch Street, 10th floor, Portland, OR 97209

Dave Dutra, 6161 NW 61st Avenue, Portland, OR 97210

Clinton Doxsee, St. Johns Neighborhood Association, 8540 N Charleston Avenue, Portland, OR 97203

Proposal: Recology Oregon Material Recovery Inc. ("Applicant") proposes to begin accepting mixed yard debris/food waste at 4044 N Suttle Road (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 Site for recycling. The mixed yard debris/food waste will be delivered to the Material Recovery Facility ("MRF") on the Site via garbage collection trucks; approximately 35 trucks per day. Mixed yard debris/food waste will also be accepted, at the MRF, from private self-haulers and the general public. The mixed yard debris/food waste will be unloaded in an area designated as "Yard Wastes/Organics Receiving Area." (See Exhibit H.4b.). The material will be

sorted and mixed with yard and other wood waste materials that are currently accepted at the Site. Compostable material will be loaded onto semi-trucks, approximately 10 per day, for shipment to an off-site composting facility. Organic materials (mixed yard debris/food waste) will be stored in the MRF for no more than a 48-hour period before it is hauled to another site. The Site will operate 6 a.m. to 6 p.m., Monday through Friday, and 7 a.m. to 5 p.m. on Saturday.

Applicant will sort the waste material in the MRF. The MRF will include a drain system to collect and contain liquids (leachate) from the food waste materials. The leachate will be transported off of the Site. Additionally, an existing 11,097 square foot pole building and small office structure will be removed and replaced with a new 2-story, 3,675 square foot building. The Site will be reconfigured and re-contoured to accommodate the new buildings, truck scales and new truck circulation system. New landscaping will be installed on the southern edge of the Site to satisfy the Smith and Bybee Lakes Natural Resource Management Plan's landscaping buffer requirement. Lastly, the Applicant intends to add an approximately 2,000 square foot exterior area for the retail sale of exterior landscape-type materials such as compost, soil, mulch and gravel.

The following Adjustments are also requested: (1) Waive the requirement that the Waste-Related activities occur entirely within an enclosed structure; (2) Reduce the required 100-foot setback to 30 feet for the Waste-Related use; (3) Waive the required L1 landscaping standard in the required setback area; (4) Allow the location of the required 6-foot fence to be located along the perimeter of the site rather than the interior side of the required setback area; (5) Waive the required perimeter parking lot landscaping; and (6) Waive the required interior parking lot landscaping.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.815.220, A-I, Conditional Use Review for Waste-Related use
- 33.805.040.A-F, Adjustments

II. ANALYSIS

Site and Vicinity: This application deals with the Site (a 5.3-acre parcel) in the Rivergate Industrial area of the City of Portland and is presently used by Recology for building material recycling and processing of large amounts of wood debris and landscape materials for composting. A pre-fab office "trailer" is located near the front property line that faces N Suttle Road. The building provides space for the employees and monitoring of the truck weight scales. A small parking area serves the employees. A large covered open wood structure provides cover for additional drop-off and further back is a large metal structure with open sides. The building appears to be used for processing and storage of materials. Also, there are large mounds of landscape material, earth-moving heavy equipment and truck loading areas.

The Site is located in an area developed with heavy industrial uses. The area is commonly known as the Rivergate Industrial District. Immediately north, on the other side of N Suttle Road, is a warehouse and distribution facility for a major tire sales company. The eastern abutting lot is used

for semi-truck storage/distribution. An oil recycling business is located on the western abutting lot. The Site contains numerous large tank containers and large truck facilities. The property that is immediately south of the site is privately owned and vacant. A rail spur runs between N Suttle Road and the Site. Rail cars are stored/moved in this area. North Suttle Road is a narrow, unimproved roadway that terminates approximately 1,600 feet to the west of the Site. North Suttle Road links to N Marine Drive, a major east-west corridor via N Portland Road, a north-south corridor. East of N Portland Road is a rail line.

Zoning: The Site is zoned IH, Heavy Industrial with an "h," Aircraft Landing and "c" Environmental Conservation overlay zone. The portion of the Site within the c overlay is also within the Smith and Bybee Lakes Natural Resource Management Plan. The Heavy Industrial zone is one of three zones that implement the Industrial Sanctuary Comprehensive Plan Map designation. The zone provides areas where industrial uses may locate, including those uses that are not desirable in other zones due to their objectionable impacts or appearance. Waste-Related use facilities are permitted in the IH zone only through an approved Conditional Use review. The "h" overlay limits the height of structures and vegetation in order to provide safer operating conditions for aircraft in the vicinity of the Portland International Airport. The height limit of the overlay zone is, at its lowest point on the Site, approximately 650 feet. The southern-most edge of the Site is located within the "c" Environmental Conservation overlay zone and the Smith and Bybee Lakes Natural Resource Management Plan (NRMP) boundary. The "c" overlay conserves important environmental resources in areas where the resources can be protected while still allowing environmentally sensitive development. The Smith and Bybee Lakes NRMP provides an alternative to case-by-case Environmental reviews. The NRMP identifies specific improvements that must be made to the properties and determines the procedure and approval criteria for development that triggers an Environmental review.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Request for Response" was mailed February 7, 2011. The following bureaus have responded with no issues or concerns:

- Water Bureau (Exhibit E.3)
- Fire Bureau (Exhibit E.4)
- Life Safety Plan Review Section of BDS (Exhibit E.6)
- Bureau of Parks-Forestry Division (Exhibit E.7)

The **Bureau of Environmental Services (BES)** responded with no objection to the requested Conditional Use and Adjustment review. The proposed development will be subject to BES' standards and requirements during the permit review process. BES indicated that based on correspondence with staff from Oregon Department of Environmental Quality ("DEQ") Solid Waste and UIC Programs, the current UIC system is permitted by DEQ. At the time that the Applicant submits a request to modify the existing Stormwater Disposal Permit ("SWDP") to receive approval for the proposed new waste activities on the Site, DEQ will remove the UIC from the SWDP and

instead regulate it under the Water Quality UIC Program, which will require either authorization by rule or a Water Pollution Control Facility Permit (WPCF) to continue operating the UIC.

Per DEQ, the Applicant must submit a UIC WPCF permit application prior to issuance of an amended SWDP permit. Because DEQ will require that stormwater flowing into the UIC meets water quality standards either through rule authorization or a WPCF permit, and permit application will be a condition of SWD permit issuance, BES is satisfied that an option for disposing stormwater on this site is available. Other specific comments, as they relate to the approval criteria, are included in the findings below (Exhibit E.1).

The **Site Development Section of BDS** responded with the following comment:

"Floodplain. The Site is within the 100-year floodplain. The 100-year floodplain boundary is shown on the proposed development plan along with estimated quantities for fill and excavation below the base flood elevation. It appears that this proposal can comply with requirements of Title 24.50 for floodplain development at the time of building permit review. No further information is required for purposes of this land use review.

Erosion control. Erosion prevention and sediment control requirements found in Title 10 apply to both site preparation work and development. Full compliance with the erosion control requirements of Title 10, as well as maintenance of the erosion control elements, such as silt fences on private property, storm drain inlet protection and bio bags in the public right-of-way, is the responsibility of the property owner, the developer and the builders of structures on the site. Please refer to the City of Portland *Erosion and Sediment Control Manual* for additional information regarding erosion and sediment control requirements.

Geotechnical. A geotechnical report specific to the final foundation design will be required at the time of building permit review, due to variable soil types previously placed on the site (Exhibit E.5)."

The **Portland Bureau of Transportation (PBOT)** submitted a written response stating they had no objection to approval of the application. The response states that PBOT reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services. PBOT also stated:

"The original transportation assessment did not explicitly account for a portion of the Site that will be used for a more focused sale of soil amendment (mulch and shredded bark) material to the general public (no more than 3,000 square feet). No retail sales are currently offered at the Site. Based on conversations with Applicant, it is anticipated that there could be up to ten transactions on a typical weekday associated with soil amendment sales. It is likely that some of these transactions will be made by customers dropping off recycling materials (thereby already accounted for in the original transportation assessment letter). Further, these transactions will most likely occur throughout a typical day. However, to be

conservative with the regional intersection operations, the Applicant's traffic engineer has assumed that approximately half of these transactions would occur during the weekday a.m. peak hour and the other half would occur during the weekday p.m. peak hour.

The existing uses at the site generate 300 daily trips, with 25 occurring in the a.m. peak hour, and 20 in the p.m. peak hour. With the expanded use including soil amendment sales, the total daily trips will be 410, with 60 in the a.m. peak hour, and 50 in the p.m. peak hour. This is a net increase of 110 daily trips, with 35 in the a.m. peak hour, and 30 in the p.m. peak hour.

Future Traffic Conditions

Based on the trip generation estimates and the distribution/assignment information presented in Figure 4, Figure 5 summarizes the level-of-service analysis for the study intersections and site-access driveway under future weekday a.m. and p.m. peak hour traffic conditions. As shown, all intersections are forecast to continue to operate acceptably. As with the existing conditions, the eastbound approach at the N Portland Road/N Suttle Road intersection is forecast to continue to operate at level of service "E" during the weekday p.m. peak hour. Although the intersection performance standards are being met, additional analysis was performed to determine if additional traffic control may be necessary to minimize delay for the approach. Based on the results of a preliminary signal warrant analysis, it was concluded that the intersection will not meet traffic signal warrants. Given these findings, and the fact that the eastbound approach is forecast to operate with sufficient capacity, no additional traffic control improvements are recommended.

Section 33.815.220.F

In accordance with the pre-application conference materials, Kittelson & Associates, Inc. has completed a review of Section 33.815.220.F (items 1 and 2) for Waste-Related Conditional Uses. Specifically, items 1 and 2 of the Public Services section are addressed below.

F. Public Services

1. N Suttle Road is currently designated as a Local Service Traffic Street and a Truck Access Street. As outlined in the transportation analysis, the proposed expanded use is not anticipated to have a significant trip generation impact or generate trip types that are inconsistent with these two applicable street designations.
2. As outlined in the transportation analysis prepared by Kittelson & Associates, the transportation system is capable of supporting the additional traffic estimated to be generated by the proposed expanded use in addition to the existing uses in the area. In summary, N Suttle Road, N Portland Road and N Marine Drive can support the MRF from a capacity, safety, and access standpoint.

Section 33.805.040.A

A review of Section 33.805.040.A has been prepared to address Adjustments to the existing Zoning code. Specifically, a review of the loading, driveway locations, parking access restricted street, and parking spaces has been prepared.

The proposed expanded use does not include any driveway modifications to N Suttle Road, does not modify access for trucks or passenger cars, or modify the orientation or amount of parking spaces. As such, there are no applicable transportation-related Adjustments to current Zoning code regulations.” (Exhibit E.2).

Neighborhood Review: A Notice of Public Hearing was mailed on March 15, 2011. At the completion of the Staff Report (Exhibit H.2), two written responses were received from interested persons, in response to the proposal.

1. A representative from Columbia Biogas submitted written comments. The letter expressed opposition to the application as submitted. Columbia Biogas objected primarily on the grounds that the application, as submitted, would result in negative impacts to nearby properties because of noxious odors and its attraction of rodents/vermin. The Hearings Officer addresses these concerns in the relevant approval criteria below.
2. The St. Johns Neighborhood Association (“SJNA”) submitted the following comments: SJNA made contact with Applicant to learn more about proposed changes in waste-management operations and any impacts that might occur as a result. Board members of the SJNA toured the Site and discussed initial concerns over the proposal. SJNA held a land use specific general meeting where Applicant made a presentation of their proposal and answered questions from neighborhood residents.

In general, the SJNA supports creating additional recycling opportunities. Applicant’s plan to add a mixed yard debris/food waste transfer station is a step in the right direction in creating a sustainable community. The concerns of the SJNA are over adverse impacts that may be a result of the proposed land use. SJNA submitted a proposed Good Neighbor Agreement (Exhibit H.12) into the record. The Hearings Officer will address impacts identified by SJNA in the relevant approval criteria below.

ZONING CODE APPROVAL CRITERIA

CONDITIONAL USES

33.815.220 Mining and Waste Related These approval criteria allow these uses in locations where their large size and potential nuisance and environmental impacts will not harm surrounding land uses. The approval criteria are as follows:

- A. There are adequate nearby lands available for the development of more intense industrial uses;

Findings: The Site is located in an IH, Heavy Industrial zone, which allows a mix of uses with a strong industrial orientation. The North Portland Harbor, also known as the Rivergate area, is comprised of many very large industrial properties that are currently used and available for intense industrial use. According to a Portland Development Commission report, 2004 Industrial Districts Atlas, there are over 4,000 acres of industrial land in the Rivergate area.

Although the mixed yard debris/food waste processing and transfer functions are classified as Waste-Related uses, their presence will not result in permanent impacts to the Site or surrounding development. Unlike a Mining Use, Applicant's proposed business operations will take place on the land surface. When Applicant's operation is removed, the Site will be available for other industrial uses. Additionally, the deposit, sorting and reloading of the mixed yard debris/food waste will be confined to a structure located on a specific area of the Site. The remainder of the Site will continue to be used for recycling and landscape material processing; uses that are categorized as industrial activities and are in conformance with the base zone.

In both the short and long term, there are adequate nearby lands available for development of more intense industrial uses. The Hearings Officer finds this approval criterion is met.

- B. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion and type of industrial uses;

Findings: As noted above, there is a significant amount of industrial development in the immediate vicinity. The proposed Waste-Related use will be one of two facilities (Applicant is proposing a similar facility at SE 101st) that will be accepting mixed yard debris/food waste. Applicant proposes to accept mixed yard debris/food waste from local commercial garbage haulers who remove yard debris from residences in the Portland area. Applicant also proposes to accept mixed yard debris/food waste from private "self haulers" and the general public. The mixed yard debris/food waste materials will be off-loaded into a covered, partially enclosed structure.¹ Employees will then sort through the material for non-organic items. Once trash is removed, the material will be stored on the Site, within the building, for not more than a 48-hour period (Condition K). The material will then be hauled, via semi-trucks, to another location for composting.

The Site is located in a relatively isolated location. The self-haulers and general public who wish to utilize the Applicant's services may not be familiar with the industrial area. To minimize confusion and conflict with other truck and industrial traffic, BDS staff recommended a condition be imposed that requires the Applicant to provide clear directional maps in information made available to customers and commercial haulers. Also, BDS

¹ Applicant proffered the argument that the structure where the mixed yard debris/food waste is off-loaded, sorted and re-loaded is a fully enclosed structure (Exhibits H.14 and H.19). For the purposes of this approval criterion and decision, the Hearings Officer considers the building "partially enclosed" and not "fully enclosed."

recommended a prominent sign be located at the Site's entrance gate. BDS stated that the sign should identify Applicant's facility and include contact information and a telephone number so that an Applicant's representative may be contacted at any time. The Hearings Officer finds these BDS suggestions to be reasonable and appropriate.

The building where the mixed yard debris/food waste will be off-loaded, sorted and re-loaded is approximately least 300 feet from the nearest public street. The mixed yard debris/food waste building is approximately 30 feet from the east property line. Applicant is requesting six Adjustments. The requested Adjustments are summarized below:

1. Waive the requirements that the Waste-Related use occur entirely within an enclosed structure.
2. Reduce the required 100-foot setback for Waste-Related uses along the east property line.
3. Waive the landscaping standard ("L1") within 100-foot setback area.
4. Waive the upgrade (nonconforming development) requirements for the parking lot on the Site.
5. Allow the location of the required 6-foot tall fence to be located along the perimeter of the Site.
6. Waive the requirement that the Waste-Related processing activities must be confined within an entirely enclosed structure.

The Adjustment requests and their individual and cumulative impacts will be analyzed later in this decision.

The new building will have complete, solid walls along its east and south sides. The neighboring property, to the east of the Site, contains numerous semi-trucks and cargo containers. At different locations, near the outer edge of the Site, segments of retaining wall that vary in height from 2.5 feet to 8 feet will be constructed to contain exterior activities on the Site. At certain locations the retaining wall could serve as a visual screen. Applicant is proposing the installation of a landscape buffer along the southern edge of the Site, to fulfill requirements of the Smith and Bybee Lakes NRMP. BDS staff recommended conditions related to plant selection, spacing and maintenance (see the findings under criterion D).

In order to maintain physical separation and protect the facility from trespass and unauthorized dumping, as well as to meet development standard 33.254.080.B, a fence, at least 6 feet tall, must be installed along the entire length of the Site. BDS staff, however, recommended a condition that requires the fence to be located on the interior side of the Environmental Conservation overlay zone and proposed landscape buffer. A locked gate, to access the planting area for maintenance and other purposes, is allowed.

Applicant's traffic consultant submitted a traffic analysis (Exhibits A.2 and A.6), noting that the existing uses at the Site generate 300 daily trips, with 25 occurring in the a.m. peak hour, and 20 in the p.m. peak hour. With the expanded use including soil amendment sales, Applicant's traffic consultant estimated 410 total daily trips; 60 in the a.m. peak hour, and 50

in the p.m. peak hour. This is a net increase of 110 daily trips, with 35 in the a.m. peak hour, and 30 in the p.m. peak hour. Based on the trip generation estimates and the distribution/assignment information, Applicant's traffic consultant projected all relevant intersections will continue to operate acceptably. As with the existing conditions, the eastbound approach at the N Portland Road/N Suttle Road intersection is forecast to continue to operate at Level of Service "E" during the weekday p.m. peak hour. Although the intersection performance standards are being met, additional analysis was performed to determine if additional traffic control may be necessary to minimize delay for the approach. Based on the results of a preliminary signal warrant analysis, Applicant's traffic consultant concluded that the intersection would not meet traffic signal warrants. PBOT reviewed Applicant's traffic analysis and found that no additional traffic control improvements are recommended at the N Portland Road/N Suttle Road intersection.

The Hearings Officer finds that this proposal will not alter the overall industrial character of the area or change the current level of service at the nearby intersections. As stated above, most of the Site will continue to be available for industrial uses. BDS staff recommended conditions that require the Applicant to offer driving directions for customers; the sign posted at the Site with contact information. Moreover, BDS recommended a six-foot tall chain-link fence is required along the entire boundary of the Site. The Hearings Officer concurs with these BDS staff recommendations. The Hearings Officer finds that the BDS staff recommended fence will provide separation of the Waste-Related use and the other industrial activities on the Site. The Hearings Officer finds that the Waste-Related and landscape recycling operation will not alter the industrial character of the area.

C. There will be no significant health or safety risk to nearby uses;

Findings: Generally, Waste-Related uses have operational and physical features that could create potential health or safety risks to nearby uses, such as noxious odors, excessive noise, the attraction of disease-carrying organisms, air and water pollution and traffic issues. A response to the possible impacts is provided below.

Odor: The mixed yard debris/food waste will be off-loaded from trucks in a partially enclosed structure. The organic material will be stored in the building for no more than a 48-hour period before getting transported offsite. (See Condition K.) Applicant is requesting an Adjustment to Section 33.254.040.B, which requires the processing occur within a fully enclosed structure.

One opponent who submitted a written statement (Exhibit F.1) indicated that approval of this application, as presented by Applicant, would create "odor problems in the community." This opponent indicated that to adequately address odor issues the Applicant would need to "conduct all waste handling processes within a fully enclosed building with state of the art biofilters to control odors." (Exhibit F.1). This opponent stated that "even the unloading of trucks" would need to be done within a closed building and with odor controls. This opponent objected to the granting of an Adjustment to the enclosed structure requirement. Another

opponent submitted a written statement (Exhibit H.8) voicing concerns about the creation of odors by the operation of Applicant's yard debris/food waste transfer activities.

Applicant responded to the concerns expressed in Exhibit F.1 (Exhibit H.5). Applicant stated the following:

"As an initial matter, Biogas does not understand this application. For example, Biogas states in the thirds paragraph on the first page of its letter that Recology proposes to 'store' food waste. This is not the case. Recology's plan is to receive food waste mixed with green (yard) waste and transport it to an off-site composting site the same day that it is received, or, at most, leave it on site for no more than 48 hours. As explained below, in the event some residual amount of food waste is on site at the end of daily operations, Recology will place a biofilter (such as wood chips or green (yard) waste) over the food waste to control odor.

Second, Biogas incorrectly believes that Recology is proposing to compost food waste at this site. Recology has stated in its application that the Suttle Road facility is a transfer facility and not a composting facility. Food waste (which will constitute less than 5% of incoming mixed green/food waste material received at the facility) will be transported to off-site composting facilities.

Third, Recology proposes to modify the building elevation (Exhibit 1) so that only one set of truck doors to the Material Recovery Facility ('MRF') building on the north wall will be unenclosed and open on a daily basis. The entrance on the west wall will be open only during operations and will be closed during other times. In order to understand why the adjustment to the 'fully enclosed' building is needed, it is necessary to understand how the facility will operate.

The MRF building will be open during business hours (between 7 am and 5 pm weekdays and 7 am and noon on Saturday) and will allow receipt of waste materials and transport operations to occur. The MRF building design allows two sets of three (3) trucks to simultaneously deliver waste materials to the MRF building. The need for two sets of three (3) trucks to simultaneously to deliver product to both doors is based on through-put capacities for the facility. The facility is essentially a transfer building where small loads of mixed green/food waste are consolidated into larger truck loads for transport to off-site composting facilities.

The existing MRF structure will be expanded by adding another area to it so that it resembles an 'L'. The north part of the building (the foot of the 'L') will have a truck door with three (3) truck bays where mixed green/food waste will be received. This area will be approximately 60 feet wide (based on columns centered at 20 feet). During the day, when daily operations are occurring, a roll-up door will be open. However, when operations are concluded, the door will be lowered and sealed during non-operation hours.

The second truck door which will be open are three (3) truck bays for trucks that will receive dry waste and construction and demolition materials. This is a 75 foot wide opening with three 20 foot wide truck bays (based on column spacing, as noted above).

Based on Recology's extensive experience (both at Metro Central in Portland and elsewhere) with transferring mixed green/food waste, there will be no odor from the three (3) truck bays for the deliver of mixed green/food waste. Recology expects all of this waste to be removed by the end of operations on a daily basis. In the event that has not occurred, Recology will use hogged fuel (such as wood chips) or clean, green waste at the site as a biofilter by spreading it over the remaining food waste. This will effectively prohibit odor creation and vector problems. This is a simple, proven and cost-effective method to control odor."

The Hearings Officer finds that Applicant's statements are credible. The Hearings Officer finds that if Applicant adheres to its proposed operational plan, and by imposing appropriate conditions of approval (i.e. condition restricting mixed yard debris/food waste to 48 hours at Applicant's facility – Condition K), odors emanating from the Site will not present significant health or safety risks to nearby uses.

The Hearings Officer also notes that the liquid by-product from the waste material, aka leachate, will be collected and piped into a tank. The Applicant intends to spray the leachate onto landscape materials or dispose of the liquid off of the Site. BDS staff recommended, in a condition, requiring Applicant to dispose of the liquid by-product (leachate) into the sanitary sewer system or transport it to another properly permitted site.

Disease Transmission (Vector Control): It is possible that exposed mixed yard debris/food waste will attract insects such as flies, rodents such as rats, and possibly other wildlife such as raccoons and birds. This possibility is a concern for nearby properties, including the neighboring Smith and Bybee Lakes recreational area.

Applicant commented (Exhibits H.4, H.5 and H.19) that the design and operation of the building on the Site will minimize disease transmission (vector control) issues. Applicant, as discussed in the quoted section above about odors, notes that the location of the area where mixed yard debris/food waste are dumped, sorted and re-loaded is an enclosed area; bay doors to be open only during operating hours. Applicant stated that 95% of the mixed yard debris/food waste will be yard debris and approximately 5% will be food waste. Applicant stated that the dry waste open doors are a sufficient distance from the location of the mixed yard debris/food waste to minimize any attractiveness to insects, rodents, and birds. Applicant stated that typically mixed yard debris/food waste deposited at the Site would be removed the same day and if not, the material would not stay on the Site for more than 48 hours. Applicant represented that it would "employ on a full-time basis a pest control service." (Exhibit H.5).

The Hearings Officer finds that with the imposition of conditions of approval and the adherence of Applicant to its operation plan, that disease transmission (vector control) will not present a significant health or safety risk to nearby uses.

Stormwater/Water Pollution: BES reviewed the application and determined that the proposed improvements have been designed to meet Stormwater Management Manual ("SWMM") requirements. Stormwater from impervious surface will flow to collection swales/ditches located along the southern edge of the paving and then flow to a detention pond with a waterproof liner.

BES notes the Applicant's project narrative (page 5) indicates that leachate collected within the material recovery building (where the mixed yard debris/food waste will be off-loaded, sorted and re-loaded – hereafter the "MRF") will be collected and "either disposed of off-site or *sprayed on organic waste*, if the liquid will not create offensive odors" (emphasis added). It is not clear from this narrative whether it is intended that the leachate would be sprayed on the food waste within the covered MRF, or on yard or other organic waste located outside the building. If the latter, BES cautioned the Applicant because any overspray or runoff from outdoor storage piles would need to be collected and discharged to the sanitary only sewer. Discharging this type of waste to a storm system is prohibited per State and Local laws. When discharging leachate and process water to the sanitary sewer system, additional charges apply. Additionally, this type of wastewater can be odiferous, and could generate odors that are not desirable to the community. After treatment, stormwater runoff will be directed to an existing underground infiltration facility that has permit approval from the Oregon DEQ. See additional findings under criterion 33.815.220.F.3. In order to combat odor problems as well as address stormwater management requirements, BDS staff recommended a condition that requires the collected leachate to be taken off of the Site for disposal. The Hearings Officer concurs with the BDS staff recommendation.

Noise: The sound of garbage truck off-loading and other distribution activities will be minimal, given that the facility will operate only during daytime hours, 6 a.m. to 6 p.m., Monday through Friday and Saturdays 7 a.m. to 5 p.m. Because the mixed yard debris/food waste off-loading, sorting and re-loading will occur in the MRF, discernible noise outside the MRF will be minimized. The Hearings Officer finds that the noise from this facility will not differ or exceed the noise generated by other truck and material loading activities located in the Rivergate industrial area.

Dust/Air Pollution: The Site currently accepts a large amount of debris, 250 to 400 tons per day. The transfer of mixed yard debris/food waste within the MRF will not generate additional dust.

Traffic Impacts and Safety: The application addressed possible traffic capacity and safety issues. Applicant's traffic consultant reports that N Suttle Road, N Marine Drive and N Portland Avenue can support the additional traffic generated from a capacity, safety and access standpoint. See findings under criterion 33.815.220.F.

In summary, the Hearings Officer finds that impacts from the activities proposed in this application, with conditions of approval, are expected to be minimal. With conditions, this approval criterion is met.

- D. There will not be significant detrimental environmental impacts to any nearby environmentally sensitive areas;

Findings: The Site abuts the Smith and Bybee Lakes area, an environmentally-sensitive resource that encompasses approximately 1,870 acres. A small portion of the Site is designated with the Environmental Conservation overlay zone and is within the Smith and Bybee Lakes NRMP. The City's environmental assessment report--Wildlife Habitat Areas for the Columbia Corridor, adopted April 1989, states:

Smith and Bybee Lakes is the most complex and unique natural area within Portland's Urban Growth Boundary...Extensive amounts of adage habitat (ecotone) is found at the wetland and is one of the sites most significant and basic natural resources for wildlife (page 107).

BDS staff, in the Staff Report (Exhibit H.2), expressed concern that odors emanating from the MRF doors/bays (cardboard and dry waste off-loading area) would create a risk of odors escaping and attracting insects and scavengers (such as rodents, raccoons, and birds). The Hearings Officer finds that so long as Applicant adheres to its proposed operational plan, and with the imposition of conditions of approval, odors that could attract insects and scavengers will be minimal.

To address a requirement of the Smith and Bybee Lakes NRMP (Policy 22B), the Applicant is proposing to plant a large number of trees and shrubs along the southern property line of the Site. The native plants will help re-establish the riparian fringe and act as a visual screen between industrial operations and the large water body.

The BES written response states that to best protect the resource and lessen the impact of the industrial site on the wetland, the buffer should be composed of native trees and shrubs appropriate to the Lower Columbia River ecosystem and specifically the Smith and Bybee Natural Area (e.g. cottonwood, Red-Osier dogwood, spiraea, etc.). BES also supports a requirement that the Applicant be responsible to monitor and maintain the vegetated area for a defined period of time in order to ensure establishment of the plantings. To fully comply with the requirements of the NRMP, BDS staff recommended condition G; specification of a minimum number of trees, shrubs and amount of ground cover and identifies acceptable species and spacing requirements. BDS staff also recommended condition H to ensure the landscape buffer will be monitored and maintained. Because fences are not allowed within designated environmental resource areas, the required fence must be located on the interior side of the Environmental Conservation overlay zone and proposed landscape buffer. A locked gate, to access the planting area for maintenance and other purposes, is allowed. The Hearings Officer

concurred with the above-stated BDS staff recommendations; including conditions G and H and locating the fence on the interior side of the Environmental Conservation overlay zone line.

The Hearings Officer finds, if Applicant adheres to its operational plan and conditions of approval are imposed, this approval criterion is met.

E. The proposed use adequately addresses potential nuisance-related impacts such as litter;

Findings: Potential nuisance-related impacts, such as odor, noise, disease transmission (vector control), are discussed above in the findings for PCC 33.815.220 C and D and those findings are incorporated herein. Litter, a potential nuisance-related impact, is not expected to be an issue. The off-loading, sorting, and re-loading of yard debris/food waste will occur in the MRF. Litter issues will be dealt with inside the MRF.

In order to maintain physical separation, as well as to meet development standard 33.254.080.B, a fence, at least 6 feet tall, must be installed along all sides of the Site. The required fence will serve to protect the facility from trespass and unauthorized dumping and to contain litter from leaving the Site.

The Hearings Officer finds that all potential nuisance-related impacts have been addressed satisfactorily so long as Applicant adheres to its proposed operation plan and conditions of approval are imposed. The Hearings Officer finds, with the imposition of conditions of approval, that this approval criterion is met.

F. Public services.

1. The proposed use is in conformance with either the street designations shown in the Transportation Element of the Comprehensive Plan;
2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access requirements; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and

Findings: The Site directly fronts N Suttle Road which terminates 1,600 feet west of the Site. North Suttle Road intersects N Portland Road, which connects to N Marine Drive. The Site and surrounding area are within a designated Freight District.

The Transportation Element of the Comprehensive Plan designates the abutting and nearby streets as follows:

Rights-of-Way	Traffic Classification	Transit Classification	Bicycle Classification	Pedestrian Classification
N Suttle Road	Local Service	None	Local	Local
N Portland Road	Major City Traffic Street	Community Transit	Off-Street Path	Off-Street Path
N Marine Drive	Major City Traffic Street	Transit Access	Local	Local

PBOT reviewed the Applicant's transportation analysis (Exhibits A.2 and A.6) and indicated it had no concerns. As outlined in the Applicant's response, and summarized above, under criterion C, the proposed new Waste-Related use is not anticipated to have a significant trip generation impact or generate trip types that are inconsistent with the street designations. The transportation system is capable of supporting the additional traffic that is estimated to be generated by the use.

PBOT staff noted that the acceptance of mixed yard debris/food waste at the Site could generate 410 daily trips, with 60 in the a.m. peak hour and 50 in the p.m. peak hour. Based on the trip generation estimates, and the distribution/assignment information and the level-of-service analysis for the study intersections, PBOT indicated that all intersections are forecast to continue to operate acceptably.

The SJNA raised an ongoing problem with trucks cutting through the neighborhood's residential areas. To address this problem, BDS staff recommended a condition requiring trucks associated with the Waste-Related operation to use only designated major traffic streets, regional trafficways and streets within the Rivergate Freight District. Through compliance with this condition, the Hearings Officer finds this approval criterion is met.

- Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: There is an existing 5/8" metered service which provides water to this location from the existing 24-inch water main in N Suttle Road. Both the Fire and Water Bureaus reviewed the proposal and did not require any additional water service-related improvements. The Police Bureau did not raise issues or objections to the proposal.

BES reported that there is a 10-inch concrete public sanitary gravity sewer located in N Suttle Road that can serve the Site. There is no public storm-only sewer available to the Site. BES reviews stormwater management facilities on private property for the feasibility of infiltration, pollution reduction, flow control, and off-site discharges. BES has reviewed the Performance Approach stormwater report from PBS Engineering and Environmental dated March 7, 2011. The report details the stormwater collection, flow-control, treatment, and infiltration system that currently exists. For proposed development, PBS proposes collection swales/ditches

along the southern edge of the proposed pavement, which then flow to a detention pond with a waterproof liner. A new flow-control manhole with a small orifice will delay the peak flow of water from the new developed area from exceeding the allowed flow rates for the StormFilter water quality system.

After treatment, runoff will be directed into the existing infiltration gallery ("UIC"). Based on correspondence with staff from Oregon DEQ's Solid Waste and UIC Programs, the current UIC system is permitted by DEQ under existing Solid Waste Disposal Permit #501. At the time that Recology submits a request to modify the existing SWDP to receive approval for the proposed new waste activities on the site, DEQ will remove the UIC from the SWDP and instead regulate it under the Water Quality UIC Program, which will require either authorization by rule or a Water Pollution Control Facility Permit to continue operating the UIC. Per DEQ, Recology must submit a UIC WPCF permit application prior to issuance of an amended SWD permit. Because Oregon DEQ will require that stormwater flowing into the UIC meets water quality standards either through rule authorization or a WPCF permit, and permit application will be a condition of SWD permit issuance, BES is satisfied that an option for disposing stormwater on this site is available. Therefore, Applicant's proposal for water quality, flow-control, and infiltration of stormwater were deemed, by BES, sufficient to determine that the stormwater management approval criterion has been met for this review. At the time of permit review, BES staff will verify compliance with the SWMM and Title 17.

The Hearings Officer finds this approval criterion is met.

- G. The proposal complies with the regulations of Chapter 33.254, Mining and Waste-Related Uses;

Findings: The regulations of Chapter 33.254 and discussion of how the proposal addresses them are as follows:

33.254.020 Limitations

- A. **Accessory uses.** Concrete batching, asphalt mixing, rock crushing, or clay bulking in connection with a Mining use are prohibited except in IH and IG zones.
- B. **Hazardous wastes.** The disposal of hazardous wastes, as defined by OAR 340.100 to 340.110, is prohibited.

Findings: The proposed use involves the acceptance of mixed yard debris/food waste, the material is sorted and then re-loaded to larger trucks to transporting to a location off of the Site for composting. The proposal does not involve mining activity or disposal of hazardous waste. Therefore, the Hearings Officer finds that this standard will be met.

33.254.030 Location and Vehicle Access Uses must be located so that vehicle access is restricted to Major City Traffic Streets or to streets in Freight Districts, as designated in the Transportation Element of the Comprehensive Plan.

Findings: North Suttle Road is a designated Local Service Street, but is within a designated Freight District. The Hearings Officer finds that this standard is met.

33.254.040 Operations

- A. On-site queuing.** The site layout must include adequate areas to accommodate the peak number of vehicles expected to come to the site at any one time.

Findings: The Applicant's traffic consultant prepared a traffic impact study to assess the adequacy of transportation services (Exhibits A.2 and A.6). Applicant's traffic analysis states the proposed use does not include any driveway modifications to N Suttle Road and does not modify access for trucks or passenger cars. All truck loading and unloading will occur on the Site with no anticipated impacts to N Suttle Road traffic. PBOT reviewed the analysis and concluded that the transportation system is adequate to support the proposed use. The Hearings Officer finds this standard is met.

- B. Processing of waste products.** In the case of Waste-Related uses other than landfills and composting operations, all activities relating to the receiving, sorting, processing, storage, transfer, and shipping of wastes must take place entirely within enclosed structures. The transfer of waste products from one vehicle or container to another vehicle or container and the cleaning of such vehicles or containers must be done within a containment area designed to ensure that waste materials will be confined so as to not enter the groundwater or any water body.

Findings: As already discussed under numerous approval criteria above, the Applicant is requesting an Adjustment to waive this requirement. See the findings under the Adjustment criteria, below.

- C. Liquid waste pretreatment.** The use, if other than a sewage treatment facility, must provide pretreatment of any liquids being discharged into the City's stormwater or sanitary disposal system. The pretreatment must meet the standards of the Bureau of Environmental Services.

Findings: As stated in findings above, BDS staff recommended a condition that requires the residual liquid from the food waste (leachate) to be contained and removed from the Site. Surface stormwater will be treated and then directed to a DEQ-permitted underground infiltration facility. BES has reviewed the proposal and finds that the proposal can satisfy this requirement. The Hearings Officer concurs with the BDS and BES recommendations and comments above. The Hearings Officer finds this standard can be met.

- D. Posted information.** A sign must be posted near the entrance to the site, stating the telephone number(s) where a representative of the use may be reached at all times.

Findings: BDS staff recommended a condition requiring a sign, with the necessary contact information, be posted at the truck and customer entrance. The Hearings Officer finds that compliance with this condition will satisfy this requirement.

33.254.050 Traffic Impact Study A traffic impact study must be submitted for the proposed use. As part of the study, measures must be proposed for mitigating traffic impacts resulting from vehicles going to and from the site. The study must also include a plan and mechanisms to ensure that traffic, especially trucks, travel primarily on truck routes or major City traffic streets when near the site. The traffic study must include information of proposed access points, types of vehicles, and frequency of trips.

Findings: As discussed under criterion F, the Applicant's consultant submitted a traffic impact study to assess the adequacy of transportation services. PBOT reviewed the analysis and concluded that the transportation system is adequate to support the proposed use. The Hearings Officer finds this standard is met.

33.254.060 Nuisance Mitigation Plan The applicant must submit a mitigation plan that addresses potential nuisance impacts which might be created by the proposed use. The plan must include the following components:

A. Off-site impacts. The plan must document that the use will comply with the off-site impact standards stated in Chapter 33.262;

Findings: The SJNA, in a letter to BDS staff, requested that Applicant and staff work together for the purpose of entering into a Good Neighbor Agreement ("GNA"). A SJNA representative, at the hearing, submitted a draft of a GNA between SJNA and the Applicant. Although there is no condition of approval requiring the Applicant to abide by the terms of the GNA, the Hearings Officer finds the efforts of the Applicant to be commendable and is hopeful that Applicant will abide by its (GNA) terms. The Hearings Officer encourages the Applicant to continue to engage in a dialogue with the SJNA.

The Hearings Officer finds that if the Applicant adheres to its operational plan, and with conditions of approval, this criterion is met.

Below are the regulations of 33.262 and discussion of how the proposal addresses them:

33.262.050 Noise The City noise standards are stated in Title 18, Nuisance Abatement and Noise Control. In addition, the Department of Environmental Quality has regulations which apply to firms adjacent to or near noise sensitive uses such as dwellings, religious institutions, schools, and hospitals.

Findings: Noise generated by Applicant's proposed handling of mixed yard debris/food waste will be primarily in the form of trucks and vehicles used for the delivery and removal of the mixed debris/food waste material. The trucks and equipment are similar to that used by many

nearby industrial uses. Equipment will meet noise standards stated in Title 18, Nuisance Abatement and Noise Control. The Hearings Officer finds this standard can be met.

33.262.060 Vibration

- A. Vibration standard.** Continuous, frequent, or repetitive vibrations which exceed 0.002g peak may not be produced. In general, this means that a person of normal sensitivities should not be able to feel any vibrations.
- B. Exceptions.** Vibrations from temporary construction and vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are exempt. Vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.
- C. Measurement.** Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.

Findings: This proposal does not involve activities such as manufacturing or demolition that require heavy pounding or breaking of materials and therefore will not create vibrations. The proposal will comply with this standard.

33.262.070 Odor

- A. Odor standard.** Continuous, frequent, or repetitive odors may not be produced. The odor threshold is the point at which an odor may just be detected
- B. Exception.** An odor detected for less than 15 minutes per day is exempt.

Findings: As discussed throughout this decision, the Hearings Officer finds that odors are a significant concern when handling food wastes. However, the Hearings Officer found (findings for PCC 33.815.220 C and D – the findings for those approval criteria are incorporated herein) that so long as Applicant adheres to its operational plan and conditions of approval are imposed, odor impacts will not be significant.

BDS staff recommended that the liquid waste be disposed of rather than sprayed on landscape debris. The Hearings Officer concurs with this BDS staff recommendation. The Hearings Officer finds this approval criterion is met.

33.262.080 Glare

- A. Glare standard.** Glare is illumination caused by all types of lighting and from high temperature processes such as welding or metallurgical refining. Glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of 0.5 foot candles of light.
- B. Strobe lights.** Strobe lights visible from another property are not allowed.

Findings: The proposal will not require excessively bright or special lighting such as strobe lights. The Hearings Officer finds this standard will be met.

- B. Litter.** For Waste-Related uses, the plan must address litter generated on the site and litter along roadways leading to the use that is generated by vehicles coming to the site. The plan must also address illegally dumped waste products near the site. The plan must provide for regular litter removal. The plan must also include means to limit litter from vehicles coming to site; and

Findings: BDS suggested that if Applicant were required to fully enclose the MRF, it would be less likely that litter would be swept/carried off of the Site by wind. The Hearings Officer notes that doors to the portion of the MRF where mixed yard debris/food waste unloading, sorting occurs will have doors that will be open during business hours and closed at all other hours. The Hearings Officer finds that truck bays in the cardboard and dry waste receiving area (the area where the building is not fully enclosed) are located a significant distance from the area where the mixed yard debris/food waste handling occurs. The Hearings Officer finds enclosing the cardboard and dry waste receiving area bays (presumably with roll-up doors) would have no discernable impact upon litter being dispersed from the mixed yard debris/food waste handling area of the MRF. The Hearings Officer finds, based upon testimony of Applicant's representatives, that trucks delivering mixed yard debris/food waste will back into the MRF, unload, and the material will then be sorted and re-loaded onto trucks for transport off of the Site. The Hearings Officer finds litter should not be a problem associated with the handling of the mixed yard debris/food waste. In addition, Applicant has committed to "a litter patrol on all streets within one-quarter mile of the site." (Exhibit H.19). Finally, the condition of approval to install a fence will further impede litter/trash from being carried off of the Site and discourage trespass and unauthorized dumping. The Hearings Officer finds the standard will be met.

- C. Dust, mud, and vector control.** The plan must provide mechanisms to limit impacts from dust, mud, and disease carrying organisms such as rats and mosquitoes.

Findings: The Hearings Officer incorporates the findings for PCC 33.815.220 C and D into the findings for this section/standard. The Hearings Officer finds that so long as Applicant adheres to its operational plan and conditions of approval are imposed, disease transmission (vector control) impacts will not be significant. The Hearings Officer finds that there should be no dust and/or mud impacts resulting from approval of this application. The Hearings Officer finds this standard will be met.

33.254.070 Reclamation Plan for Landfills The applicant for a landfill use in the Waste-Related use category must submit a reclamation plan. The Bureaus of Buildings and Environmental Services will provide a technical review of the plan. Mining uses are subject to State requirements for reclamation plans.

- A. Contents of the reclamation plan.** The reclamation plan must include the following:
1. Phasing and schedule of work to be conducted;
 2. Phasing and schedule of reclamation to be conducted;
 3. Materials to be used in the reclamation;

4. The effect of the reclamation on surface and subsurface drainage patterns;
5. Plans for future use of the land; and
6. A discussion of how the proposed reclamation plan is consistent with the future potential uses of the land, according to the zoning and the Comprehensive Plan designation.

B. Performance guarantee. The review body as part of the conditional use review may require the applicant to post a bond or other security with the City to ensure the completion of the reclamation plan. The security must comply with the regulations for performance guarantees stated in 33.700.050.

Findings: The proposal does not include a landfill. Therefore, the Hearings Officer finds this requirement does not apply.

33.254.080 Setbacks, Landscaping, and Screening Waste-Related uses are subject to the following setback, landscaping, and screening requirements. Mining uses are subject to State requirements for setbacks, landscaping, and screening.

A. Setback distance. Waste-Related uses must be set back 100 feet from all property and street lot lines that abut C, E, or I zones. A 200-foot setback is required along all property and street lot lines that abut OS or R zones.

Findings: The MRF will be located approximately 30 feet from the east property line. An Adjustment has been requested to reduce the setback requirement where the structure will be closer than 100 feet to the property line. See the Adjustment findings below.

B. Landscaping and screening requirements. The setback must be landscaped to at least the L1 standard. A fence at least 6 feet high must be provided on the interior side of the setback. The fence must be screened by a high hedge meeting the L3 standard. The landscaping standards are stated in Chapter 33.248, Landscaping and Screening. In addition, gates with fencing at least 6 feet high must be provided across all entrances. The property owner must maintain the fencing and gates in good repair.

Findings: Applicant is requesting an Adjustment to waive the landscaping standard along the west, north and east property lines and to allow the fence to be located on the outside of the required setback area. See Adjustment findings below.

33.254.090 Activities in Required Setbacks Extraction, movement, or stockpiling of mineral and aggregate resources or the disposal or storage of waste products within a required setback is prohibited. The tops and toes of cut and fill slopes must remain outside the required setback. Structures, exterior storage, and parking areas for trucks or equipment are not allowed within the required setbacks. Required setbacks includes all setbacks approved by the State for Mining uses.

Findings: As stated above, an Adjustment is requested to allow the handling of mixed yard debris/food waste, within the MRF, to be located within 30 feet of a property line. See the related findings below.

33.254.100 Underground Utilities All underground lines and conduits on a mining or landfill site and within 50 feet of the site must be protected from damage from the use. This includes storm and sanitary sewers, and water, gas, and electric lines.

Findings: The proposed activity is for food waste recycling and not mining or excavation. This requirement does not apply.

- H. There is a reclamation or redevelopment plan which will ensure that the site will be suitable for an allowed use when the mining or landfill use is finished; and

Findings: This is not a mining or landfill project. This requirement does not apply.

- I. Public benefits of the use outweigh any impacts which cannot be mitigated.

Findings: The mixed yard debris/food waste handling at the Site and another proposed Applicant operated facility to be located at SE Foster and SE 101st Avenue (LU 10-194818 CU AD) are integral to the implementation of a City of Portland food waste composting program. This application and LU 10-194818 CU AD involve proposals that will operate as transfer stations for garbage haulers and the members of the public to deliver the mixed yard debris/food waste to an accessible location. Thereafter, compostable mixed yard debris/food waste will be transferred to one or more separate location(s) for composting.

Composting businesses typically require transfer facilities. Many deliveries in smaller trucks from the urban area go to a single point where the waste material is separated and aggregated for composting. The material is then consolidated into larger trucks and is shipped to a composting facility. This reduces the number of trips to the composting facility, provides a place that efficiently sorts and consolidates the organic material, and offers another means of reducing the amount of materials being deposited into a landfill. Material is being diverted from the waste stream going to landfills and is recycled into compost for beneficial uses.

Based upon the findings for PCC 33.815.220 C, D, E and G (findings for those approval criteria are incorporated herein), the Hearings Officer finds that so long as Applicant adheres to its operational plan and conditions of approval are imposed, there will be no impacts which cannot be mitigated. The Hearings Officer finds, therefore, that the benefit to the public of a mixed yard debris/food waste transfer station outweighs any negative impacts that cannot be mitigated.

Adjustments

33.805.040 Approval Criteria The adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The purpose of the Mining and Waste-Related development standard, as stated in Section 33.254.010 of the Zoning Code is as follows:

These regulations:

- *Reduce the impacts and nuisances resulting from mining and Waste-Related uses on surrounding land uses;*
- *Reduce the transportation impacts from these uses;*
- *Ensure that land used for these purposes is restored so that it may be reused; and*
- *Provide security measures so that these land uses are not a safety hazard to other land uses or to nearby residents.*

Exterior Processing/Activities Outside of a Fully Enclosed Structure:

The Hearings Officer finds the primary “purpose” to be addressed in this Adjustment request is oriented to the impacts and nuisances that may result from Waste-Related uses on surrounding lands. The Hearings Officer finds the primary impacts that may result from Applicant’s proposed handling of mixed yard debris/food waste are odors, noise, disease transmission (vector control) and traffic. The Hearings Officer incorporates the findings for PCC 33.815.220 C, D and E as additional findings for this approval criterion. The Hearings Officer takes particular note of Applicant’s description (as quoted in the findings for PCC 33.815.220 C) of the MRF floor plan and the location of the cardboard and dry waste receiving area open bays in relation to the area of the MRF that is devoted to handling mixed yard debris/food waste. The Hearings Officer finds no negative impacts or nuisances will originate from the cardboard and dry waste processing. The Hearings Officer also takes particular note that the doors to the receiving area for mixed yard debris/food waste will remain open during business hours. The Hearings Officer finds that so long as Applicant adheres to the proposed operational plan and conditions of approval are imposed (i.e. removal of mixed yard debris/food waste from the Site within 48 hours of delivery to the Site, installation of an internal drain and containment system for collecting leachate, ongoing contract with pest control company, responsibility for litter within a quarter mile of the Site, etc.) impacts and nuisances resulting from the Waste-Related uses will be minimal.

Building Setback: Applicant’s request is to reduce the required 100-foot setback to 30 feet for the proposed MRF, in relation to the east property line. Again, the Hearings Officer finds that the primary purpose that is relevant to this Adjustment request relates to the reduction of

impacts and nuisances on surrounding land uses. The Hearings Officer incorporates the findings for PCC 33.815.220 C, D, and E as additional findings for this approval criterion. The Hearings Officer finds that the MRF will have solid walls along its east side; the side of the MRF closest to the east property line. The Hearings Officer finds that a retaining wall will exist on a portion of the east property line. The Hearings Officer finds a fence (6 feet high) will be in close proximity to the east property line. The Hearings Officer finds that the fence and retaining wall will provide some buffering between the neighboring property to the east and the Applicant's operations on the Site. The Hearings Officer finds that so long as the Applicant adheres to its operational plan and conditions of approval are imposed, the reduction of impacts and nuisances resulting from reducing the eastern setback will be satisfied.

Landscaping in Required Setback: The Hearings Officer incorporates the findings for PCC 33.815.220 C, D and E as additional findings for this approval criterion. The Hearings Officer finds that the relevant "purpose" related to this adjustment request is the reduction of impacts and nuisances resulting from the Waste-Related use. The Hearings Officer also finds that in the context of "impacts and nuisances resulting from the waste-related uses," visual impacts are most important when considering the requirement to install, or not, L1 landscaping. (See PCC 33.248.020 A for description of the L1 landscaping standard). The Hearings Officer finds that requiring installation of L1 landscaping has little, if any, affect on the identified possible nuisance impacts from approving this application (i.e. odor, disease transmission (vector control), noise and traffic). The Hearings Officer finds that with the installation of a retaining wall (portion of east property line) and fence, and the fact that the Site and surrounding area are zoned IH (Heavy Industrial), the purposes of PCC 33.254.010 will be equally met if the L1 landscaping adjustment is granted. The Hearings Officer takes note that for Applicant to comply with requirements of the Smith and Bybee Lakes NRMP, the Applicant must install landscaping along most of the south property line. BDS staff recommended conditions that specify the species, density and maintenance of the plantings. The Hearings Officer concurs with this BDS staff recommendation. The Hearings Officer finds that if Applicant adheres to its operational plan and conditions of approval are imposed, that the request for L1 landscaping standard adjustment, in the required setback, meets the purpose statement of PCC 33.254.010.

Fence Location: Standard 33.254.080.B requires a fence to be installed on the interior side of the required 100-foot setback. Applicant is requesting to waive this locational aspect of the requirement. To maintain separation and security for the Site, BDS staff recommended a condition that requires the installation of a tall fence that follows the property lines, except along the southern edge. On the south side, BDS staff recommended that the fence be placed on the interior side of the environmental zone and/or proposed planting area. BDS indicated that a locked gate could be placed on that side to provide access for maintenance and other purposes. The Hearings Officer concurs with the BDS staff recommendation above.

The intent for the parking lot landscaping, as stated in Section 33.266.130.A (Purpose) of the Zoning Code, is as follows:

- *The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:*
- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas; and*
- *Decrease airborne and waterborne pollution.*

Perimeter and Interior Parking Lot Landscaping: The requirement for perimeter and interior parking lot landscaping applies as a nonconforming upgrade requirement per Section 33.258.070.D.2. The existing parking area will not be moved or modified with the proposed improvements on the site. There are approximately 15 parking spaces. Interior landscape areas are required for parking lots with more than 10 spaces. The parking area spans approximately 140 lineal feet along the N Suttle Road frontage. Perimeter landscaping, a low continuous screen (L2 landscaping standard – for description of the L2 standard see PCC 33.248.020) is required within a required 5-foot setback area.

The Hearings Officer finds that although additional landscaping would soften the appearance of the paved area and reduce the impacts of vehicle parking, this area is developed with heavy industrial uses where the undesirable appearance and impacts are generally not an issue. Applicant intends to install a landscape buffer along most of the southern property line. This buffer will provide visual and functional separation between the industrial use and the adjacent wetland resource. BES has reviewed the proposal and recommends approval without conditions. The Hearings Officer finds the purpose section of PCC 33.266.130.A is equally met by granting the requested perimeter and interior parking lot landscaping adjustment.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: As discussed under approval criterion 33.815.220.F.1, the proposal does not conflict with the street classifications and PBOT has no concerns. The Site is in an IH zone. The Heavy Industrial zone is characterized as a zone that “provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance.”

Applicant is currently operating a large recycling facility with extensive exterior work activities at the Site. The proposed improvements include the construction of additional retaining walls, new buildings and an improved truck maneuvering and loading area; however,

the parking area will not change. Even with most of the Adjustments granted, the facility will not be dissimilar in character to many industrial sites found in the IH zone.

The Hearings Officer finds this approval criterion is met for all the Adjustments.

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: The Applicant is requesting an Adjustment to six distinct development standards. The purpose of the Industrial and Employment zones is found in 33.140.010, which states:

33.140.010 General Purpose of the Zones The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

Four of the six development standards requested for Adjustment are those that address possible impacts created by a Waste-Related use in an IH zone. Given the location of Applicant's proposed use, the surrounding zoning and land uses, the relevant purpose goals are still satisfied. The Hearings Officer finds that so long as Applicant adheres to its operational plan, and conditions of approval are imposed, this approval criterion is met.

- D. City-designated scenic resources and historic resources are preserved; and

Findings: City-designated scenic resources are shown on the zoning map by the "s" overlay zone. Historic resources are designated by a large dot. There are no such resources present this Site. This criterion does not apply.

- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: The Hearings Officer finds that Applicant's request to waive the fully enclosed structure requirement may create noise impacts; however, the Hearings Officer found those impacts not to be significant and therefore no mitigation is required. The Hearings Officer found that other possible impacts, such as odor and disease transmission (vector control), even with the granting of the adjustment to permit open bays to access the cardboard and dry storage area, would be minimal. The Hearings Officer found, therefore, that no mitigation is required for possible noise, odor and disease transmission (vector) impacts. The impacts of waiving the parking lot landscaping requirements will be mitigated by installing a dense

landscape buffer, with native species, along the southern property line. The vegetated buffer will protect and improve multiple functions of the wetland and natural area. BDS staff recommended conditions G and H to achieve a sufficient and sustainable edge. The Hearings Officer concurs with this BDS staff suggestion. The Hearings Officer also finds the imposition of conditions related to litter, pest control and the maximum time for a load of mixed yard debris/food waste to remain on the Site are necessary. The Hearings Officer finds that so long as the Applicant adheres to its operational plan, and conditions of approval are included with the approval of this application, this approval criterion is met.

- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: As stated above, an open structure has the potential to create detrimental impacts to the adjacent Smith and Bybee Lakes resource values. Staff recommended denial of the request to waive development standard 33.254.040.B (enclosed structure).

The Hearings Officer found, based upon the evidence in the record, that the potential detrimental impacts to adjacent Smith and Bybee Lakes' resources would not occur so long as the Applicant adheres to its operational plan and conditions of approval are imposed. Further, the Hearings Officer finds that the proposed landscape buffer, if planted and monitored consistent with conditions G and H, will mitigate impacts of waiving landscaping improvements in the existing parking lot. The Hearings Officer finds that if the Applicant adheres to its operational plan, and with conditions of approval, this criterion is met for the all requested Adjustments.

Development Standards

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

III. CONCLUSIONS

Applicant requested Conditional Use approval in order to be permitted to accept and recycle mixed yard debris/food waste at the Site. Four Adjustments were requested to waive or vary from development standards that specifically apply to Waste-Related uses. The Applicant also requested two Adjustments to waive parking lot upgrade requirements.

The Hearings Officer found that the relevant approval criteria for approving the Conditional Use and Adjustment requests were met, so long as the Applicant adhered to its operational plan and various conditions of approval were imposed.

IV. DECISION

Approval of a Conditional Use to establish a Waste-Related use that receives, sorts, handles, stores (temporarily, per Condition of Approval K below) and re-loads mixed yard debris/food waste in the MRF, as described in Exhibits A.1 through A.9.

Approval of an Adjustment to waive the requirement that the activities relating to the receiving, sorting, handling, storage (temporarily, per Condition of Approval K below) and transfer of mixed yard debris/food waste take place entirely within an enclosed structure (Section 33.254.040.B);

Approval of an Adjustment to reduce the Waste-Related setback (Section 33.254.080.A) from 100 feet to 30 feet between the structure containing the waste-material and the east property line;

Approval of an Adjustment to waive the L1, General Landscaping requirement within the required setback (Section 33.254.080.B);

Approval of an Adjustment to waive the requirement of a fence being installed on the interior side of the required setback (Section 33.254.080.B);

Approval of an Adjustment to waive the perimeter parking lot landscaping standard, applied as a nonconforming upgrade requirement to the existing parking area (Section 33.258.070.D.2 and 33.266.130.G.2), and

Approval of an Adjustment to waive the interior parking lot landscaping standard, applied as a nonconforming upgrade requirement to the existing parking area (Section 33.258.070.D.2 and 33.266.130.G.3), and

All approvals subject to the following conditions:

- A. As part of the required building permit application submittal, the following development-related conditions (B through H) must be noted on each of the four 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 10-203967 CU AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The mixed yard debris/food waste may not be received, sorted, handled, and stored (temporarily, per Condition of Approval K below) within the building addition labeled Expansion area A-1 (12,800 square feet).
- C. The building addition, labeled Expansion A-2 (6,300 square feet) on Exhibit H.4c must be enclosed with exterior sliding/rolling exterior doors, per Exhibit H.4a.


- D. An internal drain and containment system must be installed to collect the liquid waste (leachate) inside the MRF. The leachate must be taken to an off-site location for disposal or discharged into the sanitary sewer.
- E. A sign that identifies the mixed yard debris/food waste recycling operation must be installed on entrance gates to the facility. The signs must include 24-hour emergency contact information.
- F. A fence, at least 6 feet tall, must be installed along all sides of the Site. On the south side, the fence must be located on the interior side of the Environmental Conservation overlay zone and proposed landscape buffer. A locked gate, to access the planting area for maintenance and other purposes, is allowed.
- G. Prior to final occupancy of the Waste-Related use processing building, landscaping must be installed in the portion of the Site that is located within the Environmental Conservation overlay zone as follows:
- A minimum of 65 native trees shall be planted—and shall be comprised of at least 15 each of cottonwood, cedar, maple, and oak, in conformance with C1.0; trees shall be spaced, on average, 15 feet apart.
 - A minimum of 300 native shrubs shall be planted—and shall be comprised of at least 75 each of dogwood, currant, Douglas spiraea, and Shiny-leaf spiraea, in conformance with C1.0. Shrubs shall be spaced, on average, 5 feet apart.
 - The planting area shall be seeded at a rate of 10 pounds per 1000 square feet, with native grasses, sedges, and forbs selected from the Portland Native Plant List.
- H. The landscape professional or designer of record shall monitor the required plantings in the Environmental zone for three years to ensure survival and replacement as described below. The landowner is responsible for ongoing survival of required plantings beyond the designated three-year monitoring period.

The landowner or landscape professional must provide a minimum of three letters (to serve as monitoring and maintenance reports) to the Land Use Services Division of the Bureau of Development Services (Attention: LUS Planner for LU 10-203967 CU AD) containing the monitoring information described below. Submit the first letter within 12 months following installation of the plantings. Submit subsequent letters every 12 months following the date of the first monitoring letter. All letters shall contain the following information:

- a. A count of the number of planted trees that have died. One replacement tree must be planted for each dead tree (replacement must occur within one planting season).
- b. The percent coverage of native shrubs and ground covers. If less than 80 percent of the planting area is covered with native shrubs or groundcovers at the time of the annual

- count, additional shrubs and groundcovers shall be planted to reach 80 percent cover (replacement must occur within one planting season).
- c. A list of replacement plants that were installed.
 - d. Photographs of the planted area and a site plan, in conformance with condition G, showing the location and direction of photos.
 - e. A description of the method used and the frequency for watering required trees, shrubs, and groundcovers for the first two summers after planting. All irrigation systems shall be temporary and aboveground.
 - f. An estimate of percent cover of invasive species (English ivy, Himalayan blackberry, Reed canary grass, teasel, clematis) within 10 feet of all plantings. Invasive species must not exceed 20 percent cover during the monitoring period.
- I. All public information, including Internet and marketing information, must include a directional map that identifies the Suttle Road Recology facility.
- J. Trucks and associated Applicant's businesses, including commercial haulers, must be instructed to use only designated major traffic streets, regional trafficways and the streets in the Rivergate Freight District when transporting waste to and from the Site.
- K. Organics containing food waste must only be accepted, sorted and temporarily stored in the portion of the MRF identified for "organics and yard wastes" (Exhibit H.4b). Organics containing food waste must be removed from the Site within forty-eight (48) hours of delivery to the Site.
- L. Applicant, or any successor in interest that accepts mixed yard debris/food waste at the Site, shall be responsible for collecting litter on public right-of-ways, on a regular basis, for a distance of $\frac{1}{4}$ road mile from the boundary of the Site.
- M. Applicant, or any successor in interest that accepts mixed yard debris/food waste at the Site, shall maintain a contract with a licensed pest control company to monitor and respond to vector control issues.


Gregory J. Frank, Hearings Officer


Date

Application Determined Complete:	February 3, 2011	
Report to Hearings Officer:	March 25, 2011	
Decision Mailed:	April 29, 2011	
Last Date to Appeal:	4:30 p.m., May 13, 2011	
Effective Date (if no appeal):	May 16, 2011	Decision may be recorded on this date.

Conditions of Approval. This project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Until 3:00 p.m., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of \$11,144.00 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chairperson or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Project Proposal and Response to Approval Criteria, submitted December 23, 2010
 - 2. Traffic Analysis, prepared by Kittelson and Associates, dated October 18, 2010
 - 3. Applicant's letter responding to staff's completeness review, dated January 26, 2011
 - 4. Additional Adjustment Request, response to approval criteria, submitted January 28, 2011
 - 5. Traffic Analysis Letter, dated February 16, 2011
 - 6. Traffic Analysis Addendum, dated March 9, 2011
 - 7. Additional Information identifying proposed revisions to project, March 9, 2011
 - 8. Stormwater Management Report- Performance Approach, submitted March 9, 2011
 - 9. Information Regarding UIC permit by DEQ, memo from Erin Merrill to Stephen Himes, BES, dated February 16, 2011
 - 10. Request for Evidentiary Hearing and 120-Day Waiver
- B. Zoning Map (**attached**)
- C. Plans and Drawings
 - 1. Site Plan, Proposed Grading and Site Improvement Plan, submitted March 9, 2011 (**attached**)
 - 2. Existing Conditions
 - 3. Proposed Utilities Plan, submitted March 9, 2011
 - 4. Proposed Master Floor Plan, submitted March 9, 2011
 - 5. Proposed South and East Elevations, submitted March 9, 2011
 - 6. Proposed North and West Elevations, submitted March 9, 2011
 - 7. Proposed Office Building – Floor Plan, submitted March 9, 2011
 - 8. Proposed Office Building – Elevations, submitted March 9, 2011
 - 9. Site Plan, Proposed Grading and Site Improvement Plan, submitted January 28, 2011
 - 10. Proposed Utilities Plan, submitted January 28, 2011
 - 11. Proposed Master Floor Plan, submitted January 28, 2011
 - 12. Proposed North and West Elevations, submitted January 28, 2011
- D. Notification information
 - 1. Request for Response
 - 2. Posting Letter Sent to Applicant
 - 3. Notice to be Posted
 - 4. Applicant's Statement Certifying Posting
 - 5. Mailing List
 - 6. Mailed Notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of Bureau of Development Services

6. Life Safety Review Section of Bureau of Development Services
7. TRACS Print-Out – “No Concerns” Response from Bureau of Parks, Forestry Division

F. Letters

1. John McKinney, Columbia Biogas, March 10, 2011, raises concerns - Columbia Biogas, 721 NW 9th Avenue, Portland, OR 97209
2. Clinton J. Doxsee, Land Use Chair, St. Johns Neighborhood Association, March 11, 2011; 8540 N Charlston, Portland, OR 97203

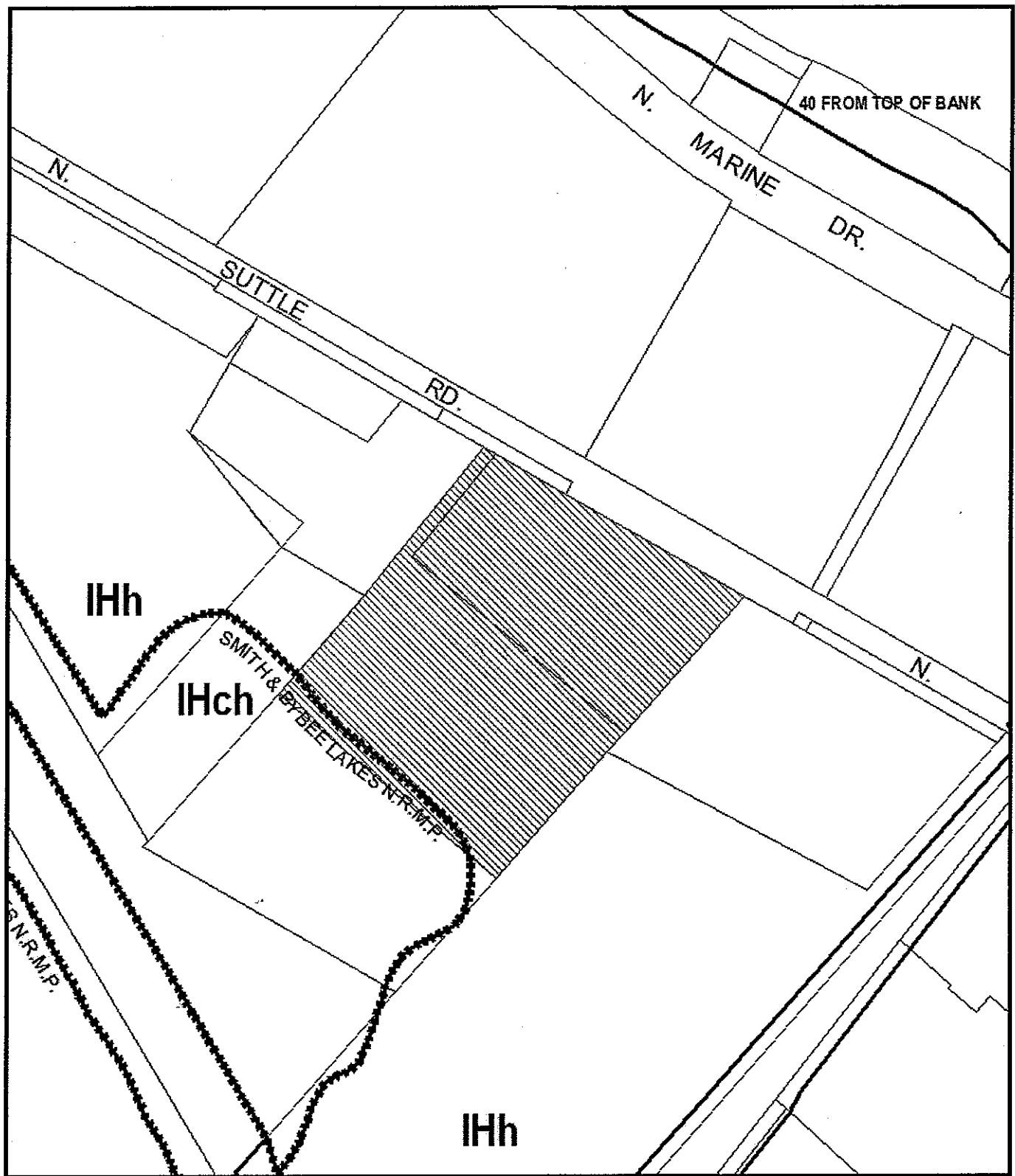
G. Other

1. Original LUR Application
2. Site History Research
3. Incomplete Application Letter from Staff
4. Pre-Application Summary Report
5. Memo from Stephanie Rawson, DEQ to Stephen Himes, BES, March 2, 2011

H. Received in the Hearings Office

1. Hearing Notice - Frugoli, Sheila
2. Staff Report - Frugoli, Sheila
3. 3/21/11 letter with attachment - Briggs, W.L.
 - a. Smith & Bybee Lakes Recreation Master Plan - June 1992 - Briggs, W.L.
4. 4/5/11 letter from Michael C. Robinson, Perkins Coie - Frugoli, Sheila
 - a. Plan - Frugoli, Sheila (**attached**)
 - b. Master Floor Plan - Frugoli, Sheila (**attached**)
 - c. Site Summary - Frugoli, Sheila (**attached**)
 - d. Enclose definition - Merriam-Webster Dictionary - Frugoli, Sheila
 - e. Fully definition - Merriam-Webster Dictionary - Frugoli, Sheila
 - f. Completely/complete definition - Merriam-Webster Dictionary - Frugoli, Sheila
5. 4/4/11 Letter, Robinson to Frugoli - Frugoli, Sheila
 - a. Plan - Frugoli, Sheila
 - b. Chapter 33.910 – Definitions - Frugoli, Sheila
6. 4/4/11 letter, Robinson to Frugoli - Frugoli, Sheila
 - a. 3/24/11 letter from Kittelson & Associates, Inc. - Frugoli, Sheila
 - b. Suttle Road Facility - Traffic Survey - Frugoli, Sheila
 - c. Plan - Frugoli, Sheila
7. 4/5/11 Memo from Frugoli - Frugoli, Sheila
 - a. Garth printout - Frugoli, Sheila
 - b. Garth printout - Frugoli, Sheila
 - c. Smith & Bybee Lakes Management Plan - Management Area - Frugoli, Sheila
 - d. Smith & Bybee Lakes Management Plan – Projects - Frugoli, Sheila
8. Letter - Breunig, Gerald D. & Rohrbach, Diane M.
9. Site Map - Robinson, Michael
10. Master Floor Plan - Robinson, Michael
11. Site Map - Robinson, Michael
12. St. Johns NA Good Neighbor Agreement - Doxsee, Clinton J.
13. Large poster board - Site Map - Robinson, Michael
14. Large poster board - Master Floor Plan - Robinson, Michael

15. Requests to be added to mailing list - Hearings Office
16. 4/7/11 letter with attachment - Robinson, Michael
 - a. Master Floor Plan - Robinson, Michael
17. 4/7/11 letter - Robinson, Michael
18. 4/7/11 Memo with attachment - Robinson, Michael
 - a. 4/7/11 letter from Robinson - Robinson, Michael
19. Final written argument - Robinson, Michael



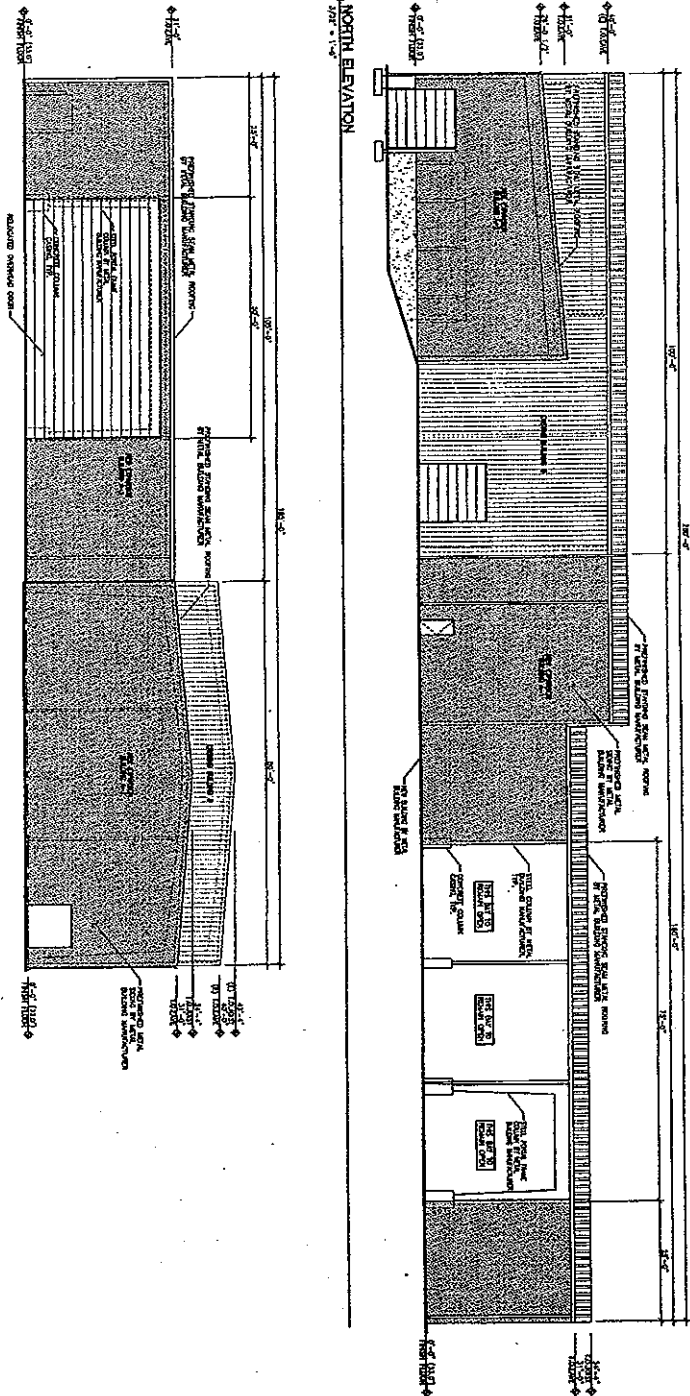
ZONING



File No.	LU 10-203967 CU
1/4 Section	1726, 1826
Scale	1 inch = 200 feet
State_Id	2N1E32D 1500
Exhibit	B (Dec 30, 2010)

Exhibit C.1

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APR 05 2011
HEARINGS OFFICE



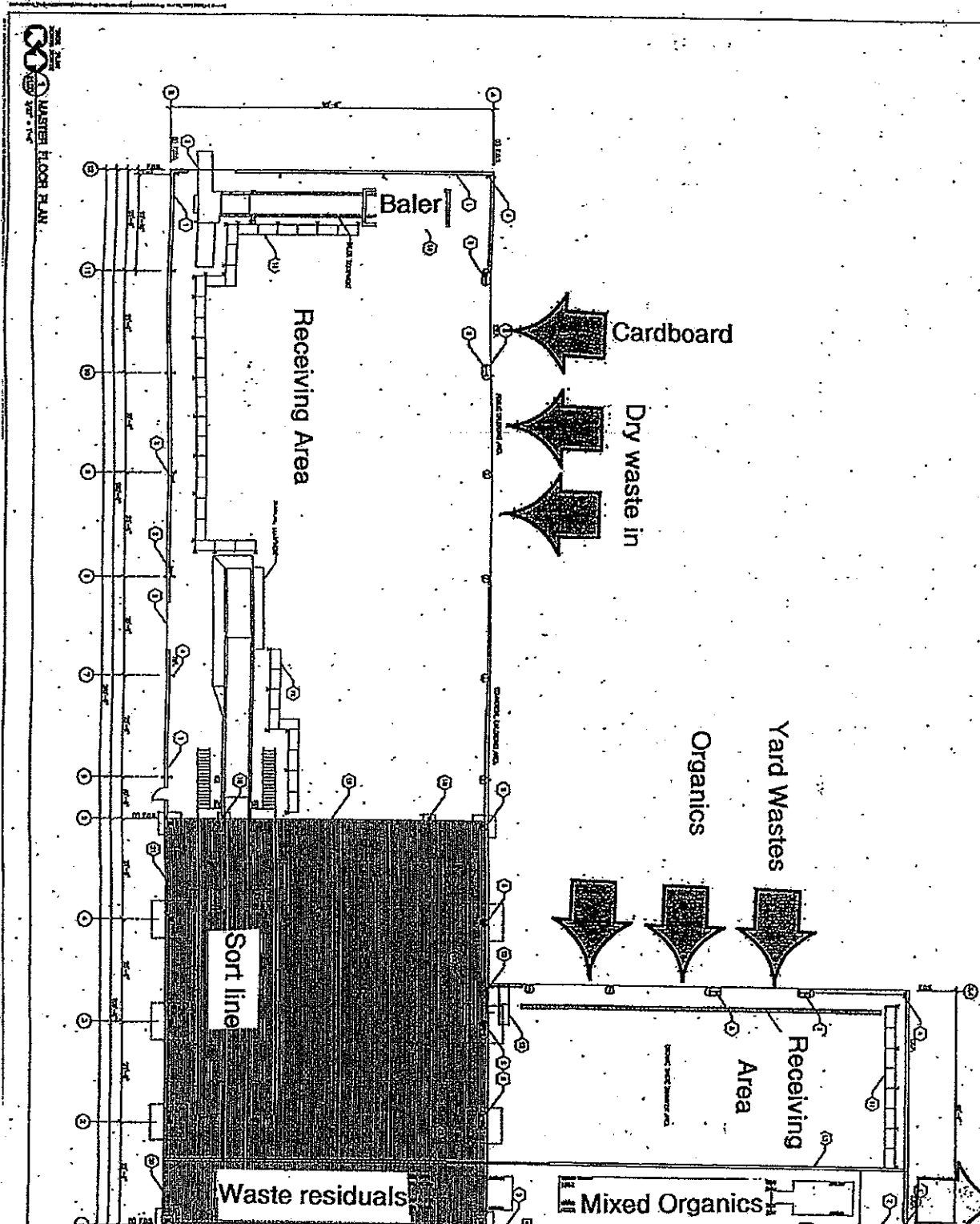
PBS Engineering & Construction 1100 SW 10th Ave. Portland, OR 97204 503.228.1100 www.pbs.org	NOT FOR CONSTRUCTION	RECOLOGY OREGON MATERIAL RECOVERY, INC. - SUTTLE ROAD 4044 NORTH SUTTLE ROAD PORTLAND, OREGON 97217		ARCHITECTURAL DRAWING A1.22
		PROJECT INFORMATION PROJECT: RECOVERY CLIENT: RECOLOGY DATE: 10/11/10 DRAWN BY: J. H. H.		REVISIONS NO. DESCRIPTION 1.00 10/11/10

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #H-4a
Case # 4110005

RECEIVED

APR 05 2011

HEARINGS OFFICE



Load C

EXHIBIT 2

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #H-4b
Case # 4110005

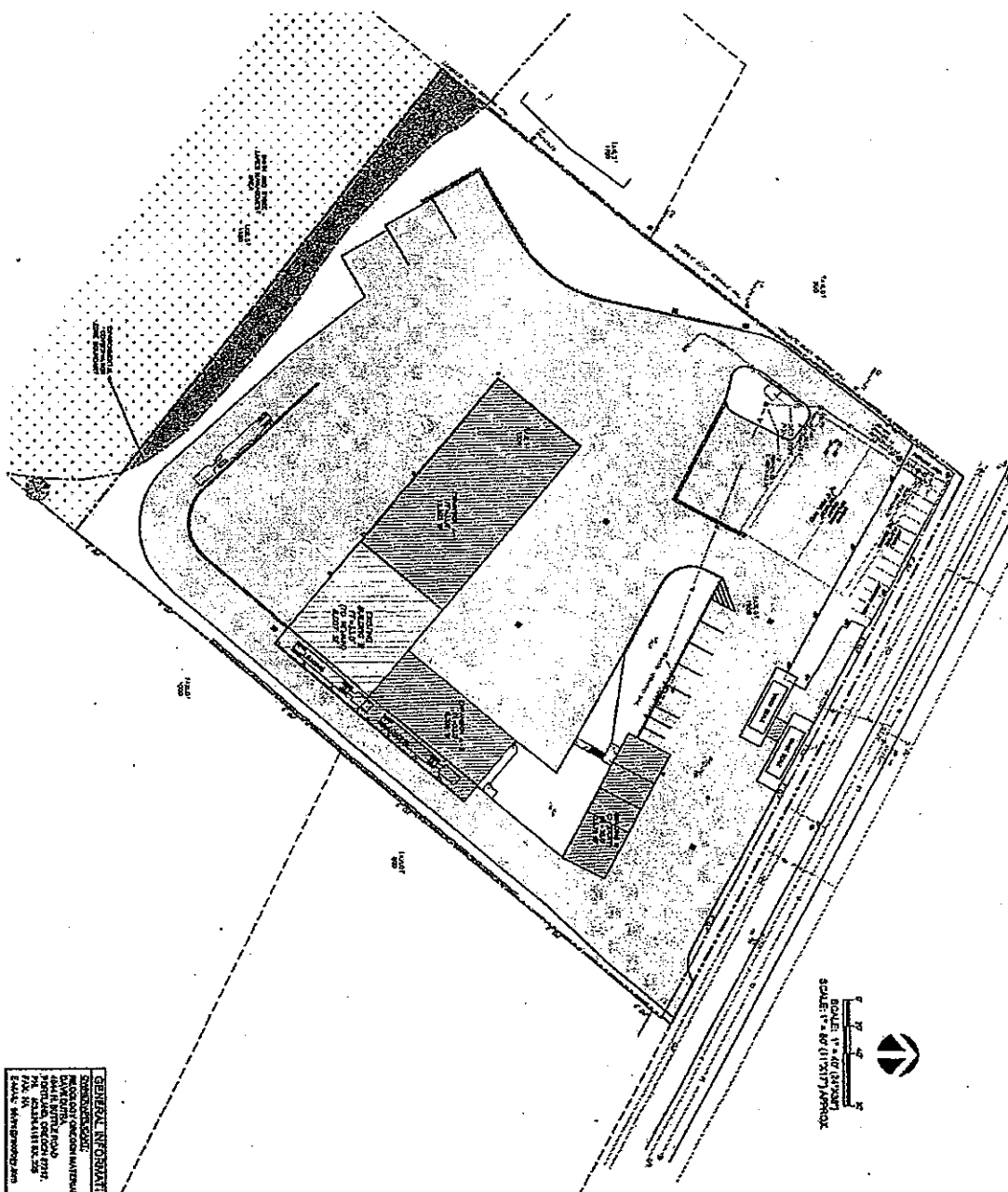
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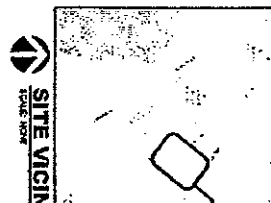
HEARINGS OFFICE

RECOLOGY OREGON MATERIAL RECOVERY, IN SUTTLE ROAD

4044 NORTH SUTTLE ROAD
PORTLAND, OREGON 97217



SCALE: 1" = 60' (1:720) APPROX



SITE VICIN

GENERAL INFORMATION:

PROJECT NAME: RECOLOGY OREGON MATERIAL RECOVERY, INC.
PROJECT ADDRESS: 4044 NORTH SUTTLE ROAD
PORTLAND, OREGON 97217
PROJECT CONTACT: JIM MATHIAS
PHONE: 503-281-1111
FAX: 503-281-1112
EMAIL: jmathias@recology.com

SITE SUMMARY:

STATE: OREGON
COUNTY: CLATSOP
CITY: PORTLAND
ZIP: 97217
PROJECT TYPE: RECYCLING PLANT

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit # H-4c
Case # 1110005
Bureau Case # 10-1 # 76396202-01