Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon

Approved as amended

June 13, 2016

Development Review Board – Panel A
Minutes–May 9, 2016 6:30 PM

I. Call to Order
Vice Chair Akervall called the meeting to order at 6:32 p.m.

II. Chair's Remarks
The Conduct of Hearing and Statement of Public Notice were read into the record.

III. Roll Call
Present for roll call were: Kristin Akervall, James Frinell, Ronald Heberlein, and Fred Ruby. Mary Fierros Bower and City Council Liaison Julie Fitzgerald ***were absent.***

Staff present: Daniel Pauly, Barbara Jacobson, Chris Neamtzu, Steve Adams, Eric Mende, and Connie Randall

IV. Citizens' Input This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

V. City Council Liaison Report
No Council liaison report was given due to Councilor Fitzgerald's absence.

VI. Consent Agenda:
A. Approval of minutes of April 11, 2016 DRB Panel A meeting

James Frinell moved to approve the April 11, 2016 DRB Panel A meeting minutes as presented. Ronald Heberlein seconded the motion, which passed unanimously.

VII. Public Hearing:

A. Resolution No. 326. Republic Services Temporary Use Permit Renewal: Ben Altman, Pioneer Design Group, LLC – representative for Jason Jordan, Republic Services-applicant. The applicant is requesting renewal of a Class 3 2-Year Temporary Use Permit for 2 modular office structures adjacent to the offices on the east side of the property along Ridder Road. The site is located on Tax Lot 1400, Section 2C, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon. Staff: Daniel Pauly.

Case File: DB16-0012 – Class 3 Temporary Use Permit

Vice Chair Akervall called the public hearing to order at 6:37 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Daniel Pauly, Associate Planner, announced that the criteria applicable to the application were stated on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Pauly presented the Staff report via PowerPoint, briefly reviewing the site's history and noting the project's location and surrounding features, with these key comments:

- In 2014, a two-year temporary use permit was approved by the DRB for two temporary offices in front of the Republic Services Building on Ridder Rd to provide office space until other planned office space was constructed. Due to unexpected planned improvements, including the C&G upgrade, and the SORT Bioenergy project, there had been a shift in funding from corporate, so the Applicant had to delay the office addition and was requesting another two-year temporary use permit.
- He indicated where the temporary offices were currently located, noting nothing would change until the new offices were built on to the recently-built maintenance facility.
- An existing condition of approval, which was reiterated with the current application, required that everything be removed and returned to its pre-temporary use state once the temporary use was finished.

Ron Heberlein asked how many extensions had the City ever granted on a temporary use permit.

Mr. Pauly replied the Code did not have a limit on the number of renewals. Some permits have been renewed up to ten times, because in the past, it was an annual temporary use permit, so certain uses had to be renewed every year. The Code was changed a few years ago to allow a temporary use permit up to five years with good reason. The Applicant initially did not expect to need five years, so only applied for two. At this point, they expected to only need two additional years.

Vice Chair Akervall asked for clarification about the length of time being requested. Per the Applicant's materials, they were requesting a one-year extension, but the Staff report referred to a two-year extension.

Mr. Pauly said he had discussed it with the Applicant, who confirmed it was a typo and that they did want a two-year temporary use permit renewal.

Vice Chair Akervall called for the Applicant's presentation.

Ben Altman, Pioneer Design Group, 9020 SW Washington Square Drive, Portland, OR 97223 Representing Public Services stated Staff had correctly outlined the reason for the extension as a shift in corporate priorities from building the office addition to the conversion to the C&G fueling system for the trucks. That process was finished. The first 38 trucks were operating with the C&G and it had been a successful shift. He confirmed that when first looking at the submittal, the Applicant was looking at a one-year extension, but after considering the anticipated schedule for completing the office construction, they decided two years was a more reasonable timeframe to get the design review process and the construction done. As part of the next item on the agenda, there would be a development agreement with the annexation and site development, and the Applicant would be firming up the scheduling as far as when specific improvements for each phase of the Master Plan would occur, which would, in turn, give more strength to getting the corporate funding to back the schedule. Up until now, it had been a random issue with corporate decision-makers not completely on board with what the local group had wanted to do. However, the Applicant was moving toward a longer term schedule that would firm that up.

Vice Chair Akervall called for public testimony in favor of, opposed and neutral to the application. Seeing none, she noted there was no rebuttal from the Applicant and closed the public hearing at 6:46 pm.

Ron Heberlein moved to approve Resolution No. 326. The motion was seconded by Fred Ruby and passed unanimously.

Vice Chair Akervall read the rules of appeal into the record.

B. Resolution No. 327. Republic Services/SORT Bioenergy: Ben Altman, Pioneer Design Group, LLC – representative for Jason Jordan, Republic Services and Paul Woods, SORT Bioenergy - applicants. The applicant is requesting Annexation, a Comprehensive Plan Map Amendment from Washington County – Future Development (FD-20) designation to City – Industrial (I) designation, and a Zone Map Amendment from Washington County – Future Development (FD-20) zone to City Planned Development Industrial – Regional Significant Industrial Area (PDI-RSIA) zone, a Stage I Master Plan revision for an expanded Republic Services campus, Stage II Final Plan for SORT Bioenergy, Site Design Review for SORT Bioenergy, Waivers for SORT Bioenergy and Type C Tree Plan for SORT Bioenergy to allow for future expansion of Republic Services operations and allow for the development of facilities to convert commercial food waste into biogas and use the biogas to generate electricity among other uses. The subject site is located on Tax Lot 600 of Section 2C, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon. Staff: Daniel Pauly.

Case Files: DB16-0004 – Annexation
DB16-0005 – Comprehensive Plan Map Amendment
DB16-0006 – Zone Map Amendment
DB16-0007 – Stage I Master Plan revision
DB16-0008 – Stage II Final Plan (SORT Bioenergy)
DB16-0009 – Site Design Review (SORT Bioenergy)
DB16-0010 – Waivers (SORT Bioenergy)
DB16-0011 – Type C Tree Plan (SORT Bioenergy)

The DRB action on the Annexation, Comprehensive Plan Map Amendment and Zone Map Amendment is a recommendation to the City Council.

Vice Chair Akervall called the public hearing to order at 6:47 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Daniel Pauly, Associate Planner, announced that the criteria applicable to the application were stated on Page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Pauly presented the Staff report via PowerPoint, noting the project site's location and surrounding features and reviewing the requested applications with these key comments:

- The requested applications included a revision of the Master Plan and expansion of the Republic Services campus outside the City. In addition, there were the necessary applications to develop a portion of the campus into a SORT Bioenergy facility with a biodigester. The purpose of the SORT facility was to convert food waste to gas and then to electricity.
- He indicated the area proposed to be annexed and rezoned as well as subject to amendments to the Comprehensive Plan Map, Zone Map and the Master Plan revision, noting the area in dark gray was proposed for the SORT Bioenergy facility. (Slide 2).
- Slide 4 highlighted the facility's function of turning commercial food scraps into renewable energy and a nutrient-rich fertilizer via an anaerobic digestion process.
- Staff recommended that the DRB recommend approval of the Annexation and Comprehensive Plan Map and Zone Map Amendments to City Council, and also recommended approval of all the accompanying application requests.

- The City had conducted the typical noticing processes. In addition, per a Senate bill, the Applicant went through additional noticing requirements prior to even submitting to the City because this was a composting facility.
    - The City received one letter, which was in the record, from the neighboring property owner, the Bonneville Power Administration, essentially stating they did not have any issues with the development as long as nothing was built that would violate their easements.
    - Staff also received an email from with Stu Peterson, who was present and worked on a lot of industrial properties in the region that discussed the impact this future industrial development would have on neighboring properties and what kind of neighbor it would be.
- The Annexation component was straightforward as no electors lived on the site and the property was fully owned by the Applicant, who had petitioned to have it annexed. Everything had been met per the City's Code and Statute, so the annexation could be recommended for approval by City Council.
    - In total, 10 acres would be annexed into the city, which would include the site proposed for the SORT facility plus areas for future expansion of Republic Services.
- The Comprehensive Plan Map and Zone Map Amendments were connected since Wilsonville had a two map system that first established the Comprehensive Plan and then the zoning was based on that Comprehensive Plan.
    - The subject property was within the Coffee Creek Master Plan, which called for industrial development, so the Applicant's request to have the property zoned Industrial on the City's Comprehensive Plan Map was consistent with the Master Plan.
    - The subject property was also mapped on Metro's Title IV Map, which dealt with industrial and employment lands, as a Regionally Significant Industrial Area (RSIA). The City had a zoning specific for those regionally significant areas called, Planned Development Industrial-Regionally Significant Industrial Area (PDI-RSIA), which was the zoning proposed by the Applicant, making it also consistent with the proposed Industrial Comprehensive Plan designation, the Coffee Creek Master Plan, as well as the RSIA designation on the Metro Title 4 Map.
    - Approving the Comprehensive Plan Map and Zone Map Amendments would essentially change the current Comprehensive Plan and Zoning Designation, which was Washington County's Future Development 20 (FD-20), to Wilsonville's Industrial Comprehensive Plan Designation and the PDI-RSIA Zone.
- The Stage I Master Plan Revision reflected only minor impacts to the existing Republic Services site as some of the parking would support the proposed SORT facility, and the future alignment of Garden Acres Rd could potentially impact the layout of the site.
    - Other than the SORT Bioenergy facility, the proposed Master Plan showed the future expansion of the Material Recovery Facility (MRF) and also parking to support the activities on the site as well as container storage and a water quality detention pond.
    - He noted that separate from tonight's applications, a series of minor amendments to the City's Transportation Systems Plan (TSP) were approved on First Reading at the May 2, 2016 City Council meeting. The Second Reading was scheduled for the Council meeting on May 16, 2016.
        - The TSP amendments included the elimination of an extension of Kinsman Rd, for which part of the right-of-way would have come from the subject site, and changing the designation of Garden Acres Rd on the western edge of the annexed land from a local street to a collector.
        - Both TSP amendments were reflected in the proposed Stage I Plan, however, approval of the Stage I and Stage 2 Site Design Review, as well the waiver and Tree Plan, were all contingent on City Council finalizing the approval of the TSP minor amendments. Experts who had worked on the Master Plan were present to answer questions.
    - Stage II Final Plan/Site Design Review. He briefly described the various structures and facilities proposed on the annexed portion of the site, which included: a large, food waste depackaging building, where food waste would be delivered and processed into the system; odor control

facilities; digester tanks; a wastewater treatment facility; a structure to store the recovered gas until it was used; units where that natural gas would be burned to create electricity; parking; and supporting circulation areas. (Slide 16)

- Due to the project's location away from streets and other public areas, it would have limited visibility. The Applicant proposed painting the buildings a brown earth tone with roof accents in blue to match the Republic Services motif. The tanks and other equipment would be painted green to match the color of the Douglas fir being retained as buffers.
- The Zoning Standard for the PDI-RSIA Zone stated that uses that do not meet certain performance standards were prohibited. Those performance standards included, wholly-enclosed operations, no offsite vibrations, no offsite odors, screened outdoor storage, no heat or glare, no dangerous substances, no waste storage attracting pests, a sewer conveyance that met City standards, noise levels that did not violate the City's Noise Ordinance, no electrical disturbances, limits on air pollution, and no open burning.
    - Staff paid special attention to many of these items when the Applicant had originally approached the City about the project. Staff had worked both internally and with consultants to help review much of the technical information. As such, Staff was comfortable recommending approval of this project meeting these standards.
- He provided specific examples of how the standards were met. The large, negative air building kept the operations fully enclosed. Trucks would come in and the doors would be closed as they offloaded. The foul air would go through an odor control process that had been thoroughly reviewed and Staff was comfortable with as well as the Applicant had to meet Department of Environmental Quality (DEQ) and many other standards. Any questions could be answered either by the technical experts available this evening or the materials provided in the meeting packet. (Slide 21)
    - To meet the no open burning standard, the Applicant provided a burn-off flare that was fully screened, so it was as enclosed as was practicable. The heat and glare would not affect anything offsite.
    - Sewer discharge was a big concern for the City. The City had invested a lot in the sewer treatment process and did not want to lose all of the capacity to a single development. The Applicant had been really good about providing needed technical information, which was reviewed by Staff's internal experts, as well as external experts. There were a number of conditions related to sewer discharge; however, it looked doable and that it would be controlled in a manner to allow for continued development in the area, while also not overloading the City's sewer system.
    - Sewage discharge would be stored, pretreated according to certain standards, and then metered at a certain rate so it would not overwhelm the City's system. This process had been thoroughly discussed and designs were being put in place to address all of the issues.
- He asked if the Board had any questions about the presentation so far, or the performance standards.

Fred Ruby noted a reference in the materials to a similar facility in Junction City and asked if any site visits or any evaluation of existing similar facilities had been done as a part of the analysis.

Mr. Pauly replied that a number of City Staff had gone on a tour of the Durham wastewater treatment plant, which used a similar technology.

Eric Mende, Capital Projects Engineering Manager, City of Wilsonville, said he did not go on the tour; however, the City's Industrial Pretreatment Coordinator Randy Watson, Planning Director Chris Neamtzu, and Development Engineering Manager Steve Adams did take the tour. Odor control was an important consideration for the City and those were some of the questions asked at those other facilities.

Ron Heberlein asked if Staff had made any comparisons to those other facilities to give them confidence that they were applicable as comparisons. It sounded like the Durham facility was similar but not the same, so how did Staff know it was a valid comparison to the proposed facility being designed?

Mr. Mende responded they did not, adding each facility was different. As Mr. Pauly mentioned, this was a new facility, a brand new concept, for Wilsonville, so Staff had a lot of questions all the way through the initial review. Staff asked the Applicant for other facilities that were in operation, so Staff could ask them questions. Staff also relied on personnel at the City's wastewater treatment plant, which was operated by CH2M Hill, and the Applicant had also talked to them about odor control mechanisms. CH2M Hill was one of the key reviewers on the odor control aspects of the project. Staff still wanted to see some design work as far as the odor control system, but probably the best comparison Staff used in their analysis was the City's own wastewater facility. The criteria being applied to the SORT facility was the same criteria the City adhered to when improvements were done to the wastewater plant a few years ago.

Steve Adams, Development Engineering Manager, stated he was on the tour of the Durham plant, which was different because it was a sanitary sewer treatment plant that took fats, oils, and grease and diverted the sanitary stream into a tank to make the anaerobic digestion facility. The proposed facility was obviously not a sewer plant, but would take garbage from garbage trucks, as well as fats, oils, and grease, and process them in the receiving building. Through quite a bit of research, Staff learned that the big building kept odors inside by maintaining negative air, and all the work was to be done in that building. The Applicant might have answers to specific questions as to how it would be maintained, but that was how Staff understood the process. The Durham facility was very clean-smelling and had no greater odor than Wilsonville's treatment plant. It also had an active system of creating methane and burning if off to create power.

Mr. Heberlein asked if there were any known design issues currently that could create a problem similar to the one at Wilsonville's waste treatment facility that resulted in a very strong odor, depending on wind conditions, for months at a time until a piece of equipment was replaced.

Mr. Mende replied because odor was such a big concern, one of the Engineering Department's PF conditions required an Odor Control Plan and a review of the Odor Control Design to meet the performance standard, which would remain. It was a fence line odor control standard. Staff had not seen the final system design yet, but that would happen at a later stage. However, based on the facilities installed in the Wilsonville wastewater plant, Staff believed it was achievable and doable.

Mr. Adams added one thing he learned on the Durham plant tour was that the extra air taken off of the process was percolated up through drain fields that contained rocks, water, and bacteria. The bacteria fed on what odors remained in the air. The Durham plant contained vast fields. He and Mr. Neamtzu had walked on two or three of them, and while there was a faint odor on top, it was nothing at all like a strong sewage smell. They had found it pretty remarkable how well the microbes worked in digesting the odors. The key thing they learned from Clean Water Services (CWS) was that the amount of water that went into the drain fields had to be carefully controlled. If the drain fields were saturated, it would kill the bacteria and not work as well, so they were constantly monitoring rainfall and making sure it drained away properly. Additionally, air pressure from the vents coming in to the surface had to have a certain range for it to work properly. If the air came up through the rocks too quickly, the microbes would not have a chance to digest it, so there were some specific things to consider. CWS had also recommended staying away from a bark mulch compost as they believed the rock vent fields worked better. City Staff was looking to not have the Applicant put pipes into an organic compost pile to absorb odor, as the rock and anaerobic digestion seemed to work better.

Mr. Heberlein asked if the Odor Control Plan would be reviewed by the public before City approval or if tonight would be the last time the City and the public would have the opportunity to review the odor control process.

Mr. Mende replied the Odor Control Plan was a technical document, sot the public would not have a chance to weigh in on the Plan itself. The Odor Control Plan had to be done consistent with the performance standard.

Mr. Pauly added a key difference in comparing a sewer treatment plant to the proposed SORT facility was that if the proposed facility was violating the standards, they would be shut down. The stream and the trucks coming in could be stopped and facility shut down, which the Applicant would want to avoid. With a treatment plant, the sewage had to go somewhere, so even if it smelled, it still had to be processed.

Mr. Mende clarified the Odor Control Plan was also an odor control monitoring and response plan. All three components were needed. If there was a detection and an issue, there had to be a response, which was part of what Staff would review when the Odor Control Plan was submitted.

Vice Chair Akervall noted the performance standard required no odor offsite and asked how odor was measured.

Mr. Mende responded there were odor units. He did not know the specific technical details, but there was a way to measure an odor unit. There were also experts in the field with calibrated noses, who would visit a site and could pick out different constituents in the odors that they detected.

Vice Chair Akervall asked if the City's standard identified a threshold that could not be crossed. How was the offsite odor defined?

Mr. Mende responded the performance standard was not specific, it simply stated no odor at the fence line.

Vice Chair Akervall asked who determined whether or not there was an odor.

Mr. Mende explained practically speaking, it would be a member of the public who noticed it and filed a complaint, which was about the only way the City would know. A monitoring program would be required on site, but there was no compliance program. Expert noses would not be sent out on a routine basis.

Vice Chair Akervall asked what the process would be if somebody felt that they sensed an odor.

Mr. Pauly understood that higher levels of government were also involved.

Mr. Mende explained if a complaint came in to the City, the facility would be notified first, followed by Randy Watson, the City's Industrial Pretreatment Coordinator. Mr. Watson, the operator, and possibly, somebody from engineering, would investigate what was happening. Depending on what was found, there would be a response, but before a response could be given to the complainant, the details would need to be known, which was the City's typical citizen complaint response process.

Vice Chair Akervall asked if there was a backup system or something in place to keep odors in check should any necessary maintenance or repairs be required on the system, or if there was an earthquake. For example, if bacteria counts were too low, what would happen to operations during that time?

Mr. Mende deferred to the Applicant to address the technical aspects of how that might occur and who would be involved. He confirmed the City's required that a procedure be developed, and that kind of detail was what the City would look for the Odor Control, Monitoring, and Response Plan.

Mr. Pauly continued with the Staff report regarding the Stage II Final Plan & Site Design Review with the following comments on Traffic (Slide 22):

- Additional haul trucks or tankers would be coming into the site, but the Level Service (LOS) D standard would continue to be met by existing improvements at the studied intersection, which was Boones Ferry Rd and 95th Ave. This intersection would remain at a LOS C, which was a pass, and both project access driveways would remain at LOS A-B.
- No comments had been received from the public about traffic or traffic safety.

Mr. Heberlein asked if there was an idea of how the truck/tanker weights would compare to the maximum limits. He was curious as to the weight increase that would be seen as a result of the additional traffic going over those roads.

Mr. Adams deferred to the Applicant to respond. He was told it would not be a huge increase from what they currently had because a lot of trucks were already dumping at the site and this would be a different site on the same property. It was estimated that 17 trucks per day were expected to visit the site, or 34 total trips. It should not have a huge impact on the PM Peak Hour because the trucks would come all during the day; however, he would defer to the Applicant to discuss when the trucks were expected to arrive and leave the site, given their experience. Only six fulltime employees were expected to staff the site and the Applicant has said the shifts would begin or end outside the PM Peak Hour, beginning and ending either before 3:30 pm or after 6:00 pm, so no employees should be coming or going during the PM Peak Hour. Because the land was outside the City limits, DKS did a worst-case analysis of what could be expected if the site were to change, such as if another facility came in, and they determined that up to 115 PM Peak Hour trips could be produced if a research and development operation were be on the site, and this was an allowed use on the site.

Mr. Pauly continued with his PowerPoint presentation of the Staff report regarding the Stage II Final Plan & Site Design Review as follows:

- Parking and Vehicle Circulation. The SORT facility required six to ten parking spaces, and the Applicant proposed ten spaces where the existing diesel fueling station was located.
  - In terms of vehicle circulation, trucks would need to come across the existing scales and there was plenty of maneuvering room for both trucks and passenger vehicles.
  - Staff saw no issues regarding parking or circulation
- A pedestrian connection was also provided from Ridder Rd up through a tree grove and Richard Brentano Memorial Park to the parking area, and sidewalks would connect the parking area to the nearest man door in the food waste depackaging building. A crosswalk also led to the main entrance to that building. (Slide 24) The pedestrian facilities were provided to the extent possible.
  - Bicycle parking requirements would have to be met.
  - He clarified bicycle parking was not shown on the Parking and Vehicle Circulation Plan, but was required in Conditions of Approval PDE 3 through PDE 6 since bicycle parking requirements were clear and objective. The Applicant could clarify the proposed location.
- The utilities would tie into the existing large lines that came down Garden Acres Rd and served Coffee Creek Prison. The utility connection was highlighted in yellow on Slide 25.
- Outdoor lighting for the SORT facility would meet the City's lighting standards with zero light trespass off the property. In addition, the proposed major addition triggered the requirement that the entire campus be upgraded to meet the City's Outdoor Lighting Ordinance.
  - Early in the process, the City and Republic Services discussed having a development agreement regarding the improvements to roads and other elements in the area. Because the

timeframe for those improvements was unclear, Staff decided to establish the timeframe for upgrading the outdoor lighting on the entire campus in the development agreement. The goal was gradual compliance throughout the city, and Staff believed this was a reasonable method to get the entire campus upgraded with lighting that met the Outdoor Lighting Standard.

- The Setback Waiver being requested was a bit different because the property line it was being waived from did not exist. Currently, the subject property was a single lot. Once the property was annexed into the City administratively, there would be a lot line adjustment that would create a new lot line. The Applicant was essentially requesting a blanket setback waiver. The property would be owned by the same people, but there would be two lots, so they were looking for flexibility in where the lot line would be and how close the future MRF expansion would be to the proposed facility.
  - From Staff's standpoint, they saw no public interest as long as the Building Code was met with regard to how close the MRF facility was to the biodigester and biogas storage. There were no issues with the facilities being close, as long as the building standards were met.
  - All other setbacks on the edges that adjoined properties not controlled by the Applicant met the 30-ft setback and included enhanced landscape buffers. Whether the setback would be 5-ft, 7-ft, or 8-ft would be determined when the property line was determined. Essentially the request was to be able to allow that flexibility to place that property line where it would make the most sense for the development. Staff so violation of City standards in allowing the same property owner to have a 10 ft or 15 ft distance between facilities.
- Type C Tree Plan. The area proposed for the SORT Bioenergy development was heavily treed; however, because the understory was so degraded, it did not qualify to be a part of the City's Significant Resource Overlay Zone (SROZ). As such, there was no specific protection of this treed area. The applicable Code language stated, "No development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a design principal shall be equal in concern and importance to other design principles."
  - He highlighted the arborist's report, which identified a total of 388 trees on the SORT Bioenergy site and nearby areas impacted by the proposal. Of those 388 trees, the Applicant proposed removing 157 and preserving 231 trees. The majority of the trees, about 55 percent, were Douglas fir. Other trees included Spruce, Sweet Cherry, and Western Red Cedar. (Slide 32) No Oregon White Oak, Pacific Yew, or Ponderosa Pine trees that had any enhanced protections were proposed for removal.
  - Given the city's history of trees and development, Staff carefully reviewed the Applicant's materials and asked them to specifically look for opportunities to preserve some of the larger Douglas fir. Page 306 of the arborist's report, which was in the record, provided a detailed explanation of the removal of any Douglas fir trees rated in Good condition that were more than 20 inches in trunk diameter.
    - Much of the tree preservation would occur in buffer areas to the north and east of the development which would help screen the development from offsite view.
  - Another way to look at tree preservation was how many Excellent, Good, Moderate, Poor, or Dead trees that were being preserved. The proposal involved preservation of 11 of the 12 Excellent trees, two-thirds of the trees rated Good, a little more than half of the trees rated Moderate, and just under half of the trees rated Poor.
    - If any Poor trees were close to the development, they would probably be removed, but if they were near the edge areas as part of the overall forested area being preserved, there was no sense removing them if they were not hazards.
  - He confirmed a dead tree would be preserved because it was in the buffer area, because if it fell over, it would fall over naturally in the woods and not hit any development. It was not a hazard that needed to be removed.
  - In terms of mitigation, the Applicant planned to plant 137 trees on the site. For the additional 20 trees they would not be able to locate on site, there was a provision that would enable the

Applicant to pay the cost of the trees planted into a tree fund, which had been done for other developments in the city where a lot of trees had been removed.

- He entered into the record Exhibit A3, a memorandum dated May 9, 2016 noting a correction to Condition PDH 1 in the Staff report. Exhibit A3 was distributed to the Board at the beginning of the meeting.
- He also corrected Condition PF7 to state, "…found in ~~City Ordinance 1279~~ ***Resolution 1987***,"

Mr. Heberlein stated the condition of approval indicated 137 mitigation trees, but the Planting Plan showed only 61 new trees. He asked where the difference was.

Mr. Pauly replied a lot of the trees would be planted on the western portion of the site by the large storm water facility.

Mr. Heberlein stated that Sheet L1.0 was the Planting Plan that showed both the SORT facility and the proposed water quality facility.

Mr. Pauly said there were 47 native evergreen trees and 31 native deciduous trees in the storm water planting area, which was indicated by a dashed line.

Mr. Heberlein explained his issue was mainly the tree removal/replacement notes (Sheet L1.0) that identified the existing trees to be removed/replaced in the plan. The number of replaced trees did not add up to the 137 that were planned. He was not sure where the other mitigation trees were to be planted.

Mr. Pauly said he would double check the math and if it did not add up, Condition PDH3 could be modified to require that the Applicant pay the difference into the tree fund.

Mr. Heberlein stated his big concern was that it would not make sense if the Applicant planned to plant mitigation trees where Phase 4 and 5 would occur in the future as they would just be removed later. He suggested adding a note to have them pay into the mitigation fund or have a condition requiring that replacement trees were not planted in any planned development areas for future phases.

Mr. Pauly agreed, adding he would craft something there.

Vice Chair Akervall confirmed that the property boundaries with other companies, businesses, and properties would still have the 30-ft setback and that two lots would be owned by the same entity. She asked where the setback would be located that would have the waiver.

Mr. Pauly displayed Slide 28, the Setback Waiver and explained that the setback in question would be west of Digester No. 1 and the biogas storage as well as the future expansion of MRF.

Vice Chair Akervall understood the setback would be determined once the other building was built.

Mr. Pauly clarified the property line would be established within the next month or so, adding the property line adjustment could not be processed since it was not within Wilsonville's jurisdiction. Once the property line was established, the setback would probably be on the other side of the gravel access, which would be less than 30 ft. (Slide 28)

Vice Chair Akervall noted that during his presentation Mr. Pauly had said that Staff was not sure how many feet the setback would be and asked if there were safety regulations regarding the distance between buildings.

Mr. Pauly assured the Setback Waiver would not waive any Building Code requirements, and in addition to meeting fire, life, and safety rules, the buildings would also have to meet site operations needs, such as truck access. The MRF had not yet been designed, but the Applicant did not want to move the setback 30 ft away from the digester and then have it in the middle of where they wanted to put the future building. And, since the City could not determine precisely where the property line was, it's exact location had not been established.

Vice Chair Akervall called for the Applicant's presentation.

Paul Woods, SORT Bioenergy, 3668 La Fontana Way, Boise, ID, thanked Staff for all of their work, efforts, and professionalism on this application, which was very technical. He and Mr. Altman had read and were in agreement with the Staff report. He gave his presentation and addressed questions from the Board with these comments:

- SORT Bioenergy was a company that sought to provide an alternative to landfill disposal for food scrap waste using anaerobic digestion to create renewable energy and renewable fertilizer products.
- The material the facility would be processing was source-separated food scrap waste, meaning material from grocery stores, restaurants, eateries, and cafeterias that existed throughout the community today. It would be picked up, brought to the facility, dumped on the floor, and processed that day. It would be depackaged, liquefied, and put into the anaerobic digestion tanks, from which no odor escaped. The material was not allowed to sit overnight, age in any way, or create any vector attractant or nuisance, so no real amplification of odor would exist like one would find in a garbage container.
    - The material had been received at this facility for about the past ten years without any odor complaint. Today it was packaged and taken to a facility in Junction City. The Applicant was proposing to do that treatment in Wilsonville and avoid the carbon footprint of hauling it to another facility.
- If there was a catastrophic event, the facility would utilize the infrastructure at the existing transfer station, and that material would be taken either to a landfill or compost facility and processed using current procedures. There would not be any longterm accumulation of material in the event of an emergency.
- With respect to odor control, the Applicant was partnered with GE. GE had acquired a company in the United Kingdom several years ago that had seven operating facilities and all of them used a biofilter as an odor control technology.
    - Other odor control technologies the Applicant considered included caustic scrubbers, which involved chemicals being stored onsite and changing the dosage depending on the odor loading. Ozonation involved a lot of energy, but the odors were oxidized, which destroyed the odors and eliminated the smell.
    - The greatest technology in use was the biofilter because it could handle a wide range of odor loading, it was more environmentally friendly, and Sort Bioenergy was environmental project. It used biology and water. As long as the nutrients were fed, so to speak, biology would do its thing and control the odor.
- The Applicant had selected a vendor that had experience throughout the country and with five local operating projects, some of which were mentioned at including Clean Water Services.
- This was an engineered media. Many times people just use bark or mulch, but this was different.
- The project differed from the wastewater treatment plant in that it utilized an anaerobic versus aerobic digestion system. If an aerobic system failed and went anaerobic, it would create odor challenges.
- In this case, the Applicant would be using anaerobic digestion with everything contained inside the vessel where the methane, and therefore the energy, would be produced.
- The Applicant was very much aware and committed to meeting the odor control standard. The Applicant believed they had not just selected a technology, but a vendor with experience with that technology to enable the Applicant to reliably meet the odor control standard.

Ben Altman, Pioneer Design Group, noted Mr. Pauly had given the Board a good summary of the proposal as usual. He added the following additional highlighted with these key comments:

- He acknowledged the Applicant did identify the one correction to Condition PDH 1 regarding the number of trees. He had not actually counted the number of trees in the Landscape Plan, so the number might be incorrect. The Applicant would make sure that was addressed at the Building Permit stage.

Mr. Pauly interjected he had verified that the number of trees did add up correctly.

Mr. Altman continued his presentation stating that other than the correction to Condition PDH 1, the Applicant had reviewed the Staff report and concurred with Staff's findings, conclusions, and recommended conditions. As Mr. Woods stated, they had worked really closely with the City over the last year putting this plan together.

- Because the TSP amendment had gone to the Planning Commission instead of the DRB, he explained that the 2013 TSP actually showed Kinsman Rd coming up the east side of the property. The adjacent property to the east was the Bonneville Substation and their power line right-of-way extended north and then over to the west, north of Day Rd. The substation was built on a grounding grid that extended clear across Ridder Rd. This underground metal grid grounded all of the transformers and high voltage lines that ran up to 500KV of power, so it was not practical for the road to be extended through there. During the preapplication discussions with the City, it was suggested that the road be shifted 100 percent to the Republic side, but that would result in the road moving over 73 ft and taking out the entire west driveway and truck scales, which would basically shut the site down because everything had to go across the truck scales. The MRF itself was designed to accept the trucks coming off the scales, going into the MRF and then coming back out over the scales.
- The City quickly recognized as they worked with the Applicant that the original plan would not work. The City had already identified other needed updates to the TSP so they packaged this with that, did some studies, and concluded that by making Ridder Rd to Garden Acres a continuous collector, it provided a reasonably comparable traffic flow capability to serve the Coffee Creek Industrial Area and therefore, the Kinsman Rd alignment was no longer needed.
    - The displayed alignment was a conceptual alignment the City's Traffic Engineers laid out to reflect how it was, but the Applicant was still working with the City on the specific alignment because it would take out some of the C&G fueling facilities and the pump facility that was just installed; however, there was plenty of room in the area to the south where the card lock station was to move the radius over slightly.
    - The City was also working on how to realign the intersection with Clutter Rd because it had to intersect the new road alignment at some point. All of that design was still being finalized and would be addressed through the development agreement, particularly the pending improvements to widen Ridder Rd would take out the property's whole frontage that was landscaped, the water quality swale, some parking, and the entry sign. Part of the timing for doing future phases involved reconfiguring parking and circulation in that area, as well as replanting the frontage after the road was widened. The Applicant was still figuring out how all of that would come together and just how the road alignment would affect the property. All these items would be addressed in the development agreement as well as the condition that required bringing the entire site up to current Code with the Outdoor Lighting Standards. Having to redevelop and reconfigure this area played into that in terms of replacing lights and upgrading the whole area. The Applicant would be working with the City to come up with a schedule of events.
- He explained the development agreement was triggered when the shop building was approved because there was a condition to dedicate the right-of-way along Ridder Rd and make the half street improvement; however, the Applicant realized that in doing so, they would wipe out the entire front

of the site and they did not have the budget to do all of those improvements at that time, so the City allowed the Applicant to defer that improvement.
    - The development agreement requirement came up again with the SORT facility. By that time the City had gotten voter consent and support for the urban renewal district. That process was underway to establish the Coffee Creek Urban Renewal District. With that district now available as a funding mechanism to help facilities in this area, including the realignment of Ridder Rd/Garden Acres and improvements to the street, it made sense for the Applicant to coordinate their required improvements with the City's scheduling through that urban renewal process.
    - The development agreement would define the block of improvements Republic Services would be obligated for but they would not be linked to any one specific site development phase reflected on the Master Plan. It would account for all of the improvements which would get done over the schedule coordinated with the City's plan. This also allows for the economy of scale of those two things to come together as well as better economics for the improvement of those facilities.
- Regarding Condition PF12, which called for connecting the floor drains in the building to sanitary sewer, he clarified the intent at the Building Permit/design stage was the floor drains would either be connected to the onsite pretreatment system or within the anaerobic digestion process and then through the pretreatment process into the City sewer. It would not likely be a direct connection but connected through the onsite system to the sewer. The Applicant did not believe there was any need to modify that condition because they would meet the intent of it given the system's design.
- He noted the Applicant had discussed doing a lot line adjustment as part of the application. (Slide 13) The intent of the lot line adjustment was partially for planning purposes, but also to consolidate the lease agreement for the SORT facility with Republic, so that all of the developed property was on one tax lot, Tax Lot 1400, rather than part of it being on Tax Lot 1600 and part on Tax Lot 1400. Combining tax lots had been done before on the site to eliminate the lot line that used to go through the MRF building and meet the Building Code provisions.
    - There could be an interim period where a lot line defined the lease area for the SORT facility, but as development occurred, that lot line would likely go away and the whole lot would be consolidated into one lot.
    - Per the Building Code, when there were two structures and no actually property line, there was an assumed property line at the midpoint between them. The Applicant would maintain a 60-ft separation, as if there was a property line, whether or not there was one in the future. This met the Building Code requirements. Additionally, when the MRF building was built, probably last in the phasing, the area would be paved to provide access and circulation, which would also give that separation for vehicles and the fire, life, and safety rules between those facilities.

Mr. Heberlein noted Page 41 of the Applicant's application discussed odor control and two fans for foul air that generated the negative pressure system. He asked if both fans would be running at once, or was one used as a backup.

Mr. Woods replied the second fan was a backup fan. The main fan was a variable speed fan that was able to control both sides of the building. The backup fan was designed just to handle the disposal side, so it was a redundant fan to provide secondary backup for that reliability. He confirmed there would not be any degradation in performance if the primary fan failed and the facility had to switch to secondary.

Mr. Heberlein noted Page 42 of the application said monitoring would occur at the most proximate property line and asked where the monitoring would take place.

Mr. Altman answered the monitoring would occur along the north property line.

Mr. Heberlein asked how the Applicant would account for that if the wind was blowing in a different direction and they were only measuring along one property line.

Mr. Altman replied if the wind was blowing southwest, which was a typical prevailing wind in the area, the adjoining property to the west and southwest was Republic's, then the street, and then other properties. The north property line was the most critical because it was an adjacent property where future development would occur. To the east was Bonneville Power and no development would occur there that would be air quality sensitive. For these reasons, the Applicant anticipated measuring at the north line, which was the closest line to the facility. If there was a problem, it would show up there.

Mr. Heberlein interjected only if the wind were blowing in the correct direction.

Mr. Woods added the Applicant's intent was to install a meteorological station that would provide constant data on wind direction and speed. They also had a handheld monitoring device so they could go to whatever direction they needed to go to be able to demonstrate compliance.

Mr. Heberlein asked if the monitoring plan would identify that they would go measure in the prevailing wind direction and not necessarily just the proximate property line.

Mr. Woods responded they could do both, adding those were details they were happy to accommodate in the Odor Control Plan.

Mr. Heberlein asked if the trucks' weight was lighter or heavier than a 53-ft trailer.

Mr. Woods replied he did not understand heavier or lighter, but explained that two types of loads were expected. Loads that may come from another transfer station would come in a truck and pup arrangement which would all be compliant with weight loads and total approximately five to six per day. Those would be heavier than the direct haul loads. Direct haul loads were compliant with axel weight and DOT requirements and would be greater in number. He could not recall the math, but believed there would be 10 to 12 per day. The direct haul routes would tend to be very early, between 5:30 am and 7:00 am, because they were usually collected in the middle of the night for commercial routes. The larger loads from other transfer stations would be staggered between 9:00 am and 3:00 pm in hopes of avoiding traffic. All of the loads would be in compliance with weight limits. There would not be any overweight loads.

James Frinell asked if the digester did everything within a 24-hour period, so it was cleared and had capacity for the next day, since loads arrived daily.

Mr. Woods replied anaerobic digestion was a technology that had been around for about 150 years but was still hard to describe. The material was taken from the tipping floor, depackaged, and then put into a predigestion tank. That tank had a hydraulic retention time of about three to five days, which allowed for some hydrolysis to take place and to allow the material to be better available for the microbes to convert it to methane. Once introduced into the anaerobic digester, it had a hydraulic retention time of 22 days. Then it was taken out of that and put into post-digestion tanks. The pre and post digestion tanks were the buffer. The material was on a continuous feed rate of 24 hours a day, seven days a week going into the digester and there was also a continuous withdrawal rate. The digesters were not filling and draining, filling and draining. They were being constantly fed and constantly withdrawn from.

Mr. Frinell asked if there was a limit to the amount of material that could be brought to the facility on a particular day, so that it would all go into the predigester.

Mr. Woods replied yes, the system had a certain hydraulic capacity that it could operate under, so they designed that around an expectation of approximately 65,000 tons of material being delivered throughout the year. There was quite a bit of buffer, both before and after, so if one given day had a lot more tonnage

than the next the system could handle the variation. The maximum hydraulic retention capacity in the digester was the limiting factor and limited the facility to approximately 65,000 tons per year.

Mr. Heberlein asked how much the Applicant planned to be processing, 65,000 tons or was there some spare capacity intended at this point.

Mr. Woods stated they would hope to accept the maximum amount, but that amount of material did not currently come to the facility, it was only about 15,000 tons per year. However, they were working with Metro, which had been trying to build this capacity for some time. The plan was to reach the 65,000 tons per year as quickly as possible to pay for the capital costs. The facility could take some liquid material, such as grease trap waste, but Clean Water Services had just started taking that material too, so they might take it more than Republic. He did not anticipate being at the 65,000 ton level on opening day. He confirmed that traffic capacity expectations were based on the max limit.

Fred Ruby asked once the system was in place and the methane gas was used to power the turbines that add the electricity to the grid, how would that be done. Electricity could not be stored, but had to be generated and used, so how would that be coordinated? Did Portland General Electric (PGE) determine how the additional energy was added to the power grid?

Mr. Woods replied the Applicant dealt with PGE in two separate columns, so to speak. On the generation side, they had a power purchase agreement that stated if the Applicant generated X amount of electricity, PGE would pay X amount month by month, on peak, off peak. PGE built that into their generation forecast and had a very detailed contract and a void of cost mechanism. The Applicant had entered into an agreement and finalized that generation piece. On the transmission side, they had entered into an interconnection agreement and a feasibility study had been done. For instance, PGE had determined which pole the Applicant would connect into off Day Rd. PGE had the ability to take the system offline if there was an electrical fault or an event that required the power to be shut off. PGE did not want the Applicant generating and creating a live wire situation, so there was a whole protocol the Applicant had to go through with PGE that occurred in phases. The initial feasibility study had been done, which laid out the parameters, and the next phase was to design them. He confirmed that electricity in the grid had to be used or lost. While 2.4 megawatts sounded like a lot, it really was not in the grand scheme of things. The electricity the Applicant generated would be used within close proximity to where it was introduced into the grid. He assured PGE had a very detailed protocol as to how that was done.

Vice Chair Akervall asked if the digestion process would have a significant draw on the City's water, and if it had been a concern or discussion point.

Mr. Woods replied the food waste itself was approximately 80 percent water. If makeup water was needed through the pretreatment process to add to the system it would be taken from the pretreatment system; however, the Applicant did not intend to be a large consumer of City water.

Mr. Mende replied that the City had no concerns regarding water usage. The system had plenty of water lines and plenty of capacity.

Mr. Heberlein understood the burn-off flare was screened, so it could not be seen from the outside, but asked how often the flare would be used and what the plan was for it to actually be lit off.

Mr. Woods responded in a perfect world the flare would never burn. It was there in the event that there was hiccup with the engine and one of the engines had to be taken down. The flare was there in case the biogas utilization was not able to be accomplished through combustion in the engine. It was there for upset or emergency conditions.

Mr. Heberlein asked if the flare was designed to prevent critters and birds from making a home in it and then getting incinerated.

Mr. Woods replied avoiding that was a good design goal.

Mr. Heberlein stated to Mr. Pauly that he wanted to go through the numbers related to the tree counts.

Mr. Pauly replied the numbers he calculated were consistent with the narrative. As briefly described by Mr. Altman, a third party landscape architect had apparently made some notes that were not consistent with the arborist's report or the narrative, which seemed to be the issue. Adding the numbers on Sheet L1 .0 under the Plant Legend, which included the Grand fir, Vine Maple, Red Alder, Oregon Ash, Douglas fir, and Western Red Cedar, plus the water quality facility trees, resulted in 137 trees. The concern about planting in future impact areas might be more of a graphical issue. The trees on the upper part of the Proposed Water Quality Facility drawing seemed to be in the future storage areas and while it could be clarified by the Applicant, those did not correspond to anything on the legend, so they could be existing trees.

Mr. Heberlein replied he was only looking at the Tree Removal/Replacement Notes that identified 59 mitigation trees plus two shade trees, which equaled 61, and not the 137 trees.

Mr. Pauly stated he would almost strike that note, which was apparently something from the landscape architect that was not consistent with the plant legend right next to it, the arborist's report, or the Applicant's narrative.

Vice Chair Akervall called for public testimony in favor of, opposed, and neutral to the application.

Killian Condon, Oregon Department of Environmental Quality, stated he was in the solid waste program and was the permit writer for anaerobic digesters and composting sites in the region. He noted DEQ had not received, nor would they be able to receive, the application for this project until it had gone through the local agency protocols and processes; therefore, DEQ was neutral on the application at this point. However, DEQ was positive about this type of technology, and there were similar sites DEQ had permitted without problems, to DEQ's knowledge. He offered to answer questions on DEQ's process in terms of permitting and inspections.

Mr. Ruby asked if the other locations DEQ had permitted were in Oregon.

Mr. Condon confirmed the Port of Tillamook Bay anaerobic digester was one that he had permitted last month with a capacity of 5,000 to 15,000 gallons of manure a day. One difference in the digester setup between the proposed facility and the Tillamook facility was that the Tillamook facility had some open containers. The actual digesters themselves were enclosed, but other containers such as the balancing tank or incoming tank were open. To DEQ's knowledge, the Tillamook facility had not received any odor complaints. The facility has been operating for a number of years. There had been an old facility there, but the new facility was just recently permitted by DEQ on a new permit. The facility in Junction City was similar in many ways, but unfortunately from an odor perspective, it was difficult to gauge if there were issues with that facility externally because it was co-located with a composting facility, so that might not be applicable. But the facility that Staff visited in Durham, even though it was a wastewater plant, it might be more applicable in some ways because of the odor controls.

Mr. Heberlein asked if part of DEQ's approval criteria included odor prevention design, monitoring, and compliance.

Mr. Condon replied odor was taken into consideration and factored into both the permit and operations plan required as part of one of these faculties. DEQ had an odor strategy that was initiated because of incidents that occurred in the North Plains area with Nature's Needs a number of years ago, but, again, a completely different technology because it was a compositing site, so there were not a lot of parallels there. In terms of odor issues DEQ had experienced at anaerobic digestion sites, he did not know of any complaints. In terms of the type of technology he had heard tonight and the Applicant's odor mitigation, the types of mitigation that DEQ had currently permitted were the biofilter, the pile of cedar chips with the pipe running through it with the odor emanating, and the bacteria working off of the chips. A little bit lower level in terms of technology, but that was what DEQ currently allowed and they were not seeing issues with it. The proposed facility appeared to be a level above that. In terms of monitoring, any complaints DEQ received through their Complaint Intake System were usually associated with a breakdown in the operations plan, and there was an inbuilt structure that would shut down the facility if there was a deviation in the operations plan.

Vice Chair Akervall asked what kind of setting the Tillamook facility was located in and how close it was to other businesses, residents, etc.

Mr. Condon replied that it was similar in many ways to the proposed facility site because it was an industrial park. Tillamook was co-located with a number of other industries, including lumber mills and the Port offices. There were residents and a school within a half to three-quarters of a mile. It was rural location, not as developed as the proposed facility's site. The odor strategy in Senate Bill 462 came out of the incident with Nature's Needs which involved unfortunate weather patterns at the time and operations issues that needed to be addressed that had been since.

Vice Chair Akervall confirmed there was no Applicant's rebuttal and closed the public hearing at 8:26 pm.

Ron Heberlein moved to approve Resolution No. 327 with the addition of Exhibit A3 and the correction read into the record by Staff.
The following additional correction was noted by Staff:

- Condition PF7 on Page 13 of 95 of the Staff report was corrected to state, "…found in ~~City Ordinance 1279~~ ***Resolution 1987***,".

Fred Ruby seconded the motion, which passed unanimously.

Vice Chair Akervall read the rules of appeal into the record.

VIII. Board Member Communications

A. Results of the April 25, 2016 DRB Panel B meeting

Daniel Pauly, **Associate Planner,** noted the results of the April 25, 2016 meeting were included in the packet and that the 14-lot, single-family subdivision, which had been previously continued and then approved, and recommended to City Council for approval by Panel B. The project would go before City Council next week.

IX. Staff Communications

Daniel Pauly, Associate Planner, explained that the training session scheduled to follow the meeting was optional, but if the Board was interested in learning more about the traffic study process, Scott Mansur with DKS Associates was present to give a presentation.

Barbara Jacobson, City Attorney, confirmed the motion making training could be done at a later time.

X. Adjournment

The meeting adjourned at 8:30 p.m.

- **Development Review Board Training Session**
  - Motion Making training by Barbara Jacobson
  - Traffic Study Analysis by Steve Adams

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for
Shelley White, Planning Administrative Assistant