

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING - Revised 7/2/98
DATE: July 9, 1998
DAY: Thursday
TIME: 2:00 PM
PLACE: Council Chamber

Approx.
Time*

Presenter

2:00 PM

CALL TO ORDER AND ROLL CALL

(5 min.)

1. INTRODUCTIONS

(5 min.)

2. CITIZEN COMMUNICATIONS

(5 min.)

3. EXECUTIVE OFFICER COMMUNICATIONS

(5 min.)

4. AUDITOR COMMUNICATIONS

(5 min.)

5. MPAC COMMUNICATIONS

6. CONSENT AGENDA

2:25 PM

- 6.1 Consideration of Minutes for the July 2, 1998
Metro Council Regular Meeting.

(5 min.)

7. ORDINANCES - FIRST READING

2:30 PM

- 7.1 **Ordinance No. 98-767**, For the Purpose of
Amending Metro Code Chapter 5.01 to set certain
Fees and Penalties, and Making Related Adjustments
to Chapter 7.01.

(5 min.)

8. ORDINANCES - SECOND READING

2:35 PM

- 8.1 **Ordinance No. 98-741A**, For the Purpose of Granting a
Yard Debris Processing Facility License to McFarlane's
Bark, Inc. to Operate a Yard Debris Processing Facility,
and Declaring an Emergency.

(5 min.)

Morissette

2:40 PM
(15 min.)

8.2

Ordinance No. 98-744A, For the Purpose of Amending Ordinance No. 96-655E to Add Land to Designated Urban Reserve Areas for the Portland Metropolitan Area Urban Growth Boundary to provide for a State Prison; Amending RUGGO Ordinance No. 95-625A; and Declaring an Emergency.

Morissette

2:55 PM
(10 min.)

9.

COUNCILOR COMMUNICATION

ADJOURN

CABLE VIEWERS: Council Meetings, the second and fourth Thursdays of the month are shown on City Net 30 (Paragon and TCI Cablevision) the first Sunday after the meeting at 8:30 p.m. The entire meeting is also shown again on the second Monday after the meeting at 2:00 p.m. on City Net 30. The meeting is also shown on Channel 11 (Community Access Network) the first Monday after the meeting at 4:00 p.m. The first and third Thursdays of the month are shown on Channel 11 the Friday after the meeting at 2:00 p.m. and the first Sunday and Wednesday after the meeting on Channels 21 & 30 at 7:00 p.m.

PUBLIC HEARINGS: Public Hearings are held on all Ordinances second read and on Resolutions upon request of the public. All times listed on the agenda are approximate; items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 6.1

Consideration of the July 2,1998 Metro Council Regular meeting minutes.

Metro Council Meeting
Thursday, July 9 1998
Council Chamber

MINUTES OF THE METRO COUNCIL MEETING

July 2, 1998

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer) Ruth McFarland, Ed Washington, Don Morissette, Patricia McCaig, Susan McLain

Councilors Absent:

Presiding Officer Kvistad convened the Regular Council Meeting at 2:04 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

Henry Kane, 12077 SW Camden Lane, Beaverton, OR 97008 spoke of the latest development in the Citistics Inc. matter. He wished to respond to a letter sent by Susan McLain June 30, 1998. 1) this was a matter that involved a floodplain and wetlands up against the proposed facility in downtown Beaverton near City Hall. The staff report ignored the duty of Metro to protect water, this facility would contaminate ground water, 2) additionally, the City of Beaverton, County Commission and Council were never aware of water aspects. Metro criteria did not deal with protection of the water and air, the record that Mr. Kane had submitted demonstrated that the City of Beaverton violated the comprehensive plan and the law and 4) the City of Beaverton gave no notice that a garbage facility was proposed. The first time this came up was when it was raised orally and then the Planning Commission entered an order expressly forbidding the applicant, Miller Sanitary to handle any putrescible or other garbage. He noted that Councilor McLain's letter said, we must keep the general public in mind, Mr. Kane trusted that Metro would do so.

Councilor McFarland asked Mr. Art Lewellan's response to Charlie Hales discussion about the Central City streetcar.

Art Lewellan, LOTI, 3205 SE 8th #9 Portland OR responded that she was reading it correctly. He was not against light rail he felt the streetcar and light rail could work together. If the duties of each system were split, we could create better access by including and incorporating the streetcar.

Councilor McFarland asked if Mr. Hales' proposal followed a piece of Mr. Lewellan's plan.

Mr. Lewellan said he supported the Central City streetcar for reasons previously mentioned. He reviewed his latest design which included streetcars and electric buses on the east side of the river and on the mall, a three part plan. He believed that the electric bus on the mall could remove four times as many diesel buses from the mall as the light rail. He felt that it was a good idea to lower costs. He said that he had received a flyer from Denver about their 16th Street

shuttle system, recognized today as one of the most successful transit malls in the US. He heard from a member of the Metro staff that that system was a disaster. Mr. Lewellan indicated that their system was always filled. He thought his idea for an electric bus system on the mall was a good idea to lower the costs, similar to the Denver system. He felt we must build a better transit system. He review some engineering flaws such as parking structures that created gridlock in the area. He felt this was mistake.

Councilor McFarland asked Mr. Lewellan to file the document so the Council could review it.

Mr. Lewellan added that he did not have faith in the South North Light Rail.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

Alexis Dow, Auditor, updated the Council on two information items; 1) a report on the external quality review of her office mandated by professional standards and the Metro Code. This peer review was performed under the auspices of the National Association of Local Governments Auditors. The Association assigned two auditors to review her department, Paige Graves and Susan Reed. The two auditor's report gave that the Auditors Office a clean bill of health indicated that they were operating under the highest professional standards. They did have a few minor recommendations which the Auditor's Office was in the process of adopting. They did express praise regarding the fact that in the three years that the auditor's office has existed that the office had been able to become as established and well functioning as they were right now.

Second, she had issued a request for proposal to do an evaluation of the implementation of the InfoLink Project. The Auditor got seven responses to the RFP, her office would be meeting with the finalist this week and she was hopeful to advise the council on who the contract had been awarded to within the next few weeks. Her present plan was to commence this work in August.

Councilor Washington asked when Ms. Dow expected that audit to be completed?

Ms. Dow said the firms that they were considering expected to have the field work completed by the end of September and the report issued during the month of October.

5. MPAC COMMUNICATION

Councilor McLain reported that she and the Presiding Officer had attended a Coordinating Committee meeting which had been attended by the Mayor of Tualatin, the County Commissioner from Clackamas, and the Water Special District representative. The Presiding Officer agreed that there would be Coordinating Committee meetings during the months of July, August and September to work on some of the important land use materials that would be coming up including possible code changes and dealing with other issues such as urban reserves and urban growth boundary management.

6. CONSENT AGENDA

6.1 Consideration meeting minutes of the June 25, 1998 Regular Council Meeting and the June 16, 1998 Metro Council Public Hearing.

Motion: **Councilor McCaig** moved to adopt the meeting minutes of June 25, 1998 Regular Council Meeting and the June 16, 1998 Metro Council Public Hearing.

Seconded: **Councilor Morissette** seconded the motion.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain for the 6/25/98 minutes and the vote was 4 aye/ 0 nay/ 2 abstain for 6/16/98 minutes. The motion passed with Councilors McLain and Morissette abstaining from the 6/16/98 minutes.

7. ORDINANCES - SECOND READING

7.1 **Ordinance No. 98-755**, An Ordinance Amending the Metro Code Regarding the Office of Citizen Involvement Effective June 1998.

Motion: **Councilor McFarland** moved to adopt Ordinance No. 98-755.

Seconded: **Councilor Washington** seconded the motion.

Councilor McFarland said these changes placed the office of MCCI under the auspices of the Executive Officer, included issues on alternate members, other code changes necessary for the evolution of the Office of Citizen Involvement and put MCCI in harmony with their bylaws and the Metro Code.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-755. No one came forward. Presiding Officer Kvistad closed the public hearing.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

7.2 **Ordinance No. 98-741**, For the Purpose of Granting a Yard Debris Processing Facility License to McFarlane's Bark Inc. to Operate a Yard Debris Processing Facility, and Declaring an Emergency.

Motion: **Councilor Morissette** moved Ordinance No. 98-741.

Seconded: **Councilor McLain** seconded the motion.

Discussion: **Councilor Morissette** reviewed that this ordinance was to relicense the McFarlane's Bark Inc. facility in the Gladstone Milwaukie area. The staff had come up with numerous ideas as to how Metro could mitigate some of the concerns people had in the area. There were concerns by Mr. Brophy about congestion and buffers. He noted an "A" version of the ordinance which resolved those concerns among the parties.

Councilor Washington said he had voted against this in committee, he would now support the ordinance as amended because the issue that he had raised had been addressed.

Councilor McCaig asked for clarification about the "A" version.

Presiding Officer Kvistad indicated that Councilor Morissette would need to move to substitute Ordinance No. 98-741 with 98-741A. The ordinance would be held over for one week and the final vote would be scheduled for July 9 because of the substantive nature of the amendment.

Motion to Amend: **Councilor Morissette** moved to substitute Ordinance No. 98-741 with 98-741A.

Seconded: **Councilor McCaig** seconded the amendment.

Vote to Amendment: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-741A. No one came forward. Presiding Officer Kvistad closed the public hearing.

Presiding Officer Kvistad announced that final action on Ordinance No. 98-741A would be under consideration at the July 9, 1998 Metro Council meeting.

8. RESOLUTIONS

8.1 **Resolution No. 98-2671**, For the Purpose of Appointing a Replacement Councilor to Fill the Office of Metro Councilor for Council District No. 6.

Motion: **Councilor Washington** moved to adopt Resolution No. 98-2671.

Seconded: **Councilor McLain** seconded the motion.

Presiding Officer Kvistad explained the process for selection of a Metro Councilor for Council District No. 6 indicating that the Council would first ask those candidates who had applied to come forward and make remarks, the Council would be allowed to ask each candidate questions and receive questions from the candidates, then there would be general council discussion. A written ballot would then be handed out to the council and a written vote taken, a candidate would require four votes to be appointed. The ballots would be collected and the totals announced by the Clerk of the Council. The Council would then ask if the person wished to be sworn in at this time or at the beginning of the next meeting. If there was not a majority vote of four on the first ballot, there would be a second ballot. If the second ballot showed no majority, the resolution would be held over one week to give council an opportunity to speak to the candidates again. He noted that the Council Office had attempted to contract Mr. Owens several times but he had left no phone number on his application. He had received notice of today's meeting.

Utilizing the process that was used at the public hearing, the Presiding Officer asked each candidate to speak to their candidacy. He asked Mr. Pratt to begin, followed by Mr. Monroe and finally by Ms. Dingfelder.

Scott Pratt said as he had campaigned for this position over the last few months he had been asked several question more often than others, what is Metro and what does it do. This was a

great opportunity for Metro because it did not yet have a negative image in the view of most people in the region. At the same time this was a problem for Metro because it didn't also have a lot of support from people in the region because they didn't know what it was. Right now more than ever Metro needed that support. The Regional Framework was a good document but at this point it was still mostly just a plan. As we got into the hard work of implementing the plan, we were going to need the support of the citizens of this region in order to do so successfully. Metro had also put a bond measure on the ballot to expand the Convention Center. Metro was going to need a lot of support to successfully pass that bond measure. More important than any of this was that in two years Metro was likely to be facing an initiative to abolish Metro. During the next two years, Metro had to build support for itself, its policies and goals in order to defeat that statewide ballot measure. They must get support starting now and in this region. Metro would best be able to meet these challenges by appointing a councilor to Metro region 6 that had broad support from a large segment of the community. He had that support. As shown at the public hearing, in the letters and calls, he had support from a lot of different people; environmentalists, business people, home builders, home owners, democrats and republicans, liberals and conservatives, attorneys he had worked with and opposed, friends, neighborhoods associations leaders, community activists, people throughout the region. For most of his adult life he had spent a lot of time encouraging and helping people to become involved in decisions their government made. This was a good way for Metro to build support. People wanted to be involved in decisions about growth, they demanded to be involved in decisions that effected them and that effected the future of their neighborhoods, cities in this region. By involving them, by listening to them and taking their suggestions seriously, we could build support for Metro and we could successfully implement the Regional Framework Plan. Metro was very important not only for managing growth but also for managing the regional entertainment facilities such as the Zoo and the Convention Center and for managing solid waste disposal. Most people in this region didn't know that these were Metro's functions. Many people barely knew that Metro existed. Metro had an opportunity to build substantial support, support which would help it survive and meet the challenges ahead. He felt he was best qualified to help to build that support. He had support from a lot of people in this community. These people knew that he was dedicated to protecting and improving the quality of life in this region. They knew that he would involve them and others in the decisions that Metro made. They knew that his history of building effective community and citizen involvement was what was necessary to help Metro meet the challenges and opportunities ahead. He suggested that the council should appoint him as the next Metro District No. 6 councilor because of his job experience, his history of volunteering and community activism and his broad community support. These all made him the best candidate to help Metro survive and grow.

Rod Monroe thanked the Council. Metro was a wonderful experiment in regional government, an elected regional government, an experiment that was yet to prove itself. He wished to be a part of that process that proved not just to this community but to the nation that elected regional government can work, can act as an effective catalyst in bringing diverse interests and diverse government officials together. Metro represented 24 cities and three counties. The most important thing that Metro did was to facilitate, to act as a catalyst in bringing elected officials and special interest groups together to talk about the important choices that we have to make to improve and enhance the livability of this region, choices that involve land use, transportation, water and air quality, accoutrements that we have with the regional facilities - the Convention Center, the Performing Arts Center, Expo. If he was asked to return as a Metro Council he was in a place in his life where he could be a full-time Metro Councilor. His business was managed by others and his teaching responsibilities had been set aside. He looked forward to the opportunity

to travel around this region again to meet with the majors and city council people and to help draw them together and continue the effort of Metro to keep them talking to each other so that we can make the right kinds of choices. The people in this region would have choices about how they live, how they move around from one place to the other, and that those choices will be their choices not some choice forced upon them by having no other resources.

Jackie Dingfelder thanked the council. She had shared her remarks about her qualifications at the June 16th public hearing. 25 of her supporters attended that forum, many testifying on her behalf. Today she wished to review who she was and why she thought she was the best candidate and what she would like to accomplish if she was appointed to this position. She currently served as coordinator for the Tualatin River Watershed Council. In this capacity she had developed excellent working relationships, forged partnerships with cities and counties, special districts, businesses, developers, environmental groups, farmers and citizens throughout the region. She was deeply committed to Metro issues, land use planning, parks and open spaces, transportation, solid waste management and oversight of important facilities such as the Zoo and the Convention Center. She had also been an active member of the community and Metro District 6, serving on two Portland municipal committees, two Metro committees MTAC and WRPAC, and had served on the board of a non-profit organization in the City of Portland. She had exceptionally strong technical abilities, almost fifteen years of professional experience in land use planning, public involvement, and budget and staff management. She held graduate and undergraduate degrees in regional planning. Why was she the best candidate? First, she thought the greatest strength that she offered was the ability to work with different types of people. She knew how to bring diverse groups together to reach consensus and create partnerships that worked. Her success on the Tualatin Basin illustrated her willingness to listen and understand different view points. Second, she was up to speed on Metro issues and Metro's legislative process including the role of advisory committees and how Metro set policies in the region. She served on two Metro advisory committees currently and worked extensively with staff. She emphasized that she was not a single issue person, this had come up in several conversations. Her experience and knowledge matched Metro's areas of expertise and responsibility. She was a hard worker, a quick study. She listened to people and strived to gain a clear understanding of issues from all sides as part of her decision making process. Third, she reviewed what she would like to accomplish if she were appointed. She believed the most important issue facing the region right now and the Metro Council was the implementation of the 2040 Regional Framework Plan. It was also where her unique skills and experiences would allow her to make a significant contribution to the Council's work. The success of the Framework Plan depended on creating and maintaining partnerships with Metro and the 27 local jurisdictions in the tri-county area. She understood the important role of Metro as the only entity with a regional perspective. However, she recognized that local partnerships and working with citizens was crucial to Metro's success. She knew how to build those partnerships and reach consensus. In summary, what she offered was commitment, experience and a regional approach that worked. She believed she would be a positive addition to the Metro Council. She asked the Council to appoint her to represent Metro District No. 6.

Presiding Officer Kvistad called for Mr. Owens once again. No one came forward.

Councilor McFarland stated that the Council was in a singularly lucky situation in which she did not think that the Council could go wrong. She had received letters and phone calls supporting all of these candidates from people whose opinion she valued highly and from people she trusted and believed that they understood things that the Council was going to try to appoint

someone to do. She said the Council must settle on one candidate but she thought the three that were present all had additional strengths to bring to the Council. She felt that the Council had an exceedingly good field of candidates to select from. She commended all three candidates for their public spiritedness and willingness to take on this job.

Presiding Officer Kvistad called for questions and commended all three candidates for taking the time to meet with Council. He called for nominations.

Motion: **Councilor McLain** moved to forward the nominations of the applicants who had fulfilled the application process: Rod Monroe, Jackie Dingfelder, Scott Pratt, and D.W. Owens.

Seconded: **Councilor Washington** seconded the motion.

Presiding Officer Kvistad called for further comments or questions from the Council and then announced that a ballot would be distributed to each councilor. Each councilor was asked to cast a ballot for only one candidate and sign their ballot. Those ballots would be forwarded to the Clerk of the Council. She would announce the vote of the total but not which candidate the individual councilors voted for. If no candidate received four votes on the first ballot, the Council would move to a second ballot.

Chris Billington, Clerk of the Council, announced the vote was 5 votes in support of Rod Monroe and 1 vote in support of Jackie Dingfelder.

Presiding Officer Kvistad declared, on a five to one vote of the Council, this Council nominated and had appointed Rod Monroe to fill the vacancy until November. He asked Mr. Monroe if he wished to be sworn in now or at the next Council meeting.

Mr. Monroe wished to be sworn in immediately.

Councilor McCaig asked for clarification, were the ballots individually available for public review or just the total.

Presiding Officer Kvistad said the ballots were a public vote so although the Clerk did not read the individual councilor votes, the individual ballots would be available as part of the public record. He told all three candidates how impressed he was with all of them. He felt this would be a terrific election and any one of the candidates would be a credit to this organization. He thanked all of the candidates for their time.

Mr. Dan Cooper, Legal Counsel, suggested that the Council now vote on the resolution.

Presiding Officer Kvistad noted that Rod Monroe's name would be added to the resolution as the selected nominee.

Vote: The vote was 5 aye/ 1 nay/ abstain. The motion passed with Councilor McCaig voting no.

Chris Billington, Clerk of the Council, administered the oath asking Mr. Monroe to raise his right hand and say, "I, Rod Monroe, do solemnly swear that I will faithfully perform the duties

of the office of Metro Councilor; District 6, and that I will support the Constitution and Laws of the United States, the Constitution and Laws of the State of Oregon, and the Charter and Laws of Metro, according to the best of my ability."

Presiding Officer Kvistad congratulated Councilor Monroe and welcomed him to the Metro Council.

Councilor Monroe joined the Council at the dais.

8.2 **Resolution No. 98-2667**, For the Purpose of Accepting June 1998 Nominees to the Metro Committee for Citizen Involvement (MCCI).

Motion: **Councilor McFarland** moved to adopt Resolution No. 98-2667.

Seconded: **Councilor Washington** seconded the motion.

Discussion: **Councilor McFarland** recommended the nominees for MCCI. She asked Ms. Woodruff to come forward and speak about the candidates.

Aleta Woodruff, Vice President of MCCI, 2143 NE 95th Place Portland OR 97220 said that MCCI had worked diligently to keep the chairs filled, with 27 members it was difficult to find nominees. She felt all of the nominees were very superior people. Lynn Partin, Steve Sechrist, and Stanley Lewis wished to serve on MCCI and were recommended for approval by the Council.

Councilor Washington thanked Mr. Lewis for representing the district and for attending the council meeting today.

Councilor McFarland said that she felt the members of MCCI were just as important as anything else that Metro did. She recommended that all three nominees be approved by the Council.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

8.3 **Resolution No. 98-2668**, For the Purpose of Approving a Public Involvement Planning Guide on Behalf of the Metro Committee for Citizen Involvement.

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2668.

Seconded: **Councilor McFarland** seconded the motion.

Discussion: **Councilor McLain** said the committee supported this resolution unanimously. MCCI had spent a lot of time on this guide. The guide was to provide a concept, a document, a guide allowing the different departments to make sure that we had effective citizen involvement. Effective citizen involvement meant getting the right mixes of citizens in the appropriate places at the appropriate times to give their opinions, thoughts and ideas. She believed that this document did this. She reviewed the guide. She felt that the document was very user friendly.

Councilor Morissette said that this looked like a lot of work for one person to be able to provide the staff work for. He asked if there was a contemplation that there would need to be an increase in the budget to accomplish this?

Councilor McLain said her understanding was that this guide was to be used for staff that we already had and those staff would be the people in the various Metro departments.

Karen Withrow, MCCI staff person, said that MCCI had recently restructured their committees so that MCCI had a liaison from each one of the departments working with a small group of MCCI members on choosing projects from their work plan that would involve citizens already or ones that should be involving citizens and creating these plans together.

Councilor Morissette asked Ms. Withrow if it was her assumption with the Executive group and the Department heads that all of these functions could be performed within the current budget.

Ms. Withrow said she believed in most cases these things were already being done. It was more a matter of documenting it before it was done, having a plan that MCCI could review to determine the most effective way of approaching citizen involvement rather than were we doing it at all.

Councilor Washington asked who put the document together.

Ms. Withrow said it originated from the Transportation Planning Public Involvement Planning Guide that was approved by the council several years ago. A subcommittee from MCCI worked on it after this and then Ms. Withrow had done some final work.

Councilor Washington noted the glossary of acronyms. He felt this was great.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed with Councilor McCaig absent from the vote.

**9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e).
DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL
PROPERTY TRANSACTIONS.**

**9.1 Resolution No. 98-2661, For the Purpose of Authorizing the Executive Officer to
Purchase Property in the Sandy River Gorge Target Area.**

Members Present: Charles Ciecko, Ben Williams, Alison Kean-Campbell, Nancy Chase, Tim McNeal.

Motion: **Councilor McFarland** moved to adopt Resolution No. 98-2661.

Seconded: **Councilor Monroe** seconded the motion.

Discussion: **Councilor McFarland** reviewed that this property was a very important piece of property because it was in Metro's target area, it was a part of what would eventually be a part of a corridor that led into the national forest and it would offer a wildlife corridor that may be very important to the survival of some of the species. She felt this fit with the bond measure

goals. This purchase was from Longview Fiber. A lot the land in that corridor was also on Longview Fiber land.

Councilor Washington thanked Mr. Ciecko and his staff for their hard work.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

10. COUNCILOR COMMUNICATION

Presiding Officer Kvistad announced that the legal findings on Ordinance No. 98-744A should be in the councilors boxes today. These findings will be brought forward at the July 9th Metro Council meeting as a "B" version. Final consideration would be at the July 16th Metro Council meeting.

Councilor McCaig asked if this was another public hearing?

Presiding Officer Kvistad said no but he must open a public hearing on all ordinances, it would be an action item on the findings.

Mr. Dan Cooper said they would be giving notice to the opponents of the findings, he would not be surprised if the lawyers took the opportunity to come down, complete the record and object to the findings.

Presiding Officer Kvistad said he did not anticipate a major public hearing.

Presiding Officer Kvistad introduced Ben Williams, the new Council intern from the University of Oregon. He was studying Urban Planning and would be working with Council Outreach.

He also announced that the Metro Council Office would be closed on July 3rd, which was the 4th of July holiday.

Councilor Washington asked if Presiding Officer Kvistad had the oxygenated fuel letter.

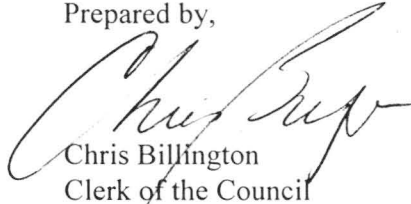
Presiding Officer Kvistad said that he did.

Councilor Washington asked if he could meet with Councilors McCaig and McFarland briefly about this letter.

11. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 4:15 p.m.

Prepared by,



Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
070298c-01	June 1998	External Quality Control Review A Report by the Office of the Auditor	TO: Metro Council FROM: Alexis Dow, Auditor	
070298c-02	7/2/98	Testimony at Metro 7/2/98	TO: Metro Council FROM: Art Lewellan	
070298c-03	6/98	Attachment 5 titled Site Plan Layout for McFarlane Bark	TO: Metro Council FROM: Maul, Foster & Alongi, Inc	Ord No. 98-741A
070298c-04	6/25/98	Memo concerning request to amend Ord No 98-741 Granting a yard Debris Processing Facility License to McFarlane's Bark and Declaring an emergency.	TO: Metro Council FROM: Bruce Warner, REM Director	Ord No 98-741A

Agenda Item Number 7.1

Ordinance No. 98-767, For the Purpose of Amending Metro Code Chapter 5.01 to set certain Fees and Penalties, and Making related adjustments to Chapter 7.01.

First Reading

Metro Council Meeting
Thursday, July 9, 1998
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE)	ORDINANCE NO. 98-767
CHAPTER 5.01 TO SET CERTAIN FEES)	
AND PENALTIES, AND MAKING)	Introduced by Mike Burton,
RELATED ADJUSTMENTS TO CHAPTER 7.01.)	Executive Officer

WHEREAS, the Council recently adopted a comprehensive revision of the Metro Solid Waste Facility Regulation Code codified as Metro Code Chapter 5.01; and

WHEREAS, the revised Metro Solid Waste Facility Regulation Code authorizes Metro to levy application fees for certificates, licenses and franchises; annual fees for certificates, licenses and franchises; and penalties for infractions; and

WHEREAS, in order to preserve the fiscal policy of the Council supporting material recovery, it is necessary to make certain related modifications to existing portions of Chapter 7.01 of the Metro Code; and

WHEREAS, the ordinance was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Section 2 of this Ordinance is added to and made a part of Metro Code Chapter 5.01.

SECTION 2.

5.01.070 Application Fees.

(a) Upon the filing of an application, every applicant for a Certificate, License or Franchise shall submit an application fee as provided in this section.

(b) Application fees shall be as follows:

- (1) For a Solid Waste Facility Certificate, one hundred dollars (\$100).
- (2) For a Solid Waste Facility License, three hundred dollars (\$300).
- (3) For a Solid Waste Facility Franchise, five hundred dollars (\$500).

SECTION 3. Metro Code Chapter 5.01 as amended by Section 25 of Ordinance 98-762 is amended to read:

Renewal of Licenses and Franchises

(a) Solid Waste Facility Licenses shall be renewed unless the Executive Officer determines that the proposed renewal is not in the public interest, provided that the licensee files a completed application for renewal accompanied by payment of an application fee of three hundred dollars (\$300) not less than 60 days prior to the expiration of the license term, together with a statement of proposed material changes from its initial application for the license and any other information required by the Executive Officer. The Executive Officer may attach conditions or limitations to any renewed license.

(b) Solid Waste Facility Franchises shall be renewed unless the Council determines that the proposed renewal does not meet the criteria contained in Section 20 of Ordinance 98-782, provided that the Franchisee files a completed application for renewal accompanied by payment of an application fee of five hundred dollars (\$500) not less than 120 days prior to the expiration of the Franchise term, together with a statement of proposed material changes from its initial application for the Franchise and any other information required by the Executive Officer or by the Council. The Council may attach conditions or limitations to the renewed Franchise.

SECTION 4. Metro Code Chapter 5.01 as amended by Section 28 of Ordinance 98-762 is amended to read:

Change of Authorizations.

(a) A Person holding a Certificate, License or Franchise shall submit an application pursuant to 5.01.060 when said Person seeks authorization to:

(1) Accept Wastes other than those authorized by the applicant's Certificate, License or Franchise, or

(2) Perform Activities other than those authorized by the applicant's Certificate, License or Franchise, or

(3) Modify other limiting conditions of the applicant's Certificate, License or Franchise.

(b) Applications for a change in authorization or limits shall be filed on forms or in the format provided by the Executive Officer.

(c) An application for a change in authorizations or limits to the applicant's Certificate, License or Franchise shall not substitute for an application that would otherwise be required under Section 9 of this Ordinance.

(d) A Person holding a Certificate, License or Franchise shall notify Metro in writing when said Person proposes to cease accepting authorized Wastes or cease performing authorized Activities at the Solid Waste Facility or Disposal Site.

(e) The fee for applications for changes of authorizations or limits shall be one hundred dollars (\$100).

SECTION 5. Metro Code Section 5.01.140 as amended by Section 42 of Ordinance 98-762 is amended to read:

5.01.140 License and Franchise Fees

(a) ~~The Council shall establish an annual fee for Licenses and Franchises.~~ The annual fee for a solid waste License shall not exceed three hundred dollars (\$300), and the annual fee for a solid waste Franchise shall not exceed five hundred dollars (\$500). The Council may revise these fees upon 90 days written notice to each Licensee or Franchisee and an opportunity to be heard.

(b) The License or Franchise fee shall be in addition to any other fee, tax or charge imposed upon a Licensee or Franchisee.

(c) The Licensee or Franchisee shall pay the License or Franchise fee in the manner and at the time required by the Executive Officer.

SECTION 6. Metro Code Section 5.01.200 as amended by Section 49 of Ordinance 98-762 is amended to read:

5.01.200 Penalties

(a) Upon a finding that a Certificate holder, Licensee or Franchisee is in violation of this chapter, the Code, the Certificate, License or Franchise agreement, or the administrative procedures or performance standards adopted pursuant to Section 37 of Ordinance 98-782 during an inspection or audit conducted pursuant to Section 39 of Ordinance 98-782, the Executive Officer shall provide written notice to the Certificate holder, Licensee or Franchisee describing the violation at the time of the inspection, and requiring the licensee to correct the violation within the time specified on the notice.

(b) Upon a finding that the Certificate holder, Licensee or Franchisee has failed to abate the violation within the specified time period, the Executive Officer shall issue a citation, indicating

the continuing violation, the date of re-inspection and imposing a fine of \$500.00 on Licensees or Franchisees, ~~and no fine (\$0.00) on Certificate or License holders~~. Each day a violation continues constitutes a separate violation. Separate offenses may be joined in one indictment or complaint or information in several counts.

(c) If after re-inspection, the Executive Officer finds the licensee or Franchisee has failed to abate the violation, such violation shall be punishable by a fine of \$1,000.00. Notice of a final deadline for abating the violation shall be given at the time of re-inspection.

(ed) Upon a finding that the Certificate holder, licensee or Franchisee has failed to abate the violation after the final deadline, the licensee or Franchisee shall be required to cease performing the Activity resulting in the violation.

(de) Further inspections shall be conducted to ensure suspension of the offending Activity. If the Certificate holder, licensee or Franchisee has failed to suspend the offending Activity, the Executive Officer shall conduct an investigation which may result in the:

- (1) Imposition of a remedy suitable to the District to be implemented by and at the expense of the Certificate holder, licensee or Franchisee;
- (2) Suspension of all solid waste Activities on site;
- (3) Imposition of a lien on the property for the amount of the fines; or
- (4) Suspension, modification or revocation of the Certificate, License or Franchise pursuant to Section 5.01.170.

(ef) In addition to subsection (a) of this section, any violation of this chapter may be enjoined by the District upon suit in a court of competent jurisdiction and shall also be subject to a civil penalty not to exceed \$500 per day for each day of violation.

SECTION 7. Metro Code Section 7.01.020 is amended to read:

7.01.020 Tax Imposed

(a) For the privilege of the use of the facilities, equipment, systems, functions, services, or improvements owned, operated, certified, licensed, franchised, or provided by the district, each user shall pay a tax of 7.5 percent of the payment charged by the operator or the district for such use unless a lower rate has been established as provided in subsection 7.01.020(b). Each user of all solid waste system facilities shall pay an additional tax of 1.0 percent of the payment charged by the operator or the district. The tax constitutes a debt owed by the user to the district which is extinguished only by payment of the tax directly to the district or by the operator to the district. The user shall pay the tax to the district or to an operator at the time payment for the use is made. The operator shall enter the tax on his/her records when payment is collected if the operator keeps his/her records on the cash basis of accounting and

when earned if the operator keeps his/her records on the accrual basis of accounting. If installment payments are paid to an operator, a proportionate share of the tax shall be paid by the user to the operator with each installment.

(b) The council may for any period commencing no sooner than July 1 of any year and ending on June 30 of the following year establish a tax rate lower than the rate of tax provided for in subsection 7.01.020(a) by so providing in an ordinance adopted by the district. If the council so establishes a lower rate of tax, the executive officer shall immediately notify all operators of the new tax rate. Upon the end of the fiscal year the rate of tax shall revert to the maximum rate established in subsection 7.01.020(a) unchanged for the next year unless further action to establish a lower rate is adopted by the council as provided for herein.

(c) In lieu of taxes imposed under (a) of this section and notwithstanding section 7.01.050(a)(6), operators of solid waste facilities licensed or franchised under Chapter 5.01 of this Code to deliver putrescible waste directly to the District's contract operator for disposal of putrescible waste shall pay a tax in the amount of \$1.76 per ton of putrescible waste delivered directly to the District's contract operator for disposal of putrescible waste.

SECTION 8. Metro Code Section 7.01.050 is amended to read:

7.01.050 Exemptions

(a) The following persons, users and operators are exempt from the requirements of this chapter:

(1) Persons, users and operators whom the district is prohibited from imposing an excise tax upon under the Constitution or Laws of the United States or the Constitution or Laws of the State of Oregon.

(2) Persons who are users and operators of the Portland Civic Stadium or the Portland Center for the Performing Arts.

(3) Persons whose payments to the district or to an operator constitute a donation, gift or bequest for the receipt of which neither the district nor any operator is under any contractual obligation related thereto.

(4) Any persons making payment to the district for a business license pursuant to ORS 701.015.

(5) Any person which is a state, a state agency or a municipal corporation to the extent of any payment made directly to the district for any purpose other than solid waste disposal, use of a Metro ERC facility, or use of the Metro Washington Park Zoo.

(6) An operator of a solid waste facility certified, licensed, or franchised under Chapter 5.01 of this Code, other than any disposal sites or transfer stations owned, operated or

franchised by the District, provided that such operator performs resource recovery or performs operations limited to transfer of yard debris.~~franchised processing center that accomplishes material recovery and recycling as a primary operation.~~

(7) Persons making payments to the district on behalf of the Metro Washington Park Zoo for the following purposes:

(A) Contributions, bequests, and grants received from charitable trusts, estates, nonprofit corporations, or individuals regardless of whether the district agrees to utilize the payment for a specific purpose including all payments to the Zoo Parents program;

(B) Corporate sponsorships or co-promotional efforts for events that are open to the general public, or for specific capital improvements, educational programs, publications, or research projects conducted at the zoo;

(C) Payments that entitle a person to admission to a fund-raising event benefiting the zoo that is not held on the grounds of the zoo;

(D) Payments that entitle a person to admission to a special fund-raising event held at the zoo where the event is sponsored and conducted by a nonprofit organization approved by the council and the primary purpose of which is to support the zoo and the proceeds of the event are contributed to the zoo;

(E) Notwithstanding the provisions of subsection (A) through (D) above, all payments received by the district for admission to the zoo, or which entitle individuals to receipt of food, beverages, goods, or rides on the zoo train shall be subject to tax regardless of whether payment is received from an individual or otherwise on behalf of special groups including but not limited to employee and family member picnics, corporate or family parties, or similar events.

(8) Users and operators paying compensation to any person who is operating and lease property at the Glendoveer Golf Course pursuant to a long-term agreement entered into with Multnomah County prior to January 1, 1994.

(9) A tire processor which is regulated~~operating~~ pursuant to a Metro Code Chapter 5.01 franchise, and which sorts, classifies or processes used tires into fuel ~~and/or~~ other products, shall be exempt from payment of excise tax on disposal of residual material produced directly as a result of such process, provided said residual conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent, and under the terms, specified in the Metro certificate, license or franchise.

(b) Any person, user or operator that is exempt for the payment of an excise tax pursuant to this section shall nonetheless be liable for compliance with this chapter and the payment of all taxes due pursuant to any activity engaged in by such person which is subject to this chapter and not specifically exempted from the requirements hereof. Any operator whose

entire compensation from others for use of a district facility is exempt from the provisions of this chapter shall be deemed to be a user and not an operator.

SECTION 9. The amendments to the Metro Code provided for in Sections 1 through 9 of this Ordinance shall take effect 90 days after the passage of this Ordinance.

ADOPTED by the Metro Council this _____ day of _____, 1998

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

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EXECUTIVE SUMMARY
ORDINANCE 98-767
FEE, PENALTY & EXCISE TAX CHANGES RELATED TO 5.01 REVISION

PROPOSED ACTION

Passage of Ordinance 98-767 would create or alter application fees, annual fees, and penalties in conjunction with the other solid waste facility regulatory changes proposed in a companion ordinance, 98-762. This ordinance would also make changes to the excise tax code to be consistent with the revisions made to the regulatory code.

WHY NECESSARY

- A major rewrite of the Metro Code (chapter 5.01) necessitates changes in various fees and penalties that can be imposed on solid waste facilities regulated by Metro.
- Changes to the excise tax code are needed to preserve an existing tax exemption for resource recovery efforts and create an alternative way of imposing an excise tax on a new non-resource recovery activity that is authorized under the revised 5.01 chapter and that otherwise would escape taxation (i.e., direct-haul of putrescible waste to Metro's disposal contractor)
- Fee, penalty and tax changes are proposed in a separate ordinance to be consistent with the Metro Code
- These changes would take effect 90 days following the adoption of this ordinance.

ISSUES/CONCERNS

- The annual franchise fees of \$500 are notably lower than some franchise fees assessed by other governments on regulated activities
- The flat dollar per ton excise tax imposed on direct-haul activities will not vary with the tax base as does the current percentage based excise tax
- As with the current tax exemption, the excise tax exemption for facilities that perform resource recovery activities is not graduated based on the level of resource recovery effort performed by the facility

BUDGET/FINANCIAL IMPACT

- Annual fees, application fees and penalties are expected to generate very little in additional solid waste revenues
- The excise tax revenues generated as result of these changes should remain about the same as would have been collected under the current regulatory and excise tax codes
- If the change in the method of excise tax assessment on direct-haul activities is not made and direct haul is subjected to the excise tax, annual excise tax revenues could increase in the range of \$100,000 to \$300,000 depending upon on the number of facilities licensed to direct-haul waste to Columbia Ridge

STAFF REPORT

IN CONSIDERATION OF ORDINANCE 98-767, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.01 TO SET CERTAIN FEES AND PENALTIES, AND MAKING RELATED ADJUSTMENTS TO CHAPTER 7.01.

Date: June 25, 1998

Presented by: Bruce Warner,
Dennis Strachota

I. BACKGROUND

A major revision of Metro's solid waste code, chapter 5.01, is proposed in Ordinance 98-762. As part of that revision, changes to application fees, annual fees and penalties for certified, licensed and franchised solid waste facilities have been proposed. In addition, revisions in chapter 7.01 are proposed to deal with changes made in the 5.01 revision. In accordance with the Metro charter, changes for both fees and related taxes are proposed in this separate ordinance.

The regulatory changes in Ordinance 98-762 represent the first major rewrite of Chapter 5.01 since 1981. As explained in the staff report to Ordinance 98-762, these changes were needed because the regulatory code was outdated and did not position the region well for the future.

Fees and Penalties

This ordinance establishes application fees to cover, in part, the cost of processing applications. These fees are \$100, \$300 and \$500 for certificates, licenses and franchises, respectively. The application fee for changes of authorizations or limits of a certificate, license or franchise, which requires less staff effort than initial applications is set at \$100. The ordinance establishes fees for the renewal of licenses and franchises at \$300 and \$500, respectively. Because certificate holders can hold certificates in perpetuity, the ordinance sets no renewal fees for certificates.

Chapter 5.01 adds two instruments to Metro's solid waste regulatory portfolio – certificates and licenses. Like the franchises that precede them, licenses have annual fees associated with them. This ordinance sets annual fees of \$300 for holders of licenses. Because certificate holders have little or no impact on the region's solid waste system, no annual fees are imposed for those instruments.

Penalties proposed in this ordinance differ from the current chapter 5.01 in one major respect. In place of a \$500 penalty for each violation, this ordinance would impose progressive fines for repeat violations. A repeat violation would trigger a fine of \$1,000 which would double each time a licensee or franchisee was cited for the same infraction within a 12-month period. The assessment of progressive fines is designed to provide an incentive for facilities to take corrective action. Because certificate holders have little or no impact on the region's solid waste system and Metro retains the right to suspend operations or rescind a certificate for threats to public health and safety, the proposed ordinance does not impose penalties for certificate violations.

Excise Taxes

As described in the staff report for Ordinance 98-762, chapter 5.01 revision would make a myriad of changes to Metro's regulation of solid waste facilities. One unintended consequence of these changes is to nullify a current excise tax policy favoring material recovery.

The Metro excise tax is imposed for the "use of the facilities, equipment, functions, services, or improvements owned, operated, franchised, or provided by the District." An exemption, however, is granted under chapter 7.01 of the Metro Code to "a processing center that accomplishes material recovery and recycling as a primary operation" (i.e., material recovery facilities). The new regulatory code authorizes solid waste facilities to perform multiple activities under one roof to gain efficiencies, consistent with the agency's Regional Solid Waste Management Plan.

The current excise tax code was crafted when solid waste facilities were still single-purpose operations. The multi-purpose facilities that are created as a result of new regulatory code would no longer be eligible for the excise tax exemption for material recovery because they no longer perform material recovery as "a primary operation." As a consequence, a major incentive for recovering materials from waste would be lowered. Exempting a multi-purpose facility that performs material recovery, however, indirectly could provide an exemption for the transfer and transport of putrescible waste, activities that inherently do not contribute to recycling and recovery goals.

This ordinance amends the excise tax code in such a way that it preserves the tax exemption for material recovery while it retains the excise tax on the transfer and transport of putrescible waste.

The excise tax is established as a tax on the "use" of facilities, services and other things of value. Generally a facility will collect the tax as part of the fee charged to its customers. In case of solid waste facilities, the major activities performed by a facility that might comprise a service include, transfer, processing (e.g., material recovery), and transport to a disposal site. Currently, if the facility is a material recovery facility (MRF), it is exempt from collecting excise tax on the services provided at the MRF. The MRF recovers material from non-putrescible waste and delivers the residual waste from the material recovery process to a disposal site. The disposal site collects excise tax and the Regional System Fee on the residual as part of their disposal fee.

To ensure that material recovery from solid waste continues to be exempt from the excise tax, this ordinance exempts all solid waste facilities, except disposal sites and regional transfer stations, from collecting excise tax from their customers if they perform resource recovery or perform only reloading of yard debris. As defined in the revised regulatory code, resource recovery encompasses everything but yard debris reloading that is currently exempt under the excise code, i.e., material recovery, recycling, petroleum-contaminated soil processing, and yard-debris composting. If facilities accept putrescible wastes from which generally few materials can be recovered, the excise tax would continue to be collected in one of two ways. Putrescible wastes delivered to a regional transfer station

would continue to be subject to excise tax as part of the tip fee charged to facilities and other transfer station customers. If the solid waste facility is licensed under the revised regulatory code to deliver putrescible waste directly to Metro's disposal contractor at Columbia Ridge Landfill, this ordinance would require these licensees to pay a flat excise tax of \$1.76 for each ton of putrescible wastes they deliver directly to Columbia Ridge.

The \$1.76 per ton represents the excise tax that would be collected if these facilities charged the equivalent of Metro's tip fee on putrescible waste. This flat per ton tax is in lieu of the excise tax that these facilities would otherwise be required to collect from customers delivering putrescible waste to them. A per unit basis for calculating excise tax is used in place of a percentage basis for calculating excise tax because of the recordkeeping and auditing difficulties associated with the percentage basis.

This ordinance does not alter the assessment of excise taxes and Regional System Fees collected by regional transfer stations and disposal sites because those facilities perform little, if any, material recovery, and hence do not contribute in a major way to the region's resource recovery.

II. BUDGET IMPACT

If this ordinance is adopted, Metro is expected to collect about the same amount of excise taxes as it would have under the old regulatory code and the current excise code. The major change under the revised chapter 5.01 that could have altered the level of excise tax revenues received by the agency is the authorization of direct-haul facilities. Under this ordinance, direct-haul facilities would pay the equivalent of the \$1.76 per ton in excise tax that would have been collected on similar activities performed at one of the regional transfer stations. As a result, total excise tax revenues collected on solid waste should remain about the same as was collected under old regulatory code and the current excise code.

Under the new regulatory code, direct-haul facilities would lose their exemption from excise taxes because they would no longer be considered a facility that "accomplishes material recovery and recycling as a primary operation." Without the changes in this ordinance, Metro could collect additional excise tax revenues in the range of \$100,000 to \$300,000 annually from direct-haul facilities (see Staff Report for Ordinance 98-762). Imposition of excise taxes on material recovery activities at facilities that accept putrescible waste, however, could seriously damage regional recovery efforts.

The fiscal estimates above are based on a full fiscal year. If this ordinance is adopted, the changes in the excise tax code will not take effect for 90 days or more than three months into FY 1998-99.

III. EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Ordinance 98-767.

Agenda Item Number 8.1

Ordinance No. 98-741A For the purpose of granting a Yard Debris processing facility license to McFarlane's Bark, Inc. to Operate a Yard Debris Processing Facility, and Declaring an Emergency.

Second Reading

Metro Council Meeting
Thursday, July 9 1998
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A YARD)	ORDINANCE NO. 98-741 <u>A</u>	
DEBRIS PROCESSING FACILITY LICENSE TO)		
MCFARLANE'S BARK, INC. TO OPERATE)		
A YARD DEBRIS PROCESSING FACILITY)	Introduced by Mike Burton,	
AND DECLARING AN EMERGENCY)	Executive Officer	

WHEREAS, Section 5.01.030 of the Metro Code requires an owner or operator of a yard debris processing facility to be licensed by Metro; and

WHEREAS, Section 5.01.040 of the Metro Code requires yard debris processing facilities to comply with the licensing requirements in Chapter 5.01; and

WHEREAS, Metro Code Section 5.01.060(a) requires applications for a license to be filed on forms provided by the Executive Officer, and specifies that licenses are subject to approval by the Council; and

WHEREAS, McFarlane's Bark, Inc. has submitted a yard debris processing facility license application to operate its existing yard debris composting facility in Milwaukie, Oregon; and

WHEREAS, the Metro Code Chapter 5.01.230 to 5.01.380 sets forth provisions relating to the licensing of yard debris processing facilities; and

WHEREAS, based on information submitted by McFarlane's Bark, Inc., specified in the Staff Report or otherwise submitted, the Executive Officer has found that with the special conditions set forth in the license agreement, the facility is in compliance with applicable provisions and standards in the Metro Code related to the licensing of yard debris processing facilities; and

WHEREAS, the facility is an existing operation providing necessary services to the public; and

WHEREAS, nuisance impacts from yard debris processing facilities such as odor, dust and noise can adversely affect the health, safety, and welfare of the public; and

WHEREAS, the purpose of the licensing agreement is to protect the health, safety, and welfare of Metro area residents; and

WHEREAS, the Council finds that it is necessary for the welfare of the Metro area that this ordinance take effect immediately, pursuant to Sections 37(2) and 39(1) of the Metro Charter; and

WHEREAS, The Executive Officer recommends that the Council grant the attached license to McFarlane's Bark, Inc.; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Council authorizes the Executive Officer to enter into the attached licensing agreement for a yard debris processing facility within ten days of the effective date of this ordinance.
2. An emergency having been declared for the reasons stated above, this ordinance shall take effect immediately, pursuant to Sections 37 (2) and 39 (1) of the 1992 Metro Charter.

ADOPTED by the Metro Council this _____ day of _____ 1998.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

EXHIBIT A

YARD DEBRIS COMPOSTING FACILITY LICENSE

issued by

METRO

600 N.E. Grand Avenue
Portland, Oregon 97232-2736
(503) 797-1700

LICENSE NUMBER: _____

DATE ISSUED: _____ (see Section 2)

AMENDMENT DATE: _____ N/A

EXPIRATION DATE: _____

ISSUED TO: _____ **MCFARLANE'S BARK, INC.**

NAME OF FACILITY: _____ MCFARLANE'S BARK, INC.

ADDRESS: _____ 13345 SE JOHNSON ROAD

CITY, STATE, ZIP: _____ MILWAUKIE, OR 97222

LEGAL DESCRIPTION: _____ (see attached application)

NAME OF OPERATOR: _____ MCFARLANE'S BARK, INC.

PERSON IN CHARGE: _____ DAN MCFARLANE, PRESIDENT

ADDRESS: _____ 13345 SE JOHNSON ROAD

CITY, STATE, ZIP: _____ MILWAUKIE, OREGON 97222

TELEPHONE NUMBER: _____ (503) 659-4240

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LICENSE AGREEMENT

This License is issued by Metro, a municipal corporation organized under the Constitution of the State of Oregon and the 1992 Metro Charter ("Metro"), to McFarlane's Bark, Inc. ("Licensee").

In recognition of the promises made by Licensee as specified herein, Metro issues this License, subject to the following terms and conditions:

1. DEFINITIONS

The definitions in Metro Code Section 5.01.010 shall apply to this License, as well as the following definitions. Defined terms are capitalized when used.

"Composting" means the controlled biological decomposition of organic materials through microbial activity which occurs in the presence of free oxygen. Composting does not include the stockpiling of organic material.

"Facility" means the site where one or more activities that the Licensee is authorized to conduct occur.

"Hazardous Waste" has the meaning specified in ORS 466.005.

"Prohibited Wastes" has the meaning set forth in Section 5.2 of this License.

2. TERM OF LICENSE

This License is issued for a term of five years from the date signed by Metro and the Licensee, following approval by the Metro Council.

3. LOCATION OF FACILITY

The licensed Facility is located at 13345 SE Johnson Road, Milwaukie, Oregon 97222. Tax lot 00202-00400-00402-00802-00803; Section 05, Township 25 South, Range 2 East.

4. OPERATOR AND OWNER OF FACILITY AND PROPERTY

4.1 The owner of the Facility is McFarlane's Bark, Inc.

4.2 The owner of the property underlying the Facility is Marjorie McFarlane, 3964 SE Boise, Portland, Oregon 97202, and Daniel McFarlane, 1515 Windsor Drive, Gladstone, Oregon 97027. Licensee warrants that owner has consented to Licensee's use of the property as described in this License.

4.3 The operator of the Facility is McFarlane's Bark, Inc. Licensee may contract with another person or entity to operate the Facility only upon ninety (90) days prior written notice to Metro and the written approval of the Executive Officer.

5. AUTHORIZED AND PROHIBITED ACTIVITIES AND WASTES

5.1 Subject to the following conditions, Licensee is authorized to operate and maintain a yard debris composting facility.

5.1.1 Licensee shall accept only yard debris, landscape waste, and clean wood wastes (e.g., untreated lumber, wood pallets). No other wastes shall be accepted at the Facility unless specifically authorized in writing by Metro.

5.2 Prohibited Wastes

5.2.1 Licensee is prohibited from receiving, processing or disposing of any solid waste not authorized in this License.

5.2.2 Licensee shall not accept Hazardous Waste. Any Hazardous Waste inadvertently received shall be handled, stored, and removed pursuant to state and federal regulations.

6. MONITORING AND REPORTING REQUIREMENTS

6.1 Licensee shall monitor facility operation and maintain accurate records of the following:

6.1.1 Amount of feedstock received and quantity of product produced at the facility.

6.1.2 Records of any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.

6.1.3 Records of any public nuisance complaints (e.g., noise, dust, vibrations, litter) received by the operator, including:

- (a) The nature of the complaint;
- (b) The date the complaint was received;
- (c) The name, address, and telephone number of the person or persons making the complaint; and
- (d) Any actions taken by the operator in response to the complaint.

6.1.4 For every odor complaint received, the licensee shall record the date, time, and nature of any action taken in response to an odor complaint, and record such information within one business day after receiving the complaint. Records of such information shall be made available to Metro and local governments upon request.

6.2 Records required under this section shall be reported to Metro no later than thirty (30) days following the end of each quarter. The report shall be signed and certified as accurate by an authorized representative of Licensee.

6.3 The licensee shall submit to Metro duplicate copies of regulatory information submitted to the DEQ and local jurisdictions pertaining to the facility, within 30 days at the same time of submittal to DEQ and/or a local jurisdiction.

7. DESIGN AND OPERATIONAL REQUIREMENTS

7.1 Activities shall be conducted in accordance with the Metro approved facility design plan, operations plan and odor minimization plan submitted as part of the License Application. In addition:

7.1.1 To control odor and dust the Licensee shall:

- (a) Install dust control and odor systems whenever excessive dust and odor occur, or at the direction of Metro. Alternative dust and odor control measures may be established by the Licensee with Metro approval.
- (b) Take specific measures to control odors in order to avoid or prevent any violation of this License, which measures include (but are not limited to) adherence to the contents of the odor minimization plan.

7.1.2 The following special conditions shall apply:

- (a) Install and maintain effective on-site traffic directional signage and lane marking to manage the flow of traffic within 30 days of the effective date of this License Agreement.
- (b) Implement the proposed processing and composting operational modifications and site plan improvements (Attachment 4 to the Staff Report Proposed Operational Modifications), in a substantial and satisfactory manner to control nuisance and traffic impacts by December 1, 1998.
- (c) Implement the proposed traffic management site plan improvements in a substantial and satisfactory manner within 60 days of the effective date of this License Agreement.
- (d) Within sixty (60) days of the effective date of this License Agreement, the applicant shall increase the density and variety of the tree buffer zone at the facility property lines adjacent to businesses by December 1, 1998 (where practical). Replant where trees have died, and plant additional rows of evergreen trees to create a more substantial buffer zone. The trees should be tall and fast growing varieties. Applicant should verify plant material with a landscape architect and/or local nurseries to determine type, availability and performance of plant material.

7.1.3 With respect to vector control, the Licensee shall manage the Facility in a manner that is not conducive to infestation of rodents or insects. If rodent or insect activity becomes apparent, Licensee shall initiate and implement additional vector control measures.

7.2 The Licensee shall provide an operating staff which is qualified to perform the functions required by this License and to otherwise ensure compliance with the conditions of this License.

7.3 The licensee shall utilize functionally aerobic composting methods for processing authorized wastes at the facility.

7.4 All facility activities shall be conducted consistent with applicable provisions in Metro Code Chapter 5.01: Additional Provisions Relating to the Licensing of Yard Debris Processing Facilities (Sections 5.01.230 - 5.01.380). Licensee may modify such procedures. All proposed modifications to facility plans and procedures shall be submitted to the Metro Regional Environmental Management Department for review and approval. The Executive Officer shall have 10 business days from receipt of proposed modifications to object to such modifications. If the Executive Officer does not object, such modifications shall be considered approved following the 10-day period. Licensee may implement proposed modifications to Facility plans and procedures on a conditional basis pending Metro review and notice from Metro that such changes are not acceptable.

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

8. FACILITY CLOSURE

8.1 In the event of closure of the facility, all yard debris, composting material, end-product, and other solid wastes must be removed from the facility within 180 days following the commencement of closure.

8.2 Licensee shall close the facility in a manner which eliminates the release of landscape waste, landscape waste leachate, and composting constituents to the groundwater or surface waters or to the atmosphere to the extent necessary to prevent threats to human health or the environment.

8.3 Within 30 days of completion of closure, Licensee shall file a report with Metro verifying that closure was completed in accordance with this section.

9. ANNUAL LICENSE FEE

Licensee shall pay an annual license fee of \$300, as established under Metro Code Section 5.01.320. The fee shall be delivered to Metro within thirty (30) days of the effective date of this License and on the same date for each year thereafter. Metro reserves the right to change its license fees at any time, by action of the Metro Council, to reflect license system oversight and enforcement costs.

10. INSURANCE

10.1 Licensee shall purchase and maintain the following types of insurance, covering Licensee, its employees, and agents:

- (a) Broad form comprehensive general liability insurance covering personal injury, property damage, and personal injury with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
- (b) Automobile bodily injury and property damage liability insurance.

10.2 Insurance coverage shall be a minimum of \$500,000 per occurrence, \$100,000 per person, and \$50,000 property damage. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.

10.3 Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSURED. Notice of any material change or policy cancellation shall be provided to Metro thirty (30) days prior to the change or cancellation.

- 10.4 Licensee, its contractors, if any, and all employers working under this License are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Licensee shall provide Metro with certification of Workers' Compensation insurance including employer's liability.

11. INDEMNIFICATION

Licensee shall indemnify and hold Metro, its agents, employees, and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with licensee's performance under the license, including patent infringement and any claims or disputes involving subcontractors. Licensee shall not assume liability for any negligent or intentionally wrongful act of Metro, its officers, agents or employees.

12. COMPLIANCE WITH LAW

Licensee shall fully comply with all federal, state, regional and local laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this License, including all applicable Metro Code provisions whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the Facility by federal, state or local governments or agencies having jurisdiction over the Facility are part of this License by reference as if specifically set forth herein. Such conditions and permits include those attached as exhibits to this License, as well as any existing at the time of issuance of this License and not attached, and permits or conditions issued or modified during the term of this License.

13. METRO ACCESS TO FACILITY

Authorized representatives of Metro shall be permitted access to the premises of the Facility at all reasonable times for the purpose of making inspections and carrying out other necessary functions related to this License. Access to inspect is authorized during all business hours.

14. DISPOSAL RATES AND FEES

- 14.1 The rates charged at licensed facilities are exempt from Metro rate setting.
- 14.2 Licensee is exempted from collecting and remitting Metro fees on waste received at the Facility. Licensee is fully responsible for paying all costs associated with disposal of residual material generated at the facility, including all Metro fees and taxes. A licensee shall obtain a non-system license prior to disposal of residuals at any facility not designated by Metro.
- 14.3 Licensee shall adhere to the following conditions with regard to disposal rates charged at the facility:
- (a) A licensee may modify rates to be charged on a continuing basis as market demands may dictate. Rate schedules should be provided to Metro on a regular basis, and shall be provided to Metro on request.
 - (b) Public rates charged at the facility shall be posted on a sign near where fees are collected. Rates and disposal classifications established by a licensee shall be reasonable and nondiscriminatory.

15. GENERAL CONDITIONS

- 15.1 Licensee shall be responsible for ensuring that its contractors and agents operate in compliance with the terms and conditions of the license.
- 15.2 This License shall not vest any right or privilege in the licensee to receive specific quantities of yard debris during the term of the license.
- 15.3 The power and right to regulate, in the public interest, the exercise of the privileges granted by a license shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such legal requirements against licensee.
- 15.4 This License may not be transferred or assigned without the prior written approval of Metro, which will not be unreasonably withheld.
- 15.5 To be effective, a waiver of any term or condition of a license must be in writing, signed by the executive officer. Waiver of a term or condition of a license shall not waive nor prejudice Metro's right otherwise to require performance of the same term or condition or any other term or condition.
- 15.6 This License shall be construed, applied, and enforced in accordance with the laws of the State of Oregon and all pertinent provisions in the Metro Code.
- 15.7 If any provision of a license is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, the validity of the remaining provisions contained in the license shall not be affected.

16. REVOCATION

Suspension, modification or revocation of this License shall be as specified herein and in the Metro Code.

17. MODIFICATION

- 17.1 At any time during the life of this License, either the Executive Officer or the Licensee may propose amendments or modifications to this License. Except as specified in the Metro Code, no amendment or modification shall be effective unless it is in writing, approved by the Metro Council, and executed by the Licensee and the Executive Officer.
- 17.2 The Executive Officer shall review the License annually, consistent with Section 6 of this License, in order to determine whether the License should be changed and whether a recommendation to that effect needs to be made to the Metro Council. While not exclusive, the following criteria and factors may be used by the Executive Officer in making a determination whether to conduct more than one review in a given year:
 - a) Licensee's compliance history;
 - b) Changes in waste volume, waste composition, or operations at the Facility;
 - c) Changes in local, state, or federal laws or regulations that should be specifically incorporated into this License;
 - d) A significant release into the environment from the Facility;
 - e) A significant change or changes to the approved site development plan and/or conceptual design; or
 - f) Any change in ownership that Metro finds material or significant.
 - g) Community requests for mitigation of impacts to adjacent property resulting from Facility operations.

18. NOTICES

18.1 All notices required to be given to the Licensee under this License shall be delivered to:

Dan McFarlane
McFarlane's Bark, Inc.
13345 SE Johnson Road
Milwaukie, OR 97222

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

Bill Metzler, Licensing Program Administrator
Metro Regional Environmental Management
600 N.E. Grand Avenue
Portland, OR 97232-2736

18.3 Notices shall be in writing, effective when delivered, or if mailed, effective on the second day after mailed, postage prepaid, to the address for the party stated in this License, or to such other address as a party may specify by notice to the other.

MCFARLANE'S BARK, INC.

METRO

Facility Owner or
Owner's Representative

Mike Burton, Executive Officer
Metro

Date

Date

BM:gbc

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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 98-741A FOR THE PURPOSE OF GRANTING A YARD DEBRIS PROCESSING FACILITY LICENSE TO MCFARLANE'S BARK, INC. TO OPERATE A YARD DEBRIS PROCESSING FACILITY AND DECLARING AN EMERGENCY

Date: April 13, 1998
Revised June 25, 1998

Presented by: Bruce Warner
Bill Metzler

INTRODUCTION

The purpose of this report is to provide the information necessary for the Metro Council to act on the recommendation that McFarlane's Bark, Inc. be awarded a license, with conditions, to operate a yard debris composting facility located in Milwaukie, Oregon. The license agreement is attached to Ordinance No. 98-741A as Exhibit A.

This report is divided into four main parts: (a) a description of the facility and other relevant applicant information, (b) list of submittals; (c) staff analysis of the application and whether the facility meets the standards as specified in Metro Code in order to be awarded a license; and (d) staff's recommendations and specific conditions to be contained in the license agreement.

The purpose of the licensing program is to help ensure that yard debris processing facilities are designed and operated in a manner that minimizes nuisance impacts on surrounding communities and businesses.

Key Findings and Recommendations Include:

- Yard debris processing facilities are licensed by the Metro Council if they submit the required plans and show compliance with applicable provisions in Metro Code Chapter 5.01 (Sections 5.01.230 - 5.01.380)
- The applicant has recently implemented a series of site and operational modifications to reduce odor and dust impacts on surrounding businesses. The modifications included lowering the compost piles and the installation of sprinkler systems to control fugitive dust and odors.
- The applicant is proposing to implement additional facility modifications to improve operations and control nuisance and traffic impacts (reference Attachment 4 and Attachment 5). As part of the implementation plan, the applicant is currently testing a composting aeration system with significantly lower pile heights. It is expected that these modifications will be completed by December 1, 1998.
- The applicant has submitted an amended traffic management site plan that, when implemented, will resolve the concerns brought forward by Mr. Brian Brophy (C. R. Brophy Machine Works), an adjacent impacted business. The contested inbound queuing lane was previously located in a common shared easement. It is now located on McFarlane's Bark property (reference Attachment 5).
- Staff recommendations include conditions to the License Agreement related to traffic management measures, improvements to the landscape buffer zone at the perimeter of the facility adjacent to businesses, and the applicants proposed operational modifications in Attachment 4 and Attachment 5.
- The declaration of an emergency is pursuant to the Metro Charter. It is necessary for the welfare of the Metro region that this license agreement takes effect immediately. The facility is an existing operation providing necessary services, and potential nuisance impacts can adversely affect the health and welfare of the public.

I. FACILITY AND APPLICANT INFORMATION

Location

- Facility address: 13345 SE Johnson Road, Milwaukie, Oregon 97222 (see Attachment 1 - Site Location Air Photo).
- The facility lies in Section 05, Township 2 South, Range 2 East, W.M. Clackamas County Oregon. Tax Lot numbers 00202, 00400, 00402, 00802, 00803.

Zoning and Permitting

- The site is zoned I-2, Light Industrial (see Attachment 2 - Zoning Map). The facility was established in 1972, and all such uses were then allowed outright. Clackamas County recognizes the facility as a valid, allowed non-conforming use.
- The applicant is working with the DEQ to obtain a required National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.

General Facility Description

- The six-acre site is owned by Marjorie McFarlane and Daniel McFarlane.
- The facility accepts loads of yard debris from commercial and residential sources. The facility is open to the public.
- The facility accepts for processing approximately 230,000 cubic yards of yard debris per year (appx. 35,000 tons/year depending on compaction). The applicant uses a conversion rate of 300 pounds per cubic yard.
- The facility currently uses a static anaerobic pile composting method. Static anaerobic pile composting consists of placing the mixture of raw (typically ground and mixed) materials in a large pile that is not turned on a regular basis. With this type of composting method, an odor control technique is to minimize disturbance of the material which contains anaerobic by products in the pile until sufficient time has passed for the process to proceed to the point that the byproducts are stabilized.
- The applicant is proposing to implement an aerobic composting method (aerated static pile) in 1998. Reference Attachment 4 - Proposed Operational Modifications. Implementation of the aerated static pile method is expected to be complete by December 1998. On-site composting trials for the new methods are currently underway at the facility.

Completeness and Sufficiency of Application

Applicants for yard debris processing facility licenses are required to complete the application form and provide additional information as requested. The license application form and other material required to process the license were submitted and has been determined to be complete and adequate (see Section II - List of Submittals).

Applicant Qualifications

McFarlane's Bark is a family owned and operated composting business, which has been at its current location since 1972. On its six-acre site, McFarlane's takes in yard debris and other organic material and processes it into compost and other ground amendment products to serve the landscape industry. As a service to the community, McFarlane's accepts free of charge, Christmas trees and material from clean-up days from church groups, the Boy Scouts, and the Girl Scouts to aid those group's fund raising efforts. McFarlane's employs approximately 30 full-time employees not counting its seasonal staff, which is much larger.

II. LIST OF SUBMITTALS / ATTACHMENTS

Attachment 1: Site location/aerial photograph (RLIS).

Attachment 2: Zoning overlay/aerial photograph (RLIS).

Attachment 3: Revised Application for a Yard Debris Processing Facility License, dated September 22, 1997.

Attachment 4: Proposed Operational Modifications (Maul Foster & Alongi, January 1998), with attached traffic evaluation (Group Mackenzie, January 1998).

Attachment 5: Revision to Attachment 4. Revised site plan and layout of traffic lanes (Maul Foster & Alongi, June 1998).

III. ANALYSIS OF LICENSE APPLICATION

A license will be granted if the Metro Council finds the applicant complies with Metro Code Chapter 5.01 - Additional Provisions Relating to the Licensing of Yard Debris Processing Facilities and Yard Debris Reload Facilities.

Staff have reviewed the license application and other supporting documentation and have found that the facility is eligible for a yard debris processing facility license with conditions of approval (see Section IV, Conclusions - Special Conditions). The conditions specified in this report and in the License Agreement will provide sufficient assurances that the facility meets all applicable Metro Code requirements. The following table summarizes staff's analysis:

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

1. FACILITY DESIGN AND OPERATING PLAN

The facility design and operational requirements are intended to ensure that the facility is designed and operated in safe and suitable manner that minimizes nuisance impacts on surrounding communities and businesses, while protecting public health and safety. These requirements ensure that the operations can support the type of processing and the quantity of material that the applicant is proposing to process.

The applicant has recently made a number of site and operational improvements that are intended to help control dust and odor impacts on surrounding businesses. These modifications, outlined below, resulted from a series of meetings between McFarlane's Bark, Metro, the DEQ, Clackamas County and adjacent impacted businesses. The meetings were held in 1996-1997 and focused on both short-and long-term solutions to the nuisance impacts associated with the McFarlane's Bark facility.

In addition, McFarlane's Bark is in the process of implementing a new facility plan (reference Attachment 4 and Attachment 5). The plan was developed to improve the existing operations and implement necessary site design modifications to control and mitigate nuisance impacts (e.g. noise, traffic congestion, dust and odor).

Existing facility design and operating plan:

As stated above, the facility operations have been modified over the past few years in order to address nuisance concerns from surrounding businesses. The following is a summary of the most significant modifications:

- The height of the compost piles has been lowered (25%) to 30 feet to better manage dust and odor problems.
- Sprinkler systems have been installed to control dust.

Current composting method: Yard debris is tipped on a concrete tipping slab area and then ground and piled up. The facility currently uses a deep-pile anaerobic composting method. At 10-14 day intervals the active compost piles are rolled and turned. This process is repeated 5-6 times. The compost is then screened into a finished size, piled and allowed to stand for an additional 30 days to finish the curing process. The current composting method results in pile sizes of 25-30 feet high with a base of 150' x 300'.

- Noise: Noise levels are managed by maintaining the manufacturers mufflers on machinery and trucks.
- Vector control: Vectors are controlled by rapidly processing the incoming yard debris. Active compost piles and finished product rarely attract or harbor vectors. If vectors become a problem, applicant will contract with a vector control company to remedy the situation.
- Dust control: Dust is controlled by using water sprays and vertical misters. Applicant has also contracted with a professional road sweeping service for cleaning the roadway. Future plans call for additional paving and striping to aid in dust and traffic control. Applicant also sprays the gravel portion of the roadway and regular cleaning and sweeping other portions of the road and tipping area also helps to control dust. Water sprays have been added to processing machinery and along loading areas.
- Litter: The facility grounds are cleaned of litter on a daily basis.
- Fire prevention and control measures Applicant's processing yard has an 8" loop system that has 8 hydrants attached.
- Traffic management. This continues to be an area of concern, and is being addressed by the applicant through the new facility design plan described below.

Transition plan and composting trials

The applicant has outlined a plan for transitioning from the current composting method (deep static pile) to the new aerated static pile method to be implemented in 1998 (see Attachment 4). Part of the transition plan involves demonstration tests of the proposed method that will assist in designing the new composting pads. The transition plan contains a timeline with a schedule of proposed site improvements.

New facility design / site plan elements

The applicant has submitted a new facility design and operations plan that will be implemented in 1998. The operational modifications and site plan are described in Attachment 4 - Proposed Operational Modifications McFarlane's Bark Composting Facility, and Attachment 5 (revised traffic management site plan). The following is a summary:

Proposed composting method:

- The new method actively aerates the compost piles and will provide for reductions in pile height (15' – 18').
- The active composting and stabilization areas will be combined into a single pad to facilitate continuous processing of compost. In addition the pad area will be aerated from a central blower gallery. Shredded yard debris will be placed at the south end of the pad and will be moved to the north as composting progresses.
- The compost will be screened after stabilization and placed in bins on-site or transported to McFarlane's facility in Vancouver, Washington.
- The composting areas have been sized to accommodate 36,000 to 40,000 tons of raw material per year. The facility is currently accepting approximately 35,000 tons of yard debris per year (230,000 cubic yards).

Traffic management

In evaluating the license application for the McFarlane's facility, traffic management concerns have been raised by Metro, Clackamas County, and neighbors regarding vehicle queues extending through the common shared easement with Brophy Machine Works and onto Johnson Road. Both Clackamas County and the Metro licensing standards do not allow vehicles to queue in the public right-of-way.

Long lines of traffic along Johnson Road and congestion in the common shared easement are caused by vehicles waiting to drop off yard debris and circulation of other vehicles around these queues. In order to address these concerns, the applicant has proposed specific site design and operational modifications that are detailed in the traffic management practices in Attachment 4 and Attachment 5 (revised traffic management site plan). These will be implemented by the applicant to reduce queue lengths and encroachment on the common easement adjacent to the Brophy Machine Works facility. The following is a summary:

- The active unload area will be expanded to handle more vehicles. The queue can be accommodated with the use of one lane along the south side of the site.
- The traffic flow pattern has been modified to allow the required queuing and the maximum possible separation of public access from operational traffic. McFarlane's trucks will proceed along the east and north side of the site.
- A flat rate method of charges will be instituted on peak days, which will avoid the requirement to weigh vehicles in and out of the facility.
- Customers purchasing materials will be directed to the customer loading area or to parking on the east side of the building.
- A separate inbound bypass lane is provided for traffic destined for Brophy Machine Works. Outbound traffic will be accommodated in a single lane ~~with improved turning radius at the site exit.~~
- The applicant's site plan calls for lane striping and/or use of traffic lane cones, as well as signage to direct traffic flow at the site.
- The traffic lane modifications illustrated in the Attachment 5 site plan, are intended to provide improved traffic management while minimizing use of the common shared easement area. The common shared easement will accommodate the inbound by-pass lane for C. R. Brophy Machine Works and the outbound traffic lane from both the C. R. Brophy Machine Works and McFarlane's Bark facilities. The contested inbound queuing lane for McFarlane's customers will now be located on McFarlane's Bark property, not as previously proposed in Attachment 4.

Comments:

- The applicant has taken steps to solve some of the nuisance problems with dust and odors generated by the facility operations. Traffic management and nuisance impacts, however, continue to be a source of concern from surrounding businesses.
- McFarlane's Bark has submitted a revised traffic management site plan that will resolve the concerns brought forward at the June 11, 1998 Council meeting by Mr. Brian Brophy (C. R. Brophy Machine Works). C. R. Brophy Machine Works is a business located adjacent to the McFarlane's Bark yard debris composting facility. Mr. Brophy expressed concern about traffic queuing impacts on a private easement legally shared by both businesses. Mr. Brophy claimed that a private contractual agreement needed to be reached between McFarlane's Bark and C. R. Brophy Machine Works over the use of the shared easement for vehicle queuing.
- In order to resolve Mr. Brophy's concerns as quickly as possible, McFarlane's Bark opted to modify the original traffic management site plan to relocate the contested inbound queuing lane. The modified traffic management site plan will be included in the license application package and labeled as Attachment 5 to the Staff Report.
- The amended plan relocates the inbound queuing lane for McFarlane's Bark directly onto McFarlane's property. Mr. Brophy has expressed his support for the revised traffic management site plan, provided that the plan is implemented and the vehicles queuing at McFarlane's do not block his access to the shared easement and his business. Staff supports the revised traffic management site plan submitted by McFarlane's Bark.
- It is staff's recommendation that until the proposed plan is implemented, the license agreement should contain special conditions to mitigate the unresolved facility impacts. The conditions are detailed in Section IV of this report, and include implementation of traffic management measures and improvements to the landscape buffer zone at the perimeter of the facility adjacent to businesses.
- The applicant's completed license application and submittals will constitute the required Design Plan and the Operations Plan.

2. ODOR MINIMIZATION PLAN

The purpose of the Metro Code odor minimization plan requirement is to ensure that the facility is operated in a manner that minimizes, manages and monitors odor impacts on surrounding communities and businesses.

General Description

The applicant recognizes that it is essential to minimize the impact of odors generated by anaerobic conditions. If an odorous condition is found or expected to be found, that section of the compost pile is turned more gradually, and immediately mixed with clean stable material which dilutes the smell. The source of the smell is then covered with cured compost to reduce the opportunity for odors to escape from the processing pile.

To further reduce odors, the applicant proposes to implement a new aerated static pile composting method starting in 1998, with exclusive use by December 1998. The aeration process will be used to reduce anaerobic conditions, which are the primary odor sources. The lower pile height (15 feet) will also reduce the possibility of interior spaces that are deprived of oxygen for significant periods of time. The modified odor control plan is contained in Attachment 4 – Proposed Operational Modifications.

Odor complaints: Complaints are recorded and the facility is inspected by facility staff for possible problem sources. The plant manager works with the complainant to resolve any problems. Since lowering the piles to ,

between 25 feet and 30 feet in height in 1997, there has been a reduction in the number of odor and dust complaints from adjacent businesses.

Comments:

- The applicant's completed license application and submittals constitutes the Odor Minimization Plan, and meets all applicable Metro Code requirements for Section 5.01.290 - Yard Debris Facility Odor Minimization Plans.
- As previously described, this facility is in the process of implementing a new design plan that is intended to provide for improved operations and odor control methods through the use of an aerated static pile system. The application and the proposed plan reflect that the facility will be designed and operated in a manner that meets the Metro Code requirements for odor control and minimization.

IV. CONCLUSIONS

In assessing the McFarlane's Bark yard debris processing facility for compliance with the relevant Metro Code provisions, staff has reviewed all required submittals and has determined that that in order for this facility to meet Metro Code requirements and be granted a Metro License, the applicant must implement the changes as proposed in the application and submittals, and comply with the conditions of the License Agreement.

To address nuisance impacts on surrounding businesses and comply with the Metro licensing standards for yard debris processing facilities, the applicant has implemented mitigation measures and submitted a proposed plan to further modify the facility design and operations. Once fully implemented, the facility modifications are intended to reduce traffic impacts and control nuisances while improving the processing capacity at the facility to handle current and projected incoming volumes of yard debris.

Based on staff's experiences with this facility, the license application submittals, site visits, and discussions with businesses impacted by the McFarlane's Bark operations, there remain a number of ~~unresolved~~ concerns about the current facility layout and operations. Since the proposed facility modifications contained in Attachment 4 and Attachment 5 are not yet fully implemented, and the nuisance impacts are not yet resolved, it is staff's recommendation that the License Agreement contain special conditions.

Special Conditions in the License Agreement

The following conditions shall apply and are included in the License Agreement (reference the License Agreement, Section 7.1.2 - Design and Operational Requirements):

1. Install and maintain effective on-site traffic directional signage and lane marking to manage the flow of traffic within 30 days of the effective date of this License Agreement.
2. Implement the proposed processing and composting operational modifications and site plan improvements (Attachment 4 to the Staff Report Proposed Operational Modifications), in a substantial and satisfactory manner to control nuisance and traffic impacts by December 1, 1998.
3. Implement the proposed traffic management site plan improvements in a substantial and satisfactory manner within 60 days of the effective date of this License Agreement.
4. Within sixty (60) days of the effective date of this License Agreement, the applicant shall Increase the density and variety of the tree buffer zone at the facility property lines adjacent to businesses by December 1, 1998 (where practical). Replant where trees have died, and plant additional rows of evergreen trees to create a more substantial buffer zone. The trees should be tall and fast growing varieties. Applicant should verify plant material with a landscape architect and/or local nurseries to determine type, availability and performance of plant material.

The license agreement ensures that the facility will operate in accordance with the purpose of Metro's licensing program to protect public health and safety and maintain consistency with the Regional Solid Waste Management Plan. The Metro licensing program includes problem resolution through intergovernmental cooperation, technical assistance and enforcement measures.

V. BUDGET IMPACTS

There will be a slight increase in revenues from the annual license fee paid by the licensee of \$300 per year. Current staffing levels are expected to be adequate to handle any technical assistance or enforcement requirements that might arise from licensing this facility.

VI. STAFF RECOMMENDATION

Based on the preceding analysis it is the opinion of staff that McFarlane's Bark, Inc. should be granted a yard debris processing facility license, with conditions, in accordance with the provisions of the License Agreement attached to Ordinance No. 98-741 A as Exhibit A.

VII. EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 98-741 A.

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Agenda Item Number 8.2

Ordinance No. 98-744A, For the Purpose of Adding to Designated Urban Reserve Areas for the Portland Metropolitan Area Urban Growth Boundary; Amending RUGGO Ordinance No. 95-625A; and Declaring an emergency.

Review of Findings

Metro Council Meeting
Thursday, July 9, 1998
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF <u>AMENDING</u>)	ORDINANCE NO 98-744A
<u>ORDINANCE NO. 96-655E TO ADDING TO LAND</u>)	
<u>TO DESIGNATED URBAN RESERVE AREAS</u>)	Introduced by Executive Officer
FOR THE PORTLAND METROPOLITAN AREA)	Mike Burton
URBAN GROWTH BOUNDARY; TO PROVIDE)	
FOR A STATE PRISON; AMENDING RUGGO)	
ORDINANCE NO. 95-625A; AND DECLARING AN)	
EMERGENCY		

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Land Conservation and Development Commission's (LCDC's) Urban Reserve Area Rule at OAR 660-21-020 requires Metro to designate the location of urban reserve areas for the Portland Metropolitan area within two miles of the regional Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-020, requires that urban reserve areas designated by Metro shall be shown on all applicable comprehensive plan and zoning maps; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(1), requires that urban reserve areas shall include at least a 10 to 30 year supply of developable land beyond the 20 year supply in the Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(2), requires that Metro study lands adjacent to the Urban Growth Boundary for suitability as urban reserve areas; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(3), requires that land found suitable for an urban reserve area must be included according to the Rule's priorities

and that first priority lands are those lands identified in comprehensive plans as exception areas plus those resource lands completely surrounded by exception areas which are not high value crop areas; and

WHEREAS, Resolution No. 95-2244 established urban reserve study areas as the subject of Metro's continued study for possible designation as urban reserve areas consistent with LCDC's Urban Reserve Area Rule; and

WHEREAS, urban reserve study areas are shown on the 2040 Growth Concept Map in Ordinance No. 95-625A adopting the Regional Urban Growth Goals and Objectives (RUGGO) which was acknowledged by LCDC Compliance Order 96-ACK-010 on December 9, 1996; and

WHEREAS, Metro adopted Ordinance No. 96-655E on March 6, 1997, designating approximately 18,600 acres as urban reserve areas; and

WHEREAS, the "special need" land use of a state prison in the Metro region had not been considered at that time; and

WHEREAS, an area of "exception," non-farm lands adjacent to north Wilsonville to Day Road was included in designated urban reserves; and

WHEREAS, the siting process for state prisons has now resulted in a proposed prison site located partially on approximately 40 acres of that currently designated urban reserve area and about ~~6072~~ additional acres of "exception," non-farm lands north of Day Road; and

WHEREAS, Metro has encouraged the location of the proposed state prison at this site as an alternative to land at Dammasch Hospital inside the UGB and adjacent urban reserves in Resolution No. 98-2633A; and

WHEREAS, notice of adoption of this proposed addition to urban reserve areas and the proposed postacknowledgment amendments to the acknowledged RUGGO ordinance have been given consistent with ORS 197.610(1); now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 96-655E is hereby amended to designate ~~The area indicated on the map attached as Exhibit "A," and incorporated herein, is hereby designated as an additional urban reserve area for the Metro Urban Growth Boundary for the purpose of compliance with the Urban Reserve Area Rule at OAR 660-21-020 to and for the purpose of identifying lands of first priority for inclusion in the Metro Urban Growth Boundary as required by ORS 197.298.~~ on the condition that this additional area is developed only for a state prison. This amendment to designated urban reserves shall be automatically repealed if the Oregon Department of Corrections commences construction of a women's prison facility at the former Dammasch Hospital property.

Section 2. The urban reserve area on Exhibit "A" shall be shown on all applicable county comprehensive plan and zoning maps as required by the Urban Reserve Area Rule at OAR 660-21-020.

Section 3. Ordinance No. 95-625A is hereby amended to add the urban reserve area indicated in Exhibit "A" to the 2040 Growth Concept Map as a designated urban reserve area.

Section 4. The findings of fact in Exhibit "B", attached and incorporated herein, explain how the additional urban reserve area designated in Section 1 of this Ordinance complies with the Urban Reserve Area Rule and the acknowledged Regional Urban Growth Goals and Objectives.

Section 5. The designation of this additional urban reserve area to be available for amendments to the Metro Urban Growth Boundary is necessary to preserve the health, safety or welfare of the Metro region; therefore, an emergency is hereby declared to exist, and this Ordinance shall take effect upon passage.

Section 6. Consistent with RUGGO Goal 11 Objective 22.3.3, Clay Street, the northern boundary of the amended Urban Reserve Area No. 42, is established as the permanent northern-most boundary for Metro's urban reserves in the vicinity of the City of Wilsonville.

Section 67. The provisions of this ordinance are separate and severable. The invalidity of any clause, sentence, paragraph, section, subsection, or portion of this ordinance or the invalidity of the application thereof to any city, county, person or circumstance shall not affect the validity of the remaining provisions of this ordinance or its application to other cities, counties, persons or circumstances.

ADOPTED by the Metro Council this _____ day of _____, 1998.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

I:\DOCS\07.P&D\02UGB\04URBRES.DEC\07WILSON.PRS\ORD744.A
June 24, 1998

Proposed Wilsonville Urban Reserve Amendment

- Proposed Amendment to Urban Reserve
- Urban Reserve
- Subdivided Urban Overlay
- RFU
- Shoreline Lands

Exhibit A

Scale in Feet
0 400 800

This map was prepared by the City of Wilsonville, Oregon, for the purpose of showing the proposed amendment to the Urban Reserve. It is not intended to be used for any other purpose. The City of Wilsonville, Oregon, is not responsible for any errors or omissions on this map. The City of Wilsonville, Oregon, is not responsible for any damages or losses resulting from the use of this map.



METRE

Wilsonville, Oregon, is a city in Clatsop County, Oregon, United States. The population was 1,171 at the 2010 census. It is located on the border of the United States and Canada, just north of the town of Astoria, Oregon. The city is named after the Wilson family, who were the first settlers in the area.



Wilsonville Location map

Amended by the City of Wilsonville, Oregon, on May 18, 2010



STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 98-744A, FOR THE PURPOSE OF ADDING TO DESIGNATED URBAN RESERVE AREAS FOR THE PORTLAND METROPOLITAN AREA URBAN GROWTH BOUNDARY; TO PROVIDE FOR A STATE PRISON; AMENDING RUGGO ORDINANCE NO. 95-625A; AND DECLARING AN EMERGENCY.

Date: June 22, 1998

Prepared by: Mary Weber, Growth Management

Proposed Action

Ordinance No. 98-744A would amend Metro's designation of urban reserve areas to add approximately 72 acres to adopted Urban Reserve No. 42 in compliance with the Urban Reserve Area Rule at OAR 660-21-020 for the purpose of accommodating a special land need, a women's prison and intake center, to be sited by a State agency.

Factual Background and Analysis

The Executive Officer proposes an amendment to Urban Reserve No. 42 to address and mitigate siting of a women's prison and intake center in the north Wilsonville area rather than the current approved Dammasch State Hospital site in Urban Reserve No. 41. The Executive Officer recommends that Metro Council approve the addition of approximately 72 acres to Urban Reserve No. 42 consistent with the State's preliminary siting plan (see Map No. 5, attached). Metro has no authority in making the prison siting decision or the decision criteria. The State will make the final decision on the location of the prison.

Metro urban reserves are affected by the prison siting decision because Urban Reserves No. 39, No. 41 and No. 42 were designated as urban reserves to be developed to meet regional job and housing needs. The City of Wilsonville adopted the Dammasch Area Transportation Efficient Land Use Plan (Damasch Plan) for Urban Reserve No. 41 in January 1997. The Damasch Plan is a mixed-use urban village that includes housing, commercial and retail services, civic uses, neighborhood parks and an elementary school. The City's plan represents an efficient use of the Damasch State Hospital site for housing and is consistent with the region's growth management strategies. If the women's prison and intake center were located at the Damasch State Hospital site, the housing and jobs planned for this area, both inside of the current Urban Growth Boundary (UGB), and in the first tier portion of Urban Reserve No. 41, would be displaced. On March 19, 1998, Metro Council unanimously passed Resolution No. 98-2623A supporting the Governor in evaluating an alternative prison site near Day Road, Urban Reserve No. 42, in the north Wilsonville area.

The site to be added to Metro's urban reserves is located in the northern Wilsonville area. The site is bounded on the north by Clay Street, on the east by Grahams Ferry Road, by the Burlington Northern Railroad on the west and is contiguous on the south to Urban Reserve No. 42. It consists of approximately 72 acres. More than two-thirds of the area is exception land and is zoned as agriculture farm/forest (5-acre minimum lot size) under Washington County's Comprehensive Plan. The remainder of the site is zoned land extensive industrial (see attached Map No. 1).

Four types of analyses were used in the Metro's 1997 designation of urban reserves (Ordinance No. 96-655E):

1. Utility feasibility study examines the relative cost of urban water, sewer and stormwater facilities;
2. Road network analysis looks at the current network of local and regional roads and compares it to future needs;
3. Traffic congestion analysis considers likely improvements to the road system and then rates the resulting road system and its congestion for each site; and
4. School analysis determines the distance to existing public schools and vacant school-owned land.

The analysis that follows supplements the analyses done for Ordinance No. 96-655E when the Metro Council adopted urban reserves on March 6, 1997. The Land Conservation and Development Commission's (LCDC) Urban Reserve Area Rule, at OAR 660-21-030(1), requires that designated urban reserve areas include at least a 10- to 30-year supply of developable land beyond the 20-year supply in the UGB. The special land need for a women's prison and intake center was not specifically considered either in the analysis or in the adoption of the urban reserves. In addition, the special need land use of a correctional facility will be sited under state law regardless of LCDC's Urban Reserve Area Rule and Metro's 1997 designated Urban Reserve Areas (see Attachment No. 1).

The Oregon Department of Corrections (ODOC) siting process initially selected the Dammasch State Hospital site in southwest Wilsonville for a women's prison and intake center. The City of Wilsonville proposed an alternative to the Dammasch State Hospital site for evaluation. The alternative site, located north of Dammasch, covers approximately 112 acres including approximately 40 acres of land in the northern part of Urban Reserve No. 42 and approximately 72 acres of contiguous land to the north of the urban reserve. These events occurred after Metro's designation of urban reserve areas.

In order to be consistent with Metro's urban reserve and land use coordination responsibilities, the impact of the State's prison siting on Metro's urban reserves and growth management strategies must be considered. Metro's coordination of land use issues, in this case, is in response to new information and proposed changes in circumstances, since its designation of urban reserves coordination begins with this amendment of Urban Reserve No. 42 to add 72 acres to provide for a women's prison and intake center. This report assesses this proposed amendment. Subsequent reports will address the UGB amendments for Urban Reserves No. 41 and No. 42.

The proposed amendment to Urban Reserve No. 42 assumes that a women's prison and intake center will be sited at this location generally consistent with the preliminary site layout, engineering and condition studies in the record. Approval of this proposed urban reserve amendment is to be conditioned on the prison siting at this location. If the prison is not sited in Urban Reserve No. 42, as amended, this amendment would be automatically revoked by the terms of the adopting ordinance. An additional condition of approval, as outlined on page 9 of this report, is that Clay Street becomes the permanent northern most boundary of the Urban Reserve and the city limits.

Applicable criteria for the proposed action include State and regional regulations and objectives. The primary applicable criteria are in LCDC's Urban Reserve Area Rule.

State Requirements

OAR 660-021-0030, states that inclusion of land within an urban reserve area shall be based upon Factors 3 through 7 of Goal 14 of the Oregon Statewide Planning Goals & Guidelines and the criteria for exceptions in Goal 2 of the State Goals and ORS 197.732. A discussion and analysis of those factors follows.

Goal 14 - Factor 3 - Orderly and economic provision for public facilities and services.

Four sub-analyses were used to address Factor 3 in the original designation of urban reserves in Ordinance No. 96-655E. The site analysis conducted by ODOC provides more detail as to how development could occur and services could be provided to the amended Urban Reserve No. 42 area.

ODOC has noted that electricity can be provided to the north Wilsonville site, Urban Reserve No. 42, as proposed to be amended, by Enron/PGE with natural gas backup. The City of Wilsonville or other municipal or public utility will provide sanitary sewer and storm drainage water. Preliminary engineering studies for the alternative prison site indicate the following for the area, as proposed to be amended:

- Sanitary sewer can be provided – most likely at the intersection of Cahalin Street and the railroad tracks.
- Water service for domestic use and fire protection can be provided, with some improvements, in the short-term. However, long-term water service will require continued discussion between stakeholders. The issue of long-term water service has equal impact on both the Dammasch State Hospital site and the alternative site area, giving neither an advantage as far as this issue is concerned.
- Storm sewer for this site will require improvements – notably the addition of on-site detention with a new outlet draining west. Off-site storm drainage, preferably running from the north to the southwest toward Coffee Lake, may also be necessary.
- Street improvements will be required at two intersections: Day Road crossing Boones Ferry Road and Day Road crossing Grahams Ferry Road (including realignment of Garden Acres Road).

A site visit indicates that the land in Urban Reserve No. 42 is likely to be used primarily for industrial uses when the land is brought into the UGB, whether a prison is sited there or not. This is assumed because of how the land in the urban reserve area has been used in the past as well as the existing industrial uses that currently surround the urban reserve (see Map No. 4, attached). Transportation improvements will therefore be needed, whether the area develops with a prison use or as industrial use, because similar trip generation is required for each, and both require fewer trips per acre than residential uses (see Attachment No. 2).

Development of a women's prison and intake center in Urban Reserve No. 42, as proposed to be amended, could, in the long run, facilitate industrial development by bringing infrastructure to the surrounding area.

Goal 14 - Factor 4 - Maximum efficiency of land uses within and on the fringe of the existing urban area.

Two related analyses were used to address Factor 3 in the original designation of urban reserves in Ordinance No. 96-655E. The *efficiency* analysis rated relative suitability, based on the area within

each urban reserve that was relatively free of development limitations. The second analysis, *buildable land*, evaluated each study area for the percentage of buildable land and granted a higher rating to those areas with higher percentages.

Attachment No. 2 summarizes the ratings for Urban Reserve No. 42 in Metro's 1997 designation decision. Since the site is relatively flat with few environmental constraints, it received a very high score for Factor 4. The 72-acre area proposed for addition to Urban Reserve No. 42 is similar to the rest of the adopted urban reserve and the high scoring the area received with the additional acreage would not have been significantly different.

In comparison, siting the women's prison and intake center on the Dammasch State Hospital site would displace the use of this site for a planned mixed-use development, a plan that would promote the most efficient use of the land currently within the urban growth boundary.

Significant land use planning has been completed for the development of the Dammasch State Hospital site as a mixed-use center. The planning area includes both the hospital site, which is currently in the UGB, and the entire first-tier portion of Urban Reserve No. 41. The planned mixed-use center would realize the principles of efficient land use, including residential and employment development patterns capable of encouraging pedestrian, bicycle and transit use. Implementation of the Dammasch Plan would also help the City of Wilsonville meet its employment and dwelling unit target capacities required in the Metro Urban Growth Management Functional Plan (Functional Plan). If the site were instead developed as a women's prison and intake center, the number households and jobs planned for the area inside of the current urban growth boundary, as well as those planned for the remainder of first-tier Urban Reserve No. 41 would be reduced significantly. This would make it more difficult for the City of Wilsonville to accommodate its Functional Plan target capacities. Please see page 9 of this report regarding the Functional Plan for further detail.

In addition to the fact that planning work has been done for the Dammasch area, the two sites provide very different opportunities. The Dammasch State Hospital site is more accessible to schools and other residential uses. Currently, there are 237 dwelling units within one-quarter mile of the Dammasch State Hospital site.

The north Wilsonville site, Urban Reserve No. 42, as proposed to be amended, currently contains about 60 residential properties within one-quarter mile. The north Wilsonville site is largely rural industrial in character with a number of separate ownerships. With or without a prison, it is unlikely to support densities or a mix of uses comparable to the mixed-use center planned for the Dammasch State Hospital area. Current land uses adjacent to Urban Reserve No. 42, include gravel-mining operations, peat moss processing and waste wood processing. The utility and road extensions, as part of siting the women's prison and intake center in this area would facilitate necessary infrastructure for additional industrial development, consistent with these surrounding uses.

Finally, it should be noted that Metro established Urban Reserve No. 39 south of Urban Reserve No. 41, at the request of the City of Wilsonville and the West Linn-Wilsonville School District. District voters have approved a bond to finance construction of a public school at this site. The Oregon Division of State Lands, the current owner of the property, has requested a waiver of Metro's Location Adjustment (UGB amendment) filing application deadline in order to prepare an amendment application for the possible construction of a primary school on the site.

The addition of a school in Urban Reserve No. 39, in conjunction with a mixed-use center in the Dammasch State Hospital area, would promote the goal of efficient land use providing complimentary uses in close proximity. By contrast, the north Wilsonville alternative site and Urban Reserve No. 42 fall into the Sherwood School District; no additional school sites have been proposed for this area.

Goal 14 - Factor 5 – Environmental, energy, economic and social consequences.

Three analyses were used for Factor 5, in Ordinance No. 96-655E. First, an *environmental constraints analysis* identified steep slopes, floodplains, floodprone soils, wetlands and riparian corridors. Slopes over 25 percent, FEMA 100-year floodplains (not currently developed or committed), NRCR floodprone soils (not committed), National Wetlands Inventories wetlands and mapped riparian corridors were considered. The percentage of environmentally constrained land was calculated. These percentages were converted to ratings of 1 to 10 with low percentages of environmentally constrained lands receiving a higher rating of suitability for future urbanization.

Urban Reserve No. 42 and Urban Reserve No. 41 both received an average rating for the environmental constraints factor. The rating for Urban Reserve No. 42, however, was one point higher, indicating that it contains less resource land than Urban Reserve No. 41. The area proposed to be added to Urban Reserve No. 42 is similar to the land currently in the urban reserve (see Attachment No. 2).

The second analyses for Energy and Social Consequences, evaluated their relative *access to centers*; distances along public rights-of-way to the central city, regional centers and town centers identified in the 2040 Growth Concept. Raw scores were developed for accessibility within 12 miles of the central city, 6 miles of a regional center and 3 miles to a town center. These raw scores were converted to a 1 to 10 rating with greater access given a higher rating. Both sites received the same score for this factor.

The third, and final component of this factor, *jobs/housing balance*, also brought the same score to both areas.

Goal 14 - Factors 6 and 7 - Agricultural Land.

Two agricultural land factors were analyzed, without subfactors, for Ordinance No. 96-655E. The first, *retention of agricultural land*, was addressed by rating each study area for exception land, agricultural soils, land uses, including parcelization and access to irrigation. Agricultural compatibility was analyzed for areas where farming is the most dominant activity. An error discovered in the computation on this factor was corrected in the URSA re-analysis.

The *agricultural retention* analysis rated both exception areas and resource areas in Urban Reserves Study Areas relative to their parcel size and to the soil classes they contain (I-IV). The raw scores were converted to ratings of 1 to 10. A higher rating indicates that an area is considered more suitable for urbanization.

As noted above, the north Wilsonville site, Urban Reserve No. 42, contains no resource land (see Map No. 3, attached). Urban Reserve No. 42 received a high suitability rating in Metro's URSA analysis for Factor 6, indicating its strong potential to accommodate new development without encroaching upon resource land. The area proposed to be added is similar to the Urban Reserve No. 42. Including it in the initial analysis would likely not have affected the overall score.

Goal 14, Factor 7, *agricultural compatibility*, addresses an Urban Reserve Study Area's likelihood to be compatible with or to interfere with agricultural uses on resource land. Urban Reserve No. 42 also received a high suitability rating for this factor whereas Urban Reserve No. 41 received a very low score for this factor.

While some agricultural activities are present within and around Urban Reserve No. 42 and its proposed amendment, this area has been designated in Washington County's Comprehensive Plan as exception land, consisting of rural industrial and rural agriculture/forest uses (5-acre minimum lot size). Land uses near the proposed amendment currently include gravel-mining operations, peat moss processing and waste wood processing (see Map No. 4, attached).

In addition, the north Wilsonville alternative prison site in Urban Reserve No. 42 and its proposed amendment is isolated from other rural Washington County properties to the west by the Burlington Northern Railroad line, and immediately west of the railroad by extensive quarry operations and the Coffee Lake wetlands, a portion of which was recently purchased by Metro for openspace. This makes development activities within the area less likely to have significant impacts on surrounding uses, agriculture or non-agriculture related.

For Goal 2:

- *The land need identified cannot be reasonably accommodated within the current UGB;*

The State OAR 291-073-0010 through OAR 291-073-0040 establishes the criteria to be used in the nomination of sites for the construction and operation of Oregon correctional facilities. The criteria include locational and site factors, infrastructure requirements and access needs. This State supersiting process prevents Metro consideration of an alternative site to meet the prison land need within the current UGB (see Attachment No. 1).

Given the supersited women's prison and intake center, the best opportunity for the City of Wilsonville to develop a mixed use center, and consequently, help to meet its regional housing and employment targets in the Functional Plan is to fully implement the Dammasch Plan. Due to its current rural industrial character and remoteness, a mixed-use center is unlikely to take hold in the vicinity of Urban Reserve No. 42. It is reasonable, therefore, to make an addition to Urban Reserve No. 42 to accommodate a women's prison and intake center, if sited there by the State, and take advantage of the industrial uses that could develop, in the long run, from the added infrastructure in this area.

- *The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts;*

The City of Wilsonville's draft urban reserve concept plan for the North Wilsonville Industrial Area and ODOC's site plans show that plans for the proposed women's prison and intake center site include buffering from surrounding properties through the construction of walls and berms as well as the use of dense landscaping.

In addition, the proposed north Wilsonville alternative prison site in Urban Reserve No. 42 and its proposed amendment, is isolated from other rural Washington County properties to the west by the Burlington Northern Railroad line, and immediately west of the railroad by extensive quarry

operations and the Coffee Lake wetlands, recently purchased by Metro. This makes development activities within the urban reserve area less likely to have significant impacts on surrounding uses, agriculture or non-agriculture related.

In addition, mitigation of the impact of this supersited prison on the adjacent Rural Reserves and separation of the communities of Wilsonville and Tualatin can be enhanced by an approval condition making Clay Street the permanent northernmost boundary for the City of Wilsonville.

The State's supersiting process prevents Metro consideration of this criterion to locate the supersited prison site at an alternative site (see Attachment No. 1).

Regional Requirements

Consistency with Regional Urban Growth Goals and Objectives and the Functional Plan

In addition to State requirements governing urban reserves, Metro has adopted policies and regulations that guide its decisions on growth management issues. These documents include the Regional Urban Growth Goals and Objectives (RUGGO's) and the Functional Plan.

RUGGO's

The RUGGO's were developed to provide a policy framework for guiding Metro's regional planning program, principally functional plans and management of the region's UGB. Several RUGGO's objectives apply to the proposed ordinance. These objectives are listed below with the reasons demonstrating how the proposal is consistent with these objectives.

- *Goal II, Objective 15: Natural Areas, Parks, Fish and Wildlife Habitat – sufficient openspace protected and managed for access to passive and active recreation; and an openspace system for enhancing wildlife and plant populations.*

Sufficient open space and recreational opportunities exist and are planned for in the adjacent areas to the proposed 72-acre urban reserve addition to meet Objective 15. Metro has targeted the Tonquin Geologic Area immediately west and south of Urban Reserve No. 42 for purchase of about 277 acres as part of its master plan for regional greenspaces. The Tonquin Trail, a Metro proposed regional trail, is a proposal to connect the Tualatin Valley National Wildlife Refuge to the north with Coffee Lake to the south. About 113 acres of land within the Coffee Lake Creek wetland area has been purchased under Metro's openspace acquisition program (see Map No. 2, attached).

- *Goal I, Objective 16: Protection of Agricultural and Forest Land – the protection of these lands from urbanization.*

Washington County designates all of the land proposed for addition to Urban Reserve No. 42 as exception land. The nearest exclusive farm or forest land is approximately one-third mile to the northwest of the site. The proposed addition will not reduce or adversely impact this agricultural land (see Map No. 3, attached).

- *Goal II.2.ii: Built Environment – the provision of infrastructure concurrent with the pace of urban growth and which supports the 2040 Growth Concept.*

In providing infrastructure to an expanded Urban Reserve No. 42 site, for a women's prison, this subgoal will be met in two ways. First, the public services and facilities needed to serve the women's prison and intake center, a special land need, will also serve the surrounding industrial land in a timely manner. Second, the use of Urban Reserve No. 42 as a prison will enable Urban Reserve No. 41 to be used for a planned mixed-use center. This center will provide for much needed housing in the Wilsonville area.

- *Goal II.2.iv: Built Environment - the coordination of public investment with local comprehensive and regional functional plans.*

Assuming that Urban Reserve No. 42 is expanded and a prison located there, public investment could be leveraged to facilitate the efficient development of an industrial area that is identified in Wilsonville's proposed concept plan and is consistent with regional objectives (see Goal II, Objective 18.vi).

- *Goal II, Objective 18.vi: Public Services and Facilities - shape and direct growth to meet local and regional objectives.*

The proposed addition would facilitate the siting of a women's prison and intake center, which is considered a special land need for the region. The provision of public facilities and services to the site would enable the surrounding industrial area to be better utilized and served in a more efficient manner, than without the prison siting. The City of Wilsonville is in the process of developing a concept plan, as required in Metro code to develop Urban Reserve No. 42 as an industrial area.

- *Goal II, Objective 19.3.3: Transportation -- develop a regional system that includes balancing alternative forms of transportation, protecting freight movement throughout the region, supporting a balance of jobs and housing, encouraging bicycle and pedestrian movement through the location and design of land uses.*

Expanding Urban Reserve No. 42 to accommodate the women's prison and intake center and facilitate industrial development in this area would help to accomplish these objectives. The urban reserve area would be planned with a more efficient transportation system to both accommodate pedestrians and bicycles as well as protect freight movement. The siting of a prison would be in a compatible industrial area. Urban Reserve No. 41 would be developed according to the Dammasch Plan. This plan includes a balanced transportation system through encouraging alternate modes, placement of jobs and housing adjacent to each other, and promoting bicycling and pedestrian movement.

- *Goal II, Objective 22: Urban/Rural Transition – inclusion of land within an urban reserve area shall generally be based upon the location factors of Goal 14. Lands adjacent to the UGB shall be studied for suitability for inclusion within urban reserves as measured by Factors 3 through 7 of Goal 14 and by the requirements of OAR 660-04-010.*

Compliance with this objective is specifically addressed in the analysis of Goal 14 and Goal 2 at the beginning of this report.

- *Goal II, Objective 22.3.3: Separation of Communities*

As the maps of the surrounding area indicate, the separation of the Cities of Wilsonville and Sherwood is accomplished by the rural industrial uses and Coffee Lake wetlands openspace.

The separation of the Cities of Wilsonville and Tualatin would be impacted by the supersiting of the prison at Urban Reserve No. 42. As indicated above, the design of the prison site includes buffers and berms on that property. There have been some developments that aid the separation of these cities. However, to mitigate the negative impact of the supersiting of this special need land use on this RUGGO's Objective, a condition could be added to this urban reserve amendment making Clay Street the permanent northern most boundary of City of Wilsonville.

Functional Plan

Applicability of the proposed North Wilsonville Industrial Area Concept Plan and Dammasch Plan to the Functional Plan.

- *Title 1: Requirements for Housing and Employment Accommodation*

The adopted *Dammasch Area Transportation Efficient Land Use Plan* (Dammasch Plan) conceives the Dammasch State Hospital area as a mixed-use center, though it is not a 2040 Growth Concept mixed-use area. Metro has flexibility in its plan to accommodate mixed use areas as defined at the local level. This area is planned for housing, commercial/retail services, civic uses, neighborhood parks and an elementary school. Residential development of the area locates higher density housing within one-quarter mile of the village center, with lower density housing providing the appropriate transition to rural land uses. The average housing density is 10.2 units per net developable acre. As a large portion of the Dammasch Plan area is outside of the UGB, in Urban Reserve No. 41, the Dammasch Plan also addresses and meets the requirements of the Functional Plan and the Metro Code chapter 3.01.012(e) for urban reserve planning.

The total Dammasch area is planned for a capacity of approximately 2,300 housing units, 1,170 of which are likely to be accommodated on land currently within the UGB. Development capacity on the remaining area (for privately-owned and State-owned land outside of the UGB) may reach an additional 1,130 dwelling units. The proposed development on land outside of the UGB, however, meets dwelling unit and employment targets established specifically for urban reserve areas, not for current Functional Plan targets.

Metro staff have conducted preliminary dwelling unit and jobs capacity estimates for the Dammasch Plan area as part of the City of Wilsonville's request for assistance in evaluating their zoning code/comprehensive plan with respect to Functional Plan requirements. Metro's capacity analysis for the City of Wilsonville modeled the Dammasch Plan area under two scenarios: 1) as a correctional facility, and 2) as a mixed-use center.

Metro's preliminary estimates indicate that, even accounting for the Dammasch mixed use plan areas that do not get credited towards the City's target capacity (being outside of the

UGB), the City of Wilsonville comes significantly closer to meeting its Functional Plan capacity targets when the Dammasch State Hospital area is planned as a mixed-use center than when it is planned for a women's prison and intake center. Metro's estimates found that the City would achieve approximately 200 dwelling units in excess of its target if the Dammasch State Hospital area were to become a planned mixed-use center. By contrast, the City would come approximately 300 dwelling units short of its Functional Plan dwelling unit target if the Dammasch State Hospital area was developed as a women's prison.

The two estimates for jobs capacity under the mixed-use center option and the women's prison option for the Dammasch State Hospital area also favor the mixed-use center option. The estimates for these came to a total of 548 jobs for the mixed use center (not including the rest of the City) and a total 500 jobs for the prison and intake center. According to this analysis, therefore, the City would come closer to achieving its jobs target capacity with full implementation of the Dammasch Plan than with a women's prison on the site. While both these estimates still hold the City slightly short of its jobs target capacity, changes to the City's codes for areas within the UGB, as required by Title 2 of the Functional Plan, are likely to help the City make up for any jobs deficit.

It should be noted that capacity for first-tier Urban Reserve No. 41 uses the estimates from the Dammasch Plan, as this area has been planned, and will be considered for inclusion into the UGB, with regard to this plan. Urban Reserve No. 42, as proposed to be amended, has not undergone an extensive planning process of this type. It will not be amended if the prison is not sited at this location (see page 2), and the original Urban Reserve No. 42 is not as likely to be brought into the UGB, in the near future, as Urban Reserve No. 41, as Urban Reserve No. 42 is a non-first tier Urban Reserve.

Additional employment growth in the north Wilsonville area will likely need other development (such as the women's prison) to set the infrastructure (see Fregonese Calthorpe & Associates, *Urban Reserve Area Status Report*, 1997, p. 23). While this employment growth is not likely to help the City accommodate a large portion of its employment targets as per Title 1 of the Functional Plan, it will provide an employment resource for the region. In addition, a women's prison and intake center at the north Wilsonville alternative site area would allow the City of Wilsonville to proceed with plans for implementation of a mixed-use center at the Dammasch State Hospital area. This would help the City to accommodate its share of the regional growth targets as per the Functional Plan.

The central issue to such an analysis is not about the difference in household and jobs capacity within specified site plan boundaries, but about the two larger areas as a whole, and the broader physical and natural conditions on each of the two sites that would allow them to be used in ways best suited for them and for the region.

- *Title 2: Regional Parking Policy*

To encourage more efficient land use and to reduce per capita VMT, Title 2 of the Functional Plan has set minimum and maximum parking requirements for all cities and counties. This element would apply to land within the UGB, and may further increase the City's capacity for additional dwelling units and jobs, for areas currently within the UGB. While the Dammasch Plan does not address parking requirements specifically, this plan

does address the elements of mixed use planning and transit oriented development that contribute to achieving the above objectives.

The City of Wilsonville has noted that as industrial sites develop in Urban Reserve No. 42, a requirement to examine blended parking options, which are already a part of the City's code, will be implemented; this is also likely to increase the land use efficiency for employment uses in and around Urban Reserve No. 42.

The requirements of Title 2 apply to both the Dammasch State Hospital area and to the north Wilsonville area.

- *Title 3: Water Quality and Flood Management Conservation*

The area in the proposed amendment to Urban Reserve No. 42 is not located within a FEMA 100-year floodplain, and it does not contain any National Wetlands Inventory (NWI) wetlands. Metro's GIS data indicates the possible existence of a protected water feature as defined by Title 3 of the Functional Plan. This feature runs through the northeast corner of the proposed amendment to Urban Reserve No. 42. The feature does not impinge upon the preliminarily planned building site for the women's prison. Moreover, all regulations pertaining to Title 3 of the Functional Plan would apply to this piece when and if the urban reserve was amended and brought into the UGB. At the time the stream is field verified (confirmed to exist), the required setback would be 15 feet on the portions of the water feature where it drains 50 acres, and a 50 foot setback on the portions of the water feature where it drains 100 acres.

The City of Wilsonville has acknowledged the existence of water quality areas in the eastern part of Urban Reserve No. 42, and will apply the applicable Title 3 requirements that have been adopted by Metro council as of 6/18/98. It should also be noted that prison site drainage on Urban Reserve No. 42, as proposed to be amended, would aid with current standing water issues.

There are also water quality areas in the Dammasch State Hospital area, for which mitigation measures have been addressed in the Dammasch Plan.

- *Title 4: Retail in Employment and Industrial Areas*

The City of Wilsonville has noted that industrial areas brought into the UGB (and into current city limits) will be subject to the provisions of Title 4 of the Functional Plan, limiting big box commercial uses, where applicable. Considering the proposed land uses in this vicinity, this is unlikely to be a difficult provision for the City.

- *Title 5: Neighbor Cities and Rural Reserves*

As stated in a memo from the City of Wilsonville dated May 28, 1998, the Concept Plan for the North Wilsonville Industrial Area does not propose any changes to the rural area north of the property to be included within Urban Reserve No. 42. This encourages the continuation of a "green corridor," a separation, between Wilsonville and Tualatin which is described in the 2040 Growth Concept. Metro's purchase of 113 acres within the Coffee Lake Creek wetland area also helps to retain a separation between cities. Infrastructure

planning for the area does not include plans for water or sewer service north of Clay Street, the proposed northern boundary of Urban Reserve No. 42.

- *Title 6: Regional Accessibility*

According to a June 1, 1998, memo from Kim White, Metro staff (see Attachment No. 2), the transportation impacts and mitigation measures identified in both prison site traffic analyses (i.e., for the Dammasch State Hospital site and for the north Wilsonville alternative site and its proposed amendment) are relatively similar. Therefore, the issue of which site is more appropriate for a prison should not be driven by potential transportation impacts. As stated in a background report from the City of Wilsonville dated May 28, 1998, the City will request necessary amendments to the Regional Transportation Plan Update, and will integrate Title 6 design standard provisions in its planning for new streets and internal circulation within Urban Reserve No. 42.

- *Title 7: Affordable Housing*

The majority of Title 7 of the Functional Plan is not a requirement for local jurisdictions. The City of Wilsonville, in the background report above, has noted that it will aim to implement requirements of Title 7 through the development of housing in Urban Reserve No. 41.

Conclusion

Application of the Urban Reserve Area Rule factors at ORS 660-21-030 to the additional 72 acres contiguous to Urban Reserve No. 42, result in a similarly high suitability rating to the original rating of Urban Reserve No. 42, in Ordinance No. 96-655E. Loss of separation of the communities of Wilsonville and Tualatin by the supersited prison is mitigated by a second condition of approval that is recommended below. State supersiting of a prison on amended Urban Reserve No. 42 would allow greater consistency with RUGGO's and the Functional Plan than siting the facility on Urban Reserve No. 41 at the Dammasch State Hospital Site. This amendment is consistent with the acknowledged RUGGO's and the Functional Plan

Executive Officer's Recommendation

The Executive Officer recommends Metro Council approve Ordinance No. 98-744A amending Urban Reserve No. 42 adding an additional 72 acres to the north. Approval should be conditioned on: 1) the State of Oregon Women's Prison and Intake Center being sited in the area encompassing approximately 112 acres in the vicinity of Day Road and Grahams Ferry Road, and 2) establishment of Clay Street as the permanent northern most boundary for the City of Wilsonville.

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**METRO**

Attachment 1

DATE: June 2, 1998

TO: Mike Burton, Executive Officer
Metro Council

FROM: *LS*
Larry Shaw, Senior Assistant Counsel
Office of General Counsel

SUBJECT: Prison Supersiting Effect on Metro Urban Reserve Amendment

Dammasch Supersited On Urban Reserves

The Corrections Facility Siting Act of 1989 provides an expedited process for siting prison facilities. ORS 421.611-.630. The Department of Corrections adopted siting criteria. OAR 291-073-0010 to -0040. In order E-97-06 on January 7, 1997, the Governor initiated the siting process for a women's prison/intake center in the tri-county area. The Correction Facilities Siting Authority selected the Dammasch site on May 5, 1997 with numerous conditions that include consultation with land use planning agencies about the impact of the siting (I.D.), and maintaining a connection between open spaces (#504),

ORS 421.628(1) states that the Siting Authority decision "shall bind the state and all counties, cities and political subdivisions in this state as to the approval of the sites and the construction and operation of the proposed corrections facilities. (All governments) shall issue the appropriate permits, licenses and certificates . . . as necessary for construction and operation of the facilities" This means that the correction facility may be built regardless of whether the site is outside the urban growth boundary or displaces housing planned for urban reserve areas.

Metro Coordination Role - ORS 195.025(1)

Metro's land use responsibilities include "coordinating all planning activities affecting land uses within (the district) . . . to assure . . . integrated comprehensive plan(s) for the entire area of (the district)." Therefore, the displacement of housing capacity in a mixed use area for the Dammasch site portion of Urban Reserve #41 and the City of Wilsonville's desire to site the facility on Urban Reserve #42 are appropriate issues for the Metro Council to consider.

Review of Urban Reserves #41 and #42

Metro's urban reserve decision of March 6, 1997 was based on a region wide analysis comparing future urban suitability with the general information available at that time. Metro planning will be affected by the supersiting of a correction facility in either urban reserve area subsequent to that original designation. Examining the net effect of the events and more specific information gathered since the original urban reserve decision is appropriate to Metro Council consideration of the City of Wilsonville's request for the Metro Council to amend its urban reserve decision. This examination must include Metro Council application of its policy on separation of communities to the total circumstances of such an amendment to Urban Reserve #42.

Application of LCDC's Urban Reserve Rule and Metro's adopted policies, including the separation of communities policy, are significantly affected by the prison supersiting authority. The purpose of Goal 2 alternatives analysis in urban reserve designations are one example. The location of the prison is determined by the state siting process, regardless of LCDC's Rule and Metro policies. Therefore, the siting decision prevents Metro consideration of alternative sites for the prison in this land use decision.

Conclusion

Metro has a responsibility to coordinate land uses in response to new developments, such as state siting of a prison on lands planned for future urban uses. Metro Council consideration of amendments to urban reserves to address and mitigate the effect of a prison siting on designated urban reserves is consistent with such coordination. The application of LCDC and Metro policies to an urban reserve amendment is significantly affected by the state prison siting authority to override any conflicting policy or rule.

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M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1794



METRO

Date: June 1, 1998
To: Mary Weber, Senior Program Supervisor
From: Kim White, Associate Transportation Planner *Kim*
Subject: Transportation Implications of Urban Reserve Sites #41 and #42

DKS and Associates prepared a traffic analysis of Urban Reserve (UR) site #41 and UR #42 as a prison use for the City of Wilsonville. This memo summarizes my findings with regard to the potential transportation implications of siting a prison on each site.

In general, prison/industrial uses generate fewer trips per acre than residential uses. However, despite the fact that traffic generation rates for prison/industrial uses are lower than traffic generation rates for residential uses, the transportation impacts and mitigation measures identified in both prison site traffic analyses are relatively similar.

My evaluation considered each site as a prison and non-prison use and the overall impact of those uses on the City of Wilsonville and implementation of the 2040 Growth Concept. Specific issues to consider relate to timing with regard to when the urban reserve land is developed, whether the Dammasch site is developed as industrial uses or as residential uses and the city's jobs/housing imbalance.

With regard to the timing issue, the land in UR #42 (North Wilsonville Alternate Site) will likely be used for industrial uses when the land is brought into the UGB, whether a prison is sited there or not. This is assumed because of how the land has been used in the past as well as the existing industrial uses that currently surround UR #42. Similar transportation improvements will need to be made under both scenarios because of the similar industrial land use that is likely to occur in each scenario.

If UR #42 is brought into the UGB as part of the prison site, the transportation impacts will be immediate. Specific transportation improvements will need to be made to address intersection failures identified in the traffic analysis of the site as a prison use.

June 1, 1998

Transportation Implications of Urban Reserve Sites #41 and #42

The more important issue to consider seems to be whether UR #41 (including the Dammasch site) is developed as residential uses or prison/industrial uses. The transportation impacts of these two land uses are different in terms of their affect on the existing transportation system. A prison at the Dammasch site will result in fewer trips than if the Dammasch site is developed with residential uses. However, traffic analysis of both scenarios has shown that Wilsonville Road will exceed current LOS standards at several intersections. Therefore, regardless of how UR #41 is developed, traffic congestion on Wilsonville Road will need to be addressed.

Metro's policy is to support town centers. Clustering residential, mixed-use development close to town centers (such as at the Dammasch site) supports that policy. In addition, the Regional Transportation Plan update has identified a list of transportation improvements aimed at addressing traffic congestion on Wilsonville Road by providing alternate east-west and north-south travel routes that better connect the town center with surrounding neighborhoods on both sides of I-5. Metro supports including these improvements in the region's 20-year plan for transportation, regardless if the Dammasch site is developed as a prison use or as residential uses.



METRO

TO: Larry Shaw, Office of General Counsel

FROM: Carol Krigger, Growth Management Services

DATE: June 22, 1998

SUBJECT: Urban Reserves No. 41 and 42

This memo is in response to your request for information regarding Urban Reserve Nos. 41 and No. 42 and the proposed amendment to Urban Reserve No. 42 in the Wilsonville area. The first part of the memo provides general information about these adopted Urban Reserves and their estimated capacity for households and jobs. It also examines the proposed amendment to Urban Reserve No. 42 to include approximately 72 acres. The second part of this memo lays out the capacity gain or loss (households and jobs) with siting of a prison in two alternative locations within Urban Reserves No. 41 and 42 (with amendment).

Adopted Urban Reserves

Each urban reserve study area was rated according to how well it met specific criteria outlined in Factors 3 through 7 of the Urban Reserve Rule. Urban Reserve No. 41 encompasses an area of approximately 423 acres (including the Dammasch site), of which 279 acres are identified as first tier. The site received an urban suitability rating (a weighted score) of 33 points in the Urban Reserve Study Area (URSA) analysis performed. This score was the overall minimum qualifying rating for the 18,600 acres of urban reserves chosen by the Metro Council. Exclusive Farm Use (EFU) zoning within and in proximity to the site contributed in large part to the low urban suitability rating. A total of only 8 points were received for Factors 6 and 7 of the Urban Reserve Rule, which relate to retention of agricultural land and compatibility with nearby agricultural activities. The entire site contains approximately 285 acres of land zoned EFU. Urban Reserve No. 41 received average scores for Factor 23 (orderly and economic provision for public facilities and services) and Factor 5 (environmental, energy, economic and social consequences).

LARRY SHAW
Urban Reserve Nos. 41 and 42
June 22, 1998 – Page 1

According to the initial analysis performed on Urban Reserve Study Areas, Urban Reserve No. 41 could accommodate an estimated 2,560 households and 985 jobs. First-tier lands could accommodate a proportion (66 percent) of the total households and jobs estimated for Urban Reserve No. 41 –

approximately 1,690 households and 650 jobs. First-tier land in Urban Reserve No. 41 is part of the proposed Dammasch Area Master Plan developed for the City of Wilsonville, which also includes land inside the UGB, and is estimated to accommodate 2,300 households and 548 jobs. About 1,130 of the 2,300 households are planned in the first-tier portion of Site #41; the remainder are planned for inside the UGB.

The Dammasch Master Plan is a site-specific plan, whereas the Urban Reserve Study Area Analysis was a general estimate. The difference between Metro's initial higher capacity estimate and the master plan estimate on first-tier land (1,130 compared to 1,690) is due to this fact.

Urban Reserve No. 42 received a higher urban suitability rating 64.5 points – in the URSA analysis performed, almost twice the minimum qualifying rating of 33 (weighted score) for the 18,600 acres of Urban Reserves designated by the Metro Council in March 1997. This rating was received for a couple of reasons. First, the site, which consists of approximately 250 acres, is relatively flat with few environmental constraints. Because of this, a total of 16 points was received for Factor 4 (maximum efficiency of land uses within and on the fringe of the existing urban area). Second, a total of 32 weighted points was received for Factors 6 and 7, which relate to retention of agricultural land and compatibility with nearby agricultural activities. Urban Reserve No. 42 is zoned for rural residential use (AF5 – Agriculture Farm/Forest 5) and industrial uses (MAE – Land Intensive Industrial; RI – Rural Industrial). There is no exclusive farm use zoning designation within Urban Reserve No. 42. The urban reserve is mostly surrounded by industrial and rural residential zoning, except for one area in the southwestern portion of the Urban Reserve. Urban Reserve No. 42 received average scores for Factor 3 (orderly and economic provision of public facilities and services) and Factor 5 (environmental, energy, economic and social consequences). The estimated household and jobs capacity for Urban Reserve No. 42 is 1,770 households and 670 jobs.

The area under consideration for inclusion in Urban Reserve No. 42 (approximately 72 acres) is similar to the land area inside the urban reserve. The zoning consists of Rural Residential and Industrial designations. The land is also relatively flat with few environmental constraints, making it efficient for urban development. Similarly zoned lands also surround the area; there is no EFU zoning. It is unlikely that the scoring outcome would have been significantly different had this area been part of Site No. 42 in the initial analysis. Based on the methodology used to determine capacity in the URSA analysis¹ the 72-acre proposed amendment could accommodate 480 households and 190 jobs.

¹ Applying discounts for environmental constraints (2%); efficiency factor (10%) and gross-to-net reduction (25% for future streets, parks, and other public facilities) estimated buildable land is about 48 acres. Capacity is based on 10 households and 4 jobs per net acre.

Urban Reserve No. 41 and Dammasch Area	Households	Jobs
<i>Non-Prison Option – Dammasch Mixed Use Center Plan</i>		
• Portion applicable to City's Table 1 Target – inside UGB	1,170	548
• Remaining area (all of first-tier Urban Reserve No. 41)	1,130	N/A, <i>See Below</i> ²
<i>Prison Option – State Owned Land</i>		
• Prison Site Area (State-owned land inside & outside UGB)	650	500
• Remaining periphery of prison site area (2/3 of first-tier Urban Reserve No. 41)	N/A	N/A
Net Gain (or Loss) in Capacity	(1,650)	(48)

Urban Reserve No. 42 and Proposed Amendment	Households	Jobs
<i>Non-Prison Option – Probable Jobs and Households</i>		
• Portion of Urban Reserve #42 (43.4 acres) included in alternative prison site.	310*	120*
• 72-acre site proposed to be added to Urban Reserve #42	<u>480</u>	<u>190</u>
	790	310
<i>Prison Option – (Portion of Reserve + Amendment)</i>		
• Prison Site Area	650	500
Net Gain (or Loss) in Capacity	(140)	190

* Proportion of total capacity (17%) estimated for Site #42 from the Urban Reserve Study Area Analysis.

Displacement Analysis

As mentioned earlier, first-tier land, as well as land inside the Urban Growth Boundary west of Wilsonville, is included in the City's proposed Dammasch Area Master Plan. The master plan proposes to locate a mixed use center on state-owned land, most of which is currently inside of the urban growth boundary – this is also the land that the State has approved for a prison site. The City of Wilsonville has requested that the State consider an alternative site located just north and adjacent to Urban Reserve No. 42. This site is approximately 115 acres and includes a part of Urban Reserve No. 42 – approximately 43 acres – and the 72-acre parcel described above.

² The jobs estimates calculated for the Dammasch mixed use center plan (548), while planned for the land area currently inside of the UGB, should not be considered this site specific. The jobs are part of a larger plan, and could have been sited in areas outside of the current UGB, but within the Dammasch Plan area.

The prison is intended to house 1,600 people and provide approximately 500 jobs. For the purpose of this analysis, the 1,600 prison population is converted to equivalent households for comparison purposes with the State-proposed prison site (Dammach) and the Wilsonville-proposed alternative prison site. The equivalent units for this exercise would be about 650 households.³

The table above summarizes the estimated household and jobs capacity for each site under each of the two scenarios (prison vs. households/jobs) and shows the net gain or loss in terms of housing units and jobs if a prison is sited at either of the locations described above.

The capacity estimates have included the entire (first-tier) Urban Reserve No. 41 around Dammach, and omitted the area in Urban Reserve No. 42 not included in the proposed alternative prison site. This is because the Dammach Urban Reserve that contains part of the mixed-use center estimates is a first-tier reserve that has been planned, and will be considered, for inclusion into the Urban Growth Boundary with regard to this plan. Urban Reserve No. 41 does not have a clear plan with urban-style zoning established.

In addition, under the *Urban Reserve No. 41 and Dammach Area, Non-Prison Option*, above, the estimates include the full extent of first-tier Urban Reserve No. 41. Under this scenario, the area would most likely develop in keeping with the mixed-use center plan – a plan that has envisioned the Dammach State Hospital site as part of the larger area. By contrast, under the *Urban Reserve No. 41 and Dammach Area, Prison Option*, the estimates account only for the land sited, by the State, for a prison. There is no certainty that development of a prison would necessitate inclusion of the remainder of Urban Reserve No. 41 into the UGB. Even if the remainder of Urban Reserve No. 41 were included in the estimates, it is fair to assume that Urban Reserve No. 41 would not accommodate a considerable amount of additional residential development. This is consistent with the State's policy on not siting prisons in close proximity to residential areas, as well as the unlikelihood that residential development would occur in such close proximity to a prison.

The central issue to such an analysis is not about the difference in household and jobs capacity within specified site plan boundaries, but about the two larger areas as a whole, and the broader physical and natural conditions on each of the two sites that would allow them to be used in ways best suited for them and for the region.

CK/JB:jb
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³ Households are calculated by dividing the expected prison population (1,600) by the regional average number of persons per household (2.52), and rounding to 650. In Functional Plan dwelling unit estimates, the local average and vacancy rate conversion factor have been applied.



METRO

Date: June 1, 1998

To: Mary Weber, Senior Program Supervisor
Community Development Section
Growth Management Services DepartmentFrom: Dick Bolen, Manager *db*
Data Resource CenterRe: ***Population Estimates of Group Quarters In the Metro Region and the 2015/2020
Metro Regional Forecast*****Who belongs in Group Quarters?**

The Census Bureau definition of persons in group quarters includes persons living in:

1. Institutional Group Quarters: classified as inmates or patients (e.g., prisons and other correctional institutions – for adults and juveniles, nursing homes and hospitals for chronically ill, physically handicapped, drug rehabilitation and mental institutions).
2. Noninstitutional Group Quarters: includes rooming houses, group homes, religious quarters, college dormitories, military quarters, farm and other workers dormitories, emergency shelters for the homeless, runaways and abused persons, dormitories for nurses and interns in general and military hospitals.

The 1990 Census

Counties	Population	In Households	In Group Quarters	Percent in Group Quarters
Multnomah	583,887	570,508	13,379	2.29%
Clackamas	278,850	276,280	2,570	0.92%
Washington	311,554	308,071	3,483	1.12%
Tri-County	1,174,291	1,154,859	19,432	1.65%

Forecast Assumptions and Methodology

The Census categorizes people as either in households (family or non-family) or in group quarters. Based on the 1990 Census, less than 2 percent of the persons living in the Metro area belong in group quarters.

The Metro Regional Forecast does not distinguish future population in terms of persons in group quarters. The forecast of population assumes that all persons living in the region reside in households. At the time, this assumption did not seem to be a very harsh assertion given the fact that over 98 percent of the region's total population belonged outside of institutions or group quarters.

Furthermore, TAZ allocations also ignore or subsume the group quarter element of the population in the allocation of persons in households and dwelling units.

Forecasting total population is not an easy matter, but when you try to forecast an even smaller segment of total population such as persons in group quarters, this problem is even more difficult. As we are faced today, prison sitings and sitings of other institutional homes is a highly subjective matter not often determined by macroeconomic forces. Where they eventually get located are often beyond statistical modeling or econometric predictions.

On a regional scale, not explicitly enumerating future persons in group quarters does not change the accuracy of the forecast. However, in terms of allocating population to TAZ's this can make a significant difference. Persons in group quarters are normally unevenly distributed across the region and, therefore, some TAZ's will have a much higher proportion of persons in group quarters.

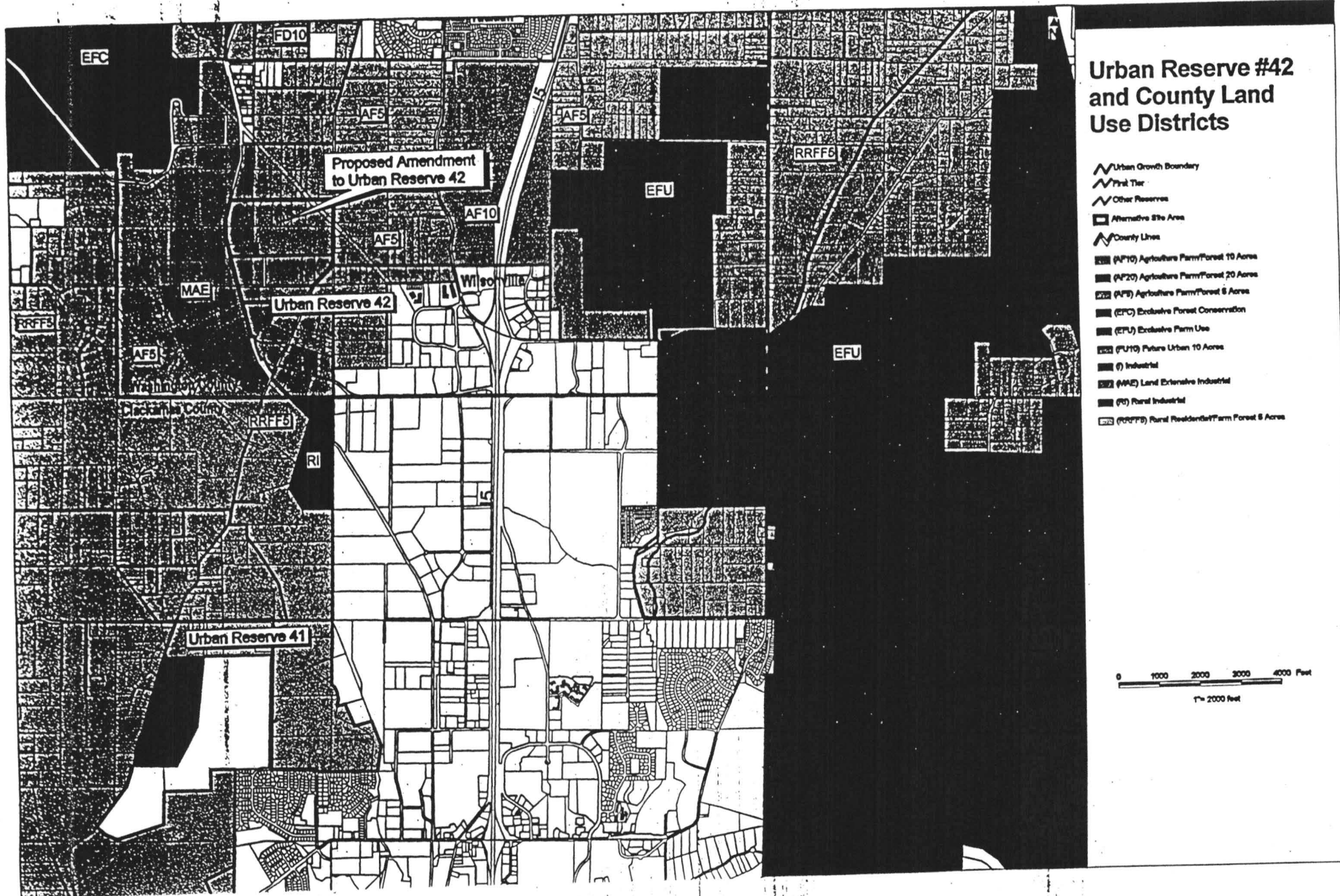
Technical Resolution

The dilemma appears to be how do we make an ex-post adjustment to the regional forecast and growth allocation to which the ex-ante forecast made no explicit distinction between persons in households and persons in group quarters. The problem is unexpectedly a prison (or group quarter institution) is to be located where the forecast allocated households. The simple solution is to convert each inmate(s) into a household and each prison cell into an equivalent dwelling unit in order to satisfy Title 1 and Table One requirements of the Functional Plan.

This problem can be handled (at least) in one of three ways by converting the expected number of inmates (and prison cells) into households or dwelling units based on:

1. The 1990 or current estimate of average household size in the region,
2. The 1990 average household size in the City of Wilsonville or
3. A household size equal to one.

My recommendation is to choose either option 1 or 2.





R L I S
REGIONAL LAND INFORMATION SYSTEMProposed
Amendment

Wilsonville Urban Reserves

- ☐ URBAN RESERVE AMENDMENT
☐ URBAN RESERVE # 42
☒ Urban Growth Boundary

0 400 800 1200 Feet

1" = 600 Feet



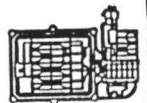
METRO

600 NE Grand Ave.
Portland, OR 97232-2736
503 797-1742 FAX 503 797-1909
Email: dro@metro.del.or.us

Plot date: Jun 1, 1996; d:\projects\p\p\p\query.asp

OREGON
DEPARTMENT
OF CORRECTIONSSite 1
WOMEN'S PRISON
& INTAKE CENTER
COMPLEX

DLR Group

DLR Group
Architecture & Planning, P.C.
401 S.W. 8th Avenue
Suite 270
Portland, OR 97204
1-800-251-0973
Phone 271-0973

KEY PLAN

SHEET NO.

No.	Description	Date

SHEET NO.

7-08730/06

SHEET NO.

6/18/96

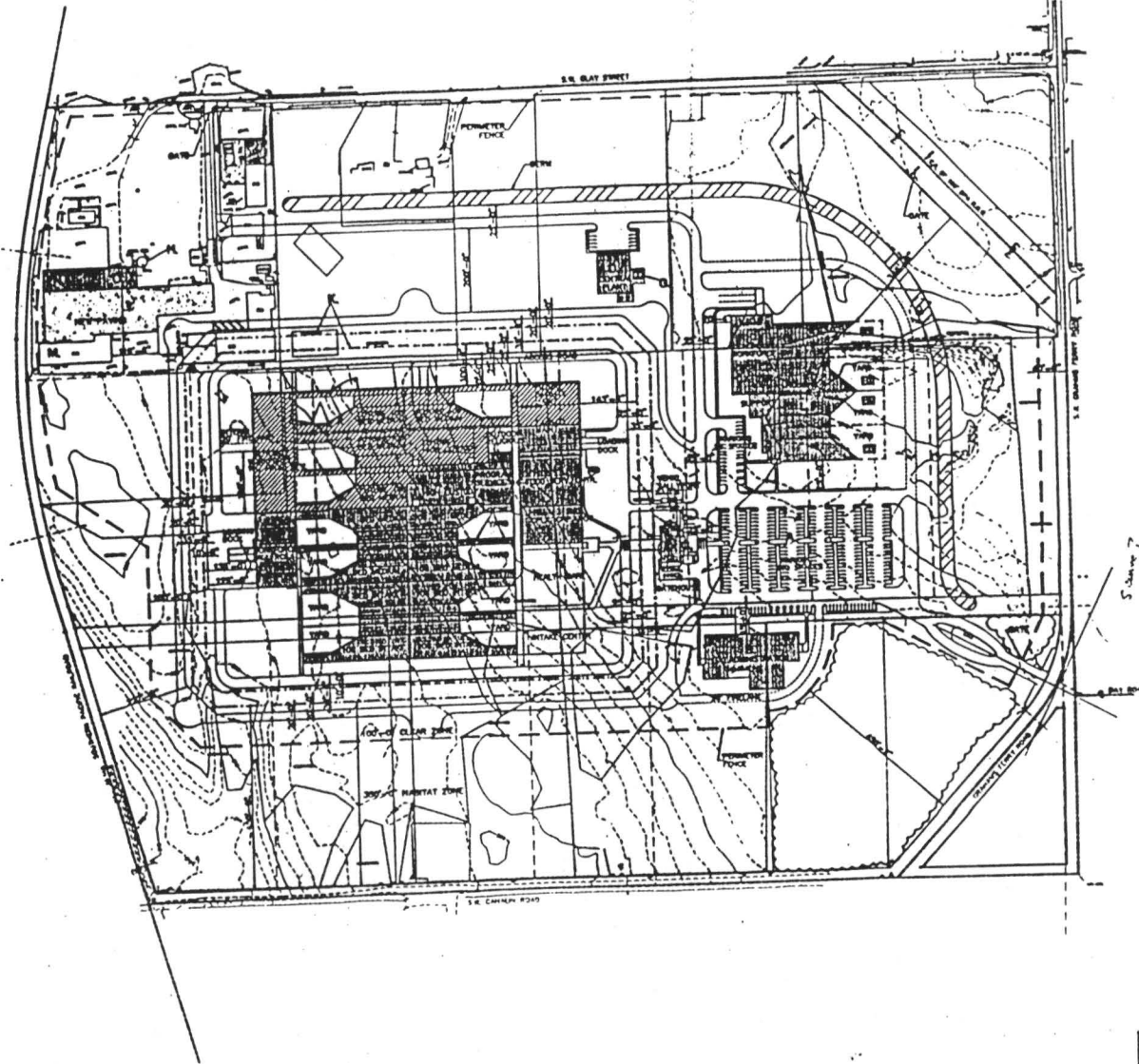
SHEET NO.

PRELIMINARY

DATE TEST

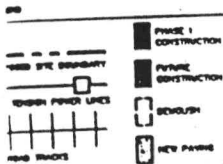


9 77 139 307



MINUTE SITE RESPONSE

TOTAL 177 ACRES



SHEET NO.

- SITE WORK
 ADMINISTRATION BUILDING
 DETENTION
 CENTRAL PLANT
 WAREHOUSE
 NOT USED
 EXISTING WATER
 WATER TANK
 ENTRY ROAD
 SECURITY PRISON
 DETENTION BUILDING
 INTAKE BUILDING
 INTAKE HOUSING UNITS
 INTAKE CORE AREA
 FENCE
 VEHICULAR SHUTTLEPORT
- B. FENCE AND VEHICULAR SHUTTLEPORT
 C. WAREHOUSE SECURITY PRISON
 (WOMEN'S PRISON, WAREHOUSE, WAREHOUSE
 WAREHOUSE AREA, WAREHOUSE COMPLEX GROUP
 WAREHOUSE AREA)
 D. WAREHOUSE, STORAGE, WAREHOUSE
 E. FOOD AND MECHANICAL STORAGE WAREHOUSE
 F. FACILITIES MAINTENANCE BUILDING
 G. RECORDS MANAGEMENT OFFICE BUILDING

Avoids expensive, controversial bridge crossing of the Willamette.
Avoids expensive reconstruction of the Transit Mall.
Avoids disruptions to transit service & downtown businesses during construction.
Avoids dislocation & dispersal of transit service after construction to 5th, 6th, 10th, & 11th Avenues; proven to be less efficient than the current configuration.

LOTI adds 3 streetcar routes which form the beginnings of *planned* future rail extensions.
Helps build riverfront improvements on the Eastbank of the Willamette, including "The Promenade".
OMSI will be served at its' front entrance rather than its backside parking lot, or not at all.
Create at the Rose Quarter, a *true*, regional, rapid transit, crossroads-hub. The **LOTI** vehicle accepts transfers from bus routes, both **Max** lines, serves the *entire* length of the Mall, and eliminates timing & capacity considerations. At the Rose Quarter junction, **Max** trains "line-up", side-by-side, *under cover*; (a 10' to 30' entire length transfer). Transferring downtown at Pioneer Courthouse Square, Max trains are 1-2 blocks apart, *uncovered*, with one street crossing. Downtown train connections and transfers *cannot be* timed. During rush hours the S/N line can easily enter the E/W line, run downtown and turn around at 11th. The rest of the time (80%), transferring at Rose Quarter, E/W Max can handle the transfers, making both lines more efficient. **LOTI** arrives downtown sooner than Metro alignments.

Serves the Transit Mall more frequently lightrail's 15 minute operating time (2-4 minute operating time).

Quadruples the number of noisy, polluting diesel buses **removed** from the Mall.

Piggy-backs the investment onto high-speed rail, Amtrak, freight & commuter-rail corridor.

Increases land use goals *threefold*, by the "far-reaching" streetcar extensions into redevelopable areas,
Reduces the number of "track-wearing" curves between "Clackamastown" and Rose Quarter. **LOTI** also reduces the number of stops from 23 to 14. This makes the **Max** vehicle operate "fast-moving" as it is designed to be. **A lightrail that acts like a commuter-rail.**

LOTI's "Trackless Trolley Trunkline" is an **IDEAL**, inner-city circulator providing 5 minute frequency service from the Lloyd District, through the Transit Mall, the complete South Auditorium, across the newly "Improved Ross Island Bridge" with 3 Brooklyn Neighborhood connections to S/N lightrail.

Swan Island, an underrated, practical route north **must be considered**; via Larrabee, through the Albina District (development potential), back onto the UPRR corridor and "final destination" at the active employment & commerce base there. At some future date, extend north with a stop at Kenton. A trolley-bus system extension on Interstate Avenue to Kenton will "preservatively" improve North Portland. Finally, if Portland builds a MAX line to the airport, the logical option of the Glen Jackson Bridge route into Clark County **must be reconsidered**. **Fair, Fareless LOTI Benefit List never stops growing!**



Art Lewellan 3205 SE 8th Ave. #9 (503) 238-4075 Lotilive@aol.com
 Portland, Oregon 97202



Portland can build a lightrail line to Oregon City!
 (and so much more)



L. O. T. I.
 The 3 Basic Elements of the LOTI proposal

1. Eastbank lightrail alignment, UPRR corridor, Rose Quarter to Oregon City
2. Trackless Trolley-bus Circulator, from the Rose Quarter, across the Steel Bridge, serving the entire Transit Mall to College St. (2 blocks South of Harrison)
3. Streetcar extension of the Central City Streetcar from 10th & 11th Aves, across the Hawthorne Bridge, directly to a Water Ave turn-around, with a spur line to the OMSI District.

Loop Oriented Transit-mall, Intermodal

A "Trackless Trolley Loop-circulator" for Portland's Transit Mall, running from College Street at the southern end, directly to Union Station, across the Steel Bridge to the Rose Quarter.

LOTI vehicles, similar to Seattle's standard and articulated Trolley-buses eliminate the expensive, disruptive demolition and track-laying process.

LOTI creates conveniently regular, "NO WAITING", 2-4 minute service on the Mall; AND a future 5 minute "Trolley-bus Trunkline" serving the entire Brooklyn neighborhood, the South auditorium & Lloyd Center District.

A single Trolley-bus removes 3 diesel buses from the Mall, or, 4 times the number of diesels as can be removed with lightrail, for a fraction of the cost.

This convenient transfer vehicle, operating from the Rose Quarter serves downtown much better, & when combined with an "Eastbank" lightrail alignment, creates there a *true, regional, rapid transit, crossroads-hub*.

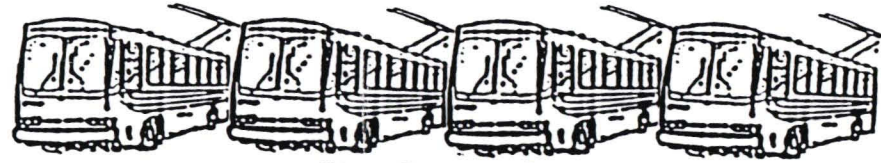
In this way we create less noise & air pollution on the Mall by reducing, not displacing the number of diesel buses there. **LOTI** accomodates "trans-mall users" more frequently than lightrail & adds an ideal transfer vehicle at the Rose Quarter. **LOTI** offers greater flexibility & expandability by "incorporating" these other modes of electric transit. **LOTI** recognizes & maximizes the Eastbank corridor as our critically important, regional consideration. **LOTI** corrects the major failing of the Tri-Met system: "It is the delay waiting for a transfer which transit users object to, not simply transferring". **LOTI** accomplishes this end most effectively on the central segment of the system & may be among the finest transit system designs we've ever seen.

LOTi

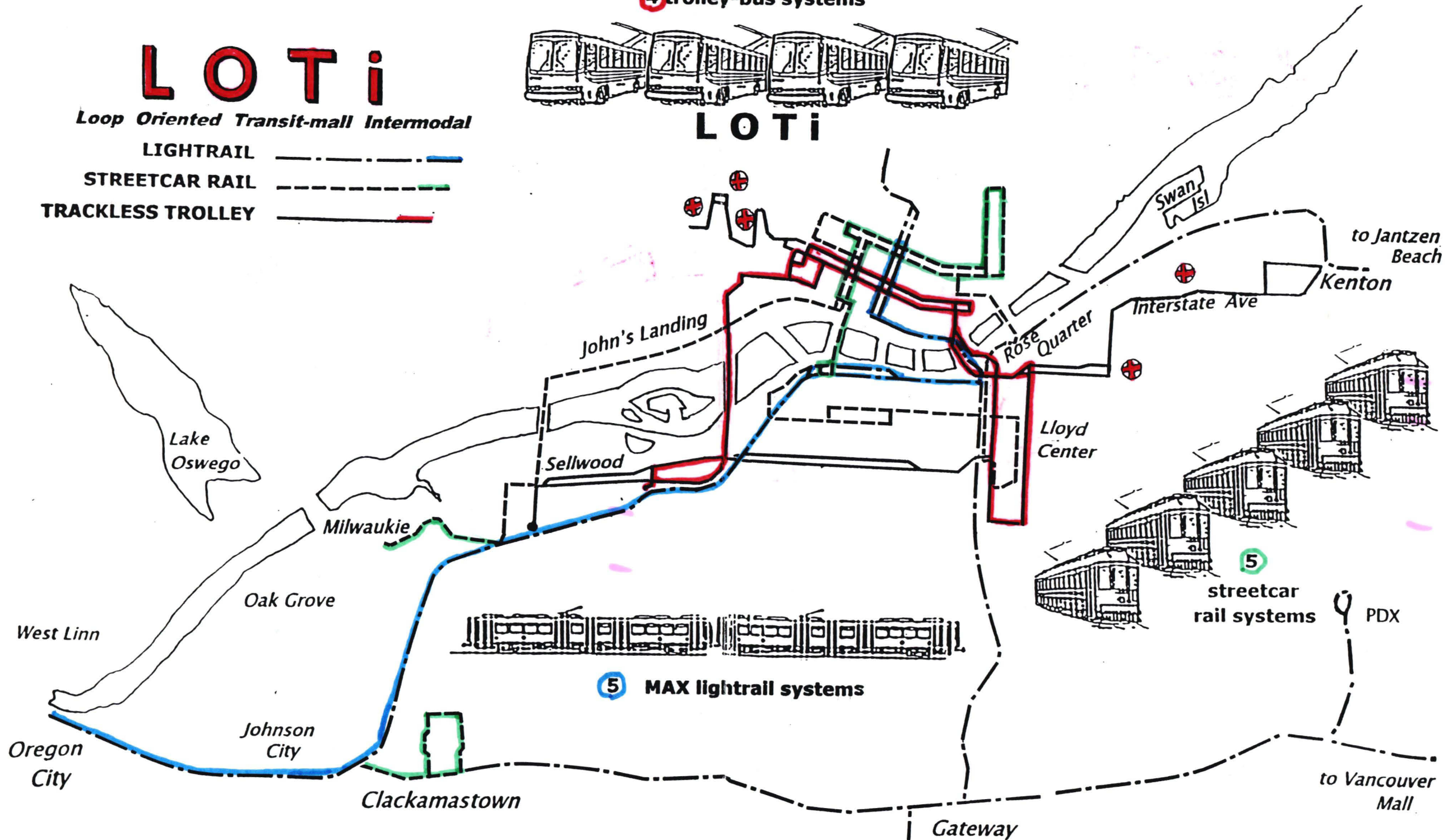
Loop Oriented Transit-mall Intermodal

- LIGHTRAIL ————
- STREETCAR RAIL ————
- TRACKLESS TROLLEY ————

4 trolley-bus systems



LOTi



Art Lewellan's response to the City of Portland, Office of Transportation's "Review of LOTi", Dated March 20th, 1998, (postmarked, received by Mr. Lewellan, April 27th). May 3rd, 1998

It is important for any citizen, who has made submissions or suggestions regarding public capital investment projects, to receive a response. Failing to adequately reply, inform and/or assist citizens discourages, alienates & breeds distrust of planning agencies & dissatisfaction with the process and outcomes. Here may be our planning agencies' most egregious shortcoming. The City of Portland's response, though long in coming, is very much appreciated. I must point out a few elements of the review which need to be corrected.

The LOTi alignment of S/N lightrail *will* initially serve downtown Portland; by entering the E/W line at Rose Quarter, returning at the Galleria Turnaround.

The LOTi alignment does include the possibility of a downtown Vancouver destination.

The LOTi alignment through Milwaukie along the UPRR corridor is where the existing population center now exists, and should continue to be very near the center.

The LOTi lightrail alignment does avoid the Clackamastown Regional Center. In exchange, LOTi's compromise includes reaching the south terminus at Oregon City, (a destination with greater potential), and serving the Clackamastown Regional Center, more fully, with a Streetcar Circulator.

The review states, "the main difference between the LOTi plan and current transportation planning efforts, is the integration with land use planning". This is not wholly accurate and is still a debatable assertion. I firmly contend that the connecting transit systems, (the 3 streetcar lines), proposed by LOTi, (obviously), more fully serve the Regional Centers. LOTi creates a "land use planning catalyst for transit oriented development" that is greater in each case, and is further increased because these streetcar lines have more immediate growth potential than the proposed lightrail alignment.

Housing density is important for ridership, to a degree. The greater need, that enables transit systems to more fully serve, is attractive connections, (as stated above). Our lightrail system is incomplete on its' own. It must be incorporated into connecting transit lines to create "attractive" connecting service. Doing this increases development potential & ridership, as well. LOTi's modern, low-floor electric-rail, frequent headway transfers are very attractive in every respect. LOTi's transfers are an unavoidable requirement in our effort to build a broad transit system able to serve a larger ridership base.

The proposed lightrail alignments' focus of development along a limited corridor, forces the development of "extreme" density. Dispersing development over more length of transit reduces development to a "moderate" amount everywhere. Extreme development is not effective in creating the livable communities anywhere. Too many other elements of a "balanced mix-use" are sacrificed with extreme development, while other areas that may need investment are neglected.

It must be clarified in the review, that the vehicle LOTi proposes to serve the Transit Mall is a "trolley-bus". Here, the advantages of this vehicle on the mall are numerous, ranging from low cost, least construction disruption, very frequent service, co-operation between existing bus system, creating an East/West circulating service to offering modern electric transit growth potential, including the trolley-bus expansion to destinations of OHSU, Lloyd Center District, Kenton District, (via Interstate Ave), Brooklyn neighborhood and others.

The review states, "the Eastside Connector may be needed once the lightail system is complete". A westside route will likely preclude the construction of an Eastside alignment. This is a possibility that planners must address.

During the 1994 vote for funding, citizens were presented with the implied outcome that the southern terminum would initially be Oregon City. LOTi offers this outcome along the most practical corridor.

It is not fair to state that LOTi does not provide direct service between Regional Centers. LOTi offers more complete service between Regional Centers, redefining & broadening the Centers according to their "growth patterns".

During WWII, Swan Island had an employment base of 50,000 and was served by rail. Currently, the employment base is 10,000 with an active traffic demand all day. Swan Islands' bus system is not successful. The review states that an improved bus system is better, ignoring the areas' history of successful rail service.

A major error made by transit planners is that transferring reduces ridership. According to most transit users, the real problem with transferring is in the wait for the transfer. It is not possible to eliminate transfers. It is only possible to attractively accomodate them, and thus increase transit use.

LOTi has not received a fair and thorough analysis in the City of Portland's Dept of Transportation Review. For this reason I will continue to insist that LOTi has greater ridership potential than any of the current alternatives for the South/North project.



March 20, 1998

TO: Commissioner Hales

FROM: Stephen Iwata
David Soloos

SUBJECT: Review of LOTI by Art Lewellan

The following is a review of the transit plan prepared by Mr. Art Lewellan, who presented this plan to the City Council last August. City Council requested that Transportation Planning comment on Mr. Lewellan's transit plan, called LOTI--Loop Oriented Transit Mall Intermodal. This plan was developed to introduce a new alternatives to the current South/North Project. Transportation Planning staff is appreciative of Mr. Lewellan's efforts and that he invested a significant amount of time in developing this plan.

The LOTI is a 2010 plan which consist of the following elements:

- 1 Existing railroad rights-of-way are used for light rail transit. *S/N x INITIALLY WOULD*
 - Light rail would operate between Oregon City and Swan Island. LRT would not serve downtown Portland and instead would travel through the Central Eastside--the Eastside Connector and link with the Rose Quarter Station.
 - Other 2040 Centers would not be directly served by light rail, including Milwaukie, *debatable* Clackamas Regional Center, and Downtown Vancouver. *WOULD EVENTUALLY*
- 2 LOTI would connect light rail to the 2040 Centers.
 - In Downtown Portland, LOTI would operate between the Rose Quarter Station and the 5th/6th Transit Mall. *EXTENSION OF CCS TO OMSI*
 - LOTI would provide similar connections from LRT to the Milwaukie and Clackamas Regional Centers. *STREETCAR*
- 3 Streetcar service would be extended from SW 10th and 11th Avenues, across the Hawthorne Bridge to OMSI. Also, streetcar service would be extended to other destinations in Central Eastside. *OMSU*

Other features of the plan include the Trackless Trolley to North Portland, Commuter rail (including to Vancouver, WA) and high speed rail.

Mr. Lewellan's plan is complex and the above is a very brief summary.

The following is Transportation Planning's review of LOTI. The comments are based on Transportation and Land Use Interrelationships, Regional Transit Service, and Central City Service. Transportation Planning has been working with Tri-Met to develop the Central City

evaluate the LOTI Plan.

Transportation and Land Use Interrelationship

The main difference with the LOTI Plan and current transportation planning efforts is the integration with land use planning.

Metro's 2040 Plan and Portland's Comprehensive Plan integrate land use planning with transportation planning. The focus for growth is the 2040 design types, the centers, station communities, corridors and main streets. The cornerstones are the centers. In the South/North Corridor, the centers include Portland's Central City, downtown Milwaukie, Clackamas Regional Center, Oregon City, and downtown Vancouver. The Regional Centers are the key to the 2040 Plan to attract the highest residential and employment densities. The South/North Project proposes to directly serve the 2040 Centers and stations are strategically located to stimulate transit oriented development.

OVER-DENSE

Light rail becomes not only the means of transporting people, but also a catalyst for transit oriented development. The development immediately adjacent to the stations would offer the greatest potential for transit patrons. The light rail can influence transit oriented development up to one quarter of a mile from the station. With LOTI, the key stations are not located in the heart of the Centers, but typically in lower density industrial areas not suitable for transit oriented development. This would result in less development in the vicinity of light rail station and fewer potential riders.

NOT
NECESSARILY
SO

The long term effectiveness of a transit line is determined by ridership. An important variable for high transit ridership is density. Density is the key factor for investing in high capacity transit improvement. The current and future densities in the South/North Corridor are illustrated in Maps One and Two. Downtown Portland has the highest density in the region with over 400 persons per acre, followed by the Lloyd District with 100-200 person per acre. The Clackamas Regional Center has the highest density in Clackamas County. Currently, the Clackamas Regional Center has 45 percent of the job base of southeast urban Clackamas County. Forecasts expect that it will have 55 percent by 2015. In North Portland, the mixed use communities along the N. Interstate/I-5 corridor offer better ridership for light rail than Swan Island. Industrial areas like Swan Island, while having a large employment base has a low employment density and therefore has low ridership potential for light rail. Improved bus service would be a better option for Swan Island.

FAST IN
IMPROVE
SHUTTLE
SERV.

In terms of integrating land use planning goals with transportation planning goals, the LOTI Plan would have less ability to support the 2040 Centers. But by not supporting these centers, Transportation Planning staff believes that this type of system would offer less development opportunities and fewer riders.

LOTI BUILDS BETTER CONNECTIONS AT EVERY CENTER

Transportation Planning

The premise for LOTI is that transferring with light rail and LOTI is seamless and would result in little ridership loss. Transportation Planning staff questions this assumption.

RIGHT?

The transit system must not only increase ridership, but also increase its market share to reduce traffic congestion. To be competitive to the automobile, the transit system must be convenient, efficient, and reliable. A key element to convenience is to minimize transfers. Results of a recent employee survey in the Lloyd District indicated that direct service without transferring is an important factor in choosing transit. This is true for all destinations.

WRONG

As the hub of the regional transit system, Downtown Portland can maintain its role as the economic heart for this region, while improving livability. The density in downtown translates into high

downtown destination and 54 percent are projected in 2015. The downtown attracted over 80 percent of the Central City transit trips in 1994 and is projected to attract 71 percent in 2015. The Lloyd District and Central Eastside are important destinations in the Central City, but are not of the same magnitude as downtown. These two districts represent approximately 25 percent of all 1994 trips to the Central City and 16 percent of the transit trips. In 2015, the two districts are projected to have 28 percent of all trips and 17 percent of the transit trips. Reinforcing the downtown's transit hub role supports public policy goals to maximize transit ridership, reduce traffic congestion, and support economic development. *IN TOO FEW AREAS, OVER DEVELOPED*

The South/North Project is proposing that light rail be constructed on the Transit Mall. This reinforces the Central City Plan and previous City Council actions. This would provide direct service to the largest number and highest density of people in the Central City area. This should result in the greatest ridership potential and mode split compared to non-mall or non-downtown alternatives.

The technical analysis for the CCTP reinforces the role of the Transit Mall as a regional hub for Tri-Met's transit system. This is because of the land use planning from the Downtown Plan that concentrates the highest employment densities along the 5th and 6th Avenues Transit Mall. The highest level of service and capacity is focused on the Mall. Light rail enhances this transportation function to serve this core and to accommodate transfers to reach other Central City and regional destinations. The technical analysis also indicates that the greatest downtown need is for improved transit service from the southeast corridor serving Southeast Portland and Clackamas County. *MILWAUKIE CTR*

Replicating similar types of regional hubs in the Regional Centers like Milwaukie and Clackamas Regional Centers can achieve similar public policy goals. The South/North Project identified servicing the Milwaukie and Clackamas Regional Centers as important regional priorities for Phase I on the Project. Oregon City is recognized as an important regional priority for Phase II.

By providing direct service between the 2040 design types (Town Centers), travel times for South/North light rail will be quicker than the same trip by automobile in 2015.

The LOTI system has no direct service to 2040 Town Centers and forces two or more transfers for access to them. This system of multiple modes and multiple transfers increases inconvenience and increases travel time to these centers. This reduces ridership for light rail, reduces the cost effectiveness of the project, and increases existing and future demand for roadways and parking supply in the centers. Although the LOTI System was not modeled for ridership or travel times, Transportation Planning believes that it does not appear to have the ridership potential of the current alternatives for the South/North Project.

↓
The Eastside Connector may be needed once the regional light rail system is completed. The Pre-A-A Phase of the projected recommended that the Eastside Connector be examined as a long term system need. Also, the extension to Oregon City in Phase II of the South/North Project would complete technical studies and community discussions to evaluate whether I-205 or McLoughlin would be the preferred option.

The Central City and the other 2040 Centers are evolving in terms of urban form and density. The LOTI Plan may be part of a future phase of urban development when a critical mass is achieved for a circulator-type of system. The need for a circulator has been identified in the Central City Plan in Transportation Action Chart T4 "plan and construct an inner city transit loop." Light rail, buses, and the Streetcar provide some internal circulation role in the Central City. The need for a supplemental circulator has been identified to supplement the other transit modes to provide convenient service to the major destinations for workers, shoppers, and visitors. The other centers may need such a system once they reach a level of density that warrants such a system.

Summary

Transportation Planning staff greatly appreciates the effort by Art Lewellan for putting together his LOTI Plan. He applied a tremendous amount of effort and thought in developing his plan. The regional transportation planning efforts have incorporated many elements of his plan, including light rail, commuter rail, high speed rail, and streetcar.

The major difference is that of linking transportation planning and land use planning. The key to Metro's 2040 Plan are the centers. In the South/North Corridor, there are five regional centers (Central City, Milwaukie, Clackamas Regional Center, Oregon City, and Vancouver). The LOTI Plan only directly connects light rail with Oregon City, while the South/North Project directly connects all the centers. The service to Oregon City is Phase II of the South/North Project because of community issues to determine whether the 1-205 Corridor or McLoughlin Corridor is to preferred way of reaching this regional center. Because of the multiple roles of light rail for transportation and land use, serving the core of each center will achieve the highest ridership potential by supporting the highest development potential, achieve the highest ridership, and provide the greatest mode share for transit. The key stations in the LOTI Plan are at the fringes of these Centers which would not achieve the land use goals.

Instead of functioning as the primary link between light rail and the core of each Center, LOTI may be a system that connects the core and light rail to other destinations within the Centers. In downtown, for example, a LOTI circulator could connect light rail riders to other destinations like the Pearl District, Lloyd Center, River Place, Multnomah County Library, retail shopping areas, hotels, and other destinations.

In closing, the Loti Plan does have transportation planning principles that can be applied to 2040 centers. The future expansion of the Central City Streetcar is important for the mobility for close in neighborhoods. This will require extensive public involvement to plan the expansion of this system. The circulator role of Loti will be important for established, dense centers that will be a supplemental system to distribute workers, residents, shoppers, and visitors to various locations in the centers.

I will happy to response to any questions on this memorandum.

2339 SE Yamhill; Portland, OR 97214

July 7, 1998

Dear MIKE BURTON, EXEC. OFF.

To whom it may concern!

I hope you will find this letter and the attached information interesting. Over the past ten or twelve years I have advocated for a change in our property tax structure. The basic idea is to tax land value at rates higher than improvement value or various related ideas.

This theory comes from the **Henry George idea of a "Single Tax on land"** which was popular around the turn of the century and was even adopted here in Oregon (if only briefly) circa 1909.

This letter is to announce that **the organizations that support and advocate for these ideas are holding their annual conference in Portland** this year. It will be from July 29th to August 2nd. The attached information gives you all the specifics.

If you are unable to attend, please pass this information on to your staff or other departments that may have an interest in this subject.

This is a wonderful opportunity to learn about the "Georgist" ideologies from the people that understand them best. Portland and Oregon has a progressive legacy. Consider the opportunities to share information about regional land use and growth strategies. I am sure that those attending will be very interested in the conference content.

Thank you very much for your consideration and I hope you (or others) will be able to attend.

Sincerely yours,

Don

Don MacGillivray If I can be of assistance, call me at 234-6354

GEONOMICS: EARTH-FOCUSED ECONOMIC POLICY

How It Works. How It Can Happen in Oregon.
The 18th Annual Conference of the Council of Georgist Organizations
July 29th – August 1st, 1998

COMPLETE PRE-REGISTRATION INFORMATION:

LOCATION: DOWNTOWN DOUBLETREE HOTEL, 310 SW Lincoln, directly off Interstate 405. The hotel is about a half hour's ride (via free shuttle) from the Airport; parking is free. Single & Double Occupancy rooms will cost \$75.00 per night plus 9% Room Tax. For reservations, call (800)222-TREE — or reserve on the world wide web at www.doubletreehotels.com. Please Note: to get this special rate, you must mention the "Council of Georgist Organizations". Please make your hotel reservations by July 7th! Reservations made after that date will be on a 'space available' basis — and prices may be higher.

FULL CONFERENCE PACKAGE

INCLUDES: informal Wednesday night reception, Thursday Morning Break, Thursday Lunch; Deluxe Friday Luncheon & Break Package; Friday Gourmet Reception; Saturday Coffee; Saturday transportation to Portland State University; Saturday Night Banquet, Sunday Champagne Brunch; all speakers. **Please Note:** Each registrant must reserve a place on "The Good, the Bad & the Ugly Bus Tour of Portland (not part of the full package).

PORTLAND IS VERY PEDESTRIAN-FRIENDLY. Its blocks are short; its mass transit has a "fareless square area" close to our hotel. You can ride for free within the downtown area, on a Lite Rail train that waits for passengers!

TRAVELING NOTES: Please try to take Direct flights if possible. We don't recommend Delta; their personnel are not helpful for holding connecting flights. If you decide to take airlines with connections please allow at least one hour between flights. Best times for flights home to the Midwest & East Coast are between 11 AM–2 PM so you get home at a reasonable time.

WHEN YOU ARRIVE: The hotel has its own complimentary shuttle which can be boarded right outside the Baggage Claim Area. The shuttle runs from 6 am to 11 PM at 20 & 40 minutes past the hour. Please note: There are four Doubletree Hotels in the Area, so be sure to get on the "Downtown Shuttle".

BRING YOUR CAMERA! The sights are gorgeous! You will probably be able to see both Mt. Hood & Mt. St. Helens from your hotel room.

REGISTRATION DEADLINE: July 22, 1998 (all registrations must be received by this date.) Registrations received after this date can not be guaranteed for meals and/or bus tour.

REFUNDS: are subject to a fee of 25% before July 15th — after that the fee becomes 35%. (Medical emergencies excepted.)

SPECIAL NEEDS: If you have question or special needs, please get in touch with Scott or Sue Walton prior to July 20th, by any of the following means of communication: Phone: (888) 262- 9015 or (847) 475-0391; fax: (847) 475-3776; Email: swalton@landtax.org.

UPDATES: For the very latest news, check our website at: <http://www.progress.org/cgo> !

ROOM MATE COORDINATOR is: Alanna Hartzok at 888/471-3929 until July 27th, Alanna will attempt to match those wishing to share rooms.

NEXT YEAR: please consider attending the 1999 Georgist Conference July 6- 12, 1999 in suburban Washington, DC. This will be a joint conference of the Council of Georgist Organizations and the International Georgist Union. The hotel has already been selected and the program is a "work in progress."



Sign Me Up! (please use one form per person)

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Saturday Sessions 25
Saturday Banquet 40

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LOCATION: Downtown Doubletree Hotel, 310 SW Lincoln, directly off Interstate 405. The hotel is about a half hour's ride (via free shuttle) from the Airport; parking is free. Single & Double Occupancy rooms will cost \$75.00 per night plus 9% Room Tax. For reservations, call (800)222-TREE - or reserve on the world wide web at www.doubletreehotels.com.
Please Note: to get this special rate, you must mention the "Council of Georgist Organizations", and reserve by July 7th!

For more information, contact us through any of the following means: Conference Coordinators, Sue and Scott Walton P.O. Box 57, Evanston, IL 60204. Phone: (847) 475-0391; Fax: (847) 475-3776; Toll-free: (888) 262-9015. Email: swalton@interaccess.com. And, get the latest updates at our web site: www.progress.org/cgo.

Prices: Special conference package for first-time attendees:
\$215 - and for students; only \$165! (Full package includes informal Wednesday night reception, Thursday Lunch; Deluxe Friday Luncheon; Friday Gourmet Reception; Saturday Night Banquet, Sunday Champagne Brunch; all speakers.)
Partial Packages: Thursday Bus Trip: \$35. Friday (includes catered lunch and evening reception): \$75. Saturday sessions: \$25. Saturday evening banquet: \$40.

Can't make this conference? Then please consider attending the 1999 International Georgist Conference July 6-12, 1999 in suburban Washington, DC!

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