

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: September 9, 2014 **Time:** 10:30 a.m. **Length:** 60 minutes
Presentation Title: 2015 State Legislative Session – Strategic Board Priorities
Department: Public and Government Affairs
Presenters: Gary Schmidt and Chris Lyons
Other Invitees: Barb Cartmill, Mike Bezner, Gary Barth, Dan Chandler

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Public and Government Affairs (PGA) staff is seeking further direction from the Board on their key strategic priorities for the 2015 state legislative session. PGA requests that the Board review the draft list of 4 strategic priorities and narrow the pool to 1-2 final priorities, taking into consideration the recommendation of the Special Operations Committees.

EXECUTIVE SUMMARY:

Each year Clackamas County adopts a state legislative agenda, which guides the legislative work of PGA staff. Per the Board’s direction at the May 6 study session, PGA staff convened four “Special Operations” Committees focused on the Board’s four draft strategic priorities, as shown below:

Issue	Description	Special Operations Committee Staff
1. Land Use “Grand Bargain”	Legislation to address urban and rural reserves issues in Clackamas County and access to employment land.	Dan Chandler, Barb Cartmill, Mike McCallister, Martha Fritzie, Diedre Landon, Gary Barth, Catherine Comer, Stephen Madkour, Nate Boderman, Gary Schmidt, Chris Lyons
2. Transportation Funding	Influence the Legislature’s 2015 transportation funding package to include funding for county projects. Projects mentioned by Board members include I-205 expansion, Sunrise Phase II, and I-5 connector to Canby (Arndt Road).	Dan Chandler, Barb Cartmill, Mike Bezner, Karen Buehrig, Diedre Landon, Gary Barth, Catherine Comer, Stephen Madkour, Nate Boderman, Gary Schmidt, Chris Lyons
3. Rural Area Commission on Transportation (ACT)	Legislation to form a rural ACT for Clackamas County.	Nancy Newton, Barb Cartmill, Karen Buehrig, Diedre Landon, Gary Barth, Catherine Comer, Stephen Madkour, Nate Boderman, Gary Schmidt, Chris Lyons
4. Compost	Legislation to increase the availability of land for the siting of compost facilities, including allowing compost facilities on high value farmland.	Nancy Newton, Barb Cartmill, Mike McCallister, Martha Fritzie, Rick Winterhalter, Diedre Landon, Stephen Madkour, Nate Boderman, Gary Schmidt, Chris Lyons

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Each Committee met multiple times over the summer months to further explore the four draft strategic priorities and develop recommendations for the Board of Commissioners. Please see the attached documents for additional information on each of the priorities.

Based on the work of each Special Operations Committee, staff recommends that the Board narrow the list of legislative priorities to two issues: land use and transportation funding. On the transportation funding piece, it should be noted that both I-205 expansion and Sunrise Phase II are important projects for the County. However, staff recommends that the Board select one of the projects as the number one priority, in the event that the legislators ask for one project priority during the 2015 session. The attached documents outline further details about the two transportation projects.

FINANCIAL IMPLICATIONS (current year and ongoing):

N/A

LEGAL/POLICY REQUIREMENTS:

N/A

PUBLIC/GOVERNMENTAL PARTICIPATION:

N/A

OPTIONS:

N/A

RECOMMENDATION:

Staff recommends the Board discuss the draft list of strategic legislative priorities and narrow the list to 2 final priorities: land use and transportation.

ATTACHMENTS:

Background information and staff analysis on the four draft strategic priorities.

SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval s/Gary Schmidt
County Administrator Approval _____

For information on this issue or copies of attachments, please contact Gary Schmidt @ 503-742-5908



MEMO

To: Board of County Commissioners
From: Dan Chandler, Strategic Policy Administrator
Re: Work Plan for Potential Legislative Land Use Strategy
Date: July 21, 2014

Introduction

The remand of the Metro Urban and Rural Reserves decision, the Washington County "Grand Bargain" and concerns about the adequacy of employment land in Clackamas County together raise the question whether Clackamas County should formulate a land use "ask" for the 2015 legislative session.

There are several ongoing efforts by staff and advisory bodies that will help inform any County land use request or bargain in the 2015 legislative session. We should have ample time to formulate a detailed request in time for the 2015 session, and staff will work to assure that we have a pre-session commitment to a placeholder bill. In addition, next year we have until March to have a bill introduced.

Staff has set a target date of no later than Wednesday, December 3 for BCC adoption of a legislative request. This will allow time for the Economic Development Council (EDC) to complete its committee work, completion of an employment land "needs" study, and additional work by the Stafford Hamlet.

Employment Land Needs Study

The County has issued a request for proposals (RFP) for a consultant to help determine the amount of land needed to meet the following goal:

- By 2020, Clackamas County will have and maintain a 20-year supply of serviceable non-retail employment land in the urban growth boundary.

A key issue here is the phrase "serviceable." This will require the consultant to evaluate areas in terms of the likelihood of access to infrastructure.

Timeline:

RFP Issued	July 16, 2014
RFP Closes	August 8, 2014
Contractor Selected	August 20, 2014
Contract Executed	September 4, 2014
Work Completed	October 31, 2014

Phase 2 of Asset Mapping Project

The County's economic development department is close to completing its Phase 2 Asset Mapping project, which will provide detailed information on all of the available industrial parcels in the County of 10 acres or larger.

Timeline:

Scheduled for Completion and Review by September 1, 2014.

Economic Development Commission

The BCC has charged the Economic Development Commission with the following:

- Explore any and all employment land in Clackamas County. The EDC is asked to study the employment land inventory, successful key employment areas, and identify opportunities for sites that could be brought into the employment land inventory for the future. Optimal sites will have potential within areas of successful key industries.

The EDC has broken into two committees, one looking inside the existing UGB, and another looking outside the UGB. A copy of materials from the May EDC meeting is attached.

Timeline:

The EDC committee work should be completed by the end of October.

Stafford Hamlet

The Stafford Hamlet has been working toward the potential development of a Stafford Community Vision Plan, which may influence the County's legislative request as to the Stafford area. Staff will encourage and assist the Hamlet in completing its efforts by November, 2014, but we have no control over the timing of the Hamlet's work. Approval of a plan by the Hamlet will involve a super-majority of large and small-parcel property owners.

Timeline:

Unknown

TRANSPORTATION FUNDING

I-205 Widening between Stafford Road and the Abernethy Bridge

The Existing Conditions Report completed for the Clackamas County Transportation System Plan (TSP) Update project found that the segment of I-205 from Stafford Road to the Abernethy Bridge was “nearing congestion” in the year 2010 and portions were anticipated to be “very congested” by the year 2035. This segment of I-205 is the last portion of this Interstate Highway in Oregon that has a 4 lane configuration. I-205 at either end of this segment is a 6 lane facility.

Bottleneck studies recently completed by ODOT also have found that there are significant bottlenecks on this segment of I-205. Users of this portion of I-205 often experience the congestion and related delay when using this facility. This impacts freight moving through the corridor, workers traveling to their jobs, and other people who are using the system.

Clackamas County is interested in improving this segment of I-205 because it will support economic development throughout the urban portion of Clackamas County and well as access to jobs in Clackamas County by workers living outside the County.

Sunrise System “Phase II” – 122nd Avenue to 172nd Avenue

In 2011, the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) were adopted for the Sunrise Project. This project was designed to address the needed improvements in the Highway 212 Corridor between I-205 and 172nd Avenue to allow for improved access to employment land, address existing congestion and safety concerns, and accommodate future growth in this corridor to the year 2030. While the cost for the full Sunrise project – a new six lane highway from Highway 224 to 172nd Avenue – was out of reach, the 2009 Jobs and Transportation Act (JTA) helped to fund Phase I of the project to 122nd Avenue. This portion of the project is currently under construction.

The next immediate need in this corridor is a facility to open up employment and industrial land located within the Rock Creek Employment area. This can be accomplished by extending the Sunrise JTA project from 122nd Ave. to 172nd Ave, in what has been termed Phase II. The projects in Phase II are in the Regional Transportation Plan (RTP) and the County’s TSP, and they are located within the improvements described in the Sunrise FEIS.

Arndt Road – SW County Access Corridor

The County’s TSP identifies the connection between I-5 and Canby along Arndt Road as “very congested” both now and into the future if a road widening project is not completed. Moreover, the provision of adequate access to I-5 in this corridor is very important to economic development in SW Clackamas County and the City of Canby. However, the widening of Arndt Road to four lanes, which had been the project previously identified as a solution in this area, is hampered by the Rural Reserves rules that limit the ability to widen roads to urban standards within the established Rural Reserves. Until this Rural Reserve rule is fixed, this project will be prevented from moving forward.

Transportation Funding Background

Transportation Special Operations Committee Report:

The 2014-2019 Clackamas County Strategic Plan identifies both I-205 expansion and Phase II of Sunrise as top priorities. Specifically, the Plan calls for both projects to be scheduled for state and regional funding by 2019. Further, both projects are part of the Regional Transportation Plan and the County's Transportation System Plan. Finally, last year the Economic Development Commission's Transportation Committee provided the Board with a prioritized list of transportation projects based on significance to employment land development and job creation, as outlined below:

1. I-5 / I-205 Improvements
2. RURAL: Canby / I-5 Connection
URBAN: Sunrise Phase II to 172nd Avenue
3. Wilsonville I-5 / 99W Connection at Basalt and Coffee Creek

Also included is a breakdown of estimated costs for the various elements of the two projects. The Special Ops Committee also notes that widening of I-205 will require a FEIS to bring the project on par with Sunrise, which already has an FEIS.

High Priority Roadway projects

Project	2014 Regional Transportation Plan (RTP) Number		RTP Cost (Construction Year)	RTP Fiscally Constrained System / Year	Clackamas County TSP Number	Clackamas County TSP Project Name	Clackamas County TSP Project Description
Sunrise	10890	Sunrise Project Phase 2B: PE, acquire ROW consistent with FEIS and ROD. I-205 - 172nd	\$148,000,000.00	Yes - 2018-24	4010	Sunrise Project - Preliminary Engineering	Preliminary engineering from Webster Road to 172nd
	10894	Sunrise Hwy: Preliminary Engineering (PE) I-205 to 172nd	\$22,500,000.00	Yes - 2014-17	4011	Sunrise Project - Right of way	Acquire ROW to accommodate 6-lane expressway plus auxiliary lanes
	11301	Sunrise Project Phase 3: Construction. I-205 - 172nd (current year cost \$75,000,000)	\$277,200,000.00	No - 2033-40	4036	Sunrise Project - I-205 to 172nd Ave	Construct improvements to 172nd
					4012	Sunrise Project - Multi-use Path	Construct multi-use path from 122nd to Rock Creek junction parallel to the Sunrise project consistent with FEIS
I-205	11497	I-205: SW Stafford Road to OR 99E. Work with ODOT, Metro, Oregon City and any other effected jurisdiction to analyze and develop a solution to the transporation bottleneck on I-205 between Oregon City and I-205 / Stafford Road interchange. Possible solutions include widening to three lanes in each direction	\$10,000,000.00	Yes - 2018-24	4016	I-205	Work with ODOT, Metro, Oregon City and any other effected jurisdiction to analyze and develop a solution to the transporation bottleneck on I-205 between Oregon City and I-205 / Stafford Road interchange. Possible solutions include widening to three lanes in each direction
	11586	I-205 Southbound and north bound widening: Oswego Hwy interchange to Stafford interchange. Widen to address bottlenecks (\$190,000,000 now)	\$526,680,000.00	No - 2033-40	4017	I-205	Willamette River to West Linn City limit - Add southbound truck climbing lane
	11585	I-205 Southbound and north bound Abernethy Bridge widening (\$75,000,000 now)	\$207,900,000.00		4018	I-205	Corridor wide operational improvements
Arndt Road		Not on RTP because outside Metro MPO area			1106	Greater Arndt Road / I-5/ Canby Access Feasibility Study	Conduct an alternatives analysis and land use study to identify and consider roadway improvements to address access to I-5 within the southwest County and address capacity deficiencies
					2029	Arndt Road Extension	Construct a new 2 or 3 lanes roadway between Knights Bridge Road and OR 99E

Rural ACT Background

RURAL AREA COMMISSION ON TRANSPORTATION (RURAL ACT)

All areas of Oregon are represented by an Area Commission on Transportation except for ODOT Region 1 (Multnomah, Washington, Clackamas, and Hood River counties). ACTs play a key coordinating role by prioritizing local transportation problems/solutions and recommending projects for inclusion in the Statewide Transportation Improvement Plan (STIP). In lieu of an existing ACT, an interim STIP Project Selection Committee was created for ODOT Region 1. As a result, approximately 100,000 Clackamas County rural residents lack representation in the STIP process.

During the 2013 legislative session, Rep. Kennemer introduced legislation (HB 2945) to create an ACT for rural Clackamas County. While the bill did not pass, ODOT, Metro, and Clackamas County reached agreement on funding an Oregon Solutions project to ultimately resolve the conflict.

Rural ACT Special Ops Committee Report

As a result of the Oregon Solutions project, a Transportation Coordination Task Force was created and tasked with developing a recommendation to the OTC on ways to improve transportation planning and project prioritization within the region. The Task Force is comprised of stakeholders from across the region and continues to meet to develop a solution.

In light of the continuing work of the Task Force to reach consensus on a solution, the Special Ops Committee recommends not moving forward with this issue as a strategic priority. However, should the Task Force fail to reach consensus, the Committee recommends that the issue be re-visited by the Board.

Compost Background

COMPOST

Background:

The siting of compost facilities is challenging for local governments and compost operators because of the real and perceived impacts such as odor, dust, groundwater contamination, truck traffic, and noise. The ultimate location is one that has the least impact on the least amount of people.

From a solid waste system planning perspective, it is important to provide opportunities for recovering as much of the organic fraction of the waste stream as possible. The siting of these facilities in close proximity to the waste stream is important to minimize travel times and costs for collectors and to provide economically viable and efficient facilities for operators.

From the operators' perspective, the siting of compost facilities requires significant time and resources to navigate through a series of local, regional, and state regulations. These facilities are subject to local land use approval, permits from the Oregon Department of Environmental Quality (DEQ) and Metro (within the Metro Service District boundary). These permitting processes normally include overlapping regulations and scrutiny of many of the same issues and impacts which the operator is required to address through individual permit applications at each level.

Compost Special Ops Committee Report

There is not a high level of interest to site these facilities. Clackamas County has received only three serious development proposals for composting facilities since 1991. Two of the three proposals were submitted by the same operator in the last three years. All three facilities proposed to compost yard debris. The County has not received any proposal to compost residential or commercial food waste.

In light of the significant controversy over this issue, likely strong opposition, and the relatively few beneficiaries of any legislative fix, the Special Ops Committee recommends that the County pursue one or more local solutions at the County level.

Local Solutions for Consideration

Regulatory changes to the siting and/or regulation of compost facilities can be addressed at the local, regional or state level. From the land use perspective, the County has broad discretion to allow or not allow composting facilities in all urban and rural zoning districts, except on lands zoned Exclusive Farm Use (EFU) which are designated as "high value farmland."

The following is a list of options that can be considered individually or in combination to address the siting of compost facilities at the county level. It should be noted that none of these changes significantly ease the requirements to obtain land use approval and site a compost facility. In addition, any action to amend the ZDO to ease restrictions could result in significant controversy.

Compost Background

1. Encourage siting in existing areas zoned for general or heavy manufacturing by easing siting restrictions and an expedited review process.
2. Allow composting in Rural Industrial Districts as a primary use rather than what is currently a conditional use.
3. Prohibit all compost facilities in urban and rural residential zoned areas.
4. Take no action. Rely on the existing local, regional and state regulatory scheme. The existing permitting process includes significant scrutiny and regulatory review.
5. Prohibit all compost facilities within certain distance/proximity to institutional uses (school, churches) or establish maximum thresholds for the number of residential or institutional uses in proximity to the proposed facility (i.e. no institutional use and no more than 2 dwellings within ½ mile).
6. Adopt approval standards that require minimum setback standards from existing residential and institutional uses.
7. Coordinate with DEQ & Metro regarding requirements for BMP's in all cases, particularly odor impacts. A consolidated and coordinated permit process would provide permitting efficiencies and cost savings for operators and relieve the burden of adjacent landowners from tracking and participating in multiple permitting processes for the same facility.
8. Amend Section 834 of the ZDO to enable the BCC to call up and consider the hearings officer's decision for any applications of "county wide concern /significance" including composting facilities.
9. Establish a review process similar to mining applications which require review and approval by the governing body. The approval criteria would be centered around a theme to "minimize" the impacts of the proposed use.