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July 11, 2011

VIA HAND DELIVERY

Mayor Sam Adams
City of Portland
c/o Warren Jimenez
1221 SW 4th Ave., Rm. 340
Portland, OR 97204

Commissioner Randy Leonard
City of Portland
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Commissioner Amanda Fritz
City of Portland
c/o Tom Bizeau
1221 SW 4th Ave., Rm. 220
Portland, OR 97204

Re: **Appeal of Cottonwood Capital Property Management LLC, Frank Fleck and Gary Gossett/Recology at SE 101st Ave., Portland, Oregon**
File No.: LU 10-194818 CU AD (HO 4110004)
Our File No.: 20233/003

Dear Mayor and Commissioners:

Our firm represents the appellants in the above-referenced appeal. This matter is scheduled for a public hearing on July 13, 2011 at 3:15 p.m.

I have enclosed a copy of appellants' brief. By copy of this letter, we are delivering the original brief to Karla Moore-Love.

Very truly yours,

Thomas R. Rask, III

dll
Enc.

cc: Karla Moore-Love (w/enc., Via Hand Delivery)

BEFORE THE CITY OF PORTLAND

CITY COUNCIL

In the Matter of:
An Appeal of an Application
by Recology Oregon Material Recovery,
Inc. ("Recology") for a Conditional Use
Permit

File No. LU 10-194818 CU AD
(HO4110004)

APPELLANT'S BRIEF

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I. INTRODUCTION

Frances J. Fleck, Gary J. Gossett and Cottonwood Capital Property Management, LLC (Appellants) respectfully appeal the April 27, 2011 decision of the Hearings Officer granting a Conditional Use Permit in case no. LU 10 194818 CU AD (HO411004) ("CUP") to Recology Oregon Material Recovery, Inc. (Applicant).

The CUP permits the expansion of a Materials Recycling Facility (MRF) currently operated by Applicant located at 6900 SE 101st Avenue, Portland, Oregon (Project). Currently, this location accepts and processes mixed yard debris, wood waste and construction debris. The proposed expansion will permit the Project to accept food waste where it will be mixed with yard debris and transferred to an off site location for composting.

The Appellants challenge the Project on the grounds the Applicant fails to show the Project meets the applicable approval criteria set forth in Title 33 of the Portland Zoning Code. Specifically, Applicant has not demonstrated the Project meets the Conditional Use Review for Waste Related use (33.815.220) and fails to establish the Project meets the criteria for Adjustment Review (33.805.040). Therefore the decision of the Hearings Officer should be reversed and the CUP not issued.

The addition of food waste materials processed at the MRF will greatly increase the volume of solid waste delivered to this MRF by the addition of putrescible food waste as part of a city wide program to separate food waste from the waste stream for recycling as compost. The separate collection and disposal of putrescible food waste for recycling does not need this facility for the success of the program.

The putrescible food waste program is expected to start October 1, 2011 and the existing transfer facilities in the Portland Metropolitan Area can easily handle this material as is planned by both the City and Metro. All of the garbage collectors in Portland are already using existing sites. The existing sites can all handle the transfer of the putrescible food waste for composting. Metro has documented in its current Regional Solid Waste Management Plan (RSWMP) that existing waste transfer sites are now operating at approximately 50% of capacity.

The Project will not be more desirable for a large number of garbage collectors because the existing waste transfer locations are more convenient and have been in operation for quite some time. For example, Metro's transfer station in Oregon City, which is approximately ten (10) miles from the applicant's Project site has been in continuous operation since the early 1980s.

The following Exhibits are attached hereto:

- Exhibit "A" – Review and Assessment of Technical Merits of City of Portland Project LU-194818-CU – Recology Expansion, Shaw Environmental, Inc., July 1, 2011.
- Exhibit "B" – Decision of Hearings Officer, City of Portland, April 27, 2011.
- Exhibit "C" – City of Portland, Environmental Services, Land Use Response, March 9, 2011.
- Exhibit "D" – Findings of Fact and Conclusions of Law in Support of the Application, Undated.
- Exhibit "E" – Metro Regional Solid Waste Management Plan, Table 3.
- Exhibit "F" – PDX Green: Composing food not yet ready to roll, Oregonian, June 9, 2011.
- Exhibit "G" – Letter from Lent's Neighborhood Association to City of Portland dated July 5, 2011.
- Exhibit "H" – Recology Oregon Materials Recovery, Inc. – Foster Road – Site Plan – PBS Engineering and Environmental, Undated.
- Exhibit "I" – Data from Kitchen Scrap Pilot Program.
- Exhibit "J" – Letter from Judy Shiprack to Portland City Council, July 7, 2011.
- Exhibit "K" – email from Bill Metzer dated June 22, 2011.
- Exhibit "L" – Transportation Element of the Comprehensive Plan, Policies, pp. 2-1 – 2-8.

II. THE PROJECT SITE

The Project is located in an industrial enclave in the Lents residential area next to Johnson Creek and the Springwater Corridor Trail. All of the garbage trucks will converge on Foster Road and the intersection of 101st Avenue and cross the Springwater Trail. All stormwater and run off from Scott Butte in this area and the Project site drains into Johnson Creek.

The Project site area is located between SE Knapp Street on Mt. Scott, the Springwater Corridor Trail on the South and North, and I-205 on the West and covers over 100 acres. The Project site area is surrounded by residential areas on the North, West and South. Also:

- All of the garbage trucks will cross the Springwater Trail on their way to the tipping area.
- Johnson Creek runs through the site area.
- The Project portion of the site area is designated with an environmental conservation protection overlay zone.

The project site is currently used as a Materials Recovery Facility ("MRF") for yard debris, wood waste and demolition recycling. Applicant proposes to modify the use of the Project site to include putrescible food waste. This will redirect at least half of the garbage trucks within the City of Portland to use this site. Therefore, all putrescible garbage collected by these trucks will be dumped at this site rather than their usual disposal facility.

The CUP should not be granted because the Project creates the following issues which have not been addressed or mitigated in the CUP application:

- odors, noise, dust and vectors;.
- leachate;
- storm water separation;
- run off to Johnson Creek;
- ground water;
- safety on Springwater Trail; and
- the impact of additional traffic.

III. STANDARD OF REVIEW

When seeking a CUP, applicant must show that the relevant approval criteria are met. (33.800.060); Anderson v. Peden, 284 Or. 313, 318 (1978)(the burden of proof is upon the proponent in proving that the conditional use should be granted). A proposal that complies with all of the criteria will be approved and where the proposal cannot comply with the criteria or cannot comply with mitigation measures, it shall be denied. (33.800.050). Here, Applicant must show that the Project meets all of the criteria set forth for Mining and Related Waste (33.815.220) and also that the Project meets the Adjustment Review criteria (33.805.040) prior to obtaining a CUP. Applicant fails to meet this burden and thus the decision granting the CUP must be reversed.

IV. APPLICANT FAILS TO SHOW RELATED WASTE CONDITIONAL REVIEW CRITERIA ARE MET

The following paragraphs, designated with letters, correspond to the lettered paragraphs in the Hearing Officer's Report, which follow the waste conditional use criteria.

C. There will be significant health or safety risk to nearby uses.

There is no evidence in the record that the Project will not have significant health or safety risks to nearby uses and thus Applicant fails to meet this criterion. Applicant has not submitted any technical analysis, findings, reports or other documentation to meet this burden. Following are health and safety concerns that are not adequately addressed by Applicant:

(1) Odors and Leachate.

Applicant fails to demonstrate that odors and/or leachate will not be a problem to off-site uses and thus fails to meet this criterion.

(a) *Odors*. Odor control will be an on-going and significant problem for the Project, as the Project will likely produce annoying odors that rise to the level of a nuisance. (Exhibit A, Review and Assessment of Technical Merits of City of Portland Project LU-194818-CU – Recology Expansion, Shaw Environmental, Inc., July 1, 2011, "Shaw," p. 13). Food waste generates momentous, unbearable smells because it is wet and soggy, contains high-nitrogen organic compounds that rot quickly and produce ammonia or sulfur like smells. Degrading carbohydrates, dairy products, oils, meats and fish simply create foul odors. (Exh. A, Shaw, pp. 2, 11). During summer these problems are compounded, as food waste decays quicker and produces off-gassing resulting in increasing and rank odors. (Id.).

While Applicant represents that odors will be controlled through the use of an aerated floor with a negative air system directed to a biofilter system, Applicant fails to provide any details, design parameters, capacity calculations or other information necessary to validate the claim that this system will capture and control odors. (Exh. A, Shaw, p. 2). There is no evidence in the record that this system is feasible or will work to control odors. Tellingly, the Hearings Officer

stated that if the biofilter system does not work to control odors, that Applicant must "implement other means of addressing the off-site impacts." (Exh. B, Decision of Hearing Officer, p. 19). It is not known or clear what these "other means" are as they are not identified by the Applicant.

Moreover, Applicant failed to consider the odor impacts from commercial, separated food waste (primarily from restaurants and grocery stores), which will also be arriving at the Project site. The commercial program is voluntary and Metro acknowledges that it may only be collecting 10% of all commercial food waste per year. The program, nevertheless, gathers up to 20,000 tons per year of pure food waste and food contaminated paper. If half of that tonnage is routed through the applicant's site, as it may, that will amount to an additional 48 incoming truckloads per week to the site.

Commercial waste, however, is not mixed with yard debris. It is 100% food waste and food related paper, which brings one to the next dubious prediction of the applicant, and of the hearings officer.

Applicant represented, and the Hearing Officer found, that odor from this new use will be controllable, primarily because the proportion of food waste to yard debris will be "less than 5% (by weight)." (Exh. B, Decision, p. 10). The pilot program results flatly contradict that representation. The actual results from the pilot program for July and September 2010, and for January 2011, were 6%, 17%, and 20% respectively. (Exh. K, Email from Arianne Sperry to Bill Metzler Apr. 13, 2011).

Coupled with 100% food waste from the commercial haulers, it follows that the potential odor problem from the Applicant's proposal is at least five times more serious than the Applicant represented. If Applicant and the hearings officer failed to understand the problem, it is difficult to understand how they could have adequately addressed it. There is certainly no evidence in the record that in-floor vacuum pipes, constantly clogged with grass clippings and food debris, will ever be adequate to eliminate a potential odor problem of a magnitude wholly unanticipated by the Applicant.

(b) *Leachate.* The Project will generate liquids from putrescible waste called leachate. Because food waste contains a high percentage of liquids (80-85%), it is difficult for operators to control leachate. (Exh. A, Shaw, p. 2). Degrading food waste contains elevated levels of high-nitrogen organic

compounds which can produce volatile nitrogen compounds, sulfur and fatty acids. (Id.). Disposal of leachate containing these compounds to the City sewer or waters of the State would require treatment. (Id.)

Applicant states that leachate run-off from the food waste piles will be captured and contained, using the same biofiltration system that is intended to control odors. However, Applicant fails to provide any technical or design documents or analysis supporting that a co-mingled biofiltration system will work. It is unclear how the same system that will be used to control odors will also "clean" the leachate without clogging or otherwise becoming less effective. (Exh. A, Shaw, p. 2). Additionally, it is unclear how the aerated floor pipes used for the negative air system will be maintained or how the system will be monitored for leachate leaks into the subsurface and/or groundwater beneath the Project site. (Exh. A, Shaw, pp. 2, 3-5). Moreover, while Applicant states that leachate will be taken "off-site", it is unclear as to how it will be captured, contained, pumped and/or transported or where it will be taken, as Applicant fails to provide these details.

(2) Vectors. Food waste facilities have a high potential for attracting disease carrying vectors, such as rats and mice. (Exh. A, Shaw, p. 2). Prevention is the best and only recourse to prevent impacts on nearby sites. (Id.). Applicant provides no technical specifications, analysis, plans, or other documentation supporting its plan to prevent, mitigate, monitor and control vectors (other than the use of doors to contain vectors and the ability for employees to monitor for vectors). Because Applicant represents that the modification of the MRF will only require one additional employee, it is not clear that Applicants' plan to use doors and employee vector monitoring is feasible. As such, Applicant fails to provide evidence in the record that vectors will not impact off-site uses.

(3) Noise. There is no evidence in the record that the Project will not create noise which violates City and/or DEQ standards. Applicant did not submit any background noise measurements or noise studies pertaining to the Project noise impacts. Rather, Applicant simply relied on its statement that the noise generated by the Project "will not differ or exceed the noise generated by other . . . activities" located in the area. (Exh. B, Decision of the Hearings Officer, p. 11). Noise is also impacted by the number of trucks visiting the site.

The City noise standards are set forth in Title 18 of the City Code, Noise Control, and prohibits sound which exceeds the standards to intrude onto the property of others. Industrial uses have a maximum allowable decibel level of 75-

5 for all hours of the day. (Exh. A, Shaw, 14). Here, it is impossible to determine if Applicant's proposed use meets the City's industrial noise standards, as Applicant has not submitted any background noise measurements or noise studies or analysis.

Likewise, DEQ regulates noise for industrial and commercial properties in levels as set forth in OAR 340-035-0035 ("DEQ Noise Regulation"). The DEQ Noise Regulation provides, in relevant part that:

> No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the operation of that noise source if the statistical noise levels generated by that new source . . . exceed the levels specified in Table 8.

Table 8 of the DEQ Noise Regulation provides certain allowable noise levels for these uses. (See Exh. A, Shaw, p. 15). Here, it is not feasible or possible to determine if the Project meets the DEQ Noise Regulation, as Applicant provides no measurements, studies or analysis of the same.

(4) Dust/Air Pollution. As set forth in section (1), above, Applicant fails to provide detailed plans, specifications, technical analysis or reports on how its proposed aeration system and associated biofilters will control indoor ambient air quality and dust as mandated by the City and DEQ. Since no detailed technical data was provided concerning the use or design of the biofilters, the adequacy of the biofilter system cannot be determined in regards to odor and/or dust control as is required by both the City and DEQ. (OAR 340-035-0035)(Exh. A, Shaw, p. 3).

Moreover, given the size of the facility and based upon an estimated necessary average of six air changes per hour, the required control system would be large enough to also warrant a Notice of Construct application under DEQ air quality rules. (OAR 340-210-0205)(Exh. A, Shaw, p. 3). Depending upon the specifications and design of this system, DEQ may also require that Applicant obtain a permit for a new source use on the site. (Id.) Applicant provides no information in this regard.

Because Applicant fails to provide detailed specifications, plans and technical analysis supporting its proposed air control system, Applicant fails to meet this criteria.

(5) Stormwater/water pollution. Applicant fails to provide any design specifications, analysis, evaluations or technical opinions related to Project stormwater permitting, protocol or procedures. While it appears from the record that the MRF presently has a NPDES permit, the proposed expansion and/or modification of the MRF may require a modification to the existing NPDES permit and/or a new source NPDES permit.

By letter dated March 9, 2011, the City's Bureau of Environmental Services ("BES") commented that the site is currently covered under a NPDES stormwater permit; however BES advised Applicant to inquire as to how the Project will impact the existing permit and building application. (Exh. C, BES Letter, p.3). There is no evidence in the record that Applicant has complied with this requirement.

Because Applicant fails to analyze the permitting issues, it is not possible to determine what type of NPDES permit the site currently maintains and/or whether a modification to the existing permit is possible and/or whether Applicant needs a new general or individual NPDES permit for the Project activities. In the event that Applicant is required to obtain a new NPDES permit for the Project site and the activities are considered a "new source discharger" pursuant to EPA regulations, then Applicant will be required to conduct a review of the Project under the National Environmental Policy Act of 1969 ("NEPA")(40 CFR §122.2; 33 U.S.C. §4321, et. seq.). Without adequate technical data and analysis of this issue in the record, it is not possible to determine what level of review Applicant must obtain in order to modify and/or obtain a new NPDES permit for the Project.

Moreover, vehicle traffic may impact and contaminate stormwater at the Project site. As Applicant did not provide any details regarding protocol and procedures for the inspection and cleaning of incoming or outgoing vehicles, it is not possible to determine if vehicles entering the Project site will track in outside dirt, oil and debris. Significantly, vehicles are likely to pickup contamination from the food waste materials and subsequently track those outside the building. Food waste contains a high percentage of water and it is therefore likely that the incoming loads will have standing leachate in their containers. When these containers are unloaded on the tipping floor, this leachate will spill onto the floor. These activities would result in contamination of stormwater by comingling stormwater and leachate from the food waste. (Exh. A, Shaw, p.3). Applicant has

failed to submit any documents discussing how vehicles will be monitored, cleaned and/or inspected.

The record is devoid of evidence as to Project stormwater permitting, protocol and procedure and as such Applicant fails to meet this criteria.

D. There will be Significant Detrimental Environmental Impacts to Nearby Environmentally Sensitive Areas.

Applicant did not submit evidence in the record that substantiates Applicant's claim that the Project does not have any detrimental impacts to nearby environmentally sensitive areas and Applicant thus fails to meet this criteria.

(1) Environmental Overlay Zone. Environmentally sensitive areas, designated with the Environmental Conservation or Environmental Protection Overlay Zone, run through the Project site area to the south and east, generally following Johnson Creek. (Exh. B, Decision pp. 12-13). Additionally, the Springwater Corridor trail, frequently used by bicyclists and pedestrians, follows Johnson Creek through the Project site area. Applicant provides no technical analysis, studies, environmental impact reports or other documents evidencing that the Project will not have an impact on these environmentally sensitive areas. Rather, to conclude there will be no environmental Project impacts, Applicant relies solely on the assumption that there will not be any nuisance-related impacts (odors, vectors, stormwater runoff; see Section "C" above) and the fact that the Project is generally located in the "middle" of the Project site area. This analysis is flawed and is not supported by credible evidence and as such, Applicant does not meet this criterion.

(2) Groundwater. Additionally, Applicant failed to consider the design of the Project's underground piping associated with the co-mingled air and leachate containment system and the potential impact on groundwater. (Exh. A, Shaw, p. 3). There is no information, design parameters or details as to how the system will be monitored and how leak detection would be handled or how secondary containment would be accomplished. Given that groundwater is encountered as low as 5 feet below ground surface ("bgs") at the Project site, with the average depth recorded at 9.5 feet bgs, it is likely that any leaks of leachate will migrate through the subsurface and into the shallow groundwater. (Exh. A, Shaw, p. 4-5).

(3) Johnson Creek. Shallow site groundwater co-mingles with surface water in Johnson Creek and/or its tributaries, and is carried downstream. (Exh. A, Shaw, p. 5). Applicant has not submitted any information discussing how groundwater will be protected from contamination should the proposed underground piping leak, burst or otherwise fail. Absent containment of the leachate, discharge of leachate into the waters of the State (groundwater and surface water) is both prohibited without proper treatment and permits, and will impact the designated and sensitive environmental areas. (Exh. A, Shaw, pp. 3-5). As such, Applicant fails to show that the Project will not have significant impacts to environmentally sensitive areas.

E. The Proposed Use Does Not Adequately Addresses Potential Nuisance-Related Impacts Such as Litter.

(1) Health and Safety. As discussed in more detail in section "C," above, Applicant fails to show that the Project will not create nuisance-related impacts arising from noxious odors, vectors, noise/air pollution and stormwater pollution. In short, Applicant has not submitted any design plans or other technical evidence or documentation showing that the proposed odor control system, which uses underground pipes also used to contain leachate, will work to prevent odors and/or contain leachate. Applicant also fails to submit detailed technical documentation that vectors will be controlled, that noise will not exceed City and/or DEQ standards, that ambient air quality and/or dust will be controlled and contained or that stormwater pollution issues have been adequately addressed. This criteria is not met.

(2) Litter. Additionally, there is no credible evidence in the record to show that Applicant will control litter. Rather, Applicant merely states that litter will be controlled because waste will be off-loaded inside a building, Applicant will inspect the road for litter, Applicant will advise waste haulers not to illegally dump materials and that Applicant will require that waste coming to the Project site be covered. (Exh. D, Applicant's Findings of Fact and Conclusions of Law, "Applicant's Findings," p. 14). This statement is not a plan and does not meet the standards of the City and/or DEQ as to litter.

The City regulates litter in Title 29 of the City Code, which requires that trash and litter be removed for outdoor areas and prohibits the accumulation of

litter, glass, scrap materials and trash. For waste-related uses, the City requires a plan that addresses litter generated on the site and litter along roadways leading to the site. (33.254.060). Likewise, DEQ mandates documentation that transfer stations and MRF sites be maintained free of litter. (OAR 340-096-0040). Applicant fails to submit a plan detailing how Applicant will comply with City and/or DEQ rules and regulations to control litter and as such fails to meet this criterion.

F. Public Services are not adequate to support the Project (Transportation).

Applicant fails to show that the Project traffic will not create any safety concerns, contribute to traffic-related stormwater runoff or raise any traffic volume concerns and as such this criterion is not met.

(1) Safety. Applicant estimates that the Project will result in 110 increased truck trips per day, based upon an anticipated increased volume of 250 tons of food waste per week. Applicant states that 35 new garbage trucks will come in and leave the Project, 10 semi-truck trailers will enter and leave and 10 new customer in and out trips will be generated. (Exh. D, Applicant's Finding, p. 4). However, Applicant fails to submit any studies, analysis or calculation to support these figures. It is not clear from the record how the estimated increased volume and/or truck trips were derived and as such it is not feasible to determine if they are accurate. Because there are no restrictions on the volume of waste that the Project can receive and/or the number of truck trips to and from the Project site per day, conceivably the Project could generate 100 additional truck trips per hour.

Realistically, as set forth below and based upon extrapolations using the statistics for the City's pilot kitchen scrap program and present franchise information, the actual tonnage transported into the Project may reach 324 tons per day, necessitating up to 232 added truck trips per day.

In terms of convenience and economy this particular site will become the most likely transfer location for at least those haulers serving Portland residences east of the Willamette River and south of the Banfield. They amount to 87,000 residences (excluding for the moment commercial waste customers).

The data generated by the Portland pilot program for mixed food waste/yard debris collection from 2,000 Portland test homes over the past year indicate that

the number of daily truckloads into the site will be quite a bit higher than the applicant's estimate. The pilot program showed that each home generated an average of 22.4 lbs per week of mixed food waste/yard debris. The peak generation was 39.3 lbs per week; the low was 11.3 lbs per week. (The data is summarized in the attached Ex. I). The average new mixed waste weekly collection from the eastside service area will, therefore, likely amount to 975 tons per week, or 195 tons per day. At the legal load limit of 4 tons, that amounts to 49 (not 35) incoming truckloads per day.

In peak months there will be 342 tons per day, which will result in 85 incoming truckloads per day. Appellants concede their own estimates are also estimates, but at least they have an evidentiary basis, whereas the estimates of the Applicant and the Hearings Officer had none.

Applicant also failed to account altogether for commercial, separated food waste (primarily from restaurants and grocery stores) which will also be arriving at the Project site. The commercial program is voluntary and Metro acknowledges that it may only be collecting 10% of all commercial food waste per year. The program, nevertheless, gathers up to 20,000 tons per year of pure food waste and food contaminated paper. If half of that tonnage is routed through the Applicant's site, as it may, that will amount to an additional 48 incoming truckloads per week to the site.

Clearly, 232 additional truck trips a day may pose safety issues. Bicyclists and pedestrians use the Springwater Corridor Trail on a consistent basis. Despite Applicant's representation that only the "peak" hours of use for the trail are significant, pedestrians and bicyclists use this trail thoroughout the day and thus will be subject to the additional truck traffic generated by the Project Site. Applicant does not discuss these impacts or any mitigation or any contingency plan to address concerns of pedestrians and/or bicyclists.

(2) Impacts to Stormwater. Vehicle traffic, which as set forth above may reach 232 additional truck trips per day, may impact and contaminate stormwater at the Project site. Applicant failed to provide any details regarding protocol and procedures for the inspection and cleaning of incoming or outgoing vehicles, thus it is not possible to determine if vehicles entering the Project site will track in outside dirt, oil and debris. Significantly, vehicles are likely to pickup contamination from the food waste materials and subsequently track those outside

the building. Food waste contains a high percentage of water and it is therefore likely that the incoming loads will have standing leachate in their containers. When these containers are unloaded on the tipping floor, this leachate will spill onto the floor. These activities would result in contamination of stormwater by comingling stormwater and leachate from the food waste. (Exh. A, Shaw, p. 3). Applicant has simply failed to submit any documents discussing how vehicles will be monitored, cleaned and/or inspected either on entry into the facility or exiting the facility.

(3) Traffic Volume. Based upon a traffic impact study which assumes an increase of 110 truck trips per day, Applicant represents that the Project will have no impact on traffic. (Exh. D, Applicant's Findings, p. 13). However, as set forth above, because the CUP is not capped and thus there is no limit as to the amount of truck traffic that may use the Project site and realistically the daily truck trips will be double of what Applicant estimates; Applicant's traffic study is flawed. Specifically, Applicant's traffic study is based upon flawed estimates for increased truck trips to the Project site per day and thus Applicant's traffic impact study is also flawed.

Moreover, the traffic study is flawed as the Manual Counts for peak hours of traffic were only taken on two occasions, September 14 and September 15. Applicant fails to discuss why the counts were limited to two days and whether this analysis is scientifically supported (statistically or otherwise).

A finding of no significant traffic impacts and safety concerns in not warranted and thus this criterion is not met.

G. The Proposal Does Not Comply with the Regulations of Chapter 33.254 Waste-Related Uses.

As set forth below, Applicant fails to show that the Project complies with the regulations for Waste Related Uses and thus this criteria is not met.

(1) Hazardous Wastes (33.254.020). The record does not support Applicant's contention that the Project site will not receive hazardous wastes. The State prohibits the Disposal of hazardous wastes. (OAR 340.100-340.110).

Applicant does not provide any discussion or documents setting forth the protocol for inspecting incoming loads or procedures for turning away

unacceptable waste, such as hazardous waste. Additionally, Applicant does not have any contingency plans in place for the presence of hazardous wastes on the Project site. It is standard protocol for MRFs to have in place a contingency plan which outlines procedures for inspecting loads for unacceptable materials and discussing how those materials will be rejected. (Exh. A, Shaw, p. 7).

While Applicant should have an approved Operations Plan for its existing MRF, it must be updated to reflect the special considerations and operations related to receipt of food waste. (Id.). Applicant has failed to submit any information whatsoever pertaining to hazardous wastes, and thus this criteria is not met.

(2) Operations (33.254.040). Applicant has failed to show that its operations satisfy the requirements for on-site truck queuing, processing of food waste products, or liquid waste pretreatment and thus this criterion is not met.

(i) *On Site Truck Queuing* (33.254.040 A). Applicant did not provide any details related to the proposed Project traffic flow, queuing areas or estimated time that the trucks will be staged within the building. This is problematic because of Applicant's odor control system, which consists of a negative air pressure system and biofilter. Specifically, idling vehicles near the food waste area where the negative air pressure system is proposed can contribute vehicular exhaust to the system, which may restrict, affect or limit the effectiveness of the biofilter system. (Exh. A, Shaw, p. 8). Thus, odors seemingly would not be controlled. However, because Applicant failed to submit any documents evidencing the odor control system's design capacity, performance, maintenance, restrictions or overall effectiveness on controlling odors, it is not feasible to calculate specific impacts from vehicles on the system. (Id.).

(ii) *Processing of waste products* (33.254.040 B). Applicant has failed to demonstrate that waste materials will be confined so as to not enter the groundwater or any water body. Waste products may contaminate the waters of the State through groundwater runoff and through leachate impact to groundwater.

As discussed in detail in Section C (5), above, vehicle traffic may impact and contaminate stormwater at the Project site. Applicant did not provide any details regarding protocol and procedures for the inspection and cleaning of incoming or outgoing vehicles, thus it is not possible to determine if vehicles entering the Project site will track in outside dirt, oil and debris. Significantly,

vehicles are likely to pickup contamination from the food waste materials and subsequently track those outside the building. Food waste contains a high percentage of water and it is therefore likely that the incoming loads will have standing leachate in their containers. When these containers are unloaded on the tipping floor, this leachate will spill onto the floor. These activities would result in contamination of stormwater by comingling stormwater and leachate from the food waste. (Exh. A, Shaw, p. 3). Applicant has failed to submit any documents discussing how vehicles will be monitored, cleaned and/or inspected either on entry into the facility or exiting the facility.

Additionally, Applicant failed to consider the design of the Project's underground piping associated with the co-mingled air and leachate containment system and the potential impact on groundwater. (Exh. A, Shaw, p. 3). There is no information, design parameters or details as to how the system will be monitored and how leak detection would be handled or how secondary containment would be accomplished. It is likely that any leaks of leachate will migrate through the subsurface and into the shallow groundwater. (Exh. A, Shaw, p. 4-5).

Shallow site groundwater co-mingles with surface water in Johnson Creek and/or its tributaries, and is carried downstream. (Exh. A, Shaw, p. 5). Applicant has not submitted any information discussing how groundwater will be protected from contamination should the proposed underground piping leak, burst or otherwise fail. Absent containment of the leachate, discharge of leachate into the waters of the State (groundwater and surface water) is both prohibited without proper treatment and permits, and will impact the designated and sensitive environmental areas. (Exh. A, Shaw, pp. 3-5). As such, Applicant fails to show that the Project's processing of food waste complies with the City's operational requirements.

(iii) *Liquid Waste Pretreatment* (33.254.040 C). The record is not certain as to Applicant's liquid waste pretreatment system. Applicant states that it intends to capture leachate using underground piping and store the leachate in a tank for disposal off-site. (Exh. B, Decision, p. 16).

Applicant fails to provide any information, design parameters or details as to how the underground leachate collection system will be monitored and how leak detection would be handled or how secondary containment would be

accomplished. As discussed in Section "C" above, it is likely that any leaks of leachate will migrate through the subsurface and into the shallow groundwater. (Exh. A, Shaw, p. 4-5). An individual NPDES permit and pre-treatment of the co-mingled water would be required for this type of discharge. (Exh. A, Shaw, p. 9).

While Applicant states that the leachate will be transported off-site, Applicant provides no detail as to how and where the leachate will be transported. In order to transport and dispose of leachate off-site, Applicant will need disposal permits. (Exh. A, Shaw, p. 25). There is no documentation pertaining to disposal permits.

Alternatively, Applicant states that rather than transporting leachate off-site that Applicant may spray the recovered leachate back onto the incoming waste. This option would greatly add to the odor issue associated with food waste handling as well as create more track out than anticipated. (Exh. A, Shaw, p. 25). This would mandate Applicant obtaining an individual NPDES permit for the co-mingling of leachate and stormwater, as discussed in more detail in Section C (5), above.

Applicant fails to show that its operations comply with the standards set forth for Waste Related Uses and thus these criterion fail.

(3) Traffic Impact Study (33.254.050) Based upon a traffic impact study which assumes an increase of 110 truck trips per day, Applicant represents that the Project will have no impact on traffic. (Exh. D, Applicant's Findings, p. 13). However, as set forth above, because the CUP is not capped and thus there is no limit as to the amount of truck traffic that may use the Project site and realistically the daily truck trips will be double of what Applicant estimates; Applicant's traffic study is flawed. Specifically, Applicant's traffic study is based upon flawed estimates for increased truck trips to the Project site per day and thus Applicant's traffic impact study is also flawed.

Moreover, the traffic study is flawed as the Manual Counts for peak hours of traffic were only taken on two occasions, September 14 and September 15. Applicant fails to discuss why the counts were limited to two days and whether this analysis is scientifically supported (statistically or otherwise).

A finding of no significant traffic impacts and safety concerns in not warranted and thus this criterion is not met.

(4) Nuisance Mitigation Plan (33.254.060). Applicant fails to submit a nuisance mitigation plan that addresses the potential off-site impacts (odors and noise), litter, or dust, mud and vector control. Applicant provides no separate plan to address these issues and rather relies on representations as set forth in Applicant's Findings of Fact and Conclusions of Law submitted in Support of the Application," a copy of which is attached here as Exhibit D.

A. Off-site Impacts. Potential off-site impacts that are not adequately mitigated by Applicant's Findings include odors, noise and mud and vectors.

(i) *Odors*. Applicant fails to provide a mitigation plan for odors. Rather, Applicant represents that Applicant is somehow exempt from this requirement by stating that the Project "will not produce continuous, frequent or repetitive odors and thus the standard is met." (Exh. D, Applicant's Findings, p. 17). However, as set forth in more detail above, the Project is likely to produce offensive odors and thus a mitigation plan is mandated. (See, infra, Section IV. C (1).). There will always be putrescible waste in the facility. Even if the waste is transferred out within 48 hours more waste is coming in continuously, and thus the odor will be continuous.

Section 33.815.220G. requires, as a condition of a waste related use, that the Applicant's proposal comply with Ch. 33.254. Section 33.254.060A., in turn, requires that the proposal must include a mitigation plan which "documents" that the proposal will comply with the off-site impact standards of Ch. 33.262.

With regard to potential odors produced by deteriorating food waste Section 33.262.070 provides:

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

B. Exception. An odor detected for less than 15 minutes per day is exempt.

The Applicant's obligation, therefore, was to "document" that no odor will be detectable from the operation for more than 15 minutes in any given day. There is no such documentation in the record, and the Hearings Officer failed to make any finding that there will be no unlawful odors produced by this use.

The officer found only that the dumping will take place in an "enclosed" building – failing to note that the truck access doors will be open all day, every day. He found that the Applicant will install a biofilter aeration system and a lechate capture system, which may or may not work. If it does not work, he noted that the Applicant "must implement other means." He did not say, however, what those "other means" might be.

On no further evidence at all he then concluded – not that the odor prohibition of Section 33.262.070 will be met – but rather it "can be met." (Exh. B, Decision pp. 18-19). The Applicant nowhere "documented" that this conclusion had any basis in fact.

Moreover, continuous, frequent, or repetitive odors are prohibited by both City and DEQ regulations. The City's odor standard provides that:

> The rendering, heating, processing or steaming of any animal or vegetable product or substance generating noisome or offensive odors shall be conducted using methods to entirely condense, decompose, deodorize or destroy the odors, vapors or gaseous products. (City Code §8.36.040 Noisome Odors or Vapors, as amended 1994).

Likewise, DEQ regulations require that MRFs control odors and provide that:

> Dust, malodors and noise shall be controlled to prevent air pollution or excessive noise as defined by ORS Chapters 467 and 468 and rules and regulations adopted pursuant thereto. (OAR 340-090-0040).

Here, Applicant proposes acceptance of food waste, which will generate foul and on-going odors. (Exh. A, Shaw, p. 13). Specifically, food waste is soggy and contains high-nitrogen organic compounds that produce ammonia or sulfur like smells, as well decaying carbohydrates, dairy products, oils, meats and fish. (Id.). These waste will generate momentous odors.

Applicant fails to provide any details pertaining to the technical feasibility, design or capacity of the proposed odor control system. (See, infra, Section IV C (1)). It is therefore simply not possible to validate the workability of Applicant's

odor control system. (Exh. A, Shaw, p. 2). In short, Applicant fails to show that odors will not create an off-site impact and fails to include any contingencies should odors become a problem in Applicant's Nuisance Mitigation Plan. As such, Applicant fails to meet this standard.

(ii) *Noise*. Like odors, Applicant provides that it is not required to submit a mitigation plan for noise because the site "satisfies Title 18" of the City Code, is "not subject to DEQ noise regulations", and is not within the "radius" of any noise sensitive areas. (Exh. D, Applicant's Findings, pp. 16-17). As Applicant fails to demonstrate with any evidence that the Project will not exceed applicable noise standards, Applicant is required to submit a plan to control noise.

The City noise standards are set forth in Title 18 of the City Code, Noise Control, and prohibit sound which exceeds the standards to intrude onto the property of others. Industrial uses have a maximum allowable decibel level of 75-5 for all hours of the day. (Exh. A, Shaw, 14). Here, it is impossible to determine if Applicant's proposed use meets the City's industrial noise standards, as Applicant has not submitted any background noise measurements or noise studies or analysis.

Likewise, DEQ regulates noise for industrial and commercial properties in levels as set forth in OAR 340-035-0035 ("DEQ Noise Regulation"). The DEQ Noise Regulation provides, in relevant part that:

> No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the operation of that noise source if the statistical noise levels generated by that new source . . . exceed the levels specified in Table 8.

Table 8 provides certain allowable noise levels for these uses. (See Exh. A, Shaw, p. 15). Here, it is not feasible or possible to determine if the Project meets the DEQ Noise Regulation, as Applicant provides no measurements, studies or analysis of the same. Applicant is thus required to submit a noise mitigation plan and thus does not meet this criterion.

B. Litter. Applicant' fails to meet the standards for litter control and fails to submit an adequate litter mitigation plan. Rather than

providing a detailed litter control plan, Applicant merely states that litter will be controlled because waste will be off-loaded inside a building, Applicant will inspect the road for litter, Applicant will advise waste haulers not to illegally dump materials and that Applicant will require that waste coming to the Project site be covered. (Exh. D, Applicant's Findings, p. 14). This statement is not a plan and does not meet the standards of the City and/or DEQ as to litter.

The City regulates litter in Title 29 of the City Code, which requires that trash and litter be removed for outdoor areas and prohibits the accumulation of litter, glass, scrap materials and trash. For waste-related uses, the City requires a plan that addresses litter generated on the site and litter along roadways leading to the site. (33.254.060). Likewise, DEQ mandates documentation that transfer stations and MRF sites be maintained free of litter. (OAR 340-096-0040). Applicant fails to submit a plan detailing how Applicant will comply with City and/or DEQ rules and regulations to control litter and as such fails to meet this criterion.

C. Dust, Mud and Vector Control. Applicant has not provided an adequate mitigation plan for dust, mud and vector control. Applicant's entire plan for these issues provides that:

> The Site is fully paved . . . therefore there will be no dust generated. The applicant will regularly check the Site and the street leading to the Site for mud. Finally, management of the incoming organic waste by ensuring that they are generally removed within 24-48 hours will minimize vector issues. (Exh. D, Applicant's Finding of Fact, p. 14).

Here, Applicant has failed to adequately address any Project related dust impacts. As set forth more fully herein, Applicant failed to provide detailed plans, specifications, technical analysis or reports on how its proposed aeration system and associated biofilters will control indoor ambient air quality and dust as mandated by the City and DEQ. Since no detailed technical data was provided concerning the use or design of the biofilters, the adequacy of the biofilter system cannot be determined in regards to odor and/or dust control as is required by both the City and DEQ. (See OAR 340-096-0040)(dust shall be controlled at MRFs to

prevent air pollution). Applicant must provide a detailed mitigation plan for dust impacts.

Likewise, Applicant does not adequately address vector control. Food waste facilities have a high potential for attracting disease carrying vectors. (Exh. A, Shaw, p. 2). Prevention is the best and only recourse to prevent impacts on nearby sites. (Id.). Applicant provides no technical specifications, analysis, plans or other documentation supporting its plan to prevent, mitigate, monitor and control vectors (other than indoor monitoring). Applicant thus must provide a detailed mitigation plan to control vectors and as such this criteria is not met.

I. Public Benefits of the Use Do Not Outweigh the Detrimental Impacts

Public Benefits of the Project do not outweigh the Project impacts. The record does not support Applicant's contention that "all potential impacts are mitigated." (Exh. D, Applicant's Findings, p. 10). Rather, as set forth herein, there are a multitude of potential detrimental Project impacts which Applicant fails to show are addressed and/or mitigated related to odors, vectors, noise, litter, stormwater and/or leachate pollution, hazardous waste management and operational controls. Thus, there are potential detrimental Project impacts that must be considered.

In an effort to emphasize some overriding public Project benefit, Applicant states, without any evidence or support whatsoever, that "[s]ites must be provided within the City" to implement the kitchen scrap program. (Id.). While food waste recycling is beneficial for the City and for the community at large, there are existing MRF sites that have the present ability and capacity to accept residential and commercial food waste for recycling and composting. Thus, contrary to Applicant's statement and as acknowledged by Metro, the Project is simply not necessary.

There are existing transfer station sites that can easily accommodate the food waste as proposed by Applicant. Applicant anticipates that the addition of food waste to the existing yard debris will increase the site tonnage from 1,200 to 1,500 per week. (Exh. D, Applicant's Findings, p. 4). Thus, based upon Applicants' projections, 300 tons per week of food waste will be added to the present

operations, or 15,600 tons per year of food waste. This tonnage can be handled by existing transfer station sites.

Metro's Regional Solid Waste Management Plan indicates that in 2006, there was an estimated transfer capacity of 2.061 million tons, and with a throughput of 1.054 million tons; thus an excess capacity of 1.007 million tons. (Exh. E, Metro Regional Solid Waste Management Plan, Table 3). Of the six transfer stations inventoried for this finding, five can accept food waste or are pending approval from Metro to accept food waste (Metro Central, Metro South, Willamette Resources, Inc., Pride Disposal and Waste Management Troutdale). During 2006, these five waste transfer stations had a capacity of 1.73 tons, with a throughput of .742 tons. (Id.) Even assuming that the throughput of these five transfer stations has doubled since 2006 to 1.484 tons, and assuming that none of the food waste presently captured by these four transfer stations will be sent to the Project site (i.e. no overlap), there is still capacity to accept the 15,600 tons of food waste anticipated to be transported to the Project site.

Metro forecasts the capacity and throughput for these transfer stations for the years 2011-2016 should not change appreciably during the next five years. Accordingly, these five stations have more than sufficient capacity to accept the food waste separated from general waste for the foreseeable future.

Note, moreover, the food waste delivered to the Project is not new waste. This waste is already being delivered to existing transfer stations as garbage for placement in landfills. Each of those transfer stations has the capacity to transfer that waste to compost sites rather than to landfills. This project unnecessarily diverts existing waste away from other transfer stations that already have excess capacity.

Tellingly, the City of Portland recognizes that the Project is not necessary in order to implement the City's kitchen scrap collection program. Bruce Walker, who is in charge of rolling out the City's program stated in a recent article that while the Project is "very valuable" to the program, that "it won't kill the [kitchen scrap] project not to have it." (Exh. F, PDX Green: Composting food not yet ready to roll). The City intends to roll out this program in October of 2011, regardless of whether the Project is part and parcel of the program.

Significantly, the community does not believe that this Project is necessary in order to implement the City's food waste composting project. The Lents

Neighborhood Association advised the City that the Project is both unnecessary and undesirable. (Exh. G, Lents Neighborhood Association, July 5, 2011.) Likewise, in a letter dated July 7, 2011, Commissioner Judy Shiprack stated that the Project site is not the appropriate place to achieve the City's food scrap recycling goal, that these are negative impacts that must be considered and that the Project should not be approved. (Exh. J). Because there is little or no public benefit from the Project and there are potential and detrimental Project impacts, the public benefit does not outweigh the impacts and thus this criterion is not met.

V. APPLICANT FAILS TO ESTABLISH THAT THE ADJUSTMENT CRITERIA IS MET.

1. Unlawful Adjustment to Section 33.254.030

Section 33.815.220G. requires that any waste related proposed use must be in compliance with Chapter 33.254 before a conditional use permit may issue.

Section 33.254.030 in turn requires as follows:

> [Waste related] Uses must be located so that vehicle access is restricted to Major City Traffic Streets or to streets in Freight Districts, as designated in the Transportation Element of the Comprehensive Plan.

Both the Applicant and the Hearings Officer acknowledged that the Applicant's proposed use does not comply with Section 33.254.030, because access to the site will be over Southeast 101st Street. Southeast 101st is not a Major City Traffic Street, and the site is not in a Freight District. (Exh. B, Decision p. 14).

Applicant, therefore, applied for an adjustment to the requirements of Section 33.254.030, and the Hearings Officer granted the adjustment. The adjustment is erroneous and unlawful, for two reasons:

(i) Adjustments to Section 33.254.030 are prohibited by the Planning Code;

(ii) Even if an adjustment were permitted (which appellants dispute), the adjustment failed to meet the approval criteria established by Section 33.805.040. The Hearings Officer failed to apply the required criteria, or to make findings that all applicable criteria had, in fact, been satisfied.

A. An Adjustment is Prohibited.

Section 33.805.030B. identifies seven situations wherein adjustments are prohibited. Subdivision 4 provides as follows:

> Adjustments are prohibited for the following items:
>
> * * *

4. As an exception to a qualifying situation for a regulation, such as zones allowed or items being limited to new development. An example of this is 33.251.030B. which says that manufactured dwelling parks are allowed only in the R3 and R2 zones. An adjustment could not be granted to allow a manufactured dwelling park in any other R zone.

In order to qualify for consideration for a waste related conditional use permit an applicant must propose a site with access to a Major City Traffic Street, or a site within a designated Freight District. This Project site is neither. The site, therefore, simply does not qualify for consideration for a waste related use, and subdivision 4. prohibits an adjustment in order to change that qualification.

B. The Adjustment Granted is Unlawful in Any Event.

Section 33.805.040A. required the Hearings Officer to find that routing any number of garbage trucks over Southeast 101st "equally or better meet(s) the purpose" of the requirement of 33.254.030, that they be routed only over Major City Traffic Streets, or over streets in Freight Districts.

There are two expressly stated purposes of Ch. 33.254 which are directly relevant to this application, i.e.:

- Reduce the impacts and nuisances resulting from…waste related uses on surrounding land uses;
- Reduce the transportation impacts from these uses;

33.254.010.

The hearings officer found that Applicant's proposed new use "is not anticipated to have a significant trip generation impact or generate trip types that are inconsistent with the street designations." (Exh. B, Decision p. 23). He also found that Southeast 101st and Southeast Foster had the capacity to support the use. (Id.)

The findings are dubious at best for two reasons:

(i) As explained elsewhere, the shear number of trips this use will generate is likely to be 50 – 100% more than estimated by Applicant. (See section IV F. above).

(ii) This Project site is the most likely food waste transfer station for Portland garbage haulers serving at least 87,000 southeast residential customers. They make up 58% of all Portland residential customers. A Major City Traffic Street is a "principal" traffic route under the Comprehensive Plan, second only to Regional Trafficways. Southeast 101st is one of the Local Service Traffic Streets, which are the least traffic use streets designated by the Plan, and which are "intended to distribute local traffic and provide access to local residences or commercial uses." (Exh. L, Transportation Element of the Comprehensive Plan, Policy 6.5, p. 2-8.)

It is not obvious how routing over half the garbage trucks in Portland over a Local Service Traffic Street is "consistent with the street designation."

There is, however, an even more obvious error in the officer's findings and conclusions. The very first stated purpose of Ch. 33.254 is to reduce the impact of waste related nuisances on surrounding land uses. The very first adjustment criteria requires the adjustment to "equally or better" meet that purpose.

The first question, therefore, - which was entirely overlooked by both the hearings officer and by the applicant – should have been:

> Does routing garbage trucks over a Local Service Traffic Street, into an area surrounded by thousands of homes, equally or better reduce the nuisance risks of garbage removal when compared to the Code requirement that they be routed over Major City Traffic Streets only and, therefore, into areas with a much lower risk of generating nuisance impacts on residences.

There is no way this question could truthfully be answered with a yes. The adjustment is unlawful.

VI. CONCLUSION.

For the reasons set forth herein, the Decision of the Hearings Officer dated April 27, 2011 granting a Conditional Use Permit to Recology for the Project should be reversed and the Conditional Use Permit should not issue.

Dated: July 11, 2011

KELL, ALTERMAN & RUNSTEIN, L.L.P.

Lee Davis Kell
Thomas R. Rask, III
Martha Sharp

Attorneys for Appellants

July 1, 2011

Springwater Corridor Preservation Society
c/o Martha Sharp, Esq.
Kell, Alterman & Runstein, LLP
520 SW Yamhill Street, Suite 600
Portland, Oregon 97204

Subject: Review and Assessment of Technical Merits of City of Portland Project LU 10-194818 CU – Recology Expansion

Dear Ms. Sharp:

Shaw has completed our review and assessment of the technical merits of the request by Recology Oregon Material Recover, Inc. ("the Applicant") for a conditional use permit from City of Portland to allow the acceptance of food waste at the Foster Road site located at 6400 SE 101st Ave. The information reviewed and addressed was obtained from the City of Portland's Land Use Services group in the Bureau of Development Services for the above referenced property. Our Executive Summary of the Applicant's submission to the City of Portland LUS group and the subsequent Decision of the Hearings Officer ("the Decision") is presented in the following report. As discussed in our meeting of June 22, 2011, our response was prepared in the format of the Decision.

The primary documents reviewed as part of this assessment include the following:

- Findings of Fact and Conclusions of Law in Support of the Application
- Decision of the Hearings Officer, City of Portland
- Appeal Submitted by Kell, Alterman & Runstein LLP (5/12/11)

In addition to the document collected from the City of Portland LUS group, Shaw reviewed and researched Oregon Administrative Rules related to solid waste, transfer stations, noise, and hazardous waste. The various Titles of the City of Portland Code and Charter in particular Title 8 for Health and Sanitation, Title 18 for Noise Control, Title 33 for Planning and Zoning.

The information presented was prepared based on the technical expertise of our professionals who are knowledgeable of material recovery facilities, solid waste rules and regulations, and engineering design. If you have any questions regarding the information presented in this report please do not hesitate to contact me.

Sincerely,

Dave Seluga
Client Program Manager
Shaw Environmental, Inc.

Please Reply To: Dave Seluga
Phone: 503.603.1075
E-Mail Address: dave.seluga@shawgrp.com

EXECUTIVE SUMMARY

Review and Response to Decision of Hearings Officer

ZONING CODE APPROVAL CRITERIA

Conditional Use

33.815.010 Purpose Certain uses are condition uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the condition use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The condition use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

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

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

Findings for Further Consideration:

No Shaw response.

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

Findings for Further Consideration:

No Shaw response.

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

Findings for Further Consideration:

In the application to the City, the Applicant did not submit and background, technical or supporting documentation that the proposed operation will not result in significant health or safety risk to nearby uses. The Applicant also did not indicate how they will comply with the City rules. The following sections address issues for further consideration to the Hearings Officer's Decision; these responses are repeated herein where deemed appropriate for consistency:

Odor:

Food waste contains more liquids than non-food waste which may make it more difficult for operators to control leachate. Many types of food waste (food processing wastes, fish wastes, meat, dairy) contain amino acids, proteins, urea, and other high-nitrogen organic compounds which can generate volatile nitrogen compounds (ammonia, amines, indoles) and possibly volatile sulfur (organic sulfides, mercaptans, hydrogen sulfide). Food waste tends to degrade faster than woody green waste, and rapidly degrading carbohydrates, fats, and oils can generate volatile fatty acids. Food waste containing meat and dairy products have higher levels of salts and nutrients than non-food waste. Disposal of leachate to the City sewer (assuming that the City of Portland BES determines that the discharge is not malodorous and does not create a public nuisance as defined in Chapter 17.34.030 B 4) or waters of the State would require some form of treatment for this level of chemical loading.

The Applicant's response states that odor will controlled through the use of "...an aerated floor with a negative air system directed to a biofiltration system." but does not provide any details, design parameters, capacity calculations or other information necessary to validate the claim that the aerated floor will control odor. Additionally, it is stated by the Applicant that the leachate run-off from the food waste pile will be controlled and cleaned through the use of the biofiltration system. It is unclear how the same system that will be used to control odors will also "clean" the leachate without clogging or otherwise becoming less effective. It is also unclear how the aerated floor pipes will be maintained or how the system will be monitored for leaks.

Disease-Carry Vector:

The Applicant failed to provide any documentation which demonstrates how they intend to monitor for vectors, control vectors (other than operation in-doors) or mitigate when vectors do become a problem. Any facility which handles food waste materials has the potential for attracting vectors so prevention is the best and only recourse to prevent impacts on nearby sites.

Noise:

Within 18.01.010 A, Figure 1 details the allowable decibel levels for a variety of land end uses. Industrial end use on industrial zone land has a maximum allowable decibel level of 75 -5 for all hours of the day.

In the application to the City, the Applicant did not submit any background noise measurements or noise studies indicating the projected impacts of the proposed modification. The Applicant also did not indicate how they will comply with the City standards. In addition, DEQ regulates noise for industrial and commercial operations through OAR ***340-035-0035 Noise Control Regulations for Industry and Commerce.***

Dust/Air Pollution:

In the plans submitted to the City, the Applicant indicates that four biofilters will be part of the expansion related to the introduction of food waste. Since no detailed technical data was provided about the use or design of the biofilters, the adequacy of the biofilter system cannot be determined in regards to odor and/or

dust control as is required by both City and DEQ rules. Given the size of the facility and based on an average of six air changes per hour, the required control system would be large enough to also warrant a Notice of Construct application under DEQ Air quality rules OAR 340-210-0205. DEQ may also decide to issue a Basic or General Air Quality permit for the system.

Stormwater/Water Pollution:

In the application to the City, the Applicant did not provide details regarding protocol and procedures for the inspection of incoming vehicles and the inspection and cleaning of departing vehicles. The vehicles entering the facility will track in outside dirt, oil, and debris, potentially pickup contaminants from the food waste materials and then subsequently track those outside the building. This would result in contamination of stormwater by comingling stormwater and leachate from the food waste. Food waste contains a high percentage of water and it is likely that the incoming loads will have standing leachate in the containers. When these containers are unloaded on the tipping floor this leachate from the containers will spill onto the floor and will likely leak from the truck unless the trucks are lined and spilling is contained in some manner. There are no indications on in the documents submitted to the City for review as to how vehicles will be monitored, cleaned or inspected. If vehicles are to be cleaned the Applicant should provide details as to where, how and with what the vehicles will be cleaned. Washing of vehicles would require a NPDES 1700-A or B permit.

Traffic Impacts and Safety:

To be addressed by others.

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

Findings for Further Consideration:

In the application to the City, the Applicant did not submit documentation which substantiates their claim that no significant detrimental environmental impacts to any nearby environmentally sensitive area. The Applicant also did not indicate how they will comply with the City rules. One of the concerns with respect to potential environmental impacts is with the proposed use of underground piping and potential groundwater contamination. The liquids that will be collected under the food waste pile are classified as leachate which is a liquid waste that cannot be discharged to the sanitary sewer or storm drains without permit or treatment. The documents provided by the Applicant did not address how the groundwater will be protected from contamination should there be a leak in the proposed system. Likewise, there was no information, design parameters or details as to how the system will be monitored, how leak detection would be handled nor how secondary containment would be accomplished.

The following discussion is based on a review of groundwater monitoring well reports and geotechnical hole reports retrieved from the Oregon Water Resources Department's (OWRD) online website[1]. Reports were reviewed for sections 21 and 22 in township 1 south, range 2 east, Willamette Meridian. Also reviewed were:

> *1) aerial photographs, 2) the U.S. Geological Survey (USGS) Gladstone 7.5' quadrangle (topographic) map, 3) USGS groundwater report (Snyder, 2008)[2] and 4) flood hazard maps from the PortlandMaps website[3].*

The reports retrieved from the website were submitted to the OWRD by the licensed drilling firms that drilled the borings and installed the monitoring wells. The two types of reports reviewed were 1) monitoring well installation reports and 2) geotechnical hole reports. Monitoring wells are typically installed for long term (e.g. months to years) groundwater monitoring of groundwater levels and groundwater chemistry. Geotechnical holes are drilled for geotechnical information, usually collected during the drilling, and abandoned (sealed) upon completion.

The information reported by the driller on the well reports is based on observations at the time the boring was drilled or the well was installed. Some of the wells discussed here may have been abandoned (decommissioned) since their installation. This evaluation is a review of groundwater conditions at the time of installation. The evaluation focused on well reports within the site or nearby to the site that had groundwater information, primarily depth to first encountered groundwater and static water levels.

First encountered groundwater refers to the first (shallowest) water encountered in the soil/rock formation during the drilling. First encountered groundwater is often not reported for various reasons, including the driller may neglect to report it, or because low permeability (e.g. clayey) soils delay the entry of groundwater into the boring for up to hours. Static water levels reflect groundwater levels in the well/boring that have equilibrated with the groundwater level in the soil formation surrounding the borehole. Typically, monitoring wells are developed following installation to improve the connection and communication of formation groundwater with the well (well casing and filter pack (sand) around the well screen) and to remove fine sediment in the wellbore and filter pack.

Findings

Twenty monitoring well reports and eight geotechnical hole reports were reviewed. Monitoring wells were installed at the site during three time periods; April 1997, August 1997 and August 2007. The geotechnical holes were drilled in December 2006. General information and groundwater data on the well/hole reports is compiled in the attached Table; copies of the well reports are also attached (Attachment 1). Also included with the OWRD reports in the attachments are maps submitted by the drillers showing the boring locations (Attachment 2); however, two of the geotechnical hole locations (B-7 and B-8) are not shown on the map accompanying those reports.

[1] http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx
[2] "Estimated Depth to Ground Water and Configuration of the Water Table in the Portland, Oregon Area", US Geol Sur. Scientific Investigations Report 2008-5059 by Daniel T. Snyder.
[3] http://www.portlandmaps.com

Boring depths ranged from 11 to 54 feet below ground surface (bgs). The average depth of the 28 wells/borings is approximately 24 feet bgs. First encountered groundwater was reported for 16 of the 28 wells/borings. First encountered groundwater ranged from 5 to 22 feet bgs. The average depth of first encountered groundwater was approximately 9.5 feet bgs. Static water levels ranged from 5 to 25 feet bgs. The average static water level was approximately 14.5 feet bgs.

Based on the well reports, the area with very shallow static groundwater (5 feet bgs) includes monitoring wells MW-9, MW-10, MW-11, MW-12 MW-13, MW-14, MW-15 and MW-19, which cover most of the central and east-central portion of the site. MW-17 and MW-18 have static water levels of 9 and 10 feet bgs, respectively. Static groundwater levels are generally deeper (e.g. 20 to 25 feet bgs) in the western and southwestern portion of the site (MW-4 through MW-8).

The majority of the site is elevated above the 100-year flood plain; however the inundation line for the 100-year flood plain extends from the Johnson Creek south along the eastern margin of the site. Inundation from the 1996 flood also extended to the eastern margin of the site.

Conclusions

The occurrence of shallow groundwater under the site results from its construction on fill within the general floodplain of Johnson Creek and possibly from groundwater discharging to the site from the base of Mount Scott, approximately 500 feet to the south. Depths to groundwater encountered during drilling of on-site groundwater monitoring wells are as shallow as five feet below ground surface. Additionally, these shallow static water levels were measured in August, when water levels are typically at or near their seasonal lowest depth. Storm water and possibly shallow groundwater are carried away from the site into Johnson Creek or its tributaries by on-site drainage ditches. Johnson Creek, is shown as a groundwater discharge divide (Snyder, 2008) and is the likely the discharge feature for shallow groundwater beneath the site. Supporting documentation to these conclusions is provided in ***Attachments 1-3.***[4]

Recommendations

Shaw recommends a review of historic groundwater depths in the current monitoring well network to: 1) assess the seasonal range of static groundwater depths beneath the site as the water levels discussed here may not represent current site conditions and 2) evaluate the potential for shallow groundwater of impact and/or interfere with proposed shallow subsurface installations and operations. Careful attention should be paid to the depth to groundwater during seasonal high water and the periodic high water events such as flooding.

[4] Attachment 1 – Well Reports for Site Monitoring Wells MW-3 Through MW-19; Attachment 2 – Geotechnical Hole Reports for B-1 Through B-8; Attachment 3 – Well Reports for Shingle Pile Area Monitoring Wells MW-1 Through MW-3

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

Findings for Further Consideration:

There are several categories of nuisance-related impacts which includes (but not limited to) odor, vectors, dust, and litter. The Applicant's response states that odor will controlled through the use of "...an aerated floor with a negative air system directed to a biofiltration system." but does not provide any details, design parameters, capacity calculations or other information necessary to validate the claim that the aerated floor will control odor. Additionally, it is stated by the Applicant that the leachate run-off from the food waste pile will be controlled and cleaned through the use of the biofiltration system. It is unclear how the same system that will be used to control odors will also "clean" the leachate without clogging or otherwise becoming less effective. It is also unclear how the aerated floor pipes will be maintained or how the system will be monitored for leaks. It is difficult to make a judgment about whether the proposed methods for addressing nuisance-related impacts such as litter, odor, vectors, dust have been addressed adequately. The response by the Applicant failed to provide any indication as to who noise would be addressed in response to this section.

F. Public Services.

1. The proposed use is in conformance with either the street designations shown in the Transportation Element of the Comprehensive Plan;

   Findings for Further Consideration:

   To be addressed by others.

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

   Findings for Further Consideration:

   To be addressed by others.

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

   Findings for Further Consideration:

   No Shaw response.

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

Chapter 33.254 was reviewed and additional findings are outlined in the following sections:

33.254.020 Limitations

A. Accessory uses. Concrete batching, asphalt mixing, rock crushing, or clay bulking in connection with a Mining use are prohibited except in IH and IG zones.

Findings for Further Consideration:

No Shaw response.

B. Hazardous wastes. The disposal of hazardous wastes, as defined by OAR 340.100 to 340.110, is prohibited.

Findings for Further Consideration:

In the application to the City, the Applicant did not submit documentation to substantiate their claim that the facility will not receive hazardous waste. The Applicant also did not indicate how they will comply with the City rules. The Applicant's response and the documents submitted to the City for land use approval do not provide details as to how incoming loads will be inspected, procedures in place for identifying and turning away unacceptable waste such as hazardous waste, what contingency plans are in place for how hazardous materials, if accepted will be handled. This submission does not provide adequate detail to satisfy that this facility will be equipped, prepared and in compliance with this requirement. Simply stating that the site will not receive hazardous waste is not sufficient. It is standard protocol for material recovery facilities to have in place a contingency plan which outlines procedures for inspecting loads for unacceptable materials and how that material will be rejected. It is understood that both Metro and Oregon DEQ will require such information for their review but it is equally important for this information to be made clear for use in the assessment of the land use conditional use. Although it is likely that the facility currently has an approved Operations Plan it is necessary for that plan to be updated to reflect the special considerations and operations related to receipt of food waste.

33.254.030 Location and Vehicle Access

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

Findings for Further Consideration:

To be addressed by others.

33.254.040 Operations

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

Findings for Further Consideration:

The details of requirements for on-site queuing will be addressed by others, however, in the application to the City, the Applicant did not provide any details related to the proposed traffic flow, queuing areas or estimated time trucks will be staged within the building. This is of concern because of the potential negative impact on the proposed negative air pressure system and biofilter that will be used for control of odors. Idling vehicles near the food waste area where the negative air system is proposed can contribute vehicular exhaust which could potentially restrict, affect or limit the effectiveness of the biofilter system to control odors. No details were provided to the City for review with regards to design capacity, performance, maintenance, restrictions or overall effectiveness on controlling odors.

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

Findings for Further Consideration:

In the application to the City, the Applicant did not provide details regarding protocol and procedures for the inspection of incoming vehicles and the inspection and cleaning of departing vehicles. The vehicles entering the facility will track in outside dirt, oil, and debris, potentially pickup contaminants from the food waste materials and then subsequently track those outside the building. This would result in contamination of stormwater by comingling stormwater and leachate from the food waste. Food waste contains a high percentage of water and it is likely that the incoming loads will have standing leachate in the containers. When these containers are unloaded on the tipping floor this leachate from the containers will spill onto the floor and will likely leak from the truck unless the trucks are lined and spilling is contained in some manner. There are no indications on in the documents submitted to the City for review as to how vehicles will be monitored, cleaned or inspected. If vehicles are to be cleaned the Applicant should provide details as to where, how and with what the vehicles will be cleaned. Washing of vehicles would require a NPDES 1700-A permit.[5,6]

[5] Oregon DEQ Recommended Best Management Practices for Washing Activities, March 1998
[6] National Pollutant Discharge Elimination System Wastewater Discharge Permit (1700-A)

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

Findings for Further Consideration:

Food waste contains more liquids than non-food waste which may make it more difficult for operators to control leachate. Many types of food waste (food processing wastes, fish wastes, meat, dairy) contain amino acids, proteins, urea, and other high-nitrogen organic compounds which can generate volatile nitrogen compounds (ammonia, amines, indoles) and possibly volatile sulfur (organic sulfides, mercaptans, hydrogen sulfide). Food waste tends to degrade faster than woody green waste, and rapidly degrading carbohydrates, fats, and oils can generate volatile fatty acids. Food waste containing meat and dairy products have higher levels of salts and nutrients than non-food waste. Disposal of leachate to the City sewer (assuming that the City of Portland BES determines that the discharge is not malodorous and does not create a public nuisance as defined in Chapter 17.34.030 B 4) or waters of the State would require some form of treatment for this level of chemical loading.

In the application to the City, the Applicant says it plans to capture the leachate and store it in a tank "for disposal off site". However, the Applicant did not account for track out from waste trucks leaving the building. Track out will allow the leachate to co-mingle with stormwater and thus cause the stormwater now to become process water. An individual NPDES permit and pre-treatment for the co-mingled discharge (if discharged to the City or waters of the State) would be required.

The issue of disposal "off site" was also not addressed by the Applicant. The Applicant will still need the appropriate transport and disposal permits for the leachate. Disposal of leachate to the sewer system will likely require pre-treatment.

Another possible disposal option identified by the Applicant in the application included spraying the recovered leachate back on the incoming waste. This option would greatly add to the odor issue associated with food waste handling as well as facilitate more track out volume than expected. An individual NPDES would be required since stormwater and track out water (process water) are now co-mingled.

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

Findings for Further Consideration:

No additional comments have been identified related to the signage recommendations of the Hearings Officer.

33.254.050 Traffic Impact Study

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

Findings for Further Consideration:

To be addressed by others.

33.254.060 Nuisance Mitigation Plan

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

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

In order to thoroughly address the compliance with the codes, each of the sections for Chapter 33.262 are addressed in the following paragraphs:

33.262.030 Exemptions

The off-site impact standards do not apply to machinery, equipment, and facilities which were at the site and in compliance with existing regulations at the effective date of these regulations. Any new or additional machinery, equipment, and facilities must comply with the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site.

Findings for Further Consideration:

The Applicant notes that the only new equipment that will be associated with the proposed addition of food waste is a small fan associated with the negative aeration system. This blower (as noted on the Site Plan, C2.0) is tied to negative aeration system that is approximately 80-ft x 30-ft that feeds four biofilter containers. Without more details as to the design capacity, specifications of the blower (fan), or how the system will operate it is not possible to determine the extent of the potential off-site impact of the new equipment on surrounding areas.

33.262.040 Relationship to Other Regulations

The off-site impact standards are in addition to all other regulations of the City Code. The standards do not replace or supersede regulations of the Department of Environmental Quality (DEQ), relevant county regulations, or standards such as the Uniform Fire Code.

33.262.060 Vibration

A. Vibration standard. Continuous, frequent, or repetitive vibrations which exceed 0.002g peak may not be produced. In general, this means that a person of normal sensitivities should not be able to feel any vibrations.

Findings for Further Consideration:

No Shaw response.

B. Exceptions. Vibrations from temporary construction and vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are exempt. Vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily onsite vehicles and equipment are not exempt.

Findings for Further Consideration:

No Shaw response.

C. Measurement. Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.

Findings for Further Consideration:

No Shaw response.

33.262.070 Odor

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

Findings for Further Consideration:

Food waste handling creates significant odor problems. One major reason is that it is soggy (almost 80~85% of food waste is water) so it rots easily and gives off an unbearable smell. Many types of food waste (food processing wastes, fish wastes, meat, dairy) contain amino acids, proteins, urea, and other high-nitrogen organic compounds which can generate volatile nitrogen compounds (ammonia, amines, indoles) and possibly volatile sulfur (organic sulfides, mercaptans, hydrogen sulfide). Food

waste tends to degrade faster than woody green waste, and rapidly degrading carbohydrates, fats, and oils can generate volatile fatty acids and produce odors. Furthermore, food waste is more difficult to handle during summer than during winter since heat quickens decaying process and off gassing. Therefore, odor control will be an ongoing problem for this facility.

The City of Portland regulates odor in Title 8 of the code. In ***8.36.040 Noisome Odors or Vapors***[7]***,*** *the City prohibits the following:* (Amended by Ordinance No. 167943, July 27, 1994.) The rendering, heating, processing, or steaming of any animal or vegetable product or substance generating noisome or offensive odors shall be conducted using methods to entirely condense, decompose, deodorize or destroy the odors, vapors, or gaseous products. *Animal and vegetable products in the food wastes would be "processed" at this location.*

The state of Oregon regulates odors from transfer stations through OAR ***340-096-0040 Transfer Stations and Material Recovery Facilities.*** *The rule makes a specific statement about controlling odors in:*

> (4) Operations: (B) Dust, malodors and noise shall be controlled to prevent air pollution or excessive noise as defined by ORS Chapters 467 and 468 and rules and regulations adopted pursuant thereto. Though both the City and State have narrative rules bout odor control, the requirement is to control and minimize **all** odors from the facility by some means.

In the plans submitted to the City, the Applicant indicates that four biofilters will be part of the expansion related to the introduction of food waste. Since no detailed technical data was provided about the use or design of the biofilters, the adequacy of the biofilter system cannot be determined in regards to odor and/or dust control as is required by both City and DEQ rules. Given the size of the facility and based on an average of six air changes per hour, the required control system would be large enough to also warrant a Notice of Construct application under DEQ Air quality rules OAR 340-210-0205. DEQ may also decide to issue a Basic or General Air Quality permit for the system.

B. Exception. An odor detected for less than 15 minutes per day is exempt.

Findings for Further Consideration:

The Applicant provided no documentation, technical data, nor any backup for their claim that they would not produce continuous, frequent or repetitive odors. Food waste is inherently a noisome waste material and there is no strong evidence beyond claims that facility will prevent the promotion of

[7] The Bureau of Health shall enforce all ordinances, rules and regulations which may be adopted for the carrying out and enforcement of a good sanitary condition in the City; for the protection of the public health; for determining the nature and character of nuisances and for their abatement by the Bureau of Nuisance Abatement; and when acting as a local registrar under the authority of ORS 432.035, for securing the proper registration of births, deaths and other statistical information.

odors beyond the walls of the facility. An odor threshold is a sensory property that refers to the minimum concentration that produces an olfactory response or sensation. There are three thresholds for odor. The first threshold is the detection threshold, which is the minimum amount of odor-free dilution air needed to prevent an individual from detecting the odor. The detection threshold is the point where an individual detects an odor. This threshold varies for each individual. The second threshold, the recognition threshold, occurs at lower dilutions (higher concentrations). At the recognition threshold, other odor parameters discussed below, such as odor character and relative pleasantness, are noticeable. The third threshold is called the annoyance threshold. The annoyance threshold may be below, but is most likely above the recognition threshold. At the annoyance threshold, people complain about an odor. This facility is most likely to generate odors at the annoyance threshold. Without adequate, abatement or control, the odor would likely be considered a nuisance. There would be no exemption for this facility.

33.262.080 Glare

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

Findings for Further Consideration:

No Shaw response.

B. Strobe lights. Strobe lights visible from another property are not allowed.

Findings for Further Consideration:

No Shaw response.

33.262.090 Measurements

A. Measurements for compliance with these standards are made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.

Findings for Further Consideration:

No Shaw response.

B. If the City does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The City may accept measurements made by an independent expert hired by the controller or operator of the off-site impact source. If the City contracts to have measurements made and no violation is found, the City will bear the expense, if any, of the measurements. If a violation is found, City expenses will be charged to the violator. Nonpayment of the costs is a violation of the Code, and enforced through the provisions of Title 22.

Findings for Further Consideration:

No Shaw response.

33.262.050 Noise

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

In order to thoroughly address the compliance with the codes, each of the sections for Title 18 that is applicable to this project is addressed in the following sections:

18.10.010 Land Use Zones.

(Amended by Ordinance Nos. 159276, 163608, 164010, 175775 and 184101, effective October 8, 2010.) Except as specifically provided for elsewhere in this Title, no person shall cause or permit sound to intrude into the property of another person which exceeds the limits set forth below in this Section. For purposes of this Section, "day hours" shall be between 7 a.m. and 10 p.m., and "night hours" shall be between 10 p.m. and 7 a.m.

Findings for Further Consideration:

Within 18.01.010 A, Figure 1 details the allowable decibel levels for a variety of land end uses. Industrial end use on industrial zone land has a maximum allowable decibel level of 75 -5 for all hours of the day.

In the application to the City, the Applicant did not submit any background noise measurements or noise studies indicating the projected impacts of the proposed modification. The Applicant also did not indicate how they will comply with the City standards outlined in Figure 1 of the code.

*In addition, DEQ regulates noise for industrial and commercial operations through OAR **340-035-0035 Noise Control Regulations for Industry and Commerce.** Specifically, DEQ says*

> "No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the

operation of that noise source if the statistical noise levels generated by that new source and measured at an appropriate measurement point, specified in subsection (3)(b) of this rule, exceed the levels specified in **Table 8**, except as otherwise provided in these rules."

Table 8 is defined below:

TABLE 8
(340-35-035)

New Industrial and Commercial Noise Source Standards
Allowable Statistical Noise Levels in Any One Hour

7 am – 10 pm	***10 pm – 7am***
L50 – 55 dBA	*L50 – 50 dBA*
L10 – 60 dBA	*L 10 – 55 dBA*
L1 - 75 dBA	*L 1 – 60 dBA*

In the application to the City, the Applicant did not submit any background noise measurements or noise studies indicating the projected impacts of the proposed modification and their compliance with these DEQ standards.

18.02.020 Policy Statement

(Added by Ordinance No. 175772, effective August 1, 2001.) It is the intent of the City Council to minimize the exposure of citizens to the potential negative physiological and psychological effects of excessive noise and protect, promote and preserve the public health, safety and welfare. It is the intent of the City Council to control the level of noise in a manner that promotes the use, value, and enjoyment of property, conduct of business, sleep and repose and reduces unnecessary and excessive sound in the environment.

Findings for Further Consideration:

In addition to the city's policy , DEQ's policy statement in OAR 340-035-005 spells out the need for controlling excessive noise "In the interest of public health and welfare, and in accordance with ORS 467.010, it is declared to be the public policy of the State of Oregon: (1) To provide a coordinated state-wide program of noise control to protect the health, safety, and welfare of Oregon citizens from the hazards and deterioration of the quality of life imposed by excessive noise emissions

In the application to the City, the Applicant did not submit any background noise measurements or noise studies indicating the projected impacts of the proposed modification. The Applicant also did not indicate how they will comply with the City or DEQ policy statement.

18.10.060 Construction Activities and Equipment.

(Amended by Ord. No. 159276 effective Jan. 24, 1987.)

A. Maximum sound levels: No person shall operate any equipment or appurtenances thereto in commercial construction activities which exceeds 85 dBA, when measured at 50 feet (15.2 meters) from the source. This standard shall not apply to trucks (see Section 18.10.020), pile drivers, pavement breakers, scrapers, concrete saws and rock drills.

Findings for Further Consideration:

In the application to the City, the Applicant did not submit any background noise measurements or noise studies indicating the projected impacts of the proposed modification. The Applicant also did not indicate how they will comply with the City standards.

B. Night, weekend, and legal holidays limitation: From 6:00 p.m. to 7:00 a.m. the following morning, and 6:00 p.m. Saturday to 7:00 a.m. the following Monday, and on legal holidays, the permissible sound levels of Section 18.10.010 shall apply to all construction activities except by variance or for reasons of emergency. The exempted equipment of Section 18.10.060 A is not exempted during these hours. For purposes of this Subsection, construction activities on a public road within a zone shall be considered as taking place on private property within that zone.

Findings for Further Consideration:

In the application to the City, the Applicant did not submit any background noise measurements or noise studies indicating the projected impacts of the proposed modification. The Applicant also did not indicate how they will comply with the City standards.

C. The adjustments to permissible sound levels established in Section 18.10.010 B apply to Subsections A and B above.

Findings for Further Consideration:

In the application to the City, the Applicant did not submit any background noise measurements or noise studies indicating the projected impacts of the proposed modification. The Applicant also did not indicate how they will comply with the City standards.

D. All equipment used in commercial activities shall have sound control devices no less effective than those provided on the original equipment, and no equipment shall have an unmuffled exhaust.

Findings for Further Consideration:

In the application to the City, the Applicant did not submit any background noise measurements or noise studies indicating the projected impacts of the proposed modification. The Applicant also did not indicate how they will comply with the City standards.

E. All equipment used in commercial construction activities shall comply with pertinent standards of the U.S. Environmental Protection Agency.

Findings for Further Consideration:

No Shaw response.

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

Findings for Further Consideration:

The City regulates litter in Title 29 of the City Code. Specifically, ***29.20.010 Outdoor Maintenance Requirements*** *as outlined below:*

> H. Trash and debris. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise: 2. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash.

DEQ also regulates litter and debris management for transfer stations through OAR ***340-096-0040 Transfer Stations and Material Recovery Facilities.*** *Specifically:*

> c) Nuisance Conditions: (A) Blowing debris shall be controlled such that the entire disposal site is maintained free of litter.

In the application to City, no information was found on how the Applicant would specifically comply with both the City and DEQ standards for minimizing litter nuisance conditions. No operational or nuisance abatement plans were included.

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

Findings for Further Consideration:

In addition to the City, DEQ regulates fugitive dust, mud and vectors under OAR ***340-096-0040 Transfer Stations and Material Recovery Facilities***

> (c) Nuisance Conditions: (B) Dust, malodors and noise shall be controlled to prevent air pollution or excessive noise as defined by ORS Chapters 467 and 468 and rules and regulations adopted pursuant thereto. (d) Health Hazards. Rodent and insect control measures shall be provided, sufficient to prevent vector production and sustenance. Any other conditions which may result in transmission of disease to man and animals shall be controlled;

In their application to the City, the Applicant did not include any operational or contingency plans to minimize these nuisance conditions nor did they indicate any methods, systems or other control means for managing fugitive dust, preventing track-out and minimizing vectors.

33.254.070 Reclamation Plan for Landfills

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

Findings for Further Consideration:

No Shaw response.

33.254.080 Setbacks, Landscaping, and Screening

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

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

Findings for Further Consideration:

No Shaw response.

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

Findings for Further Consideration:

No Shaw response.

33.254.090 Activities in Required Setbacks

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

Findings for Further Consideration:

No Shaw response.

33.254.100 Underground Utilities

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

Findings for Further Consideration:

No Shaw response.

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

Findings for Further Consideration:

No Shaw response.

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

Findings for Further Consideration:

No Shaw response.

Adjustments

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations. They also allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met. Adjustments to the ground floor window requirements of this Title must also meet the additional requirements stated in the ground floor window sections in the base zones.

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

Findings for Further Consideration:

No Shaw response.

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

Findings for Further Consideration:

No Shaw response.

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

Findings for Further Consideration:

No Shaw response.

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

Findings for Further Consideration:

No Shaw response.

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

Findings for Further Consideration:

No Shaw response.

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

Findings for Further Consideration:

No Shaw response.

G. Application of the regulation in question would preclude all reasonable economic use of the site; and

Findings for Further Consideration:

No Shaw response.

H. Granting the adjustment is the minimum necessary to allow the use of the site; and

Findings for Further Consideration:

No Shaw response.

I. Any impacts resulting from the adjustment are mitigated to the extent practical.

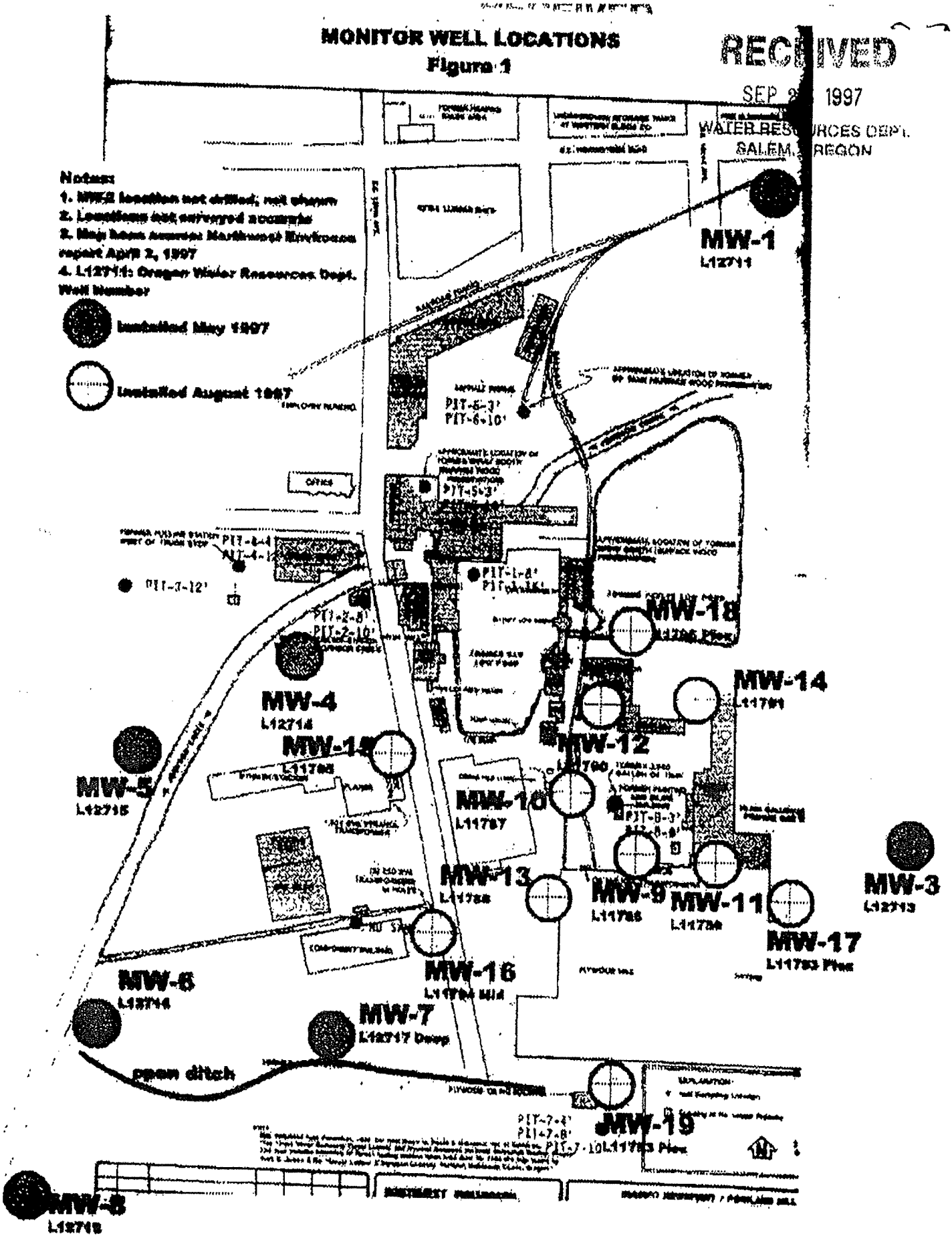
Findings for Further Consideration:

No Shaw response.

ATTACHMENT 1

Well Reports for Site Monitoring Wells MW-3 Through MW-19

MONITOR WELL LOCATIONS
Figure 1



STATE OF OREGON

MONITORING WELL REPORT

(as required by ORS 537.765 & OAR 690-240-095)

JUN 23 1997

WATER RESOURCES DEPT.
SALEM, OREGON

mult L12713
53754 Start Card # 98993

Instructions for completing this report are on the last page of this form.

(1) OWNER/PROJECT: WELL NO. MW #3

Name Freeway Land Co.

Address 7945 Alberta

City Portland State OR Zip 97218

(2) TYPE OF WORK:

☒ New construction ☐ Alteration (Repair/Recondition)
☐ Conversion ☐ Deepening ☐ Abandonment

(3) DRILLING METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Hollow Stem Auger ☐ Other

(4) BORE HOLE CONSTRUCTION

Special Standards ☐ Yes ☒ No Depth of completed well 54 ft.

Land surface

Vault 0 ft. TO -1 ft.

Seal -1 ft. TO 42 ft.

Filter pack 42 TO 54 ft.

Water-tight cover
Surface flush vault
Locking cap

Casing diameter 2 in.
material PVC Sch 40
Welded ☐ Threaded ☒ Glued ☐

Liner diameter ____ in.
material ____
Welded ☐ Threaded ☐ Glued ☐

Well seal: Material Bentonite chips
Amount 10 bags
Grout weight ____
Borehole diameter 6 in.

☐ Bentonite plug at least 3 ft. thick

Screen material PVC Sch 40
Interval(s): From 44 To 54
From ____ To ____
Slot size .010 in.

Filter pack: Material sand
Size 10/20 in.

(5) WELL TEST:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian
Permeability ____ Yield ____ GPM
Conductivity ____ PH ____
Temperature of water 57 ☐ °C ☒ °F Depth artesian flow found ____ ft.
Was water analysis done? ☐ Yes ☒ No
By whom? ____
Depth of strata to be analyzed. From ____ ft. to ____ ft.
Remarks: ____

Name of supervising Geologist/Engineer ____

(6) LOCATION OF WELL By legal description

Well Location: County Multnomah
Township 1S (N or S) Range 2E (E or W) Section 22
1. NW 1/4 of NW 1/4 of above section.
2. Either Street address of well location 6637 SE 100th Ave. Portland, OR
or Tax lot number of well location 6500
3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

25 Ft. below land surface. Date 4-25-97
Artesian Pressure 0 lb/sq. in. Date ____

(8) WATER BEARING ZONES:

Depth at which water was first found 8'

From	To	Est. Flow Rate	SWL

(9) WELL LOG: Ground elevation ____

Material MW #3	From	To	SWL
silty sand and gravel fill material	0	10	
gray, sandy silt to gray, silty clay	10	40	
gray, silty sand and coarse gravel wet	40	54	

Date started 4-25-97 Completed 4-25-97

(unbonded) Monitor Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 10284
Signed Dan Clausen Date 4-25-97

(bonded) Monitor Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 10054
Signed [signature] Date 4/28/97

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

EXHIBIT A PAGE 25 OF 58

STATE OF OREGON

MONITORING WELL REPORT

(as required by ORS 537.765 & OAR 690-240-095)

JUN 23 1997

WATER RESOURCES DEPT. SALEM, OREGON

mult L12714

53753 Start Card # 98994

Instructions for completing this report are on the back of this form

(1) OWNER/PROJECT:

WELL NO. mw #4

Name Freeway Land Co.

Address 7945 Alberta

City Portland State OR Zip 97218

(2) TYPE OF WORK:

☒ New construction ☐ Alteration (Repair/Recondition)

☐ Conversion ☐ Deepening ☐ Abandonment

(3) DRILLING METHOD

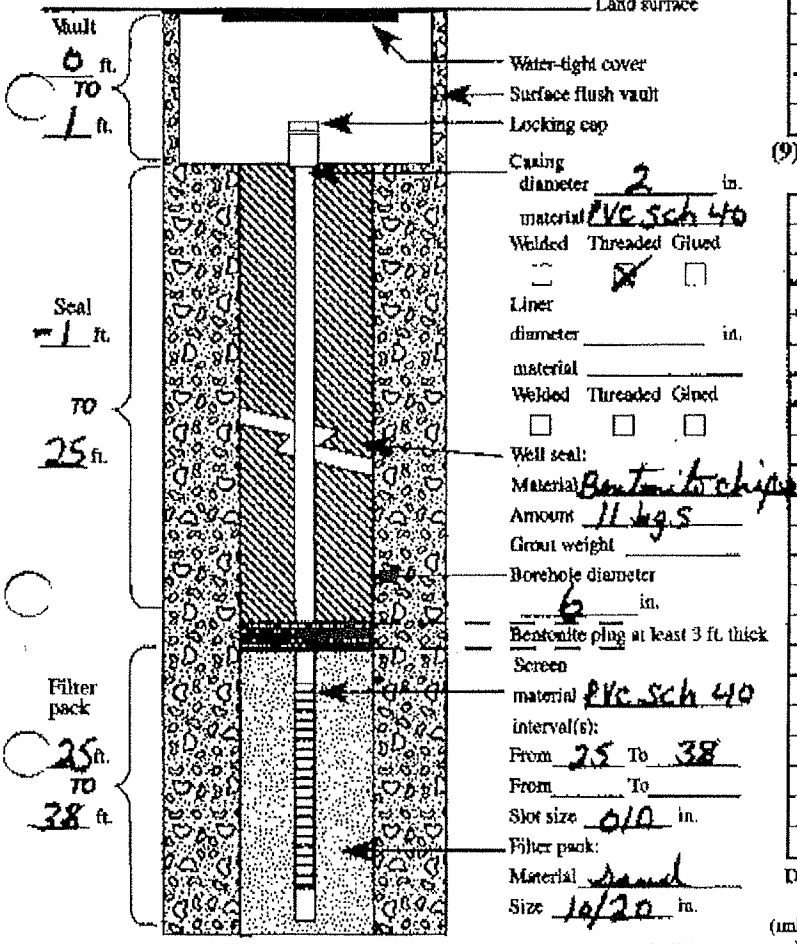
☒ Rotary Air ☐ Rotary Mud ☐ Cable

☐ Hollow Stem Auger ☐ Other

(4) BORE HOLE CONSTRUCTION

Special Standards ☐ Yes ☒ No

Depth of completed well 38 ft.



(5) WELL TEST:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Permeability Yield GPM

Conductivity PH

Temperature of water 57 °F °C Depth artesian flow found ft.

Was water analysis done? ☐ Yes ☒ No

By whom?

Depth of strata to be analyzed. From ft. to ft.

Remarks:

Name of supervising Geologist/Engineer

(6) LOCATION OF WELL By legal description

Well Location: County Multnomah

Township 1S (N or S) Range 2E (E or W) Section 21

1. NE 1/4 of NE 1/4 of above section.

2. Either Street address of well location 6637 SE 100th Ave. Portland, OR

or Tax lot number of well location 6500

3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

20 Ft. below land surface. Date 4-24-97

Artesian Pressure 0 lb/sq. in. Date

(8) WATER BEARING ZONES:

Depth at which water was first found

From	To	Est. Flow Rate	SWL

(9) WELL LOG:

Ground elevation

Material mw #4	From	To	SWL
sandy silt to clayey silt	0	25	
silty sand to silty sand and gravel	25	38	

Date started 4-24-97 Completed 4-25-97

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 10284

Signed Dan Clausen Date 4-25-97

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 10054

Signed Date 6/18/97

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RECEIVED

STATE OF OREGON

MONITORING WELL REPORT

JUN 23 1997

(as required by ORS 537.765 & OAR 690-240-095)

mult L12715
53752 Start Card # 78995

Instructions for completing this report are on the last page of this form. WATER RESOURCES DEPT. SALEM, OREGON

WELL NO. 2

(1) OWNER/PROJECT:

Name Freeway Land Co.
Address 7945 Alberta
City Portland State OR Zip 97218

(2) TYPE OF WORK:

[X] New construction [ ] Alteration (Repair/Recondition)
[ ] Conversion [ ] Deepening [ ] Abandonment

(3) DRILLING METHOD

[X] Rotary Air [ ] Rotary Mud [ ] Cable
[ ] Hollow Stem Auger [ ] Other

(4) BORE HOLE CONSTRUCTION

Special Standards [ ] Yes [X] No Depth of completed well 39 ft.

Land surface

Vault 2 ft. TO 1 ft.

Seal 1 ft. TO 28 ft.

Filter pack 28 ft. TO 39 ft.

- Water-tight cover
- Surface flush vault
- Locking cap
- Casing diameter 2 in. material PVC Sch 40 Welded [ ] Threaded [X] Glued [ ]
- Liner diameter ____ in. material ____ Welded [ ] Threaded [ ] Glued [ ]
- Well seal: Material Bentonite chips Amount 4 bags Grout weight ____
- Borehole diameter 6 in.
- Bentonite plug at least 3 ft. thick
- Screen material PVC Sch 40 interval(s): From 29 To 39 From ____ To ____ Slot size .010 in.
- Filter pack: Material Sand Size 10/20 in.

(5) WELL TEST:

[ ] Pump [ ] Bailer [ ] Air [ ] Flowing Artesian
Permeability ____ Yield ____ GPM
Conductivity ____ PH ____
Temperature of water 57 [ ] °F [ ] °C Depth artesian flow found ____ ft.
Was water analysis done? [ ] Yes [X] No
By whom? ____
Depth of strata to be analyzed. From ____ ft. to ____ ft.
Remarks: ____

Name of supervising Geologist/Engineer ____

(6) LOCATION OF WELL By legal description

Well Location: County Multnomah
Township 1S (N or S) Range 2E (E or W) Section 21
1. NE 1/4 of NE 1/4 of above section.
2. Either Street address of well location 6637 SE 100th Ave. Portland, OR
or Tax lot number of well location 6500
3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

25 ft. below land surface. Date 4-27-97
Artesian Pressure 0 lb/sq. in. Date ____

(8) WATER BEARING ZONES:

Depth at which water was first found ____

From	To	Est. Flow Rate	SWL

(9) WELL LOG:

Ground elevation ____

Material	From	To	SWL
mult #5			
brown, sandy silt	0	15	
brown, sandy silt and small gravel	15	25	
brown, silty gravel fine to coarse	25	39	

Date started 4-27-97 Completed 4-27-97

(unbonded) Monitor Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 10284
Signed Dan Chessin Date 4-27-97

(bonded) Monitor Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 10154
Signed [signature] Date 4/28/97

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STATE OF OREGON

MONITORING WELL REPORT

(as required by ORS 537.765 & OAR 690-240-095)

Instructions for completing this report are on the last page of this form

JUN 23 1997

WATER RESOURCES DEPT.
SALEM, OREGON

mult 612716

53751 Start Card # 98996

(1) OWNER/PROJECT:

WELL NO. mw #6

Name Freeway Land Co.

Address 7945 Alberta

City Portland State OR Zip 97218

(2) TYPE OF WORK:

☒ New construction ☐ Alteration (Repair/Recondition)

☐ Conversion ☐ Deepening ☐ Abandonment

(3) DRILLING METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable

☐ Hollow Stem Auger ☐ Other

(4) BORE HOLE CONSTRUCTION

Special Standards Yes ☐ No ☒ Depth of completed well 35 ft.

Land surface

Vault 0 ft. TO 1 ft.

Seal 1 ft. TO 23 ft.

Filter pack 23 ft. TO 35 ft.

Water-tight cover

Surface flush vault

Locking cap

Casing diameter 2 in.

material PVC Sch 40

Welded ☐ Threaded ☒ Glued ☐

Liner

diameter in.

material

Welded ☐ Threaded ☐ Glued ☐

Well seal:

Material Bentonite chips

Amount 5½ bgs

Grout weight

Borehole diameter 6 in.

☐ Bentonite plug at least 3 ft. thick

Screen

material PVC Sch 40

interval(s):

From 25 To 35

From To

Slot size 010 in.

Filter pack:

Material sand

Size 10/20 in.

(5) WELL TEST:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Permeability Yield GPM

Conductivity PH

Temperature of water 57 °F °C Depth artesian flow found ft.

Was water analysis done? ☐ Yes ☒ No

By whom?

Depth of strata to be analyzed. From ft. to ft.

Remarks:

Name of supervising Geologist/Engineer

(6) LOCATION OF WELL By legal description

Well Location: County Multnomah

Township 1S (N or S) Range 2E (E or W) Section 21

1. SE 1/4 of NE 1/4 of above section.

2. Either Street address of well location 6637 SE 100th Ave. Portland, OR

or Tax lot number of well location 6500

3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

20 Ft. below land surface. Date 4-26-97

Artesian Pressure 0 lb/sq. in. Date

(8) WATER BEARING ZONES:

Depth at which water was first found

From	To	Est. Flow Rate	SWL

(9) WELL LOG:

Ground elevation

Material mw #6	From	To	SWL
sandy, silt, brown	0	10	
brown, clayey silt fine y gravel	10	25	
brown, silty gravel fine to coarse	25	35	

Date started 4-26-97 Completed 4-26-97

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 10284

Signed Dan Clausen Date 4-26-97

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 10054

Signed Date 4/26/97

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

STATE OF OREGON

MONITORING WELL REPORT

(as required by ORS 537.765 & OAR 690-240-095)

Instructions for completing this report are on the last page of this form

JUN 23 1997

WATER RESOURCES DEPT.
SALEM, OREGON

mult 4 12717

53750 Start Card # 98997

(1) OWNER/PROJECT:

WELL NO. mw #7

Name Freeway Land Co.

Address 7945 Alberta

City Portland State OR Zip 97218

(2) TYPE OF WORK:

☒ New construction ☐ Alteration (Repair/Recondition)

☐ Conversion ☐ Deepening ☐ Abandonment

(3) DRILLING METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable

☐ Hollow Stem Auger ☐ Other

(4) BORE HOLE CONSTRUCTION

Special Standards Yes ☐ No ☒ Depth of completed well 58 ft.

Land surface

Vault 0 ft. TO -1 ft.

Seal -1 ft. TO 46 ft.

Filter pack 46 ft. TO 58 ft.

Water-tight cover

Surface flush vault

Locking cap

Casing diameter 2 in. material PVC sch 40

Welded ☐ Threaded ☒ Glued ☐

Liner diameter ____ in. material ____

Welded ☐ Threaded ☐ Glued ☐

Well seal: Material Bentonite chips Amount 8 bgs Grout weight ____

Borehole diameter 6 in.

Bentonite plug at least 3 ft. thick

Screen material PVC sch 40

interval(s): From 48 To 58 From ____ To ____

Slot size .010 in.

Filter pack: Material sand Size 10/20 in.

(5) WELL TEST:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Permeability ____ Yield ____ GPM

Conductivity ____ PH ____

Temperature of water 57 °F °C Depth artesian flow found ____ ft.

Was water analysis done? ☐ Yes ☒ No

By whom? ____

Depth of strata to be analyzed. From ____ ft. to ____ ft.

Remarks: ____

Name of supervising Geologist/Engineer ____

(6) LOCATION OF WELL By legal description

Well Location: County Multnomah

Township 1S (N or S) Range 2E (E or W) Section 21

1. SE 1/4 of NE 1/4 of above section.

2. Either Street address of well location 6637 SE 100th Ave. Portland, OR

or Tax lot number of well location 6500

3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

25 Ft. below land surface. Date 4-28-97

Artesian Pressure -0- lb/sq. in. Date ____

(8) WATER BEARING ZONES:

Depth at which water was first found 10

From	To	Est. Flow Rate	SWL

(9) WELL LOG:

Ground elevation ____

Material mw #7	From	To	SWL
asphalt + gravely gravel Base material	0	2	
silt & clayey silt trace of gravels, gray	2	45	
silty gravel, brown wet	45	58	

Date started 4-28-97 Completed 4-28-97

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 10284

Signed Dan Clausen Date 4-28-97

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 10254

Signed [signature] Date 4/28/97

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STATE OF OREGON

MONITORING WELL REPORT

(as required by ORS 537.765 & OAR 690-240-095)

Instructions for completing this report are on the reverse side of this form

JUN 23 1997

WATER RESOURCES DEPT.
SALEM, OREGON

mult L12712
53749 Start Card # 98992

(1) OWNER/PROJECT:

WELL NO: MW #8

Name Freeway Land Co.

Address 7945 Alberta

City Portland State OR Zip 97218

(2) TYPE OF WORK:

☒ New construction ☐ Alteration (Repair/Recondition)

☐ Conversion ☐ Deepening ☐ Abandonment

(3) DRILLING METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable

☐ Hollow Stem Auger ☐ Other

(4) BORE HOLE CONSTRUCTION

Special Standards Yes ☐ No ☒ Depth of completed well 28.5 ft.

Land surface

Vault 0 ft. TO 1 ft.

Seal 1 ft. TO 22 ft.

Filter pack 22 ft. TO 29 ft.

Water-tight cover

Surface flush vault

Locking cap

Casing diameter 2 in.

material PVC Sch 40

Welded ☐ Threaded ☒ Glued ☐

Liner

diameter ____ in.

material ____

Welded ☐ Threaded ☐ Glued ☐

Well seal:

Material Bentonite Chips

Amount 6 bgs

Grout weight ____

Borehole diameter 6 in.

Bentonite plug at least 3 ft. thick

Screen

material PVC Sch 40

interval(s):

From 23.5 To 28.5

From ____ To ____

Slot size .010 in.

Filter pack:

Material Sand

Size 10/20 in.

(5) WELL TEST:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Permeability ____ Yield ____ GPM

Conductivity ____ PH ____

Temperature of water 57 ☐ °F ☐ °C Depth artesian flow found ____ ft.

Was water analysis done? ☐ Yes ☒ No

By whom? ____

Depth of strata to be analyzed. From ____ ft. to ____ ft.

Remarks: ____

Name of supervising Geologist/Engineer ____

(6) LOCATION OF WELL By legal description

Well Location: County Multnomah

Township 1S (N or S) Range 2E (E or W) Section 22

1. NW 1/4 of NW 1/4 of above section.

2. Either Street address of well location 6637 SE 100th Ave. Portland, OR

or Tax lot number of well location 6500

3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

25 Ft. below land surface. Date 4-27-97

Artesian Pressure 0 lb/sq. in. Date ____

(8) WATER BEARING ZONES:

Depth at which water was first found ____

From	To	Est. Flow Rate	SWL

(9) WELL LOG:

Ground elevation ____

Material MW #8	From	To	SWL
brown, sandy silt	0	10	
brown clayey silt trace of gravel	10	23	
brown, silty gravel	23	29	

Date started 4-27-97 Completed 4-27-97

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 10784

Signed Dan Classen Date 4-27-97

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 10154

Signed ____ Date 6/16/97

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STATE OF OREGON

MONITORING WELL REPORT

(as required by ORS 537.765 & OAR 690-240-095)

MULT 54246

RECEIVED

SEP 25 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Start Card # 99140

Instructions for completing this report are on the last page of this form.

(1) OWNER/PROJECT: WELL NO. mw-9/L-11786

Name Freeway Land Co.

Address 7945 Alberta

City Portland State OR Zip 97218

(2) TYPE OF WORK:

☑ New construction ☐ Alteration (Repair/Recondition)

☐ Conversion ☐ Deepening ☐ Abandonment

(3) DRILLING METHOD

☑ Rotary Air ☐ Rotary Mud ☐ Cable

☐ Hollow Stem Auger ☐ Other

(6) LOCATION OF WELL By legal description

County Multnomah (N or S) Range 2E (E or W) Section 22

1. NW 1/4 of NW 1/4 of above section.

2. Either Street address of well location 6637 SE 106th AVE Portland OR

or Tax lot number of well location 6560

3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

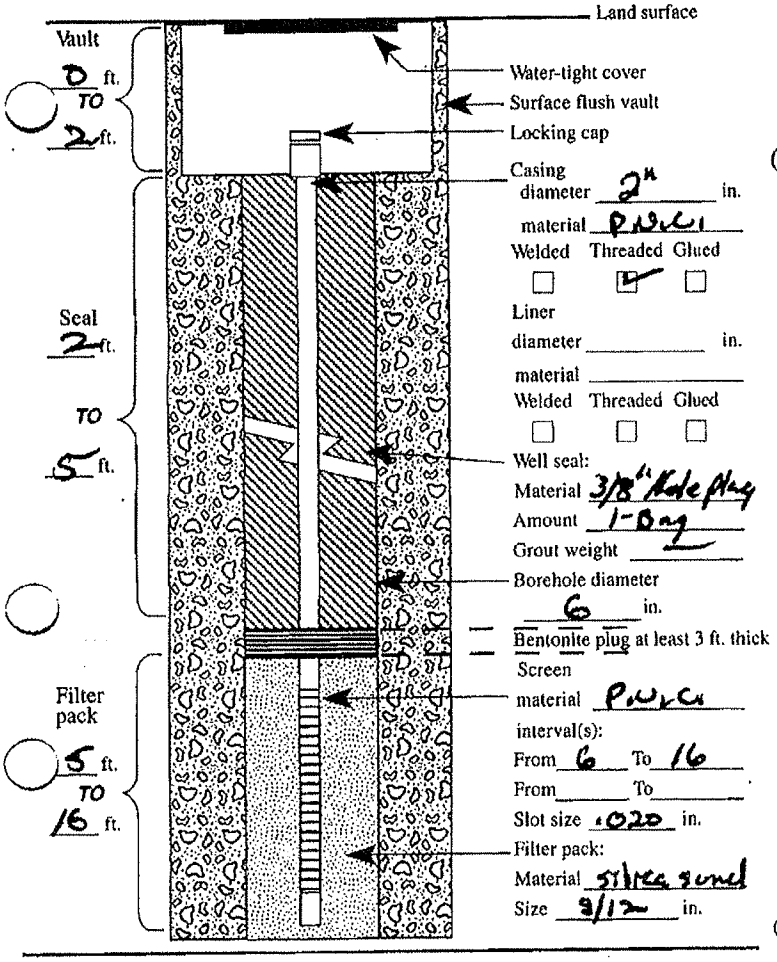
(7) STATIC WATER LEVEL:

5' Ft. below land surface. Date 8-18-97

Artesian Pressure lb/sq. in. Date

(4) BORE HOLE CONSTRUCTION

Special Standards ☐ Yes ☑ No Depth of completed well 160 ft.



(8) WATER BEARING ZONES:

Depth at which water was first found 5'0

From	To	Est. Flow Rate	SWL
5	7	NA	5'0

(9) WELL LOG: Ground elevation NAN

Material	From	To	SWL
Pervious mat'l	0	.5	
gravel & clay	.5	7'0	5'0
Clay	7'0	160	

Date started 8-18-97 Completed 8-18-97

(5) WELL TEST:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Permeability Yield GPM

Conductivity PH

Temperature of water 50 °F/C Depth artesian flow found ft.

Was water analysis done? ☐ Yes ☑ No

By whom?

Depth of strata to be analyzed. From ft. to ft.

Remarks:

Name of supervising Geologist/Engineer Richard

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 1029

Signed Robert A. Shull Date 8-20-97

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 1005

Signed Date 8/21/97

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT

SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

EXHIBIT A PAGE 31 OF 38

STATE OF OREGON MULT 54245

MONITORING WELL REPORT

(as required by ORS 537.765 & OAR 690-240-095)

Instructions for completing this report are on the last page of this form.

RECEIVED
SEP 25 1997
WATER RESOURCES DEPT.
SALEM, OREGON

Start Card # 099141

(1) OWNER/PROJECT:

WELL NO. MW-10/L-11727

Name Freeway Land Co.
Address 7945 Albatq
City Portland State OR Zip 97218

(2) TYPE OF WORK:

☑ New construction ☐ Alteration (Repair/Recondition)
☐ Conversion ☐ Deepening ☐ Abandonment

(3) DRILLING METHOD

☑ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Hollow Stem Auger ☐ Other

(4) BORE HOLE CONSTRUCTION

Special Standards ☐ Yes ☑ No Depth of completed well 16.0 ft.

Land surface

Vault 0 ft. TO 2 ft.

Seal 2 ft. TO 5 ft.

Filter pack 5 ft. TO 16.0 ft.

- Water-tight cover
- Surface flush vault
- Locking cap
- Casing diameter 2" in.
  material PVC
  Welded ☐ Threaded ☑ Glued ☐
- Liner
  diameter ____ in.
  material ____
  Welded ☐ Threaded ☐ Glued ☐
- Well seal:
  Material 3/8" plug
  Amount 1-Bag
  Grout weight ____
- Borehole diameter 6" in.
- Bentonite plug at least 3 ft. thick
- Screen
  material PVC
  interval(s):
  From 6 To 16
  From ____ To ____
  Slot size .020 in.
- Filter pack:
  Material silica sand
  Size 8/12 in.

(5) WELL TEST:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian
Permeability — Yield — GPM
Conductivity — PH —
Temperature of water 54 °F/C Depth artesian flow found ____ ft.
Was water analysis done? ☐ Yes ☑ No
By whom? ____
Depth of strata to be analyzed. From ____ ft. to ____ ft.
Remarks: ____

Name of supervising Geologist/Engineer Richard

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT. By legal description

Well Location: OREGON M&H Nomah
Township 1S (N or S) Range 2E (E or W) Section 22
1. NW 1/4 of NW 1/4 of above section.
2. Either Street address of well location 6637 SE 100th AVE Portland OR
or Tax lot number of well location 6500
3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

5.0 Ft. below land surface. Date 8-18-97
Artesian Pressure ____ lb/sq. in. Date ____

(8) WATER BEARING ZONES:

Depth at which water was first found 5.0

From	To	Est. Flow Rate	SWL
5.0	7.0	NA	5.0

(9) WELL LOG:

Ground elevation NA

Material	From	To	SWL
pavement	0	.5	
gravel & clay	.5	7.0	5.0
clay	7.0	16.0	

Date started 8-18-97 Completed 8-18-97

(unbonded) Monitor Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 10269
Signed [signature] Date 8-20-97

(bonded) Monitor Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 10054
Signed [signature] Date 8/27/97

SECOND COPY-WELL CONSTRUCTOR'S COPY

STATE OF OREGON

MONITORING WELL REPORT

(as required by ORS 537.765 & OAR 690-240-095)

MULT 54242

RECEIVED
SEP 25 1997
WATER RESOURCES DEPT.
SALEM, OREGON

Start Card # 099143

Instructions for completing this report are on the last page of this form.

(1) OWNER/PROJECT: WELL NO. MW-N/L-11784

Name Freeway Land Co.

Address 7945 Alberta

City Portland State OR Zip 97218

(2) TYPE OF WORK:

☑ New construction ☐ Alteration (Repair/Recondition)

☐ Conversion ☐ Deepening ☐ Abandonment

(3) DRILLING METHOD

☑ Rotary Air ☐ Rotary Mud ☐ Cable

☐ Hollow Stem Auger ☐ Other

(4) BORE HOLE CONSTRUCTION

Special Standards ☐ Yes ☑ No Depth of completed well 110 ft.

Land surface

Vault 0 ft. TO 2 ft.

Seal 2 ft. TO 5 ft.

Filter pack 5 ft. TO 16 ft.

Water-tight cover

Surface flush vault

Locking cap

Casing diameter 2" in.

material PVC

Welded ☐ Threaded ☑ Glued ☐

Liner

diameter ____ in.

material ____

Welded ☐ Threaded ☐ Glued ☐

Well seal:

Material 3/8" Bole Plug

Amount 1 Bag

Grout weight ____

Borehole diameter 6 in.

☐ Bentonite plug at least 3 ft. thick

Screen

material PVC

interval(s):

From 6 To 16

From ____ To ____

Slot size .020 in.

Filter pack:

Material Silica sand

Size 9/12 in.

(5) WELL TEST:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Permeability — Yield — GPM

Conductivity ____ PH ____

Temperature of water 50 °F/C Depth artesian flow found ____ ft.

Was water analysis done? ☐ Yes ☑ No

By whom? ____

Depth of strata to be analyzed. From ____ ft. to ____ ft.

Remarks: ____

Name of supervising Geologist/Engineer Rickard

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT

(6) LOCATION OF WELL By legal description

Well Location County Multnomah

Township 1S (N or S) Range 2E (E or W) Section 22

1. NW 1/4 of NW 1/4 of above section.

2. Either Street address of well location 6637 SE. 162nd AVE Portland OR

or Tax lot number of well location 6500

3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

56 Ft. below land surface. Date 8-18-97

Artesian Pressure ____ lb/sq. in. Date ____

(8) WATER BEARING ZONES:

Depth at which water was first found 510

From	To	Est. Flow Rate	SWL
5	710	N/A	510

(9) WELL LOG: Ground elevation N/A

Material	From	To	SWL
gravel & clay	0	810	510
clay	810	16	

Date started 8-16-97 Completed 8-18-97

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief..

MWC Number 1028

Signed [signature] Date 8-20-97

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 11054

Signed [signature] Date 8/27/97

SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

EXHIBIT A PAGE 33 OF 56

STATE OF OREGON MULT **RECEIVED**

MONITORING WELL REPORT 54241 SEP 25 1997

(as required by ORS 537.765 & OAR 690-240-095)

Instructions for completing this report are on the last page of this form. WATER RESOURCES DEPT. SALEM, OREGON

Start Card # 099144

(1) OWNER/PROJECT: WELL NO. MW-12/L-115

Name Freeway Land Co

Address 7945 Alberta

City Portland State OR Zip 97218

(2) TYPE OF WORK:

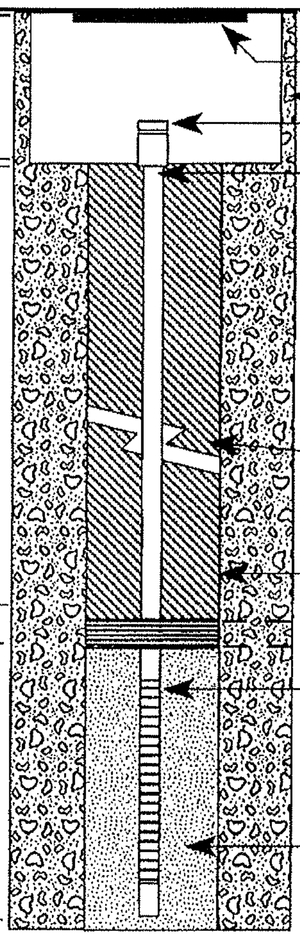
☑ New construction ☐ Alteration (Repair/Recondition)
☐ Conversion ☐ Deepening ☐ Abandonment

(3) DRILLING METHOD

☑ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Hollow Stem Auger ☐ Other

(4) BORE HOLE CONSTRUCTION

Special Standards Yes ☐ No ☑ Depth of completed well 16.0 ft.



Casing diameter 2" in.

material PVC

Welded ☐ Threaded ☑ Glued ☐

Liner diameter ______ in.

material ______

Welded ☐ Threaded ☐ Glued ☐

Well seal:

Material 3/8" Hole plug

Amount 1-Bag

Grout weight —

Borehole diameter 6" in.

Screen material P.V.C

interval(s): From 6 To 16

From ____ To ____

Slot size .020 in.

Filter pack: Material Silica Sand

Size 8/12 in.

(5) WELL TEST:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Permeability — Yield — GPM

Conductivity — PH —

Temperature of water 50° °F/C Depth artesian flow found ______ ft.

Was water analysis done? ☐ Yes ☑ No

By whom? ______

Depth of strata to be analyzed. From ______ ft. to ______ ft.

Remarks: ______

Name of supervising Geologist/Engineer Richard

(6) LOCATION OF WELL By legal description

Well Location: County Multnomah

Township 1S (N or S) Range 2E (E or W) Section 22

1. NW 1/4 of NW 1/4 of above section.

2. Either Street address of well location 6637 SE 100th AVE. Portland OR

or Tax lot number of well location 6500

3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

5.0 Ft. below land surface. Date 8-18-97

Artesian Pressure — lb/sq. in. Date ______

(8) WATER BEARING ZONES:

Depth at which water was first found 5.0

From	To	Est. Flow Rate	SWL
5	7	NA	5.0

(9) WELL LOG: Ground elevation NA

Material	From	To	SWL
Pavement	0	.5	
Gravel	.5	5.0	
Clay	5.0	16.0	5.0

Date started 8-18-97 Completed 8-18-97

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 10249

Signed [signature] Date 8-20-97

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 10054

Signed [signature] Date 9/ /97

EXHIBIT A PAGE 34 OF 58

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

STATE OF OREGON
MONITORING WELL REPORT
(as required by ORS 537.765 & OAR 690-240-095)

MULT 54244

RECEIVED
SEP 25 1997
WATER RESOURCES DEPT.
SALEM, OREGON

Start Card # 099142

Instructions for completing this report are on the last page of this form.

(1) OWNER/PROJECT: WELL NO. MW-13/L-11288

Name Freeway Land Co.
Address 2945 Alberta
City Portland State OR Zip 97218

(2) TYPE OF WORK:

☑ New construction ☐ Alteration (Repair/Recondition)
☐ Conversion ☐ Deepening ☐ Abandonment

(3) DRILLING METHOD

☑ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Hollow Stem Auger ☐ Other

(4) BORE HOLE CONSTRUCTION

Special Standards ☐ Yes ☑ No Depth of completed well 16.0 ft.

Land surface

Vault 0 ft. TO 2 ft.

Seal 2 ft. TO 5 ft.

Filter pack 5 ft. TO 16.0 ft.

- Water-tight cover
- Surface flush vault
- Locking cap
- Casing diameter 2" in. material PVC Welded ☐ Threaded ☑ Glued ☐
- Liner diameter 2" in. material ____ Welded ☐ Threaded ☐ Glued ☐
- Well seal: Material 3/8" Hole plug Amount 1 Bag Grout weight ____
- Borehole diameter 6 in.
- Bentonite plug at least 3 ft. thick
- Screen material PVC interval(s): From 6 To 16 From ____ To ____ Slot size .020 in.
- Filter pack: Material Silica Sand Size 8/12 in.

(5) WELL TEST:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian
Permeability — Yield — GPM
Conductivity — PH —
Temperature of water 44° °F/C Depth artesian flow found ____ ft.
Was water analysis done? ☐ Yes ☑ No
By whom?
Depth of strata to be analyzed. From ____ ft. to ____ ft.
Remarks:

Name of supervising Geologist/Engineer Richard

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT

(6) LOCATION OF WELL By legal description

Well Location: County Multnomah
Township 1S (N or S) Range 2E (E or W) Section 22
1. NW 1/4 of NW 1/4 of above section.
2. Either Street address of well location 6637 SE 100th Mult Portland OR.
or Tax lot number of well location 6A500
3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

5.0 Ft. below land surface. Date 8-18-97
Artesian Pressure ____ lb/sq. in. Date ____

(8) WATER BEARING ZONES:

Depth at which water was first found 5.0

From	To	Est. Flow Rate	SWL
5	7	NA.	5.

(9) WELL LOG: Ground elevation NA.

Material	From	To	SWL
Pavement	0	5	
gravel & clay	5	8.0	5.0
Clay	8	16	

Date started 8-14-97 Completed 8-14-97

(unbonded) Monitor Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.
MWC Number 10249
Signed [signature] Date 8-20-97

(bonded) Monitor Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
MWC Number 10054
Signed [signature] Date 8/26/97

SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

EXHIBIT A PAGE 35 OF 58

STATE OF OREGON

MULT 54240

MONITORING WELL REPORT

(as required by ORS 537.765 & OAR 690-240-095)

Instructions for completing this report are on the last page of this form.

RECEIVED SEP 2 5 1997 WATER RESOURCES DEPT SALEM, OREGON

Start Card # 099145

(1) OWNER/PROJECT: WELL NO. MW-14/L-1178

Name Freeway Land Co.

Address 7945 Alberta

City Portland State OR Zip 97218

(2) TYPE OF WORK:

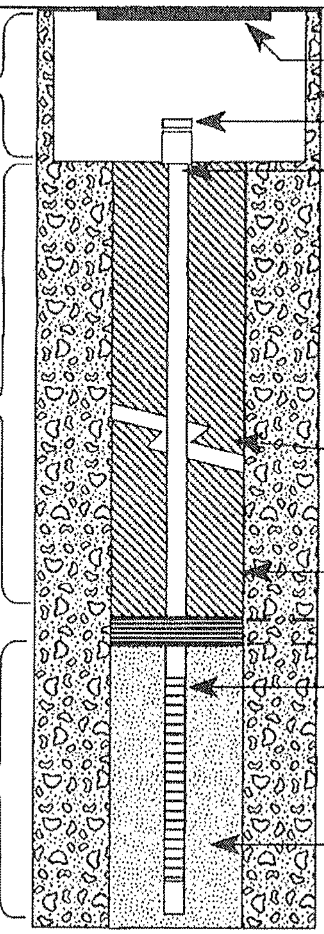
- [x] New construction
- [ ] Alteration (Repair/Recondition)
- [ ] Conversion
- [ ] Deepening
- [ ] Abandonment

(3) DRILLING METHOD

- [x] Rotary Air
- [ ] Rotary Mud
- [ ] Cable
- [ ] Hollow Stem Auger
- [ ] Other

(4) BORE HOLE CONSTRUCTION

Special Standards Yes [ ] No [x] Depth of completed well 16.0 ft.



Land surface

Vault 0 ft. TO 2 ft.

Water-tight cover

Surface flush vault

Locking cap

Casing diameter 2" in.

material PVC

Welded [ ] Threaded [x] Glued [ ]

Liner diameter ______ in.

material ______

Welded [ ] Threaded [ ] Glued [ ]

Seal 2 ft. TO 6 ft.

Well seal:

Material 3/8" Hole plug

Amount 1-Bag

Grout weight ______

Borehole diameter 6" in.

Bentonite plug at least 3 ft. thick

Filter pack 5 ft. TO 16.0 ft.

Screen material PVC

interval(s): From 6 To 16

From ______ To ______

Slot size .020 in.

Filter pack:

Material Silica Sand

Size 8/12 in.

(5) WELL TEST:

- [ ] Pump
- [ ] Bailer
- [ ] Air
- [ ] Flowing Artesian

Permeability — Yield — GPM

Conductivity — PH ______

Temperature of water 50° °F/C Depth artesian flow found ______ ft.

Was water analysis done? [ ] Yes [x] No

By whom? ______

Depth of strata to be analyzed. From ______ ft. to ______ ft.

Remarks: ______

Name of supervising Geologist/Engineer Richard

(6) LOCATION OF WELL By legal description

Well Location County Multnomah

Township 1S (N or S) Range 2E (E or W) Section 22

1. NW 1/4 of NW 1/4 of above section.

2. Either Street address of well location 6637 SE 100th AVE Portland OR

or Tax lot number of well location 6500

3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

5.0 Ft. below land surface. Date 8-19-97

Artesian Pressure ______ lb/sq. in. Date ______

(8) WATER BEARING ZONES:

Depth at which water was first found 5.0

From	To	Est. Flow Rate	SWL
5.	7.0	NA	5.0

(9) WELL LOG: Ground elevation NA

Material	From	To	SWL
pavement	0	.5	
gravel	.5	5.0	5.0
Clay	5.0	16.0	

Date started 8-19-97 Completed 8-19-97

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 10089

Signed [signature] Date 8-20-97

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 10054

Signed [signature] Date 9/18/97

EXHIBIT A PAGE 36 OF 58

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

STATE OF OREGON MULT 54238

MONITORING WELL REPORT

(as required by ORS 537.765 & OAR 690-240-095)

Instructions for completing this report are on the last page of this form.

RECEIVED SEP 25 1997 WATER RESOURCES DEPT. SALEM, OREGON

Start Card # 029152

(1) OWNER/PROJECT: WELL NO. MW-15/L-11775

Name Freeway Land Co.

Address 2845 Alberta

City Portland State OR Zip 97218

(2) TYPE OF WORK:

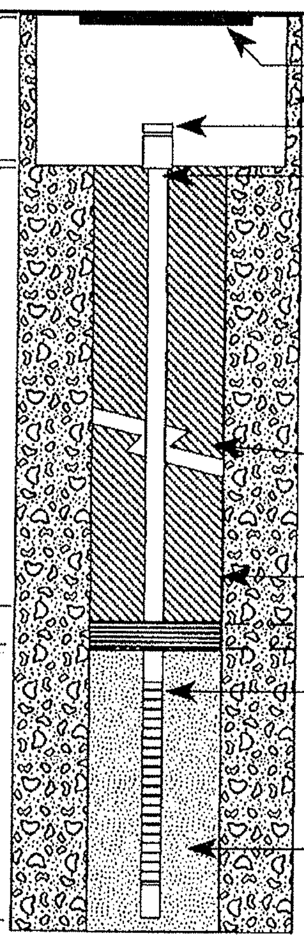
- [x] New construction
- [ ] Alteration (Repair/Recondition)
- [ ] Conversion
- [ ] Deepening
- [ ] Abandonment

(3) DRILLING METHOD

- [x] Rotary Air
- [ ] Rotary Mud
- [ ] Cable
- [ ] Hollow Stem Auger
- [ ] Other

(4) BORE HOLE CONSTRUCTION

Special Standards Yes [ ] No [x] Depth of completed well 16 ft.



Land surface

Vault 0 ft. TO 2 ft.

Water-tight cover

Surface flush vault

Locking cap

Casing diameter 2" in. material

Welded [ ] Threaded [x] Glued [ ]

Liner diameter in. material

Welded [ ] Threaded [ ] Glued [ ]

Seal 2 ft. TO 21 ft.

Well seal: Material 3/8" Hole plug Amount 1-Bag Grout weight

Borehole diameter 6" in.

Bentonite plug at least 3 ft. thick

Screen material PVC

interval(s): From 24 To 34 From To

Slot size .020 in.

Filter pack 21 ft. TO 34 ft.

Filter pack: Material Silica sand Size 8-12 in.

(5) WELL TEST:

- [ ] Pump
- [ ] Bailer
- [ ] Air
- [ ] Flowing Artesian

Permeability — Yield — GPM

Conductivity — PH

Temperature of water 50 °F/C Depth artesian flow found ft.

Was water analysis done? [ ] Yes [x] No

By whom?

Depth of strata to be analyzed. From ft. to ft.

Remarks:

Name of supervising Geologist/Engineer [signature]

(6) LOCATION OF WELL By legal description

Well Location: County Multnomah

Township 1S (N or S) Range 2E (E or W) Section 22

1. NW 1/4 of NW 1/4 of above section.

2. Either Street address of well location 6637 SE 100th Ave Portland OR

or Tax lot number of well location 6500

3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

5 Ft. below land surface. Date 8-14-97

Artesian Pressure lb/sq. in. Date

(8) WATER BEARING ZONES:

Depth at which water was first found 5

From	To	Est. Flow Rate	SWL
5	7	unknown	5.0

(9) WELL LOG: Ground elevation N/A

Material	From	To	SWL
pavement	0	.5	
gravel & clay	.5	7.0	5.0
Clay	7.0	16.0	

Date started 8-14-97 Completed 8-14-97

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 10269

Signed [signature] Date 8-20-97

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 10054

Signed [signature] Date 8/20/97

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

STATE OF OREGON

MONITORING WELL REPORT

(as required by ORS 537.765 & OAR 690-240-095)

MULT 54239

RECEIVED

SEP 25 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Start Card # 099146

Instructions for completing this report are on the last page of this form.

(1) OWNER/PROJECT: WELL NO. MW-MULT-11294

Name Freeway Land Co.

Address 7945 Alberta

City Portland State OR Zip 97218

(2) TYPE OF WORK:

☑ New construction ☐ Alteration (Repair/Recondition)

☐ Conversion ☐ Deepening ☐ Abandonment

(3) DRILLING METHOD

☑ Rotary Air ☐ Rotary Mud ☐ Cable

☐ Hollow Stem Auger ☐ Other

(4) BORE HOLE CONSTRUCTION

Special Standards ☐ Yes ☑ No Depth of completed well 34.0 ft.

Land surface

Vault 0 ft. TO 2 ft.

Seal 2 ft. TO 21 ft.

Filter pack 21 ft. TO 34 ft.

Water-tight cover

Surface flush vault

Locking cap

Casing diameter DN in.

material PVC

Welded ☐ Threaded ☑ Glued ☐

Liner

diameter in.

material

Welded ☐ Threaded ☐ Glued ☐

Well seal:

Material 3/8" Hole Plug

Amount 5-Bags

Grout weight —

Borehole diameter 6 in.

☐ Bentonite plug at least 3 ft. thick

Screen

material PVC

interval(s):

From 24 To 34

From To

Slot size .020 in.

Filter pack:

Material Silica Sand

Size 8-12 in.

(5) WELL TEST:

☐ Pump ☐ Baller ☐ Air ☐ Flowing Artesian

Permeability — Yield — GPM

Conductivity — PH —

Temperature of water 50° °F/C Depth artesian flow found ft.

Was water analysis done? ☐ Yes ☑ No

By whom?

Depth of strata to be analyzed. From ft. to ft.

Remarks:

Name of supervising Geologist/Engineer

(6) LOCATION OF WELL By legal description

Well Location: County Multnomah

Township 1S (N or S) Range 2E (E or W) Section 22

1. NW 1/4 of NW 1/4 of above section.

2. Either Street address of well location 6637 SE 100th AVE. Portland OR

or Tax lot number of well location 6500

3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

22 Ft. below land surface. Date 8-14-97

Artesian Pressure lb/sq. in. Date

(8) WATER BEARING ZONES:

Depth at which water was first found 22

From	To	Est. Flow Rate	SWL
22	34	NM	22

(9) WELL LOG: Ground elevation NM

Material	From	To	SWL
Pavement	0	15	
gravel & clay	15	70	
clay	70	32	22.0
Sand & Fine to coarse	32	34	

Date started 8-19-97 Completed 8-19-97

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 1029

Signed [signature] Date 8-20-97

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 1054

Signed [signature] Date 8/30/97

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

STATE OF OREGON

MULT 54236

MONITORING WELL REPORT

(as required by ORS 537.765 & OAR 690-240-095)

RECEIVED SEP 25 1997 WATER RESOURCES DEPT. SALEM, OREGON

Start Card # 099155

Instructions for completing this report are on the last page of this form.

(1) OWNER/PROJECT: WELL NO. Frez #7/L-11297

Name Freeway land Co

Address 7945

City Portland State OR Zip 97218

(2) TYPE OF WORK:

[x] New construction [ ] Alteration (Repair/Recondition)
[ ] Conversion [ ] Deepening [ ] Abandonment

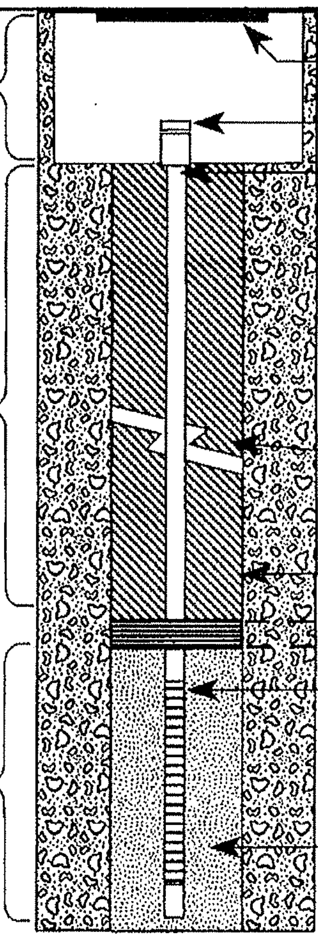
(3) DRILLING METHOD

[x] Rotary Air [ ] Rotary Mud [ ] Cable
[ ] Hollow Stem Auger [ ] Other ______

(4) BORE HOLE CONSTRUCTION

Special Standards Yes [ ] No [x] Depth of completed well 11 ft.

Land surface



Vault 0 ft. TO 2 ft.

Seal 2 ft. TO 5 ft.

Filter pack 5 ft. TO 11 ft.

Water-tight cover

Surface flush vault

Locking cap

Casing diameter 2" in.

material PVC

Welded [ ] Threaded [x] Glued [ ]

Liner diameter ______ in.

material ______

Welded [ ] Threaded [ ] Glued [ ]

Well seal:

Material 3/8" Holeplug

Amount 1-Bag

Grout weight ______

Borehole diameter 6" in.

Bentonite plug at least 3 ft. thick

Screen material PVC

interval(s): From 6 To 11

From ______ To ______

Slot size .020 in.

Filter pack:

Material Silica sand

Size 8-12 in.

(5) WELL TEST:

[ ] Pump [ ] Bailer [ ] Air [ ] Flowing Artesian

Permeability — Yield — GPM

Conductivity — PH —

Temperature of water 50 °F/C Depth artesian flow found ______ ft.

Was water analysis done? [ ] Yes [x] No

By whom? ______

Depth of strata to be analyzed. From ______ ft. to ______ ft.

Remarks: ______

Name of supervising Geologist/Engineer Richard

(6) LOCATION OF WELL By legal description

Well Location County Multnomah

Township 1S (N or S) Range 2E (E or W) Section 22

1. NW 1/4 of NW 1/4 of above section.

2. Either Street address of well location 6637 SE 100th AVE Portland OR

or Tax lot number of well location 6500

3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

9.0 Ft. below land surface. Date 8-20-97

Artesian Pressure ______ lb/sq. in. Date ______

(8) WATER BEARING ZONES:

Depth at which water was first found 9.0

From	To	Est. Flow Rate	SWL
9	10	NA	9.0

(9) WELL LOG: Ground elevation NA

Material	From	To	SWL
Pavement	0	.5	
Gravel & Clay	.5	8.0	
Clay	8.	11.0	9.0

Date started 8-14-97 Completed 8-14-97

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 10289

Signed [signature] Date 8-20-97

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 10054

Signed [signature] Date 9/18/97

EXHIBIT A PAGE 39 OF 58

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

STATE OF OREGON

MONITORING WELL REPORT

(as required by ORS 537.765 & OR 690-240-095)

Instructions for completing this report are on the last page of this form.

MULT 54234

RECEIVED L11796

SEP 25 1997

WATER RESOURCES DEPT
SALEM, OREGON

Start Card # [redacted] 099157

(1) OWNER/PROJECT:

WELL NO. Plaza #18

Name Freeway Land Co

Address 7945 Alberta

City Portland State OR Zip 97218

(2) TYPE OF WORK:

☑ New construction ☐ Alteration (Repair/Recondition)

☐ Conversion ☐ Deepening ☐ Abandonment

(3) DRILLING METHOD

☑ Rotary Air ☐ Rotary Mud ☐ Cable

☐ Hollow Stem Auger ☐ Other

(4) BORE HOLE CONSTRUCTION

Special Standards ☐ Yes ☒ No Depth of completed well 11 ft.

Land surface

Vault 0 ft. TO 2 ft.

Seal 2 ft. TO 5 ft.

Filter pack 5 ft. TO 11 ft.

Water-tight cover

Surface flush vault

Locking cap

Casing diameter 2" in.

material PVC

Welded ☐ Threaded ☑ Glued ☐

Liner

diameter ____ in.

material ____

Welded ☐ Threaded ☐ Glued ☐

Well seal:

Material 3/8" Hole plug

Amount 1-Bag

Grout weight ____

Borehole diameter 6" in.

☐ Bentonite plug at least 3 ft. thick

Screen

material PVC

interval(s):

From 6 To 11

From ____ To ____

Slot size .020 in.

Filter pack:

Material Silica Sand

Size 8-12 in.

(5) WELL TEST:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Permeability ____ Yield ____ GPM

Conductivity ____ PH ____

Temperature of water 51 °F/C Depth artesian flow found ____ ft.

Was water analysis done? ☐ Yes ☒ No

By whom? ____

Depth of strata to be analyzed. From ____ ft. to ____ ft.

Remarks: ____

Name of supervising Geologist/Engineer Richard

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT

(6) LOCATION OF WELL By legal description

Well Location: County Multnomah

Township 1S (N or S) Range 2E (E or W) Section 22.

1. NW 1/4 of NW 1/4 of above section.

2. Either Street address of well location 6637 SE 100th AVE Portland OR

or Tax lot number of well location Ca 500

3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

10' Ft. below land surface. Date 8-20-97

Artesian Pressure ____ lb/sq. in. Date ____

(8) WATER BEARING ZONES:

Depth at which water was first found 10'

From	To	Est. Flow Rate	SWL
10	11	N/A	10.0

(9) WELL LOG:

Ground elevation N/A

Material	From	To	SWL
Pavement	0	1.5	
Gravel & clay	1.5	7.0	
Clay	7.0	11.0	10.0

Date started 8-18-97 Completed 8-19-97

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 0259

Signed [signature] Date 8-20-97

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 10054

Signed [signature] Date 8/27/97

SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

STATE OF OREGON MULT 54235

RECEIVED SEP 25 1997 WATER RESOURCES DEPT SALEM, OREGON

~~MONITORING~~ WELL REPORT

(as required by ORS 537.765 & OAR 690-240-095)

Instructions for completing this report are on the last page of this form.

Start Card # 099156

(1) OWNER/PROJECT:

WELL NO. Piezo# 19/L-11293

Name Freeway land Co

Address 7945 Alberta

City Portland State OR Zip 97218

(2) TYPE OF WORK:

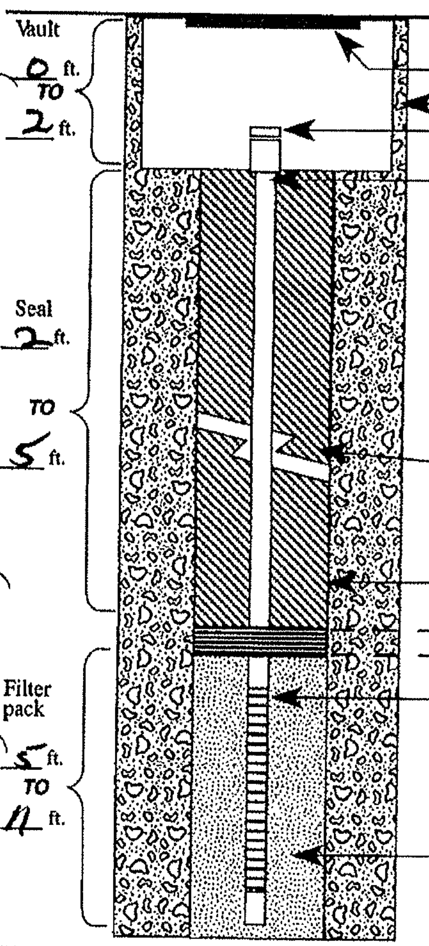
- [x] New construction
- [ ] Conversion
- [ ] Alteration (Repair/Recondition)
- [ ] Deepening
- [ ] Abandonment

(3) DRILLING METHOD

- [x] Rotary Air
- [ ] Hollow Stem Auger
- [ ] Rotary Mud
- [ ] Other
- [ ] Cable

(4) BORE HOLE CONSTRUCTION

Special Standards Yes [ ] No [x] Depth of completed well 11 ft.



Vault 0 ft. TO 2 ft.

Seal 2 ft. TO 5 ft.

Filter pack 5 ft. TO 11 ft.

Casing diameter 2" in.
material pvc
Welded [ ] Threaded [x] Glued [ ]

Liner diameter ______ in.
material ______
Welded [ ] Threaded [ ] Glued [ ]

Well seal:
Material 3/8" Holeplug
Amount 1 Bag
Grout weight ______

Borehole diameter 6 in.

Bentonite plug at least 3 ft. thick

Screen material pvc
interval(s):
From 6 To 11
From ______ To ______
Slot size .020 in.

Filter pack:
Material Silica sand
Size 8-12 in.

(5) WELL TEST:

- [ ] Pump
- [ ] Bailer
- [ ] Air
- [ ] Flowing Artesian

Permeability — Yield — GPM

Conductivity — PH ______

Temperature of water 51 °F/C Depth artesian flow found ______ ft.

Was water analysis done? [ ] Yes [x] No

By whom? ______

Depth of strata to be analyzed. From ______ ft. to ______ ft.

Remarks: ______

Name of supervising Geologist/Engineer Richard

(6) LOCATION OF WELL By legal description

Well Location: County Multnomah

Township 1S (N or S) Range 2E (E or W) Section 22

1. NW 1/4 of NW 1/4 of above section.

2. Either Street address of well location 6637 SE 100th Ave Portland OR

or Tax lot number of well location 6500

3. ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

5.0 Ft. below land surface. Date 8-20-97

Artesian Pressure ______ lb/sq. in. Date ______

(8) WATER BEARING ZONES:

Depth at which water was first found 5.0

From	To	Est. Flow Rate	SWL
5	8	NA	5.0

(9) WELL LOG:

Ground elevation NA

Material	From	To	SWL
pavement	0	.5	
gravel & clay	.5	8	5.0
Clay	8	11	

Date started 8-19-97 Completed 8-20-97

(unbonded) Monitor Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

MWC Number 10289

Signed [signature] Date 8-20-97

(bonded) Monitor Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 10054

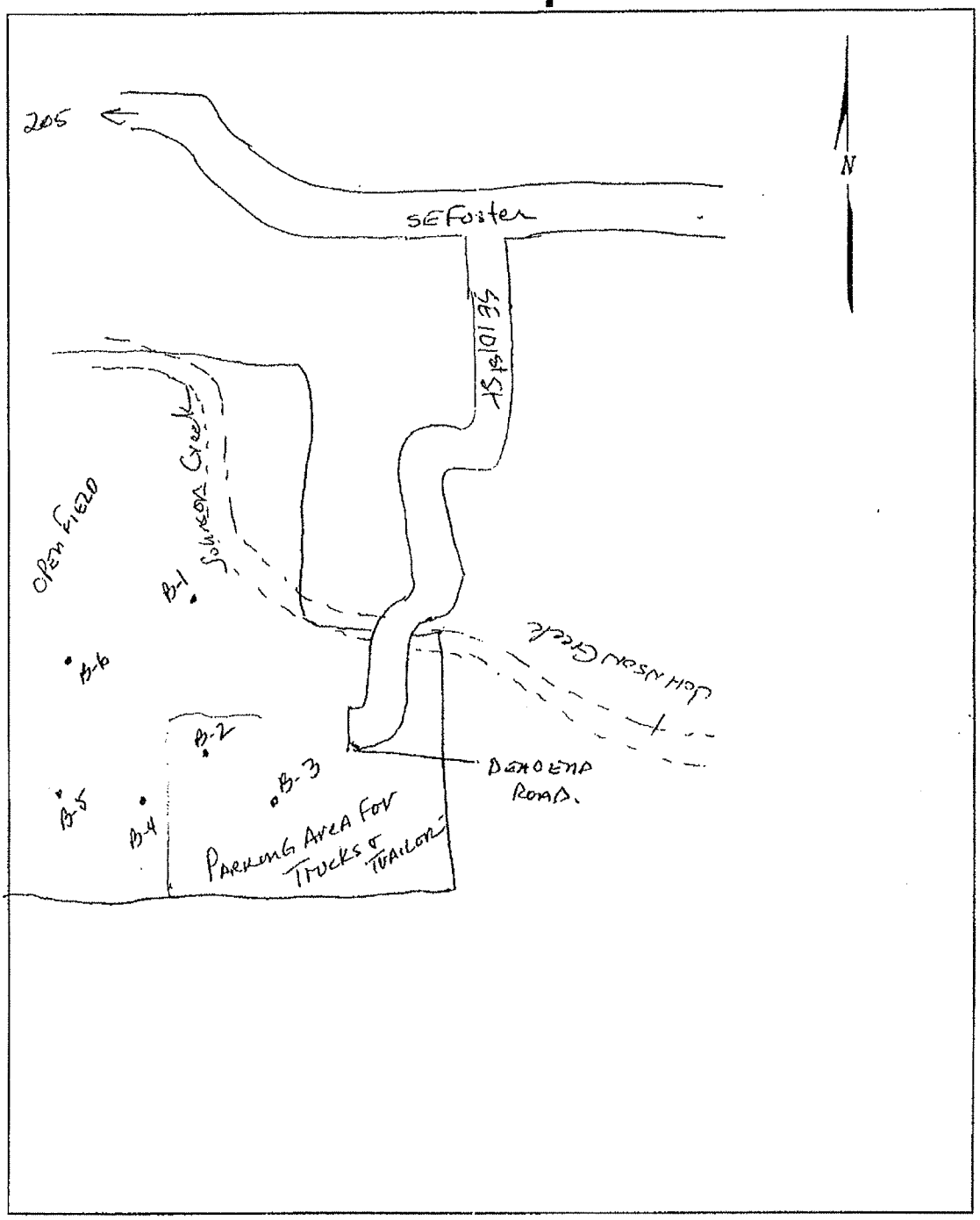
Signed [signature] Date 8/20/97

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

ATTACHMENT 2
Geotechnical Hole Reports for B-1 Through B-8

Map of Hole

Site Map



STATE OF OREGON
GEOTECHNICAL HOLE REPORT
(as required by OAR 690-240-0035)

MULT 87287
01-09-2007

(1) OWNER/PROJECT

Hole Number B-1

First Name _____ Last Name _____
Company JAMESON PARTNERS, LLC
Address PO BOX 10067
City PORTLAND State OR Zip 97296

(2) TYPE OF WORK

☒ New ☐ Deepening ☒ Abandonment
☐ Alteration (repair/recondition)

(3) CONSTRUCTION

☐ Rotary Air ☐ Hand Auger ☐ Hollow stem auger
☐ Rotary Mud ☐ Cable ☒ Push Probe
☐ Other _____

(4) TYPE OF HOLE:

◉ Uncased Temporary ○ Cased Permanet
○ Uncased Permanent ○ Slope Stablity
○ Other
Other: _____

(5) USE OF HOLE

WATER SAMPLES

(6) BORE HOLE CONSTRUCTION

Special Standard ☐ Attach copy)
Depth of Completed Hole 20.00 ft.

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/ lbs
3.25	0	20					

Backfill placed from 0 ft. to 20 ft. Material BENTONITE
Filter pack from _____ ft. to _____ ft. Material _____ Size _____

(7) CASING/SCREEN

Casing	Screen	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
○	○		☐				○	○	☐	☐
○	○		☐				○	○	☐	☐
○	○		☐				○	○	☐	☐
○	○		☐				○	○	☐	☐
○	○		☐				○	○	☐	☐

(8) WELL TESTS

○ Pump ○ Bailer ○ Air ○ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration(hr)

Temperature 53 °F Lab analysis ☐ Yes By _____
Supervising Geologist/Engineer _____
Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF HOLE (legal description)

County Multnomah Twp 1.00 S N/S Range 2.00 E E/W WM
Sec 21 SE 1/4 of the NE 1/4 Tax Lot 300
Tax Map Number _____ Lot _____
Lat ° 0 ' " or _____ DMS or DD
Long ° 0 ' " or _____ DMS or DD
◉ Street address of hole ○ Nearest address

6400 SE 101ST AVE, PORTLAND, OR

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Predeepening				
Completed Well	12-08-2006			15

Flowing Artesian? ☐
WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL (ft)

(11) SUBSURFACE LOG

Ground Elevation _____

Material	From	To
SANDS & GRAVELS	0	10
SANDY SILTS	10	20

Date Started 12-08-2006 Completed 12-08-2006

(12) ABANDONMENT LOG:

Material	From	To	Amt	sacks/ lbs
Bentonite Chips	0	20	1.5	S

Date Started 12-08-2006 Completed 12-08-2006

Professional Certification (to be signed by an Oregon licensed water or monitoring well constructor, or Oregon registered geologist or civil engineer).

I accept responsibility for the construction, deepening, alteration, or abandonment work performed during the construction dates reported above. All work performed during this time is in compliance with Oregon geotechnical hole construction standards. This report is true to the best of my knowledge and belief.

License/Registration Number 10495 Date _____
Electronically Submitted
First Name MARCUS Last Name JOHNSON
Affiliation Geo-Tech Explorations a Div. of Boart Longyear Co.

ORIGINAL - WATER RESOURCES DEPARTMENT
THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 [illegible]

Form Version: 0.36

STATE OF OREGON
GEOTECHNICAL HOLE REPORT
(as required by OAR 690-240-0035)

MULT 87288
01-09-2007

(1) OWNER/PROJECT

Hole Number B-2

First Name _____ Last Name _____
Company JAMESON PARTNERS, LLC
Address PO BOX 10067
City PORTLAND State OR Zip 97296

(2) TYPE OF WORK

☒ New ☐ Deepening ☒ Abandonment
☐ Alteration (repair/recondition)

(3) CONSTRUCTION

☐ Rotary Air ☐ Hand Auger ☐ Hollow stem auger
☐ Rotary Mud ☐ Cable ☒ Push Probe
☐ Other _____

(4) TYPE OF HOLE:

◉ Uncased Temporary ○ Cased Permanet
○ Uncased Permanent ○ Slope Stablity
○ Other
Other: _____

(5) USE OF HOLE

WATER SAMPLES

(6) BORE HOLE CONSTRUCTION

Special Standard ☐ Attach copy)
Depth of Completed Hole 20.00 ft.

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/ lbs
3.25	0	20					

Backfill placed from 0 ft. to 20 ft. Material BENTONITE
Filter pack from _____ ft. to _____ ft. Material _____ Size _____

(7) CASING/SCREEN

Casing	Screen	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
○	○						○	○		
○	○						○	○		
○	○						○	○		
○	○						○	○		
○	○						○	○		

(8) WELL TESTS

○ Pump ○ Bailer ○ Air ○ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration(hr)

Temperature 53 °F Lab analysis ☐ Yes By _____
Supervising Geologist/Engineer _____
Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF HOLE (legal description)

County Multnomah Twp 1.00 S N/S Range 2.00 E E/W WM
Sec 21 SE 1/4 of the NE 1/4 Tax Lot 300
Tax Map Number _____ Lot _____
Lat ° 0 ' " or _____ DMS or DD
Long ° 0 ' " or _____ DMS or DD
◉ Street address of hole ○ Nearest address
6400 SE 101ST AVE, PORTLAND, OR

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Predeepening				
Completed Well	12-08-2006			15

Flowing Artesian? ☐
WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL (ft)

(11) SUBSURFACE LOG

Ground Elevation _____

Material	From	To
SANDS & GRAVELS	0	10
SANDY SILTS	10	20

Date Started 12-08-2006 Completed 12-08-2006

(12) ABANDONMENT LOG:

Material	From	To	Amt	sacks/ lbs
Bentonite Chips	0	20	1.5	S

Date Started 12-08-2006 Completed 12-08-2006

Professional Certification (to be signed by an Oregon licensed water or monitoring well constructor, or Oregon registered geologist or civil engineer).

I accept responsibility for the construction, deepening, alteration, or abandonment work performed during the construction dates reported above. All work performed during this time is in compliance with Oregon geotechnical hole construction standards. This report is true to the best of my knowledge and belief.

License/Registration Number 10495 Date _____
Electronically Submitted
First Name MARCUS Last Name JOHNSON
Affiliation Geo-Tech Explorations a Div. of Boart Longyear Co.

ORIGINAL - WATER RESOURCES DEPARTMENT
THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 [illegible]

Form Version: 0.36

STATE OF OREGON
GEOTECHNICAL HOLE REPORT
(as required by OAR 690-240-0035)

MULT 87289
01-09-2007

(1) OWNER/PROJECT

Hole Number B-3

First Name _____ Last Name _____
Company JAMESON PARTNERS, LLC
Address PO BOX 10067
City PORTLAND State OR Zip 97296

(2) TYPE OF WORK

☒ New ☐ Deepening ☒ Abandonment
☐ Alteration (repair/recondition)

(3) CONSTRUCTION

☐ Rotary Air ☐ Hand Auger ☐ Hollow stem auger
☐ Rotary Mud ☐ Cable ☒ Push Probe
☐ Other _____

(4) TYPE OF HOLE:

◉ Uncased Temporary ○ Cased Permanet
○ Uncased Permanent ○ Slope Stablity
○ Other
Other: _____

(5) USE OF HOLE

WATER SAMPLES

(6) BORE HOLE CONSTRUCTION

Special Standard ☐ Attach copy)
Depth of Completed Hole 20.00 ft.

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/ lbs
3.25	0	20					

Backfill placed from 0 ft. to 20 ft. Material BENTONITE
Filter pack from _____ ft. to _____ ft. Material _____ Size _____

(7) CASING/SCREEN

Casing	Screen	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

(8) WELL TESTS

○ Pump ○ Bailer ○ Air ○ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration(hr)

Temperature 53 °F Lab analysis ☐ Yes By _____
Supervising Geologist/Engineer _____
Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF HOLE (legal description)

County Multnomah Twp 1.00 S N/S Range 2.00 E E/W WM
Sec 21 SE 1/4 of the NE 1/4 Tax Lot 300
Tax Map Number _____ Lot _____
Lat ° 0 ' " or _____ DMS or DD
Long ° 0 ' " or _____ DMS or DD
◉ Street address of hole ○ Nearest address
6400 SE 101ST AVE, PORTLAND, OR

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Predeepening				
Completed Well	12-08-2006			15

Flowing Artesian? ☐
WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)

(11) SUBSURFACE LOG

Ground Elevation _____

Material	From	To
SANDS & GRAVELS	0	10
SANDY SILTS	10	20

Date Started 12-08-2006 Completed 12-08-2006

(12) ABANDONMENT LOG:

Material	From	To	Amt	sacks/ lbs
Bentonite Chips	0	20	1.5	S

Date Started 12-08-2006 Completed 12-08-2006

Professional Certification

(to be signed by an Oregon licensed water or monitoring well constructor, or Oregon registered geologist or civil engineer).

I accept responsibility for the construction, deepening, alteration, or abandonment work performed during the construction dates reported above. All work performed during this time is in compliance with Oregon geotechnical hole construction standards. This report is true to the best of my knowledge and belief.

License/Registration Number 10495 Date _____
Electronically Submitted
First Name MARCUS Last Name JOHNSON
Affiliation Geo-Tech Explorations a Div. of Boart Longyear Co.

ORIGINAL - WATER RESOURCES DEPARTMENT
THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 [illegible]

Form Version: 0.36

STATE OF OREGON
GEOTECHNICAL HOLE REPORT
(as required by OAR 690-240-0035)

MULT 87290
01-09-2007

(1) OWNER/PROJECT

Hole Number B-4

First Name _____ Last Name _____
Company JAMESON PARTNERS, LLC
Address PO BOX 10067
City PORTLAND State OR Zip 97296

(2) TYPE OF WORK

☒ New ☐ Deepening ☒ Abandonment
☐ Alteration (repair/recondition)

(3) CONSTRUCTION

☐ Rotary Air ☐ Hand Auger ☐ Hollow stem auger
☐ Rotary Mud ☐ Cable ☒ Push Probe
☐ Other _____

(4) TYPE OF HOLE:

◉ Uncased Temporary ○ Cased Permanet
○ Uncased Permanent ○ Slope Stablity
○ Other
Other: _____

(5) USE OF HOLE

WATER SAMPLES

(6) BORE HOLE CONSTRUCTION

Special Standard ☐ Attach copy)
Depth of Completed Hole 20.00 ft.

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/ lbs
3.25	0	20					

Backfill placed from 0 ft. to 20 ft. Material BENTONITE
Filter pack from _____ ft. to _____ ft. Material _____ Size _____

(7) CASING/SCREEN

Casing	Screen	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

(8) WELL TESTS

○ Pump ○ Bailer ○ Air ○ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration(hr)

Temperature 53 °F Lab analysis ☐ Yes By _____
Supervising Geologist/Engineer _____
Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF HOLE (legal description)

County Multnomah Twp 1.00 S N/S Range 2.00 E E/W WM
Sec 21 SE 1/4 of the NE 1/4 Tax Lot 300
Tax Map Number _____ Lot _____
Lat ° 0 ' " or _____ DMS or DD
Long ° 0 ' " or _____ DMS or DD
◉ Street address of hole ○ Nearest address

6400 SE 101ST AVE, PORTLAND, OR

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Predeepening				
Completed Well	12-08-2006			15

Flowing Artesian? ☐
WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL (ft)

(11) SUBSURFACE LOG

Ground Elevation _____

Material	From	To
SANDS & GRAVELS	0	10
SANDY SILTS	10	20

Date Started 12-08-2006 Completed 12-08-2006

(12) ABANDONMENT LOG:

Material	From	To	Amt	sacks/ lbs
Bentonite Chips	0	20	1.5	S

Date Started 12-08-2006 Completed 12-08-2006

Professional Certification (to be signed by an Oregon licensed water or monitoring well constructor, or Oregon registered geologist or civil engineer).

I accept responsibility for the construction, deepening, alteration, or abandonment work performed during the construction dates reported above. All work performed during this time is in compliance with Oregon geotechnical hole construction standards. This report is true to the best of my knowledge and belief.

License/Registration Number 10495 Date _____
Electronically Submitted
First Name MARCUS Last Name JOHNSON
Affiliation Geo-Tech Explorations a Div. of Boart Longyear Co.

ORIGINAL - WATER RESOURCES DEPARTMENT
THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 [illegible]

Form Version: 0.36

STATE OF OREGON
GEOTECHNICAL HOLE REPORT
(as required by OAR 690-240-0035)

MULT 87291
01-09-2007

(1) OWNER/PROJECT

Hole Number B-5

First Name _____ Last Name _____
Company JAMESON PARTNERS, LLC
Address PO BOX 10067
City PORTLAND State OR Zip 97296

(2) TYPE OF WORK

☒ New ☐ Deepening ☒ Abandonment
☐ Alteration (repair/recondition)

(3) CONSTRUCTION

☐ Rotary Air ☐ Hand Auger ☐ Hollow stem auger
☐ Rotary Mud ☐ Cable ☒ Push Probe
☐ Other _____

(4) TYPE OF HOLE:

◉ Uncased Temporary ○ Cased Permanet
○ Uncased Permanent ○ Slope Stablity
○ Other
Other: _____

(5) USE OF HOLE

WATER SAMPLES

(6) BORE HOLE CONSTRUCTION

Special Standard ☐ Attach copy)
Depth of Completed Hole 20.00 ft.

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/ lbs
3.25	0	20					

Backfill placed from 0 ft. to 20 ft. Material BENTONITE
Filter pack from _____ ft. to _____ ft. Material _____ Size _____

(7) CASING/SCREEN

Casing	Screen	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
○	○						○	○		
○	○						○	○		
○	○						○	○		
○	○						○	○		
○	○						○	○		

(8) WELL TESTS

○ Pump ○ Bailer ○ Air ○ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration(hr)

Temperature 53 °F Lab analysis ☐ Yes By _____
Supervising Geologist/Engineer _____
Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF HOLE (legal description)

County Multnomah Twp 1.00 S N/S Range 2.00 E E/W WM
Sec 21 SE 1/4 of the NE 1/4 Tax Lot 300
Tax Map Number _____ Lot _____
Lat ° 0 ' " or _____ DMS or DD
Long ° 0 ' " or _____ DMS or DD
◉ Street address of hole ○ Nearest address

6400 SE 101ST AVE, PORTLAND, OR

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Predeepening				
Completed Well	12-08-2006			15

Flowing Artesian? ☐
WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL (ft)

(11) SUBSURFACE LOG

Ground Elevation _____

Material	From	To
SANDS & GRAVELS	0	10
SANDY SILTS	10	20

Date Started 12-08-2006 Completed 12-08-2006

(12) ABANDONMENT LOG:

Material	From	To	Amt	sacks/ lbs
Bentonite Chips	0	20	1.5	S

Date Started 12-08-2006 Completed 12-08-2006

Professional Certification (to be signed by an Oregon licensed water or monitoring well constructor, or Oregon registered geologist or civil engineer).

I accept responsibility for the construction, deepening, alteration, or abandonment work performed during the construction dates reported above. All work performed during this time is in compliance with Oregon geotechnical hole construction standards. This report is true to the best of my knowledge and belief.

License/Registration Number 10495 Date _____
Electronically Submitted
First Name MARCUS Last Name JOHNSON
Affiliation Geo-Tech Explorations a Div. of Boart Longyear Co.

ORIGINAL - WATER RESOURCES DEPARTMENT
THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK.

Form Version: 0.36

STATE OF OREGON
GEOTECHNICAL HOLE REPORT
(as required by OAR 690-240-0035)

MULT 87292
01-09-2007

(1) OWNER/PROJECT

Hole Number B-6

First Name _____ Last Name _____

Company JAMESON PARTNERS, LLC

Address PO BOX 10067

City PORTLAND State OR Zip 97296

(2) TYPE OF WORK

☒ New ☐ Deepening ☒ Abandonment
☐ Alteration (repair/recondition)

(3) CONSTRUCTION

☐ Rotary Air ☐ Hand Auger ☐ Hollow stem auger
☐ Rotary Mud ☐ Cable ☒ Push Probe
☐ Other _____

(4) TYPE OF HOLE:

◉ Uncased Temporary ○ Cased Permanet
○ Uncased Permanent ○ Slope Stablity
○ Other
Other: _____

(5) USE OF HOLE

WATER SAMPLES

(6) BORE HOLE CONSTRUCTION

Special Standard ☐ Attach copy)

Depth of Completed Hole 20.00 ft.

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/ lbs
3.25	0	20					

Backfill placed from 0 ft. to 20 ft. Material BENTONITE
Filter pack from _____ ft. to _____ ft. Material _____ Size _____

(7) CASING/SCREEN

Casing	Screen	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
○	○						○	○		
○	○						○	○		
○	○						○	○		
○	○						○	○		
○	○						○	○		

(8) WELL TESTS

○ Pump ○ Bailer ○ Air ○ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration(hr)

Temperature 53 °F Lab analysis ☐ Yes By _____

Supervising Geologist/Engineer _____

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF HOLE (legal description)

County Multnomah Twp 1.00 S N/S Range 2.00 E E/W WM
Sec 21 SE 1/4 of the NE 1/4 Tax Lot 300
Tax Map Number _____ Lot _____
Lat ° 0 ' " or _____ DMS or DD
Long ° 0 ' " or _____ DMS or DD
◉ Street address of hole ○ Nearest address

6400 SE 101ST AVE, PORTLAND, OR

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Predeepening				
Completed Well	12-08-2006			15

Flowing Artesian? ☐
Depth water was first found _____

WATER BEARING ZONES

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL (ft)

(11) SUBSURFACE LOG

Ground Elevation _____

Material	From	To
SANDS & GRAVELS	0	10
SANDY SILTS	10	20

Date Started 12-08-2006 Completed 12-08-2006

(12) ABANDONMENT LOG:

Material	From	To	Amt	sacks/ lbs
Bentonite Chips	0	20	1.5	S

Date Started 12-08-2006 Completed 12-08-2006

Professional Certification (to be signed by an Oregon licensed water or monitoring well constructor, or Oregon registered geologist or civil engineer).

I accept responsibility for the construction, deepening, alteration, or abandonment work performed during the construction dates reported above. All work performed during this time is in compliance with Oregon geotechnical hole construction standards. This report is true to the best of my knowledge and belief.

License/Registration Number 10495 Date _____
Electronically Submitted
First Name MARCUS Last Name JOHNSON
Affiliation Geo-Tech Explorations a Div. of Boart Longyear Co.

ORIGINAL - WATER RESOURCES DEPARTMENT
THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

Form Version: 0.36

STATE OF OREGON
GEOTECHNICAL HOLE REPORT
(as required by OAR 690-240-0035)

MULT 87293
01-09-2007

(1) OWNER/PROJECT

Hole Number B-7
First Name ______ Last Name ______
Company JAMESON PARTNERS, LLC
Address PO BOX 10067
City PORTLAND State OR Zip 97296

(2) TYPE OF WORK

[X] New [ ] Deepening [X] Abandonment
[ ] Alteration (repair/recondition)

(3) CONSTRUCTION

[ ] Rotary Air [ ] Hand Auger [ ] Hollow stem auger
[ ] Rotary Mud [ ] Cable [X] Push Probe
[ ] Other ______

(4) TYPE OF HOLE:

(●) Uncased Temporary ( ) Cased Permanet
( ) Uncased Permanent ( ) Slope Stablity
( ) Other
Other: ______

(5) USE OF HOLE

WATER SAMPLES

(6) BORE HOLE CONSTRUCTION

Special Standard [ ] (Attach copy)
Depth of Completed Hole 20.00 ft.

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/ lbs
3.25	0	20					

Backfill placed from 0 ft. to 20 ft. Material BENTONITE
Filter pack from ______ ft. to ______ ft. Material ______ Size ______

(7) CASING/SCREEN

Casing	Screen	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
( )	( )		[ ]				( )	( )	[ ]	[ ]
( )	( )		[ ]				( )	( )	[ ]	[ ]
( )	( )		[ ]				( )	( )	[ ]	[ ]
( )	( )		[ ]				( )	( )	[ ]	[ ]
( )	( )		[ ]				( )	( )	[ ]	[ ]

(8) WELL TESTS

( ) Pump ( ) Bailer ( ) Air ( ) Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration(hr)

Temperature 53 °F Lab analysis [ ] Yes By ______
Supervising Geologist/Engineer ______
Water quality concerns? [ ] Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF HOLE (legal description)

County Multnomah Twp 1.00 S N/S Range 2.00 E E/W WM
Sec 21 SE 1/4 of the NE 1/4 Tax Lot 300
Tax Map Number ______ Lot ______
Lat ° 0 ' " or ______ DMS or DD
Long ° 0 ' " or ______ DMS or DD
(●) Street address of hole ( ) Nearest address

6400 SE 101ST AVE, PORTLAND, OR

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Predeepening			[ ]	
Completed Well	12-08-2006		[ ]	15

Flowing Artesian? [ ]
WATER BEARING ZONES Depth water was first found ______

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
					[ ]	
					[ ]	
					[ ]	
					[ ]	
					[ ]	

(11) SUBSURFACE LOG

Ground Elevation ______

Material	From	To
SANDS & GRAVELS	0	10
SANDY SILTS	10	20

Date Started 12-08-2006 Completed 12-08-2006

(12) ABANDONMENT LOG:

Material	From	To	Amt	sacks/ lbs
Bentonite Chips	0	20	1.5	S

Date Started 12-08-2006 Completed 12-08-2006

Professional Certification

(to be signed by an Oregon licensed water or monitoring well constructor, or Oregon registered geologist or civil engineer).

I accept responsibility for the construction, deepening, alteration, or abandonment work performed during the construction dates reported above. All work performed during this time is in compliance with Oregon geotechnical hole construction standards. This report is true to the best of my knowledge and belief.

License/Registration Number 10495 Date ______
Electronically Submitted
First Name MARCUS Last Name JOHNSON
Affiliation Geo-Tech Explorations a Div. of Boart Longyear Co.

ORIGINAL - WATER RESOURCES DEPARTMENT
THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version: 0.36

STATE OF OREGON
GEOTECHNICAL HOLE REPORT
(as required by OAR 690-240-0035)

MULT 87294
01-09-2007

Location ?

(1) OWNER/PROJECT

Hole Number B-8

First Name _____ Last Name _____
Company JAMESON PARTNERS, LLC
Address PO BOX 10067
City PORTLAND State OR Zip 97296

(2) TYPE OF WORK

☒ New ☐ Deepening ☒ Abandonment ☐ Alteration (repair/recondition)

(3) CONSTRUCTION

☐ Rotary Air ☐ Hand Auger ☐ Hollow stem auger
☐ Rotary Mud ☐ Cable ☒ Push Probe
☐ Other _____

(4) TYPE OF HOLE:

◉ Uncased Temporary ○ Cased Permanet
○ Uncased Permanent ○ Slope Stablity
○ Other
Other: _____

(5) USE OF HOLE

WATER SAMPLES

(6) BORE HOLE CONSTRUCTION

Special Standard ☐ Attach copy)
Depth of Completed Hole 20.00 ft.

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/ lbs
3.25	0	20					

Backfill placed from 0 ft. to 20 ft. Material BENTONITE
Filter pack from _____ ft. to _____ ft. Material _____ Size _____

(7) CASING/SCREEN

Casing	Screen	Dia	+	From	To	Gauge	Stl	Plste	Wld	Thrd

(8) WELL TESTS

○ Pump ○ Bailer ○ Air ○ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration(hr)

Temperature 53 °F Lab analysis ☐ Yes By _____
Supervising Geologist/Engineer _____
Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF HOLE (legal description)

County Multnomah Twp 1.00 S N/S Range 2.00 E E/W WM
Sec 21 SE 1/4 of the NE 1/4 Tax Lot 300
Tax Map Number _____ Lot _____
Lat ° 0 ' " or _____ DMS or DD
Long ° 0 ' " or _____ DMS or DD
◉ Street address of hole ○ Nearest address

6400 SE 101ST AVE, PORTLAND, OR

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Predeepening				
Completed Well	12-08-2006			15

Flowing Artesian? ☐
WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)

(11) SUBSURFACE LOG

Ground Elevation _____

Material	From	To
SANDS & GRAVELS	0	10
SANDY SILTS	10	20

Date Started 12-08-2006 Completed 12-08-2006

(12) ABANDONMENT LOG:

Material	From	To	Amt	sacks/ lbs
Bentonite Chips	0	20	1.5	S

Date Started 12-08-2006 Completed 12-08-2006

Professional Certification (to be signed by an Oregon licensed water or monitoring well constructor, or Oregon registered geologist or civil engineer).

I accept responsibility for the construction, deepening, alteration, or abandonment work performed during the construction dates reported above. All work performed during this time is in compliance with Oregon geotechnical hole construction standards. This report is true to the best of my knowledge and belief.

License/Registration Number 10495 Date _____
Electronically Submitted
First Name MARCUS Last Name JOHNSON
Affiliation Geo-Tech Explorations a Div. of Boart Longyear Co.

ORIGINAL - WATER RESOURCES DEPARTMENT
THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

Form GEO 0.36

ATTACHMENT 3

Well Reports for Shingle Pile Area Monitoring Wells MW-1 Through MW-3

STATE OF OREGON

MONITORING WELL REPORT

(as required by ORS 537.765 & OR 690-240-095)

Instructions for completing this report are on the last page of this form.

MULT 89956

Mult-89956

Well ID# L89882

Start Card # 192631

(1) OWNER/PROJECT

WELL NO. MW-1

Name Freeway Land

Address 6400 SE 101st

City Portland State Or Zip 97266

(2) TYPE OF WORK

☒ New construction ☐ Alteration (Repair/Recondition)

☐ Conversion ☐ Deepening ☐ Abandonment

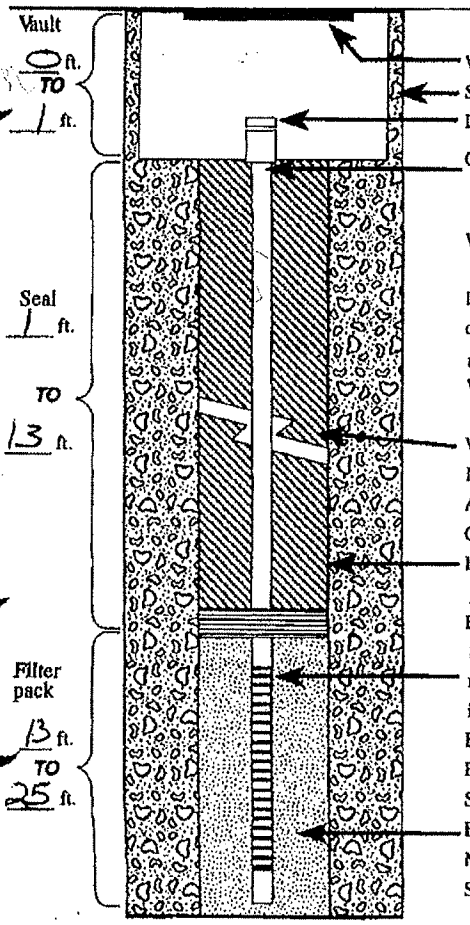
(3) DRILLING METHOD

☐ Rotary Air ☐ Rotary Mud ☐ Cable

☐ Hollow Stem Auger ☒ Other Direct Push

(4) BORE HOLE CONSTRUCTION:

Special Standards Yes ☐ No ☒ Depth of Completed Well 25 ft.



(5) WELL TESTS:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Permeability ____ Yield ____ GPM

Conductivity ____ PH ____

Temperature of water 52 °F °C Depth artesian flow found ____ ft.

Was water analysis done? ☐ Yes ☐ No

By whom? ____

Depth of strata to be analyzed. From ____ ft. to ____ ft.

Remarks: ____

Name of supervising Geologist/Engineer ____

(6) LOCATION OF WELL By legal description:

County Multnomah Latitude ____ Longitude ____

Township 1S (N or S) Range 2E (E or W) Section 21

SW 1/4 of SE 1/4 of above section.

Street address of well location 6400 SE 101st Portland, Or. 97266

Tax lot number of well location NONE

ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

17 Ft. below land surface. Date 8/15/07

Artesian Pressure ____ lb/sq. in. Date ____

(8) WATER BEARING ZONES:

Depth at which water was first found 18'

From	To	Est. Flow Rate	SWL

(9) WELL LOG:

Ground Elevation ____

Material	From	To	SWL
Construction Fill/Trash	0	2	
Fill Dirt	2	13	
Silty Sand/Gravels	13	25	

RECEIVED
NOV 07 2007
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
AUG 21 2007
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
OCT 17 2007
WATER RESOURCES DEPT
SALEM, OREGON

Date started 8/15/07 Completed 8/15/07

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed ____ MWC Number 1053 Date 8/20/07

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed ____ MWC Number 1053 Date 8/20/07

ORIGINAL COPY – WATER RESOURCES DEPARTMENT FIRST COPY – CONTRACTOR SECOND COPY – WELL OWNER

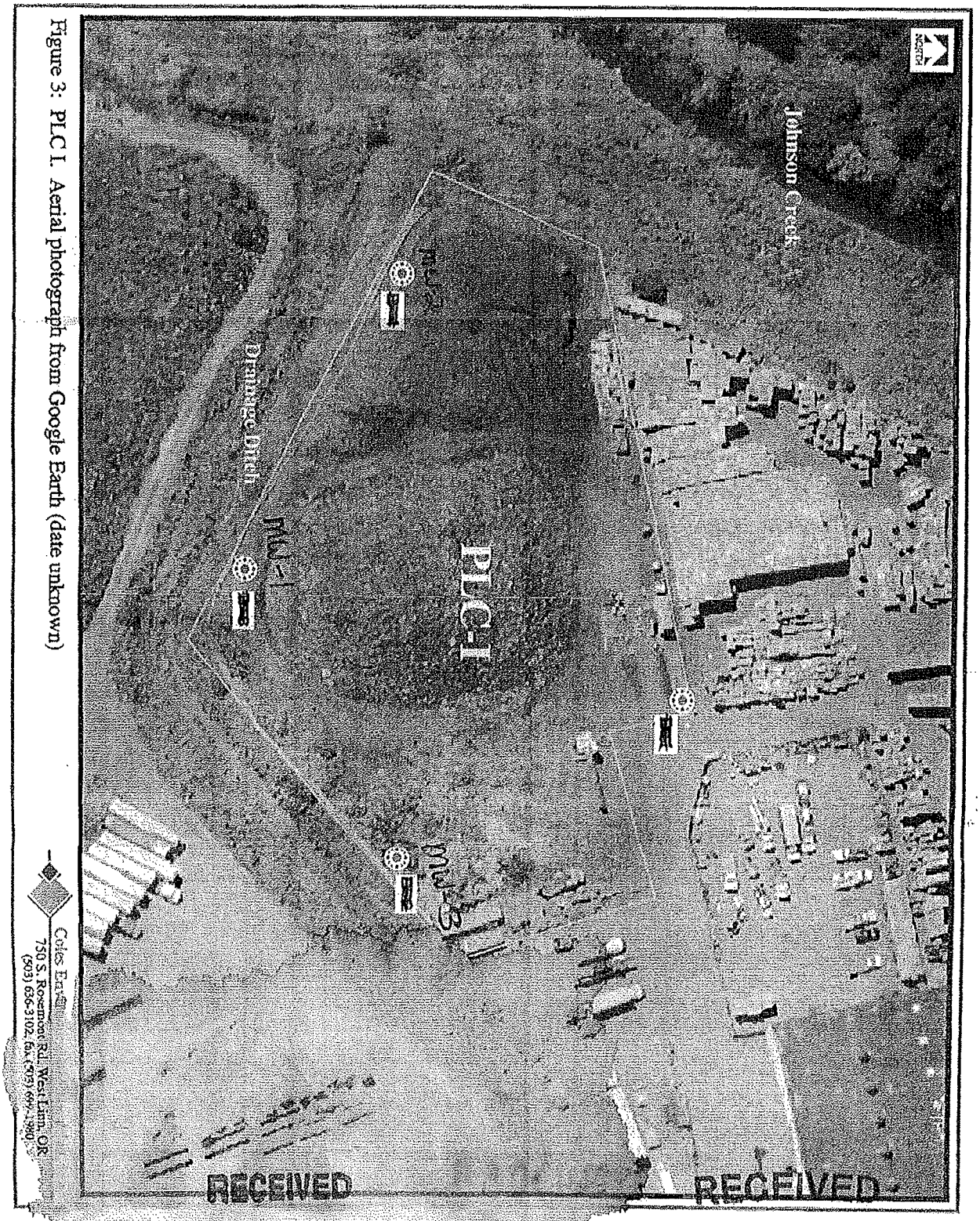


Figure 3: PLC I. Aerial photograph from Google Earth (date unknown)

Coles Environmental
750 S. Rosemont Rd. West Linn, OR
(503) 656-3102, fax (503) 697-1380

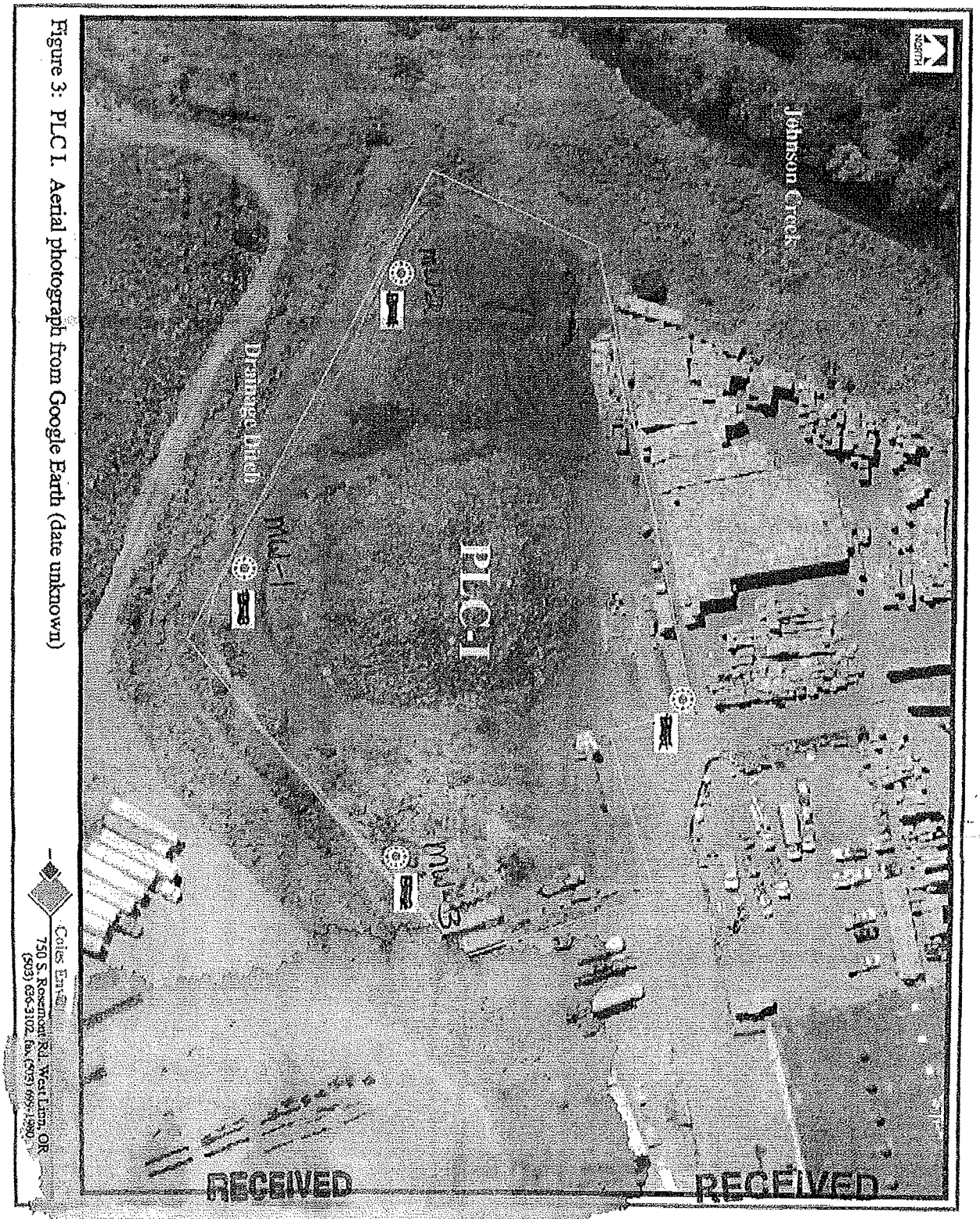


Figure 3: PLC I. Aerial photograph from Google Earth (date unknown)

Mult 89957

STATE OF OREGON

MONITORING WELL REPORT

(as required by ORS 537.765 & OR 690-240-095)

Instructions for completing this report are on the last page of this form.

MULT 89957

Well ID# L89883

Start Card # 192632

(1) OWNER/PROJECT

WELL NO. MW-2

Name Freeway Land

Address 6400 SE 101st

City Portland State OR Zip 97266

(2) TYPE OF WORK

X New construction ☐ Alteration (Repair/Recondition)

☐ Conversion ☐ Deepening ☐ Abandonment

(3) DRILLING METHOD

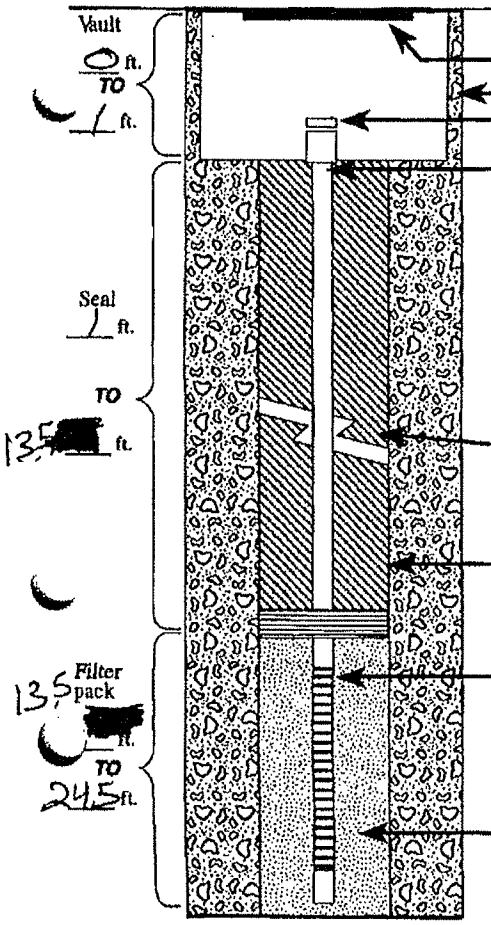
☐ Rotary Air ☐ Rotary Mud ☐ Cable

☐ Hollow Stem Auger X Other Direct Push

(4) BORE HOLE CONSTRUCTION:

Special Standards ☐ Yes ☒ No

Depth of Completed Well 24.5 ft.



Water-tight cover

Surface flush vault

Locking cap

Casing diameter 2 in.

material PVC

Welded ☐ Threaded ☒ Glued ☐

Liner

diameter ____ in.

material ____

Welded ☐ Threaded ☐ Glued ☐

Well seal:

Material 3/8 Bent Chips 0-5'

Amount Granular 5'-15.5'

Grout weight ____

Borehole diameter 3.25 in.

Bentonite plug at least 3 ft. thick

Screen material Prepack PVC

interval(s):

From 14.5 To 24.5

From ____ To ____

Slot size .010 in.

Filter pack:

Material Silica Sand

Size 10x20 in.

(5) WELL TESTS:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Permeability ____ Yield ____ GPM

Conductivity ____ PH ____

Temperature of water 52 °F/°C Depth artesian flow found ____ ft.

Was water analysis done? ☐ Yes ☐ No

By whom? ____

Depth of strata to be analyzed. From ____ ft. to ____ ft.

Remarks: ____

Name of supervising Geologist/Engineer ____

(6) LOCATION OF WELL By legal description:

County Multnomah Latitude ____ Longitude ____

Township 1S (N or S) Range 2E (E or W) Section 21

SW 1/4 of SE 1/4 of above section.

Street address of well location 6400 SE 101st Portland, OR. 97266

Tax lot number of well location NONE

ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

19.4 Ft. below land surface. Date 8/15/07

Artesian Pressure ____ lb/sq. in. Date ____

(8) WATER BEARING ZONES:

Depth at which water was first found 17'

From	To	Est. Flow Rate	SWL

(9) WELL LOG:

Ground Elevation ____

Material	From	To	SWL
Construction Fill/Trash	0'	2'	
Construction Fill	2'	6'	
Sandy Silt/gravels	6'	24.5'	

RECEIVED
NOV 07 2007
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
AUG 21 2007
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
OCT 17 2007
WATER RESOURCES DEPT
SALEM, OREGON

Date started 8/15/07 Completed 8/15/07

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

MWC Number ____

Signed ____ Date ____

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 1053

Signed ____ Date 8/20/07

ORIGINAL COPY - WATER RESOURCES DEPARTMENT FIRST COPY - CONSTRUCTOR SECOND COPY - CUSTOMER

Mult 89958

STATE OF OREGON

MONITORING WELL REPORT

MULT 89958

(as required by ORS 537.765 & OAR 690-240-095)

Instructions for completing this report are on the last page of this form.

Well ID# L89884

Start Card # 192633

(1) OWNER/PROJECT WELL NO. MW-3

Name Freeway Lands

Address 6400 SE 101st

City Portland State OR Zip 97266

(2) TYPE OF WORK

☒ New construction ☐ Alteration (Repair/Recondition)

☐ Conversion ☐ Deepening ☐ Abandonment

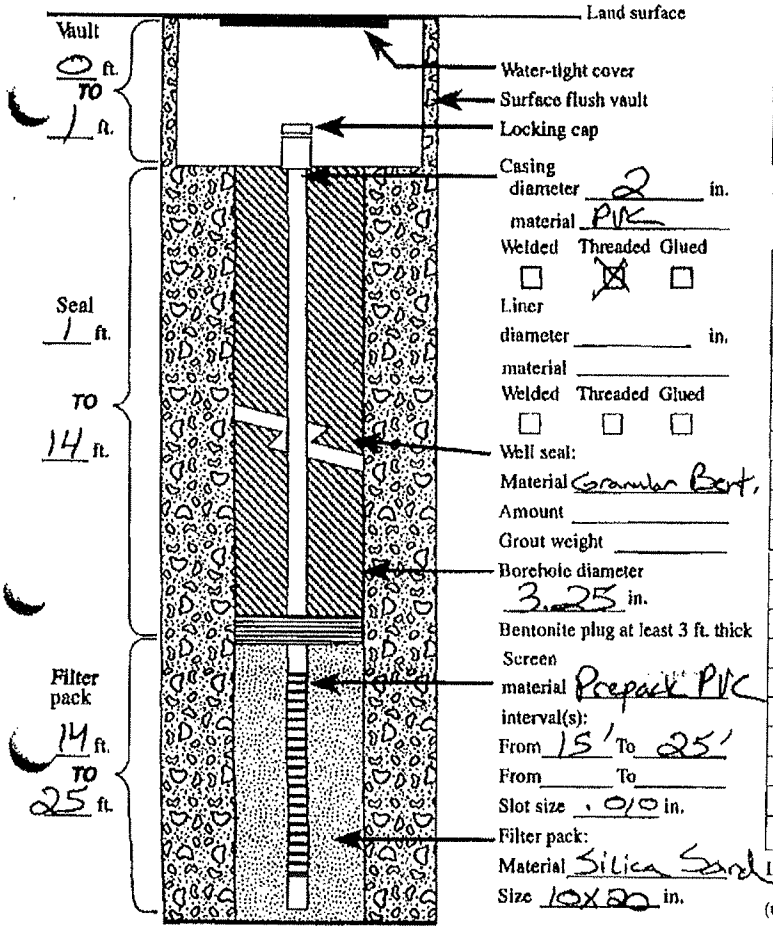
(3) DRILLING METHOD

☐ Rotary Air ☐ Rotary Mud ☐ Cable

☐ Hollow Stem Auger ☒ Other Direct Push

(4) BORE HOLE CONSTRUCTION:

Special Standards ☐ Yes ☒ No Depth of Completed Well 25 ft.



Casing diameter 2 in.

material PVC

Welded ☐ Threaded ☒ Glued ☐

Liner

diameter _____ in.

material _____

Welded ☐ Threaded ☐ Glued ☐

Well seal:

Material Granular Bent.

Amount _____

Grout weight _____

Borehole diameter 3.25 in.

Bentonite plug at least 3 ft. thick

Screen

material Prepack PVC

interval(s):

From 15' To 25'

From _____ To _____

Slot size .010 in.

Filter pack:

Material Silica Sand

Size 10x20 in.

(5) WELL TESTS:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Permeability _____ Yield _____ GPM

Conductivity _____ PH _____

Temperature of water 52 °C Depth artesian flow found _____ ft.

Was water analysis done? ☐ Yes ☐ No

By whom? _____

Depth of strata to be analyzed. From _____ ft. to _____ ft.

Remarks: _____

Name of supervising Geologist/Engineer _____

(6) LOCATION OF WELL By legal description:

County Multnomah Latitude _____ Longitude _____

Township 1S (N or S) Range 2E (E or W) Section 21

SW 1/4 of SE 1/4 of above section.

Street address of well location 6400 SE 101st Portland, OR. 97266

Tax lot number of well location NONE

ATTACH MAP WITH LOCATION IDENTIFIED. Map shall include approximate scale and north arrow.

(7) STATIC WATER LEVEL:

23.7 Ft. below land surface. Date 8/15/07

Artesian Pressure _____ lb/sq. in. Date _____

(8) WATER BEARING ZONES:

Depth at which water was first found 22'

From	To	Est. Flow Rate	SWL

(9) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
Fill Dirt	0'	8'	
Silty Sand / Gravels	8'	25'	

RECEIVED
NOV 07 2007
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
AUG 21 2007
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
OCT 17 2007
WATER RESOURCES DEPT
SALEM, OREGON

Date started 8/15/07 Completed 8/15/07

(unbonded) Monitor Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

MWC Number _____

Signed _____ Date _____

(bonded) Monitor Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

MWC Number 1053

Signed _____ Date 8/20/07

ORIGINAL COPY – WATER RESOURCES DEPARTMENT FIRST COPY – CONSTRUCTOR SECOND COPY – CUSTOMER

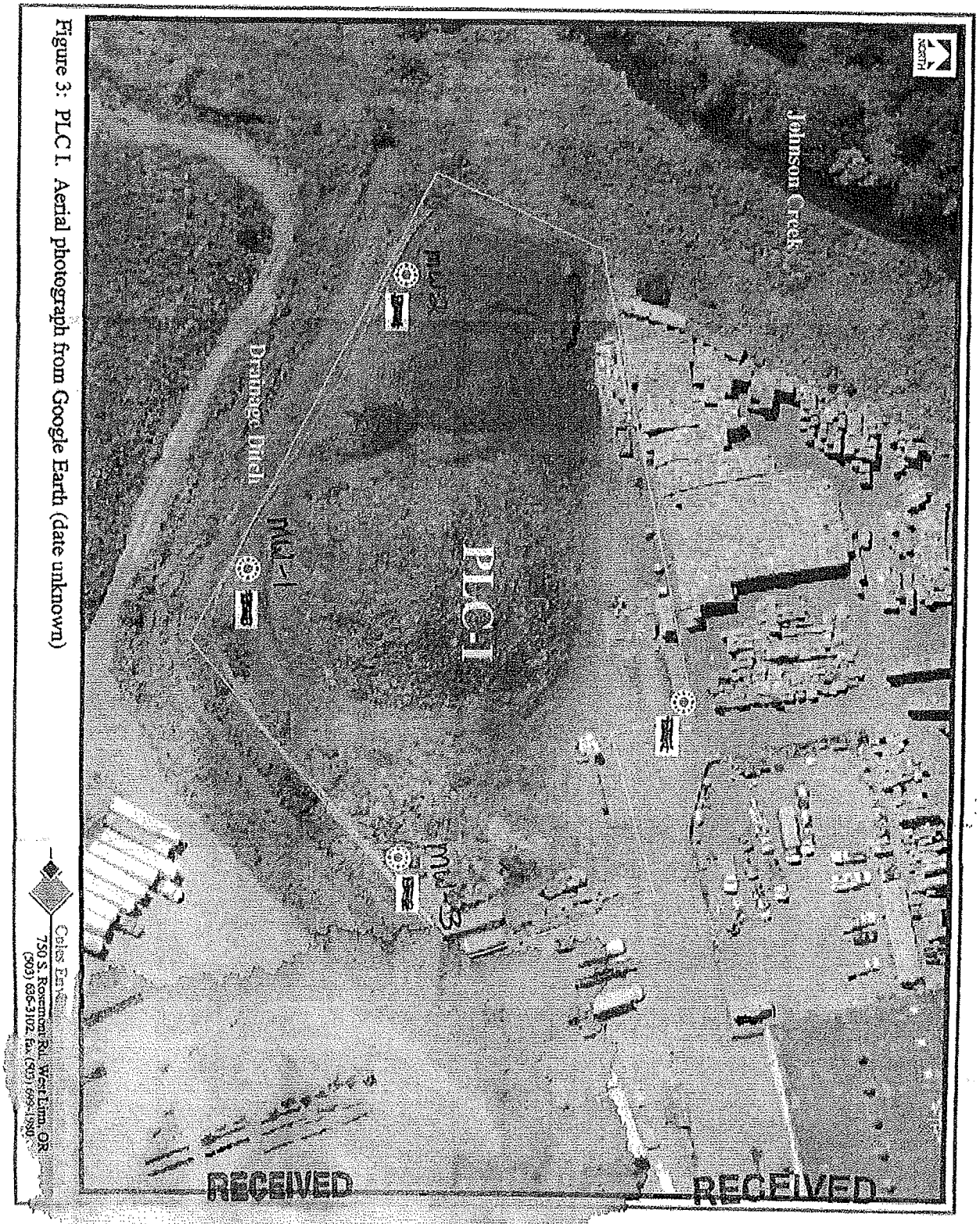


Figure 3: PLC I. Aerial photograph from Google Earth (date unknown)

B

B

OFFICE OF THE CITY AUDITOR
ENSURING OPEN AND ACCOUNTABLE GOVERNMENT

CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office
1900 SW 4th Avenue, Room 3100
Portland, OR 97201
phone: (503) 823-7307 - fax: (503) 823-4347
web: www.portlandoregon.gov/auditor/hearings

DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 10-194818 CU AD (HO 4110004)

Applicant's Representatives:
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Owner:
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Hearings Officer: Gregory J. Frank

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

Site Address: 6400 SE 101st Avenue

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

Tax Account No.: R022400260, R551002230, R551002240, R992211480, R992221570, R992222590, R992211990

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Quarter Section: 3740

Neighborhood: Lents

District Neighborhood Coalition: East Portland Neighborhood Office

Plan District: Johnson Creek Basin

Zoning: IH, Heavy Industrial and the EG, General Employment zones; c, Environmental Conservation, p, Environmental Protection and ,b, Buffer Overlay zones.

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

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 9:59 a.m. on April 6, 2011, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 11:37 a.m. The record was held open until 4:30 pm on April 7, 2011 for new written evidence, and until 4:30 pm on April 14, 2011 for Applicant's rebuttal. The Applicant request that the record be closed effective April 11, 2011 (Exhibit H-16). The Hearings Officer closed the record on April 14, 2011.

Testified at the Hearing:
Sheila Frugoli, BDS Staff Representative
Michael Robinson, 1120 NW Couch Street, 10th floor, Portland, OR 97209
Dave Dutra, 6161 SW 61st Avenue, Portland, OR 97210
Kevin Loftus, Jameson Partners LLC, 2495 NW Nicolai, Portland, OR 97210
Frank Fleck, 7507 SE 105th Avenue, Portland, OR 97266

Proposal: Applicant proposes to accept mixed yard debris/food waste at a 6.2 acres lease area (the "Subject Property") within an approximately 100 acres site (the "Site") for recycling. Currently

landscape materials and wood debris, as well as building materials and other dry, non-perishable materials, are accepted at the Subject Property for recycling. The mixed yard debris/food waste will be delivered to the Subject Property via garbage collection trucks; approximately 35 trucks per day. Blended food waste and landscape material will also be accepted from private self-haulers and the general public.

The mixed yard debris/food waste material will be unloaded inside the existing large industrial building. Inside the building, the material will be sorted and mixed with yard and other wood waste materials that are currently accepted at the Subject Property. The compostable material will be loaded onto semi-trucks, estimated at approximately 10 per day, for shipment to an off-site composting facility. The mixed yard debris/food waste will be stored inside the building for no more than a 48-hour period before it is hauled to another site.

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

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

Approval Criteria:
In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:
- 33.815.220, A-I, Conditional Use Review for Waste-Related use
- 33.805.040, A-F, Adjustment Review

II. ANALYSIS

Site and Vicinity: The Site, historically referred to as the Jameson property or the "Freeway Land" site, is situated between SE Knapp Street and the Springwater Corridor trail, along the east side of Interstate 205 in Southeast Portland. Overall, the Site area covers over 100 acres. Applicant's proposed use will be located on the Subject Property, a 6.2-acre leased area, located approximately in the center of the Site. The Subject Property includes a portion of an existing warehouse-type building, a small modular office building, truck weight scales, and an exterior work area including a large landscaping debris stockpile. A tall chain link fence follows the entire boundary of the Subject Property. There are two gates providing access onto the facility.

The interior portion of the Site, north and south of Johnson Creek, is currently used for industrial purposes, and is developed or occupied by exterior material stockpiles, construction equipment storage area and industrial buildings. The Site is occupied by a myriad of industrial business and uses—Manufacturing and Production, Warehouse and Freight Movement, Wholesale Sales and Industrial Service uses. There are approximately five buildings on the Site. The industrial uses/activities are largely done outside of structures, i.e., exterior development. A vegetated hillside, with primarily trees and ground cover, defines the southern edge of the Site.

SE Foster Boulevard at SE 101st Avenue provides access to the Site. Access to the Site crosses through a privately-owned lot that is located on the north side of SE Woodstock, and then through the City-owned Springwater Corridor, via an easement. The Springwater recreational trail corridor follows the northern boundary of the Site. The corridor is approximately 100 feet wide and developed with a paved pathway. The channel of Johnson Creek runs through the Site. A two-lane bridge spans over the creek, providing passage into the Site and the Subject Property.

The I-205 Interstate Freeway is located within approximately a 400-foot wide public right-of-way and is located on the west side of the Site. The freeway creates a significant physical barrier for the residential development that is located west of the freeway. Immediately north of the Site and west of SE 100th Avenue is an area developed with primarily single dwelling residences. East of SE 100th Avenue, along SE Foster, the area is developed with a mix of employment, commercial and industrial uses. North of SE Foster, near NE 103rd Avenue, is a 16.8-acre industrial site used for auto salvage and wrecking. Directly east of the Site there are numerous large vacant lots. Many are City-owned and zoned as Open Space. The Bureau of Environmental Services (BES) has implemented projects to: (1) improve fish habitat within Johnson Creek, (2) increase flood storage capabilities of the Johnson Creek floodplain, and (3) restore and enhance wetland and non-wetland riparian plant communities and habitats.

SE Knapp abuts the southern edge of the Site. Because of the dense vegetation, SE Knapp is not visible from the Subject Property. There is continuous vegetation along the south side of the Site. A tall chain link fence follows the south property line. There is a locked gate and gravel "pull-out." Historically, the gate has only been opened for emergency access. Directly across SE Knapp, there is a 6.2-acre site that is residentially zoned, but vacant. Further south up the hill is the Mt. Scott residential area. The area includes single-dwelling residences, church sites, a neighborhood park and a residential group-living treatment facility.

Zoning: The Site is within the IHc, Heavy Industrial zone with an Environmental Conservation (c) overlay zone and EG2cp, General Employment 2 zone with Environmental Conservation (c) and Environmental Protection (p) overlay zones. This Site also is within the Johnson Creek Basin Plan District and has a Comprehensive Plan designation of EXd – Central Employment with a Design Overlay Zone.

The IH zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate, including those not desirable in other zones due to their objectionable impacts or appearance. The

Recology lease area is within the IH zone. Waste-Related uses require Conditional Use Review approval in this zone.

The EG2 zone allows a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zone is on industrial or industrially-related uses. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. Waste-Related uses require Conditional Use Review approval.

Environmental overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less sensitive. Note that these regulations apply only to areas within the Environmental Conservation ("c") or Environmental Protection ("p") zoning designation. The proposal is not located within an Environmental overlay zone.

The Buffer overlay zone requires additional buffering between nonresidential and residential zones. It is applied to provide adequate separation between residential and nonresidential uses. The separation is achieved by restricting motor vehicle access, increasing setbacks, requiring additional landscaping, restricting signs, and in some cases, by requiring additional information and proof of mitigation for uses that may cause off-site impacts and nuisances.

The Johnson Creek Basin Plan District provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services.

Land Use History: City records indicate that prior land use reviews, for the Site, include the following:

- **CU 66-76:** Request by previous property owner for a Conditional Use permit to: comply with Chapter 7 of the Building Code; place fill in excess of 1,000 cubic yards; and landscape the site (application determined to be unnecessary).
- **CU 83-79:** Request by previous property owner for a Conditional Use permit for a 50,000 cubic yard fill and excavation along Johnson Creek, widening creek bed, filling abandoned log ponds approved.
- **LUR 94-00842 ZC EN AD:** Request by previous property owner for approval of a Zone Change for the Environmental zone boundary along Johnson Creek; approval of a Zone Change for the Environmental zone boundary along the south side of the property at the toe of slope for Mt. Scott; approval of Environmental review to allow truck parking and maneuvering in the transition area along Johnson Creek; approval of an Adjustment to allow removal of trees; approval of Modification to an Environmental zone boundary on the eastern portion of the site.

- **LUR 98-00095 NU:** Case withdrawn on March 3, 1998 for establishment of a Nonconforming Use situation per LUR 94-00842 ZC EN AD.
- **LU 03-113394 ZC:** Approved on April 21, 2003 for map error correction related to LUR 94-00842 ZC EN AD.
- **LU 06-133094 EN AD:** Approved with conditions on December 29, 2006 for an Environmental review for excavation of soils in the 100-year floodplain near Johnson Creek, within the Environmental Conservation and Protection overlay zones; and an Adjustment review to remove trees during grading activities for resource enhancement.
- **LU 07-107637:** Approved with conditions on April 12, 2007; a Nonconforming Status review.
- **LU 07-116137 EN:** Approved with conditions on October 31, 2007 for Environmental review of excavation, gravel and pavement removal, and restoration with native plants.
- **LU 09-137528 EN:** Approved an Environmental review for a Modification of the Environmental Conservation and Environmental Protection overlay zones.

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

- Water Bureau (Exhibit E.3)
- Fire Bureau (Exhibit E.4)
- Site Development Section of BDS (Exhibit E.5)
- Life Safety Review Section of BDS (Exhibit E.5)
- Bureau of Parks-Forestry Division (Exhibit E.5)

BES responded with no objections to the Conditional Use review request to allow food waste to be accepted at the Subject Property. BES Source Control requirements will apply at building permit review (Exhibit E.1).

The Portland Bureau of Transportation ("PBOT") responded with comments. Excerpts from Exhibit E.2 follow:

> "PBOT/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services."
>
> "The existing uses at the site generate 290 trips, with 15 occurring in the a.m. peak hours and five occurring in the p.m. peak hour. Retail sales currently occur at this site with most transactions occurring during the weekend. For the purposes of this analysis, the Applicant has assumed that the revised site will experience increased weekday retail sales. Based on conversations with Recology, it is anticipated that there could be up to ten sales transactions on a typical weekday associated with soil amendment sales. It is likely that some of these transactions will be made by customers dropping off recycling materials (thereby already accounted for in the original transportation assessment letter). Further, these transactions will most likely occur throughout a typical day.

However, to be conservative with the regional intersection operations, we have assumed that approximately half of these transactions would occur during the weekday a.m. peak hour and the other half would occur during the weekday p.m. peak hour. The expanded use, including the soil amendment sales, will result in 400 daily trips, with 40 occurring in the a.m. peak hour and 20 in the p.m. peak hour. Of those 110 increased daily trips, it is expected that 90 (45 in/45 out) will be trucks and 20 (10 in/10 out) will be vehicles related to the proposed soil amendment sales. The peak hours are not anticipated to occur at the peak hours of bicycle/pedestrian uses of the Springwater Trail."

"Manual turning movement counts, conducted by the Applicant's traffic consultant, were taken at the SE Foster Road and SE 101st Avenue intersection and site access driveway in September 2010. The counts were taken at typical peak periods. Also counts were taken at the Springwater Corridor crossing. The consultant found that peak weekday vehicular activity along SE 101st Avenue occurs between 10:00 a.m. and 2:00 p.m.; while peak Springwater Trail use occurs between 3:30 and 5:30 p.m. The consultant concluded that the intersection of SE Foster and 101st Avenue, the Springwater Trail and the site's driveway, are all expected to continue to operate acceptably at Level of Service A, even with the additional traffic generated by the proposed use."

"The Bureau of Development Services received an e-mail from a neighbor bordering the southern boundary of the site on SE Knapp Street. A concern was expressed that additional truck traffic on this street would negatively impact neighborhood livability. There appears to be access to the proposed site from a locked gate entrance on SE Knapp. In discussions with the Applicant, they would not object to a condition of approval that prohibits access to the site from SE Knapp Street by Recology-owned vehicles. The Applicant would also not object to a condition of approval that Recology notify in writing all companies they have business with that will have vehicles coming to the site to direct their drivers not to use SE Knapp Street to access the site. Since the traffic study prepared for this report already assumed Recology-related trips would not be using SE Knapp Street to access the site, all adequacy of transportation facilities criteria remain valid." (Exhibit E.2).

Neighborhood Review: A Notice of Public Hearing was mailed on March 14, 2011. As of the completion of the staff report, two written responses were received from notified property owners in response to the proposal. The written responses (Exhibits F.1 and F.2) raised concerns related to livability (attract vermin, birds, and odors) and traffic. Concerns were also raised related to possible impacts of the proposed development upon the environmentally zoned properties and publicly owned properties in close proximity to the Subject Property. One written response objected to the notice given to neighboring/nearby properties of the application and BDS staff decision.

Hearings Officer Note: *The concerns raised regarding traffic and nuisance impacts will be discussed below under relevant approval criteria. A Request for Response was mailed to City agencies and the Lents Neighborhood Association on February 7, 2011. Comments were requested*

by March 7, 2011. The Applicant installed five posting boards along the public street frontages of the site and one at the SE 101st entrance on March 5, 2011. A public notice that invites interested persons to attend the public hearing and/or send written comments to the Hearings Officer was mailed on March 14, 2011, over 3 weeks in advance of the hearing. The public notice was mailed to owners of property that is located within 400 feet of the site. Hearings before the Hearings Officer are only scheduled during the day. Finally, all public and City agency comments sent to BDS staff are included in the file. The file is a public record and available for review. The Hearings Officer finds that the Zoning Code-required public notification requirements have been followed and met.

ZONING CODE APPROVAL CRITERIA

Conditional Uses

33.815.010 Purpose
Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

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

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

Findings: The Site is located in the EG2, General Employment and IH, Heavy Industrial zones, which allows a mix of uses with a strong industrial orientation. The proposed Waste-Related use will be located within the Subject Property; located in the southeast quadrant of the Site and is zoned IH. Of the approximate 100-acre Site, only 6.2 acres, the Subject Property, will be dedicated to a Waste-Related use. The remainder of the Site will continue to be used for industrial and employment purposes. Further, the properties to the north contain employment and industrial activities.

The mixed yard debris/food waste will be delivered to the Subject Property for sorting and blending in an existing building. No new development is needed to accommodate the waste material and associated activities. There will be no permanent impacts to the Site or Subject Property. As explained under criterion F below, the transport of the waste material to and from the Subject Property will not adversely impact the transportation system. When the activity is discontinued, the building and land will be available for other industrial use. In

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

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

Findings: As stated above, most of the Site will continue to be available for industrial uses. At the closest point, the Subject Property is at least 190 feet from the Site's south property line. A 6-foot tall chain-link fence has been installed to follow the boundary of the Subject Property, providing separation of the Waste-Related use and the other industrial activities on the Site. The waste-related and recycling operation will not stand out visually or operationally from other uses on the Site. There is a large construction material storage area, a landscape material exterior sales facility, and numerous salvage and recycling facilities.

Section 33.254.040.D requires the posting of a sign near the entrance of the Waste-Related use. The sign must give contact information—a telephone number and representative name. The Hearings Officer finds, because the Subject Property is a rather small portion of a much larger property, that "self-haulers" and the general public who wish to utilize Applicant's services could easily get lost. To reduce confusion and conflict with other truck and industrial traffic, BDS staff recommended a condition be imposed that requires the Applicant to provide clear directional maps in information made available to customers and commercial haulers. Also, BDS staff recommended that two signs, one at each gate to the facility, should be installed. BDS stated that the signs must include contact information and a telephone number so that an Applicant's representative may be contacted at any time.

According to the submitted traffic report, prepared by Kittelson and Associates (Exhibits A.2, A.5 and A.6), the trucks—commercial garbage haulers and Recology trucks, the homeowners and small "self-haulers" and other vehicle traffic associated with activities at the facility will not overwhelm the street system. Applicant's traffic consultant expressed its professional opinion that peak weekday traffic occurs between 7:00 and 8:00 a.m. at SE Foster and SE 101st. The existing uses at the Site generate 290 trips, with 15 occurring in the a.m. peak hour and five occurring in the p.m. peak hour. Retail sales currently occur at the Subject Property with most transactions occurring during the weekend. The expanded use including the soil amendment sales will result in 400 daily trips, with 40 occurring in the a.m. peak hour and 20 in the p.m. peak hour. Of those 110 increased daily trips, it is expected that 90 (45 in/45 out) will be trucks and 20 (10 in/10 out) will be vehicles related to the proposed soil amendment sales. The peak hours are not anticipated to occur at the peak hours of bicycle/pedestrian uses of the Springwater Trail.

In summary, Applicant's traffic consultant, PBOT and BDS staff concluded that this proposal will not significantly alter the overall industrial character of the area because additional traffic will be minimal and the transfer/processing of waste materials will occur within a building. The Hearings Officer concurs with Applicant's traffic consultant, PBOT and BDS staff. Further, the Hearings Officer finds that Applicant should provide information (i.e. a

directional map) instructing customers to the Subject Property mixed yard debris/food waste facility. The Hearings Officer finds that Applicant must install two signs, one at each entry gate. With compliance with these conditions, the Hearings Officer finds that this approval criterion is met.

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

Findings: Waste-Related uses have the potential, through operational and physical features, to create noxious odors, excessive noise, air and water pollution and traffic issues. BDS staff, prior to the issuance of the BDS Staff Report (Exhibit H.2), received e-mail correspondence from two nearby property owners who expressed concerns about the operation of Applicant's facility (Exhibits F.1 and F.2). An opponent of this application (Fleck) testified at the public hearing and submitted a letter into the evidentiary record (Exhibit H.11) expressing concerns about the possibility that operation of the Applicant's facility could create noxious odors. Another opponent submitted a letter (Exhibit H.8) into the evidentiary record expressing concern that operation of Applicant's facility will unnecessarily attract vermin/rodents. The preceding issues raised by neighbors and/or opponents are appropriate to be considered under this approval criterion.

Odor: If this application is approved, there will be no processing of food wastes on the Subject Property. The application anticipates the delivery of loads containing a mixture of yard debris and food waste; food wastes are estimated to be less than 5% (by weight). Applicant testified, at the hearing, that trucks carrying mixed yard debris/food waste arrive at the Subject Property, drive to the building, back into the building through bay doors and dump the material onto the floor. The concrete floor of the building, at the location where the material is dumped, has channels covered by perforated grating. Applicant testified that within 48 hours (most material from the Subject Property on the same day as it is received) the mixed yard debris/food waste will be removed from the Subject Property to an off site composting location. Applicant's representative testified that if mixed yard debris/food waste is not removed the same day as it is delivered, then it (mixed yard debris/food waste) will be covered/treated with a biofilter. The biofilter material is yard debris and/or hog fuel already located on the Subject Property. Covering the yard debris/food waste will minimize odors escaping from the mixed yard debris/food waste.

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

Applicant's representative testified that it has operated the Metro Central transfer station in Portland, receiving up to 20,000 pounds per day, without receiving any odor complaints.

The Hearings Officer finds that so long as the Applicant follows the proposed operation plan (all mixed yard debris/food waste delivered into the building with an aerated concrete floor, and negative air system, and material removed within 48 hours of delivery), odors should not be a significant problem for neighboring properties.

Disease-Carry Vector: Because the food waste material will be off-loaded inside a building and will not be exposed to the outdoors at the Subject Property, there will be less likelihood of the facility attracting insects or rodents, such as rats. The building has roll-up doors that can be closed when loading activities are not occurring. A fully enclosed space allows employees to monitor and manage pests. As noted above, any mixed yard debris/food waste material that remains on the Subject Property overnight will be covered by a biofilter (hog fuel/yard debris). The Hearings Officer finds that covering the mixed yard debris/food waste and the location of the material within a fully enclosed building will deter disease-carrying vector (vermin).

Noise: The sound of garbage truck off-loading and other distribution activities will be minimal given that the facility will be located at least 200 feet from adjacent sites and the truck loading activities will be limited to daytime operating hours—7 a.m. to 5 p.m., Monday through Friday, and Saturdays 8 a.m. to 5 p.m. The truck off-loading will also occur within a building. The Hearings Officer finds that noise from this facility will not differ or exceed the noise generated by other truck and material loading activities located at the Jameson site.

Dust/Air Pollution: All traffic areas of the Subject Property and the composting area are paved. The Subject Property currently accepts yard debris. The Hearings Officer finds that the transfer of food waste inside a building will not generate additional dust.

Stormwater/Water Pollution: Because the Applicant is proposing no new development or exterior changes, BES has determined that the proposal will not impact the existing stormwater system and/or the Johnson Creek resources. To address BES Source Control requirements, the Hearings Officer finds that a condition is necessary that requires containment and off-site disposal of leachate waste. Stormwater from impervious surfaces are proposed to drain/flow to numerous existing catch basins and eventually drain/flow into a detention pond (located on the west side of the Site).

Traffic Impacts and Safety: Applicant addressed, in the application, possible traffic capacity and safety issues. Applicant's traffic consultant indicated, in the Traffic Analysis (Exhibits A.5 and A.6), that the expanded use (including the retail sale of soils and landscape materials) will result in 400 daily trips, with 40 occurring in the a.m. peak hour and 20 in the p.m. peak hour. Applicant's traffic consultant stated that of the 110 increased daily trips, an estimated 90 (45 in/45 out) will be trucks and 20 (10 in/10 out) will be vehicles related to the proposed soil amendment sales.

Peak hour trips generated by this application, based upon Applicant's traffic consultant's reports, are not anticipated to occur at the peak hours of bicycle/pedestrian uses of the Springwater Trail. Manual turning movement counts, conducted by the Applicant's traffic

consultant, were taken at the SE Foster Road and SE 101st Avenue intersection and site access driveway in September 2010. The counts were taken at typical peak periods. Also counts were taken at the Springwater Corridor crossing. The consultant found that peak weekday vehicular activity along SE 101st Avenue occurs between 10:00 a.m. and 2:00 p.m., while peak Springwater Trail use occurs between 3:30 p.m. and 5:30 p.m. The consultant concluded that the intersection of SE Foster and 101st Avenue, the Springwater Trail and the site's driveway, are all expected to continue to operate acceptably at Level of Service A, even with the additional traffic generated by the proposed use. The traffic consultant found that over a recent 5-year period, there were only four vehicle crashes reported at the SE Foster Road and SE 101st Avenue intersection and at the Springwater Trail crossing there were no vehicular/pedestrian/bicycle related crashes.

In summary, the Hearings Officer finds the impacts resulting from approval of this application are expected to be minimal, with no significant health or safety risk to nearby uses. To control odors and water quality impacts, conditions will require the retrofitting of the building to install the aeration system and leachate collection system. Through compliance with conditions, this criterion is met.

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

Findings: Environmentally sensitive areas, designated with the Environmental Conservation or Environmental Protection overlay zone, run through the Site and abut the Site to the south and east. The designations follow the Johnson Creek waterway. Opponents expressed concern that approval of this application would result in negative impacts to nearby Johnson Creek and the Springwater Corridor Trail (Exhibits F.1, F.2 and H.8). One opponent indicated that Johnson Creek has a history of overflowing its banks and that when that happens, water pollution will occur when the creek water mixes with the mixed yard debris/food waste (Exhibit F.2). Another opponent stated that odors emanating from the Subject Property would discourage use and public enjoyment of the Springwater Corridor Trail.

The Hearings Officer incorporates the findings for PCC 33.815.220 C into the findings for this approval criterion. The Hearings Officer found, in the findings for 33.815.220 C above, that odor impacts would not be significant. Therefore, the Hearings Officer finds that odors emanating from operations at the Subject Property will not have significant detrimental impacts on users of the Springwater Corridor Trail or other nearby environmental resources.

The Hearings Officer finds that no credible evidence is in the record to support the contention, by an opponent, that flood waters would impact the operations occurring entirely within the building at the Subject Property. Further, the Hearings Officer finds (based upon Applicant's representative's statements that close to 95% of the mixed yard debris/food waste will be yard debris) that there is no evidence in the record to suggest that even if flood waters would intrude inside the building on the Subject Property, that the mixed yard debris/food waste would significantly impact environmental resources.

The Subject Property portion of the Site is located at least 800 feet from the environmentally designated waterway and at least 100 feet from the tree covered hillside on the southern edge of the Site. Vehicle access to the Subject Property will be provided on an existing internal roadway that crosses, via a bridge, over the Environmental overlay zones. No new development is proposed within the Environmental zones.

As noted in the findings for PCC 33.815.220 C above, the Hearings Officer found that environmental, vector, dust, and stormwater runoff impacts resulting from approval of this application will be minimal or nonexistent. Therefore, the Hearings Officer finds this approval criterion is met.

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

Findings: The mixed yard debris/food waste materials will be delivered to a building located on the Subject Property. Inside the building, trash (nonorganic waste) will be separated from the other material. The trash will be collected and hauled to a landfill. All waste will be off-loaded and processed inside the building. Applicant's representative, at the public hearing, testified that litter control is overseen by METRO and the Oregon Department of Environmental Quality ("DEQ"). Applicant's representative stated that Applicant will be responsible for litter control on roadways for a distance of up to one-quarter of a mile from the Subject Property. Applicant, in its application materials, indicated that it will instruct waste haulers using the Subject Property that loads must be enclosed/covered. The Hearings Officer incorporates the findings for PCC 33.815.220 C above into the findings for this approval criterion. The Hearings Officer finds this approval criterion is met.

F. Public services.

1. The proposed use is in conformance with either the street designations shown in the Transportation Element of the Comprehensive Plan;

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

Findings: The Site directly fronts SE 100th and SE 103rd Avenues; both streets terminate at the Site. SE 101st provides a connection from SE Foster Boulevard and SE Woodstock. SE 101st terminates north of the Site at SE Woodstock. However, the primary vehicle entrance to the Site is provided via easements through Tax Lot 6600 and the Springwater Corridor. The Springwater Corridor, a public bicycle and pedestrian off-road path, abuts most of the Site's northern property line. SE Knapp Street follows most the Site's southern property line. A tall chain link fence and locked gate restricts access at SE Knapp.

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

Rights-of-Way	Traffic Classification	Transit Classification	Bicycle Classification	Pedestrian Classification
SE Foster Boulevard	Major City Traffic Street	Major Transit Priority Street	City Bikeway	City Walkway
SE Woodstock Boulevard	Local Service	None	Local	Local
SE 100th Avenue	Local Service	None	Local	Local
SE 100th Avenue	Local Service	None	Local	Local
SE 103rd Avenue	Local Service	None	Local	Local
SE Knapp Street	Local Service	None	Local	Local

The Site in not within a designated Freight District. The Applicant is requesting an Adjustment to standard 33.254.030; see findings for PCC 33.805.010 below. Waste-Related uses are required to be located so that vehicle access is from a Major City Traffic Street or to streets within a designated Freight District.

PBOT reviewed the Applicant's transportation analysis (Exhibits A.2, A.5 and A.6) and expressed no concerns. As outlined in the Applicant's response, and summarized above, under the findings for approval criterion PCC 33.815.220 C, the proposed new Waste-Related use is not anticipated to have a significant trip generation impact or generate trip types that are inconsistent with the street designations. PBOT noted, and the Hearings Officer agrees, that the transportation system is capable of supporting the additional traffic that is estimated to be generated by the use. The Hearings Officer finds that SE 101st Avenue and SE Foster Road can support the new use from a capacity, safety, and access standpoint. The use is not anticipated to have any detrimental impacts on the overall safety of the Springwater Trail crossing at SE 101st Avenue.

PBOT staff noted that the acceptance of food waste at the Recology facility would generate no more than 90 new truck trips (45 in, 45 out), and 20 new vehicle trips (10 in, 10 out) related to the sale of soil amendments over the course of a typical weekday. The arrival/departure patterns of these additional truck trips are anticipated to be spread throughout the normal business hours. The presence of the stop-control on the SE 101st Avenue approaches, the slow travel speeds along SE 101st Avenue, the effectiveness of the design of the existing crossing location, the lack of any historical safety issues, and the relatively minimal increase in traffic all suggest that the expanded use will have no significant impact to pedestrians and bicyclists using the trail.

To address neighbors' concerns regarding additional truck traffic impacting the residential area located south of the site, PBOT staff recommended a condition be applied to truck traffic associated with Applicant's use of the Subject Property. PBOT suggested that if the owners of

the Site ever obtain access from SE Knapp, the condition of approval in this case will prohibit trucks traveling to/from the Subject Property from using SE Knapp. Applicant must also notify, in writing, all companies (including the commercial haulers) that SE Knapp may not be a route taken to the Site and/or Subject Property.

Through compliance with the condition that restricts future access to the Subject Property, the Hearings Officer finds this criterion is met.

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

Findings: The Police Bureau received notice of this application and did not raise issues or objections. Both the Fire and Water Bureaus reviewed the proposal set forth in the application and noted that no additional water service related improvements would be required. The Subject Property has an existing 1" metered service which has a billing address of 10010 SE Woodstock Boulevard that provides water to this location from the existing 12" CI water main in SE 100th Avenue. The Fire Bureau reviewed the proposal and has no concerns.

BES reviewed the proposed improvements and has no objections. BES noted that source control requirements must be met for the building permit. To address water quality requirements and reduce noxious odors, BES required as a condition the installation of a leachate collection and containment system. The liquid waste will be taken off of the Site and the Subject Property for disposal.

Based on the comments from City bureau representatives, the Hearings Officer finds that this criterion is met.

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

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

33.254.020 Limitations

A. **Accessory uses.** Concrete batching, asphalt mixing, rock crushing, or clay bulking in connection with a Mining use are prohibited except in IH and IG zones.

B. **Hazardous wastes.** The disposal of hazardous wastes, as defined by OAR 340.100 to 340.110, is prohibited.

Findings: The proposed use involves the acceptance of food (organic) waste that is sorted and then transported to off of the Site and Subject Property for composting. The proposal does not involve mining activity or disposal of hazardous waste. The Hearings Officer finds this development standard is met.

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

Findings: This application includes a request for an Adjustment to this standard. As noted under criterion 33.815.220.F1 and 2 above, the Site and Subject Property do not have direct access from a street that is a designated Major City Traffic Street or is within a designated Freight District. SE 101st Avenue provides a connection from SE Foster Boulevard and SE Woodstock. SE 101st terminates north of the Site at SE Woodstock. The primary vehicle entrance to the Site is provided via easements through Tax Lot 6600 and the Springwater Corridor. The roadway that runs through the Site in a north/south direction is not a public street. See the findings under Adjustment Review criteria, below.

33.254.040 Operations

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

Findings: The Subject Property is located within a lease boundary in approximately the center of the Site. Applicant submitted a traffic impact study to assess the adequacy of transportation services (Exhibits A.2, A.5 and A.6). Currently the Site generates approximately 290 trips per day. The Waste-Related use will generate 110 additional trips per day. Applicant anticipates 35 garbage trucks coming to the Site and Subject Property to dump loads and 10 semi-truck trips hauling away the processed food waste to the off-site composting facility. Applicant's traffic consultant estimated that the proposed use at the Subject Property facility would generate an additional 90 new truck trips (45 in, 45 out) and 20 retail trips (10 in, 10 out) over the course of a typical weekday. The traffic consultant indicated that 40 daily trips (for prior and new uses) for the Subject Property would occur during the morning "peak" and 20 daily trips would occur during the afternoon "peak" time. Applicant's traffic consultant and PBOT concurred that the estimated vehicle trips can easily be accommodated on the private internal road. The Hearings Officer finds this standard can be met.

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

Findings: The mixed yard debris/food waste will be unloaded from trucks and vehicles, sorted, and temporarily stored inside a fully-enclosed building; not to exceed 48 hours. The organic food waste material will then be transferred to an off-site location for decomposition into compost. If vehicles are cleaned, it will occur within the building. A drain and piping

system that collects the leachate liquid will be required to be installed in the building. The residual liquid waste will be removed from the Site and Subject Property. A condition will require the installation of a liquid waste collection facility. With compliance with the condition, the Hearings Officer finds that this application will comply with this standard.

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

Findings: As stated above, the residual liquid from the food waste will be contained and removed from the Site and Subject Property. Surface stormwater will be directed to a detention pond located on the west side of the Subject Property. BES has reviewed the proposal and finds no concerns. The Hearings Officer finds that this standard is met.

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

Findings: The Hearings Officer finds that a condition will require the installation of two signs, one at each gate of the facility. The signs must include the necessary contact information.

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

Findings: As discussed under criterion 33.815.220.F, the Applicant's traffic consultant submitted a traffic impact study to assess the adequacy of transportation services (Exhibits A.2, A.5 and A.6). The traffic study analyzed the SE Foster and SE 101st intersection and the crossing over the Springwater Trail. PBOT Engineering and Development reviewed the consultant's traffic study and concluded that the transportation system is adequate to support the proposed use. The Hearings Officer finds that this criterion is met.

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

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

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

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

Findings: Noise generated by the mixed yard debris/food waste transfer operation will result primarily from the use of trucks and other vehicles used for the delivery and removal of the waste-related product. The trucks and equipment are similar to that used by many nearby industrial uses. Trucks and other vehicles will deliver and pick-up the mixed yard debris/food waste, on the Subject Property, in a building. Separation of materials and equipment moving the mixed yard debris/food waste will occur inside the building. Equipment will meet noise standards stated in Title 18, Nuisance Abatement and Noise Control. The Hearings Officer finds that this standard will be met.

33.262.060 Vibration

A. **Vibration standard.** Continuous, frequent, or repetitive vibrations which exceed 0.002g peak may not be produced. In general, this means that a person of normal sensitivities should not be able to feel any vibrations.

B. **Exceptions.** Vibrations from temporary construction and vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are exempt. Vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.

C. **Measurement.** Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.

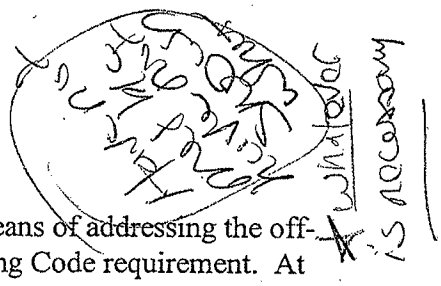
Findings: This proposal does not involve activities such as manufacturing or demolition that requires heavy pounding or breaking of materials and therefore will not create vibrations. The Hearings Officer finds that the proposal will comply with this standard.

33.262.070 Odor

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

B. **Exception.** An odor detected for less than 15 minutes per day is exempt.

Findings: The food waste will be confined within a fully-enclosed building. Furthermore, the Applicant intends to install a biofilter aeration system and will capture the liquid waste from the processing building and remove it off site. A condition will require the installation of both systems as identified in the submitted plans. If the facility finds that the biofilter system does



not adequately reduce detectable odors, it must implement other means of addressing the off-site impacts in order to achieve ongoing compliance with this Zoning Code requirement. At the request of one of the opponents (Exhibit H.11), Applicant agreed to include an additional condition of approval relating to the recording and reporting of any litter, noise, odor, dust, traffic and vector complaints (See Condition G.). The Hearings Officer finds that with the requirement that all transfers of mixed yard debris/food waste occur within the building located on the Subject Property, the removal of mixed yard debris/food waste within 48 hours of its being deposited at the Subject Property, the installation of floor negative aeration system and the use of biofilter material on any mixed yard debris/food waste left in the building overnight, this standard can be met.

33.262.080 Glare

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

B. Strobe lights. Strobe lights visible from another property are not allowed.

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

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

Findings: The dumping, pick-up and sorting of yard debris/food (Waste-Related use activities) will occur within an enclosed building. All litter is placed in a drop box that is then transported to a landfill for proper disposal. Applicant stated at the public hearing that, pursuant to METRO and DEQ requirements, Applicant is responsible for litter control (related to Applicant's operation at the Subject Property) for a distance of up to ¼ mile from the Subject Property. The Hearings Officer finds this standard will be met.

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

Findings: All traffic areas of the Subject Property are paved. Yard debris is currently accepted at the business operating on the Subject Property. The transfer of mixed yard debris/food will occur inside a building and will not generate additional dust outside the building. If the Applicant finds that the enclosure does not adequately restrict insects and/or mammals, the Applicant must implement other means for controlling the disease carrying

pests, in order to achieve ongoing compliance with this Zoning Code requirement. The Hearings Officer finds this standard will be met.

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

A. Contents of the reclamation plan. The reclamation plan must include the following:
1. Phasing and schedule of work to be conducted;
2. Phasing and schedule of reclamation to be conducted;
3. Materials to be used in the reclamation;
4. The effect of the reclamation on surface and subsurface drainage patterns;
5. Plans for future use of the land; and
6. A discussion of how the proposed reclamation plan is consistent with the future potential uses of the land, according to the zoning and the Comprehensive Plan designation.

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

Findings: The proposal does not include a landfill. Therefore, this requirement does not apply.

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

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

Findings: The Subject Property boundary is at least 250 feet from the closest residentially-zoned property to the south of the Site. The closest property zoned Open Space is located over 700 feet away. The Subject Property is located well beyond the required 100 feet from the Site's property line boundaries. The Hearings Officer finds the setback standards for this facility are met.

B. Landscaping and screening requirements. The setback must be landscaped to at least the L1 standard. A fence at least 6 feet high must be provided on the interior side of the setback. The fence must be screened by a high hedge meeting the L3 standard. The landscaping standards are stated in Chapter 33.248, Landscaping and Screening. In

addition, gates with fencing at least 6 feet high must be provided across all entrances. The property owner must maintain the fencing and gates in good repair.

Findings: The Subject Property is located on the Site where there is additional existing industrial development. Applicant operates a compost/recycling facility currently on the Subject Property. Zoning Code section 33.258.070.D.2.c(2) exempts uses within ground lease areas from screening requirements. Screening is not required along the boundaries of the leased area that is interior to the site. Hence, no additional landscaping is required. A perimeter fence, that appears to be 8 feet tall, currently encloses the site along its entire boundary. The Hearings Officer finds this standard will be met.

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

Findings: Because the waste-related materials and activities will be confined within a fully-enclosed structure and will be set back significantly from the property lines, the Hearings Officer finds this standard will be met.

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

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

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

Findings: The proposed activity is not mining or landfill. Therefore, this criterion does not apply.

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

Findings: The facility and another facility operated by Applicant (N Suttle Road and currently under review- LU 10-203967 CU AD) will allow the City of Portland to implement its food waste composting program. These facilities will serve as transfer stations allowing garbage haulers to deliver the blended food and yard debris waste. The application explains that composting businesses typically require transfer facilities. Many deliveries, in smaller trucks, from the urban area go to a single point where the waste is separated and aggregated for composting. The material is then consolidated into larger trucks and is shipped to a

composting facility. This reduces the number of trips to the composting facility, provides a place that efficiently sorts and consolidates the organic material, and offers another means of reducing the amount of materials being deposited into a landfill. For this use, the material is being diverted from the waste stream going to landfills, and is recycled into compost for beneficial uses. The above represents the public benefits of the application in this case.

Nearby residents and property owners raised concerns about this proposed use of the Subject Property (Exhibits F.1, F.2, H.8 and H.11). The Hearings Officer finds that the primary concerns expressed by opponents involved the possible emission of odors, the possible attraction of vermin, possible impacts on nearby environmentally zoned/used properties and traffic impacts. The Hearings Officer considered each of opponents' concerns in the findings above. The Hearings Officer finds, based upon Applicant's proposed operation plan and conditions that will be imposed upon Applicant's operation on the Subject Property, that the risk of odor and vermin impacts on the neighboring properties is relatively low. The Hearings Officer found no probable impacts will occur on nearby environmentally zoned properties. The Hearings Officer found that traffic impacts will be significantly mitigated by prohibiting Applicant's use of the Knapp entrance to the Site.

Overall, the Hearings Officer finds the public benefits are great and possible negative impacts are relatively low. The Hearings Officer finds the public benefits outweigh the potential negative impacts. The Hearings Officer finds this standard is met.

Adjustments

33.805.010 Purpose
The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply citywide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Approval Criteria
Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met.

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

Findings: The Applicant is requesting an Adjustment to waive the vehicle access standard for Waste-Related uses (Zoning Code standard 33.254.030). The purpose of the Mining and

Waste-Related development standard, as stated in Section 33.254.010 of the Zoning Code, is as follows:

These regulations:

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

PBOT reviewed the Applicant's transportation analysis and had no concerns. As outlined in the Applicant's response, and summarized above, the proposed new Waste-Related use is not anticipated to have a significant trip generation impact or generate trip types that are inconsistent with the street designations (Exhibit E.2). PBOT agreed with Applicant's traffic studies (Exhibits A.2, A.5, and A.6) that the transportation system is capable of supporting the additional traffic that is estimated to be generated by the use. SE 101st Avenue and SE Foster Road can support the new use from a capacity, safety, and access standpoint. PBOT and the Applicant's traffic studies concluded that the proposed use is not anticipated to have any detrimental impacts on the overall safety of the Springwater Trail crossing at SE 101st Avenue. The Hearings Officer concurs with the conclusions reached by PBOT and the Applicant's traffic consultants and finds this approval criterion is met.

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

Findings: The Subject Property is in the IH zone. The IH zone is intended to provide areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance.

The Site and Subject Property are located within the Outer Southeast Community Plan boundary. The plan, adopted in March 1996, specifically addresses the "Freeway Lands" site as follows:

Industrial Areas (page 35): The Freeway Land Company site was zoned a combination of EG and Heavy Industrial. This will allow office and commercial uses to locate on the outside edges of the site and the continuation of heavy industrial uses in the interior.

As noted above, PBOT reviewed (Exhibit E.2) the Applicant's submitted traffic analysis (Exhibits A.2, A.5 and A.6) and has determined that the transportation system can support the new use from a capacity, safety, and access standpoint. Therefore, the proposed access from a vacated street will not negatively impact the intended character of the IH zone or the desired

industrial character of the Freeway Land site. The Hearings Officer finds this approval criterion is met.

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

Findings: Only one Adjustment is requested. This criterion does not apply.

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

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

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

Findings: There are no detrimental impacts created by allowing the new Waste-Related use to use the existing access to the existing Site and Subject Property. The Hearings Officer finds no mitigation is needed. This criterion does not apply.

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

Findings. No development or activity is proposed within the Environmental zone as a result of the Adjustment. This criterion does not apply.

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

III. CONCLUSIONS

Applicant requested Conditional Use approval in order to begin accepting mixed yard debris/food waste at the Subject Property for recycling. An Adjustment is requested to waive the requirement that the Waste-Related use be located so that street access is from a Major City Traffic Street or a street in a designated Freight District. The mixed yard debris/food waste will be delivered to the Subject Property via garbage collection trucks, approximately 35 trucks per day. Mixed yard debris/food waste will also be accepted from private self-haulers and the general public. Compostable mixed yard debris/food waste will be transported to a final location for composting.

In order for this proposal to meet the approval criteria and to address some of the concerns raised by

- The date and time the complaint was received; and
- The name, address and telephone number (if provided) of the person or persons making the complaint; and
- The Recology (or any successor in interest) employee who received the complaint; and
- Any actions taken by Recology (or any successor in interest) employee(s) to resolve the complaint.

A record of all complaints and action taken must be maintained at the facility for a minimum of one (1) year. Annually, a copy of the complaint log must be delivered by mail to the Lents Neighborhood Association Chairperson (per Office of Neighborhood Involvement website information) and the East Portland Neighborhood Office. Access, so long as 24-hour advance notice is given, shall be provided at the Subject Property by Recology (or any successor in interest) to the Bureau of Development Services for the purposes of reviewing the complaint log.

H. Organics containing food waste shall be removed from the Subject Property and Site within forty-eight (48) hours of delivery to the Subject Property.

Gregory J. Frank, Hearings Officer

April 27, 2011
Date

Application Determined Complete: January 28, 2011
Report to Hearings Officer: March 25, 2011
Decision Mailed: April 28, 2011
Last Date to Appeal: ~~4:30 p.m.~~, May 12, 2011 ~~4:30~~
Effective Date (if no appeal): May 13, 2011 Decision may be recorded on this date.

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

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

opponents, the Hearings Officer included conditions of approval. The conditions are intended to mitigate potential impacts (i.e. odor, vector, traffic, etc.) upon nearby properties which could be created by the application.

IV. DECISION

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

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

A. As part of the building permit (10-188549 CO) application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 10-194818 CU AD." All requirements must be graphically represented on the required plans and must be labeled "REQUIRED."

B. Two signs, which identify the food waste recycling operation, must be installed on entrance gates to the facility. The signs must include 24-hour emergency contact information.

C. An aeration and biofilter system must be installed to negate food waste odors.

D. An internal drain and containment system must be installed to collect the liquid waste (leachate) inside the food waste processing building. The leachate must be taken to an off-site location for disposal.

E. All public information, including Internet and marketing information, must include a directional map that identifies the Recology facility within the larger 100-acre industrial site and identifies the site's entrance at SE 101st and SE Foster Boulevard.

F. Recology (or any successor in interest) trucks and any associated businesses, including commercial haulers, must be instructed to use only the SE Foster and SE 101st Avenue access; access to/from the Subject Property via SE Knapp shall not be permitted (excepting for emergency response vehicles).

G. Recology (or any successor in interest) must document all nuisance complaints that are received, including but not limited to: litter, noise, odors, dust, traffic and vectors. For every nuisance complaint received, the facility will record, in a complaint log, the following information:

- The nature of the complaint; and

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Until 3:00 p.m., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of $5,077.00 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

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

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

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

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

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

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

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

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

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

A. Applicant's Submittal
   1. Project Proposal and Response to Approval Criteria
   2. Traffic Analysis, prepared by Kittelson and Associates, dated October 18, 2010
   3. Applicant's letter responding to staff's application completeness review
   4. Ground Lease Document
   5. Traffic Analysis Letter, dated February 6, 2011
   6. Traffic Analysis Addendum, dated March 9, 2011
   7. Request for Evidentiary Hearing and 120-Day Waiver

B. Zoning Map **(attached)**

C. Plans and Drawings
   1. Site Plan, submitted January 28, 2011 **(attached)**
   2. Partial Site Plan with Floor Plan, submitted January 28, 2011 **(attached)**
   3. Partial Existing Conditions Plan, submitted January 28, 2011
   4. Building Elevations – Existing Building, submitted January 28, 2011
   5. Aerial Photo showing existing conditions, submitted January 28, 2011
   6. Site Plan, submitted November 19, 2010

D. Notification information
   1. Request for Response
   2. Posting Letter Sent to Applicant
   3. Notice to be Posted
   4. Applicant's Statement Certifying Posting
   5 Mailing List
   6. Mailed Notice

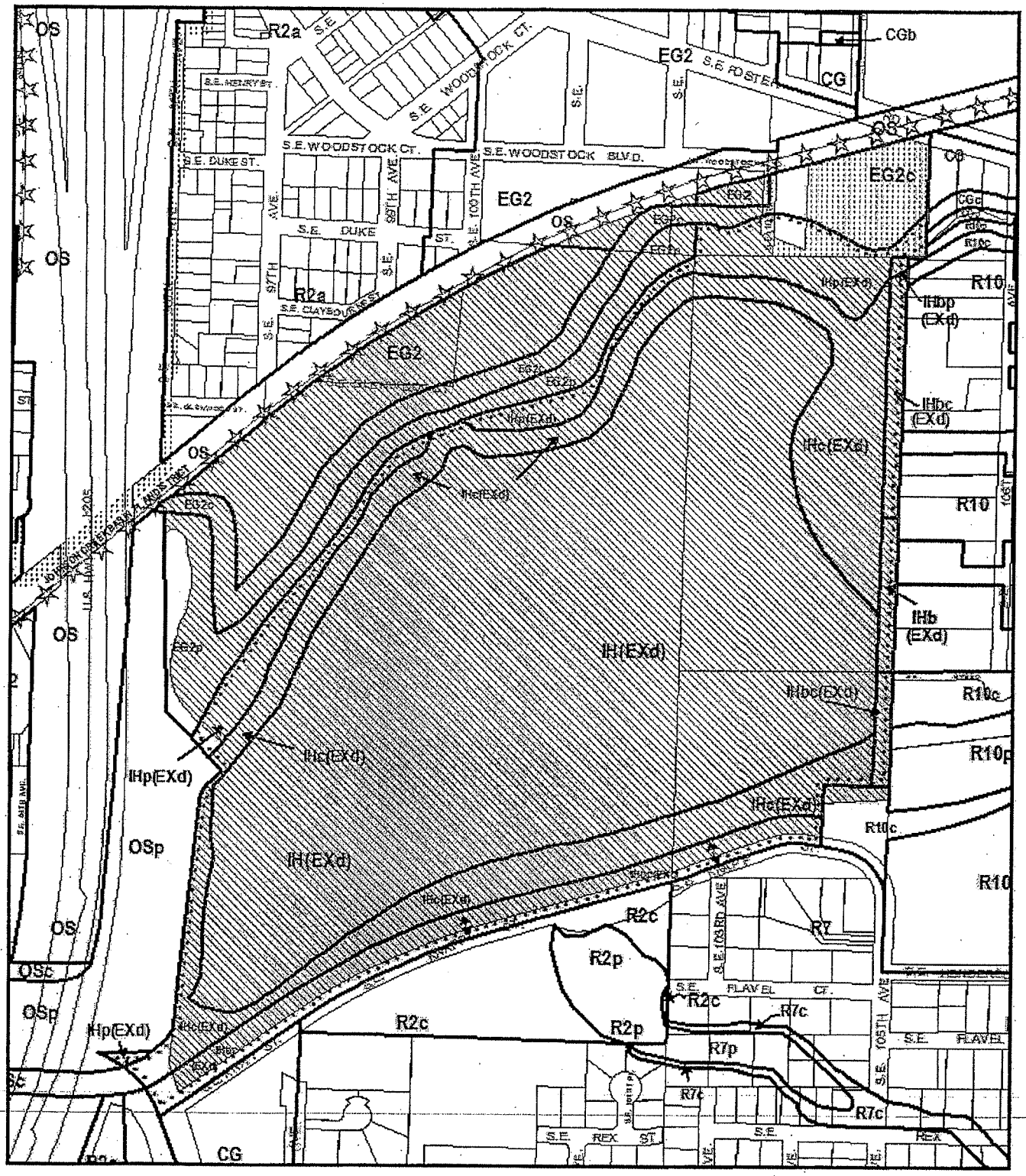
E. Agency Responses
   1. Bureau of Environmental Services
   2. Bureau of Transportation
   3. Water Bureau
   4. Fire Bureau
   5. TRACS Print-Out – "No Concerns" Response from Bureau of Parks, Forestry Division, Site Development Review Section of Bureau of Development Services, Life Safety Review Section of Bureau of Development Services

F. Letters
   1. Larry and Darcy Niemeyer, March 9, 2011, opposes proposal (theniemeyers@comcast.net) 11045 SE Henderson Portland OR 97266
   2. Gary Gossett, March 13, 2011, opposes proposal (botanytrek@hotmail.com)

G. Other
   1. Original LUR Application
   2. LUR Application with Owner Information
   3. Site History Research

4. Incomplete Application Letter to Applicant from Staff
5. Pre-Application Conference Summary Report
6. Copy of Easement, with Stipulations, Granting Property Owner Access Rights Through City-Owned Springwater Corridor, submitted from Parks Bureau staff

H. Received in the Hearings Office
1. Hearing Notice - Frugoli, Sheila
2. Staff Report - Frugoli, Sheila
3. 4/4/11 e-mail from Frank and Debra Fleck - Frugoli, Sheila
4. 3/30/11 letter, Loftus to Frugoli - Frugoli, Sheila
5. 3/23/11 letter, Michael C. Robinson to Frugoli - Frugoli, Sheila
6. Plan - Robinson, Michael
7. PowerPoint presentation printout - Frugoli, Sheila
8. Letter - Christensen, Gregg
9. Request to be added to mailing list - DeLapp, Laurie
10. Letter - Fleck, Frank and Debra
11. 4/6/11 letter - Fleck, Frank and Debra
12. Business cards for Metzler and Rawson to be added to mailing list - Metzler, Bill and Rawson, Stephanie
13. 4/7/11 letter - Robinson, Michael
14. 4/7/11 letter - Robinson, Michael
15. 4/7/11 Memo with attachment - Frugoli, Sheila
    a. 4/7/11 letter from Robinson - Frugoli, Sheila
16. Final written argument - Robinson, Michael



ZONING

Site

Also Owned

NORTH

This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No. LU 10-194818 CU
1/4 Section 3740,3741,3840
Scale 1 inch = 400 feet
State_Id 1S2E21A 100
Exhibit B (Nov 23,2010)

SITE VICINITY MAP
SCALE: NONE

NOTES

1. TAX LOT LINES ARE BASED ON GIS INFORMATION AND ARE SHOWN FOR REFERENCE ONLY.

SCALE: 1" = 140'

PBS
Engineering + Environmental
3310 NE 65th Street
Vancouver, WA 98663
360.693.4331 Main
360.737.8140 Fax
www.pbsenv.com

RECOLOGY OREGON MATERIAL RECOVERY, INC. - FOSTER ROAD
6400 SE 101ST AVENUE
PORTLAND, OREGON 97266

SITE LOCATION

PROJECT: 17398.001
DRAWN: JC
CHECKED: SD
DATE: JANUARY 26, 2011
REVISIONS:

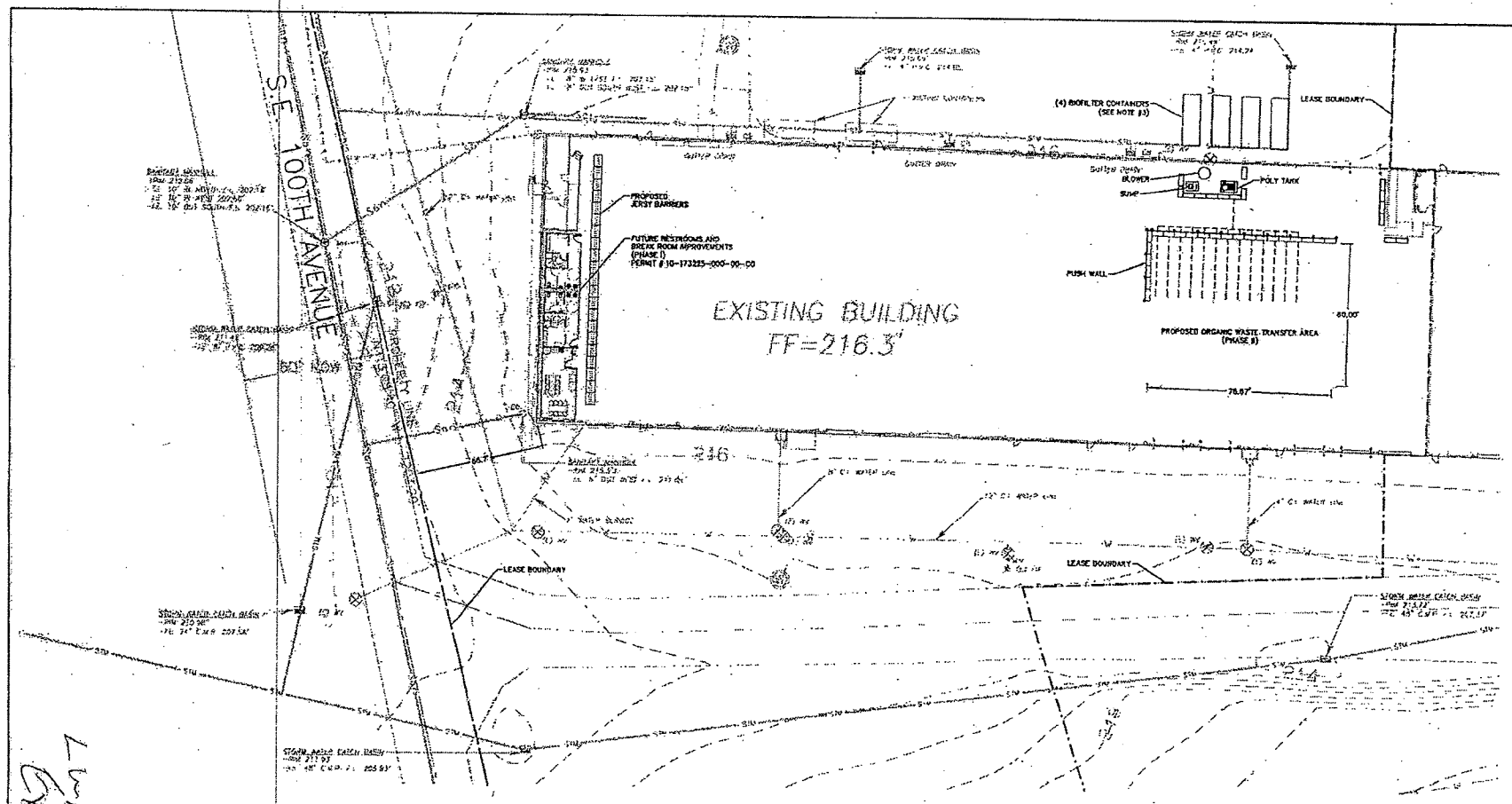
C0.0

CONDITIONAL USE CIVIL DRAWINGS

EXHIBIT B PAGE 32 OF 34

LU 10-194818 CU AD
Exhib. # C.1

EXHIBIT B PAGE 33 OF 34



LEASED AREA SUMMARY:	
TOTAL AREA	268,047 SF (100%)
IMPERVIOUS AREA	268,047 SF (100%)
BUILDING COVERAGE:	
TOTAL BUILDING FOOTPRINT	88,592 SF (32.5%)
BUILDING A4 FOOTPRINT	45,982 SF (17.2%)
SCALE HOUSE BUILDING FOOTPRINT	340 SF (0.01%)

(PERCENTAGE OF THE LEASED AREA ONLY.)

GENERAL NOTES

1. CONTRACTOR SHALL FIELD VERIFY THE LOCATION, ALIGNMENT, DEPTH AND INVERTS OF ALL EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION AND ORDERING MATERIALS. NOTIFY OWNER IMMEDIATELY OF EXISTING UTILITY CONFLICTS WITH NEW CONSTRUCTION.
2. REPAIR AND/OR REPLACE ALL SIDEWALK, WALLS, PAVEMENT, LANDSCAPE, UTILITIES ETC. THAT ARE DISTURBED BY CONSTRUCTION OF NEW UTILITIES TO SAME CONDITION OR BETTER.
3. BIO-FILTERS (AIR) FOR ODOR CONTROL WILL BE DONE IN PORTABLE CONTAINERS APPROXIMATELY 22'X8'X8' FILLED WITH 4 FEET OF MATERIAL. FOR FILTRATION. THE CONTAINERS WILL BE OPEN ON TOP. EXCESS MOISTURE/RAIN WATER WILL DRAIN BACK INTO THE SYSTEM INSIDE THE BUILDING THROUGH DRAINS AND WILL BE RECYCLED BACK THROUGH THE SYSTEM OR STORED IN POLY TANK FOR TRANSFER OFF-SITE TO AN APPROVED DISCHARGE LOCATION.
4. PROPOSED NEW ACTIVITIES INSIDE THE BUILDING INCLUDE THE TRANSFER OF ORGANIC WASTE TO AND FROM THE FACILITY AND THE REMOVAL OF THE MAINTENANCE SLOPE TO MAKE ROOM FOR THE ORGANIC WASTE TRANSFER. MAINTENANCE OF VEHICLES WILL NO LONGER TAKE PLACE AT THIS FACILITY INSIDE THIS BUILDING.
5. NO DISCHARGE TO THE SANITARY SEWER OR STORMWATER IS PROPOSED WITH IS PROCESS.

SCALE: 1" = 20'

NOTICE TO EXCAVATORS:
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER.
(NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1987).

POTENTIAL UNDERGROUND FACILITY OWNERS

Dig Safely.
Call the Oregon One-Call Center
1-800-332-2344

EMERGENCY TELEPHONE NUMBERS

NW NATURAL GAS M-F 7AM-5PM	503-226-4211 Ext 4313
AFTER HOURS	503-226-4211
PGE	503-464-7777
QWEST	1-800-573-1311
CITY BUREAU OF MAINTENANCE	503-823-1700
CITY WATER	503-823-4874
VERIZON	1-800-483-1000

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Engineering + Environmental
1310 Main Street
Vancouver, WA 98660
360.695.4351 Main
fax 723.0140 fax
www.pbsenv.com

RECOLOGY OREGON MATERIAL RECOVERY, INC. - FOSTER ROAD
6400 SE 101ST AVENUE
PORTLAND, OREGON 97266

PARTIAL
PROPOSED
SITE PLAN

PROJECT	1710.0031
DRAWN	JC
CHECKED	DS
DATE	JANUARY 26, 2011
PLOT DATE	

C2.0

CONDITIONAL USE CIVIL DRAWINGS

LU 10-194818 CU AD
Exhibit C.2

C

C

— CITY OF PORTLAND —
ENVIRONMENTAL SERVICES
1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ▪ Dan Saltzman, Commissioner ▪ Dean Marriott, Director

LAND USE RESPONSE

Date: March 9, 2011

To: ~~Sheila Frugoli, BDS Land Use Services 503-823-7817~~

From: Jocelyn Tunnard, BES Development Services 503-823-5780
Jennifer Antak, BES Watershed Services
Greg East, BES Pollution Prevention

Subject: **LU 10-194818 CU**

Location: 6400 SE 101ST AVE **Quarter Section:** 3740

R No: R022400260, R551002230, R551002240, R992211480, R992221570, R992222590

The following conditions of approval and informational comments are based on the land use review information provided to the Bureau of Environmental Services (BES). The applicant may contact me with any questions or concerns.

Proposal Summary: Conditional Use and 1 Adjustment to add food waste to existing Waste Related use. Changes to site circulation; no new buildings.

BES Response Summary: BES has no objections to the required Conditional Use Review to allow food waste to be accepted at this site for recycling. Refer to comment #2 below under Stormwater Management & Water Resources.

Sanitary Services

1. There is an 18-inch (that varies in diameter) concrete public sanitary gravity sewer located along the southern boundary of this site (BES project # 2484).

Stormwater Management & Water Resources

The stormwater runoff generated from the proposed development must meet the requirements of the City of Portland's Stormwater Management Manual current at the time of building plan review. For all projects, the Stormwater Hierarchy must be addressed. The applicant may contact BES with any questions or for additional information. The current 2008 Stormwater Management Manual (SWMM) can be found at: http://www.portlandonline.com/bes/ under Publications and then go to Manuals.

1. There is no public storm-only sewer available to this property.

2. BDS has indicated there will be no exterior improvements/alterations and no new impervious area will be constructed as part of this project and it appears non-conforming upgrades are not required. An Adjustment to waive the required L1 landscaping standard in the required setback area had previously been requested, but appears to no longer be part of this review. Also, it appears this project will not need to bring existing areas into compliance with current landscaping requirements per Chapter 33.258.070, which would trigger Section 1.5 of the

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SWMM and require new landscaped areas to be utilized as vegetated stormwater facilities where feasible. Therefore, **BES has no objections to the required Conditional Use Review to allow food waste to be accepted at this site for recycling**.

Conditions of Approval

BES has no recommended conditions of Land Use Review approval.

Additional Information

1. Refer to BES Pre-Application Conference Response dated August 31, 2010 for additional information.

2. The site plan submitted for land use review identifies the existing private sanitary and storm system that serves the existing building being reviewed under this project, as required by BES. The information provided is sufficient for land use review, however, be aware that at the time of building permit review the label for the existing storm system will likely need to be revised because the label "SS" is typically used to identify sanitary sewers.

3. Be aware, there are a number of BES restoration projects located in areas surrounding this site. These projects are being designed to restore and improve the Johnson Creek flood plain area.

Building Permit Information

1. *SWMM Chapter 4 Requirements*: Design requirements from Chapter 4 of the SWMM (Source Controls) that may pertain to this project are briefly described below with the corresponding Chapter 4 section noted. BES recommends the applicant review Chapter 4 to help recognize other requirements that may apply to this project at the building permit review stage. BES recommends that requirements related to site contamination be addressed prior to submitting for building permit review to help avoid potentially long delays.
   a. *Temporary Dewatering (Section 4.4 and Title 17 Chapters 34, 36, 39)*: This area is served by a seperated sewer system. During construction, groundwater (estimated based on seasonally adjusted USGS data to be approximately 21-30 feet below grade surface) or precipitation water that is removed from the construction area and discharged to a City sewer requires pre-authorization/approval through the BES Batch Discharge Program. Fees are assessed for temporary construction discharges to the public sewer system - see the BES website for current rates and information about dewatering as it relates to construction projects.
   b. *Solid Waste and Recycling (Section 4.5)*: Solid waste (including grease bins/drums/boxes) and recycling (plastic, paper, glass, etc.) areas require a structural cover with a paved surface beneath the receptacles, a bermed or graded isolated area beneath the cover to protect from stormwater run-on, and a drain to the sanitary sewer within the isolated covered area.
   c. *Fuel Dispensing Areas (Section 4.7)*: Fuel dispensing areas generally require a canopy, pavement around the fueling area, and a drain beneath the cover that discharges to the sanitary sewer through a spill control manhole. Shut-off valves are required after the spill control manhole and on the adjacent storm sewer system.
   d. *Vehicle Washing Areas (Section 4.9)*: Vehicle washing areas must be paved and isolated through berms or grading to protect from stormwater run-on. The paved area

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must drain through an oil and water separator prior to discharging to the sanitary sewer. This area must include a structural cover.

e. *Solid Bulk Material Storage and Processing (Section 4.10)*: The exterior storage or processing of bulk materials requires further review by BES Pollution Prevention. There are high-risk and low-risk materials. The stored materials will be evaluated to determine if the materials will leach out into stormwater. Some of the pollution controls that may be required are: pavement of the area, protection from stormwater run-on and runoff, a structural cover, and secondary containment.

f. *Solid Waste and Recycling (Section 4.5)*: Solid waste (including grease bins/drums/boxes) and recycling (plastic, paper, glass, etc.) areas require a structural cover with a paved surface beneath the receptacles, a bermed or graded isolated area beneath the cover to protect from stormwater run-on, and a drain to the sanitary sewer within the isolated covered area.

2. *Extra Strength Sewer Charge Program (Title 17 Chapter 34 & 36)*: The proposed business is required to comply with the City's Extra Strength Sewer Charge (ESSC) Program; therefore, the owner is required to install a sampling location. A sampling manhole is preferred but, if not feasible, an 8" sampling tee on the waste line will be allowed. The sampling location must be downstream of any treatment devices and must account for all flows leaving the business or establishment. The sampling tee location cannot be located in a public right-of-way or in an area that is highly trafficked by foot or vehicle.

3. *Current NPDES or NEC Permit (Title 17 Chapter 39)*: This site is currently covered under a National Pollutant Discharge Elimination System (NPDES) stormwater permit. Please contact the City's permit manager for the site, Daryl Houtman, at 503-823-5535 to inquire how this proposal will impact the stormwater permit and building application.

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BEFORE THE CITY OF PORTLAND

LAND USE HEARINGS OFFICER

In the Matter of an Application by Recology Oregon Material Recovery, Inc. ("Recology") for a Conditional Use Permit and Four (4) Adjustments to Establish a Waste-Related Use with an On-Site Retail Operation Pursuant to 33.815.220, on a Site in the Heavy Industrial ("HI") Zoning District at 6400 SE 101st Avenue (Property Identification Nos. R104979, R215712, R215713, R336673, R336811 and R336871)	**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF THE APPLICATION**

I. FACTS.

A. Proposal.

This Site is presently used as a waste related facility. The facility is licensed by Metro (Solid Waste Facility License No. L036-09) and the Oregon Department of Environmental Quality ("DEQ") (Permit No. 1369). It is a permitted use with non-conforming development. The site currently accepts non-food waste materials for recycling. Because changes to the Site are proposed, conditional use approval is required. PCC 33.815.030.

This proposal will utilize the existing Site and its improvements and will allow the acceptance of food waste. The food waste will be mixed with yard and green waste currently accepted at the Site. The food waste will be visually examined and non-compostable materials will be removed from the compost stream inside the existing building. Compostable materials will be loaded onto trucks for shipment to an off-Site composting facility. The proposal also includes the installation of a small retail area [less than three thousand (3,000) square feet] for compost sales to the public.

B. Site Location and Map Designations.

The Site is located at 6400 SE 101st Avenue. **Exhibit 1** shows the location of the Site, its zoning, Heavy Industrial ("IH"), and a vicinity map. **Exhibits 2A and 2B** are aerial photographs of the Site. The leased Site, which is the subject of this application, contains 4.1 acres and is part of a larger lot containing 27.8 acres. The IH zoning is consistent with the Industrial Sanctuary ("IS") Comprehensive Plan map designation. No overlay zones are located on the Site.

C. Surrounding Uses and Access to the Site.

The Site is surrounded by IH-zoned property. To the west across SE 101st Avenue is a pallet recycling facility, a cement manufacturing facility, a truck company and a truck shop. To the south is a truck and equipment parking area. To the north is an industrial building. To the east are other industrial uses.

The Site is reached by SE 101st Avenue from its intersection with SE Foster Road. SE Foster Road has five (5) lanes and SE 101st Avenue has two (2) lanes. The intersection is signalized. A sidewalk extends from the intersection with SE Foster Road on both sides of SE 101st Avenue across the Springwater Trail. A bike lane exists on both sides of SE 101st Avenue and it is signed "no parking" north of the Springwater Trail. The land uses on SE 101st Avenue south of SE Foster consist of industrial uses.

D. Current and Proposed Use and Development of the Site.

The Site is currently used by Recology to accept dry, non-putrescible recyclable materials. Acceptable recyclable materials currently received at the Site include, but are not limited to, cardboard and mixed waste paper, metals, plastics, yard debris, wood, dry asphalt, construction and demolition waste (concrete, rock, brick), land clearing debris, mixed roofing waste, gypsum wallboard (untreated and unpainted), electronic waste and Styrofoam. With the exception of wood, yard debris, metal, sods, soils, and concrete, rock and brick, all mixed dry

solid waste materials are managed within an enclosed and covered building. The materials are received at the Site, sorted and then safely loaded for transport to an off-site location.

The Site is fully developed. The Site is level. The entire Site contains an asphalt surface. The entire Site is surrounded by a six (6) foot high chain link fence. **(Exhibit 2C).** Access to the Site is through a fifty (50) foot wide gate. No additional buildings are proposed by this application.

Two (2) buildings are on the Site. The smaller of the two (2) buildings is the scale house (also containing an office) and is adjacent to the scale. The larger building, known as the Material Recovery Facility ("MRF") building (Building #4A), is a shared building with another off-site user (the building is physically divided between the two (2) users.

The MRF building contains approximately 45,960 square feet and is thirty one (31) feet high. **Exhibit 3** shows the Site plan and **Exhibit 4** shows the MRF building's interior floor plan. No exterior changes to the MRF building are proposed except for the addition of larger entry doors and the installation of skylights. **Exhibit 5** shows the MRF building's elevation.

The interior of the MRF building will be redesigned to include a break room, restrooms, offices, a tipping floor for incoming materials and an area designated for the receipt of residential and commercial organic (food) waste. A truck repair facility will be removed. A wastewater collection system will be installed through which liquids will pass before collection in a poly tank. The liquids will then either be disposed of off-site or sprayed on organic waste, if the liquid will not create offensive odors. **(Exhibit 3, sheets C1.0 and C2.0).**

Trucks arriving at the Site will enter the MRF building and discharge their dry recyclable materials onto the sorting floor. No tipping or handling of organics waste will occur outside of the MRF building. The MRF building's feature will include an organics tip floor with a negative aeration system equipped with biofilters and a leachate collection system. The food waste will be sorted for loading onto other trucks for shipment to off-site composting facilities. Food waste

materials will arrive at a separate entrance to the MRF building, be sorted and be transported off-site in about twenty four (24) hours to forty eight (48) hours. Rapid sorting within two (2) days will control offensive odors.

The negative aeration system will also ensure odor control. Air from the tip floor will be directed to a biofilter system to control odor. Liquids will be routed through a leachate collection system before disposal, as described above.

Traffic circulation on the Site will be redesigned to maximize traffic flow and provide adequate queuing storage for trucks when needed.

E. Current and Proposed Operations on the Site.

The Site currently has about ten (10) employees. This proposal will increase that number to eleven (11) employees.

The Site's operating hours will not change from 7:00 a.m. – 5:00 p.m., Monday – Friday and 8:00 a.m. – 5:00 p.m. on Saturday. Hauler delivers of recyclable materials to the Site may occur at any time during operating hours. The general public may drop off and purchase compost materials at any time during operating hours.

The addition of food waste to the Site will add about forty five (45) new truck trips to and from the Site. Thirty five (35) of the new truck trips will be deliveries of food waste materials to the Site and ten (10) of the new truck trips will transport food waste from the Site.

The Site currently receives a maximum of about 200 tons of waste per day, or about 1,200 tons per week. The addition of food waste will add about 250 tons of food waste per day, or about 1,500 tons per week. After approval of this application, the Site will receive about 450 tons per day of all types of materials, or about a total of 2,700 tons weekly.

F. Applicable Approval Criteria.

1. Conditional Use Approval Criteria for a Waste-Related Use in the IH Zone.

The proposed addition of food waste requires a conditional use in the IH zone (*see* Table 1.4-1, "Waste-Related Uses"). Waste-related uses are subject to Note 8 in PCC 33.140.100.B, "Limited Uses." Note 8 provides that all waste-related uses are conditional uses, unless three (3) conditions are met, in which case they are allowed by right. In this case, the use is a conditional use because the three (3) conditions necessary to allow the use by right are not met.

The applicable approval criteria for the conditional use permit are:

- 33.815.220(A)-(I), "Mining and Waste-Related" uses.
- 33.254, "Mining and Waste-Related Uses," is applicable to this application through 33.815.220.F.3.
- 33.262, "Off-Site Impacts," is applicable to this application through 33.254.060.A.

2. Adjustment Approval Criteria for Four (4) Adjustments.

The relevant approval criteria for adjustments to PCC Chapter 33 requirements are found in Chapter 33.805. The four (4) required adjustments are shown below:

- 33.254.030, "Location and Vehicle Access." This criterion restricts access for waste-related uses to Major City Traffic Streets. Because this existing use accesses a Local Service Traffic Street, an adjustment to this standard is required.
- 33.254.080.A. and B., "Setbacks, Landscaping and Screening." Three (3) variances to this section are required. Subsection A. requires a one hundred (100) foot setback to property lines and streets abutting an I zone. The existing scale house is 55.7' from SE 101st Avenue and the existing MRF building is 69.5' from the street. Subsection B. requires landscaping and screening to the L1 standard.

Finally, Subsection B. also requires a six (6) foot high fence on the interior of the one hundred (100) foot setback. A six (6) foot high fence exists on the Site but is not within the interior side of the setback on SE 101st Avenue.

3. Retail Use for Sale of Compost Materials to the Public.

Retail uses are permitted outright if the square footage of the floor area is no more than three thousand (3,000) square feet. 33.140.100.B.6(a). The proposed retail use contains less than 3,000 square feet and is a permitted use on this Site.

II. APPLICABLE APPROVAL CRITERIA.

A. For conditional use permit: 33.815.220, "Mining and Waste Related Uses."

1. Relevant Approval Criteria.

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

RESPONSE: Adequate nearby lands include the lands on either side of SE 101st Avenue, south of SE Foster Road. The lands are currently devoted to intense industrial uses. Because this use is occurring on an existing Site devoted to the receipt and shipment of recyclable materials and will be conducted within an existing building on a fully developed Site, this additional use does not remove lands available for the development of more intense industrial uses.

This criterion is satisfied.

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

RESPONSE: This application will allow the acceptance of organic food waste at the Site, which will be reloaded inside the MRF building for transport to an off-site composting facility. The proposed use will not significantly alter the overall character of the area because it consists of activities inside an existing building with trucks coming to and from a fully

developed Site. There will not be a significant increase in the number of trucks coming to the Site. Further, this Site is less than fifteen percent (15%) of the larger lot on which it is located. This application will not alter the overall character of the area based on its proportion of the industrial uses in the area or on the larger lot.

This criterion is satisfied.

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

RESPONSE: This conditional use permit will not cause significant health or safety risks to nearby uses. Potential health or safety risks include odor, contaminated stormwater and traffic impacts. Odor is controlled by an aerated floor with a negative air system. Leachate will be collected and disposed of off-site. Liquids are treated prior to entering the City's system.

The addition of this use will not cause a safety risk because of increased traffic. Table 4 in the Transportation Impact Analysis ("TIA") **(Exhibit 6)** shows that the proposed use will generate approximately 90 additional daily trips, with 15 of those trips in the weekday a.m. peak hour and 5 of those new trips in the weekday p.m. peak hour.

About 45 new truck trips to and from the Site will occur between the hours of 8:00 a.m. and 4:00 p.m., with about 35 of these trucks delivering food waste (mixed with organic waste) and approximately 10 semi-trucks taking the waste to an off-site composting facility (TIA at page 8).

The TIA also examined the crash history at the intersection of SE Foster Road and SE 101st Avenue and found that there were only four (4) crashes at this intersection during a five (5) year study period (TIA at page 7).

The TIA also examined the crash history at the Springwater Trail crossing at SE 101st Avenue. The TIA found no bicycle or pedestrian crashes at this crossing during a five (5) year period. (TIA at page 7, Table 3).

The City can find that this criterion is satisfied.

"D. There will be no significant detrimental environmental impacts to any nearby environmentally sensitive areas;"

RESPONSE: There is no nearby environmentally sensitive area on this Site (*see* Exhibit 1).

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

RESPONSE: The potential nuisance-related impacts include litter, dust, noise, odor and vector control. The applicant will control odor through an aerated floor with a negative air system with the air directed to a biofiltration system. Leachate run-off will be controlled and cleaned through the use of a biofiltration system, which will minimize any stormwater impacts. Because the waste is received, sorted and transloaded inside the existing MRF building, dust and noise outside the MRF building will be minimal. Vector control is accomplished through maintenance of sanitary conditions inside the MRF building and on the Site and quick sorting of the received waste and transloading for off-site delivery.

The City can find that this criterion is satisfied.

"F. Public Services."

"1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;

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

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

RESPONSE: SE 101st Avenue is classified as a Local Service Traffic Street, a Local Service Transit Street, a Local Service Bikeway, a Local Service Walkway, a Truck Access Street and a Minor Emergency Response Street. The TIA concludes that the street is capable of accepting the additional traffic created by this application (TIA at pages 12 and 13).

The intersection of SE Foster Road and SE 101st Avenue functions at level of service "A" and the Site driveway intersection also functions at level of service "A" (TIA, figure 5 at page 11). As the TIA explains, level of service "A" is the highest possible level of service at intersections and easily meets the City's accepted performance standards.

Public services are adequate for water supply, police and fire protection services are capable of serving the proposed use, and proposed sanitary waste and stormwater disposal systems are acceptable to BES. A new water line has been installed to the street so fire protection will be adequate. A sanitary sewer storm line and a sanitary waste line serve the Site. **(Exhibit 3).** Two (2) fire hydrants are located immediately adjacent to the building, one on the west and one on the south.

The two (2) nearest fire stations to this Site are Station 11 (Lents) at 5707 SE 92nd Avenue and Station 29 (Gilbert) located at 13310 SE Foster Road. **(Exhibit 3A).**

The City can find that this criterion is satisfied.

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

RESPONSE: Chapter 33.254 is addressed below.

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

RESPONSE: This criterion is inapplicable to this application because it does not propose a proposed mining or landfill use.

"I. Public benefits of the use outweigh any impacts that cannot be mitigated;"

RESPONSE: The City can find that all potential impacts are mitigated. The public benefits of approving this use include the implementation of the City of Portland's food waste composting program. Sites must be provided within the City of Portland to which waste haulers can deliver food waste. Because the composting occurs off site, there must be adequate facilities to separately accept the food waste from other non-compostable waste and then transport the food waste to off-site composting facilities.

The City can find that this criterion is satisfied.

2. Conclusion for 33.815.220.

The City can find that the relevant approval criteria for a waste-related conditional use are satisfied.

B. Chapter 33.254, "Mining and Waste-Related Uses."

1. Relevant Approval Criteria.

"A. 33.254.020, "Limitations."

1. Accessory uses. Concrete batching, asphalt mixing, rock crushing, or clay bulking in connection with a Mining use are prohibited except in IH and IG zones.

2. Hazardous wastes. The disposal of hazardous wastes, as defined by OAR 340.100 to 340.110, is prohibited."

RESPONSE: This section prohibits the disposal of hazardous waste as defined by OAR Chapter 340.100-.10. The application does not propose to receive hazardous waste at this Site.

The City can find that this criterion is satisfied.

"B. 33.254.030, "Location and Vehicle Access."

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

RESPONSE: This criterion requires that the use be located so that vehicle access is restricted to Major City Traffic Streets or to streets in Freight Districts. This existing use is on a Local Service Traffic Street. Therefore, the applicant will request an adjustment to this criterion.

"C. 33.254.040.A.-D., "Operations."

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

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

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

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

RESPONSE: 33.254.040.A requires on-site queuing. The Site layout **(Exhibit 3)** includes an adequate area to accommodate the peak number of vehicles expected to arrive at the Site at any one time.

33.254.040.B requires that the receiving, sorting, processing, storage, transfer and shipping of waste must take place entirely within an enclosed structure. All of this activity is proposed to be within the existing MRF building.

This section also requires that the transfer of waste products from one vehicle to another and the cleaning of the vehicles must be done within a containment area designed to ensure that waste materials will be confined so as not to enter the groundwater or any water body. This application proposes to conduct all of the waste transfers within a containment area **(Exhibit 5)** inside the MRF building.

33.254.040.C requires the pretreatment of any liquids being discharged into the City's stormwater or sanitary disposal system. Any run-off from collected waste will be handled inside the MRF building and treated by a biofiltration system. Stormwater from the Site is separately drained to a pond serving the larger industrial park and is then discharged to the City's system.

33.254.040.D requires posted information near the entrance of the Site providing a phone number where a representative of the use may be reached at all times. The Site contains the required sign at the scale house.

This criterion is satisfied.

"D. 33.254.050, "Traffic Impact Study."

"A traffic impact study must be submitted for the proposed use. As part of the study, measures must be proposed for mitigating traffic impacts resulting from vehicles going to and from the site. The study must also include a plan and mechanisms to ensure that traffic, especially trucks, travel primarily on truck streets or Major City Traffic

Streets when near the site. The traffic study must include information on proposed access points, hours of operation, types of vehicles, and number of trips."

RESPONSE: The TIA is **Exhibit 6** to this application. The TIA examined whether there would be a requirement for mitigation of traffic impacts resulting from vehicles going to and from the Site. The TIA includes information on proposed access point, hours of operation, types of vehicles, and number of trips. The TIA did not identify such impacts nor the need for mitigation. (TIA at page 13).

This criterion is satisfied.

"E. 33.254.060.A.-C., "Nuisance Mitigation Plan."

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

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

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

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

RESPONSE: 33.254.060.A requires a plan that documents how the use will comply with the off-site impact standards stated in Chapter 33.262. This chapter is addressed below.

33.254.060.B requires that the application include a plan to address litter generated on the Site and along the roads leading to the Site.

The plan proposed by applicant is as follows. First, all waste will be off-loaded inside the building and reloaded inside the building for transportation to off-site composting facilities. No waste will be offloaded outside the building. Second, the applicant will agree to inspect the road leading to its facility for waste generated by vehicles coming to its facility and to collect and remove such litter. The applicant will instruct truck operators and the public coming to the Site in writing not to illegally dump waste products near the Site. Finally, the applicant will instruct those coming to the Site to require that the waste is covered as the trucks come to the Site.

33.254.060.C requires a plan provide mechanisms to limit impacts from dust, mud, and disease carrying organisms, such as rats and mosquitoes. The Site is fully paved and unloading and loading of the recycled materials occurs inside the MRF building. Therefore, there will be no dust generated. The applicant will regularly check the Site and the street leading to the Site for mud. Finally, management of the incoming organics food waste by ensuring that they are generally removed within twenty four (24) to forty eight (48) hours will minimize vector issues.

This criterion is satisfied.

"F. 33.254.080.A.-B., "Setbacks, Landscaping, and Screening."

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

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

2. Landscaping and screening requirements. The setback must be landscaped to at least the L1 standard. A fence at least 6 feet high must be provided on the interior side of the setback. The fence must be screened by a high hedge meeting the L3 standard. The landscaping standards are stated in Chapter 33.248, Landscaping and Screening. In

addition, gates with fencing at least 6 feet high must be provided across all entrances. The property owner must maintain the fencing and gates in good repair."

33.254.080.A. requires that waste-related uses must be set back 100 feet from all property and street lines that abut an I zone. Because this use is on a leased portion of a much larger lot, the only setbacks abut an I zone. The only 100 foot setback required is from the street lot line on the west side of the Site that abuts the IH zone.

Two (2) buildings are located within the 100 foot set-back. The MRF building used is 55.7 feet from the existing street lot line. The scale house building is 69.5 feet from the street lot line. Therefore, both of these existing structures are within the 100 foot setback requirement. This application requests an adjustment to this section for both structures.

33.254.080.B. describes landscaping and screening standards. The only relevant setback for this Site is the setback located on SE 101st Avenue. This section requires a landscape setback at least to the L1 standard with a fence six (6) feet high and a high hedge meeting the L3 standard. The setback along SE 101st Avenue does not comply with this requirement. The setback on SE 101st Avenue contains a six (6) foot high chain link fence but it is within the setback. This application requests an adjustment to this section for the L1 landscaping standard and the fence within the setback.

"G. 33.254.090, "Activities in Required Setbacks."

"Extraction, movement, or stockpiling of mineral and aggregate resources or the disposal or storage of waste products within a required setback is prohibited."

RESPONSE: This section applies only to mineral and aggregate resources and is, therefore, inapplicable to this application.

"H. 33.254.100, "Underground Utilities."

RESPONSE: This criterion applies only to mining or landfill sites and is, therefore, inapplicable to this application.

2. **Conclusion for 33.254..**

The City can find that the relevant approval criteria in Chapter 33.254 are satisfied.

C. **Chapter 33.262, "Off-Site Impacts."**

1. **Relevant Approval Criteria.**

"A. 33.262.030, "Exemptions."

"The off-site impact standards do not apply to machinery, equipment, and facilities which were at the site and in compliance with existing regulations at the effective date of these regulations. Any new or additional machinery, equipment, and facilities must comply with the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site."

RESPONSE: This chapter does not apply to machinery, equipment and facilities which were at the Site and in compliance with the existing regulations at the effective date of this regulation. This section further provides that any new or additional machinery, equipment and facilities much comply with the standards of this chapter. The only new machinery or equipment outside of the existing structure that is proposed to be installed as part of this application is the small fan associated with the negative aeration system. The primary existing structure (the MRF Building) has been at this Site for a number of years. The structure will not be expanded through this application.

"B. 33.262.050, "Noise."

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

RESPONSE: The operation of this Site has and will continue to satisfy Title 18, "Noise Control." The Site is not subject to additional Oregon Department of Environmental Quality ("DEQ") administrative regulations regarding noise adjacent to noise sensitive uses such as

dwellings, religious institutions, schools and hospitals because this Site is not within the radius of such noise sensitive uses.

The City can find that this criterion is satisfied.

"C. 33.262.060, "Vibration."

"Vibration standard. Continuous, frequent, or repetitive vibrations which exceed 0.002g peak may not be produced. In general, this means that a person of normal sensitivities should not be able to feel any vibrations.

Exceptions. Vibrations from temporary construction and vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are exempt. Vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.

Measurement. Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration."

RESPONSE: This proposal will not produce continuous, frequent or repetitive vibrations which exceed the threshold described in PCC 33.262.060.A.

This criterion is met.

"D. 33.262.070, "Odor."

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

Exception. An odor detected for less than 15 minutes per day is exempt."

RESPONSE: This application will not produce continuous, frequent or repetitive odors.

This criterion is satisfied.

"E. 33.262.080, "Glare."

"Glare standard. Glare is illumination caused by all types of lighting and from high temperature processes such as welding or metallurgical refining. Glare may not directly,

or indirectly from reflection, cause illumination on other properties in excess of a measurement of 0.5 foot candles of light.

Strobe lights. Strobe lights visible from another property are not allowed."

RESPONSE: This application will not cause glare nor use strobe lights. Therefore, this criterion is satisfied.

2. Conclusion for 33.262.

The City can find that this chapter is either inapplicable to this application pursuant to PCC 33.252.030 or, if applicable, this application satisfies the relevant requirements of this Chapter.

D. Chapter 33.805, "Adjustments."

This section addresses the relevant approval criteria for four (4) variances.

1. Adjustment to 33.254.030, "Location and Vehicle Access." (FIRST ADJUSTMENT)

The standard to be adjusted requires that vehicle access for a waste-related use be restricted to Major City Traffic Streets or to streets in Freight Districts. This Site has access to only a Local Service Traffic Street. The regulation to be adjusted is not an ineligible regulation under PCC 33.805.030.B.

a. Approval Criteria under 33.805.040.A.-F.

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

RESPONSE: The purpose of the regulation to be modified is to restrict traffic from waste-related uses to a higher order street or a Freight District. In this case, however, this is an existing use that has been located at this location on this street for a number of years. Further, the TIA demonstrates that SE 101st Avenue and its intersection with SE Foster Road is more

than capable of accommodating increased traffic from this proposed use. Therefore, the City can find that the adjustment will equally or better meet the purpose of the regulation to be modified.

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

RESPONSE: The Site is located in an I zone. The proposal is consistent with the classification of the adjacent street and desired character of the area. It is consistent with the classification of the adjacent street because it has been served by this street for a number of years, and the TIA demonstrates that the street is fully capable of accommodating the proposed traffic from the changed use. Second, it is consistent with the desired character of the area. The desired character of the area is an intense industrial area with a number of industrial uses, including this existing use. The City can find that this criterion is satisfied.

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

RESPONSE: The IH zone is one of three (3) zones that implements the Industrial Sanctuary ("IS") map designation in the City's acknowledged Comprehensive Plan. The IH zone provides areas where all kinds of industries may locate, including those not desirable in other zones due to their objectionable impacts or appearance. This application requires four (4) adjustments. The City can, however, find that the cumulative effects of the adjustments is a project which is still consistent with the purpose of the IH zone. As noted above, the IH zone is intended to accommodate objectionable or unattractive uses. This use is appropriately located in the IH zone whereas it would not be appropriately found in other zoning districts where it might be considered objectionable or unattractive.

The City can find that this criterion is satisfied.

"D. City-designated scenic resources and historic resources that are preserved."

RESPONSE: No City-designated scenic resources or historic resources are affected by this application.

"E. Any impacts resulting from the adjustment are mitigated to the extent practicable."

RESPONSE: No foreseeable impacts will result from this adjustment. SE 101st Avenue already accommodates the existing use and the TIA demonstrates that it can accommodate the additional traffic expected to be generated from the conditional use permit. The City can find that this criterion is satisfied.

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

RESPONSE: This Site is not in an environmental zone.

b. Conclusion for first adjustment.

The City can find that the criteria for this adjustment are satisfied.

2. Adjustment to 33.254.080.A., "Setback Distance." (SECOND ADJUSTMENT)

This standard requires a 100-foot setback from all street lot lines that abut an I zone. In this case, the existing MRF building is within 55.7 feet of the street lot line where it abuts an I zone and the scale house is setback 69.5' from the street. Therefore, an adjustment to the setbacks for both structures is required to this section.

This regulation is not an ineligible regulation for an adjustment under 33.805.030.B.

a. **Approval Criteria under 33.805.040.A.-F.**

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

RESPONSE: The City can find that granting the adjustment will equally or better meet the purpose of the regulation to be modified. The purpose of the regulation is to provide a setback from uses in the I zone. However, in a case such as this where two (2) existing buildings have been located within the 100-foot setback for a number of years, those buildings can be found not to impair or otherwise negatively impact the similar industrial uses in the surrounding area. Therefore, this criterion is satisfied.

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

RESPONSE: The proposal will be consistent with the classification of the adjacent street and the desired character of the area for the reasons explained below. The City can find this criterion is satisfied.

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

RESPONSE: The City can find that the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district as explained above.

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

RESPONSE: No City-designated scenic resources or historic resources are impacted by this application.

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

RESPONSE: No impacts require mitigation.

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

RESPONSE: This Site is not in an environmental zone.

b. Conclusion for second adjustment.

The City can find that the criteria for this adjustment are satisfied.

3. Adjustment to 33.254.080.B, "Landscaping and Screening Requirements." (THIRD ADJUSTMENT)

The Site does not contain the perimeter required landscaping and screening. It is impractical to install the landscaping on this Site because it is part of a larger, existing industrial park. This section requests an adjustment to this requirement.

This regulation is not ineligible for adjustments under 33.805.030.

a. Approval Criteria under 33.805.040.A.-F.

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

RESPONSE: Granting the adjustment will equally or better meet the purposes of the regulation to be modified. The purpose of the regulation is to require landscaping and screening requirements for an objectionable use. However, all of the objectionable aspects of this use are conducted indoors and this Site is fully surrounded by other intense industrial uses.

Therefore, this criterion is satisfied.

"B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E or I zone, the proposal

will be consistent with the classifications of the adjacent streets and the desired character of the area;"

RESPONSE: The proposal will be consistent with the classifications of the adjacent streets and the desired character of the area, as explained above.

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

RESPONSE: The cumulative effect of the adjustment results in a project that is still consistent with the overall purpose of the area as explained above.

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

RESPONSE: No City-designated scenic resources and historic resources are impacted by this application.

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

RESPONSE: No impacts resulting from the adjustment require mitigation.

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

RESPONSE: This Site does not contain an environmental zone.

b. Conclusion for third adjustment.

The criteria for this adjustment are satisfied.

4. Adjustment to 33.254.080.B., "Landscaping and Screening Requirements." (FOURTH ADJUSTMENT)

This criterion requires that a fence at least 6 feet high be provided on the interior side of the setback. **Exhibit 2C** to the application shows that a fence is located along the street line of the property but is not within the interior side of the 100 foot setback. The applicant, therefore,

requests a variance to this criterion. This criterion is not an ineligible regulation under 33.805.030.

a. Approval Criteria Under 33.805.040.A.-F.

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

RESPONSE: The purpose of this regulation is to have a buffer area between the setback and the street. However, because this is an existing Site where the entire surface is paved and used for circulation, a fence on the interior setback would be impracticable. The existing fence and gate at the street edge serves the purpose of providing security for the Site, maintaining operations inside the Site and confining litter to the Site.

The City can find that this criterion is satisfied.

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

RESPONSE: The proposed adjustment is consistent with the classification of the adjacent street and the desired character of the area. The Local City Traffic Street is solely used for purposes of reaching the industrial area. The desired character of the area is that of an intense industrial area, consistent with the IS Comprehensive Plan map designation. Having the fence on the outside rather than the interior of the setback does not detract from either the classification of the adjacent street or the desired character of the area.

This criterion is satisfied.

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

RESPONSE: The cumulative effects of the adjustments result in a project which is still consistent with the overall purpose of the zone because this is an existing use where the adjustments do not detract from the purpose of the IH zoning district.

This criterion is satisfied.

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

RESPONSE: No City-designated scenic resources or historic resources are impact by this application.

This criterion is satisfied.

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

RESPONSE: There are no impacts resulting from this adjustment which require mitigation.

This criterion is satisfied.

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

RESPONSE: This Site does not contain an Environmental Zone.

b. Conclusion for fourth adjustment. The criteria for this adjustment are satisfied.

E. Retail Use in Conjunction With a Waste-Related Use.

RESPONSE: The application proposes a small retail area consisting of less than 3,000 square feet **(Exhibit 3).** The retail area is an outdoor area where the public may purchase compost. 33.140.100.B.6 provides that retail sales and services with up to 3,000 square feet per use are allowed per site. No additional approval criteria are relevant to this part of the request.

The City can find that a less than 3,000 square foot area for retail sales of compost is permitted outright in the IH zoning district.

III. CONCLUSION.

For the reasons contained in this application, the applicant respectfully requests that the Hearings Officer approve this conditional use permit with reasonable conditions of approval.

E

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Regional Solid Waste Management Plan

PLANNING AND CONSERVATION › MANAGING GARBAGE AND RECYCLING › REGIONAL SOLID WASTE MANAGEMENT PLAN

The Regional Solid Waste Management Plan is a long-range plan that provides a framework for coordinating solid waste and recycling programs in the region.

After a robust process of public input and participation from across the metropolitan area, on July 24, 2008, the Metro Council approved a comprehensive plan to coordinate the region's solid waste and recycling programs over the next decade. The 2008-2018 Regional Solid Waste Management Plan, which includes a state-required waste reduction program, reflects a long-term commitment to reduce the amount and toxicity of waste generated and disposed in the region. The plan is available to download by chapter below. Go

Comments on the plan received during the final phase of public involvement are summarized and addressed in the responsiveness report also available below.

The 12 policies, 13 goals and 68 objectives in the plan will guide continued progress in reducing the amount and toxicity of waste generated and disposed, as well as new initiatives to advance sustainable practices in operations of the solid waste system.

CHAPTER SUMMARIES

Chapter I, Introduction

Explains the need for a regional solid waste plan and its function, the context behind plan direction, the plan scope, and the process by which the plan developed, including public involvement activities.

Chapter II, Current System

Details roles and responsibilities in solid waste; the array of services, practices and programs in the regional solid waste system (including waste prevention activities); collection consolidation trends; the variety of facilities in the system; and excess capacity at transfer stations and landfills.

Identifies amounts of waste material from the region recovered and disposed, and amounts of highly recoverable resources (e.g., wood, metal, paper) still being landfilled.

Provides an assessment of whether the 64 percent waste reduction goal is likely to be achieved by the statutory benchmark year of 2009.

Chapter III, Future Direction and Regional Policies

Establishes high-level direction for the region through a plan vision, regional values, and regional policies.

Chapter IV, Program Areas

Provides direction, through goals and objectives, for waste reduction program areas (single-family residential, multifamily residential, commercial organics, business, and building industry sectors), as well as education services, hazardous waste management and product stewardship efforts

Chapter V, Sustainable Operations

Provides direction for making solid waste operations more sustainable. These goals and objectives, developed by a group of solid waste system stakeholders, are intended to apply to any solid waste facilities or services in the region regulated by government (including collection).

Chapter VI, Plan Implementation, Compliance and Revision

Contains program implementation, performance measurement, and compliance detail related to waste reduction programs and recycling service levels in the region.

Appendices

- Key Solid Waste Laws
- Disaster Debris Management Plan
- Disposal System Planning
- System Improvements Work Plan
- System and Non-System Facilities
- Waste Reduction Programs Timetable
- Guiding Direction
- Glossary of terms

RELATED DOCUMENTS

- Cover, Table of Contents, Executive Summary
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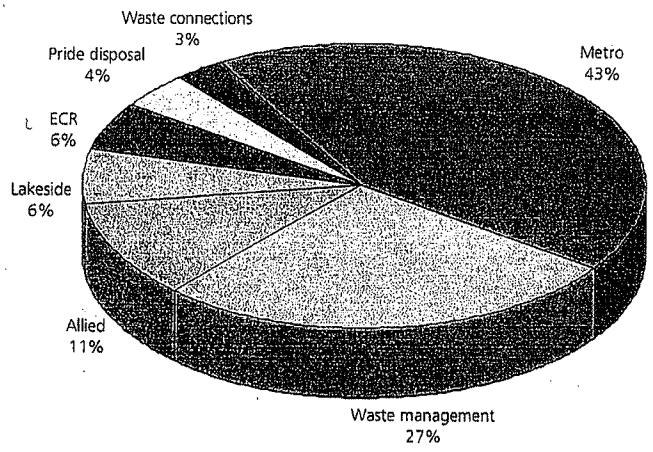
COMMENT ON SOLID WASTE AMENDMENTS
BUSINESS RECYCLING POLICY
DISPOSAL SYSTEM PLANNING
REGIONAL SOLID WASTE MANAGEMENT PLAN
SOLID WASTE AND RECYCLING SYSTEM OVERVIEW
HOW MUCH ARE WE RECYCLING?
ST. JOHNS LANDFILL
RECYCLING AND WASTE REDUCTION REPORTS
RATE SETTING

Most solid waste facilities are privately owned, but Metro South and Metro Central transfer stations are both publicly owned. The opportunity for private entry and innovation in the system has helped to create a diverse array of facilities that can respond to rapidly changing technologies, fluctuating market conditions, and local conditions and needs.

The volume of waste handled by private facilities has increased significantly during the past 10 years. In 1995, the region's two publicly owned facilities handled slightly over 70% of the waste delivered to facilities in the region. By 2005, the share of the waste stream delivered to publicly owned facilities had declined to 43% (see Figure 1).

Figure 1
Tons received at facilities



2. Recycling/Recovery

The Metro region is currently served by 16 facilities conducting material recovery from dry waste of varying types (see Map 1). Twelve of these facilities are permitted to take nonputrescible ("dry") waste; the other four are licensed to accept a more limited range of materials. Two of those four facilities are limited to accepting wood, yard debris, and roofing; the other two facilities handle tires exclusively. Six of the facilities are hybrid facilities that also perform other functions, including four that are local transfer stations and two that are publicly owned/privately-operated regional transfer stations.

There are also seven "clean" MRFs in or near the region that exclusively receive and process source-separated residential curbside and business recyclable materials.

3. Composting

There are six yard debris composting facilities located within the region. All but one of these facilities are privately owned and operated. The publicly owned facility handles only leaf debris collected by City of Portland maintenance crews. The region is also served by a composting facility located in Washington State that is authorized to accept post-consumer food waste.

4. Waste transfer

The seven transfer stations located within Metro's boundaries (see Map 2) consolidate loads of solid waste for transfer to landfills. Three of these facilities, Metro Central, Metro South and the Forest Grove Transfer Station, are regional transfer stations that can accept unlimited amounts of putrescible (or "wet ") waste and dry waste. Metro's two transfer stations are publicly owned; the Forest Grove facility is privately owned.

The four other transfer facilities, Columbia Environmental, Pride Recycling, Troutdale Transfer Station and Willamette Resources, are franchised to serve localized needs, and as such are authorized by Metro to accept only limited amounts of "wet" waste per year (but are allowed to accept unlimited amounts of "dry" waste). These local transfer stations are privately owned by companies that also provide collection services.

The region's seven transfer stations have an estimated transfer capacity of approximately 2.06 million tons/year. During 2006, these facilities accepted 1.05 million tons of waste. The estimated capacity of each facility and the tonnage received during 2006 is shown in Table 3.

Table 3
Transfer station throughput and estimated capacity, 1,000s tons/year

	2006 Throughput	Transfer Capacity
Public facilities		
Metro Central	324	624
Metro South	280	560
Private facilities		
Forest Grove*	168	135
Pride Disposal	56	234
Troutdale	82	312
Willamette Resources	144	196
Columbia Environmental**	0	unknown
Total	**1,054**	**2,061**

*Approximately 26,500 tons of solid waste are delivered to the Forest Grove transfer station in transfer vehicles and do not utilize transfer station capacity. The capacity shown is a nominal capacity based on the average load size in the region.
**Columbia Environmental is not yet operational.

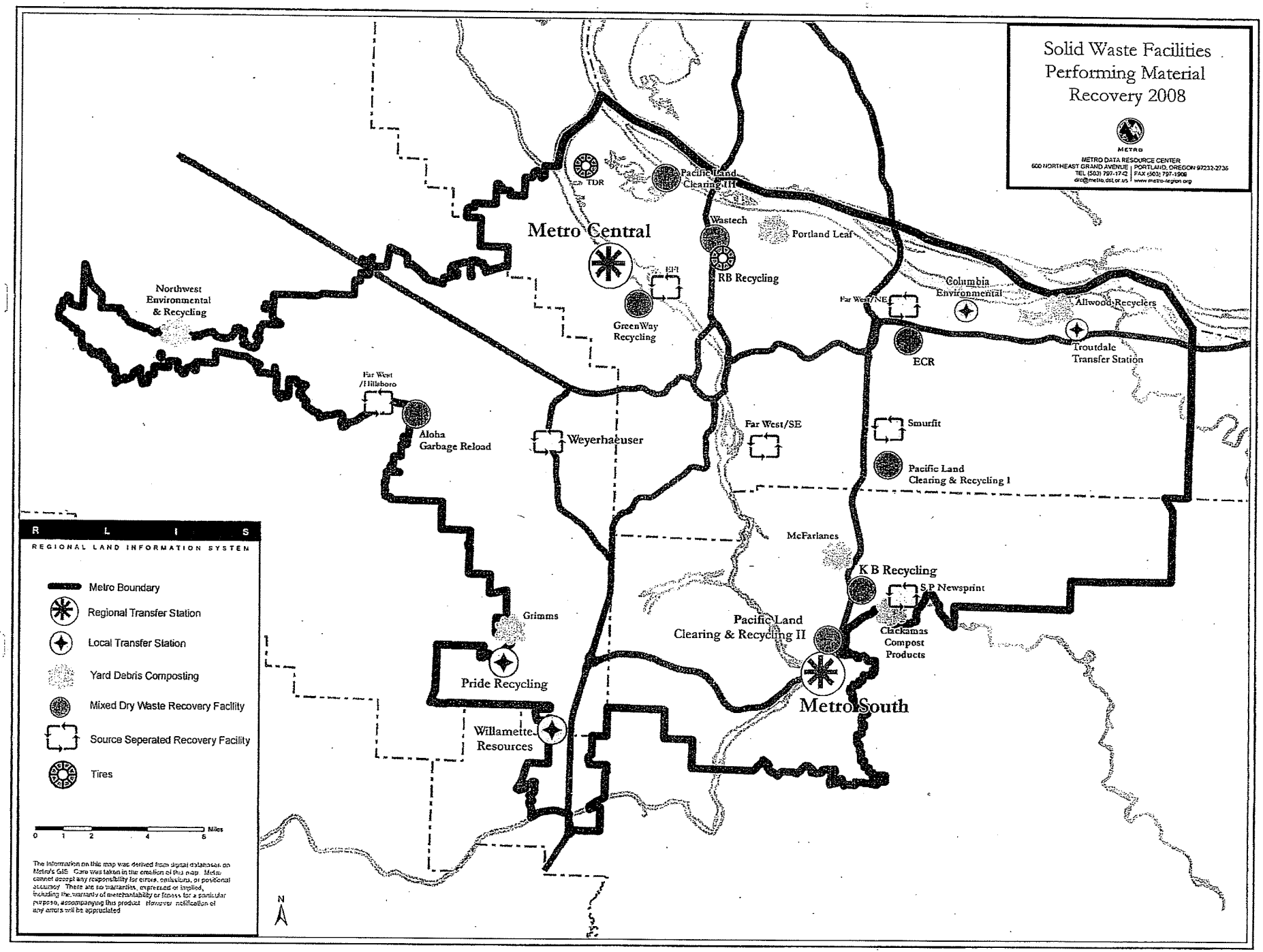
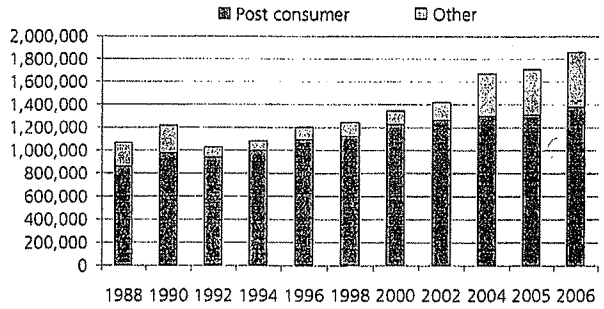


EXHIBIT E PAGE 6 OF 7

Please recycle with mixed paper

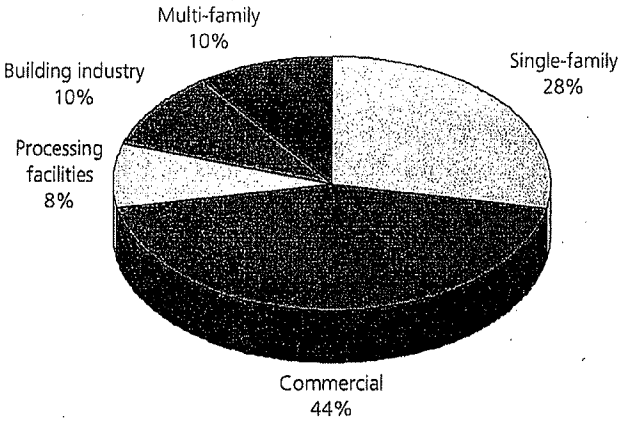
Figure 3
Historical disposal tonnages



Amount of waste disposed by sector

The amount of waste disposed and recovered by each generator is shown in Figures 4 and 5. Commercial sources (including industrial and institutional waste generators) account for almost half of the waste disposed from the Metro region (44%). Single-family homes are next at 28% (this figure includes the amount of residential self-haul received at the Metro-owned transfer stations, since most of that waste is from single-family homes).

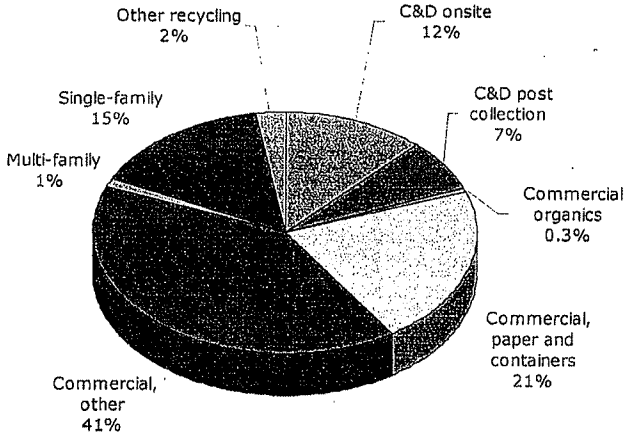
Figure 4
Waste disposed by generator source



2005 DEQ waste composition data.

The proportions of these sources (and their contributions to the region's waste stream) varies locally depending on the amount of commercial and industrial generators in a given area. The amount of C&D waste generated in a specific area, for example, is related to the amount of construction activity. In the outer suburban areas of the Metro region, where much of the new construction of residences and businesses is currently taking place, C&D may account for half or more of the waste generated there.

Figure 5
Amounts recovered by generator source



2006 DEQ annual recovery survey.
[1]Multi-family, bottle bill and depot/dropoff.

In the long term, the relative proportions of waste from each sector will shift due to changes in the amount recycled or composted. Implementation of the goals and objectives in this RSWMP should further decrease the amount of waste disposed from commercial and residential sources.

Composition of the waste disposed

The composition of waste generated by each sector (residential, business and building industry) is different. The building industry generates many recyclable materials such as wood, concrete, cardboard, metal, and land-clearing debris. Some types of businesses generate large quantities of waste paper, most of which is recyclable when it is separated from the smaller amounts of putrescible and nonrecyclable waste generated at most locations. Industries generate diverse wastes, such as grits and screenings, scrap from product manufacturing, specialized packaging and other substances that typically require case-by-case evaluation for recycling or reuse.

Residential sources generate a waste stream that contains a wide variety of materials. Among the recyclable residential materials are paper, metal, glass, plastic bottles, motor oil, and yard debris. The largest single material remaining in the residential waste stream is food waste (26% of the waste disposed). Infrastructure development in food waste collection may make it possible to recover that material, and soiled paper, for composting.

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PDX Green: Composting food not yet ready to roll

Published: Thursday, June 09, 2011, 6:08 PM Updated: Wednesday, June 15, 2011, 3:21 PM

By Carrie Sturrock, Special to The Oregonian
Follow

Bruce Walker is one frustrated guy.

He's in charge of launching the residential kitchen scrap composting program citywide. More than a year after Portland rolled out a small pilot, we were all supposed to be scraping our leftovers into the green roll carts by now.

Then it was pushed back to fall of this year.

A safer bet: 2012.

Those of us who backyard compost just fruits and vegetables (to keep rats at bay) and sigh with every chicken carcass and cheesy casserole dumped in the garbage will just have to keep sighing.

What gives?

This is a city that pays people to build ecoroofs and plant trees, organizes green housing tours and embraces bicycles. So why the holdup on composting kitchen waste?

If the city owned all the stuff necessary for composting the kitchen scraps of 600,000 people, we'd be doing it. The will is there. But the haulers are private and so are the composting sites and equipment. Metro, the regional government, is also involved in the process. Anyone whose job involves many moving parts knows how tough it can be.

"We're actively working right now to see what we can do to move ahead sooner rather than later," says Walker. "There's a tremendous level of interest in the community."

The latest wrinkle?

The city needs a half-dozen transfer sites to "reload" residential food waste onto bigger trucks since it doesn't make sense for small haulers to drive all the way to North Plains and Benton County, where most of the food waste will likely be composted.

The city recently gave land use approval to Recology to reload food waste at a site on Suttle Road in the St. Johns neighborhood in North Portland and on Southeast 101st Avenue in the Lents neighborhood. Both sites currently serve as transfer stations for yard debris.

But Cottonwood Capital Property Management has appealed the Lents approval to the City Council, concerned over stench, rats, fears about pollution runoff into Johnson Creek and other problems.

Recology's group manager for Oregon's operations, Dave Dutra, says the site will actually smell less since the compost will be moved indoors and the green roll carts will be collected every week rather than every other week. Also, Recology will use an aerated floor, negative air system and biofilters to remove any odor before it is released outside.

Walker nevertheless says, "It's important for the appeal to be heard." Curbside composting can be started before this is resolved. And while the Lents site is "very valuable" to the city, it won't kill the project not to have it.

Walker is used to dealing with wrinkles.

Back in 2007, the city laid out a goal for putting food scraps at the curb sometime between 2009 and 2015, although hopes were high it would happen quickly.

At one time, Portland assumed Cedar Grove in Seattle, which composts its commercial food waste, would eventually do residential too since it had a contract with Metro to establish a compost facility here. When that didn't happen, Portland and Metro signed on with Recology (which does San Francisco's residential food composting) and Allied Waste Management.

Recology has a site in North Plains for composting food scraps but still needs to do a test run this summer to prove to Washington County commissioners it won't stink. (Walker is confident it won't.) Allied is taking the pilot program's waste to Benton County and will just truck more there once citywide composting launches. Meanwhile, the city has four "reload" sites ready to go: Allied's in Wilsonville, Metro Central transfer station, Recology's in St. Johns and Waste Management's in Troutdale.

The hope is to have Metro South transfer station in the mix as well as Recology's Lents site.

In 2010, the Environmental Protection Agency reported that 66 U.S. communities, the majority in the West, had food composting programs. Food scraps, by the way, accounted for more than 20 percent of municipal solid waste.

BioCycle journal editor Nora Goldstein monitors food-composting efforts around the country and gave Portland kudos for its commercial composting success. She's not surprised residential has lagged with so many players. The city hasn't taken this headache on for kicks.

Composting residential kitchen scraps is part of Portland's overall goal to reduce carbon emissions 80 percent below 1990 levels by 2050.

Those rotten leftovers won't go into the landfill, where it turns into methane, a greenhouse gas 21 times more potent than carbon dioxide.

"This is an important step people can do in their day-to-day lives," says Walker.

Once the wrinkles are ironed out.

-- Carrie Sturrock

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Lents Neighborhood Association

PO Box 90833
Portland, OR 97290

Portland City Council
1221 SW Fourth Avenue
Portland, OR 97204

July 5, 2011

Mayor and Commissioners:

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

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

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

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

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

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

Nick Christensen
President
Lents Neighborhood Association

H

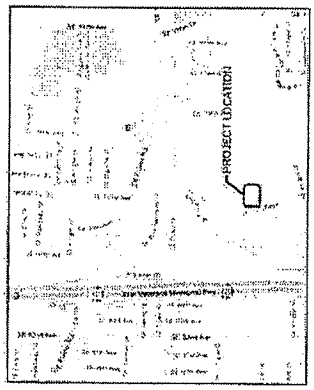
PBS Engineering + Environmental

RECOLOGY OREGON MATERIAL RECOVERY, INC. - FOSTER ROAD
6400 SE 101ST AVENUE
PORTLAND, OREGON 97266

SITE LOCATION

C0.0

CONDITIONAL USE / DESIGN REVIEW

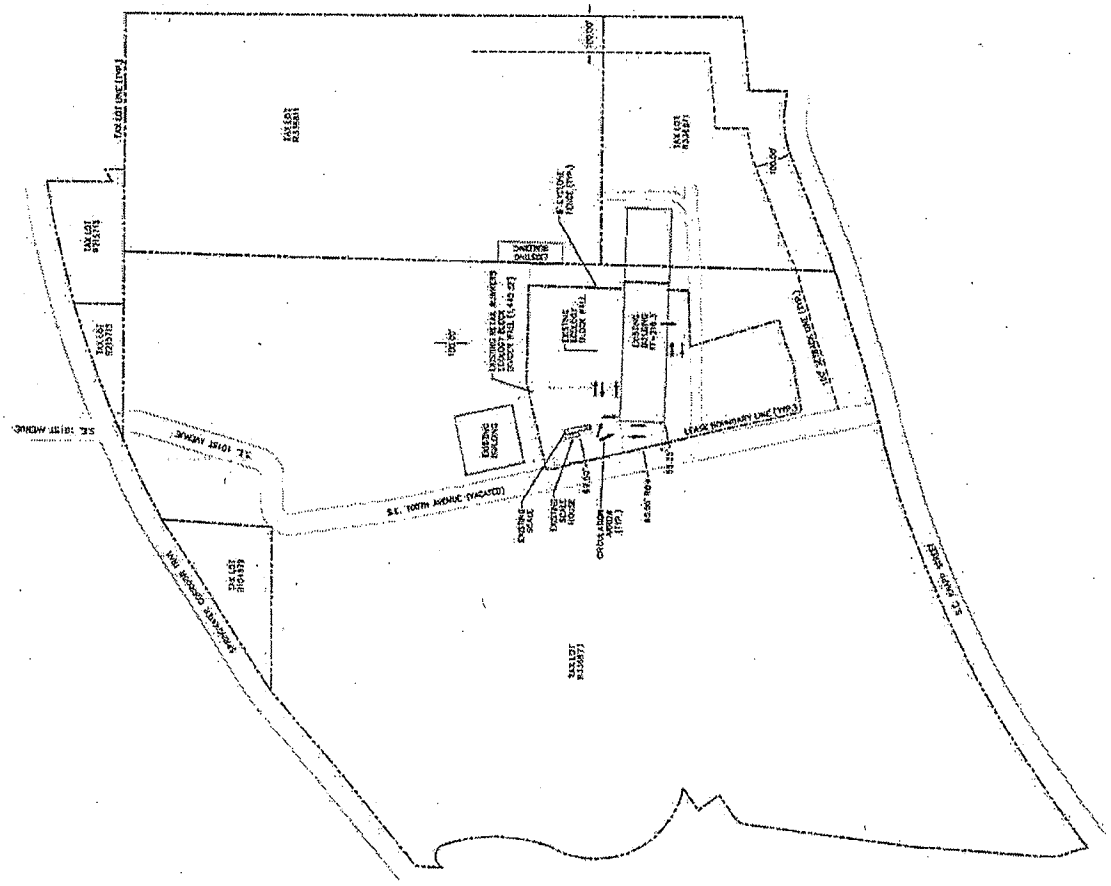


SITE VICINITY MAP

NOTES

1. TAX LOT LINES ARE BASED ON GIS INFORMATION AND ARE SHOWN FOR REFERENCE ONLY.

SCALE: 1" = 40'



LU 10-194818 CU AD
Exhibit C.1

EXHIBIT H PAGE 1 OF 1

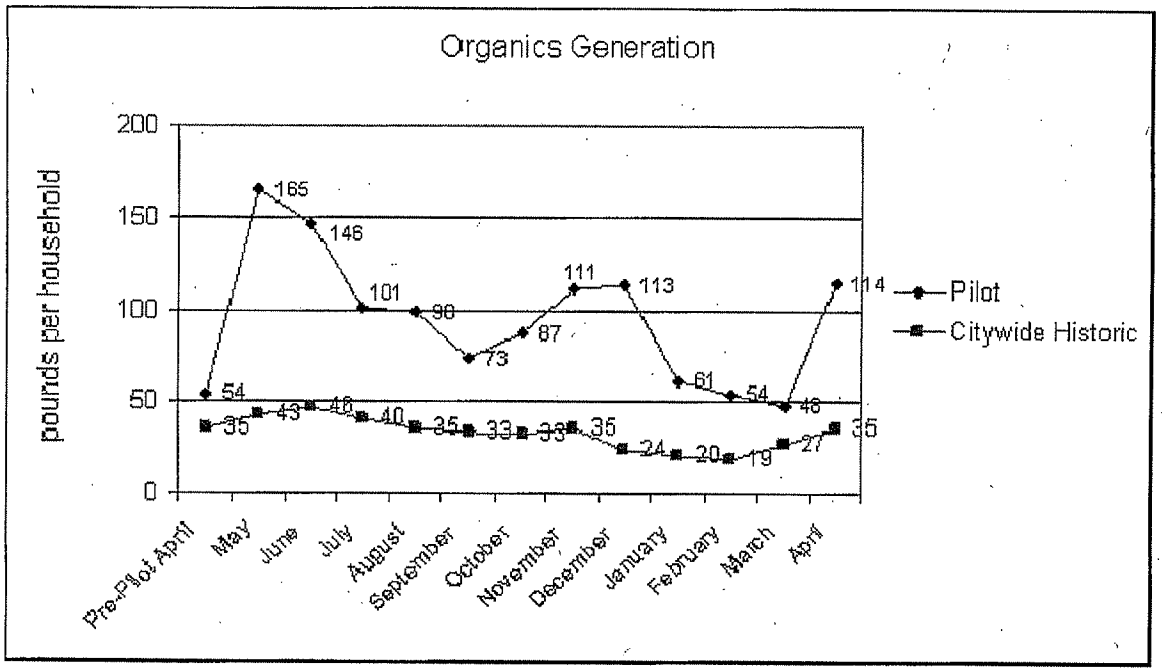
Kris L. Wilkinson

From: Sperry, Arianne [Arianne.Sperry@portlandoregon.gov]
Sent: Wednesday, June 29, 2011 5:47 PM
To: Kris L. Wilkinson; Bill Dickas
Cc: Walker, Bruce
Subject: Portland's Yard Debris/Food Waste Pilot Program
Attachments: Pilot and Citywide Yard Debris Generation.xls

Mr. Dickas:

I have attached a spreadsheet that shows the tons of mixed organic waste collected in the pilot area along with the amount of yard debris collected historically citywide.

I also have copied the Organics Generation graph from the spreadsheet into the body of this email (see below). Please note that the numbers in the graph represent pounds per household per month. The graph that you received from Metro was INCORRECTLY LABELED as pounds per household per week. The graph below has been corrected and should replace the information you received from Metro. Please contact me if you have further questions on the organics generation. I would be happy to discuss the specifics with you to make sure that you have accurate information.



As you can see from the spreadsheet and the graph above, we have received more yard debris + food scraps than expected based on historic citywide data for yard debris. There are a number of factors that we have identified to account for the discrepancy, including:

1. Addition of food scraps to the yard debris.
2. Increased yard debris collection frequency (greater capacity has induced demand).
3. Pilot areas may not be representative of city average (higher yard debris generators in general).
4. Citywide data collected by yard and later converted to tons is not comparable to pilot data (loads are weighed directly).

The trips generated in the pilot areas would not be representative of the trips generated citywide because the pilot routes are much smaller than a typical yard debris route. Thus, an extrapolation of trips anticipated citywide based on the pilot trips would be a gross misrepresentation.

I do not have specific information regarding the number of yard debris trips generated currently in each franchise area. However, an estimate could go something like this:

1. A typical yard debris route has 500 to 800 customers
2. There are about 143,000 Portland customers
3. Thus, garbage and recycling companies must service approximately 180 to 290 residential yard debris routes in the city.
4. The garbage and recycling companies operate 5 days a week, so there are likely about 36 to 60 yard debris routes serviced each day of the week.
5. Most companies structure their routes so that one truck services one route per day. During peak yard debris season, sometimes those trucks need to make two trips to a facility to unload in order to stay within allowable weight limits. Therefore, on a daily basis, in the City of Portland, you can expect there could be somewhere between 36-120 total trips to all facilities to unload yard debris.

I cannot say which garbage and recycling companies will use the Foster Road facility and I would urge extreme caution in making assessments from the map we provided. Haulers make those decisions based on tip fee, location, and other factors. For example, the Metro Central transfer station is anticipated to have the highest use and one hauler serving a large number of customers near the proposed Foster Road facility may use its own transfer station to dispose of yard debris/food scraps. We only require that they use facilities that are fully permitted by Metro and DEQ.

Please let me know if you have further questions.

Thanks!

Arianne Sperry
Solid Waste & Recycling
City of Portland
Bureau of Planning & Sustainability
503-823-5664

Please note my new email address: arianne.sperry@portlandoregon.gov
and the City's new web domain: www.portlandoregon.gov.

From: Kris L. Wilkinson [mailto:KWilkinson@kelrun.com]
Sent: Thursday, June 23, 2011 10:43 AM
To: Walker, Bruce
Subject: Yard Debris/Food Waste Pilot Program

Mr. Walker,

Thank you for returning my call. As I explained, I am interested in available data from the yard debris/food waste pilot program in order to learn the organics volumes and trips generated by the pilot.

More specifically, I would like to be able to extrapolate the volumes of mixed waste, and the number of trips (per day and week) generated by the 2,000 experimental households, and to multiply that data by the 145,000 Portland households which will soon be participating in the program. I understand the available data includes volumes and compositions as they varied month by month.

I would also appreciate, if available, a map showing the 19 exclusive residential territories in Portland, together with any summary information showing the number of current yard debris trips (per day and week) generated from those territories, together with any information showing which territories would be served by the proposed Foster Road transfer station.

Thank you for your assistance.

Bill Dickas

Sent for: William Dickas
By: Kristin L. Wilkinson
Kell, Alterman & Runstein, L.L.P.
520 SW Yamhill Street, Suite 600
Portland, Oregon 97204-1329

Phone: 503-222-3531
Fax: 503-227-2980
website: www.kelrun.com

Timeframe	Geography	Organics Collection Frequency	Organic Material Collected	Material Priced by Weight or Volume?	Households
May 2010 through April 2011	Pilot areas	Weekly	Yard Debris + Food Scraps	Weight	2013
2006	Citywide	Every-Other-Week	Yard Debris	Most loads by volume	139,118
2007	Citywide	Every-Other-Week	Yard Debris	Most loads by volume	140,160
2008	Citywide	Every-Other-Week	Yard Debris	Most loads by volume	142,126
2009	Citywide	Every-Other-Week	Yard Debris	Most loads by volume	142,596
2010	Citywide	Every-Other-Week	Yard Debris	Most loads by volume	142,944
May 2010 through April 2011	Pilot areas	Weekly	Yard Debris + Food Scraps	Weight	Pilot lbs/hh
2010	Citywide	Every-Other-Week	Yard Debris	Most loads by volume	Citywide lbs/hh
Organics tons anticipated citywide, given pilot organics generation*					

*Assumes that pilot areas are representative of the City as a whole.

Tons of Organics Collected								
January	February	March	April	May	June	July	August	September
61	54	50	115	166	147	101	99	74
1,267	1,175	1,593	2,461	3,116	3,311	2,158	2,192	2,162
1,158	982	1,951	2,551	3,440	3,009	2,483	2,338	1,752
1,048	1,272	1,659	1,916	2,699	3,280	3,569	2,960	2,932
2,161	1,814	1,773	2,828	3,048	3,323	2,708	2,249	2,350
1,595	1,501	2,622	2,731	2,891	3,456	3,187	2,766	2,347
61	54	49	114	165	146	101	98	73
22	21	37	38	40	48	45	39	33
4,357	3,840	3,536	8,156	11,809	10,420	7,186	7,020	5,242

October	November	December	Annual
88	111	114	1,180
2,056	2,276	1,545	25,312
2,058	2,357	1,213	25,293
2,816	3,258	1,558	28,966
2,392	2,699	1,944	29,289
2,208	1,882	2,048	29,233
87	111	113	1,172
31	26	29	409
6,246	7,913	8,066	83,791

J

J

Commissioner Judy Shiprack
MULTNOMAH COUNTY OREGON
District 3

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

July 7, 2011

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

Mayor Adams and Commissioners,

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

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

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

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

Thank you,

Commissioner Judy Shiprack
Multnomah County, District 3

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

K

Bill Dickas

From: Bill Metzler [Bill.Metzler@oregonmetro.gov]
Sent: Wednesday, June 22, 2011 2:14 PM
To: Bill Dickas
Cc: Jennifer Erickson; Sperry, Arianne
Subject: FW: Food Waste Pilot Results

Bill: Per our telephone conversation, I have attached the information I have regarding the City of Portland's residential yard debris and food waste collection pilot project (in the form of the attached email from Arianne Sperry). I hope this is useful to you.

If you need commercial food waste generation numbers, please contact Jennifer Erickson (Metro Resource Conservation). Jennifer can be reached at 503-797-1647.

Please let me know if I can be of further assistance.

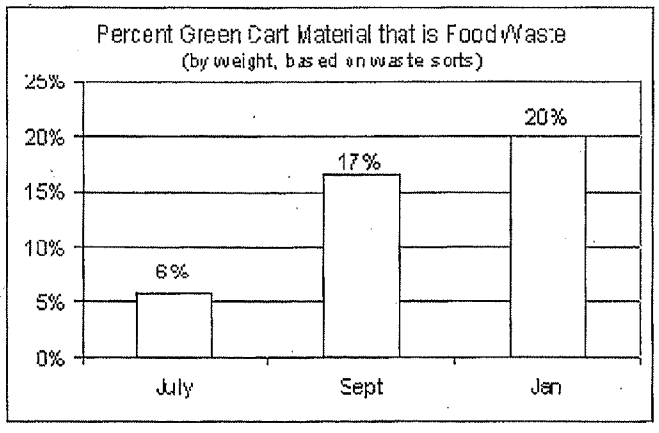
Bill Metzler
Senior Solid Waste Planner
Finance and Regulatory Services
Email: bill.metzler@oregonmetro.gov
Tel: 503-797-1666

www.oregonmetro.gov
Metro | *Making a great place.*

From: Sperry, Arianne [mailto:Arianne.Sperry@portlandoregon.gov]
Sent: Wednesday, April 13, 2011 10:21 AM
To: Bill Metzler
Cc: Walker, Bruce
Subject: FW: Food Waste Pilot Results

Bill:

According to the waste sorts that we have conducted in July, September, and January thus far, food waste can be a higher component in the yard debris than indicated by Dave Dutra in his testimony at the hearing on the 6th. The graph below shows the average for the seven pilot samples that were sorted during each of the three data collection periods. Please let me know if you need further information.



Arianne Sperry
Solid Waste & Recycling
City of Portland
Bureau of Planning & Sustainability
503-823-5664

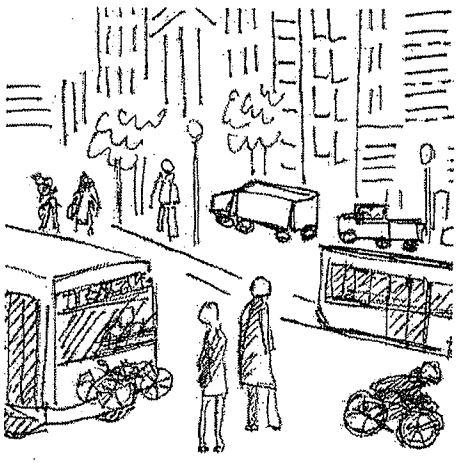
Please note my new email address: arianne.sperry@portlandoregon.gov
and the City's new web domain: www.portlandoregon.gov.

TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN

2

INTRODUCTION

Portland has spent the last several years working with Metro and other agencies, citizens, and community and business groups to develop the City's first Transportation System Plan (TSP). The TSP is the 20-year plan for transportation improvements in Portland. The goal of the TSP is to provide transportation choices for residents, employees, visitors, and firms doing business in Portland.



The Transportation Element (TE) of the City of Portland Comprehensive Plan consists of two Comprehensive Plan goals – Goal 6, Transportation, and Goal 11B, Public Rights-of-Way – and the Central City Transportation Management (CCTMP) Goal, along with their associated policies and objectives. Within Goal 6 and the CCTMP are sets of street classification maps, which guide the use of the transportation system.

Goals are the broadest expressions of a community's desires. Goals give direction and are concerned with the long term, and often describe ideal situations. Policies are broad statements that set preferred courses of action. Policies are choices made to carry out the goals in the foreseeable future. Policies should be specific enough to help determine whether or not a proposed project, program, or course of action will advance community values expressed in the goals. Objectives are specific statements that carry out a plan in the short term. Objectives help assess incremental progress toward achieving the broader purposes expressed in goals and policies.

The street classification maps and the street plan maps in the TSP are adopted as part of the Comprehensive Plan, as are the policies. Comprehensive Plan policies are used to review changes to the Comprehensive Plan; to Title 33, Planning and Zoning; or for a goal exception. In reading the policies, care should be taken to note that language may be aspirational (such as 'should' or 'encourage') or mandatory (such as 'shall' or 'will'). Most Comprehensive Plan policies are 'balancing' policies that should be looked at together to determine whether an activity achieves the optimal balance.

Goal 6, Transportation, provides the overall guidance on how Portland's transportation system should function over the life of the Comprehensive Plan. It describes what the system should look like and what purposes it fulfills. Within Goal 6 are policies that address the following areas:

- Coordination and Involvement
- Street Classification and Description

- Transportation Function
- Land Use and Transportation
- Pedestrian and Bicycle
- Public Transportation
- Parking and Demand Management
- Freight, Terminals, and Truck
- Regional Transportation
- Transportation Districts

The goal, policies, and objectives of the CCTMP were first adopted in 1995. They have not been changed as part of the TSP development, except for the street classification maps, which have been revised to be consistent with the 2000 Regional Transportation Plan (RTP).

The glossary is adopted policy language that explains terms used in transportation and land use planning. By being adopted in the glossary, the terms can help explain legislative intent.

GOAL 6 TRANSPORTATION

Develop a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility.

Explanation: Goal 6 and its policies describe the many elements of the transportation system that Portland supports. The goal statement reflects the multiple functions of a balanced transportation system, which distributes transportation benefits and effects fairly across the many populations of users.

Coordination and Involvement Policies

Policy 6.1 Coordination

Coordinate with affected state and federal agencies, local governments, special districts, and providers of transportation services when planning for and funding transportation facilities and services.

Explanation: The State of Oregon's Transportation Planning Rule (TPR) and Metro's 2000 Regional Transportation Plan (RTP) require the City to coordinate transportation system planning and other multi-jurisdictional transportation issues. Portland has had a coordination policy since 1992.

Objectives:

A. Coordinate the funding and development of transportation facilities with regional transportation and land use plans and with public and private investments.

B. Participate in Metro's processes for allocating and managing transportation funds and resources to achieve maximum benefit with limited available funds.

C. Involve affected agencies, local governments, special districts, and transportation providers in updates of the Transportation System Plan (TSP).

D. Pursue opportunities to improve the transportation system, including grants, private/public partnerships, and other non-traditional funding mechanisms.

Policy 6.2 Public Involvement

Carry out a public involvement process that provides information about transportation issues, projects, and processes to citizens, businesses and other stakeholders, especially to those traditionally underserved by transportation services, and that solicits and considers feedback when making decisions about transportation.

Explanation: Transportation decision making should actively seek to include disenfranchised populations by making the process clear and straightforward and including mechanisms for public accountability.

Objectives:

A. Involve community members who are traditionally under-represented in transportation planning activities.

B. Give consideration to Metro's Local Public Involvement Policy for Transportation Planning in Portland's transportation planning activities.

Explanation: Metro adopted public involvement guidelines in July 1995 for transportation planning. Local jurisdictions must be consistent with these guidelines in developing their TSPs and any other projects or programs submitted to Metro for regional funding. The guidelines require local plan development to meet minimum standards for public involvement before the Metro Council takes action on the plan.

Policy 6.3 Transportation Education
Implement educational programs that support a range of transportation choices and emphasize safety for all modes of travel.

Objectives:

A. Publicize activities and the availability of resources and facilities that promote a multimodal transportation system.

B. Implement educational programs that recognize the need for developing and maintaining a multimodal transportation system that supports the movement of freight as well as people.

C. Encourage walking by developing education programs for both motorists and pedestrians and by supporting and participating in encouragement events for pedestrians.

D. Develop and implement education and encouragement plans aimed at youth and adult cyclists and motorists.

E. Increase public awareness of the benefits of walking and bicycling and of available resources and facilities.

F. Develop a strong school curriculum and program on transportation safety and travel choices with emphasis on environmental consequences, neighborhood livability, personal safety, and health.

G. Educate citizens and businesses about Green Streets and how they can serve as urban greenways to enhance, improve, and connect neighborhoods to encourage their support, demand and funding for these projects.

Street Classification and Description Policies

Policy 6.4 Classification Descriptions

Street classification descriptions and designations describe the types of motor vehicle, transit, bicycle, pedestrian, truck, and emergency vehicle movement that should be emphasized on each street.

Explanation: This policy describes how the classification descriptions and designations are used. Classifications for regionally significant streets must be consistent with the street classifications in Metro's 2000 RTP. While Portland uses different names than Metro, the classifications are generally equivalent, as shown on the matrices in the relevant modal plans comparing classifications between jurisdictions.

Objectives:

A. Classification descriptions and designations are used to determine the appropriateness of street improvements and to make recommendations on new and expanding land uses through the land use review processes.

Explanation: Many land use reviews consider the classifications of streets adjacent to and near a site to determine the appropriateness of a proposed use and its impacts.

B. Classification descriptions are used to describe how streets should function for each mode of travel, not necessarily how they are functioning at present.

Explanation: Sometimes a street carries more traffic or types of traffic than its classification would indicate. This does not necessarily mean that the street should be reclassified. It could mean that the street design should be changed to reduce or mitigate for the inappropriate traffic.

C. All of a street's classifications must be considered in designing street improvements and allocating funding. While a proposed project may serve only one classification, improvements should not preclude future modifications to accommodate other classifications of the street.

Explanation: Streets are classified for six types of movement: motor vehicle traffic, trucks, transit vehicles, emergency vehicles, pedestrians, and bicycles.

D. When the existing use of a street does not comply with its classification, no additional investments should be made that encourage that inappropriate use.

Explanation: A street may carry more traffic, trucks, or through- traffic than is appropriate for its classification. Improvements made to the street should not result in facilitating these inappropriate movements.

E. Designate new streets within a land division site as Local Service Streets for all modes unless otherwise designated through a concurrent or subsequent Comprehensive Plan amendment to the Transportation Element.

F. Designate new streets within Pedestrian Districts and Freight Districts as Local Service Streets unless otherwise designated through a Comprehensive Plan amendment to the Transportation Element.

Policy 6.5 Traffic Classification Descriptions
Maintain a system of traffic streets that support the movement of motor vehicles for regional, interregional, interdistrict, and local trips as shown. For each type of traffic classification, the majority of motor vehicle trips on a street should conform to its classification description.

Explanation: There are six classifications for traffic streets. Each classification describes how a traffic street should function (what kinds of traffic and what kinds of trips are expected) and what types of land uses the street should serve. Eight maps show the traffic classifications. One map is located with the policy associated with each of the seven transportation districts other than the Central City. The classification map for the Central City (the eighth transportation district) is located with the Central City Transportation Management Plan goal, policies, and objectives in this chapter.

Objectives:

A. **Regional Trafficways**
Regional Trafficways are intended to serve interregional district movement that has only one trip end in a transportation district or to serve trips that bypass a district completely.

- Land Use/Development. Regional Trafficways should serve the Central City, regional centers, industrial areas, and intermodal facilities and should connect key freight routes within the region to points outside the region. Encourage private and public development of regional significance to locate adjacent to Regional Trafficway interchanges.
- Connections. Regional Trafficways should connect to other Regional Trafficways, Major City Traffic Streets, and District Collectors. A ramp that connects to a Regional Trafficway is classified as a Regional Trafficway from its point of connection up to its intersection with a lower-classified street.
- Buffering. Adjacent neighborhoods should be buffered from the impacts of Regional Trafficways.
- Dual Classification. A street with dual Regional Trafficway and Major City Traffic Street classifications should retain the operational characteristics of a Major City Traffic Street and respond to adjacent land uses.

B. **Major City Traffic Streets**
Major City Traffic Streets are intended to serve as the principal routes for traffic that has at least one trip end within a transportation district.

- Land Use/Development. Major City Traffic Streets should provide motor vehicle connections among the Central City, regional centers, town centers, industrial areas, and intermodal facilities. Auto-oriented development should locate adjacent to Major City Traffic Streets, but should orient to pedestrians along streets also classified as Transit Streets or within Pedestrian Districts.
- Connections. Major City Traffic Streets should serve as primary connections to Regional Trafficways and serve major activity centers in each district. Traffic with no trip ends within a transportation district should be discouraged from using Major City Traffic Streets.
- On-Street Parking. On-street parking may be removed and additional right-of-way purchased to provide adequate traffic access when consistent with the street design designation of the street. Evaluate the need for on-street parking to serve adjacent land uses and improve the safety of pedestrians and bicyclists when making changes to the roadway.

C. **Traffic Access Streets**

Traffic Access Streets are intended to provide access to Central City destinations, distribute traffic within a Central City district, provide connections between Central City districts, and distribute traffic from Regional Trafficways and Major City Traffic Streets for access within the district. Traffic Access Streets are not intended for through-traffic with no trip ends in the district.

- Land Use/Development. Traffic Access Streets serve Central City land uses. Solutions to congestion problems on Traffic Access Streets must accommodate the high-density pattern desired in the Central City.
- Connections. Connections to adjoining transportation districts should be to District or Neighborhood Collectors. Intersections of Traffic Access Streets and streets with higher or similar classifications should be signalized, where warranted, to facilitate the safe movement of traffic along each street as well as turning movements from one street to the other.
- Access. Reduction in motor vehicle congestion is given less priority than: supporting pedestrian access and enhancing the pedestrian environment; maintaining on-street parking to support land uses; accommodating transit; or accommodating bicycles. Access to off-street parking is allowed.
- Right-of-way Acquisition. Acquisition of additional right-of-way to reduce congestion is discouraged.

D. **District Collectors**

District Collectors are intended to serve as distributors of traffic from Major City Traffic Streets to streets of the same or lower classification. District Collectors serve trips that both start and end within a district.

- Land Use/Development. District Collectors generally connect town centers, corridors, main streets, and neighborhoods to nearby regional centers and other major destinations. Land uses that attract trips from the surrounding neighborhoods or from throughout the district should be encouraged to locate on District Collectors. Regional attractors of traffic should be discouraged from locating on District Collectors.

- Connections. District Collectors should connect to Major City Traffic Streets, other collectors, and local streets and, where necessary, to Regional Trafficways.
- On-Street Parking. Removal of on-street parking and right-of-way acquisition should be discouraged on District Collectors, except at specific problem locations to accommodate the equally important functions of traffic movement and vehicle access to abutting properties.

E. Neighborhood Collectors

Neighborhood Collectors are intended to serve as distributors of traffic from Major City Traffic Streets or District Collectors to Local Service Streets and to serve trips that both start and end within areas bounded by Major City Traffic Streets and District Collectors.

- Land Use/Development. Neighborhood Collectors should connect neighborhoods to nearby centers, corridors, station communities, main streets, and other nearby destinations. New land uses and major expansions of land uses that attract a significant volume of traffic from outside the neighborhood should be discouraged from locating on Neighborhood Collectors.
- Connections. Neighborhood Collectors should connect to Major City Traffic Streets, District Collectors, and other Neighborhood Collectors, as well as to Local Service Streets.
- Function. The design of Neighborhood Collectors may vary over their length as the land use character changes from primarily commercial to primarily residential. Some Neighborhood Collectors may have a regional function, either alone or in concert with other nearby parallel collectors. All Neighborhood Collectors should be designed to operate as neighborhood streets rather than as regional arterials.
- On-Street Parking. The removal of on-street parking and right-of-way acquisition should be discouraged on Neighborhood Collectors.

F. Local Service Traffic Streets

Local Service Traffic Streets are intended to distribute local traffic and provide access to local residences or commercial uses.

- Land Use/Development. Discourage auto-oriented land uses from using Local Service Traffic Streets as their primary access.
- Classification. Streets not classified as Regional Trafficways, Major City Traffic Streets, District Collectors, or Neighborhood Collectors are classified as Local Service Traffic Streets.
- Connections. Local Service Traffic Streets should connect neighborhoods, provide local circulation, and provide access to nearby centers, corridors, station areas, and main streets.
- Function. Local Service Traffic Streets provide local circulation for traffic, pedestrians, and bicyclists and (except in special circumstances) should provide on-street parking. In some instances where vehicle speeds and volumes are very low (for example, woonerfs and accessways), Local Service Traffic Streets may accommodate both vehicles and pedestrians and bicyclists in a shared space.