

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1542 | FAX 503 797 1793



**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: September 28, 2006  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. CONSENT AGENDA**

3.1 Consideration of Minutes for the September 21, 2006 Metro Council Regular Meeting.

3.2 **Resolution No. 06-3730**, For the Purpose of Confirming the Appointments of Karen Wolfgang and Zachery Ferguson to the Metro Committee for Citizen Involvement (MCCI).

3.3 **Resolution No. 06-3731**, For the Purpose of Confirming the Appointments of Audrey O'Brien and Loretta Pickerell to the Regional Solid Waste Advisory Committee (SWAC).

**4. ORDINANCES – FIRST READING**

4.1 **Ordinance No. 06-1124**, For the Purpose of Amending Metro Code Sections 3.07.120, 2.07.130 and 3.07.1120; and Adding Metro Code Section 3.07.450 to Establish a Process and Criteria for Changes to the Employment and Industrial Areas Map; and Declaring an Emergency.

**5. RESOLUTIONS**

5.1 **Resolution No. 06-3729**, Recognizing a Public/Private System of Waste Transfer Station in the Metro Area, to Continue Public Ownership of Metro's Transfer Stations, and Directing the Chief Operating Officer to Explore Opportunities to Improve the Regional Solid Waste Disposal System. Park  
*(Public Hearing only, no final action)*

**6. CONTRACT REVIEW BOARD**

6.1 **Resolution No. 06-3728**, Authorizing the Execution of Change Order No. 32 McLain to Contract No. 900848 for Solid Waste Transport Services to Provide for Replacement Security Provisions and to Make Other Amendments.

**7. CHIEF OPERATING OFFICER COMMUNICATION**

**8. COUNCILOR COMMUNICATION**

**ADJOURN**

**Television schedule for September 28, 2006 Metro Council meeting**

<b>Clackamas, Multnomah and Washington counties, and Vancouver, Wash.</b> Channel 11 -- Community Access Network <a href="http://www.yourtv.org">www.yourtv.org</a> -- (503) 629-8534 2 p.m. Thursday, September 28	<b>Portland</b> Channel 30 (CityNet 30) -- Portland Community Media <a href="http://www.pcmv.org">www.pcmv.org</a> -- (503) 288-1515 8:30 p.m. Sunday, October 1 2 p.m. Monday, October 2
<b>Gresham</b> Channel 30 -- MCTV <a href="http://www.mctv.org">www.mctv.org</a> -- (503) 491-7636 2 p.m. Monday, October 2	<b>Washington County</b> Channel 30 -- TVC-TV <a href="http://www.tvctv.org">www.tvctv.org</a> -- (503) 629-8534 11 p.m. Saturday, September 30 11 p.m. Sunday, October 1 6 a.m. Tuesday, October 3 4 p.m. Wednesday, October 4
<b>Oregon City, Gladstone</b> Channel 28 -- Willamette Falls Television <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (503) 650-0275 Call or visit website for program times.	<b>West Linn</b> Channel 30 -- Willamette Falls Television <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (503) 650-0275 Call or visit website for program times.

**PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.**

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, (503) 797-1542. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website [www.metro-region.org](http://www.metro-region.org) and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE	)	RESOLUTION NO. 06-3730
APPOINTMENTS OF KAREN WOLFGANG	)	
AND ZACHORY FERGUSON TO THE METRO	)	Introduced by Council President David
COMMITTEE FOR CITIZEN INVOLVEMENT	)	Bragdon
(MCCI)	)	

WHEREAS, the Metro Charter calls for the creation of an Office of Citizen Involvement, and the establishment of a citizens committee therein; and

WHEREAS, Section 28 (1) of the Metro Charter states that the Metro Office of Citizen Involvement (MCCI) is created to develop and maintain programs and procedures to aid communication between citizens and the Metro Council; and

WHEREAS, the Metro Council has created MCCI (Metro Code Section 2.19.100); and

WHEREAS, there are two vacancies in MCCI membership with appointments to be made in an at-large position and a District 3 position, and

WHEREAS, a recruitment and selection process has been initiated, resulting in the nomination by MCCI of citizens Karen Wolfgang (Exhibit A) and Zachory Ferguson (Exhibit B) to represent one at-large position and one District 3 position, each for two-year terms beginning September 28, 2006, and;

WHEREAS, the Council President has appointed citizens Karen Wolfgang (Exhibit A) and Zachory Ferguson (Exhibit B) to represent one at-large position and one District 3 position to serve in MCCI subject to Metro Council confirmation; now therefore

BE IT RESOLVED that the Metro Council confirms the appointments of Karen Wolfgang and Zachory Ferguson as members of MCCI.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
David L. Bragdon, Council President

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

# Application for the Metro Committee for Citizen Involvement

## About Us

Metro is responsible for a wide variety of issues affecting local governments, residents, neighborhoods, businesses, civic organizations and overall quality of life of the region. As a result, Metro is committed to including residents of the region in its decisions and values their perspectives.

The Metro Committee for Citizen Involvement (MCCI) was established under Metro's home-rule charter in 1992 to assist with the development, implementation, and evaluation of Metro's citizen involvement program and advise how to best involve residents in regional planning activities. As such, MCCI is an advisory committee and does not participate in policy-setting.

## Biographical Information

Name <b>Karen Wolfgang</b>		Date <b>Oct. 12, 2005</b>	
Address <b>7200 SW Sylvan Ct.</b>		State <b>OR</b>	City <b>Portland</b>
		Zip Code <b>97225</b>	
Email address <b>kwolfgan@princeton.edu</b>		Phone number <b>(609) 306-8683</b>	
Occupation <b>Student</b>		Place of Employment <b>Princeton University</b>	
Council District/County of Residence <b>Metro District 5, Washington Co. (presently in Princeton, NJ, but would be able to make it to at least the first meeting)</b>			

## Education

## Employment

Please check highest level completed:

- Elementary School (Grades 1-5)
- Middle School (Grades 6-8)
- High School (Grades 9-12)
- Some College
- College
- Post-Graduate

Additional employment and/or work experience:

- \* Worked two summers on a salmon tender in Alitak, AK (on the SW end of Kodiak Is.)
- \* Have done research for Eating Fresh Publications (Hopewell, NJ)
- \* Worked for Wolfgang Associates, Inc. for at least 10 years (my parents' business)
- \* Worked in the dishroom in my residential college at Princeton
- \* Currently: I drive an 11-year-old to swim practice 4 nights a week; deliver newspapers daily on campus; and co-manage a cafe

## Volunteering, Community Projects, Groups, Boards, Religious or Civic Organizations, etc.

List and describe any involvement you have had with volunteering, community projects, groups, etc. If you have never volunteered before, please describe what interested you about MCCI.

- \* Participant, EMERGE Leadership Training, Portland, OR, August-September 2005
- \* Secretary-Treasurer, Roosevelt Institution (Princeton Chapter), Princeton, NJ, May 2005-
- \* Organizer, Frist Center Filibuster, Princeton, NJ, April 2005-May 2005
- \* Break trip leader, Student Volunteers Council, Talequah, OK, January 2005
- \* Volunteer with Native American Literacy Project, Portland, OR
- \* Participant in Apollo Alliance clean energy campaign at the presidential caucuses, Des Moines, Iowa, January 2004
- \* Member of Fair Trade coffee delegation, Chiapas, Mexico, December 2003-January 2004
- \* Executive Board member, Student Volunteers Council, Princeton, NJ, February 2003-May 2003
- \* President, Students for Progressive Education and Action (SPEAC), Princeton, NJ, October 2001-March 2003
- \* Part-time salesclerk, Beyond Borders Fairly Traded Handicrafts, Portland, OR, November 2000-August 2001
- \* Trail maintenance crew member, Student Conservation Association, Selway-Bitterroot National Forest, ID, July-Aug. 1999

Please give two references who are familiar with your community and volunteer work. If you have never volunteered before, please list two personal references.

- \* Pramod Parajuli, director of the PIIECL program at Portland State University -- pramodp@pdx.edu
- \* Marilyn Clark, founder of Beyond Borders fair trade store in Multnomah Village (and the Paraclete Society International) -- clarkd@europa.com or 503-223-9861
- \* And one more: Courtney Sproule, EMERGE leadership program -- emergeinfo@excite.com or 971-544-1350

*Subcommittees*

The subcommittees for MCCI are shown below. Please check any that you are interested in, and describe why you think those issues are important on the lines to the right.

- Community Planning  
(Land Use/Transportation) \_\_\_\_\_
- Parks and Greenspaces \_\_\_\_\_
- Solid Waste and Recycling \_\_\_\_\_

Well, I would be interested in working on any of these issues because of course they're all intimately related. I would be most interested in the parks and greenspaces issues, because I would like to see more functional greenspaces (community gardens, etc.) in the Portland area--especially in SE PDX (Region 6), where I will probably live when I move back to PDX full time this summer.

*Time Commitment*

The MCCI meets the third Wednesday of the month from 7-9pm. In addition, MCCI members are required to join an MCCI subcommittee, are strongly encouraged to be active in their communities, and keep abreast of current events. Will you commit to the time required to fulfill your duties if appointed to this advisory committee?

- Yes
- No

*Potential Conflicts*

Are you aware of any potential conflicts of interest that would prevent you from serving effectively on MCCI? If so, please explain.

I am in Princeton right now, and will be able to make the meetings in Nov, Dec, and Jan, but will have to be in Princeton during the Feb, March, April, and May meetings. By June, I should be in Portland for good! (This is why I didn't check either of the boxes above--I am MORE than willing, but will have to miss the abovementioned meetings. I can participate remotely, to the best of my ability, until my physical return...

*Optional: Attach Résumé*

Karen Wolfgang (KEW2 <-- my initials)

Oct. 12, 2005

Signature

Date

For further general information, call the Metro Office of Citizen Involvement at 503.797.1539. To receive assistance per the Americans with Disabilities Act, call the Metro at 503.797.1539 or Metro teletype 503.797.1804.

Membership on Metro advisory committees is open to all interested citizens subject to the qualifications determined by the appointing authority as necessary for the conduct of its business. Metro encourages participation in its affairs by all people, especially those who are under represented in public involvement.

Please return to:  
Metro Office of Citizen Involvement  
600 NE Grand Avenue  
Portland, OR 97232  
503.797.1539  
fax 503.797.1799  
email [mcci@metro.dst.or.us](mailto:mcci@metro.dst.or.us)  
[www.metro-region.org](http://www.metro-region.org)

# Application for the Metro Committee for Citizen Involvement

**About Us**

Metro is responsible for a wide variety of issues affecting local governments, residents, neighborhoods, businesses, civic organizations and overall quality of life of the region. As a result, Metro is committed to including residents of the region in its decisions and values their perspectives. The Metro Committee for Citizen Involvement (MCCI) was established under Metro's home-rule charter in 1992 to assist with the development, implementation, and evaluation of Metro's citizen involvement program and advise how to best involve residents in regional planning activities. As such, MCCI is an advisory committee and does not participate in policy-setting.

**Biographical Information**

Name <b>Zachory L. Ferguson</b>		Date <b>13 July 2006</b>	
Address <b>6594 SW Firlock Wy. #3</b>	State <b>OR</b>	City <b>Portland</b>	Zip Code <b>97223</b>
Email address <b>zachory.ferguson@pcc.edu</b>		Phone number <b>503.750.6290</b>	
Occupation <b>Student</b>		Place of Employment <b>N/A</b>	
Council District/County of Residence <b>Washington, Dist. 3</b>			

**Education**

**Employment**

Please check highest level completed:

- Elementary School (Grades 1-5)
- Middle School (Grades 6-8)
- High School (Grades 9-12)
- Some College
- College
- Post-Graduate

Additional employment and/or work experience.

**Prior to returning to school full time, I worked in political campaign design for a printing firm. In addition to developing yard signs for Florida and Idaho politicians, one of my projects was to design Lisa Naito's wedding invitations. In my life I have been a shift lead for Kinko's, a coffee jockey at an independant coffee house, and a traveling restraunt trainer for a national salad bar chain. All of these have taught me the value of individuals.**

**Volunteering, Community Projects, Groups, Boards, Religious or Civic Organizations, etc.**

List and describe any involvement you have had with volunteering, community projects, groups, etc. If you have never volunteered before, please describe what interested you about MCCI.

**I am greatly interested in community development and the role land use planning plays in building sustainable, enjoyable communities, this interest has led me to follow the news coming out of Metro over the years. Years ago I volunteered as a wildlife rehabilitation center on the Oregon Coast patching-up and preparing injured and orphaned creatures for release back into the wild, it was rewarding work. In that same phase of my life I worked to develop commnity interest in recycling in Lincoln City by sorting recyclables at a drive up recycle center there. I think maintaining Portlands place among the most liveable cities nationally is paramount as we prepare to welcome a million new residents by 2030. Metro has done great work in the past and I would be excited to pl ay a small part in that.**

Please give two references who are familiar with your community and volunteer work. If you have never volunteered before, please list two personal references.

**Personal References:**

- Dr. Michael McDowell. Professor, Portland Community College, 503.977.4839 <mcdowell@pcc.edu>**
- Dr. Rebecca Robb. Friend; Psychologist, HealthMax 971.404.6805 <rh2850@comcast.net>**

*Subcommittees*

The subcommittees for MCCI are shown below. Please check any that you are interested in, and describe why you think those issues are important on the lines to the right.

- Community Planning  
(Land Use/Transportation)
- Parks and Greenspaces
- Solid Waste and Recycling

**Community Planning:** As the Metro Region welcomes another million residents over the coming 25 years we have an opportunity to utilize and improve existing infrastructure, create new communities within existing cities, and grow currently occupied areas while maintaining environmental quality of life by sustaining undeveloped pockets within the tri-county area, and preventing encroachment into farmlands surrounding our cities. A societies ability to feed itself is more important than attractive subdivisions. It is our attention to balanced growth which has set Portland apart in the past and should guide us into future growth. Our focus should be on building true community as opposed to sprawling suburbia.

**Solid Waste & Recycling:** I don't think one can address issues of community development without directly addressing the byproducts of increased growth. As a fifth generation citizen of the state which brought the nation the Bottle Bill, I have always gleaned prided from our attention to sustainability and recycling. I believe Portland should look to Europe as a role model in developing waste management strategies for the future which help deal not only with waste and recycling, but strategies which seek to limit packaging and waste creation from manufacturing sources. If we limit the waste materials coming into the community, as excess packaging and such, the need for waste management infrastructure growth can be minimized over time.

*Time Commitment*

The MCCI meets the third Wednesday of the month from 7-9pm. In addition, MCCI members are required to join an MCCI subcommittee, are strongly encouraged to be active in their communities, and keep abreast of current events. Will you commit to the time required to fulfill your duties if appointed to this advisory committee?

- Yes
- No

*Potential Conflicts*

Are you aware of any potential conflicts of interest that would prevent you from serving effectively on MCCI? If so, please explain.

As I am neither employed nor influenced by any special interest groups and am not associated with any political parties, I see no conflict in my serving on the committee. My only agenda is sustainable growth and the health of our communities.

*Optional: Attach Résumé*

Zachory L. Ferguson _____ Signature (Submitted online)	13 July 2006 _____ Date
--	-------------------------------

For further general information, call the Metro Office of Citizen Involvement at 503.797.1539. To receive assistance per the Americans with Disabilities Act, call the Metro at 503.797.1539 or Metro teletype 503.797.1804.

Membership on Metro advisory committees is open to all interested citizens subject to the qualifications determined by the appointing authority as necessary for the conduct of its business. Metro encourages participation in its affairs by all people, especially those who are under represented in public involvement.

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[www.metro-region.org](http://www.metro-region.org)

## **STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 06-3730, FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF KAREN WOLFGANG AND ZACHORY FERGUSON TO THE METRO COMMITTEE FOR CITIZEN INVOLVEMENT.

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Date: Sept. 7, 2006

Prepared by: Cheryl Grant

### **BACKGROUND**

The Metro Committee for Citizen Involvement (MCCI) has continued to attempt to fill its vacancies. MCCI has actively recruited new members, including soliciting stakeholders and local leaders for nominees, notifying agency staff, and advertising on a weekly basis.

Karen Wolfgang resides in District 6 but will hold at at-large position on the committee. The MCCI Membership Committee has recommended Ms. Wolfgang for this position citing her interest in community and environmental issues. Ms. Wolfgang's application to the committee is attached to Resolution 06-3730 as Exhibit A.

Zachory Ferguson resides in District 3. The MCCI Membership Committee has recommended Mr. Ferguson for this position citing his interest in community development and land use issues. Mr. Ferguson's application to the committee is attached to Resolution No. 06-3730 as Exhibit B.

### **ANALYSIS/INFORMATION**

#### **1. Known Opposition**

None.

#### **2. Legal Antecedents**

Section 28(1) of the Metro Charter and Metro Code Section 2.19.100, adopted on November 9, 2000, states that the Metro Office of Citizen Involvement (MCCI) is created to develop and maintain programs and procedures to aid communication between citizens and the Metro Council; and Ordinance No. 00-860A (For the Purpose of Adding a New Chapter 2.19 to the Metro Code Relating to Advisory Committees).

#### **3. Anticipated Effects**

That two new members will be appointed to MCCI.

#### **4. Budget Impacts**

None.

### **RECOMMENDED ACTION**

Staff recommends the adoption of Resolution No. 06-3730.



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE ) RESOLUTION NO. 06-3731  
APPOINTMENTS OF AUDREY O'BRIEN AND )  
LORETTA PICKERELL TO THE REGIONAL ) Introduced by David Bragdon,  
SOLID WASTE ADVISORY COMMITTEE ) Council President  
(SWAC)

WHEREAS, Metro Code Chapter 2.19.130 established the Regional Solid Waste Advisory Committee (SWAC) to evaluate policy recommendations to the Metro Council regarding regional solid waste management and planning; and

WHEREAS, Metro Code Chapter 2.19.030 states that all members and alternate members of all Metro Advisory Committees shall be appointed by the Council President subject to confirmation by the Council; and

WHEREAS, Metro Code Chapter 2.19.130 authorizes representatives and alternates for the SWAC; and

WHEREAS, vacancies have occurred in the SWAC membership; and

WHEREAS, the Council President has appointed Audrey O'Brien and Loretta Pickerell, as member and alternate member, respectively, representing the Department of Environmental Quality (DEQ) subject to confirmation by the Metro Council; now therefore,

BE IT RESOLVED, that the Metro Council confirms the appointments of Ms. O'Brien and Ms. Pickerell to Metro's SWAC.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
David Bragdon, Council President

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 06-3731 FOR THE PURPOSE OF CONFIRMING THE APPOINTMENTS OF AUDREY O'BRIEN AND LORETTA PICKERELL TO THE REGIONAL SOLID WASTE ADVISORY COMMITTEE (SWAC)

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Date: September 28, 2006

Prepared by: Susan Moore

## BACKGROUND

The 25-member Regional Solid Waste Advisory Committee (SWAC), representing recyclers, the hauling industry, disposal sites, citizen-ratepayers and local governments, evaluates policy options and presents recommendations to the Metro Council regarding regional solid waste management and planning.

The following individuals have been recommended to serve as member and alternate member of the SWAC:

1. Audrey O'Brien has been recommended to serve as member for the Department of Environmental Quality (DEQ) (See Attachment 1).
2. Loretta Pickerell has been recommended to serve as the alternate member for the Department of Environmental Quality. Ms. Pickerell is the current "member" for DEQ and will now become the alternate member.

## ANALYSIS/INFORMATION

### 1. Known Opposition

There is no known opposition.

### 2. Legal Antecedents

ORS 192.610 "Governing Public Meetings", Metro Code Chapter 2.19.030, "Membership of the Advisory Committees" and 2.19.130, "Metro Solid Waste Advisory Committee", are the relevant legal documents related to these appointments.

### 3. Anticipated Effects

This resolution is intended to appoint the following individuals for a term of service on the SWAC: Audrey O'Brien and Loretta Pickerell.

### 4. Budget Impacts

None.

## RECOMMENDED ACTION

The Council President has reviewed the qualifications of Ms. O'Brien and Ms. Pickerell and finds them qualified to advise Metro in the matters of solid waste management and planning. Therefore, Council confirmation of these appointments by adoption of Resolution No. 06-3731 is recommended.

## AUDREY O'BRIEN

Solid Waste Program Manager, Northwest Region  
Oregon Department of Environmental Quality  
2020 SW Fourth Avenue, Portland OR 97201  
Phone: (503) 229-5072  
Email: obrien.audrey@deq.state.or.us

### EDUCATION

Masters of Arts, Urban and Regional Planning, Energy Analysis Certificate, University of Wisconsin, Madison, Wisconsin  
Bachelor of Arts, International Relations, Carleton College, Northfield, Minnesota

### EMPLOYMENT

June 2005 - present      Program Manager, Oregon Department of Environmental Quality (DEQ)

Direct environmental engineers, environmental specialists, computer specialists and support staff to carry out DEQ's solid waste program requirements and provide hazardous waste technical assistance to municipalities, businesses, and individuals for the six northwest counties of Oregon. Responsible for permitting, technical assistance, complaint response, compliance and enforcement and public involvement and education in solid and hazardous waste programs. Supervise and oversee region computer support needs. Responsible for safety practices and building maintenance.

#### Successes:

- \*Planned and carried out necessary budget cuts without lay offs within DEQ's clean up program and hazardous waste program
- \*Developed and carrying out plan to reduce solid waste permit renewal backlog
- \*Oversee and managing approach to working with generators to safely manage slightly contaminated sediments and soil

1996-June 2005      Air Quality Program Manager, Oregon Department of Environmental Quality

Directed air quality programs in the six northwest counties of Oregon. Supervised environmental engineers, environmental specialists, education and outreach specialists and support staff to carry out air quality permitting and inspecting of commercial and industrial businesses, appropriate asbestos handling and removal, commute trip reduction programs, air quality advisories during periods of poor air quality, incentive programs to reduce toxic air pollutants, complaint response, technical assistance, and air quality education programs designed to reduce air pollutant emissions and exposures.

#### Successes:

- \*Managed the asbestos program and budget for the state for seven years improving how the asbestos team functions, revising and improving asbestos safety procedures, completing rulemaking to update and improve asbestos rules so that asbestos waste is managed safely to prevent exposures, developed biennial education and outreach plans, and managed expenditures and budget to maintain sustainable program.
- \*Reduced air permit renewal backlog by developing performance criteria and managing staff work to meet performance criteria. Oversaw issuance of several of the first federal air operating permits issued in Northwest Region. Successfully issued several very

controversial permits for a steel foundry, bulk gasoline storage facilities, a ship yard, and several facilities in the electronics industry balancing environmental and business concerns. Directed the public involvement process for several of these permits and oversaw negotiation of permit conditions to address public concerns. Used new public involvement processes never tried before to bring together opposing sides to discuss concerns, come to common ground, and negotiate how industry would address neighborhood concerns within and outside of the regulatory requirements. Oversaw staff work providing technical and compliance assistance that has resulted in continually decreasing industrial pollution.

\*Oversaw refinement and continued development of Northwest Region's air quality advisory programs to inform the public of bad air quality days during the summer from ozone pollution and during the winter from fine particulate pollution including establishment of electronic notification, programs for companies and individuals, and increased emphasis on informing sensitive populations of air quality pollution levels.

\*Oversaw implementation of the commute trip reduction program called the Employee Commute Options Program, affecting 1100 businesses in the Portland metropolitan area. Supervised staff and managed program budget. Directed staff in prioritization effort resulting in focus on the largest businesses to achieve the most environmental success from efforts to reduce single commuter trips. The program successfully achieved the goal to reduce air pollution by 5% identified in our clean air plan.

\*Oversaw ongoing development and completion of the Portland Air Toxics Assessment, a modeling project to evaluate sources and resulting exposure risks from 12 toxic air pollutants. Managed initiation of Northwest Region's public education program on toxic air pollution emission sources and reduction opportunities focusing on diesel emissions and dry cleaner emissions. Obtained grant funding for toxic air pollutant reduction efforts.

1991-1995 Environmental specialist and unit supervisor at the Washington Department of Ecology

Grants specialist for six months at the Department of Ecology in 1991 in the water quality grant and loan program developing criteria for grant programs, evaluating and ranking applications, and approving grant and loan projects. Developed criteria for approving grant application and reviewed and approved grant applications for the Centennial Fund non treatment plant category.

Environmental specialist/unit supervisor in the Air Quality Program for four and a half years. As an environmental specialist, participated in rule writing updates. As unit supervisor, oversaw development and revision of several air quality regulations: insignificant emissions rules for the operating permit program, new source air toxics rules, general air quality regulations and open burning regulations. As an environmental specialist, reviewed the first round of Title V permit applications for the Central Region, providing technical assistance to applicants to prepare permit applications, making completeness determinations, providing rule interpretations, researching and recommending solutions to rule applicability and interpretation issues.

1988-1990 Water Quality Program Planner, Wisconsin Department of Natural Resources (DNR) Water Resources Bureau

Program planner participating in team responsible for developing the water quality remedial action plan to reduce toxic pollutants in the Milwaukee Harbor and River. Managed one of first research efforts to evaluate if migrating waterfowl become contaminated from short lay overs at the Milwaukee Harbor confined disposal facility or from lay overs in the Milwaukee River and Harbor. The study demonstrated that mallards could ingest sufficient quantities of metals and PCB to become contaminated from short stays in contaminated harbors.

Developed materials and set up workshops and informational meetings around the state as part of DNR's program to support and carry out the International Joint Commission Great Lakes Water Quality Agreement.

- 1986-87 Water Quality Community Specialist, Wisconsin DNR, Bureau of Community Assistance. Responsible for evaluating pollution control grant applications, approving grant requests and managing grants throughout the life of the wastewater treatment construction project. Participated in development of Wisconsin's state revolving loan fund program. Reviewed and approved grant applications, wrote grant agreements and managed grants for several small northern Wisconsin communities that allowed these communities to remove failing septic systems and build sewage treatment plants and collection systems to successfully treat their sanitary wastes.
- 1984 Student Intern, University of Wisconsin Construction Planning Department preparing environmental assessments for many of the university projects including construction of several new buildings and development of a horticultural garden.

**VOLUNTEER WORK:**

Chair, 2006 Fundraising Auction for Fruit & Flower Child Care Center. Exceeded goals of raising \$75,000 by raising \$79,000. Achieved goal of 90% parent participation. This 11<sup>th</sup> auction raised the most money in the history of auctions for Fruit & Flower. Oversaw all aspects of planning and managing the auction event from hiring the auctioneer to overseeing solicitation, developing the program, negotiating the venue, communicating with parents, encouraging attendance, recruiting and managing a committee of 14 volunteers, thanking participants, evaluating and measuring results and making suggestions for the future.

Co-chair 2005 Fundraising Auction for Fruit & Flower Child Care Center. Achieved goal of raising \$50,000 and 90% parent participation.

Auction committee assistant for Forest Park Elementary School fundraising auction 2005 and 2006.

**PASSIONS:** Children, especially mine. Running. Biking. Hiking and mountain climbing.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE )  
SECTIONS 3.07.120, 3.07.130 AND 3.07.1120; ) Ordinance No. 06-1124  
ADDING METRO CODE SECTION 3.07.450 TO )  
ESTABLISH A PROCESS AND CRITERIA FOR ) Introduced by Chief Operating Officer  
CHANGES TO THE EMPLOYMENT AND ) Michael J. Jordan, with the concurrence of  
INDUSTRIAL AREAS MAP; AND DECLARING AN ) Council President David Bragdon  
EMERGENCY )

WHEREAS, Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan (“UGMFP”) prescribes limitations on certain uses in Industrial Areas, Regionally Significant Industrial Areas and Employment Areas and makes reference to an “Employment and Industrial Areas Map,” which depicts the boundaries of these areas for regulatory purposes; and

WHEREAS, the Metro Council wishes to provide a process and criteria for making changes to the designations of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas on the Title 4 Employment and Industrial Areas Map; and

WHEREAS, the Metropolitan Policy Advisory Committee has reviewed the proposed amendments and recommends their approval; and

WHEREAS, the Council held a public hearing on the proposed amendments on October 12, 2006, and considered public comment on the amendments; now, therefore,

THE METRO COUNCIL ORDAINS as follows:

**SECTION 1.** Metro Code Sections 3.07.120 and 3.07.130 are amended to read as follows: Sections 3.07.120 and 3.07.130 of Title 1 (Requirements for Housing and Employment Accommodation) of the UGMFP are hereby amended as shown in Exhibit A, attached and incorporated into this ordinance, to clarify mapping procedures for territory added to the UGB.

**SECTION 2.** Metro Code Section 3.07.450 is amended to read as follows: Section 3.07.450 is hereby added to Title 4 (Industrial and Other Employment Areas) of the UGMFP as shown in Exhibit B, attached and incorporated into this ordinance, to prescribe a process and criteria for amendments to the Employment and Industrial Areas Map.

**SECTION 3.** Metro Code Section 3.07.1120 is amended to read as follows: Section 3.07.1120 of Title 11 (Planning for New Urban Areas) of the UGMFP is hereby amended as shown in Exhibit C, attached and incorporated into this ordinance, to clarify mapping procedures for territory added to the UGB.

**SECTION 4.** The Findings of Fact and Conclusions of Law in Exhibit D, attached and incorporated into this ordinance, explain how these amendments comply with Metro’s Regional Framework Plan and state land use planning laws.

**SECTION 5.** This ordinance is necessary for the immediate preservation of public health, safety and welfare because, without this ordinance, there is no clear process for amending the Employment and Industrial Areas Map in Title 4 of the UGMFP and no specific criteria for such amendments. Metro has received a number of requests from local governments for amendments that involve economic development and need immediate attention. This ordinance provides a process and criteria for amendments to the map. Therefore, a emergency is declared to exist. This ordinance shall take effect immediately, pursuant to section 39(1) of the Metro Charter.

ADOPTED by the Metro Council this \_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
David Bragdon, Council President

Attest:

Approved as to form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

**Exhibit A to Ordinance No. 06-1124**  
**Amendments to Title 1 of the Urban Growth Management Functional Plan**

**TITLE 1: REQUIREMENTS FOR HOUSING AND EMPLOYMENT ACCOMMODATION**

3.07.120 Housing and Employment Capacity

- A. Each city and county shall determine its capacity for housing and employment in order to ensure that it provides and continues to provide at least the capacity for the city or county specified in Table ~~3.01-7~~ 3.07-1, supplemented by capacity resulting from addition of territory to the UGB. Local governments shall use data provided by Metro unless the Metro Council or the Chief Operating Officer determines that data preferred by a city or county is more accurate.
- B. A city or county shall determine its capacity for dwelling units by cumulating the minimum number of dwelling units authorized in each zoning district in which dwelling units are authorized. A city or county may use a higher number of dwellings than the minimum density for a zoning district if development in the five years prior to the determination has actually occurred at the higher number.
- C. If a city annexes county territory, the city shall ensure that there is no net loss in regional housing or employment capacity, as shown on Table 3.07-1, as a result of amendments of comprehensive plan or land use regulations that apply to the annexed territory.
- D. After completion of its initial determination of capacity, each city or county shall report changes in its capacity by April 15 of the first calendar year following completion of its initial determination and by April 15 of every following year.

3.07.130 Design Type Boundaries Requirement

For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map or on maps adopted by ordinances adding territory to the UGB:

Central City--Downtown Portland is the Central City which serves as the major regional center, an employment and cultural center for the metropolitan area.

Regional Centers--Seven regional centers will become the focus of compact development, redevelopment and high-quality transit service and multimodal street networks.



Station Communities--Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment.

Town Centers--Local retail and services will be provided in town centers with compact development and transit service.

Main Streets--Neighborhoods will be served by main streets with retail and service developments served by transit.

Corridors--Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities.

Employment Areas--Various types of employment and some residential development are encouraged in employment areas with limited commercial uses.

Industrial Areas--Industrial areas are set aside primarily for industrial activities with limited supporting uses.

Regionally Significant Industrial Areas--Industrial areas with site characteristics that are relatively rare in the region that render them especially suitable for industrial use.

Inner Neighborhoods--Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods.

Outer Neighborhoods--Residential neighborhoods farther away from large employment centers with larger lot sizes and lower densities are outer neighborhoods.

## Amendments to Title 4 of the Urban Growth Management Functional Plan

### TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

Add the following section:

#### 3.07.450 Employment and Industrial Areas Map

- A. The Employment and Industrial Areas Map is the official depiction of the boundaries of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas.
- B. If the Metro Council adds territory to the UGB and designates all or part of the territory Regionally Significant Industrial Area, Industrial Area or Employment Area, after completion of Title 11 planning by the responsible city or county, the Council will amend the map to be consistent with the boundaries established by the city or county. When the Council amends the map, it will also conform the Habitat Conservation Areas Map, described in section 3.07.1320 of Title 13 of the UGMFP, to the amendment to ensure implementation of Title 13.
- C. A city or county may amend its comprehensive plan or zoning regulations to change its designation of land on the map in order to allow uses not allowed by Title 4 upon a demonstration that:
  1. The property subject to the amendment is five acres or less;
  2. The property is not surrounded by land designated on the map as Industrial Area or Regionally Significant Industrial Area;
  3. The amendment will not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan or the lost capacity is replaced by separate and concurrent measures;
  4. If the map designates the property as Industrial Area or Regionally Significant Industrial Area, the existing uses of the property, or the uses of surrounding properties on the map, are non-industrial uses that are unlikely to convert to industrial use over the next ten years; and
  5. If the map designates the property as Regionally Significant Industrial Area, the subject property does not have access to specialized services, such as redundant electrical power or industrial gases, and is not proximate to freight transport facilities, such as trans-shipment facilities.

- D. For amendments to the map other than those described in subsection C, a city, a county or a property owner may apply to the Metro Council between September 1 and October 15 of each calendar year except a year in which the Council is completing its analysis of buildable land supply under ORS 197.299(1) or is considering expansion of the UGB following the analysis. A property owner may propose an amendment only if the city or county with land use responsibility for the property has approved a corresponding amendment to its comprehensive plan or zoning designation contingent upon approval of a map amendment by the Metro Council. Upon a request by a Metro Councilor and a finding of good cause, the Council may consider an application to amend the map at another time by a vote of five members of the Council. The Chief Operating Officer shall give notice to cities and counties of the timelines for applications at least 60 days prior to September 1 of the appropriate years.
- E. Upon receipt of a qualifying application filed under subsection D, the Chief Operating Officer shall notify the Department of Land Conservation and Development at least 45 days prior, and owners of property within 100 feet of the subject property at least 20 days prior to the first hearing on the application. The Chief Operating Officer shall set the matter for a hearing before the Council and prepare a report with a recommendation to be sent to the Council, the applicant and any person who requests a copy, at least 15 days prior to the hearing. The report shall address the potential cumulative effects upon the ability of the region to accomplish the purposes of Title 4 from all of the map amendment applications filed within the same application period as the subject application. Following the close of the hearing, the Council shall issue an order with its analysis, findings and conclusions and send it to the applicant, DLCD and any person who participated in the proceeding.
- F. To approve an application under subsection D, the Council must conclude that the amendment:
1. Would not reduce the employment capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the UGMFP;
  2. Would not reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan, or exceed volume-to-capacity ratios on Table 7 of the 1999 Oregon Highway Plan for state highways, and would not require added road capacity to stay within the standards or ratios;

3. Would not diminish the intended function of Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas;
  4. Would not reduce the integrity or viability of a traded sector cluster of industries;
  5. Would not create or worsen a significant imbalance between jobs and housing in a regional market area; and
  6. If the subject property is designated Regionally Significant Industrial Area, would not remove from that designation land that is especially suitable for industrial use due to the availability of specialized services, such as redundant electrical power or industrial gases, or due to proximity to freight transport facilities, such as trans-shipment facilities.
- G. The Metro Council may initiate an amendment to the map at any time to better achieve the policies of the Regional Framework Plan.
- H. Amendments to the map made in compliance with the process and criteria in this section shall be deemed to comply with the Regional Framework Plan.
- I. The Council or the Chief Operating Officer may establish conditions upon approval of an amendment to the map under subsections D or E to ensure that the amendment complies with the RFP and state land use planning laws.

**Exhibit C to Ordinance No. 06-1124**  
**Amendments to Title 11 of the Urban Growth Management Functional Plan**

**TITLE 11: PLANNING FOR NEW URBAN AREAS**

~~3.07.1120—Urban Growth Boundary Amendment Urban Reserve Plan Requirements~~ Planning for Territory Added to the UGB

All territory added to the ~~Urban Growth Boundary~~ UGB as either a major amendment or a legislative amendment pursuant to Metro Code chapter 3.01 shall be subject to adopted comprehensive plan provisions consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan and in particular this Title 11. The comprehensive plan provisions shall be fully coordinated with all other applicable plans. The comprehensive plan provisions shall contain an urban growth plan diagram and policies that demonstrate compliance with the RUGGO, including the Metro Council adopted 2040 Growth Concept design types. Comprehensive plan amendments shall include:

- A. Specific plan designation boundaries derived from the general boundaries of design type designations assigned by the Council in the ordinance adding the territory to the UGB.
- ~~AB.~~ Provision for annexation to the district and to a city or any necessary service districts prior to urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.
- ~~BC.~~ Provision for average residential densities of at least 10 dwelling units per net developable residential acre or such other densities that the Council specifies pursuant to section 3.01.040 of the Urban Growth Management Functional Plan.
- ~~CD.~~ Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.
- ~~DE.~~ Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined

permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.

- EF. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.
- FG. A conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan, and that is also consistent with the protection of natural resources either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.
- EH. Identification and mapping of areas to be protected from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation, including, without limitation, all Habitat Conservation Areas, Water Quality Resource Areas, and Flood Management Areas. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas, and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include zoning strategies to avoid and minimize the conflicts between planned future development and the protection of Habitat Conservation Areas, Water Quality Resource Areas, Flood Management Areas, and other natural hazard areas. The plan shall also include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, and easement dedication to ensure that all significant natural resources are protected.
- HI. A conceptual public facilities and services plan for the provision of sanitary sewer, water, storm drainage, transportation, parks and police and fire protection. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

ⓂJ. A conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.

ⓂK. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:

1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer and water to demonstrate that the area can be served;
2. Location of steep slopes and unbuildable lands including but not limited to wetlands, floodplains and riparian areas;
3. Location of Habitat Conservation Areas;
4. General locations for mixed use areas, commercial and industrial lands;
5. General locations for single and multi-family housing;
6. General locations for public open space, plazas and neighborhood centers; and
7. General locations or alternative locations for any needed school, park or fire hall sites.

L. A determination of the zoned dwelling unit capacity of zoning districts that allow housing.

ⓂM. The plan amendments shall be coordinated among the city, county, school district and other service districts.

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 06-1124 FOR AMENDING METRO CODE SECTIONS 3.07.120, 3.07.130 AND 3.07.1120; AND ADDING METRO CODE SECTION 3.07.450 TO ESTABLISH A PROCESS AND CRITERIA FOR CHANGES TO THE EMPLOYMENT AND INDUSTRIAL AREAS MAP AND DECLARING AN EMERGENCY

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Date: September 20, 2006

Prepared by: Dick Benner and Ray Valone

## BACKGROUND

Title 4 of the Urban Growth Management Functional Plan (UGMFP) seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses within Regionally Significant Industrial Areas, Industrial Areas and Employment Areas. Title 4 sets the boundaries for these design type designations and determines which land in the region is subject to the title 's limitations. Local governments rely upon the Title 4 map (Employment and Industrial Areas map) to bring their comprehensive plans and zoning ordinances into compliance with the provisions of this title. From time to time, a city or county wants to change its plan and zone designations within a Title 4 design type. To remain in compliance with the UGMFP, these changes usually require an amendment to the Title 4 map.

Currently, there is no specific process or specific criteria in place in Title 4 against which to judge Title 4 map change requests. In recent months, several local governments have requested changes to this map. In the absence of specific criteria, the Metro Council would apply the policies of the Regional Framework Plan (RFP). In the absence of a specific process, the Metro Council would follow its customary ordinance process, regardless how large or small the map change request. Because the RFP does not specify which policies apply to Title 4 map changes, and because most RFP policies are general in nature, local governments - and the Metro Council when asked to approve or reject a proposed map change - face a large degree of uncertainty concerning Title 4 change requests.

Metro staff brought this issue to the May 23 and August 1, 2006, Metro Council work sessions. During the first session, the Metro Council directed staff to recommend a process and criteria after consultation with advisory committees. After discussion sessions on June 21, July 5 and July 19, 2006, with the Metropolitan Technical Advisory Committee (MTAC), staff brought the results back to the Metro Council on August 1, 2006. MTAC again discussed this issue on August 16, 2006. The proposed amendments to the UGMFP, shown in Exhibits A, B and C to this ordinance, is the result of the above discussions. In general, the approach contemplates:

- Basing the decision criteria on existing adopted Metro Council policy
- Treating minor and major requests differently
- Allowing local governments to process and decide on the minor amendment requests
- Requiring major requests to be heard and decided by the Metro Council only with prior approval by the affected local government
- Limiting the application period for major amendment requests between September 1 and October 15, except in years in which the Metro Council is completing its buildable lands analysis or considering expansion of the UGB.

Metro staff presented this package of amendments to MPAC on September 13, 2006. Members made no recommendations (will happen at MPAC's October 11 meeting), but discussed the relative roles of the Metro Council and cities and counties in the Title 4 map amendment process. MPAC members also



questioned the need for and timing of the “window” for applications, intended to allow Metro to consider cumulative impacts of multiple map amendments.

MTAC took up the package of amendments once again on September 20. Members agreed that MTAC wanted to develop an alternative to the package that would allow cities and counties to make map changes involving land on Metro’s Title 4 map, subject to criteria specified by Metro in Title 4. Members were split on the need for and the value of a “window” for applications. MTAC decided to delay a recommendation to MPAC until its October 4 meeting in order to give the committee time to draft and discuss an alternative process.

Next steps: The first reading at Metro Council is scheduled for September 28, 2006. MTAC will make its recommendation to MPAC on October 4. MPAC is scheduled to make its recommendation to the Council on October 11. The Council will hold a hearing on, and possibly adopt, the amendments on October 12, 2006.

### **ANALYSIS/INFORMATION**

**Known Opposition:** No known opposition to the need for a process and criteria for amendments to the Title 4 map. Some opposition to some of the elements of the current package of proposed Title 4 map amendments.

**Legal Antecedents:** Ordinance No. 97-715B, Ordinance No. 02-969B and Ordinance No. 04-1040B.

**Anticipated Effects:** By adopting Ordinance 06-1124, the Council is amending three sections and adding a new section to Title 4 of the Urban Growth Management Functional Plan to establish a process and specific criteria for changing the Employment and Industrial Areas map of Title 4. If there is no successful appeal to the Land Use Board of Appeals, the Metro Council’s decision is final.

**Budget Impacts:** The cost for processing amendments to Title 4 is included in the current budget.

### **RECOMMENDED ACTION**

Staff recommends the adoption of Ordinance No. 06-1124, but may be suggesting revisions at the Council’s September 26 workshop.

BEFORE THE METRO COUNCIL

RECOGNIZING THE CONTINUATION OF A ) RESOLUTION NO. 06-3729  
PUBLIC/PRIVATE SYSTEM OF WASTE )  
TRANSFER STATIONS IN THE REGION, AND ) Introduced by: Michael Jordan,  
DIRECTING THE CHIEF OPERATING OFFICER ) Chief Operating Officer, with the  
TO EXPLORE OPPORTUNITIES TO IMPROVE ) concurrence of David Bragdon,  
THE REGIONAL SOLID WASTE DISPOSAL ) Council President  
SYSTEM )

WHEREAS, Metro is a regional government providing a variety of services for the urbanized portions of Clackamas, Multnomah and Washington counties of Oregon; and

WHEREAS, solid waste planning and disposal are two of the principal responsibilities of Metro; and

WHEREAS, solid waste planning is guided primarily through the Regional Solid Waste Management Plan (RSWMP) currently under revision; and

WHEREAS, one of the key RSWMP issues identified to date is ensuring adequate public services are provided through the regional solid waste system in the decade ahead; and

WHEREAS, on July 21, 2005 the Metro Council adopted Resolution No. 05-3601A entitled: Authorizing Issuance of Request for Proposals 06-1154-SWR for Competitive Sealed Proposals to Provide Consulting Services regarding Disposal System Planning for Alternative Service Delivery and thereby authorized an analysis of alternative transfer station system options and a determination of the valuation of the publicly owned transfer facilities; and

WHEREAS, a Disposal System Planning Consultant was retained to conduct the analysis utilizing the Metro Council's values for the solid waste system as the basis for evaluating different transfer system ownership options; and

WHEREAS, the year long analysis concluded that a publicly owned transfer system best met Council values; and

WHEREAS, when the analysis was expanded to include risk and cost factors associated with each ownership option it was concluded that a mixed system of continued Metro ownership of two transfer stations together with additional privately owned stations was the highest ranked option (see Exhibit A attached hereto); and

WHEREAS, the analysis also identified opportunities where the current system could be improved such as in the areas of the transparency of rates associated with private transfer stations, the allocation of waste amongst facilities, potential public ownership of additional facilities and additional long term planning issues as summarized in Exhibit B, attached hereto; now therefore

BE IT RESOLVED:

1. The Metro Council acknowledges that continued ownership of the Metro South and Metro Central transfer stations is in the region's best interests.

2. The Chief Operating Officer is directed to explore disposal system planning opportunities to improve the solid waste recycling and disposal system as illustrated in Exhibit B.
3. The Chief Operating Officer is instructed to develop and define disposal system-related policies, goals and objectives and incorporate them into the integrated RSWMP for Council consideration.
4. The Chief Operating Officer will provide periodic updates and present policy, program and project choices associated with activities identified in Exhibit B.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 2006.

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David Bragdon, Council President

Approved as to Form:

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Daniel B. Cooper, Metro Attorney

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**Summary of Results**  
**Metro Transfer System Ownership Study**

**Major Objectives – Council Values**

1. Maximize ongoing business value and/or public use value of Metro Stations.
2. Ensure all participants pay fees and taxes (polluter pay principle)
3. Ensure the system is making progress toward compliance with RSWMP sustainability goals.
4. Preserve current and future access to disposal services for self-haul customers (location and hours)
5. Ensure equitable distribution of wet and dry waste delivery options for all communities (current and future)
6. Ensure funding is available for Metro general government
7. System endorsed and supported by all system participants

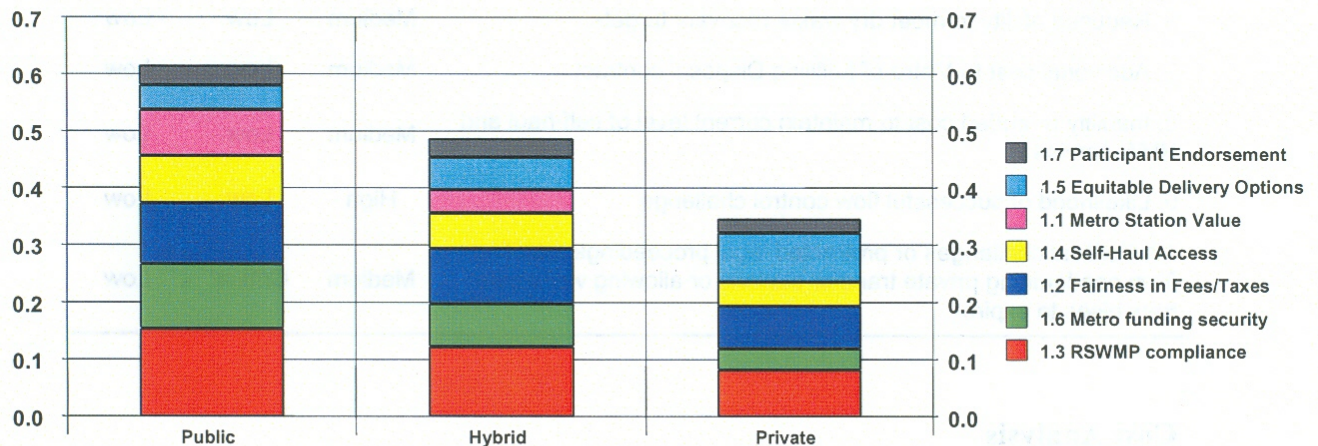


EXHIBIT 4-9  
 Objectives Contributions to Value Score

**Other Policy Drivers**

- Competition
- Metro as regulator and competitor
- Rate transparency and fairness
  - Uniform rates for all haulers at a facility
  - Ensure rates reflect cost of providing service
- Maximize cost saving potential in Metro’s disposal contract
- Land use compatibility
  - Local comp plans
  - 2040 plan
- Flexibility to use alternative transport modes

**Risk Analysis**

**EXHIBIT E-1**  
Risk Assessment

Risk	Risk Signature		
	Private	Public	Hybrid
1. More difficult politically to collect regional system fee and excise taxes	High	Low	Low
2. Metro's credit rating could worsen if it is perceived to be less able to collect taxes	High	Low	Low
3. It could be more costly and more difficult administratively for Metro to respond to future changes in state-mandated Waste Reduction requirements	High	Low	Low
4. It could be more costly and more difficult administratively for Metro to deliver new WR/R initiatives	High	Low	Low
5. Potential increase in vertical integration and potential resulting increases in transfer station tip fees	High	Low	Low
6. Reduced ability to meet dry waste recovery targets	Medium	Low	Low
7. Additional cost to Metro of fulfilling Disposal contract	Medium	Low	Low
8. Inability or added cost to maintain current level of self-haul and HHW service	Medium	Low	Low
9. Likelihood of successful flow control challenge	High	Low	Low
10. Political challenges or protracted legal proceedings resulting from condemning private transfer stations or allowing wet waste franchises to expire	Medium	Critical	Low

**Cost Analysis**

Summary of Results

	Private	Public	Hybrid
Cost – Estimated long-run percent change in system cost.	Low: 1.4% High: 2.2%	Low: 0.1% High: 0.7%	Low: -0.5% High: 0.1%

## Opportunities for Improving the Solid Waste System

Below are brief explanations of each of the projects shown on the accompanying chart *Opportunities for Improving the Solid Waste System*. Descriptions are organized by taking projects from the chart beginning in the upper left corner, then left-to-right and top-to-bottom, as if reading a book.

### Transfer Station Ownership

Response to Questions & Comments – Metro staff continue to obtain comments from stakeholders regarding the findings of the Disposal System Planning study, and staff will continue to relay stakeholder feedback to the Metro Council.

Council Resolution – Metro staff prepared the attached resolution for the Metro Council's consideration in providing direction to the COO to improve the region's disposal system.

### RSWMP

Disposal System Goals & Objectives – Goals and objectives for the disposal portion of the solid waste system will be integrated into the broader Regional Solid Waste Management Plan, which also provides guidance to the region on waste reduction and recycling, household hazardous waste management, and system financing.

### Waste Transportation Rebid

Transportation Options Study – Portland is in the enviable geographic position of having multiple transportation modes available for moving cargo long distances: truck, barge, and train. With today's higher-priced fuel and an increasing focus on the environmental impacts of burning fuel, as well as the 2009 expiration of Metro's long-haul contract, a more general study of the viability of different modes for transporting solid waste will provide information that will allow development of a transportation services procurement that addresses the objectives of the Metro Council.

Establish RFP Parameters/Procurement of Contractor/Select Contractor – If Metro chooses to procure a long-haul garbage hauler through competitive bidding after the CSU contract expires, a number of tasks will be required: establishing the parameters of the RFP, evaluation of proposals, and, finally, negotiations with the successful proposer.

Initiate New Contract – A new (or renewed) long-haul contract must be in effect by January 1, 2010.

## Transfer Station System Optimization

10% Bid – The Disposal System Planning consultants’ report identified opportunities for introducing more competition into the waste transfer system. One opportunity is to bid out the right to dispose of the 10% of waste not guaranteed contractually for delivery to Waste Management. There is no deadline for putting the 10% out for bid, though it is anticipated that Metro will need to develop a method for allocating the rights to this waste if additional firms request portions of the 10%.

Waste Allocation – Metro limits the wet waste tonnage that local transfer stations in the region can accept. A review of this system of tonnage caps could form the basis for the development of a new, better-functioning disposal system.

Rate Transparency – Transfer prices are not regulated in the Metro region, yet certain pricing practices among private companies seem non-competitive. Additional controls on transfer rates could improve rate transparency.

Renew NSLs – Metro issues limited duration non-system licenses to haulers authorizing the delivery of waste to *non-designated* facilities. Many so-called NSLs will come up for renewal at the end of 2007. Particularly if the 10% of non-Waste Management waste goes to bid, the Metro Council may wish to reevaluate its policies with respect to NSLs.

Forest Grove Transfer Station – The regional transfer station franchise that Metro granted Waste Management to operate Forest Grove Transfer Station will expire December 31, 2007. The Metro Council may wish to incorporate new policies into its decision about renewing the Forest Grove franchise agreement.

Other Private Transfer Station Franchises – Local Transfer Station franchises (Pride, WRI, Troutdale) will expire on December 31, 2008. This timing provides the opportunity to implement disposal system policies established by the Metro Council.

## Greening the System

Facility Standards – With stakeholders, SW&R staff plan to develop operating standards for regulated solid waste facilities to provide “greener” services, e.g., through renewable energy use, procurement of products made from renewable or recycled material, and better storm water management.

**Long-term Transfer Station System Planning**

New Facility Entry Standards –Metro has placed moratoriums on the development of new wet and dry waste facilities in the region. Reviewing the current criteria for allowing construction of new facilities could provide a clearer set of entry standards and provide a basis for eliminating the two moratoriums.

Disposition of Metro South – For now, a transfer station appears to be the highest and best use of the Metro Central and Metro South properties. With discussions of future high-end retail development near Metro South, it would be prudent to scope plans to reposition the Metro South property in the event that the neighborhood changes its current industrial focus.

**Dry Waste System**

Enhanced Dry Waste Program – Metro staff are currently working with stakeholders to develop the program details for enhancing recovery from dry waste by ensuring that all dry waste be processed for recyclables first prior to landfilling.

MRF Standards – Metro SW&R staff are currently developing operating standards for dry waste processing facilities to protect health and safety, and to promote good operating practices in the urban region.



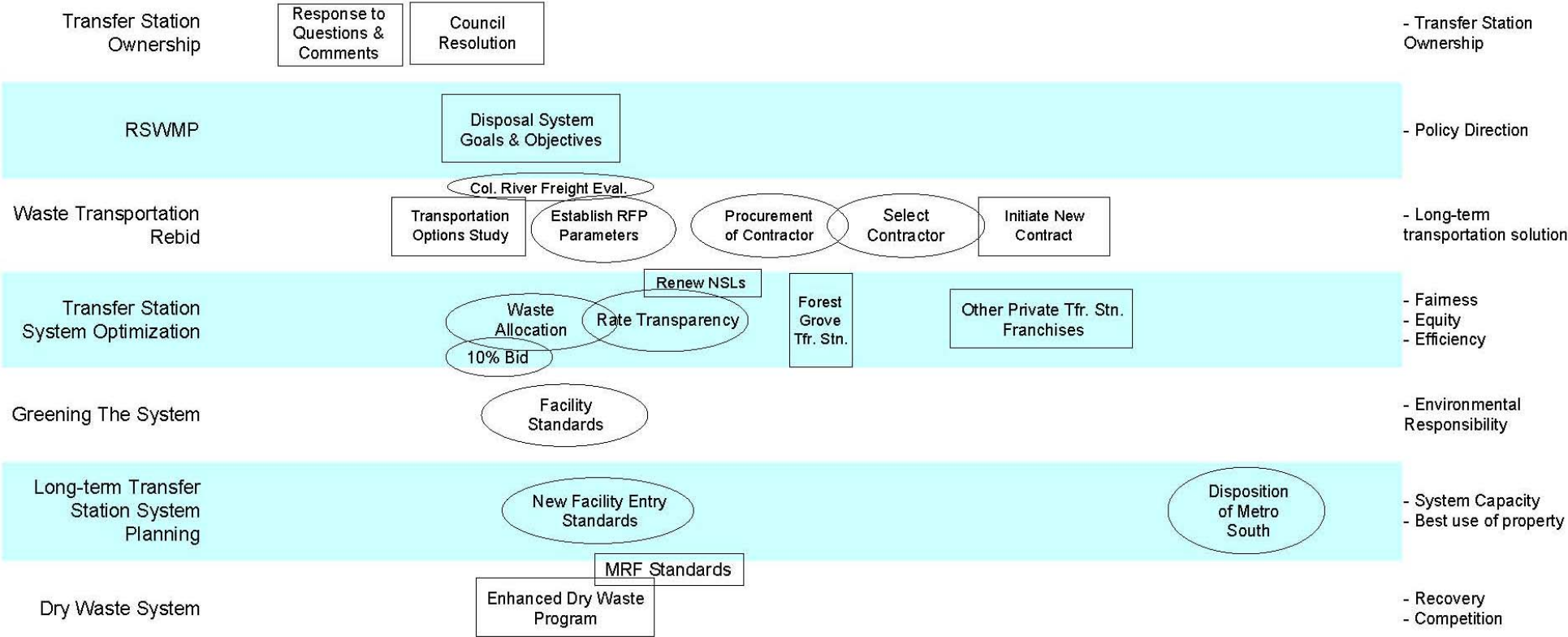
# Opportunities for Improving the Solid Waste Disposal System

Rectangles enclose projects that are already underway or that *must* be completed by a time certain      Ovals indicate *optional* projects, or those around which timing or necessity is less certain

Time Frame for Bringing About Change



Desired Outcome



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## **STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 06-3729, FOR THE PURPOSE OF  
RECOGNIZING THE CONTINUATION OF A PUBLIC/PRIVATE SYSTEM OF WASTE  
TRANSFER STATIONS IN THE REGION, AND DIRECTING THE CHIEF OPERATING  
OFFICER TO EXPLORE OPPORTUNITIES TO IMPROVE THE REGIONAL SOLID WASTE  
DISPOSAL SYSTEM

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Date: September 28, 2006

Prepared by: Mike Hoglund and Paul Ehinger

### **BACKGROUND**

Solid waste planning and disposal are two of the principal responsibilities of Metro. The solid waste planning function is guided primarily through the Regional Solid Waste Management Plan (RSWMP). RSWMP is intended to provide a 10-year framework for waste disposal and recycling as specified in ORS 268.390. Metro is in the process of updating the RSWMP document.

A key RSWMP issue is to ensure that adequate public services are provided through the regional transfer station system in the next decade. Disposal System Planning (DSP) rose out of this issue. During the summer of 2005, the Metro Council indicated interest in obtaining information on how the Region's solid waste management system could be improved. They were particularly interested in determining whether the system could be improved by changing the current system of public and private ownership of the region's transfer facilities. The primary purpose of DSP was to answer the question: What is the best way to deliver safe, environmentally sound and cost-effective waste transfer and disposal services to the public and private users in this region?

Solid Waste and Recycling department (SW&R) staff developed a work plan that was approved by the Metro Council. The work plan envisioned the use of two consultant teams and significant in-house resources to complete the work plan. A system consultant was to be hired to evaluate system alternatives and another was to be hired to estimate the value of the two publicly owned solid waste facilities.

A request for proposals was issued for the system consultant who would conduct an analysis of ownership alternatives. The alternatives were to range from a completely publicly owned system to a fully private system. A consulting team of two firms, CH2M Hill and Ecodata, was selected to be the "system consultant" to conduct the alternative analysis. Mr. Dan Pitzler of CH2M was the project manager for the consulting team. Dr. Barbara Stevens, a nationally recognized expert in the economics of solid waste systems provided significant support in the area of economic analysis.

The Office of Metro Attorney (OMA) provided support to the project by reviewing legal issues. Based on advice from OMA, a real estate appraiser was hired by OMA to provide an opinion on the value of the two Metro transfer stations. This data was not used in analyzing alternatives so that the values could remain confidential in the event that a sale of one or more of the facilities was to take place.

### **METRO TRANSFER SYSTEM OWNERSHIP STUDY**

Metro's system consultant conducted a detailed analysis of the region's solid waste disposal system and how changing the ownership structure of the facilities providing solid waste transfer and disposal

services would impact the system. The purpose of the study was to provide information for the Metro Council to decide what Metro's role should be in the disposal system.

The approach to the study consisted of five major elements. These elements were:

1. Documentation and consideration of stakeholder input.
2. Analysis of the economics of the Metro solid waste system.
3. Definition of system alternatives and identification of system objectives.
4. Evaluation of the system alternatives to characterize their performance at meeting system objectives, cost, and the risks associated with each alternative.
5. Legal analysis of system issues.

### **Disposal System Economics**

Dr. Barbara Stevens of Ecodata reviewed the economics of the Metro disposal system and provided some key observations to help guide the study. The economic analysis considered the entire solid waste system, including the collection system since it is one integrated system economically. The analysis resulted in the following conclusions:

- It is estimated that collection accounts for 81 percent of the total cost of residential disposal, and a very high percentage of the total cost of commercial disposal. As the largest component of system cost, changes in the collection system are likely to have a greater impact on increasing or decreasing system cost than any other system component.
- Tipping fees at the two Metro transfer stations are used in setting collection rates, which is good, particularly since Metro competitively procures transfer station operation services. This injects an important element of competition in a market that otherwise would not have many characteristics of a competitive market. Metro may want to take steps to improve the pricing information that they send to the local governments who regulate collection rates.
- In recent years, national solid waste firms have increased market share in the local solid waste industry. These large national firms are frequently vertically integrated, thus earning profits on transfer, transport and/or disposal services in addition to collection. This provides them a competitive advantage over collection companies that do not provide those services.
- Economies of scale are significant in transfer; thus, adding transfer stations to the system, and thereby reducing throughput at existing stations, increases per-ton costs at those stations. Also, handling small loads (i.e., self-haul) increases per-ton costs compared to handling large loads. The Metro region currently has unused transfer capacity, and increases in unused capacity could lead to higher costs.
- Transfer is the smallest cost component of the collection, transfer, transport and disposal system costs that comprise total system costs.
- The private sector typically earns its highest profit margins on disposal. This fact provides significant incentive for vertically integrated firms to maximize the amount of waste going to their own landfills.

### **System Values**

The Metro Council outlined the following values associated with the disposal system:

1. Protect public investment in solid waste system
2. "Pay to Play" - ensure participants pay fees/taxes
3. Environmental Sustainability - ensures system performs in a sustainable manner
4. Preserve public access to disposal options (location/hours)

5. Ensure regional equity- equitable distribution of disposal options
6. Maintain funding source for Metro general government
7. Ensure reasonable/affordable rates

These values were revised to better facilitate the analysis of transfer station ownership alternatives. One value (ensure reasonable/affordable rates) was eliminated, as it was captured in the economic analysis, and one value was added: *System endorsed and supported by all system participants*.

These values were discussed with the Metro Council and the Council assigned importance weights to each value statement. An analysis of ownership alternatives was then conducted to assess the extent to which each alternative met the Council values.

### **Alternative Analysis**

The initial phase of the development of alternative ownership structures involved meeting with a variety of stakeholders. Their input was used to help identify the critical components of the system that might be impacted by an ownership change. They were also consulted to help determine key risk factors that should be evaluated. The stakeholder groups and a summary of their comments are included at the end of this section of the staff report.

The system consultant developed three alternative scenarios of facility ownership in the Metro region. The three scenarios were developed to demonstrate the impact that various ownership options would have on the solid waste disposal system. One option included a hybrid of public and private ownership of facilities, similar in most respects to the existing system. Changes were proposed to improve the way the hybrid system would operate when compared to the current system. The other two alternatives were a private alternative with no public ownership of facilities and a public alternative where Metro would own all of the wet waste transfer capacity in the region.

The advantages and disadvantages of private, public, or a hybrid transfer system were analyzed from a variety of perspectives, including:

- An analysis of how well each option met the Metro Council's stated values
- The estimated cost of each alternative
- The risk associated with the implementation of each alternative

The results of the value modeling analysis indicated that a fully public system best met the Metro Council's stated values. The results of a sensitivity analysis indicated that this result is not sensitive to the relative importance assigned to each Council value.

One additional sensitivity analysis was performed that incorporated challenges associated with implementation. That analysis showed that as more importance is placed on the difficulties associated with acquiring existing private transfer stations, the hybrid system eventually outranks the public system.

For each of the alternatives analyzed, costs in the disposal system are not expected to increase or decrease by more than about two percent.

The results of the assessment indicate that there is more risk associated with implementing the private system than the public or hybrid system. However, the only risk scored as critical are the challenges associated with implementation in the public system. These include either not renewing franchises and licenses, or possibly having to condemn private facilities in order to place them in public ownership. The hybrid system has relatively low risk.

## Legal Analysis

Additionally, the Metro Solid Waste & Recycling Department sought the comments of the Office of Metro Attorney in three areas: (1) limitations on the use of the proceeds from any sale of the solid waste transfer facilities that Metro owns; (2) issues related to Metro's contract with Waste Management for the disposal of solid waste if Metro chose to divest its solid waste transfer facility assets; and (3) issues related to changes in transfer station operations that might occur following the defeasance of the transfer station revenue bonds in 2009.

OMA provided its advice in a May 10, 2006 memorandum. Concerning limitations on the use of transfer station sale proceeds, OMA advised that under state law the proceeds of any sale of the transfer station facilities would also be limited to solid waste purposes. OMA further advised that the Metro Charter would likely be construed to require that any sale proceeds from the sale of an asset purchased with funds derived from rates subject to the Charter limitation must be applied either to reduce the costs of the services provided or be returned to the users of the service.

Concerning issues related to Metro's contract with Waste Management, OMA stated that with or without ownership of the transfer stations, Metro remains obligated under its contract with Waste Management to fulfill the terms of the agreement. Accordingly, if Metro chose to divest itself of its transfer stations, OMA advised that such an action by itself would not automatically divest Metro of its contractual obligations to Waste Management.

Regarding matters following bond defeasance, OMA advised that Metro would no longer be required to follow the bond covenant that Metro set rates raising revenues that equal 110 percent or more of the annual debt service of the bonds. In addition, Metro would no longer be limited as to the length of contracts that it could have for operation of the transfer station. Finally, once the transfer station bonds are retired, certain federal rules would no longer be applicable, and Metro would no longer have to limit the means of payment of the transfer station operator so that the variable portion of any payment does not exceed the fixed-payment portion.

## Stakeholder Communications

Stakeholders representing a wide range of parties that could be affected by changes to the solid waste disposal system were contacted to obtain their input. The groups contacted can be categorized as:

- **Private sector transfer station owners** - separate interviews were held with representatives of Allied Waste Systems, Pride Disposal, Waste Connections, and Waste Management.
- **Independent haulers** - a workshop was conducted with representatives of the following companies: Cloudburst Recycling, Deines Brothers Disposal, Flannery's Drop Box Service, Oak Grove Disposal, Portland Disposal and Recycling, West Slope Garbage Service; and a representative from the Oregon Refuse and Recycling Association.
- **Independent dry waste facility owners** – separate interviews were held with representatives of East County Recycling and Greenway Recycling.
- **Local government staff members** - a workshop was conducted with representatives from the following jurisdictions: Portland, Clark County, Troutdale, Milwaukie, Beaverton, Oregon DEQ, Gresham, Clackamas County, Washington County and Clackamas County. Separate interviews were also held with senior executives from Gilliam County and Oregon City.

- **Metro staff members** - a workshop was conducted with representatives from a number of Metro departments.
- **Customers at Metro transfer stations** – Intercept interviews were conducted with commercial customers (182 interviews) and a mail-in survey was provided to self-haul homeowner and business customers (341 responses).

These stakeholders expressed a wide range of views on their preferred ownership structure for the solid waste disposal system. While support for the existing ownership structure was the most prevalent view, support was expressed for each of the alternatives. The solid waste industry had widely varying views depending in large part on whether or not they owned a transfer facility and a landfill. For example:

- Companies that owned a disposal site and did not own the disposal contract with Metro generally favored a private system, since they appeared to anticipate that additional waste would flow to their landfills under the private ownership alternative.
- Independent haulers were of the unanimous opinion that public ownership was preferred for a number of reasons related to concerns about delivering waste to vertically integrated transfer station owners that are also their competitors in the collection business.
- Independent facility operators generally favored the current system and felt that independent operators have more incentive to recycle than facility owners that also own disposal facilities.
- Local government generally preferred either the hybrid or public alternatives and wanted to ensure that transfer station rates are transparent, that environmental standards are consistent, convenient transfer station access is provided for all, and that there would be continued focus on increased recycling/recovery and minimizing toxics.
- Metro staff generally preferred either the hybrid or public alternative.
- Metro customers were generally pleased with the service provided by Metro at its transfer stations.

## **Policy Issues**

The primary focus of the initial phase of DSP was to identify how different ownership structures would impact the provision of disposal services in the region. During the course of the study the Council and stakeholders identified a number of other policy issues related to the disposal system. The proposed resolution calls for the COO to conduct additional investigations of these policy issues and report back to the Council. These issues include:

- How can Metro foster more competition in the disposal system?
- What is the best way to ensure rate transparency and fairness?
- How can Metro maximize cost savings in its disposal contract?
- What opportunities are available to minimize the environmental impacts of waste transport?

Attached as Exhibit B to the resolution is a schematic representation of the work program that the Solid Waste and Recycling Department Staff proposes to more fully investigate these other policy issues that were raised during DSP. The chart in the exhibit provides a graphical representation of the tasks to be addressed and the general timeframes for completing the tasks. Key events in the future, such as renewal dates of facility franchises or licenses are also identified since these may provide opportunities to implement policy changes that result from completion of tasks.

Each of the questions noted above is addressed in one or more tasks shown in Exhibit B. For example, costs and opportunities for reducing the environmental impacts of transporting solid waste from transfer stations to a disposal site will be examined during the Transportation Options Study task of the category labeled "Waste Transportation Rebid." After a review with the Metro Council, the information from this study will be used to procure transportation services that best meet the policy direction received from Council. Other policy drivers will be addressed in a similar fashion.

### **ANALYSIS/INFORMATION**

1. **Known Opposition** - Some representatives of the solid waste industry may object to the findings of the system consultant's report and oppose continued Metro ownership of facilities.
2. **Legal Antecedents** - Metro Council Resolution No. 05-3601A, entitled: Authorizing Issuance of Request for Proposals 06-1154-SWR for Competitive Sealed Proposals to Provide Consulting Services regarding Disposal System Planning for Alternative Service Delivery.
3. **Anticipated Effects** - Metro staff will initiate planning activities to address policy issues identified by the council and move forward with procuring contracts necessary for continued functioning of the disposal system.
4. **Budget Impacts** - Expenditures of approximately \$227,000 were anticipated during preparation of the SW&R budget for DSP related activities during the 2006-07 fiscal year. Staff estimates that the work identified can be completed for the budgeted amount.

### **RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of Resolution No. 06-3729.

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BEFORE THE METRO CONTRACT REVIEW BOARD

AUTHORIZING THE EXECUTION OF CHANGE ) RESOLUTION NO. 06-3728  
ORDER NO. 32 TO CONTRACT NO. 900848 FOR )  
SOLID WASTE TRANSPORT SERVICES TO ) Introduced by Chief Operating Officer  
PROVIDE FOR REPLACEMENT SECURITY ) Michael J. Jordan, with the concurrence  
PROVISIONS AND TO MAKE OTHER ) of Council President David Bragdon  
AMENDMENTS )

WHEREAS, Metro's Solid Waste Transport Service Contractor, CSU Transport, Inc., has sought modification to the contract terms for security instruments and associated remedies for which provision is made in Change Order No. 30 to the Solid Waste Transport Agreement; and,

WHEREAS, as described in the accompanying staff report, such a modification provides Metro with sufficient and satisfactory protections under the Solid Waste Transport Agreement, and is otherwise in the public interest; now therefore,

BE IT RESOLVED that the Metro Council, sitting as the Metro Contract Review Board, authorizes the Chief Operating Officer to execute Change Order No. 32 to the Waste Transport Service contract, Contract No. 900848, in a form substantially similar to that set forth as the attached Exhibit "A."

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 2006.

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David Bragdon, Council President

Approved as to Form:

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Daniel B. Cooper, Metro Attorney



Resolution No. 06-3728  
Exhibit A and Staff report  
Available at the meeting