

**A G E N D A**

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**METRO**

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**MEETING: METRO POLICY ADVISORY COMMITTEE**

**DATE:** April 11, 2007

**DAY:** Wednesday, 5:00-7:30 p.m.

**PLACE:** Metro Council Chamber/Annex

**PLEASE NOTE EXTENDED MEETING TIME TO 7:30 PM**

NO	AGENDA ITEM	PRESENTER	ACTION	TIME
	CALL TO ORDER	Fuller		
1	SELF INTRODUCTIONS & COMMUNICATIONS	All		5 min.
2	CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS			2 min.
3	CONSENT AGENDA <ul style="list-style-type: none"><li>March 14, 2007</li></ul>	Fuller	Decision	3 min.
4	COUNCIL UPDATE	Harrington	Update	5 min.
5	JPACT UPDATE	Cotugno	Update	5 min.
6	LEGISLATIVE UPDATE <ul style="list-style-type: none"><li>Senate Bill 722 &amp; 891</li><li>(no roundtable due to time crunch)</li></ul>	Newman Hughes/Staff	Update	10 min.
7	MPAC PLANNING <ul style="list-style-type: none"><li>Bylaw Amendments</li></ul>	Norris	Action	15 min.
8	SOLID WASTE ENHANCED DRY WASTE RECOVERY (EDWRP)	Hoglund	Discussion	20 min.
9	REGIONAL TRANSPORTATION PLAN SOLICITATION CRITERIA (Phase 3)	Ellis	Presentation Discussion Action	85 min.

**UPCOMING MEETINGS:**

MPAC: April 25 & May 9, 2007

MPAC Coordinating Committee, Room 270: April 11 & May 9, 2007

For agenda and schedule information, call Kim Bardes at 503-797-1537. e-mail: bardes@metro.dst.or.us

MPAC normally meets the second and fourth Wednesday of the month.

To receive assistance per the Americans with Disabilities Act, call the number above, or Metro teletype 503-797-1804.

To check on closure or cancellations during inclement weather please call 503-797-1700.

# **Metro Policy Advisory Committee**

April 11, 2007

Item 3 – Consent Agenda Meeting Summary for  
March 14, 2007

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

March 14, 2007 – 5:00 p.m.

Metro Regional Center, Council Chambers

**Committee Members Present:** Jeff Cogen, Nathalie Darcy, Andy Duyck, Dave Fuller, Bernie Giusto, John Hartsock, Alice Norris, Martha Schrader, Erik Sten

**Committee Members Absent:** Ken Allen, Richard Burke, Larry Cooper, Rob Drake, Tom Hughes, Richard Kidd, Wilda Parks, Chris Smith, Steve Stuart, (Governing Body of School District –vacant)

**Alternates Present:** Shirley Craddick, Ed Gronke, Frank Groznik, Laura Hudson, Norm King, Lane Shetterly

**Also Present:** note: only three people signed-in  
Bob Clay, City of Portland; Danielle Cowan, City of Wilsonville; Kay Durtschi, MTAC

**Metro Elected Officials Present:** Liaisons – Brian Newman, Council District 2; Kathryn Harrington, Council District 4; Robert Liberty, Council District 6 Metro Councilors in audience: Rod Park, Council District 1; David Bragdon, Council President

**Metro Staff Present:** Andy Cotugno, Mike Hoglund, Marv Fjordbeck

**1. SELF-INTRODUCTIONS & COMMUNICATIONS**

Chair Mayor David Fuller, called the meeting to order at 5:03 p.m. Chair Fuller asked those present to introduce themselves. Chair Fuller announced that due to spring break, the March 28<sup>th</sup> meeting has been canceled.

**2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS**

There was none.

**3. CONSENT AGENDA**

Meeting Summary for February 28, 2007:

Motion:	Commissioner Andy Duyck, Washington County, with a second from Commissioner Jeff Cogen, Multnomah County, moved to adopt the consent agenda without revision.
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Vote:	The motion passed unanimously.
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**4. COUNCIL UPDATE**

Councilor Kathryn Harrington updated MPAC on recent Metro Council actions. Her talking points will be attached to the official record.

**5. JPACT UPDATE**

Andy Cotugno, Planning Director, reviewed the agenda and information distributed at the last JPACT meeting which was also placed at the back of the room for the members. That handout will be attached to

form part of the official record. He also provided copies of the updated New Look Regional Transportation Plan, Chapter 1 Regional Transportation Policy Framework, which will also be attached to form part of the official record. He urged the members to weigh-in on that material with their constituencies.

## **6. LEGISLATIVE UPDATE & ROUNDTABLE**

Councilor Brian Newman updated the members on the regional legislative package that the members had endorsed and then opened discussion up for the members regarding legislation that they may be pursuing on their own. He reported that house bill (HB) 2051 to provide a one-time extension of two years on Metro's Urban Growth Boundary (UGB) cycle had passed through the House Committee on Energy and the Environment, it was slated to go to the Senate next, where it will be paired up with senate bill (SB) 1011. He said that all the other legislation on the MPAC/Metro list was very much alive, but outcomes were unclear at this time. No one had anything to add or report.

## **7. MPAC PLANNING**

Chair Fuller explained that Mayor Norris would be giving a brief update and review of the material and then members would be invited to propose amendments. He announced that a vote on the final package would be scheduled for April 11<sup>th</sup>.

Mayor Alice Norris, City of Oregon City and MPAC Expectations/Role Subcommittee Chair, briefly reviewed the material that had been provided at the February 14<sup>th</sup> meeting and included in the packet material.

Commissioner Erik Sten, City of Portland, said that the City of Portland was supportive of keeping Council members as the MPAC representatives for their two positions, but also allowing the City of Portland Planning Director, Gil Kelley, to serve as their alternate.

Commissioner Andy Duyck, Washington County, asked why this privilege would be extended to the City of Portland but not to other jurisdictions.

Mayor Norris said that Portland Central City was the gorilla in the room and for them not to be present, which was a frequent occurrence last year, and not to weigh-in on discussion was detrimental to MPAC. She said it often could result in re-visiting topics in order to bring Portland up to speed. She said that Portland had two positions which already led to them being treated unusually.

Commissioner Duyck said that he understood and agreed that Portland needed to be in the room, but he said that was why he thought they had two positions in the first place – to make sure that one of them would always be there. He said they would now be extending additional privileges on top of that.

Councilor Shirley Craddick, City of Gresham, said that the City of Gresham wanted to express the same concern as Washington County had expressed. She wanted to know why all cities couldn't have the same ability to have staff represent them if the City of Portland did. She said that the City of Gresham wanted to see the Portland's elected officials attend the meetings instead of staff.

Mayor Norris asked for a motion on a possible amendment.

Motion #1:	Commissioner Andy Duyck, Washington County Commission, with a second from Councilor Shirley Craddick, City of Gresham, moved to strike the language from the newly proposed bylaws that would allow the City of Portland to appoint their Planning Director, Gil Kelley, to serve as their alternate and be able to vote in place of the elected members.
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Commissioner Sten said that the City of Portland had tried to maintain a presence at MPAC. He said that they had not themselves proposed this change, but they did think that it made sense and would allow MPAC to reach quorum more often. He said that he thought it would be helpful, but if it was offensive to the members then they wouldn't fall on their sword over it.

Mr. Bernie Giusto, TriMet Board, said that senior staff did not get him there in terms of that definition of the bylaws. He suggested that a letter allowing senior staff to vote in place of the elected officials each time they couldn't show up, or to set a specific staff person, would be preferable because if not, then they could have anybody show up to vote on any issue. He said that another consideration might be to have senior staff vote only in those instances when their presence would make a quorum.

Mayor Norris asked to make that a separate issue and not part of this particular amendment.

Commissioner Sten said that he thought the intention of the subcommittee was to improve the quality of the discussions at MPAC and therefore improve attendance. He said that when the City of Portland heard about this proposal they thought the intention was to have the two Portland elected officials as members, and the planning director be the alternate. He said that giving that planning director that ability might help MPAC discussions because he was very knowledgeable.

Mayor Norm King, City of West Linn, said that if Portland didn't feel it could get one of two council members to an MPAC meeting then perhaps they should drop to one voting member.

Councilor Frank Groznik, City of Lake Oswego, asked what the basis of the committee was. He said that his impression was that being an elected official was representative of the people and that was why the committee was set up that way. He said he liked Mr. Giusto's suggestion of fitting in the City of Portland Planning Director as the alternate when no one else could come. He was worried if they started allowing staff to fill in whenever, then it would soon become a technical advisory committee rather than a policy advisory committee.

Mr. Ed Gronke, Clackamas County Citizen Representative, said he was not sure he understood the amendment at this point.

Mayor Norris explained that the motion they were about to vote on would strike language that would allow Portland to have staff vote on MPAC.

Ms. Nathalie Darcy, Washington County Citizen Representative, said that she was not comfortable with an elected official turning over their vote to staff. She said that as a citizen she would like to see those that they elected actually making the vote.

Councilor Newman talked about Gil Kelley's service over the years. He said that based on how busy the City of Portland's elected officials were, Gil Kelley serving as an alternate to the City of Portland's two positions made sense.

Councilor Robert Liberty said that the quality of the discussion was as important as the vote.

Vote:	The motion failed: 7-6 <b>Aye:</b> Shirley Craddick, Nathalie Darcy, Andy Duyck, Frank Groznik, Norm King, Martha Schrader <b>Nay:</b> Jeff Cogen, Dave Fuller, Bernie Giusto, Ed Gronke, John Hartsock, Alice Norris, Erik Sten <b>Abstain:</b> none
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Therefore, the City of Portland will be allowed to appoint their Planning Director, Gil Kelley, as alternate for their positions on MPAC.

Commissioner Duyck asked if the same privilege would be allowed for the other jurisdictions such as Washington County?

Mr. Giusto moved to allow staff to replace a voting member only at a point where there was no quorum and that vote would then make up a quorum.

No one made a motion. Mr. Giusto withdrew that motion and then made a motion to retain the voting rights for TriMet.

Motion #2:	Bernie Giusto, TriMet Board of Directors, with a second from Commissioner Jeff Cogen, Multnomah County, moved to retain voting rights for TriMet at the MPAC table.
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Vote:	The motion passed: 12-1 <b>Aye:</b> Jeff Cogen, Shirley Craddick, Nathalie Darcy, Andy Duyck, Dave Fuller, Bernie Giusto, Ed Gronke, Frank Groznik, John Hartsock, Alice Norris, Martha Schrader, Erik Sten <b>Nay:</b> Norm King <b>Abstain:</b> none
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There was discussion about why Metro and MPAC were looking at changing the bylaws and focusing on the MPAC agenda for the whole year. Chair Fuller and Councilor Harrington reviewed why they were taking a look at this information and what they hoped to achieve by doing this.

There was also discussion about bringing an agenda item to a meeting and voting on it at the same meeting. John Hartsock, Clackamas County Special Districts, said that he hoped they wouldn't get away from having it introduced at one meeting and then voted on at another meeting. He said that every time it had been tried there had been an outcry over it.

## 8. SOLID WASTE MATERIAL RECOVERY FACILITY STANDARDS

Councilor Harrington introduced the topic for the members as outlined in the MPAC cover sheet in the packet. She particularly explained the purpose and the outcome that Metro's Solid Waste Department wanted from the presentation.

Mike Hoglund, Solid Waste and Recycling Director, reviewed the highlights of the material included in the packet. He asked the members for feedback on the issue. He said that it was fine if there was a

diversity of comments, staff would sift through those and then Solid Waste would present procedures to the Chief Operating Officer (COO) and report back to the Council on what they heard and how they planned to proceed.

Mr. Giusto asked who would bare the additional costs.

Mr. Hoglund said that any time there were requirements in the system there would be additional costs and those would be passed through to the rate bearer. He said that Solid Waste would be coming back to MPAC to talk about another dry waste program that would recycle more and have a larger impact on the rates. He said that under this system they did not anticipate a large rate increase.

Commissioner Duyck wanted to say for the record that for facility standards he thought that they were on the right track. He said that for the most part, and in concept, he also agreed that it was a regional issue and that it should be handled just the way he was doing it (not withstanding the Lakeside issue).

Most of the comments from the members were positive about what the Solid Waste department was doing. Mr. Hoglund said that Metro wanted to be sure everyone was comfortable with the direction that this effort was taking.

Councilor Harrington asked the members to give feedback on whether these questions and the topic were useful. She said that Metro wanted to do a better job with what came before MPAC as they moved forward.

There being no further business, Chair Fuller adjourned the meeting at 6:24 p.m.

Respectfully submitted,

Kim Bardes  
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR MARCH 14, 2007

The following have been included as part of the official public record:

<b>AGENDA ITEM</b>	<b>DOCUMENT DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DOCUMENT NO.</b>
<b>#5 JPACT</b>	3/1/07	Agenda and packet material for March 1 <sup>st</sup> JPACT meeting on MTIP	031407-MPAC-01
<b>#5 JPACT</b>	3/1/07	New Look: Chapter 1 Regional Transportation Policy Framework packet	031407-MPAC-02
<b>#7 MPAC Planning</b>	3/13/07	Updated MPAC Bylaws – corrected version where Article III, Committee Membership, Section 1a had a spelling error and is now corrected	031407-MPAC-03
<b>#7 MPAC Planning</b>	2/21/07	Handout: Letter from TriMet, Bernie Giusto re: voting rights retention for TriMet	031407-MPAC-04
<b>#7 MPAC Planning</b>	3/12/07	Email: from Bob Clay, City of Portland, to Kim Bardes re: Metro waste related final document and Letter to Council President Bragdon and Councilors re: Metro Code Changes to address Material Recovery Facilities (MRFs) and Reloads from Gil Kelley	031407-MPAC-05
<b>#7 MPAC Planning</b>	3/13/07	Letter to Mayor David Fuller, MPAC Chair from Rob Drake, Mayor of Beaverton, re: Item No. 7 on March 14 Meeting Agenda expressing concern over proposed amendment to Section 2a of Article III of MPAC Bylaws in support of TriMet retaining voting rights and his preference not to have staff represent the City of Portland	031407-MPAC-06
<b>#4 Council Update</b>	4/14/07	MPAC Council Update talking points from Kathryn Harrington	031407-MPAC-07



# **Metro Policy Advisory Committee**

April 11, 2007  
Item 6 – Legislative Update

# Senate Bill 722

Sponsored by Senator STARR, Representatives D EDWARDS, RILEY

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies standard for review by metropolitan service district of comprehensive plans and land use regulations of cities and counties within district to determine whether comprehensive plans and land use regulations substantially comply with regional framework plan and functional plans. Establishes requirements for enforcement process. Authorizes imposition by district of enforcement remedies.

## A BILL FOR AN ACT

1  
2 Relating to land use planning within metropolitan service district; creating new provisions; and  
3 amending ORS 197.319, 197.320 and 268.390.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 268.390 is amended to read:

6 268.390. (1) A district may define and apply a planning procedure *[which]* **that** identifies and  
7 designates areas and activities having significant impact upon the orderly and responsible develop-  
8 ment of the metropolitan area, including, but not limited to, impact on:

9 (a) Air quality;

10 (b) Water quality; and

11 (c) Transportation.

12 (2) A district may prepare and adopt functional plans for those areas designated under sub-  
13 section (1) of this section to control metropolitan area impact on air and water quality, transporta-  
14 tion and other aspects of metropolitan area development the district may identify.

15 (3) A district shall adopt an urban growth boundary for the district in compliance with appli-  
16 cable goals adopted under ORS chapters 195, 196 and 197.

17 (4) A district may review the comprehensive plans *[in effect on January 1, 1979, or*  
18 *subsequently]* adopted by the cities and counties within the district *[which]* **that** affect areas desig-  
19 nated by the district under subsection (1) of this section or the urban growth boundary adopted  
20 under subsection (3) of this section and recommend or require cities and counties, as it considers  
21 necessary, to make changes in any plan to *[assure]* **ensure** that the plan and any actions taken un-  
22 der *[it conform to]* **the plan substantially comply with** the district's functional plans adopted under  
23 subsection (2) of this section and its urban growth boundary adopted under subsection (3) of this  
24 section.

25 (5) Pursuant to a regional framework plan, a district may adopt implementing ordinances that:

26 (a) Require local comprehensive plans and implementing regulations to **substantially** comply  
27 with the regional framework plan within two years after compliance acknowledgment.

28 (b) Require adjudication and determination by the district of the consistency of local compre-  
29 hensive plans with the regional framework plan.

30 (c) Require each city and county within the jurisdiction of the district and making land use de-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 cisions concerning lands within the land use jurisdiction of the district to make those decisions  
 2 consistent with the regional framework plan. The obligation to apply the regional framework plan  
 3 to land use decisions shall not begin until one year after the regional framework plan is acknowl-  
 4 edged as complying with the statewide planning goals adopted under ORS chapters 195, 196 and 197.

5 (d) Require changes in local land use standards and procedures if the district determines that  
 6 changes are necessary to remedy a pattern or practice of decision-making inconsistent with the re-  
 7 gional framework plan.

8 **(6) A process established by the district to enforce the requirements of this section must**  
 9 **provide:**

10 (a) **Notice of noncompliance to the city or county.**

11 (b) **Opportunity for the city or county to be heard.**

12 (c) **Entry of an order by the district explaining its findings, conclusions and enforcement**  
 13 **remedies, if any.**

14 **(7) Enforcement remedies ordered under subsection (6) of this section may include, but**  
 15 **are not limited to:**

16 (a) **Direct application of specified requirements of functional plans to land use decisions**  
 17 **by the city or county;**

18 (b) **Withholding by the district of discretionary funds from the city or county; and**

19 (c) **Requesting an enforcement action pursuant to ORS 197.319 to 197.335 and withholding**  
 20 **moneys pursuant to an enforcement order resulting from the enforcement action.**

21 **(8) An order issued under subsection (6) of this section:**

22 (a) **Must provide for relief from enforcement remedies upon action by the city or county**  
 23 **that brings the comprehensive plan and implementing regulations into substantial compli-**  
 24 **ance with the requirement.**

25 (b) **Is subject to review under ORS 197.830 to 197.845 as a land use decision.**

26 [(6)] **(9) The regional framework plan, ordinances that implement the regional framework plan**  
 27 **and any determination by the district of consistency with the regional framework plan are subject**  
 28 **to review under ORS 197.274.**

29 **SECTION 2.** ORS 197.319 is amended to read:

30 197.319. (1) Before a person may request adoption of an enforcement order under ORS 197.320,  
 31 the person shall:

32 (a) Present the reasons, in writing, for such an order to the affected local government; and

33 (b) Request:

34 (A) Revisions to the local comprehensive plan, land use regulations, special district cooperative  
 35 or urban service agreement or decision-making process which is the basis for the order; or

36 (B) That an action be taken regarding the local comprehensive plan, land use regulations, spe-  
 37 cial district agreement or decision-making process that is the basis for the order.

38 (2)(a) The local government or special district shall issue a written response to the request  
 39 within 60 days of the date the request is mailed to the local government or special district.

40 (b) The requestor and the local government or special district may enter into mediation to re-  
 41 solve issues in the request. The Department of Land Conservation and Development shall provide  
 42 mediation services when jointly requested by the local government or special district and the  
 43 requestor.

44 (c) If the local government or special district does not act in a manner which the requestor  
 45 believes is adequate to address the issues raised in the request within the time period provided in

1 paragraph (a) of this subsection, a petition may be presented to the Land Conservation and Development Commission under ORS 197.324.

3 **(3) A metropolitan service district may request an enforcement order under ORS 197.320**  
 4 **(12) without first complying with subsections (1) and (2) of this section.**

5 **SECTION 3.** ORS 197.320 is amended to read:

6 197.320. The Land Conservation and Development Commission shall issue an order requiring a  
 7 local government, state agency or special district to take action necessary to bring its comprehensive  
 8 plan, land use regulation, limited land use decisions or other land use decisions into compliance  
 9 with the goals, acknowledged comprehensive plan provisions or land use regulations if the commission  
 10 has good cause to believe:

11 (1) A comprehensive plan or land use regulation adopted by a local government not on a compliance  
 12 schedule is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for  
 13 such compliance;

14 (2) A plan, program, rule or regulation affecting land use adopted by a state agency or special  
 15 district is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for such  
 16 compliance;

17 (3) A local government is not making satisfactory progress toward performance of its compliance  
 18 schedule;

19 (4) A state agency is not making satisfactory progress in carrying out its coordination agreement or the  
 20 requirements of ORS 197.180;

21 (5) A local government has no comprehensive plan or land use regulation and is not on a compliance  
 22 schedule directed to developing the plan or regulation;

23 (6) A local government has engaged in a pattern or practice of decision making that violates  
 24 an acknowledged comprehensive plan or land use regulation. In making its determination under this  
 25 subsection, the commission shall determine whether there is evidence in the record to support the  
 26 decisions made. The commission shall not judge the issue solely upon adequacy of the findings in  
 27 support of the decisions;

28 (7) A local government has failed to comply with a commission order entered under ORS 197.644;

29 (8) A special district has engaged in a pattern or practice of decision-making that violates an  
 30 acknowledged comprehensive plan or cooperative agreement adopted pursuant to ORS 197.020;

31 (9) A special district is not making satisfactory progress toward performance of its obligations  
 32 under ORS chapters 195 and 197;

33 (10) A local government is applying approval standards, special conditions on approval of specific  
 34 development proposals or procedures for approval that do not comply with ORS 197.307 (6); or

35 (11) A local government is not making satisfactory progress toward meeting its obligations under  
 36 ORS 195.065.

37 **(12) A local government within the jurisdiction of a metropolitan service district has**  
 38 **failed to make changes to the comprehensive plan or land use regulations to comply with the**  
 39 **regional framework plan of the district or has engaged in a pattern or practice of decision-**  
 40 **making that violates a requirement of the regional framework plan.**

41 **SECTION 4.** The amendments to ORS 197.319, 197.320 and 268.390 by sections 1 to 3 of this  
 42 **2007 Act apply to a regional framework plan and functional plans of a metropolitan service**  
 43 **district that are in effect on the effective date of this 2007 Act and to changes in the regional**  
 44 **framework plan or functional plans that take effect on or after the effective date of this 2007**  
 45 **Act.**

# Senate Bill 891

Sponsored by Senator MONROE

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows local government to attach discretionary approval standards or special conditions regulating appearance or aesthetics to residential development with density of 18 or more dwelling units per acre located within metropolitan service district.

## A BILL FOR AN ACT

1  
2 Relating to discretionary design review of high density housing; amending ORS 197.307.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 197.307 is amended to read:

5 197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for  
6 persons of lower, middle and fixed income, including housing for farmworkers, is a matter of state-  
7 wide concern.

8 (2) Many persons of lower, middle and fixed income depend on government assisted housing as  
9 a source of affordable, decent, safe and sanitary housing.

10 (3)(a) When a need has been shown for housing within an urban growth boundary at particular  
11 price ranges and rent levels, needed housing, including housing for farmworkers, shall be permitted  
12 in one or more zoning districts or in zones described by some comprehensive plans as overlay zones  
13 with sufficient buildable land to satisfy that need.

14 (b) A local government [*shall*] **may** attach only clear and objective approval standards or special  
15 conditions regulating, in whole or in part, appearance or aesthetics to an application for develop-  
16 ment of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential devel-  
17 opment. The standards or conditions may not be attached in a manner that will deny the application  
18 or reduce the proposed housing density provided the proposed density is otherwise allowed in the  
19 zone.

20 [*(c) The provisions of paragraph (b) of this subsection do not apply to an application or permit for*  
21 *residential development in an area identified in a formally adopted central city plan, or a regional*  
22 *center as defined by Metro, in a city with a population of 500,000 or more.*]

23 **(c) Notwithstanding paragraph (b) of this subsection, a local government may attach**  
24 **discretionary approval of standards or special conditions regulating, in whole or in part, ap-**  
25 **pearance or aesthetics to an application for development of needed housing or to a permit,**  
26 **as defined in ORS 215.402 and 227.160, for residential development if:**

27 **(A) The proposed residential development will be at a density of 18 or more dwelling units**  
28 **per acre;**

29 **(B) The property is located within the jurisdictional boundaries of a metropolitan service**  
30 **district organized under ORS chapter 268 that has an adopted metro regional framework plan**  
31 **as defined in ORS 197.015; and**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1       **(C) The property is within an area designated by the metro regional framework plan as**  
2 **a central city, regional town center, town center, main street or light rail station community**  
3 **or corridor. The discretionary approval standards or special conditions may not be attached**  
4 **in a manner that will deny the application or reduce the density of the proposed residential**  
5 **development, provided that the proposed density is otherwise allowed in the zone.**

6       (d) In addition to an approval process based on clear and objective standards as provided in  
7 paragraph (b) of this subsection, a local government may adopt an alternative approval process for  
8 residential applications and permits based on approval criteria that are not clear and objective  
9 provided the applicant retains the option of proceeding under the clear and objective standards or  
10 the alternative process and the approval criteria for the alternative process comply with all appli-  
11 cable land use planning goals and rules.

12       (e) The provisions of this subsection shall not apply to applications or permits for residential  
13 development in historic areas designated for protection under a land use planning goal protecting  
14 historic areas.

15       (4) Subsection (3) of this section shall not be construed as an infringement on a local govern-  
16 ment's prerogative to:

17       (a) Set approval standards under which a particular housing type is permitted outright;

18       (b) Impose special conditions upon approval of a specific development proposal; or

19       (c) Establish approval procedures.

20       (5) A jurisdiction may adopt any or all of the following placement standards, or any less re-  
21 strictive standard, for the approval of manufactured homes located outside mobile home parks:

22       (a) The manufactured home shall be multisectional and enclose a space of not less than 1,000  
23 square feet.

24       (b) The manufactured home shall be placed on an excavated and back-filled foundation and en-  
25 closed at the perimeter such that the manufactured home is located not more than 12 inches above  
26 grade.

27       (c) The manufactured home shall have a pitched roof, except that no standard shall require a  
28 slope of greater than a nominal three feet in height for each 12 feet in width.

29       (d) The manufactured home shall have exterior siding and roofing which in color, material and  
30 appearance is similar to the exterior siding and roofing material commonly used on residential  
31 dwellings within the community or which is comparable to the predominant materials used on sur-  
32 rounding dwellings as determined by the local permit approval authority.

33       (e) The manufactured home shall be certified by the manufacturer to have an exterior thermal  
34 envelope meeting performance standards which reduce levels equivalent to the performance stan-  
35 dards required of single-family dwellings constructed under the state building code as defined in ORS  
36 455.010.

37       (f) The manufactured home shall have a garage or carport constructed of like materials. A ju-  
38 risdiction may require an attached or detached garage in lieu of a carport where such is consistent  
39 with the predominant construction of immediately surrounding dwellings.

40       (g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may  
41 subject a manufactured home and the lot upon which it is sited to any development standard, ar-  
42 chitectural requirement and minimum size requirement to which a conventional single-family resi-  
43 dential dwelling on the same lot would be subject.

44       (6) Any approval standards, special conditions and the procedures for approval adopted by a  
45 local government shall be clear and objective and may not have the effect, either in themselves or

1 cumulatively, of discouraging needed housing through unreasonable cost or delay.

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# **Metro Policy Advisory Committee**

April 11, 2007

Item 8 – Solid Waste Enhanced Dry Waste Recovery (EDWRP)



## MPAC Agenda Information

**Agenda Item Title:** Enhanced Dry Waste Recovery Program (EDWRP)

**Presenter:** Mike Hoglund (Metro)

**Council Liaison Sponsor:** Councilor Harrington

**MPAC Meeting Date:** April 11, 2007

**Purpose/Objective:**

Seek support for the Enhanced Dry Waste Recovery Program (EDWRP); ensure understanding of its effects within the region and at the local community level.

**Action Requested/Outcome:**

*Question: West side landfills dispose of highly recyclable material from the building industry, which limits regional progress toward our recycling goal. How should this be addressed?*

Achieving the state-mandated waste reduction goal for the region requires new programs targeting commercially-generated waste. Recycling more mixed dry waste from the building industry is key to the region's ability to reach the required goal.

Many building industry waste generators on the west side have easy access to two dry waste landfills that dispose of mixed dry waste loads, without any material recovery. Other dry waste generators in the region use material recovery facilities that separate recyclable material from the waste.

**Background and context:**

The region has a 64% state-mandated waste reduction goal to achieve by 2009. New programs, particularly those targeting the commercial sector, must be implemented to succeed. A region-wide system to ensure more waste from the building industry is reused or recovered is a key part of efforts to achieve the 2009 goal.\*

Building industry waste or "dry waste" consists primarily of six types of material: wood, metal, corrugated cardboard, concrete, drywall and roofing. On a typical construction or demolition project, over 90% of the waste materials generated are reusable or recoverable with current technology and markets.

In 2003, a public/private stakeholder study group examined options for increasing recovery from this sector and recommended that Metro should require processing of all dry waste loads before landfilling.

After receiving the study group's recommendation, Metro Council directed staff to develop such a program. Staff convened additional work groups comprised of local governments, businesses, construction industry representatives, haulers, dry waste recovery facilities and landfill operators to discuss and provide comment on the details of a proposal that has become known as the Enhanced Dry Waste Recovery Program or "EDWRP."

By requiring all dry waste generated in the region to be processed for material recovery prior to landfill disposal, the region would increase recovery of wood, cardboard and metal from mixed

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\* Other areas of large material recovery increases needed: business (125,000 tons) and commercial organics (34,000 tons).

dry loads by at least 33,000 tons per year and establish a level playing field throughout the region in terms of material recovery standards and gate fees charged for mixed dry waste.

Metro Council will consider an ordinance to implement required processing of dry waste for material recovery prior to disposal. (See additional information in agenda packet.)

**What has changed since MPAC last considered this issue/item?**

This item is being presented to MPAC for the first time. At the March 14<sup>th</sup> meeting a related item, material recovery facility standards, was discussed.

**What is the timeline for further consideration of his agenda item (e.g., MTAC, MPAC, Council)?**

SWAC recommendation on EDWRP	March 22, 2007
Metro Council first reading of EDWRP	April 26, 2007
Metro Council consideration of EDWRP	May 3, 2007
Full implementation of EDWRP	January 1, 2009*

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\* Benchmark year for achieving the region's 64% waste reduction goal. Current waste reduction rate is 59%.

BEFORE THE METRO COUNCIL

AMENDING METRO CODE CHAPTERS	)	ORDINANCE NO. 07-1147
5.01, 5.02, 5.05, AND 7.01 TO ENSURE	)	
THAT ALL OF THE REGION’S NON-	)	Introduced by Michael Jordan, Chief
PUTRESCIBLE WASTE UNDERGOES	)	Operating Officer, with the concurrence of
MATERIAL RECOVERY PRIOR TO	)	David Bragdon, Council President
DISPOSAL, TO ELIMINATE THE	)	
REGIONAL SYSTEM FEE AND EXCISE	)	
TAX CREDIT PROGRAM, AND TO MAKE	)	
RELATED CHANGES	)	

WHEREAS, Metro is accountable for meeting the state-mandated 2009 waste reduction goal for the tri-county region, and the recovery of additional “dry waste” material generated by the building industry is a key component of reaching the 64% goal; and

WHEREAS, dry waste consists primarily of wood, metal, corrugated cardboard, concrete, drywall and roofing; and

WHEREAS, over 90% of this material is reusable or recoverable with current technology and markets; and

WHEREAS, a minimum of 33,000 additional tons of dry waste per year could be recovered by a regional program to require the processing of all dry waste before disposal; and

WHEREAS, such a program was recommended by a stakeholder group in 2003 as the option most likely to help the region attain its recovery goal for the building industry sector; and

WHEREAS, this recommendation was subsequently incorporated in the region’s interim waste reduction plan approved by Council in 2006; and

WHEREAS, in order to divert recoverable resources from landfill disposal Metro will require all dry waste generated in the Metro region to undergo processing for material recovery prior to disposal, and

WHEREAS, the Chief Operating Officer recommends approval of this ordinance; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

**SECTION 1.** Metro Code section 5.01.010 is amended as follows:

5.01.010 Definitions

For the purposes of this chapter unless the context requires otherwise the following terms shall have the meaning indicated:

(a) "Activity" means a primary operation or function that is performed in a Solid Waste Facility or at a Disposal Site, including but not limited to Resource Recovery, Composting, Energy Recovery, and other types of Processing; Recycling; Transfer; incineration; and disposal of Solid Waste; but excluding operations or functions such as Segregation that serve to support the primary Activity.

(b) "Agronomic application rate" has the meaning provided in OAR 340-093-0030(4).

(c) "Chief Operating Officer" means the Metro Chief Operating Officer or the Chief Operating Officer's designee.

(d) "Cleanup Material Contaminated By Hazardous Substances" means solid waste resulting from the cleanup of releases of hazardous substances into the environment, including petroleum contaminated soils and sandbags from chemical spills. Cleanup Material Contaminated By Hazardous Substances does not mean solid waste generated by manufacturing or industrial processes.

(e) "Closure" means the restoration of a Solid Waste Facility or a Disposal Site to its condition prior to the commencement of licensed or franchised Solid Waste activities at the site. Closure includes, but is not limited to, the removal of all accumulations of Solid Waste and Recyclable Materials from the site.

(f) "Code" means the Metro Code.

(g) "Compost" means the stabilized product of composting.

(h) "Composting" means the controlled biological decomposition of organic material.

(i) "Composting Facility" means a site or facility which utilizes organic material to produce a useful product through the process of composting.

(j) "Council" means the Metro Council.

(k) "DEQ" means the Department of Environmental Quality of the State of Oregon.

(l) "Direct haul" means the delivery of Putrescible Waste from a Solid Waste Facility directly to Metro's contract operator for disposal of Putrescible Waste. Direct Haul is an Activity under this chapter.

(m) "Disposal site" means the land and facilities used for the disposal of Solid Wastes whether or not open to the public, but does not include transfer stations or processing facilities.

(n) "District" has the same meaning as in Code Section 1.01.040.

(o) "Energy recovery" means a type of Resource Recovery that is limited to methods in which all or a part of Solid Waste materials are processed to use the heat content, or other forms of energy, of or from the material.

(p) "Franchise" means the grant of authority or privilege given by the Council to operate a Disposal Site, Transfer Station, or an Energy Recovery facility, or to conduct any activity specified in Section 5.01.045(b) of this chapter.

(q) "Franchisee" means the person to whom a Franchise is granted by the Council under this chapter.

(r) "Franchise fee" means the fee charged by Metro to the Franchisee for the administration of the Franchise.

(s) "Hazardous waste" has the meaning provided in ORS 466.005.

(t) "Household hazardous waste" means any discarded, useless or unwanted chemical, material, substance or product that is or may be hazardous or toxic to the public or the environment and is commonly used in or around households and is generated by the household. "Household hazardous waste" may include but is not limited to some cleaners, solvents, pesticides, and automotive and paint products.

(u) "Inert" means containing only constituents that are biologically and chemically inactive and that, when exposed to biodegradation and/or leaching, will not adversely impact the waters of the state or public health.

(v) "License" means the permission given by the Council or Chief Operating Officer to operate a Solid Waste Facility not exempted or requiring a Franchise under this chapter that Transfers, and Processes Solid Waste, and may perform other authorized Activities.

(w) "Licensee" means the person to whom a License is granted by the Council or Chief Operating Officer under this chapter.

(x) "Local Transfer Station" means a Transfer Station that serves the demand for disposal of Putrescible Waste that is generated within a single Service Area, and may provide fewer disposal services than are provided by a Regional Transfer Station.

(y) "Material recovery" means a type of Resource Recovery that is limited to mechanical methods of obtaining from Solid Waste materials which still have useful physical or chemical properties and can be reused, recycled, or composted for some purpose. Material Recovery includes obtaining from Solid Waste materials used in the preparation of fuel, but excludes the extraction of heat content or other forms of energy from the material.

(z) "Metro Designated Facility" means a facility in the system of transfer stations, Metro Franchised facilities and landfills authorized under Chapter 5.05 of this Title to accept waste generated in the area within the jurisdiction of Metro.

(aa) "Non-putrescible waste" means any Waste that contains no more than trivial amounts of Putrescible materials or minor amounts of Putrescible materials contained in such a way that they can be easily separated from the remainder of the load without causing contamination of the load. This category includes construction waste, and demolition waste debris, and land clearing debris; but excludes Cleanup Materials Contaminated by Hazardous Substances, ~~and SS~~ Source-Separated Recyclable Material, ~~whether or not sorted into individual material categories by the generator~~ special waste, land clearing debris and yard debris.

(bb) "Person" has the same meaning as in Code Section 1.01.040.

(cc) "Petroleum contaminated soil" means soil into which hydrocarbons, including gasoline, diesel fuel, bunker oil or other petroleum products have been released. Soil that is contaminated with petroleum products but also contaminated with a hazardous waste as defined in ORS 466.005, or a radioactive waste as defined in ORS 469.300, is not included in the term.

(dd) "Process," "Processing" or "Processed" means a method or system of altering the form, condition or content of Wastes, including but not limited to composting, vermiprocessing and other controlled methods of biological decomposition; classifying; separating; shredding, milling, pulverizing, or hydropulping; but excluding incineration or mechanical volume reduction techniques such as baling and compaction.

(ee) "Processing facility" means a place or piece of equipment where or by which Solid Wastes are processed. This definition does not include commercial and home garbage disposal units, which are used to process food wastes and are part of the sewage system, hospital incinerators, crematoriums, paper shredders in commercial establishments, or equipment used by a recycling drop center.

(ff) "Processing residual" means the Solid Waste destined for disposal which remains after Resource Recovery has taken place.

(gg) "Putrescible" means rapidly decomposable by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

(hh) "Putrescible waste" means Waste containing Putrescible material.

(ii) "Rate" means the amount approved by Metro and charged by the Franchisee, excluding the Regional System Fee as established in Chapter 5.02 of this Title and franchise fee.

(jj) "Recyclable material" means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and that can be reused, recycled, or composted for the same or other purpose(s).

(kk) "Recycle" or "Recycling" means any process by which Waste materials are transformed into new products in such a manner that the original products may lose their identity.

(ll) "Recycling drop center" means a facility that receives and temporarily stores multiple source separated recyclable materials, including but not limited to glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil, which materials will be transported or sold to third parties for reuse or resale.

(mm) "Regional Solid Waste Management Plan" means the Regional Solid Waste Management Plan adopted as a functional plan by Council and approved by DEQ.

(nn) "Regional Transfer Station" means a Transfer Station that may serve the disposal needs of more than one Service Area and is required to accept solid waste from any person who delivers authorized solid waste to the Regional Transfer Station.

(oo) "Reload" or "Reload facility" means a facility that performs only Transfer and delivers all solid waste received at the facility to by means of a fixed or mobile facilities including but not limited to drop boxes and gondola cars, but excluding solid waste collection vehicles, normally used as an adjunct of a solid waste collection and disposal system, between a collection route and another Solid Waste facility or a disposal site after it receives such solid waste, generally within 24 hours of receipt.

(pp) "Resource recovery " means a process by which useful material or energy resources are obtained from Solid Waste.

(qq) "Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

(rr) "Segregation" means the removal of prohibited wastes, unauthorized wastes, bulky material (such as but not limited to white goods and metals) incidental to the Transfer of Solid Waste. Segregation does not include Resource Recovery or other Processing of Solid Waste. The sole intent of segregation is not to separate Useful Material from the Solid Waste but to remove prohibited, unauthorized waste or bulky materials that could be hard to handle by either the facility personnel or operation equipment.

(ss) "Service Area" means the geographic locale around a solid waste facility that is defined by the characteristic that every point within such area is closer in distance to the solid waste facility contained in such area than to any other solid waste facility or disposal site. As used in this definition, "distance" shall be measured over improved roads in public rights-of-way.

(tt) "Solid waste" means all Putrescible and Non-Putrescible Wastes, including without limitation, garbage, rubbish, refuse, ashes, waste paper and cardboard; discarded or abandoned vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; discarded home and industrial

appliances; asphalt, broken concrete and bricks; manure, vegetable or animal solid and semi-Solid Wastes, dead animals; infectious waste as defined in ORS 459.386; ~~petroleum contaminated soils~~ and other such wastes, including without limitation, cleanup materials contaminated with hazardous substances, commingled recyclable material, petroleum contaminated soil, special waste, source-separated recyclable material, land clearing debris and yard debris; but the term does not include:

- (1) Hazardous wastes as defined in ORS 466.005;
- (2) Radioactive wastes as defined in ORS 469.300;
- (3) Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic application rates; or
- (4) Explosives.

(uu) "Solid waste facility" means the land and buildings at which Solid Waste is received for Transfer, Resource Recovery, and/or Processing but excludes disposal.

(vv) "Source Separate" or "Source Separated" or "Source Separation" means that the person who last uses recyclable material separates the recyclable material from Solid Waste.

(ww) "Source-separated recyclable material" or "Source-separated recyclables" means ~~material- solid waste~~ that has been Source Separated by the waste generator for the purpose of Reuse, Recycling, or Composting. This term includes (1) all homogenous loads of Recyclable Materials that are has been Source Separated by material type for the purpose of recycling (i.e., source-sorted) and (2) Residential and commercial commingled Recyclable Materials, which includes only those recyclable material types that the local jurisdiction, where the materials were collected, permits to be mixed together in a single container as part of its residential curbside recyclable material collection program. This term does not include any other commingled recyclable materials. that are mixed together in one container (i.e., commingled).

(xx) "Special waste" means any waste (even though it may be part of a delivered load of waste) which one or more of the following categories describes:

- 1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 through 9 and 11 of this definition below.
- (2) Waste transported in a bulk tanker.
- (3) Liquid waste including outdated, off spec liquid food waste or liquids of any type when the quantity and the load would fail the paint filter liquid



(Method 9095, SW-846) test or includes 25 or more gallons of free liquid per load, whichever is more restrictive.

(4) Containers (or drums) which once held commercial products or chemicals, unless the containers (or drums) are empty. A container is empty when:

(A) All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating.

(B) One end has been removed (for containers in excess of 25 gallons); and

(i) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or

(ii) No more than 1 percent by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or

(iii) No more than 0.3 percent by weight of the total capacity of the container remains in the container for containers larger than 110 gallons.

(C) Containers that once held acutely hazardous wastes must be triple-rinsed with an appropriate solvent or cleaned by an equivalent alternative method. Containers that once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to label instructions or triple-rinsed with an appropriate solvent or cleaned by an equivalent method. Plastic containers larger than five gallons that hold any regulated waste must be cut in half or punctured, and be dry and free of contamination to be accepted as refuse.

(5) Sludge waste from septic tanks, food service, grease traps, or wastewater from commercial laundries, Laundromats or car washes.

(6) Waste from an industrial process.

(7) Waste from a pollution control process.

(8) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in 1 through 7 or 9 of this definition.

(9) Soil, water, residue, debris, or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage,

treatment, recycling, reclamation, or disposal of wastes listed in 1 through 8 of this definition.

(10) Chemical-containing equipment removed from service (for example: filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks, refrigeration units, or any other chemical containing equipment).

(11) Waste in waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4, but not empty containers so marked.

(12) Any waste that requires extraordinary management or special handling.

Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by-products.

(13) Radioactive waste.

(14) Medical waste.

(~~xx~~yy) “Transfer” means the Activity of receiving Solid Waste for purposes of transferring the Solid Waste from one vehicle or container to another vehicle or container for transport. Transfer may include segregation, temporary storage, consolidation of Solid Waste from more than one vehicle, and compaction, but does not include Resource Recovery or other Processing of Solid Waste.

(yyzz) "Transfer station" means a Solid Waste Facility whose primary Activities include, but are not limited to, the Transfer of Solid Waste.

(zzaaa) “Useful material” means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and which, when separated from Solid Waste, is suitable for use in the same or other purpose(s). Types of Useful Materials are: material that can be Reused; Recyclable Material; organic material(s) suitable for controlled biological decomposition such as for making Compost; material used in the preparation of fuel; material intended to be used, and which is in fact used, for construction or land reclamation such as Inert material for fill; and material intended to be used, and which is in fact used, productively in the operation of landfills such as roadbeds or alternative daily cover. For purposes of this Code, Cleanup Material Contaminated By Hazardous Substances are not Useful Materials.

(aaabb) “Vermiprocessing” means a controlled method or system of biological Processing that utilizes worms to consume and digest organic materials, and that produces worm castings for productive uses.

(bbbccc) "Waste" means any material considered to be useless, unwanted or discarded by the person who last used the material for its intended and original purpose.

(eeeddd) "Waste hauler" means any person who is franchised, licensed or permitted by a local government unit pursuant to state law to collect and haul Solid Waste.

(dddccc) "Yard debris" means vegetative and woody material generated from residential property or from commercial landscaping activities. "Yard debris" includes landscape waste, grass clippings, leaves, hedge trimmings, stumps and other vegetative waste having similar properties, but does not include demolition debris, painted or treated wood.

(eeefff) "Yard debris facility" means a yard debris processing facility or a yard debris reload facility.

(fffggg) "Yard debris reload facility" means an operation or facility that receives yard debris for temporary storage, awaiting transport to a processing facility.

**SECTION 2.** Metro Code section 5.01.040 is amended as follows:

5.01.040 Exemptions

(a) In furtherance of the purposes set forth in this chapter, except as provided in Sections 5.01.040(b) through (d) below, the Metro Council declares the provisions of this chapter shall not apply to:

- (1) Municipal or industrial sewage treatment plants accepting sewage, sludge, septic tank and cesspool pumpings or other sludge.
- (2) Disposal Sites, Transfer Stations, or Solid Waste Facilities owned or operated by Metro.
- (3) Facilities that (A) exclusively receive non-Putrescible Source-Separated Recyclable Materials, and (B) reuse or recycle such materials, or transfer, transport or deliver such materials to a person or facility that will reuse or recycle them.
- (4) Facilities that exclusively receive, process, transfer or dispose of Inert Wastes.
- (5) The following operations, which do not constitute Yard Debris Facilities:
  - (A) Persons who generate and maintain residential compost piles for residential garden or landscaping purposes.

- (B) Residences, parks, community gardens and homeowner associations.
- (C) Universities, schools, hospitals, golf courses, industrial parks, and other similar facilities, if the landscape waste or yard debris was generated from the facility's own activities, the product remains on the facility grounds, and the product is not offered for off-site sale or use.
- (D) Operations or facilities that chip or grind wood wastes, unless:
  - (i) such chipped or ground wood wastes are processed for composting; or
  - (ii) such operations or facilities are otherwise regulated under Metro Code Section 5.01.045.
- (6) Temporary transfer stations or processing centers established and operated by a government for 60 days or less to temporarily receive, store or process Solid Waste if Metro finds an emergency situation exists.
- (7) Any Reload facility that:
  - (A) Accepts Solid Waste collected under the authority of a single solid waste collection franchise granted by a local government unit, or from multiple solid waste collection franchises so long as the area encompassed by the franchises is
  - (B) Is owned or controlled by the same person granted franchise authority ascribed in subsection (A); and
  - (C) Delivers any Putrescible Waste accepted at the operation or facility to a Transfer Station owned, operated, Licensed or Franchised by Metro; and
  - (D) Delivers all other Solid Waste accepted at the facility except Inert Wastes to a Metro Designated Facility authorized to accept said Solid Waste, or to another solid waste facility ~~or Disposal Site~~ under authority of a Metro Non-System License issued pursuant to Chapter 5.05.
- (8) Persons who own or operate a mobile facility that processes Petroleum Contaminated Soil at the site of origin and retains any treated Petroleum Contaminated Soil on the site of origin.

(b) Notwithstanding Section 5.01.040(a), all persons shall comply with Sections 5.01.030(a), (b), (d) and (f).

(c) Notwithstanding Section 5.01.040(a)(2) of this chapter, Metro shall comply with Section 5.01.150 of this chapter.

(d) Notwithstanding Sections 5.01.040(a)(3) through 5.01.040(a)(8) of this chapter, the provisions of Section 5.01.135 of this chapter shall apply to operations and facilities described in Sections 5.01.040(a)(3) through 5.01.040(a)(8) of this chapter.

**SECTION 3.** Metro Code section 5.01.125 is amended as follows:

5.01.125 Obligations and Limits for Selected Types of Activities

(a) A holder of a License or Franchise for a Material Recovery facility, ~~Reload or Local Transfer Station, or a holder of a Franchise~~ issued after July 1, 2000, ~~for a Regional Transfer Station~~ shall perform Material Recovery from Non-Putrescible Waste accepted at the facility as specified in this section or as otherwise specified in its license or franchise, or shall deliver such Non-Putrescible Waste to a Solid Waste facility ~~whose primary purpose is authorized by Metro~~ to recover useful materials from Solid Waste.

(b) ~~A holder of a License or Franchise for a Material Recovery facility or Local Transfer Station, or a holder of a Franchise issued after July 1, 2000 for a Regional Transfer Station,~~ A licensee or franchisee subject to subsection (a) of this section shall recover at least 25% by weight of Non-Putrescible waste accepted at the facility and waste delivered by public customers. For the purposes of calculating the amount of recovery required by this subsection, recovered waste shall exclude both waste from industrial processes and ash, inert rock, concrete, concrete block, foundry brick, asphalt, dirt, and sand. Failure to maintain the minimum recovery rate specified in this section shall constitute a violation enforceable under Metro Code Sections 5.01.180 and 5.01.200. After January 1, 2009, the requirements of this subsection will not be applicable to licensees or franchisees unless Metro Council determines that this standard should be reinstated to replace the processing residual standard established in 5.01.125(c).

~~(c)~~ (e) — Effective January 1, 2009, a licensee or franchisee subject to subsection (a) of this section shall:

(1) At a minimum, process non-putrescible waste accepted at the facility to recover cardboard, wood, and metals (including aluminum). Processing residual from such a facility shall not contain more than 15 percent, by total combined weight, of cardboard or wood pieces of greater than 12 inches in size in any dimension and metal pieces greater than eight inches in size in any dimension.

(2) Take quarterly samples of processing residual that are statistically valid and representative of the facility's residual (not less than a 300-pound sample) and provide results of such sampling to Metro in the monthly report due the month following the end of that quarter.

(3) Based on observation, audits, inspections and reports, Metro inspectors shall conduct or require additional analysis of waste residual at the facility in accordance with section 5.01.135(c). Failure to maintain the recovery level specified in subsection (c)(1) of this section shall constitute a violation enforceable under Metro Code. The first two violations of this subsection by a single licensee or franchisee shall not result in the imposition of a civil penalty.

(4) Failure to meet the reporting requirements in subsection (c)(2) of this section shall constitute a violation enforceable under Metro Code after July 1, 2009.

(d) In addition to the requirements of (a) and (b) in this section, A holders of a Franchise for a Local Transfer Station:

- (1) Shall accept Putrescible Waste originating within the Metro boundary only from persons who are franchised or permitted by a local government unit to collect and haul Putrescible Waste.
- (2) Shall not accept hazardous waste.
- (3) Shall be limited in accepting Putrescible Waste during any fiscal year to an amount of Putrescible Waste equal to the demand for disposal of Putrescible Waste generated within a Service Area as specified in accordance with this chapter.
- (4) Shall accept Solid Waste from any Waste Hauler who operates to serve a substantial portion of the demand for disposal of Solid Waste within the Service Area of the Local Transfer Station.

(d)(e) In addition to the requirements of (a) and (b) in this section, A holders of a Franchise for a Regional Transfer Station, in accordance with its franchise issued after July 1, 2000:

- (1) Shall accept authorized Solid Waste originating within the Metro boundary from any person who delivers authorized waste to the facility, on the days and at the times established by Metro in approving the Franchise application.
- (2) Shall provide an area for collecting Household Hazardous Waste from residential generators at the Franchised Solid Waste Facility, or at another location more convenient to the population being served by the franchised Solid Waste Facility, on the days and at the times established by Metro in approving the Franchise application.

- (3) Shall provide an area for collecting source separated recyclable materials without charge at the Franchised Solid Waste Facility, or at another location more convenient to the population being served by the franchised Solid Waste Facility, on the days and at the times established by Metro in approving the Franchise application.

(f) A holder of a license for a reload facility shall deliver all non-putrescible waste received at the facility to a solid waste facility authorized by Metro to recover useful materials from solid waste.

(g) A holder of a license or franchise for a solid waste facility shall not crush, grind or otherwise reduce the size of non-putrescible waste except when such size reduction constitutes a specific step in the facility's material recovery operations, reload operations, or processing residual consolidation or loading operations, and such size reduction is described and approved by Metro in an operating plan.

(Ordinance No. 98-762C, Secs. 30-31. Amended by Ordinance No. 00-866, Sec. 5; Ordinance No. 01-916C, Sec. 4; Ordinance No. 02-952A, Sec. 1; Ordinance No. 03-1018A, Sec 16.)

**SECTION 4.** Metro Code section is amended as follows:

5.01.135 Inspections and Audits of Solid Waste Facilities

(a) The Chief Operating Officer shall be authorized to make such inspection or audit as the Chief Operating Officer deems appropriate, and shall be permitted access to the premises of a licensed or franchised facility, and all other Solid Waste Facilities, at all reasonable times during business hours with or without notice or at such other times with 24 hours notice after the Franchise or License is granted to assure compliance with this chapter, the Code, the Franchise or License, and administrative procedures and performance standards adopted pursuant to Section 5.01.132 of this chapter.

(b) Inspections or audits authorized under subsection (a) of this section shall occur regularly and as determined necessary by the Chief Operating Officer. Results of each inspection shall be reported on a standard form specified by the Chief Operating Officer.

(c) The Chief Operating Officer shall have access to and may examine during such inspections or audits any records pertinent in the opinion of the Chief Operating Officer to the License or Franchise, or to the provisions of this chapter, including but not limited to the books, papers, records, equipment, blueprints, operation and maintenance records and logs and operating rules and procedures of the Licensee, Franchisee or Solid Waste Facility operator. Such inspections or audits may include taking samples and conducting analysis of any waste or other material, including storm water runoff, water treatment or holding facilities, leachate, soil and solid waste. The Chief Operating Officer shall coordinate any sampling or follow-up activities with DEQ or local jurisdictions as necessary to prevent the imposition of redundant requirements on operations.

(d) Any violations discovered by the inspection or audit shall be subject to the penalties provided in Section 5.01.200.

**SECTION 5.** The definition of “special waste” in Metro Code section 5.02.015(hh) shall be amended as follows:

(hh) "Special waste" ~~means any waste (even though it may be part of a delivered load of waste) which one or more of the following categories describes; shall have the meaning assigned thereto in Metro Code section 5.01.010.~~

- ~~(1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 through 9 and 11 of this definition below.~~
- ~~(2) Waste transported in a bulk tanker.~~
- ~~(3) Liquid waste including outdated, off spec liquid food waste or liquids of any type when the quantity and the load would fail the paint filter liquid (Method 9095, SW-846) test or includes 25 or more gallons of free liquid per load, whichever is more restrictive.~~
- ~~(4) Containers (or drums) which once held commercial products or chemicals, unless the containers (or drums) are empty. A container is empty when:
  - ~~(A) All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating.~~
  - ~~(B) One end has been removed (for containers in excess of 25 gallons); and
    - ~~(i) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or~~
    - ~~(ii) No more than 1 percent by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or~~
    - ~~(iii) No more than 0.3 percent by weight of the total capacity of the container remains in the container for containers larger than 110 gallons.~~~~
  - ~~(C) Containers that once held acutely hazardous wastes must be triple-rinsed with an appropriate solvent or cleaned by an equivalent alternative method. Containers that once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must~~~~



~~be empty according to label instructions or triple rinsed with an appropriate solvent or cleaned by an equivalent method. Plastic containers larger than five gallons that hold any regulated waste must be cut in half or punctured, and be dry and free of contamination to be accepted as refuse.~~

- ~~(5) Sludge waste from septic tanks, food service, grease traps, or wastewater from commercial laundries, Laundromats or car washes.~~
- ~~(6) Waste from an industrial process.~~
- ~~(7) Waste from a pollution control process.~~
- ~~(8) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in 1 through 7 or 9 of this definition.~~
- ~~(9) Soil, water, residue, debris, or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 through 8 of this definition.~~
- ~~(10) Chemical containing equipment removed from service (for example: filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks, refrigeration units, or any other chemical containing equipment).~~
- ~~(11) Waste in waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4, but not empty containers so marked.~~
- ~~(12) Any waste that requires extraordinary management or special handling.~~  
~~Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by products.~~
- ~~(13) Radioactive waste.~~
- ~~(14) Medical waste.~~

**SECTION 6.** Metro Code Section 5.02.046 is repealed.

**SECTION 7.** Metro Code Section 5.02.047 is amended as follows:

5.02.047 Regional System Fee Credits

~~(a) — A solid waste facility which is certified, licensed or franchised by Metro pursuant to Metro Code Chapter 5.01 or a Designated Facility regulated by Metro under the terms of an intergovernmental agreement shall be allowed a credit against the Regional System Fee otherwise due each month under Section 5.02.045 for disposal of Processing Residuals from the facility. The Facility Recovery Rate shall be calculated for each twelve month period before the month in which the credit is claimed. The amount of such credit shall be in accordance with and no greater than as provided on the following table:~~

~~System Fee Credit Schedule~~

<del>Facility Recovery Rate</del>		
<del>From Above</del>	<del>Up To &amp; Including</del>	<del>System Fee Credit of no more than</del>
<del>0%</del>	<del>30%</del>	<del>0.00</del>
<del>30%</del>	<del>35%</del>	<del>9.92</del>
<del>35%</del>	<del>40%</del>	<del>11.46</del>
<del>40%</del>	<del>45%</del>	<del>13.28</del>
<del>45%</del>	<del>100%</del>	<del>14.00</del>

~~(b) — The Chief Operating Officer:~~

~~(1) — Shall establish administrative procedures to implement subsections (b) and (c) of Metro Code Section 5.02.046; and~~

~~(2) — May establish additional administrative procedures regarding the Regional System Fee Credits, including, but not limited to establishing eligibility requirements for such credits and establishing incremental System Fee Credits associated with Recovery Rates which fall between the ranges set forth in paragraph (a) of this section.~~

~~(c) — Any person delivering Cleanup Material Contaminated By Hazardous Substances that is derived from an environmental cleanup of a nonrecurring event, and delivered to any Solid Waste System Facility authorized to accept such substances shall be allowed a credit in the amount of \$11.07 against the Regional System Fee otherwise due under Section 5.02.045(a) of this Chapter.~~

~~(d) — During any Fiscal Year, the total aggregate amount of credits granted under the Regional System Fee credit program shall not exceed the dollar amount budget without the prior review and authorization of the Metro Council.~~

~~(e) — The Director of the Solid Waste and Recycling Department shall make a semi-annual report to the Council on the status of the credit program. The report shall include that aggregate amount of all credits paid during the preceding six months and the amount paid to each facility eligible for the credit program. The report shall also project whether the appropriation~~

~~for the credit program will be sufficient to meet anticipated credit payment requests and maintain existing contingency funding.~~

**SECTION 8.** The definition of “Special waste” in Metro Code section 5.05.010 shall be amended as follows:

(v) “Special waste” shall have the meaning assigned thereto in Metro Code Section ~~5.02.015~~5.01.010.

**SECTION 9.** The following definitions of “Material Recovery,” “Processing Residual,” and “Recyclable Material,” shall be added to Metro Code section 5.05.010, other Code subsections in that section shall be renumbered accordingly, and other Code references to such subsection shall be amended accordingly:

“Material recovery “ shall have the meaning assigned thereto in Metro Code section 5.01.010.

“Processing residual” shall have the meaning assigned thereto in Metro Code section 5.01.010.

“Recyclable material” shall have the meaning assigned thereto in Metro Code section 5.01.010.

**SECTION 10.** Metro Code section 5.05.030 shall be amended as follows:

5.05.030 Designated Facilities of the System

(a) Designated Facilities. The following described facilities constitute the designated facilities of the system, the Metro Council having found that said facilities meet the criteria set forth in Metro Code Section 5.05.030(b):

- (1) Metro South Station. The Metro South Station located at 2001 Washington, Oregon City, Oregon 97045.
- (2) Metro Central Station. The Metro Central Station located at 6161 N.W. 61<sup>st</sup> Avenue, Portland, Oregon 97210.
- (3) Facilities Subject to Metro Regulatory Authority. All disposal sites and solid waste facilities within Metro which are subject to Metro regulatory authority under Chapter 5.01 of the Metro Code.
- ~~(4)~~ ~~\_\_\_\_\_~~ ~~(4)~~ Lakeside Reclamation (limited purpose landfill). The Lakeside Reclamation limited purpose landfill, Route 1, Box 849, Beaverton, Oregon 97005, subject to the terms of an agreement between Metro and the owner of Lakeside Reclamation authorizing receipt of solid waste generated within Metro only as follows:

(A) As specified in an agreement entered into between Metro and the owner of the Lakeside Reclamation Landfill authorizing receipt of such waste; or

(B) Subject to a non-system license issued to a person transporting to the facility solid waste not specified in the agreement.

(5) (5) Hillsboro Landfill (limited purpose landfill). The Hillsboro Landfill, 3205 S.E. Minter Bridge Road, Hillsboro, Oregon 97123, subject to the terms of an agreement between Metro and the owner of Hillsboro Landfill authorizing receipt of solid waste generated within Metro only as follows:

(C) As specified in an agreement entered into between Metro and the owner of the Hillsboro Landfill authorizing receipt of such waste; or

(D) Subject to a non-system license issued to a person transporting to the facility solid waste not specified in the agreement.-

(6) Columbia Ridge Landfill. The Columbia Ridge Landfill owned and operated by Waste Management Disposal Services of Oregon, Inc. (dba Oregon Waste Systems, Inc.) subject to the terms of the agreements in existence on November 14, 1989, between Metro and Oregon Waste Systems, Inc. and between Metro and Jack Gray Transport, Inc., including any subsequent amendments thereto. In addition, Columbia Ridge Landfill may accept solid special-waste generated within Metro:

(A) As specified in an agreement entered into between Metro and Waste Management Disposal Services of Oregon, Inc. Waste Systems-authorizing receipt of such waste; or

(B) Subject to a non-system license issued to a person transporting to the facility solid special waste not specified in the agreement.

(7) Roosevelt Regional Landfill. The Roosevelt Regional Landfill, located in Klickitat County, Washington. Roosevelt Regional Landfill may accept special solid waste generated within Metro only as follows:

(A) As specified in an agreement entered into between Metro and Regional Disposal Company authorizing receipt of such waste; or

- (B) Subject to a non-system license issued to a person transporting to the facility ~~special-solid~~ waste not specified in the agreement.
- (8) Finley Buttes Regional Landfill. The Finley Buttes Regional Landfill, located in Morrow County, Oregon. Finley Buttes Regional Landfill may accept ~~special-solid~~ waste generated within Metro only as follows:
- (A) As specified in an agreement entered into between Metro and Finley Buttes Landfill Company authorizing receipt of such waste; or
  - (B) Subject to a non-system license issued to a person transporting to the facility ~~special-solid~~ waste not specified in the agreement.
- (9) Coffin Butte Landfill. The Coffin Butte Landfill, located in Benton County, Oregon, which may accept solid waste generated within ~~the District-Metro~~ only as follows:
- (A) As specified in an agreement entered into between Metro and the owner of the Coffin Butte Landfill authorizing receipt of such waste; or
  - (B) Subject to a non-system license issued to a person transporting to the facility ~~solid~~~~special~~ wastes not specified in the agreement.
- (10) Wasco County Landfill. The Wasco County Landfill, located in The Dalles, Oregon, which may accept solid waste generated within ~~the District-Metro~~ only as follows:
- (A) As specified in an agreement entered into between Metro and the owner of the Wasco County Landfill authorizing receipt of such waste; or
  - (B) Subject to a non-system license issued to a person transporting to the facility solid wastes not specified in the agreement.
- (11) Cedar Grove Composting, Inc. The Cedar Grove Composting, Inc., facilities located in Maple Valley, Washington, and Everett, Washington. Cedar Grove Composting, Inc., may accept solid waste generated within ~~the District-Metro~~ only as follows:
- (A) As specified in an agreement entered into between Metro and Cedar Grove composting, Inc., authorizing receipt of such waste; or
  - (B) Subject to a non-system license issued to a person transporting to Cedar Grove Composting, Inc., solid wastes not specified in the agreement.

(12) Weyerhaeuser Regional Landfill. The Weyerhaeuser Regional Landfill, located in Castle Rock, Washington, and the Weyerhaeuser Material Recovery Facility, located in Longview, Washington. The Weyerhaeuser Material Recovery Facility is hereby designated only for the purpose of accepting solid waste for transfer to the Weyerhaeuser Regional Landfill. The Weyerhaeuser Regional Landfill and the Weyerhaeuser Material Recovery Facility may accept solid waste generated within ~~the District~~Metro only as follows:

(A) As specified in an agreement entered into between Metro and Weyerhaeuser, Inc., authorizing receipt of such waste; or

(B) Subject to a non-system license issued to a person transporting to the Weyerhaeuser Regional Landfill or the Weyerhaeuser Material Recovery Facility solid wastes not specified in the agreement.

(b) Changes to Designated Facilities to be Made by Council. From time to time, the Council, acting pursuant to a duly enacted ordinance, may remove from the list of designated facilities any one or more of the facilities described in Metro Code Section 5.05.030(a). In addition, from time to time, the Council, acting pursuant to a duly enacted ordinance, may add to or delete a facility from the list of designated facilities. In deciding whether to designate an additional facility, or amend or delete an existing designation, the Council shall consider:

- (1) The degree to which prior users of the facility and waste types accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination;
- (2) The record of regulatory compliance of the facility's owner and operator with federal, state and local requirements including but not limited to public health, safety and environmental rules and regulations;
- (3) The adequacy of operational practices and management controls at the facility;
- (4) The expected impact on the region's recycling and waste reduction efforts;
- (5) The consistency of the designation with Metro's existing contractual arrangements;
- (6) The record of the facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement; and
- (7) Other benefits or detriments accruing to residents of the region from Council action in designating a facility, or amending or deleting an existing designation.

(c) The Chief Operating Officer is authorized to execute an agreement, or an amendment to an agreement, between Metro and a designated facility for Non-putrescible waste. Effective, July 1, 2008, an existing designated facility authorized to receive non-putrescible waste shall notify Metro of their intent to seek an agreement to recover non-putrescible waste from the Metro region in accordance with subsection (g) or to only take processed non-putrescible waste from authorized facilities included in subsection (f). No later than December 31, 2008, the Chief Operating Officer shall modify existing agreements to assure substantial compliance with either subsection (f) or (g) of this section as appropriate. If the Chief Operating Officer and a designated facility are not able to establish an agreement by November 1, 2008, then the Chief Operating Officer shall terminate the existing agreement following termination procedures described in the existing agreement but no later than December 31, 2008.

(d) An agreement, or amendment to an agreement between Metro and a designated facility for Putrescible waste shall be subject to approval by the Metro Council prior to execution by the Chief Operating Officer.

~~(d)~~(e) An agreement between Metro and a designated facility shall specify the types of wastes from within Metro boundaries that may be delivered to, or accepted at, the facility.

(f) ~~(e)~~ An agreement between Metro and a designated facility ~~that authorizes the facility to accept non-putrescible waste that has not yet undergone material recovery, is not processing residual, and originated or was generated within Metro boundaries shall demonstrate substantial compliance with facility performance standards, design requirements and operating requirements adopted pursuant to Metro Code Chapter 5.01.132 for non-putrescible waste material recovery facilities.~~ shall not authorize the facility to accept non-putrescible waste originating or generated within Metro boundaries after December 31, 2008, unless:

- (1) Such non-putrescible waste is received from a facility that has been issued a license or franchise pursuant to Chapter 5.01 authorizing such facility to perform material recovery on non-putrescible waste;
- (2) Such non-putrescible waste is received from a designated facility that has entered into an agreement with Metro, in accordance with subsection (f) of this section, authorizing such designated facility to perform material recovery on non-putrescible waste; or
- (3) The facility has entered into an agreement with Metro, in accordance with subsection (f) of this section, authorizing the facility to perform material recovery on non-putrescible waste that has not yet undergone material recovery.

(g) An agreement between Metro and a designated facility that, after December 31, 2008, authorizes the facility to accept non-putrescible waste that has not yet undergone material

recovery, is not comprised of processing residual, and originated or was generated within Metro boundaries shall:

- (1) Require such designated facility to perform material recovery on such waste; and
- (2) Demonstrate, in a manner that can be verified and audited, that such processing achieves material recovery substantially comparable to that required of in-region material recovery facilities by Metro Code subsections 5.01.125(a) and (b) by either:
  - (A) Meeting such material recovery requirements for all non-putrescible waste received at the facility, whether or not from within Metro boundaries; or
  - (B) Keeping all non-putrescible waste received from within Metro boundaries segregated from other waste throughout processing, keeping processing residual from such processing segregated from other solid waste after processing, and meeting such material recovery requirements for all such non-putrescible waste.
- (3) Demonstrate, in a manner that can be verified and audited, that such facility substantially complies with (A) the performance goals described in Metro Code sections 5.01.067(i) (as amended by Section 1 of Metro Ordinance No. 07-1138) and 5.01.075(c) (as amended by Section 2 of Metro Ordinance No. 07-1138), and (B) the performance standards, design requirements, and operating requirements applicable to licensed and franchised material recovery facilities operating within the Metro region and adopted by Metro as administrative procedures pursuant to Metro Code section 5.01.132 (as amended by Section 3 of Metro Ordinance No. 07-1138).

**SECTION 11.** Not later than March 1, 2008, the Chief Operating Officer shall provide the Metro Council with a recommendation for a form of additional solid waste fee or surcharge to be imposed on designated facilities seeking to dispose of unprocessed, non-putrescible waste from within the Metro region. The recommended fee or surcharge shall be applied as to provide substantially equivalent disposal rates among material recovery facilities and designated facilities for disposal of unprocessed non-putrescible wastes. The recommendation of the Chief Operating Officer shall also include a proposal for the amount of the proposed additional solid waste fee or surcharge, a proposal for the administrative procedures required to implement the



imposition and collection of such fee or surcharge, the effective dates, and a recommendation on the uses to which the revenues generated by such fee or surcharge may be put.

**SECTION 12.** Metro Code section 5.05.035(a) as amended by Ordinance No. 07-1138 shall be further amended as follows:

5.05.035 License to Use Non-System Facility

A waste hauler or other person may transport solid waste generated within Metro to, or to utilize or cause to be utilized for the disposal or other processing of any solid waste generated within Metro, any non-system facility only by obtaining a non-system license in the manner provided for in this Section 5.05.035. Applications for non-system licenses for Non-putrescible waste, Special waste and Cleanup Material Contaminated By Hazardous Substances shall be subject to approval or denial by the Chief Operating Officer. Applications for non-system licenses for Putrescible waste shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council.

(a) Application for License. Any waste hauler or other person desiring to obtain a non-system license shall make application to the Chief Operating Officer, which application shall be filed on forms or in the format provided by the Chief Operating Officer. Applicants may apply for a limited-duration non-system license which has a term of not more than 120 days and is not renewable. An application for any non-system license shall set forth the following information:

- (1) The name and address of the waste hauler or person making such application;
- (2) The location of the site or sites at which the solid waste proposed to be covered by the non-system license is to be generated;
- (3) The nature of the solid waste proposed to be covered by the non-system license;
- (4) The expected tonnage of the solid waste proposed to be covered by the non-system license:
  - (A) The total tonnage if the application is for a limited duration non-system license; or
  - (B) The annual tonnage if the application is for any other non-system license;
- (5) A statement of the facts and circumstances which, in the opinion of the applicant, warrant the issuance of the proposed non-system license;

- (6) The non-system facility at which the solid waste proposed to be covered by the non-system license is proposed to be transported, disposed of or otherwise processed; and
- (7) The date the non-system license is to commence; and, for limited duration non-system licenses, the period of time the license is to remain valid not to exceed 120 days.

In addition, the Chief Operating Officer may require the applicant to provide, in writing, such additional information concerning the proposed non-system license as the Chief Operating Officer deems necessary or appropriate in order to determine whether or not to issue the proposed non-system license.

An applicant for a non-system license that authorizes the licensee to transport non-putrescible waste that has not yet undergone material recovery, is not processing residual, and originated or was generated within Metro boundaries shall provide documentation that the non-system facility is in substantial compliance with the facility performance standards, design requirements and operating requirements adopted pursuant to Metro Code Chapter 5.01.132 for non-putrescible waste material recovery facilities. Any applicant or licensee that is authorized or seeks to deliver non-putrescible waste to a non-system facility after January 1, 2009, must demonstrate that the non-system facility will be in substantial compliance with the material recovery requirements in Metro Code section 5.01.125.

**SECTION 13.** Metro Code section 7.01.020 shall be amended as follows:

7.01.020 Tax Imposed

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

(b) The Council may for any period commencing no sooner than July 1 of any year and ending on June 30 of the following year establish a tax rate lower than the rate of tax provided for in subsection 7.01.020(a) or in subsections 7.01.020(c)-(e) by so providing in an ordinance adopted by Metro. If the Council so establishes a lower rate of tax, the Chief Operating Officer shall immediately notify all operators of the new tax rate. Upon the end of the fiscal year the rate of tax shall revert to the maximum rate established in subsection 7.01.020(a)

unchanged for the next year unless further action to establish a lower rate is adopted by the Council as provided for herein.

(c) For the privilege of the use of the solid waste system facilities, equipment, systems, functions, services, or improvements, owned, operated, licensed, franchised, or provided by Metro, each user of solid waste system facilities and each solid waste facility licensed or franchised under Chapter 5.01 of this Code to deliver putrescible waste directly to Metro's contractor for disposal of putrescible waste shall pay a tax in the amount calculated under subsection (e)(1) for each ton of solid waste exclusive of compostable organic waste accepted at Metro Central or Metro South stations and source separated recyclable materials accepted at the solid waste system facilities. In addition, each user of solid waste system facilities and each solid waste facility licensed or franchised under Chapter 5.01 of this Code to deliver putrescible waste directly to Metro's contractor for disposal of putrescible waste shall also pay the additional tax in the amount set forth under Section 7.01.023 for each ton of solid waste exclusive of compostable organic waste accepted at Metro Central or Metro South stations and source separated recyclable materials accepted at the solid waste system facilities. The tax constitutes a debt owed by the user to Metro which is extinguished only by payment of the tax directly to Metro or by the operator to Metro. The user shall pay the tax to Metro or to an operator at the time payment for the use is made. The operator shall enter the tax on his/her records when payment is collected if the operator keeps his/her records on the cash basis of accounting and when earned if the operator keeps his/her records on the accrual basis of accounting. If installment payments are paid to an operator, a proportionate share of the tax shall be paid by the user to the operator with each installment.

(d) For the Metro fiscal year beginning July 1, 2002, the tax rate imposed and calculated under this section shall be sufficient to generate net excise tax revenue of \$6,050,000 after allowing for any tax credit or tax rebate for which provision is made in this chapter. For each Metro fiscal year thereafter the tax rate imposed and calculated under this section shall be sufficient to generate net excise tax revenue equal to the net excise tax revenue authorization in the previous fiscal year as adjusted in accordance with Section 7.01.022.

(e) (1) The excise tax rate for each ton of solid waste, exclusive of (i) source separate recyclable materials accepted at the solid waste system facilities, (ii) inert materials, (iii) Cleanup Materials Contaminated by Hazardous Substances, and (iv) compostable organic waste delivered to Metro Central or Metro South stations, shall be the amount that results from dividing the net excise tax revenue amount set forth in subsection (d) by the amount of solid waste tonnage which the Chief Operating Officer reports to the Council under subsection (f)(2). Subject to the provisions of subsection 7.01.020(b), the rate so determined shall be Metro's excise tax rate on solid waste during the subsequent Metro fiscal year. Commencing with Metro fiscal year 2006-07, and each fiscal year thereafter, the rate determined by this subsection shall be effective as of September 1st unless another effective date is adopted by the Metro Council.

- (2) The excise tax rate for each ton of solid waste constituting Cleanup Materials Contaminated by Hazardous Substances shall be \$1.00.

(f) By March 1st of each year, the Chief Operating Officer shall provide a written report to the Metro Council stating the following:

- (1) For the twelve (12) month period ending the previous December 31; the amount of solid wastes, exclusive of inert materials, delivered for disposal to any Solid Waste System Facility that is not exempt pursuant to Section 7.01.050(a) of this chapter, and
- (2) The amount of such solid wastes that would have been delivered for disposal to any such non-exempt Solid Waste System Facility if the Regional Recovery Rates corresponding to each calendar year set forth on the following schedule had been achieved:

Year	Regional Recovery Rate
2005	56%
2006	56.5%
2007	57%
2008	57.5%
2009	58%

The result of such calculation by the Chief Operating Officer shall be used to determine the excise tax rate under sub-section (e)(1).

~~(g) (1) A solid waste facility which is licensed or franchised by Metro pursuant to Metro Code Chapter 5.01 shall be allowed a credit against the Excise Tax otherwise due under Section 7.01.020(e)(1) for disposal of Processing Residuals from such facility. The Facility Recovery Rate shall be calculated for each twelve (12) month period before the month in which the credit is claimed. Such credit shall be dependent upon the Facility Recovery Rate achieved by such facility and shall be no greater than as provided on the following table:~~

<b>Excise Tax Credit Schedule</b>		
Facility Recovery Rate From Above	Up To & Including	Excise Tax Credit of no more than
0%	30%	0.00
30%	35%	1.92
35%	40%	2.75
40%	100%	3.51

~~(2) — During any Fiscal Year, the total aggregate amount of excise tax credits granted under the provisions of this subsection shall not exceed the dollar amount budgeted for such purpose without the prior review and authorization of the Metro Council.~~

~~(3) — The Chief Operating Officer may establish procedures for administering the Excise Tax Credits set forth in subsection (g)(1), including, but not limited to, establishing eligibility requirements for such credits and establishing incremental Excise Tax Credits associated with Recovery Rates which fall between the ranges set forth in paragraph (g)(1).~~

**SECTION 14.** Metro Code section 7.01.028 shall be amended as follows:

7.01.028 Budgeting of Excess Revenue

Commencing with the Metro fiscal year beginning July 1, 2000, and each year thereafter, if the tax revenues collected under the tax rate imposed by Section 7.01.020(e) exceed the net excise tax revenue amount set forth in Section 7.01.020(d) as adjusted by Section 7.01.022, such ~~additional revenue shall be apportioned as follows:~~

~~(a) — Such excess net excise tax revenue shall first be placed in a Recovery Rate Stabilization Reserve established in the Metro General fund. The amount of excess net excise tax revenues in such account shall not exceed an amount equal to 10 percent of the total amount of excise tax collected under Metro Code Chapter 7.01 during the period of the two (2) most recent Metro fiscal years.~~ The budgeting or expenditure of all such funds within this account shall be subject to review and approval by the Metro Council.

~~(b) — If at the end of any fiscal year the maximum permitted balance for the Recovery Rate Stabilization Account has been reached, during the following fiscal year any additional excess net excise tax revenues shall be used to increase the tax credit provided under Metro Code Section 7.01.020(g) for any solid waste facility that has achieved a Facility Recovery Rate greater than 45%. Such excess revenue shall be used on a dollar for dollar basis to reduce the tax liability of all such qualifying facilities. The amount of the additional tax credit shall not exceed the total excise tax otherwise due from the facility under this chapter.~~

~~(c) — Any remaining excess revenue over the amounts apportioned in subsections (a) and (b) of this section shall be placed in the account established in subsection(a).~~

**SECTION 15.** Metro Code sections 7.01.160 and 7.01.170, and Section 4 of Metro Ordinance No. 07-1138 (Metro Code section 5.05.030(e)) are repealed.

**SECTION 16.** Metro Code sections 7.01.180 and 7.01.190 are repealed.

**SECTION 17.** Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12 and 15 of this ordinance shall be effective 90 days after the adoption of this ordinance. Sections 6, 7, 13, 14, and 16 of this ordinance shall be effective on January 1, 2009.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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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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## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 07-1147, FOR THE PURPOSE OF ADOPTING LEGISLATION TO ENSURE THAT ALL OF THE REGION'S NON-PUTRESCIBLE WASTE UNDERGOES MATERIAL RECOVERY PRIOR TO DISPOSAL, TO ELIMINATE THE REGIONAL SYSTEM FEE AND EXCISE TAX CREDIT PROGRAM, AND TO MAKE RELATED CHANGES

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Date: March 21, 2007

Prepared by: Bryce Jacobson

### **BACKGROUND**

Higher levels of material recovery from commercial sources are essential to achieving the region's 64% state-mandated waste reduction goal. Greater recovery of building industry waste is a key component of the region's efforts.

In 2003, a stakeholder study group examining options for increasing recovery from this sector recommended that Metro should require processing of all construction and demolition debris loads before landfilling. Metro Council then directed staff to develop a program that would require all dry waste to be processed prior to landfill disposal.

C&D (also referred to as dry waste) consists primarily of six types of material: wood, metal, corrugated cardboard, concrete, drywall and roofing. On a typical construction or demolition project, over 90% of the waste materials are reusable or recoverable with current technology and markets.

The region's building industry has a well-developed system of over 90 source-separated recyclers and salvagers, seven facilities that recover recyclable material from mixed dry waste, and two dry waste landfills.

- **Building material reuse facilities** accept and resell used building materials (salvage) taken out of buildings during demolition or remodeling. *Salvaged materials have a positive value, with most salvage retailers paying for materials or providing a tax-deductible receipt.*
- **Source-separated recyclers** accept loads of already sorted materials, which are essentially 100% recyclable. *These facilities pay for materials like cardboard and metal or charge between \$5/ton - \$25/ton for materials that have well-developed local markets (wood, land clearing debris and rubble).*
- **Dry waste facilities** accept mixed loads of debris that are free of food waste and that meet their particular standards for minimum recovery content. *Tip fees at dry waste recovery facilities vary, but are usually \$65-70/ton. These facilities typically achieve a 25-50% material recovery rate.*
- **Transfer stations** process mixed dry loads for recovery and achieve an 18-35% recovery rate. *The Metro tip fee for all waste is \$70/ton; private transfer stations generally charge a slightly lower rate to attract dry waste flow.*

- **Dry waste landfills** accept loads of mixed dry waste and dispose of the debris without doing any type of post collection recovery/sorting. *Landfilling of dry waste costs \$50 to \$61/ton.*

For many generators of mixed dry waste, particularly on the west side, two dry waste landfills, Hillsboro and Lakeside, are the facilities of choice because they are the lowest cost options. Landfilling waste material is simply less costly than processing it for recovery.

Hillsboro and Lakeside landfills collectively dispose of 125,000 tons of dry waste each year. The intent of this ordinance before Council is to spur at least 33,000 tons per year of new recovery by requiring the processing of dry waste for material recovery before landfilling.

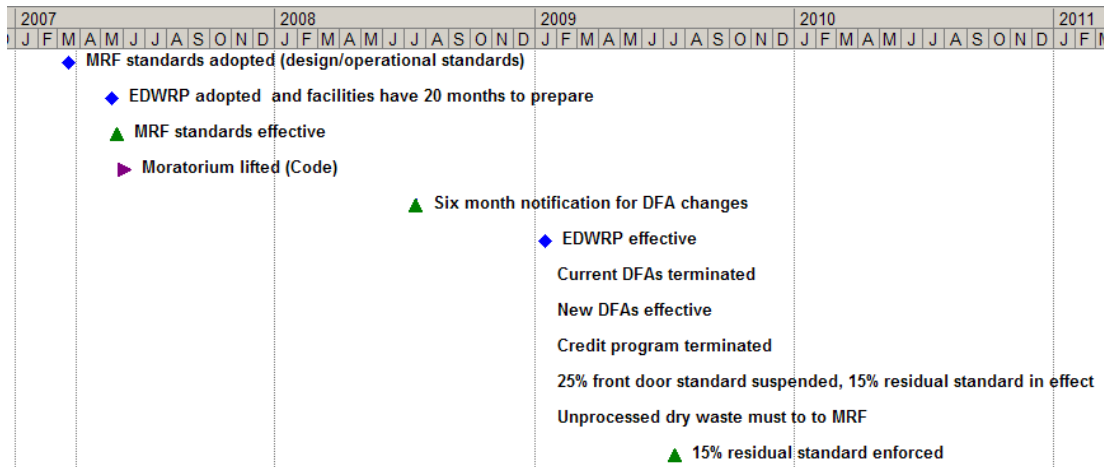
The ordinance would affect all private facilities accepting Metro region mixed dry waste. Major provisions are as follows:

- All mixed dry waste generated in the Metro region would be required to be processed for material recovery prior to landfill disposal by January 1, 2009.
- Materials specified for recovery are those with steady markets: wood, metal and corrugated cardboard.
- The current “front door” 25% recovery requirement for dry waste facilities would be replaced by a new “back door residual” standard that would measure how effective a facility is at recovering wood, corrugated cardboard and metal. This standard would require that no more than 15% (by weight) of wood, cardboard and metal pieces (size specified) be present in the processing residual.
- The controversial Regional System Fee Credit program would end when this program takes full effect in January 2009.
- Facilities will have approximately 18 months before the required processing provision takes effect, but will have 25 months to meet the new performance requirement of this ordinance (15% “back door” residual standard) before it is enforced, beginning July 1, 2009.
- By March 1<sup>st</sup>, 2008, the Chief Operating Officer of Metro will recommend to Metro Council an additional per ton solid waste fee or surcharge that could be imposed on any designated facility (i.e., area landfill) still seeking to dispose of mixed dry waste after the program becomes effective. The recommended fee or surcharge would provide substantially equivalent disposal rates among material recovery facilities and designated facilities, eliminating current economic uncertainties for recovery and disposal facilities in Washington County.



The following timeline displays key dates in the program’s implementation and enforcement.

Figure 1  
Key Dates for Dry Waste Recovery and MRF Standards



## ANALYSIS/INFORMATION

1. **Known Opposition:** Lakeside landfill owner Howard Grabhorn, Washington county officials, and SWAC (most of the 9-6 majority opposing cited implementation uncertainties relative to Lakeside as the basis for their opposition).
2. **Legal Antecedents:** ORS 268.317, Metro Code Chapters 5.01, 5.05, and the Metro Charter
3. **Anticipated Effects:**

### *Economic Effects*

EDWRP is likely to increase posted tip fees for mixed dry waste at private facilities throughout the region. The policy is to allow more operating costs to be covered by gate revenue (especially the cost of processing more material with potentially lower recovery content), and to replace revenue lost to the planned elimination of the Metro fee and tax credit programs.

The increase in recovery facility gate rate will incent additional source separated recycling as generators seek to avoid the now higher gate rate for dry waste. This increase in source separated recycling is estimated to be in the range of 5,000-10,000 additional tons per year.

Metro staff studied six types of “typical” construction projects to estimate the likely disposal cost increases for generators as a result of EDWRP:

- Residential kitchen remodel with small addition
- New single-family house
- Complete demolition of a single-family house
- Residential re-roofing job
- Commercial remodeling project

- New “big-box” commercial retail space

Cost increases in the residential sector construction projects should be well under \$100 per project; as a function of total project cost they were well under ½ of one percent increase. Residential single-family demolition costs increased more than any other project type. Total disposal costs there should increase from \$100 to over \$700 or less than 1% to almost 5% of the total job cost.

Commercial construction project costs for an office remodel should increase from \$20 to over \$200. A large “big-box” retail store should increase between \$200 and \$1,800. Because of the higher overall costs for these commercial projects, the cost increases as a percent of total project cost were small, mostly under .05%.

***Environmental Effects***

Enhanced Dry Waste Recovery will increase recovery in the region by a minimum of 33,000 tons of new dry waste recovery each year. This newly recovered material will serve as manufacturing feedstock in some instances, alternative fuel sources in others. In each case, the material recovered reduces the need to extract raw materials, eliminating attendant energy use and pollution associated with virgin material extraction.

As shown in Figure 2, the dry waste diverted from landfill disposal and recovered in some fashion will result in a reduction in greenhouse gases, energy consumption and airborne wastes.

Figure 2

Environmental Effects of EDWRP\*

Action	Quantity	Equivalent to...
Reduce greenhouse gases by	25,931 MTCE (Metric tons of carbon equivalent)	keeping 19,567 cars off the road for a year
Reduce energy consumption by	733,971 Million BTU (British thermal units)	the energy used by 6,977 average households during a year
Reduce airborne wastes by	35,000 tons	21.8 million miles of heavy truck travel

\*These benefits are projected by the National Recycling Coalition Environmental Benefits Calculator.

**4. Budget impacts:** Effect on the General Fund is in two parts: the base excise tax and the additional tax. The contribution to the Recovery Rate Stabilization Reserve would be reduced by about \$20,000 per year. Revenue from the additional tax (for Parks, MERC and the Zoo) would be reduced by about \$115,000 per year. Effect on the Solid Waste Fund is essentially fiscally neutral.

**RECOMMENDED ACTION**

The Chief Operating Officer recommends Metro Council approve Ordinance 07-1147.

## **ENHANCED DRY WASTE RECOVERY PROGRAM (EDWRP) SUMMARY**

### **Need/Problem Statement**

Current levels of dry waste recovery must be enhanced to help the region meet its recovery goal for 2009. Unfortunately, the low cost of disposal at two west side landfills will limit any significant increases in the region's dry waste recovery unless all dry waste is required to be processed before being landfilled.

### **Council Direction**

In the fall of 2003, the RSWMP Contingency Plan Work Group recommended increasing recovery by required processing of all C&D loads before landfill disposal.

After receiving the work group's recommendations, Council directed staff to develop program details and a strategy to implement the requirement that all dry waste be processed before being landfilled. Towards that end, staff convened two separate work groups comprised of local governments, businesses, construction industry representatives, haulers, dry waste recovery facilities and landfill operators to discuss and provide comment on the details of the program that has become known as "EDWRP."

### **Goals of the EDWRP Ordinance**

- Divert 125,000 TPY of highly recoverable, unprocessed mixed dry from landfill disposal into dry waste processing facilities, with the goal of recovering wood, cardboard and metal.
- Increase dry waste recovery by at least 33,000 tons per year.
- Motivate generators to source-separate C&D and/or practice deconstruction and salvage of building materials.

### **Costs to Facilities and Generators**

EDWRP is likely to increase posted tip fees for dry waste at private facilities throughout the region. The policy is to allow more operating costs to be covered by gate revenue (especially the cost of processing more material with potentially lower recovery content), and to replace revenue lost from the planned elimination of the Metro fee and tax credit programs.

#### *Dry Waste Facilities:*

Assuming generators in Washington County make no changes in the flow of material to Lakeside and Hillsboro, Metro staff estimate that the tip fee at these facilities could increase by as much as \$18 per ton under EDWRP. Other generators who already take their materials to a dry waste recovery facility could see increases up to \$14 per ton.

#### *Generators:*

Metro staff studied six types of "typical" construction projects to estimate the likely disposal cost increases for generators as a result of EDWRP:

- Residential kitchen remodel with small addition
- New single family house
- Complete demolition of a single family house
- Residential re-roofing job
- Commercial remodeling project

- New “big-box” commercial retail space.

Cost increases in the residential sector construction projects should be well under \$100 per project; as a function of total project cost they were well under ½ of one percent increase. Residential single family demolition costs increased more than any other project type. Total disposal costs there should increase from \$100 to over \$700 or less than 1% to almost 5% of the total job cost. Commercial construction project costs for an office remodel should increase from \$20 to over \$200. A large “big-box” retail store should increase between \$200 and \$1,800. Because of the higher overall costs for these commercial projects, the cost increases as a percent of total project cost were small, mostly under .05%.

**Environmental Benefits of EDWRP**

The 33,000 tons of new dry waste recovery each year will serve as manufacturing feedstock in some instances, alternative fuel sources in others. In each case, the material recovered reduces the need to extract raw materials, eliminating attendant energy use and pollution associated with virgin material extraction.

As shown in Figure 5, the dry waste diverted from landfill disposal and recovered in some fashion will result in a reduction in greenhouse gases, energy consumption and airborne wastes.

**Figure 5. Environmental Benefits of EDWRP\***

<b>ACTION</b>	<b>QUANTITY</b>	<b>EQUIVALENT TO...</b>
Reduce greenhouse gases by	25,931 MTCE (Metric tons of carbon equivalent)	keeping 19,567 cars off the road for a year
Reduce energy consumption by	733,971 Million BTU (British thermal units)	the energy used by 6,977 average households during a year
Reduce airborne wastes by	35,000 tons	21.8 million miles of heavy truck travel

\*These benefits are projected by the National Recycling Coalition Environmental Benefits Calculator.

**Facility Recovery Standards**

EDWRP would replace the current “front door” 25% recovery requirement for dry waste facilities and implement a new “residual assay” standard that would measure how effective a facility is at recovering wood, corrugated cardboard and metal. No more than 15% (by weight) of wood, cardboard and metal pieces (size specified) could be in the sampled residual.

Field research to determine the viability of the 15% standard was conducted from 19 dry waste residual pile sorts at seven dry waste sorting facilities in the fall of 2006. Residual levels of wood, metal and cardboard ranged from 2.8% to 63.4% with the majority of facilities demonstrating the ability to meet the proposed 15% standard.

The residual sort results are summarized in the table below:

**Dry Waste Residual Sampling Results**

<b>Facility, Number of samples</b>	<b>Percent recoverable wood, cardboard and metal (cumulative average)</b>
1. East County Recycling, 2	5.3%
2. Metro South, 3	16%
3. Metro Central, 4	14.8%
4. Pride Disposal, 2	3.2%
5. Troutdale Transfer Station, 3	15.4%
6. Wastech, 3	52.5%
7. Willamette Resources, 2	14.8%

**Implementation Timeline/Next Steps**

SWAC recommendation on EDWRP  
Metro Council first reading of EDWRP  
Metro Council consideration of EDWRP  
Full implementation of EDWRP, end of Credit Program

March 22, 2007  
April 26, 2007  
May 3, 2007  
January 1, 2009

# M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1700 | FAX 503 797 1797



**METRO**

DATE: March 28, 2007  
TO: MPAC  
FROM: Michael Hوجلund, Solid Waste and Recycling Director  
***SUBJECT: Solid Waste Material Recovery Standards***

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This memorandum summarizes the general comments and direction given to Metro Solid Waste and Recycling Staff at MPAC's March 14, 2007 meeting in regard to solid waste and recycling material recovery standards. With your direction, staff is proceeding to develop administrative procedures that will be used to license dry solid waste material recovery facilities that receive Metro-area waste.

In general, MPAC was supportive of Metro staff proceeding with administrative procedures that will best address nuisance and environmental issues associated with processing dry solid waste. MPAC comments included:

- Agreement on the need to have consistent regional standards and procedures for dry solid waste facilities.
- Support for the standards and procedures presented at the meeting, including requirements for processing indoors and on an impervious pad.
- Concern regarding the economic impact of the procedures (staff noted that the overall cost to ratepayers caused by the standards will be minimal over time; and that there was consensus agreement for the standards on Metro's Solid Waste Advisory Committee, which includes business, government, and citizen representatives).
- Questions regarding the affect of the standards on the Lakeside Landfill in Washington County (staff noted that there are ongoing discussions with representatives of the landfill, DEQ, Washington County, and Metro on a number of issues regarding the Lakeside Landfill and MPAC would be briefed in April).

Please feel free to contact me at (503) 797-1743, or at [hوجلundm@metro.dst.or.us](mailto:hوجلundm@metro.dst.or.us) if you have comments. Thank you again for your consideration of this important solid waste issue.

# **Metro Policy Advisory Committee**

April 11, 2007

Item 9 – Regional Transportation Plan Solicitation Criteria (Phase 3)

## MPAC Agenda Information

**Agenda Item Title:** 2035 RTP: Phase 3 Investment Solicitation and System Analysis Process

**Presenter:** Tom Kloster (Metro)

**MPAC Meeting Date:** April 11, 2007

**Purpose/Objective (what is the purpose of having the item on *this meeting's* agenda):**

The purpose of this agenda item is to provide direction on the proposed RTP investment solicitation and system analysis elements of the RTP update process. The agenda item will be organized into two parts:

- Discussion of overall timeline, investment solicitation approach, draft screening criteria and system analysis elements of the process.
- Interactive dot exercise and discussion of priority throughway and high capacity transit investment opportunities and needs to inform development of an integrated state and regional mobility investment strategy for the RTP. (Note: A similar exercise was completed at the Regional Freight and Goods Movement Task Force meeting on March 28th and will also occur at JPACT on April 12th.)

**Action Requested/Outcome (what do you want/need MPAC to do at *this meeting*). Are there specific questions you need answered?**

MPAC members will be asked to:

- Endorse the proposed investment solicitation approach and screening criteria to be applied to “Community Building” investments. With JPACT and MPAC endorsement, this work is proposed to be initiated on April 18.
- Direction on system analysis approach and timeline to evaluate the pool of RTP investments identified during the solicitation process.
- Identify and discuss priority throughway and high capacity transit investment opportunities and needs for the region to focus on for the RTP planning period. The exercise includes placing dots on a map and filling out a simple worksheet. The purpose of the exercise is to gain a sense of priorities for the “state and regional mobility corridors” and provide Metro staff with direction for moving forward into the solicitation process and system analysis. “Community building” investment priorities are proposed to be identified locally through the local government coordinating committees. This exercise would also inform that work.

**Background and context:**

In August 2006, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council endorsed a 2040 outcomes-based process to guide RTP-related research and policy development and focused outreach activities. The outcomes-based approach



relies on the 2040 Fundamentals as an expression of what the citizens of this region value to provide focus for what the RTP will address and monitor over time. The Regional Transportation Plan is a key tool for implementing the Region 2040 vision as expressed by the 2040 Fundamentals.

**What has changed since MPAC last considered this issue/item?**

At the recommendation of MPAC and JPACT, the policy framework (Chapter 1) was accepted by the Metro Council on March 15, 2007, completing phase 2 of the RTP Update process and formally initiating phase 3 of the RTP update.

A memo with attachments to this form is provided summarizing the proposed approach and timeline for Phase 3 of the update. TPAC and MTAC discussed the proposed approach and timeline for Phase 3 on April 2 and 4, respectively. Refinements to the "Community Building" screening criteria were identified to respond to concerns raised by both committees. MPAC materials reflect these refinements.

In addition, TPAC and MTAC raised concerns with the overall timeline for conducting the system analysis. The current schedule is driven by federal mandates to complete this update before the current RTP expires on March 6, 2008. Staff is investigating the implications of adding more time to Phase 3 to conduct the system analysis and will bring forward a recommendation for MPAC to consider at the April 11 meeting.

**What is the timeline for further consideration of this agenda item (e.g., MTAC, MPAC, Council)**

**Summary of April to September 2007 Activities (Phase 3)**

Metro staff in consultation with other agencies and members of the Freight Task Force will identify an integrated investment strategy for the state and regional mobility corridors for purposes of the RTP system analysis. This strategy will be brought to MPAC for discussion on May 23, prior to initiating the system analysis from June through August. Refinements to the investment strategy and the provisional draft policy framework to respond to the results of the RTP System Analysis. Other Phase 3 products will be brought to MPAC for discussion between June and September. A detailed schedule is under development.

**Summary of October to December 2007 Activities (Phase 4)**

The discussion draft RTP will be released for a formal 45-day public comment period in October 2007. Refinements will be made to the plan to address comments received. The 2035 RTP is expected to be approved by MPAC, JPACT and the Metro Council in December 2007, pending air quality analysis.

M E M O R A N D U M  
600 NORTHEAST GRAND AVENUE PORTLAND, OREGON 97232 2736  
TEL 503 797 1700 FAX 503 797 1794



DATE: April 5, 2007  
TO: JPACT and MPAC  
FROM: Kim Ellis, Principal Transportation Planner  
SUBJECT: 2035 RTP: Phase 3 Investment Solicitation and System Analysis Process

\*\*\*\*\*

**Purpose**

The purpose of your upcoming meeting is to provide direction on the proposed RTP investment solicitation and system analysis elements of the RTP update process. The agenda item will be organized into two parts:

- Discussion of overall timeline, investment solicitation approach, draft screening criteria and system analysis elements of the process.
- Interactive dot exercise and discussion of priority throughway and high capacity transit investment opportunities and needs to inform development of an integrated state and regional mobility investment strategy for the RTP.

**Action Requested**

JPACT and MPAC are requested to review the proposed approach and screening criteria included in this packet of materials. At each meeting, JPACT and MPAC will be requested to:

- Endorse the proposed investment solicitation approach and screening criteria to be applied to “Community Building” investments. With JPACT and MPAC endorsement, this work is proposed to be initiated on April 18.
- Direction on system analysis approach and timeline to evaluate the pool of RTP investments identified during the solicitation process.
- Identify and discuss priority throughway and high capacity transit investment opportunities and needs for the region to focus on for the RTP planning period. The exercise includes placing dots on a map and filling out a simple worksheet. A worksheet for the exercise is included in **Attachment 1**. The purpose of the exercise is to gain a sense of priorities for the “state and regional mobility corridors” and provide Metro staff with direction for moving forward into the solicitation process and system analysis. “Community building” investment priorities are proposed to be identified locally through the local government coordinating committees. This exercise would also inform that work.

## **Background and Context**

The Regional Transportation Plan is a key tool for implementing the Region 2040 vision as expressed by the 2040 Fundamentals. In August, the Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT) endorsed a 2040 outcomes-based process to guide RTP-related research and policy development and focused outreach activities. The outcomes-based approach relies on the 2040 Fundamentals as an expression of what the citizens of this region value to provide focus for what the RTP will address and monitor over time. At the recommendation of MPAC and JPACT, the provisional draft policy framework (Chapter 1) was accepted by the Metro Council on March 15, 2007. This action formally initiated Phase 3 of the RTP update process.

TPAC and MTAC discussed the proposed approach and timeline for Phase 3 on April 2 and 4, respectively. Refinements to the “Community Building” screening criteria were identified to respond to concerns raised by both committees. MPAC and JPACT materials reflect these refinements.

In addition, TPAC and MTAC raised concerns with the overall timeline for conducting the system analysis. The current schedule is driven by federal mandates to complete this update before the current RTP expires on March 6, 2008. Staff is investigating the implications of adding more time to Phase 3 to conduct the system analysis and will bring forward a recommendation for MPAC and JPACT to consider.

### April to September 2007 Activities (Phase 3)

**Attachment 2** shows several interrelated activities that will be conducted during Phase 3 of the RTP update:

1. **RTP Investment Pool Solicitation.** The purpose of the RTP Investment Solicitation is to create a pool of regional projects and program investments that best meet the goals and objectives for the regional transportation system. Two complementary tracks are proposed for the investment solicitation process that includes an integrated “State and Regional Mobility Investment Strategy” that will be complemented by an integrated “Community Building Investment Strategy.” **Attachment 3** to this memo summarizes the elements of the two investment strategy tracks.
  - **Track 1: “State and Regional Mobility Investment Strategy”** – At the April meeting, MPAC and JPACT members will be asked to identify and discuss priority throughway and high capacity transit investment opportunities and needs for the region to focus on during the next 30 years. The exercise includes placing dots on a map and filling out a simple worksheet. The purpose of the exercise is to gain a sense of priorities for the “state and regional mobility corridors” and provide Metro staff with direction for moving forward into the investment solicitation and system analysis activities. Metro staff, in consultation with other agency land use and transportation staff and members of the Freight Task Force, will identify an integrated investment strategy for the state and regional mobility corridors for purposes of the RTP system analysis. Screening criteria will be developed for the State and Regional Mobility Strategy. The screening criteria and strategy will be brought to MPAC and JPACT in May for discussion, prior to initiating the system analysis from June through August. **Attachment 4** describes the proposed process in more detail.
  - **Track 2: “Community Building Investment Strategy”** – Eligible project sponsors are requested to coordinate the identification of priority “community building” investments locally, through the local government coordinating committees and in consultation with their respective land use and trail planners. An investment solicitation packet is under development and will be provided to project sponsors on April 18, formally initiating the solicitation process. Investment nominations and specific project/program information are requested to be submitted by June 8, 2007. The pool of “Community Building” investments will be screened by project sponsors using the screening criteria summarized in **Attachment 5**. The screening

criteria will be used to provide a general assessment of which investments best support the overall policy direction of the RTP.

Each track will result in the identification of a pool of eligible investment candidates that leverage the 2040 Growth Concept and draft RTP policy framework. The pool of investments will be evaluated during the system analysis to occur from June through August. Results from the system analysis will inform identification of project and program investments to be recommended in the 2035 RTP and refinements to the RTP policy framework.

2. **RTP Performance Measures.** This part of the work program will focus on refining the “potential” performance measures identified in the draft policy framework that will be used for RTP systems analysis. This work will occur in the April-June period.
3. **RTP Investment Strategy.** This part of the work program will focus on development of a revenue forecast and conducting an analysis of investment strategies needed to implement the 2035 RTP. Two levels of investment will be developed for the 2035 RTP. The first level, the *2035 RTP Financially Constrained System*, will represent the most critical transportation investments for the plan period.<sup>1</sup> The second level, the *2035 RTP Illustrative System*, will represent additional priority investments that would be considered for funding if new or expanded revenue sources are secured. Refinements to the investment strategy tracks will be identified to address key findings from the system analysis and to reconcile priority investments with the amount of revenue anticipated to be available for the plan period. Strategies will also be identified to address the anticipated funding gap for the RTP Illustrative System.<sup>2</sup>
4. **Focused public outreach.** This part of the work program will focus on convening technical and policy workshops and meetings with Metro advisory committees, informational presentations to business and community groups and web-based public outreach.

Recommendations from the Phase 3 activities will be forwarded to the larger New Look process for consideration. In addition, refinements to the RTP investment strategy and the provisional draft policy framework will be identified to respond to the results of the RTP System Analysis. The refinements and recommendations will then be used to develop a discussion draft Regional Transportation Plan for public review in October 2007.

If you have any questions about the 2035 RTP update process, contact me at (503) 797-1617 or by e-mail at [ellisk@metro.dst.or.us](mailto:ellisk@metro.dst.or.us).

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<sup>1</sup> The 2035 Financially Constrained System will be the basis for findings of consistency with federal metropolitan transportation planning factors, the Clean Air Act and other planning provisions identified in SAFETEA-LU.

<sup>2</sup> The 2035 Illustrative System will be the basis for findings of consistency with statewide planning goals and the Oregon Transportation Plan and Oregon Transportation Planning Rule.



## High Capacity Transit (HCT) Investment Priorities

**Purpose:** Identify priority investment opportunities and needs in the region to help develop an integrated state and regional mobility investment strategy for the RTP that will be complemented by an integrated community building investment strategy.

**Instructions:** Place a dot on the map to locate your first, second, and third priority investment needs or opportunities. On this worksheet, identify the location for each priority and briefly summarize your reasons. *Please turn your sheet in at the end of the meeting.*

Priority	Location	Reasons
1		
1		
1		
2		
2		
2		
3		
3		
3		

NAME: \_\_\_\_\_



## State and Regional Throughway Investment Priorities

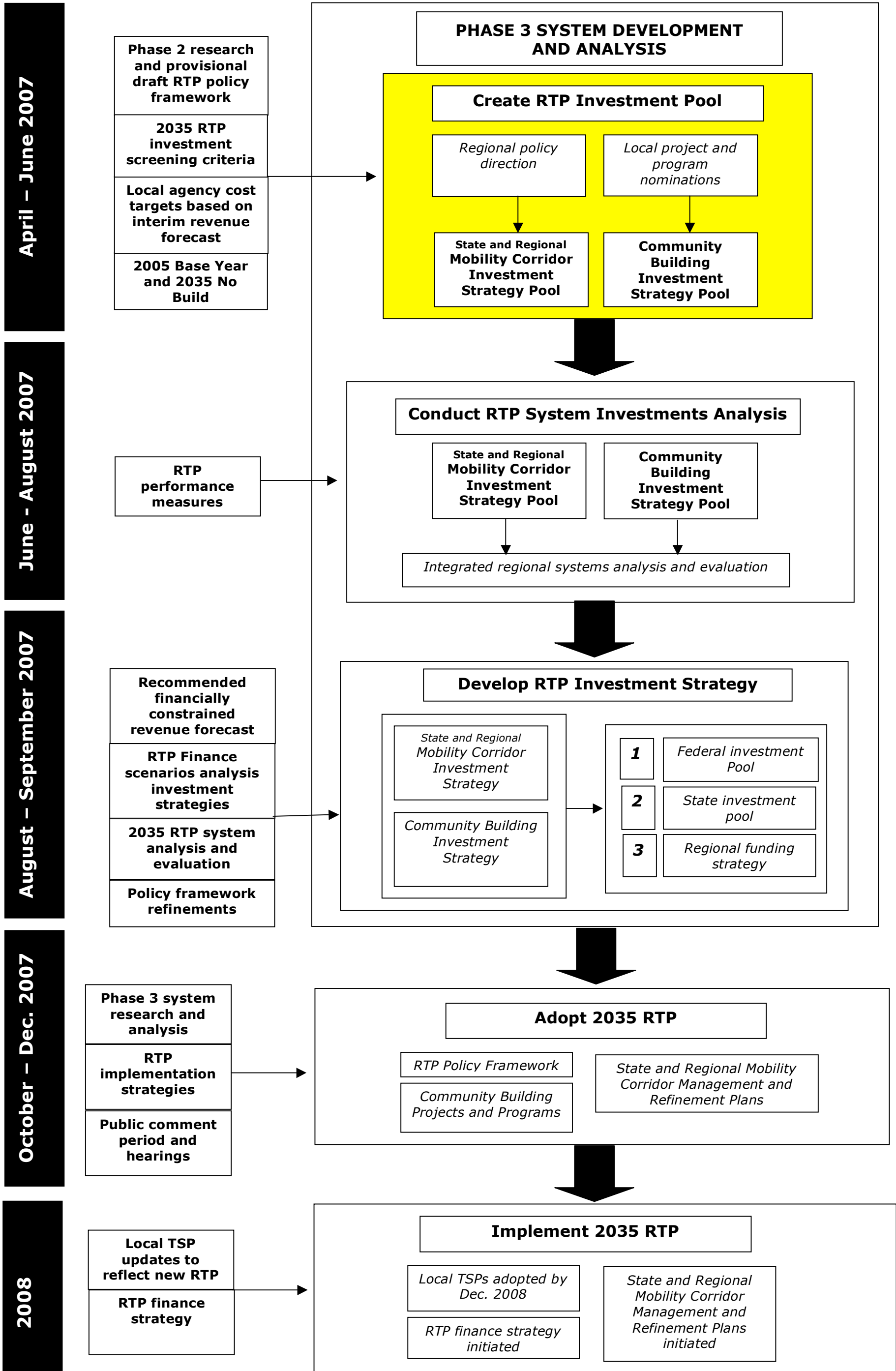
**Purpose:** Identify priority investment opportunities and needs in the region to help develop an integrated state and regional mobility investment strategy for the RTP that will be complemented by an integrated community building investment strategy.

**Instructions:** Place a dot on the map to locate your first, second, and third priority investment needs or opportunities. On this worksheet, identify the location for each priority and briefly summarize your reasons. ***Please turn your sheet in at the end of the meeting.***

Priority	Location	Reasons
1		
1		
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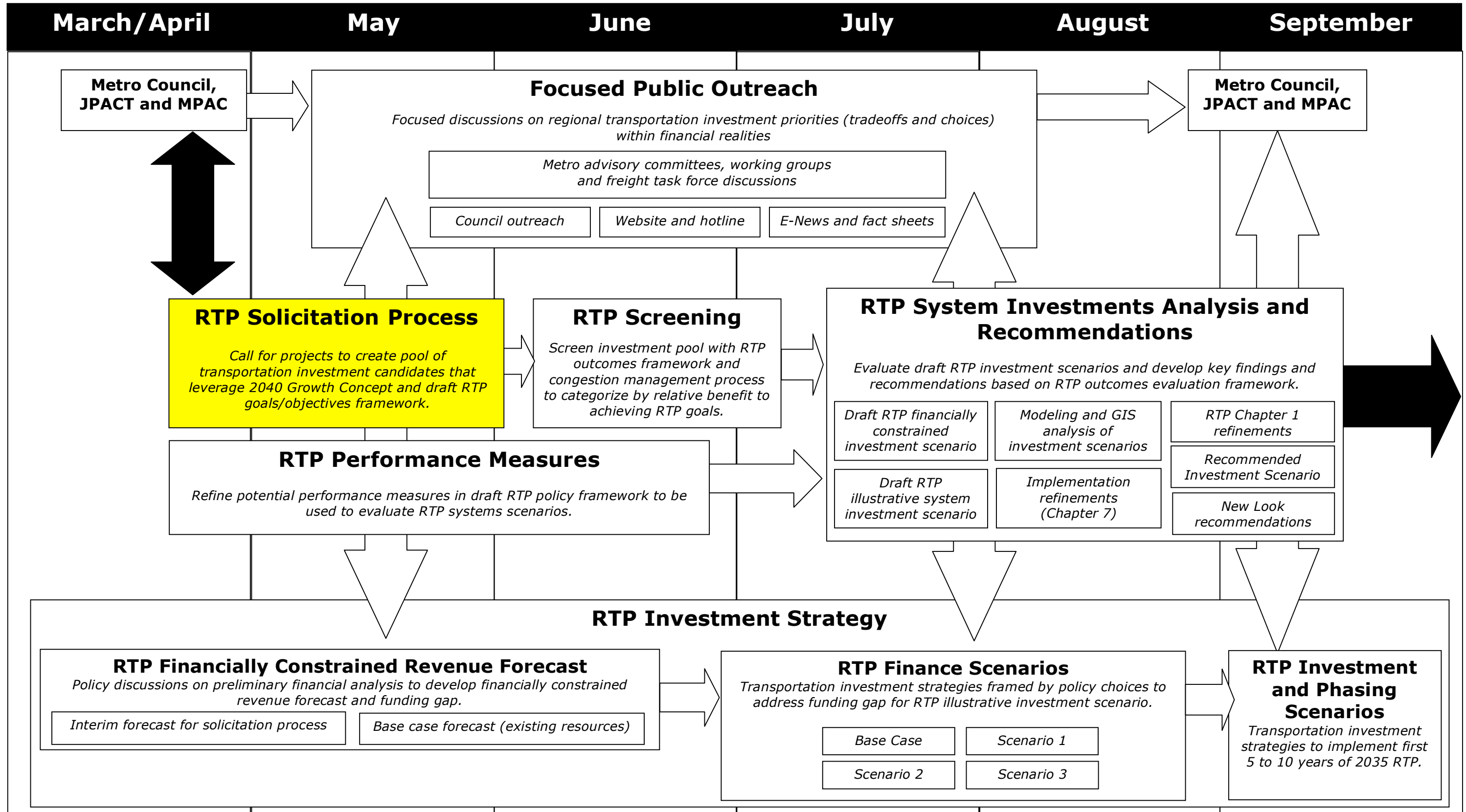
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# 2035 RTP UPDATE NEXT STEPS



# 2035 RTP Update: A New Look at Transportation

## Phase 3: System Development and Analysis (March – September 2007)







# 2035 Regional Transportation Plan Investment Strategy

<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>State and Regional Mobility Investment Strategy</b></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);"><i>Investments that support reliable interstate, intrastate and intra-regional people and goods movement.</i></p>	<p><b>Regional Highway Mobility Investments</b>            These investments address state and regional mobility corridors identified in the RTP with strategic, multi-modal corridor investments and management strategies. These routes have the function of connecting major 2040 Growth Concept activity centers, industrial areas and intermodal facilities within the region and serve as the primary interstate and intrastate connections for travel to other parts of the state, California, Pacific Northwest and Canada.</p> <p><b>Regional Transit Mobility Investments</b>            These investments address state and regional mobility corridors identified in the congestion management program (e.g., the RTP high capacity transit network) with strategic, multi-modal corridor investments and management strategies. The HCT routes have the function of connecting the 2040 Growth Concept central city, regional centers and passenger intermodal facilities within the region.</p> <p><b>Regional Trails Investments</b>            These investments implement the Regional Greenspaces Master Plan through strategic investments in regional trails with a transportation function to serve longer-distance bicycle connections to and between the central city, regional centers, town centers, industrial areas and passenger intermodal facilities, regionally significant parks and greenspaces, the Willamette Greenway and other regionally significant habitat areas, fish and wildlife corridors, trails and greenways in Oregon and the state of Washington.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>Community Building Investment Strategy</b></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);"><i>Investments that leverage 2040 land uses and improve community access and mobility.</i></p>	<p><b>Centers and Main Streets Investments</b>            These investments support multi-modal travel needs to, from and within high 2040 mixed-use areas. This program targets: the central city, regional and town centers, main streets, station communities and passenger intermodal facilities.</p> <p><b>Industrial Areas and Employment Areas Investments</b>            These investments implement the regional freight and goods movement concept, supporting freight mobility to, from and within the region and access to industrial areas and freight intermodal facilities in the 2040 Growth Concept. This program targets: industrial areas, freight intermodal facilities and employment areas.</p> <p><b>2040 Corridors Investments</b>            These investments implement the regional bike, pedestrian, arterial street and regional transit network concepts where appropriate through strategic multi-modal corridor investments and management strategies. This program targets the 2040 Corridors design-type, which provides important access connections to and between centers, main streets, employment areas, industrial areas, intermodal facilities and the regional throughway system.</p> <p><b>Environmental Enhancement and Mitigation Investments</b>            These investments address environmental enhancement and mitigation projects, including diesel retrofit projects, culvert replacements that benefit endangered salmon and steelhead passage and implementation of green street demonstration projects that advance the development of environmentally sustainable transportation design.</p>

**DISCUSSION DRAFT: 4/2/07**

**Statewide and Regional Mobility Investment Strategy**

**Background:** The RTP provides a framework to plan, design, build and manage an integrated transportation system to support our community, environmental and economic development goals. As such, it needs to support the movement of people and goods to, through and around the region. That system includes:

- Investments to support community building
- Investments to support state and regional mobility

The process for generating community building investments is relatively well defined with local government coordinating committees taking a large role. That process generally focuses on identifying roadway, bike, pedestrian, and transit investments that address identified transportation needs and support the central city, regional and town centers, main streets, station communities, inter-modal facilities and industrial and employment areas. Many of these investments have already been identified in local comprehensive and concept plans as part of implementing the Region 2040 Growth Concept.

In previous RTP updates, the process for identifying investments that support reliable interstate, intrastate and intraregional movement of people and goods along the major mobility corridors was less defined.

**Purpose:** The purpose of this strategy is to highlight and prioritize statewide and regional mobility corridor investments and system management strategies for inclusion in the RTP.

**Strategy:**

- 1) Create a composite “Statewide and Regional Mobility Corridors” map that draws from the current RTP motor vehicle, public transportation, freight systems and regional congestion management system map that reflects the draft RTP policy direction. This hybrid map will be the starting point for workshop discussions.
- 2) Freight Task Force, JPACT, MPAC participate in a mapping exercise to highlight priority throughway and high capacity transit investment opportunities and needs. The information provided through this exercise will be used to develop an integrated regional and state mobility investment strategy for the RTP. Key goals of the strategy will be to improve reliability of the movement of people and freight in, to and through the region, promote mobility and multi-modal access to and between the central city, regional centers, inter-modal facilities and industrial areas. (Map exercise: March 28 – April 12).

## Attachment 4

- 3) Maps and current mobility trends provide the basis for an interdisciplinary workshop(s) co-hosted by ODOT, TriMet and Metro to assess each of the state and regional mobility corridors to identify: (1) mobility function, (2) needs and deficiencies (including immediacy of issue), (3) possible solutions and approximate costs for investments. (Workshop(s) to be held late-April)
- 4) Identifying a Pool of Projects: Purpose of workshop(s) is to identify a pool of projects, programs and investment corridors for statewide and regional mobility. Workshop participants will not prioritize those projects/programs/investment areas. Workshop products include:
  - Identify gaps in transportation system (Congestion Management System, High Capacity Transit, Freight)
  - Where possible, identify specific projects, integrated corridor management plan and investment strategies needed to meet state and regional mobility corridor needs.
  - Where more study is needed, identify general investment strategies and outline key issues (consistent with the Oregon Transportation Plan “Major Improvement Policy”) for corridor refinement planning to be specified in Chapter 7 of the updated RTP. ”
  - Recommend mobility corridor analysis assumptions for RTP modeling.
  - Workshop(s) are not the forum to resolve statewide system issues including tolling/pricing, relative economic efficiencies of choices, utility of special treatments.
- 5) Workshop products will be made available to the coordinating committees, TriMet, Port of Portland and ODOT/OTC to consider as part of their project submittals (April – May)
- 6) Prioritization: Partners in the region will be asked to recommend statewide and regional mobility investment priorities through the Freight Task Force, MPAC and TPAC. By law, JPACT and the Metro Council will be responsible for selecting priorities (both for the “Community Building” and “Statewide and Regional Mobility” investments) for inclusion in the “Financially Constrained”, “Illustrative” and “Refinement” Sections (Chapter 7) of the RTP. The ultimate goal is to align RTP priority investments with existing and projected revenue streams.

Chapter 7 will identify refinement priorities including how to phase system work (e.g. system-wide tolling/pricing) relative to specific corridor studies.

- 7) Prioritization Criteria: Recommended process and criteria are being developed by ODOT/Metro/TriMet staff for consideration by various review bodies in May.

## **DISCUSSION DRAFT** *RTP Solicitation Process* **Screening Criteria for Community Building Investments**

The pool of “Community Building” investments will be screened by project sponsors using the screening criteria. The screening will be used to provide a general assessment of which investments best support the overall policy direction of the RTP.

### **GOAL 1: Efficient Urban Form**

Investment or program addresses one or both of the following objectives:

- Reinforces compact urban form and optimization of public investments, by leveraging growth in, and access to, 2040 centers, industrial areas, intermodal facilities, corridors, station communities and employment areas
- Provides access to and within the central city, regional centers, industrial areas and intermodal facilities

**High:** High scoring investments:

- Address a system gap or deficiency to reinforce growth in, and improve access to or within, the central city, regional centers, industrial areas, and/or intermodal facilities

**Medium:** Medium-scoring investments:

- Address a system gap or deficiency to reinforce growth in, and improve access to or within, any town center, station community, main street, 2040 corridor or employment area

**Low:** Low-scoring investments:

- Address a system gap or deficiency to reinforce growth in, and improve access to or within, any other parts of the region

### **GOAL 2: Sustain Economic Competitiveness and Prosperity**

Investment or program addresses one or both of the following objectives:

- Improves reliability of market area access to 2040 centers, industrial areas, intermodal facilities and employment areas
- Maintains travel time reliability on the regional freight network and provides access to industrial areas
- Ensures efficient freight and passenger connections between intermodal facilities and destinations in, beyond, and through the region
- Supports the creation and retention of jobs

**High:** High scoring investments:

- Improve reliability on the regional freight network AND provides access from labor markets and trade areas to the central city, regional centers, industrial areas, and/or intermodal facilities

**Medium:** Medium-scoring investments:

- Improve access from labor markets and trade areas and reliability by serving or connecting to central city, regional centers, industrial areas or intermodal facilities

**Low:** Low-scoring investments:

- Improve access from labor markets and trade areas and reliability by serving or connecting to or within town centers, main streets, station communities, 2040 corridors or employment areas

### **GOAL 3: Transportation Choices**

Investment or program addresses one or both of the following objectives:

- Expands transportation choices for people to reduce drive alone trips
- Provides equity by removing physical, economic and cultural barriers limiting access to the transportation system
- Provides choices for goods movement in, to and through the region

**High:** High scoring investments:

- Complete physical system gap to improve transit, bicycle and/or pedestrian access AND provides connections between modes; OR
- Remove an economic or cultural barrier that prevents access to the transportation system

**Medium:** Medium-scoring investments:

- Address system deficiency that limits transit, bicycle or pedestrian access OR provides connections between modes

**Low:** Low-scoring investments:

- Removes other physical, economic or cultural barriers that limit access to the transportation system

### **GOAL 4: Reliable Movement of People and Goods**

Investment or program addresses one or both of the following objectives:

- Improves multimodal system connectivity to enhance mobility, accessibility, safety, system efficiency and interconnection between modes
- Maintains reasonable travel time reliability along state and regional mobility corridors

**High:** High scoring investments:

- Improve reliability by completing a system gap or deficiency on an arterial within a state and regional mobility corridor; OR
- Improve reliability by providing system or demand management on an arterial within a state and regional mobility corridor

**Medium:** Medium-scoring investments:

- Improve reliability by addressing a system gap or deficiency on an arterial outside of a state and regional mobility corridor; OR
- Improve reliability by providing system or demand management on an arterial outside of a state and regional mobility corridor

**Low:** Low-scoring investments:

- Address system gap, deficiency and/or provides system or demand management on other parts of the transportation system

### **GOAL 5: Safety and Security**

Investment or program addresses the following objective:

- Improves safety or security for all modes of travel.

**High:** High scoring investments:

- Address recurring safety-related deficiency on an arterial located within a state and regional mobility corridor

**Medium:** Medium-scoring investments:

- Address recurring safety-related deficiency on an arterial located outside of a state and regional mobility corridor

**Low:** Low-scoring investments:

- Address recurring safety-related deficiency on other parts of the regional transportation system

### **GOAL 6: Human Health and the Environment**

Investment or program addresses one or both of the following objectives:

- Protects, restores and/or enhances the natural environment
- Provides air quality benefit(s)
- Provides opportunities for physical activity

**High:** High scoring investments address 4 or more of the following:

- Provides new or expanded opportunities for physical activity
- Reduces vehicle noise
- Reduces vehicle emissions by implementing Transportation Control Measures (TCMs) in State Implementation Plan)
- Reduces stormwater runoff and improves water quality through green street design
- Improves fish or wildlife habitat or removes a blockage or constraint limiting fish or wildlife passage in a habitat conservation area and/or wildlife corridor
- Reduces transportation-related energy consumption or supports efficient trip-making.

**Medium:** Medium-scoring investments address 3 of the above.

**Low:** Low-scoring investments address 2 of above.