

MINUTES OF THE METRO COUNCIL MEETING

Thursday, July 12, 2007
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Kathryn Harrington, Robert Liberty, Rex Burkholder, Rod Park, Brian Newman

Councilors Absent: Carl Hosticka (excused)

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Susana Brennan, Solid Waste and Recycling Department, provided her testimony in writing (a copy of which is included in the meeting record).

Michael Rabinowitz, 4146 Flavel St, Portland OR 97202 read his testimony into the record (a copy of which is included in the record).

Debbie Humphrey, Household Hazardous Waste Specialist, 57273 Walker Rd. Scappoose OR 97056 talked about the effect of rising health care costs on a family's take home pay. The health care costs will place a heavy burden on families. She provided some charts for the Council. She noted take home pay was currently stagnant. The AFSCME's proposed contract would allow for increased take home pay. (A copy of her testimony and attachment is included in the meeting record.)

Tim Collins, Planning Department, read his letter into the record (a copy of which is include in the record). He urged Council to support the proposed AFSCME's health care package.

Issa Simpson said she was the AFSCME representative. She talked to Council about the valuable contributions that the union had made. She talked about the history of those contributions. She said they had been told that the Council was interested in a partnership. They hadn't seen a true risk-taking from the Metro Council. She talked about the total compensation package. She also noted they were entering into a status quo phase as part of bargaining. She said they had asked for bargaining early so retroactivity did not come into the bargaining.

Councilor Burkholder talked about the dollars that the union was bringing to the table and asked for clarification of these monies. Ms. Simpson responded to his question.

Phil Prewitt, Oregon Zoo Keeper, said he had always voted for schools, parks, and libraries because it supported families and the community. He proposed a percentage split. He had worked as a Zoo Keeper for 23 years. The job never ended and was never done. He had seen his benefits being slashed over the years.

Roberta Schwarz, 2206 Tannler Drive, West Linn, OR 94708 said they were hoping the White Oak Savannah as part of the Willamette Narrows Target area would be purchased under the bond

measure. She noted other materials that were provided to the Council. She invited Council to look at the site. She noted that the West Linn City Council supported the purchase.

Ken Pryor, 2119 Greene Street, West Linn, OR 97068 said he was a West Linn resident who was here to support Ms. Schwarz. There was support from the neighborhood for purchase of the White Oak Savannah. He hoped Council would take this into consideration. Councilor Newman asked if Clackamas and West Linn were willing to be partners in this purchase. He noted that it would require multiple agencies to make this purchase and pay for operation. Ms. Schwartz responded to his questions. She said this was an amazing 20 acres that should be purchased.

3. METRO COMMITTEE FOR CITIZEN INVOLVEMENT (MCCI) DIVERSITY OUTREACH STRATEGIES FOR METRO AND METRO COMMITTEES

Kate Warren, MCCI Chair, introduced Erin Miller, Vice Chair of MCCI. She thanked Council for their support over the last year. She noted that due to work commitments, she was resigning as the Chair.

Councilor Burkholder talked about the challenges for outreach. He asked how we talk to our future citizens about participation. Had MCCI talked about the younger parts of our society and how to get them involved? Ms. Miller responded to his question.

Councilor Park asked how they were integrating diversity planning with the other committees at Metro. Ms. Miller responded to his question.

Ms. Warren encouraged Council to help support the cross fertilization of participation. Councilor Liberty asked if there was anything special they should be doing for new citizens of the region as well as new citizens of the nation. Ms. Miller suggested getting involved in community events. Councilor Liberty said he had allocated part of his district budget for translation services. He asked if they had reviewed Metro's website and made suggestions. Ms. Miller responded to his question.

4. CONSENT AGENDA

4.1 Consideration of Minutes for the July 5, 2007 Metro Council Regular Meeting.

4.2 **Resolution No. 07-3823**, For the Purpose of Confirming the Appointment of Judy Andreen to the Metro Committee for Citizen Involvement (MCCI)

Motion:

Councilor Park moved to adopt the meeting minutes of the July 5, 2007 Regular Metro Council and Resolution No. 07-3823.

Vote:

Councilors Burkholder, Harrington, Liberty, Park, Newman, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

5. ORDINANCES – FIRST READING

5.1 **Ordinance No. 07-1157**, For the Purpose of Dissolving the Greenspaces Policy Advisory Committee (GPAC) and Repealing Metro Code Section 2.19.160.

Council President Bragdon assigned Ordinance No. 07-1157 to Council.

6. ORDINANCES - SECOND READING

6.2 **Ordinance No. 07-1148**, For the Purpose of Amending the Employment and Industrial Areas Map of Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan to Change the Designation of a Portion of the Brickworks Property from Industrial to Inner Neighborhood.

Motion:	Councilor Park moved to adopt Ordinance No. 07-1148.
Seconded:	Councilor Newman seconded the motion

Councilor Park introduced the ordinance. If approved, this ordinance would amend the Employment and Industrial Areas Map to authorize a mix of uses on the Brickworks property not allowed by Title 4 (“Industrial and Other Employment Areas”) of the Urban Growth Management Functional Plan. The Inner Neighborhood designation would allow a variety of residential and commercial uses that were currently prohibited under Title 4 of the Urban Growth Management Functional Plan.

The specific request was for the site located at SE Hogan Drive and SE Palmquist Road in Gresham. It was a total of 77 acres, with 42.7 acres to be changed from Industrial to Inner Neighborhood including Town Home Residential, 19.1 acres and Low Density Residential, 23.6 acres (14.84 acres are school site). Also rezoned (but no Title 4 change needed due to Research Technology Industrial (RTI) being consistent with Metro Industrial Area): From Gresham Heavy Industrial to Research/Technology Industrial, 27.2 acres and Environmentally Sensitive, 7.1 acres.

This site had long been an “orphan area.” It was first going to be served by the Mt. Hood Freeway, which did not proceed. It was then planned to be served by the proposed Mt. Hood Parkway, the proposed state highway connector between I-84 and Hwy 26, which was part of Connect Oregon. As these transportation proposals came and went, the lands became more urbanized with primarily housing, two schools and a yet to be finished sports park.

Prior to the 2002 Metro urban growth decision, the city of Gresham requested a change to the zoning from industrial. At Metro’s request Gresham was asked to delay to see how other industrial lands in the area may be master planned with the Brickworks site. Gresham did do the master planning as requested and concluded there was not a feasible way to serve the site with transportation for heavy trucks without destroying a valuable Goal 5 habitat area. Gresham changed its industrial code to preclude schools, churches, big box retail and other incompatible uses in their industrial areas. They, like Metro, realized industrial lands area was a precious commodity and should be treated as such.

In 2001, economic development report concluded that the site was not suitable for heavy industrial use. The site had been heavy industrial since 1980 with no development. In 2002, City of Gresham submitted a Title 4 map amendment request to Metro Council. Council and the City agreed to wait until after the planning for the Springwater site was completed to take up the amendment request. In 2005, Springwater’s plan was adopted in December 2005.

Ray Valone, Planning Department, summarized the staff report. He noted that the application was somewhat complex. In 2006, Gresham rezoned the Brickworks site contingent upon Metro Title 4

map amendment. Through its planning process, the City of Gresham divided the Brickworks area into two phases. Phase 1, considered herein, consists of 77 acres lying to the southeast of the intersection of Hogan and Palmquist ("Brickworks Site"). The Brickworks site had been zoned as Heavy Industry land since 1980. No development had occurred under the Heavy Industry designation. There was a brick and concrete paver manufacturer with associated clay extraction to the south, on land designated for Phase 2.

The site and the proposed amendment to the Title 4 map were shown in Attachment 1, attached hereto. A map showing the general location of the site was attached hereto as Attachment 2.

The City of Gresham was required to respond to criteria contained in Metro Code 3.07.450 H. Their responses to the criteria were provided in the staff report. Metro staff was available to respond to any specific questions you may have regarding the City of Gresham's responses.

Upon review of this request, Metro staff was satisfied with this proposal and recommended approving this request.

Councilor Liberty asked how does this change the RTI. Mr. Valone responded to his question.

Mr. Valone summarized the six criteria (a copy of which is included in the staff report). He shared how the applicant had met the criterion. Upon review of this request, Metro staff was satisfied with this proposal and recommended approving this request.

Council President Bragdon opened a public hearing on Ordinance No. 07-1148.

Shirley Craddick, Gresham City Council, read Mayor Bemis' letter into the record (a copy of which is included in the meeting record).

Jonathon Harker, City of Gresham, 1333 NW Eastman Pkwy Gresham, OR 97030 commented that Councilor Park and Ray Valone covered most of the information. He talked about schools and the changes to the Code. He also noted about property owners had approach them about concerns. They had approached the Metro Council and followed through with their requests. He talked about the Springwater Plan adoption and that Brickworks was taken up separately. He noted that City of Gresham wasn't able to address criterion because it was not in place at the time of their request.

Councilor Liberty asked Councilor Craddick about balance across the region. He talked about the need for industrial use throughout the region. He asked if there was much discussion about industrial lands. Councilor Craddick responded that they felt they had adequate industrial land currently and long term. She noted industrial definitions had changed. Councilor Liberty asked if there had been a discussion on the types of industrial land needs. Mr. Harker said there was considerable discussion during the Springwater Planning about the balance of industrial land. They had looked at Brickworks separately from Springwater's plan. Councilor Liberty asked if they kept track of employment trends? Mr. Harker said this was one of the drivers of the Springwater Industrial district. They were tracking employment trends and different types of industrial needs.

Councilor Park asked about the Brickworks site and the clay materials on the site. Mr. Harker responded to his question. Councilor Park asked about the bridge over Johnson Creek, which

didn't allow semi trucks because of the weight limitation of the bridge. Mr. Harker could not respond to his question.

John Hartsock, Millenium Homes, 12042 SE Sunnyside Rd Clackamas OR 97015 said he was representing Millenium Homes. This was a win-win use of the property. This parcel also opened up an area for a walking path to the school. It would also be a green street project. He asked for their support.

Mark Childs, Integrated Corporate Property Services, 7754 SW Capitol Hwy Portland OR 97219 said he had not seen a sign at the bridge. He had been working with the property owners for over 10 years. He believed the main influence was the wide and varies uses around the property. He had participated in the Springwater Plan. As a commercial real estate broker, he believed this action would attract other industrial uses in the area. He urged support. Councilor Liberty asked if he had experience with selling industrial properties. Mr. Childs said there was demand for heavy industrial uses. Councilor Liberty asked him if he was concerned about adequate industrial land. Mr. Childs said he felt that there was a shortage of industrial land.

Council President Bragdon closed the public hearing.

Councilor Burkholder said he was happy to hear that the City had changed their Code to allow for alternative land uses. He talked about the need for jobs housing balance. He was supportive of this change.

Councilor Liberty said he had heard some encouraging things from representatives from the City of Gresham. He hoped the change in industrial designation was successful. He was uneasy about Mr. Childs' testimony about the shortage of industrial land. He would be supporting this change but he was worried we were setting ourselves up.

Councilor Harrington thanked City of Gresham for their planning efforts. She complimented them on their housing mix. Having a supply of industrial land throughout the region was always a concern.

Councilor Newman thanked Metro staff and the testifiers. This was the first application through the Title 4 process. He felt they had been very thorough in their analysis. He felt it was a testament to the good work that was done three months ago on Title 4.

Councilor Liberty thanked Mr. Valone for his work. He asked for a running total when they considered the next one of these Title 4 applications. Mr. Valone responded that he would provide that information.

Councilor Park closed by saying Gresham has been a good partner with Metro in the pursuit of designing and building great communities. He thanked former Mayor Becker for his work including the redevelopment of their historic downtown and the development of Gresham Station. He also thanked them for the work they were doing for the Rockwood Renewal area plus their efforts to make the dream of a quality industrial site in Springwater. This was a unique site, which had undergone intense scrutiny.

The conclusion to remove this site from heavy industrial uses was the correct one. The designations being proposed were more compatible to this unique site and would help the eastern portion of the region help achieve the regional vision of "Great Places." He urged an aye vote.

Vote:

Councilors Park, Burkholder, Harrington, Newman, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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6.1 **Ordinance No. 07-1147A**, Amending Metro Code Chapters 5.01, 5.02, 5.05, and 7.01 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.

Motion:	Councilor Harrington moved to adopt Ordinance No. 07-1147A.
Seconded:	Councilor Newman seconded the motion

Councilor Harrington summarized a minor amendment and said, first, sections 6 and 7 of the ordinance make reference to changing the Regional System Fee Credit and Excise Tax Credit programs. Given the enforcement dates for the EDWRP ordinance, July 1, 2009, she proposed an amendment extending the Regional System Fee Credit program and the Solid Waste Excise Tax Credit program through June 30, 2009.

Motion to amend:	Councilor Harrington moved to amend Ordinance No. 07-1147A with Harrington Amendment I & II.
Seconded:	Councilor Liberty seconded the motion

Councilor Harrington said the amendment clarified the effective date for both programs.

Vote to amend:

Councilors Harrington, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 4 aye/1 nay, the motion passed with Councilor Park absent from the vote and Councilor Burkholder voting no on the amendment.
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Councilor Harrington said she would like to briefly review the current status of this ordinance and a summary of actions taken the last few months. She outlined how this ordinance proceeded through the various advisory committees to the Metro Council, specifically the Solid Waste Advisory Committee (SWAC), and the Metro Policy Advisory Committee (MPAC). This should clarify some questions and comments from the public hearing June 21st. She said, our region needed to increase the rate of recovery for further waste reduction. Recovering useable and marketable dry waste was one program to help ensure that we met the state mandated 64% target for our three county, 25 city metropolitan region. This program was called the Enhanced Dry Waste Recovery Program, or EDWRP.

This spring, a draft ordinance for this EDWRP program was reviewed with the Metro Solid Waste Advisory Committee, advisory to the Metro Council, at the March 22nd SWAC meeting. During this time, Mr. Grabhorn (the owner of the Lakeside landfill in Washington County, outside of the Metro boundary) approached Metro, saying that he wanted to close his landfill but that this program would put him out of business first. SWAC voted against the ordinance (6 to 9) and voiced many concerns about the proposed program. Chief among those concerns were uncertainty with the Lakeside landfill in Washington County, as well as wanting to have a level playing field for all facilities accepting waste from the Metro region. At that time, the draft ordinance did not include the surcharge/fee provision. Given those concerns, Metro staff, particularly Solid Waste Director Mike Hogle, was asked to come up with a potential solution to meet the region's needs for increasing recovery of waste, through enhanced recovery

(EDWRP) and also to ensure our region didn't end up with an orphaned landfill in Washington County. By orphaned landfill, she meant one without a clear closure fund and closure management plan. There had been a great deal of concern that the Lakeside landfill demonstrate that it had an adequate closure fund, so that the landfill could close properly in the near future. To his credit, Mr. Grabhorn and his business staff had met regularly and in a positive problem-solving manner with Mr. Hogle of Metro as well as representatives from the State of Oregon Department of Environmental Quality (DEQ) and Washington County – the actual agencies that were responsible for the operating permits for the Lakeside landfill. Metro's role was limited to providing permission for facilities such as these to accept waste that was generated from the Metro region. All operating permits landfills outside of the Metro boundary, including land use permitting was handled at the state and local county or city level – not the regional Metro level.

The draft ordinance was changed to include a surcharge/fee provision, the concept of which was to formulate a recommendation for a fee or surcharge for a designated facility seeking to dispose of non-putrescible (dry) waste without processing for recyclables. The fee or surcharge would create an economic impact on the facility, so that recovery would still be encouraged. In addition, some or all of the funds collected might be directed to the landfill closure fund. The thinking was if we act on this concept, we would want certainty for a closure date. At this point the fee or surcharge was a concept. Section 11, page 23, expressed this and asked the Chief Operating Officer (and Metro staff) to come up with a recommendation for what the fee/surcharge would be, how it would be imposed, collected, used and so forth. Before the EDWRP proposed ordinance went before the Metro Policy Advisory Committee, a Measure 37 claim submitted by Mr. Grabhorn was on its way before the Washington County Board of Commissioners. At that April 11th MPAC meeting, the Washington County representative, Chair Tom Brian of the board of commissioners, asked that we delay action for at least 30 days in order to provide Washington County with the time needed to make a decision on the Measure 37 claim. We did so, and delayed action even longer, until June 13th. MPAC voted on the proposed ordinance (07-1147) at the June 13th meeting, unanimously approving the ordinance. Unfortunately, the Washington County Board of Commissioners did not have a representative at the meeting that evening. Councilor Harrington had reason to believe that they would support 07-1147A, and that there was support for measures to get Mr. Grabhorn to close his Lakeside landfill by July 1, 2012.

She reminded the audience that Metro did not license the general operation of landfills outside of the Metro jurisdictional boundary. Both the Lakeside and the Hillsboro landfills were located in Washington County, outside of the Metro boundary. Metro's authority involved providing permission for facilities such as these to accept waste from the Metro region, what we called designated facility agreements (DFAs), and in doing so the collection of Metro taxes and fees. The proposed ordinance came before the Council on June 21st for a second reading with some minor clarification amendments, such as adding the 7th "whereas" to make the Council intentions for July 1, 2009 clear and explicit. The result was ordinance number 07-1147A. We held a public hearing that day and heard a lot of feedback from residents within the region, residents outside of the region (particularly neighbors of the Lakeside landfill) as well as solid waste business representatives. She thanked each of them for participating.

She said we had been collaborating with our regional partners to help ensure we had a regional program that worked, that we didn't have an orphaned landfill now or in the future, that there was a secured closure fund and a certain closure date (or at least a date for not accepting waste from the region) and that the agencies who did have authority for making sure that such facilities had appropriate permits, did so because Metro didn't have that authority and was dependent upon them to ensure they followed through on their authority. Metro Council heard a lot of different

things in that public hearing on June 21st and there were multiple possible directions we could go.

First, the ordinance before the Council, EDWRP had a request for a surcharge/fee provision no later than March 1, 2008 and DFA intentions by July 1, 2008: This was the A version. It got the EDWRP program going, enforced by July 2009, and kept the pressure on Lakeside to work with Metro between now and March 1, 2008 to come up with a solution for landfill closure by July 1, 2012. This option wasn't ideal, but would provide certainty that had not existed before. If a surcharge/fee recommendation couldn't be put together by March 1, 2008, we were left with EDWRP with no surcharge/fee solution. If at anytime after that, Lakeside didn't want to abide by the proposal, then the DFA could be pulled and Lakeside simply got no waste flow from the Metro region. She said in order for her to support this A option, Mr. Grabhorn would have to make a firm written commitment within the next 3 weeks to a closure date of July 1, 2012.

There could be another option; EDWRP with no surcharge/fee provision: clean, straightforward. This would mean that Lakeside continued accepting dry-waste generated outside of the Metro region as well as dry-waste from the region that had already been processed (residual), and therefore may take years beyond 2012, an undetermined number of year to reach closure, or Mr. Grabhorn might possibly construct a Material Recovery Facility (MRF), process waste and dispose residual in the landfill until the property constraint was reached, and operate the MRF for as long as he was licensed into the future (even possibly selling that viable business.) So in summary, nice and straight-forward for Metro, while keeping Lakeside closure and future operations somewhere out there in the future, unknown.

Councilor Harrington said creating public policy wasn't a clean, black-and-white process – there were always real world conditions that we had to work with. She hoped that with this summary and outline, she had clarified what the current proposal was, what process has been used by the Metro Council to seek input from the public, from the Solid Waste Advisory Committee and from the Metro Policy Advisory Committee, and how Metro had worked in collaboration with our local partners, particularly Washington County and the State DEQ to construct policies and programs that will meet the 64% recovery need of our region and get us there given the varied conditions and needs of our region. There were multiple directions that we could go in. We certainly wanted to hear more from citizens of the region. As a last note, each Councilor has received information from the Solid Waste Director, responses to questions from the public hearing in June. Should there be any questions on that, the Director, Mike Hoglund was available as was Metro Senior Attorney Marv Fjordbeck.

Council President Bragdon opened a public hearing on Ordinance No. 07-1147A.

John Frederick, 13622 Pleasant Valley Rd Beaverton, OR 97007 said he lived adjacent to the landfill. He thanked the Metro staff for doing their diligent work. He asked Councilor Harrington about the closure plan for Lakeside Landfill. He noted that they were not in compliance now and urged not allowing Mr. Grabhorn to operate another five years.

Art Kamp, 14520 SW Pleasant Valley Rd Beaverton, OR 97007 provided his talking point for the record. There were a number of people who supported his position. He asked that they stand up.

Richard Ponzi, 22230 Jaquitz Rd Newberg OR 97132 said he operated a business adjacent to the landfill, a winery. They had grown along with the landfill but there were major conflicts with the landfill. He thanked Council President Bragdon for his invitation to the Connecting Green 2007

conference. He noted the need for support from industry to fund those visions. He was looking to Metro, which was advocating a recovery program to allow a landfill to continue to exist. He was concerned about waiting another five years for the landfill to close. He was in favor of the ordinance with no exemptions to any landfill.

Richard Thoresen, 19885 SE Allen Rd Beaverton, OR 97007 provided his testimony for the record.

Elizabeth Thoresen, 19885 SE Allen Rd Beaverton OR 97007 provided her letter for the record. Councilor Harrington clarified that if we passed the ordinance that did not require a surcharge fee, this did not mean that the trucks would stop going to the landfill.

Rob Burchfield, 20050 SW Allen Rd Beaverton OR 97007 thanked the Council for listening to the testimony from his neighborhood. He supported regulations that would not allow any surcharge. He said the term orphan landfill troubled him. This landfill was capable of generating revenue and supporting the regulation. He understood the role of Metro. Metro did have a responsibility for DFAs for landfills outside of the UGB. Metro made a choice as to where to send waste. He urged Metro to make sure the landfill that received waste from the region was in compliance. He provided his testimony for the record.

Larry Harvey, Lakeside Reclamation/PacWest Communication, said he appreciated the opportunity to look at the amendments. Mr. Grabhorn supported the implementation of EDWRP. It was Metro's decision as to whether they would implement a surcharge. He talked about the partnership between Metro, DEQ, Washington County and Lakeside Landfill. He thought that Lakeside had all of the permits necessary to operate a landfill. He felt some of the testimony was inaccurate. They would be back on August 2. Councilor Harrington had accurately provided this history of the issue. Councilor Liberty talked about the land use permit and Lakeside Landfill. His interpretation was that there was no land use permit. Mr. Harvey countered Councilor Liberty's comments.

Larry Davidson, Lakeside Reclamation, 1SW Columbia #1850 Portland, OR 97258 said he would not have comments today because his understanding was there would be no final vote today.

Terrell Garrett, Greenway Recycling, Box 4483 Portland OR 97208 said he would like to see this ordinance implemented sooner rather than later. He talked about the possibility of a surcharge, which would provide incentive for recovery facilities. He talked about substantial compliance for facilities operating outside of the UGB. He didn't understand why all MRFs should not be held to 5.01. He urged Council to create the level playing field. You were either in or out.

Mike Dewey, Waste Management, thanked staff and Councilor Harrington for their work. He talked about the surcharge. They were not in favor of the surcharge. He talked about the difficulty with knowing what their financial plan would be because they were waiting to see what this ordinance looked like. Second, with regard to the market, costs would go up for land filling as there was more recovery. There needed to be a program with regards to enforcement. Council President Bragdon asked for clarification on the surcharge issue.

Dean Kampher support Mike Dewey's comments.

Motion to amend:	Councilor Newman moved to amend Ordinance No. 07-1147A with the recital amendment and Newman/ Hosticka amendments 1 through 4 (a copy of which is included in the record).
Seconded:	Councilor Park seconded the motion

Councilor Newman explained his packet of amendments. It removed all references to the surcharge and all references to the surcharge. He clarified that this did not shut down any facilities. It applied the EDWRP across the region as well as outside the UGB. If they don't comply with EDWRP, they no longer receive waste from this region.

Councilor Liberty asked legal counsel about substantial compliance. Marv Fjordbeck, Senior Attorney, talked about the language in section 3 which modified provisions in the Code. This was designed to accommodate future operations.

Council President Bragdon asked Mr. Hoglund about relations to facilities that were outside our boundaries. Under the DFA, was there a requirement that the facility abide by the regulations they were receiving waste from? Mr. Hoglund responded to his question. Council President Bragdon said the primary agencies of the host jurisdiction required that they were in compliance.

Councilor Park asked about waste MRFed in the region and what happened to that waste after that? Could it go to a facility outside the region. Mr. Hoglund responded to his question. Councilor Park provided an example of his concern. Mr. Hoglund responded to his question.

Councilor Liberty talked about testimony on violations. He asked how Metro monitored compliance. Mr. Hoglund said they relied on DEQ but they also inspected facilities. Councilor Liberty asked how accurate were the allegations. Mr. Hoglund said waste streams change, there were different operations. There had been some violations.

Councilor Harrington asked Mr. Hoglund to highlight Lakeside permits. Mr. Hoglund said their DEQ permit expired this year. They would then have to come back to Metro for the DFA once they received a new permit from DEQ. In 2010 their Washington County permit comes up for renewal.

Motion to amend:	Councilor Harrington asked for postponement of action on the amendment until August 2nd
Seconded:	Councilor Park seconded the motion

Councilor Harrington explained her motion. Councilor Newman explained why he opposed the postponement. Councilor Park said he was supportive of the postponement. He would like to see how the agreement with Lakeside rolled out. He also noted Washington County Chair Bryant had asked for a postponement as well until negotiations had been concluded. Council President Bragdon said he would vote to postpone but expected negotiations to occur. Councilor Liberty thanked his colleagues for their time and effort, particularly Councilor Harrington. Councilor Harrington thanked Councilor Park for his comments about the need for additional time to work with the regional partners to see if any arrangement can be worked out.

Vote to amend:

Councilors Park, Burkholder, Harrington, and Council President Bragdon voted in support of the motion. The vote was 4 aye/2 nay, the motion passed with Councilor Newman and Liberty voting no.

7. RESOLUTIONS

7.1 Removed from the agenda

8. CHIEF OPERATING OFFICER COMMUNICATION

Bill Stringer, CFO, had no comments.

10. COUNCILOR COMMUNICATION

Councilor Liberty said he would be participating in a Metropolitan Planning Organization meeting in Italy next week.

Councilor Harrington said MPAC met and considered Ordinance 07-1154. MPAC did not endorse the ordinance.

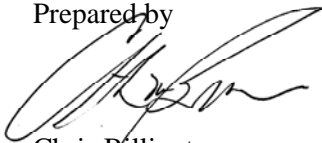
Council President Bragdon said they would be doing a Joint program with Urban Land Institute tomorrow at Multnomah Club.

Councilor Burkholder said Federal highway administration would hold a workshop tomorrow in the chamber.

11. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:40 p.m.

Prepared by



Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
JULY 12, 2007**

Item	Topic	Doc. Date	Document Description	Doc. Number
4.1	Minutes	7/5/07	Metro Council Meeting Minutes of July 5, 2007	071207c-01
6.2	Letter and attachment	7/2/07	To: Metro Council From: Robert Butler, Butler Brokers Re: Opposition to Ordinance No. 07-1148	071207c-02
6.1	Amendment	7/12/07	To: Metro Council From: Councilor Hosticka Re: Proposed amendment to Ordinance No. 07-1147A	071207c-03
6.1	Letter	6/29/07	To: Council President Bragdon From: Jere Grimm Re: Ordinance No 07-1147A Lakeside exemption opposition	071207c-04
6.1	Email	7/3/07	To: Council President Bragdon and Art Kamp From: Mike Hoglund, Solid Waste and Recycling Director Re: suggested amendment to Ordinance No. 07-1147A	071207c-05
6.1	Email	6/28/07	To: Elizabeth Thoresen From: Councilor Burkholder Re: urging Lakeside to conform to all applicable land use and building code regulations Ordinance No. 07-1147A	071207c-06
6.1	Email and attached letter	7/9/07	To: Metro Council From: Lisa Jo Frech, Manager Raindrops to Refuge Re: opposing an exemption for Lakeside Ordinance No. 07-1147A	071207c-07
6.1	Email response	7/9/07	To: Raindrops to Refuge From: Councilor Harrington Re: response to Ms. Frech email concerning Ordinance No. 07-1147A	071207c-08
6.1	Email	7/10/07	To: Councilor Harrington From: email from Karin DeGroot forwarded by Art Kamp Re: Lakeside Landfill opposition concerning Ordinance No. 07-1147A	071207c-09
6.1	Letter	4/13/07	To: Metro Council President Bragdon From: Adam Winston, Pacific Northwest General Manager for Waste Management Re: EDWRP ordinance	071207c-10
6.1	Amendment	7/11/07	To: Metro Council From: Councilor Harrington Re: Amendment to Ordinance No. 07-1147A	071207c-11

Item	Topic	Doc. Date	Document Description	Doc. Number
6.1	Response to Council questions on EDWRP	7/11/07	To: Metro Councilors From: Mike Hoglund, Solid Waste and Recycling Director Re: Responses to Questions from June 21, 2007 Public Hearing on Ordinance No. 07-1147A	071207c-12
6.1	Amendment	7/12/07	To: Metro Council From: Solid Waste Director Re: Proposed amendment to Ordinance No. 07-1147A	071207c-13
6.2	Letter	7/11/07	To: Metro Council From: Shane Bemis, Mayor of Gresham and Gresham Council President Shirley Craddick Re: supporting Ordinance No. 07-1148	071207c-14
6.2	Letter	6/27/07	To: Metro Council From: Jack Hoffman, Dunn Carney Allen Higgins and Tongue Re: supporting Ordinance No. 07-1148	071207c-15
6.1	Amendment	7/12/07	To: Metro Council From: Councilors Hosticka and Newman Re: Proposed amendment to Ordinance No. 07-1147A	071207c-16
2.0	Testimony	7/12/07	To: Metro Council From: Susana Brennan, Metro Employee Re: affordable health care and AFSCME negotiations	071207c-17
2.0	Testimony	7/12/07	To: Metro Council From: Mike Rabinowitz, Metro Employee Re: healthcare premiums and AFSCME negotiations	071207C-18
2.0	Testimony	7/12/07	To: Metro Council From: Deb Humphrey, Metro Employee Re: health care costs and AFSCME negotiations	071207c-19
2.0	Testimony	7/12/07	To: Metro Council From: Tim Collins, Metro Employee Re: healthcare benefits and AFSCME negotiations	071207c-20
2.0	Letter	6/26/07	To: Roberta Schwarz From: Martha Schrader, Chair Clackamas County Board of County Commissioners Re: consideration of purchasing property	071207c-21
2.0	Letter	No date	To: Councilor Newman From: Clackamas County Steering Committee of the Oregon League of Conservation Voters Re: supporting purchase of the Tanner East parcel of White Oak Savannah	071207c-22

Item	Topic	Doc. Date	Document Description	Doc. Number
2.0	West Linn Resolution	2/27/07	To: Metro Council From: West Linn Mayor King Re: resolution supporting local share projects and nominations for certain properties as potentially regionally significant Metro target area acquisitions	071207C-23
6.1	Testimony	7/12/07	To: Metro Council From: Rob Burchfield Re: recommendation on Ordinance No. 07-1147A	071207c-24
6.1	Testimony	7/12/07	To: Metro Council From: Elizabeth Thoresen Re: no exemptions for Lakeside Reclamation	071207c-25
6.1	Testimony	7/21/07	To: Metro Council From: Richard Thoresen Re: Ordinance No. 07-1147A and Lakeside Reclamation	071207c-26
6.1	Testimony	7/12/07	To: Metro Council From: Art Kamp Re: Testimony on Ordinance No. 07-1147A and Lakeside Reclamation Landfill	071207c-27
2.0	Article	7/5/07	To: Metro Council From: Roberta Schwarz Re: Oregonian article "Effort to protect savanna gains steam"	071207c-28