



**METRO**

**Agenda**

MEETING: METRO COUNCIL  
DATE: March 27, 2008  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. CONSENT AGENDA**

3.1 Consideration of Minutes for the March 20, 2008 Metro Council Regular Meeting.

**4. ORDINANCES - SECOND READING**

4.1 **Ordinance No. 08-1169**, For the Purpose of Amending the Urban Growth Boundary in the Vicinity of the City of Cornelius Upon Application by the City of Cornelius.

4.2 **Ordinance No. 07-1162A**, For the Purpose of Adopting the Regional Solid Waste Management Plan, 2008-2018 Update. Harrington

4.3 **Ordinance No. 08-1183**, For the Purpose of Amending Metro Code Title V, Solid Waste, to add Chapter 5.10, Regional Solid Waste Management Plan, to Implement the Requirements of the 2008-2018 Regional Solid Waste Management Plan. Harrington

4.4 **Ordinance No. 08-1176**, Amending the FY 2007-08 Budget and Appropriations Schedule Providing for a Contribution to the Oregon Zoo Predators of the Serengti Capital Construction Project, and Declaring an Emergency Liberty

4.5 **Ordinance No. 08-1177**, Amending the FY 2007-08 Budget and Appropriations Schedule Transferring \$2,800,000 from Solid Waste Revenue Fund Contingency to the Operating Account to Provide for Additional Costs Incurred as a Result of Increased Tonnage, and Declaring an Emergency Harrington

- 4.6 **Ordinance No. 08-1178**, Amending the FY 2007-08 Budget and Appropriations Schedule to Establish Appropriation for a New Human Resources Project, Increasing Public Affairs Appropriation, and Declaring an Emergency. Park
- 4.7 **Ordinance No. 08-1182**, Amending the FY 2007-08 Budget and Appropriations Schedule Adding 1.0 FTE Sr. Transportation Planner to Support the Regional Travel Options Strategic Plan, and Declaring an Emergency. Park
- 4.8 **Ordinance No. 08-1184**, For the Purpose of Amending Metro Code section 2.02.120 (d) to Conform to State Law the Requirements for Filing of Financial Reports by Metro Elected Officials. Harrington

**5. RESOLUTIONS**

- 5.1 **Resolution No. 08-3902**, For the Purpose of Entering an Order Denying The Application of the City of Cornelius to Expand the Urban Growth Boundary by Major Amendment.

**6. CHIEF OPERATING OFFICER COMMUNICATION**

**7. COUNCILOR COMMUNICATION**

**ADJOURN**

**Television schedule for March 27, 2008 Metro Council meeting**

<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, Wash.</b>          Channel 11 -- Community Access Network  <a href="http://www.tvctv.org">www.tvctv.org</a> -- (503) 629-8534          2 p.m. Thursday, Mar. 27(Live)</p>	<p><b>Portland</b>          Channel 30 (CityNet 30) -- Portland Community Media  <a href="http://www.pcmv.org">www.pcmv.org</a> -- (503) 288-1515          8:30 p.m. Sunday, Mar. 30          2 p.m. Monday, Mar. 31</p>
<p><b>Gresham</b>          Channel 30 -- MCTV  <a href="http://www.mctv.org">www.mctv.org</a> -- (503) 491-7636          2 p.m. Monday, Mar. 31</p>	<p><b>Washington County</b>          Channel 30 -- TVC-TV  <a href="http://www.tvctv.org">www.tvctv.org</a> -- (503) 629-8534          11 p.m. Saturday, Mar. 29          11 p.m. Sunday, Mar. 30          6 a.m. Tuesday, Apr. 1          4 p.m. Wednesday, Apr. 2</p>
<p><b>Oregon City, Gladstone</b>          Channel 28 -- Willamette Falls Television  <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (503) 650-0275          Call or visit website for program times.</p>	<p><b>West Linn</b>          Channel 30 -- Willamette Falls Television  <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (503) 650-0275          Call or visit website for program times.</p>

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

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

Agenda Item Number 3.1

Consideration of Minutes of March 120, 2008 Metro Council  
Regular Meeting

***Consent Agenda***

Metro Council Meeting  
Thursday, March 27, 2008  
Metro Council Chamber



**Ordinance No. 08-1169**, For the Purpose of Amending the  
Urban Growth Boundary in the Vicinity of the City of Cornelius upon  
Application by the City of Cornelius.

*Second Reading*

Metro Council Meeting  
Thursday, March 27, 2008  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE ) Ordinance No. 08-1169  
URBAN GROWTH BOUNDARY IN THE )  
VICINITY OF THE CITY OF CORNELIUS ) Introduced by Chief Operating Officer Michael  
UPON APPLICATION BY THE CITY OF ) Jordan with the Concurrence of Council President  
CORNELIUS ) David Bragdon

WHEREAS, by Order No. 07-030 (Relating to a Waiver to Allow the City of Cornelius to Submit an Application for a Major Amendment to the UGB), entered on June 21, 2007, the Metro Council waived the deadlines in Metro Code 3.01.025 for submitting an application for a major amendment to the urban growth boundary (UGB) to allow the City of Cornelius to submit an application to amend the UGB; and

WHEREAS, the city filed an application for a major amendment to the UGB in compliance with Order No. 07-030; and

WHEREAS, the application was considered by a Metro hearings officer at a public hearing in Cornelius on February 19, 2008; and

WHEREAS, the hearings officer subsequently submitted a proposed order to the Council with a recommendation as to whether the application satisfied the requirements of the Metro Code for a major amendment; and

WHEREAS, the Council considered the proposed order and testimony at a public hearing on March 20, 2008; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The UGB is hereby amended to add 161 acres to the UGB for industrial uses under Title 4 of the Urban Growth Management Functional Plan as indicated in map Exhibit A and subject to the conditions in Exhibit B, both of which are attached and incorporated into this ordinance.
2. The Council adopts the Findings of Fact and Conclusions of Law in the Recommendation of the Hearings Officer in Case No. 07-02, dated March 3, 2008, attached and incorporated into this ordinance as Exhibit C, explain how this amendment to the UGB complies with the Regional Framework Plan, the Metro Code and statewide planning laws.

ADOPTED by the Metro Council this \_\_\_ day of \_\_\_\_\_, 2008.

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

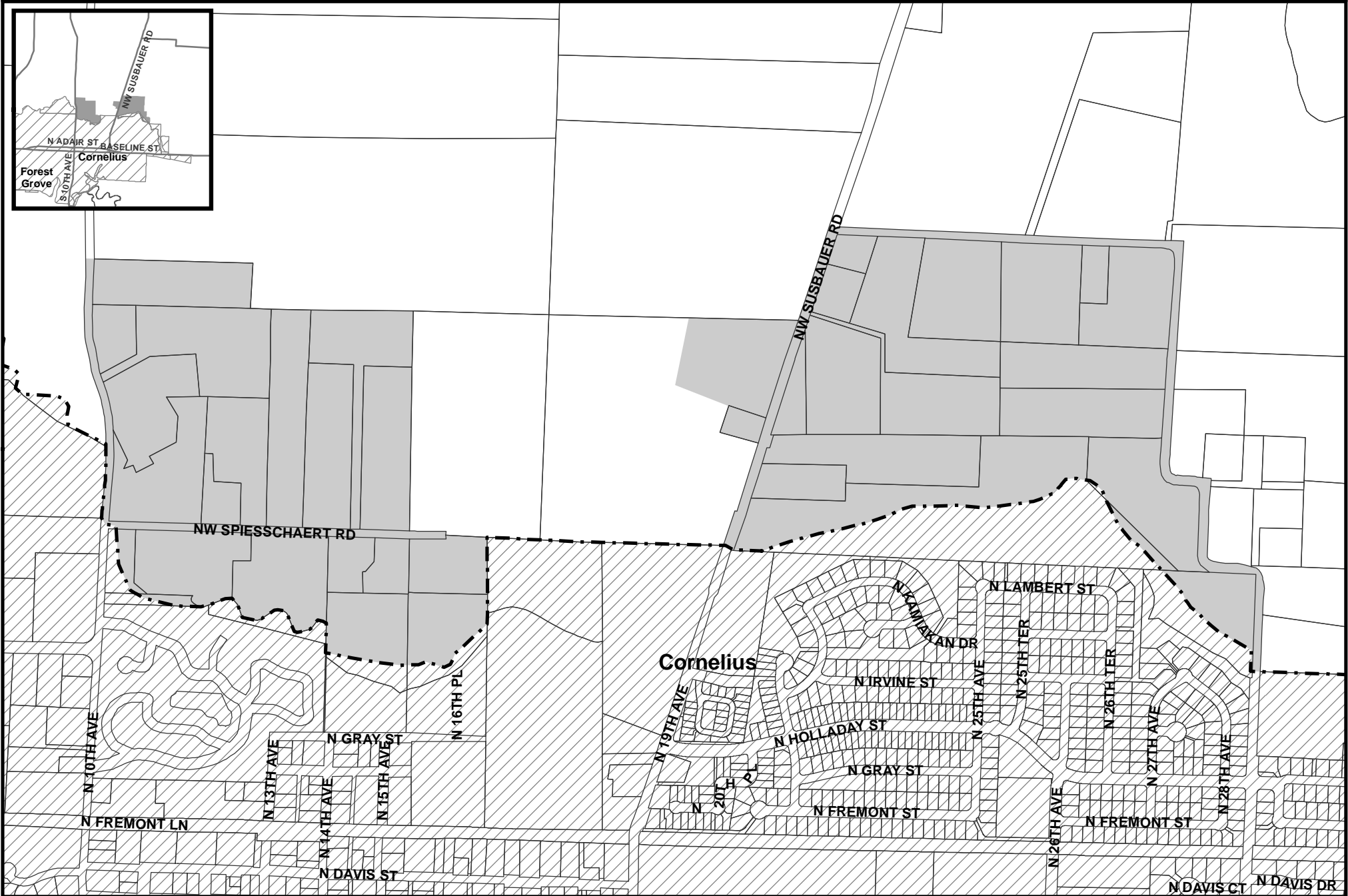
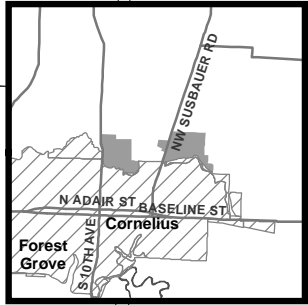
Attest:

Approved as to form:

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

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


# Exhibit A, Ordinance No. 08-1169



Data Resource Center  
600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742

--- Current UGB

 Area currently inside the UGB

 Land to be added to the UGB

Washington Co.  
1:8,000

1n3w34  
1n3w33

**Exhibit B to Ordinance No. 08-1169**  
**Conditions**

Pursuant to Metro Code section 3.01.040, the following conditions shall apply to the territory added to the UGB by Ordinance No. 08-1169:

1. The territory shall be designated “Industrial Area.”
2. Washington County, in coordination with the city of Cornelius, shall prepare comprehensive plan provisions and land use regulations for the territory in compliance with Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan. If the territory annexes to the city of Cornelius prior to October 31, 2008, the city, in coordination with Washington County, shall prepare comprehensive plan provisions and land use regulations. Comprehensive planning for the territory shall be completed by May 1, 2010.
3. The local government responsible for land use planning of the territory shall adopt comprehensive plan provisions and land use regulations that comply with Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan.

## **STAFF REPORT**

IN CONSIDERATION OF ORDINANCE NO. 08-1169, FOR THE PURPOSE OF AMENDING THE URBAN GROWTH BOUNDARY IN THE VICINITY OF THE CITY OF CORNELIUS UPON APPLICATION BY THE CITY OF CORNELIUS

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Date: March 5, 2008

Prepared by: Tim O'Brien  
Principal Regional Planner

### **PROPOSED ACTION**

Adoption of Ordinance 08-1169, approving *UGB Case 07-02: City of Cornelius*, a major amendment to the urban growth boundary (UGB). The proposed amendment area is shown on Attachment 1.

### **SUMMARY OF PROCESS**

According to Metro Code 3.01.025(u), the Metro Council shall consider the hearings officer's report and recommendation at a meeting set by the Chief Operating Officer. The Council will allow oral and written argument by participants in the proceedings before the hearings officer. The argument must be based on the record of those proceedings before the hearings officer. Final council action shall be as provided in Section 2.05.045 of the Metro Code. The Council shall adopt the order, or ordinance if the Council decides to expand the UGB, within 15 days after the Council's consideration of the hearings officer's proposed order.

The Hearings Officer, J. Richard Forester, submitted a report recommending approval of Case 07-02 (Attachment 2). According to Metro Code 2.05.045(b), the Council shall, upon receipt of a proposed order and consideration of exceptions, adopt the proposed order or revise or replace the findings or conclusions in a proposed order, or remand the matter to the hearings officer.

When the proposed order in a contested case necessitates the adoption of an ordinance, as is the case for an amendment to the UGB, staff shall prepare an ordinance for Council adoption. The ordinance shall incorporate the rulings, findings and conclusions required by 2.05.045(a) & (b). An ordinance adopted pursuant to this subsection shall, upon adoption, be considered the final order subject to judicial review.

### **BACKGROUND AND ANALYSIS**

#### Proposal Description:

On September 28, 2007, the City of Cornelius filed a petition for a 161-acre major amendment to the UGB for industrial purposes. The site consists of 38 separate tax lots in Washington County, north of the current City Boundary and generally north of Council Creek. The site is adjacent to NW Susbauer Road and NW Cornelius Schefflin Road. The subject property is zoned AF-5 (Agriculture and Forestry) and FD-10 (Future Development) by Washington County. The subject property is outside the Metro Boundary.

#### Hearings Officer Recommendation and Proposed Findings

The hearings officer, J. Richard Forester, conducted a public hearing at the City of Cornelius on February 19, 2008. The record was closed without objection at the conclusion of the hearing. He submitted a report and

recommendation to Metro on March 3, 2008, recommending approval of the petition. The case record contains the petitioners' submittals, Metro staff report, record lists, notification lists and the hearings officer's report.

- The Hearings Officer recommends approval of *Case 07-02: City of Cornelius* based upon the findings and conclusions in his report. A hearing on the recommendation before the Metro Council has been set for March 20, 2008.

## **SUMMARY**

The Council has the following options:

- Adopt Ordinance 08-1169 to approve *Case 07-02: City of Cornelius*, based on the hearings officer's findings.
- Remand the proceeding to the Hearings Officer for further consideration.
- Adopt Resolution 08-3902 entering an order to deny *Case 07-02: City of Cornelius* based upon revised findings and conclusions.

## **INFORMATION**

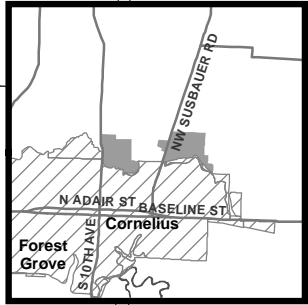
**Known Opposition:** Numerous people testified verbally and in writing in opposition to the proposed UGB amendment at the public hearing before the hearings officer.

**Legal Antecedents:** The Metro Regional Framework Plan and Metro Code Chapter 3.01 (Urban Growth Boundary and Urban Reserves Procedures) authorize amending the Urban Growth Boundary through a Major Amendment process.

**Anticipated Effects:** The adoption of Ordinance 08-1169 will add 161 acres of land to the urban growth boundary in the vicinity of the City of Cornelius for industrial uses.

**Budget Impacts:** There is no budget impact from adopting this ordinance.


# Attachment 1, Ordinance No. 08-1169



Data Resource Center  
 600 NE Grand Ave  
 Portland, OR 97232-2736  
 (503) 797-1742

--- Current UGB

 Area currently inside the UGB

 Land to be added to the UGB

Washington Co.  
 1:8,000

1n3w34  
 1n3w33

**BEFORE THE METRO HEARINGS OFFICER**

**IN THE MATTER OF THE PETITION OF THE  
CITY OF CORNELIUS FOR A MAJOR URBAN  
GROWTH BOUNDARY (UGB) AMENDMENT  
IN WASHINGTON COUNTY**

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**Case # 07 - 02**

**RECOMMENDATION**

**Introduction**

Hearing officer recommends **APPROVAL** to the Metro Council of City of Cornelius petitions to amend the UGB to include the 161-acres of exception lands north of the current City Boundary and basically north of the Council Creek to be used for industrial purposes. The property consists of 38 tax lots along the northern boundary of the City of Cornelius, north of Council Creek, adjacent to NW Susbauer Road and NW Cornelius Schefflin Road. (See Attachment 1.)

**STAFF RECOMMENDATION:** Staff recommended that the Hearings Officer forward a recommendation for *denial* to the Metro Council.

**CASE HISTORY:** Following a determination by the Land Conservation and Development Commission (LCDC) that Metro had previously not added sufficient land to meet the need for industrial land identified in the Urban Growth Report, the Metro Council, on June 24, 2004, added 261 acres, including the subject site, to the regional UGB (Ordinance No. 04-1040B). LCDC remanded that addition to Metro for further consideration, after which the Metro Council decided to reduce the addition of land in the Cornelius area to 65 acres and to satisfy the remaining need in the Evergreen area north of Hillsboro (Ordinance No. 05-1070A, November 17, 2005). LCDC concluded that the addition of industrial land by Ordinance 05-1070A, in combination with Metro's two earlier additions of industrial land, satisfied the need for industrial land to the year 2022.

**LOCAL GOVERNMENT STATEMENT:** The Washington County Board of Commissioners submitted a letter supporting the proposed UGB amendment. In addition the abutting cities of Forest Grove and Hillsboro expressed support for this request.

**APPLICABLE REVIEW CRITERIA:** Metro Code sections 3.01.030(a and b) and 3.01.020(b, c, and d)

**HEARING AND RECORD**

The Public Hearing on this matter was held on February 19 2008 and the record was closed without objection at the conclusion of the hearing. Records of all testimony received are filed with METRO.



**Hearing Summary:**

Timothy O'Brien, the lead METRO Planner on this application, introduced the site, highlighted key issues in the Staff Report and the Addendum thereto and made a recommendation of denial notwithstanding additional arguments submitted since the issuance of the original Staff Report.<sup>1</sup>

Richard Meyer, Cornelius' Development Director, and Christopher Crean, the City's attorney on this application argued the need for land, based on demographic need, need for jobs, needs of locally based industry and the public investment in sewer and storm water, two new bridges, and urban standard road construction, triggered by the site's prior 15 month inclusion within the urban growth boundary. (See Footnote 1.)

They argued that the City boundaries and the pattern of adjacent development are largely unchanged since 1960's. The City has sought this area since the 1988 Periodic Review. The two exception areas subject to this request were included in Metro staff recommendations and supported by Metro Council in 2002 Periodic Review.

In 2004 Metro added industrial land to the UGB, including 261 acres north of Cornelius which included the two areas subject to this request and the intervening R-20 parcels. That approval was remand by LCDC, apparently at issue were the intervening agriculturally zoned parcels. In 2006 in response to the remand Metro staff again recommended inclusion, but based on objection to inclusion of agricultural acres, the Council only added 35 acres south of Council Creek.

This application does not include any agriculturally zoned acres. In reliance upon previous inclusion of the area capital improvements have been planned and some have been completed, with funding is available for the second bridge and road improvements. The City believes that the locational criteria approval inherent in Metro's prior inclusions of these 161<sup>2</sup> acres in the UGB supports the current application as well and is referenced in their supplemental response as the 2005 Staff Report. The City presented an argument that its request satisfies aggregate regional "need" argument based on Otak study. The short fall in the 20 year supply of industrial land starts 90 acres deficit in 2005 industrial land expansion, subsequent conversion of industrial land to non-industrial uses and actual absorption of industrial land. There is a great deal of "local" need in this request, which is now more urgent and cannot wait another two or three years necessitated by the passage of HB 2051. Mr. Crean sited and put into the record a case in Sherwood (2007-081) as an example of loss of industrially zoned land (approx 57 acres) through the PUD process.<sup>3</sup>

The urgency argument includes an opportunity to make transportation improvements which

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<sup>1</sup> Specifically, January 28, 2008 letter and attachments from Christopher Crean of Beery Elsner & Hammond.

<sup>2</sup> Of the 161 acres, 51 may be wetlands – so the usable total will be 110 acres.

<sup>3</sup> On rebuttal, Richard Benner pointed out that this Sherwood property was not part of the 2006 industrial inventory, so should not count as proof of need. Mr. Crean conceded the point, but argued that it was illustrative that in addition to absorption of land for industrial use, industrial designations are lost through rezonings and PUD arrangements.

will be facilitated by right of way dedications based on anticipated industrial rezoning. Without that rezoning the project costs may be increase by approximately \$500,000. The January 25, 2008 letter from Dan Brown, PE Washington County Project Manager (Ex 19), states the two new bridges over Council Creek (The 2007 Susbauer/19<sup>th</sup> Avenue and the 2008 Cornelius-Schefflin/10<sup>th</sup> Avenue) and their northern street extensions were designed to urban standards while the area was included within the UGB. The City argued that without extension of the UGB the urban standard extensions were in jeopardy. These improvements were valued at \$20.2 million on the Brown letter.

Finally in response to the February 15, 2008 letter from 1000 Friends of Oregon (Ex. 4) and Washington County Farm Bureau (Ex. 5), the City argues that there is nothing in the record to suggests that the Oregon Department of Agriculture opposes industrial expansion on exception lands north of Council Creek. Similarly there is no current legal designation for “Foundation Lands” designation for these parcels.

Dan Waffle, Cornelius City Manager, emphasized the fact that Washington County in partnership with the City and the State and relying on the 2004 approval is constructing and planning major urban level improvements by 2009 and they will be scaled back if this expansion is not approved. Because of ROW donation improvements funding parties will save at least \$500,000. Utilities are stubbed right to these areas (See Ex 16).

Bill Bash, the Mayor of Cornelius and four City Council members (See Ex 18)<sup>4</sup> emphasized their desire and effort, now six years in the making, to achieve a balanced, livable and sustainable urban community. That effort encompasses a local employment base, which will help reduce the long commutes for some of its residents. That line of reasoning was echoed by Sheilla Ryan of the Cornelius Chamber of Commerce (Ex. 19) and Vickie Cordell, Chair of the City Planning Commission (Ex. 29). Ms. Cordell indicated that the City has created compatible environment for industrial and agricultural on the south side and services are being coordinated on the north side. Richard Kidd, the Mayor of Forest Grove, also supported the expansion as vital to this end of Washington County.

Melissa Jacobsen was one of several people who testified against the boundary expansion because they fear it will ruin their peaceful rural lifestyle. Jacobsen submitted two petitions with about 30 signatures from residents along Susbauer and Hobbs roads. (Ex. 17). Scott Vessey and Dick Reynolds favored investing in commercial uses downtown instead. Mr. Reynolds also questioned whether some of the roads can really be improved. Ken and MaryAnn Meeuwsen also argued against expansion based on inadequate roads north of Council Creek (See Ex. 18). Linda Woodson, by email objected based on road safety and need to preserve farms (Ex. 7) as did Paulette and Gene Ray by letter (Ex. 9) and Mr. Ray in person. Joe Strasburg wrote and testified that he had rural expectations when he bought the property and wants it to stay that way (Ex. 7). Charles White testified that there is insufficient data about increased demand for public services that expansion will cause. Mike Hewitt moved from Aloha and is being confronted with more development, while there is undeveloped space in Hillsboro. Eric Smith, whose family owns five parcels (25 acres) at

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<sup>4</sup> Jeffery Dalin, Bob Ferie, Brad Coffey

first preferred that the land be used for residential purposes (Ex. 1) but subsequently indicated support for whatever decision the process should yield (Ex. 6).

At the hearing itself, preponderance of those who testified supported the UGB expansion, including Harry Jacobsmuhlen, who wants to expand his meat company but believes that he can not unless the proposed land comes inside the UGB (Ex. 20).

Catherine Sidman, project manager for Sheldon Manufacturing, said the company plans to expand and will have to leave Cornelius if new industrial land is not brought into the city. She argued that Sheldon is the city's largest employer of full-time workers, with a 140-person work force. The company would prefer to stay in Cornelius where 80% of the employees live (See Ex. 23).

Walter and Tim Duyck, testified that they worked a farm which included exception land in the area subject to this request it was not capable of supporting a living and they looked forward to industrialization. A similar sentiment was expressed by David and Alice Armstrong (Ex 21) who own two lots in the subject area and who felt trapped by the long struggle to bring this area within the UGB.<sup>5</sup> Also John Krautscheid who owns three lots and will provide access to neighbors cut of by the new bridge. Bruce Becking, argued for a need to expand the City's tax base (Ex. 13). Tom Evans, testified that there is need for more jobs with shorter commutes.

From Hillsboro Pat Ribelia, Planning Director, and Mayor Tom Hughes (Ex. 23) argued that rezoning of industrial land has diminished the 20 year supply number established in 2002 putting the region out of compliance with goal 14. They also argued that evidence from Metro's 2004 and 2005 evaluations of alternative industrial areas clearly demonstrates that these 161 acres rank higher than other alternative industrial sites. Michael Tharp, chair of CREEC, argued similar points in greater detail (See Ex. 12) as did Beverly Bookin who testified that the OTAK update was important evidence that 2230 acres are no longer available because of conversion to other uses. This short term shortfall should be addressed now to create development ready land.

Jonathan Schlueter, Westside Economic Alliance, referenced that the original 2004 industrial expansion was 90 acres short to start with, but approved as "close enough". 900 people move to Washington County each month and land need is high. One quarter of all the jobs created in Oregon will be in Washington County. LCDC wants large tracts, but there a no large tracts on the market. Some land is being land banked. Wilsonville was assigned a good deal of industrial land, but it too will be short.

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<sup>5</sup> Larry Duyck, President of Washington County Farm Bureau (Ex.. 5) submitted a letter opposing urbanization north of Council Creek because the creek and its associated wetlands provide "good edge and buffer" for the resource lands north of it and that the entire area is ranked as "Foundation" agricultural areas on the region. The bureau also questioned the need for the Expansion based on absence of demand for underutilized or vacant parcels already within the City.

## **FINDINGS of FACTS and CONCLUSIONS OF LAW**

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The following issues were either raised by the applicant, addressed by staff in its report, or by agency or public comments on the application, and the Hearing Officer adopts the following findings:

### **OVERVIEW**

Beginning in 2002, Metro, after two remands added sufficient amount of industrial land until 2022 less 90 acres. Sufficiency of that supply for 20 years is a statistical exercise which projects demand for land and rate of absorption of that land. The adequacy of those projections is revisited every five years through a periodic review, but in this case the review will be in 7 years, or in 2009 via HB 2051. In 2009 the supply will be readjusted to extend the supply of available industrial to 2029 and sites may be added and subtracted based on past performance, regional needs and future locational demands.

Metro initially included this site in its determination in 2004, but after an LCDC remand traded this land for neighboring Washington County land in 2006. There is evidence in the record that a 15 month presence of these sites within the UGB lead to a series of consequent governmental actions. These actions are a part of the City's justification for an immediate need for the re-inclusion of this previously included land within the UGB. These actions include road and bridge improvements some of which have been completed and the remainder awaits this decision. The City and its various institutional backers view this as an opportunity to have shovel ready industrial land. Based on their testimony, the six year process has also left a number of land owners unable to decipher what to do with their land. They are on hold. To summarize then, the City anticipated that its need will be affirmatively addressed in 2007 and availed itself of funding and planning for public facilities, but now it's anticipated and oft foretold need will not be addressed until 2009. That was not anticipated by them. Based on this record, aside for the opportunity to add bridges and urban level roads, the City's demographic needs do not appear to be new, although the City has stated that the delay exacerbates those social and economic needs. The unanticipated delay in addressing those needs is a new event. Metro, having just gone through a long process of additions and subtractions to the UGB persuaded the legislature to give two more years to revisit the need for industrial land.

On the other hand, to paraphrase, Metro staff appears to be essentially arguing that in 20 year inventory planning process, all needs for the 20 year plan have to be by definition anticipated, otherwise it could not be a valid 20 year plan and this one has been acknowledged and nothing out of the ordinary has happened on a regional basis to suggest an unanticipated new regional need which cannot be met in due course via periodic review. If strictly construed this logic should defeat every major UGB amendment presented, barring some exceptional circumstances which are not readily apparent. Although this is a locally based quasi-judicial request, Metro Code applies its legislative criteria to the request and

therefore requires regional need and regionally based locational analysis; however, working on the assumption that the Major Amendment procedure is meant to work, however infrequently, the hearing officer believes it should be liberally construed.

Notwithstanding Washington County Farm Bureau and 1000 Friends theoretical opposition to the UGB crossing Council Creek, on this record the owners of land north of the Council Creek who oppose this expansion appear to be residential dwellers who adjoin the proposed expansion area. Their objections are essentially lifestyle objection one may expect of residential exception lands, namely aesthetic, road safety and traffic. To a large extent these are zoning issues, to be addressed by the City when and if it rezones the proposed parcels. Notwithstanding “industrial” designation, the uses discussed in this record appear low height office campus, susceptible to landscape buffering. Neither, can one assume that the City would not address road issues in its jurisdiction, and in fact the opportunity for up to 20 million in road improvements and new bridges is part of the impetus for this application.

### **APPLICABLE REVIEW CRITERIA**

The criteria for a major amendment of the UGB are contained in Metro Code sections 3.01.030 (a and b) and 3.01.020 (b, c, and d). The criteria (**in bold**), and findings and conclusions of law follow.

**Metro Code section 3.01.030(a) - The purpose of the major amendment process is to provide a mechanism to address needs for land that were not anticipated in the last analysis of buildable land supply under ORS 197.299(1) and cannot wait until the next analysis. Land may be added to the UGB under this section only for the following purposes: public facilities and services, public schools, natural areas, land trades and other non-housing needs;**

This criterion presents a bit of a logical challenge because of its solipsistic circularity. As discussed in the overview the formula that creates a valid UGB plan that will be acknowledged and survive potential appeals, will anticipate a supply to meet a twenty year need. It also anticipates that in the intervening years the supply will be adjusted so that even some economic boom will have reduced the supply to ten years prior to first review, it will be readjusted back to 20 years when the periodic review is complete. Read that way, the section does not seem to anticipate hardly any successful amendments. To implement the Metro policy of allowing these major amendments to the UGB – the criteria has to be construed liberally to create at least an infrequent and specialized opportunity to apply and to obtain such an expansion. Fortunately, the last sentence of this code section puts a more specific emphasis on what the key unanticipated needs may be – these include public facilities, public schools, natural areas land trades and other non-housing needs.

These allowable purposes are very specific, essentially public purposes, and have historically been treated in minor amendments, for example Case 97-1 added 17 acres to the UGB for a school area and schools typically are between 20 to 30 acres. It is hard to imagine in our Oregon planning environment how needs exceeding 100 acres would not be anticipated. They could not be anticipated only because at the time the current UGB plan was adopted the

opportunity or the plans to construct or acquire these amenities were unknown to Metro and perhaps the applicant. The applicant is arguing two things. The need for “industrial” jobs is greater because the City of Cornelius is in worse straights economically and socially then five years ago and will deteriorate further because of the two year delay (not counting appeals) and also the addition of these lands will enable up to \$20,000,000 worth of public facilities that will make this industrial land more attractive not only for Cornelius but also for the region.

There are three criteria contained in Metro Code section 3.01.030(a) that are analyzed separately below:

**1) The proposal must be for a non-housing need.**

The petitioner proposes to add land to the boundary for an industrial need, which is a non-housing need. That addition will cause the County and the State to complete urban level bridge and road improvements which will make the industrial land close to shovel ready. Thus, the addition of the land will trigger completion of urban level public facilities and trigger a second criterion. (See 2 immediately below.)

The petition meets the criterion.

**2) The proposal must be intended to meet needs that were not anticipated in the last analysis of buildable land supply.**

In its application, the City asserted that the passage of HB 2051, delaying for two years the next analysis of buildable lands under ORS 197.299 (1) was an unexpected event and that the City could not wait the additional two years to pursue an expansion of the regional UGB adjacent to the City.<sup>6</sup> The City believes the passage of HB 2051 and its effect on the City’s need for industrial land is sufficient to meet this criterion. During the delay and the at the hearing the City also argued likely loss of new public facilities and services – See the January 28, 2008 letter C.Crean (Beery, Elsner and Hammond LLP), Marah Danielson of ODOT (Ex. 8), Michael Tharp of CREEC (Ex. 12) and most critically a letter from Dan Brown, Washington County Development & Operations Director (Ex.14).

In terms of unanticipated short fall of industrial land, the City argues principally from the

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<sup>6</sup> *...the land that is the subject of this application was analyzed extensively in Metro’s prior round of UGB Expansion decisions and the appeals from those decisions. What was not anticipated was the passage of HB 2051 (2007). Prior to the passage of HB 2051, Metro was required to conduct an analysis of its buildable land supply and adopt corresponding amendments to the UGB not later than December 31, 2007. The City of Cornelius anticipated participating in that effort and was prepared to submit the proposed expansion area for Metro’s consideration. . . . Cornelius reasonably believed its proposed expansion for industrial lands would be successfully included in any expansion of the UGB by Metro. However, Metro sought and obtained the passage of HB 2051, which allows Metro until December 31, 2009, to conduct the analysis of the buildable land supply and adopt any resulting UGB amendments. This two-year extension of the planning cycle was not, and could not have been, anticipated by the City of Cornelius and the City’s efforts to develop the area for industrial uses cannot wait another two years.*

OTAK Report (City's Exhibit A to the C, Crean letter)

The OTAK report, dated June 26, 2007, was commissioned by Metro for the purpose of updating the Metro Industrial Land Supply Inventory. The report analyzes lands designated for industrial use within the region and recommends removing a portion of the land from the regional inventory because it is no longer vacant or because it is constrained in some fashion. The report also describes an amount of land zoned for industrial use that has been rezoned for other uses.

The report notes (OTAK, page 5) that the current Metro inventory contains approximately 9,437 acres of industrial land. From that amount, the report recommends removing 2,232 acres from the inventory for various reasons including that the land has been developed (in full or in part), the land has been rezoned to other uses, the land is constrained by lack of public facilities, or the land has been "banked."

If the recommended 2,232 acres are removed from the inventory, that leaves 7,205 acres available for industrial use over the next 18 years.<sup>7</sup> The report states that "the average annual industrial land absorbed (by new construction) in the Metro UGB was approximately 300+ acres per year since 2004." At a conservative rate of 300 acres per year over the next 18 years, that amounts to 5,400 acres of industrial consumed, leaving a buffer 1,800 acres.

However, the report goes on to state that "approximately 200-300 acres per year within the Metro UGB are being re-designated from industrial use to other uses." Even if the low end of this range is used, the amount of land that is rezoned to other uses, hence not available for industrial use, is 3,600 acres. If the amount of land rezoned approaches the high end of the range identified in the report (i.e. 300 acres), the region will lose 5,400 acres of land currently designated for industrial.

Based on this evidence, at least 300 acres of industrially-zoned land is consumed by industrial development each year, and an additional 200+ acres per year are rezoned to other uses.<sup>8</sup> (Both of these figures are at the most conservative end of the range cited by OTAK.) Combining these numbers results in a demonstrated need of at least 9,000 acres. This far exceeds the 7,205 acres of available industrial land. Stated differently, after accounting for land that is constrained or no longer available for industrial use, there are 7,205 acres available for industrial use for the next 18 years. However, the OTAK reports concludes that the region will need a minimum of 9,000 acres over the same period.

While it is possible to quibble with the exact numbers, the larger message is that industrial land in the Metro region is being absorbed (put to industrial use) and converted (to other uses) at rates far in excess of what was anticipated when the UGB was last expanded. If the 20-year supply of industrial land was designed to provide land for short-, medium- and long-term industrial needs, those planning horizons are now being compressed by the faster than

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<sup>7</sup> The current inventory of available land was established in 2005 to provide a 20-year supply of industrial land. There are 18 years remaining.

<sup>8</sup> For example, the City of Sherwood recently approved commercial development on 57 acres designated for light industrial use.

expected consumption and diversion of those lands. As a result, the region simply does not have the amount of land available for to meet its short-, medium- and long term needs. While the medium- and long-term needs may be able to wait until the next analysis of buildable lands under ORS 197.296, the short-term needs, by definition, cannot.

Finally, Metro began the 20-year planning period under Ordinance 05-1070A with an acknowledged 90-acre deficit in industrial lands. LCDC acknowledged Metro's UGB expansion as "close enough," but the acknowledgement did not in any way refute the conclusion that the region is 90 acres short of its projected need.

Accordingly, the region started with a deficit which has since grown. Given the initial deficit and the evidence that has been generated since then, it is reasonable to conclude that the current regional need for industrial land is greater than anticipated by the Metro Council in 2005.

The Staff responds that the petitioner addresses the criterion regarding an unanticipated need by referring to the enactment by the 2007 Legislature of a two-year extension (from 2007 to 2009) of Metro's next analysis of the capacity of the UGB to accommodate long-term population and employment growth. The unanticipated passage of HB 2051 is not relevant to addressing needs for land that were not anticipated in the last analysis of buildable land supply.

Staff also argues that in arguing shortage of in industrial sites in Cornelius for those, the city misinterprets the criterion, which calls for a demonstration of need for industrial land that was not anticipated during the last analysis of the capacity of the UGB (2002). That analysis of buildable land supply is intended to determine the overall regional need for industrial land, not the need for sites for industrial uses in particular locations in the region. Metro determined the 20-year regional need for industrial land in its "2002-2022 Urban Growth Report: An Employment Land Need Analysis" (UGR), updated in December 2002. There is no demonstration in the application, and no reason to think that a particular need for a site is not part of the overall regional need for industrial land identified in the UGR, and met with additional capacity for industrial growth by the Metro Council's UGB expansion decisions in 2002, 2004 and 2005.

As noted in the application, the Metro Council added 261 acres to the regional UGB adjoining Cornelius to the north (Ordinance No. 04-1040B, June 24, 2004) following a determination by LCDC that Metro had previously not added sufficient land to meet the need for industrial land identified in the UGR. LCDC remanded that addition to Metro for further consideration, after which the Metro Council decided to reduce the addition of land in the Cornelius area to 35 acres and to satisfy the remaining need in the Evergreen area north of Hillsboro (Ordinance No. 05-1070A, November 17, 2005). LCDC concluded that the addition of industrial land by this ordinance, in combination with Metro's two earlier additions of industrial land, satisfied the need for industrial land to the year 2022. Thus, the regional land need identified in 2002 has been met and no specific need, not anticipated in the 2002 buildable land supply analysis, is identified in the petition.

In direct response to the City's supplemental information, Staff argues in its ADDENDUM



that the OTAK memorandum notes: “It appears that the majority of these ‘re-designated land use’ issues occurred in the urbanizing Clackamas County and Gresham areas (e.g., Damascus, Beavercreek, and Pleasant Valley) to provide mixed-use employment designations, which allow some housing and commercial and light industrial uses.” Memorandum, p. 3. Much of these areas were added to the UGB in Metro’s 2002-2005 periodic review. The Metro Annual Report refers to these lands as “new urban areas” and explains: “Based on completed plans and local zoning for new urban areas, the region has not ‘lost’ net acres since the 2002-2005 UGB expansions to designate RSIA [Regionally Significant Industrial Area] and Industrial Area land.” Annual Report, p. 2. A footnote explains ‘lost’:

“‘Lost’ refers to the amount of net acreage realized through local government planning and zoning that might be short of Metro’s original estimate for purposes of complying with LCDC acknowledgment of Metro’s Urban Growth Report. Shortages may be the result of a more refined buildable lands assessment and/or re-designation of land uses by local planning agencies.” Annual Report, p. 2.

In short, the Metro Annual Report indicates that there has been no net loss of industrial land in the transition from Metro Council designation at the time of UGB expansion to adoption of local plans and zones in those added territories for which the planning is complete. The cities of Damascus and Happy Valley, the local governments responsible for comprehensive planning of the majority of the industrial land added to the UGB in 2002 to 2005, have not yet completed the comprehensive planning for these lands. If, when the work is done, the land designated by the local governments as RSIA or Industrial Area falls below the amount estimated by the Metro Council when it added the territory to the UGB, Metro will have to account for the difference in its 2009 estimate of need and capacity.

A similar argument would defeat any and every quasi-judicial amendment to expand the UGB. Needs and uses were anticipated and if there were not we have periodic review will address them, and two years more or less can be accommodated by the region as a whole. So the question is really why does Metro permit this quasi-judicial process, when it really anticipates that needs for industrial land can be addressed through periodic review. While non-housing needs is a broad category, the remainder purposes are specific **“Land may be added to the UGB under this section only for the following purposes: public facilities and services, public schools, natural areas, land trades and other non-housing needs;”**

Notwithstanding the minimum acreage of 100, it would appear that the need has to be specific – a school, a natural area, a specific land trade, or a specific industrial use that needs to locate immediately. In this case allowable additions to the UGB are really unanticipated opportunities to add public facilities. Metro’s last inclusion of these two areas in the UGB created that opportunity. Metro has three times in this short century found this area locationally suited for industrial expansions, and it was included until remanded and has been recommended for inclusion by Metro Staff three times. That inclusion created an opportunity to commit the use of scarce Oregon public funds to make public facilities which will enhance the meeting of industrial needs which has been thrice recognized for this area. Land donations and trends have been secured for the ROW to extend the value of these improvements.

The additional urban development is consistent and connected to City projections and plans, made possible by re-entry of this area back into the UGB for industrial uses will help provide local match for federal and county funding already won for transportation improvements, including:

- Two new bridges (built to City standards) over Council Creek at 10<sup>th</sup> and 19<sup>th</sup> Avenues
- Realignment of Spieschart Road
- Reconstruction of 4<sup>th</sup> Avenue, 10<sup>th</sup> Ave. and 19<sup>th</sup>/20<sup>th</sup> Ave. Intersections with TV Highway
- Adair Main Street Reconstruction
- Baseline Main Street Reconstruction
- N 10th Avenue/Cornelius-Schefflin Road

Projects 3156, 3164, 3166, 3167, 3168 and 3171 in Metro's Regional Transportation Plan respond to the economic and infrastructure need and opportunities in Cornelius and are designed to support the additional employment encouraged by this UGB addition and the resulting traffic mix.

The petition meets the intent of this criteria.

**3) The proposal must be intended to meet needs that cannot wait until the next analysis of land supply (December 2009).**

Petitioners argue that the City of Cornelius is an economically challenged community by any standard. Metro has determined that providing communities in the region the tools they need to thrive is a matter of regional concern.

**Regional Framework Plan Policy 1.2.1.c. Built Environment**

“It is the policy of the Metro Council to ensure that development in the region occurs in a coordinated and balanced fashion as evidence by [the] continuing growth of regional economic opportunity, balanced so as to provide an equitable distribution of jobs, income, investment and tax capacity throughout the region and to support other regional goals and objectives.”

**Regional Framework Plan Policy 1.4.3 Economic Opportunity**

“Metro, with the aid of leaders in the business and development community and local governments in the region, shall designate as Regionally Significant Industrial Areas those areas with site characteristics that make them especially suitable for the particular requirements of industries that offer the best opportunities for family-wage jobs.”

**Regional Framework Plan Policy 1.5.3 Economic Vitality**

“It is the policy of the Metro Council to ensure that all neighborhoods and all people have access to opportunity and share the benefits, as well as the burdens, of economic

and population growth in the region.”

These policies reflect a judgment by Metro that the economic needs of the individual communities in the Metro region are a matter of regional concern.

The scope of the City’s needs is extensively and ably described in the application and it bears repeating:

“[The City has] the highest poverty rate, lowest taxable property per capita, highest proportion of minority population and longest average commute of the 26 jurisdictions in the Region. Our City is the only city in the metropolitan area that is determined a “Distressed City” by the Oregon Economic and Community Development Department. The “Regional Equity Atlas” published by the Coalition for a Livable Future and Portland State University ranks Cornelius as the lowest in total “regional equity” scores. Our highest need is local jobs.”<sup>9</sup>

Moreover, this statement from the City simply echoes the conclusions of Metro staff. In its report to the Metro Council on Ordinance 05-1070A, which recommended bringing this area into the UGB, staff concluded that “[t]he positive economic implications of including 261 acres of industrial land are significant for a community that ranks nearly last (23<sup>rd</sup> out of 24 cities) in the region in total taxable real market value and real property value per capita. A city’s tax base determines what resources are available for community services like police, fire, planning, libraries, social services and governance.”<sup>10</sup> A copy of the relevant portions of the staff report are attached as Exhibit C of the Beery Elsner & Hammond letter.

The anemic tax base and lack of local jobs are not small considerations. As a result of the low tax base, City residents have to struggle with substandard city services including police and fire protection, libraries and social services. While local levies are theoretically available for these services, such levies are extremely unlikely given the prevailing income levels in the community. Hence, the lack of family income is exacerbated by lack of public services and vice-versa, and it becomes very difficult for city residents to improve the community.

So many apparently commute. Even if the compelling social needs of the City are ignored, the fact that Cornelius has the longest average commute of any city in the region is a circumstance that justifies immediate attention. The region’s air-quality and carbon-footprint as a whole are degraded by the amount of commuter traffic that is generated by the lack of available jobs in the community. Facilitating industrial development in Cornelius will result in almost immediate reductions in commuter traffic across the region as local residents will be able to walk, bike or drive the short distance from home to work.

Ultimately, given the demonstrated extent of the needs of Cornelius and its residents, it would be unfortunate to ignore these needs or to conclude that the people who use these services can simply wait another two or three years. It is worth noting that the information in the November 17, 2005, Metro staff report detailing the level of community need was

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<sup>9</sup> The Regional Equity Atlas, an Excerpt of which is attached as Exhibit B.

<sup>10</sup> The current proposal Seeks to include 161gross acres (110 net acres) zoned as Exception area.

generated between 2002 and 2004, and the Council chose not to address the needs in Ordinance 05-1070A. As a result, the city argues that it has declined even further. The needs of the City and its residents are not going away, they are just getting direr.

In addition to the social needs, the State of Oregon, Washington County and the City of Cornelius are currently investing \$15 – “20 million in public improvements in, at the edge of, and connecting to this proposed expansion area. The letter from Dan Brown, Capital Projects Manager for Washington County, details these improvements. (See Ex. 14.) The improvements were designed for urban uses consistent with Metro’s UGB decision in 2004 to include this proposed area along the northern edge of Cornelius in the UGB. Mr. Brown’s letter confirms that not expanding the UGB here this year or waiting two years for further consideration will cost the County over \$500,000 in right-of-way costs alone for a road that is required to serve a nine-house subdivision within the proposed expansion area. It will also cost the City and the expansion area the cost of reduced or incomplete improvements. Accordingly, it is critical that the UGB be expanded in this area as soon as possible. Waiting two or three years carries a substantial financial penalty. Taking advantage of such an unanticipated opportunity seems to be the only plausible purpose of this amendment process.

MCC 3.01.030 (a) requires a finding that the need “cannot wait” until the next round of analysis. Perhaps “cannot wait” is in the eye of the beholder, Metro and the Region may be able to wait but Cornelius has a need and an opportunity in the cost of important public improvements, which may not be around in time for the next analysis.

Also, at several points in its application and the application, the city and Sheldon Manufacturing and Jacobsmuhler meat packing indicate immediate need for sites to respond to proposed expansion of industries in the city and to inquiries about sites.

This criterion is linked to criterion (2), above.

Staff argues that this criterion calls upon the city to demonstrate that the unanticipated need required by criterion (2) must be satisfied prior to the next (2009) analysis of UGB capacity to accommodate need for industrial land. The immediate demand for sites identified in the city’s application is part of the region’s need for industrial land identified in the “2002-2022 Urban Growth Report: An Employment Land Need Analysis”, updated December, 2002. Given that the Metro Council added capacity to accommodate industrial needs to the year 2022, it must be assumed that this capacity includes land for immediate needs.

The city’s application notes that it has a supply of sites within its city limits and its portion of the region’s UGB. The city does not adequately explain why this local capacity – a part of the 2022 capacity – cannot accommodate the city’s immediate needs - but, the City does make a case that its opportunity to acquire key public facilities can not wait.

There us substantial evidence in the record to indicate that the petitioner does meet this threshold criterion.

Conclusion:

The petition does meet the intent of the three criteria found in Metro Code section 3.01.030(a).

**Metro Code section 3.01.030(b), referring to 3.01.020(b)(1) Demonstrated need to accommodate long-range urban population, consistent with a 20-year population forecast coordinated with affected local governments;**

Under this criterion, the analysis is whether there is a 20-year supply of industrial land to accommodate the forecasted 20-year population.

As shown above, the OTAK report very clearly concludes that available industrial land in the region is being consumed or diverted at rates that far exceed the levels predicted when Metro last amended the UGB in 2005 and, as a result, the region does not have sufficient buildable industrial land.

In addition, in a recent report to the “Big Look” Committee in Salem, Fregonese Associates concludes that actual population growth in the region will exceed Metro’s 20-year forecast. In Clackamas and Multnomah County, Fregonese’s projected population growth rates are close to Metro’s projections. However, in Washington County, Fregonese forecasts a population increase of 105 percent, while Metro projects only a 50 percent increase. A summary of the comparison is attached as Exhibit E to the Berry, Elsner & Hammond letter. Accordingly, and in addition to the OTAK report showing a current shortfall of industrial land, the evidence suggests that the regional 20-year population will exceed Metro’s 20-year forecast upon which Ordinance 05-1070A was based.

Metro Staff Argues that by actions in 2002, 2004 and 2005, the Metro Council added capacity for industrial growth to the year 2022. LCDC found that this added capacity satisfied that need when it “acknowledged” Metro’s actions. Among Metro’s actions was addition of 35 acres to the region’s UGB adjacent to Cornelius. When the Metro Council added this land to the UGB, one of its considerations was regional balance and equity. The city has not explained why this land, together with industrial land in the pre-expansion UGB, are not sufficient to address the needs identified in its application.<sup>11</sup>

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<sup>11</sup> Petitioner Response

*Cornelius has an immediate demonstrated need for employment generating development for the current population. Land need for additional projected population will be analyzed and planned for during the next regional UGB legislative decision round in 2009.*

*Cornelius has a population in 2007 of approximately 11,000. We have the highest poverty rate, lowest taxable property per capita, highest proportion of minority population and longest average commute of the 26 jurisdictions in the Region. Our City is the only city in the metropolitan area that is determined a “Distressed City” by the Oregon Economic & Community Development Department. “The Regional Equity Atlas” published by the Coalition For a Livable Future and Portland State University ranks Cornelius lowest in total “region equity” scores. Our highest need is local jobs.*

*In Cornelius, the jobs / housing balance is unhealthy and unsustainable. There are an estimated 3,800 more employed Cornelius residents than there are jobs within the City and the nearby agriculture areas. That is approximately half our work force of 7,800 that does not have an opportunity to walk or bike to work and afford a livable community. All of these workers with no local jobs currently cause vehicular congestion, pollution, and wasted energy from the longest average*

Staff is correct that the City has not adequately addressed why its new 35 acres and whatever internal rezoning opportunities it has are insufficient to address the demand generated, except to argue that its needs will require more lands to restore sustainability and livability. However, the applicant has produced evidence which supports a finding that there is a demonstrated need for additional industrial land to accommodate the region's long-range urban population and that meeting that need at this site creates an anticipated opportunity to complete public facility which will make this industrial land more accessible and useful. Notwithstanding that such needs can be addressed in the next periodic review, they exist now, which is sufficient to meet this criterion. One has to keep in mind that the 3.030.030(a) premise allows additions of non-residential land to meet the unanticipated public facility opportunity that will be a greater benefit to the region and to Cornelius.

Conclusion:

The petition meets this criterion.

**Metro Code section 3.01.030(b), referring to 3.01.020(b)(2) Demonstrated need for land suitable to accommodate housing, employment opportunities, livability or uses such as public facilities and services, schools, parks, open space, or any combination of the foregoing in this paragraph;**

Again, the need for additional industrial land in the region is demonstrated by the OTAK report, describing the absorption and diversion of industrial lands at rates that far exceed Metro's projections when it adopted Ordinance 05-1070A. This conclusion is supported by the Fregonese population projections in Exhibit E. The "suitability" of the land is described in the City's application and in the sections below regarding appropriate locations to expand the UGB for industrial land.

The City's application seeks to add land adjacent to the city for employment opportunities – specifically, industrial uses. The City's application describes at least one specific proposal for industrial development on the site as well as describing additional inquiries for similar development. The petitioner has also shown the need for this industrial land, based on expectation build up over three years of prior approvals and the resulting public facilities funding that will make this land more attractive to industry.

The following immediate opportunities for industrial development exist for the 110 acres of buildable land were included in the Cornelius UGB expansion request.

- A. A 12-acre Light Industrial Park is proposed on a site off Cornelius-Schefflin Rd. within 6 – 18 months of UGB expansion. (See attached letter) The plan is to sell built

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*commute in the region.*

*Too few local jobs for resident workers is not just expensive for families who pay more for transportation, but also for the community. Public services for residential use are more expensive than for commercial and industrial uses. Yet tax revenues generated from residential uses are significantly less than from commercial and industrial uses in our property tax reliant system. With this expansion, a healthy jobs and housing balance is possible.*

- space to 15-25 small industrial businesses that will provide 50-200 jobs, the equivalent of one of Cornelius' top employers, and add approximately \$50,000 in property taxes to the City's General Fund revenues.
- B. The City has had several inquiries by employment intensive industries about the availability of 25 acres or more in the eastern exception area of this request. "Call us when Cornelius has this settled." A 25-acre industrial site might increase Cornelius General Fund revenue by \$100,000 or 6%.
  - C. The area east of Susbauer Rd. also offers a great opportunity for a 50-acre State Certified Industrial Site. The City has already begun discussions with OECDD to start the research, planning and property owner negotiations necessary for certification immediately upon UGB expansion. The goal is for the State of Oregon to be marketing this site within a year. A 50-acre industrial site might increase property taxes 12%.
  - D. These developments would help give over 1,500 low-moderate income and disabled people, who commute long distances to work now, the opportunity to walk, wheel or drive a shorter distance to work, spend less on transportation and live in a more complete affordable and accessible community.
  - E. Cornelius has little vacant industrial land within the UGB; the largest parcel is 12 ½ acres and most are constrained. New and expanding industries looking for a west side location within the next three years would have an option they do not have today in Cornelius, which has a higher than average employment rate and significant demand for more jobs.
  - F. At least two of Cornelius' top ten industrial businesses are looking for room to expand right now, and if they cannot find a site within Cornelius they will move elsewhere. Cornelius lost one of its top ten employers, Subroso - Heikes Division (berry processing), to Woodburn in 2005, because there was not even a 20-acre industrial site in which to expand.
  - G. Cornelius can deliver. Cornelius businesses and institutions directly support agriculture. Land for supportive uses, e.g., implement manufacturing & repair, product processing, storage and transport, is in high demand. Over 50% of the 16 acres brought into the Cornelius UGB in 2004 will be developed and open for business by the end of this year.

At the hearing another proposed expansion was identified for a meat packing firm. Clearly, the site has potential for immediate industrial development.

Metro Staff argues that the petitioner describes the characteristics of the 161 acres proposed for addition to the UGB as suitable for industrial use. To support its argument that the area is suitable to accommodate industrial needs, the city notes interest from developers of industrial properties and that the city has begun discussions with OECDD to obtain state industrial certification for the site upon inclusion in the UGB. Though the petitioner has mentioned

potential opportunities for economic development, they have not addressed the criterion and demonstrated a need for land.

### Conclusion

The petition does meet this criterion. This criterion requires the applicant to demonstrate the need for land suitable for industrial development. Considering the information submitted by the applicant, this criterion is met.

**Metro Code section 3.01.030(b), referring to 3.01.020(b)(3) A demonstration that any need shown under paragraphs (1) and (2) of this subsection cannot be accommodated on land already inside the UGB.**

This criterion requires a demonstration that this need cannot be accommodated on land already inside the UGB.<sup>12</sup> Industrial land is not fungible and not all industrial needs can be

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### <sup>12</sup> Petitioner Response

*First, Metro acknowledged in 2005 a 90-acre shortfall of its estimated regional industrial acreage need. See discussion of the significance of this need in the attached letters of record supporting a larger Cornelius UGB expansion from the Westside Economic Alliance, CREEC & National Association of Industrial and Office Properties, ECONorthwest, and the Regional Economic Development Partners, and the City of Forest Grove. Metro's estimate of regional industrial developable acreage deficit resulted from calculations that included all reasonable accommodation of industrial uses on land inside the regional UGB.*

*Second, additional developable land for industry is necessary specifically in Cornelius to address well know tax equity and balance issues in Cornelius. The City of Cornelius has been almost totally built out to the UGB limits for some time. This has resulted in a very limited land supply to accommodate the opportunities for growth of all kinds of development based on the population and employment allocations assigned from Metro and Washington County. The majority of land in the City of Cornelius has been zoned and developed residential to meet Metro Housing goals. Industrial zoned land comprises less than 9 percent of total land in Cornelius. This has placed a heavy burden on residents to support the necessary urban services and facilities. Residential uses tend to create urban service demands that are disproportionate to their tax revenue contribution. Commercial and industrial land uses tend to contribute a greater share of tax revenue in relation to their demand for urban services. The need for more industrially zoned property that can be developed within the City is crucial for it's financial health, development and sustainability.*

*Cornelius' Vacant Land Inventory, updated in April 2007, identifies 50.47 acres of vacant industrially zoned property in the City. These 50 acres are the total of fourteen scattered tax lots, 13 of which range from 1.4 to 4.1 acres in size. There is one 12½-acre site, our largest vacant industrial parcel. As mentioned earlier, Cornelius lost one of its top ten employers, Subroso - Heikes Division (berry processing), to Woodburn in 2005 because Cornelius did not have even a 20-acre industrial site into which they could expand. The Hazelnut Growers Association currently located in the City is also looking for a larger site to accommodate its current operation and future growth. Multiple property owners of small parcels make it difficult to successfully aggregate tax lots to meet the demand for development and expansion. With the majority of the vacant industrial land in Cornelius having been partitioned or subdivided into small parcels, the economy of scale for development often discourages investment in property improvement. Meeting demands for medium and larger industrial parcels will be easier with the proposed UGB expansion, as these parcels are larger in size and have fewer different property owners, making aggregation of land for development easier.*

*Following is a calculation of Cornelius' job shortage (2007)*



accommodated on industrial land located anywhere in the region. For example, Ordinance 05-1070A specifically included about 1,000 acres near Hillsboro to accommodate the Washington County high-tech cluster (Shute, Evergreen and Helvetia). A “planetary chart” showing the growth of the high-tech cluster is attached as Exhibit F to the Beery, Elsner & Hammond letter. Most of the companies listed on the chart are located in Washington County. The particular needs of this industry require nearby incubator sites for ancillary business development to support the industry. Cornelius is ideally located to continue to serve the industrial land needs of the high-tech cluster.

Moreover, Cornelius is located immediately adjacent to significant agricultural areas and provides a substantial portion of the industrial land needs for the agricultural business cluster. Unfortunately, Cornelius’ ability to service this cluster has been eroded in recent years by land constraints. As noted in the application, a berry-processing facility (Subroso- Heikes Division) relocated *out* of the Metro region because it could not find an industrial site that was large enough. At the time, Subroso was one of Cornelius’ largest employers and those jobs were lost to the community, exacerbating an already grim employment picture.

Agricultural industries need to be located next to agricultural areas, and high-tech industries need to be located near the high-tech centers. To the extent the regional need for industrial land includes the need for land to serve the high-tech and agricultural clusters, this land need simply cannot be located anywhere in the region. It needs to be located close to those industries. Expanding the UGB adjacent to Cornelius allows the region to provide land for both the high-tech and agriculture industrial clusters.

Finally, to the extent the RFP policies are intended to promote regional equity in employment opportunities, those policies cannot be met by locating employment-generating industrial land anywhere in the region. Those policies are best served by expanding the UGB to accommodate industrial lands in a distressed community like Cornelius.

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*Healthy Housing/Jobs Balance (Residents employed = Jobs available)*

<i>Est. Jobs Needed @2.37employees/household</i>	<i>7,800</i>
<i>Est. Jobs within City limits</i>	<i>- 2,500</i>
<i>Est. Jobs in nearby Agricultural areas</i>	<i>- 1,500</i>
<i>55 Existing Vacant Commercial Zoned acres @ 20 emp</i>	<i>- 1,100</i>
<i>50 Existing Vacant Industrial Zoned acres @ 18 emp.</i>	<i>- 900</i>
<hr/> <i>Total Cornelius Job Shortage</i>	<hr/> <i>1,800</i>

*(Met by est. 100 additional Industrial acres @ 18 emp.)*

\* Projected from 2000 Census and Business License Data, pop. 11,000.

Metro Staff analysis argues that the city offers two reasons that the needs it identifies cannot reasonably be accommodated on land inside the current UGB. First, the city notes that the last addition of land to the UGB for industrial use (Ordinance No. 05-1070A) was 90 acres short of the estimated regional need for industrial land. The city contends that this shows a need in that amount that cannot be reasonably accommodated inside the UGB.

Second, the city points to its own fiscal circumstances and the limits of its current supply of vacant industrial land. The petitioner states “Cornelius’ Vacant Land Inventory, updated in April 2007, identifies 50.47 acres of vacant industrially zoned property in the City. These 50 acres are the total of fourteen scattered tax lots, 13 of which range from 1.4 to 4.1 acres in size. There is one 12½-acre site, our largest vacant industrial parcel.” The petitioner contends that its land supply is inadequate to meet needs expressed by current businesses and by inquiries for parcels 20 acres or larger. However, this assertion is not consistent with one of the letters of support provided by petitioner. Petitioner provided a March 28, 2007 letter from Walt Duyck and David and Alice Armstrong that specifically identifies a need for small industrial sites, but makes no mention of a demand for large industrial sites: “There is a reasonably high demand for smaller lots allowing for small business owners to own their own land and building.” Petitioner does not reconcile the availability and asserted demand for small industrial sites with their actual UGB expansion request. An October 19, 2007 letter of support from the Westside Economic Alliance identifies a regional need for larger industrial sites. Other letters of support pre-date this application and are in reference to the previous analysis of UGB capacity.

In its acknowledgement order following Ordinance No. 05-1070A, LCDC concluded that Metro had met the region’s need for industrial land notwithstanding a shortfall, finding that a 90-acre shortfall was insignificant in light of the region’s overall need (9,366 acres) and the supply added to the UGB in the three additions in periodic review (9,276 acres). Again the Staff argues that given that the region now has a supply of industrial land sufficient to meet needs to the year 2022, the city has not yet demonstrated that there is a need that cannot be accommodated by this supply, particularly in the short term between the present and the next analysis of UGB capacity required by state law in 2009.

By Ordinance No. 05-1070A, Metro added 65 acres (24 net acres) to the UGB north or and adjacent to the City of Cornelius. In the three ordinances adding land to the UGB for industrial use, the Metro Council concluded that the lands it added satisfied policies in the Regional Framework Plan on jobs/housing balance and regional equity. None of the 65 acres added to the UGB in Cornelius have been planned or developed. Petitioner does not explain why its need cannot be accommodated on these lands already in the UGB.

It would require an economic boom of unrecorded proportions to absorb 100% of 20 year supply as distributed throughout the region in less that a 5 or 7 interval between periodic reviews. As section 3.01.030(a) shows this amendment process was designed to address specific opportunities such as public facilities. In the meantime 110 net acres can be added with public facility improvements. How these sites are aggregated or divided for smaller or larger uses is speculative based on this record. To show that these uses can be accommodate anywhere else in the UGB is also highly speculative for a specific petitioner to demonstrate beyond a reasonable doubt. It requires a showing that Cornelius’s needs can be met

anywhere else in the region, where its needs can only be met adjacent to the City and the petitioner has also shown substantial evidence that regional Washington County needs are well addressed at this location and Metro has agreed with that analysis three times in the recent past and removed the site apparently only because it included agriculturally zoned land which is no longer part of this proposal.

#### Conclusion

Because the demonstrated need for industrial land cannot be accommodated on land already inside the UGB, this criteria is met.

**Metro Code section 3.01.030(b), referring to 3.01.020(c)(1) If the Council determines that there is a need to amend the UGB, the Council shall evaluate areas for possible addition to the UGB, and, consistent with ORS 197.298, shall determine which areas are better considering efficient accommodation of identified land needs;**

This criterion requires Metro to determine that an area identified for expansion makes the most efficient use of the land. However, this analysis must be made consistent with ORS 197.298, which provides in relevant part:

“ORS 197.298. (1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

“(a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.

“(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land.”

There are no urban reserves in the Metro area, so first priority lands are not available. Second priority is land that is designated as an exception area or is non-resource land. *All of the land that Cornelius proposes for expansion is designated exception area.* Accordingly, the proposed expansion area is the highest priority for inclusion under ORS 197.298. Any analysis of this criterion and subsequent criteria must conform to the statute.

In 2005, as a result of the analysis that lead to the adoption of Ordinance 05-1070A, Metro reviewed a large number of potential expansion areas to accommodate industrial land. After eliminating a number of areas for various reasons, Metro settled on the thirteen areas that best met the selection criteria. Those areas are listed on Table 4 and Table 5 from the November 17, 2005, staff report, attached as Exhibit G to the Beery, Elsner & Hammond letter. Ultimately, the UGB was amended to include the Helvetia and Evergreen areas. Of the remaining areas, Cornelius best meets the applicable criteria.

Specifically, Table 5 lists the eligible expansion areas and rates them on the degree to which they meet Metro’s policy factors. The area Cornelius currently proposes for expansion is entirely within the area listed as “Cornelius (partial).” As you can see from the table, Cornelius gets a “high” ranking for “efficient accommodation of identified land needs.” The

only other area that received a “high” ranking under this criterion was the Evergreen site, which was brought in. No other expansion area identified by Metro for industrial lands scores as high as this site.

In addition, Exhibit G includes an excerpt from the November 17, 2005, staff report in which staff discusses its alternative analysis. It is clear from the staff report and the accompanying tables that the proposed expansion area will efficiently accommodate the identified land need.<sup>13</sup>

Staff argues that the petitioner does not address the main purpose of this criterion, which is to determine which potential expansion areas would make the most efficient use of land. Elsewhere in its application, the petitioner states that approximately 110 acres of the 161-acre property is buildable. This criterion requires a comparison of the proposed UGB expansion area with other possible expansion areas in the region. The petitioner provides substantial comparative evidence in the Beery, Elsner & Hammond submittal based on prior Metro Staff findings.

#### Conclusion

The petitioner meets this criterion.

**Metro Code section 3.01.030(b), referring to 3.01.020(c)(2) If the Council determines that there is a need to amend the UGB, the Council shall evaluate areas for possible addition to the UGB, and, consistent with ORS 197.298, shall determine which areas are better considering orderly and economic provision of public facilities and services;**

As argued above this analysis must be made consistent with ORS 197.298 and as there are no urban reserves in the Metro area, so first priority lands are not available. Second priority is land that is designated as an exception area or is non-resource land. *All of the land that Cornelius proposes for expansion is designated exception area.* Accordingly, the proposed expansion area is the highest priority for inclusion under ORS 197.298. Any analysis of this criterion and subsequent criteria must conform to the statute.

In 2005, as a result of the analysis that lead to the adoption of Ordinance 05-1070A, Metro reviewed a large number of potential expansion areas to accommodate industrial land. After eliminating a number of areas for various reasons, Metro settled on the thirteen areas that best met the selection criteria. Those areas are listed on Table 4 and Table 5 from the November 17, 2005,. Ultimately, the UGB was amended to include the Helvetia and Evergreen areas. Of the remaining areas, Cornelius best meets the applicable criteria.

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<sup>13</sup> It is worth reiterating that the proposed expansion area in 2005 included 261 acres. The current proposal excludes all EFU land and two parcels zoned R-20. The proposed expansion area now includes only 161 gross acres, or 110 net buildable acres.

only other area that received a “high” ranking under this criterion was the Evergreen site, which was brought in. No other expansion area identified by Metro for industrial lands scores as high as this site.

In addition, Exhibit G includes an excerpt from the November 17, 2005, staff report in which staff discusses its alternative analysis. It is clear from the staff report and the accompanying tables that the proposed expansion area will efficiently accommodate the identified land need.<sup>14</sup>

To inform its consideration whether this Cornelius area can be provided with public facilities and services in an orderly and economic manner, Metro in 2005 relied upon the Industrial Land Alternative Analysis Study (Appendix A, Item (c), pages 111 and Table A-2, respectively) (Record of Ordinance No. 04-1040B, p. 890), the Addendum to the Alternatives Analysis, September, 2005, and information from the city of Cornelius. The analysis compared "serviceability" for transportation, sewer, water, and storm-water services and assigned serviceability ratings for twelve subregional areas. The proposed Cornelius area included by this ordinance rates "easy" for all those services, the only area among those considered so rated. Metro Staff Report, p. 11.

Table 4. Goal 14 Locational Factor Scores

Area	Locational Factor Scores						
	Trans.	Sewer	Water	Storm	Environ.	SEE	Agriculture
Cornelius (partial)	Easy	Easy	Easy	Easy	Moderate	Low	Moderate
Evergreen (partial)	Moderate	Difficult	Easy	Easy	Moderate	Moderate	Moderate
Farmington	Moderate	Difficult	Easy	Easy	Moderate	Moderate	High
Forest Grove East	Moderate	Easy	Moderate	Easy	Moderate	High	High
Forest Grovc West	Moderate	Easy	Moderate	Easy	Moderate	High	High
Helvetia <sup>16</sup>	Moderate	Moderate	Easy	Easy	Moderate	High	High
Hillsboro South	Moderate	Difficult	Easy	Easy	Low	Moderate	Moderate
Jackson School Rd	Moderate	Difficult	Easy	Easy	Low	High	High
Noyer Creek	Easy	Difficult	Moderate	Easy	Low	Moderate	Low
West Union	Moderate	Moderate	Moderate	Easy	High	High	High
Wilsonville East	Moderate	Difficult	Difficult	Moderate	Low	High	High
Wilsonville South	Difficult	Difficult	Difficult	Moderate	Low	High	High

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Urban services, with the capacity to accommodate industrial development in the area, are currently located at or very close to the perimeter of the area. The city's recently updated Transportation Systems Plan and Master Water, Sanitary Sewer and Storm Water Plans show services can be extended into the areas in an orderly and economic manner. There is road access to the western sub-area from the west at 10<sup>th</sup> Avenue (Arterial) and from both the west and east from 19<sup>th</sup> Avenue and 29<sup>th</sup> Ave./Hobbs Road (Major Collectors) to the proposed

<sup>14</sup> It is worth reiterating that the proposed Expansion area in 2005 included 261 acres. The current proposal Excludes all EFU land and two parcels zoned R-20. The proposed expansion area now includes only 161 gross acres, or 110 net buildable acres.

<sup>15</sup> Table 4. Goal 14 Locational Factor Scores is from is from an October 13, 2005 Metro Staff Report for Metro Ordinance 05-1070

east sub-area. Further access will be provided by Washington County's realignment of Spieschart Road as an Industrial Collector through the proposed west area this next summer (2008).

Rural residential uses in these Exception Lands have been developed with on-site septic systems (tanks, pipes and drain fields) that provide sanitary sewer service. These systems have been in operation for many years and are approaching their failure point. On-site septic systems rely on appropriate soils and adequate 'gravity/slopes' to successfully work. If a system fails on-site it becomes extremely difficult to legally and physically replace it. The extension of City sanitary sewer lines and service to address failures on rural properties only becomes available through expansion of the UGB. Clean Water Services has a 42" sewer line along Council Creek that can provide service to both areas.

Water can also be provided from current service serving properties both inside and outside the present UGB. The City has served the residences along Spieschart Road outside the UGB for 20 years. Twelve-inch mainlines are located in North 10<sup>th</sup> and 19<sup>th</sup> Avenues at or close to the current boundary. Cornelius Master Water Plan, CIP and utility rate and SDC plans account for development in these proposed UGB expansion area. (See Exhibit, City Utility Location Maps)

The proposed areas lie less than a half a mile north of the Tualatin Valley Highway, which is also the Cornelius Main Street District. Industrial development in the Cornelius area will both increase and decrease use and congestion of the highway and county road connections to Sunset Highway and the region. More people and vehicles will be attracted to new uses. However, commuter traffic will decrease as more people have the opportunity to work in their own community. The additional urban development is consistent and connected to City projections and plans, and will help provide local match for federal and county funding already won for transportation improvements, including:

- Two new bridges (built to City standards) over Council Creek at 10<sup>th</sup> and 19<sup>th</sup> Avenues
- Realignment of Spieschart Road
- Reconstruction of 4<sup>th</sup> Avenue, 10<sup>th</sup> Ave. and 19<sup>th</sup>/20<sup>th</sup> Ave. Intersections with TV Highway
- Adair Main Street Reconstruction
- Baseline Main Street Reconstruction
- N 10th Avenue/Cornelius-Schefflin Road

Projects 3156, 3164, 3166, 3167, 3168 and 3171 in Metro's Regional Transportation Plan respond to the economic and infrastructure need and opportunities in Cornelius and are designed to support the additional employment encouraged by this UGB addition and the resulting traffic mix.

The City continues to work closely with Washington County and Metro, to fully assess the effects of development in this area during Title 11 planning. Title 11 calls for a conceptual transportation plan as part of amendment of city or county comprehensive plans and land use

regulations, to which statewide planning Goal 12 and the Transportation Planning Rule apply. This area is approximately five and a half miles from U.S. Highway 26, on which a new interchange (Glencoe Road interchange) is being constructed.

The proposed area is also currently served by the Cornelius Fire Department and by the Cornelius Police Department in cooperation with the Washington County Sheriffs Department.

This proposed area can be provided with services in an orderly and economic manner and can be served efficiently. The provision of urban services to existing development can be effectively expanded as well with the systems development funding that new development brings.

Metro Staff analysis agrees that urban services are available nearby, within the UGB, and that the area proposed for addition compares well, with respect to transportation, water, sewer and stormwater services, with other areas the Metro Council considered for addition for industrial use during periodic review (2002-2005).

The petitioner makes a good case that the proposed areas could accommodate industrial uses efficiently.

#### Conclusion

The petition meets this criterion.

**Metro Code section 3.01.030(b), referring to 3.01.020(c)(3) If the Council determines that there is a need to amend the UGB, the Council shall evaluate areas for possible addition to the UGB, and, consistent with ORS 197.298, shall determine which areas are better considering comparative environmental, energy, economic and social consequences;**

In 2002 Metro analyzed the same exception lands that are proposed for inclusion in the current application. Metro's 2002 Alternatives Analysis Study of 94 study areas included the current proposed Cornelius site (known then as Study Areas 75 & 76) and made the following findings with respect to the ESEE consequences of expansion.

“Low Energy/Social/Economic Consequence

*“There are three general categories of study areas that have low economic, social, and energy consequences from urbanization. Each group shares a number of attributes with location to the current UGB being the main difference.*

“Study Areas 1, 16, 45, 46, 61, 62, 63, 64, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81.

“Generally these areas are small in size, directly adjacent to the current UGB and are stand alone study areas. They commonly contain a number of small-developed

parcels and a relatively small degree of agricultural activities and environmental features related to area size. Urbanization of these areas will not significantly change the current use of the land or negatively impact the general activity of the residents as these small areas are currently more urban than other study areas. The relatively small amount of agricultural activity and environmental features will reduce the potential negative economic impacts of a lost farming economy and costs for natural resource protection. Accordingly, urbanization of these areas would result in a low energy/social/economic consequence.”

Again in 2005 Metro identified the best potential expansion areas for industrial use. Among the areas identified, the Evergreen and Helvetia sites were ultimately brought in. Again, by reference to Exhibit G, Table 5, the Cornelius site rated “high” for potential benefits when it was analyzed for comparative environmental, energy, economic and social consequences. None of the remaining potential expansion areas has a “high” rating. Conversely, the area received only a “moderate” ranking for adverse benefits and, according to the staff report, most of the adverse impacts were due to the inclusion of agricultural areas. These agricultural areas have been removed from the current proposal. Accordingly, the adverse impacts have been minimized.

Based on this evidence, the proposed expansion area is the most appropriate considering comparative environmental, energy, economic and social consequences.

Metro Staff analysis states that the city anticipates that the addition of the proposed areas to the UGB will have positive environmental, energy, economic and social consequences for the city, but does not explain the environmental, energy, economic and social consequences of a UGB expansion for the site itself. This criterion requires a comparison of the proposed UGB expansion area with other possible expansion areas in the region. The city also does not compare the proposed UGB expansion site with other alternative expansion areas in the region as required by the criterion; however, the record clearly shows that the ESEE analysis has been performed for these parcels even when the expansion was larger and accepted by Metro. There have not been dramatic shifts to suggests that the wheel has to be invented all over again.

#### Conclusion

The petitioner meets this criterion.

**Metro Code section 3.01.030(b), referring to 3.01.020(c)(4) If the Council determines that there is a need to amend the UGB, the Council shall evaluate areas for possible addition to the UGB, and, consistent with ORS 197.298, shall determine which areas are better considering compatibility of proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.**

The City’s application sets forth in detail the City’s current economic circumstances and the



potential benefits from expanding the UGB for additional industrial land.<sup>16</sup> The staff report noted that the application lacked an analysis of these circumstances compared to other potential expansion areas. This analysis was conducted by Metro in 2005 and included in the November 17, 2005, staff report. Again, by reference to Table 5, only the Noyer Creek, Hillsboro South and Helvetia sites received anything other than a “low” rating under this criterion. The Helvetia site was included in Ordinance 05-1070A, leaving only Hillsboro South and Noyer Creek as potential sites with a higher ranking than Cornelius in this category. However, both of these sites scored *lower* than the Cornelius site in almost every other category.

Moreover, as is clear from the 2005 staff report, the Cornelius site received lower ranking for

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<sup>16</sup> Petitioner Response

*Tualatin Valley farmland is very important to sustainable commercial agriculture in the county and state. Cities like Cornelius, Forest Grove, North Plains and Banks owe their very existence to agriculture as they were historically built around and remain supportive of farm, orchard and nursery business. Urban Cornelius houses rural workers and provides the schools, churches, banks, shops, entertainment and law enforcement services that feed commercial agriculture. Commercial agriculture in turn feeds the community. It has long been an interdependent relationship.*

*A balanced, sustainable urban community provides the most sustainable healthy agriculture/urban community relationship. The purpose of this UGB expansion is to meet expressed and proven need for space for businesses that support and grow primarily two area industry clusters – agriculture and high tech businesses. New Season Food and Subroso fruit processing plants, Hazelnut Growers of Oregon Coop, Pacific Harvest Supply Company, Wilco, Hillsboro Pump, Fisher Implements and the new Coastal Farm & Ranch store are examples of agriculture related businesses in town. Without nearby urban space for processing, supply and fueling businesses, and sustainable living areas for agricultural workers, agriculture industry costs go up and its health goes down.*

*There are two dramatic recent examples of the growing demand for industrial space in Cornelius to support agriculture. Sabroso Fruit Processing Company, one of the top ten employees in Cornelius, moved to Woodburn in 2004 because it needed 20 acres of land to expand into and could not make the one assemblage of 20 acres possible in Cornelius work. Now, some local berry producers have to truck their fruit all the way to Woodburn.*

*The Hazelnut Growers of Oregon, also one of the top ten employers in Cornelius, wants to move their processing plant from the center of Cornelius’ commercial area to twice their current 10 acres at the edge but within Cornelius, if there is space. If new space is not made available, the Hazelnut Coop may move to the Salem area, thus hurting both the local agriculture and Cornelius economies. Moreover, there is commercial demand for their current commercial zoned central location. Most agriculture supportive industries need and want the urban services of a city location. If there is not room for them, they will move further away, which increases transport costs for local growers and makes their business less sustainable.*

*Transportation improvements to county arterials and major collectors, made feasible by the traffic warrants and funding of urban development and resources, promise to improve traffic safety and reduce interference between current commuters and agricultural vehicles. Examples include the bridge replacements at 19<sup>th</sup> Avenue/Susbauer and 10<sup>th</sup> Avenue/Cornelius-Schefflin over Council Creek in anticipation of this UGB expansion. Road widening, paving and storm water facilities along Cornelius-Schefflin, Susbauer, Zion Church and Glencoe Roads and their new intersections encourage commuter traffic use and are designed to reduce short-cutting across agricultural roads like Wren and Gordon Roads. It is a common purpose of area farmers and the City of Cornelius to reduce commuting on farm roads. Cornelius needs room for local jobs to be able to do that.*

compatibility with adjacent agricultural uses because the City proposed including several parcels zoned for or in agricultural use. These areas have been removed from consideration and the City now proposed including only those areas designated as exception areas. Accordingly, conflicts with adjacent farm and forest uses have decreased from the earlier proposal and compatibility has increased.

The City's application extensively discussed the manner in industrial areas in the proposed expansion areas will be compatible with farm activities on nearby lands outside the UGB. In light of the additional fact that the City has removed all agricultural lands from consideration, it becomes clear that the proposed expansion area will be compatible with nearby agricultural activities.

Conclusion

The petitioner meets this criterion.

**Metro Code section 3.01.030(b), referring to Metro Code section 3.01.020(d)(1) If the Council determines there is a need to amend the UGB, the Council shall evaluate areas for possible addition to the UGB and, consistent with ORS 197.298 and statewide planning Goal 14, shall determine which areas are better, considering equitable and efficient distribution of housing and employment opportunities throughout the region;**

The staff report notes that the City sufficiently described “the fiscal and social problems faced by the city, which would be ameliorated by additional jobs and industry, more so than jobs added in other parts of the region.” What was missing was a comparison of the Cornelius site with other possible expansion areas.

This was subsequently addressed. As with the other criteria noted above, Metro conducted this analysis as part of its UGB effort in 2005. Again, Table 5 compares the Cornelius site to other possible sites. Only Cornelius and Forest Grove rank “high” for potential contribution to the equitable distribution of housing and employment opportunities. However, as described above under MCC 3.01.030 (a), Cornelius is the only city in the metropolitan area that is designated a “distressed city” by the Oregon Economic and Community Development Department. The City also ranks lowest in total “regional equity” scores according to both “The Regional Equity Atlas” published in 2007 by the Coalition for a Livable Future and the Affordable Housing Needs Study for the Portland Metropolitan Area published by Portland State University in 2007.

Finally, Metro's considerations under this criterion are constrained by ORS 197.298, and the Cornelius site is the only potential industrial expansion site that is comprised exclusively of exception lands. Based on ORS 197.298, Metro's comparative analysis, the distressed city designation by OECD and the equity rankings published by PSU and the Coalition for a Livable Future, the Cornelius site is the most appropriate site to accommodate the region's industrial land need, “considering [the] equitable and efficient distribution of housing and employment opportunities throughout the region.”

Conclusion

The petitioner meets this criterion.

**Metro Code section 3.01.030(b), referring to Metro Code section 3.01.020(d)(2) If the Council determines there is a need to amend the UGB, the Council shall evaluate areas for possible addition to the UGB and, consistent with ORS 197.298 and statewide planning Goal 14, shall determine which areas are better, considering contribution to the purposes of Centers;**

As with the other locational factors, the Cornelius site has the highest priority inclusion in the UGB because it consists exclusively of designated exception area. In addition, Metro's 2005 analysis of suitable sites for industrial lands concluded that the Cornelius site ranked "high" in its ability to contribute to the Cornelius "center." See, Table 5. (As noted in your staff report, the City does not have a "center." Instead, the site is analyzed for its contribution to the economic health of the City's Main Street.) Support of the City's Main Street as its business, cultural and service center is consistent with all the Regional 2040 goals and objectives, particularly those that result in "complete communities."

The only other potential expansion site that was ranked "high" for its ability to contribute to the affected center was the Evergreen site, and it was brought in. None of the other potential expansion area included in Metro's analysis contributes to the affected center to the extent that the Cornelius site would contribute to the City. Accordingly, and consistent with ORS 197.298, the Cornelius site is the most appropriate site for expansion "considering the contribution to the purposes of Centers."

#### Conclusion

The petition meets this criterion.

**Metro Code section 3.01.030(b), referring to Metro Code section 3.01.020(d)(3) If the Council determines there is a need to amend the UGB, the Council shall evaluate areas for possible addition to the UGB and, consistent with ORS 197.298 and statewide planning Goal 14, shall determine which areas are better, considering protection of farmland that is most important for the continuation of commercial agriculture in the region;**

This criterion is designed to compare the ability of competing sites to protect farmland. No other site included in Metro's analysis (Table 5) consists of exception area. The Cornelius (partial) area scored "low" on Table 5 because the proposed expansion area included AF-20 land that is being farmed. If this agricultural land is excluded from the analysis (it is not part of this application), the extent to which this application protects farmland and farming increases correspondingly.

As an initial matter, Metro's 2002 Alternatives Analysis Study found for both Study Areas 75 and 76 that:

1. "Urbanization of this area would increase traffic on NW Cornelius-Schefflin, NW Susbauer and NW Hobbs Roads. The majority of the daily increased traffic flow would most likely be directed into Cornelius and therefore, would have minimal affect on the normal movement of farm equipment and the movement of agricultural

- goods on NW Cornelius-Schefflin and NW Susbauer Roads” (The city would also point out that NW Hobbs Road now connects via N. Holladay Street to a signalized intersection at N. 26<sup>th</sup> Avenue and Tualatin Valley Highway in Cornelius Offering a safe and easy connection to the State Highway system.)
2. “Overall, urbanization of this area will result in a small amount of new development that could impact some of the adjacent agricultural activity to the north, east and west.”

Second, the attached letter from Washington County (Ex. 14) describes public improvements to the multi-purpose arterials Cornelius-Schefflin Road / 10<sup>th</sup> Avenue and Susbauer Road / 19<sup>th</sup> Avenue and Council Creek bridge replacements that have been or are being constructed through and connecting the proposed expansion areas. The cost of these improvements exceeds \$15million. These improvements are designed to provide improved access for urban commuting, freight traffic and farm equipment along two important west county arterials. Urban standard sidewalks, lighting and right-of-way are being constructed north from inside the current Cornelius city boundary to the new industrial collector that provides access to future industrial uses and Spieschart Road. These improvements will be safer, more efficient and will reduce commuter and freight traffic on the secondary roads used by farm equipment.

Third, it is important to note that providing sufficient land for urban services that support commercial agriculture is vital to the protection of farming. Cornelius has shown it needs room for industries like food processing, transportation, fuel and equipment manufacturing that are an integral part of the local agricultural community.

Ultimately, as noted in the City’s application<sup>17</sup>, industrial uses produce fewer conflicts with

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<sup>17</sup> Petitioner response

*This proposed UGB expansion purposely excludes all land zoned for agricultural purposes. It includes only long defined exception Land, which is partially urbanized and characterized by relatively small lots, and non-agricultural land uses and which is the highest priority land in the state defined hierarchy for UGB expansion. These 161 acres are broken into 38 parcels, the average size of which is 4.2 acres. This land has not been important farmland for decades.*

*Two dozen residences are scattered throughout the proposed area, half of which are served by the Cornelius water system. There is one existing industrial use already in this expansion area; Jacobsmuhlen Meat Packing Company lies on 4 acres off Susbauer Road and wants the urban services and ability to expand offered by the City within its city limits. Owners of property within this area, who themselves farm larger parcels north of Dairy Creek, have testified that farming within the proposed area is not profitable and have committed that upon UGB inclusion their 12 acres in this exception Area will be developed into an industrial park.*

*Industrial land uses are known to be comparatively good neighbors to farming and therefore would be a good buffer between the urban residential uses which align much of the current UGB here and agricultural uses. Industrial uses can be planned under the current Cornelius Code to responsibly buffer neighboring agriculture land from more intense urban uses that are less understanding of the noise, dust and traffic of active farming and orchard management. New industrial development also promises to reduce some of the dependence on commuting and help pay for collector road improvements that can reduce the use of secondary farm roads by urban residents.*

*Council Creek, which currently coincides roughly with the UGB along the north of Cornelius, has not served to effectively protect important farmland to the north for some time. For decades now, urban*

adjacent farm activities. With this proposal, no agricultural land will be taken out of production and any adjacent industrial development will introduce the least potential number of conflicts with and provide the best buffer for adjacent farm uses. No other proposed expansion area offers these same benefits.

For these reasons, and consistent with ORS 197.298, the Cornelius site is the best potential site, “considering [the] protection of farmland that is most important for the continuation of commercial agriculture in the region.”

#### Conclusion

The petition meets the criterion.

**Metro Code section 3.01.030(b), referring to Metro Code section 3.01.020(d)(4) If the Council determines there is a need to amend the UGB, the Council shall evaluate areas for possible addition to the UGB and, consistent with ORS 197.298 and statewide planning Goal 14, shall determine which areas are better, considering avoidance of conflict with regionally significant fish and wildlife habitat;**

When Metro analyzed the proposed expansion areas for Ordinance 05-1070A, the Cornelius site received a “moderate” ranking for its conflicts with regionally significant fish and wildlife habitat. That placed the Cornelius site firmly in the middle of the pack, since most of the study areas received a “moderate” ranking. The two site that were brought into the UGB, Evergreen and Helvetia, received “low” and “moderate” rankings, respectively.

Since that analysis was conducted, a number of things have occurred. First, the Council Creek corridor between NW Susbauer and NW Hobbs Road (in old study area 76, an area constituting approximately 25 acres) is now owned by Metro Parks and Greenspaces, which limits development of this land. The City has provided additional safeguards for wildlife and habitat in this area.

Second, as part of its recent periodic review, the City inventoried and adopted additional protection measures for significant natural resources. The City’s acknowledged Natural Resource Protection Plan identifies the Council Creek corridor between Jobes Ditch (east of NW Hobbs Road) west to NW Cornelius-Schefflin Road (old Study Areas 75, 76) as a Significant Natural Resource with maximum protection measures for the stream, wetlands and riparian corridor. This provides significant protection of the resource and restricts urbanization. The Significant Natural Resource designation and the Metro Parks ownership of a portion of the Council Creek corridor that is part of the proposed UGB expansion area would provide protections of wildlife habitat that were not assessed in 2002 or 2003. Therefore, the potential impact on regionally significant fish and wildlife habitat has moved closer to “low” and not “moderate.”

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*uses, including residential, industrial, and infrastructure improvements, have been developed north of Council Creek at sub-urban densities and inefficiencies. Land has been subdivided to average four-acre lots. The proposed land is long lost to agriculture. Planned development, transitions and buffers will serve to protect all neighboring uses much better.*

In 2005, the Cornelius site was comparable to the other potential expansion areas. In light of the wildlife and habitat protections that have been put into place since then, it is now clear that the Cornelius site is better than the other sites, “considering avoidance of conflict with regionally significant fish and wildlife habitat.”

Conclusion

The petition meets this criterion.

**Metro Code section 3.01.030(b), referring to Metro Code section 3.01.020(d)(5) If the Council determines there is a need to amend the UGB, the Council shall evaluate areas for possible addition to the UGB and, consistent with ORS 197.298 and statewide planning Goal 14, shall determine which areas are better, considering clear transition between urban and rural lands, using natural and built features to mark the transition.**

This criterion requires Metro to find that the Cornelius area is better than other potential expansion areas in providing a clear transition between urban and rural lands. This criterion was also analyzed by Metro staff in 2005 and the Cornelius (partial) site received a “moderate” ranking. Exhibit F, Table 5. The Noyer Creek site received a “high” ranking, but scored poorly in most other areas and was not brought into the UGB. The Helvetia and Evergreen areas both received “moderate” rankings and were brought in. The only remaining sites that received a “moderate ranking are the West Union and Wilsonville East sites, and, like the Noyer Creek site, both of these sites scored poorly in other areas.

After balancing all of the locational factors, it becomes clear that the proposed Cornelius site is the best site to accommodate the identified need for industrial land. As stated in the 2005 Metro staff report: “Although no one area meets all of the combined factors in Table 5, the Evergreen and the Cornelius areas satisfy a great number of the combined factors.” The Metro Council expanded the UGB to include the Evergreen site in 2005. Of the remaining sites, the Cornelius is the best meets the applicable criteria.

Finally, it is worth reiterating that the proposed expansion area adjacent to the City consists entirely of exception land. Under ORS 197.298, in the absence of urban reserve areas, exception land is the highest priority land for expanding the UGB. Only if available exception areas are insufficient to accommodate the identified need can other areas be included. All of the other potential expansion areas reviewed by Metro in 2005 include at least some resource land. Only the Cornelius area is entirely exception land. For this reason, the Cornelius site is the best and highest priority site under ORS 197.298.

Conclusion

The petition meets this criterion.

**Metro Code section 3.01.030(b)(1) The proposed uses of the subject land would be compatible, or through measures can be made compatible, with uses of adjacent land.**

The City argues that well planned industrial uses will provide an excellent “good neighbor” transition between urban and rural uses at the north edge to Cornelius. Conflict between current existing “sub”urban development and more rural activity to the north has

resulted in complaints and at least one Measure 37 claim just off Spieschart Road And abutting residential neighbors showed up in some numbers at the hearings (See Hearing Summary above) and signed petitions opposing the request. Industrial uses are generally more intense than agricultural uses and less intense than residential activity, so they make for good transitional uses. Also pending upgrades to the arterial 10<sup>th</sup> Ave./Cornelius-Schefflin Road right in this very area has created the opportunity to build improvements that meet standards necessary for shared urban/rural uses and enhance the transition.

Council Creek, the stream along the northern side of Cornelius has been approximately contiguous with the UGB since the Boundary's inception in 1978. That edge, expected to be the boundary for up to 20 years by the citizens who drew it, has long ago been out-grown and breached. Partially urbanized "Exception Land" covers almost the entire length of Cornelius north of Council Creek and has been planned and developed around for two decades. Two dozen homes are scattered just north of this Creek. Cornelius serves 13 properties north of the Creek with water. An important meat packing industrial business, located north of this Creek for two decades, wants urban services. And, approximately 13 acres of land north of this Creek has been inside the City limits of Cornelius for some time, yet outside the current UGB.

The City of Cornelius is partner in the region-wide study of future urban and rural reserves. The location and character of future boundaries and transition will be fruit of this four-year discussion. In the mean time, Cornelius can become a more sustainable and equitable community and manage the transition actively with its agricultural neighbors and business partners, rather than by avoidance.

Metro staff agrees that petitioner notes that industrial uses are "good neighbors" to agricultural uses. Most of the perimeter of the areas proposed for addition borders agricultural land. The petitioner does not address compatibility with areas within the UGB in the portion of its application devoted to this criterion. But elsewhere in the application, the petitioner notes the proximity of the proposed areas to areas in the city devoted to industrial use and their compatibility.

As stated in the Overview section, design of industrial area can be made sensitive through landscape and other design requirements which the City is capable of addressing through the zoning. Campus industrial uses are envisioned.

#### Conclusion

The petition meets this criterion.

**Metro Code section 3.01.030(b)(2) The amendment will not result in the creation of an island of rural land inside the UGB or an island of rural land inside the UGB;**

Addition to the UGB of the proposed land would neither create an island of land outside the UGB nor an island of rural land inside the UGB.

#### Conclusion

The petition meets this criterion.

**Metro Code section 3.01.030(b)(3) If the amendment would add land for public school facilities, a conceptual school plan as described in Section 3.07.1120(I) has been completed.**

The proposed expansion is not for school facilities.

Conclusion

The petition meets this criterion.

**SUMMARY AND RECOMMENDATION**

This petitioner seeks to amend the UGB to include 161 (110 net) acres for industrial purposes. The petitioner has provided substantial evidence to show that there is a deficiency in the long-range supply for land through rezoning and the two year or longer review delay that was not anticipated in the last analysis of buildable land supply and that the in context of allowable expansion uses under Section 3.01.030(a) cannot wait until the next analysis. The petitioner has also provide adequate comparison of the proposed UGB expansion area with other possible expansion areas in the region as required by multiple criteria based on previously adopted Metro Staff Report which ranked this site in comparison to the other in Metro area based on the same legislative criteria..

The hearing officer concludes that deferring all unanticipated needs to the next periodic review makes a nullity of allowing major amendments to be considered in a quasi-judicial setting. This is reinforced by an opportunity to complete significant public facilities which are dependent on the re-inclusion of these sites within the UGB. The need and the opportunity considered jointly meet the intent of 3.01.030(a). To give any effect to the system in which major amendments are available to individual petitioners requires a more liberal reading of the criteria and allows reliance on recent legislative Metro findings which were favorable to the inclusion of this area within the UGB. Given high credibility of 2005 Metro Staff Report of regional analysis and comparison of all potentially available expansion parcels, this area ranked high. Given its high location values, the need for jobs, public facility opportunity to create highly accessible and desirable industrial land the petition deserves approval.

For all those reasons the Hearing Officer recommends APPROVAL of the request.

Dated this \_\_\_\_\_ day of March 2008

*/s/ J. Richard Forester*

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**J. Richard Forester, OSB #74101  
Metro Hearing Officer**



Agenda Item Number 4.2

**Ordinance No. 07-1162A**, For the Purpose of Adopting the  
Regional Solid Waste Management Plan, 2008-2018 Update.

*Second Reading*

Metro Council Meeting  
Thursday, March 27, 2008  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE ) ORDINANCE NO. 07-1162A  
REGIONAL SOLID WASTE MANAGEMENT )  
PLAN, 2008-2018 UPDATE ) Introduced by Chief Operating Officer Michael J.  
 ) Jordan, with the concurrence of Council  
 ) President David Bragdon

WHEREAS, the Regional Solid Waste Management Plan (RSWMP or Plan) is a ten-year plan for the region that Metro administers; and

WHEREAS, the 2008-2018 RSWMP replaces the 1995-2005 RSWMP; and

WHEREAS, Metro Council approved the policies and program areas for waste reduction through its adoption of the 2006 Interim Waste Reduction Plan, which has now been incorporated into the RSWMP; and

WHEREAS, the Metro Council affirmed Metro's continued role in facility ownership in 2006 through the transfer station ownership study, and the RSWMP now reflects Metro Council's rationale for retaining the public facilities; and

WHEREAS, the public has indicated strong support for a more "green" solid waste system, and the RSWMP now has a chapter on increasing sustainable practices in solid waste operations; and

WHEREAS, the ordinance was submitted to the Chief Operating Officer for consideration and was forwarded to the Metro Council for approval; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Regional Solid Waste Management Plan Update 2008-2018 as show in Exhibit A to this ordinance is adopted as the Waste Reduction Program required under ORS 459.055.

2. Metro Ordinance No. 95-624 adopting a Regional Solid Waste Management Plan and the following amendments 97-673 (Disaster Debris), 97-676 (Illegal Dumping), 97-700 (Housekeeping changes 1997), 98-761 (Housekeeping changes 1998), 00-851B (HHW Chapter), 00-865 (Disposal Facilities), 03-1004 (Waste Reduction) are hereby rescinded. (See attached Exhibit B).

The provisions of this ordinance shall become effective ninety (90) days after adoption by Metro Council.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

ATTEST:

Approved as to Form:

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

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

# Regional Solid Waste Management Plan

2008 - 2018 Update



METRO

Final Draft  
January 2008

# **Metro**

People places • open spaces

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy and good transportation choices for people and businesses in our region. Voters have asked Metro to help with the challenges that cross those lines and affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to protecting open space, caring for parks, planning for the best use of land, managing garbage disposal and increasing recycling. Metro oversees world-class facilities such as the Oregon Zoo, which contributes to conservation and education, and the Oregon Convention Center, which benefits the region's economy.

Your Metro representatives

Metro Council President – David Bragdon

Metro Councilors

District 1, Rod Park

District 2, Carlotta Collette

District 3, Carl Hosticka

District 4, Kathryn Harrington

District 5, Rex Burkholder

District 6, Robert Liberty

Auditor – Suzanne Flynn

Metro's web site

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

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# Executive summary

This updated Regional Solid Waste Management Plan (RSWMP) provides the Portland metropolitan area with policy and program direction for the next decade (2008-2018). Implementation of the 13 goals and 68 objectives outlined in this Plan will enable the region to continue progress in reducing the amount and toxicity of waste generated and disposed, and will blaze new trails in advancing sustainable operations in the facilities and services of the solid waste system.

## Issues addressed in the plan

### Resource conservation

This region is a national leader in successful waste reduction programs. Over the past 20 years, the waste reduction rate increased from 26% to 59%. Despite this achievement, many resources that can easily be recycled are still disposed. Enough waste from this region is landfilled each year to fill a football field 100 stories high. One-half of that disposed material is paper, wood, metal, glass, plastic and organics (food and yard waste) that could be recovered through existing programs. This Plan identifies more aggressive programs needed to achieve greater progress in material recovery.

Preventing waste from being generated in the first place is perhaps an even bigger challenge: The sum total of waste generated for recycling as well as disposal continues to increase. Between 1995 and 2005, regional population grew about 18%, or 239,000 new residents. Waste generation, however, grew by over 50%. With significant population growth and good economic times, the generation rate historically trends up due to increased commercial activity. The challenge is to instill greater awareness and implementation of effective waste prevention activities in the residential, commercial, and industrial sectors. This Plan continues many strategies intended to slow the rate of waste generation in the region and anticipates the implementation of new strategies, growing out of state recommendations, over the next 10 years.

### Toxicity reduction

As with overall waste generation trends, volumes of household hazardous waste continue to climb, and only a portion of the total generated by households each year is separated and collected for recycling or safe disposal. This Plan will continue to guide sound management of

Key issues addressed in this updated Plan include:

- Reducing the amount and toxicity of waste generated and disposed
- Advancing sustainable practices throughout the region's solid waste operations
- Ensuring the disposal system continues to serve the best interests of the region.

household hazardous waste collected at facilities and events around the region. It also contains strategies to make more people aware of alternatives to hazardous products for homes and gardens, and to give them good reasons to use those alternatives.

Awareness that hazardous products are tossed into the waste stream have, in part, led to regional support for a more upstream-oriented approach to managing waste. Over the past decade, Europe and Canada have enacted "product stewardship" policies that require manufacturers to share responsibility for managing certain products at their end-of-life. The RSWMP update emphasizes the importance of making that policy shift here. Results from the region's advocacy for product stewardship policies could have significant payoff in reducing the waste handling burden on local governments, and arguably lead to reduced toxicity and increased recyclability in products manufactured for market.

## **Sustainable operations**

Great strides in awareness and implementation of sustainability principles and practices have been made in the past decade, particularly in the Portland region.

This updated Plan provides groundbreaking sustainability guideposts for solid waste system operations. The solid waste system's operations are comprised of facilities, vehicles and people that collect, receive, process, transport, and recover or dispose of the region's waste stream.

At Metro's request, public and private sector stakeholders examined how sustainability principles could be applied to solid waste operations. Their recommended definition of sustainability, sustainability framework, and goals and objectives for sustainable operations are included in this Plan. These goals and objectives address air and water emissions, energy use, employee work life, and institutionalizing sustainability in solid waste system operations.

## **Disposal system decisions**

A year-long analysis of transfer station ownership options was undertaken in conjunction with the development of this Plan. The main question addressed was whether the current system of public and private transfer station ownership should change.

After examining three different ownership models (all public, all private, public/private hybrid), Metro Council concluded that continuing the hybrid model, i.e., publicly-owned Metro Central and Metro South transfer stations and strategically placed private transfer facilities, is in the region's best interests.

This Plan's policies reflect that determination. Plan appendices indicate further areas of disposal system examination ahead for Metro, including waste allocation, public and private pricing, self-haul services and facility entry standards.

## **Metro's role in regional solid waste planning**

Metro has the responsibility to conduct solid waste planning for the region through RSWMP, which serves as a regional framework for the coordination of solid waste programs and practices. Metro is accountable for state-mandated waste reduction goals in the tri-county region, and works with its local government and private sector partners to accomplish these goals. Local governments' solid waste ordinances, regulations and contracts are required to conform with the Plan (see Chapter VI, Plan implementation, compliance and revision for required elements of the Plan).

## **Plan performance**

Historically, the regional waste reduction rate has been the primary benchmark of regional progress. This Plan continues an emphasis on that measure, but other means of assessing the solid waste system's performance (i.e., goals and objectives for sustainable operations) will be implemented and reported. In addition, the Plan is likely to be amended to incorporate a new set of numerical goals beyond the last benchmark year of 2009.

Annual work plans are the means by which Metro and local governments plan for the programs, projects and activities that implement the waste reduction elements of the Plan.

Regional work groups involving Metro, local governments, the DEQ and the private sector will include a standing group engaged in implementation and reporting on sustainable operations goals, as well as short-term groups that meet to study regional problems and recommend policy or program options or changes. These work groups play an important role in ensuring realization of Plan goals. They may also assist in evaluating programs or recommending Plan revisions.

## **Moving forward**

Twenty-five cities, three counties, Metro, the Oregon Department of Environmental Quality (DEQ), private waste haulers, and private facility owners are all part of the solid waste system. The complex mix of public and private involvement in solid waste in our region makes cooperative planning essential. RSWMP provides a unified blueprint to ensure that the efforts of all parties are coordinated as key issues are addressed.

Hundreds of stakeholders participated in developing and shaping this RSWMP update through various venues and numerous discussions. Many of these stakeholders will also play valued roles in the Plan's implementation over the next 10 years. Collaborative efforts define the development and implementation of such plans for the region.

By implementing the direction in this updated Plan, the region will continue to provide national leadership in waste reduction, advance sustainable practices in system operations, ensure future changes in the solid waste system that serve the public interest, and move closer to achieving the Plan's vision of a system in which producers are an additional link in the responsibility chain, and all contribute to the sustainable use of natural resources.



# Chapter I

## Introduction

### A. Why a regional plan?

The residents, businesses and institutions in the Metro region currently produce thousands of tons of solid waste every day. The question about what to do with this waste, now and in the future, creates the need for a plan such as this one. Furthermore, the daily movement of solid waste in the Metro area results in issues extending beyond individual jurisdictional boundaries, creating a need for coordination and cooperation in the development of a Regional Solid Waste Management Plan.

This Regional Solid Waste Management Plan (RSWMP, or the Plan) is a document that:

- Serves as a regional framework for the coordination of solid waste practices.
- Provides the region with a program of solid waste system improvements.
- Establishes regional solid waste goals and objectives, including an overall waste reduction goal and a plan to monitor progress toward the goals.
- Satisfies state law requiring the development of a waste reduction plan for the metropolitan area (ORS 459).

This updated Plan provides the metropolitan area with policy and program direction for the next decade. Twenty-five cities, three counties, Metro, the Oregon Department of Environmental Quality (DEQ), private waste haulers and private facility owners are all part of the solid waste system. The complex mix of public and private involvement in solid waste in our region makes cooperative planning essential. RSWMP provides a unified blueprint to ensure that the efforts of all parties are coordinated as key issues are addressed.

### B. Plan context

The imperative to conserve resources for future generations -- reducing the amount and toxicity of waste generated and disposed -- drives much of the Plan's direction. Growing awareness and implementation of sustainability principles and practices provides the

impetus for advancing sustainable practices in operations throughout the region's solid waste system. Finally, the Plan update process was an opportune vehicle to examine potential improvements to the region's disposal system. It reflects Metro Council's decision, after extensive analysis and outreach, that the region's transfer system will remain a public/private hybrid.

### C. Scope of the Plan

This Plan addresses municipal solid waste (MSW), including hazardous wastes from households and small businesses. It does not address hazardous wastes from large-quantity generators, biosolids (sewage sludge), nor special industrial wastes.

The region addressed by this Plan consists of the tri-county metropolitan region (Clackamas, Multnomah and Washington counties), including the cities, residents, businesses and operations therein. This Plan also includes programs and facilities that in some cases are located outside of the tri-county boundaries, that may impact activities inside of the tri-county area.

All of the programs, services and facilities related to solid waste management and disposal are addressed by this Plan, including waste reduction, transfer, disposal, and collection. Although Metro has no specific authority over collection activities, the other government participants (i.e., cities and, to a lesser extent, counties) do have such authority. Furthermore, collection services are a critically important part of the solid waste management system and cannot be ignored.

This Plan also incorporates the most recent Disaster Debris Plan (see Appendix B). Due to its unique needs and constraints, disaster debris was addressed through a supplemental planning effort. Disaster debris management will make use of the existing recycling and disposal systems in the Metro region as much as possible, hence the need to recognize it as part of RSWMP. A priority will be placed on using waste reduction methods (in particular, recycling and composting) for handling any disaster debris.

## D. The planning process

The RSWMP Update Project officially began in October 2003 with assembly of the 13-member project team comprised of Metro staff. The consulting firms Green Solutions and Environmental Practices were hired a few months later to assist with the development of the updated Plan. Cogan Owens Cogan, LLC, was hired to assist with the project's public involvement activities.

Project staff conducted an assessment of the 1995-2005 RSWMP and identified research items to support the update of the Plan. Several work groups contributed to the goals and objectives in waste reduction program areas. Sustainability and its application to solid waste operations was addressed through a special committee. In addition, Metro led an effort to examine future ownership options for the regional transfer and disposal system.

### The interim waste reduction plan

The RSWMP update was delayed until the questions about transfer station ownership options could be resolved. In the meantime, Metro Council approved an Interim Waste Reduction Plan (IWRP) to provide updated program direction for the region until the entire RSWMP document could be completed. Staff and stakeholder work on the IWRP concluded in April 2006. A 45-day

public comment period began at that time. The revised IWRP was presented to the Metro Council for its approval in August 2006. That document has now been incorporated into this Plan (see Chapter IV).

### Disposal system planning study

To ensure that adequate public services will be provided through the regional transfer station system in the next 10 years, Metro conducted a Disposal System Planning (DSP) Study (see Appendix C for more details). The primary purpose of the DSP Study was to answer the question: What is the best way to deliver safe, environmentally sound and cost-effective waste transfer and disposal services to the public and private users in this region? Of particular interest was determining whether the system could be

improved by changing the current mix of public and private ownership of the region's transfer facilities.

Consultants CH2M Hill and EcoData were retained to conduct a detailed analysis of the region's solid waste disposal system and to assess how changing the ownership structure of system facilities would impact system function. The study consisted of five major elements, including: 1) documentation and consideration of stakeholder input; 2) analysis of the economics of the Metro solid waste system; 3) definition of system alternatives and identification of system objectives; 4) evaluation of the system alternatives for cost, risk, and meeting system objectives; and 5) legal analysis of system issues.

After a year-long analysis, Metro Council concluded that continued public ownership of Metro Central and Metro South transfer stations is in the region's best interests. The Plans' policies reflect that determination.

The appendices contain the executive summary of the transfer station ownership analysis. Also appended is a System Improvements Workplan, which details further areas to be examined in years ahead, including waste allocation, public and private pricing, self-haul services and facility entry standards (see Appendix D).

## E. Public involvement

### Public involvement activities

Metro staff prepared a multi-phase public involvement plan for the RSWMP. In the first phase, between February and April 2004, seven two-hour meetings were held with approximately 40 stakeholders to identify and narrow a list of regional issues. The purpose of the meetings was to give a cross-section of stakeholders (from the regional solid waste community and the general public) the opportunity to express particular interests and perceptions of the regional solid waste system, and help identify key planning issues to address in the updated RSWMP. The results of the meetings were presented in a report titled "Summary Report of Stakeholder Meetings, Phase One, April 2004."

Four key planning issues were identified for further discussion (below). The first three planning issues were a part of the broader public involvement process targeting the public at large (service users). The fourth evolved into the Disposal System Planning project, a



review of the future public role in the region's transfer and disposal system. These issues were:

- Garbage and Recycling Services. Is the public satisfied with current service levels? Will these services be adequate in the future?
- The Regional Waste Reduction Goal. The next waste reduction goal in state law is 64% in target year 2009. As of 2004, a 57% waste reduction rate has been achieved. How much more can we recover?
- Sustainability and the Solid Waste System. Regional solid waste system operations (e.g., transport and facilities) create environmental impacts through fuel, water and energy usage. Should we adopt sustainability principles that can guide solid waste practices? Should we go further and adopt zero-waste strategies?
- Disposal System Planning. The regional solid waste system consists of public and private service providers with government regulating collection and private facilities. What are the overall goals for the disposal system over the next 10 years? What services are needed, and who should provide the services?



### **“Let’s Talk Trash”**

The key planning issues led to Metro’s second phase of public involvement activities, which took place between August and December 2004. During this phase, Metro hosted and facilitated “Let’s Talk Trash” discussions with the public, made numerous presentations at neighborhood meetings, an area high school, and gathered input from the Metro Council and the Metro Solid Waste Advisory Committee (SWAC).

Project staff developed a discussion guide and questionnaire to help people understand the issues, examine alternative approaches, and discuss the implications and tradeoffs.

Overall, 88 people attended Metro’s hosted or facilitated discussions and 151 people submitted comments using the online or printed questionnaire. During this period, Metro also recorded more than 1,300 visits to Metro’s “Let’s Talk Trash” web pages.

The results of the initial “Let’s Talk Trash” activities were presented in a report to SWAC and Metro Council in December 2004. Key findings included:

- Garbage and Recycling Service. The current garbage and recycling system is adequate, but many participants felt that recycling rates could be increased and services should be expanded.
- Regional Waste Reduction Goal. Participants roundly agreed that businesses could do more to recycle; however, many felt the approach should first emphasize more education and incentives over regulation.
- Sustainability and the Solid Waste System. Many participants felt that home and business sustainability practices should be improved, and government agencies should lead by example.

The general conclusion of the public feedback was that the current system is good, but improvements in services and recycling are desired, with resource conservation as the guiding principle.

This phase of public involvement is documented in the report “Summary Report of Public Outreach, Phase Two December 2004.”

## **“Let’s Talk Trash” II: The interim waste reduction plan**

A 45-day public comment period, “Let’s Talk Trash II,” began when staff and stakeholder work on the Interim Waste Reduction Plan (IWRP) concluded in April 2006. More than 400 individuals responded to an online survey about the IWRP and/or sent in written comments. In addition, respondents were asked to provide written comments describing if and how they would change the proposed strategies. Following are the major themes that emerged from the written comments:

- The focus should be on waste prevention.
- Access to recycling services should be improved.
- Awareness, education and outreach should be emphasized.
- Responsibility for the recycling of hazardous and difficult-to-recycle products should be shared by manufacturers, distributors and consumers.

Cogan Owens Cogan, Metro’s public involvement consultant on the project, produced a report, “Waste Reduction Survey Results,” which summarizes the major themes from comments received. Metro staff prepared a summary responding to the major themes identified and detailing revisions to be made to the IWRP based on public input. This phase of public involvement is documented in the report, “Interim Waste Reduction Plan Public Involvement Report, June 2006.”

### **Final plan public involvement**

In the summer of 2007 Metro conducted a final public comment period on the updated RSWMP. The Plan incorporated the Interim Waste Reduction Plan, which received extensive public comment before being approved by the DEQ and the Metro Council in 2006.

Opportunities to comment on the complete RSWMP were publicized through emails to an interested parties list, through advertisements placed in The Oregonian and in all newspapers within the Community Newspaper network. In addition, the public comment opportunity was noticed on Metro’s website and in several Metro Councilor newsletters.

Prior to the Plan’s release for the official public comment period, members of the Metro Solid Waste Advisory Committee (SWAC) were invited to provide final comments on the Plan.

During this final phase of public and stakeholder

involvement, a total of 22 people (public and SWAC) commented on the Plan. Many comments supported a variety of changes to the Portland collection system rather than dealing specifically with RSWMP contents. Comments specific to the Plan did not present any majority views for changes.

Comments from the public and SWAC included:

- a desire to have more materials added to curbside recycling, especially plastics
- concerns about excessive and non-recyclable packaging
- support for changes to the curbside collection system
- suggestions that the Plan include other numerical goals beyond the 2009 waste reduction goal of 64%.
- questions about enforcement of the Plan
- suggestions that the sustainability focus of the Plan be strengthened
- support for the Plan’s direction and focus on sustainability
- recognition of the Plan’s importance in meeting state goals and statutes

Metro staff reviewed all comments and provided responses to those that had the most direct connection to the Plan. The staff responsiveness report and a link to the final draft of RSWMP were posted on Metro’s website.

This phase of public involvement is summarized in the “Regional Solid Waste Management Plan Update: Final Phase of Public Involvement, September 2007.”

All reports documenting public involvement activities are available by contacting Metro.



# Chapter II

## Current system

### A. Introduction

This chapter provides an overview of current services, programs and system facilities, a summary of the results of waste reduction programs, an assessment of what more can be recovered from the waste stream, a projection of the region's likely performance in achieving the 64% waste reduction goal by 2009 and a look ahead to the development of long-term goals.

### B. The regional solid waste system

The region's solid waste system can be viewed as a network of interrelated elements: collection, recycling and processing, transfer, transportation, disposal, and waste prevention activities. Each facility and service that handles waste generated in the Metro district is part of the solid waste system.

As the regional solid waste authority, Metro has the responsibility to ensure that all solid waste generated in the region is managed in a manner that protects public health and safety and safeguards the environment. To meet this responsibility, Metro has been granted broad authority under state law and its home-rule charter to regulate or operate solid waste disposal and recovery facilities. By state statute, the regulation of collection services is limited to cities and counties.

Metro has the responsibility to conduct solid waste planning for the region through the RSWMP. Local governments' solid waste regulations are required to conform with the Plan.

### C. Roles and responsibilities in solid waste

#### Federal level

The Environmental Protection Agency sets design standards for landfills and establishes regulations for hazardous waste generated on a commercial level. The agency has excluded household hazardous waste and exempted some businesses that generate small quantities of hazardous waste from regulation.

#### State level

The DEQ has several roles in the solid waste system. The DEQ enforces solid waste statutes, including the mandated recovery goals, and measures recovery

rates. The DEQ prepares and adopts a state solid waste management plan, approves local waste reduction plans, and also provides technical assistance and offers grants for waste reduction and other activities.

#### Regional level

Metro is responsible for solid waste planning and disposal in the region. As a part of these responsibilities, Metro develops and administers the RSWMP. Metro is accountable for state-mandated waste reduction goals in the tri-county region, and works with its local government and private sector partners to accomplish these goals. Metro provides funding assistance to local governments for waste reduction programs, and operates household hazardous waste prevention and collection programs in the region.

Metro oversees the operation of two Metro-owned regional transfer stations and administers contracts for the transport and disposal of that waste. Metro also oversees a system of franchises and licenses to regulate privately owned and operated solid waste facilities that accept waste from the region. Finally, Metro plays a role in closure and monitoring of several inactive landfills located in the region.

#### Local level

Cities and counties are responsible for designing and administering waste reduction programs for their jurisdictions. These activities must comply with state laws, including the Opportunity to Recycle Act, the Oregon Recycling Act and the RSWMP.

Local governments are also responsible for regulating and managing solid waste and recycling collection services within their jurisdictional boundaries (including setting franchise boundaries), and reviewing collection rates and service standards. Within the Metro region, private haulers that are permitted or franchised by their respective jurisdictions provide garbage and recycling collection services.

#### Private sector

The private sector has a wide variety of responsibilities that it has undertaken through its own efforts or through contracts and other agreements. Private service providers are primarily involved in collection and

facility operation, especially for waste collection and disposal, but are also critically important to the success of waste reduction programs. The implementation of waste reduction and other programs in the region relies heavily on collaboration between the public and private sector participants in the system. Private sector service providers are expected to continue to play a central role in helping the region progress toward a more sustainable future.

## D. Current services, practices and programs

The solid waste system in the Metro region consists of a large integrated system of facilities, services, and programs. This section describes the regional services and programs for solid waste management. The public and private facilities involved in recycling and disposal of solid waste are described in Chapter II, E.

### 1. Waste prevention

Waste prevention is defined as actions taken or choices made to either reduce or prevent the generation of waste or toxic substances through the combined efforts of prevention, reuse, commercial and home onsite composting practices. Waste prevention is highest on the solid waste hierarchy because it has the greatest positive impact on natural resource and energy conservation. It also has the smallest burden on the solid waste management system, since preventing waste in the first place eliminates the need to manage it. Metro and the region's local governments have consistently emphasized waste prevention practices. Examples of the efforts currently underway are described below:

- Reuse and thrift organizations include Goodwill, Salvation Army and St. Vincent de Paul.
- Reuse businesses include A Teacher's Space, Cracked Pots, The School and Community Reuse Action Project (SCRAP), and Supply Our Schools in Clackamas County.
- Building material reuse stores include Hippo Hardware, Rejuvenation Inc., Habitat for Humanity ReStore, and The ReBuilding Center.



Metro area businesses and residents may also utilize waste exchange opportunities on the IMEX network, Craig's List, Freecycle Portland and programs such as Free Geek, where used computers are reconditioned for reuse. Visitors to Metro's "Find a Recycler" web page are referred to thrift organizations and other reuse opportunities if it is determined that the materials they wish to recycle are reusable. The Metro website also features a charitable organizations reference page. During the holiday season, the region promotes waste prevention by distributing tips and by encouraging people to give an experience (such as museum membership or sports/ballet tickets) as a gift rather than a product. In 2005, the Metro recycling information center provided over 12,500 referrals to callers regarding waste prevention, reuse and composting practices and services.

Local governments augment ongoing regional outreach efforts by promoting waste prevention in local newspaper ads, city and county newsletters, cable access programs, and presentations to service clubs, the general public and the business community. Since 1996, all local government public outreach materials have emphasized waste prevention as well as recycling.

Home composting and grasscycling are promoted through workshops offered by Metro's Natural Gardening program and also through home and garden centers, local newspapers, and at neighborhood cleanups.



Some local jurisdictions conduct composting workshops and augment those workshops with their own outreach and through independent presentations on composting with worms. Metro encourages home composting by offering reduced-cost bins to the region's residents. Discounted bins have been offered since 1994; as of 2006 over 94,000 bins have been sold.

A survey conducted in 2004 found that:

- 52% of all single-family households in the Metro region engaged in home composting.
- 68% of the respondents that purchased bins from 1994 through 2004 were still using them for composting.
- Residents that bought Metro compost bins diverted more than 10,000 tons of organics in 2003.

All businesses have access to in-depth waste prevention evaluations via Recycle at Work, a technical assistance program that examines waste prevention, buy-recycled and recycling practices for businesses upon request. These evaluations may include:

- An onsite walk-through of the business.
- Review of current waste management and recycling practices.
- Education on waste prevention and buying recycled.
- Literature and information on recycling and waste prevention resources, including information on services such as laser toner cartridge refilling, computer equipment salvage and reuse, and techniques including choosing reusable coffee mugs and renting over purchasing.
- Follow-up technical assistance.

Metro and local government youth education programs emphasize waste prevention. Free presentations



and materials are offered to students and teachers throughout the wasteshed. Programs include classroom presentations and assemblies, summer day camp programs, curriculum resources for teachers, waste reduction education grants, and assistance with the Oregon Green Schools program. Metro also provides assistance for the annual Earth Day billboard contest promoting composting, recycling, natural gardening and waste prevention messages that target adult audiences throughout the Metro region through the use of children's artwork.

Metro provides annual matching grant funds and disposal vouchers to neighborhoods to offset the costs of annual cleanups, and waste prevention activities are strongly encouraged. Waste prevention activities include participation in the cleanup event by a thrift or reuse organization, promoting neighborhood "garage sales," junk mail reduction education, reusable canvas shopping bag distribution, backyard composting, grasscycling, wood chipping and local mulching, waste prevention workshops, natural gardening workshops, and other activities.

In 2004, Metro launched "Fork it Over!," a food donation outreach campaign targeted at food-generating businesses in the region. The goal of this

program is to encourage businesses to donate surplus food that has not been served to their customers. Local government Recycle at Work staff provide



technical assistance linking food businesses with food rescue agencies. An interactive web tool on Metro's website assists donors in finding the closest food rescue organization.

Metro's transfer stations have implemented a reuse program that enables customers to drop off reusable materials for collection by The ReBuilding Center and St. Vincent de Paul. In addition, Metro's household hazardous waste facilities offer free reusable household cleaning materials and chemicals to non-profit organizations for reuse through the Pass It On program. In 2006, this program diverted 154,620 pounds of materials from entering the disposal system.

Metro has provided waste reduction grants that support reuse organizations such as The ReBuilding Center, Habitat for Humanity, School and Community Reuse Action Project (SCRAP), North Portland Tool Library, and various food rescue agencies. Metro and three local jurisdictions also provide funding to support the Master Recycler waste prevention, reuse and recycling training program. Master Recycler volunteers are utilized at a variety of public outreach opportunities.

Private reuse efforts include the building industry's support for increasing the capacity of local firms to handle used building materials. A survey of regional activity in deconstruction and used building material retailers reported that more than 10,000 tons of materials were salvaged for reuse in 2005. Metro's work in this area has emphasized partnerships with building industry associations to increase awareness of waste prevention practices within the industry. Metro has distributed 25,000 copies of the construction industry recycling Toolkit, which lists facilities accepting construction and demolition (C&D) materials for reuse.



## 2. Residential recycling

Residential garbage and recycling service is franchised in most jurisdictions in the region. Each city is responsible for its own franchising system, while the counties administer franchises in unincorporated areas.

Within the Metro region, weekly curbside collection of recyclables occurs on the same day as garbage service. This approach has been shown to help increase participation in curbside recycling. Curbside collection is responsible for a significant amount of the regional tons recovered. In 2005, residential curbside systems in the region recovered 217,047 tons of materials. This is about 16% of the total materials recovered from all sources in the region (see Table 1).

Recycling services for residents living in multi-family apartments contributed another 13,897 tons of recovered materials in 2005 (see Table 1).

A number of activities within the region support and promote residential curbside programs. Local governments regularly inform residents about proper preparation of recyclable materials and other collection issues through newsletters, mailers and other methods. Residents can also receive the most current information regarding services by calling their haulers, local government and Metro's Recycling Information Center.



The success of the region's curbside (residential) programs is due to many factors: collecting recycling the same day as garbage, providing recycling containers to all residents, frequent education messages, and volume-based pricing for garbage.

On the market side, the region is fortunate to have extensive local markets for most of the collected materials. Local markets make recycling more cost-effective because transportation costs are kept low.

The combination of comprehensive curbside collection programs and good markets have combined to allow residents to recycle nearly 50% of their waste stream.

## 3. Commercial recycling

Commercial garbage and recycling service is franchised in all jurisdictions in the Metro region except for the City of Portland. Within the region, there are also independent recyclers that specialize in collecting various materials.

Under state recycling opportunity requirements, haulers are required to provide recycling services to businesses that want to recycle, but businesses are not required to recycle except in the City of Portland, which requires businesses to recycle at least 50% of their waste.

The commercial sector is the largest source of recovered material in the region. In 2005, 865,562 tons of source-separated recyclables were collected from businesses, which was 62% of the total materials recovered throughout the region (see Table 1).

Commercial recycling is promoted through business recognition programs, an online interactive recycled product database, and a regional campaign to provide desk-side paper recycling collection boxes. There is also a regional business assistance program designed to provide onsite personalized technical assistance for waste reduction practices, including waste prevention, recycling and buying recycled products.

**Table 1**  
**Recovery by generator source**

Program	2005 Tons	Percent
Commercial organics	4,821	0.3%
C&D onsite	167,675	12.0%
C&D post-collection	98,591	7.0%
Commercial, paper and containers	296,667	21.2%
Commercial, other	568,895	40.6%
Multi-family	13,897	1.0%
Residential	217,047	15.5%
Other <sup>1</sup>	33,816	2.4%
<b>Total recovery</b>	<b>1,401,409</b>	<b>100.0%</b>

2006 DEQ annual recovery survey.

<sup>1</sup>Bottle bill and depot/dropoff.

C&D = Construction and demolition debris.

Regional efforts to recover commercially generated organics (food waste) have targeted edible food for donation to local agencies, and the diversion of non-edible food to composting operations. For edible food, the program aims to increase the levels of donations



as well as increase the capacity of the agencies to take donations. In 2004, the last year reported, local agencies recovered 16,000 tons of edible food, an increase of 1,800 tons from the previous year. For non-edible food, the program aims to increase the organics processing infrastructure available to businesses within the region. Metro, the City of Portland and the private sector have worked on a number of projects that have expanded food waste recovery from 4,400 tons in 2000 to 9,587 tons in 2006.



#### 4. Residential and commercial waste collection

Garbage and recycling collection services in the Metro region are provided solely by private companies. Local jurisdictions handle collection differently; however, no jurisdiction in the region requires residents to subscribe to collection services (although some require landlords to provide refuse collection for residential rental units).

Washington County: Garbage service for both residential and commercial customers is franchised throughout Washington County, except in the City of Banks. There are currently 14 haulers that serve Washington County. Ten of the cities in Washington County are responsible for their hauler franchising, while the county administers franchises in unincorporated areas.

Clackamas County: Garbage service for both residential and commercial customers is franchised throughout Clackamas County. There are currently 15 haulers that serve Clackamas County. The 12 cities of the county that are within the Metro boundary are responsible for their own hauler franchising, while the county administers the franchises in unincorporated areas.

Multnomah County: Residential garbage service in Multnomah County is franchised; there are currently 47 haulers that provide residential and commercial garbage collection services in the county. Unlike the other two counties in the region, Multnomah County does not regulate waste haulers in unincorporated areas. Except in the areas that fall into the service boundary of an adjoining city, collection in rural Multnomah County is unregulated.

Portland's commercial system is not franchised. It allows commercial customers to choose among haulers permitted by the city and negotiate rates for service. In addition to those haulers, there are six entities in the City of Portland that haul their own waste and are licensed as commercial haulers, e.g., the Housing Authority of Portland and American Property Management. These firms do not provide services to others.

The solid waste collection industry has undergone significant changes since 1995. At the beginning of 1995, approximately 107 licensed or franchised haulers served the region and most were locally owned. The only nationally owned hauling company controlled slightly less than 6% of the market. The five largest regional haulers controlled about one-third of the market.

In 2006, there were only 62 hauling companies serving the region. This reduction in the number of haulers is the result of more national waste companies entering the market and a wave of acquisitions by these companies. The five largest hauling companies now control over 60% of the market (twice as much as 11 years ago), with the largest nationally owned hauler controlling almost one-third of the market.

The five largest regional haulers and their tonnage are shown in Table 2. (Although one of the names remains the same, a new firm actually purchased that corporation and assumed its name.)

In addition to the consolidation of smaller haulers into larger firms, the hauling industry has changed significantly in terms of the range of activities. In 1995, none of the region's haulers were fully vertically integrated (i.e., owned all of the components necessary to collect, transfer, and dispose of waste). Most of the haulers in the region depended on two publicly owned transfer stations and one privately owned facility to handle the waste they collected.

**Table 2  
Top Five Haulers**

<b>Calendar Year 1995</b>	<b>Tons</b>	<b>Share</b>
MDC	137,239	15.60%
Waste Management	62,082	7.00%
Keller Drop Box Inc.	36,298	4.10%
Oregon City Garbage Co.	33,050	3.70%
Hillsboro Garbage Co.	30,261	3.40%
Total	298,930	33.90%
All Other Haulers	583,144	66.10%
<b>Total Delivered by Haulers</b>	<b>882,074</b>	<b>100%</b>
<b>Calendar Year 2006</b>		
Waste Management	295,870	28.90%
Allied	145,673	14.20%
AGG Enterprises	61,141	6.00%
Waste Connections	55,661	5.40%
Pride Disposal	49,944	4.90%
Total	608,289	59.40%
All Other Haulers	416,149	40.60%
<b>Total Delivered by Haulers</b>	<b>1,024,438</b>	<b>100%</b>

Today, three of the region’s largest hauling companies are fully vertically integrated, providing collection, transfer, processing, and disposal services. One of the two locally owned haulers in the top five is partially vertically integrated in that both collection and transfer services are provided. Full vertical integration of waste companies is a more recent occurrence in this region and has resulted in significant changes in how waste is handled.



## 5. Self-haul

Although most of the solid waste in the region is taken to disposal facilities by licensed or franchised commercial haulers, there is a substantial amount of waste hauled by individual residents or businesses. Approximately 20% of solid waste disposed in the region is hauled to a solid waste facility by the generator of that waste (“self-haul”). Self-haul loads are typically smaller in volume and weight than loads disposed by garbage haulers. It is estimated that 70% of loads taken to solid waste facilities in the region are self-haul loads. An estimated 50% of the waste generated by the building and renovation industry is self-hauled by building contractors to disposal or processing facilities. As a result, the number of vehicles and the amount of infrastructure required to serve self-haul customers is disproportionately large relative to the tonnage handled.

## 6. Hazardous waste management

Collection services for household hazardous waste have been offered by Metro since the mid-1980s. Services began with occasional collection events and have grown to include permanent facilities at Metro’s two transfer stations and community-based collection events around the region. In 2006, 44,188 customers used the permanent facilities and 12,265 attended the community events.



The collection events are held nearly every weekend between mid-March and mid-November. These events are distributed throughout the region to provide a convenient disposal option for residents who are more distant from the permanent sites.

Many small and large business generators contract with private companies that provide hazardous waste management services in the region. Metro (in partnership with the DEQ) also collects hazardous

waste from businesses, known as conditionally exempt generators (CEGs), that generate small amounts. In 2006, Metro served more than 625 CEGs.

## 7. Education

Adult and school education programs play an important role instilling waste reduction practices within the region. School districts, local governments, Metro, the State of Oregon, waste hauling and recycling companies cooperate in efforts to provide education services for waste prevention, recycling, composting and household hazardous waste. The Oregon Green Schools program is a good example of this cooperative effort. Metro also provides a number of services to local schools including curriculum materials, classroom presentations and technical assistance.

Education on reducing the toxicity of the waste stream has become a central concern for the region in the last several years. As households learn about the need to reduce the quantity of hazardous products put into the trash, Metro's household hazardous waste program continues to grow. Finding techniques to get residents of the region to change their habits when it comes to buying, using and disposing of hazardous products has become a priority. Programs within the region (such as Natural Gardening) provide residents with practical alternatives to the use of hazardous products.

Focusing on health and local environmental impacts is an additional technique for motivating behavior change. Within the region, partnerships between local governments, Metro, the State of Oregon and other agencies (such as the Regional Coalition for Clean Rivers and Streams) have engaged in education efforts to reduce the use of lawn chemicals.

## 8. Illegal dumping

Metro coordinates the investigation and cleanup of illegal dump sites in the region. As part of this process, Metro investigates potential major violators and, when necessary, takes enforcement action including assessment of monetary penalties.

If a dump site is on public property, a corrections crew is dispatched to clean up the site. A corrections crew consists of a team of low-risk inmates supervised by a Multnomah County corrections officer (on contract to Metro). As sites are cleaned up, an investigation is initiated to attempt to identify the generators of the waste.



Depending on the amount of waste dumped and the history of the offender, law enforcement officers on contract to Metro may issue civil citations for fines ranging from \$150 to \$500. Citations may be contested to the Metro contract hearings officer in a formal hearing. Anyone who fails to respond to a citation, either by paying the citation or by requesting a hearing, automatically receives a case review by the hearings officer, who renders a decision in the case and issues a formal order, a copy of which is mailed to the person cited. If the citation is upheld and the fine remains unpaid, the judgment goes to collections.



## E. Current facilities

### 1. Facilities overview

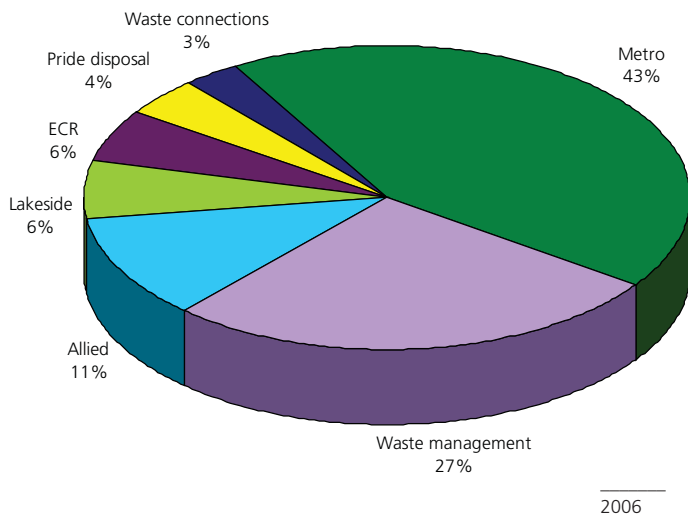
A number of facilities make up the region's solid waste system. Some handle mixed waste, while the others act as processors for specific kinds of materials that can be recycled or composted. The purpose of this system is to process, recover and dispose of all the waste that the region produces in the most efficient, economical and environmentally sound manner possible.



Most solid waste facilities are privately owned, but Metro South and Metro Central transfer stations are both publicly owned. The opportunity for private entry and innovation in the system has helped to create a diverse array of facilities that can respond to rapidly changing technologies, fluctuating market conditions, and local conditions and needs.

The volume of waste handled by private facilities has increased significantly during the past 10 years. In 1995, the region's two publicly owned facilities handled slightly over 70% of the waste delivered to facilities in the region. By 2005, the share of the waste stream delivered to publicly owned facilities had declined to 43% (see Figure 1).

**Figure 1**  
Tons received at facilities



## 2. Recycling/Recovery

The Metro region is currently served by 16 facilities conducting material recovery from dry waste of varying types (see Map 1). Twelve of these facilities are permitted to take nonputrescible ("dry") waste; the other four are licensed to accept a more limited range of materials. Two of those four facilities are limited to accepting wood, yard debris, and roofing; the other two facilities handle tires exclusively. Six of the facilities are hybrid facilities that also perform other functions, including four that are local transfer stations and two that are publicly owned/private-operated regional transfer stations.

There are also seven "clean" MRFs in or near the region that exclusively receive and process source-separated residential curbside and business recyclable materials.

## 3. Composting

There are six yard debris composting facilities located within the region. All but one of these facilities are privately owned and operated. The publicly owned facility handles only leaf debris collected by City of Portland maintenance crews. The region is also served by a composting facility located in Washington State that is authorized to accept post-consumer food waste.

## 4. Waste transfer

The seven transfer stations located within Metro's boundaries (see Map 2) consolidate loads of solid waste for transfer to landfills. Three of these facilities, Metro Central, Metro South and the Forest Grove Transfer Station, are regional transfer stations that can accept unlimited amounts of putrescible (or "wet") waste and dry waste. Metro's two transfer stations are publicly owned; the Forest Grove facility is privately owned.

The four other transfer facilities, Columbia Environmental, Pride Recycling, Troutdale Transfer Station and Willamette Resources, are franchised to serve localized needs, and as such are authorized by Metro to accept only limited amounts of "wet" waste per year (but are allowed to accept unlimited amounts of "dry" waste). These local transfer stations are privately owned by companies that also provide collection services.

The region's seven transfer stations have an estimated transfer capacity of approximately 2.06 million tons/year. During 2006, these facilities accepted 1.05 million tons of waste. The estimated capacity of each facility and the tonnage received during 2006 is shown in Table 3.

**Table 3**  
Transfer station throughput and estimated capacity, 1,000s tons/year

	2006 Throughput	Transfer Capacity
<b>Public facilities</b>		
Metro Central	324	624
Metro South	280	560
<b>Private facilities</b>		
Forest Grove*	168	135
Pride Disposal	56	234
Troutdale	82	312
Willamette Resources	144	196
Columbia Environmental**	0	unknown
<b>Total</b>	<b>1,054</b>	<b>2,061</b>

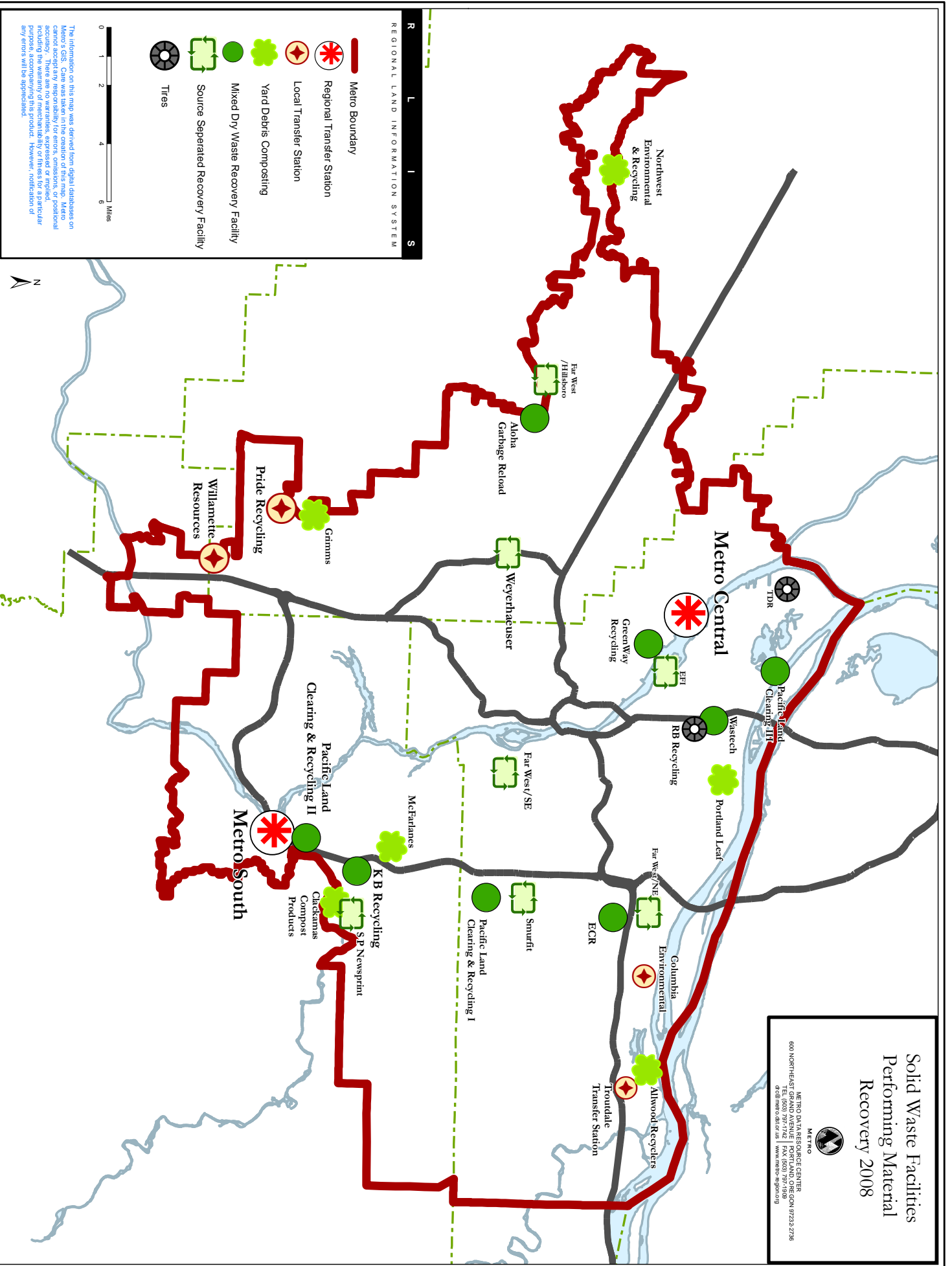
\*Approximately 26,500 tons of solid waste are delivered to the Forest Grove transfer station in transfer vehicles and do not utilize transfer station capacity. The capacity shown is a nominal capacity based on the average load size in the region.

\*\*Columbia Environmental is not yet operational.

# Solid Waste Facilities Performing Material Recovery 2008



METRO DATA RESOURCE CENTER  
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R L S  
 REGIONAL LAND INFORMATION SYSTEM

- Metro Boundary
- Regional Transfer Station
- Local Transfer Station
- Yard Debris Composting
- Mixed Dry Waste Recovery Facility
- Source Separated Recovery Facility
- Tires



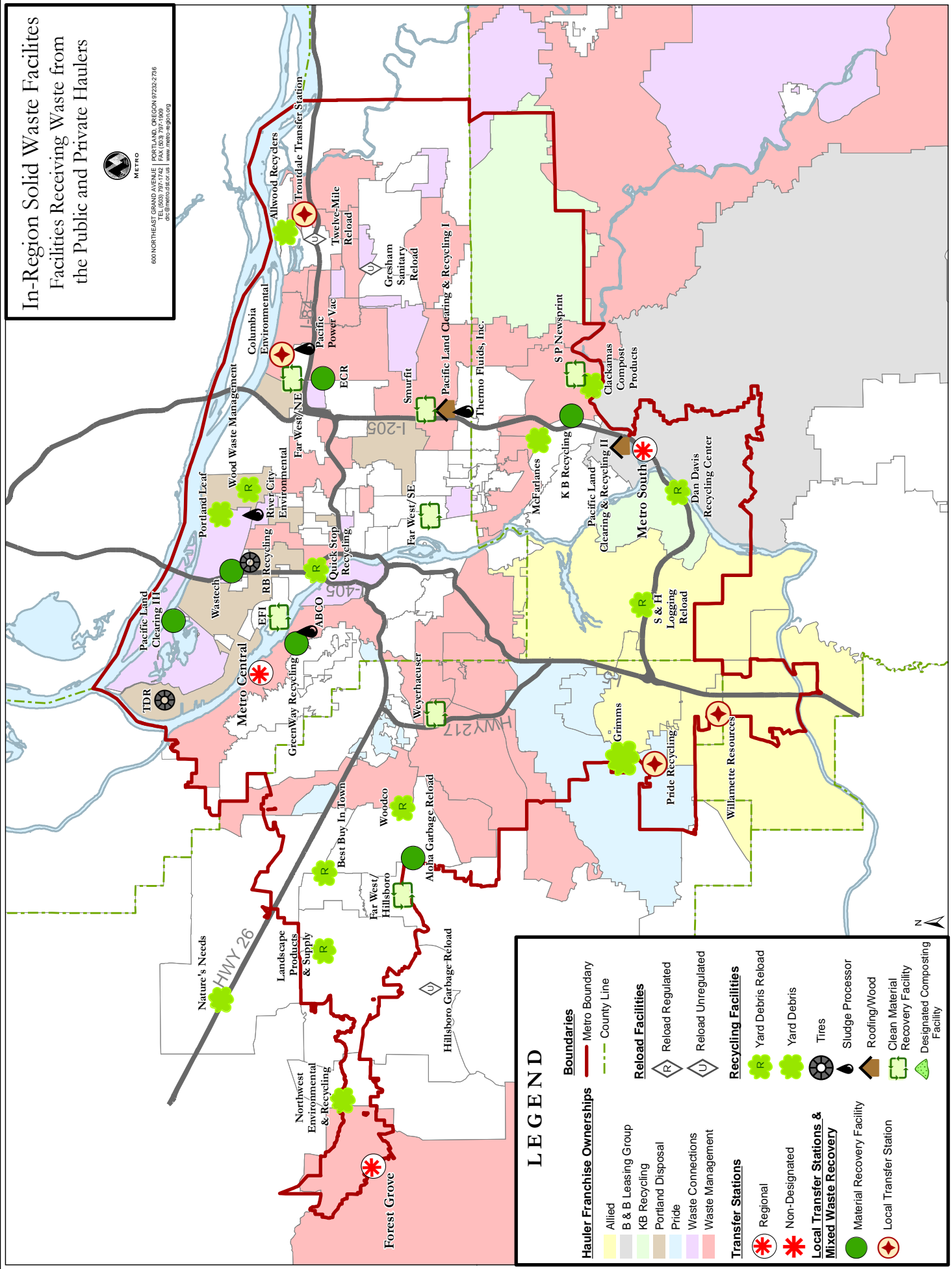
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# In-Region Solid Waste Facilities Facilities Receiving Waste from the Public and Private Haulers



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## LEGEND

<b>Hauler Franchise Ownerships</b>	<b>Boundaries</b>	<b>Reload Facilities</b>	<b>Recycling Facilities</b>
Allied	Metro Boundary	Reload Regulated	Yard Debris Reload
B & B Leasing Group	County Line	Reload Unregulated	Yard Debris
KB Recycling			Tires
Portland Disposal			Sludge Processor
Pride			Roofing/Wood
Waste Connections			Clean Material Recovery Facility
Waste Management			Designated Composting Facility
<b>Transfer Stations</b>			
Regional			
Non-Designated			
<b>Local Transfer Stations &amp; Mixed Waste Recovery</b>			
Material Recovery Facility			
Local Transfer Station			

A small portion of the region’s waste is delivered to non-system transfer facilities located outside the region’s boundary. Haulers are permitted to use these facilities under the terms of non-system licenses issued by Metro. Although there are five transfer facilities in the areas adjacent to the region, only two facilities, the West Van Material Recovery Center and Central Transfer and Recycling Center in Vancouver, Washington, receive appreciable amounts of waste from the region. A vertically integrated company providing collection services within the region owns both of these facilities.

### 5. Waste disposal

The region’s system of transfer stations was developed to meet the need to consolidate smaller loads from collection routes into significantly larger loads that could be economically hauled the relatively long distances to general-purpose landfills serving the region.

During 2006, about 1.08 million tons of solid waste were transported to one of these far-off facilities. Approximately 1.04 million tons were hauled by truck; the other 41,000 tons were hauled to Vancouver, Washington in collection vehicles and then transported by barge to a landfill in eastern Oregon. The Metro region is unique in that it has access to three modes of transportation: truck, rail and barge – for transporting waste to disposal. None of the region’s putrescible waste is currently transported by rail.

Eight landfills serving the region have entered into Designated Facility Agreements (DFA) with Metro and are considered a part of the region’s solid waste system. Riverbend Landfill has not entered into a DFA, and therefore, customers from the region need a non-system license to use the facility. It is also the nearest landfill authorized to accept municipal solid waste containing putrescible matter (about 40 miles from the center of the region). The shortest “long hauls” are about 30 miles from transfer facilities near the southern boundary of the region; other waste is hauled in excess of 150 miles to a disposal site (see Map 3).

The Hillsboro and Lakeside landfills are located immediately outside the Metro boundary. These are limited-purpose landfills that are permitted by the DEQ to only take dry waste and some special wastes.

### 6. Facility regulation

Metro is responsible for licensing, franchising, inspecting and monitoring activities conducted by the private solid waste industry in receiving, managing and disposing solid waste. Metro works closely with other governments to assure an appropriate level of regulatory

oversight at facilities without redundancy. For instance, local governments are charged with zoning, land use, and local traffic impacts; the DEQ focuses on reducing environmental and human health risk from the waste management activities of both public and private facilities.

**Table 4**  
**Landfill ownership and approximate reserve capacity**

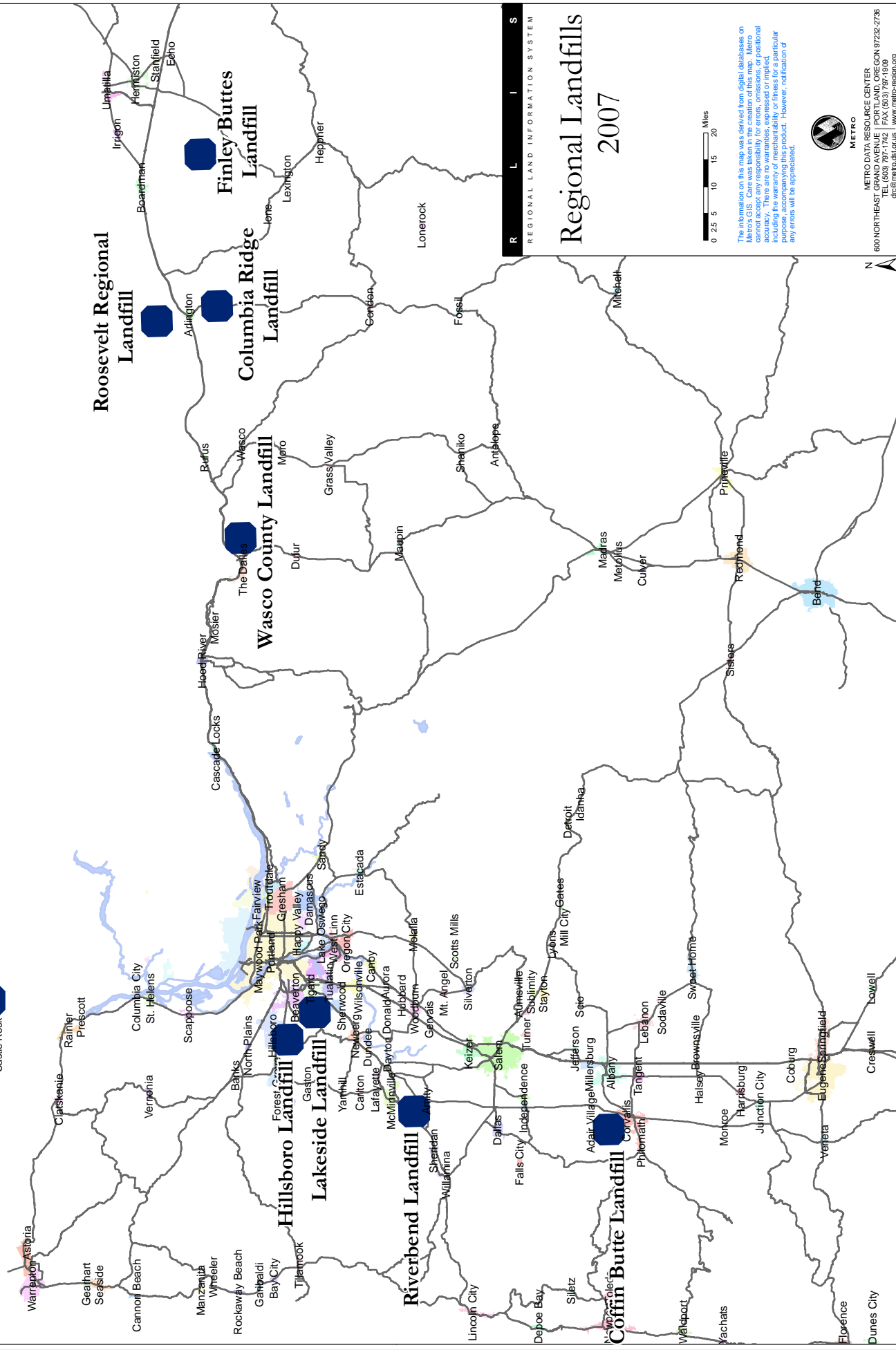
	<u>Ownership</u>	<u>Remaining Capacity (millions of tons)</u>
<b>Designated facilities</b>		
Columbia Ridge	Waste Management	263
Roosevelt Regional	Allied Waste	135
Finley Buttes	Waste Connections	120
Hillsboro	Waste Management	6
Lakeside Reclamation	Grabhorn	1
Coffin Butte	Allied Waste	20
Northern Wasco	Waste Connections	15
Weyerhaeuser	Weyerhaeuser	25
<b>Non-System facilities</b>		
Riverbend	Waste Management	6
<b>Total</b>		<b>591</b>

Metro uses its regulatory authority to:

- Protect public health, safety and the environment.
- Collect user charges on all applicable waste generated within the region.
- Establish operating standards.
- Monitor facility performance.



# Weyerhaeuser Regional Landfill



**R L I S**  
REGIONAL LAND INFORMATION SYSTEM

# Regional Landfills 2007



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For facilities located inside the Metro boundary, Metro issues one of two operational permits:

- A franchise to transfer stations and any facility managing wet waste.
- A license to compost, dry waste reload, and recovery facilities.

Certain facilities, such as those exclusively handling inert wastes or source-separated recyclable materials, are not required to obtain authorization from Metro to operate. However, Metro retains the authority to inspect and audit these operations to periodically confirm compliance with Metro Code.

For facilities located outside the Metro boundary that accept waste generated inside the boundary, Metro enters into one of the following voluntary agreements:

- Designated facility agreements for disposal sites willing to collect user fees and excise taxes on behalf of Metro, or
- Non-system licenses for generators, transporters or other persons wanting to use a facility outside the regional boundary that does not have an agreement with Metro.

Metro implements its regulatory authority through formal and informal facility compliance monitoring and through formal enforcement, including civil penalty authority (see Appendix E, System and Non-System Facilities).

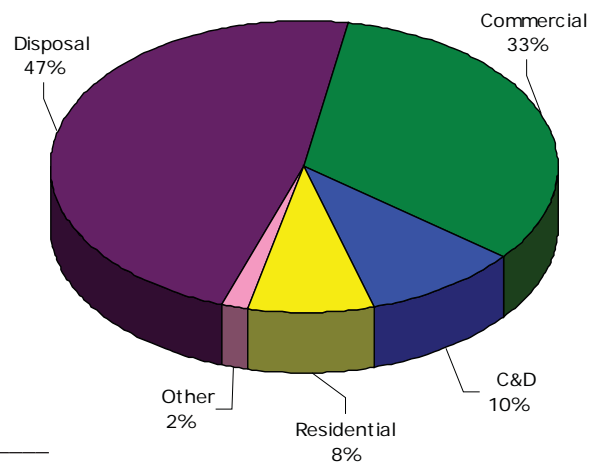
## F. Material recovery and disposal trends

### Current waste recovery rate

The current percentages recycled and disposed are illustrated in Figure 2. The data used for Figure 2 do not include the waste prevention credits (6%) or other waste prevention activities.

As shown in Figure 2, over half of the waste generated is being recovered through recycling and composting programs. This is a significant accomplishment and represents a substantial improvement over historical recycling levels. In 1986, the regional recovery rate (including recycling and composting) was estimated at about 25%. Over the next 10 years, spurred by higher goals and by public and private investments, the rate grew to more than 40%, thus achieving the 1995 target set by the state legislature.

**Figure 2**  
Disposed and recycled amounts



2006 DEQ annual recovery survey.

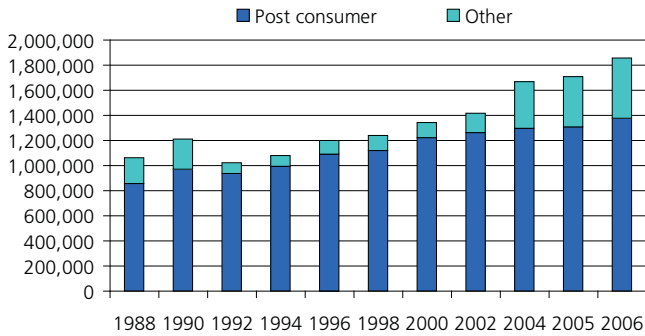
The 1995-2005 RSWMP followed on this accomplishment by setting recovery goals of 52% by 2000 and 56% by 2005. In 1997, the state legislature recognized the importance of encouraging waste prevention and passed a statute that allowed wastesheds to receive “credits” for waste prevention efforts. As a result of the 1997 legislation, a wasteshed that implements programs in waste prevention, reuse and home composting could receive a 2% credit for each of those programs. The Metro region has received the credits since they have become available. By 2005, the region had achieved a 59% waste reduction rate (53% recovery, plus 6% for waste prevention credits), about 90,000 tons shy of the statutory goal of 62%.

### Waste disposal amounts

At the same time the waste reduction rate has increased, the amount of waste landfilled each year has also increased. Since 1994, the total amount of waste landfilled annually has grown from about 1.1 million tons to almost 1.8 million tons (see Figure 3). A significant part of this increase has been in the “other waste” category, which includes environmental cleanup wastes and other special wastes that generally originate from development activities. These wastes made up only 15% of the disposal tonnage in 1994, but now account for 30% of solid waste disposed.

The “post-consumer” waste shown in Figure 3 includes residential and commercial solid waste, plus construction and demolition debris. The post-consumer waste tonnages are used by the DEQ in computing recovery rates.

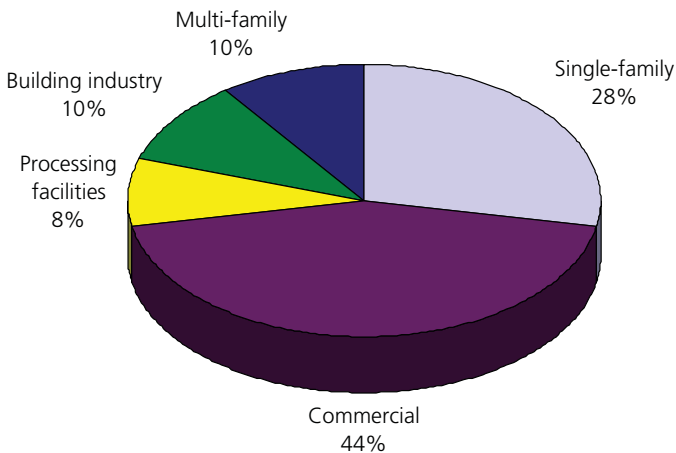
**Figure 3**  
Historical disposal tonnages



**Amount of waste disposed by sector**

The amount of waste disposed and recovered by each generator is shown in Figures 4 and 5. Commercial sources (including industrial and institutional waste generators) account for almost half of the waste disposed from the Metro region (44%). Single-family homes are next at 28% (this figure includes the amount of residential self-haul received at the Metro-owned transfer stations, since most of that waste is from single-family homes).

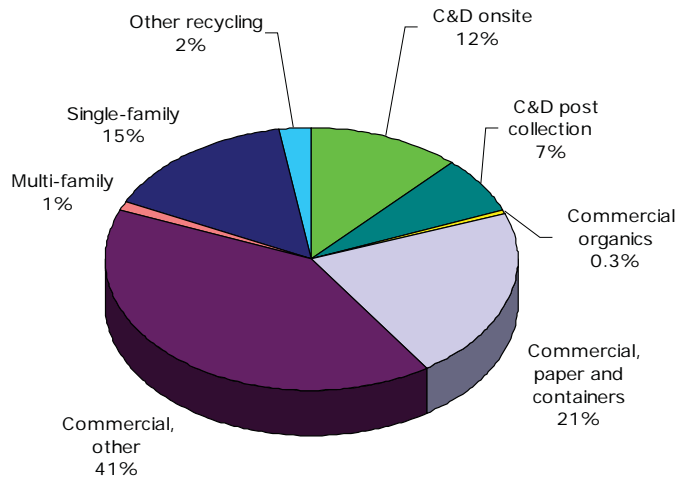
**Figure 4**  
Waste disposed by generator source



2005 DEQ waste composition data.

The proportions of these sources (and their contributions to the region’s waste stream) varies locally depending on the amount of commercial and industrial generators in a given area. The amount of C&D waste generated in a specific area, for example, is related to the amount of construction activity. In the outer suburban areas of the Metro region, where much of the new construction of residences and businesses is currently taking place, C&D may account for half or more of the waste generated there.

**Figure 5**  
Amounts recovered by generator source



2006 DEQ annual recovery survey.  
¹Multi-family, bottle bill and depot/dropoff.

In the long term, the relative proportions of waste from each sector will shift due to changes in the amount recycled or composted. Implementation of the goals and objectives in this RSWMP should further decrease the amount of waste disposed from commercial and residential sources.

**Composition of the waste disposed**

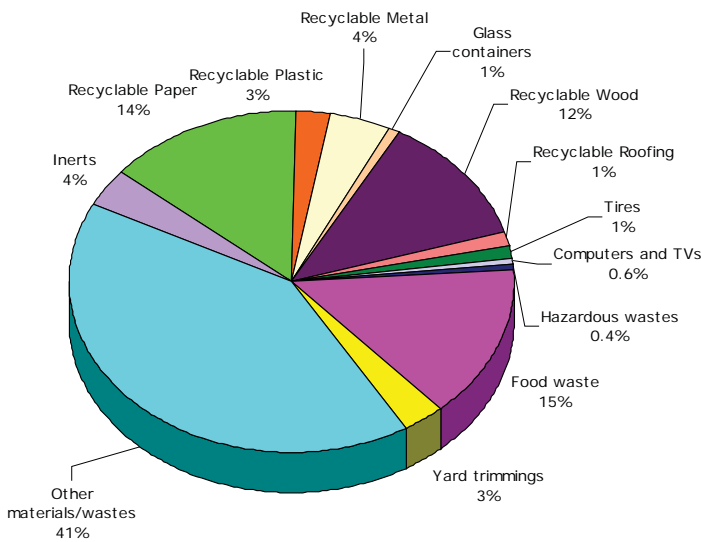
The composition of waste generated by each sector (residential, business and building industry) is different. The building industry generates many recyclable materials such as wood, concrete, cardboard, metal, and land-clearing debris. Some types of businesses generate large quantities of waste paper, most of which is recyclable when it is separated from the smaller amounts of putrescible and nonrecyclable waste generated at most locations. Industries generate diverse wastes, such as grits and screenings, scrap from product manufacturing, specialized packaging and other substances that typically require case-by-case evaluation for recycling or reuse.

Residential sources generate a waste stream that contains a wide variety of materials. Among the recyclable residential materials are paper, metal, glass, plastic bottles, motor oil, and yard debris. The largest single material remaining in the residential waste stream is food waste (26% of the waste disposed). Infrastructure development in food waste collection may make it possible to recover that material, and soiled paper, for composting.

The amount of recovery possible for many materials may be constrained for various reasons, including lack of market infrastructure, collection services, poor generator awareness and certain government regulations. Variations in these factors among the generators give rise to variations in recovery performance. For example, because the residential collection and processing infrastructure is well developed, and homeowners tend to be highly aware and motivated recyclers, the recovery rate for some residential materials is relatively high. Typically, about 50% of the waste generated in a single-family residence gets recycled or composted. On the other hand, businesses tend to be more focused on bottom-line financials than on the environmental impacts of their consumption. Despite a highly recoverable waste stream (mostly paper), businesses as a whole separate their recyclables less thoroughly than households, and so send a higher proportion of recyclables to the landfill.

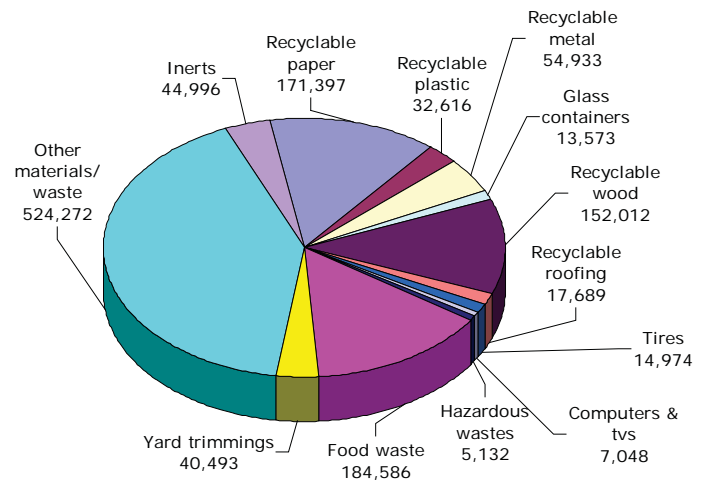
The results of the most recent waste composition study show that an additional 739,449 additional tons of material (59% of the waste currently disposed) could be recycled through existing programs or facilities. Recovery programs for the remaining wastes (41%) are either small and local (e.g., gypsum) or non-existent (see Figure 6, Figure 7 and Table 5).

**Figure 6**  
Aggregate composition of disposed waste, including residential, commercial, industrial and construction/demolition



2005 DEQ waste composition data.

**Figure 7**  
Aggregate composition of disposed waste, in tons



2005 DEQ waste composition data.

The quantities, composition and recovery potential for recyclable materials being disposed by various sources within the region have been analyzed and used in setting target goals for different programs and sources, as discussed in the section below on waste reduction goals.

**Table 5**  
Composition of disposed waste

<b>Paper</b>		<b>Rubber</b>	
*Recyclable	171,397	*Tires	14,974
Nonrecyclable	87,032	Nonrecyclable	7,734
<b>Plastic</b>		<b>Electronics &amp; elec. equip.</b>	
*Recyclable	32,616	*Computers and TVs	7,048
Nonrecyclable	126,388	Nonrecyclable	14,271
<b>Metals</b>		<b>Organics</b>	
*Recyclable	54,933	*Yard trimmings	40,493
Nonrecyclable	11,878	*Food waste	184,586
<b>Glass</b>		<b>Other materials/wastes</b>	
*Glass containers	13,573	Textiles & furnishing	112,766
Nonrecyclable	7,179	Gypsum wallboard	39,560
<b>Wood</b>		Other C&D	26,321
*Recyclable	152,012	Noncompostable	
Nonrecyclable	17,185	organics	69,100
<b>Inerts</b>		*Hazardous wastes	5,132
*Rock, concrete, dirt	44,996		
<b>Roofing</b>			
*Recyclable	17,689		
Nonrecyclable	4,859		
<b>Total</b>	<b>1,263,721</b>		

\*Materials with additional recovery potential.

2005 DEQ waste composition data.

## G. Current and future goals

Historically, the waste reduction rate has been the Plan's primary measure of resource conservation progress. Emphasis on this measure continues in the near term and this Plan identifies policies and programs needed to achieve a 64% waste reduction goal. The Plan also anticipates that other measures of performance in resource conservation will be established in the years ahead and that the RSWMP will be amended to include those measures.

The first part of this section delineates the tons needed from each of the Plan's primary program areas to reach the 64% goal. The discussion includes consideration of whether the targets are likely to be reached in each area. The second part addresses increased waste generation rates and the implications for how we measure resource conservation. The third part addresses the development of new long-term goals.

### Plan programs for achieving the 64% goal

The Plan is designed to reach the 64% waste reduction goal through targeted efforts in the single-family residential ("curbside"), multi-family residential, business, building industry and commercial organics sectors. Regional work groups, SWAC and Metro Council have worked to develop implementation strategies for each of these sectors. In particular, regional discussions have focused on strategies for the business and building industry sectors.

Table 6 illustrates two recovery growth scenarios for the region: a "High Recovery" scenario (the Plan programs) where the region would reach the 64% recovery goal, and a "Likely Recovery" scenario, where efforts fall short of the goal by over 100,000 tons, or 3.4% percentage points. The table also shows the expected recovery by program sector for each scenario. The following describes the major factors affecting the ability of each program to achieve its targeted recovery tonnage.

#### Organics

The estimate for the "High Recovery" scenario is predicated on expanded participation of large food waste generators in the City of Portland, implementation of food waste collection programs in other jurisdictions in the region, and on residential organics collected with yard debris in the City of Portland. The scenario also requires the siting and operation of a food waste composting facility in or near the region. The "Likely Recovery" scenario anticipates no local processing facility, limited collection programs and consequently much lower tonnage.

**Table 6**  
**Recovery growth scenarios**

	Actual Recovery 2005	Potential Growth Scenarios for Recovery from New Programs	
		High Recovery	Likely Recovery
Organics	5,000	34,000	15,000 (shortfall 19,000)
C&D	266,000	42,000	31,000 (shortfall 11,000)
Business	297,000	80,000	45,000 (shortfall 35,000)
Multi-family	14,000	5,000	5,000
Single family	217,000	18,000	10,000 (shortfall 8,000)
Other (scrap metal, pallets, bottle bill, containers, etc.)	603,000	8,000	6,000 (shortfall 2,000)
Subtotal new recovery		187,000	112,000 (shortfall 75,000)
<b>Recovery</b>	<b>1,402,000</b>	<b>1,779,000</b>	<b>1,704,000</b>
<b>Disposal</b>	<b>1,264,000</b>	<b>1,288,000</b>	<b>1,363,000</b>
<b>Generation</b>	<b>2,666,000</b>	<b>3,067,000</b>	<b>3,067,000</b>
<b>Recovery Rate</b>	<b>52.6%</b>	<b>58.0%</b>	<b>55.6%</b>
<b>Waste Prevention Credits</b>	<b>6.0%</b>	<b>6.0%</b>	<b>6.0%</b>
<b>Total Metro WR Rate</b>	<b>58.6%</b>	<b>64.0%</b>	<b>61.6%</b>

Under the "High Recovery" scenario, the processor establishing a local facility needs to be confident there will be a sufficient flow of organics to the facility to ensure its economic feasibility. There must be enough revenue from tip fees to cover operating costs and the initial capital investment. However, ensuring a potential processor that a sufficient amount of organics would flow to their local facility is difficult. The organics will flow only if efficient collection routes can be established and generators are provided an organics collection rate that gives an incentive to participate. Several local governments are currently addressing these issues.

#### Businesses

The estimate for increased recovery under the "High Recovery" scenario in the business sector is based on results from other areas of the country where mandatory

recycling or disposal bans have been implemented. This scenario assumes that the region will take a mandatory approach.

The “Likely Recovery” scenario anticipates a different approach, wherein local governments would have targets to meet (the same level of recovery as a mandatory program), but be able to choose how to achieve it. The tonnage for this scenario is estimated to be lower, at least in the near term.

### **Building industries**

The estimates for increased recovery under the “High Recovery” scenario in the building industry sector is based on results from other areas of the country where mandatory recycling or disposal bans have been implemented. Both scenarios assume that the region will take an approach that requires that all construction and demolition waste be processed before being disposed. Under the “High Recovery” scenario all such wastes will be processed by January 1, 2009.

Under the “Likely Recovery” scenario, full implementation takes longer.

### **Multi-family residential**

Increased recovery from the multi-family sector is anticipated to result from regionwide implementation of a uniform collection system (a two-sort approach) that will allow for more effective regional outreach. Large amounts of resources on an ongoing basis will be necessary to ensure that outreach is effective in this sector, as multi-family housing is characterized by very high turnover rates among residents. Both recovery scenarios anticipate that the program can be successfully implemented and achieve the targeted recovery amounts.

### **Single-family residential**

The estimate for increased recovery under the “High Recovery” scenario in the single-family residential sector is based on expanding use of weekly roll carts for recycling throughout the region. Experience locally and elsewhere in the country provides a clear indication of tonnage to be gained in switching from bins to roll carts.

The “Likely Recovery” scenario anticipates that the gains will not be as great due to delays in implementing the switch to carts, and a rise in levels of contamination.

### **Conclusion**

In sum, the Plan anticipates that the “Likely Recovery” scenario will occur in most cases and the region will not reach the 64% goal by the statutory benchmark year of 2009. The vast majority of this anticipated shortfall will

be in the commercial organics, business and building industries sectors. The Plan remains committed to achieving the 64% goal in the near term.

### **Waste generation trends**

Between 1995 and 2005, regional population grew about 18%, or 239,000 new residents. By contrast, waste generation grew by over 50%. The per capita waste generation rate (total waste divided by population) increased on average 2.6% each year from 1992 to 2005.

Looking ahead, assuming regional population growth at 1.44% per year and waste generation rising at 80% of the historic average, the region will have an additional 237,000 residents by 2015, and an increase of over 40% or 1,100,000 tons of new waste to manage through the recycling and disposal system. These increases will occur regardless of whether the region achieves the 64% waste reduction goal.

These increases in waste generation will have both upstream impacts on resources and the environment (from the manufacture of products) and downstream impacts (from the need to invest in more recycling and disposal infrastructure). However, our primary measuring tool – the number of tons recycled and disposed – is limited in its ability to measure the benefits from strategies to reduce waste generation.

### **Long-term goals development**

To address this deficiency, Metro will be undertaking a project to develop an approach to long-term goals that meet the Plan’s vision of sustainable resource use. These goals could include reducing green house gases, product toxicity and waste generation. The project will also look at the feasibility of measuring materials and energy use based on their renewable or nonrenewable character.

The DEQ, with Metro’s participation, recently completed a study of the complex factors behind the increase in waste generation. Metro will continue this collaboration and incorporate this work into the development of long-term goals for the region.

These goals will be determined after a regional discussion, and added to RSWMP by amendment.



# Chapter III

## Future direction and regional policies

### A. Introduction

This chapter establishes the RSWMP framework: a long-term vision for the regional solid waste management system as well as the values and policies that provide direction in years ahead.

As used in this Plan:

- The **vision** is the ultimate ideal;
- The **values** represent a set of principles held by the region that will guide and shape policies; and
- The **policies** are statements that guide programs and inform future decisions.

### B. RSWMP vision

The Plan envisions a significant evolution in today's comprehensive solid waste management practices, to a future where waste is viewed as an inefficient use of resources. Through cooperation and shared responsibility among producers, consumers and government, the region will contribute to the sustainable use of natural resources to enhance our community, economy and environment for current and future generations.

### C. Regional values

#### 1. Resource conservation

Protecting the environmental quality of the region by conserving resources and reducing toxic and solid waste to ensure adequate resources for future generations.

#### 2. Public health and safety

Ensuring sound waste management operations, eradicating illegal dumps and reducing toxic substances to maintain quality of life for the region's residents.

#### 3. Shared responsibility

Promoting a shift away from managing products after they have become waste to instead include manufacturers and users in bearing or avoiding the costs associated with product management and disposal.

#### 4. Life-long learning

Raising awareness among all age groups of ways to conserve resources and reduce impacts on the environment.

#### 5. Coordination and cooperation

Addressing regional issues and developing regional programs in partnership with local government, the private sector, citizens and other key parties.

#### 6. Performance

Emphasizing outcomes in programs and services to maximize efficiency and effectiveness.

#### 7. Access

Providing residential and commercial customers with access to information and a range of collection and facility service options.

## **D. Regional policies**

### **1.0 System performance**

The regional solid waste system will perform in a manner that is:

- Environmentally sound.
- Regionally balanced.
- Cost-effective.
- Adaptable to change.
- Technologically feasible.
- Acceptable to the public.

### **2.0 Preferred practices**

Solid waste management practices will be guided by the following hierarchy:

- First, reduce the amount of solid waste generated.
- Second, reuse material for its originally intended purpose.
- Third, recycle or compost material that cannot be reduced or reused.
- Fourth, recover energy from material that cannot be reduced, reused, recycled or composted so long as the energy recovery facility preserves the quality of air, water and land resources.
- Fifth, landfill solid waste that cannot be reduced, reused, recycled, composted or from which energy cannot be recovered.

### **3.0 Evaluating opportunities for sustainability**

Opportunities for increasing the sustainability of business practices or programs will be evaluated based on: a) technological feasibility; b) economic comparison to current practice or conditions; and c) net environmental benefits.

### **4.0 Recycling services provision**

Recycling services will be offered as a component of residential and commercial waste collection in the region.

Recycling services will be standardized in the region to the extent possible, to minimize confusion on the part of residents and businesses and to construct cooperative promotion campaigns that cross jurisdictional boundaries.

### **5.0 Source separation**

Source separation is the preferred approach in the region for ensuring quality secondary materials for recycling markets, but other forms of material recovery, such as post-collection separation, will not be precluded.

### **6.0 Market development**

Enterprises that can significantly expand end-use opportunities for reuse or recycling will be fostered by the region.

### **7.0 New facilities**

The current system of transfer stations provides reasonable access for haulers and sufficient capacity for the consolidation and transfer of solid waste to disposal facilities. New transfer stations may be considered if they provide a net benefit to the public. Factors in evaluating net benefit include capacity and access, whether the facility will be publicly or privately owned, and the impacts on material recovery and ratepayers.

Other types of new solid waste facilities shall be considered if they significantly support and are consistent with the policies of this Plan.

### **8.0 Facility ownership**

Transfer facilities in the regional solid waste system may be publicly or privately owned. The public interest is best served by continued public sector facility ownership in the system. Public ownership ensures a comprehensive range of services are accessible to regional customers at equitable and affordable rates.

### **9.0 Facility siting**

Appropriate zoning in each city or county will utilize clear and objective standards that do not effectively prohibit solid waste facilities.

### **10.0 System regulation**

Solid waste facilities accepting waste generated within the region will be regulated to ensure they are operated in an acceptable manner and are consistent with the policies of this Plan. All facilities performing post-collection material recovery shall meet minimum recovery requirements. Regulatory control will be implemented through a system of franchises, contracts, public ownership, and licenses.

Government regulation will ensure protection of the environment and the public interest, but not unnecessarily restrict the operation of private solid waste businesses.

### **11.0 Host community enhancement**

Any community hosting a solid waste “disposal site” as defined by ORS 459.280 shall be entitled to a Metro-collected fee to be used for the purpose of community enhancement.

### **12.0 Disposal pricing**

Charges for disposal services shall be sufficiently transparent to allow regulators to judge whether such charges are fair, acceptable, and reasonably related to the costs of services received.

The establishment of charges for disposal services at publicly owned facilities shall balance cost recovery, revenue adequacy, and adopted regulations and policies, including the policies and objectives of this Plan. In addition, such charges shall be structured to ensure that the public sector is able to meet its long-term obligations such as investments, debt, contracts, and fixed costs undertaken by the public sector on behalf of the public.

Charges to residents of the Metro district who may not be direct users of the disposal system should be related to other benefits received.

To the extent possible, rate adjustments will be predictable and orderly to allow affected parties to perform effective planning.

### **High level vs. ground level direction**

The vision, values, and policies presented in this Chapter provide the framework for guiding solid waste management decisions, programs, practices, and system performance in the region. The goals and objectives that follow in the next two chapters constitute much of the “work plan” for the decade ahead, and are consistent with this framework.



# Chapter IV

## Program areas

### A. Introduction

This chapter outlines goals and objectives that will guide the direction of key program areas to reduce the amount and toxicity of solid waste for the next 10 years. It is organized into four sections: waste reduction, education services, hazardous waste management and product stewardship. The objectives in these four sections are designed to achieve the region's goals, and will be used to guide the annual work plans produced by Metro and local governments.

Many of the programs will continue to focus on sectors where the most recoverable tonnage remains, as these will provide the greatest opportunity for achieving the waste reduction goal. These programs will be designed in the direction of recovery, while adhering to the solid waste hierarchy of reduce, reuse, recycle/compost, recover energy and disposal. Other programs will look beyond generator-based strategies and will focus on the toxicity or recyclability of products by addressing their design and manufacture (i.e., product stewardship).

These waste reduction efforts will require coordination and collaboration among Metro, local governments, service providers, the DEQ and the public. The coordination of efforts between those providing education and outreach services, for example, is important to avoid duplication of services and to reach the largest audiences. Collaboration can also assist in addressing complex environmental problems that cannot be solved by one agency, such as partnerships between hazardous waste and water quality programs to achieve the goals of protecting and restoring streams and critical habitat.

### B. Waste reduction program areas

**Goal: Increase the sustainable use of natural resources by achieving the waste reduction goal of 64%.**

Specific objectives describing how each sector (single-family residential, multi-family residential, business, building industry and commercial organics) will contribute to this goal are described in the pages that follow.\* The creation of regionally coordinated plans with services accessible to all is the foundation of each set of objectives.

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\*The Plan programs related to many of these objectives are described in the "High Recovery Scenario" in Chapter II, Plan programs for achieving the 64% goal.

## Single-family residential

Following a boost to curbside recycling rates when commingled collection was introduced, increases to the recycling rate have tapered off recently. In 2005, about 46% of residential waste was recycled through curbside services. To stimulate additional participation and to ensure steady progress toward the waste reduction goal, the region has identified the objectives shown below.



- 
- |   |  |
|---|--|
| <b>1.0 Conduct annual outreach campaigns that focus on preventing waste, reducing toxicity and/or increasing the quantity and quality of recycling setouts.</b> | To increase the quantity and quality of materials set out for recycling in regional recycling programs, regular campaigns will be undertaken. Regional campaigns will be cooperative in nature and will use a clear and consistent message across the region.  |
| <b>2.0 Identify and implement service provision changes and incentives to maximize recycling, and identify and evaluate new collection technologies.</b>        | Incentives in the form of monetary savings or convenience can encourage residents to participate in waste reduction programs. Currently, collection rates are structured to provide some degree of savings with increased recycling and reduced solid waste (e.g., mini-can rates, monthly collection, etc.). With emerging solid waste collection technologies, it is important to evaluate new collection techniques and options that may increase efficiencies and recycling rates. Research will be conducted on a cooperative regionwide basis to identify potential new collection options and opportunities for additional incentives through the residential rate structure, service options or other means. |
| <b>3.0 Expand curbside service by adding new materials as markets and systems allow.</b>  | The region's residents continue to seek more opportunities to recycle additional materials at the curb. Markets for recycled materials can be volatile, and it is vital to ensure that it is technically and economically feasible to collect and process any new materials before they are added to curbside collection.  |
| <b>4.0 Promote home composting and appropriate onsite management of yard debris and food waste.</b>   | Composting and other onsite management is the least expensive and most environmentally sound option for handling yard debris and food scraps. Half of the region's residents participate in this activity and divert more than 50,000 tons of organics annually. Future activities in this area will include providing technical support for current onsite composters and developing more cost-effective home compost bin promotions that target interested residents.  |
| <b>5.0 Develop residential organics collection programs when economically and technically feasible.</b>   | Although home composting of vegetative food waste and yard debris is the preferred method of managing yard debris and food scraps, the region will also examine the economic and technical feasibility of implementing curbside collection of residential food wastes to further increase organics recovery.   |
- 

### Monitoring and implementation methods

Detailed program planning and implementation of these objectives will be coordinated through the Local Government Recycling Coordinators group, which includes local governments, Metro and the DEQ. Implementation plans will be presented for review to the Regional Solid Waste Advisory Committee and Metro Council annually. The plans will detail annual programs, costs, and roles and responsibilities. Local governments and Metro will be jointly responsible for the implementation of these plans.

## Multi-family residential

Recycling services for residents living in dwellings of five or more units (“multi-family” buildings) currently contribute to regional recovery levels, but could be collecting more material. These households, which range from suburban garden apartments to high-rise buildings in dense urban areas, present a number of challenges and opportunities for recycling. Although technically these are defined as residential dwellings, most multi-family units share common garbage and recycling areas and are serviced as commercial accounts by garbage haulers. Turnover in multi-family dwellings is much higher than in single-family housing, making more frequent education and outreach especially important. According to the 2002 American Housing Survey, people who rent (either apartments or houses) typically stay in the same location for less than two years while homeowners stay at the same location for about seven years.



The following objectives are designed to increase the efficiency and effectiveness of multi-family residential recycling programs.

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**1.0 Implement a program suited to the needs of multi-family housing that is uniform and consistent throughout the region.**

The region will cooperatively develop a program tailored to the needs of multi-family housing.

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**2.0 Provide annual regional education and outreach targeting multi-family housing.**

Outreach materials will be designed to address the barriers and benefits of recycling in a multi-family setting and will be adapted to a variety of conditions and collection systems.

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**3.0 Identify and evaluate new collection technologies for implementation on a cooperative regionwide basis.**

Multi-family recycling presents many unique challenges. Emerging collection technologies will be evaluated on a cooperative regionwide basis to identify potential opportunities to enhance and improve collection.

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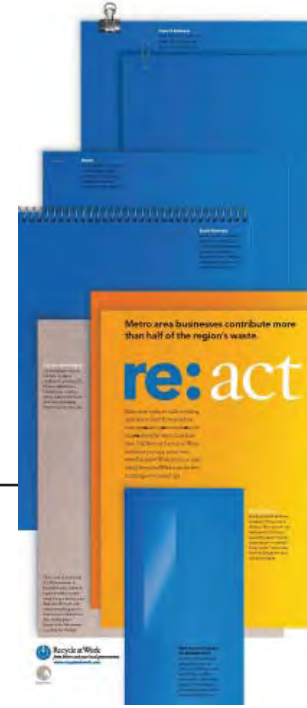
### Monitoring and implementation methods

Implementation of these objectives will be coordinated through the intergovernmental multi-family waste reduction work group. This work group will present its implementation plans for review to the Regional Solid Waste Advisory Committee and Metro Council annually. The plans will detail annual programs, costs, and roles and responsibilities. Local governments and Metro will be jointly responsible for the implementation of these plans.

## Business

Businesses hold the greatest potential for increasing material recovery in the region, as they generate nearly half the region's waste. For example, 26% of the garbage businesses throw away (more than 107,000 tons annually) is paper that is fully recyclable. An additional 80,000 tons of paper and containers are needed to meet the 2009 waste reduction goal. To help achieve this goal, programs for this sector focus on providing direct assistance to businesses and regulatory and service provision options to increase recovery.

The following objectives are intended to help non-residential waste generators improve their recycling programs, initiate waste prevention practices, increase their purchases of recycled-content products and incorporate sustainable practices into their operations.



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### 1.0 Provide businesses with annual education and technical assistance programs focused on waste reduction and sustainable practices.

The business community has indicated in a variety of forums that tailored one-on-one education and assistance is a preferred approach to increase recycling rates. By offering a comprehensive education and technical assistance program to businesses, the region addresses the needs of businesses that want to start or improve their waste reduction programs. It also focuses attention on a waste stream that generates a large percentage of the region's waste.

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### 2.0 Develop information and resource materials that demonstrate the benefits of waste reduction and sustainable practices to support the business assistance program.

Information and resources, such as fact sheets, recycling containers, decals and Internet tools, provide additional tools to help businesses participate in the assistance program and improve their waste reduction practices.

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### 3.0 Conduct annual regional outreach campaigns to increase participation in the business assistance program and to promote recycling opportunities and other sustainable practices.

Outreach campaigns stimulate individual business interest and broadly promote waste reduction ideas to a large portion of the business sector.

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### 4.0 Implement waste reduction and sustainable practices at government facilities.

Government facilities make up a large portion of the business waste stream in the region. Improving practices at government facilities shows a commitment to serve as a model for the business community.

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**5.0 Identify and implement opportunities for increasing recovery in the business sector, including service provision options, incentives for recycling and regulation.**

Incentives in the form of monetary savings, increased convenience and a variety of service options can encourage businesses to participate in waste reduction programs. Currently, collection rates and service standards are set by some, but not all, jurisdictions in the region. Research will be conducted on a cooperative regionwide basis to identify potential opportunities for additional incentives through commercial rate structures, service standards or other means. In addition, many municipalities around the country (including Portland and Seattle) have passed laws that either require items to be recycled or that ban them from landfill disposal. These regulatory approaches will be pursued if regional implementation is feasible.

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**6.0 Periodically review end-use markets to assess cost-effectiveness, material quality and capacity.**

Conducting periodic market studies and reviewing end-use markets to ascertain the viability of recycling various materials can help provide businesses with up-to-date information on recycling opportunities and preparation guidelines. Many businesses generate materials that have historically had little opportunity for recycling, and need to be informed in a timely fashion when new materials become recyclable.

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**Monitoring and implementation methods**

Implementation of these objectives will be coordinated by Metro through the intergovernmental business recovery work group. The work group will present its implementation plans for review to the Regional Solid Waste Advisory Committee and Metro Council annually. The plans will detail annual programs, costs, and roles and responsibilities. Local governments and Metro will be jointly responsible for the implementation of these plans.



## Building industry

Regional efforts to manage construction and demolition debris follow a three-pronged approach:

- Preventing waste through salvage, deconstruction and reuse;
- Developing effective construction and demolition debris recovery programs for debris that is not suitable for deconstruction and salvage; and
- Maintaining and supporting viable and diverse markets for recyclable and reusable building materials.



The primary targets for increased recovery of construction and demolition debris include new commercial construction under \$3 million, commercial remodel/tenant improvement, complete and selective building demolition, and residential remodeling performed by licensed contractors.

The following objectives are designed to support the building industry in its efforts to develop sustainable practices promoting environmental protection and resource conservation.

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### **1.0 Develop a regionwide system to ensure that recoverable construction and demolition debris is salvaged for reuse or is recycled.**

The region's building industry currently enjoys a full range of waste reduction options and choices, including salvage and reuse, source-separated recycling and post-collection recovery. The existence of low-cost disposal at two regional landfills severely constrains the growth of salvage, recycling and recovery. The region will work with stakeholders to develop a program that ensures construction and demolition debris in the region is processed before disposal and recovered to the maximum extent possible.

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### **2.0 Provide the building industry with annual outreach, education and technical assistance programs that demonstrate the benefits of green building, including building material reuse and recycling.**

The building industry generally supports reuse and recycling, but often lacks information on these opportunities. Maintaining an ongoing outreach, education and technical assistance program helps builders make more informed decisions about managing their waste. Green building is a growing enterprise and it is important to work cooperatively with local green building programs to promote reuse and recycling.

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### **3.0 Include sustainable practices and products in the development, construction, renovation and operation of government buildings, facilities and lands.**

Construction, renovation and maintenance of government buildings and facilities represents a large portion of the construction activity in the region. These projects result in significant quantities of construction and demolition debris and present an opportunity to serve as models and demonstration projects for businesses in the region.



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**4.0 Support the development of and access to viable end-use markets for construction and demolition materials.**

Periodic market studies will be conducted to assess the viability and diversity of local salvage markets or markets for materials typically found in construction and demolition waste. If markets appear weakened, then technical, monetary or research assistance may be provided to strengthen, maintain and diversify markets for construction and demolition materials.

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**Monitoring and implementation methods**

Implementation of these objectives will be coordinated through the intergovernmental construction and demolition recovery work group. The work group will present its implementation plans for review to the Regional Solid Waste Advisory Committee and Metro Council annually. The plans will detail annual programs, costs, and roles and responsibilities. Local governments and Metro will be jointly responsible for the implementation of these plans.

**Commercial organics**

The region follows a two-track approach to organic waste management. The first track emphasizes preventing waste by donating usable food to food banks, and other uses such as animal feed (when appropriate). The second track focuses on implementing a collection and processing system to recover (i.e., compost) organic waste that cannot be diverted to those higher end uses. Regional efforts currently target large organics-rich businesses and industries, such as large retail grocery stores, restaurants, hotels, institutional cafeterias, wholesale produce warehouses and food processors.

The following objectives are designed to support the use of sustainable practices by businesses generating organic wastes.



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**1.0 Provide outreach and education programs for targeted businesses to support and increase organic waste prevention and diversion practices.**

Donation is the highest end use for surplus food, and an established system to collect and redistribute donated food exists in the region. Emphasizing food donation also helps to address the problems of hunger in the region and the state.

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**2.0 Enhance access to organics recovery services throughout the region.**

Organic waste that cannot be diverted to higher end uses may be collected for composting. The region will focus on increasing the composting opportunities that are available to businesses; every effort will be made to use existing infrastructure and to tailor generator and collection programs to fit within existing operations and regulatory systems.

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**3.0 Implement organic waste recovery programs at government facilities where feasible.**

Government facilities that generate significant quantities of organic waste will serve as models for businesses in the region by adopting organics recovery programs.

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**4.0 Work to ensure that compost products are specified for use in government projects.**

Metro and local governments will coordinate with other government agencies to incorporate the standard use of compost products for landscaping, soil conditioning and erosion control on publicly funded projects.

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**5.0 Periodically review the viability of end-use markets and assist with market development efforts.**

Conducting periodic market studies to assess the viability of local compost markets is an important activity. If market trends indicate a weakening in demand, Metro and others can assist regional compost facilities with market development as needed to strengthen and maintain the marketability of compost and soil amendment products made from organic materials.

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**Monitoring and implementation methods**

Implementation of these objectives will be coordinated through the intergovernmental organics recovery work group. The work group will present its implementation plans for review to the Regional Solid Waste Advisory Committee and Metro Council annually. The plans will detail annual programs, costs, and roles and responsibilities. Local governments and Metro will be jointly responsible for the implementation of these plans.



## C. Education services

**Goal: Increase the adoption of sustainable practices by households and businesses through increased knowledge, motivation and commitment.**

Achieving the region's goals will require strong public support. Regional education and outreach efforts help build this support by supplying the information that residents and businesses need to make environmentally responsible choices in their daily lives. Metro and local governments provide a wide range of information through a variety of media. The Metro Recycling Information hotline responds to nearly 100,000 calls per year and the companion website has a host of tools and resources available. Local governments provide ongoing outreach and education through mailed materials and events.

Education and outreach efforts also build and reinforce resource conservation and environmental protection ethics that are essential to increasing sustainable practices. Regional education efforts start in the schools. Targeted education in schools, including elementary and secondary programs, provide age-appropriate information and concepts about resource conservation and environmental awareness, as well as programs designed to help teachers incorporate resource conservation concepts into their teaching. There are free classroom presentations and educational materials on waste prevention, recycling, composting and household hazardous waste reduction for elementary and secondary schools. In addition, technical assistance is available to help schools set up a waste reduction and recycling program or expand existing programs.

Metro and local governments also provide a wide variety of adult education programs. In particular, local governments and Metro have been promoting household hazardous waste (HHW) prevention and proper disposal education and outreach to the region for many years. Education targeted to adults about household hazardous chemical use and less toxic alternatives are ongoing through efforts such as the natural gardening program.

### Information services and adult education

Numerous organizations within the region (including local governments, private businesses and non-profit agencies) provide disposal, recycling and other waste reduction services. Offering residents and businesses easily accessible and accurate referrals to these services is critical to reaching regional waste reduction goals.

The objectives for information services and adult education are shown below.



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#### 1.0 Provide a regional information clearinghouse and referral service.

Maintaining communication with and providing education to residents and businesses about waste reduction programs and services offered within the region is essential to help them make environmentally responsible choices.

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#### 2.0 Provide education and information services for residents and businesses that are targeted to specific waste streams, materials or generators.

Information services are more effective when they address specific needs and use methods that match how generators receive and respond to information on waste reduction opportunities. Education services are a critical part of each waste reduction program area (single-family, multi-family, business, building industry and commercial organics) targeted in the Plan.

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### Monitoring and implementation methods

Metro and local governments will work cooperatively to develop and distribute education materials for households and businesses. Metro will research and provide technical assistance on the most effective methods to educate households and businesses on waste reduction options. Local governments, haulers and Metro will cooperate and communicate on the implementation of these education programs. Implementation of these objectives will be coordinated through the intergovernmental work groups.

## School education

Life-long learning about the value of resource conservation and the importance of protecting the environment begins with children in elementary and secondary schools. The guiding approach is to develop curriculums and programs that are appropriate for each age group and that cumulatively help build an environmental stewardship ethic.



The objectives for school education are shown below.

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**1.0 Provide education programs that help teachers incorporate resource conservation concepts, including waste prevention and toxicity reduction, into their teaching.**

Today's teachers have a multitude of demands on their time and resources. Providing teachers with assistance on curriculums and programs helps teachers meet their needs, while simultaneously assisting the region in meeting its waste reduction goals.

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**1.1 Provide programs at the elementary level that establish fundamental concepts of resource conservation and environmental awareness through active learning experiences.**

Elementary students are often eager to learn about ways to help make the world a better place. Providing age-appropriate information and concepts about resource conservation that encourage awareness and participation will build a strong foundation for life-long sustainable behaviors.

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**1.2 Provide programs at the secondary level (middle and high school) that will extend concepts established at the elementary level and prepare students for making responsible environmental choices in everyday adult life.**

By middle and high school, students can begin to make connections between their daily choices and behaviors and how they impact the environment. By providing opportunities to encourage their critical thinking skills, students can gain an appreciation and a sense of stewardship for the environment that will carry over into adulthood.

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**2.0 Work with schools and teachers to increase support for regional solid waste programs and create opportunities for partnerships.**

Schools are vital institutions within our community. Working and partnering with schools provides an opportunity to educate the next generation about resource conservation programs. Schools are also large resource users and waste generators and need to be active participants in waste reduction programs.

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### Monitoring and implementation methods

Metro and local governments will continue to provide school waste reduction education programs. Metro and local governments will provide technical assistance to school recycling programs and will collaborate on the development and distribution of education materials to meet local needs. Implementation of these objectives will be coordinated with various waste reduction work groups and the Regional Solid Waste Advisory Committee.

## D. Hazardous waste management

**Goal: Reduce the use and improper disposal of products generating hazardous waste in order to protect the environment and human health.**

Homeowners use a variety of products in their daily lives, some of which pose risks to human health and the environment during use, storage and disposal. Examples of these risks include fires or child poisonings due to improper storage; injuries to disposal system workers (haulers, transfer station or landfill workers); contamination of streams from runoff of lawn and garden care products; and pollution of streams or groundwater from improper disposal of auto products such as used oil or antifreeze.

Historically, the region's approach to dealing with the problem has been to provide disposal alternatives for the public through collection facilities and events. Collection programs are costly to operate, however, and waste volumes continue to increase, while only a portion of the total waste generated each year comes into the collection program. As a result, there has been growing interest in preventing the generation of household hazardous waste through increased education and outreach. In addition, the region is looking toward product stewardship to transfer responsibility from local governments back to manufacturers and retailers (see the section on product stewardship).

### Hazardous waste reduction

Changing the way people use products in their home is a very challenging undertaking. Traditional education techniques such as informational brochures can be ineffective in getting people to change long-standing behavior.

The large number of households in the region, wide array of products, and competing messages from manufacturers and retailers all pose barriers to encouraging residents to change their behavior. Given these challenges, regional education and outreach efforts are paying increased attention to new methods to get residents to engage in more environmentally sustainable behavior.



The objectives for achieving hazardous waste reduction are shown below.

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#### 1.0 Provide hazardous waste education programs that focus on behavior change.

The region will pursue methods to tailor education messages to more effectively bring about behavioral changes in ways that can benefit public health and the environment. Programs will include learning about and targeting specific audiences that use hazardous products, identifying barriers to changing these behaviors, and overcoming these barriers. Education on hazardous products in the home will also be a part of Metro's school age education programs.

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#### 1.1 Provide hazardous waste education programs that focus on those products whose toxic and hazardous characteristics pose the greatest risks to human health and the environment, or that are very costly to properly dispose or recycle.

With limited resources available for hazardous waste reduction efforts, it is important to focus on the types of waste that have the greatest health, environmental, and financial impacts. Focusing on pesticides, mercury and other persistent bioaccumulative toxins (PBTs), for instance, is consistent with these priorities. As more understanding is gained on the health and environmental impacts of hazardous wastes, education programs will focus on those wastes that are the most detrimental to human and environmental health.

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**1.2 Provide hazardous waste reduction messages and information to all customers bringing waste to household hazardous waste collection sites.**

A large number of the region’s residents are already taking one step by bringing their leftover hazardous products to collection sites. This audience is likely to be receptive to information about the hazards of those products and the use of less toxic alternatives.

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**1.3 Coordinate hazardous waste education efforts with related efforts conducted by government agencies and community groups in the region and in other areas.**

Along with the hazardous waste reduction efforts conducted by Metro, a number of other organizations in the region, such as water and air quality agencies, are involved in similar efforts. Coordination can eliminate duplication of efforts and can help solve problems that are too complex for any one group to address. Coordinating with hazardous waste education efforts in other areas can help keep local educators informed of the latest research and the success of approaches that others have tried.

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**2.0 Research and develop tools to measure the generation, impacts and reduction of hazardous waste, when this can be accomplished at a reasonable cost.**

To reduce the environmental and health impacts of hazardous products, it is important to fully characterize their effect, but data are limited on many important aspects of household hazardous waste use and disposal. When it can be done at a reasonable cost, the region will acquire quantitative information on aspects such as purchasing, generation and disposal practices, repeat users, specific environmental and health impacts, consumer attitudes and behaviors, and the effectiveness of behavioral change programs.

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**Monitoring and implementation methods**

Metro will continue to provide annual reports as required by permits. Implementation of these objectives will be coordinated with various waste reduction work groups and reported to Metro Council and the Regional Solid Waste Advisory Committee.

**Hazardous waste collection**

Even with significant efforts invested in preventing the generation of hazardous wastes, substantial volumes of hazardous wastes will still need to be managed and properly disposed. The region should provide convenient, safe, efficient and environmentally sound collection and disposal services for hazardous waste that cannot be eliminated through prevention and education.

The objectives for providing hazardous waste collection services are shown below.



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**1.0 Manage collected waste in accordance with the hazardous waste hierarchy: reduce, reuse, recycle, energy recovery, treatment, incineration and landfill.**

The hazardous waste hierarchy differs from the solid waste hierarchy in that composting is not an option. In addition, treatment and incineration (without energy recovery) are acceptable for hazardous waste. For certain types of waste, treatment and incineration are the most environmentally sound options. To maximize the environmental soundness of the disposal methods selected, this hierarchy will be used when procuring contractors for ultimate disposal of collected household hazardous waste.

<p><b>2.0 Coordinate collection programs with waste reduction and product stewardship efforts.</b></p>	<p>When waste reduction efforts target particular wastes due to toxicity or cost concerns, collection programs will be available for disposal of the targeted waste. In some cases, however, Metro will not undertake collection but instead will pursue waste prevention or product stewardship solutions. In other cases, the convenience of Metro’s collection efforts may need to be increased when this is consistent with waste reduction goals and can be done in a cost-effective manner.</p>
<p><b>3.0 Conduct waste screening programs at solid waste facilities to minimize the amount of hazardous waste disposed with solid waste.</b></p>	<p>In spite of the availability of collection programs, some hazardous waste is still put into the trash. Effective screening programs will be used at solid waste facilities to keep this hazardous waste from the landfill.</p>
<p><b>4.0 Use solid waste facilities efficiently and effectively for the delivery of collection services.</b></p>	<p>Existing solid waste facilities that serve the public will be used as collection points for household hazardous waste. In some cases, these facilities may serve as the site of permanent collection depots; in others, they may serve only as occasional sites as a part of a schedule of temporary events.</p>
<p><b>5.0 Maximize the efficiency of public collection operations, search for the most cost-effective methods and place a high priority on worker health and safety.</b></p>	<p>To maximize the amount of waste properly managed with limited financial resources, collection programs must operate in an efficient manner. Program operators will continue to identify ways to reduce expenditures for materials, labor and disposal contractors, while maintaining high standards for environmental protection, worker health and safety, and customer service. Wastes brought to household hazardous waste collection centers can pose a wide variety of risks to the workers handling them. It is important to have a comprehensive health and safety program in place to properly protect these workers.</p>
<p><b>6.0 Offer a Conditionally Exempt Generator (CEG) program to manage waste from small businesses.</b></p>	<p>While federal and state laws allow small businesses that are classified as Conditionally Exempt Generators (CEGs) to dispose of their hazardous waste in the trash, Metro discourages this practice. As part of the effort to keep this waste out of the solid waste system, Metro operates a disposal program that provides a convenient and economical way for these generators to properly dispose of their hazardous waste.</p>
<p><b>7.0 Implement bans on disposal of specific hazardous products as needed to address public health and environmental concerns.</b></p>	<p>Some localities around the country have passed laws to ban the disposal of some or all hazardous products. When disposal of specific products poses a known risk to public health or the environment in the region, and there are convenient collection services available for such products, disposal bans will be implemented.</p>

**Monitoring and implementation methods**

Metro will continue to provide annual reports as required by permits for hazardous waste collection methods. Implementation of these objectives will also be coordinated with various waste reduction work groups and reported to Metro Council and the Regional Solid Waste Advisory Committee.



## E. Product stewardship

**Goal: Shift responsibility to manufacturers, distributors and retailers for ensuring that products are designed to be nontoxic and recyclable, and incorporate the cost of the product's end-of-life management in the purchase price.**

Over the past decade, state and local governments have been faced with finding solutions to rising waste quantities, strong competition for limited fiscal resources, and a growing amount of expensive and difficult-to-recycle products. These problems resist traditional solid waste management methods, which focus primarily on improving end-of-life management through better recycling and disposal programs. Product stewardship has emerged as a way to help deal with these problems.

Product stewardship is defined as an approach to managing the lifecycle costs of a product in which a product's designer, producer, seller and user share the responsibility for minimizing the product's environmental impact throughout all stages of the product's life cycle. The greatest responsibility lies with whomever has the greatest ability to affect the overall environmental impacts of the product.



This concept aspires to recast the system of product responsibility from resting primarily on governments to having others – consumers, retailers and manufacturers – share in reducing the product's life cycle impacts. "Products" in this sense are defined to include durable goods, nondurable goods and packaging.

The burden on government resources will be eased when manufacturers design, businesses distribute and sell, and consumers purchase products that are less toxic and more durable, reusable and recyclable. Product stewardship shifts responsibilities "upstream" from government to a product's users, retailers, distributors and manufacturers. These parties then take greater responsibility for ensuring that products are collected and recycled, and that markets exist for the recovered materials. If there are costs to recycle or dispose of a product, those costs should be part of the product's original price. This could be achieved by including a visible fee (i.e., an advance recycling fee) or by the manufacturer internalizing the costs of recovering, reusing and recycling. These "front-end" fee approaches are much preferable to "drop-off" or "end-of-life" fees which may increase illegal or improper disposal. Both "front-end" approaches are likely to increase the cost of a product in the near term, but could reduce the growth in solid waste management costs for ratepayers.

Objectives to achieve the product stewardship goal are shown below.

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### **1.0 Prioritize product stewardship activities by evaluating products based on the significance of environmental impact (e.g., resource value, toxicity), current barriers to recycling, and financial burdens on governments for recovery programs.**

The region will focus its resources on product stewardship activities that will have the greatest impact on decreasing local burdens, such as the need for government to provide special and costly collection programs. The region will coordinate with others at state, regional and national levels that are also seeking to set product stewardship priorities.

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**2.0 Implement industry-wide product stewardship agreements or individual company stewardship programs in the region.**

Product stewardship agreements require the support of local and state governments to ensure that programs are effectively implemented. A number of national industry stewardship programs are currently in place and progress is being made in others (e.g., household batteries, carpet, paint, cell phones, and office products such as recycled content paper, ink cartridges, and computers). Local efforts can assist these programs by promoting product take-back opportunities and other activities.

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**3.0 Educate public and private sector consumers about product stewardship and, in particular, their role in purchasing environmentally preferable products.**

Product stewardship encourages changes in thinking and behavior from a consumption and use perspective toward waste minimization and sustainable production. Such changes are enhanced by educating public and private consumers about the environmental impacts of their purchases and encouraging them to consider those impacts when making purchasing and disposal decisions. When businesses, institutions and governments adopt policies and purchase products that are part of product stewardship programs, they provide direct and visible support to stewardship programs. The electronic product environmental assessment tool (EPEAT) for electronic products is a good example.

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**4.0 Work at the local, regional, state and national level to develop and implement policies, such as recycled-content requirements, deposits, disposal bans and advance recycling fees, that encourage product stewardship programs.**

Local, regional, state and national policies can provide the necessary incentives or legislative foundation required to make stewardship programs efficient, effective and sustainable. Because local governments are responsible for ensuring an environmentally sound and efficient solid waste disposal and recycling system, they directly benefit when product stewardship solutions result in manufacturers and others sharing that responsibility. Local governments are encouraged to support the product stewardship approach and to adopt product-specific policies. For example, a jurisdiction could include a provision in computer procurements that requires the sellers to take them back for recycling at the end of their useful life.

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#### **Monitoring and implementation methods**

Implementation of these objectives will be coordinated with various waste reduction work groups and reports will be provided to Metro Council and the Regional Solid Waste Advisory Committee.

# Chapter V

## Sustainable operations

### A. Introduction

As part of the RSWMP outreach in 2004, public input indicated a desire to see the solid waste system become more 'green' by engaging in broader environmental protection and resource conservation. In 2005, Metro facilitated a team of solid waste system stakeholders to develop goals for the RSWMP update that would guide system activities to become more sustainable. This chapter of the Plan reflects their work: a definition of sustainability, a framework through which potential improvements can be examined, and goals and objectives to guide progress. The goals and objectives that follow are intended to apply to any solid waste facilities and services in the region that are regulated by government.

### B. Sustainability and the solid waste system

Sustainability efforts are becoming widespread among governments and businesses in Oregon. Metro adopted its own resolution to make agency operations more sustainable in May 2003, and has since taken a leadership role in implementing sustainability practices for contracted solid waste operations. These have included the use of ultra-low-sulfur and biodiesel fuel in facility rolling stock and long-haul trucks, as well as requiring purchase of rolling stock with the latest emission control devices.

Achieving sustainable operations throughout the system will involve engaging all participants in thinking about values, behavior and business decisions over the long run. This chapter of the Plan as well as the next (Plan implementation) will enable the regional solid waste system to achieve sustainability progress in a more coordinated fashion. It will also provide a model for sustainable operations in solid waste management for other jurisdictions around the nation.

To guide the evaluation and incorporation of sustainable practices, the following definition of sustainability, consistent with that of the State of Oregon, will apply:

“Sustainability” means using, developing and protecting resources in a manner that enables people to meet current needs and provides that future generations can also meet future needs, from the joint perspective of environmental, economic and community objectives [ORS 184.421 (4)].

Application of this definition to solid waste management practices requires a framework through which to examine, develop and deploy improvements. The framework that was chosen is based on “The Natural Step” as defined below.

“The sustainable operation of the solid waste system considers economic, environmental and societal resources and is consistent with the Natural Step system conditions so that nature is not subject to systematically increasing:

1. Concentrations of substances from the Earth's crust;
2. Concentrations of substances produced by society, or
3. Degradation by physical means; and in that system
4. Human needs are met worldwide.”

The following nine goals and 23 related objectives were approved by the Regional Solid Waste Advisory Committee in 2005. These goals and objectives are intended to guide evaluation and implementation of sustainable operations practices over the next 10 years.



## **Goal 1.0 Reduce greenhouse gas and diesel particulate air emissions**

Objective 1.1: Implement plans for greater energy efficiency.

Objective 1.2: Utilize renewable energy sources.

Objective 1.3: Reduce direct emissions of greenhouse gases from landfills and other facilities.

Objective 1.4: Reduce diesel particulate emissions in existing trucks, barges and rolling stock through best available control technology.

Objective 1.5: Implement long-haul transportation and collection alternatives where feasible.

Options for realizing these objectives may include: choosing renewable energy options (both in daily operations and in the procurement of new contracts); implementing new energy audit and efficiency programs to ensure incorporation of the most energy-efficient practices available; and converting facility rolling stock, collection vehicles and transport equipment to ultra-low-sulfur fuels and incorporating the cleanest exhaust technology available.

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## **Goal 2.0 Reduce stormwater run-off**

Objective 2.1: Implement stormwater run-off mitigation plans.

Options for realizing this objective may include: employing best bio-swale systems; new oil/water separation technologies; active and passive filtration systems; and best management practices for wash-down and water usage procedures.

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## **Goal 3.0 Reduce natural resource use**

Objective 3.1: Implement resource efficiency audit recommendations.

Objective 3.2: Implement sustainable purchasing policies.

Objective 3.3: Reduce disposed waste.

Options for realizing these objectives may include: achieving higher-than-minimum recovery requirements; and implementing bid and procurement procedures that allow for maximum sustainability options

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## **Goal 4.0 Reduce use and discharge of toxic materials**

Objective 4.1: Implement toxics reduction and management plans.

Options for realizing this objective may include: using non-toxic cleaning and industrial supplies; and developing education programs regarding proper product usage.

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## **Goal 5.0 Implement sustainability standards for facility construction and operation**

Objective 5.1: Implement sustainability standards for site selection.

Objective 5.2: Require new construction to meet the Leadership in Energy and Environmental Design (LEED) or equivalent program standards.

Objective 5.3: Provide incentives for existing facilities to meet LEED or equivalent program standards.

Options for realizing these objectives may include: basing new facility site acquisition on the lowest environmental and social impacts associated with site selection and facility development; providing an information source for LEED or LEED equivalent program and product research for workshops and other practical purposes; and underwriting the cost of Green/Sustainable Building program certification through system fees.

## **Goal 6.0 Adopt best practices for customer and employee health and safety**

Objective 6.1: Reduce injuries by automating operations where effective.

Objective 6.2: Implement health and safety plans that meet or exceed current minimum legal standards.

Options for realizing these objectives include: reducing task redundancy associated with moderate to high employee injury and/or toxic exposure risk; and setting safety standards above minimum requirements in the industry.

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## **Goal 7.0 Provide training and education on implementing sustainability practices**

Objective 7.1: Train key regional waste industry employees, government waste reduction staff and political officials in adopted sustainability practices.

Objective 7.2: Inform suppliers, contractors and customers of the adoption of sustainability goals and practices.

Options for realizing these objectives include: participating in training programs focused on sustainability that are designed to address business model concerns; learning peer-to-peer from businesses that have already adopted and successfully implemented sustainability practices; and developing and employing proposal and procurement standards to encourage standard evaluation criteria based on sustainability practices and programs adopted by others.

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## **Goal 8.0 Support a quality work life**

Objective 8.1: Pay a living wage and benefits to all workers.

Objective 8.2: Promote community service.

Objective 8.3: Strive to employ a diverse work force.

Options for realizing these objectives include: determining and implementing living wage compensation levels for workers; encouraging employee involvement in charitable giving and other community service projects; developing programs to “give back” to the communities in which the facility or services operates; and employing affirmative action principles in recruiting, hiring, training and promoting.

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## **Goal 9.0 Employ sustainability values in seeking vendors and contractors**

Objective 9.1: Request sustainability plans from potential vendors and contractors.

Objective 9.2: Assist vendors and contractors in achieving sustainable practices.

Objective 9.3: Support local vendors when feasible.

Options for realizing these objectives include: providing guidance and criteria standards for vendor sustainability plans or practices; promoting training and education programs to assist vendors in employing sustainable practices; and establishing affirmative purchasing policies for local companies that are able to provide needed services.

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## **Monitoring and implementation methods**

Metro will establish and coordinate a sustainable operations work group of policy and technical participants. The work group will develop priorities and strategies for achieving the objectives, and will report on progress annually to the Regional Solid Waste Advisory Committee and Metro Council.

# Chapter VI

## Plan implementation, compliance and revision

### A. Overview

The RSWMP is primarily a policy and program guidance document designed to enable the region to meet its waste reduction and sustainable operations goals and objectives, thereby conserving resources and improving solid waste management practices. Progress on the goals and objectives identified in Chapters IV and V rely on coordination and cooperation among public and private sector parties in the region. In addition to cooperative efforts, the Plan contains areas of required compliance for local governments as established in Metro Code Chapter 5.10.

The coordinated implementation of waste reduction and sustainable operations objectives in Chapters IV and V of the Plan, are addressed in these pages as are the regional service standard, and the process by which alternatives to the standard are proposed, evaluated and approved.

Key factors guiding Plan implementation, performance and compliance include:

- Ensuring coordination and cooperation among governments and the private sector while allowing flexibility in developing solutions.
- Monitoring and evaluation of implementation strategies and programs.
- Using benchmarks and targets to measure overall Plan performance.
- Meeting state statutory requirements and goals.
- Ensuring compliance with Metro Code Chapter 5.10.

### B. Coordinated implementation of the Plan

Metro is responsible for coordinating and participating in various efforts to implement Plan objectives as well as assessing Plan performance. A coordinated implementation program will ensure that Plan-related programs and strategies are put in place in an effective

and consistent manner throughout the region. Metro and local governments' annual work plans and various regional work groups are important to these coordinated implementation efforts.

### C. Annual waste reduction work plans

Annual work plans developed by Metro and local governments are the primary means for ensuring that basic waste reduction services are provided, and for developing the specific programs and activities necessary to reach regional waste reduction goals identified in Chapter IV.

Metro provides per-capita funding allocations to help support local government activities carried out under this Plan. Funding is contingent upon receipt of satisfactory annual work plans and reports from the local jurisdictions.

Annual work plan tasks and associated per-capita funding are formalized via annual Intergovernmental agreements between Metro and local jurisdictions or local cooperatives. Cooperatives are required to have formal agreements in place with members to authorize the cooperative to act and implement programs on the local jurisdiction's behalf.

#### Compliance with state law

All local jurisdictions are required to comply with the provisions set forth in state law (OAR 340-090-0040 and ORS 459A). Metro has been designated by the state as the agency to report on compliance for the region's three-county area. Local jurisdictions provide data to Metro to assist with this annual responsibility. As part of the annual work plan, local jurisdictions must provide documentation indicating they are continuing full implementation of the program elements required as part of the Opportunity to Recycle Act (OAR 340-090-0040 and ORS 459A).

Metro will review annual reports for compliance with state law. Programs appearing to be out of compliance will be reviewed with the local jurisdictions described in Section I of this chapter.

## **Maintenance of existing programs**

Local governments and Metro currently provide basic recycling collection and education services that generally exceed minimum state requirements. During the development of the annual work plan, Metro and local governments will review the status of these existing programs, and evaluate methods to improve services, ensuring continued compliance with minimum state requirements and ensuring forward progress. Metro will continue to assist local governments in maintaining such programs.

## **Regional program areas**

Within the annual waste reduction work plan, regional work groups will develop programs and activities designed to achieve the waste reduction goals and objectives as specified in Chapter IV. Each year, the annual work plan will identify which sector or sectors to focus on: single-family residential, multi-family residential, business, building industry, commercial organics or perhaps other areas. These work plans will address the individual needs, barriers and particular circumstances affecting each sector and provide specific action steps, staffing and budgets for achieving the objectives of the Plan. This annual planning process allows for a flexible and rapid response to changing conditions. The process also enables the region to quickly phase out those programs or activities that prove less effective, and allows for shifting efforts and resources between areas as the need arises.

Annual work plans are developed in cooperation with regional work groups and the Regional Solid Waste Advisory Committee according to the following schedule.

### **August/September**

Work plan development for next fiscal year begins. Metro and local government program area work groups (organics, building industry, business, multi-family) and the local government recycling coordinators' work group review and amend plans and associated budgets.

### **November/December**

Draft overall framework of the annual plan developed by Metro and local government staff.

### **January**

Interim reports from jurisdictions receiving over \$100,000 in funding allocations in previous fiscal year.

### **February 28**

Metro, with local government assistance, produces annual waste reduction report to the DEQ on previous year's activities as requested by the DEQ.

### **March-April-May**

Regional public involvement - regional SWAC review and recommendation of drafts Metro Council consideration and adoption of annual waste reduction work plan.

Metro budget hearings.

Local government budget hearings.

### **June-July**

June 1 - Annual Plans due from local governments.

Intergovernmental agreements drafted.

Plan implementation begins at start of fiscal year (July 1st).

### **August 1**

Final program progress reports on previous fiscal year's activities due from local governments

### **November**

Intergovernmental agreements for grant funding approved by Metro and local governments and per-capita funding allocations distributed by Metro to local governments to support the maintenance of existing programs.

In addition to the elements in the annual work plans, regional work groups meet to address specific issues or sectors of the wastestream or improvements to the solid waste system. These can be government-only or a combination of Metro, local governments, the DEQ, and the private sector. These work groups play an important role in ensuring realization of Plan goals. They may also assist in evaluating programs or recommending Plan revisions. Regional work groups help implement objectives identified in Chapters VI and V of the Plan.

## **D. Education services**

Regional education and outreach supply the information residents and businesses need to make environmentally responsible choices in their daily lives. Metro and local governments provide a wide range of information thorough a variety of media. The Metro recycling information hotline responds to nearly 100,000 calls per year and the companion website has a host of tools and

resources available. Local governments provide ongoing outreach and education through mailed materials and public events.

Metro and local governments will work cooperatively to develop and distribute education materials for households and businesses. Metro will research and provide technical assistance on the most effective methods to educate households and businesses on waste reduction options. Local governments, haulers and Metro will cooperate and communicate on the implementation of the education programs. Implementation of the education services objectives in Chapter IV will be coordinated through the intergovernmental work groups.

Metro and local governments will continue to provide school waste reduction education programs. Metro and local governments will provide technical assistance to school recycling programs and will collaborate on the development and distribution of education materials to meet local needs. Implementation of these objectives will be coordinated with various waste reduction work groups and the Regional Solid Waste Advisory Committee.

## **E. Hazardous waste management**

Homeowners use a variety of products in their daily lives, some of which pose risks to human health and the environment during use, storage and disposal. Historically, the region's approach has been to provide safe disposal alternatives through public facilities and collection events, but there has been a steady move towards increased education and outreach regarding hazardous waste prevention.

Metro will continue to provide annual reports as required by permits for hazardous waste collection. Implementation of the objectives in Chapter IV will be coordinated with various waste reduction work groups and reported to Metro Council and the Regional Solid Waste Advisory Committee.

## **F. Product stewardship**

Product stewardship is an approach to managing the lifecycle costs of a product in which a product's designer, producer, seller and user share the responsibility for minimizing the product's environmental impact throughout all stages of the product's life cycle. The concept aspires to recast the system of product responsibility from resting primarily on governments to having others (consumers, retailers, and manufacturers) share in reducing the product's impacts.

Implementation of these objectives in Chapter IV will be coordinated with various waste reduction work groups and reports will be provided to Metro Council and the Regional Solid Waste Advisory Committee.

## **G. Sustainable operations workgroup**

The committee charged with development of the sustainable operations goals and objectives in Chapter V envisioned a collaborative implementation strategy. Metro will convene a standing work group of policy and technical participants to develop priorities and strategies for implementing the sustainable operations objectives. Research will identify actions or options that could be employed to achieve those targets, as well as their costs and benefits. Metro will establish and staff the work group and prepare an annual report on the region's progress toward these goals.

## **H. Plan performance**

This section describes how regional waste reduction progress will be monitored and measured, as well as the methods for assessing programs and activities implemented under the Plan. The following approaches will guide these efforts:

- Use indicators that allow early identification of potential problems.
- Support continued development of simple, timely and consistent reporting systems.
- Require appropriate levels of information from local governments and the private sector.

### **Measuring progress**

Historically, the regional waste reduction rate has been the primary benchmark of Plan performance. Emphasis continues on that measure, but other means of assessing the solid waste system's performance (e.g., progress on objectives for sustainable operations) will be implemented and reported. In addition, the Plan will be amended by 2010 to incorporate a new set of numerical goals beyond the last benchmark year of 2009.

Table 6 (see Chapter II) shows the Plan's design to reach the 64% waste reduction goal through targeting efforts in the residential (single and multi-family) and commercial (business, building industry and commercial organics) sectors. The Plan will also monitor performance through per capita measures (for generation, disposal and recycling) and in terms of the waste reduction hierarchy (i.e., prevention, recycling and composting, energy recovery and disposal).



## Program monitoring and evaluation

The programs and activities developed and implemented as part of the Metro and local government annual work plan are critical to reaching regional goals and objectives. In recognition of that fact, Metro establishes intergovernmental agreements with local governments to ensure all jurisdictions in the region are represented in ongoing regional waste reduction activities and in fulfilling requirements of the annual waste reduction work plans. Implementation schedules and monitoring and evaluation components are incorporated within the annual work plan. Using qualitative and quantitative measures, performance on the annual work plan is evaluated for both accountability and effectiveness. These performance measures, combined with the annual DEQ material recovery survey report, are used to assess progress and are reported to the Regional Solid Waste Advisory Committee and Metro Council annually.

For the basic services provided under the annual work plan, local governments' annual reports document efforts completed each year. The report details each task's implementation date, as well as relevant status reports and results. These annual reports serve as the basis for monitoring the status of basic services and existing programs and Plan progress, as well as fulfilling required annual reporting to the DEQ.

### Additional program evaluations

When more information is required regarding the efficiency and effectiveness of the programs designed to implement Plan recommendations, additional program evaluations will be conducted. Evaluations may also be performed when alternative policies or programs are proposed, or to examine how the regional system may operate better as a whole. (Studies of contamination issues at material recovery facilities are an example of such evaluations.)

## I. Plan compliance and enforcement

While the success of the Plan depends primarily on maintaining cooperative working relationships among Metro, the DEQ, local governments and the private sector, in order to fulfill the recycling provisions set forth in state law and Chapter 5.10 of the Metro Code, the Plan also requires local governments to maintain recycling services that are consistent with the regional service standard, or have a Metro-approved alternative program. Both the regional service standard and the alternative program review process are described below.

### Compliance with the regional service standard

In addition to meeting state requirements, all jurisdictions in the Metro watershed must meet the

regional service standard. The regional service standard is designed to ensure a comprehensive and consistent level of service for the region and assists in meeting state recovery goals. The elements, summarized below, go beyond the minimum state requirements, and constitute the regional service standard under this Plan. More detailed information about the regional service standard elements is provided in Metro Code Chapter 5.10 and the related Administrative Procedures.

- a) Single-Family Residential:
  1. Ensure provision of at least one durable recycling container to each residential customer.
  2. Ensure provision of weekly on-route collection of all standard recyclable materials.<sup>1</sup>
  3. Provide a weekly or equivalent residential yard debris collection program.
- b) Multifamily Residential: Ensure provision of a regular collection program of the standard recyclable materials for each multi-family dwelling community having five or more units.
- c) Business: Ensure provision of a regular collection program of the standard recyclable materials from businesses.
- d) Education & Outreach: Provide a recycling education and promotion program to all generators that supports the management of solid waste according to the waste reduction hierarchy.

Metro has been designated by the State as the reporting agency for the region's three county area and local jurisdictions are to provide data to Metro to assist with this annual reporting responsibility. Metro will review Annual Reports for compliance with the regional service standard and state law. Those programs that appear to be out of compliance will be reviewed with the local jurisdiction and will be subject to enforcement procedures identified in Metro Code 5.10.

### Alternative programs - review and approval process

An alternative program is a solid waste management program or service that is proposed by a local government and differs from those referenced in the Regional Service Standard in this Plan.

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<sup>1</sup>Standard recyclable materials are defined in Metro Code Chapter 5.10 and the related Administrative Procedures. All changes to the standard recyclable materials will be mutually decided by Metro, local governments, the DEQ, processors and market representatives.

Alternative programs allow for flexibility in meeting the Plan goals and objectives, as long as performance requirements are achieved. Because the Plan's waste reduction program and activities are developed through a collaborative approach, this approach should be maintained when a local government is considering undertaking an alternative program. The local government should consult with Metro, the DEQ and other local government partners in early planning stages. These consultations may provide information or generate options that would eliminate consideration of an alternative program. If an alternative program is still sought after this recommended informal consultation, the local government must follow the alternative program process outlined below. This process is intended to ensure that proposed programs are consistent with Plan direction, and at a minimum, demonstrate the same level of expected performance as the regional service standard.

### **Use of alternative program process**

An alternative program process needs to be employed when a local government proposes programs or services that would depart from the regional service standard as described in this chapter.

Process for application and review of an alternative program:

#### **1. Departures from state requirements**

Since State requirements are part of the regional service standard, all programs receiving approval by Metro will also meet the DEQ standard. However, the reverse is not true. The DEQ may approve a local program change that, while meeting the minimum state requirements, does not comply with the regional service standard. Therefore, local jurisdictions are encouraged to contact Metro about program alternatives to avoid a confusing two-stage process.

#### **2. Departures from the regional service standard**

Any local government seeking alternative program approval will submit an application to the Metro solid waste and recycling director that demonstrates how the alternative program will perform at the same level or better than the Plan program. This performance standard will be based on criteria that will include, as appropriate, the following:

- Estimated participation levels;
- Estimated amounts of waste prevented, recycled, recovered or disposed;
- Consistency with the waste reduction hierarchy and the source separation priority;

- Economic and technical feasibility;
- Estimated impact on other waste reduction activities.

The application will contain a description of the existing program, the Plan program (if applicable) and the proposed alternative program. (Metro may require a pilot program to evaluate the performance of a proposed alternative.) The applicant will provide information comparing the existing and proposed alternatives for:

- Types of materials collected;
- Frequency of collection for each material;
- Levels of recovery (by material, if applicable).

Metro's solid waste and recycling director must determine whether to approve the proposal. These decisions may be appealed or an exception may be requested as specified in Chapter 5.10 of the Metro Code. Metro will include the DEQ in each review. If the approval is accompanied by a revision to the Plan or administrative procedures for the Plan, such revision will be submitted to the DEQ.

### **J. Plan revisions**

The RSWMP is intended to allow sufficient flexibility for its implementation to adjust programs without needing to amend or revise the Plan itself. Measurements of regional progress, program monitoring and evaluation, and special evaluation studies will help determine if the Plan may require a mid-course correction. If it is uncertain whether a change requires an amendment, the issue will be discussed with the SWAC and/or Metro Council, and a consensus developed.

Because the RSWMP includes policies and plans that affect diverse interests, amendments will be written through a cooperative process between Metro, cities, counties, solid waste industry representatives, citizens and other affected parties. As described above, the Plan will be monitored on an ongoing basis to determine if additional assessment is required. In addition, a five year review will determine whether major revisions are needed. Revisions could include policy changes, major additions or changes to programs or amendments to ensure Plan uniformity and consistency.

Proposed revisions can be initiated by any interested party and will undergo review by Metro's Solid Waste & Recycling Department Director. If the Director determines a revision should be considered, it will be referred to the SWAC for review and recommendation. A SWAC recommendation will then be forwarded to the Metro Chief Operating Officer and Metro Council.

# Appendix A

## Key solid waste laws

There are several state laws that help give perspective and direction to the activities in this Plan.

**The Oregon Bottle Bill.** The Oregon legislature passed the Oregon Bottle Bill in 1971 and it took effect on October 1, 1972. This bottle bill was the first of its kind in the nation. Its purpose was to reduce litter and divert all beer and carbonated beverage containers from the waste stream so that they could be reused or recycled. The bill requires that a refund be paid to any person who returns empty soft drink or beer bottles or cans to a retail store.

**1983 Opportunity to Recycle Act.** The Opportunity to Recycle Act, passed by the Oregon legislature in 1983, was ground-breaking legislation that required:

- Residential on-route (curbside) recycling collection in cities of 4,000 or more people.
- Recycling at solid waste disposal sites.
- Education and promotion programs designed to make all Oregonians aware of opportunities to recycle and the reasons for recycling.

Although Oregon already had an extensive recycling infrastructure, both private and public, before the passage of the act, the system was enhanced through this legislation. The recycling programs called for have been implemented throughout the state.

**1991 Oregon Recycling Act.** In 1991, the Oregon legislature took recycling legislation a step further and passed the Oregon Recycling Act. Among other things, the Oregon Recycling Act established a recovery level goal of 50% by the year 2000. The Metro region was required to achieve a recovery level of 40% by 1995.

The Oregon Recycling Act also mandated the development of a statewide solid waste plan by 1994 and the performance of waste composition studies and required cities with a population greater than 10,000 population and the Metro area to implement certain waste reduction practices. Certain materials, such as whole tires and leadacid batteries, were banned from landfills. The act also specified purchasing preferences by government agencies for materials with high percentages of recycled content and high degrees of reusability/recyclability.

Finally, the act established minimum recycled-content requirements for newsprint, telephone directories, glass containers and rigid plastic containers sold in Oregon.

**1997 2% Credits for Waste Prevention.** The session produced a bill that provided a means of enabling local governments to obtain credit for more than just their recycling programs. The program allows 2% credits for wastesheds such as Metro that establish and maintain programs in waste prevention, reuse and backyard composting. DEQ has established guidelines and evaluation criteria for wastesheds that allow them to earn up to 6% total credits toward their recovery goals for qualifying programs.

**2001 State and Wasteshed Goals.** In 2001, although most of the wastesheds in the state were meeting their individual required recovery goals, DEQ confirmed to the legislature that these accomplishments were nevertheless not going to produce a statewide recovery goal of 50%. The legislature responded with HB 3744 (amending ORS 459.010) that set a statewide recovery goal of 45% for 2005 and 50% for 2009 and adjusted individual wasteshed goals. Metro's goal became 62% by 2005 and 64% by 2009 (these rates can include any credits received under the "2% waste prevention credits" program).

The bill set out review procedures regarding the goal:

If a wasteshed does not achieve its 2005 or 2009 waste recovery goal, the wasteshed shall conduct a technical review of existing policies or programs and determine revisions to meet the recovery goal. The department shall, upon the request of the wasteshed, assist in the technical review. The wasteshed may request, and may assist the department in conducting, a technical review to determine whether the wasteshed goal is valid (ORS 450.010(6)(e)).

In addition, HB 3744 established statewide waste generation goals:

- By 2005, there will be no annual increase in per capita municipal solid waste generation;
- By 2009, there will be no annual increase in total municipal solid waste generation.

**Electronics - Oregon HB 2626.** Creates a producer responsibility system for the management of obsolete electronics where manufacturers will either provide collection and recycling for their e-waste or pay for a program that's contracted by the state. The legislation requires safe, convenient and environmentally sound recycling of specific electronic devices such as televisions and computers. Programs will begin operating in January 2009. Beginning in January 2010, electronic devices will be banned from disposal.



## **Metro's Solid Waste Obligations and Authorizations**

**under State Law.** In addition to the key solid waste laws noted above, Metro has additional obligations and authorizations related to solid waste management for the watershed. Oregon Revised Statutes (ORS) Chapter 459 covers solid waste management administration roles, disposal sites, hazardous waste management, enforcement and penalties.

ORS 459A covers reuse and recycling program requirements in the state. Oregon Administrative Rules (OAR) Chapter 340 sets out implementation standards, reporting requirements, recovery rate requirements, recovery rate calculation methods, etc. The following state law chapters and sections specifically pertain to the region's waste and toxicity reduction plans, policies and programs:

ORS 459.055

Prepare and adopt a waste reduction program.

ORS 459.250

Provide recycling collection at transfer stations.

ORS 459.340

Implement the program required by 459.055.

ORS 459.413(1)

Establish permanent HHW depots.

ORS 459.413(2)

Encourage use of HHW collection.

ORS 459A.010

Require waste reduction program elements and reporting.

ORS 459A.750

School curriculum and teachers' guide components.

OAR Chapter 340, Division 90

Implementation standards & reporting requirements.

ORS 268.317(5)-(7) & 268.318

Solid waste regulatory authority.

ORS 268.390

Functional planning authority.

ORS 459.095

Local government compliance with RSWMP.

# Appendix B

## Regional Disaster Debris Management Plan

The Regional Disaster Debris Management Plan (RDDMP) is intended to enhance the preparedness of the Portland metropolitan area to deal with the removal and disposition of debris generated by a natural or human-caused disaster. The RDDMP specifies goals and objectives for disaster debris removal and disposal, describing potential implementation strategies to ensure that disaster debris efforts are coordinated, efficient, effective, and environmentally sound.

The RDDMP is based on seven principles:

1. Ensure debris management efforts are coordinated and cooperative throughout the region.
2. Manage disaster debris according to the federal and state-mandated hierarchy describing solid waste practices:
  - Reduce
  - Reuse
  - Recycle
  - Recover
  - Landfill
3. Use local resources for collection, recycling, and disposal before seeking outside assistance.
4. Restore normal garbage collection and disposal as quickly as possible.
5. Ensure accurate and organized debris and expense tracking systems.
6. Manage disaster debris in a fiscally responsible manner that minimizes the economic impact of debris processing.
7. Ensure the health and safety of the public and all parties involved in debris management.

### Plan background

The RDDMP is a component of the Regional Emergency Management Plan being developed by the Regional Emergency Management Group (REMG). The REMG was formed in 1994 through an Intergovernmental Agreement among agencies in the five-county, bi-state Portland/Vancouver metropolitan area. The purpose of REMG is to: 1) recommend policy and procedures on regional emergency management issues; 2) develop an ongoing, inter-jurisdictional training and exercise program; 3) establish mutual aid agreements to ensure effective management of resources during an

emergency; 4) coordinate efforts in the region to obtain funding for emergency management matters; and 5) develop a regional emergency management plan.

The REMG has two committees – a technical committee (REMTEC) comprises emergency management professionals and a policy advisory committee (REMPAC) that includes an elected or appointed official from each of the signatory agencies.

The RDDMP is also part of the Regional Solid Waste Management Plan (RSWMP). The RSWMP is the document that gives the Portland metropolitan region (encompassing Washington, Multnomah and Clackamas counties) direction for meeting solid waste objectives through 2018.

### Plan development process

In 1995, the disaster debris removal subcommittee of REMTEC created a disaster debris management goal and five objectives. The goal and objectives were adopted by the Metro Council and included in the 1995-2005 RSWMP, serving as the guide for development of the RDDMP.

In January 1996, a task force of local government officials and private sector interests was formed. The task force met monthly over a nine-month period to develop the RDDMP. The resulting plan provided guidelines and recommendations for management of disaster debris. However, the Plan did not define the actions or details that need to occur in a debris management program, nor did it outline the responsibilities of Metro and other local governments in the disaster debris management process. Metro Council adopted the plan in May 1997.

In 2004, the disaster debris advisory group of local government officials and private sector interests was reconvened for the purpose of updating the 1997 RDDMP. The Regional Disaster Debris Management Advisory Group met several times over a three-month period, completing its work in July 2004. The result of the group's effort was a policy document that created a framework for preparing a separate operational plan to define the actions and responsibilities of the various parties involved in debris management.

Throughout both the 1995 and 2004 planning processes, REMTEC, the Solid Waste Advisory Committee (SWAC), the Metro Council, local governments, Oregon's Office of Emergency Management (OEM), and the U.S. Army Corps of Engineers (USACE) were kept apprised of the Plan's contents and progress, and were asked to comment on the drafts of the task force's work. A final draft of the RDDMP was also sent for review and comment to neighborhood associations, haulers, and other interested parties.

Next steps: The RDDMP sets policy direction, but doesn't define the actions or details that need to occur within a debris management program. Instead, the RDDMP calls for the development and maintenance of a separate operational plan to define the actions of the different parties involved in debris management. Without the operations plan, the RDDMP by itself provides little actual guidance to the region's emergency managers to ensure that the debris is managed in accordance with the principles and objectives described in this document and the RSWMP.

### **Metro's role in disaster debris planning**

Metro is responsible for solid waste planning within the tri-county region of Washington, Multnomah, and Clackamas counties.

Metro's authority to develop the RSWMP derives in part from ORS 459.017(b), which states that "local government units have primary responsibility for planning for solid waste management." Metro was designated as the local government unit responsible for solid waste planning for the local area under State of Oregon Executive Order 78-16. The RSWMP was also created, in part, to address a requirement under ORS 459.055 and ORS 459.340 that Metro develop and implement a waste reduction program.

The RDDMP was developed and is included within the RSWMP to ensure that debris management activities after a disaster are effectively coordinated and address the waste management hierarchy. Consistent with ORS 401.015 to 401.105, 401.260 to 401.325, and ORS 401.355 to 401.580. The RDDMP plans for the management of disaster debris at the local level, requesting state and/or federal assistance when the appropriate response to an event is beyond the capability of the local governments to manage the event. The operational plan being developed under the policy guidance of the RDDMP will include appropriate

intergovernmental agreements between Metro and cities and counties within the region to help ensure that debris activities are coordinated and effective.

### **Consistency with other plans**

The RDDMP is consistent with disaster debris management plans adopted by counties within the tri-county metropolitan area and with the State of Oregon's Emergency Operations Plan. The RDDMP is also consistent with and embraces the incident management principles outlined in the National Response Plan (NRP) and the National Incident Management System (NIMS).

The NRP was adopted by the Federal Government in 2004 to "integrate Federal Government domestic prevention, preparedness, response, and recovery plans into one all-discipline, all-hazards plan" under the authority of the Secretary of Homeland Security. The NIMS provides a consistent nationwide framework to standardize incident management practices and procedures. It integrates existing best practices into a nationwide approach that is applicable at all jurisdictional levels and across functional disciplines in an all-hazards context. A key aspect of the NIMS is its adoption of the Incident Command System (ICS) as the standard model for incident management.

### **Acknowledgements**

The RDDMP was developed with the cooperation and assistance of many people in the region's solid waste industry and emergency management system. The following members of the 2004 Regional Disaster Debris Management Advisory Group were especially helpful in giving their time and expertise to ensure a thorough, thoughtful and highly usable regional plan.

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Dave White, Oregon Refuse & Recycling Association

Susan Ziolk, Clackamas County

## Definition of terms and acronyms used in this plan

### Acronyms

CBRNE	Chemical, biological, radiological, nuclear or explosive
CEG	Conditionally Exempt Generator
DEQ	Oregon Department of Environmental Quality
EOC	Emergency Operations Center
EPA	U.S. Environmental Protection Agency
ESF3	Essential Support Function #3, Public Works and Engineering
ESFLG	Essential Support Function Leaders Group
ETR	Emergency Transportation Routes
FEMA	Federal Emergency Management Agency
ICS	Incident Command System
JFO	Joint Field Office
JIC	Joint Information Center
MRF	Materials Recovery Facility
NIMS	National Incident Management System
ODOT	Oregon Department of Transportation
OEM	Oregon Emergency Management
RDCC	Regional Debris Coordination Center
RDDMAG	Regional Disaster Debris Management Advisory Group
REIC	Regional Information Coordinator
REMG	Regional Emergency Management Group
USACE	U.S. Army Corps of Engineers
WDES	Washington Department of Emergency Services

### Terms

#### Stafford Act

Provides the federal authority for FEMA's role in managing federal disaster assistance including Coordinating the Presidential declaration process; helping assess damage after a disaster; evaluating a governor's request for assistance; working with state and local governments in a joint partnership to implement the various assistance programs; coordinating the activities of federal agencies and volunteer organizations; and managing the President's disaster relief fund.

#### Emergency

Any natural or human-caused situation that results in or may result in substantial injury or harm to the population, or substantial damage to or loss of property. As defined by the Stafford Act, an emergency is any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property, public health and safety.

#### Major disaster

As defined under the Stafford Act, "any natural catastrophe or, regardless of cause, any fire, flood or explosion in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Act to supplement the efforts and available resources of states, local governments and disaster relief organizations in alleviating the damage, loss, hardship or suffering caused thereby."

### Life cycle of an incident

#### Emergency response phase

The period following the onset of disaster, which is dominated by immediate reactions to eminent threats. Response activities include the immediate and short-term actions to preserve life, property, environment, and the social, economic and political structure of the community.

#### Emergency recovery phase

The period in which a community restores services and rebuilds facilities after a disaster. Recovery involves actions needed to help individuals and communities return to normal. Recovery programs are designed to assist victims and their families, restore institutions to sustain economic growth and confidence, rebuild destroyed property and reconstitute government operations and services. These actions often extend long after the incident itself. Recovery programs include mitigation components designed to avoid damage from future incidents.

#### Preparedness

Under the NEMS, preparedness encompasses the full range of deliberate, critical tasks and activities necessary to build, sustain and improve the operational capability to prevent, protect against, respond to and recover from domestic incidents. Preparedness involves actions to enhance readiness

and the ability to quickly and effectively respond to a potential incident. Preparedness also includes procedures to share information and disseminate timely notifications, warnings and alerts.

#### **Prevention and mitigation**

Actions taken to interdict, disrupt, preempt, avert or minimize a potential incident. This includes Homeland Security and law enforcement efforts to prevent terrorist attacks and hazard mitigation measures to save lives and protect property from the impacts of natural disasters and other events. Includes long-term activities to minimize the potentially adverse effects of future disasters in affected areas.

#### **Joint information center (JIC)**

Established to coordinate the federal public information activities on-scene, the JIC is the central point for all news media at the scene of the incident. Public information officials from all participating federal agencies should collocate at the JIC. Public information officials from participating state and local agencies also may collocate at the JIC.

#### **Regional debris coordination center (RDCC)**

A center established to coordinate the flow of information among emergency managers and the public about debris management. The RDCC will provide a pre-planned method of determining regional debris needs and priorities as each event develops, communicating with responding agencies and ensuring that regional recovery efforts are in line with established solid waste recycling and disposal goals, public safety needs, financial assistance to communities, and in accordance with FEMA disaster debris public assistance reimbursement requirements.

#### **Conditionally exempt generator (CEG)**

Any non-household generator of hazardous waste, including businesses, government agencies, nonprofit organizations, etc. that generates less than 220 pounds of hazardous waste per month and complies with other federal and state requirements to maintain CEG status.

#### **Exempt hazardous waste**

Any unwanted hazardous products not subject to full regulation under Oregon and federal hazardous waste laws.

#### **U.S. waste management hierarchy**

The Environmental Protection Agency (EPA) and Oregon solid waste management hierarchy: Reduce, Reuse, Recycle, Recover, Landfill.

#### **Putrescibles**

Matter that rots or decays, such as food waste.

#### **Putrescible surge**

Occurs after a disaster, when people throw away food and other putrescible material stored in freezers and refrigerators after electrical power has been interrupted for an extended period.

#### **Universal waste**

A relatively new category of hazardous waste, formerly fully regulated, but now subject to less stringent disposal regulations promulgated by the U.S. EPA in May 1995. Includes batteries, mercury-containing thermostats pesticides, and (in Oregon) fluorescent light tubes.

#### **Local government debris removal coordinator**

Person designated by each city or county to coordinate that jurisdiction's management of disaster debris.

#### **National response plan**

A consistent, nationwide framework to standardize incident management practices and procedures.

#### **Types of disasters**

Although this plan is written for both large and small disasters (whether natural or human-caused), for the purposes of this plan, three types of emergencies require different levels of debris management programs and inter-agency coordination. The following descriptions are used to illustrate the general differences among normal day-to-day garbage flows and these three levels. (Please see the Disaster Debris Management Operations Plan for more information on trigger points, chain of command, individual roles and responsibilities and methods used to deliver programs and information.)

#### **Normal operations**

##### **Examples**

Households or businesses set out waste and recycling in containers ranging from 20 gallons to 40 cubic yards. Additionally, a lesser quantity of waste and recycling is self-hauled by generators to recycling, composting, and solid waste facilities, as well as landfills. Over 100 recycling and composting facilities operate in the Metro region.

##### **Flow of debris**

Waste and recycling is collected by a commercial garbage hauler or independent recycler. Depending on what part of the Metro region the customer is in, the haulers are either "free market" or franchised by a city or county. Collected waste may be hauled to the closest MRF, garbage transfer station or a local dry waste



landfill. Recycling is delivered to a source-separated recycler or a MRF, where the recyclables are sorted. The customer pays for the full cost of collection, recycling or disposal services.

### **Command and control**

State law lays out some of the required recycling opportunities. Cities and counties administer the franchise agreements with private haulers in franchised areas. Metro operates two waste transfer stations, and transports waste to the Columbia Ridge Landfill in Eastern Oregon. Landfills and MRFs are regulated by DEQ and Metro. Metro also licenses certain types of recycling and composting facilities.

### **Level 1**

#### **Trigger Point**

Declaration or anticipation of a declaration of a disaster by an authorized official of a city or county within the Metro boundary, without a governor-declared state of emergency or a residentially declared disaster.

#### **Examples**

Minor earthquake, silver thaw event, trees downed by microburst type of windstorm.

#### **Examples of possible debris programs**

Limited- or short-term special city- or county-sponsored collections or special drop sites, information given to affected citizens. Debris collection and management handled by local staff with local resources.

#### **Flow of debris**

Other than a small increase in volume, the flow of debris will be little different than normal operations.

#### **Command and control**

Management of disaster response and recovery actions is under the control and direction of individual affected cities, districts, and counties, exercised either through individual agencies acting in their areas of responsibility and/or through local EOCs operated under the incident command system. Only limited regional coordination is required.

### **Level 2**

#### **Trigger point**

Gubernatorial declaration or anticipation of a declaration of a state of emergency in one or more of the region's three counties (Washington, Multnomah, Clackamas).

#### **Examples**

Moderate earthquake, 100-year flood.

#### **Examples of possible debris programs**

Longer-term special city- or county-sponsored

collections, or special drop sites and information to affected citizens. Debris collection and processing costs could overwhelm local resources. Metro may provide monetary assistance and/or reduce disaster debris recycling or disposal fees, and may open temporary debris sorting or reload facilities.

#### **Flow of debris**

Other than volume increases, no significant difference from normal day-to-day operations. Debris is likely to go to the same solid waste facilities and landfills, or be stored for short periods of time before recycling or disposal.

#### **Command and control**

Management of disaster response and recovery actions is still primarily under the control and direction of individual affected cities, districts and counties, generally exercised through on-scene incident commanders and local EOCs operated under the incident command system. State agencies may be responding to their own incidents while supporting local government missions. A greater degree of regional coordination is required, and coordination of resource and mission requests from local jurisdictions will take place at both state and regional levels. In extraordinary circumstances, the Governor may choose to assert direct control of certain local resources and assume command of certain normally local activities.

### **Level 3**

#### **Trigger point**

Presidential declaration or anticipation of a declaration of a disaster area in one or more of the region's three counties.

#### **Examples**

Extensive flooding, Cascadia subduction zone earthquake. (Note: The Cascadia subduction zone is a very long, sloping fault stretching from mid-Vancouver Island to Northern California. Because of the extensive fault area, the Cascadia Subduction Zone could produce a large earthquake, magnitude 9.0 or greater, if rupture occurred over its whole area.)

#### **Examples of possible debris programs**

Special, longer-term city-county- or USACE may establish a mission to work with the local jurisdiction in charge to run collections or special drop sites. Extensive information to affected citizens. Possible Metro monetary assistance coordinated with FEMA assistance and reduced disaster debris recycling or disposal fees at collection centers. Debris collection and processing costs very likely to overwhelm local and regional resources.

### **Flow of Debris**

Likely to be drastically different than normal operations. Debris is likely to go to different solid waste facilities and landfills or be stored for long periods of time before being recycled or disposed.

### **Command and Control**

Although local jurisdictions retain responsibility for directing disaster response and recovery actions within their boundaries, coordination demands are greatly increased due both to the overwhelming nature of the event and to the influx of federal and state resources requiring management. The typical national model calls for local resources (county/city/district) to be supplemented by state resources and federal resources acting generally to perform missions requested by the local jurisdiction or the state. In the Metro region, an additional level of government exists, with jurisdiction over regional aspects of disaster debris management. In a Level 3 event, Metro and the Regional Debris Coordination Center might be expected to provide coordination between city/county activities and state/federal activities, including establishing debris management missions to be performed by USACE, and ensuring effective and efficient use of regional resources including local hauling, and disposal resources.

### **Roles of participants involved in disaster debris management**

The detailed roles, responsibilities, authorities and reporting requirements of all of the public and private parties involved in managing disaster debris vary based on the type and severity of the disaster. Elaboration on this kind of information will be available through the companion document to the RDDMP, the Disaster Debris Management Operations Plan, in late 2007.

### **Disaster debris management goal**

In the event of a major natural or human-caused disaster such as an earthquake, windstorm, flood or homeland security incident, the regional solid waste system is prepared to quickly restore delivery of normal refuse services. The system has the capability of removing, sorting, reusing, recycling, and disposing of potentially enormous amounts of debris.

Objective 1.0. Ensure the coordination, communication and commitment of local, state and federal governments and the private sector.

Objective 2.0. Develop and provide both accurate and reliable information to use to predict the types and quantities of debris from a disaster event and

information about the resources available for responding to and recovering from disasters.

Objective 3.0. Develop an emergency response phase plan that coordinates emergency debris management services and maximizes public health and safety.

Objective 4.0. Develop a recovery phase plan that maximizes the amounts of materials recovered and recycled, and minimizes potential environmental impacts.

Objective 5.0. Provide for flexible fiscal and financial arrangements that promote efficient and effective implementation of response and recovery plans.

Objective 6.0. Ensure that disaster debris resulting from a homeland security incident is managed in such a way to identify and preserve potential crime scene evidence.

### **Objective 1.0 – Ensure that debris management efforts are coordinated**

Develop and maintain a working group of emergency managers, local government solid waste staff, solid waste haulers and other parties to coordinate the activities of the public and private entities involved in disaster debris management.

#### **Key concept and approach**

Properly coordinated disaster debris management efforts will be critical to ensure that those efforts are orderly, efficient and effective.

#### **Key elements**

- a) Create a Disaster Debris Operations Plan in cooperation with all of the public and private entities involved in regional disaster debris management. This Operations Plan describes the roles and responsibilities for the parties involved and the timing for delivery of the key components listed. The Operations Plan is a companion document to the RDDMP and is being created by the Regional Disaster Debris Management Task Force.
- b) Create a process and schedule by which the Regional Disaster Debris Management Advisory Group will meet, for the purpose of creating and maintaining the Disaster Debris Management Operations Plan. (The advisory group contains members of REMG, solid waste and recycling local government, and hauling industry representatives.)

- c) Develop standard operating procedures and job descriptions for the staff who will operate the RDCC.
- d) Prepare mutual aid agreements among local governments as necessary.

- e) Predict the need for Metro hazardous waste management services.
- f) Develop real-time assessment of system capacity for debris removal.
- g) Create a process for updating contact information for city, county, state, and federal emergency management and debris removal staff.

**Roles and responsibilities**

The Disaster Debris Management Operations Plan, a companion document to the Regional Disaster Debris Management Plan, will describe the roles and responsibilities for the parties involved and the timing for delivery of the key elements listed.

**Objective 2.0 – Develop strategies for sharing and disseminating information**

Ensure that current and usable information is available to plan and implement disaster debris removal.

**Key concept and approach**

To plan for and implement disaster debris removal activities, certain information must be available to those involved in these activities. It is also important that this information is updated regularly.

Confusion is the common denominator of disasters. The havoc and destruction caused by a major disaster creates conditions that make confusion inevitable. Basic necessities of life – water, food, and shelter – may be difficult or impossible to obtain; utility services may be disrupted or destroyed; streets may be filled with debris, making travel slow and hazardous; and the emotions of citizens and officials may be taxed to the breaking point.

Among the many demands created by disaster conditions, government agencies should be prepared to tell the community when, where, and how garbage collection will resume, as well as to provide special instructions for collecting, sorting, reporting and processing disaster debris.

**Key elements**

- a) Inventory regional solid waste disposal, recycling and processing facilities, including location, storage, processing, and market capacities, and material specifications.
- b) Assess capacity of regional markets to absorb recyclables produced by recovery activities, including market specifications.
- c) Predict debris tonnage, by geographical area and type of debris.
- d) Inventory potential temporary debris disposal sites around the region.

**Roles and responsibilities**

The Disaster Debris Management Operations Plan, a companion document to the Regional Disaster Debris Management Plan, will describe the roles and responsibilities for the parties involved and the timing for delivery of the key elements listed.

**Objective 3.0 – Develop emergency response phase strategies**

The emergency response phase coordinates and mobilizes resources and efforts, with the priority on immediate services that will preserve life, safety and public health.

**Key concept and approach**

In order for disaster debris management programs to be ready to rollout following a disaster, the majority of the planning and interagency coordination, including drills and exercises, should occur during peacetime, well in advance of any actual emergency situation. During the time period when responders’ efforts are focused on life, safety, and health issues, the parties responsible for planning debris removal have a limited window of opportunity to gather data and fine-tune how debris management programs will be implemented. The response phase can last anywhere from two hours for small emergencies, to two weeks or more in major disasters. During this time period, a response strategy should be finalized that would mobilize resources, including executing contracts for debris removal. Priorities established for the removal of putrescible surge and debris in critical areas of the community, such as emergency transportation corridors.

**Key elements**

- a) Designate Metro and local government debris removal coordinators.
- b) Develop a regionally coordinated plan for the gathering and dissemination of information.
- c) Define the activities of and activate and staff the Regional Debris Coordination Center.



- d) Develop criteria to determine the extent of need and the degree to which regional or local response is required.
- e) Execute contracts with haulers and contractors responsible for initial work, until local resources are exhausted.
- f) Execute intergovernmental agreements and mutual aid agreements as required, e.g., between haulers and/or governments.
- g) Recommend that franchise agreements include a description of the triggers and the process for the suspension of the standard franchise agreement in a disaster situation.
- h) Develop criteria for the prioritization of cleanup areas.
- i) Develop criteria for the selection of properties that may be appropriate places to stage debris collection, recycling, processing, reload or disposal. Identify potential debris sites and make financial arrangements with owners of potential sites.
- j) Work with local, state and federal agencies to identify and find mutually agreeable solutions to potential conflicts between proposed disaster debris management programs and existing solid waste and environmental protection system conditions. (Examples include hauler franchise agreements/boundaries; Metro Designated Facility Agreements; Metro Non-System License Agreements; Metro solid waste facility licenses or franchises; the need to collect Metro, city, county or state fees/taxes on disaster debris tons disposed; DEQ landfill permitting; air or water quality discharge permitting; open burning regulations; Federal Endangered Species Act requirements; and the Marine Protection Research and Sanctuaries Act.)
- k) Update and track the real-time operational status of the designated emergency transportation routes throughout the region in order to manage resources during the disaster recovery process.

### **Roles and responsibilities**

The Disaster Debris Management Operations Plan, a companion document to the Regional Disaster Debris Management Plan, will describe the roles and responsibilities for the parties involved and the timing for delivery of the key elements listed.

### **Objective 4.0 – Develop emergency recovery phase strategies**

The emergency recovery phase is generally defined as the period in which a community restores services and rebuilds after a disaster. Disaster debris management efforts in the recovery phase should minimize environmental impacts to the greatest extent possible and be handled according to the solid waste management hierarchy (reduce, reuse, recycle, recover, landfill). The duration of the recovery phase varies depending on the disaster; it may take weeks, months or years.

During the early part of the recovery phase, the importance of disaster debris management activities moves to the forefront. People are concerned with getting rid of the debris material that resulted from the disaster, and getting on with the process of rebuilding. Recovery phase strategies are designed to help jurisdictions make the process of managing disaster debris more efficient and effective, and to give them the information and the tools they may need to make better decisions.

#### **Key concept and approach**

Debris disposition should be handled in an efficient, orderly and cost-effective manner that minimizes adverse environmental impacts, respects the solid waste management hierarchy and supports overall health and safety efforts. To ensure that equipment, labor and services are supplied efficiently and cost effectively, existing local resources used to manage disaster debris should be used in accordance with the solid waste hierarchy. State and federal resources will only be utilized once local resources are exhausted.

#### **Key elements**

- a) Develop guidelines for removal of debris from residential, commercial and government properties consistent with the solid waste management hierarchy - reduce, reuse, recycle, recover, landfill - while balancing the preservation of health and safety and the environment.
- b) Coordinate multi-jurisdictional debris clearing efforts.
- c) Continue efforts to mobilize local resources by executing contracts with haulers and contractors.
- d) Create disaster debris removal contracts that include language requiring recycling and prescribing recycling methods and locations.

- e) Develop guidelines to manage and operate temporary drop-off, reload, recycling, processing, or disposal sites.
- f) Develop strategies to mitigate the surge of putrescible.
- g) Develop guidelines to properly collect and process or dispose exempt hazardous waste.
- h) Develop a process for business and household cleanup efforts including a plan that defines the process, time limits, requirements and restrictions.
- i) Develop contingency procedures to collect, sort, recycle and dispose of debris in the event that usual options are unavailable.
- j) Develop guidelines to prevent and control illegal dumping.
- k) Develop guidelines for the use of burning or ocean dumping as a disposal option.

### Roles and responsibilities

The Disaster Debris Management Operations Plan, a companion document to the Regional Disaster Debris Management Plan, will describe the roles and responsibilities for the parties involved and the timing for delivery of the key elements listed.

### Objective 5.0 – Develop fiscal/financial arrangements

Ensure that disaster debris management activities will be properly and efficiently funded, through coordination among public agencies and the private sector. Ensure compliance with all applicable federal, state and local disaster assistance requirements and proper accounting procedures.

### Key concept and approach

The communication and coordination of disaster debris management efforts between and among jurisdictions and pertinent agencies is important to ensure that efforts are not duplicated and that recordkeeping is accurate. These and similar types of problems can strain resources, impair the ability to be reimbursed by FEMA, and potentially jeopardize other sources of funding.

### Key elements

Develop regionally coordinated systems and procedures for the following:

- Tracking system for disaster debris management expenses, including collection, hauling and processing and/or disposal costs incurred.
- Tracking system for disaster debris tons recycled, processed, and/or disposed at each facility in the region.
- Contingency procedures for fee collection at public and private solid waste facilities.
- Fraud control procedures.
- Contract language that protects Metro and local governments from legal liability resulting from illegally dumped or uncollected disaster debris.
- Mitigation plan to minimize future costs for disaster debris collection and disposal.
- Standard form contracts for facilities, contractors and haulers that establish scope and schedule of work, contract price and payment methods, obligations, etc.

### Roles and responsibilities

The Disaster Debris Management Operations Plan, a companion document to the Regional Disaster Debris Management Plan, will describe the roles and responsibilities for the parties involved and the timing for delivery of the key elements listed.

### Objective 6.0 – Ensure preservation of crime scene evidence

The events of September 11, 2001 changed the way in which emergency managers view and manage solid waste resulting from a terrorist attack or suspected terrorist attack. Preserving the integrity of and documenting the chain of custody for several thousand tons of debris/evidence requires that solid waste and recycling staff, haulers, and anyone else who touches the debris have a plan and coordinate their activities much more closely with emergency managers and law enforcement officials.

### **Key concept and approach**

The communication and coordination of disaster debris handling from a chemical, biological, radiological, nuclear or explosive incident needs to be well-coordinated among all parties who will come in contact with the debris. The management strategy for this type of event will likely require larger staging and sorting areas, with less emphasis on volume, speed and material recovery, and more space for law enforcement staff to sort, collect, warehouse and take possession of potential evidence.

### **Key elements**

- a) Invite law enforcement officials to participate in the Disaster Debris Management Advisory Group to share with the task force the requirements for preserving crime scene evidence.
- b) Coordinate debris removal activities with local, state and federal law enforcement agencies to get their recommendations on the sections of the Disaster Debris Management Operations Plan that relate to crime scene evidence.
- c) Create standard operating procedures for tracking and handling debris from several different scenarios of CBRNE incidents.
- d) Create procedures to ensure that the information on crime scene preservation in the Disaster Debris Management Operations Plan remains current.

### **Roles and responsibilities**

The Disaster Debris Management Operations Plan, a companion document to the Regional Disaster Debris Management Plan, will describe the roles and responsibilities for the parties involved and the timing for delivery of the key elements listed.

## Appendix A – Conditions for Metro Regional Disaster Debris Disposal Assistance

EXECUTIVE ORDER NO. 67

EFFECTIVE DATE: March 28, 1997

SUBJECT: CONDITIONS FOR METRO REGIONAL DISASTER DEBRIS DISPOSAL ASSISTANCE

### PURPOSE:

The purpose of this Executive Order is to identify the conditions under which Metro will provide regional disaster debris disposal assistance. No formal criteria currently exist to guide Metro on the level of response to events that generate substantial amounts of debris in short periods of time. In the past, this has hindered the timely coordination of response among local governments, haulers, and residents in the region. It has also caused delays in Metro's ability to provide assistance.

The criteria in this Executive Order will be followed by Metro in the event of a disaster or other emergency that produces a substantial amount of debris. These criteria are to be incorporated into a set of standard operating procedures for managing emergencies by Regional Solid Waste and Recycling (SW&R) as those procedures are developed.

### CONDITIONS FOR METRO REGIONAL DISASTER DEBRIS DISPOSAL ASSISTANCE

Metro desires to provide assistance for disaster debris disposal to citizens and local governments in the region in order to help protect public safety, health, and welfare and to minimize the hardships created by natural or man made disasters that produce substantial amounts of debris. To enable Metro to provide this kind of assistance in a consistent and orderly manner, SW&R will be developing a set of standard operating procedures for emergency and disaster situations. These procedures will be used in conjunction with the Regional Disaster Debris Management Plan to guide and direct the decisions and actions of SW&R personnel during an emergency or disaster. When completed, the SW&R standard operating procedures will be incorporated into the Metro Emergency Operations Plan.

Until these standard operating procedures have been developed, at least one of the following conditions must occur before Metro may initiate disaster debris assistance. Different conditions will trigger the different levels of response that are described below. If one or more of these conditions have been met, SW&R may immediately mobilize an appropriate response, as described below. Unless one or more of these conditions have been met, no Metro disaster debris assistance may be initiated without prior recommendation of the Executive Officer and approval of Metro Council. The conditions and appropriate responses are:

1. Declaration of a disaster by an authorized official of a city or county within the Metro boundary. Without a governor declared state of emergency or presidential declared disaster, upon request by the official declaring the disaster, Metro response will be limited to non monetary assistance, such as provision of volunteers and information dissemination through Metro Recycling Information. The response may involve re allocation or prioritization of work to address specific needs.
2. Governor declaration of a state of emergency in one or more of the three counties in the Metro region (Washington, Multnomah, Clackamas). Metro response may include monetary assistance. The exact nature and level of the response is to be assessed at the time of the event and each event will be assessed individually. Assistance efforts under a governor declared state of emergency may be less restrictive than #1, above, but will be more restrictive than under #3, below.
3. Presidential declaration of a disaster area in one or more of the three counties in the Metro region Washington, Multnomah, Clackamas). Metro response may include monetary assistance. The exact nature and level of the response is to be assessed at the time of the event and each event will be assessed individually. Assistance efforts under a presidential declaration may be more aggressive than #1 or #2 above, due to the potential of federal disaster relief.

When one or more of the above conditions have triggered a response, the SW&R Director or his designee will meet to determine the exact and immediate course of action SW&R should take. The intent is to allow SW&R to be able to respond quickly and decisively in these events. SW&R management will take the first possible opportunity to brief the

Metro Executive Officer and Council on the specifics of the response. The Council must approve, and the Executive Officer must be consulted on commitments by Metro to long term responsibilities or major expenditures, or that conflict with the above criteria for Metro disaster debris assistance.

#### Possible Services / Assistance Metro May Provide

The particular services or assistance Metro may choose to provide if one or more of the above conditions are met should always be determined at the time of the event. Each disaster event will be different. The needs particular to that disaster will become apparent at that time, and solutions appropriate to those needs are to be explored. However, any assistance implemented by Metro should recognize and be consistent with the implications of the following:

- Services and assistance to the region's residents should be provided through a partnership between local governments and Metro. As outlined in the Regional Disaster Debris Management Plan (RDDMP), local governments have primary responsibility for the collection and hauling of waste in their jurisdictions and ensuring that that collection is appropriate and adequate. Metro has primary responsibility for ensuring safe and adequate disposal options. Metro and local governments should strive to provide collection, hauling, and disposal services for disaster debris that are cooperative, efficient, and work well as a system.
- Controlling fraud is an important element in any kind of assistance or service provision. Fraud is best controlled when all of the service providers Metro, local governments, haulers, and private disposal facilities work together to ensure that the guidelines established for assistance or services are abided by. Control of fraud is also aided by the existence of clear guidelines for the allocation of any government assistance funds.
- The Federal Emergency Management Agency (FEMA) has issued guidelines that it uses to reimburse local and state government agencies for debris removal. If a disaster is presidential-declared, thereby making FEMA assistance available, services and assistance offered by local and state governments for disaster debris must follow these guidelines if FEMA reimbursement is expected. In general, FEMA views debris removal from private property as the responsibility of the individual property owner aided by insurance settlements and assistance from volunteer agencies. FEMA assistance is not available to private property owners for this purpose. However, local or state governments may pick up and dispose of disaster related debris placed at the curb by those private individuals, as long as the service is carefully controlled with regard to extent and duration. Also, if the debris on private business and residential property is so widespread that public health, safety, or the economic recovery of the community is threatened, the actual removal of debris may be eligible.

ORDERED by the Executive Officer this \_\_\_\_ day of \_\_\_\_ 1997.

Mike Burton, Executive Officer

# Appendix C

## Disposal System Planning

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*Final Report*

# Metro Transfer System Ownership Study

Prepared for



**METRO**  
PEOPLE PLACES • OPEN SPACES

June 2006

Prepared by

**CH2MHILL**

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# Executive Summary

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## Background

The Disposal System Planning Project (DSP) is a component of the Regional Solid Waste Management Plan update. The project will be completed in two phases. Phase 1 began in 2005. Phase 2 is expected to begin in FY 2006-07. The primary purpose of Phase 1 is to answer the question: *What is the best way to deliver safe, environmentally sound and cost-effective disposal services to this region?* An important component of this question is Metro's role in the disposal system. The primary purpose of Phase 2 will be to implement the decisions of Phase 1.

Over time, the private solid waste industry has become more concentrated, both nationally and locally. Since 1998, Metro has recognized the public and political interests in relaxing its role as the primary provider of services, and has begun to franchise limited private transfer operations throughout the region for commercial haulers. Given growing pressure from transfer station interests within the industry to accelerate the pace of private facility authorizations, this project will take a step back and take a comprehensive look at what is the best course for the region as a whole for the long-run.

## Project Purpose

The purpose of this transfer system ownership study is *to analyze different transfer station ownership options to provide information for the Metro Council to decide what Metro's role should be in the disposal system.* The analysis has four essential elements:

1. The project team worked with the Council and various stakeholders to identify the criteria to be used for evaluating the quality of the disposal system – cost, material recovery, equity, flexibility, etc.
2. The project team worked with stakeholders to construct different ownership options that address the transfer component of the regional solid waste system. Options investigated include public ownership of all transfer facilities, mixed public and private ownership, and a totally privately owned system.
3. The ownership options were analyzed against the performance criteria listed above.
4. Finally, the Metro Council will make a decision. A choice, for example, of a totally private system implies that Metro should ultimately exit the disposal business. The choice of a mixed public-private system, on the other hand, implies that Metro should remain in the business. The choice of a public system implies an increased role for Metro in the provision of transfer system services.



## Approach

The choice of system ownership option is dependent upon a number of factors that relate to the ultimate objectives and values of the region's residents, businesses, and industry stakeholders. The Metro Council is responsible for making decisions about the transfer system that best meet these objectives and values. It is important to consider the environmental, social, and financial aspects of different system ownership options, and to be aware of risks that may need to be managed should changes to the current system be implemented. Thus, the analysis of different system ownership options was conducted from the following perspectives:

- Documentation and consideration of stakeholder input
- Analysis of Metro solid waste system economics
- Definition of system options
- Value Modeling of non-monetary aspects of system options
- Economic analysis of system options
- Risk Assessment of system options

## Results and Conclusions

### Competition in the Metro Disposal System

The Metro disposal system can be viewed as a series of inter-related elements: collection, transfer/processing, transportation, and disposal (waste reduction, recycling, and source-separated processing are not typically considered to be part of the disposal system). Economic theory and the results of the analysis of the system suggest the following conclusions about competition in the Metro disposal system:

- **Collection:** Commercial collection in the City of Portland is arranged by subscription i.e., multiple firms compete for business in a competitive market. Residential collection, and commercial collection outside the City of Portland, is provided under a system of exclusive franchises. Thus, there is no competition for the majority of collection services in the Metro region.

It is estimated that collection accounts for 81 percent of the total cost of residential disposal, and a very high percentage of the total cost of commercial disposal. As a result, the greatest opportunity to inject competition into the Metro disposal system is in collection, which is the responsibility of local government and outside the control of Metro.

- **Transfer/processing:** A fundamental fact about transfer stations is that there is little competition in the provision of transfer/processing services regardless of whether these services are provided by the public or private sector. This occurs for a number of reasons. First, it is only economic to deliver waste to a facility relatively close to the collection route resulting in a type of "natural geographic monopoly". Second, collection firms that are vertically integrated (i.e., they own transfer stations and/or landfills) gain an additional margin of profit by delivering waste to a station they own: it often makes economic sense for such firms to drive past a transfer station they don't own and



continue on to deliver waste at a station they do own. Finally, transfer and processing per-ton costs decline as more tons are received; this results in a seeming paradox in which prices paid for transfer can *increase* as more transfer stations are put in place.

Metro injects one important element of competition into the transfer/processing market in the region by bidding out the operation of their stations. This helps lower the total cost of disposal for local governments that use the Metro transfer rate as a benchmark for establishing the disposal component of the collection rates charged by the franchised collection firms they regulate.

- **Transportation:** Transportation of waste from a transfer/processing facility to a disposal facility is generally done at competitive market prices. There are few barriers to entry and many trucking firms willing to compete for this business. Barge and rail transport also have the potential to be competitive with trucking for transportation of waste from Metro to distant landfills.
- **Disposal:** At least 90 percent of the wet waste in the region is disposed of at a Waste Management landfill under the terms of a contract that was procured years ago using a competitive process in a market with few options for disposal. The price paid by Metro is equal to or lower than that paid by other jurisdictions in the Pacific Northwest that have long-term contracts for disposal at regional landfills. Today, however, there are multiple firms with regional landfills that would be interested in providing disposal services to Metro. It is possible that the disposal price paid by Metro is higher than the price it would pay in a competitive market for disposal, or if its disposal contract were re-bid. Metro is legally bound to this contract through 2014, and the contractor can extend the contract until 2019. After this contract expires, it is possible that Metro would realize a reduction in the price paid for disposal.

## Metro as Regulator and Competitor

During the conversations with stakeholders conducted as part of this project, one concern expressed by private transfer station operators is that Metro is both their regulator and a competitor. This concern exists for a couple of reasons. First, as tons flow to private facilities rather than a Metro-owned facility, Metro's per-ton cost of transfer increases. The transfer station operators believe that this provides an incentive for Metro to limit the amount of wet waste delivered to the private stations thus limiting private sector growth and revenue-generating potential. Second, Metro establishes fees and taxes that must be paid by private facility owners: some private facility owners feel that those fees and taxes are too high. They particularly dislike paying for Metro general government and paying for certain services and costs associated with the Metro transfer stations.

A very different perspective is held by the independent collection firms that were interviewed. They were of the unanimous opinion that there should be no private wet waste transfer stations in the region: their interests would be best served by a system in which Metro owns all transfer stations *and* disposal facilities. This is mainly because vertically integrated firms that provide collection and transfer and/or disposal services have a competitive advantage over firms that provide only collection services. The vertically integrated firms are both competitors and service providers to smaller independent firms. It is safe to conclude that continued Metro ownership of transfer stations will result in a

collection market that includes more small independent collection companies than would be the case if Metro did not own any transfer stations.

The independent dry waste processing facility owners interviewed felt the Metro should continue to both own and regulate facilities.

Surveys of both commercial and self-haul customers (households and businesses) indicated a high degree of satisfaction with the level of service provided by Metro. When asked where they would take waste should the Metro station they were using close, the majority of self-haul customers said they would use the other Metro facility or had no idea where they would go.

## **Metro Disposal System Economics**

The analysis of the economics of the Metro solid waste system results in the following conclusions and recommendations:

- The greatest potential for cost savings is in collection; which is outside Metro's control.
- Metro rates are used in setting collection fees, which is good, particularly when Metro competitively procures transfer station operation services. This injects an important element of competition in a market that otherwise would not have many characteristics of a competitive market. Therefore, Metro should try to maximize competition in contracting for each of these services. For example, it could consider evaluating price as a function of distance in its disposal contract, or perhaps jointly procuring transfer, transport, and disposal or transport and disposal.
- In recent years, national solid waste firms have increased market share in the local solid waste industry. These firms seek to achieve vertical integration to maximize profits. Without measured steps by Metro and/or local government to preserve competition, vertical integration, profitability, and prices are likely to increase in the Metro region.
- Economies of scale are significant in transfer, thus, adding transfer stations increases per-ton costs. Also, handling small loads increase per-ton costs compared to handling large loads. Therefore, Metro should be careful to not allow too much excess capacity in the region's transfer system: adding stations reduces throughput at existing facilities and thereby, other things equal, increases the cost of transfer.
- Significant unused transfer capacity exists in the region.
- Transfer is the smallest cost component of the transport, transfer, and disposal system.
- On average, Metro transports waste to landfills a greater distances than does the private sector.
- The private sector typically earns its highest profit margins on disposal.

## **Evaluation of Different Ownership Options**

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

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

A variety of methods including in-person interviews, surveys, and focus groups were used to elicit the opinions of key stakeholders such as private facility owners, independent waste collection firms, independent dry waste facility owners, local government representatives, Metro staff members, and Metro transfer station users. The opinions of stakeholders were used to help define the system options and analyze the performance of the options in meeting Council objectives.

A brief summary of the results of the value modeling, economic analysis, and risk assessment follow.

### Value Modeling

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

1. Protect public investment in solid waste system
2. "Pay to Play"- Ensure participants pay fees/taxes
3. Environmental Sustainability- ensures system performs in an sustainable manner
4. Preserve public access to disposal options (location/hours)
5. Ensure regional equity- equitable distribution of disposal options
6. Maintain funding source for Metro general government
7. Ensure reasonable/affordable rates

These values were reworded slightly to facilitate analysis. One value (ensure reasonable/affordable rates) was captured in the economic analysis, and one additional value was added: Ensuring support from system participants.

The results of the value modeling analysis indicate that the public system is clearly preferred to the other ownership options. The results of a sensitivity analysis of the relative importance of each Council value indicate that this result is not sensitive to the relative importance assigned to each value.

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

### Economic Analysis

The cost of the three systems is not likely to have a large impact on the cost of the Metro solid waste system. Regardless of the option selected, costs are not expected to increase or decrease by more than about two percent. Other findings of the economic analysis include:

- The hybrid is the only option with the potential to reduce system costs.
- Both the public and the private options are projected to increase system costs (i.e., collection, transfer, transportation and disposal). The cost increase for the public option is estimated at 0.1% to 0.7% and the increase for the private option is estimated at 1.4% to 2.2%.

- The largest cost impacts occur in the collection market; although Metro does not control collection, collection costs can be affected by Metro's actions.
- Increasing the number of transfer stations tends to increase the cost of transfer, but these increases can be more than offset by decreases in collection costs.
- These cost estimates depend on a series of assumptions that are of course subject to variance; while different assumptions would result in different cost estimates, it is not likely that the relative ranking of the options would change.
- The key impact of the Private option is the likely further concentration of the collection industry, increased vertical integration, a probable reduction in the number of small independent collection firms, and probable cost-plus price creep.

### Risk Assessment

There is considerable uncertainty at this time about exactly how any of the system options would be implemented and exactly how aspects of the system would develop through time. When considering major new programs or system changes, it is important that organizations such as Metro evaluate the risk associated with such changes by identifying, assessing, and develop strategies to manage those risks.

Risks were identified by the project team during a brainstorming exercise during which 10 risks and 6 related uncertainties were identified that may be relevant to the choice of ownership option. Once identified, a qualitative assessment of these risks was performed. The assessment was done using a qualitative risk signature approach in which the signature for each risk was determined by first assessing the likelihood and impact for each risk, then using a risk matrix to determine if the risk is low, medium, high, or critical.

The assessment of risks is shown in Exhibit E-1. The results of the assessment indicate that there is more risk associated with implementing the private system than the public or hybrid system. However, the only risk scored as critical is challenges associated with implementation in the public system. The hybrid system has relatively low risk.

EXHIBIT E-1  
Risk Assessment

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

### Summary of Results

A summary of the results of the value modeling, economic analysis, and risk assessment are shown in Exhibit E-2. The results for each option are as follows:

- The private option has the lowest value score, has the highest projected cost increase, and the most risks that would need to be managed.
- The public option has the highest value score, small projected cost increases, and one critical risk that would need to be managed.
- The hybrid system has a value score between the two other options, neutral or possibly decreased cost, and no significant risk.

**EXHIBIT E-2**  
**Summary of Results**

	<b>Private</b>	<b>Public</b>	<b>Hybrid</b>
Values – Results of value modeling analysis. Normalized scores where the best score =1, worst score =0.	0.35	0.62	0.49
Cost – Estimated long-run percent change in system cost (i.e., collection, transfer, transport, disposal).	Low: 1.4% High: 2.2%	Low: 0.1% High: 0.7%	Low: -0.5% High: 0.1%
Risk – 10 measured risk signatures that incorporate likelihood and criticality. Each risk rated low, medium, high, or critical.	6 High 4 Medium	1 Critical 9 Low	10 Low

# Appendix D

## System Improvements

### Work Plan

Following the transfer system analysis, several other system issues need further analysis and policymaker review. The end result desired is a set of System Management Principles to guide future Metro decisions. A summary of these key system issues, a system improvements work plan, follows:

- (1) Wet waste allocation – Metro allocates wet waste in the system through tonnage authorization limits on local transfer stations and by granting non-system licenses for the 10% of wet waste not committed to our disposal contract. (These tonnage limits are a form of economic regulation.) The issue of policy drivers for determining future wet waste allocations in the region has been raised as part of the Disposal System Planning process. The primary desired outcome in waste allocation is that the ratepayer should benefit.
- (2) Public/private pricing – The Rate Policy Subcommittee’s report, presented to SWAC in March 2006, identified several areas to address in regional tip fees. These included the sensitivity of the public facilities to tonnage shifts and the private facility economics that improve with an increase in the tonnage charge and transaction fee and/or a drop in the Regional System Fee (RSF) and excise tax, even in the absence of any other change in cost or service to the private facility. Local government regulators have expressed concern that changes in fees for transfer and disposal services may not be directly related to costs or service. The desired outcome of addressing system finance issues at the heart of this matter is that the ratepayer should benefit.
- (3) Self-haul services at the region’s solid waste facilities - Approximately one-fourth of the region’s solid waste is delivered to facilities by other than licensed or franchised haulers. These

self-haul loads at the region’s facilities contain about 30 to 40% recoverable material, but achieving high levels of material recovery from self-haul loads is hampered by insufficient space, small load sizes and a demand for services that sometimes exceeds the capacity of the facilities receiving the waste. A balance between demand and capacity is needed, with the desired outcome being the efficient provision of service to these customers and higher recovery of self-hauled loads. Whether this should be more generator-focused (in reducing or managing demand) or more facility focused (increasing capacity to serve self-haul in the region) or a combination is a key question.

- (4) Facility regulation – Metro controls the entry of new facilities into the solid waste system. The highest barriers to entry are for transfer stations or any other facilities handling wet or putrescible waste. Metro authorizes new transfer facilities from time to time after conducting cost/benefit and/or impact analysis. Previous cost/benefit studies have relied on measures of system cost, tip fee impacts, access, or travel time reductions. A recent local transfer station authorization was granted (Columbia Environmental) after consideration of these criteria, as well as an ad hoc criterion of supporting smaller, independent haulers in the region. Applicants and decisionmakers alike might benefit from clear guidance on the circumstances under which new transfer applications might be granted. Another issue in facility regulation that has been raised at the Metro Council is whether Metro should rate-regulate private transfer facilities as part of approved entry into the marketplace. The desired outcome on this issue is a determination of clear entry standards and regulatory controls on transfer facilities.



# Appendix E

## System and Non-System Facilities

<b>DISPOSAL FACILITIES</b>	
<p><b>Designated system facilities</b> (outside the region, and need a Metro designated facility agreement)</p> <p>Coffin Butte Landfill Columbia Ridge Landfill Finley Buttes Landfill Lakeside Reclamation Landfill Hillsboro Landfill Roosevelt Regional Landfill Wasco County Landfill Weyerhauser Landfill</p>	<p><b>Non-system facility</b> (outside the region and haulers need a Metro non-system license)</p> <p>Riverbend Landfill Covanta Waste to Energy (WTE) Facility</p>
<b>TRANSFER STATIONS</b>	
<p><b>System transfer stations</b> (inside the region, franchised or owned by Metro)</p> <p><u>Public:</u> Metro Central Transfer Station (transfer &amp; recovery) Metro South Transfer Station (transfer &amp; recovery)</p> <p><u>Private:</u> Forest Grove Transfer Station (transfer only) Columbia Environmental (transfer &amp; recovery) Pride Recycling Company (transfer &amp; recovery) Troutdale Transfer Station (transfer &amp; recovery) Willamette Resources, Inc. (transfer &amp; recovery)</p>	<p><b>Non-system transfer stations</b> (outside the region, haulers need a Metro non-system license)</p> <p><u>Public:</u> Sandy Transfer Station (transfer only)</p> <p><u>Private:</u> Canby Transfer Station (transfer only) Newberg Transfer Station (transfer only) Central Transfer &amp; Recovery Center (transfer &amp; recovery) West Van Material Recovery Center (transfer &amp; recovery)</p>
<b>MATERIAL RECOVERY FACILITIES</b>	
<p><b>System facilities</b> (inside the region, licensed by Metro)</p> <p>Aloha Garbage Company East County Recycling K.B. Recycling, Inc. Pacific Land Clearing &amp; Recycling I (specialized) Pacific Land Clearing &amp; Recycling II (specialized) Pacific Land Clearing &amp; Recycling III RB Recycling (specialized) Tire Disposal &amp; Recycling, Inc. (specialized)</p>	<p><b>Non-system facilities</b> (outside the region, haulers need a Metro non-system license)</p> <p>None</p>

<b>COMPOSTING FACILITIES</b>	
<p><b>System facilities</b> (licensed or designated by Metro)</p> <p>Allwood Recyclers, Inc. City of Portland Leaf Composting Facility Clackamas Compost Products, LLC Grimm’s Fuel Company, Inc. McFarlane’s Bark, Inc. Northwest Environmental &amp; Recycling Cedar Grove (Everett &amp; Maple Valley, Washington)</p>	<p><b>Non-system facilities</b> (outside the region, haulers need a Metro non-system license)</p> <p>Nature’s Needs</p>
<b>RELOAD FACILITIES</b>	
<p><b>System facilities</b> (licensed or designated by Metro)</p> <p><u>Dry Waste:</u> Greenway Recycling Thermofluids (specialized) Wastech</p> <p><u>Yard Debris:</u> Best-Buy-In-Town, Inc. Greenway Recycling, LLC Landscape Products &amp; Supply QuickStop (Cloudburst) Dan Davis Recycling, (City of West Linn) S &amp; H Logging, LLC WoodCox Wood Waste Management</p>	<p><b>Non-system facilities</b> (outside the region, haulers need a Metro non-system license)</p> <p>None</p>

# Appendix F

## Waste Reduction Programs Timetable

Program Areas	Ongoing	Near term (2007-09)	Middle term (2009-12)	Long term (2012-17)
Residential	1.0 Outreach campaign; improve the quantity and quality of residential setouts. OP (see key below)			
		2.0 Identify service provision changes and incentives to increase recycling; evaluate new collection technologies. NP		
	3.0 New materials as markets allow. OP			
	4.0 Educate residents about management of yard debris and food waste. OP			
			5.0 Develop residential organics collection. NP	
Multi-family			1.0 Program assessment. NP	
	2.0 Education & outreach program. OP	2.0 Continue	2.0 Program assessment	
			3.0 Evaluate new collection technologies. RP	
Business	1.0 "Recycle at Work" outreach program. OP	1.0 Program assessment		
	2.0 Develop information and resource materials. OP			2.0 Program assessment
	3.0 Outreach campaign. OP			
		4.0 Implement waste reduction & sustainable practices at government facilities. RP		
		5.0 Identify opportunities for increasing recovery. RP	5.0 Program assessment	
	6.0 Review end markets. OP			
Building industry		1.0 Develop regionwide construction & demolition system. NP	1.0 program assessment	
	2.0 Outreach program. OP	2.0 Program assessment		
			3.0 Include sustainable practices and products at government facilities. NP	3.0 Program assessment
	4.0 Review end markets. OP			
Commercial organics		1.0 Outreach & education programs. RP		
			2.0 Enhance access to organics recovery services. NP	
		3.0 Organic waste recovery at government facilities plan. NP	3.0 Organic waste recovery at government facilities implementation. NP	
		4.0 Compost product specified for use in government projects.		
	5.0 Review end markets. OP			

Numbered programs correspond to those in Chapter IV.

OP = Ongoing Program, RP = Revised Program, NP = New Program

# Appendix G

## Guiding Direction: Policies, Goals and Objectives\*

### Regional Policies

1.0 System performance	The regional solid waste system will perform in a manner that is: <ul style="list-style-type: none"> <li>• Environmentally sound.</li> <li>• Regionally balanced.</li> <li>• Cost-effective.</li> <li>• Adaptable to change.</li> <li>• Technologically feasible.</li> <li>• Acceptable to the public.</li> </ul>
2.0 Preferred practices	Solid waste management practices will be guided by the following hierarchy: <ul style="list-style-type: none"> <li>• First, reduce the amount of solid waste generated.</li> <li>• Second, reuse material for its originally intended purpose.</li> <li>• Third, recycle or compost material that cannot be reduced or reused.</li> <li>• Fourth, recover energy from material that cannot be reduced, reused, recycled or composted so long as the energy recovery facility preserves the quality of air, water and land resources.</li> <li>• Fifth, landfill solid waste that cannot be reduced, reused, recycled, composted or from which energy cannot be recovered.</li> </ul>
3.0 Evaluating opportunities for sustainability	Opportunities for increasing the sustainability of business practices or programs will be evaluated based on: a) technological feasibility; b) economic comparison to current practice or conditions; and c) net environmental benefits.
4.0 Recycling services provision	Recycling services will be offered as a component of residential and commercial waste collection in the region. Recycling services will be standardized in the region to the extent possible, to minimize confusion on the part of residents and businesses and to construct cooperative promotion campaigns that cross jurisdictional boundaries.
5.0 Source separation	Source separation is the preferred approach in the region for ensuring quality secondary materials for recycling markets, but other forms of material recovery, such as post-collection separation, will not be precluded.
6.0 Market development	Enterprises that can significantly expand end-use opportunities for reuse or recycling will be fostered by the region.
7.0 New facilities	The current system of transfer stations provides reasonable access for haulers and sufficient capacity for the consolidation and transfer of solid waste to disposal facilities. New transfer stations may be considered if they provide a net benefit to the public. Factors in evaluating net benefit include capacity and access, whether the facility will be publicly or privately owned, and the impacts on material recovery and ratepayers. Other types of new solid waste facilities shall be considered if they significantly support and are consistent with the policies of this plan.
8.0 Facility ownership	Transfer facilities in the regional solid waste system may be publicly or privately owned. The public interest is best served by continued public sector facility ownership in the system. Public ownership ensures a comprehensive range of services are accessible to regional customers at equitable and affordable rates.
9.0 Facility siting	Appropriate zoning in each city or county will utilize clear and objective standards that do not effectively prohibit solid waste facilities.
10.0 System regulation	Solid waste facilities accepting waste generated within the region will be regulated to ensure they are operated in an acceptable manner and are consistent with the policies of this Plan. All facilities performing post-collection material recovery shall meet minimum recovery requirements. Regulatory control will be implemented through a system of franchises, contracts, public ownership, and licenses. Government regulation will ensure protection of the environment and the public interest, but not unnecessarily restrict the operation of private solid waste businesses.
11.0 Host community enhancement	Any community hosting a solid waste “disposal site” as defined by ORS 459.280 shall be entitled to a Metro-collected fee to be used for the purpose of community enhancement.
12.0 Disposal pricing	Charges for disposal services shall be sufficiently transparent to allow regulators to judge whether such charges are fair, acceptable, and reasonably related to the costs of services received. The establishment of charges for disposal services at publicly owned facilities shall balance cost recovery, revenue adequacy, and adopted regulations and policies, including the policies and objectives of this Plan. In addition, such charges shall be structured to ensure that the public sector is able to meet its long-term obligations such as investments, debt, contracts, and fixed costs undertaken by the public sector on behalf of the public. Charges to residents of the Metro district who may not be direct users of the disposal system should be related to other benefits received. To the extent possible, rate adjustments will be predictable and orderly to allow affected parties to perform effective planning.

\*Contained in Chapters III, IV and V.

## Goals

## Objectives

<p><b>Waste Reduction</b></p> <p>Goal: Increase the sustainable use of natural resources by achieving the waste reduction goal of 64%.</p>	
<p>Single-family residential</p>	<ul style="list-style-type: none"> <li>• Conduct annual outreach campaigns that focus on preventing waste, reducing toxicity and/or increasing the quantity and quality of recycling setouts.</li> <li>• Identify and implement service provision changes and incentives to maximize recycling, and identify and evaluate new collection technologies.</li> <li>• Expand curbside service by adding new materials as markets and systems allow.</li> <li>• Promote home composting and appropriate onsite management of yard debris and food waste.</li> <li>• Develop residential organics collection programs when economically and technically feasible.</li> </ul>
<p>Multi-family residential</p>	<ul style="list-style-type: none"> <li>• Implement a program suited to the needs of multi-family housing that is uniform and consistent throughout the region.</li> <li>• Provide annual regional education and outreach targeting multi-family housing.</li> <li>• Identify and evaluate new collection technologies for implementation on a cooperative regionwide basis.</li> </ul>
<p>Business</p>	<ul style="list-style-type: none"> <li>• Provide businesses with annual education and technical assistance programs focused on waste reduction and sustainable practices.</li> <li>• Develop information and resource materials that demonstrate the benefits of waste reduction and sustainable practices to support the business assistance program.</li> <li>• Conduct annual regional outreach campaigns to increase participation in the business assistance program and to promote recycling opportunities and other sustainable practices.</li> <li>• Implement waste reduction and sustainable practices at government facilities.</li> <li>• Identify and implement opportunities for increasing recovery in the business sector, including service provision options, incentives for recycling and regulation.</li> <li>• Periodically review end-use markets to assess cost-effectiveness, material quality and capacity.</li> </ul>
<p>Building industry</p>	<ul style="list-style-type: none"> <li>• Develop a regionwide system to ensure that recoverable construction and demolition debris is salvaged for reuse or is recycled.</li> <li>• Provide the building industry with annual outreach, education and technical assistance programs that demonstrate the benefits of green building, including building material reuse and recycling.</li> <li>• Include sustainable practices and products in the development, construction, renovation and operation of government buildings, facilities and lands.</li> <li>• Support the development of and access to viable end-use markets for construction and demolition materials.</li> </ul>
<p>Commercial organics</p>	<ul style="list-style-type: none"> <li>• Provide outreach and education programs for targeted businesses to support and increase organic waste prevention and diversion practices.</li> <li>• Enhance access to organics recovery services throughout the region.</li> <li>• Implement organic waste recovery programs at government facilities where feasible.</li> <li>• Work to ensure that compost products are specified for use in government projects.</li> <li>• Periodically review the viability of end-use markets and assist with market development efforts.</li> </ul>

## Goals

## Objectives

<p><b>Education services</b></p> <p>Goal: Increase the adoption of sustainable practices through increased knowledge, motivation and commitment.</p>	<ul style="list-style-type: none"> <li>• Provide a regional information clearinghouse and referral service.</li> <li>• Provide education and information services for residents and businesses that are targeted to specific waste streams, materials or generators.</li> <li>• Provide education programs that help teachers incorporate resource conservation concepts, including waste prevention and toxicity reduction, into their teaching.</li> <li>• Provide programs at the elementary level that establish fundamental concepts of resource conservation and environmental awareness through active learning experiences.</li> <li>• Provide programs at the secondary level (middle and high school) that will extend concepts established at the elementary level and prepare students for making responsible environmental choices in everyday adult life.</li> <li>• Work with schools and teachers to increase support for regional solid waste programs and create opportunities for partnerships.</li> </ul>
<p><b>Hazardous waste management</b></p> <p>Goal: Reduce the use and improper disposal of products generating hazardous waste in order to protect the environment and human health.</p>	<ul style="list-style-type: none"> <li>• Provide hazardous waste education programs that focus on behavior change.</li> <li>• Provide hazardous waste education programs that focus on those products whose toxic and hazardous characteristics pose the greatest risks to human health and the environment, or that are very costly to properly dispose or recycle.</li> <li>• Provide hazardous waste reduction messages and information to all customers bringing waste to household hazardous waste collection sites.</li> <li>• Coordinate hazardous waste education efforts with related efforts conducted by government agencies and community groups in the region and in other areas.</li> <li>• Research and develop tools to measure the generation, impacts and reduction of hazardous waste, when this can be accomplished at a reasonable cost.</li> <li>• Manage collected waste in accordance with the hazardous waste hierarchy: reduce, reuse, recycle, energy recovery, treatment, incineration and landfill.</li> <li>• Coordinate collection programs with waste reduction and product stewardship efforts.</li> <li>• Conduct waste screening programs at solid waste facilities to minimize the amount of hazardous waste disposed with solid waste.</li> <li>• Use solid waste facilities efficiently and effectively for the delivery of collection services.</li> <li>• Maximize the efficiency of public collection operations, search for the most cost-effective methods and place a high priority on worker health and safety.</li> <li>• Offer a Conditionally Exempt Generator (CEG) program to manage waste from small businesses.</li> <li>• Implement bans on disposal of specific hazardous products as needed to address public health and environmental concerns.</li> </ul>
<p><b>Product stewardship</b></p> <p>Goal: Shift responsibility to manufacturers, distributors and retailers for ensuring that products are designed to be nontoxic and recyclable, and incorporate the cost of the product's end-of-life management in the purchase price.</p>	<ul style="list-style-type: none"> <li>• Prioritize product stewardship activities by evaluating products based on the significance of environmental impact (e.g., resource value, toxicity), current barriers to recycling, and financial burdens on governments for recovery programs.</li> <li>• Implement industry-wide product stewardship agreements or individual company stewardship programs in the region.</li> <li>• Educate public and private sector consumers about product stewardship and, in particular, their role in purchasing environmentally preferable products.</li> <li>• Work at the local, regional, state and national level to develop and implement policies, such as recycled-content requirements, deposits, disposal bans and advance recycling fees, that encourage product stewardship programs.</li> </ul>

## Goals

## Objectives

<p><b>Sustainable Operations</b></p> <p>Goal: Reduce greenhouse gas and diesel particulate air emissions</p>	<ul style="list-style-type: none"> <li>• Implement plans for greater energy efficiency.</li> <li>• Utilize renewable energy sources.</li> <li>• Reduce direct emissions of greenhouse gases from landfills and other facilities.</li> <li>• Reduce diesel particulate emissions in existing trucks, barges and rolling stock through best available control technology.</li> <li>• Implement long-haul transportation and collection alternatives where feasible.</li> </ul>
<p>Goal: Reduce stormwater run-off</p>	<ul style="list-style-type: none"> <li>• Implement stormwater run-off mitigation plans.</li> </ul>
<p>Goal: Reduce natural resource use</p>	<ul style="list-style-type: none"> <li>• Implement resource efficiency audit recommendations.</li> <li>• Implement sustainable purchasing policies.</li> <li>• Reduce disposed waste.</li> </ul>
<p>Goal: Reduce use and discharge of toxic materials</p>	<ul style="list-style-type: none"> <li>• Implement toxics reduction and management plans.</li> </ul>
<p>Goal: Implement sustainability standards for facility construction and operation</p>	<ul style="list-style-type: none"> <li>• Implement sustainability standards for site selection.</li> <li>• Require new construction to meet the Leadership in Energy and Environmental Design (LEED) or equivalent program standards.</li> <li>• Provide incentives for existing facilities to meet LEED or equivalent program standards.</li> </ul>
<p>Goal: Adopt best practices for customer and employee health and safety</p>	<ul style="list-style-type: none"> <li>• Reduce injuries by automating operations where effective.</li> <li>• Implement health and safety plans that meet or exceed current minimum legal standards.</li> </ul>
<p>Goal: Provide training and education on implementing sustainability practices</p>	<ul style="list-style-type: none"> <li>• Train key regional waste industry employees, government waste reduction staff and political officials in adopted sustainability practices.</li> <li>• Inform suppliers, contractors and customers of the adoption of sustainability goals and practices.</li> </ul>
<p>Goal: Support a quality work life</p>	<ul style="list-style-type: none"> <li>• Pay a living wage and benefits to all workers.</li> <li>• Promote community service.</li> <li>• Strive to employ a diverse work force.</li> </ul>
<p>Goal: Employ sustainability values in seeking vendors and contractors</p>	<ul style="list-style-type: none"> <li>• Request sustainability plans from potential vendors and contractors.</li> <li>• Assist vendors and contractors in achieving sustainable practices.</li> <li>• Support local vendors when feasible.</li> </ul>



# Appendix H

## Glossary of terms

These definitions are provided to assist the reader and should not be construed as policies, goals or practices of the Plan, or as amendments to the Metro Code.

**Alternative program** – A solid waste management program or service that is proposed by a local government and differs from those referenced by and being implemented under this Plan. At a minimum, an alternative program must demonstrate the same level of expected performance as the plan program. Alternative programs allow for local government flexibility in meeting the plan goals and objectives.

**Collection service** – A service that provides for collection of solid waste or recyclable material or both. (OAR 340-90-010)

**Commercial organics** – Waste generated by food processing operations, restaurants and institutions.

**Commingled recyclables** – A source-separated mixture of several recyclable materials into one collection container.

**Compost** – The controlled biological decomposition of organic material or the product resulting from such a process. (OAR 340-90-010)

**Conditionally exempt generator (CEG)** – Small businesses that generate small amounts of hazardous waste, as defined by state and federal law.

**Construction and demolition waste** – Solid waste resulting from the construction, repair, or demolition of buildings, roads and other structures, and debris from the clearing of land, but not including clean fill when separated from other construction and demolition wastes and used as fill materials or otherwise land-disposed. Such waste typically consists of materials such as concrete, bricks, bituminous concrete, asphalt paving, untreated or chemically treated wood, glass, masonry, roofing, siding, and plaster; and soils, rock, stumps, boulders, brush, and other similar material. (OAR 340-93-030)

**Curbside collection** – Programs where recyclable materials are collected at the curb for single-family units and at onsite depots for multi-family units.

**End-use markets** – Outlets for materials such as post-consumer paper, which are manufactured into a finished product or materials such as scrap tires that are incinerated to recover energy.

**Energy recovery** – The process in which all or part of the solid waste materials are processed to use the heat content or other forms of energy of or from the material. (ORS 459.005)

**Franchise** – The authority given by a local government (including Metro) to operate a solid waste and recycling collection service, disposal site, processing facility, transfer station or resource recovery facility. Often includes the establishment of rates by the local government.

**Garbage** – A general term for all products and materials discarded and intended for disposal.

**Generator** – A person who last uses a material and makes it available for disposal or recycling. (OAR 340-90-010)

**Grits and screenings** – Solids derived from primary, secondary or advanced treatment of domestic wastewater that have been treated through one or more controlled processes that significantly reduce pathogens and reduce or chemically stabilize volatile solids to the extent that they do not attract vectors.

**Hauler** – The person who provides collection services.

**Hog fuel** – Biomass fuel, usually consisting of wood waste that has been prepared by processing through a “hog” (a mechanical shredder or grinder). It typically consists of a mixture of bark, wood, sawdust, shavings or secondary materials such as pallets and construction or demolition wood.

**Household hazardous waste (HHW) or hazardous**

**waste** – Any discarded, useless or unwanted chemical materials or products that are or may be hazardous or toxic to the public or the environment and are commonly used in or around households. Residential waste that is ignitable, corrosive, reactive, or toxic. Examples include solvents, pesticides, cleaners, and paints.

**Local governments** – For the purposes of this document, a local government is defined as a city or county within the Metro boundaries.

**Materials recovery or recovery** – Any process of obtaining from solid waste, by presegregation or otherwise, materials that still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose. (OAR 340-90-010, ORS 459.005)

**Material recovery facility (MRF)** – A solid waste management facility that separates materials for the purposes of recycling from an incoming source-separated or mixed solid waste stream.

**Mixed waste** – Solid waste containing a variety of recyclable and nonrecyclable material.

**Multi-family** – Residential dwellings of five or more units.

**Non-putrescible** – Commercial, residential or industrial solid waste, that does not contain food wastes or other putrescible wastes. Non-putrescible mixed solid waste (also called dry waste) includes only waste that does not require disposal at a municipal solid waste landfill (also referred to as a general purpose landfill), as that term is defined by the Oregon Administrative Rules. This category of waste excludes source-separated recyclables.

**Organics** – Yard debris, land clearing and food waste material.

**Plan programs** – The programs and services as described in Chapter II of the Plan that will enable the region to reach its 64% waste reduction goal.

**Principal recyclable materials** – In the Metro watershed these are newspaper, ferrous scrap metal, non-ferrous scrap metal, motor oil, corrugated cardboard and kraft paper, aluminum, glass containers, high-grade office paper, tin cans, and yard debris.

**Product stewardship** – An approach to managing the lifecycle costs of a product in which a product's designer, producer, seller and user share the responsibility for minimizing the product's environmental impact throughout all stages of the product's lifecycle.

**Putrescible waste** – Solid waste (other than uncontaminated or only slightly contaminated cardboard and paper products) containing organic material that can be rapidly decomposed by microorganisms, and 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.

**Recovered** – Material diverted from disposal to recycling, composting or energy recovery systems.

**Recovery** – See material recovery.

**Recovery rate** – The percent of total solid waste generated that is recovered from the municipal solid waste stream.

**Recyclable material** – Any material or group of materials that can be collected and sold for recycling at

a net cost equal to or less than the cost of collection and disposal of the same material. (OAR 340-90-010, ORS 459.005)

**Recycling** – Any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity. (OAR 340-90-010, ORS 459.005)

**Reuse** – The return of a commodity into the economic stream for use in the same kind of application as before without change in its identity. (OAR 340-90-010, ORS 459.005)

**Solid waste** – All putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper, and cardboard; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure; vegetable or animal solid and semi-solid wastes, dead animals, infectious waste and other wastes. The term does not include: (a) hazardous wastes as defined in ORS 466.005; (b) materials used for fertilizer, or for other productive purposes or that 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. (OAR 340-90-010, ORS 459.005, Metro Code 5.01.101)

**Solid waste management** – Prevention or reduction of solid waste; management of the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste; resource recovery from solid waste; and facilities necessary or convenient to such activities. Also see "State hierarchy."

**Source-separated material** – Material that has been kept from being mixed with solid waste by the generator in order to reuse or recycle that material.

**State hierarchy** – An established state priority for managing solid waste in order to conserve energy and natural resources. The priority methods are as follows: reduce, reuse, recycle, compost, recover (energy), landfill (ORS 459.015).

**Subtitle C** – The hazardous waste section of the Resource Conservation and Recovery Act (RCRA).

**Subtitle D** – Solid, non-hazardous waste section of the federal Resource Conservation and Recovery Act (RCRA).

**Sustainable, sustainability, sustainable practices** –

Using, developing and protecting resources in a manner that enables people to meet current needs and provides that future generations can also meet future needs, from the joint perspective of environmental, economic, and community objectives. [ORS 184.421(4)]

**Sustainability principles** – Considers use of all economic, environmental and societal resources and is consistent with the Natural Step system conditions so that nature is not subject to systematically increasing:

1. Concentrations of substances from the Earth's crust,
2. Concentrations of substances produced by society,  
or
3. Degradation by physical means; and in that system
4. Human needs are met worldwide.

**Waste generator types** are defined as follows:

- Commercially-hauled residential waste – generated from single- and multi-family housing units and hauled to disposal facilities in rear, side or front loaders, drop boxes or self-dumping trucks.
- Self-hauled residential waste – generated from single- and multi-family housing units and hauled to disposal facilities in autos, vans, pickup trucks and trailers attached to small vehicles.
- Business waste – generated from retail and wholesale businesses, offices, food and lodging businesses, food stores, education institutions, and service-related businesses.
- Industrial waste – generated from manufacturing businesses, the construction and demolition industry (but not loads containing construction waste materials), agriculture and other industrial businesses.
- Construction and demolition waste – generated from residential, business, and industrial sources containing mostly bricks, concrete, gypsum wallboard, land clearing debris, roofing and tarpaper, wood, insulation, and other building materials.

**Waste prevention** – Prevention or elimination of waste prior to generation, including where the product is manufactured, purchased or utilized (consumed). The design, manufacture, acquisition, and reuse of materials so as to reduce the quantity and toxicity of waste produced at the place of origin. Also used to describe practices that reduce the amount of materials that need to be managed by either recycling or disposal methods. Home composting of yard debris is generally termed waste prevention, since the material is kept out of both yard debris processing or disposal facilities. Examples also include reducing office paper use through double-sided copying and buying in bulk to reduce packaging waste.

**Waste prevention credits** – Provision in state law that allows wastesheds to receive up to 6% on the recovery rate for programs in waste prevention, reuse and backyard composting.

**Waste reduction** – A term used to encompass waste prevention, reuse, and recovery; all practices that either prevent the generation of waste or divert it from landfill disposal.

**Waste stream** – A term describing the total flow of solid waste from homes, businesses, institutions and manufacturing plants that must be recycled, burned, or disposed of in landfills; or any segment thereof, such as the “residential waste stream” or the “recyclable waste stream.”

**Yard debris** – Vegetative and woody material generated from residential property or from commercial landscaping activities. Includes grass clippings, leaves, hedge trimmings, stumps, and similar vegetative waste. (OAR 340-90-010)

**Zero waste** - Designing and managing products and processes to reduce the volume and toxicity of waste and materials, conserve and recover all resources, and not burn or bury them. Zero waste is intended to eliminate all discharges to land, water or air that may be a threat to planetary, human, animal or plant health.

**EXHIBIT B**

Ordinance No.	Title	Adoption Date
95-624	For the Purpose of Adopting the Regional Solid Waste Management Plan	November 30, 1995
97-673	For the Purpose of Adopting the Regional Disaster Debris Management Plan and Incorporating Part 2 Into the Regional Solid Waste Management Plan	May 1, 1997
97-676	For the Purpose of Adopting the Regional Illegal Dumping Plan and Incorporating it Into the Regional Solid Waste Management Plan	February 13, 1997
97-700	For the Purpose of Amending the Regional Solid Waste Plan	August 7, 1997
98-761	For the Purpose of Amending the Regional Solid Waste Management Plan	July 16, 1998
00-851B	For the Purpose of Amending the Regional Solid Waste Management Plan Regarding Goals, Objectives and Recommended Strategies For the Management of Household Hazardous Wastes	May 25, 2000
00-865	For the Purpose of Amending the Regional Solid Waste Management Plan Related to Disposal Facilities	June 15, 2000
03-1004	For the Purpose of Amending the Regional Solid Waste Management Plan Regarding Recovery Goals and Recommended Waste Reduction Strategies For the Management of Business, Building Industries and Commercially Generated Organic Wastes	May 1, 2003

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 07-1162A FOR THE PURPOSE OF ADOPTING THE REGIONAL SOLID WASTE MANGEMENT PLAN 2008-2018 UPDATE

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Date: March 3, 2008

Prepared by: Janet Matthews

#### EXECUTIVE SUMMARY

Adoption of the updated Regional Solid Waste Management Plan (RSWMP or Plan) provides policy and program direction to the region's solid waste system for ten years and satisfies state requirements for a waste reduction program.

Issues addressed in the Plan are resource conservation, toxicity reduction, sustainable operations, and disposal system decisions. Plan direction on these issues is concentrated in four chapters:

- Chapter II identifies key programs ("Plan Programs") that will achieve the state-mandated 64% waste reduction goal.
- Chapter III establishes Regional Policies in areas such as System Performance, Disposal Pricing and Facility Ownership.
- Chapters IV and VI fulfill state requirements for a waste reduction program under ORS 459.055.
- Chapter V provides direction for implementing sustainable practices in solid waste system operations (both public and private facilities and services).

Revisions recommended by Office of Metro Attorney were made to Chapter VI in order to clarify required elements of the draft Plan and provide notice of compliance requirements contained in Metro Code, chapter 5.10.

This final draft Plan was shaped by four phases of public involvement, five regional workgroups, Metro's Solid Waste Advisory Committee (SWAC), local government staff, DEQ, and Metro staff and Council.

#### BACKGROUND

The "Regional Solid Waste Management Plan 2008-2018 Update" (2008 RSWMP) replaces the 1995-2005 RSWMP (1995 RSWMP) and its amendments. The waste reduction elements in the Plan, previously adopted as the "Interim Waste Reduction Plan" (IWRP) by Metro Council as Resolution No. 06-3722<sup>1</sup>, satisfy state law requirements for a waste reduction program.

Development of the updated RSWMP covered a four-year period characterized by extensive public outreach and stakeholder reviews, as well as significant companion projects (the Council's Disposal System Planning and the SWAC subcommittee on Sustainable Operations) that ultimately provided key elements of the Plan's direction.

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<sup>1</sup> For the Purpose of Approving the Interim Waste Reduction Plan to provide direction for regional waste reduction programs pending the completion of the updated Regional Solid Waste Management Plan (RSWMP), Adopted August 17, 2006.

## **Plan Organization**

*Plan and System Background* – Chapter I provides a description of the Plan’s purpose, scope, and update process. Chapter II provides key information about roles and responsibilities in the regional solid waste system, solid waste facilities and services within the region, and the amounts and types of regionally-generated wastes that are disposed and recycled. This Chapter also identifies the programs (in residential and commercial sectors) necessary to achieve the state-mandated 64% waste reduction goal.

*Plan Vision, Values and Policies* – Chapter III covers the vision, values and regional policies that provide higher level guidance. The policies in the 2008 RSWMP are largely consistent with regional policy direction in the 2005 Plan. New policies on Evaluating Opportunities for Sustainability, Facility Ownership, and Disposal Pricing were added.

*Plan Programs* – Chapters IV and V contain the goals and objectives to drive activities in regional programs. New to the Plan are sections on product stewardship, education services, and sustainable operations.

*Plan Implementation, Compliance and Revision* – Chapter VI addresses required elements of the Plan, how the Plan’s programs are implemented, and how the Plan will be reviewed and revised.

*Appendices* – The Plan's appendices contain information on regional disaster debris management; the Transfer Station System Ownership Study; a System Improvements Workplan (Disposal System Planning II); and a Glossary of terms.

## **Key Issue Areas**

RSWMP policies, programs, goals and objectives were developed in order to address the following key issue areas:

- Reducing the amount and toxicity of waste generated and disposed.  
*Waste generation* – The Plan recognizes that preventing waste from being generated in the first place is critical to resource conservation efforts. The Plan details current waste prevention activities and anticipates new strategies to evolve in cooperation with the Department of Environmental Quality’s on-going studies in waste prevention.  
  
*64% waste reduction goal* – The Plan reaffirms the commitment to achieve the 64% waste reduction goal established by state statute and identifies programs for targeted generator sectors (e.g., residential, business, commercial organics, C&D) that, when successfully implemented, will enable the region to reach this goal. While the Plan maintains the 64% goal is achievable, it acknowledges that achieving the goal by the statutory benchmark year of 2009 is unlikely.  
  
*Product stewardship* – The Plan supports shifting more responsibility for managing products at their end-of-life to the producers and consumers of those products. (The recent Metro-supported Oregon e-waste legislation is an example of a significant step in this direction.)  
  
*Toxics reduction* – The Plan addresses toxics reduction through a three-pronged strategy: offering school and adult education programs that seek to change behaviors and offer non-toxic alternatives; providing safe disposal and recycling of household-hazardous waste through permanent collection sites and community events; and supporting product-stewardship initiatives for products containing hazardous substances.

- Sustainable operations.  
The Plan provides direction for applying sustainability principles to solid waste operations. Developed by solid waste system stakeholders (solid waste and recycling facility operators, haulers, and local governments), the sustainable operations goals and objectives are a new addition to the 2008 RSWMP. Areas addressed include diesel emissions, greenhouse gases, green building standards, purchasing policies, employee and customer safety, and quality work life.
- Disposal system planning.  
The Plan incorporates the analysis of transfer station ownership options undertaken in conjunction with this Plan. Plan policies reflect the determination by Metro Council that the current mix of publicly-owned (Metro Central and Metro South transfer stations) and privately-owned facilities is in the region's best interest. The Plan also identifies a number of additional system issues to address in the near future, including: the allocation of wet waste; regional pricing and rate policies; self-haul services; and facility entry and rate regulation issues.

### **Plan Guidance Related to Future Metro Decisions**

The RSWMP is intended to guide all jurisdictions in the region, but some Plan contents directly relate to decisions that will or may be made by Metro policy makers and staff.

*1) Regulatory vs. voluntary approaches* – Over the past several years, Metro Council and regional stakeholders have been weighing the effectiveness of regulatory vs. voluntary approaches to divert more highly-recyclable materials from disposal in an effort to reach the region's waste reduction goal. A region-wide program to require the recovery of dry waste, called for in the Plan, was adopted by Metro Council in August 2007. Program options for increasing recycling in the business sector are still under consideration by Metro Council, but Chapter II of the updated Plan identifies mandatory business recycling as a program necessary to reach the 64% goal.

*2) Addressing goals beyond 2009* – During the Plan update process, several stakeholders suggested that the Plan include additional numerical targets beyond the 64% waste reduction goal. The Plan commits to developing new goals and preliminary work is already underway. It is expected that proposed goals will go beyond recycling and recovery rates and may incorporate a broader sustainability framework. A regional discussion on potential new goals for RSWMP will likely result in amendments to the Plan for Council to consider by 2009.

*3) Maintaining progress in recycling collection* – Chapter VI contains Plan requirements: regional recycling collection standards and an alternative program process. (These requirements were established in the 1995 Plan.) While Metro does not regulate collection, it enforces the Plan's regional service standard to ensure state recycling requirements are being met, and exceeded, for regional recycling progress to be maintained. Local governments who wish to pursue an alternative to a regional service standard program are directed to the Plan's Alternative Program Review process. The director of Metro's Solid Waste and Recycling Department approves alternative approaches that demonstrate the same or a higher level of recycling as the service standard program.

*4) Implementing disposal bans* -- The hazardous waste collection section in Chapter IV notes that some local governments have banned disposal of some or all hazardous household products. It recommends that if specific products pose a known risk to public health or the environment of the region – and convenient collection services for such products are available – there should be a regional disposal ban implemented on those products.



5) *Requiring new solid waste facilities to be "green"* – The objectives for the Sustainable Operations (Chapter V) include requiring new solid waste facilities to meet high environmental standards in their construction (i.e., a “LEED” certified or equivalent standard).

**Advisory Committee Recommendation**

Members of the Regional Solid Waste Advisory Committee voted 12-0, with two abstentions, to recommend approval of the updated RSWMP to the Metro Council.

**INFORMATION/ANALYSIS**

1. **Known Opposition.** Several stakeholders have expressed reservations or opposition about particular parts of the Plan but no known opposition expressed to the Plan as a whole. A letter from Tigard's public works director opposed the Plan's Regional Service Standard. A letter from Jeanne Roy expressed concerns that the final draft RSWMP dropped references to achieving the 64% waste reduction goal by the statutory benchmark date of 2009.
2. **Legal Antecedents.** This updated RSWMP replaces the regional plan adopted in 1994 and satisfies state requirements for a waste reduction program (ORS 459.055 and 459.340).
3. **Anticipated Effects:** Adoption of the ordinance will provide guidance for the region’s solid waste system for the next ten years.
4. **Budget Impacts.** The Plan specifically calls for annual outreach and technical assistance programs targeting residential, business, and building industry generators, so outreach costs are expected to increase beginning in 2008/09. In addition, a .5 FTE increase in business recycling is anticipated as a direct result of this Plan. Other areas of the Plan, e.g., sustainable operations objectives in Chapter V, and further disposal system analysis, may lead to new personal services and operational expenditures in out years, but those will be established in real time as part of the annual budget process.

**RECOMMENDATION**

The Chief Operating Officer recommends adoption of Ordinance No. 07-1162A.

Agenda Item Number 4.3

**Ordinance No. 08-1183**, For the Purpose of Amending Metro Code Title V, Solid Waste, to add Chapter 5.10, Regional Solid Waste Management Plan, to Implement the Requirements of the 2008-2018 Regional Solid Waste Management Plan.

*Second Reading*

Metro Council Meeting  
Thursday, March 27, 2008  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 08-1183
CODE TITLE V, SOLID WASTE, TO ADD	)	
CHAPTER 5.10, REGIONAL SOLID WASTE	)	Introduced by Michael Jordan, Chief
MANAGEMENT PLAN, TO IMPLEMENT THE	)	Operating Officer, with the concurrence of
REQUIREMENTS OF THE 2008-2018	)	David Bragdon, Council President
REGIONAL SOLID WASTE MANAGEMENT	)	
PLAN	)	

WHEREAS, the Metro Council adopted Ordinance No. 95-624, For the Purpose of Adopting the Regional Solid Waste Management Plan, on November 30, 1995;

WHEREAS, Metro has completed an updated 2008-2018 Regional Solid Waste Management Plan (RSWMP) to provide the Portland metropolitan area with policy and program direction for the next decade;

WHEREAS, ORS Chapter 459 requires Metro to prepare a Waste Reduction Program for the region and to submit the Waste Reduction Program to the Oregon Department of Environmental Quality for approval;

WHEREAS, Metro has included the Waste Reduction Program in the RSWMP;

WHEREAS, Metro intends to identify the specific enforceable components of the Waste Reduction Program and to provide a method for enforcing those components through changes to the Metro Code; and

WHEREAS, the Metro Council hereby approves of the amendments to Metro Code Title V, Solid Waste, to add the new Chapter 5.10, Regional Solid Waste Management Plan, attached hereto as Exhibit A, pursuant to the RSWMP; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Metro Code Title V, Solid Waste, is amended to add Metro Code Chapter 5.10, Regional Solid Waste Management Plan, attached hereto as Exhibit A.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

David Bragdon, Council President

Attest:

Approved as to Form:

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

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

CHAPTER 5.10

REGIONAL SOLID WASTE MANAGEMENT PLAN

SECTIONS	TITLE
5.10.010	Definitions
5.10.020	Authority, Jurisdiction, and Purpose
5.10.030	Adoption of RSWMP
5.10.040	Application of Chapter
5.10.050	RSWMP Requirements
5.10.060	RSWMP Amendments
5.10.070	Severability
5.10.080	Administrative Procedures and Performance Standards

**Compliance Procedures**

5.10.110	Conformity to the RSWMP
5.10.120	Compliance with the RSWMP
5.10.130	Extension of Compliance Deadline
5.10.140	Exception from Compliance
5.10.150	Review by Metro Council
5.10.160	Penalties for Violations
5.10.170	Technical Assistance

**The Regional Service Standard**

5.10.210	Purpose and Intent
5.10.220	Regional Service Standard
5.10.230	Regional Service Standard Elements
5.10.240	Alternative Program

5.10.010 Definitions

For the purpose of this chapter the following terms shall have the meaning set forth below:

- (a) "Alternative Program" means a solid waste management service proposed by a local government that differs from the service required under Section 5.10.230.
- (b) "Compost" shall have the meaning assigned thereto in Metro Code Section 5.01.010.
- (c) "DEQ" shall have the meaning assigned thereto in Metro Code Section 5.01.010.
- (d) "Director" means the Director of Metro's Solid Waste and Recycling Department.

(e) "Local Government" means any city or county that is within Metro's jurisdiction, including the unincorporated areas of Clackamas, Multnomah, and Washington Counties.

(f) "Local Government Action" means adoption of any ordinance, order, regulation, contract, or program affecting solid waste management.

(g) "RSWMP" means the Regional Solid Waste Management Plan adopted by the Metro Council and approved by the DEQ.

(h) "RSWMP Requirement" means the portions of the RSWMP that are binding on local governments as set forth and implemented in this chapter.

(i) "Standard Recyclable Materials" means newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, aluminum, container glass, high-grade office paper, tin/steel cans, yard debris, mixed scrap paper, milk cartons, plastic containers, milk jugs, phone books, magazines, and empty aerosol cans.

(j) "Waste" shall have the meaning assigned thereto in Metro Code Section 5.01.010.

(k) "Waste Reduction Hierarchy" means first, reduce the amount of solid waste generated; second, reuse material for its originally intended purpose; third, recycle or compost material that cannot be reduced or reused; fourth, recover energy from material that cannot be reduced, reused, recycled or composted so long as the energy recovery facility preserves the quality of air, water and land resources; and fifth, landfill solid waste that cannot be reduced, reused, recycled, composted or from which energy cannot be recovered.

(l) "Waste Reduction Program" means the Waste Reduction Program required by ORS 459.055(2)(a), adopted by the Metro Council as part of the RSWMP, and accepted and approved by the DEQ as part of the RSWMP.

(m) "Yard Debris" shall have the meaning assigned thereto in Metro Code Section 5.01.010.

5.10.020 Authority, Jurisdiction, and Purpose

(a) Metro's Solid Waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.

(b) This chapter implements the RSWMP requirements. The RSWMP shall include the Regional Solid Waste Management Plan, including without limitation the Waste Reduction Program.

(c) This chapter does not abridge or alter the rights of action by the State or by a person that exist in equity, common law, or other statutes.

5.10.030 Adoption of RSWMP

Metro has adopted the RSWMP, copies of which are on file at Metro offices, and shall implement the RSWMP as required by this chapter.

5.10.040 Application of Chapter

This chapter shall apply to all portions of Clackamas, Washington, and Multnomah Counties within Metro's jurisdiction.

5.10.050 RSWMP Requirements

The RSWMP is a regional plan that contains mandatory requirements that are binding on local governments of the region as well as recommendations that are not binding. The RSWMP requirements are set forth in Metro Code Chapter 5.10.

5.10.060 RSWMP Amendments

(a) The Chief Operating Officer shall submit all proposed amendments to the RSWMP to the Council by ordinance for adoption.

(b) Once the Council adopts an amendment to the RSWMP, the Chief Operating Officer shall submit the amended RSWMP to the DEQ for approval. If the amendment is to the Waste Reduction Program, the Chief Operating Officer shall submit the amended RSWMP to the DEQ for acceptance and approval.

(c) The Chief Operating Officer may correct technical mistakes discovered in the RSWMP administratively without petition, notice, or hearing.

#### 5.10.070 Severability

(a) The sections of this chapter shall be severable and any action by any state agency or judgment court of competent jurisdiction invalidating any section of this chapter shall not affect the validity of any other section.

(b) The sections of the RSWMP shall also be severable and shall be subject to the provisions of subsection (a) of this section.

#### 5.10.080 Administrative Procedures and Performance Standards

(a) The Chief Operating Officer may issue administrative procedures and performance standards governing the obligations under this chapter, including but not limited to procedures and performance standards for the suspension of a material from the definition of standard recyclable materials and for additional requirements of a recycling education and promotion program.

(b) The Chief Operating Officer may issue administrative procedures and performance standards to implement all provisions of this chapter.

(c) The Chief Operating Officer shall issue or substantially amend the administrative procedures and performance standards for this chapter only after providing public notice and the opportunity to comment on the proposed language.

(d) The Chief Operating Officer may hold a public hearing on any proposed new administrative procedure and performance standard or on any proposed amendment to any administrative procedure and performance standard if the Chief Operating Officer determines that there is sufficient public interest in any such proposal.

### **Compliance Procedures**

#### 5.10.110 Conformity to the RSWMP

Local governments shall not adopt any ordinance, order, regulation, or contract affecting solid waste management that conflicts with the RSWMP requirements implemented by this chapter.



5.10.120 Compliance with the RSWMP

(a) Local government actions shall comply with the RSWMP requirements. The Chief Operating Officer shall notify local governments of the compliance date of all RSWMP requirements. On or before the compliance date, local governments shall certify in writing to the Chief Operating Officer that their local government actions comply with the RSWMP requirements.

(b) Commencing on November 1, 2010, and on November 1 each year thereafter, the Director shall submit a report to the Chief Operating Officer on local government action compliance with the RSWMP requirements for the Metro fiscal year ending the previous June 30. The report shall include an accounting of local government actions that do not comply with each requirement of the RSWMP. The report shall recommend action that would bring a local government into compliance with the RSWMP requirements and shall advise the local government whether it may seek an extension pursuant to Section 5.10.130 or an exception pursuant to Section 5.10.140. The report also shall include an evaluation of the implementation of this chapter and its effectiveness in helping achieve the RSWMP objectives.

(c) Commencing on or after November 1, 2010, and on or after November 1 each year thereafter, the Chief Operating Officer shall provide each local government with a letter informing the local government whether its actions comply or do not comply with the RSWMP requirements. The Chief Operating Officer shall provide each local government that is not in compliance with the RSWMP requirements with the Director's report.

(d) A local government provided with a report shall respond to the report within 60 days from the date of the report. The response shall contain:

- (1) An agreement to comply with the report recommendations;
- (2) A request for an extension under Section 5.10.130; or
- (3) A request for an exception under Section 5.10.140.

(e) Within 30 days of receiving the local government's response, the Chief Operating Officer shall:

- (1) If the local government agrees to comply with the report recommendations, provide a letter to the local government describing the details of the actions required of the local government for compliance; or
- (2) If the local government seeks an extension or exception, direct the local government to follow the procedures set forth in Section 5.10.130 or Section 5.10.140.

(f) If the local government fails to file a response or refuses to comply with the report recommendations, the Chief Operating Officer may proceed to Council review under Section 5.10.150. A local government may seek Council review under Section 5.10.150 of a report of noncompliance under this section.

#### 5.10.130 Extension of Compliance Deadline

(a) A local government may seek an extension of time for compliance with a RSWMP requirement by filing a written request for an extension with the Director.

(b) The Director may grant an extension of the compliance deadline if the local government's written request demonstrates that: (1) the local government is making progress toward accomplishment of its compliance with the RSWMP requirement; or (2) the local government has good cause for failure to meet the deadline for compliance.

(c) The Director may establish terms and conditions for the extension to ensure that compliance is achieved in a timely and orderly fashion and that local government actions during the extension do not undermine the ability of the region to implement the RSWMP. A term or condition shall relate to the requirement of the RSWMP to which the Director grants the extension. The Director shall incorporate the terms and conditions into the decision on the request for extension. The Director shall not grant more than two extensions of time and shall not extend the deadline for compliance for more than one year.

(d) The Director shall grant or deny the request for extension within 30 days of the date of the request and shall provide a copy of the decision to the local government.

(e) A local government may seek review of the Director's decision by filing a written request for review with the Chief Operating Officer within 30 days of the date of the Director's decision.

(f) The Chief Operating Officer shall consider a request for review without a public hearing and shall issue an order within 30 days of receiving the request for review. The Chief Operating Officer shall provide a copy of the order to the local government.

(g) The Chief Operating Officer's order regarding an extension is a final order and shall not be subject to Metro Code Chapter 2.05, Procedure for Contested Cases. A local government may appeal the order by filing a petition for writ of review.

#### 5.10.140 Exception from Compliance

(a) A local government may seek an exception from compliance with a RSWMP requirement by filing a written request for an exception with the Chief Operating Officer.

(b) The Chief Operating Officer shall prepare a report on the written request. The report shall recommend whether to grant or deny the exception and shall analyze whether:

- (1) The exception and any similar exceptions will prevent the Metro region from achieving the RSWMP goals;
- (2) The exception will reduce the ability of another local government to comply with the requirement; and
- (3) The local government has adopted other measures more appropriate for the local government to achieve the intended result of the requirement.

(c) The Chief Operating Officer's report may establish terms and conditions for the exception to ensure that it does not undermine the ability of Metro to implement its responsibilities under the RSWMP. Any term or condition shall relate to the requirement of the RSWMP from which the local government seeks exception.

(d) The Chief Operating Officer shall issue the report within 60 days of the date of the request. The Chief Operating Officer shall provide a copy to the local government and shall file a written request for review and public hearing with the Council President.

(e) The Council President shall set the matter for a public hearing before the Council within 30 days of the date of the Chief Operating Officer's report. The Chief Operating Officer shall provide notice to the local government that includes the date and location of the hearing and shall publish the report at least 14 days before the public hearing.

(f) During the hearing the Council shall receive testimony on the Chief Operating Officer's report and shall allow any person to testify orally or in writing.

(g) The Council shall issue its order, with analysis and conclusions, not later than 30 days following the public hearing on the matter. The order shall be based upon the Chief Operating Officer's report and upon testimony at the public hearing. The order may rely upon the report for an analysis of the factors listed in subsection(b). The order shall address any testimony during the public hearing that takes exception to the report. The Chief Operating Officer shall provide a copy of the order to the local government.

(h) The order of the Metro Council is a final order that a local government may appeal by filing a petition for writ of review.

#### 5.10.150 Review by Metro Council

(a) A local government may seek review of the letter and report of noncompliance provided by the Chief Operating Officer under Section 5.10.120 by filing a written request for review and public hearing with the Council President.

(b) The Chief Operating Officer may seek review by the Council of any local government action that does not comply with the RSWMP requirements, this chapter, or both by filing a written request for review and public hearing with the Council President. The Chief Operating Officer shall provide a copy of the request to the local government.

(c) The Chief Operating Officer shall consult with the local government and the Director before the Chief Operating

Officer determines there is good cause for a public hearing under subsection (d).

(d) The Council President shall set the matter for a public hearing before the Council within 30 days of the date of the Chief Operating Officer or local government's request for review. The Chief Operating Officer shall provide notice to the local government that includes the date and location of the hearing.

(e) The Chief Operating Officer shall prepare a report and recommendation on the matter for consideration by the Metro Council. The Chief Operating Officer shall publish the report at least 14 days before the public hearing and provide a copy to the local government.

(f) During the hearing the Council shall receive testimony on the Chief Operating Officer's report and shall allow any person to testify orally or in writing.

(g) If the Metro Council concludes that the local government action does not violate the RSWMP requirements or this chapter, the Council shall enter an order dismissing the matter. If the Council concludes that the local government action does violate the RSWMP requirements, this chapter, or both, the Council shall issue an order that identifies the noncompliance and directs changes in the local government action.

(h) The Council shall issue its order, with analysis and conclusions, no later than 30 days following the public hearing on the matter. The order shall be based upon the Chief Operating Officer's report and upon testimony at the public hearing. The order may rely upon the report for its findings and conclusions related to compliance with this chapter. The order shall address any testimony during the public hearing that takes exception to the report. The Chief Operating Officer shall provide a copy of the order to the local government.

(i) The order of the Metro Council is a final order that a local government may appeal by filing a petition for writ of review.

#### 5.10.160 Penalties for Violations

The Metro Council may include one or more of the following in an order issued under this chapter:

(a) A fine of up to \$500 per day for each day after the date of a Council order that the local government continues the violation;

(b) An order requiring the local government to comply with the RSWMP; and

(c) An order requiring the local government to comply with any provision of this chapter.

#### 5.10.170 Technical Assistance

The Chief Operating Officer shall encourage local governments to take advantage of the programs of technical and financial assistance provided by Metro to help achieve compliance with the requirements of this chapter.

### **The Regional Service Standard**

#### 5.10.210 Purpose and Intent

Local governments shall adopt and implement the regional service standard or alternative program as required by the RSWMP and as specified in this chapter and the administrative procedures. The regional service standard ensures a comprehensive and consistent level of recycling service for the region and assists the region in meeting state recovery goals.

#### 5.10.220 Regional Service Standard

(a) By January 1, 2009, local governments shall implement the regional service standard either by:

- (1) Adopting the provisions of Metro Code Section 5.10.230(a) through (d); or
- (2) Adopting an alternative program that is approved by Metro in accordance with Metro Code Section 5.10.240.

(b) The local government shall provide information related to compliance with this requirement at the Director's request or as required by the administrative procedures.

5.10.230 Regional Service Standard Elements

The following shall constitute the regional service standard under the RSWMP:

(a) For single-family residences, including duplexes, triplexes, and fourplexes, the local government shall:

- (1) Ensure provision of at least one (1) recycling container to each residential customer;
- (2) Ensure provision of weekly collection of all standard recyclable materials; and
- (3) Ensure provision of a residential yard debris collection program that includes weekly on-route collection of yard debris for production of compost from each residential customer or equivalent on-route collection of yard debris for production of compost if granted approval for an alternative program under Metro Code Section 5.10.240.

(b) For multi-family residences, the local government shall ensure provision of regular collection of standard recyclable materials for each multi-family dwelling community having five (5) or more units.

(c) For businesses, the local government shall ensure provision of regular collection of standard recyclable materials.

(d) For education and outreach, the local government shall ensure provision of a recycling education and promotion program to all waste generators that supports the management of solid waste according to the waste reduction hierarchy as follows:

- (1) For all waste generators:
  - A. Provide information regarding waste prevention, reusing, recycling, and composting; and
  - B. Participate in one community or media event per year to promote waste prevention, reuse, recycling, or composting.

- (2) For single-family residences and businesses:
  - A. For existing customers, provide education information at least four (4) times a calendar year; and
  - B. For new customers, provide a packet of educational materials that contains information listing the materials collected, the schedule for collection, the proper method of preparing materials for collection, and an explanation of the reasons to recycle.
  
- (3) For multi-family residences:
  - A. Provide waste reduction and recycling educational and promotional information designed for and directed toward the residents of multifamily dwellings as frequently as necessary to be effective in reaching new residents and reminding existing residents of the opportunity to recycle, including the types of materials accepted and the proper preparation of the items; and
  - B. Provide waste reduction and recycling educational and promotional information designed for and directed toward multifamily property owners and managers at least annually.

5.10.240 Alternative Program

(a) A local government seeking alternative program approval shall submit an application for an alternative program to the Director that contains:

- (1) A description of the existing program;
- (2) A description of the proposed alternative program; and
- (3) A comparison of the existing and alternative programs for type of materials collected,



frequency of collection of material, and levels of recovery.

(b) The Director shall determine whether the proposed alternative program will perform at the same level or better than the regional service standard. In making this determination, the Director shall consider the following:

- (1) Estimated participation levels;
- (2) Estimated amounts of waste prevented, recycled, recovered, or disposed;
- (3) Consistency with the waste reduction hierarchy and the source separation priority;
- (4) Economic and technical feasibility; and
- (5) Estimated impact on other waste reduction activities.

(c) If the Director determines that the alternative program will perform at the same level or better than the regional service standard, the Director shall approve the application. The Director may condition the approval on completion of a successful pilot program. If the Director determines that the alternative program will not perform at the same level or better than the regional service standard, the Director shall deny the application. The Director shall decide whether to approve or deny the application within 60 days of the date the Director received the application or, if the Director conditions approval on successful completion of a pilot program, within 60 days of the conclusion of the pilot program. The Director shall provide a copy of the decision to the local government.

(d) A local government may seek review of the Director's decision by filing a written request for review with the Chief Operating Officer within 30 days of the date of the Director's decision.

(e) The Chief Operating Officer shall consider a request for review without a public hearing and shall issue an order within 30 days of receiving the request for review. The Chief Operating Officer shall provide a copy of the order to the local government.

(f) The Chief Operating Officer's order regarding an alternative program is a final order and shall not be subject to Metro Code Chapter 2.05, Procedure for Contested Cases. A local government may appeal the order by filing a petition for writ of review.

(g) This section does not prevent a local government from seeking an exception under Section 5.10.140.

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M:\attorney\confidential\9.11.9.6\RSWMP code language mab 03.13.08

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1183, FOR THE PURPOSE OF AMENDING METRO CODE TITLE V, SOLID WASTE, TO ADD CHAPTER 5.10, REGIONAL SOLID WASTE MANAGEMENT PLAN, TO IMPLEMENT THE REQUIREMENTS OF THE 2008-2018 REGIONAL SOLID WASTE MANAGEMENT PLAN

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Date: March 13, 2008

Prepared by: Michelle A. Bellia

### BACKGROUND

Ordinance No. 08-1183 (For the Purpose of Amending Metro Code Title V, Solid Waste, to Add Chapter 5.10, Regional Solid Waste Management Plan, to Implement the Requirements of the 2008-2018 Regional Solid Waste Management Plan) implements the Waste Reduction Program requirements contained in the 2008-2018 Regional Solid Waste Management Plan (RSWMP) by amending the Metro Code Title V Solid Waste, to add a new Chapter 5.10. The Metro Council will consider adoption of the updated RSWMP in Ordinance No. 07-1162A (For the Purpose of Adopting the Regional Solid Waste Management Plan, 2008-2018 Update). The staff report related to this ordinance provides the history and purpose of the RSWMP and the Waste Reduction Program. The Metro Council adopted the current version of the RSWMP in Ordinance No. 95-624 (For the Purpose of Adopting the Regional Solid Waste Management Plan) on November 30, 1995, as a functional plan but did not include a companion ordinance to implement the Waste Reduction Program requirements.

The RSWMP is a regional plan that contains binding requirements on local governments of the region as well as policy and program guidance that is not binding. The code language proposed in this ordinance clarifies the requirements of the Waste Reduction Program that are binding on local governments. The RSWMP requirements set forth in the new Metro Code Chapter 5.10 are intended to ensure local governments have a significant amount of flexibility as to how they meet requirements.

The proposed code language also provides a procedure for enforcing those requirements. The intent of the proposed process is to provide an efficient method for local governments to establish compliance with the RSWMP requirements.

### PURPOSE OF THE CODE REVISION

The code language is proposed for the following reasons:

1. The Waste Reduction Program Requirements Must Be Enforceable to Satisfy State Law.

Because Metro sends more than 75,000 tons of solid waste per year to a disposal site (the Columbia Ridge Landfill), ORS Chapter 459 requires Metro to prepare a solid waste reduction program for the region and to submit the Waste Reduction Program to the Oregon Department of Environmental Quality (DEQ) for approval. The DEQ reviews the Waste Reduction Program for compliance with the state law and must approve the Waste Reduction Program if it meets the statutory criteria. Chapter IV of the updated RSWMP contains the components of the Waste Reduction Program.

In reviewing an earlier version of the Waste Reduction Program, DEQ advised that the program “must have specifically enforceable components and must specify how enforcement can be accomplished.” The proposed revisions to the Metro Code identify the enforceable components of the Waste Reduction Program and provide a procedure for enforcing those components.

2. The Code Provisions Notify the Local Governments of the Specific RSWMP Provisions Requiring Compliance.

ORS Chapter 459 provides limits on local governmental authority related to the Waste Reduction Program. Specifically, ORS 459.095(1) prohibits local governments from adopting any ordinance, order, regulation or contract affecting solid waste management that conflicts with a solid waste management plan or program. The RSWMP, which includes the Waste Reduction Program, contains policy guidance as well as enforceable provisions. Once the RSWMP is adopted by the Metro Council and approved by the DEQ, any local government action that conflicts with a requirement of the Waste Reduction Program may be subject to enforcement. Including the enforceable components of the Waste Reduction Program in the Metro Code notifies the local governments of what Metro intends to enforce and allows them to avoid taking conflicting action.

## SUMMARY OF CODE LANGUAGE

Following is a summary of the proposed code provisions:

1. Sections 5.10.010 – 5.10.080 Provide Background Information:

**5.10.010 Definitions:** This section contains definitions specific to Chapter 5.10.

**5.10.020 Authority, Jurisdiction, and Purpose:** This section provides the authority for Metro’s solid waste planning and implementing authority and describes the purpose of the code language.

**5.10.030 Adoption of RSWMP:** This section confirms that the Metro Council has adopted the code language.

**5.10.040 Application of Chapter:** This section provides that Chapter 5.10 applies to areas within Metro’s jurisdiction.

**5.10.050 RSWMP Requirements:** This section distinguishes between requirements of the RSWMP and guidance that is not binding.

**5.10.060 RSWMP Amendments:** This section contains a procedure for amending the RSWMP.

**5.10.070 Severability:** This section provides that sections of Chapter 5.10 and the RSWMP shall be severable and any action invalidating any section of Chapter 5.10 or the RSWMP does not affect the validity of any other section.

**5.10.080 Administrative Procedures and Performance Standards:** This section provides the Chief Operating Officer with authority to establish administrative procedures and performance standards related to Chapter 5.10.

## **2. Sections 5.10.110 – 5.10.180 Provide Compliance Procedures:**

**5.10.110 Conformity to the RSWMP:** ORS Chapter 459 provides the language for this section, which prohibits local governments from taking action related to solid waste that conflicts with the RSWMP requirements implemented by Chapter 5.10.

**5.10.120 Compliance with the RSWMP:** This section addresses local government compliance with the RSWMP requirements and provides notification and reporting procedures for local governments to certify compliance with RSWSP.

This section enables the Director of the Solid Waste and Recycling Department to report to the Chief Operating Officer on local government compliance. If a local government is not in compliance with the RSWMP requirements, the Chief Operating Officer must provide that local government with a copy of the report and recommend action that the local government may take to achieve compliance. A local government that is not in compliance must respond to the report by agreeing with the Director's report recommendations, seeking an extension to comply with the requirement, or seeking an exception from the requirement.

The section includes certain actions the Chief Operating Officer must take upon receipt of the local government's response to the report. If the local government fails or refuses to respond to the report, the Chief Operating Officer may proceed to Council review under Section 5.10.150. A local government may seek Council review under Section 5.10.150 of a report of noncompliance.

**5.10.130 Extension of Compliance Deadline:** The section provides a procedure for local governments to seek an extension from the Director of the time for compliance with the RSWMP requirements. The Director may include terms and conditions in any extension, can only grant two extensions, and cannot extend the compliance deadline more than a year.

This section also allows a local government to seek review by the Chief Operating Officer of the Director's decision under this section. The Chief Operating Officer's determination on the issue is final; a local government cannot seek review by the Metro Council of the decision on an extension.

**5.10.140 Exception from Compliance:** This section provides a procedure for local governments to seek an exception from the Metro Council to a RSWMP requirement. The local government files a request with the Chief Operating Officer who prepares a report recommending to Council whether to grant or deny the request for an exception. The section contains factors for the Chief Operating Officer to analyze related to the exception and provides that the Chief Operating Officer's report may contain terms and conditions related to the exception. The Chief Operating Officer may issue administrative procedures to address consistent application of the factors to consider when deciding whether to recommend granting a request for exception from compliance.

During a public hearing the Council will receive testimony on the Chief Operating Officer's report. The Council's final order on the request may rely on the Chief Operating Officer's report and must address any testimony that opposes the report.

**5.10.150 Review by Metro Council:** This section provides a procedure for local governments to seek review by the Council of the report of noncompliance issued by the Chief Operating Officer under Section 5.10.120. This section further provides a procedure for the Chief Operating Officer to seek review by the Council of a local government action that contravenes the RSWMP requirements, Chapter 5.10, or both.

The Council considers such requests with a public hearing. The Chief Operating Officer prepares a report and recommendation on the matter for the Council to consider. During the public hearing the Council will receive testimony on the Chief Operating Officer's report. The Council's final order on the request may rely on the Chief Operating Officer's report and must address any testimony that opposes the report.

**5.10.160 Penalties for Violations:** This section sets forth the penalties that the Metro Council may include in an order issued under Section 5.10.150.

**5.10.170 Technical Assistance:** This section requires the Chief Operating Officer to encourage local governments to seek technical and financial assistance from Metro.

**3. Sections 5.10.210 – 5.10.240 Contain the Regional Service Standard Requirement:**

**5.10.210 Purpose and Intent:** This section requires local governments to maintain a level of recycling services consistent with the regional service standard or have an approved alternative program. The purpose of the regional service standard is to ensure a certain level of recycling service and to assist the region to meet recovery goals.

**5.10.220 Regional Service Standard:** This section requires local governments to comply with the regional service standard and to provide Metro with compliance information at the Director's request or as required by the administrative procedures.

**5.10.230 Regional Service Standard Elements:** This section identifies the specific elements of the regional service standard, including a Single-Family Residential Standard, Multi-Family Residential Standard, Business Standard, and Education and Outreach Standard.

**5.10.240 Alternative Program:** This section provides the flexibility for local governments to seek a recycling program that is different from the regional service standard but that provides the same or a higher level of recovery.

A local government seeking an alternative program must submit an application to the Director that contains details about the proposed alternative program. The Director then considers the application to determine if the proposed alternative program will perform at the same level or better than the regional service standard. The section contains factors for the Director to consider in making this determination. The Director may approve or deny the application or condition approval on the local government's successful completion of a pilot program. The Chief Operating Officer may issue administrative procedures related to this section to ensure collaboration between Metro and the local government seeking the alternative program.

The local government may seek review by the Chief Operating Officer of the Director's decision under this section. The Chief Operating Officer's determination on the issue is final; a local government cannot seek review by the Metro Council of the decision. A local government may seek an exception to the regional service standard under Section 5.10.140 in addition to or in lieu of the alternative program procedures set forth in this section.

## **ANALYSIS/INFORMATION**

- 1. Known Opposition:** The Public Works Director for the City of Tigard expressed opposition to the Regional Service Standard because it "eliminates local control and the flexibility the City and its haulers require to customize our recycling program based on costs and needs of our customers."

Washington County staff commented that "This ordinance limits local control and the flexibility of the County to design programs and establish collection rates based on the needs of our community."

2. **Legal Antecedents:** Ordinance No. 95-624 (For the Purpose of Adopting the Regional Solid Waste Management Plan), adopted November 30, 1995; Metro Charter; Metro Code Title V Solid Waste; and ORS Chapters 268 and 459.
3. **Anticipated Effects:** Chapter 5.10 clarifies the distinction between the mandatory requirements of the Waste Reduction Program that are binding on local governments and those provisions of the RSWMP that are policy and program guidance. The proposed code language also provides a procedure for enforcing those requirements
4. **Budget Impacts:** No direct budget impacts; however, there may be indirect impacts from efforts to resolve compliance issues.

### **RECOMMENDED ACTION**

Staff recommends that the Metro Council adopt Ordinance No. 08-1183.

Agenda Item 4.4

**Ordinance No. 08-1176**, Amending the FY 2007-08 Budget and Appropriations Schedule Providing for a Contribution to the Oregon Zoo Predators of the Serengti Capital Construction Project, and Declaring an Emergency.

*Second Reading*

Metro Council Meeting  
Thursday, March 27, 2008  
Metro Council Chamber



BEFORE THE METRO COUNCIL

AMENDING THE FY 2007-08 BUDGET AND ) ORDINANCE NO. 08-1176  
APPROPRIATIONS SCHEDULE PROVIDING )  
FOR A CONTRIBUTION TO THE OREGON ZOO ) Introduced by Michael Jordan, Chief  
PREDATORS OF THE SERENGETI CAPITAL ) Operating Officer, with the concurrence of  
CONSTRUCTION PROJECT, AND DECLARING ) Council President David Bragdon  
AN EMERGENCY )

WHEREAS, the Metro Council has reviewed and considered the need to change appropriations within the FY 2007-08 Budget; and

WHEREAS, the need for the change of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2007-08 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of providing for a contribution to the Oregon Zoo Predators of the Serengeti capital construction project in the Metro Capital Fund, Oregon Zoo Capital Projects Account.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

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

Attest:

Approved as to Form:

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

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

**Exhibit A**  
**Ordinance No. 08-1176**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Oregon Zoo Department</b>							
<b>Total Personal Services</b>		<b>149.96</b>	<b>\$14,109,732</b>	<b>0.00</b>	<b>\$0</b>	<b>149.96</b>	<b>\$14,109,732</b>
<b><i>Materials &amp; Services</i></b>							
<i>GOODS</i>	<i>Goods</i>						
	5201 Office Supplies		114,240		0		114,240
	5205 Operating Supplies		1,266,594		0		1,266,594
	5210 Subscriptions and Dues		45,515		0		45,515
	5214 Fuels and Lubricants		65,000		0		65,000
	5215 Maintenance & Repairs Supplies		341,050		0		341,050
	5220 Food		1,102,160		0		1,102,160
<i>SVCS</i>	<i>Services</i>						
	5245 Marketing		5,000		0		5,000
	5240 Contracted Professional Svcs		1,027,994		0		1,027,994
	5251 Utility Services		2,227,230		0		2,227,230
	5255 Cleaning Services		37,600		0		37,600
	5260 Maintenance & Repair Services		151,625		0		151,625
	5265 Rentals		161,570		0		161,570
	5270 Insurance		0		0		0
	5280 Other Purchased Services		875,186		0		875,186
	5290 Operations Contracts		1,860,000		0		1,860,000
<i>CAPMNT</i>	<i>Capital Maintenance</i>						
	5262 Capital Maintenance - Non-CIP		333,300		0		333,300
<i>IGEXP</i>	<i>Intergov't Expenditures</i>						
	5300 Payments to Other Agencies		388,540		(333,000)		55,540
	5315 Grants to Other Governments		10,000		0		10,000
<i>OTHEXP</i>	<i>Other Expenditures</i>						
	5445 Grants		396,500		0		396,500
	5450 Travel		86,395		0		86,395
	5455 Staff Development		41,905		0		41,905
	5490 Miscellaneous Expenditures		35,680		0		35,680
<b>Total Materials &amp; Services</b>			<b>\$10,573,084</b>		<b>(\$333,000)</b>		<b>\$10,240,084</b>
<b>Total Capital Outlay</b>			<b>\$241,369</b>		<b>\$0</b>		<b>\$241,369</b>
<b>TOTAL REQUIREMENTS</b>		<b>149.96</b>	<b>\$24,924,185</b>	<b>0.00</b>	<b>(\$333,000)</b>	<b>149.96</b>	<b>\$24,591,185</b>

**Exhibit A  
Ordinance No. 08-1176**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>General Expenses</b>							
<i><b>Interfund Transfers</b></i>							
INDTEX	<i>Interfund Reimbursements</i>						
5800	Transfer for Indirect Costs						
	* to Risk Mgmt Fund-Liability		488,083		0		488,083
	* to Risk Mgmt Fund-Worker Comp		412,190		0		412,190
EQTCHG	<i>Fund Equity Transfers</i>						
5810	Transfer of Resources						
	* to General Revenue Bond Fund-Zoo		405,161		0		405,161
	* to Gen'l Revenue Bond Fund-Parking		287,746		0		287,746
	* to Gen'l Revenue Bond Fund-Reg Center		1,219,565		0		1,219,565
	* to MERC Capital Fund (Tourism Opp. & Compt. Accou		1,357,976		0		1,357,976
	* to Metro Capital Fund-General R&R		6,213,500		0		6,213,500
	* to Metro Capital Fund-IT Renewal & Replacement		240,000		0		240,000
	* to Metro Capital Fund-Regional Center R&R		253,000		0		253,000
	* to Metro Capital Fund-Zoo Projects		100,000		333,000		433,000
	* to Metro Capital Fund-Parks Cap (per ton on SW)		130,000		0		130,000
	* to Metro Capital Fund- Parks R&R (earned on SW reve		200,000		0		200,000
	* to Solid Waste Revenue Fund		13,000		0		13,000
<b>Total Interfund Transfers</b>			<b>\$11,320,221</b>		<b>\$333,000</b>		<b>\$11,653,221</b>
<i><b>Contingency &amp; Unappropriated Balance</b></i>							
CONT	<i>Contingency</i>						
5999	Contingency						
	* Contingency		3,239,705		0		3,239,705
	* Opportunity Account		3,135		0		3,135
	* Reserved for Future Planning Needs		1,690,000		0		1,690,000
	* Reserved for Future Election Costs		290,000		0		290,000
	* Reserved for Nature in Neighborhood Grants		250,000		0		250,000
	* Reserved for Reg. Afford. Housing Revolving Fund		1,000,000		0		1,000,000
	* Reserved for Metro Regional Center Remodel		300,000		0		300,000
	* Recovery Rate Stabilization reserve		916,588		0		916,588
	* PERS Reserve		13,058		0		13,058
UNAPP	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,000,000		0		2,000,000
	* Reserve for Future Natural Areas Operations		764,453		0		764,453
	* Tourism Opportunity & Comp. Account		96,655		0		96,655
	* PERS Reserve		2,796,056		0		2,796,056
	* Computer Replacement Reserve (Planning)		90,000		0		90,000
	* Tibbets Flower Account		352		0		352
	* Reserve for Future Debt Service		2,151,706		0		2,151,706
<b>Total Contingency &amp; Unappropriated Balance</b>			<b>\$15,601,708</b>		<b>\$0</b>		<b>\$15,601,708</b>
<b>TOTAL REQUIREMENTS</b>		<b>412.39</b>	<b>\$103,393,042</b>	<b>0.00</b>	<b>\$0</b>	<b>412.39</b>	<b>\$103,393,042</b>

**Exhibit A**  
**Ordinance No. 08-1176**

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>Metro Capital Fund</b>							
<b>Metro Capital Fund - Oregon Zoo Capital Projects</b>							
<b><i>Resources</i></b>							
<i>BEGBAL</i>	<i>Beginning Fund Balance</i>						
3500	* Prior year ending balance		1,647,046		0		1,647,046
3500	* Prior year PERS Reserve		13,105		0		13,105
<i>INTRST</i>	<i>Interest Earnings</i>						
4700	Interest on Investments		70,556		0		70,556
<i>DONAT</i>	<i>Contributions from Private Sources</i>						
4750	Donations and Bequests		2,100,000		(333,000)		1,767,000
<i>EQTREV</i>	<i>Fund Equity Transfers</i>						
4970	Transfer of Resources						
	* from General Fund		100,000		333,000		433,000
<b>TOTAL RESOURCES</b>			<b>\$3,930,707</b>		<b>\$0</b>		<b>\$3,930,707</b>

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 08-1176, AMENDING THE FY 2007-08 BUDGET AND APPROPRIATIONS SCHEDULE PROVIDING FOR A CONTRIBUTION TO THE OREGON ZOO PREDATORS OF THE SERENGETI CAPITAL CONSTRUCTION PROJECT, AND DECLARING AN EMERGENCY

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Date: February 5, 2008

Prepared by: Craig M. Stroud

## BACKGROUND

*Predators of the Serengeti* is a major capital construction project at the Oregon Zoo. The zoo is remodeling and expanding an existing exhibit to create a naturalistic exhibit for African lions, cheetahs, wild dogs, and other predators. Based on the theme "It's Hard to Be a Hunter," the interpretive elements make learning an integral part of the Zoo experience, enlightening visitors about why African predators are key to the entire Serengeti system ...and the wider world. *Predators of the Serengeti* has a two-year construction schedule and will open to the public by June 2009.

The Oregon Zoo Foundation is spearheading a \$5 million campaign to fund the exhibit. Of this, \$4 million is a capital campaign to finance exhibit construction. The remaining \$1 million will fund a permanent operating reserve to help pay exhibit operating costs.

Through December 2007, the foundation raised more than \$3.6 million towards the capital campaign and more than \$230,000 for the operating reserve. The foundation expects to raise the remaining funds of approximately \$1.1 million by June, 2009.

On September 27, 2007, the Metro Council adopted ordinance 07-1160B to the FY 2007-08 budget providing for a \$333,000 contribution to the Oregon Zoo Foundation for the *Predators of the Serengeti* operating reserve. In the time since, Metro management has concluded that in order to maintain accountability and transparency with public dollars it is more appropriate for Metro to contribute directly to the zoo capital account for exhibit capital construction costs.

This amendment redirects the \$333,000 provided in Ordinance 07-1160B from a contribution to the Oregon Zoo Foundation for an operating reserve to a direct contribution to the zoo capital account. The foundation still pledges to raise \$1 million for the operating reserve.

While the total dollar amount of the capital project has not been amended and no additional resources are necessary for the project, the Capital Improvement Plan has been amended to reflect this change in funding source.

## **ANALYSIS/INFORMATION**

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction. In addition, interfund transfers of resources may be made from the General Fund to any other fund during the year if such transfers are authorized by official resolution or ordinance of the government body.
- 3. Anticipated Effects:** This action will transfer \$333,000 from the General Fund to the Zoo Capital Account, Predators of the Serengeti project in lieu of making a contribution to the Oregon Zoo Foundation for an operating reserve for the exhibit. Donations from the Oregon Zoo Foundation will be reduced by the same amount recognizing the commitment by the Foundation to raise the full \$1 million operating reserve.
- 4. Budget Impacts:** This action reduces expenditures in the General Fund, Oregon Zoo Operating Department by \$333,000 and increases transfers to the Metro Capital Fund, Oregon Zoo Capital Account by the same amount.

## **RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of this Ordinance.

Agenda Item Number 4.5

**Ordinance No. 08-1177**, Amending the FY 2007-08 Budget and Appropriations Schedule Transferring \$2,800,000 from Solid Waste Revenue Fund Contingency to the Operating Account to Provide for Additional Costs Incurred as a Result of Increased Tonnage, and Declaring an Emergency

*Second Reading*

Metro Council Meeting  
Thursday, March 27, 2008  
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2007-08 BUDGET AND ) ORDINANCE NO. 08-1177  
APPROPRIATIONS SCHEDULE )  
TRANSFERRING \$2,800,000 FROM THE SOLID ) Introduced by Michael Jordan, Chief  
WASTE REVENUE FUND CONTINGENCY TO ) Operating Officer, with the concurrence of  
THE OPERATING ACCOUNT TO PROVIDE FOR ) Council President David Bragdon  
ADDITIONAL COSTS INCURRED AS A RESULT )  
OF INCREASED TONNAGE, AND DECLARING )  
AN EMERGENCY )

WHEREAS, the Metro Council has reviewed and considered the need to change appropriations within the FY 2007-08 Budget; and

WHEREAS, the need for the change of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2007-08 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$2.8 million from the solid waste revenue fund contingency to the operating account to provide for additional costs resulting from increased tonnage.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

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

Attest:

Approved as to Form:

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

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



**Exhibit A  
Ordinance No. 08-1177**

<b>ACCT</b>	<b>DESCRIPTION</b>	<b>Current Budget</b>		<b>Revision</b>		<b>Amended Budget</b>	
		<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
<b>Solid Waste Revenue Fund</b>							
<b>Operating Account</b>							
<b>Total Personal Services</b>		<b>106.75</b>	<b>\$9,649,698</b>	<b>0.00</b>	<b>\$0</b>	<b>106.75</b>	<b>\$9,649,698</b>
<b>Materials &amp; Services</b>							
<i>GOODS Goods</i>							
5201	Office Supplies		153,158		0		153,158
5205	Operating Supplies		737,317		0		737,317
5210	Subscriptions and Dues		45,491		0		45,491
5214	Fuels and Lubricants		2,643,879		461,000		3,104,879
5215	Maintenance & Repairs Supplies		182,710		0		182,710
<i>SVCS Services</i>							
5240	Contracted Professional Svcs		3,264,340		0		3,264,340
5246	Sponsorship Expenditures		92,500		0		92,500
5251	Utility Services		178,840		0		178,840
5260	Maintenance & Repair Services		228,487		0		228,487
5265	Rentals		181,984		0		181,984
5280	Other Purchased Services		579,834		0		579,834
5290	Operations Contracts		25,974,354		2,263,000		28,237,354
<i>IGEXP Intergov't Expenditures</i>							
5300	Payments to Other Agencies		554,621		63,000		617,621
5310	Taxes (Non-Payroll)		360		0		360
5315	Grants to Other Governments		1,744,474		0		1,744,474
<i>OTHEXP Other Expenditures</i>							
5445	Grants & Loans		295,000		0		295,000
5450	Travel		70,489		0		70,489
5455	Staff Development		86,320		0		86,320
5480	Fee Reimburssments		600,000		0		600,000
<b>Total Materials &amp; Services</b>			<b>\$37,614,158</b>		<b>\$2,787,000</b>		<b>\$40,401,158</b>
<b>TOTAL REQUIREMENTS</b>		<b>106.75</b>	<b>\$47,263,856</b>	<b>0.00</b>	<b>\$2,787,000</b>	<b>106.75</b>	<b>\$50,050,856</b>

**Exhibit A**  
**Ordinance No. 08-1177**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>Solid Waste Revenue Fund</b>							
<b>Debt Service Account</b>							
<b>TOTAL REQUIREMENTS</b>			<b>\$1,335,513</b>		<b>\$0</b>		<b>\$1,335,513</b>
<b>Landfill Closure Account</b>							
<b>TOTAL REQUIREMENTS</b>			<b>\$838,000</b>		<b>\$0</b>		<b>\$838,000</b>
<b>Renewal &amp; Replacement Account</b>							
<b>TOTAL REQUIREMENTS</b>			<b>\$1,562,900</b>		<b>\$0</b>		<b>\$1,562,900</b>
<b>General Account</b>							
<b>TOTAL REQUIREMENTS</b>			<b>\$495,000</b>		<b>\$0</b>		<b>\$495,000</b>
<b>General Expenses</b>							
<b><i>Interfund Transfers</i></b>							
<i>INDTEX</i>	<i>Interfund Reimbursements</i>						
5800	Transfer for Indirect Costs						
	* to General Fund-Bldg		336,352		0		336,352
	* to General Fund-Support Services		2,965,128		0		2,965,128
	* to General Fund		142,939		0		142,939
	* to Risk Mgmt Fund-Liability		70,677		0		70,677
	* to Risk Mgmt Fund-Worker Comp		114,604		0		114,604
<i>INTCHG</i>	<i>Internal Service Transfers</i>						
5820	Transfer for Direct Costs						
	* to General Fund-Planning		375,085		0		375,085
	* to General Fund-Regional Parks		3,308		0		3,308
	* to General Fund-General Gov't		200,022		0		200,022
	* to General Fund-Support Services		136,231		0		136,231
<i>EQTCHG</i>	<i>Fund Equity Transfers</i>						
5810	Transfer of Resources						
	* to Rehab. & Enhancement Fund		424,566		13,000		437,566
<b>Total Interfund Transfers</b>			<b>\$4,768,912</b>		<b>\$13,000</b>		<b>\$4,781,912</b>
<b><i>Contingency and Ending Balance</i></b>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* Operating Account (Operating Contingency)		7,182,844		(2,800,000)		4,382,844
	* Landfill Closure Account		6,818,425		0		6,818,425
	* Renewal & Replacement Account		6,463,511		0		6,463,511
	* Current Year PERS Reserve		774,832		0		774,832
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Debt Service Account (Metro Central)		1,281,031		0		1,281,031
	* General Account (Working Capital)		5,759,668		0		5,759,668
	* General Account (Rate Stabilization)		2,000,000		0		2,000,000
	* General Account (Capital Reserve)		3,985,000		0		3,985,000
	* General Account (Debt Service Accumulation)		3,406,905		0		3,406,905
	* Prior year PERS Reserve		774,831		0		774,831
<b>Total Contingency and Ending Balance</b>			<b>\$38,447,047</b>		<b>(\$2,800,000)</b>		<b>\$35,647,047</b>
<b>TOTAL REQUIREMENTS</b>		<b>106.75</b>	<b>\$94,711,228</b>	<b>0.00</b>	<b>\$0</b>	<b>106.75</b>	<b>\$94,711,228</b>

**Exhibit A**  
**Ordinance No. 08-1177**

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>Rehabilitation &amp; Enhancement Fund</b>							
<i>Resources</i>							
<b>NORTH PORTLAND ENHANCEMENT ACCOUNT</b>							
BEGBAL	Beginning Fund Balance						
	* Prior year ending balance		1,710,320		0		1,710,320
INTRST	Interest Earnings						
4700	Interest on Investments		72,689		0		72,689
<b>METRO CENTRAL ENHANCEMENT ACCOUNT</b>							
BEGBAL	Beginning Fund Balance						
	* Prior year ending balance		241,665		0		241,665
INTRST	Interest Earnings						
4700	Interest on Investments		10,271		0		10,271
EQTREV	Fund Equity Transfers						
4970	Transfer of Resources						
	* from SW Revenue Fund		151,055		13,000		164,055
<b>FOREST GROVE ACCOUNT</b>							
EQTREV	Fund Equity Transfers						
4970	Transfer of Resources						
	* from SW Revenue Fund		111,738		0		111,738
<b>OREGON CITY ACCOUNT</b>							
EQTREV	Fund Equity Transfers						
4970	Transfer of Resources						
	* from SW Revenue Fund		161,773		0		161,773
<b>TOTAL RESOURCES</b>			<b>\$2,459,511</b>		<b>\$13,000</b>		<b>\$2,472,511</b>
<b>Total Materials &amp; Services</b>			<b>\$505,368</b>		<b>\$0</b>		<b>\$505,368</b>
<b>Total Interfund Transfers</b>			<b>\$29,395</b>		<b>\$0</b>		<b>\$29,395</b>
<i>Contingency and Ending Balance</i>							
CONT	Contingency						
5999	Contingency						
	* North Portland		200,000		0		200,000
	* Metro South		25,000		0		25,000
	* Metro Central		50,000		0		50,000
	* Forest Grove		25,000		0		25,000
UNAPP	Unappropriated Fund Balance						
5990	Unappropriated Fund Balance						
	* North Portland		1,514,269		0		1,514,269
	* Metro Central		110,479		13,000		123,479
<b>Total Contingency and Ending Balance</b>			<b>\$1,924,748</b>		<b>\$13,000</b>		<b>\$1,937,748</b>
<b>TOTAL REQUIREMENTS</b>			<b>\$2,459,511</b>		<b>\$13,000</b>		<b>\$2,472,511</b>

**Exhibit B**  
**Ordinance 08-1177**  
**Schedule of Appropriations**

	<b>Current Appropriation</b>	<b>Revision</b>	<b>Revised Appropriation</b>
<b>REHABILITATION &amp; ENHANCEMENT FUND</b>			
Materials & Services	505,368	0	505,368
Interfund Transfers	29,395	0	29,395
Contingency	300,000	0	300,000
Unappropriated Balance	1,624,748	13,000	1,637,748
<b>Total Fund Requirements</b>	<b>\$2,459,511</b>	<b>\$13,000</b>	<b>\$2,472,511</b>
<b>SOLID WASTE REVENUE FUND</b>			
Operating Account			
Solid Waste & Recycling Department	47,263,856	2,787,000	50,050,856
Subtotal	47,263,856	2,787,000	50,050,856
Debt Service Account			
Debt Service	1,335,513	0	1,335,513
Subtotal	1,335,513	0	1,335,513
Landfill Closure Account			
Solid Waste & Recycling Department	838,000	0	838,000
Subtotal	838,000	0	838,000
Renewal and Replacement Account			
Solid Waste & Recycling Department	1,562,900	0	1,562,900
Subtotal	1,562,900	0	1,562,900
General Account			
Solid Waste & Recycling Department	495,000	0	495,000
Subtotal	495,000	0	495,000
General Expenses			
Interfund Transfers	4,768,912	13,000	4,781,912
Contingency	21,239,612	(2,800,000)	18,439,612
Subtotal	26,008,524	(2,787,000)	23,221,524
Unappropriated Balance	17,207,435	0	17,207,435
<b>Total Fund Requirements</b>	<b>\$94,711,228</b>	<b>\$0</b>	<b>\$94,711,228</b>

*All other appropriations remain as previously adopted*

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1177, FOR THE PURPOSE OF AMENDING THE FY 2007-08 BUDGET AND APPROPRIATIONS SCHEDULE TRANSFERRING \$2,800,000 FROM THE SOLID WASTE REVENUE FUND CONTINGENCY TO THE OPERATING ACCOUNT TO PROVIDE FOR ADDITIONAL COSTS INCURRED AS A RESULT OF INCREASED TONNAGE, AND DECLARING AN EMERGENCY

---

Date: March 21, 2008

Prepared by: Douglas Anderson

### BACKGROUND

This year's budget for the Disposal Services Program was based on the assumption that Columbia Environmental, a local transfer station franchised by Metro Council in 2005, would be operational and would divert approximately 40,000 tons of solid waste from Metro-owned transfer stations during the FY 2007-08. In fact, Columbia Environmental is not yet open, and the tonnage continues to flow to Metro.

As a result, Metro has incurred additional costs to manage, transport and dispose of the additional waste. This budget amendment transfers current appropriation authority from the Solid Waste Fund contingency account to the operating account in order to cover \$2,800,000 in additional costs. There are no further financial implications of this budget amendment, as the revenue to pay for these costs has (or will) be collected from current user charges (tip and transaction fees) on the additional waste that arrives at the transfer stations.

### ANALYSIS/INFORMATION

- 1. Known Opposition:** None known
- 2. Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
- 3. Anticipated Effects:** This action allows the department to pay for transferring, transporting and disposing of additional solid waste received at Metro-owned transfer stations.
- 4. Budget Impacts:** This action does not increase total appropriations for the FY 2007-08 budget in the Solid Waste & Recycling Fund. This amendment authorizes the transfer of \$2,800,000 in current appropriation authority from the Operating Contingency to the Operating Account, Materials and Services category, as described in Exhibit B: Schedule of Appropriations.

### RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 08-1177.

Agenda Item Number 4.6

**Ordinance No. 08-1178**, Amending the FY 2007-08 Budget and Appropriations Schedule to Establish Appropriation for a New Human Resources Project, Increasing Public Affairs Appropriation, and Declaring an Emergency.

***Second Reading***

Metro Council Meeting  
Thursday, March 27, 2008  
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2007-08 BUDGET AND ) ORDINANCE NO. 08-1178  
APPROPRIATIONS SCHEDULE TO ESTABLISH )  
APPROPRIATION FOR A NEW HUMAN ) Introduced by Michael Jordan, Chief  
RESOURCES PROJECT, INCREASING THE ) Operating Officer, with the concurrence of  
PUBLIC AFFAIRS APPROPRIATION, AND ) Council President David Bragdon  
DECLARING AN EMERGENCY )

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2007-08 Budget; and

WHEREAS, the need for the increase of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. That the FY 2007-08 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of amending the General Fund.
- 2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

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

Attest:

Approved as to Form:

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

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

**Exhibit A**  
**Ordinance No. 08-1178**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Human Resources</b>							
<b>Total Personal Services</b>		<b>15.00</b>	<b>\$1,299,793</b>	<b>0.00</b>	<b>\$0</b>	<b>15.00</b>	<b>\$1,299,793</b>
<b><i>Materials &amp; Services</i></b>							
<i>GOODS</i>	<i>Goods</i>						
	5201 Office Supplies		24,924		0		24,924
	5205 Operating Supplies		8,720		0		8,720
	5210 Subscriptions and Dues		5,020		0		5,020
	5215 Maintenance & Repairs Supplies		630		0		630
<i>SVCS</i>	<i>Services</i>						
	5240 Contracted Professional Svcs		104,582		30,000		134,582
	5260 Maintenance & Repair Services		4,480		0		4,480
	5280 Other Purchased Services		49,300		0		49,300
<i>OTHEXP</i>	<i>Other Expenditures</i>						
	5440 Program Purchases		75,000		0		75,000
	5450 Travel		7,141		0		7,141
	5455 Staff Development		27,414		0		27,414
<b>Total Materials &amp; Services</b>			<b>\$307,211</b>		<b>\$30,000</b>		<b>\$337,211</b>
<b>TOTAL REQUIREMENTS</b>		<b>15.00</b>	<b>\$1,607,004</b>	<b>0.00</b>	<b>\$30,000</b>	<b>15.00</b>	<b>\$1,637,004</b>



**Exhibit A  
Ordinance No. 08-1178**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Public Affairs Department</b>							
<b>Total Personal Services</b>		<b>16.84</b>	<b>\$1,642,982</b>	<b>0.00</b>	<b>\$0</b>	<b>16.84</b>	<b>\$1,642,982</b>
<b><i>Materials &amp; Services</i></b>							
GOODS	<i>Goods</i>						
5201	Office Supplies		23,482		0		23,482
5205	Operating Supplies		4,169		0		4,169
5210	Subscriptions and Dues		2,240		0		2,240
SVCS	<i>Services</i>						
5240	Contracted Professional Svcs		156,993		22,370		179,363
5251	Utility Services		2,706		0		2,706
5260	Maintenance & Repair Services		4,872		0		4,872
5280	Other Purchased Services		30,820		0		30,820
OTHEXP	<i>Other Expenditures</i>						
5450	Travel		11,774		0		11,774
5455	Staff Development		5,844		0		5,844
5490	Miscellaneous Expenditures		6,708		0		6,708
<b>Total Materials &amp; Services</b>			<b>\$249,608</b>		<b>\$22,370</b>		<b>\$271,978</b>
<b>TOTAL REQUIREMENTS</b>		<b>16.84</b>	<b>\$1,892,590</b>	<b>0.00</b>	<b>\$22,370</b>	<b>16.84</b>	<b>\$1,914,960</b>

**Exhibit A  
Ordinance No. 08-1178**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>General Expenses</b>							
<b>Total Interfund Transfers</b>			<b>\$11,320,221</b>		<b>\$0</b>		<b>\$11,320,221</b>
<b><i>Contingency &amp; Unappropriated Balance</i></b>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* Contingency		3,239,705		(52,370)		3,187,335
	* Opportunity Account		3,135		0		3,135
	* Reserved for Future Planning Needs		1,445,000		0		1,445,000
	* Reserved for Future Election Costs		290,000		0		290,000
	* Reserved for Nature in Neighborhood Grants		250,000		0		250,000
	* Reserved for Reg. Afford. Housing Revolving Fund		1,000,000		0		1,000,000
	* Reserved for Metro Regional Center Remodel		300,000		0		300,000
	* Recovery Rate Stabilization reserve		916,588		0		916,588
	* PERS Reserve		13,058		0		13,058
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,000,000		0		2,000,000
	* Reserve for Future Natural Areas Operations		764,453		0		764,453
	* Tourism Opportunity & Comp. Account		96,655		0		96,655
	* PERS Reserve		2,796,056		0		2,796,056
	* Computer Replacement Reserve (Planning)		90,000		0		90,000
	* Tibbets Flower Account		352		0		352
	* Reserve for Future Debt Service		2,151,706		0		2,151,706
<b>Total Contingency &amp; Unappropriated Balance</b>			<b>\$15,356,708</b>		<b>(\$52,370)</b>		<b>\$15,304,338</b>
<b>TOTAL REQUIREMENTS</b>		<b>413.65</b>	<b>\$103,443,042</b>	<b>0.00</b>	<b>\$0</b>	<b>413.65</b>	<b>\$103,443,042</b>

**Exhibit B**  
**Ordinance 08-1178**  
**Schedule of Appropriations**

	<u>Current Appropriation</u>	<u>Revision</u>	<u>Revised Appropriation</u>
<b>GENERAL FUND</b>			
Council Office	1,921,351	0	1,921,351
Finance & Administrative Services	8,236,508	0	8,236,508
Human Resources	1,607,004	30,000	1,637,004
Metro Auditor	527,283	0	527,283
Office of Metro Attorney	1,866,238	0	1,866,238
Oregon Zoo	24,924,185	0	24,924,185
Planning	21,874,329	0	21,874,329
Public Affairs & Government Relations	1,892,590	22,370	1,914,960
Regional Parks & Greenspaces	6,850,082	0	6,850,082
Special Appropriations	5,189,882	0	5,189,882
Non-Departmental			
Debt Service	1,876,661	0	1,876,661
Interfund Transfers	11,320,221	0	11,320,221
Contingency	7,457,486	(52,370)	7,405,116
Unappropriated Balance	7,899,222	0	7,899,222
<b>Total Fund Requirements</b>	<b>\$103,443,042</b>	<b>\$0</b>	<b>\$103,443,042</b>

*All other appropriations remain as previously adopted*

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1178, AMENDING THE FY 2007-08 BUDGET AND APPROPRIATIONS SCHEDULE TO ESTABLISH APPROPRIATION FOR A NEW HUMAN RESOURCES PROJECT, INCREASING PUBLIC AFFAIRS' APPROPRIATION, AND DECLARING AN EMERGENCY

---

Date: February 22, 2008

Prepared by: Karol Ford, Ann Wawrukiewicz

### BACKGROUND

This action requests amended appropriation authority for the following purposes:

#### Human Resources Employee Survey

In support of Council's Critical Success Factor of "Metro's workforce is exceptionally competent, productive and motivated," Human Resources will conduct an employee engagement survey, inviting employees to provide feedback and input on subjects such as job satisfaction, recognition and retention strategies, and internal communication. The COO will periodically survey employees using the same instrument to evaluate success or failure of the program initiated after the first survey. Funding is requested in 2007-08 in order to allow the survey to be completed before the fall 2008 retirement of Metro's Human Resources Director.

The program development consists of a one-time contract cost of \$30,000, including design and implementation of an employee engagement survey, analysis of the results, and recommendation for organizational development.

**\$30,000**

#### Public Affairs Web Redesign

In 2006-07, \$100,000 was included in the Public Affairs budget for a contract to redesign Metro's website. Expenditures of \$60,000 were incurred in 2006-07, and the remaining \$40,000 was carried over into 2007-08. It was subsequently discovered that an invoice in the amount of \$22,370, representing a portion of the \$60,000 of work completed in 2006-07 was not actually paid until August 2007. While the total cost of the website design still equals the budgeted amount of \$100,000, the change in timing of the expenditures requires a \$22,370 one-time increase in Public Affairs' 2007-08 appropriation.

**\$22,370**

### ANALYSIS/INFORMATION

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
- 3. Anticipated Effects:** This action provides appropriation authority necessary for Metro's Central Service departments to meet organizational requirements.

**4. Budget Impacts:** This action will transfer \$52,370 from contingency in the Metro General Fund to meet one-time needs.

**RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of this Ordinance.

Agenda Item Number 4.7

**Ordinance No. 08-1182**, Amending the FY 2007-08 Budget and Appropriations Schedule Adding 1.0 FTE Sr. Transportation Planner to Support the Regional Travel Options Strategic Plan, and Declaring an Emergency

***Second Reading***

Metro Council Meeting  
Thursday, March 27, 2008  
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2007-08 BUDGET AND ) ORDINANCE NO. 08-1182  
APPROPRIATIONS SCHEDULE ADDING 1.0 )  
FTE SR. TRANSPORTATION PLANNER TO ) Introduced by Michael Jordan, Chief  
SUPPORT THE REGIONAL TRAVEL OPTIONS ) Operating Officer, with the concurrence of  
STRATEGIC PLAN, AND DECLARING AN ) Council President David Bragdon  
EMERGENCY )

WHEREAS, the Metro Council has reviewed and considered the need to change appropriations within the FY 2007-08 Budget; and

WHEREAS, the need for the change of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. That the FY 2007-08 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of adding 1.0 FTE Sr. Transportation Planner to the Planning Department to support the Regional Travel Options strategic plan.
- 2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

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

Attest:

Approved as to Form:

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

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

**Exhibit A  
Ordinance No. 08-1182**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Planning Department</b>							
<i>Personal Services</i>							
<i>SALWGE</i>	<i>Salaries &amp; Wages</i>						
5010	Reg Employees-Full Time-Exempt						
	Administrative Assistant	2.00	79,296	-	0	2.00	79,296
	Assistant Regional Planner	1.00	45,293	-	0	1.00	45,293
	Assistant Transportation Planner	2.00	90,586	-	0	2.00	90,586
	Associate Management Analyst	3.00	173,487	-	0	3.00	173,487
	Associate Regional Planner	5.00	277,319	-	0	5.00	277,319
	Associate Trans. Planner	7.00	374,561	-	0	7.00	374,561
	Director II	1.00	137,175	-	0	1.00	137,175
	Manager I	5.83	486,856	-	0	5.83	486,856
	Manager II	5.00	467,858	-	0	5.00	467,858
	Principal Regional Planner	5.00	391,579	-	0	5.00	391,579
	Principal Transportation Engineer	1.00	81,184	-	0	1.00	81,184
	Principal Transportation Planner	6.00	472,763	-	0	6.00	472,763
	Program Analyst IV	1.00	66,848	-	0	1.00	66,848
	Program Director II	1.00	121,444	-	0	1.00	121,444
	Program Supervisor II	2.00	167,884	-	0	2.00	167,884
	Senior Management Analyst	1.00	66,843	-	0	1.00	66,843
	Senior Public Affairs Specialist	2.00	107,457	-	0	2.00	107,457
	Senior Public Relations Coordinator	1.25	81,294	-	0	1.25	81,294
	Senior Regional Planner	8.00	525,189	-	0	8.00	525,189
	Senior Transportation Planner	11.00	737,815	0.25	15,953	11.25	753,768
	Transit Program Director I	1.00	110,722	-	0	1.00	110,722
	Transit Program Director II	1.00	148,071	-	0	1.00	148,071
	Transit Project Manager I	1.00	88,275	-	0	1.00	88,275
	Transit Project Manager II	1.00	90,973	-	0	1.00	90,973
5015	Reg Empl-Full Time-Non-Exempt						
	Administrative Secretary	1.00	32,280	-	0	1.00	32,280
	Management Technician	1.00	39,171	-	0	1.00	39,171
	Program Assistant 2	4.00	148,144	-	0	4.00	148,144
	Secretary	1.00	30,756	-	0	1.00	30,756
5020	Reg Emp-Part Time-Exempt						
	Associate Regional Planner	1.60	93,323	-	0	1.60	93,323
	Senior Regional Planner	1.40	99,996	-	0	1.40	99,996
5030	Temporary Employees		143,229		0		143,229
5080	Overtime		5,000		0		5,000
5089	Salary Adjustments						
	Merit Adjustment Pool (non-represented)		27,212		0		27,212
	Step Increases (AFSCME)		122,747		0		122,747
	COLA (represented employees)		122,747		0		122,747
	Other Adjustments (non-represented)		27,212		0		27,212
	Other Adjustments (AFSCME)		20,458		0		20,458
<i>FRINGE</i>	<i>Fringe Benefits</i>						
5100	Fringe Benefits						
	Base Fringe (variable & fixed)		2,143,036		5,967		2,149,003
5190	PERS Bond Recovery		214,304		0		214,304
<b>Total Personal Services</b>		<b>85.08</b>	<b>\$8,660,387</b>	<b>0.25</b>	<b>\$21,920</b>	<b>85.33</b>	<b>\$8,682,307</b>
<b>Total Materials &amp; Services</b>			<b>\$13,163,942</b>		<b>\$0</b>		<b>\$13,163,942</b>
<b>Total Debt Service</b>			<b>\$517,763</b>		<b>\$0</b>		<b>\$517,763</b>
<b>TOTAL REQUIREMENTS</b>		<b>85.08</b>	<b>\$22,392,092</b>	<b>0.25</b>	<b>\$21,920</b>	<b>85.33</b>	<b>\$22,414,012</b>



**Exhibit A  
Ordinance No. 08-1182**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>General Expenses</b>							
<b>Total Interfund Transfers</b>			<b>\$11,320,221</b>		<b>\$0</b>		<b>\$11,320,221</b>
<b><u>Contingency &amp; Unappropriated Balance</u></b>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* Contingency		3,187,335		(21,920)		3,165,415
	* Opportunity Account		3,135		0		3,135
	* Reserved for Future Planning Needs		1,445,000		0		1,445,000
	* Reserved for Future Election Costs		290,000		0		290,000
	* Reserved for Nature in Neighborhood Grants		250,000		0		250,000
	* Reserved for Reg. Afford. Housing Revolving Fund		1,000,000		0		1,000,000
	* Reserved for Metro Regional Center Remodel		300,000		0		300,000
	* Recovery Rate Stabilization reserve		916,588		0		916,588
	* PERS Reserve		13,058		0		13,058
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,000,000		0		2,000,000
	* Reserve for Future Natural Areas Operations		764,453		0		764,453
	* Tourism Opportunity & Comp. Account		96,655		0		96,655
	* PERS Reserve		2,796,056		0		2,796,056
	* Computer Replacement Reserve (Planning)		90,000		0		90,000
	* Tibbets Flower Account		352		0		352
	* Reserve for Future Debt Service		2,151,706		0		2,151,706
<b>Total Contingency &amp; Unappropriated Balance</b>			<b>\$15,304,338</b>		<b>(\$21,920)</b>		<b>\$15,282,418</b>
<b>TOTAL REQUIREMENTS</b>		<b>413.65</b>	<b>\$103,443,042</b>	<b>0.25</b>	<b>\$0</b>	<b>413.90</b>	<b>\$103,443,042</b>

**Exhibit B**  
**Ordinance 08-1182**  
**Schedule of Appropriations**

	<b><u>Current</u></b> <b><u>Appropriation</u></b>	<b><u>Revision</u></b>	<b><u>Revised</u></b> <b><u>Appropriation</u></b>
<b>GENERAL FUND</b>			
Council Office	1,921,351	0	1,921,351
Finance & Administrative Services	8,236,508	0	8,236,508
Human Resources	1,637,004	0	1,637,004
Metro Auditor	527,283	0	527,283
Office of Metro Attorney	1,866,238	0	1,866,238
Oregon Zoo	24,924,185	0	24,924,185
Planning	21,874,329	21,920	21,896,249
Public Affairs & Government Relations	1,914,960	0	1,914,960
Regional Parks & Greenspaces	6,850,082	0	6,850,082
Special Appropriations	5,189,882	0	5,189,882
Non-Departmental			
Debt Service	1,876,661	0	1,876,661
Interfund Transfers	11,320,221	0	11,320,221
Contingency	7,405,116	(21,920)	7,383,196
Unappropriated Balance	7,899,222	0	7,899,222
<b>Total Fund Requirements</b>	<b>\$103,443,042</b>	<b>\$0</b>	<b>\$103,443,042</b>

*All other appropriations remain as previously adopted*

*Note: Current appropriation column assumes adoption of ordinance 08-1178*

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1182, AMENDING THE FY 2007-08 BUDGET AND APPROPRIATIONS SCHEDULE ADDING 1.0 FTE SR. TRANSPORTATION PLANNER TO SUPPORT THE REGIONAL TRAVEL OPTIONS STRATEGIC PLAN, AND DECLARING AN EMERGENCY.

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Date: February 27, 2008

Prepared by: Andy Cotugno

### BACKGROUND

This amendment requests addition of 1.00 FTE Senior Transportation Planner to manage the Regional Travel Options (RTO) employer and commuter services programs and to support the development of traveler information tools. Management of the vanpool program will be moved from the existing Senior Management Analyst to the new Senior Transportation Planner position. This request is based upon the outcome of a strategic planning process completed in collaboration with RTO program partners and stakeholders. The recommended RTO strategic plan for 2008 to 2013 describes program goals and priorities and identifies revenues to support additional RTO program activities at Metro. The RTO subcommittee of TPAC and TPAC recommended adoption of the plan at their February 2008 meetings. JPACT and the Metro Council will consider adoption of the plan in March 2008.

The Senior Management Analyst currently shared between the RTO and Transit Oriented Development (TOD) programs will provide .70 FTE support for RTO Contracts management and .30 FTE support for TOD Contracts Management. This reallocation will allow both the RTO and TOD programs to receive additional management analyst support for the development of grant agreements and applications, payment of vendors, and budget development and analysis.

The FY 2008-09 budget includes the proposed 1.00 FTE Senior Transportation Planner. This request adds this position and the reallocation of Analyst support to the FY 2007-08 budget in order to address current staffing needs and to be better prepared to support RTO strategic plan implementation in FY 2008-09 and TOD program activities.

	RTO Contracts Management	RTO Program Management	TOD Contracts Management	TOTAL
<b>Current FTE</b>	.30	.50	.20	1.00
<b>Proposed FTE</b>		1.00		1.00
<b>Proposed + reallocated FTE</b>	.70	1.00	.30	2.00

Addition of the Senior Transportation Planner will have a budget impact of \$21,920 in FY 2007-08. Federal grant funds are available in the budget and will provide 89.73% of the cost for the new position. Oregon Business Energy Tax Credit (BETC) and other local matching funds will provide the remaining 10.27%.

Commuter and rideshare programs and services are a key priority and require additional support to achieve program goals. RTO commuter and rideshare programs relieve congestion, reduce demand on the transportation system by increasing the share of trips made with travel options during peak commute hours, and offer low-cost solutions that address employer and commuter transportation needs. Employer

benefits include reduced parking need and cost, reduced employee absenteeism and late arrivals, and improved employee productivity and morale. Transit pass and rideshare programs enable employers to recruit employees from a wider geographic area. Commuters who reduce their drive-alone auto trips benefit by saving money on gas, parking and auto maintenance.

RTO commuter and rideshare programs provide services to area employers and commuters and are carried out by a range of state, regional and local agencies, including Oregon DEQ, Oregon Department of Energy, TriMet, Wilsonville SMART, city of Portland Transportation Options, city of Vancouver/Clark County, six area Transportation Management Associations (TMAs), and Metro. The RTO strategic planning process identifies the need to enhance regional coordination of these programs to reach additional employers and commuters.

Traveler information tools require additional support to enhance services, reduce program costs and develop partnerships. The RTO strategic plan also identifies the need to enhance traveler information tools and recommends that CarpoolMatchNW.org, the region's online ride-matching system, be updated to reduce service delivery costs, enhance usability and support program measurement. In addition, the RTO strategic plan recommends that the program explore development of a multi-modal traveler information system in collaboration with public and private partners. The tool would allow users to view and compare travel options for reaching their destination.

The proposed 1.00 FTE Senior Transportation Planner will carry out the following activities to advance RTO commuter, rideshare and traveler information program goals:

- Develop and coordinate a multi-agency work plan and budget for RTO commuter and rideshare programs, develop and track program performance measures, and identify and implement opportunities to increase program efficiency;
- Prepare program and policy recommendations based upon technical analysis, develop cost/benefit analysis, and define methodology to be used in transportation analyses;
- Explore and develop tools to improve partner communication and coordination, such as a shared contact management system, and cross-training of staff from implementing agencies;
- Develop, organize, and monitor revenue agreements, IGAs and contracts with consultants, vendors, and partner agencies and organizations related to the delivery of commuter and rideshare services;
- Manage the CarpoolMatchNW.org upgrade in consultation with Metro's IT department, explore opportunities to partner with the state of Washington's ride-matching system, as an alternative to upgrading CarpoolMatchNW, and develop related agreements; and
- Explore development of a multi-modal traveler information tool, identify specifications, costs, potential revenue sources, and potential public and private partners.

Current levels of administrative support for RTO grants and contracts and TOD contracts are not adequate. The RTO program currently is assigned 0.30 FTE to support RTO revenue grants from federal and state sources, as well as outgoing RTO grants to agencies and organizations to support local program implementation. The current contracted dollar volume for RTO grants to local agencies is over \$2 million for the FY 07-09 RTO grant cycle. Approximately thirty (30) contracts are currently in effect for the RTO program. This in turn generates a minimum of twenty (20) invoices to be processed each month. Additionally, there are various amendments and extensions that are required to respond to changes or delays in project delivery.

The recent RTO Strategic Plan update calls for an increased pool of grant funds and identifies revenues to support grants. It's anticipated that approximately \$4 million in grants and contracts will be generated over the 2010 and 2011 fiscal years, making this one of Metro's more significant grant programs. Staff

work for the FY 09-11 grant cycle is scheduled to begin in the spring of 2008. This budget amendment will allow reallocation of .40 existing FTE from the vanpool program to RTO grants and contracts.

In order to meet the workload requirements of tracking TOD Program Finances, an increase from .20 to .30 FTE is needed. TOD Program resources are varied and complex and require an increase in FTE to allow for proper tracking and to ensure compliance with government accounting standards. In addition, increased staff time will allow for more accurate and up-to-date financial reporting to the TOD Steering Committee.

If this request for a Senior Transportation Planner is not approved, the employer and commuter services coordination activities proposed in the RTO strategic plan would not be implemented by Metro. At the time of strategic plan development, other partners were not interested in taking on this role. Metro would have to raise this question again with partners, and if there is still no interest, work with partners to develop an alternate plan of action. In addition, vanpool program activities would be scaled back or reassigned to other Metro RTO staff to provide adequate staff time to develop and administer revenue grants and grant agreements. Reassignment of vanpool duties to other Metro RTO staff would impact the evaluation and marketing programs.

Failure to assign adequate administrative oversight to the RTO and TOD programs could lead to audit findings.

## **ANALYSIS/INFORMATION**

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
- 3. Anticipated Effects:** This action will add one full-time position to the Planning Department's budget effective April 1, 2008. This position will be included in the FY 2008-09 Proposed Budget. All costs are funded by grant sources.
- 4. Budget Impacts:** This action will transfer \$21,920 in grant funded contingency to personal services in the Planning Department to fund the addition of one full-time position effective April 1, 2008.

## **RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of this Ordinance.

Agenda Item Number 4.8

**Ordinance No. 08-1184**, For the Purpose of Amending Metro Code section 2.02.120 (d) to Conform to State Law the Requirements for Filing of Financial Reports by Metro Elected Officials.

*Second Reading*

Metro Council Meeting  
Thursday, March 27, 2008  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO ) ORDINANCE NO. 08-1184  
CODE SECTION 2.02.120 (d) TO CONFORM TO )  
STATE LAW THE REQUIREMENTS FOR )  
FILING OF FINANCIAL REPORTS BY METRO ) Introduced by Council President David Bragdon  
ELECTED OFFICIALS )

WHEREAS, the 2007 session of the Oregon Legislature amended the requirements for filing of financial interest statements to require statements to be filed quarterly; and

WHEREAS, Metro Code Section 2.02.120(d) requires copies of such statements to be filed with the Council Clerk on an annual basis; and

WHEREAS, Metro Code should be amended to conform to state law; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. Metro Code Section 2.02.120 (d) Ethical Requirements for Employees, Officers, Elected and Appointed Officials is amended as follows:

“(d) The Auditor and every member of the Council of Metro shall be required to comply with the reporting requirements established by ORS 244.060, including the filing of a Statement of Economic Interest ~~on an annual basis~~ as required by state law. A copy of the Statement of Economic Interest shall be filed with the Council Clerk at the time of filing with the appropriate state agency.”

- 2. All other sections of Metro Code Section 2.02.120 shall remain in effect without amendment.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

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

Attest:

Approved as to Form:

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

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

Agenda Item Number 5.1

**Resolution No. 08-3902**, For the Purpose of Entering an Order Denying the Application of the City of Cornelius to Expand the Urban Growth Boundary by Major Amendment.

Metro Council Meeting  
Thursday, March 27, 2008  
Metro Council Chamber



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING AN ) Resolution No. 08-3902  
ORDER DENYING THE APPLICATION OF )  
THE CITY OF CORNELIUS TO EXPAND THE ) Introduced by Chief Operating Officer Michael  
URBAN GROWTH BOUNDARY BY MAJOR ) Jordan with the Concurrence of Council President  
AMENDMENT ) David Bragdon

WHEREAS, by Order No. 08-044 (Relating to a Waiver to Allow the City of Cornelius to Submit an Application for a Major Amendment to the UGB), entered on June 21, 2007, the Metro Council waived the deadlines in Metro Code 3.01.025 for submitting an application for a major amendment to the urban growth boundary (“UGB”) to allow the City of Cornelius to submit an application to amend the UGB; and

WHEREAS, the city filed an application for a major amendment to the UGB in compliance with Order No. 07-030; and

WHEREAS, the application was considered by a Metro hearings officer at a public hearing in Cornelius on February 19, 2008; and

WHEREAS, the hearings officer submitted a recommendation to the Chief Operating Officer on March 3, 2008, pursuant to section 3.01.025 of the Metro Code; and

WHEREAS, the Council considered the recommendation and argument at a public hearing on March 20, 2008; now, therefore,

BE IT RESOLVED that the Metro Council:

Enters Order No. 08-044, attached to this resolution as Exhibit A, which denies the application of the city of Cornelius to expand the UGB by major amendment for the reason that it does not comply with the Metro Code.

ADOPTED by the Metro Council this \_\_\_ day of March, 2008.

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

Attest:

Approved as to form:

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

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

**Exhibit A to Resolution No. 08-3902**  
**Order No. 08-044**

RELATING TO THE APPLICATION BY THE CITY OF CORNELIUS FOR A MAJOR  
AMENDMENT TO THE URBAN GROWTH BOUNDARY UNDER SECTIONS 3.01.025 AND  
3.01.030 OF THE METRO CODE

The City of Cornelius filed a complete application for a major amendment to the urban growth boundary (“UGB”) under section 3.01.025 of the Metro Code. Pursuant to that section, the application was considered by Metro Hearings Officer Richard Forester at a public hearing in Cornelius on February 19, 2008. The hearings officer submitted a recommendation to the Chief Operating Officer to approve the application. The Metro Council considered the recommendation and argument from the parties at a public hearing on March 20, 2008. The Council concluded that the application failed to meet the requirements for a major amendment in section 3.01.030 of the Code for the reasons set forth in the Findings of Fact and Conclusions of Law attached to this order.

IT IS ORDERED THAT:

1. The Metro Council denies the proposed major amendment of the UGB.
2. The Council adopts the Findings of Fact and Conclusions of Law recommended attached to this order.

ENTERED this \_\_\_\_ day of March, 2008.

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

Approved as to form:

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