

**A G E N D A**

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**METRO**

TEL 503-797-1540 FAX 503-797-1793

**MEETING: METRO POLICY ADVISORY COMMITTEE**

**DATE:** May 14, 2008

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

**PLACE:** Metro Council Chamber/Annex

| NO | AGENDA ITEM   | PRESENTER  | ACTION  | TIME  |
|----|---|--|---|---|
|    | CALL TO ORDER   | Norris   |   |   |
| 1  | SELF INTRODUCTIONS & COMMUNICATIONS   | All  |   | 5 min.  |
| 2  | CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS   |  |   | 2 min.  |
| 3  | CONSENT AGENDA <ul style="list-style-type: none"><li>April 9, 2008</li></ul>  | Norris   | Action  | 3 min.  |
| 4  | COUNCIL UPDATE  | Metro Councilor  | Update  | 5 min.  |
| 5  | JPACT UPDATE  | Cotugno  | Update  | 5 min.  |
| 6  | MAKING THE GREATEST PLACE <ul style="list-style-type: none"><li>Investing<ul style="list-style-type: none"><li>Metro TOD &amp; Centers Implementation Program</li><li>Urban Living Infrastructure Investment Catalyzes Mixed Use Development</li></ul></li><li>Performance Based Growth Management Resolution, Res. No. 08-3940</li><li>Reserves Update</li></ul> | TOD Staff<br>Jerry Johnson<br>Deffebach/Reid<br>Harrington | Presentation/<br>Discussion<br>Presentation/<br>Discussion<br>Action<br>Information | 10 min.<br>10 min.<br>10 min.<br>30 min.<br>10 min. |
| 7  | REGIONAL SOLID WASTE MANAGEMENT PLAN  | Hoglund/Cooper   | Introduction  | 30 min.   |

**UPCOMING MEETINGS:**

MPAC special meeting with JPACT and Infrastructure Advisory Committee: 4-7 p.m. Wednesday, May 28, 2008 at the Oregon Convention Center, Room 150-151.

MPAC Coordinating Committee,

12-1 p.m. Wednesday, May 14, Room 275

4-5 p.m. Wednesday, June 11, 2008 in Room 270

New Metro website: [www.oregonmetro.gov](http://www.oregonmetro.gov)

For agenda and schedule information, call Linnea Nelson at 503-797-1886. e-mail: [linnea.nelson@oregonmetro.gov](mailto:linnea.nelson@oregonmetro.gov)

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

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

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

# **Metro Policy Advisory Committee**

May 14, 2008

Item 3 – Consent Agenda Meeting Summary for April 9, 2008

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

April 9, 2008 – 5:00 p.m.

Metro Regional Center, Council Chambers

**Committee Members Present:** Richard Burke, Jeff Cogen, Andy Duyck, Dave Fuller, Alice Norris, Michelle Poyourow, Sandra Ramaker, Paul Savas, Martha Schrader, Rick Van Beveren

**Committee Members Absent:** Ken Allen, Nathalie Darcy, Rob Drake, Fred Hansen, Tom Hughes, Tom Potter, Bob Sherwin, Erik Sten, Steve Stuart, Richard Whitman

**Alternates Present:** Randy Carson, Shirley Craddick, Craig Dirksen, Ed Gronke, Laura Hudson, Donna Jordan, Don McCarthy, Ted Wheeler

**Also Present:** Hal Bergsma, City of Beaverton; Ron Bunch, City of Tigard; Eric Chambers, City of Gresham; Carol Chesarek, Forest Park Neighborhood; Bob Clay, City of Portland; Danielle Cowan, Clackamas County; Tom Cox, City of Hillsboro; Brent Curtis, Washington County; Jillian Detweiler, TriMet; Dan Drentlaw, City of Oregon City; Denny Egner, City of Lake Oswego; DiDi Ellis, trp 872; Greg Ellis, trp 872; Joshua Ellis, trp 872; Deborah Frassetto, City of Damascus; Austin John, trp 872; Barb Ledbury, City of Damascus; Doug McClain, Clackamas County; Don McIntire, City of Gresham; Ron Papsdorf, City of Gresham; Dan Phegley, City of Damascus; Pat Ribellia, City of Hillsboro; Karen Schilling, Multnomah County;

**Metro Elected Officials Present:** Liaisons – Carlotta Collette, Council District 2, Carl Hosticka, and Rod Park, others (in audience): Council President David Bragdon, Kathryn Harrington, Council District 4, Robert Liberty, Council District 6

**Metro Staff Present:** Dan Cooper, Andy Cotugno, Robin McArthur, Ted Reid, Andy Shaw, Randy Tucker

**1. SELF-INTRODUCTIONS & COMMUNICATIONS**

Chair Alice Norris, called the meeting to order at 5: 01p.m. Chair Norris asked those present to introduce themselves.

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

There was none.

**3. CONSENT AGENDA**

The meeting summary for March 12, 2008:

|         |  |
|---------|--|
| Motion: | Mayor Craig Dirksen, City of Tigard with a second from Nathalie Darcy, citizen from Washington County, moved to adopt the consent agenda without revision. |
|---------|--|

|       |                                |
|-------|--------------------------------|
| Vote: | The motion passed unanimously. |
|-------|--------------------------------|

**4. COUNCIL UPDATE**

Councilor Carlotta Collette gave an update on upcoming Council budget public hearings and events.

## **5. JPACT UPDATE**

Andy Cotugno, Metro Planning Director, noted that JPACT will meet the day after MPAC and will also review scenarios and the MTIP allocation process.

Chair Alice Norris mentioned the upcoming Mayors Forum and reception.

## **6. URBANIZATION ISSUES**

### **6.1 Damascus Voter-approved Measures**

Jim Wright, Damascus Council President, introduced Jim Bennet, Damascus City Manager, who spoke about the March 11, 2008 election and the 3 measures that passed.

- Measure 3-282 requiring voter approval of all new or increased taxes, charge and fees,
- Measure 3-283 regarding condemnation of private property
- Measure 3-281 regarding compensation to property owners if annexation or zoning proves to diminish the property value.

Chair Norris asked about the intention and goal of the measures and opened the floor for questions.

Richard Burke, Special Districts, Washington County, began by disclosing that he works for Americans for Prosperity, a group involved in lobbying on these measures. He asked that the city of Damascus continue to listen to their voters, who he said are upset. Mr. Wright said that he recognizes the possible polarizing impact of the measures and hopes that the measures are used with a full understanding of their ramifications and said that he hopes for a continued sense of community in Damascus.

Commissioner Peterson thanked everyone that is working to move Damascus forward.

Chair Fuller asked the Damascus reps. to clarify Richard Burke's earlier comments about the feelings of the voters. Jim Wright described the political context in Damascus and said that the tension arose over concerns about due process when considering franchise fees. Richard Burke noted that some of the people who were active in this issue were present and could serve as a resource for those who had more questions after the meeting. Chair Norris asked that those people identify themselves.

### **6.2 Washington County Urbanization Forums**

Commissioner Tom Brian, Washington County Board Chair, spoke about the Washington County Urbanization Forum and the challenges faced by the county regarding governance structure, distribution of resources and provision of infrastructure and services given the realized and anticipated population growth. Commissioner Brian spoke about the uniqueness of the special service districts in Washington County that provide services traditionally provided by cities. This situation makes property owners resistant to annexation. He noted that if more areas were incorporated, and additional \$24 million would be available for city services. He spoke about the tension between what the citizens want and the struggle to provide quality services.

Chair Norris opened the floor for comments and questions.

Chair Peterson asked if legislation regarding this issue is being prepared for the next session. She spoke about the struggle to present incentives for annexation and how to plan and fund development in annexed areas.

Chair Brian spoke about current state law and what it allows regarding phased taxation and funding in annexed areas.

Paul Savas, Special Districts, Clackamas County, spoke about his experience working for annexation in his area.

Norm King, Mayor, City of West Linn, asked about process and spoke about the effort in the Stafford area. He asked if the Washington County forum is open to the public.

Chair Brian said that there will be public parts to the process, but it is still being worked out. He spoke about the goals of the Urbanization Forum.

Chair Norris noted that the special service districts in Washington County are unique in the state, some of the largest.

Andy Duyck, Commissioner, Washington County, spoke about the creation of Clean Water Services, one of the special service districts.

## **7. MAKING THE GREATEST PLACE SCENARIO PROPOSAL**

Chris Deffebach, Metro Long Range Planning Manager, gave an overview of the Making the Greatest Place program and road map that looks at how to best implement the 2040 Growth Concept. She spoke about the models that Metro has available to test growth policies and outcomes, MetroScope and the transportation model. She explained how the scenarios, as described in the packet, will be useful tools for all the tracks of the Making the Greatest Place Program.

Commissioner Peterson asked if and how fuel price is included in the model. Chris responded that it is difficult to incorporate but that the model can calculate packages of choices that will reduce greenhouse gas. Commissioner Peterson asked how the scenarios could help prepare the region for different things that might happen, e.g. fuel-efficient cars that still create congestion.

Mr. Burke made comments about the Reserves Public Involvement Plan.

## **8. RTP INVESTMENT SCENARIO**

Kim Ellis, Metro Principal Transportation Planner, reported that the investment scenarios will be used to test the policy choices that were a part of the federal component of the RTP. Ms. Ellis said the MTAC and TPAC have both reviewed the investment scenarios and timeline and have recommended moving forward and she asked for questions and comments from MPAC as well as approval to move forward. Ms. Ellis described the minor changes suggested by MTAC and TPAC. The committee had no comments.

There being no further business, Chair Norris adjourned the meeting at 6:23 p.m.

Respectfully submitted,



Emma Stocker  
Council Policy Associate

ATTACHMENTS TO THE RECORD FOR APRIL 9, 2008

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

| <b>AGENDA ITEM</b>                | <b>DOCUMENT<br/>DATE</b> | <b>DOCUMENT DESCRIPTION</b>                       | <b>DOCUMENT NO.</b> |
|-----------------------------------|--------------------------|---|---------------------|
| <b>#5 JPACT</b>                   | 4/10/08                  | Agenda for JPACT meeting for<br>4/10/08           | 040908-MPAC-01      |
| <b>#6 Urbanization<br/>Issues</b> | April 2008               | Mayor's Institute on City Design May<br>7-9, 2008 | 040908-MPAC-02      |

# **Metro Policy Advisory Committee**

May 14, 2008  
Item 4 – Council Update

## Making the Greatest Place Upcoming Special Events

Overall purpose: To motivate local communities in the region to think boldly about where and how to grow in the next 50 years

### May

- *Mayor's Institute on City Design -- May 7-9*  
Purpose: To bring four mayors in the region (Forest Grove, Gresham, Milwaukie, and Oregon City) together with design experts to find solutions to the most critical urban design challenges facing their cities  
Audience: Invited mayors
- *Reserves Steering Committee -- May 14*  
Purpose: To continue discussion of reserves work program, study areas, and urban reserve factors  
Audience: Reserves Steering Committee and interested parties
- *Urban Land Institute/Metro Infrastructure event with the International Society of City and Regional Planners (ISOCARP) - May 15*  
Purpose: To gain insights from planning professionals from different counties and perspectives on infrastructure issues  
Audience: Infrastructure Advisory Committee, service providers, local planning staff, city managers, neighborhood/community leaders, and developers
- *Infrastructure Workshop (Oregon Convention Center) - May 28*  
Purpose: To review comparative infrastructure costs, financing gaps and possible solutions  
Audience: Elected officials, service providers
- *50-year Range Forecast -- May 30*  
Purpose: To get peer review of the 50-year population and employment forecast from a diverse group of users and experts that will be used for Reserve and Placemaking efforts  
Audience: Reserves Steering Committee and constituent groups, MPAC, JPACT, MTAC, and TPAC

### June

- *Reserves Steering Committee - June 9*  
Purpose: To continue discussion of reserves work program, study areas, and urban reserve factors  
Audience: Reserves Steering Committee and interested parties

*(continued on next page)*



- *Transportation Infrastructure Financing with the Urban Land Institute -- June 25-26 and July 1*

Purpose: To discuss transportation financing options and regional solutions with a panel of experts in transportation finance, elected officials and business leaders in the region

Audience: JPACT, MPAC, ULI leadership, regional business leaders

## July

- *Reserves Steering Committee - July 9*

Purpose: To continue discussion of reserves work program, study areas, and urban reserve factors

Audience: Reserves Steering Committee and interested parties

- *Placemaking Summit -- July 18*

Purpose: To focus attention on how to implement the Region 2040 Growth Concept and to increase awareness of innovative tools to achieve 20- and 50-year visions

Audience: Mayors/chairs; city councilors; county commissioners; local planning directors; neighboring communities mayors, city councilors, county commissioners, administrators and planning directors; state agency representatives, TriMet, and Port of Portland

- *Design and Development Code Workshop -- July 30*

Purpose: To introduce and highlight tools and solutions contained in the Design and Development Code Tool Kit (second installment of Community Investment Tool Kit)

Audience: Local planning commissioners, local government staff, developers, designers, planning and architecture organizations (e.g., American Institute of Architects, Urban Land Institute, American Landscape Architects)

## Fall

- *Case Study Workshops (dates to be determined)*
- *Joint MPAC/JPACT workshops on scenario results*

## Winter 2009

- *Placemaking Summit*

# Trails Blue Ribbon Committee

May 8, 2008

In June, 2007 elected, civic and business leaders convened at the Gerding-Edlen Theater in downtown Portland to launch Connecting Green, an initiative to create one of the world's great systems of parks, trails and natural areas in the Portland Metropolitan Region. Several elements of Connecting Green are moving rapidly, including a regional trails initiative.

Decades of work by dedicated residents and local leaders has resulted in a vision of a regional, multi-modal, off-road trail system that would extend to every corner of the region. Such a system would relieve congestion, reduce the need for costly new roadways and interchanges, create exceptional recreational experiences, promote tourism and economic development, encourage physical activity and health and keep our air and water clean.

Yet while such a system has been envisioned for more than a hundred years, only 194 miles of trail has been built towards a network envisioned at more than 900 miles. The existing trails "system" is a disjointed array of trail segments with many gaps. As a result, while bicycle and pedestrian travel is rising, it is still less than a tenth of what is achieved in many other cities in the world.

The Metro Council has convened a Blue Ribbon Committee of civic, elected, and business leaders to:

- Evaluate the regional trails system and its benefits;
- Determine if the current pace of development is adequate;
- Identify important regional values in developing the system; and
- Help develop a strategy for implementation including agendas for federal, state, local and private investment.

The Blue Ribbon Committee is a limited, six month engagement. It will meet approximately once per month from May through October. The engagement concludes with a study tour of Copenhagen and Amsterdam, two cities that have developed networks similar to the one envisioned for the Portland Metropolitan Region. Meetings are typically on the first Monday of the month, from 4 to 6 PM.

May 8, 2008

## **Blue Ribbon Committee Confirmed Members**

1. Eileen Brady, Co-owner, New Seasons Market
2. Scott Bricker, Executive Director, Bicycle Transportation Alliance
3. Rex Burkholder, Metro Councilor
4. Chris Enlow, Foundation Manager, Keene Footwear
5. Steve Faulstick, General Manager, Doubletree Hotel
6. Jay Graves, Owner, The Bike Gallery
7. Cynthia Haruyama, Executive Director, Hoyt Arboretum Friends
8. Al Jubitz, retired co-President of Jubitz, Inc.
9. Richard Kidd, Mayor, Forest Grove
10. Julie Keil, Director, Hydro Licensing and Water Rights PGE
11. Randy Leonard, Commissioner, City of Portland
12. Nichole Maher, Executive Director, Native American Youth and Family Center
13. Rod Monroe, Senator, Oregon State Senate
14. Dr. Phillip Wu, Pediatrician, Kaiser Permanente
15. Rick Potestio, Mahlum Architects
16. John Russell, Russell Development Company, Inc
17. Dick Schouten, Washington County Commissioner
18. Dave Underriner, CEO, Providence Health System-Portland
19. Dave Yaden, Consultant
20. Ian Yolles, Consultant

# **Metro Policy Advisory Committee**

May 14, 2008

Item 6 – Making the Greatest Place

## MPAC Worksheet

**Agenda Item Title:** Performance-Based Growth Management – Resolution No. 08-3940

**Presenter:** Metro Councilor Carl Hosticka, Chris Deffebach, Ted Reid

**Contact for this worksheet/presentation:** Chris Deffebach or Ted Reid

**Council Liaison Sponsor:** Carl Hosticka

**Purpose of this item (check no more than 2):**

Information \_\_\_\_\_  
Update \_\_\_\_\_  
Discussion   x    
Action   x  

**MPAC Target Meeting Date:** May 14, 2008

Amount of time needed for:

Presentation   10    
Discussion   20  

**Purpose/Objective** (what do you expect to accomplish by having the item on *this meeting's* agenda):

(e.g. to discuss policy issues identified to date and provide direction to staff on these issues)  
Discuss and take action on a resolution that puts forth a definition of performance and directs Metro to work with the region to create a performance-based growth management system.

**Action Requested/Outcome** (What action do you want MPAC to take at *this meeting*? State the *policy* questions that need to be answered.)

Do you recommend that the Metro Council adopt the resolution as written?  
If not, what changes to the text of the resolution would MPAC recommend to Council?

**Background and context:**

MPAC has expressed enthusiasm for the creation of an outcome-based growth management system. The subject resolution is a first step in creating such a system. MPAC has reviewed and commented on a previous draft of the subject resolution.

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

MTAC has discussed drafts of the resolution on two occasions. On May 7, 2008, MTAC unanimously endorsed the resolution that is now before MPAC. A May 8, 2008 memo from Chris Deffebach and Ted Reid to MPAC summarizes MTAC's comments and suggestions on possible changes to the text of the resolution.

**What packet material do you plan to include?** (must be provided 8-days prior to the actual meeting for distribution)

Resolution No. 08-3940

Staff Report

May 8, 2008 memo from Ted Reid and Chris Deffebach to MPAC

**What is the schedule for future consideration of item** (include MTAC, TPAC, JPACT and Council as appropriate):

Council will consider the resolution on June 19, 2008

# M E M O R A N D U M

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**METRO**

**To:** MPAC  
**From:** Chris Deffebach and Ted Reid, Long Range Policy and Planning  
**Date:** May 8, 2008  
**Re:** Performance-Based Growth Management

On May 7, 2008, MTAC unanimously endorsed Resolution No. 08-3940, but had the following comments for MPAC consideration in formulating its recommendation to the Metro Council:

## Governance

A primary topic of conversation was the issue of governance. At the March 12 MPAC session, the City of Tigard suggested the addition of language for Exhibit A to the draft resolution. That language was unanimously endorsed by MPAC and read:

“New urban areas be planned and developed under municipal governance structures (within cities).”

On April 19, the draft resolution was again discussed by MTAC. MTAC requested a drastically shortened list of desired outcomes. Staff took that suggestion and re-wrote all of the outcome statements found in Exhibit A to the resolution. Staff did so with the intent to articulate only desired outcomes, not the means thereto. In that process, staff concluded that the above statement regarding governance was a “how to” statement rather than a desired outcome and did not include it in the current draft of the resolution.

During their May 7, 2008 meeting, MTAC did not come to a consensus on whether or not this statement belongs in Exhibit A to the resolution or whether it is more appropriate to consider it as a strategy for which we should develop performance indicators. Additionally, there was discussion of whether or not this statement would apply to existing unincorporated areas, or just newly urbanizing areas. Given this lack of agreement, MTAC suggests the following choices for MPAC’s consideration:

1. Incorporate the statement, as written, into Exhibit A to the resolution.
2. Incorporate the statement into Exhibit A to the resolution, and explicitly state that it applies both to newly urbanizing areas and existing unincorporated areas.
3. Do not incorporate the statement into Exhibit A to the resolution. Consider the statement as one strategy amongst many for achieving the desired outcomes. Make a point of developing a performance indicator that addresses this issue (for example, a relevant performance indicator might fit under Outcome number 6, regarding the equitable distribution of benefits and burdens: Percent of population living in unincorporated areas).

### Comments on the resolution's whereas clauses

- The resolution should explicitly state that a performance-based system is intended to do a better job of implementing existing policies such as the 2040 Growth Concept and the Regional Urban Growth Goals and Objectives. The purpose is not to create a new vision for the region.

### Comments on Exhibit A to the resolution (desired outcomes)

- General comments about outcome statements:
  - This short list makes much more sense than the previous list, which was too lengthy.
- Outcome number 1:
  - Refer to “complete communities” rather than “vibrant communities.”
  - There are too many ideas incorporated into this outcome.
  - This is a complex statement, but one that is necessary to describe a desirable urban form.
  - Amend to read, “People live in complete communities, where they have choices of housing designs and prices, jobs are close to home, and they can safely and routinely walk for pleasure and to meet their everyday needs.”
  - Amend to read, “All people, regardless of income, live and work in complete communities where they can choose to walk for pleasure and to meet their everyday needs.”
  - The concept of walkability belongs under Outcome 3, transportation choices.
  - The concept of walkability is important when describing urban form and belongs in Outcome 1.
- Outcome number 2:
  - There is no need to refer to “current and future residents.” Instead, simply refer to “residents.”
  - Amend to read, “All current and future residents benefit from the region's sustained economic competitiveness and prosperity and the benefits and burdens of growth and change are distributed equitably.”
- Outcome number 3:
  - Amend to read, “People have safe and reliable access to transportation choices that enhance their quality of life.”
  - Amend to read, “All people have safe and reliable transportation choices that enhance their quality of life.”
- Outcome number 4:
  - This is an important outcome statement that we need to incorporate.
  - There should be some language about “sustainability” in this outcome.
  - Refer to “global climate change” rather than “global warming.”
  - To be consistent with state laws regarding reductions in emissions, substitute the word “reducing” for the word “minimizing.”
  - Revised, a new outcome could read, “The region is a leader in sustainability and in reducing its contributions to global climate change.”
- Outcome number 5:
  - There is no need to refer to “current and future residents.” Instead, simply refer to “residents.”
- Outcome number 6:
  - MTAC supports the consideration of equity in growth management decisions, but it was suggested that it might be more appropriate to incorporate equity into the other outcome statements rather than making it an outcome unto itself.



### Comments on exhibit B to the resolution (guiding principles)

- Add a guiding principle that states that the 2040 Growth Concept and other existing policies are the basis for the development of a performance-based growth management system.
- Not all local aspirations are consistent with regional goals. Articulate the idea that this system should support only those local aspirations that are consistent with the regional vision. *A counter argument was made that this sentiment is already captured in the guiding principles, as follows: “Measurements should accommodate local aspirations and should support equitable outcomes across the region while also achieving region-wide goals.”*
- Because this is intended to be a collaborative approach, there should be the flexibility to amend this list of desired outcomes in the future. There should be a guiding principle to this effect or it should be stated in the “be it resolved” section. *A counter argument was made that planning is always an iterative process and that including such a clause would only serve to weaken the importance of the resolution.*

### Comments on attachment 1 to the staff report (example performance indicators)

Though the resolution itself does not contain any performance indicators, the staff report gives examples of possible measures to explain how a performance-based approach might work. Pending passage of this resolution, staff will work with MTAC, MPAC, the Metro Council and other stakeholders to develop the performance indicators and targets. However, MTAC had a number of initial comments about performance indicators:

- The performance indicator for access to parks should use a ¼ mile rather than a ½ mile distance.
- There should be measures for:
  - Green building
  - Industrial emissions
  - Renewable energy
  - Percent of K-12 children that can walk to school
- The eventual list of performance indicators needs to be relatively short, perhaps two indicators for each outcome.
- Performance indicators should relate to the desired outcome, not to the strategy thereto.
- Performance indicators should measure not just the status, but change over time (e.g. percent change in...)
- Every outcome statement needs a measure of equity.
- The development of performance indicators needs to be a collaborative, transparent process.

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-3940, FOR THE PURPOSE OF AFFIRMING A DEFINITION OF A “SUCCESSFUL REGION” AND COMMITTING METRO TO WORK WITH REGIONAL PARTNERS TO IDENTIFY PERFORMANCE INDICATORS AND TARGETS AND TO DEVELOP A DECISION-MAKING PROCESS TO CREATE SUCCESSFUL COMMUNITIES

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Date: May 8, 2008

Prepared by: Ted Reid

## BACKGROUND

### Contents of the resolution:

Staff has been developing the Performance-Based Growth Management (PBGGM) concept in order to allow for a more robust conversation about how different growth management strategies measure up to the region’s aspirations. The proposed resolution is a first step towards designing a performance-based growth management system that helps to create the successful communities that the region desires. The resolution has three main purposes:

1. Define success – The resolution describes the region’s desired outcomes with respect to creating successful, livable communities (see Exhibit A to the resolution).
2. Establish guiding principles – The resolution articulates a set of principles (see Exhibit B to the resolution) that will guide the creation of a performance-based growth management system.
3. Commit to collaboration – The resolution commits the Metro Council, based on the desired outcomes and guiding principles, to work with regional partners to identify the performance indicators, targets and decision-making process necessary to create successful communities.

### Relationship of this resolution’s outcome statement to past Metro policy statements

The PBGM project is not an attempt to create a new vision for the region. Rather, it is an attempt to do a better job of implementing the 2040 Growth Concept. Past policy documents such as the 2040 Growth Concept, Regional Urban Growth Goals, and the Regional Framework plan have informed the writing of the outcome statements found in Exhibit A to the resolution.

However, the resolution’s list of desired outcomes is different from previous policy statements in that it strives to articulate only the desired outcomes, not the strategies thereto. For instance, past policies have included goal statements such as “adequate land supply” or “compact urban form.” While these are important strategies, these statements fail to capture what is most important to the region: outcomes like clean air and water and thriving communities. The resolution also attempts to list only those outcomes that may be most directly influenced by growth management strategies.

The resolution’s focus on outcomes, not strategies, also recognizes the fact that no single strategy is likely to accomplish the desired outcomes. Instead, a combination of local and regional policies and private and public investments will be needed. Finally, given its pressing importance, an outcome statement related to global warming has been added despite its absence in past policy statements.

### **How the resolution's outcome statements could translate into strategies and indicators**

The intent is to have these desired outcomes be at the forefront when making growth management decisions. This would be accomplished through the use of performance indicators that correspond to each desired outcome.

Attachment 1 to this staff report includes, for each of the six outcome statements, illustrative examples of strategies for achieving the outcome as well as draft indicators for measuring the effectiveness of those strategies. Additional stakeholder input will be solicited before finalizing the list of performance indicators.

It is worth noting that, as with the performance indicators mandated by ORS 197.301, there is no performance indicator for adequate growth capacity. This is because the very premise of PBGM is that capacity can (and will) be provided through a variety of strategies. A PBGM system would provide the means of weighing the costs and benefits of those strategies in light of the region's desired outcomes.

The attached list of sample performance indicators includes those that are currently mandated under ORS 197.301 as well as a number of the performance indicators that were generated in Metro's agency-wide performance measurement project. These indicators were supplemented with performance indicators that are being considered for use in the Regional Transportation Plan (RTP) as well as those that are being reported in the Title 13 (Nature in Neighborhoods) *State of the Watersheds* report.

Performance indicators would be used retrospectively (to monitor past performance) as well as prospectively (to report the results of scenario modeling) to allow for adaptive management. However, there are likely to be important performance indicators for which modeling is currently not possible (e.g. many of the habitat-related indicators) or for which historic data is not available (e.g. many of the transportation indicators). Given the importance of such indicators, staff recommends that the inability to both measure and model results for a given indicator not preclude its use.

Staff anticipates that many performance indicators will be most informative when mapped, thereby allowing for sub-regional analysis and targeted corrective strategies.

### **Existing statutes**

In some ways, a PBGM system is already described in the Oregon Revised Statutes (ORS 197.301 and 197.302). Those statutes articulate a set of performance measures that are to be reported by Metro every two years and require that corrective actions be taken if additional growth capacity is needed. The proposed PBGM system is an attempt to improve upon what is already required by statute.

### **Better indicators**

One such improvement would be to develop performance indicators that measure the impacts of growth as experienced by the region's residents. In particular, most of the performance indicators currently required under ORS 197.301 (for instance, residential vacancy rates) fail to describe, in any intuitive way, quality of life or cost of living for the region's residents.

### **Adaptive management**

A second improvement would be to more explicitly link the performance indicators with growth management strategies so that such strategies specifically address performance deficiencies. Under our current system, there is no attempt to demonstrate how a particular strategy, such as a UGB expansion, might improve performance.

Adaptive strategies could take many forms, depending on the circumstances. For example, the region's experience has shown that providing land supply alone does not create a community. Improved access to open space, transit, and other urban amenities are some of the most effective means of attracting residents and employers to the region's centers, corridors and employment areas.

Scenario modeling would help establish a cause and effect linkage between a strategy and outcomes. As previously noted, under a PBGM system, performance indicators would be used both retrospectively (as required by the statute) as well as prospectively in scenario modeling. A variety of strategies, including UGB expansions, could be tested using modeled scenarios. For instance, a scenario that tests limited UGB expansions, upzoning and investments in corridor improvements could be tested against a strategy that provides for more aggressive UGB expansions and investments in transit connections between centers.

These scenarios will be an iterative process that, in coordination with local partners, will provide for the refinement of strategies. When measured against the performance indicators, some scenarios will perform better than others. However, it will be a matter for deliberation at Metro and at the local level which strategies produce the desired results at the right risk or cost level. When the Council does decide that there is a need for additional land supply, a performance-based system would provide a transparent, outcome-based means of arriving at that decision and of choosing amongst urban reserve areas, based on the quality of the concept plan.

### **Designing the decision-making system**

As noted, any policy decisions and public investments that influence urban form could be considered growth management decisions. Many of these actions are taken at the local level while the Metro Council takes others. Given the dispersed nature of these decisions, it is most accurate to describe PBGM as an outcome-oriented decision-making paradigm, rather than as a single, unified system for making all growth management decisions.

This outcome-oriented decision-making paradigm is one that is currently being incorporated into the Regional Transportation Plan (RTP). Metro's RTP staff is, in conjunction with external advisors, identifying performance indicators that will be used to monitor and model the performance of the region's transportation network and its effects on land use, thereby informing investment decisions. Staff's intent is that one set of performance indicators be used by the RTP and to guide Metro's other actions and investments.

For this decision-making paradigm to be most effective, it also needs to be relied upon by the region's cities. Consequently, the proposed resolution commits Metro to work with its regional partners to design the PBGM decision-making framework. Staff anticipates that the design of this framework will involve the development of performance targets that are linked with adaptive strategies. Staff intends that this decision-making framework as well as the aforementioned scenario modeling capabilities be regarded by local jurisdictions as a valuable tool for considering future choices.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

There is no known opposition to this resolution.

### **2. Legal Antecedents**

ORS 197.296 to 197.303

Urban Growth Management Functional Plan (in particular, Title 9, Performance Measures)

### **3. Anticipated Effects**

If this resolution is adopted, staff will work with Metro's regional partners to create a performance-based growth management system. This work will include the identification of performance indicators, performance targets, and adaptive strategies. Once implemented, a PBGM system would consist of the ongoing provision of technical resources to local jurisdictions for considering the effects of different local strategies. This technical assistance will be of particular importance as 12 of the region's cities enter Periodic Review of their comprehensive plans over the next several years. Staff does not anticipate that a PBGM system will be any easier to implement than the current growth management system. However, staff believes that a PBGM system can more be more successful in helping local jurisdictions to create great communities that are an asset to the region.

### **4. Budget Impacts**

Development of the Performance-Based Growth Management concept is already included in the budget. Though there will be no new budget impacts as a consequence of adopting this resolution, an ongoing performance-based growth management system would incur new costs, particularly for data collection, management, interpretation, and display.

### **RECOMMENDED ACTION**

Staff recommends that Council adopt the resolution.

ATTACHMENT 1 to Staff Report

**OUTCOME 1: People live and work in vibrant communities where they can choose to walk for pleasure and to meet their everyday needs**

| <b>Strategies</b>   | <b>Draft performance indicators</b>   | <b>Indicator mandated by state?</b> |
|---|---|-------------------------------------|
| Create a compact urban form by encouraging growth (jobs and housing) in centers and corridors         | Private investment in centers and corridors as a percent of total private investment in the region  | No                                  |
|   | Residential vacancy rates (renters, owners)   | Yes                                 |
|   | Refill rate - industrial, commercial, residential   | Yes                                 |
|   | Percent of employment (and employers) and population in the three-county region that is within centers and corridors                              | No                                  |
| Encourage efficient use of land in all communities  | The rate of conversion of vacant land to improved   | Yes                                 |
|   | The sales price of vacant land  | Yes                                 |
|   | Average density by design type (center, corridor, industrial/employment area)   | No                                  |
| Encourage mixed uses in centers and corridors   | Percent of area within centers and corridors with compact urban form characteristics (mixed use index)  | No                                  |
| Provide urban amenities (parks, street car, plazas, boulevard treatments, bike lanes, sidewalks, etc) | Neighborhood score (statistical measure of neighborhood desirability - the portion of property sales price not explained by private improvements) | No                                  |
|   | Number and percentage of households within 1/2 mile of public open space (park, plaza, natural area)  | Yes                                 |

**OUTCOME 2: Current and future residents benefit from the region's sustained economic competitiveness and prosperity**

| <b>Strategies</b>   | <b>Draft performance indicators</b>  | <b>Indicator mandated by state?</b> |
|---|--|-------------------------------------|
| Provide for the efficient and reliable movement of freight and goods.                                 | Total delay and cost of delay on the regional freight network in mid-day and PM peak   | yes (mobility)                      |
| Provide regional access to labor and markets  | Number and percentage of households and jobs within 30 minutes of the (Tier 1) central city, regional centers, and industrial areas for mid-day and PM peak (visualized using travel time contours)                          | yes (accessibility)                 |
| Attract employers and a qualified work force by preserving and improving the region's quality of life | Traded sector jobs in the region as a percent of the U.S. average  | No                                  |
| Protect critical industrial lands from conflicting uses   | The level of job creation within individual cities and the urban areas of a county inside the metropolitan service district<br><br>Percentage of employment (and employers) located in Title 4 (industrial/employment) areas | Yes<br><br>No                       |

**OUTCOME 3: People have safe and reliable transportation choices that enhance their quality of life**

| <b>Strategies</b>   | <b>Draft performance indicators</b>                                     | <b>Indicator mandated by state?</b> |
|---|---|-------------------------------------|
| Provide for the efficient and reliable movement of people | Average commute length  | yes<br>(accessibility)              |
| Provide community access to daily activities              | Number and percent of homes within 1/2 mile of regional transit service | No                                  |
|   | Number and percent of homes within 1/2 mile of a regional trail         | No                                  |
| Invest our resources wisely                               | User cost per mile (auto and truck)                                     | No                                  |
| Design a safe transportation system                       | Per capita crashes, serious injuries and fatalities by mode             | No                                  |



**OUTCOME 4: The region is a leader in minimizing contributions to global warming**

| <b>Strategies</b>                                      | <b>Draft performance indicators</b>   | <b>Indicator mandated by state?</b> |
|--|---|-------------------------------------|
| Reduce dependence on automobile                        | VMT per capita  | No                                  |
|  | Total VMT   | No                                  |
|  | Non drive alone mode share for central city and individual regional centers (% by mode) | No                                  |
|  | Tons of transportation-related greenhouse gas emissions per year                        | No                                  |
| Encourage reductions in residential energy consumption | Average BTU consumption per household   | No                                  |

**OUTCOME 5: Current and future generations enjoy clean air, clean water and healthy ecosystems**

| <b>Strategies</b>  | <b>Draft performance indicators</b>   | <b>Indicator mandated by state?</b> |
|--|---|-------------------------------------|
| Protect / enhance ecological function  | The amount of environmentally sensitive land that is protected and the amount of environmentally sensitive land that is developed (statutory language - needs refinement for use) | Yes                                 |
| Preserve and improve streamside, wetland and flood area habitat connectivity   | Number of acres of Class I and II high value riparian habitat   | No                                  |
|  | Number of acres of undeveloped floodplain   | No                                  |
| Preserve large areas of contiguous habitat and avoid fragmentation   | Number of acres of Class A and B high value upland habitat  | No                                  |
| Preserve and improve special habitats of concern (native oak, riparian bottomland hardwood, wetlands, river islands and deltas, as well as habitats with specific key functions) | Number of acres and categorical types of special or at-risk species   | No                                  |
| Minimize conversion of rural lands to urban uses   | Acres consumed in UGB expansion areas   | No                                  |

**OUTCOME 6: The benefits and burdens of growth and change are distributed equitably**

| <b>Strategies</b>  | <b>Draft performance indicators</b>   | <b>Indicator mandated by state?</b> |
|--|---|-------------------------------------|
| Minimize geographic concentrations of poverty by providing housing and transportation choices in centers and corridors | The density and price ranges of residential development, including both single family and multifamily residential units | Yes                                 |
|  | A measure of combined housing/transportation costs (probably an index)  | No                                  |
|  | Percent of residents living in poverty  | No                                  |
|  | Number and percent of low-income (define) households within 1/2 mile of high-capacity transit or frequent bus service   | No                                  |
| Ensure clean air for all by reducing dependence on automobile  | Total pounds of selected air toxins emitted.  | Yes (air quality)                   |
| Encourage an efficient urban form that reduces the costs of providing infrastructure                                   | Average regional, community, local infrastructure costs by census tract   | No                                  |

BEFORE THE METRO COUNCIL

|                                     |   |                                       |
|-------------------------------------|---|---------------------------------------|
| FOR THE PURPOSE OF AFFIRMING A      | ) | RESOLUTION NO. 08-3940                |
| DEFINITION OF A “SUCCESSFUL REGION” | ) |                                       |
| AND COMMITTING METRO TO WORK WITH   | ) | Introduced by Councilor Carl Hosticka |
| REGIONAL PARTNERS TO IDENTIFY       | ) |                                       |
| PERFORMANCE INDICATORS AND TARGETS  | ) |                                       |
| AND TO DEVELOP A DECISION-MAKING    | ) |                                       |
| PROCESS TO CREATE SUCCESSFUL        | ) |                                       |
| COMMUNITIES                         | ) |                                       |

WHEREAS, the preamble to Metro’s Charter states that Metro shall undertake “...as its most important service, planning and policy making to preserve and enhance the quality of life and the environment for ourselves and future generations...”; and

WHEREAS, the concept of “quality of life” is given further clarification in the 2040 Growth Concept, the Regional Framework Plan and Metro Council Goals and Objectives; and

WHEREAS, to preserve and enhance the quality of life for current and future generations, growth management policies should be based upon measurable performance toward the achievement of regional goals and objectives; and

WHEREAS, Title 9 (Performance Measures) of the Urban Growth Management Functional Plan states that the Metro Council shall adopt and periodically revise performance measures to be used in evaluating and adjusting, as necessary, Metro’s functional plans, the urban growth boundary (UGB), and other regional plans; and

WHEREAS, the region has an increasing ability to measure its success in realizing its goals, to use performance measures and to understand the likely effects of different policy options; and

WHEREAS, state law currently requires Metro to determine the capacity of the region’s UGB every five years, using a precise methodology set forth at ORS 197.296, and to add capacity if the UGB does not have sufficient room to accommodate population and employment growth forecasted for the next 20 years; and

WHEREAS, the current approach to growth management causes the region to apply a level of analytical precision to long-range population and employment forecasts that does not account for the dynamic nature of housing and employment needs and markets; and

WHEREAS, the current approach can lead to UGB land allocations that do not help to create great communities that enhance the quality of life for ourselves and future generations; and

WHEREAS, this cyclical approach has also had the effect of diverting the region’s attention and resources from critical, shorter-term efforts to build livable communities within the region’s centers and corridors and, instead, has directed scarce resources to a continual analysis of need to add to the region’s long-term development capacity by adding land from outside the UGB; and

WHEREAS, despite the passage of approximately 13 years since its adoption, support for the 2040 Growth Concept remains strong among local governments and the general public, and

WHEREAS, the 2040 Growth Concept also holds promise for addressing contemporary and pressing concerns, such as the region's rapid population growth and its contributions to global warming, and for directing investments in infrastructure in a time of limited funds; and

WHEREAS, in order to establish performance measures to inform future growth management decisions, the region should affirmatively state its vision of long-term success in creating a livable region and its constituent communities; and

WHEREAS, a performance-based approach to growth management will be most successful if jurisdictions throughout the region participate in its development and integrate it into their decision making; and

WHEREAS, Metro and its regional partners intend to use a performance-based approach to help determine whether and where to (1) allocate growth to and within the UGB; (2) invest in communities within the UGB; and (3) expand the UGB; now, therefore

BE IT RESOLVED that the Metro Council

1. Affirms a definition of a successful region and its constituent communities, as set forth in Exhibit A, attached hereto.
2. Commits, based on the principles articulated in Exhibit B, to working with all of our regional partners to identify the performance indicators, targets and decision making process necessary to create successful communities.

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

---

David Bragdon, Council President

Approved as to form:

---

Daniel B. Cooper, Metro Attorney

**Exhibit A**  
**To Resolution No. 08-3940**

A Definition of a Successful Region

1. People live and work in vibrant communities where they can choose to walk for pleasure and to meet their everyday needs.
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices that enhance their quality of life.
4. The region is a leader in minimizing contributions to global warming.
5. Current and future generations enjoy clean air, clean water and healthy ecosystems.
6. The benefits and burdens of growth and change are distributed equitably.

**Exhibit B**  
**To Resolution No. 08-3940**

Guiding Principles - Performance Based Growth Management

1. The new growth management approach should be outcome-oriented, with the outcomes endorsed through regional commitment to a definition of performance or outcome.
2. The new approach should be transparent, allowing for explicit weighing of community values and desired outcomes.
3. Performance or outcome should be defined in a way that is readily measurable and has clear cause-and-effect linkages with policy choices.
4. A combination of measures will be used to assess progress toward meeting the region's goals and will inform decisions about which policy tools are needed to achieve the desired outcomes.
5. Measurements should accommodate local aspirations and should support equitable outcomes across the region while also achieving region-wide goals.
6. The new approach will link performance measures reporting directly with growth management decisions.
7. The new approach should rely on an integrated set of policy and financial tools, including public investments, land supply decisions, local zoning and other strategies.
8. Strategies should be aligned at the regional, local, state and federal level to support progress toward achieving the outcomes desired for the region and to effectively leverage private investment.
9. Changes to state statute and administrative rules may be needed to fully implement this approach.

**DRAFT**

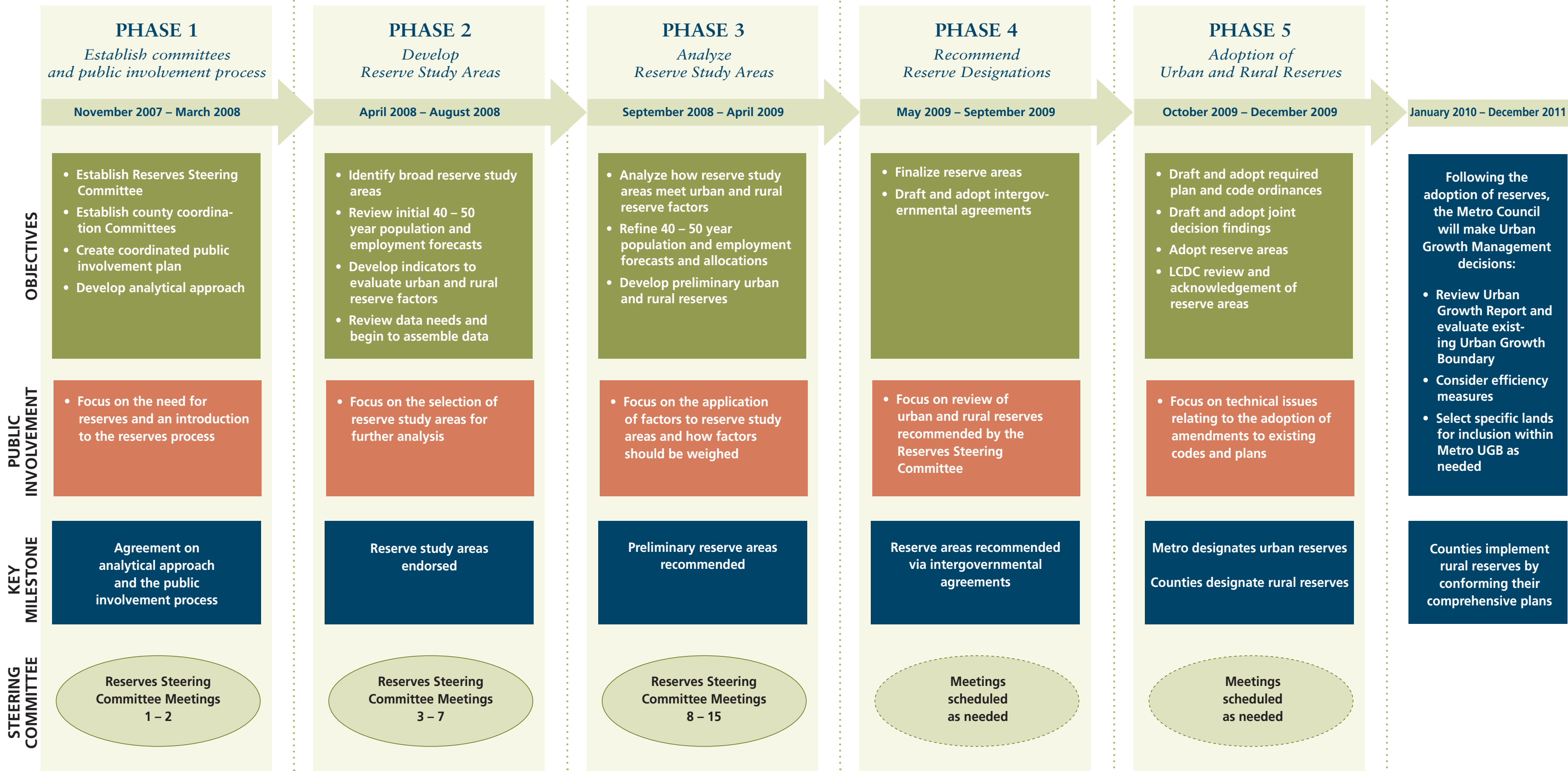
# Coordinated Reserves Work Program Overview

2007

2008

2009

2010 – 11







# Key Milestones for Designating Urban and Rural Reserves

work in progress

## 2008

Identifying and analyzing options for urban and rural reserves study areas

## 2009

Final analysis and decisions on urban and rural reserves

## 2010

Future decisions

WINTER

SPRING

SUMMER

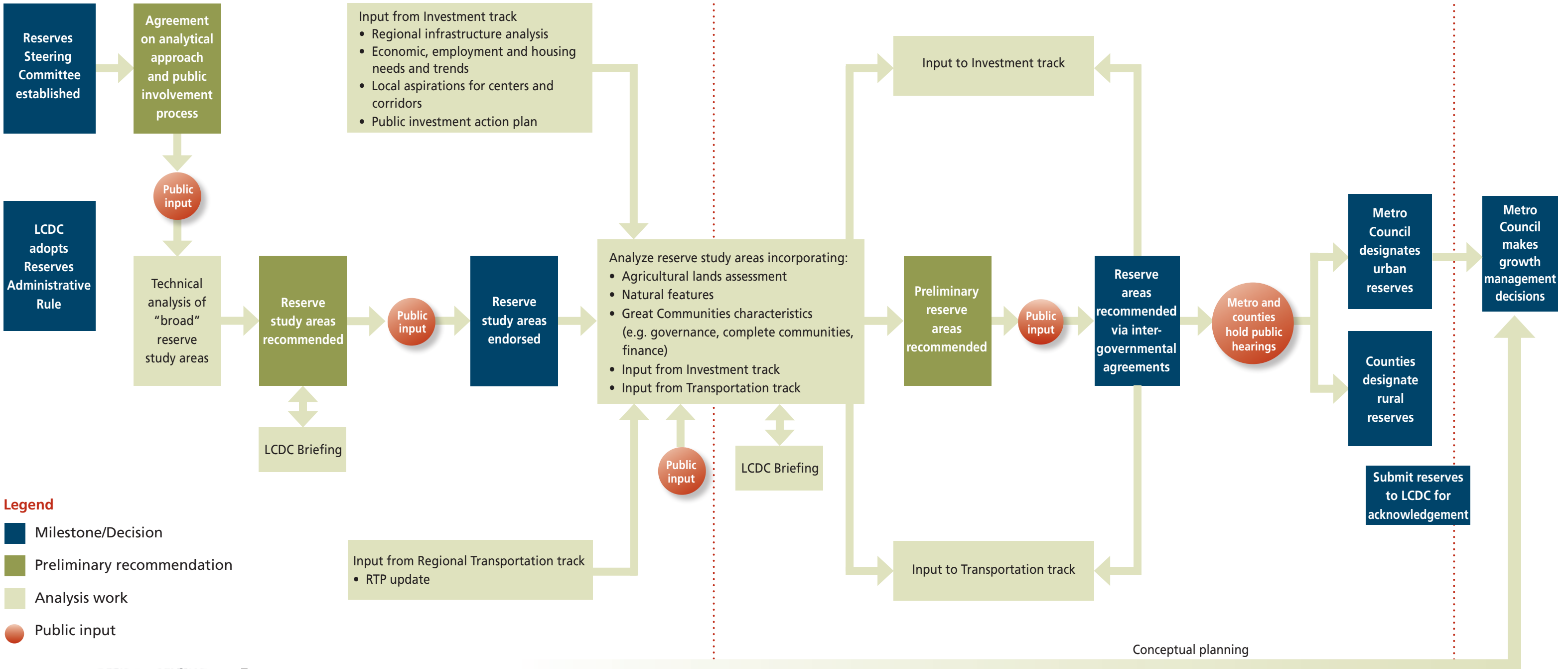
FALL

WINTER

SPRING

SUMMER

FALL



## Framing Growth Forecasts in the Context of Urban Reserves February 27, 2008

**Framework:** This document recommends a way to integrate growth forecasts and allocations of that growth around the region at the appropriate points in the urban reserves decision-making process.

1. The reserves process is intended to define the future shape of the Portland metropolitan region including where and how growth will occur.
2. Designation of urban reserves at the end of 2009 will require growth forecasts and allocations to make adequate findings.
3. Growth forecasts and allocations will need to reflect long-term economic and demographic trends to ensure that future businesses, jobs and people are accommodated.
4. Allocations regarding where and how growth will occur cannot be made until the following questions are answered:
  - Regional choices: What is the region's ability and willingness to provide the necessary public facilities and services, governance, and finance to support the creation of "Great Communities" which are sustainable and complete?
  - Local choices: What is the ability and willingness of local jurisdictions and service providers to achieve local aspirations in existing centers, corridors and employment areas (e.g., upzoning, targeted investments, transportation improvements)?
  - New land supply: What is the potential capacity and suitability of the reserve areas to accommodate future jobs and people in a way that creates "Great Communities"?
5. Each decision point along the reserves decision-making continuum will require a greater level of refinement in the growth forecasts and ultimately will lead to allocation of the forecasted population and employment incorporating regional and local agreements on the trends and policy choices described above.
6. Metro will prepare growth forecasts that will be peer-reviewed by an expert review panel. The growth forecast expert review panel should include academic experts, state and local economic experts and local business experts.

### **Recommendations:**

1. Spring 2008: To guide development of reserve study areas, Metro will release an initial 40 to 50-year population and employment range forecast after review by expert panel that will include an assessment of variables which affect the accuracy of the forecast.
2. Spring 2008 – Fall 2009: The region, the three counties and local governments will proceed through a planning process that will utilize and achieve successively greater levels of refinement regarding population and employment forecasts and allocation of the forecasted growth to various locations in the region.
3. Spring 2009:
  - Metro will release 20-year forecast after review by expert panel to guide development of Urban Growth Report (UGR).
  - Metro will release *final* 40 to 50-year range forecast to guide designation of urban reserves.

4. Summer 2009: Metro will circulate draft Urban Growth Report (UGR) that reflects growth assumptions and local aspirations.
5. Fall 2009: Metro Council adopts UGR
6. Fall/Winter 2009: Metro Council adopts urban reserves with 40 to 50-year population and employment forecast and growth allocation.
7. Winter 2010: Metro Council makes urban growth boundary decision.

# **Metro Policy Advisory Committee**

May 14, 2008

Item 7 – Regional Solid Waste Management Plan

## MPAC Worksheet

**Agenda Item Title:** Local government compliance with the Regional Solid Waste Management Plan (Ordinance no. 08-1183).

**Presenter:** Michael Hoglund/Dan Cooper

**Contact for this worksheet/presentation:** Janet Matthews

**Council Liaison Sponsor:** Kathryn Harrington

**Purpose of this item (check no more than 2):**

Information        
Update        
Discussion        
Action      

**MPAC Target Meeting Date:** May 14, 2008

Amount of time needed: 30 minutes

Presentation 15 minutes

Discussion 15 minutes

**Purpose/Objective** (what do you expect to accomplish by having the item on *this meeting's agenda*): An understanding of requirements on local governments in the proposed Regional Solid Waste Management Plan (RSWMP); discussion on the compliance ordinance (08-1183), and proposed revisions to that ordinance.

**Action Requested/Outcome** (What action do you want MPAC to take at *this meeting*? State the *policy* questions that need to be answered.)

**No action is requested from MPAC at this meeting.** The purpose is to review information and discuss Metro Ordinance 08-1183 for RSWMP Compliance and Enforcement. MPAC is scheduled to take action on June 11.

- Does the Ordinance 08-1183, with the proposed revisions, establish a reasonable, flexible approach for ensuring local government awareness of, and compliance with, RSWMP requirements? Or,
- Are there alternative policy approaches for RSWMP compliance and enforcement that MPAC would like to see developed prior to final action?

**Background and context:** The draft update of the Regional Solid Waste Management Plan (RSWMP) is intended to provide the metropolitan area with policy and program direction for the next decade (2008-2018), and to satisfy state law requiring the development of a waste reduction plan. The update was developed by Metro with extensive stakeholder and public involvement,

including local government staff, solid waste and recycling industry representatives, and the rate-paying public (Review RSWMP using this link: [www.oregonmetro.gov/index.cfm/go/by.web/id=12852](http://www.oregonmetro.gov/index.cfm/go/by.web/id=12852)).

The RSWMP establishes a number of goals and objectives as guidelines for the solid waste and recycling system for the next ten years. However, the RSWMP includes one required component for local governments: A Regional Service Standard for the collection of state-designated principal recyclables (e.g., co-mingled, glass, yard debris). The DEQ has indicated that approval of the Metro Plan is contingent upon ensuring minimum collection performance of these recyclables.

Last fall all local governments in the region were offered briefings on the draft Plan; ten briefings were requested and conducted. During this time, the Office of Metro Attorney (OMA) recommended that required elements of the RSWMP (the Regional Service Standard for “principal recyclables”) and specific procedures to enforce those requirements be made part of the Metro Code. Ordinance no. 08-1183 was then developed. It identifies how Metro, with its current authority, would proceed where there is a conflict between a local program and the regional plan.

At its March 27<sup>th</sup> meeting, the Metro Council had two ordinances on the agenda related to the Regional Solid Waste Management Plan (RSWMP) update:

- 07-1162A, adopting the Regional Solid Waste Management Plan update;
- 08-1183, a companion ordinance governing compliance with RSWMP requirements.

The Council deferred action on both ordinances and determined that the RSWMP compliance ordinance required MPAC review, based on concerns expressed by several local governments.

The RSWMP compliance ordinance is intended to ensure that:

- required elements of the RSWMP are clear and precise;
- local governments have notice and a clear process to certify RSWMP compliance or come into compliance; and
- required elements of the RSMWP are enforceable, per state requirements.

The attached ordinance shows revisions proposed by Metro in response to concerns expressed by several local governments. In particular, the revisions 1) removes the concept of civil fines as a penalty for non-compliance; and 2) introduces the concept of “substantial” compliance as an approach local governments may take for compliance with any required element of the RSWMP.

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

**What packet material do you plan to include?** (must be provided 8-days prior to the actual meeting for distribution) Ordinance 08-1183 with proposed revisions.

**What is the schedule for future consideration of item** (include MTAC, TPAC, JPACT and Council as appropriate): The Metro Council will consider the Plan and the compliance ordinance sometime after receiving MPAC's recommendation at its June 11<sup>th</sup> meeting.

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 <del>and Performance Standards</del> |
|                     | <b>Compliance Procedures</b>                                   |
| 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            | <del>Penalties for Violations</del>                            |
| <del>5.10.170</del> | <del>Technical Assistance</del>                                |
|                     | <b>The Regional Service Standard</b>                           |
| 5.10.210            | Purpose and Intent   |
| 5.10.220            | Regional Service Standard                                      |
| 5.10.230            | Regional Service Standard Elements                             |
| 5.10.240            | Alternative Program <u>and Performance Standard</u>            |

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) "Substantial compliance" means local government actions, on the whole, conform to the purposes of the performance standards in this chapter and any failure to meet individual performance standard requirements is technical or minor in nature.

~~(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.

(~~an~~) "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 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 this chapter. This chapter ensures that local governments have a significant amount of flexibility as to how they meet requirements. Standard methods of compliance are included in the chapter, but these standard methods are not the only way a local government may show compliance. Performance standards also are included in most sections. If local governments demonstrate to Metro that they meet the performance standard, they have met the requirement of that section.

~~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) The purpose of this section is to establish a process for determining whether local government actions comply with the RSWMP requirements. The Council intends the process to be efficient and cost effective and to provide an opportunity for the Metro Council to interpret the requirements of the RSWMP. Where the terms "compliance" and "comply" appear in this chapter, the terms shall have the meaning given to "substantial compliance" in Section 5.10.010.

(~~a~~b) 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~~c) 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.

(~~e~~d) 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.

(~~e~~e) 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~~f) 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.

(~~fg~~) 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 (1) the letter and report of noncompliance provided by the Chief Operating Officer under Section 5.10.120; and (2) a decision that a local government does not meet a performance standard 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.~~

#### 5.10.1760 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 meets the performance standard and 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 and Performance Standard

(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) ~~A local government's The Director shall determine whether the proposed alternative program will~~shall perform at the same level or better as the regional service standard and shall perform at the same level or better than the regional service meet the following performance standard as applicable.~~In making this determination, the Director shall consider the following:~~

- (1) ~~Estimated participation levels~~The alternative program shall provide for as much or more recovery of standard recyclable materials as recovered under the regional service standard;
- (2) ~~Estimated amounts of waste prevented, recycled, recovered, or disposed~~The alternative program shall ensure that participation levels of waste generators is the same or more as under the regional service standard; and
- ~~(3) Consistency with the waste reduction hierarchy and the source separation priority;~~
- ~~(4) The alternative program shall provide education and outreach consistent with the waste reduction hierarchy. Economic and technical feasibility; and~~
- ~~(5) (3) 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~~ meets the performance 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~~does not ~~perform at the same level or better than the regional service standard~~ meet the performance 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) A local government may seek Council review under Section 5.10.150 of the Chief Operating Officer's order regarding an alternative program under this section.~~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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**Metro Policy Advisory Committee**

May 14, 2008  
Informational Material



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METRO

May 8, 2008

To: MPAC

From: Sherry Oeser, Principal Regional Planner

Re: Public comment on Updated Brownfields Recycling Work Program

The U.S. Environmental Protection Agency (EPA) recently awarded Metro a second \$200,000 grant to continue our efforts to identify and assess petroleum-based brownfield sites across the region so that steps can be taken to clean up sites and make them suitable for redevelopment.

Metro is required to submit an updated work plan to the EPA. We are seeking public comment on the draft work plan and want to give you an opportunity to review and comment on the draft. A copy of the draft work program is attached and includes information on:

- Public outreach and involvement activities;
- Role of the Brownfields Task Force;
- Inventory, identification and assessment of brownfield sites;
- Analysis of Brownfield Cleanup Alternatives, and
- Proposed work schedule and budget.

Comments on this draft should be submitted in writing to [brownfields@oregonmetro.gov](mailto:brownfields@oregonmetro.gov) or to:

Metro Brownfields Recycling Program  
Attn: Miranda Bateschell  
600 NE Grand Avenue  
Portland, OR 97232

The deadline for comments is 5:00 p.m. on Friday, May 16.

**BROWNFIELDS ASSESSMENT COOPERATIVE AGREEMENT  
WORK PLAN**

**FOR**

Metro's Community-wide Petroleum Substance Assessment Project  
May 26, 2008

**Submitted by**

Metro  
600 NE Grand Avenue  
Portland, OR 97232

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## WORK PLAN FOR BROWNFIELDS ASSESSMENT COOPERATIVE AGREEMENT

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## **1. INTRODUCTION**

### **1.1 Project Description, Goals and Objectives**

This grant will allow Metro to continue the efforts established under the community-wide petroleum brownfields assessment grant awarded in September 2006 to Metro (2006 grant). With an already-established brownfields program, the funds will primarily fund community outreach and environmental site assessment (ESA) tasks. In addition, Metro's program intends to provide remediation and redevelopment planning on sites with clear development goals. Metro will continue to focus efforts in economically disadvantaged areas in order to promote the greatest economic benefits in the region. Metro intends to complete this work within three years of receiving the award.

### **1.2 Organizational Structure and Responsibilities**

As the only directly elected regional government in the country, Metro is unique. Metro coordinates land use planning, GIS data collection and maintenance, solid waste and recycling, regional parks, and distribution of federal transportation funding to the 25 cities and three counties in the region. The Metro Council sets the direction for the agency and the projects and programs undertaken by the different departments. Andy Cotugno is Metro's Planning Director and Robin McArthur manages the Regional Planning division. Metro's Brownfields program is a project managed under the Long Range Planning section of the Regional Planning division, headed by Chris Deffebach.

Miranda Bateschell is the project manager for Metro's Brownfields Program and will directly oversee this project and perform all management tasks. The project team will also consist of a management analyst to assist with the reporting and financial administration and payment requirements. Sherry Oeser, Principal Planner in the Long Range Planning section, will also contribute to the project by taking the lead in developing the involvement plan and implementing outreach activities. Support staff in the Long Range Planning section and the Data Resource Center will assist with inventory, site-specific, and long-term tracking and reporting activities.

Local governments and community-based organizations will support this project by assisting in the identification of sites and partnering with Metro to identify redevelopment and outreach opportunities for contaminated sites. Metro's Brownfields Task Force will provide feedback and advice on research techniques, inventory building, ranking of sites, and the public involvement plan. A consultant team will be hired to perform Phase I and II assessment work, remediation and redevelopment planning, and provide consulting services to property owners and various stakeholder groups at outreach events. The project

manager and management analyst will oversee and manage the contract with the environmental consulting firm.

### **1.3 Project Outputs and Outcomes**

**Outputs:** The following activities, efforts, deliverables, and work products will be undertaken or produced during the project period. Further description of these outputs is included in the project task descriptions in section 2 of this cooperative agreement work plan as needed.

#### **TASK 1: Project Management and Reporting**

- Quarterly Progress Reports
- Minority/Women-owned Business Enterprise (MBE/WBE) reports, quarterly
- Financial Status Reports, annually
- A final closeout report and tracking sheet
- Property Profile Forms through ACRES
- Request for Proposals
- List of DBEs for direct notification of RFP
- Contract with an Environmental Consultant

#### **TASK 2: Public Involvement**

- Fact sheets
- Website information
- Outreach and training events, including meeting and evaluation summaries
- Brownfields Task Force Roster
- Press releases, public notices, advertisements, and e-news updates
- Public comment reports

#### **TASK 3: Site Inventory and Characterization**

- Potential petroleum brownfields inventory for targeted communities (map)
- Potential assessment sites inventory (map and list by community)
- Site applications and nominations
- Property profile form updates in ACRES
- Site eligibility questionnaires for each selected site
- Completion of Phase I and Phase II ESAs and reports
- QAPP and site-specific field plans for Phase II activities
- OSHA compliant Health and Safety Plan
- Letters to SHPO, Army Corps of Engineers, and Confederated Tribes

#### **TASK 4: Cleanup Planning**

- Analysis of Brownfields Cleanup Alternatives
- Final remediation and redevelopment plans for selected sites

**Outcomes:** The following results, effects, or consequences will occur from carrying out the activities and developing the outputs of the project.

### **TASK 1: Project Management and Reporting**

- Attending trainings will increase staff expertise
- Reporting requirements will enforce an organized and efficient work program
- Reporting requirements will also create a record of work accomplished and successes achieved during the work program
- Contracting requirements will provide a competitive opportunity for DBEs

### **TASK 2: Public Involvement**

- Providing information in various formats and venues will help raise awareness of brownfields issues, the redevelopment process, and assistance programs and funds among various stakeholder groups and the public
- Hosting events and trainings will provide education to the public and targeted stakeholder groups
- Providing technical assistance to partners involved on selected sites will educate those involved, including, but not limited to property owners, potential buyers, and local jurisdiction representatives
- Outreach and involvement activities will create multiple partnerships among stakeholder groups and local community members
- Outreach and involvement activities will also create the opportunities for and result in the leveraging of additional resources
- Public involvement will solicit input from advisory committees and the public, and the integration of comments received will improve the work program and its outputs and outcomes

### **TASK 3: Site Inventory and Characterization**

- Creating an inventory in GIS will create a digital, location-based inventory that can be prioritized by criteria determined by the task force and recorded
- Completion of Phase I and Phase II ESAs will define the extent of contamination on selected sites
- ESAs will help prioritize sites for remediation and redevelopment planning
- Providing technical assistance and ESAs on selected properties will provide an integral step in the reuse of these sites, the achievement of regional growth management goals, and the well-being of the targeted communities through improved health and safety conditions, growth in the local economy, additional local amenities, and an increase in the awareness and understanding of brownfields and the redevelopment process.

### **TASK 4: Cleanup Planning**

- Providing remediation and redevelopment planning on selected properties will prepare the sites for cleanup and reuse and thus, help the region achieve growth management goals and the well-being of the targeted communities through improved health and safety conditions, growth in the local economy, additional local amenities, an increase in the awareness of brownfields, and more sustainable development opportunities.
- Connecting redevelopment opportunities with interested developers will help move these sites more quickly from assessment to sustainable redevelopment

## **1.4 Pre-Award Community Notification**

Metro will issue a news release to all area newspapers notifying the public of the awarding of the grant and requesting comments on the proposed program. Metro will also send a news release to neighborhood and business associations in the targeted communities. Metro will place advertisements in general circulation newspapers in the targeted communities, translate and place an ad in a Spanish newspaper, and send a notice to each local government in the region. The ads and notice will describe the grant and the work proposed, request comments, and provide contact information including a mailing address and an e-mail address for sending written comments. We will also place this information along with the work plan on Metro's website and provide an on-line opportunity for those who want to send comments via the Internet. The public can also comment on the brownfields program at the weekly Metro Council public meetings, which are televised on community cable throughout the region. Pre-award notification will be complete by May 1<sup>st</sup>, 2008.

In addition, Metro staff will also present the draft work program and request comments of Metro's advisory groups at their first regular meetings for the month of May including the Metro Policy Advisory Committee, composed of elected officials and citizens from throughout the region; the Metro Technical Advisory Committee, composed of planners, stakeholder representatives and citizens from throughout the region; and the Metro Committee for Citizen Involvement (MCCI), composed of citizens from around the region.

As proposed, we intend to allow a 15-day comment period, which will be clearly stated in the public notices. All comments received by the deadline will be compiled in a comment report. Metro staff will review and consider each comment received and then determine, in consultation with the task force, what, if any, changes should be made to the work plan. Comments will be evaluated against the program goals and objectives. This will be completed before submitting the final work plan to EPA by May 26<sup>th</sup>, 2008. Anyone who sends in a comment and includes a return address or e-mail address will receive a letter or e-mail acknowledging receipt of the comment and addressing any issues raised. If the work plan is revised, an updated version will be provided to anyone who commented and provided an address and it will be posted on Metro's website.

## **2. PROJECT TASK DESCRIPTIONS**

### **2.1 TASK 1 – PROJECT MANAGEMENT AND REPORTING**

#### **2.1.1 Project Management**

Metro has committed 0.50 full time equivalent (FTE) staff time to Metro's brownfields program to manage the program activities set forth in this work plan

and to maximize the financial resources provided by EPA. Miranda Bateschell will be the Project Manager and will be responsible for project oversight, developing a detailed work program to implement the tasks of the cooperative agreement work plan, organizing and leading the project team, directing the work of the team, overseeing the work team's work products, providing strategic direction and decisions to implement the work program goals, setting up and attending necessary project meetings, working with local partners, attending important outreach activities, and providing updates to the advisory committees and Metro Council. Along with a management analyst in the Planning Department, the project manager will also be responsible for all reporting requirements, budget tracking, financial management, preparation of Requests for Proposals, and consultant management. Activities will include those necessary to manage this project in accordance with the work plan and all required statutes, circulars, terms and conditions, including establishment and maintenance of necessary cooperative agreement records and files. None of these costs will be attributed to the work plan budget, as Metro has committed FTE for managing the project.

### **2.1.2 Project Reporting**

The project manager, working with the management analyst, will provide the required periodic reports to EPA: Quarterly Progress Reports within 30 days of the end of each federal fiscal quarter; Minority/Women-owned Business Enterprise (MBE/WBE) reports quarterly; Financial Status Reports at least annually; a final closeout report; a Property Profile Form reporting the initiation of assessment activities, i.e. a Phase I assessment, the expenditure of \$1,000 or more of grant funds at a property or the completion of a property. We will also submit the updated Property Profile Form reflecting such events within 30 days after the end of the Federal fiscal quarter in which the event occurred through the Assessment, Cleanup and Redevelopment Exchange System (ACRES). There is no cost attributed to this sub-task in the work plan budget. The project manager's time spent developing and managing project reports will come from the FTE Metro committed to this program. The management analyst's time spent on project reporting will come from Metro's administrative budget for program support within the Planning Department.

### **2.1.3 Staff Training/Travel**

Previous conferences and trainings have provided technical tools and project experience for Metro staff to learn from and make the Metro's brownfields program more successful. The budget reflects travel and training for the program manager to attend National Brownfields Conferences as well as local or regional brownfields conferences for support staff as needed and as applicable. The estimated cost for training and travel from the cooperative project funds is \$3,000.



#### **2.1.4 Contractor Procurement**

Metro will contract with an environmental consultant (EC) to conduct the ESAs on selected sites and assist with community outreach work. Metro intends to release a request for proposals (RFP) and hire an EC in the last quarter of 2008 after Metro has updated the site inventory and finalized the involvement plan. Metro will provide public notice of the RFP and send additional notice to Minority-owned Business Enterprises, Women-owned Business Enterprises, and Emerging Small Businesses registered with the State of Oregon. Metro staff will develop a review team to include at least one representative from the Brownfields Task Force for an outside perspective and additional brownfield experience. The process will be completed in accordance with Metro's procurement procedures and 40 CFR Part 31 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, following a systematic and fair application review and interview process. The contract will require that the EC consult with DEQ staff during the ESA work and follow all AAI requirements. Metro will fund the personnel costs for hiring the EC, managing the contract, meetings, and review of the ESA results.

#### **2.1.5 Final Performance Report**

Metro staff will submit, electronically, a final performance report to the EPA Project Officer within 90 calendar days after the expiration or termination of the award. The report will summarize the work completed during the entire project period, include before and after photos of the assessment sites, and address lessons learned as well as successes achieved in completing the brownfields assessment work under this cooperative agreement. It will also include a tracking sheet created and maintained by Metro staff that will track the work efforts associated with this grant through a number of quantifiable indicators of progress as well as the value the program adds to the local community (e.g. total dollars leveraged, jobs created, community resources and activities created, market and affordable housing units created or redeveloped, and contaminants removed). The project manager's time spent developing the final performance report will come from the FTE Metro committed to this program. Any time spent by the management analyst assisting with the final report will come from Metro's administrative budget for program support within the Planning Department.

### **2.2 TASK 2 - PUBLIC INVOLVEMENT**

#### **2.2.1 Public Outreach and Involvement**

Metro staff will develop a specialized outreach and communication plan focused on each stakeholder group to devise the most effective strategy for that group. Stakeholder groups in the targeted communities may include developers, lenders, real estate brokers, businesses and business organizations, property owners, neighborhood associations, community planning organizations, civic organizations, citizens, and community-based organizations. The most effective

strategy for each group varies. In some cases, speaking before a group such as a neighborhood association is most effective. In other cases, organizing a workshop for a group such as developers is most effective. The plan will develop targeted outreach and communication methods to reach specific groups and will likely include among the various activities a workshop and continuing education trainings similar to those conducted under the 2006 grant. This plan will be reviewed and commented on by MCCI, which advises the agency on citizen involvement activities, and if needed, will be revised, to reflect their input. Metro staff intends to submit the involvement plan to EPA in the last quarter of 2008 shortly after being awarded the cooperative agreement. After which, we will develop specific work plans for each event and outreach activity and implement these activities on-going throughout the cooperative agreement beginning in the fourth quarter of 2008.

Metro developed several partners through its 2006 petroleum grant. Under this grant, Metro plans to continue cultivating these relationships while broadening these partners to include additional non-profit and for-profit organizations (lenders, developers, architects, etc.) as well as public health professionals from the three counties in the region, Oregon Health Sciences University, and Oregon Department of Human Services Public Health Division who may assist in identifying environmental health concerns, be able to provide additional resources, and find an interest in serving on Metro's Brownfields Task Force.

Under the 2006 grant, Metro established a brownfields web page on Metro's website ([www.oregonmetro.gov](http://www.oregonmetro.gov)). The website provides background information about the project, upcoming events, and opportunities for involvement. A property application and nomination form are also available on the website along with information about the prioritization criteria for selecting sites for assessment funds. We will also provide information on the website pertaining to site assessment reports, remediation and redevelopment plans, Analysis of Brownfields Cleanup Alternatives, and responses to public comments as these occur. Information is sent through Metro's planning "e-news," an electronic newsletter sent periodically to parties interested in being kept informed of current land use and transportation issues in the region. The e-newsletter's current mailing list consists of 4,740 people. Metro Public Affairs staff works with local newspaper reporters in both the region and targeted areas to provide status reports and to request public comments as well as sending news releases to neighborhood association and community planning organization for inclusion in their monthly newsletters. Under the proposed grant, we will continue to provide this information on an on-going basis as applicable.

When soliciting public comments, we will follow the same process as outlined for the pre-award community notification. An example of when we may do this is if we prepare an ABCA and remediation and redevelopment plan. Metro will issue

a news release to all area newspapers requesting public comment on an integral component of the work plan. Metro will also send a news release to neighborhood and business associations in the targeted communities. Metro will place advertisements in general circulation newspapers in the targeted communities and translate and place an ad in a Spanish newspaper. The ads and notice will provide contact information including a mailing address and an e-mail address for sending written comments. We will also place this information on Metro's website and provide an on-line opportunity for comments. The public can also comment on the brownfields program at the weekly Metro Council public meetings, as part of or separate from a solicited comment period. These meetings are televised on community cable throughout the region.

Metro staff will review and consider each comment received and as needed, consult with the Brownfields Task Force to determine what, if any, changes should be made to the project and the implementation of the work plan. Comments will be evaluated against the program goals and objectives. Anyone who sends in a comment and includes a return address or e-mail address will receive a letter or e-mail acknowledging receipt of the comment and addressing any issues raised. If significant comments are received or modifications made, this information will be summarized and posted on Metro's website.

Sherry Oeser will lead the development of and be the lead contact for the involvement plan and outreach activities. Miranda Bateschell will provide project management as needed and support staff will assist with implementing these tasks. Metro's general funds will cover the internal staffing costs associated with the involvement plan and outreach activities, developing and updating program informational materials (printed and web-based), writing and distributing press releases, postage for distributing information, and Metro staff time conducting outreach to various stakeholders and property owners. The cooperative agreement work plan budget reflects \$25,000 under contracted services for outreach efforts to assist Metro staff with workshop and training events, conduct property owner outreach, and translate materials from English into Spanish.

### **2.2.2 Project Updates and Other Public Information**

Within the last quarter of 2008, shortly after being awarded the cooperative agreement, staff intends to submit a program fact sheet to EPA and distribute it to the public in accordance with the opportunities and methods described in this Public Involvement section. We will update the fact sheet, as needed throughout the project and at its completion.

Besides using the website and the "e-news" list, Metro also developed a mailing list of those interested in this project, under the 2006 grant, in order to periodically send out a status report as well as to provide information on

comment opportunities and upcoming meetings and events. This will continue under this project work plan. In all outreach and communication activities, people will be encouraged to sign up for this mailing list. Significant milestones, outputs and outcomes will also be presented at Metro's Brownfields Task Force (BTF) and Metro Council public meetings.

Under the 2006 grant, Metro formed the BTF as an advisory committee to Metro Council and staff. Metro publicly advertised the formation of the task force through a local press release and solicitation through Metro's Committee for Citizen Involvement and Metro's advisory committees. The task force consists of citizens, commercial and industrial real estate brokers, local planning commissioners from the targeted communities, elected city councilors, local government staff, brownfield program managers from the City of Portland and Clackamas County, Oregon Economic and Community Development and DEQ representatives, lenders, and non-profit community development professionals who provide advice and expertise on brownfields and economic development within the region.

The BTF provided invaluable feedback, and Metro proposes to maintain the involvement of the BTF under this grant allowing the current members to continue serving through the work program under the 2008 grant. For those unable to serve, Metro will fill their position after they complete the two-year service term under the 2006 grant by conducting the same process used for the initial formation of the BTF. The BTF will continue to meet quarterly throughout the project to review, prioritize, and advise on sites for ESAs and assist with the development of Metro's brownfields program. A new roster will be established during the first quarter of 2009.

In addition, Metro staff will also present project updates to Metro's advisory groups: the Metro Policy Advisory Committee, the Metro Technical Advisory Committee, and/or the Metro Committee for Citizen Involvement. These groups advise the Metro Council and represent professional staff and citizens from the various jurisdictions in the Metro boundary, which will help reach citizens throughout the region.

Sherry Oeser is the staff lead on outreach and communication activities while Miranda Bateschell will provide project management as needed and support staff will assist with implementing these tasks. Metro's general funds will cover the staffing costs as well as the postage, operation and supply costs of posting and distributing this information to the public. Metro will also cover the mapping, meeting, and staffing costs for the BTF.

## **2.3 TASK 3 – SITE INVENTORY AND/OR CHARACTERIZATION**

### **2.3.1 Site Inventory**

Metro will expand upon the work initiated under Metro's 2006 grant in order to identify potential petroleum brownfield sites located throughout the region. In the first year of Metro's 2006 petroleum grant, Metro's Data Resource Center obtained three databases of information from the Oregon DEQ as well as geographic information (GIS) data from the City of Portland and Clackamas County. Metro staff then compiled this data into Metro's GIS database called the Regional Land Information System (RLIS), which contains over a hundred layers of information such as zoning, ownership, natural features, and transit systems. Staff had to re-project the data to a common coordinate system, re-populate location information into attribute tables, and standardize the attribute fields between data sets. Using the data sets from DEQ, staff identified contamination type to create an inventory containing potential petroleum brownfield sites. As Metro received applications and nominations for potential brownfield sites, staff identified the parcel location and added these sites to the inventory as well. By integrating the different data sets into RLIS, staff can apply prioritization criteria to select sites for ESAs.

While developing this database, Metro staff identified complications. Each data set has its own system of organization and fields of information. In addition, there is no common field to identify and link the information between the different data sets, even if a site is contained in more than one data set (e.g. Leaking Underground Storage Tanks and Underground Storage Tanks). Thus, Metro staff had to locate each of the data points in each data set to a geographic location and then link all of these data points to a parcel identification field. Staff found some difficulty in locating certain data points and identified inaccurate location information for other data points. Of the 3,000 potential petroleum brownfields in the database, Metro staff confirmed the location of many of the 370 sites in the targeted communities based on aerial photographs, site visits, and DEQ file information. Staff updated the database with tax lot numbers for the confirmed sites, and created a system to receive updates that will maintain this confirmed site location information.

This first update proved to be as difficult and complicated as setting up the original database. Once the inventory was updated, staff applied prioritization criteria and did not identify any new sites for potential site assessment funds. As a result, Metro staff realized that such a labor-intensive process was not efficient or effective at identifying sites for site assessment activities. Most of the sites with interested property owners that needed ESA assistance and qualified for program funding came from local community representatives and applicants to the program rather than the GIS site inventory.

Thus, Metro staff will conduct windshield surveys to attempt to identify potential brownfields in the target communities as well as in urban renewal areas in the region. In addition, staff will identify and meet with city representatives and active community groups in the target communities in order to identify potential brownfield sites. Finally, we intend to conduct additional outreach to encourage more property owners to apply for assistance through the program. Initial research will be conducted to determine whether the site meets the definition of a brownfield with the assistance of the EC. If it does, these sites will be integrated into Metro's existing inventory. A limited amount of time will be spent confirming site locations for additional petroleum sites in the region not matching to a parcel of land. Metro staff would also like to continue maintaining and updating DEQ data as needed.

Personnel costs in the budget include a small portion of \$17,185 for a graduate student intern that will identify potential candidate sites, confirm site location of unmatched sites in the existing inventory, run search models based on site selection criteria, and create maps to facilitate site selection and regional brownfields analysis. Metro's Data Resource Center (DRC) staff would continue to complete updates and provide support to the intern and program manager as needed. Metro will cover the costs of the DRC staff time, project management related to these tasks, and the production of maps. Although application and nomination forms can be submitted at any time and updates will occur on-going throughout the project, we anticipate conducting significant outreach and community-based activities to build the inventory by the end of 2008.

### **2.3.2 Candidate Site Identification**

After updating the inventory through the activities listed above, Metro will map the potential petroleum contaminated sites within the targeted communities. Metro will then query sites using selection criteria developed by Metro's Brownfields Task Force (BTF) based on the goals of this program. Currently, the following criteria is used for selecting sites: 1) the site is located in an economically disadvantaged area, 2) the site is a priority for the local government for cleanup or redevelopment, 3) the site has redevelopment potential, 4) the site provides an opportunity to increase environment health and spur economic growth, 5) the site has other resources available such as cost-sharing or leveraging, and 6) the site furthers the goals of the 2040 Growth Concept. These criteria will be revisited, and modified if needed, at the BTF during the first quarter of 2009.

After the prioritization criteria is applied, Metro with the assistance of the EC will then conduct initial research to confirm the likelihood that the site will be eligible for funding based on the eligible site determinations listed in the Brownfields Assessment Agreement Terms and Conditions 2008. We will contact DEQ to

confirm likelihood, risk and type of contamination, current use, property owner information, the local jurisdictions knowledge and interest in the site, and surrounding site and natural habitat information. Metro staff will summarize this site information and produce maps of the sites for the BTF meetings. The BTF will meet quarterly throughout the project to review, rank, and provide advice on which sites should receive technical and financial assistance from the program. We anticipate the first batch of sites identified will be researched during the first quarter of 2009 and brought to the task force during their April 2009 meeting. Sites applying or identified at a later date will be researched at that time and brought to the next following quarterly BTF meeting.

Metro staff will then select sites to receive Phase I and/or Phase II Assessments and with the EC, submit site-specific information to EPA via Property Profile Forms in order to confirm site eligibility and obtain approval for assessment using cooperative agreement funds. We anticipate this will occur throughout the life of the project beginning in the 2<sup>nd</sup> quarter of 2009. Miranda Bateschell is lead staff for these tasks. Metro will cover the mapping, meeting, and staffing costs for the BTF. In the work plan budget, a small portion of the \$134,315 budgeted for the EC to conduct ESAs will cover this preliminary research and submittal to EPA.

### **2.3.3 Site Characterization – Phase 1 and Phase 2 Assessments**

After site approval from EPA, the EC selected under this grant will then conduct Phase I and/or Phase II ESAs to identify and define the extent of environmental contamination and characterize the risk on selected sites in order to establish cleanup goals and evaluate remediation options that will result in the reduction of these threats and the potential redevelopment of these properties. The ESAs will follow accepted practice guidelines for environmental assessments and brownfield redevelopment, including EPA laboratory analytical methods, ASTM standards, regulations and requirements of the Oregon Department of Environmental Quality, and State Department of Health requirements. All Phase I and Phase II ESAs will be conducted in accordance with the ASTM Standards on Environmental Site Assessments for Commercial Real Estate (ASTM Designation E1527-05), as well as guidelines, regulations, and requirements of the Oregon DEQ.

The Phase I ESA work will include a thorough site history and a Phase I ESA report consisting of a written summary of assessment activities conducted and potential environmental concerns with illustrations. After Phase I assessments are completed, Metro and the EC will determine if Phase II assessment activities are required on these EPA-approved sites. Prior to beginning Phase II ESA activities, updates to the property profile form will be made through ACRES and a QAPP and site work plan will be submitted to EPA.

The Phase II ESA work will include full site investigations immediately following approval of the QAPP and site work plan. This may include environmental monitoring such as sample collection and monitoring wells. It will also include a Phase II ESA report, which will summarize assessment procedures and results from Phase I and Phase II ESAs, including definition of the lateral and vertical extent of contamination, a detailed site map, and possibly, feasible remedial alternatives with cost estimates. It will also include a brief summary of quality assurance performance, and an appendix containing boring logs, field data, laboratory analytical data, sample chain-of-custody records, photograph logs, documentation of proper management of investigation-derived wastes, and abandonment records for boring and monitoring wells. A final draft document will be produced and submitted to the DEQ after internal and client review and comment. Subsequent to incorporation of DEQ review and comments, a final document will be published.

Given our experience with the 2006 grant, Metro recognizes the need to be flexible in the number of Phase I and II ESAs conducted. If there is a high need to perform Phase II ESAs on the sites that received Phase I ESA funding from this grant due to the environmental findings and the future use, sale or redevelopment potential of the property to the community, then we may perform seven to 15 Phase I ESAs in order to fund three to six Phase II ESAs. Otherwise, Metro anticipates performing 20 Phase I and two Phase II ESAs under this cooperative work agreement. Regardless of whether the money is spent on Phase I or II ESAs the intent is to spend \$134,315 on ESAs in a manner that moves the greatest number of sites toward cleanup and redevelopment.

The cooperative work agreement work plan budget reflects \$134,315 to cover the ESA work to be completed through a contract with an EC. The EC is responsible for all Phase I and II ESA activities. Project manager, Miranda Bateschell, will be the lead staff at managing the contracted work with the EC. We anticipate the ESA work to be ongoing throughout the project with Phase I work to likely begin in the 2<sup>nd</sup> quarter of 2009, and thus, Phase II activity would likely begin in the 4<sup>th</sup> quarter of 2009.

#### **2.3.4 ESA and NHPA requirements**

In order to assist EPA in meeting requirements under the Endangered Species Act (ESA) and National Historic Preservation Act (NHPA), and to prevent delays in the work plan, Metro staff with assistance from the EC will provide the following information to EPA prior to conducting field activities associated with the Phase II ESA: the location of the project, any threatened or endangered species or habitat which may be affected by the project, whether the site is considered to be of concern by the State Historic Preservation officer (SHPO), a list of Tribes who



may believe the site or project could disturb cultural resources, and an evaluation as to whether the plans could have adverse effects on endangered species or cultural resources. In order to do so, Metro with the EC will send a letter to the SHPO and the Army Corps of Engineers as well as any surrounding Confederated Tribes 30 days prior to submittal to EPA of proposed Phase II activities. The project manager will act as staff lead and communicate with our EPA Project Officer to receive any additional guidance needed on this topic.

### **2.3.5 Quality Assurance Project Plan and Health and Safety Plan**

In addition, a Quality Assurance Project Plan (QAPP) and Sampling and Analysis Plan (SAP) will be completed for all Phase II sampling to ensure the precision, accuracy, and completeness of data regarding the condition of the sites are known and documented per document EPA 540-R-98-038. This will be submitted to and approved by the EPA prior to the commencement of sampling on each targeted brownfields site. The QAPP will describe the measures that will be used to ensure that defensible and quality data are collected and reported for this project. The Sampling and Analysis Plan (SAP) will describe and provide a rationale for selecting locations, types, quantities, and analyses of proposed samples. The QAPP will also include general equipment and methods for proposed sampling and analyses with references to specific federal, state, and professional practice guidelines.

The project manager or technical lead for the EC working on this project will also have advanced health and safety training as specified in OSHA 29 CFR 1910.120. The proposed individual must be present on site during any on-site work and sampling activities. All individuals working at the site must have appropriate health and safety training, including 40-hour Hazardous Waste Site Operations and 8-Hour Refresher courses. A site-specific health and safety plan must be prepared by a certified safety professional or certified industrial hygienist, and submitted to EPA prior to performing on-site work. The proposal should provide an example outline or describe the type of information that will be included in the health and safety plan. Such a plan must be submitted as part of the work plan for the final negotiated scope of services with Metro and revised, as necessary for subsequent work plans.

We anticipate Phase I work to likely begin in the 2<sup>nd</sup> quarter of 2009, and thus, the EC would likely submit a generic QAPP in the 3<sup>rd</sup> quarter of 2009 with SAPs for each site to follow beginning in the 3<sup>rd</sup> or 4<sup>th</sup> quarter of 2009 and continuing throughout the project. The EC is responsible for preparing these documents. Project manager, Miranda Bateschell, will be the lead staff at managing the contracted work with the EC. In the work plan budget, a small portion of the \$134,315 budgeted for the EC will cover the preparation of these documents and submittal to EPA.

## **2.4 TASK 4 - CLEANUP PLANNING**

### **2.4.1 Analysis of Brownfields Cleanup Alternatives**

Metro also provides assistance to owners by identifying potential buyers or developers interested in redeveloping the sites and bringing them together. As part of this work program, Metro's Transit-Oriented Development Program will assist the brownfields program staff in developing a list of developers interested in redeveloping brownfield properties and receiving site briefs of the properties receiving assistance from Metro's brownfields program. On select sites where redevelopment plans exist, Metro's Brownfields Program can also assist with a remediation and redevelopment plan based on the end use.

This will consist of an Analysis of Brownfields Cleanup Alternatives (ABCA). The ABCA will summarize the following: site description and contamination (i.e., exposure pathways, contaminant sources, types and levels of contamination, etc.); cleanup standards; and applicable laws. The ABCA will also discuss at least two alternatives considered and evaluated in terms of effectiveness, implementability and cost, and then recommend a proposed cleanup plan. The ABCA will be reviewed by the Oregon VCP project manager prior to making the document available for public comment to help ensure that the cleanup plans will be acceptable to the State. The ABCA will then be distributed for public comment 30 days prior to beginning cleanup as outlined in the pre-award community notification and public involvement sections of this work plan.

Metro staff and the EC will also provide technical assistance to property owners and local jurisdictions on the purchase, cleanup, and redevelopment of brownfield sites providing them with information and connecting them to the appropriate resources including the Oregon Economic and Community Development Revolving Loan Fund and Oregon Brownfields Fund, the City of Portland's Brownfields Program funds, and Brownfields Cleanup Grants.

The project manager will manage the contract with the EC to complete this work and communicate with the EPA Project Officer to receive any additional guidance needed on this topic. The costs are budgeted for in the cooperative work agreement work plan within the \$20,500 to cover the remediation and redevelopment work on approximately two sites to be completed through a contract with an EC.

### **2.4.2 Final Cleanup Plan**

After the public notice and comment period for the ABCA, Metro staff will compile a comment report, and will review and consider each comment received and then determine, in consultation with the EC, DEQ and the Program Officer at EPA, what, if any, changes should be made for the final remediation plan. As

outlined in the draft plan, it will include cleanup standards and applicable laws. In addition, it will include institutional, land use and/or engineering controls required as part of the cleanup for the recommended cleanup alternative. The final draft of the remediation and redevelopment plan will be submitted to the Oregon VCP project manager and the EPA project officer for this cooperative agreement.

### 2.4.3 Cleanup (Remedial) Design

Metro does not intend to use cooperative agreement funds to prepare solicitations and/or contracts for hiring a contractor to oversee the implementation of the remediation plan selected. If a local jurisdiction or property owner needed assistance in preparing a RFP and/or contract for hiring a contractor to implement the final cleanup plan, Metro would consider providing this technical assistance. Funds would come either from Metro's general funds to cover internal staffing time or a part of the \$20,500 dedicated to the remediation and redevelopment work in the budget to cover time spent by the EC to complete such work.

## 3. SCHEDULE AND DELIVERABLES

A schedule of all key milestones, activities, and accomplishments anticipated over the length of the cooperative agreement. Metro will commence work on the billable portions of the grant project by September 1, 2008. Prior to that time Metro may begin some of the staff work necessary to build the inventory, develop the involvement plan, prepare a RFP for EC assistance.

| DUE DATE<br>(for grant awarded 10/1/08) | ITEM  | Send to: |       |        |         |
|---|---|----------|-------|--------|---------|
|   |   | EPA PO   | STATE | GRANTS | FINANCE |
| Q4 2008                                 | Public Participation Plan submitted   | X        |       |        |         |
| Q4 2008                                 | Fact sheet - project starting   | X        |       |        |         |
| Q4 2008                                 | RFP, solicitation for hiring consultant, hire consultant                            | X        |       |        |         |
| Q4 2008                                 | Inventory developed   | X        |       |        |         |
| Q4 2008                                 | Informational materials and outreach activities begin (on-going throughout project) | X        |       |        |         |
| Q1 2009                                 | New Brownfields Task Force roster   | X        |       |        |         |
| Q1 2009                                 | Prioritization criteria set   | X        |       |        |         |

| DUE DATE<br>(for grant awarded 10/1/08) | ITEM  | Send to: |       |        |         |
|---|---|----------|-------|--------|---------|
|   |   | EPA PO   | STATE | GRANTS | FINANCE |
| Q2 2009                                 | Top sites selected  | X        | X     |        |         |
| Q2 2009                                 | Property Profile Form entered in ACRES or submitted to PO                                     | X        |       |        |         |
| Q2 2009                                 | Site eligibility requested & confirmed (for petroleum include State)                          | X        | X     |        |         |
| Q2 2009                                 | Phase I assessments begin   |          |       |        |         |
| Q3 2009                                 | Interested developers list and site briefs begin (additional briefs and updates on-going)     | X        |       |        |         |
| Before fieldwork begins:<br>Q3 2009     | QAPP / Health and Safety Plan; SAPs on-going  | X        |       |        |         |
| Before fieldwork begins:<br>Q3 2009     | ESA/NHPA letter   | X        |       |        |         |
| Q4 2009                                 | Phase II site assessments begin   |          |       |        |         |
| Year 2010                               | If selected on sites, ABCAs begin   | X        | X     |        |         |
| Year 2010                               | Final cleanup plans begin for sites with ABCAs  | X        | X     |        |         |
| 1/30/09                                 | Quarterly Progress Report (QPR) 1 for period 10/1-12/31/08; updates to property profile forms | X        |       |        |         |
| 4/30/09                                 | QPR 2 for period 1/1/09-3/31/09; updates to property profile forms                            | X        |       |        |         |
| 7/30/09                                 | QPR 3 for period 4/1-6/30/09; updates to property profile forms                               | X        |       |        |         |
| 10/30/09                                | QPR 4 for period 7/1-9/30/09; updates to property profile forms                               | X        |       |        |         |
| 1/30/10                                 | QPR 5 for period 10/1-12/31/09; updates to property profile forms                             | X        |       |        |         |

| DUE DATE<br>(for grant<br>awarded<br>10/1/08) | ITEM   | Send to: |       |        |         |
|---|--|----------|-------|--------|---------|
|   |  | EPA PO   | STATE | GRANTS | FINANCE |
| 4/30/10                                       | QPR 6 for period 1/1/10-3/31/10;<br>updates to property profile forms  | X        |       |        |         |
| 7/30/10                                       | QPR 7 for period 4/1-6/30/10;<br>updates to property profile forms     | X        |       |        |         |
| 10/30/10                                      | QPR 8 for period 7/1-9/30/10;<br>updates to property profile forms     | X        |       |        |         |
| 1/30/11                                       | QPR 9 for period 10/1-12/31/10;<br>updates to property profile forms   | X        |       |        |         |
| 4/30/11                                       | QPR 10 for period 1/1/11-3/31/11;<br>updates to property profile forms | X        |       |        |         |
| 7/30/11                                       | QPR 11 for period 4/1-6/30/11;<br>updates to property profile forms    | X        |       |        |         |
| 10/30/11                                      | QPR 12 for period 7/1-9/30/11;<br>updates to property profile forms    | X        |       |        |         |
| 1/30/09                                       | MBE/WBE Report   | X (copy) |       | X      |         |
| 4/30/09                                       | MBE/WBE Report   | X (copy) |       | X      |         |
| 7/30/09                                       | MBE/WBE Report   | X (copy) |       | X      |         |
| 10/30/09                                      | MBE/WBE Report   | X (copy) |       | X      |         |
| 1/30/10                                       | MBE/WBE Report   | X (copy) |       | X      |         |
| 4/30/10                                       | MBE/WBE Report   | X (copy) |       | X      |         |
| 7/30/10                                       | MBE/WBE Report   | X (copy) |       | X      |         |
| 10/30/10                                      | MBE/WBE Report   | X (copy) |       | X      |         |
| 1/30/11                                       | MBE/WBE Report   | X (copy) |       | X      |         |
| 4/30/11                                       | MBE/WBE Report   | X (copy) |       | X      |         |
| 7/30/11                                       | MBE/WBE Report   | X (copy) |       | X      |         |
| 10/30/11                                      | MBE/WBE Report   | X (copy) |       | X      |         |
| As needed,<br>but at least<br>quarterly       | Requests for Reimbursement   | X(copy)  |       |        | X       |

| DUE DATE<br>(for grant awarded 10/1/08)      | ITEM                            | Send to: |       |        |         |
|--|---------------------------------|----------|-------|--------|---------|
|  |                                 | EPA PO   | STATE | GRANTS | FINANCE |
| Yearly -<br>10/30/09<br>10/30/10<br>10/30/11 | Interim Financial Status Report | X(copy)  |       | X      |         |
| 10/30/11                                     | Final Report                    | X        |       |        |         |
| 10/30/11                                     | Fact Sheet-Assessment results   | X        |       |        |         |
| 10/30/11                                     | Final Financial Status Report   | X(copy)  |       | X      |         |
| 10/30/11                                     | Closeout Reports                | X(copy)  |       | X      |         |

## BUDGET

### 4.1 Table

| Budget Categories                        | Task 1<br>Project<br>Management | Task 2<br>Outreach | Task 3<br>Inventory<br>and Site<br>Characterization | Task 4<br>Cleanup<br>Planning | Total     |
|--|---------------------------------|--------------------|---|-------------------------------|-----------|
| Personnel                                | --                              | --                 | \$12,480  | --                            | \$17,185  |
| Fringe                                   |                                 |                    | \$4,705   |                               |           |
| Travel/training                          | \$3,000                         | --                 | --  | --                            | \$3,000   |
| Equipment (digital maps, directory data) | --                              | --                 | --  | --                            | \$0       |
| Supplies                                 | --                              | --                 | --  | --                            | \$0       |
| Contractual (ESAs)                       | --                              | --                 | \$132,815   | \$20,000                      | \$179,815 |
| (DEQ Consultation)                       | --                              | --                 | \$1,500   | \$500                         |           |
| (Community Outreach)                     | --                              | \$25,000           | --  | --                            |           |
| <b>TOTAL= \$200,000</b>                  | \$3,000                         | \$25,000           | \$151,500   | \$20,500                      | \$200,000 |

### 4.2 Budget Narrative

**Personnel/Fringe Benefits:** Personnel costs in the budget include a small portion of \$15,000 for a graduate student intern that will identify potential candidate sites, confirm site location of unmatched sites in the existing inventory, run search models based on site selection criteria, and create maps to facilitate site selection and regional brownfields analysis. Under the last grant, the intern worked 20 hours a week at \$12/hour for nine months and it costs approximately \$12,000. The estimate allows for two 6-month internships to assist with the

yearly updates. The percentage used to calculate fringe is 37.7%. A provisional rate is applied to all salaries to determine the fringe percentage for FTE and includes the following benefits: health and welfare, life insurance, dependant life insurance, accidental death, workers comp, employees assistance, long-term disability, retirement, local payroll taxes, and public transit passes.

**Travel:** Travel costs are based on the 2006 actual costs for the same work tasks. This includes at least two attendances to a National Brownfields Conference and one for a regional brownfields training or conference. The travel effort estimated under this work plan is anticipated to be the same.

**Equipment:** No equipment expenses are charged to the grant.

**Supplies:** No supplies expenses are charged to the grant. Most mailing and printing costs, including postage, are done in-house and covered by Metro.

**Contractual:** Contractual costs will cover expenditures for contractors to perform Phase I and II assessments, outreach and remediation and redevelopment plans. The majority of the budget is attributed to a contract with an EC in order to assess additional sites and maximize the assessment funds from EPA.