

**MINUTES OF THE METRO COUNCIL
JOINT NATURAL RESOURCES AND SOLID WASTE & RECYCLING
COMMITTEE MEETING**

Wednesday, March 20, 2002
Council Chamber

Natural Resources

Committee Members

Present:

Susan McLain (Chair), Carl Hosticka (Vice Chair),
Bill Atherton, David Bragdon, Rod Park

Solid Waste & Recycling

Committee Members

Present:

Bill Atherton (Chair), Susan McLain (Vice Chair),
David Bragdon, Rod Park

Also present:

Rex Burkholder

Absent:

Rod Monroe (Solid Waste & Recycling Committee)

Chair McLain called the meeting to order at 1:08 p.m.

1. Consideration of the Minutes of the February 26 Special Meeting and the March 6, 2002 Natural Resources Regular Committee Meeting.

Motion:

Councilor Bragdon moved to adopt the minutes of the February 26 Special Meeting and the March 6, 2002 Natural Resources Regular Committee Meeting.
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Vote:

Chair McLain and Councilors Hosticka, Atherton and Bragdon voted to adopt the two sets of minutes as presented. The vote was 4 aye/ 0 no/ 0 abstain, and the motion passed. Councilor Park was absent from the vote.
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2. Salmon Report – Final Draft

Ken Helm, Senior Assistant Counsel, Metro Salmon Coordinator, presented the proposed final draft of Metro's annual report on fish protection and recovery activities. He identified changes that had been made to the draft that was before the committee previously. (See copy of *Watershed and Fish Conservation, Protection and Recovery Activities Metro Council Annual Report 2001* included with the permanent record of this meeting.)

3. ESEE, Peer Review Process Update

Mark Turpel, detailed the possibilities laid out in the Peer Review Panel Options chart on page two of the memo he distributed to the committee. (A copy of the memo, dated March 19, 2002, to Mike Burton from Andy Cotugno RE: *Ensuring adequate economic analysis and participation by the economic community* is included with the permanent record of this meeting.) He asked for direction regarding the committee's preferred approach and noted information attached to the memo regarding the Northwest Power Planning Council's consultants.

Councilor Bragdon noted that the Northwest Power Planning Council seemed to be more focused on the Columbia River system, and with agricultural expertise, not exactly what was needed for this review. He commented what was needed here was technical advice, not advocacy, and wondered if there were consultants or people already in the public sector or in academia who could help.

Mr. Turpel responded that there were some, at Metro and at the state level who had the credentials they were looking for, as well as in academia. He said there could be timing and availability issues.

Chair McLain mentioned that help was needed with money. She suggested one of the ways to do that might be to see if the Northwest Power Planning Council could get some benefit from Metro's work and vice versa. She noted that the Port of Portland had also submitted a list of names for consideration. She said they could possibly draw from the lists and coordinate with them in hopes of getting some financial support and overlapping benefit so they would consider participating.

Councilor Park did not share Councilor Bragdon's concern about the Northwest Power Planning Council not being qualified for the job. He agreed that the funding issue was a concern.

Councilor Hosticka felt it was important to have a panel involved early in the process in terms of the design and methodology, or at least a review of the initial methodology. He was unclear in his mind whether they should come up with their own group or try to get the Northwest Power Planning Council.

Chair McLain said, in response to the methodology issue, that the committee had indicated at the last meeting that they wanted the RFP to say that the methodology work was ongoing and that there would be opportunities for the committee and the advisory committees to work with the consultant and staff on that. She commented that the committee still needed to discuss, if they were going to do an ESEE analysis, when the cut it off would be so they could actually do the analysis.

Councilor Atherton asked if it would help with the analysis if the council said the subsidies would be considered or taken away.

Andy Cotugno, Planning Director, responded that he couldn't answer the question of whether it would simplify the analysis. He suggested asking the economic consultant, but guessed evaluating the economic impacts relative to the status quo would be the simplest thing to do because that is what the existing data talked about. Speculating about economic impact under a different condition would take additional analysis.

Councilor Park asked about Mr. Turpel's conversation with the Power Planning group. Mr. Turpel responded that he had not had a chance to talk to the economic person, but the environmental and biologic science person had indicated they were more than willing to offer suggestions and advice. Councilor Park suggested that their information might be a starting point for discussion.

Chair McLain said staff should bring information to the Council Informal meeting on April 9th for consideration. Mr. Turpel said he certainly can do that. She asked for any additional names for possible participants be given to Mr. Morrissey and Mr. Turpel.

Chair McLain opened a public hearing on the peer review process.

Cindy Catto, Public Affairs Director, Associated General Contractors, 9450 SW Commerce Circle, Suite 200, Wilsonville, OR 97070, commented they had talked about this at MPAC and she encouraged getting economic advisors involved. She encouraged the committee to slow down the process and take the time needed to get excellent technical expertise involved. She urged looking at alternative resources for funding, and not trying to do it quickly or cheaply.

Mike Houck, Audubon Society, Coalition for a Livable Future, 5151 NW Cornell Rd., Portland, OR 97210, agreed. He said this was a critical step in the process and timing is of great concern. He said their preference was also to take more time. He said it is crucial to engage the right kind of folks for the peer review panel.

Councilor Park asked if he thought the issues should be de-coupled not finished on the same timeline after all, as they had hoped.

Mr. Houck responded that although they had all hoped to get it all done in one package, as he had testified in the past, their first and foremost concern was the integrity of the Goal 5 program. He said if that meant de-coupling that work from the UGB decision, it would be his preference to de-couple.

Councilor Park wondered if they could, when bringing new areas into the UGB, provide some kind of protections which would signal to the market in terms of values of certain properties.

Mr. Houck responded that there was no question in his mind that would be the way to proceed. He said there needed to be attention to natural resource issues before rezoning. He added that coming back to add environmental overlays after zoning is what has created all of the angst in the development community. Chair McLain noted some language in the old Urban Reserve work that could be used.

Councilor Hosticka asked if the same process would have to be followed for the Social and Energy implications or had they determined that economic and environmental issues were of primary importance. Chair McLain noted there had been discussion about all four components. Mr. Cotugno said the overall scope of work covered those but there was lots of fleshing out to do of the overall methodology. Mr. Houck felt all four components needed to be treated equally if a proper ESEE analysis was going to be done. Ms. Catto agreed that there should be equal evaluation although the social and energy components could be considered less technical and emotional.

Councilor Atherton asked about having a process that mapped out the areas for protection and then allowed property owners or interested parties to challenge the designation.

Mr. Houck said the 2040 Growth Concept is an ESEE analysis which identified natural resources and where high density and mixed use development should occur. He noted that the ESEE analysis was a very different process at the regional level and had to be factored in.

Dan Cooper, Office of General Counsel, said the rule states to proceed from inventory determination to ESEE analysis before adopting protections. He added that it may be possible to have a review or appeal process at the end for property owners.

Mr. Cotugno said he would start to organize around participation in the subcommittee, pursue the Northwest Power Planning Council option, and report back at the April 9th meeting.

4. Analysis of ESEE Scope

Malu Wilkinson, Long Range Planning, informed the committee that several consulting firms had expressed interest in the RFP which was released last week. She gave an brief overview of the key issues relating to the ESEE methodology. (See copy of chart, *ESEE Policy Direction (draft 1) Basic Elements for Natural Resource Committee Consideration* and *draft Overall ESEE Project Scope* included with the permanent record of this meeting). Councilor Hosticka asked for comment on conflicting use at the regional level. Ms. Wilkinson responded that on a regional scale, consideration of displacement and the unique opportunity to expand the UGB to allow for that use was a unique opportunity for the council. Mr. Cotugno added that most land uses could be viewed as interchangeable, but there was a higher order of importance in regional centers and central cities where replacing that land with land on the edge was not the same kind of replacement. Councilor Hosticka concluded it was a locational issue.

5. ESEE, Wildlife Habitat

Mr. Cotugno commented that further refinement, not so much for accuracy but for weighting of the different functions, was still needed. He said they would not be prepared to recommend anything for finalizing the mapping until then.

Paul Ketcham, Long Range Planning, explained the preliminary concept memorandum regarding how they might use the scoring system as a means of differentiating among the importance of various habitats so the committee would be prepared to recommend regionally significant habitat to the full council. (See copy of the memo to Chair McLain from Paul Ketcham RE: *Concept Maps for Regionally Significant Wildlife Habitat* included in the agenda packet in the permanent record of this meeting.) He said MTAC members had expressed some concern about making sure all the unique habitats were incorporated into the inventory. He also noted a letter from the Homebuilders Association raising issues about the wildlife inventory and the Goal 5 rule (see copy of the letter to Chair McLain from Kelly Ross RE: *Revised Wildlife Habitat Model* included in the agenda packet in the permanent record of this meeting.) He did not see any of these issues as a red light, but thought it would behoove the committee to listen to the concerns and make sure they were forwarding an inventory that was technically sound. He said they were also working to be sure the sensitive species and threatened endangered species siting data was incorporated into the inventory to the best degree they could.

Chair McLain opened a public hearing on the ESEE Wildlife Habitat.

Mike Houck, representing the Audubon Society, the Coalition for a Livable Future Natural Resources Working Group, MTAC and Goal 5 TAC, 5151 NW Cornell Rd., Portland, OR 97210, reiterated that they thought the region would be better served by integrating the upland work with the riparian work and explicitly including restoration as an element of the Goal 5

Natural Resource program. He pointed out one reason they felt the need to look very carefully at the upland methodology was that staff was finding some of those areas adjacent to streams were not scoring as highly as one would anticipate from an intuitive ecological perspective. He urged allowing staff to address that issue. Councilor Atherton asked if the City had considered a moratorium on development. Mr. Houck responded that philosophically he had always thought that would be a good strategy to protect areas, but it would take more time and energy away from the work at hand. He added they would be better off getting the work done as soon as possible.

Chair McLain closed the public hearing. She commented that they needed to keep working at a steady, competent pace to be sure all the issues were resolved.

6. Ordinance No. 02-939, For the Purpose of Amending Metro Code Chapter 7.01 to Amend the Metro Excise Tax to Provide Revenues for Metro's Regional Parks and Greenspaces Programs.

Chair McLain opened public hearing on Ordinance No. 02-939.

Walt Hitchcock, Green Ribbon Committee Chair, 16990 SW Greengate, Sherwood, OR 97140, reported that the committee's recommendations were unanimously approved. They felt it was time to move forward with beginning implementation of the Green Ribbon Committee recommendations, looking at the first two years as independent from the rest of the recommendations. He noted an additional \$200,000 in the recommendation for restoration. He recommended that the Green Ribbon Committee be reconvened to re-look at how to fund the long term recommendations. (See copy of *Green Ribbon Committee Recommendations 3/12/02* included with the permanent record of this meeting)

Mike Houck, representing the Audubon Society, supported the Green Ribbon Committee recommendations, but wanted to be even more explicit by advocating approval of both the \$1.00 proposed by the Executive Officer and the 61¢ proposed by the Green Ribbon Committee. He felt it was very conservative.

Councilor Hosticka appreciated the structure of the recommendations. In response to a question from Councilor Atherton, Mr. Hitchcock said the committee had taken a very abbreviated look at regional system development charges as a funding mechanism for parks. Mr. Houck said there would be a huge value in looking at SDCs and other funding mechanisms that would fund both parks and greenspaces, natural areas and more active recreation parks and trails.

Councilor Bragdon complimented the Green Ribbon Committee recommendations' specificity and that it was developed with both citizens and local government officials.

Councilor Hosticka noted a letter of support he had received from Green Ribbon Committee member, David Judd, from the City of Portland. (See a copy of the letter included with the permanent record of this meeting.)

David White, Regional Representative of Oregon Refuse and Recycling Association (ORRA) and Chair of the Tri-County Council, 1739 NW 156th Ave., Beaverton, OR 97006, reiterated the concerns of the commercial haulers, that it would have more impact on the business community than residential customers. He felt the 61¢ should be postponed and they should only go with the

\$1.00 at this time. He felt there should be a sunset on the \$1.00 in a year. He said they should look at the whole picture and not piecemeal a temporary fix.

Chair McLain closed the public hearing on Ordinance No. 02-939 and called a recess at 2:54 p.m. Chair Atherton reconvened the meeting at 3:07 p.m.

Motion:

Councilor McLain moved to take Ordinance No. 02-939 to the full Council for consideration

Motion to Amend:

Councilor Hosticka moved to amend Ordinance No. 02-939, by deleting the remainder of the sentence after the word "Repeal" on page 5, Section 5, first sentence, and inserting "effective June 30, 2004".

Councilor Hosticka said he proposed a two year sunset date to focus attention on the long term issue of parks funding. He felt like one year was not enough time to find alternate funding.

Councilor Bragdon supported the amendment because he felt it would keep pressure on the council and the public to move to the next step for funding.

Chair Atherton supported the amendment because he expected some of the uncertainty of the solid waste system to be stabilized over the next couple of years. He commented that the work of the Green Ribbon Committee would not be lost or forgotten.

Vote on Motion to Amend:

Chair Atherton and Councilors McLain, Hosticka, Bragdon and Park voted take Resolution No. 02-3157 to the full council for consideration. The vote was 3 aye/ 0 no/ 0 abstain, and the motion passed. Councilor Monroe was absent from the vote.

Councilor Park said circumstances had not changed since last year when staff recommended another dollar a ton for the system itself. He said this was allowed to work properly tonnage would move away from Metro Transfer Stations. He said in reality, the East Multnomah County portion of the system subsidizes the rest of the region and there is no way around that. He was concerned that one area was being asked to do that. He felt that needed to be addressed.

Chair Atherton commented that this measure did not go to that inequity issue, it was applied across the board to all users of the solid waste system.

Councilor McLain supported Councilor Park's goal to keep the Metro solid waste system whole and functioning efficiently. She said some issues had changed and they had gained some experience. She commented that there were other reports that had to be connected to this one, including franchises at the local level vs. franchises on regional stations, both public and private. She looked forward to a full discussion in October or November to make more refinements to the system. She added those refinements might not be monetary, they could be policy decisions regarding structure or administrative issues, not just location.

Councilor Park responded that it was true this dollar was equal across the board, but it would be in addition to another dollar that was already being paid by those on the east side.

Chair Atherton noted the additional 65¢ a ton that had been added in Troutdale. He commented that the system is very complicated and he hoped some of the issues would be worked out over the next couple of years in light of the overall goal of providing long term stable funding for the parks system.

Councilor McLain supported the ordinance as amended and said it was imperative that the council, the region, and the industry have the opportunity to look for a long term solution. She said this dollar was a band-aid to allow time to look for that fix. She promised to try to find money through the regular budget process for the Green Ribbon recommendations.

Councilor Hosticka appreciated Councilor McLain's comments and thought it indicated why the Green Ribbon Committee had made their recommendation the way they did, focusing on the appropriate activities to find a long term fix. He said regardless of amount voted on today, there was a commitment to fund the Green Ribbon activities.

Councilor Bragdon agreed as well. He felt the compelling part of the Green Ribbon recommendations was that there was so much public and local government involvement and specificity in the recommendations that they warrant a look through the budget committee.

Councilor Hosticka recognized that the Executive Officer had taken a political risk in proposing this ordinance and championing the effort. He said they needed to thank him for getting some movement on the parks funding issue.

Chair Atherton thanked Mr. Hitchcock and the Green Ribbon Committee for their efforts. He said he was basing his vote today as a person who places a very high value on looking at different possibilities. He said this ordinance would give an opportunity to look at funding in more depth.

**Vote on
Main Motion:**

Chair Atherton and Councilors McLain and Hosticka voted to take Ordinance No. 02-939A to the full council for consideration. The vote was 3 aye/ 0 nay/ 2 abstain and the motion passed. Councilors Bragdon and Park abstained and Councilor Monroe was absent from the vote.

7. Consideration of the Minutes of the March 6, 2002 Solid Waste & Recycling Committee meeting

The minutes were not considered at this time.

8. Regional Environmental Management Director's Briefing

Terry Petersen, Director, Regional Environmental Management, talked about Metro flow control fees and fines, reported on the notice of non-compliance that was issued to A & R Environmental for failure to report waste tonnage sent out of the region, gave details of the recent hazardous waste round-up, told about the recognition the REM Waste Reduction Education program had received from the Environmental Education Association of Oregon, reported on the Intergovernmental Agreement to operate the KFD Landfill, commented on the National Electronics Product Stewardship meeting in Washington D.C. last week, and reported the ruling of the Ninth Circuit Court of Appeals that the Federal Aviation Administration Act (FAAA) did not preempt the power of local jurisdictions to regulate garbage collection. (For more detail, see

the copy of the *Regional Environmental Management Director's Updates* attached to the permanent record of this meeting).

9. Update of SWAC Regional System Fee Credit Program Work Group

Tom Chaimov, Senior Solid Waste Planner, walked through the code changes that would be required in order to implement the SWAC recommendations. (For detail, see the memo to Chair Atherton from Doug Anderson RE: *SWAC Recommendations for Improving Post-collection Recovery* and other pertinent information included in the agenda packet with the permanent record of this meeting.) There was committee discussion regarding IGAs vs. agreements directly with the companies.

Lee Barrett, Commercial Solid Waste and Recycling Program Manager for the City of Portland Office of Sustainable Development, 721 NW 9th., Suite 350, Portland, OR 97209, supported the report. He said he was a member of the committee and they had looked at a number of different ideas. Regarding the big picture, he said they felt strongly that a good way to increase recovery of mixed dry loads would be to require all of them to go to a recovery facility prior to disposal.

10. Service Area Status Review

Dr. Petersen said the Council adopted changes in the local transfer station regulation in October and there was a provision that the Executive Officer would designate service areas as defined in the Metro Code by the end of March and we would estimate the amount of waste within each of these service areas. He said they had also drafted administrative procedures that would implement the code that was adopted.

Bill Metzler, Senior Planner, Regulatory Affairs, Project Team Leader, summarized the work he had done and highlighted several things of interest. (For detail see pertinent information included in the agenda packet and *Attachment A: Service Areas – Existing Regional and Local Transfer Stations* map included with the permanent record of this meeting.) He said the Department recommends postponing implementation until the October review when they would have a comprehensive analysis of the Code provisions and policy options for committee consideration.

Councilor McLain pointed out that the waste sheds, as defined, may need to be tweaked for any number of reasons. Another issue to look at would be travel time vs. distance. She hoped for a work session to do that before a final report.

Councilor Park said it pointed out his concerns about WRI and Pride. He said it also provided some guidance as to protection of Metro transfer stations and showed they should maintain a certain size for the service areas. He said it was a good start for what they were trying to accomplish as a region.

Dr. Petersen clarified that the department was recommending postponement of some action, not of enforcement of the tonnage caps that were part of the franchises.

11. Per Ton Excise Tax Assessment

Chair Atherton opened a public hearing on Section 7.01.170 of the Metro Code, to review the effect of Ordinance No. 00-857B on the Metro Solid Waste System. Nobody came forward to

testify so he closed the public hearing. (Pertinent information is included in the agenda packet with the permanent record of this meeting.)

Dr. Petersen summarized that there had been a slight under collection compared to projections, but in terms of the policy goals, it was working quite well.

12. Year 13 Partnership Plan

This item was not considered at this meeting. It will be considered as an action item at the next committee meeting on April 3.

13. REM Budget Issues

Chair Atherton said this item was intended to take up any issues with the REM budget. He noted that the Year 13 report had summarized at least one of the key issues and there were no other unexpected surprises in the system. He noted they would be going through the big ticket items in the Year 13 review.

Adjourn

There being no further business to come before the Joint Natural Resources and Solid Waste & Recycling Committee meeting, Chair Atherton adjourned the meeting at 4:40 p.m.

Prepared by

Cheryl Grant
Council Assistant

**Attachments to the Public Record for the Joint
 Natural Resources and Solid Waste & Recycling Committees Meeting of March 6, 2002:**

Topic	Doc Date	Document Description	Doc Number
Fish	2001	Watershed and Fish Conservation, Protection and Recovery Activities	032002nr-01
ESEE	March 19, 2002	Memo to Mike Burton from Andy Cotugno RE: Ensuring adequate economic analysis and participation by the economic community	032002nr-02
Fish	March 11, 2002	Letter to Chair McLain from Kelly Ross RE: Revised Wildlife Habitat Model	032002nr-03
Ord. No. 02-939	3/12/02	Green Ribbon Committee Recommendations 3/12/02	032002nr-04
ESEE	March 20, 2002	ESEE Policy Direction (draft 1) Basic Elements for Natural Resource Committee Consideration	032002nr-05
ESEE	n/a	draft Overall ESEE Project Scope	032002nr-06
Solid Waste excise tax	March 20, 2002	FAX letter to Council from David Judd, Portland Parks and Recreation, RE: support of proposed Green Ribbon Committee recommendation.	032002nr-07
REM Update	March 20, 2002	Regional Environmental Management Director's Updates	032002sw-08
Service Areas	February 2002	Attachment A: Service Areas – Existing Regional and Local Transfer Stations Map	032002sw-09

Testimony Cards:

(NOTE: cards are archived with the March 20, 2002 Natural Resources Committee record)

RE: Ordinance No. 02-939

David White, ORRA/Tri-County Council, 1739 NW 156th Ave., Beaverton, OR 97006

Mike Houck, Audubon Society, 5151 NW Cornell Rd., Portland, OR 97210

Walt Hitchcock, Green Ribbon Committee, 16990 SW Greengate, Sherwood, OR 97140

RE: Regional System Fee Credit Program

Lee Barrett, City of Portland, 721 NW 9th, Suite 350, Portland, OR 97209

RE: ESEE Review

Cindy Catto, Assoc. Gen. Contractors, 9450 SW Commerce Circle #200, Wilsonville, OR 97070

Mike Houck, Audubon Society, 5151 NW Cornell Rd., Portland, OR 97210