

 **Metro** | *Agenda*

MEETING: METRO COUNCIL WORK SESSION
DATE: August 3, 2010
DAY: Tuesday
TIME: 1:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

- 1:00 PM** **1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING,
[August 5, 2010]/ADMINISTRATIVE/CHIEF OPERATING
OFFICER COMMUNICATIONS**
- 1:15 PM** **2. TRANSIT ORIENTED DEVELOPMENT (TOD) STRATEGIC PLAN:
PRESENTATION** Gibb/Yake
- SUSTAINABLE TRANSPORTATION: PRESENTATION**
Jeffrey Tumlin & Nelson Nygaard
- 2:15PM** **3. BREAK**
- 2:20 PM** **4. UPDATE AND DISCUSSION REGARDING NATURE IN NEIGHBORHOODS:
TITLE 13 REPORTING REQUIREMENTS** Kent
- 2:50PM** **5. SOLID WASTE SYSTEM IMPROVEMENTS/PRIORITIES: DISPOSAL
SYSTEM ROADMAP** Chaimov/Robinson
- 3:20 PM** **6. COUNCIL BRIEFINGS/COMMUNICATION**

ADJOURN

Agenda Item Number 2.0

**TRANSIT ORIENTED
DEVELOPMENT (TOD)
STRATEGIC PLAN:
PRESENTATION**

PRESENTED BY MEGAN GIBB,
PLANNING MANAGER, AND CHRIS
YAKE, SENIOR PLANNER

**SUSTAINABLE
TRANSPORTATION:
PRESENTATION**

PRESENTED BY JEFFREY TUMLIN
& NELSON NYGAARD

Metro Council Work Session
Tuesday, August 3, 2010
Metro Council Chamber

*****Instructions for completing form*****

METRO COUNCIL

Work Session Worksheet

Presentation Date: August 3rd, 2010 Time: 1:15 pm Length: 60 minutes

Presentation Title:

Sustainable Transportation & TOD Strategic Plan Update: TOD Typology

Service, Office, or Center:

Metro Regional Center

Presenters (include phone number/extension and alternative contact information):

Jeffrey Tumlin, Principal, Nelson Nygaard Associates

Chris Yake, Senior Planner, Transit Oriented Development (TOD) Program x1931

(Also list other department personnel or interested parties who should be invited & invite them.)

* In all categories, use additional sheets if necessary and attach supporting material.

ISSUE & BACKGROUND (Identify the issue or problem. Include background information on the issue and identify the facts pertinent to your presentation of the topic. Include a statement of any potential issues raised by these facts.)

OPTIONS AVAILABLE (List the options available for any actions that may need to be taken, indicating the pros and cons of each. Cost estimates should be included for each option, where applicable.)

IMPLICATIONS AND SUGGESTIONS (Please state your departmental suggestions(s) AND the reason(s) for the suggested action. Also include anticipated problems, which will be encountered: a) if the suggestions is implemented, and b) if the suggestion is not implemented.)

QUESTION(S) PRESENTED FOR CONSIDERATION (Please state clearly your request of the Metro Council. In other words, what do you hope to obtain from the Metro Council? If more than one question, please number them.)

LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION Yes No

DRAFT IS ATTACHED Yes No

METRO COUNCIL

Work Session Worksheet

Presentation Date: 8/3/10 Time: 1:15 pm Length: 60 minutes

Presentation Title:

Sustainable Transportation & TOD Strategic Plan Update: TOD Typology

Service, Office, or Center:

Metro Regional Center

Presenters (include phone number/extension and alternative contact information):

Jeffrey Tumlin, Principal, Nelson Nygaard Associates

Chris Yake, Senior Planner, Transit Oriented Development (TOD) Program x1931

ISSUE & BACKGROUND

For more than a decade Metro's Transit Oriented Development (TOD) Implementation Program has sought to implement the 2040 Growth Concept by investing in compact mixed use projects near light rail stations and along frequent service bus corridors. Over that time, the Tri-Met frequent transit system has more than doubled its number of MAX light rail, Portland Streetcar and WES commuter rail stations from 30 to 133 and increased the number of frequent bus corridors from 4 to 16. Despite this growth in the available supply of land with frequent transit accessibility, the TOD Program's funding has remained essentially the same. To best capture existing and future development opportunities with limited resources, the TOD Program must be highly strategic when targeting and investing in station areas and corridors.

In order to maximize its ability to leverage TOD and increase travel by transit, walking and bicycling, the TOD Program is developing a TOD Strategic Plan to provide clear short and long-term policy and investment direction. At the core of the Strategic Plan is a new market and form-based typology, or classification and hierarchy, of transit station areas and corridors. For the near-term, the typology will help guide the allocation of limited resources by identifying station areas and corridors with existing (re)development and placemaking potential. For a longer planning horizon, the typology will inform a phasing strategy that defines the appropriate investment types for different station area/corridor types.

Jeff Tumlin of Nelson Nygaard Associates, a member of the Center for Transit Oriented Development (CTOD) team providing technical assistance for the TOD Strategic Plan, will open the work session with a big picture presentation of Sustainable Transportation and how TOD fits into the discussion. Chris Yake of the TOD Program will then present the TOD Station Area and Corridor Typology.

OPTIONS AVAILABLE

No action requested.

IMPLICATIONS AND SUGGESTIONS

The proposed TOD Station Area and Corridor Typology will inform a TOD Program phasing strategy as the next step in the TOD Strategic Plan.

QUESTION(S) PRESENTED FOR CONSIDERATION

The TOD Program is seeking comments and questions regarding the proposed methodology for a TOD Station Area and Corridor Typology.

**LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION Yes No
DRAFT IS ATTACHED Yes No**

Agenda Item Number 4.0

**UPDATE AND DISCUSSION REGARDING NATURE IN
NEIGHBORHOODS: TITLE 13 REPORTING
REQUIREMENTS**

PRESENTED BY HEATHER KENT, NATURE IN
NEIGHBORHOODS PROGRAM
MANAGER

Metro Council Work Session
Tuesday, August 3, 2010
Metro Council Chamber

Work Session Item Title:

Update and discussion regarding Nature in Neighborhoods: Title 13 reporting requirements

Brief Summary:

Staff is recommending changes to our State of the Watersheds reporting schedule and would like to explore how best to collect and use the information local governments are required to submit regarding acquisition, restoration and education efforts.

Questions:

1. Is the current reporting sufficient to the task of evaluating the success of the Nature in Neighborhoods program?
2. What is the best use of the information required from local governments?
3. What is the key information Metro Council will be looking for to evaluate overall program efficacy?

Next steps:

Staff to present a monitoring and evaluation report to Council no later than Dec. 31, 2010 as required by Title 13.

BEFORE THE METRO COUNCIL

AMENDING THE REGIONAL FRAMEWORK) ORDINANCE NO. 05-1077C
PLAN AND THE URBAN GROWTH)
MANAGEMENT FUNCTIONAL PLAN) Introduced by Michael Jordan, Chief
RELATING TO NATURE IN NEIGHBORHOODS) Operating Officer, with the concurrence of
) David Bragdon, Council President

WHEREAS, nature in neighborhoods is critical to maintaining and improving the high quality of life, livability, and standard of living enjoyed by the people of the Metro region; and

WHEREAS, the Metro Council has expressed, as one of four central goals for the region, the aspiration that, “The region’s wildlife and people thrive in a healthy urban ecosystem,” and identified this goal as a priority for action; and

WHEREAS, the Metro region places a high priority on the protection of its streams, wetlands, and floodplains to maintain access to nature, sustain and enhance native fish and wildlife species and their habitats, mitigate high storm flows and maintain adequate summer flows, provide clean water, and create communities that fully integrate the built and natural environment; and

WHEREAS, the Regional Framework Plan provides that Metro will adopt programs to maintain and improve water quality and to protect fish and wildlife habitat in the region; and

WHEREAS, Metro adopted Title 3 to the Urban Growth Management Functional Plan in 1998 to maintain and improve water quality and protect people and property from flood hazards; and

WHEREAS, Title 3 also provides for Metro to study and develop a program for the protection and conservation of fish and wildlife habitat; and

WHEREAS, the Metro Policy Advisory Committee, comprised of elected officials and other citizens representing the region’s cities and counties, adopted a “Vision Statement” in 2000 (“MPAC Vision Statement”) to guide, inform, and be the philosophical underpinnings for the study, identification, and development of a fish and wildlife habitat protection program; and

WHEREAS, the MPAC Vision Statement established an overall goal to conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams’ headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with the surrounding urban landscape; and

WHEREAS, the MPAC Vision Statement recognized that this vision would have to be achieved through conservation, protection, and appropriate restoration of streamside corridors through time; and

WHEREAS, the Nature in Neighborhoods initiative has been proposed in Resolution No. 05-3574, which provides for Metro to implement a coordinated regional program to ensure that the region’s natural areas and greenspaces are restored and protected; and

WHEREAS, Metro has undertaken the development of a fish and wildlife habitat protection program as one element of the Nature in Neighborhoods initiative consistent with Statewide Planning Goal 5, which is intended “to protect natural resources and conserve scenic and historic areas and open spaces,” and with Oregon Administrative Rules chapter 660, Division 23, adopted by the Land Conservation and Development Commission to implement Goal 5 (the “Goal 5 Rule”); and

WHEREAS, Metro analyzed city and county habitat protection programs and concluded that habitat protection standards varied widely from city to city, and that the most regionally consistent standards were those adopted by cities and counties to comply with Metro’s Title 3 water quality standards; and

WHEREAS, Metro has completed a region-wide inventory of regionally significant fish and wildlife habitat comprising 80,000 acres that has been located and classified for its ecological value and mapped to provide an information base for the region; and

WHEREAS, Metro has conducted an analysis of the economic, social, environmental, and energy (ESEE) consequences of protecting or not protecting the inventoried habitat in two phases and has developed this fish and wildlife habitat protection program based on that analysis; and

WHEREAS, through the study and development of the fish and wildlife habitat protection program, Metro identified new scientific information relating to water quality, and is therefore also adopting much of this element of the Nature in Neighborhoods initiative pursuant to Statewide Planning Goal 6, which is intended, in relevant part, “to maintain and improve the quality of the . . . water . . . resources of the state;” and

WHEREAS, fish and wildlife depend on clean, clear water in order to thrive, and all actions that protect water from becoming polluted by increased sedimentation, increased temperature, excessive nitrogen and nutrient levels, toxic chemicals, and other such pollutants is necessarily and inseparably linked with providing healthy, ecologically viable and stable fish and wildlife habitat; and

WHEREAS, as stated in Exhibit C, this ordinance is in furtherance of a comprehensive program in the Metro region for water pollution control, as a matter of protecting the public health and safety;

WHEREAS, the Federal Water Pollution and Control Act Amendments of 1972, 33 U.S.C. §1251 et seq. (the “Clean Water Act”), directs the administrator of the United States Environmental Protection Agency “in cooperation with other Federal agencies, State water pollution control agencies, interstate agencies, and municipalities and industries involved, prepare or develop comprehensive programs for preventing, reducing, or eliminating the pollution of the navigable waters and ground waters and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for the protection and propagation of fish and aquatic life and wildlife, recreational purposes, and the withdrawal of such waters for public water supply, agricultural, industrial, and other purposes.” 33 U.S.C. §1252; and

WHEREAS, as stated in Exhibit C, this ordinance is in furtherance of a comprehensive program in the Metro region to conserve the region’s waters for the protection and propagation of

fish and wildlife, recreation purposes, and the withdrawal of such waters for public water supply, agricultural, industrial, and other purposes, as required by the Clean Water Act; and

WHEREAS, the Endangered Species Act, 16 U.S.C. §1531 et seq., was enacted “to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species” 16 U.S.C. §1531(b); and

WHEREAS, Metro has catalogued the endangered and threatened species within the Metro region and this ordinance is in furtherance of a comprehensive program to conserve the ecosystem upon which endangered and threatened species depend; and

WHEREAS, in adopting new functional plan requirements as part of the comprehensive Nature in Neighborhoods initiative, Metro is committed to protecting the interests of property owners by implementing Statewide Ballot Measure 37 through a fair, efficient, and open claims process to be adopted on or before the effective date of this Ordinance; and

WHEREAS, Metro recognizes that local governments’ implementation of the new functional plan requirements of the Nature in Neighborhoods initiative may give rise to Measure 37 claims by property owners against local governments and Metro is willing to assume responsibility for addressing those claims; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. The Regionally Significant Fish and Wildlife Habitat Inventory Map (the “Inventory Map”), attached hereto as Exhibit A and hereby incorporated by reference into this ordinance, is hereby adopted.

SECTION 2. Metro has analyzed the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit uses that conflict with the resource sites identified on the Inventory Map, consistent with Statewide Planning Goal 5 and OAR 660, Division 23. Based on Metro’s ESEE analysis, Metro has determined to allow some conflicting uses and to limit some conflicting uses, but not to prohibit any conflicting uses. Metro’s determination is reflected in tables 3.07-13b and 3.07-13c in Exhibit C to this ordinance. Sections 4 through 9 of this ordinance are hereby adopted to implement Metro’s determination to allow some conflicting uses and to limit some conflicting uses pursuant to Statewide Planning Goal 5.

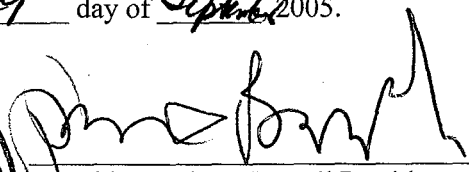
SECTION 3. All parts of Sections 4 through 9 of this ordinance that require the region’s cities and counties to substantially comply with new requirements applicable to areas within the Metro Urban Growth Boundary on the date this ordinance is adopted are hereby also adopted to maintain and improve water quality pursuant to Statewide Planning Goal 6. In addition, all parts of Sections 4 through 9 of this ordinance that will require the region’s cities and counties to substantially comply with new requirements applicable to areas that will be identified as regionally significant riparian habitat that is brought within the Metro Urban Growth Boundary after the date this ordinance is adopted are hereby also adopted to maintain and improve water quality pursuant to Statewide Planning Goal 6.

- SECTION 4.** The Regional Framework Plan is amended as provided in Exhibit B, which is attached and hereby incorporated by reference into this ordinance.
- SECTION 5.** The Urban Growth Management Functional Plan, Metro Code chapter 3.07, is amended to add Title 13, entitled “Nature in Neighborhoods,” as provided in Exhibit C, which is attached and hereby incorporated by reference into this ordinance.
- SECTION 6.** The Urban Growth Management Functional Plan, Metro Code chapter 3.07, is further amended as provided in Exhibit D, which is attached and hereby incorporated by reference into this ordinance.
- SECTION 7.** The Title 13 Nature in Neighborhoods Model Ordinance, attached as Exhibit E, is hereby adopted and incorporated by reference into this ordinance.
- SECTION 8.** The Findings of Fact and Conclusions of Law in Exhibit F (the “Findings”) are hereby adopted and incorporated by reference into this ordinance. The Findings explain how this ordinance complies with state law, the Regional Framework Plan, and the Metro Code. All attachments to the Findings are part of the Findings and are also hereby incorporated by reference into this ordinance.
- SECTION 9.** The provisions of this ordinance are separate and severable. In the event that any one or more clause, sentence, paragraph, section, subsection, or portion of this ordinance or the application thereof to any city, county, person, or circumstance is held invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions of this ordinance or its application to other cities, counties, persons, or circumstances shall not be affected.
- SECTION 10.** The map revisions described in Exhibit G are hereby approved. The Chief Operating Officer shall prepare final copies of all maps adopted with this ordinance to reflect the map revisions described in Exhibit G and all other provisions of this ordinance. The Chief Operating Officer shall also produce an updated Attachment 5 to Exhibit F to reflect these map revisions. The Chief Operating Officer shall complete the updated table and final maps, including quadrangle 1:28,000 scale Inventory and HCA maps, and make them available to the public not later than the effective date of this ordinance.

SECTION 11. This ordinance shall take effect 90 days after it is adopted.

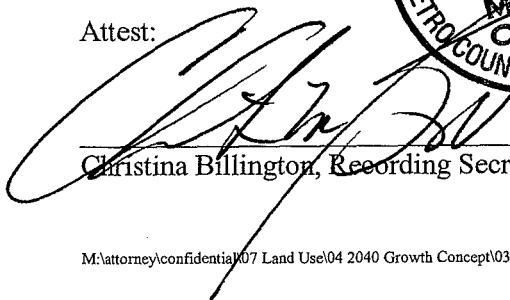
ADOPTED by the Metro Council this 29th day of September 2005.






David Bragdon, Council President

Attest:



Christina Billington, Recording Secretary

Approved as to Form:



Daniel B. Cooper, Metro Attorney

M:\attorney\confidential\07 Land Use\04 2040 Growth Concept\03 UGMFP\02 Stream Protection (Title 3)\02 Goal 5\02 Program\Ord 05-1077B\Ord 05-1077B 071405.doc

Agenda Item Number 5.0

**SOLID WASTE SYSTEM IMPROVEMENTS/PRIORITIES:
DISPOSAL SYSTEM ROADMAP**

PRESENTED BY TOM CHAIMOV, SENIOR PLANNER, AND
SCOTT ROBINSON, DEPUTY COO

Metro Council Work Session
Tuesday, August 3, 2010
Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: August 3, 2010 Time: 2:45 PM Length: 35 min.
Presentation Title: Solid Waste System Improvements - Priorities
Department: Parks and Environmental Services
Presenters: Tom Chaimov

PURPOSE & GOALS

At the July 13th, 2010 Metro Council work session, Metro Councilors expressed support for pursuing a number of solid waste system improvements, in concept. Since then, staff have assembled preliminary work plans and assessed resource needs, and stakeholders have been given their first of many opportunities to weigh in on the recommendations. The purpose of *this* work session interaction is to confirm Council's objectives and prioritize those solid waste system improvements to pursue for immediate implementation.

Today's Goals:

1. Recap July 13th solid waste recommendations and confirm objectives and scope of each.
2. Select recommendation(s) for immediate implementation.

ISSUE & BACKGROUND

Today's work session will confirm the objectives of each recommended system improvement, elucidate the time and resource needs for each, and identify those items for highest-priority action.

Objectives

With one exception, each of the system improvements recommended by the Metro Council on July 13th directly targets one or more of the Metro Council's disposal system objectives (provided for reference in Exhibit A). The single exception, by supporting all the others, essentially spans all of the system objectives.

Table 1 matches the recommended system improvements with one or more system objectives that staff felt most closely matched the aim of each individual system improvement. Council is invited to clarify these objectives, and/or offer different or additional objectives to better focus staff's efforts at achieving the desired outcomes.

TABLE 1. Objectives of System Improvements, Unprioritized

| System Improvement | Objective |
|-------------------------------------|--|
| VALUE | |
| 1. Rate transparency | <ul style="list-style-type: none"> • Reasonable, affordable rates • “Pay to play” |
| 2. Columbia Environmental franchise | <ul style="list-style-type: none"> • Regional equity |
| 3. Bid "the 10%" | <ul style="list-style-type: none"> • Protect public investment in the system • Regional equity • Reasonable, affordable rates |
| SERVICES | |
| 4. New performance targets | <ul style="list-style-type: none"> • Regional equity • Environmental sustainability |
| 5. Incentives for performance | <ul style="list-style-type: none"> • Regional equity • “Pay to play” |
| MARKET TRANSFORMATION | |
| 6. Product stewardship | <ul style="list-style-type: none"> • Environmental sustainability |
| 7. Food waste packaging | <ul style="list-style-type: none"> • Environmental sustainability |
| SPECIAL CASES | |
| 8. New system performance measures | <ul style="list-style-type: none"> • <i>Align performance measures with modern waste management goals*</i> |
| 9. Metro South Station / Self-haul | <ul style="list-style-type: none"> • Environmental sustainability • Preserve public access |

* One italicized objective supports all the others, and has not been identified by the Metro Council as one of the seven disposal system objectives.

Industry Stakeholder Feedback

The Solid Waste Stakeholders Roundtable meeting held July 20th at Metro Regional Center provided the first of many opportunities for industry, local government, and other stakeholders to ask questions and voice their ideas and concerns related to the proposed solid waste system improvements. Staff reviewed the recommended system improvements, and stakeholders were given an opportunity to respond and ask questions. The level of industry interest in the effort appears to be high, with a sense of uncertainty prevailing at this stage. Staff will continue with deliberate stakeholder engagement to keep two-way communications open throughout project development and implementation.

Prioritization of System Improvements

Preliminary project descriptions for each recommended system improvement are provided in Exhibits B through J. Included are basic work plans, stakeholder engagement opportunities, and potential risks and rewards.

Based on the basic work plans, a preliminary assessment of required staff resources indicates some potential challenges with staffing capacity at current staffing levels, especially if all projects were to be attempted in parallel. Assuming that staffing constraints remain, a logical prioritization of system improvements is proposed on the following page. This prioritized listing considers a number of factors, including direct FTE needs, estimated project duration, and sequential dependencies among individual projects.

Table 2 presents the system improvements and the approximate resources required (time & people) to execute them. Preliminary work plans are provided in Exhibits B through J, and will be refined over time as project managers are assigned and resources are more thoroughly balanced against ongoing work priorities. In Exhibits B through J the preliminary work plans are shown along with the intended objectives for each project, potential risks and rewards, and stakeholder engagement opportunities.

Councilors and other interested parties should consider these project descriptions as a work in progress and are encouraged to note additional or different objectives, risks, etc. in the spaces provided and communicate those to Metro staff.

TABLE 2. Prioritized Solid Waste System Improvements

| | Task | Project Management ² | Approximate Duration | Estimated Average FTE ³ for the Duration |
|--------------------------|---|---------------------------------|------------------------------------|---|
| 1 st Priority | 1. Rate Transparency ¹ | FRS | 6 mos. Regional +12 mos. Locals | 0.5 - 1.5 |
| | 2. Metro South Station / Self-haul ¹ | PES | 5+ yrs. | 1 – 2 |
| | 3. Product stewardship legislation | SC | 10 mos. | 0.5 - 1.5 |
| | 4. Bid “the 10%” | FRS | 12 mos. | .75 – 1.3 |
| 2 nd priority | 5. New performance targets | SC/FRS | 15 mos. | 1.0 – 1.5 |
| | 6. Incentives for performance | FRS | 9 mos. | 0.5 – 1.0 |
| | 7. New performance measures | RC/SC | 12 mos. | 0.3 - 0.5 |
| | 8. Food waste packaging | SC | 3 yrs. | 0.5 – 1.0 |
| | 9. Columbia Environmental franchise renewal | FRS | 6 mos. | .25 – 0.5 |

Total FTE estimate = about 5 to 11

¹ Some tasks will depend heavily on the use of contracted services (e.g., Rate transparency, Metro South Station). Other tasks may involve the use of contracted services to a lesser degree.

²The locus of project management is envisioned as being housed in the listed departments and centers. Other viable options may exist. Abbreviations are as follows: FRS = Finance & Regulatory Services; SC = Sustainability Center; RC = Research Center; PES = Parks & Environmental Services

³ Personnel resources shown are not all housed in a single department, but will draw from across departments. The total shown represents the average FTE resources anticipated for the duration of the task. There will be shorter periods of more or less intense personnel utilization.

OPTIONS AVAILABLE

1. Confirm objectives; and/or
2. Provide new or different objectives; and/or
3. Identify highest-priority projects.

IMPLICATIONS AND SUGGESTIONS

Per the outcome of today's work session, Metro management will assess staff capacity and availability and will assign project managers to the highest priority projects, as feasible, to commence work. In the event that significant conflicts arise with other ongoing work, those conflicts will be resolved to best achieve the Metro Council's objectives.

QUESTION(S) PRESENTED FOR CONSIDERATION

1. Are the Metro Council's objectives accurately reflected for each of the recommended system improvements?
2. Does the Metro Council agree with the prioritization of system improvements?

LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION ___Yes **X**No
DRAFT IS ATTACHED ___Yes ___No

Legislation is not required for Council action; however, staff anticipate submitting a Resolution to direct staff to begin financial review of private transfer stations, which, if adopted, would precipitate the submission of a Metro Ordinance that amends local transfer station franchises to provide for freer Metro access to financial records.

List of Exhibits

A. Disposal System Objectives (based on Council's values)

B. – J. Solid Waste System Improvements: Project Descriptions

B. Rate Transparency

C. Metro South Station / Self-haul

D. Product stewardship

E. Bid “the 10%”

F. New performance targets

G. Incentives for performance

H. New system performance measures

I. Food waste packaging

J. Columbia Environmental franchise renewal

Exhibit A. Disposal System Objectives

Metro Council Disposal System Objectives*

1. Protect public investment in solid waste system
2. “Pay to Play”- Ensure participants pay fees/taxes
3. Environmental Sustainability- ensure system performs in an sustainable manner
4. Preserve public access to disposal options (location/hours)
5. Ensure regional equity- equitable distribution of disposal options
6. Maintain funding source for Metro general government
7. Ensure reasonable/affordable rates

* These objectives are based on the 2003 Metro Council values for the disposal system and were reaffirmed in 2005/6 during the Metro Transfer System Ownership Study. The 2006 study was prepared for Metro by CH2MHill, and adopted by the Metro Council via *Resolution 06-3729, Recognizing the continuation of a public/private system of waste transfer stations in the region, and directing the Chief Operating Officer to explore opportunities to improve the regional solid waste disposal system.*

Exhibit B. Rate Transparency

| Task 1: Rate Transparency <i>Duration: 6 months for Regional Transfer Station, +12 months for Locals</i> | |
|--|--|
| OBJECTIVES | <ul style="list-style-type: none"> ▪ Reasonable, affordable rates ▪ “Pay to play” |
| BASIC WORK PLAN | <p>BEGIN with...</p> <ul style="list-style-type: none"> ▪ Metro Resolution to direct the work ▪ Metro Ordinance to authorize review of Local Transfer Stations ▪ Define scope of financial review ▪ Procure third-party reviewer ▪ Conduct cost review relative to industry averages & compare to pricing ▪ Assess materiality of difference(s), if any ▪ Decide on appropriate action. Examples: <ul style="list-style-type: none"> ➢ No economic regulation indicated: publish or share results w/ local gov’t. regulators; or ➢ Economic regulation indicated: adopt low-cost regulation, such as a rate cap; or higher-cost regulation, such as cost-plus rate setting <p><i>(est. 6 months for regional transfer station review, another 12 months to review local transfer stations)</i></p> |
| ENGAGEMENT | <ul style="list-style-type: none"> ▪ Waste Management: logistics, information requirements of financial review ▪ Interested local government regulators, <i>e.g.</i>, Washington Co., Beaverton, etc.: express intent, address concerns, incorporate specific needs into the scope ▪ Local transfer station owners: amend franchises ▪ ▪ |
| POTENTIAL RISKS | <ul style="list-style-type: none"> ▪ Reviews take longer than anticipated ▪ ▪ ▪ |
| POTENTIAL REWARDS | <ul style="list-style-type: none"> ▪ Better cost information for system modeling ▪ Metro gains ability to make informed decision about rate regulation ▪ ▪ ▪ |

Exhibit C. Metro South Station / Self-haul

| Task 2: New Self-haul Facility, Repurpose Metro South Station <i>Duration: 5+ years</i> | |
|---|--|
| OBJECTIVES | <ul style="list-style-type: none"> ▪ <i>Preserve public access</i> ▪ <i>Environmental sustainability</i> |
| BASIC WORK PLAN | <ul style="list-style-type: none"> ▪ Research phase: alternatives, customer needs, feasibility ▪ Conceptual design ▪ Siting options ▪ Procurement decision ▪ Detailed design, site acquisition, construction ▪ Begin customer education ▪ Modify existing Metro South contract ▪ Sign operating agreement for new facility |
| ENGAGEMENT | <ul style="list-style-type: none"> ▪ Metro South self-haul customers: determine service needs ▪ Local jurisdictions: zoning, coordination, unique local needs & requirements ▪ ▪ ▪ |
| POTENTIAL RISKS | <ul style="list-style-type: none"> ▪ Difficulty siting due to NIMBY, land-use, and/or other considerations ▪ High build, operating costs and rate impacts ▪ ▪ ▪ |
| POTENTIAL REWARDS | <ul style="list-style-type: none"> ▪ Safer, more efficient operations at Metro South ▪ Better material recovery from both commercial and self-haul loads ▪ ▪ ▪ |

Exhibit D. Product Stewardship

| Task 3: Product Stewardship <i>Duration: 10 months and ongoing</i> | |
|--|--|
| OBJECTIVE | <ul style="list-style-type: none"> ▪ <i>Environmental sustainability</i> |
| BASIC WORK PLAN | <p>for the 2011 Legislative Session July & August 2010</p> <ul style="list-style-type: none"> ▪ Staff develop fact sheets in coordination with Randy Tucker ▪ Staff continue to provide technical input to organizations and legislators for the development of legislative concepts and draft legislative language <p>September - December 2010</p> <ul style="list-style-type: none"> ▪ Council discussions on likely legislative proposals ▪ Legislative concepts finalized ▪ Outreach work with legislators, local governments and other key stakeholders ▪ Develop testimony for legislation supported by Metro Council <p>January - June 2011</p> <ul style="list-style-type: none"> ▪ Provide testimony in Salem ▪ Participate as needed in legislative negotiations and analysis of amendments |
| ENGAGEMENT | <ul style="list-style-type: none"> ▪ Metro Council: for concepts and legislative proposals ▪ Product Stewardship organizations, <i>e.g.</i>, NW Product Stewardship Council (NWPSC), Product Stewardship Stakeholder Group (PSSG), etc.: for collaboration ▪ Other strategic partners: collaboration ▪ Legislators: education, advocacy ▪ ▪ |
| POTENTIAL RISKS | <ul style="list-style-type: none"> ▪ Supported bills are not introduced, or are not approved by the Legislature ▪ Metro expends political capital unsuccessfully ▪ ▪ |
| POTENTIAL REWARDS | <ul style="list-style-type: none"> ▪ Shared responsibility established for end-of-life management and related costs of manufactured products ▪ Benefits to the environment and human health, including greenhouse gas reduction, fewer toxics in the environment, etc., through passage of legislation ▪ ▪ ▪ |

Exhibit E. Bid “the 10%”

| Task 4: Bid “The 10%” <i>Duration: 12 months</i> | |
|--|--|
| OBJECTIVES | <ul style="list-style-type: none"> ▪ Protect public investment in the system ▪ Regional equity ▪ Reasonable, affordable rates |
| BASIC WORK PLAN | <ul style="list-style-type: none"> ▪ Begin with legal and cost/benefit analysis of allocating the 10% at all; ▪ If allocation is found to be beneficial, then... <ul style="list-style-type: none"> ▪ Renew non-system licenses through 2011 ▪ Design bidding structure: how many tons, bidder qualifications, bidding criteria, etc. ▪ Draft the RFB ▪ Circulate RFB for review, as appropriate ▪ Release final RFB ▪ Evaluate, Award ▪ Issue non-system licenses for January 1, 2012 |
| ENGAGEMENT | <ul style="list-style-type: none"> ▪ All current and potential future non-system license holders: notify of intent to issue request for bid, keep informed during bid process ▪ Waste Management: keep company informed of any anticipated contractual implications ▪ ▪ |
| POTENTIAL RISKS | <ul style="list-style-type: none"> ▪ No (or very low) bids ▪ One bidder wins all ▪ Some ratepayers may pay more ▪ ▪ ▪ |
| POTENTIAL REWARDS | <ul style="list-style-type: none"> ▪ More objective, equitable allocation of available tonnage ▪ Metro transfer station customers benefit from lower disposal costs ▪ Test of the value industry places on the opportunity to manage waste in the current market ▪ |

Exhibit F. New Performance Targets

| Task 5: New Performance Targets <i>Duration: 15 months</i> | |
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| OBJECTIVES | <ul style="list-style-type: none"> ▪ Regional equity ▪ Environmental sustainability |
| BASIC WORK PLAN | <ul style="list-style-type: none"> ▪ Survey best practices at Metro Central and Metro South, actual franchisee operations, and concepts in existing sustainable operations plan ▪ Compile desired list of measurable/enforceable performance categories ▪ Choose from existing performance measures, as feasible; develop new measures if needed ▪ Incorporate new performance categories, targets, and measures into licenses and franchise at next renewal or sooner, as midterm amendments ▪ Reward best-in-class performance via financial or other incentives, <i>e.g.</i>, per Task 6 |
| ENGAGEMENT | <ul style="list-style-type: none"> ▪ Facility owners via existing Sustainable Operations Work Group: advice, coordination, technical assistance during development & implementation ▪ Other facility owners: on case-by-case basis to listen to better ideas, address concerns, learn about physical site limitations, etc. ▪ ▪ ▪ |
| POTENTIAL RISKS | <ul style="list-style-type: none"> ▪ High administrative cost of and/or difficulty in monitoring and enforcement ▪ Incentives inadequate to foster desired results ▪ Physical and capital constraints at some facilities ▪ ▪ |
| POTENTIAL REWARDS | <ul style="list-style-type: none"> ▪ Boost service levels regionwide, <i>e.g.</i>, greenhouse gas mitigation, toxics reduction, etc. ▪ Demonstrable, measurable contributions to regional environmental indicators ▪ |

Exhibit G. Incentives for Performance

| Task 6: Incentives for Performance <i>Duration: 9 months</i> | |
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| OBJECTIVES | <ul style="list-style-type: none"> ▪ <i>Regional equity</i> ▪ <i>“Pay to play”</i> ▪ <i>(in support of...) Environmental sustainability</i> |
| BASIC WORK PLAN | <ul style="list-style-type: none"> ▪ Design a “franchise” fee for Metro regulated facilities to better reflect the costs caused by the private facility and/or the value of the franchise to the franchisee. ▪ Develop an incentive program (e.g., variable franchise fee) to reward “best in class” performance according to performance targets (see Task 5) ▪ Consider options to better reflect the costs and benefits of wastes used in the operation of landfills and that Metro currently exempts from—or for which Metro reduces—its fees and taxes (e.g., alternative daily cover, temporary roadbeds, onsite drainage, etc.). |
| ENGAGEMENT | <ul style="list-style-type: none"> ▪ Metro regulated facilities: solicit feedback on draft franchise fees, reporting requirements, other implementation details ▪ Other major waste generators: convey desired outcomes, seek feedback on fee changes, reporting requirements, etc. ▪ Landfill operators: potential impacts on reporting requirements ▪ ▪ |
| POTENTIAL RISKS | <ul style="list-style-type: none"> ▪ High administrative cost to monitor and enforce ▪ Costs some facilities more, some less ▪ ▪ ▪ |
| POTENTIAL REWARDS | <ul style="list-style-type: none"> ▪ Boost service levels ▪ Reduce disposal ▪ Reduced need for prescriptive service regulation ▪ ▪ ▪ |

Exhibit H. New System Performance Measures

| Task 7: New System Performance Measures <i>Duration: 12 months</i> | |
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| OBJECTIVE | <ul style="list-style-type: none"> ▪ <i>Align performance measures with modern waste management goals</i> <i>(not a stated Council objective per se, but supports all disposal system objectives)</i> |
| BASIC WORK PLAN | <p>Develop and implement research plan to select new system indicators, e.g., investigate</p> <ul style="list-style-type: none"> ▪ Generation measure(s) ▪ Sustainability measures ▪ Other measures ▪ Once selected, roll out & institutionalize new measures (ongoing effort) <p>Also investigate pricing-in externalities:</p> <ul style="list-style-type: none"> ▪ Research Center & RCR investigation of the state of the art, followed by... ▪ Demonstration of concept w/ in-region data ▪ Likely synergies with performance incentives (Task 6) <p>→ Recommendations, implementation</p> |
| ENGAGEMENT | <ul style="list-style-type: none"> ▪ Internal: Link up w/ other Metro indicator work, as feasible ▪ External: DEQ, other users/stakeholders for technical assistance, also education element to institutionalize use of new measures ▪ ▪ |
| POTENTIAL RISKS | <ul style="list-style-type: none"> ▪ Measures not widely accepted, institutionalized ▪ ▪ ▪ |
| POTENTIAL REWARDS | <ul style="list-style-type: none"> ▪ Measures representative of desired system performance ▪ More accurate focus for corrective actions when needed ▪ Applicability of lessons learned (together with performance incentives, Task 6) to other waste generators. ▪ ▪ |

Exhibit I. Food Waste Packaging

| Task 8: Regulatory: Food waste packaging <i>Duration: 3 years</i> | |
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| OBJECTIVE | <ul style="list-style-type: none"> ▪ <i>Environmental sustainability</i> |
| BASIC WORK PLAN | <ul style="list-style-type: none"> ▪ Reconnaissance with City of Seattle ▪ Assess likely impacts of a similar Metro region implementation ▪ If approach passes cost/benefit assessment, proceed with implementation <p>Similar to Business Recycling...</p> <ul style="list-style-type: none"> ▪ Reach out to local governments, businesses ▪ Adopt Metro Ordinance containing new regulations and a template for a local Ordinance to implement ▪ Phase in to allow time for businesses to transition, find suppliers of new packaging, etc. |
| ENGAGEMENT | <ul style="list-style-type: none"> ▪ City of Seattle: to understand their food packaging law, lessons learned, and pitfalls encountered when adopting/implementing ▪ Local jurisdictions & affected businesses: two-way education ▪ ▪ |
| POTENTIAL RISKS | <ul style="list-style-type: none"> ▪ Resistance to participation ▪ Significantly different/harder to implement than anticipated ▪ ▪ ▪ |
| POTENTIAL REWARDS | <ul style="list-style-type: none"> ▪ Reduced disposal ▪ Better educated consumer ▪ “Green” marketing opportunity for food purveyors ▪ ▪ ▪ |

Exhibit J. Columbia Environmental Franchise Renewal

| Task 9: Columbia Environmental Franchise Renewal <i>Duration: 6 months</i> | |
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| OBJECTIVE | <ul style="list-style-type: none"> ▪ <i>Regional equity</i> |
| BASIC WORK PLAN | <ul style="list-style-type: none"> ▪ Expect franchise renewal application by September 2010 ▪ Reaffirm evaluation criteria w/ Council ▪ Assess application for completeness ▪ Request clarification, additional information ▪ Evaluate application ▪ Metro Council consideration of application & staff recommendation |
| ENGAGEMENT | <ul style="list-style-type: none"> ▪ Columbia Environmental: advise on process, timing, information requirements (done) ▪ Council check-in on evaluation criteria ▪ ▪ ▪ |
| POTENTIAL RISKS | <ul style="list-style-type: none"> ▪ Facility may continue to be nonoperational ▪ Change in ownership ▪ Applicant misses 8/29 filing deadline. Implication: future application would not be for <i>renewal</i>, but for a <u>new</u> franchise, indicating much higher standards for approval ▪ ▪ |
| POTENTIAL REWARDS | <ul style="list-style-type: none"> ▪ Hauler choice preserved on east side ▪ Potentially lower rates locally due to competition ▪ ▪ ▪ |