

Metro | *Agenda*

Meeting: Metro Council
Date: Thursday, March 17, 2011
Time: 2 p.m.
Place: Metro Council Chambers

CALL TO ORDER AND ROLL CALL

- 1. INTRODUCTIONS**
- 2. CITIZEN COMMUNICATIONS**
- 3. CONSENT AGENDA**
 - 3.1 Consideration of the Council Minutes for March 10, 2011
 - 3.2 **Resolution No. 11-4240**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Non-System License to Waste Management of Oregon, Inc. for Delivery of Food Waste to the Nature's Needs Facilities for Composting During the Washington County Non-Green Feedstock Demonstration Project.
 - 3.3 **Resolution No. 11-4243**, For the Purpose of Granting an Easement to Access to Residential Property Adjacent to Howell Territorial Park.
- 4. CHIEF OPERATING OFFICER COMMUNICATION**
- 5. COUNCILOR COMMUNICATION**

ADJOURN

METRO COUNCIL WILL CONVENE A SPECIAL WORK SESSION IMMEDIATELY FOLLOWING THE REGULAR COUNCIL MEETING.

Television schedule for March 17, 2011 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 11 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> 2 p.m. Thursday, March 17 (Live)	Portland Channel 11 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> 8:30 p.m. Sunday, March 20 <i>Date:</i> 2 p.m. Monday, March 21
Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> 2 p.m. Monday, March 21	Washington County Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> 11 p.m. Saturday, March 19 <i>Date:</i> 11 p.m. Sunday, March 20 <i>Date:</i> 6 a.m. Tuesday, March 22 <i>Date:</i> 4 p.m. Wednesday, March 23
Oregon City, Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.	West Linn Channel 30 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.

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

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

Agenda Item Number 3.1

Consideration of the Council Minutes for March 10, 2011

Consent Agenda

Metro Council Meeting
Thursday, March 17, 2011
Metro Council Chamber

Agenda Item Number 3.2

Resolution No. 11-4240, For the Purpose of Authorizing the Chief Operating Officer to Issue a Non-System License to Waste Management of Oregon, Inc. for Delivery of Food Waste to the Nature's Needs Facilities for Composting During the Washington County Non-Green Feedstock Demonstration Project.

Consent Agenda

Metro Council Meeting
Thursday, March 17, 2011
Metro Council Chamber

BEFORE THE METRO COUNCIL

AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE) RESOLUTION NO. 11-4240
A NON-SYSTEM LICENSE JOINTLY TO WASTE)
MANAGEMENT OF OREGON, INC. AND TROUTDALE)
TRANSFER STATION FOR DELIVERY OF FOOD WASTE TO) Introduced by Daniel B. Cooper,
THE NATURE'S NEEDS FACILITY FOR COMPOSTING) Acting Chief Operating Officer, with the
DURING THE WASHINGTON COUNTY NON-GREEN) concurrence of Tom Hughes, Council President
FEEDSTOCK DEMONSTRATION PROJECT)

WHEREAS, the Metro Code requires a non-system license of any person that delivers solid waste generated from within the Metro Region to a non-system disposal facility; and

WHEREAS, Waste Management of Oregon, Inc. and the Troutdale Transfer Station have applied jointly for a non-system license to deliver pre-and post-consumer food waste including meat and dairy products to the Nature's Needs composting facility under the provisions of Metro Code Chapter 5.05, "Solid Waste Flow Control;" and

WHEREAS, such food waste will include source-separated, pre-and post-consumer food waste generated by commercial customers of Waste Management of Oregon, Inc.; and

WHEREAS, such food waste will include residential source-separated food waste mixed with yard debris collected during the City of Portland residential curbside food waste collection pilot program and reloaded at the Troutdale Transfer Station; and

WHEREAS, the Nature's Needs composting facility is participating in a demonstration project with Washington County to assess the feasibility of accepting and composting non-green feedstock i.e., source-separated post-consumer food waste that includes meat and dairy; and

WHEREAS, the Metro Code Chapter provides that applications for non-system licenses for putrescible waste shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council; and

WHEREAS, the Chief Operating Officer has analyzed the application and considered the relevant factors under the Metro Code; and

WHEREAS, the Chief Operating Officer recommends that the non-system license be issued together with specific conditions as provided in Exhibit A to this Resolution; now therefore,

BE IT RESOLVED that the Metro Council authorizes the Chief Operating Officer to issue a non-system license jointly to Waste Management of Oregon, Inc. and Troutdale Transfer Station in a form substantially similar to the license attached as Exhibit A.

ADOPTED by the Metro Council this ____ day of _____, 2011.

Tom Hughes, Council President

Approved as to Form:

Alison Kean Campbell, Acting Metro Attorney

Exhibit A to Resolution No. 11-4240

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1835 | FAX 503 813 7544



METRO

METRO SOLID WASTE FACILITY NON-SYSTEM LICENSE

No. N-010(2)-11

LICENSEE:	
Waste Management of Oregon, Inc. 1525 B. Street Forest Grove, OR 97116	Troutdale Transfer Station 869 NW Eastwind Drive Troutdale, OR 97060
CONTACT PERSON:	
<u>Kirk Duncan</u> Phone: 503-992-3015 Fax: 503-493-7824 E-mail: Kduncan2@wm.com	<u>Douglas Vermillion</u> Phone: 503-667-5264 x410 Fax: 503-667-6237 E-mail: dvermill@wm.com
	<u>Dean Kampfer</u> Phone: 503-493-7831 Fax: 503-493-7824 E-mail: dkampfer@wm.com
MAILING ADDRESS:	
1525 B. Street Forest Grove, OR 97116	869 NW Eastwind Drive Troutdale, OR 97060

ISSUED BY METRO:

Margo Norton,
Finance and Regulatory Services Director

Date

1	NATURE OF WASTE COVERED BY LICENSE
	<p>a) Source-separated, pre-and post-consumer food waste (including meat and dairy products) generated in the Metro region by commercial customers of Waste Management of Oregon, Inc. - Washington County, and</p> <p>b) Source-separated pre-and post-consumer food waste (including meat and dairy products) mixed with yard debris generated by residential customers for the City of Portland's food waste collection pilot program reloaded at the Troutdale Transfer Station.</p>
2	CALENDAR YEAR TONNAGE LIMITATION
	Licensee is authorized to deliver to the non-system facility listed in Section 3 of this license up to 6,000 tons per calendar year of the waste described in Section 1 of this license.
3	NON-SYSTEM FACILITY
	<p>The licensee hereunder may deliver the waste described in section 1, above, only to the following non-system facility for the purpose of processing and composting:</p> <p style="text-align: center;">Nature's Needs 9570 NW 307th Avenue North Plains, Oregon 97133</p> <p>This license is issued on the condition that the non-system facility listed in this section is authorized to accept the type of waste described in Section 1. If Metro receives notice from the Oregon Department of Environmental Quality or from Washington County that this non-system facility is not authorized to accept such waste, Metro may immediately terminate this license pursuant to Section 10 of this license.</p>
4	TERM OF LICENSE
	The term of this license will commence on March 28, 2011 and expire at midnight on December 31, 2011, unless terminated sooner under Section 10 of this license.

5	COVERED LOADS
	Licensee shall suitably contain and cover, on all sides, all loads of source-separated pre-and post-consumer food that is delivered under authority of this license to prevent spillage of waste while in transit to the non-system facility in Section 3 of this license.

6	MATERIAL MANAGEMENT
	<p>The Licensee is authorized to deliver the waste described in Section 1 of this license to the non-system facility listed in Section 3 under the following conditions:</p> <ul style="list-style-type: none"> a) The non-system facility shall accept all solid waste that is delivered under authority of this license for the sole purpose of processing and composting on-site. The Licensee shall not dispose of any source-separated recyclable material, except as provided in Section 7; and b) The non-system facility shall receive, manage, process and compost all solid waste that is delivered under authority of this license in accordance with all applicable local, state and federal laws, rules, regulations, ordinances, orders, and permits.

7	REGIONAL SYSTEM FEE AND EXCISE TAX
	<p>The Licensee shall be subject to the following conditions:</p> <ul style="list-style-type: none"> a) Source-separated, pre-and post-consumer food waste that is delivered under authority of this license and is accepted and composted, in accordance with all applicable regulations, at the non-system facility listed in Section 3 is exempt from Regional System Fees and Excise Tax. b) If the Licensee delivers waste under this license to the non-system facility but the material does not meet the facility's acceptance criteria (e.g., too contaminated for processing or composting) or the non-system facility fails to process and compost the material as required as a condition of this license, the Licensee shall pay to Metro an amount equal to the Regional System Fee, as provided in Metro Code Section 5.02.045, for each ton of waste delivered to the non-system facility that is ultimately disposed of at a solid waste disposal facility. c) If the Licensee delivers waste under this license to the non-system facility but the material does not meet the facility's acceptance criteria (e.g., too contaminated for processing or composting) or the non-system facility

	<p>fails to process and compost the material as required as a condition of this license, the Licensee shall pay to Metro an amount equal to the Excise Tax, as provided in Metro Code Section 7.01.020, for each ton of waste delivered to the non-system facility that is ultimately disposed of at a solid waste disposal facility.</p>
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8	REPORTING OF ACCIDENTS AND CITATIONS
	<p>Licensee shall report to Metro any significant incidents (such as fires, off-site odor complaints), accidents, and citations involving vehicles of its transportation carrier during the loading and transporting of solid waste on behalf of the licensee.</p>

9	RECORD KEEPING AND REPORTING
	<p>(a) The Licensee shall keep and maintain accurate records of the amount of all solid wastes that the Licensee delivers to the non-system facility described in Section 3 of this license. The Licensee shall keep and maintain complete and accurate records of the following for all transactions with the authorized non-system facility:</p> <ul style="list-style-type: none"> (i) Ticket or weight slip number from the non-system facility, (ii) Material category designating the type of material transferred to the non-system facility; (iii) Date the load was transferred to the non-system facility; (iv) Time the load was transferred to the non-system facility; (v) Net weight of the load; and (vi) Fee charged by the non-system facility. <p>(b) No later than the fifteenth (15th) day of each month, beginning with the first month following the commencement date of this license, Licensee shall transmit the records required under Section 9(a) above, that covers the preceding month, to Metro's Finance and Regulatory Services Department in an electronic format prescribed by Metro.</p> <p>(c) Licensee shall make all records from which Section 9(a) above are derived available to Metro (or Metro's designated agent) for its inspection or copying, as long as Metro provides no less than three (3) business days written notice</p>

	of an intent to inspect or copy documents. Licensee shall, in addition, sign or otherwise provide to Metro any consent or waiver necessary for Metro to obtain information or data from a third party, including the non-system facility named in Section 3, above.
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10	ADDITIONAL LICENSE CONDITIONS
	<p>This non-system license shall be subject to the following conditions:</p> <ul style="list-style-type: none"> (a) The permissive transfer of solid waste to the non-system facility, listed in Section 3, authorized by this license shall be subordinate to any subsequent decision by Metro to direct the solid waste described in this license to any other facility. (b) This license shall be subject to amendment, modification or termination by Metro's Chief Operating Officer (the "COO") in the event that the COO determines that: <ul style="list-style-type: none"> (i) There has been sufficient change in any circumstances under which Metro issued this license; (ii) The provisions of this license are actually or potentially in conflict with any provision in Metro's disposal contract with Oregon Waste Systems, Inc.; (iii) Metro's solid waste system or the public will benefit from, and will be better served by, an order directing that the waste described in Section 1 of this license be transferred to, and disposed of at, a facility other than the facility described in Section 3; or (iv) The non-system facility listed in Section 3 fails to manage the waste subject to this license in accordance with the material management requirements described in Section 6. (v) The non-system facility listed in Section 3 generates malodors that are detectable off-site. (c) This license shall, in addition to subsections (b)(i) through (v), above, be subject to amendment, modification, termination, or suspension pursuant to the Metro Code. (d) Licensee shall not transfer or assign any right or interest in this license without prior written notification to, and approval of, Metro. (e) This license shall terminate upon the execution of a designated facility agreement with the facility listed in Section 3 that authorizes the facility to accept the waste described in Section 1 of this license.

	(f) This license authorizes delivery of solid waste only to the facility listed in Section 3. Transfer of waste generated from within the Metro boundary to any non-system facility other than that specified in this license is prohibited unless authorized in writing by Metro.
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11	COMPLIANCE WITH LAW
	Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders, and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.05 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the collection and hauling of the licensee's solid waste by federal, state, regional or local governments or agencies having jurisdiction over solid waste generated by the licensee shall be deemed part of this license as if specifically set forth herein.

12	INDEMNIFICATION
	Licensee shall defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses, or including all attorneys' fees, whether incurred before any litigation is commenced, during any litigation or on appeal, arising out of or related in any way to the issuance or administration of this non-system license or the transport and disposal of the solid waste covered by this license.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4240 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A NON-SYSTEM LICENSE JOINTLY TO WASTE MANAGEMENT OF OREGON, INC. AND TROUTDALE TRANSFER STATION FOR DELIVERY OF FOOD WASTE TO THE NATURE'S NEEDS FACILITY FOR COMPOSTING DURING THE WASHINGTON COUNTY NON-GREEN FEEDSTOCK DEMONSTRATION PROJECT

March 1, 2011

Prepared by: Bill Metzler
(503) 797-1666

BACKGROUND

Description of the Resolution

Approval of Resolution No. 11-4240 will authorize the Chief Operating Officer to issue a new non-system license ("NSL") jointly to Waste Management of Oregon, Inc. ("WMO"), a solid waste hauling company, and Troutdale Transfer Station, also owned by WMO, to annually deliver a maximum of 6,000 tons of source-separated, pre-and post-consumer food waste that will include meat and dairy products ("mixed food waste") to the Nature's Needs composting facility located at 9570 NW 307th Avenue in North Plains, Oregon. Nature's Needs is located outside the Metro boundary, in unincorporated Washington County and is an established yard debris and vegetative food waste composting facility. Recology, Inc. owns and operates the Nature's Needs composting facility (Recology Oregon Compost, Inc.).

Nature's Needs will accept and compost the mixed food waste as part of a Washington County Non-Green Feedstock Demonstration Project authorized by Washington County and approved by the Oregon Department of Environmental Quality (DEQ). The non-green feedstock refers to source-separated food waste that includes post-consumer meat and dairy products (mixed food waste). The demonstration project with Washington County could last until December 31, 2011. If the demonstration project is successful, Nature's Needs intends to continue its mixed food waste operations on a regular basis pending approval by Washington County and the DEQ.

This NSL is being issued jointly to WMO's hauling company and Troutdale Transfer Station in order to facilitate deliveries of source-separated food waste as part of Washington County's demonstration project and the City of Portland residential food waste collection program. Metro may, however, require two separate NSLs once the food waste collection programs become more established.

WMO will collect and deliver mixed food waste from its commercial customer accounts that generate source-separated food waste and transport this mixed food waste directly to the Nature's Needs composting facility for processing. In addition, as part of the City of Portland residential curbside food waste pilot program, WMO may deliver residential mixed food waste and yard debris that is reloaded at the Troutdale Transfer Station to Nature's Needs. Currently, the residential yard debris and mixed food waste that is reloaded at the Troutdale Transfer Station is delivered to the Pacific Region Compost facility ("PRC") located in Monmouth, Oregon under authority of a separate NSL (N-113-10(2)).

The term of the proposed NSL is through December 31, 2011, which will coincide with the completion of the Washington County demonstration project with Nature's Needs.

Because Nature's Needs is a composting facility, the waste diverted under this proposed NSL will not

impact Metro's obligations under its disposal contract with Waste Management. Additionally, the waste is currently exempt from Metro fees and taxes. See the Budget Impact section for a more detailed discussion.

ANALYSIS/INFORMATION

1. Known Opposition

There has been some local opposition to the Nature's Needs facility in the past due to malodors and impacts of truck traffic on local roads. Should malodors continue, the NSL provides that the Director may amend, modify or terminate the NSL if the non-system generates malodors detectable off-site. In addition, Washington County can take enforcement action at the Nature's Needs composting facility under the provisions of the demonstration project. Recology has provided assistance to North Plains in upgrading local access roads to the facility.

2. Legal Antecedents

Metro Code Section 5.05.035 provides that a waste hauler may transport solid waste generated within Metro to any non-system facility only by obtaining an NSL. Metro Code further requires applications for NSL's for putrescible waste (such as food waste) to be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council. Under Metro Code Subsection 5.05.035(c), the Council shall consider the following factors when determining whether to approve an NSL application:

- (1) *The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;*

The non-system facility identified in this proposed license is an established yard debris and vegetative food waste composting facility rather than a landfill and thus does not pose the same potential environmental risk from wastes delivered from prior users. Since the facility has accepted only wood waste, yard debris, and limited amounts of vegetative and mixed food waste for composting, staff is not aware of any other wastes accepted at Nature's Needs that could pose a risk of environmental contamination.

- (2) *The record of regulatory compliance of the non-system facility's owner and operator with federal, state and local requirements including, but not limited to, public health, safety and environmental rules and regulations;*

Nature's Needs is the non-system facility and is owned and operated by Recology, Inc., headquartered at 50 California Street, 24th Floor, in San Francisco California. Recology, Inc. is also the contract operator for the Metro Central Transfer Station.

Recology, Inc. is the parent company that owns Recology Oregon Material Recovery, Inc. which owns and operates three non-putrescible waste recovery facilities in the region that are licensed by Metro: 1) Suttle Road Recovery Facility, 2) Foster Road Recovery Facility, and 3) Oregon City Recovery Facility. On June 24, 2010 and on July 19, 2010, Metro issued two separate Notices of Violation ("NOV") to Oregon City Recovery Facility for failure to properly maintain required documents. These NOV's have since been resolved. On June 28, 2010 Metro issued a NOV to the Suttle Road Recovery Facility for failure to

inspect loads in accordance with the operating plan. This NOV has since been resolved. On February 17, 2011 Metro issued a Field Notice of Violation (FNOV) to Recology Oregon City for failure to remove yard debris from the site within 72 hours of receipt. The FNOV has since been resolved.

In addition to the Nature's Needs facility, Recology, Inc. owns and operates two other DEQ approved composting facilities in Oregon: 1) the Northwest Greenlands compost facility located in McMinnville, and 2) the Recology Oregon Compost, Inc. facility located in Aumsville. Currently, no food waste from the Metro region is delivered to either of these two facilities.

Based on communication with the DEQ and Washington County, the Nature's Needs composting facility operates in compliance with all federal, state, and local requirements, rules and regulations and has had no violations related to public health, safety or environmental regulations with the current owners. However, based on communication from the DEQ and Washington County, neighboring businesses and local residents have identified odors at the Nature's Needs facility, under previous owners, as a concern.

Accordingly, Nature's Needs is required by Washington County and DEQ to implement reasonable and practical measures to control and minimize odors through site design and operations. The odor control measures during the demonstration project include processing incoming mixed food waste feedstock in a timely manner (i.e., within 30-minutes of receipt) blending of feedstocks, good housekeeping, and monitoring moisture and temperatures of composting feedstock. The use of a forced aeration system and a biofilter system will help control and minimize odors. The system will pull air through the composting piles and direct the air to a biofilter consisting of organic material such as wood chips or compost overs. Biofilters are commonly used at composting facilities due to their success in effectively treating odors associated with composting.

(3) *The adequacy of operational practices and management controls at the non-system facility;*

Nature's Needs will accept and compost the mixed food waste under the auspices of the Washington County Non-Green Feedstock Demonstration Project that includes a franchise agreement, and under authority of a Solid Waste Letter of Authorization ("SWLA") issued by the Oregon DEQ. The DEQ SWLA is valid until April 22, 2011. In addition, Nature's Needs has applied for a standard DEQ composting permit that would authorize acceptance and composting of the mixed food waste on a regular basis. The DEQ will hold a public hearing on the proposed permit on March 8, 2011. If the DEQ does not issue a permit to Nature's Needs or extend the SWLA, the NSL will be terminated.

Demonstration project overview

Washington County has issued Nature's Needs a franchise for accepting and processing the mixed food waste as part of its Non-Green Feedstock Demonstration Project. The demonstration project is authorized through December 31, 2011 and will evaluate the feasibility of composting the mixed food waste. If Washington County revokes or does not renew the franchise for Nature's Needs, the Metro NSL issued to WMO to haul mixed food waste to Nature's Needs may be immediately terminated. More detailed information on the Nature's Needs composting pilot study, the DEQ Letter of Authorization, and the Washington County franchise for Nature's Needs is on file with Metro's Finance and Regulatory Services Department.

During the demonstration project, Nature's Needs intends to receive about 200 tons per week of mixed

food waste (an equivalent of about 10,000 tons per year as allowed by Washington County for the demonstration project). This NSL will authorize WMO to deliver up to 6,000 tons of food waste per year to the Nature's Needs facility as part of the demonstration project. On November 5, 2010, AGG Recology was issued an NSL (N-131-10) to deliver up to 3,400 tons per year of mixed food waste. The combined tonnage limits for the proposed WMO NSL and the existing AGG NSL is 9,400 tons per year and will help meet the tonnage requirements for the demonstration project. All weights will be recorded at the existing scale house. Loads will be inspected for contaminants at the scale house and again as they are unloaded. A paved tipping area will be dedicated to the mixed food waste. The mixed food waste is then mixed with processed yard trimmings to get an optimal carbon-nitrogen ratio. This mixture of materials is then used to construct compost piles which will be covered and aerated within 30 minutes of delivery.

Nature's Needs is using an aerated static pile technology for the pilot project. The mixed material is placed in a windrow approximately 20-feet wide, 80-feet long and 10 to 12-feet tall. Two 8-inch diameter perforated pipes are embedded in the windrow to act as conduits for the purpose of drawing air through the compost windrows. Each of the conduit pipes is connected to a 1-horse power blower that pulls air through the compost windrow. Exhaust air is distributed through a biofilter for odor treatment.

The composting material resides in the aerated windrows for about 30 days, and then is removed for curing. The aerated windrows will also be covered with plastic tarps to help maintain moisture levels and shed stormwater. Temperature monitoring for meeting pathogen reduction requirements will be performed during the third or fourth week of the active aeration stage. Finished screened compost will be sampled for laboratory testing to document compliance with pathogen reduction criteria. Materials that do not meet the pathogen reduction standards must be composted again or disposed.

Metro staff will monitor the progress and results of the food waste demonstration study throughout completion. If the mixed food waste delivered to the non-system facility does not meet the facility's acceptance criteria or the non-system facility fails to process and compost the material, then the proposed non-system license will require the licensee to pay Metro the Regional System Fee and Excise Tax on each ton of waste delivered to the non-system facility that is ultimately disposed.

(4) The expected impact on the region's recycling and waste reduction efforts;

Approval of the proposed NSL is likely to have a positive impact on the region's recycling and waste reduction efforts. If the food waste demonstration project is successful, Nature's Needs would result in additional organics processing capacity for the region, providing a benefit to the regional organics recovery program. This NSL is important to the Washington County demonstration project, as it will permit deliveries of food waste in sufficient quantity and quality to the facility for assessment of the composting odor controls and feedstock management practices.

(5) The consistency of the designation with Metro's existing contractual arrangements;

The waste subject to the proposed license will be delivered to a composting facility rather than disposed at a general-purpose landfill. Thus, approval of the requested license does not impact Metro's disposal contract or any other of its existing contractual arrangements. Recology, as the contract operator for Metro Central Transfer Station, has assumed a contract with Metro for delivery of food waste to the Cedar Grove Composting Facility in Washington.

- (6) *The record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements including, but not limited to, public health, safety and environmental rules and regulations; and*

WMO is a solid waste hauler and has not received any written warnings or citations from Metro. As a solid waste hauling company, WMO does not have a history regarding Metro code or agreement compliance. The Troutdale Transfer Station, also owned by WMO, has had no violations related to public health, safety or environmental regulations and is in compliance with Metro code and franchise requirements.

- (7) *Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination.*

If the Nature's Needs food waste demonstration project with Washington County is successful, it would result in additional organics processing capacity for the region, providing a benefit to the regional organics recovery program. Further, when all the site improvements are completed and all approvals are obtained, Nature's Needs will provide a closer alternative for food waste composting to the region. For example, mixed food waste collected for composting from the Metro region is currently transported 167 miles to the Cedar Grove composting facility in Maple Valley, Washington. In contrast, the Nature's Needs composting facility is located at the edge of North Plains (unincorporated Washington County), about seven miles outside the Metro boundary. The PRC facility located in Monmouth, Oregon is located about 55 miles from the Metro region.

Conclusion

The Chief Operating Officer finds that the NSL application satisfies the requirements of Metro Code Section 5.05.035, License to Use Non-System Facility.

3. Anticipated Effects

The effect of Resolution No. 11-4240 will be to issue an NSL for delivery of up to 6,000 tons per calendar year of mixed food waste from: 1) commercial generators collected by WMO and delivered directly to the Nature's Needs facility, and 2) residential curbside food waste co-collected with yard debris during the City of Portland pilot program and reloaded at the Troutdale Transfer Station, delivered to the Nature's Needs facility.

4. Budget Impacts

The NSL as proposed would affect two Metro funds: the Solid Waste Fund and the General Fund. The effects on each are described in turn.

The analysis is based on Metro's current solid waste revenue system. The impacts are based on information provided in the WMO application and in follow-up information provided by WMO, but the reader should note that these impacts would be the same for any comparable waste diverted from disposal.

Assumptions for the Analysis

According to the application, WMO will deliver various feedstocks totaling 6,000 tons per year from several different sources. The budget analysis requires information on *which* of these feedstocks will be diverted from Metro's solid waste revenue system, *how much* will be diverted, *when* it will be diverted, and *from where*.

Which feedstocks and how much. This analysis is based on the assumption that only a portion – 4,812 tons – of the commercially-generated feedstock identified in the application are currently disposed as mixed putrescible waste and incurs full Metro fees and taxes. Approval of this NSL would remove these tons from paying Metro fees and taxes.

- Residentially generated feedstocks. A portion – 720 tons per year – of the 6,000 tons authorized by this NSL is already being collected by WMO under the City of Portland food waste and yard debris collection program and delivered to Troutdale Transfer Station. Of the 720 tons, only 5% by weight, or 36 tons, is food waste and the balance, 684 tons, is yard debris. Yard debris has a long-standing exemption from Metro fees and taxes. The food waste component of this waste stream was previously authorized to be delivered to PRC under NSL N-113-10(2) issued on April 5, 2010. Accordingly, approval of this NSL would not change the currently exempt status of these 720 tons from Metro fees and taxes, or create any new significant impacts on the budget or management of Metro contracts.
- Commercially generated food waste currently delivered to the food waste program at Metro Central. WMO estimates that it delivers 468 tons per year of source-separated commercial drop box loads of food waste to Metro Central. Since this food waste will be redirected under the proposed NSL, the diversion does not reflect new diversion and has already been factored into the budget, solid waste rates, and contracts.
- Commercially generated food waste from new collection programs. WMO estimates that the balance of the 6,000 tons requested under the proposed NSL will represent new food waste diversion from commercial generators. This amount is 4,812 tons, which is the 6,000 ton authorization less the 720 tons of residential yard debris and food waste and 468 tons of commercial food waste described above. These 4,812 tons of commercial food waste are currently disposed as mixed putrescible waste and incur full Metro fees and taxes. Approval of this NSL would exempt these tons from Metro fees and taxes only after new source-separated commercial food waste collection programs have been established.

When. This analysis is based on the assumption that WMO begins collecting food waste on April 1, 2011. For simplicity, the results are shown for a ramp-up to the full authorization during FY 2011-12. Metro would experience the same budgetary impacts if ramp-up is in fact slower, but they would be realized over a longer time period.

From where. The budget impact is based on the assumption that all 4,812 tons of the food waste will be diverted from putrescible waste currently delivered to private transfer stations in Washington County (e.g. Forest Grove, Pride Disposal, and WRI).

The Solid Waste Fund

Because none of the 4,812 tons is currently delivered to Metro-owned transfer station, under this

proposed NSL, the diverted food waste would increase only one expenditure from the solid waste fund: the price that Metro pays to Waste Management for disposal at Columbia Ridge Landfill under its contractual declining block rate. Diversion of 4,812 tons would reduce the dollar amount of the disposal budget but at a higher cost per ton. The Metro tip fee would have to rise by seven cents to recover this cost. To put this number in context, the current tip fee is \$85.85.

On the revenue side, the exemption of 4,812 tons from the Regional System Fee translates to a potential revenue loss of approximately \$80,500. Historically in similar circumstances Metro has raised the system fee to cover the effect of tonnage lost to the recovery exemption. In this case, that impact would be an increase of eight cents per ton. This eight cents would be charged on all solid waste that continues to be disposed, including the waste delivered to Metro transfer stations and privately-owned landfills. To put this number in context, the current Regional System Fee is \$16.72.

In summary, the total effect would likely be a rate increase rather than a budget impact. The increase would amount to \$0.15 (\$0.07 + \$0.08) on the Metro tip fee and eight cents per ton at private facilities.

The General Fund

The impact on the General Fund is entirely on the revenue side in the near term. As with the Regional System Fee, approval of this NSL would remove 4,812 tons from the revenue base. However, unlike the Regional System Fee, the excise tax rate is driven entirely by previous-calendar year tonnage. Therefore, it takes about two years for the reduction of the tonnage base to work its way into the rate calculation. Until that happens, approval of this NSL would reduce General Fund revenue by about \$85,200 in the first full year and about a third of that in the second year. By the third year the rate will have increased by \$0.06 per ton to absorb the revenue impact.

Summary

Analysis is provided for the impact on two Metro funds. Again, the reader should note that these impacts would be the same for any waste diverted from disposal.

- **Solid Waste Fund.** The diversion of tonnage from disposal to recovery would reduce the dollar amount that Metro budgets for disposal operations, but the per-ton cost would rise on the waste that continues to be disposed. Historically, Metro has covered such changes by raising solid waste rates. Under this NSL, the Metro tip fee would rise by \$0.15, excluding excise tax changes.
- **General Fund.** Approval of this NSL will not affect General Fund costs, but the excise tax rate will have to rise \$0.06 to recover the revenue lost to the diversion of tonnage. It will take over two years for the rate to adjust fully under the current rate mechanism in Metro Code. There will be a \$110,700 loss of revenue to the General Fund during the adjustment period of two years.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution No. 11-4240, and issuance of an NSL substantially similar to the NSL attached to the Resolution as Exhibit A.

BM:bjl
S:\REM\metzlerb\WM Wa.Co. Food Waste NSL to NN\Staff Report\WM NSLstaffrpt DA comments.docx

Agenda Item Number 3.3

Resolution No. 11-4243, For the Purpose of Granting an
Easement to Access to Residential Property Adjacent to Howell
Territorial Park.

Consent Agenda

Metro Council Meeting
Thursday, March 17, 2011
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING
AN EASEMENT TO ACCESS TO
RESIDENTIAL PROPERTY
ADJACENT TO HOWELL
TERRITORIAL PARK

RESOLUTION NO. 11-4243

Introduced by Acting Chief Operating Officer
Daniel B. Cooper, with the concurrence of
Council President Tom Hughes

WHEREAS, Metro owns and operates Howell Territorial Park, located on Sauvie Island in Multnomah County (herein the "Howell Park"); and

WHEREAS, the applicant, owns a residence adjacent to Howell Park and is requesting a permanent road easement through Howell Park, and has submitted an Application for Permanent Easement for Non-Park Uses for that purpose; and

WHEREAS, the applicant's residence is currently served by a gravel road across Howell Park that is its only ingress and egress, but the gravel road was not constructed upon an easement or dedicated road right-of-way; and

WHEREAS, the applicant has requested an access easement to establish a legal right to use the road for resident access; and

WHEREAS, the easement presents no new surface disturbance nor natural resource impacts on Howell Park; and

WHEREAS, staff has determined that the easement will not restrict any current or future uses of Howell Park nor inhibit operation and management of the site; and

WHEREAS, staff has determined that the road has been in use for nearly 50 years and that no reasonable alternative alignment route exists outside of Howell Park; and

WHEREAS, the applicant will pay Metro's staff costs for processing this request as well as compensate Metro for the appraised fair market value of the easement; and

WHEREAS, Metro Parks and Environmental Services has determined that this easement request has met the criteria in Resolution No. 97-2539B, "For the Purpose of Approving General Policies Related to the Review of Easements, Right of Ways, and Leases for Non-Park Uses Through Properties Managed by the Regional Parks and Greenspaces Department," adopted by the Metro Council on November 6, 1997 (the "Easement Policy"), as identified in Attachment 1 to the Staff Report to this resolution, and can be accommodated with no impact to natural resources, cultural resources, recreational resources, recreational facilities, recreational opportunities or their operation and management, and recommends approval; and

WHEREAS, the Easement Policy requires review of all easement requests by the full Metro Council, now therefore

BE IT RESOLVED that the Metro Council hereby authorizes the Acting Chief Operating Officer to grant a permanent road easement to the applicant, Pauline Dexter, as depicted in Exhibit A, as shall be further set forth in an instrument approved by the Office of Metro Attorney.

ADOPTED by the Metro Council this _____ day of _____ 2011.

Tom Hughes, Council President

Approved as to Form:

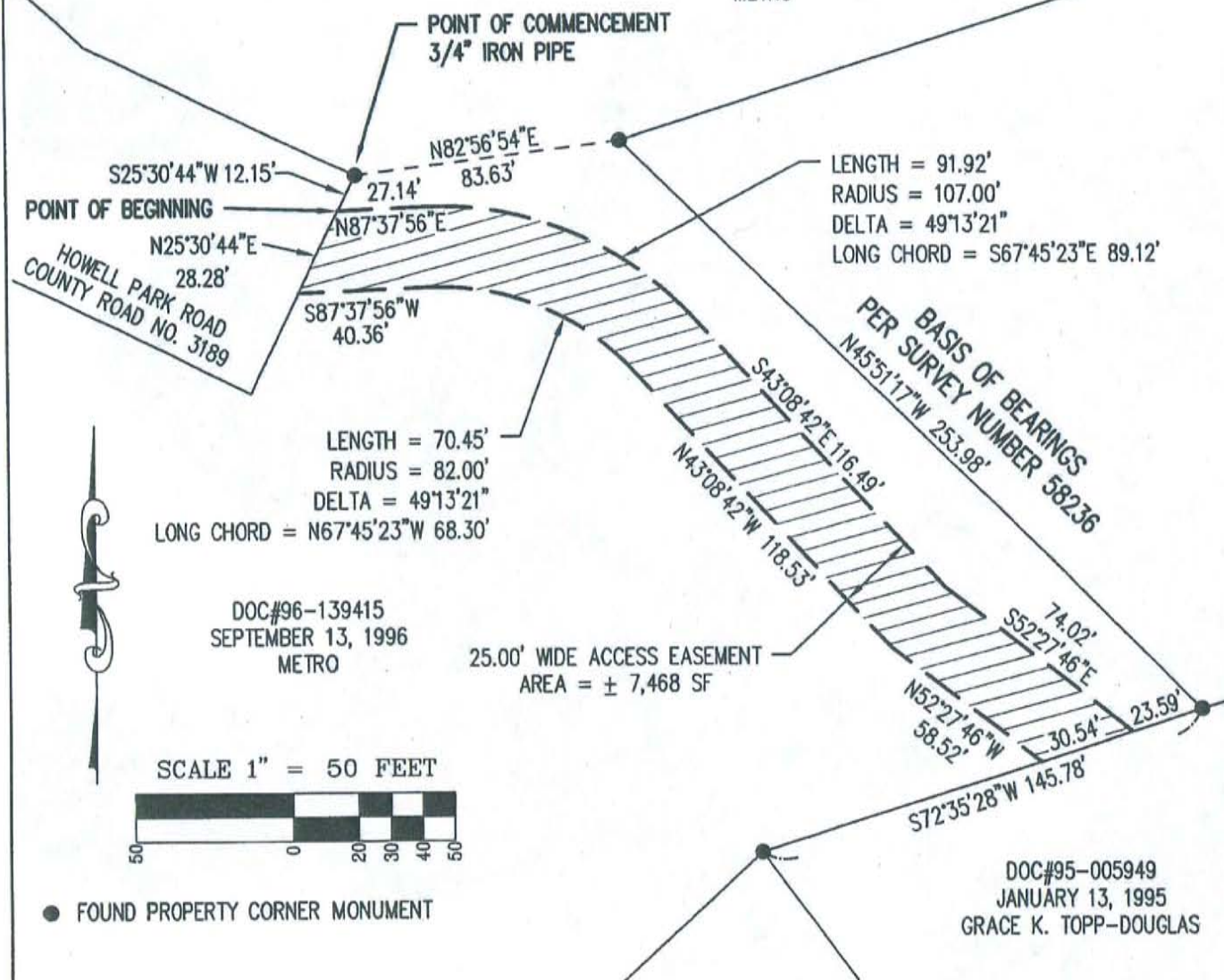
Alison Kean-Campbell, Acting Metro Attorney

ACCESS EASEMENT MAP

LOCATED IN THE SW 1/4 OF SECTION 21,
TOWNSHIP 2 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
MULTNOMAH COUNTY, OREGON

JULY 21, 2010

DOC#96-139415
SEPTEMBER 13, 1996
METRO



PREPARED FOR:

PAULY DEXTER AND
NANCY MENZIA

JOB NAME: HOWELL PARK ROAD

JOB NUMBER: 618

DRAWING NUMBER: 618 EASE

DRAWN BY: CHS

CHECKED BY: SFF

NORTHWEST
SURVEYING, Inc.

1815 NW 169th PLACE,
SUITE 2090
BEAVERTON, OR 97006
PHONE: 503-848-2127
FAX: 503-848-2179
nwsurveying@nwsrvy.com

Exhibit A
2 of 2



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4243, FOR THE PURPOSE OF GRANTING AN EASEMENT TO ACCESS TO RESIDENTIAL PROPERTY ADJACENT TO HOWELL TERRITORIAL PARK

Date: March 17, 2011

Prepared by: Dan Kromer

BACKGROUND

Metro Parks and Environmental Services occasionally receive requests for easements, leases and right-of-ways through Metro developed park and natural area properties. These requests are reviewed and analyzed per guidance and policy established via Resolution 97-2539B, "For The Purpose Of Approving General Policies Related To The Review Of Easements, Right-Of-Ways and Leases For Non-Park Uses Through Properties Managed By Regional Parks And Greenspaces Department" adopted by Council on November 6, 1997.

Parks and Environmental Services received an easement application from a property owner, Pauline Dexter, whose property is adjacent Howell Territorial Park. The applicant is requesting a 25' wide and 220' long (7,468 sq. ft.) permanent road easement running east to southwest through Metro property (Howell Territorial Park) on Sauvie Island. The proposed easement area is currently a gravel road that has been used by adjacent property owners as the only ingress and egress to their residential properties for almost 50 years. Said gravel road starts where the paved Howell Park Road, which is a county road, ends.

There will be no significant, unavoidable impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or Metro's operation and management to the site by the requested easement. This is due to the fact that a gravel road already exists through Metro property and has been used as a main access road to residential properties for almost 50 years. The value of the easement is \$500.00 based on an appraisal report done by an accredited appraiser and reviewed by Metro.

Metro staff assigned to the easement request has documented time and costs associated with reviewing the application and have informed the applicant of the policy requiring reimbursement. Easement approval is subject to satisfaction of all expenses. The applicant would be responsible for all present and future maintenance costs for the easement area.

Staff has determined no reasonable alternative alignment route exists outside of Metro property and that no site disturbance will occur. Bases on staff review findings, Attachment 1, staff supports the easement request.

ANALYSIS INFORMATION

1. **Known Opposition:** No known opposition
2. **Legal Antecedents:** Resolution No. 97-2539B "For The Purpose Of Approving General Policies Related To The Review of Easements, Right-Of-Ways, And Leases For Non-Park Uses Through Properties Managed By The Regional Parks And Greenspaces Department" adopted November 6, 1997.
3. **Anticipated Effects:** The easement will have no site disturbance impacts as a gravel road through easement area presently exists.
4. **Budget Impacts:** The applicant will pay Metro staff costs for processing this request as well as compensating Metro on the fair market value of the easement.

RECOMMENDED ACTION

Staff recommends that the Council grant the easement as requested.

Attachment 1

Dexter Easement Application

Metro Easement Policy Criteria and Staff Findings

- 1) **Provide for formal review of all proposed easements, rights of ways, and leases for non-park uses to Metro Council. Notwithstanding satisfaction of the criteria set forth herein, the final determination of whether to approve a proposed easement, right of way, or lease is still subject to the review and approval by the full Metro Council.**

Staff Finding: Pursuant to Criteria 13, Metro staff is recommending an easement on Metro property be granted to the applicant (Pauline Dexter), so review and approval by the Metro Council is necessary.

- 2) **Prohibit the development of utilities, transportation projects and other non-park uses within corridors or on sites which are located inside of Metro owned or managed regional parks, natural areas, and recreational facilities except as provided herein.**

Staff Finding: The applicant is requesting a 25' wide and 220' long (7,468 sq. ft.) permanent road easement running east to southwest through Metro property (Howell Territorial Park) on Sauvie Island. The proposed easement area is currently a gravel road that has been used by adjacent property owners as the only ingress and egress access road to their residential properties for almost 50 years. Said gravel road starts where the paved Howell Park Road, which is a county road, ends.

- 3) **Reject proposals for utility easements, transportation right of ways and leases for non-park uses which would result in significant, unavoidable impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management.**

Staff Finding: There will be no significant, unavoidable impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management to the site by the requested easement due to the fact that a gravel road already exists through Metro property and has been used as a main ingress and egress access road to residential properties for almost 50 years.

- 4) **Accommodate utility easements, transportation right of ways or other non-park uses when the Regional Parks and Greenspaces Department (the Department) determines that a proposed easement, right of way, or non-park use can be accommodated without significant impact to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management; and that the impacts can be minimized and mitigated.**

Staff Finding: There is a 1997 Master Plan for Howell Territorial Park. The Master Plan shows the gravel road that the applicant is requesting a permanent road easement on and states, "Multnomah County owns and maintains Howell Park Road to the Park's maintenance entry. South of the maintenance entry, Howell Park Road becomes a private drive which is maintained by adjacent property owners. A portion of this private drive is located within the park boundary".

- 5) **Require full mitigation and related maintenance, as determined by the Department, of all unavoidable impacts to natural resources, recreational facilities, recreational opportunities or their operation and management associated with the granting of easements, right of ways, or leases to use Metro owned or managed regional parks, natural areas or recreational facilities for non-park uses.**

Staff Finding: There will be no significant, unavoidable impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management to the site by the requested easement due to the fact that a gravel road already exists through Metro property where this easement would cover. The applicant would be responsible for all present and future maintenance costs for the easement area.

- 6) **Limit rights conveyed by easements, right of ways, and leases for non-park uses to the minimum necessary to accomplish the objectives of any proposal.**

Staff Finding: The dimensions of the permanent road easement request corresponds with the width and length of the current gravel road and are the minimum needed to allow for ingress and egress to the applicant's property.

- 7) **Limit the term of easements, right of ways and leases to the minimum necessary to accomplish the objectives of any proposal.**

Staff Finding: The term of the easement being requested is the minimum needed to accomplish the proposal while minimizing impact on Metro's property.

- 8) **Require reversion, non-transferable, and removal and restoration clauses in all easements, rights of ways, and leases.**

Staff Finding: All easements include these terms.

- 9) **Fully recover all direct costs (including staff time) associated with processing, reviewing, analyzing, negotiating, approving, conveying, or assuring compliance with the terms of any easement, right of way, or lease for non-park use.**

Staff Finding: Metro staff assigned to the easement request has documented time and costs associated with reviewing the application and have informed the applicant of the policy requiring reimbursement. Easement approval is subject to satisfaction of all expenses.

- 10) **Receive no less than fair market value compensation for all easements, right of ways, or leases for non-park uses. Compensation may include, at the discretion of the Department, periodic fees or considerations other than money.**

Staff Finding: The value of the easement is \$500.00 based on an appraisal report done by an accredited appraiser and reviewed by Metro.

- 11) **Require full indemnification from the easement, right of way or leaseholder for all costs, damages, expenses, fines, or losses related to the use of the easement, right of way, or lease. Metro may also require insurance coverage and/or environmental assurances if deemed necessary by the Office of Metro Attorney.**

Staff Finding: The easement would include indemnification and insurance provisions.

- 12) Limit the exceptions to this policy to: grave sales, utilities or transportation projects which are included in approved master/management plans for Metro regional parks, natural areas and recreational facilities; projects designed specifically for the benefit of a Metro regional park, natural area, or recreational facility; or interim use leases as noted in the Open Spaces Implementation Work Plan.**

Staff Finding: The 1997 Master Plan for Howell Territorial Park identifies the requested gravel access road easement as a private drive maintained by adjacent property owners, with a portion of the private drive being located on Metro property within the park's boundary. The gravel access road was an allowable use in the Master Plan.

- 13) Provide for the timely review and analysis of proposals for non-park uses by adhering to the following process:**

- A. The applicant shall submit a detailed proposal to the Department which includes all relevant information including but not limited to: purpose, size, components, location, existing conditions, proposed project schedule and phasing, and an analysis of other alternatives which avoid the Metro owned or managed regional park, natural area or recreational facility which are considered infeasible by the applicant. Cost alone shall not constitute unfeasibility.**

Staff Finding: The applicant has submitted a detailed proposal and stated they contacted all the adjacent property owners about granting the applicant an access easement through their property. However, none of these adjacent property owners are willing to grant applicant an easement. If an easement through Metro property on the existing gravel road is not granted, the applicant's property would be land-locked with no legal access to their house and/or property.

- B. Upon receipt of the detailed proposal, the Department shall determine if additional information or a Master Plan is required prior to further review and analysis of the proposal. For those facilities, which have master plans, require that all proposed uses are consistent with the master plan. Where no master plan exist all proposed uses shall be consistent with the Greenspaces Master Plan. Deficiencies shall be conveyed to the applicant for correction.**

Staff Finding: No additional information is needed.

- C. Upon determination that the necessary information is complete, the Department shall review and analyze all available and relevant material and determine if alternative alignments or sites located outside of the Metro owned or managed regional park, natural area, or recreational facility are feasible.**

Staff Finding: Staff has determined no reasonable or feasible alternative alignment route exists outside of Metro property given that the present gravel access road through Metro property has been in place for almost 50 years and the only other alternative routes would have to go through farm land and those property owners are not willing to grant the applicant an easement

- D. If outside alternatives are not feasible, the Department shall determine if the proposal can be accommodated without significant impact to park resources, facilities or their operation and management. Proposals which cannot be accommodated without significant impacts shall be rejected. If the Department determines that a proposal could be accommodated**

without significant impacts, staff shall initiate negotiations with the applicant to resolve all issues related to exact location, legal requirements, terms of the agreement, mitigation requirements, fair market value, site restoration, cultural resources, and any other issue relevant to a specific proposal or park, natural area or recreational facility. The Department shall endeavor to complete negotiations in a timely and business-like fashion.

Staff Finding: There will be no significant negative impact on Metro property.

- E. Upon completion of negotiations, the proposed agreement, in the appropriate format, shall be forwarded for review and approval. In no event shall construction of a project commence prior to formal approval of a proposal.**

Staff Finding: Easement is contingent upon Council approval.

- F. Upon completion of all Metro tasks and responsibilities or at intervals determined by the Department, and regardless of Metro Council action related to a proposed easement, right of way, or lease for a non-park use, the applicant shall be invoiced for all expenses or the outstanding balance on expenses incurred by Metro.**

Staff Finding: Metro costs have been documented and applicant will be billed for reimbursement.

- G. Permission from Metro for an easement or right-of-way shall not preclude review under applicable federal, state, or local jurisdiction requirements.**

Staff Finding: Criterion satisfied.

Materials following this page were distributed at the meeting.



METRO COUNCIL MEETING

Meeting Summary

March 10, 2011

Metro Council Chambers

Councilors Present: Council President Tom Hughes and Councilors Carl Hosticka, Shirley Craddick, Barbara Roberts, and Rex Burkholder

Councilors Excused: Councilors Kathryn Harrington and Carlotta Collette

Deputy Council President Carl Hosticka convened the regular Council meeting at 2:03 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

Motion:	Councilor Carl Hosticka moved to adopt the consent agenda: <ul style="list-style-type: none">• Consideration of the Minutes for March 3, 2011• Resolution No. 11-4244, Acting as the Metro Contract Review Board, For the Purpose of Approving a Contract Amendment for the Veterinary Medical Center Project at the Oregon Zoo.
Second:	Councilor Barbara Roberts seconded the motion.

Vote: Council President Hughes and Councilors Hosticka, Craddick, and Roberts voted in support of the motion. The vote was 4 aye, the motion passed.

4. RESOLUTIONS

4.1 **Resolution No. 11-4239**, For the Purpose of Supporting Development of a Regional Active Transportation Action Plan.

Motion:	Councilor Rex Burkholder moved to adopt Resolution No. 11-4239.
Second:	Councilor Roberts seconded the motion.

Councilor Burkholder introduced Resolution No. 11-4239, which if adopted, would approve Metro's submittal of a Transportation Growth Management (TGM) grant application for \$270,000 to the Oregon Department of Transportation (ODOT) to assist in funding a Regional Active Transportation Action Plan. The Action Plan, identified as one of the implementation activities to be completed upon adoption of the 2035 RTP, will identify the principle active transportation network regional bicycle and pedestrian parkways. TGM grants are announced June 2011.

Council discussion included the plan's "High Capacity Transit" approach that will require and result in a regional framework and strategy. The strategy will help the region compete for funding opportunities and address challenges of climate change, health and environmental issues and community building.

Vote:

Council President Hughes, and Councilors Hosticka, Craddick, Roberts, and Burkholder voted in support of the motion. The vote was 5 aye, the motion <u>passed</u> .

5. CHIEF OPERATING OFFICER COMMUNICATION

Mr. Michael Jordan of Metro provide a brief update on the joint Metro Council and Washington County Board of Commissioners hearing on reserves scheduled for Tuesday, March 15 at 10 a.m. Testifiers would have approximately 3 minutes per person or 12 minutes per group. Other updates included the final Metro 101 events.

6. COUNCILOR COMMUNICATION

Council discussion included the *Bag It: Is your life too plastic* movie release and showing, the March 14 council tour of the Smith/Bybee property, Metro Council recess dates, and recent Leadership Council recent and Greenlight Greater Portland/Regional Partners Launch Team meetings.

Council shared kind words, congratulatory comments, and extended their thanks to Mr. Jordan for his service to Metro. Mr. Jordan has accepted a position as the Chief Operating Officer for Governor John Kitzhaber's office.

7. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 2:45 p.m. The Council will hold a joint hearing with the Washington County Board of Commissioners on Tuesday, March 15 at 10 a.m. regarding reserves. The Metro Council will reconvene the next regular council meeting on Thursday, March 17 at 2 p.m. at the Metro Council Chambers.

Prepared by,

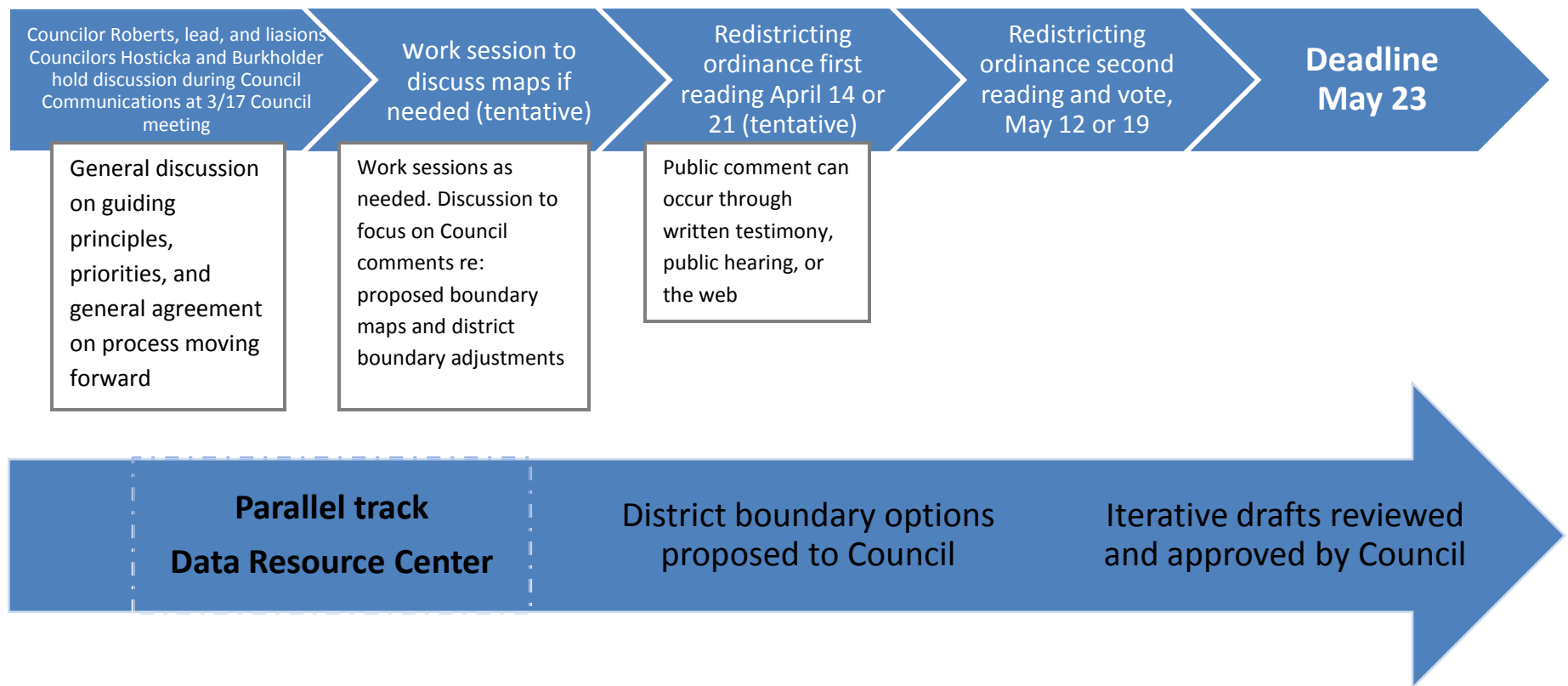


Kelsey Newell
Regional Engagement Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 10, 2011

Item	Topic	Doc. Date	Document Description	Doc. Number
3.1	Minutes	3/3/11	The draft Council minutes for March 3, 2011	31011c-01

DRAFT Metro Council Redistricting Process 2011: General Overview



Metro Redistricting Overview Sheet

Guiding Principles for Reapportionment

- Not starting from scratch, using as efficient methods as possible given tight deadline
- Focus on maintaining communities of interest and their respective boundaries
- Look at school district boundaries and possibly neighborhood associations for boundary adjustments – also keeping school district boundaries in tact
- Awareness of diverse communities and their population percentages in respective regional areas (i.e. Cornelius)

Priorities for Reapportionment

- Identify diverse communities and population percentages if data is available
- Include map overlays for regional school districts
- Identify different “shift” scenarios, present map options to Councilors

Some “Shift” Scenarios for map options

- District 6 shift, population shift from District 1 (possibly including Maywood Park area)
- District 2 shift, population shift from District 1 (possibly including Happy Valley depending on population numbers)
- 4-3-2 shift, population shift from District 4 south to District 3 and then to District 2 (decreasing District 4 population, increasing District 2)

Redistricting criteria used in 2001

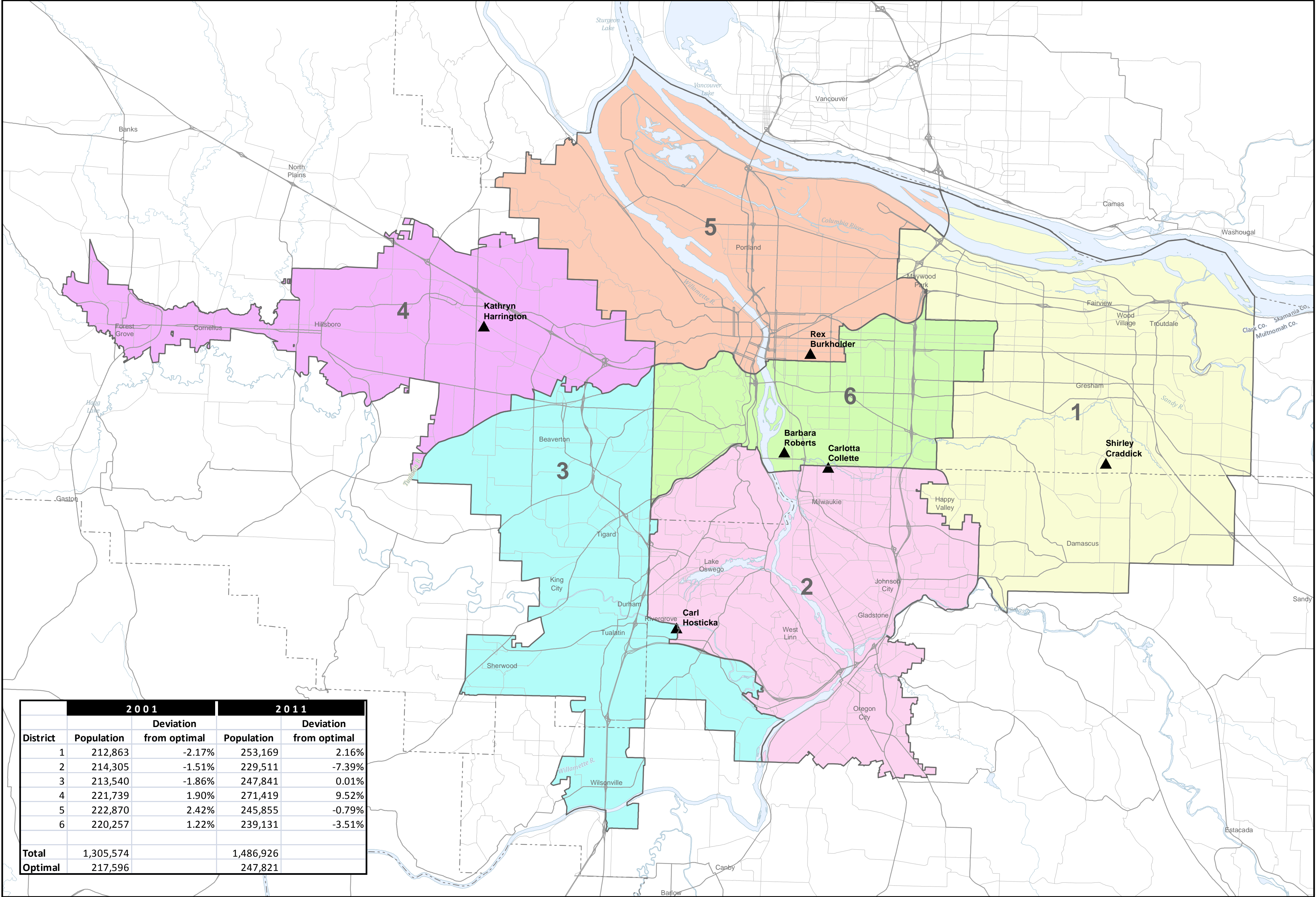
(from the Office of the Metro Attorney)

The Council’s 2001 reapportionment criteria noted the requirements of the Metro Charter that districts should “be of equal population and shall be contiguous and geographically compact”. In addition, the Council sought that reapportionment plans should strive for no population deviation between the districts, but that in any event, the population of each district should vary by no more than plus or minus 5 percent from the average population of the six districts. Further, the Council required that certain specified “communities of interest” be maintained including:

- cities under 15,000 in population
- regional centers
- town centers
- ~~watershed boundaries~~
- neighborhood associations
- planning organizations
- community organizations
- **school district boundaries**

The determination of what communities of interest should be used is left to the discretion of the Council.

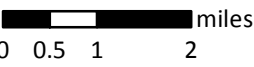
As was the case in 2001, the Council’s reapportionment plan must comply with the equal protection requirements of the U.S. Constitution, the requirements of the Federal Voting Rights Act, which prohibit Metro from drawing districts that result in a dilution of power of racial and language minorities, and the Metro Charter. Additionally, this year Metro’s plan must comply with rules that the Oregon Secretary of State is required to write. I am informed that the Secretary hopes to have her rules drafted by the end of the month.



District	2001		2011	
	Population	Deviation from optimal	Population	Deviation from optimal
1	212,863	-2.17%	253,169	2.16%
2	214,305	-1.51%	229,511	-7.39%
3	213,540	-1.86%	247,841	0.01%
4	221,739	1.90%	271,419	9.52%
5	222,870	2.42%	245,855	-0.79%
6	220,257	1.22%	239,131	-3.51%
Total	1,305,574		1,486,926	
Optimal	217,596		247,821	

Metro Council Districts

DRAFT, March 3, 2011



The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors are appreciated.

▲ Current council home location