

# A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1542 | FAX 503 797 1793



**METRO**

## Agenda

MEETING: METRO COUNCIL WORK SESSION MEETING  
DATE: December 16, 2003  
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<br>REGULAR MEETING, DECEMBER 18, 2003     |           |
| 1:15 PM | 2. | CONVERSATION WITH THE AUDITOR                                              | Dow       |
| 1:30 PM | 3. | PERIODIC REVIEW – SLOPE CASE STUDY                                         | Neill     |
| 1:50 PM | 4. | GOAL 5UPDATE                                                               | Deffebach |
| 2:35 PM | 5. | COMPLIANCE REPORTING ON TITLES 1 & 6                                       | Bernards  |
| 2:50 PM | 6. | REGIONAL SOLID WASTE MANAGEMENT PLAN<br>CONTINGENCY PLAN WORK GROUP REPORT | Matthews  |
| 3:20 PM | 7. | CITIZEN COMMUNICATION                                                      |           |
| 3:25 PM | 8. | CHIEF OPERATING OFFICER COMMUNICATION                                      |           |
| 3:35 PM | 9. | COUNCILOR COMMUNICATION                                                    |           |

**ADJOURN**

***CONVERSATION WITH THE AUDITOR***

Metro Council Work Session  
Tuesday, December 16, 2003  
Metro Council Chamber



## **METRO COUNCIL**

### **Work Session Worksheet**

Presentation Date: 12/16/03      Time:      Length: 15 min.  
Presentation Title: Informal Discussions With Metro Auditor  
Department: Office of the Auditor  
Presenter: Alexis Dow

#### **ISSUE & BACKGROUND**

Continue the dialogue started between the Auditor and Council at the June 10, 2003 Work Session and continued at the September 9, 2003 and November 4, 2003 Work Sessions. The discussion will focus on the roles of the Metro Council and Metro Auditor, with an emphasis on defining performance auditing.

#### **OPTIONS AVAILABLE**

Councilor comments on Auditor Dow's June 10 list of questions and performance auditing.

#### **IMPLICATIONS AND SUGGESTIONS**

#### **QUESTION(S) PRESENTED FOR CONSIDERATION**

Auditor Dow requests Councilor comments on the June 10 list of questions (attached) and performance auditing (descriptive comments attached).

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

#### **SCHEDULE FOR WORK SESSION**

Department Director/Head Approval \_\_\_\_\_  
Chief Operating Officer Approval \_\_\_\_\_

## **Performance Auditing**

Accountability for public resources is fundamental for a healthy democracy. Everyone – legislators, government officials and the public – wants to know whether governments are operating efficiently, effectively and in compliance with laws and regulations. Essentially, they want to know whether government programs are achieving their objectives and desired outcomes, and at what cost.

Performance auditing addresses these questions and brings government accountability to the people. Performance auditors independently study and evaluate government programs. They address how well government programs are being managed. Performance auditors look for ways to improve government programs, provide information to improve decision making and provide public accountability for resources used.

Generally accepted professional standards guide how performance audits are conducted. These standards are designed to ensure that audit work is performed objectively and rigorously. This allows legislators, management and other stakeholders to have confidence in the information performance auditors report to them.



METRO

## OFFICE OF THE AUDITOR

**To:** Metro Councilors  
**From:** Metro Auditor – Alexis Dow, CPA  
**Date:** June 10, 2003  
**Re:** Questions relating to Auditing at Metro

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To help me better understand your audit expectations and provide assistance to you, I would appreciate your taking the time to consider and answer the following questions. I hope these questions and your answers will form the basis of the ongoing dialog between us as we work together in our unique capacities to fulfill the expectations of the citizens who elected us to serve the best interests of the Metro region. Thank you.

1. What is the Metro Auditor's role?
2. How does the Metro Charter define the Auditor's role?
3. From your perspective, what is expected of the auditor?
  - a. Citizen expectations?
  - b. Council expectations?
  - c. MERC Commission expectations?
  - d. Metro COO expectations?
  - e. Metro department heads' expectations?
4. To whom is the Metro Auditor primarily accountable?
5. The Charter requires the Auditor to be an auditing professional and hold an active CPA or certified internal auditor professional certification.
  - a. Are you aware of what steps are involved in obtaining professional certification? How is it maintained?
  - b. Are you familiar with professional auditing standards and how they help shape the Auditor's role? For example:
    - i. What are the guiding principles of professional auditing?

- ii. How do they regulate what work is undertaken and how it is performed?
  - iii. What is the purpose of peer review?
  - iv. What is the purpose of continuing professional education (CPE)? How much and what kind of CPE is required?
6. How does the Auditor fulfill the role as defined by Charter, professional standards and expectations?
- a. What type of work is done? How do the 3 Es of performance auditing – economy, efficiency and effectiveness – come into play? How does COSO, as the recognized structure for control systems, come into play?
  - b. How is the work program selected?
  - c. How is the work performed?
  - d. How is the work reported?
7. In regard to audit reports:
- a. What kinds of audit reports do you as Metro Councilor see as being of value?
  - b. What kinds of audit reports do you see as not being of value?
  - c. Do you think the Metro Auditor should prepare a report when the subject of the audit is generally being managed well?
  - d. Do you think all audits should be directed primarily at saving money?
  - e. Do you believe there are times when the Metro Auditor may have to issue a report that is not viewed as favorable by the Metro Council or individual Councilors?
  - f. Do you believe the Metro Auditor's Office has a responsibility to question the appropriateness of policy established by the Metro Council or MERC Commission when the policy relates to the subject of an audit?
8. How can the Metro Auditor's Office better serve your interests and needs?



## Examples of Performance Audit Results

Performance audits bring suggestions for improvement. The Metro Auditor's Office has assessed many Metro programs and activities and made numerous recommendations that have improved Metro operations. Improvements include:

- **Enhancing and controlling revenues** – MERC's weak parking controls were strengthened and employees now pay \$50,000 annually to park.
- **Reducing and controlling costs** – Recommendations from prior audits resulted in savings and improved cost controls for the OCC expansion.
- **Streamlining processes** – Our audit of the PCPA's event settlements process resulted in MERC and Metro working on ways to eliminate the use of duplicate computer programs and data entry processes. Other recommendations have been made to eliminate duplications in accounting for purchasing cards and invoices.
- **Enhancing contract management** – Metro is in the process of establishing a contract management system based on the framework the Auditor's Office developed. Many improvements have already been made, providing greater assurance that contracts are well-written and contractors complete work properly, on time and within budget.
- **Enhancing contractor accountability** – Metro management was not closely monitoring Metro's agreements with the Glendoveer Golf Course concessionaire. As a result of our recommendations, the lease agreement was amended, weak concessionaire controls were improved and management oversight was improved.
- **Enhancing organizational accountability** – The Council adopted a Code of Ethics for Metro as a result of an audit recommendation. We also made recommendations to improve accountability of MERC's pay for performance program by strengthening MERC Commission oversight and holding management more accountable for achieving organizational goals.
- **Enhancing performance measurement** – We helped the Oregon Zoo develop goals, objectives and performance measures. Further, the POVA contract now contains performance measures because of our recommendations, and the TOD program uses performance measures we helped develop.
- **Enhancing project management** – Our audit of the Great Northwest project at the Oregon Zoo recommended establishing a Metro-wide project management system and spelled out what it should include. Management developed guidelines with our assistance and plans further work to more completely establish a project management system.
- **Enhancing Metro's image** – The Open Spaces program audit recommended developing a system to balance land acquisitions across the region. Metro established such a system, creating a more equitable distribution of open spaces land.

## What is the purpose of performance auditing?

- Find ways to improve government operations and results.
- Provide information to improve decision making by those responsible for oversight and management.
- Provide public accountability for resources used.

## What is performance auditing?

- An **independent** assessment of:
  - How well an organization, program, activity or function is being managed
  - How well it is performing/achieving goals.
- Virtually everything a government does can be the subject of a performance audit.

## Audit Objectives

The nature of a given audit depends on its objectives. Performance audit objectives usually relate to assessing:

- Program effectiveness and results
  - To what extent is the program achieving its goals and objectives?
  - Has the program produced intended results or produced effects that were not intended?
  - Are there performance measures? Are they reliable and valid?
  - To what extent does this program duplicate, overlap, or conflict with other related programs?
- Economy and efficiency
  - Is management acquiring, protecting and using resources appropriately?
  - Are sound procurement practices being followed?
- Compliance with laws and requirements
  - Is management complying with applicable laws, regulations, contract provisions and grant agreements?
- Internal control
  - Does the governing body exercise adequate oversight?
  - Does management have effective processes and procedures for planning, organizing, directing and controlling program operations?
  - Is there a system in place for measuring, reporting, and monitoring program performance?

Audit objectives often interrelate and may be addressed concurrently.

## **Audit Standards**

- The Metro Auditor's Office follows generally accepted government auditing standards promulgated by the U.S. General Accounting Office (GAO).
- These standards are followed by federal, state and most local government audit organizations.
- The standards provide a framework to auditors for conducting audits and are designed to ensure that audit work is performed objectively and rigorously.
- Auditor adherence to audit standards allows legislators, management and other stakeholders to have confidence in the information performance auditors report to them.

## **What's unique about performance auditing?**

- Performance auditors bring objectivity and the ability to research and evaluate government program.
- Performance audits are conducted in accordance with rigorous and generally accepted professional standards.
- Performance auditors use a wide variety of methodologies depending on the situation and audit objectives.
- Performance audits develop information to improve operations, help decision makers and provide accountability for the use of public money.
- Legislators, management and other stakeholders can have confidence that the audited information reported to them is unbiased, well researched and thoroughly analyzed.

***PERIODIC REVIEW – SLOPE CASE STUDY***

Metro Council Work Session  
Tuesday, December 16, 2003  
Metro Council Chamber



## **METRO COUNCIL**

### **Work Session Worksheet**

Presentation Date: December 16, 2003 Time:

Length: 20 min.

Presentation Title: Periodic Review- Slope Case Study

Department: Planning

Presenters: Lydia Neill, Principal Regional Planner

#### **ISSUE & BACKGROUND**

There have been a number of questions and comments regarding the impacts of slopes on industrial development. Staff has researched this issue and provided a memo that quantifies the site work that is associated with slopes ranging from 3 to 10%. The analysis was conducted with help from several developers and an engineering firm. Five sketches were produced that provide a plan and a section view of the impacts that slope has on developing a 10 acre parcel for industrial use.

A memorandum containing detailed results is provided as an attachment.

#### **OPTIONS AVAILABLE**

This is an informational item only.

#### **IMPLICATIONS AND SUGGESTIONS**

The information from this study provides background for the upcoming Council decision to expand the UGB for industrial purposes and supplements the record for that decision.

#### **QUESTION(S) PRESENTED FOR CONSIDERATION**

Is there any other information on this subject that is needed?

**LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION** \_\_Yes \_\_X\_\_No  
**DRAFT IS ATTACHED** \_\_Yes \_\_X\_\_No

#### **SCHEDULE FOR WORK SESSION**

Department Director/Head Approval \_\_\_\_\_

Chief Operating Officer Approval \_\_\_\_\_

# M E M O R A N D U M

600 Northeast Grand Avenue | Portland, Oregon 97232-2736  
(tel) 503-797-1700 | (fax) 503-797-1797



METRO

**Date:** November 25, 2003

**TO:** David Bragdon, President of the Metro Council

**FROM:** Lydia Neill, Principal Regional Planner

**RE:** Slopes Constraints on Industrial Development

## **Purpose**

Provide a technical information on siting industrial development on land with slopes ranging from 3% to 10%. This analysis provides information on possible limitations on building sizes, earth removal and its associated costs as well as overall cost per square foot increases.

## **Background**

Metro has used location and site characteristics to define which potential lands being considered for urban growth boundary (UGB) expansion are suitable for industrial development. A slope factor of less than 10% has been used as a cut-off for identifying which lands would be viable for industrial development.

This analysis was produced from a series of discussions with a National Association of Industrial and Office Properties (NAIOP) industrial real estate brokers and an engineering firm that specializes in industrial construction. Five sketches were produced both in plan and in section format to illustrate the sites constraints associated with developing industrial buildings with various slope conditions. The purpose of this analysis is not to demonstrate that sites cannot be developed on steeper sloped sites but to examine the additional costs and the corresponding decreases in site efficiencies. Industrial users have clearstory requirements, clear span needs and site circulation needs that dictate building sizes, shape of sites and construction types. These same inefficiencies are often not associated with commercial development because these structures have more flexible building types that can be stepped into slopes and less of a need for large turning radiuses for truck movement, outdoor storage or the movement of raw materials and products.

## **Methodology**

The effects of developing a sloped site were examined by considering:

- Percent of slope: 3-10%
- Maximum building size that could be constructed on the site
- Land to building ratio
- Cubic yards of earth moved to create a flat site
- Construction cost impacts and overall per square foot building costs

The following chart that contains information on the relationship between slope, earth moved and costs is based on several assumption that include: 1) land costs for a 10 acre parcel of \$5.00/square foot and 2) hard construction costs of \$22.00/square foot. The hard construction costs do not include interior tenant improvements.

The chart below illustrates the relative cost impact of developing a single industrial building on a site of increased topographical slopes.

### 10- Acre Industrial Case Studies- slopes ranging from 3-10%

	Slope	Max. Building Size- sq.ft.	Land to Building ratio	Cubic yards of earth moved <sup>1</sup>	Construction dollar costs <sup>2</sup>	Build Cost/ sq. ft.
<b>Sketch 1</b>	3%	180,000	41%	60,000	\$105,000	\$49.38
<b>Sketch 2</b>	6%	171,000	39%	160,000	\$520,000	\$53.11
<b>Sketch 3</b>	8%	148,400	34%	220,000	\$720,000	\$58.80
<b>Sketch 4</b> (includes/retaining walls)	10%	148,400	34%	250,000	\$1,310,000	\$62.78
<b>Sketch 5</b>	10%	122,200	28%	300,000	\$975,000	\$68.23

#### Other Factors Relating to Site Work

Any site that had more than 130,000 cubic yards of material that needed to be moved would require at least two months of additional construction time that would be factored into the overall construction costs. In addition to the extra construction time, there is a limited window of time when these quantities of earth can be moved due to wet weather constraints. Economically, earth can only be moved during the summer and fall months under most soil conditions. Rock outcroppings that are located below grade and cause actual variations in topography can add significantly to the costs of site preparation. Market factors determine whether the increased site costs can be absorbed in the overall square foot costs of a project and ultimately determine whether a project will be developed.

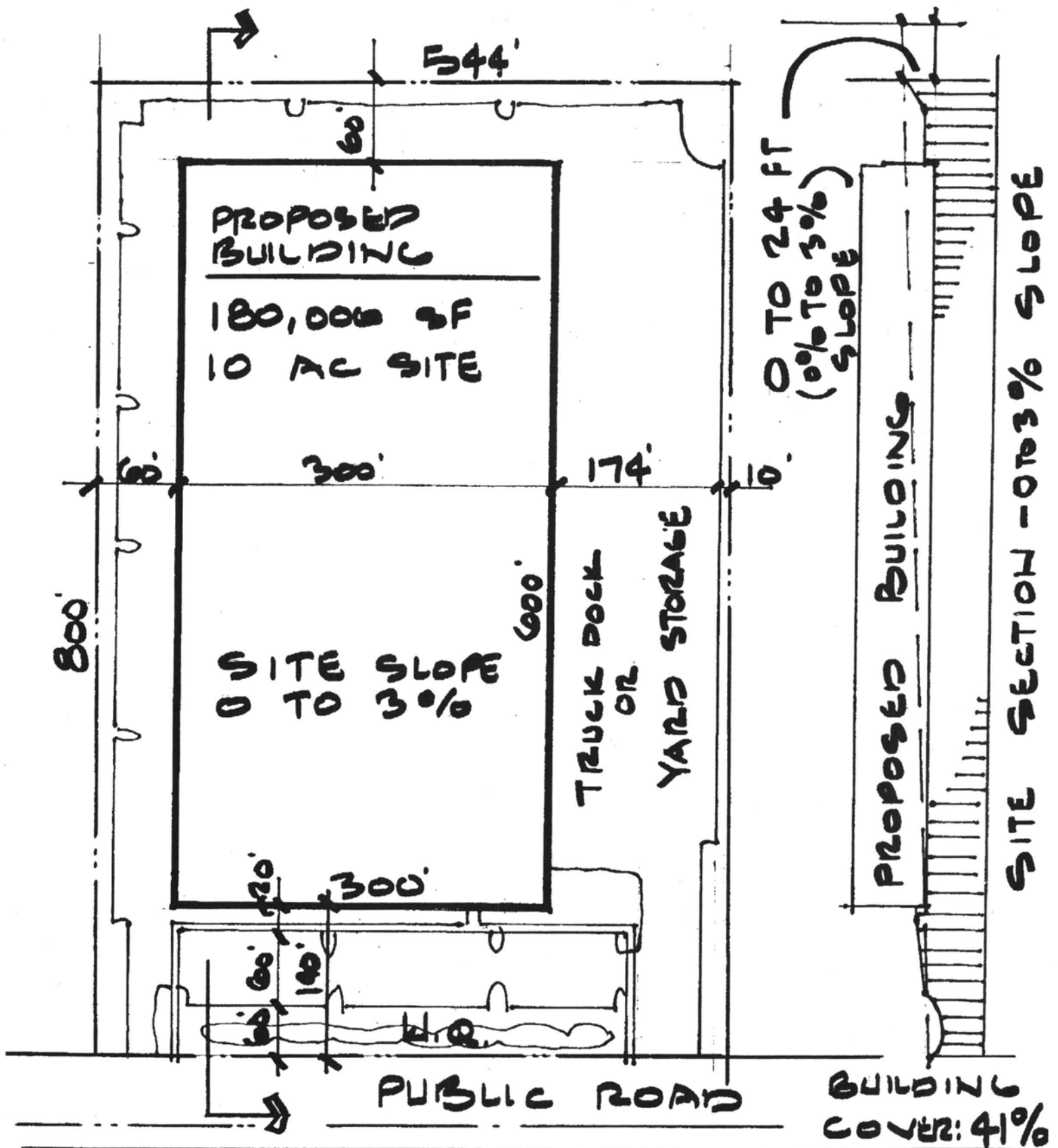
#### Attachments:

Five Sketches of Site Studies of Slope Conditions

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<sup>1</sup> Earth moved beyond that required for construction on a flat site.

<sup>2</sup> Includes the additional cost of construction due to schedule extension that is required due to the extra site work.



# 10 ACRE SITE STUDY

GROUP

**MACKENZIE**

0690 SW Bancroft St / PO Box 69039 Portland, OR 97239-0039  
Tel: 503.224.9560 / 360.695.7879 Fax: 503.228.1285  
Net: info@grpmack.com Web: www.grpmack.com

By **BOB T.**

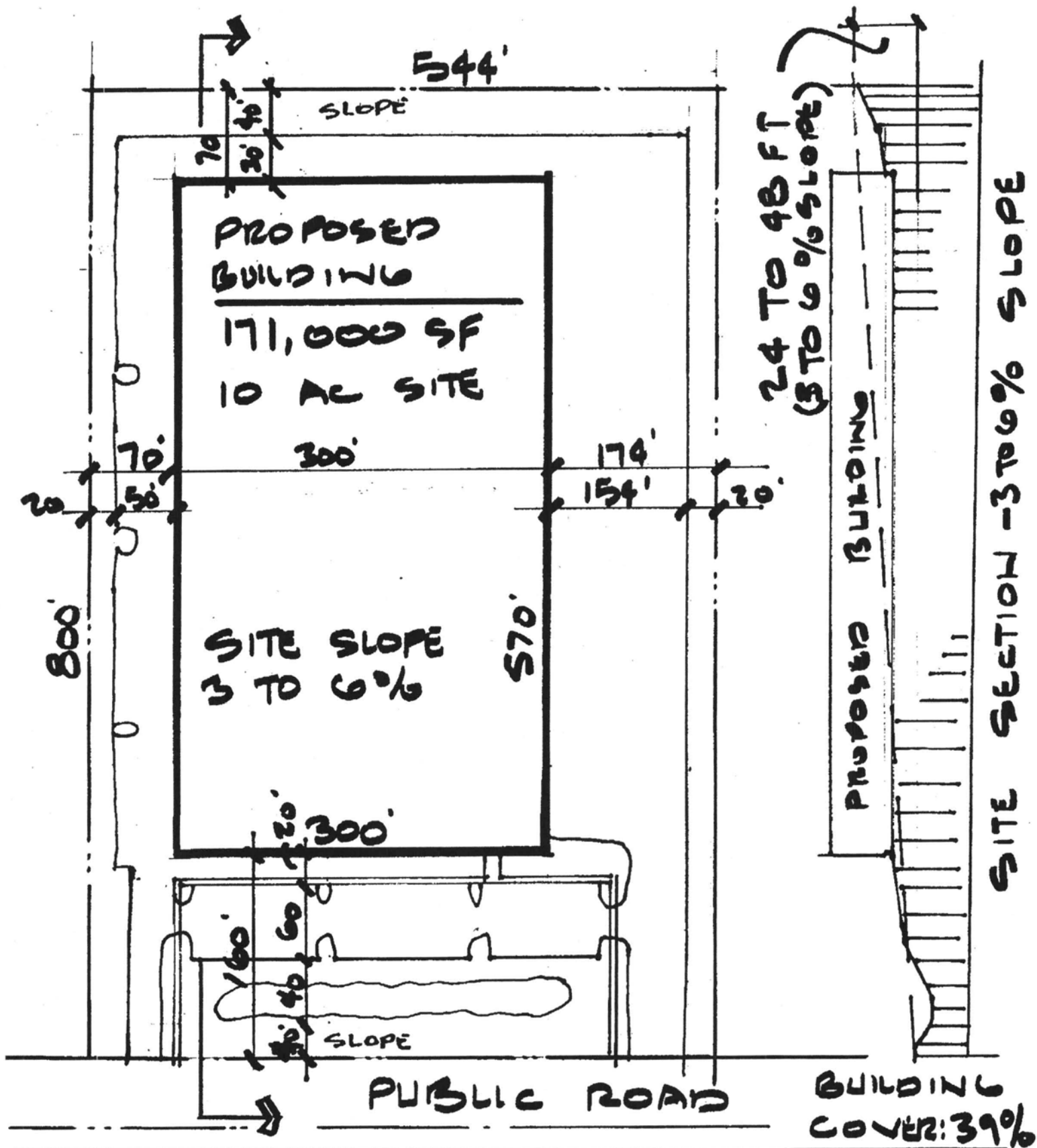
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Job # **203002**

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GROUP

**MACKENZIE**

0690 SW Bancroft St / PO Box 69039 Portland, OR 97239-0039  
 Tel: 503.224.9560 / 360.695.7879 Fax: 503.228.1285  
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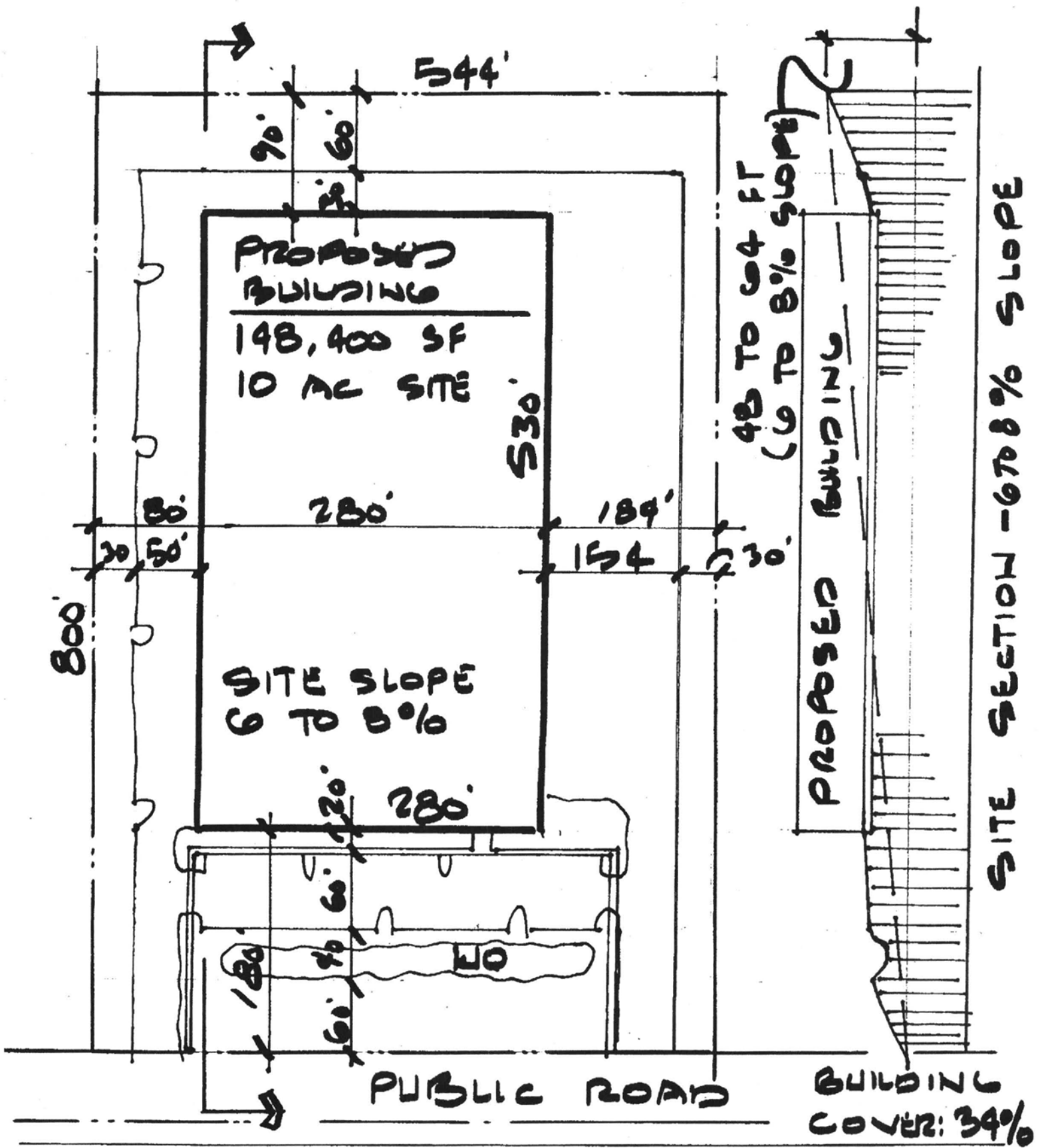
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Date **10.8.03**

Job # **203002**

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GROUP

**MACKENZIE**

0690 SW Bancroft St / PO Box 69039 Portland, OR 97239-0039  
Tel: 503.224.9560 / 360.695.7879 Fax: 503.228.1285  
Net: info@grpmack.com Web: www.grpmack.com

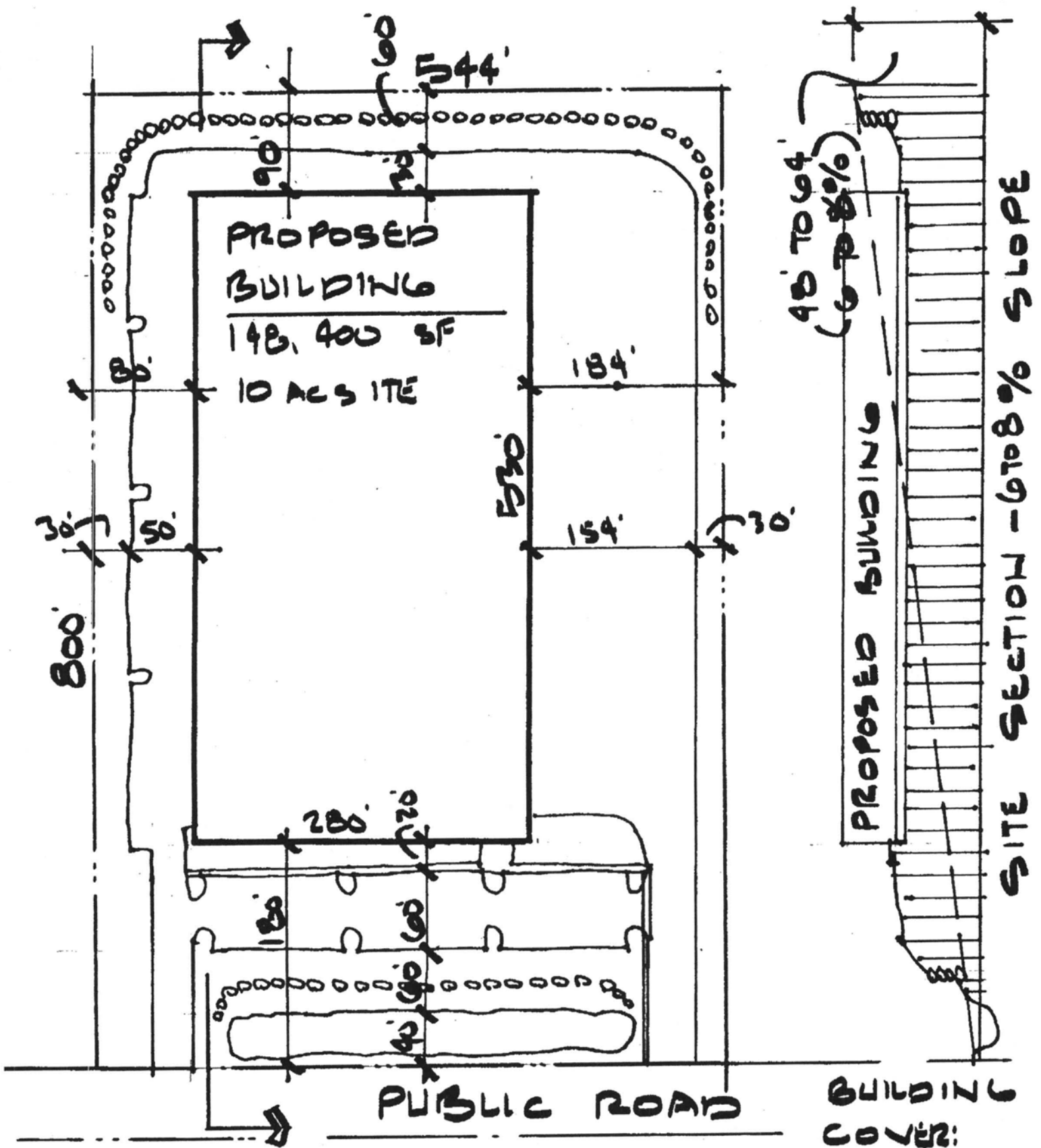
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Date **10.8.03**

Job # **203002**

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# 10 ACRE SITE STUDY

GROUP

**MACKENZIE**

0690 SW Bancroft St / PO Box 69039 Portland, OR 97239-0039  
Tel: 503.224.9560 / 360.695.7879 Fax: 503.228.1285  
Net: info@grpmack.com Web: www.grpmack.com

By **BOB T.**

Date **10.8.03**

Job # **201002**

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Agenda Item Number 4.0

***GOAL 5 UPDATE***

Metro Council Work Session  
Tuesday, December 16, 2003  
Metro Council Chamber

## **METRO COUNCIL**

### **Work Session Worksheet**

Presentation Date: 12/16/03

Time:

Length: 45 min

Presentation Title: Status Update on Phase 2 of the ESEE analysis for the Fish and Wildlife Habitat Protection Program

Department: Planning

Presenters: Deffebach, Cotugno

#### **ISSUE & BACKGROUND**

In October 2003, Metro Council endorsed, by resolution, draft Goal 5 Phase 1 Economic, Social, Environmental and Energy analysis and directed staff to conduct more specific ESEE analysis of multiple fish and wildlife habitat protection and restoration program options. This analysis forms Phase 2 of the ESEE analysis. The ESEE analysis identifies the issues associated with a decision to allow, limit or prohibit conflicting use on land in Metro's Inventory of Significant Riparian and Upland Wildlife Habitat and discusses trade-offs in these decisions. At the completion of the ESEE work, Metro Council is scheduled to consider a resolution that recommends where development should be allowed, limited, or prohibited on habitat lands and directs staff to develop a program to achieve this level of protection. The appropriate role for non-regulatory programs, such as acquisition, incentives and education to support protection and restoration of habitat lands are analyzed for consideration in the protection program.

This presentation to Metro Council will provide an update on:

- Description of the Program Options
  - Adjustments to economic values to reflect Council direction
  - Definitions assumed for Allow, Limit, Prohibit treatments
  - Maps and charts of the ALP treatments for each option
- Review of Evaluation Criteria and proposed measurement methods
- Update on description and analysis of Non-Regulatory Options
- Report Outline
- Public Outreach Events Proposed for spring 2003. A draft of the proposed Public Outreach events is attached.

#### **OPTIONS AVAILABLE**

Metro Council will have an opportunity to ask questions and explore alternative ways of analyzing and presenting the Phase 2 ESEE analysis.

#### **IMPLICATIONS AND SUGGESTIONS**

An update similar to the one for Metro Council will be presented to the review committees (Goal 5 TAC, WRPAC, ETAC and Social Committee) on December 19 (in more technical detail) and to MTAC and MPAC in early January 2004. Staff can

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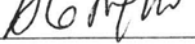
incorporate Council suggestions for what should or could be included in the analysis of the options and explain that in these other presentations. Comments on the proposed public outreach events are also encouraged.

**QUESTION(S) PRESENTED FOR CONSIDERATION**

Staff request that Council become familiar with what the analysis is intended and not intended to show and identify any additional issues that they would like to see addressed in the analysis as well as suggestions for public outreach approach.

**LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION** \_\_Yes \_\_X\_\_No  
**DRAFT IS ATTACHED** \_\_Yes \_\_X\_\_No

**SCHEDULE FOR WORK SESSION**

Department Director/Head Approval   
Chief Operating Officer Approval \_\_\_\_\_

Fish and Wildlife Habitat Protection Public Outreach Plan (12-9-03)			
Outreach	Sept./Oct. 2003	March/April 2004	Fall 2004
Milestone	feedback on ESEE analysis results	share program option evaluation results	define preferred program option
	general direction on pre-program options	narrow to a preferred program option	select best tools for program
Objective	piggyback on partner events	seek input on ALP recommendation, program direction	understand implementation barriers
	minimize cost, maximize audience	build broad-based support (educate)	get input on implementation tools
	build awareness	reach key target audiences	showcase success stories
	receive public comments	focus discussion on key tradeoffs	education on making protection work
Tools	media briefings and releases	media partner for broader coverage	media briefings/articles/releases/op eds
	Metro council newsletters (3), Metro e-news (2), Greenscene (1)	media briefings/articles/releases/op eds	partner w/ Natural Garden Tour media
	promotion through partner newsletters (17)	regional property owner notification (80,000+)	BM 56 notice (80,000+)
	promotion through partner e-newsletters (12)	Metro council newsletters, Metro e-news, Greenscene	Council newsletters, e-news, Greenscene
	stakeholder meetings (27 to date)	promotion through partner newsletters	promotion through partner newsletters
	web information (Metro and partners sites)	promotion through partner e-newsletters	promotion through partner e-newsletters
	open houses and events with Metro partners	stakeholder meetings (by request)	stakeholder meetings (by request)
	Sept. 9 - Forest Grove	web information (lots of visuals)	web information, cable broadcast
		cable broadcast	
	Sept. 10 - Beaverton	workshops hosted w/ community, business partners	moderated lunch and learn workshops
	Sept. 13 - Alberta Street Fair	target audience: interest groups, business, citizens	seminar to honor sustainable practices
	Sept. 16 - Sherwood	dates: first three weeks in March 2004	public hearings
	Sept. 20 - Saturday Market (Portland)	locations (6): Central City; Columbia Slough/East Mult.	informational handouts
	Sept. 27 - Lake Oswego Farmers Market, Springwater Festival	Co; Damascus/Happy Valley; I-205 Corridor	info. in Natural Garden Tour booklet
	Sept. 28 - Hillsdale Farmers Market	(Clackamas); West Beaverton; Tualatin	
	Oct. 3-4 - Damascus HHW event	MPAC-hosted tours	
	Oct. 4 - Clackamas Town Center Information Table	target audience: elected official, media	
	Oct. 11-12 - Salmon Festival	informational handouts	
	Oct. 18 - Lents Harvest Festival	discussion guide	
	informational handouts	guidebook for habitat tours	
	Fish and Wildlife Habitat Protection Program: Background	visualization tools	
	Fish and Wildlife Habitat Protection Program: Step1 - Inventory		
	Fish and Wildlife Habitat Protection Program: Step 2 - ESEE		
	Fish and Wildlife Habitat Protection Program: Glossary		
	Comment form in brochure and online		
NOTES			
* March, April and Fall 04 tasks are in the idea stage and require confirmation			
* all tasks dependent on assignment of adequate staff time and financial resources			
* staff will request councilor support for certain tasks at various times			
* staff will coordinate with other departments as appropriate			

# **Fish and Wildlife Habitat Protection Public Involvement Plan**

November 2003 – December 2004

## **D R A F T**

### **I. Introduction**

The Goal 5: Fish and Wildlife Habitat Protection Public Involvement Plan (PIP) is designed to support the remaining study, narrowing and decision-making process related to formulation of a program to protect 80,000 acres of regionally significant habitat in the region.

### **II. Background**

In 2001, the Metro Council kicked off a three-step approach to develop a regional fish and wildlife habitat protection and restoration program. In addition to broad citizen concern about the need to protect habitat as we sustain development activity, Metro's habitat protection work is guided by Goal 5, one of 19 statewide planning goals that focuses on protection of natural resources, open spaces and scenic and historic areas.

Metro is committed to working with residents and local governments to adopt a balanced, fair and scientifically sound protection program, which could include recommendations for incentives, acquisition, public education, stewardship opportunities and regulations.

- **Step 1:** Conduct an inventory and map regionally significant fish and wildlife habitat (complete)
- **Step 2:** Analyze the economic, social, environmental and energy impacts of protecting – or not protecting – fish and wildlife habitat (nearly complete)
- **Step 3:** Develop a program to achieve fish and wildlife habitat protection (next step)

Tualatin Basin Partners for Natural Places is an alliance of local governments in Washington County working under an intergovernmental agreement with Metro to meet federal and state requirements for protecting natural resources in the Tualatin Basin. The partners, including county and city governments, Tualatin Hills Parks and Recreation District and Clean Water Services will forward a habitat protection recommendation for the Basin to Metro for final approval in 2004.

Following completion of water quality and flood management standards (Title 3), Metro began planning for protection of fish and wildlife habitat (Goal 5). In 1999 and 2000, Metro mailed notices, met with local elected officials and held public workshops and open houses to discuss initial fish and wildlife habitat inventory efforts. Public and local government comments led to the creation of the current approach to regional habitat protection including a revised, more site-specific inventory process.

### **III. Organization**

The Goal 5 PIP identifies general methodology, tasks, activities, techniques and products. It begins to identify possible opportunities for consolidating outreach and/or messages with other programs or projects currently operating on a similar schedule. To ensure timely and informed public notice, effective opportunities for participation and access to information and decision-making, a more detailed work program outlining specific tasks, deadlines, roles and responsibilities will supplement this plan.

#### **IV. Audience**

The Goal 5 PIP builds on the strong foundation of community, business, and interagency involvement that supported Metro's Let's Talk outreach effort in 2001-02. Given that habitat lands are spread throughout the metro area, public involvement will focus on potentially affected property owners, business and community groups, interest groups and the general public. Understanding that local jurisdictions will ultimately implement habitat protection, Metro will coordinate closely with elected officials and staff throughout the process.

#### **V. Timeline**

A timeline for the decision-making process related to habitat protection including identification of key decision points, opportunities for participation and points of notification that meet or exceed state land use regulations and Metro's Public Involvement Policy is being kept by staff and will be updated regularly. It is expected that the most focused outreach opportunities will occur in March through May and August through December 2004.

#### **VI. Plan Components**

Outreach techniques tailored to specific audiences, including property owners, neighborhood and community groups, industrial business interests, elected officials, and members of the media will be used to encourage informed participation. Metro Planning Public Involvement and Community Development staff in concert with Public Affairs staff will be responsible for carrying out the individual elements of the plan. Limited consultant services may be needed to augment available staff resources.

##### **Notification Techniques**

**Web Site** - Because 70 percent of Metro area households have Internet access, the web site will play an integral role in our communication with the broader public, especially those who may not attend meetings or hearings. The site will provide background information, timeline, regular updates about study results and the decision-making process, opportunities for public involvement and a schedule of meetings.

Currently, an interactive map on the web site offers people the ability to look up their property in Metro's habitat inventory. With the completion of an "Allow, Limit, Prohibit" (ALP) map, this map may replace the current one or an additional interactive map may be added.

Currently, visitors can use an online comment form to offer feedback about the ESEE analysis process. This form will likely be modified and the cost and ability of implementing electronic commenting may also be explored.

Interactive map tool(s) and comment form(s) will be re-evaluated for usefulness prior to use in fall 2004 outreach related to program adoption.

**E-Mail Newsletter** - The Planning e-newsletter will continue to provide timely notification of workshops, public comment opportunities, hearings and other date sensitive information. At a minimum, the e-newsletter will be sent in:

- February 17, 2004 to notice March workshops (along with property owner notification)
- mid April 2004 to notice council public hearings
- mid-May 2004 to report council action, briefly outline next steps (program development)
- September 2004 to notice workshops (along with property owner notification)
- mid-October 2004 to notice council public hearings on final program Ordinance

**Natural Resources Hotline** -The Metro Planning Hotline will continue to provide up-to-date information about public involvement opportunities and key decision points as well as offering community members a convenient method for requesting information and/or commenting 24-hours per day.

**Councilor Newsletters** – Brief articles will be written and submitted for inclusion in the monthly councilor newsletters. The articles will coincide with the project milestones such as workshops, hearings and council approval of where and how to protect habitat.

**\*\*Newspaper Advertisements** – Though fiscal resources are limited and more direct contact with potentially impacted property owners is optimal, display ads in the Oregonian may be used to promote broad-based awareness of the March 2004 workshops and April 2004 public hearings. Community newspapers will be used to target communities around workshop locations. Similar ads may be employed again in mid-September 2004 before workshops and hearings on final program adoption.

**Community/Organizational Newsletters** - Staff will reconnect with neighborhoods, CPOs, chambers, businesses and interest groups to invite them to update their members on Metro's fish and wildlife habitat work in their regular newsletters and e-newsletters. During the September and October 2003 outreach effort for habitat protection, 17 organizations included Goal 5 updates in their newsletters and 12 in e-newsletters.

**Mailing List** – The program will maintain an active mailing list. Interested citizens will be able to sign up on Metro's web site and at meeting, events and hearings.

**Council Cable Broadcast** – Metro now has three hours of program time (2-5 p.m., Thursdays) on the Community Access Network (cable channel 11) to broadcast council meetings. Channel 11 reaches every household with cable TV in the metropolitan area and meetings are rebroadcast throughout the week at other times on various cable access stations, usually also in a 3 –hour time slot. On many Thursdays there is an extra time remaining at the conclusion of the council meeting. During that time, Metro's general videos are aired. New cable camera equipment in the council chamber gives us the ability to create some programming in-house at a low cost. Staff will consider how to leverage current program information in different formats (e.g. web site, event calendars, media releases and councilor newsletters) for the cable program during the following targeted time periods:

- December 2003 – communicate the recent council direction on program options to be studied and to provide early notification for the spring 2004 conversation
- February 2004 - coincide with the property owner notice
- March 2004 – coordinate with series of public workshops on ESEE findings
- April 2004 – announce final program recommendations, council hearings
- May 2004 – report on Council action finishing ESEE process and selecting where and how to protect habitat
- September 2004 – coincide with the property owner notice, announce public workshops on program Ordinance



- Late October 2004 – announce final program recommendations, council hearings
- December 2004 – report Council action adopting a regional habitat protection program

## Publications

**Property owner notification** – A tri-fold notice to property owners in the Classes 1-3 and A-C and impact areas will meet or exceed the following notice requirements: Metro 45-day notice for hearings; BM56 45-day notice prior to final council hearing (not required but legally advisable in case of future lawsuit). The notice will be mailed February 17, 2004 and sent as an e-news. In addition, it will be mentioned in councilor newsletters.

In preparation for the Metro Council's final decision in December 2004, an additional notice to property owners will be sent in September 2004. It will be designed to meet the same notice requirements as the February 2004 notice.

**\*\*Informational brochures** – During the September/October 2003 outreach effort, a series of brochures were created as follows:

- Protecting the Nature of the Region – background and overview of entire Goal 5 process
- Step 1: Inventory – facts about how the inventory was completed and when
- Step 2: ESEE – summary of the regional ESEE analysis and introduction of tradeoff questions
- Glossary – definition of fish and wildlife habitat protection terms
- Comment form – opportunity for people to respond to ESEE tradeoff questions and/or provide general input on habitat protection

Additional materials will be created to share results of the ESEE analysis of six program options and the baseline option. The form these materials take will depend in part on the results of the technical analysis and in part on the format of March 2004 workshops.

A "Step 3: Program Development" brochure will be created to describe the final work before program adoption. The brochure will be used in the September through December 2004 outreach period. A required (Metro, BM 56) property owners notice to those in Classes 1-3 and A-C and impact areas will be created at this time as well.

All brochures are available for use by other Metro staff as appropriate for cross-promotion.

**\*\*Maps and visual support materials** – Various types of technological tools can be used to visually illustrate some of the resource and planning concepts underlying habitat protection work. These visualization techniques can help us inform and engage the public about habitat protection options. Metro is considering use of 2.5/3D visualization "fly-throughs", video, photographs and/or architectural drawings to help illustrate lands in the inventory and their value, the ESEE consequences of program options and possible habitat protection tools (e.g. bioswales, ecoroofs). Potential tools are recommended pending verification of resources and technological capability.

## Workshops and Meetings

**\*\*Workshops** – Six public workshops and one focused on the business community will be held in March 2004 to assist property owners and interested residents in understanding the tradeoffs resulting from the final ESEE analysis and the recommended ALP map. The meetings will be



held around the region and as close as possible to areas with the most potentially affected properties. Meeting format will be finalized in coordination with technical staff and after consultation with MCCI.

**\*\*Tours** – Metro will host a series of tour(s), probably one for each county, to help elected officials, media and key community and business leaders become more familiar with the potential impacts of the Metro Council ESEE decision in May 2004. Tours will be held in April 2004 after a preferred program option is drafted so participants can see the properties potentially most affected by habitat protection strategies.

**Advisory committees** – Initial ESEE analysis results for the six program options will be reviewed with the Metro Technical Advisory Committee (MTAC) and a joint session of the Goal 5 Technical Advisory Committee, the Economic Technical Advisory Committee, the Water Resources Policy Advisory Committee and the Social Issues Committee in mid-February 2004. At the same time, the Metro Policy Advisory Committee (MPAC) will be briefed.

Throughout April 2004, in preparation for Council hearings, MTAC and MPAC will review the draft Resolution with program direction for Step 3 and the ALP map.

**General community outreach** - During the decision process staff will offer opportunities to provide briefings to neighborhood and community groups, business and government organizations, associations and interest groups.

**Public Hearings** - Public hearings will be held in late April 2004. Decision-making hearings will be scheduled with a minimum 45-day notice. Comments received during key outreach periods will be summarized, organized and compiled for distribution to council and other interested parties to use in their deliberations.

**Media Outreach** - Media outreach will focus on the Oregonian, Portland Tribune, Community Newspapers and business publications to ensure broad access by the general public and key interest groups. Outreach will strive to inform readers about meetings, workshops, key decision points and opportunities for involvement. Outreach to the media will include reporter and editorial briefings, news releases and meeting notices, guest editorials and advertisements as outlined under notification techniques. A detailed media outreach plan will be outlined in a separate media communications plan.

### **Relationship to Other Activities**

This Goal 5 work is on a parallel track with several other high-profile Metro programs or projects. Currently, Goal 5 and Industrial Lands workshops are scheduled to occur in March 2004. While the audience for these two highly visible programs is different, there is overlap with local elected officials, the media and the general public at large. Other planning programs with potentially controversial or significant outreach and/or decision-making milestones scheduled during this period include discussions about peak period pricing on Hwy 217 and the funding of future transportation needs.

Staff in all programs on similar timelines should consciously coordinate messages, materials and speaking opportunities as appropriate. At a minimum, staff should be prepared to provide basic written and contact information about other Metro programs. Briefings with members of the

media, community leaders and/or elected officials should explore the viability of joint or contiguous scheduling.

Agenda Item Number 5.0

***COMPLIANCE REPORTING ON TITLES 1 AND 6***

Metro Council Work Session  
Tuesday, December 16, 2003  
Metro Council Chamber

## **METRO COUNCIL**

### **Work Session Worksheet**

Presentation Date: December 16, 2003 Time: 1:00pm Length: 20 minutes

Presentation Title: 2003 Annual Urban Growth Management Functional Plan Compliance Report

Department: Planning

Presenters: Brenda Bernards, Gerry Uba

#### **ISSUE & BACKGROUND**

Metro Code 3.07.880 requires that the Chief Operating Officer present an annual report detailing the status of compliance with the requirements of the Urban Growth Management Functional Plan (Functional Plan). The 2003 Annual Compliance Report outlines the status of each jurisdiction in their compliance efforts with Titles 1 through 7 of the Functional Plan.

Metro Code 3.07.880.A requires that this report include the following:

- An accounting of compliance with each requirement of the functional plan by each city and county in the district.
- A recommendation for action that would bring a city or county into compliance with the functional plan requirement and shall advise the city or county whether it may seek an extension pursuant to section 3.07.850 or an exception pursuant to section 3.07.860.
- An evaluation of the implementation of the Functional Plan and its effectiveness in helping achieve the 2040 Growth Concept.

The accounting of compliance is presented in two ways. First, the compliance of each jurisdiction is discussed individually. Second, a compliance matrix, Table A, has been prepared which contains a summary of compliance by Functional Plan Title. The matrix includes the summary of compliance for pre-2002 Functional Plan amendments to Titles 1, 4 and 6 and post-2002 Functional Plan amendments to Titles 1, 4, 6, and 7.

The 2003 Compliance Report is the second completed under Metro Code 3.07.880. This report does not repeat the details of the elements of the Functional Plan that the Metro Council deemed to be in compliance in the 2002 Compliance Report. This report notes the compliance and provides details on compliance activities reported completed after January 2003 and outstanding items.

#### **OPTIONS AVAILABLE**

As outlined in Metro Code Section 3.07.880.B, upon receipt of the compliance report, the Metro Council shall set a date for a public hearing in order to receive testimony on the report and to determine whether a city or county has complied with the requirements of the Functional Plan. A notice of the hearing will be sent to the cities and counties, the Department of Land Conservation and Development and to anyone who has requested notification of the hearing. Included in the notification will be a statement that the Metro

Council does not have jurisdiction, through this action, to determine that actions taken by a city or county that were deemed to comply, no longer comply with a requirement of the Functional Plan.

Once the public hearing has been held and staff has made any necessary amendments to the 2003 Annual Compliance Report, an Order will be prepared that determines the status of each jurisdiction's compliance. The Order will be considered for adoption by resolution.

There are six jurisdictions that have not yet met all of the requirements of Titles 1 through 6. These include: Durham, Lake Oswego, Oregon City, West Linn, Wilsonville and Clackamas County. The five cities are working on their compliance requirements and all anticipate to have completed the work or be in final hearings early in the new year. Clackamas County took the position in March 2003 that it is in substantial compliance with the Water Quality Performance Standards, a position that is not supported by the Metro staff. However, as no formal action has been taken by the County, Metro has not been able to formally object to the County's position.

Although sixteen jurisdictions have submitted their first Progress Report, no jurisdiction is in full compliance with Title 7: Affordable Housing. A second report, "Updated Metro Evaluation of Local Government Title 7 (Affordable Housing) Compliance Report" is being prepared in response to the June 2003 amendments to Title 7. It will provide details of the requirements of the amended Title 7 and provide a status report of local compliance.

#### **IMPLICATIONS AND SUGGESTIONS**

Five of the jurisdictions had extensions up to December 2002 to complete the Titles 1 through 6 compliance work. The City of Durham had originally requested an exception to minimum density standards, but staff worked with the City and Durham is set to adopt minimum density standards late December 2003. Staff continues to work with the cities of Lake Oswego, Oregon City, West Linn and Wilsonville. All are working on their compliance issues and anticipate adoption in early 2004. Metro has not yet been able to respond to the Clackamas County position of substantial compliance.

The Updated Metro Evaluation of Local Government Title 7 (Affordable Housing) Compliance Report will include a reminder advising of the due dates for the First and Second Progress Reports to meet the requirements of Title 7.

#### **QUESTION(S) PRESENTED FOR CONSIDERATION**

It is recommended that the Metro Council accept the 2003 Annual Compliance Report and set a date for a public hearing.

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

#### **SCHEDULE FOR WORK SESSION**

Department Director/Head Approval \_\_\_\_\_  
Chief Operating Officer Approval \_\_\_\_\_



***REGIONAL SOLID WASTE MANAGEMENT PLAN CONTINGENCY PLAN WORK GROUP REPORT***

Metro Council Work Session  
Tuesday, December 16, 2003  
Metro Council Chamber

## **METRO COUNCIL**

### **Work Session Worksheet**

Presentation date: December 16, 2003      Time:      Length: 30 minutes

Presentation title: Recommendations of RSWMP Contingency Plan Work Group

Department: Solid Waste and Recycling Department

Presenters: Lee Barrett and Marta McGuire

#### **ISSUE & BACKGROUND**

Amendments to the Regional Solid Waste Management Plan (RSWMP) in April 2003 established a contingency planning process to evaluate and recommend strategies to reach the 2005 recovery goal of 62 percent if sufficient progress is not being made. These strategies were to identify recycling policies to increase recovery for the sectors where the largest tonnage of recoverable waste remains: commercial, construction and demolition, and commercial organics.

Metro Chief Operating Officer Michael Jordan appointed a core group of 12 individuals who represent businesses, recyclers, local government and citizen interests to serve on the group.

The Contingency Plan Work Group met eight times from August 27, 2003 to December 3, 2003. The work group developed and approved (by an 11 to 1 vote) four contingency strategies to increase progress toward the 2005 recovery goal. *Attachment A details the work group's formal charge, membership and recommendations.*

#### **OPTIONS AVAILABLE**

Metro Council may accept, modify or reject the recommended contingency strategies. Council may elect to direct staff to further develop strategies prior to formal Council approval. Formal Council approval will be in the form of an ordinance amending the RSWMP. *Attachment B outlines potential implementation actions by Council pertaining to the recommendations.*

#### **IMPLICATIONS AND SUGGESTIONS**

Based on the region's 2002 recovery rate of 54 percent, Solid Waste & Recycling Department staff believe it is unlikely that the region will meet the 2005 recovery goal of 62 percent without the adoption of all of the recommended contingency strategies.

#### **QUESTION(S) PRESENTED FOR CONSIDERATION**

Since this is an informational update, staff is soliciting guidance and suggestions from Council on how to proceed with the development of the contingency plan. Staff is also soliciting suggestions for further analysis of the recommended contingency strategies to ensure that all Council concerns are addressed. Council may want to consider and discuss the timing and processes necessary to approve the contingency plan elements. Additional analysis and outreach will be necessary to implement each of the proposed strategies.

**LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION** \_\_Yes \_\_X No  
**DRAFT IS ATTACHED** \_\_\_\_Yes \_\_X No

**SCHEDULE FOR WORK SESSION**

Department Director/Head Approval \_\_\_\_\_

Chief Operating Officer Approval \_\_\_\_\_

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## **Regional Solid Waste Management Plan Contingency Plan Work Group Summary and Recommendations**

### **WORK GROUP PURPOSE**

In August 2003, the Regional Solid Waste Management Plan (RSWMP) Contingency Plan Work Group was convened to evaluate and recommend required recycling policies that could be implemented in the region if progress toward the 2005 regional waste recovery goal of 62 percent is not adequate.

### **WORK GROUP CHARGE**

The charge of the Contingency Plan Work Group, approved by Metro Council and SWAC, was as follows:

1. Identify required recycling and other methods of increasing progress toward recovery goals for three sectors: building industries; businesses; and commercially-generated organics.
2. Consider whether methods identified are best implemented through actions of local governments, Metro, the State of Oregon or a combination;
3. Determine whether adoption of these methods would be legally and financially feasible and would enable the region to meet its recovery goals; and
4. Recommend a contingency plan to Metro Council and the Regional Solid Waste Advisory Committee by January 1, 2004.

Although not directed by Metro Council and SWAC, the group was also asked to recommend "trigger points" for implementation of the proposed contingency plan if sufficient progress toward the region's recovery goal is not reflected in recovery reports.

### **WORK GROUP COMPOSITION**

Metro Chief Operation Officer Michael Jordan appointed a core group of 12 individuals who represent businesses, recyclers, local government and citizen interests to serve on the group (Table 1).

**Table 1. Work Group Members**

<b>Name</b>	<b>Affiliation</b>
Mark Altenhofen	Washington County (local government)
Jason Buch	R&H Construction Company (construction company)
JoAnn Herrigel	City of Milwaukie (local government)
Mike Huycke	WRI/Allied Waste Industries (processor)
Les Joel	Blue Heron Paper Company (end user)
Wade Lange	Ashforth Pacific (multi-tenant property management)
George Lundberg	Epson (large business)
Mike Miller	Gresham Sanitary Service (collector)
Jerry Powell	Resource Recycling Magazine (citizen)
Chip Sammons	Holistic Pet Center (small business)
Joe Keating	Sierra Club (environmental organization)
Bruce Walker	City of Portland (local government)

Lee Barrett, Waste Reduction and Outreach Manager, acted as the non-voting facilitator of the work group. Marta McGuire, Waste Reduction Planner, provided technical assistance and staffed the work group. Gina Cubbon served as the administrative secretary for the all work group meetings.

## **RECOMMENDED CONTINGENCY STRATEGIES**

With the goal of reaching the 62 percent recovery rate by 2005, the Contingency Plan Work Group recommends the following strategies to be implemented by Metro and local governments:

**Strategy #1:** Metro should require all construction and demolition loads from the region to be processed before landfilling, beginning July 1, 2004. This strategy targets additional recovery in the building industry sector. Facilities that are franchised or licensed in the Metro region are currently required to perform recovery on construction and demolition loads at minimum rate of 25 percent. A mandatory recovery requirement would need to be inserted into each Designated Facility Agreements (DFA) with facilities outside the region. It is recommended that Metro facilities be included under this requirement.

**Strategy #2:** Metro should require local governments to adopt mandatory business recycling requirements that require the recycling of specific materials. Metro should provide significant expansion of recycling assistance and outreach to businesses in the Metro region for jurisdictions that have adopted mandatory recycling with the following conditions:

- Beginning July 1, 2004, Metro should provide additional funding to local jurisdictions for expanded business recycling assistance and outreach.

- If by January 1, 2005, the development of a mandatory recycling program is not underway, jurisdictions would not be eligible to receive the additional funding for expanded recycling assistance and outreach.
- If by January 1, 2006, a mandatory recycling program is not in place, jurisdictions should not receive recycling assistance and outreach funding.

The Contingency Plan Work Group recommends that Metro provide additional funding for the Commercial Technical Assistance Program (\$400,000 per year) and commercial recycling outreach campaigns (\$110,000 per year) beginning in FY 04-05. The proposed funding doubles the FY 03-04 business recycling assistance program and outreach budget. These strategies target additional recovery in the commercial sector, where the greatest amount of tonnage is needed to meet the 2005 recovery goal.

**Strategy #3: Metro should require all dry waste loads from the region to be processed before landfilling.** Dry waste does not include food or other putrescible waste. Typically recyclables in a dry waste load include paper, wood, metal, and glass. The work group recommends that this strategy be implemented after the adoption of mandatory recycling requirements and expanded recycling assistance and outreach as a strategy to capture any remaining recyclables in dry waste loads. This strategy would be implemented in the same manner as contingency strategy #1.

**Strategy #4: Metro should evaluate organics contingency strategies in one year.** The Contingency Plan Work Group strongly supports Metro's efforts and leadership in developing an organics collection program for the region. At this time, the work group feels it is premature to implement contingency measures and recommends evaluating the following strategies to increase recovery after one year:

- 1) Mandatory recovery of food waste from certain sized businesses; and
- 2) Residential organics collection (food waste collected with yard debris).

In this evaluation, factors for consideration should include: 1) a processor is located and operational; 2) at least two jurisdictions have organics collection programs established; and 3) at least 5,000 tons (over baseline of 12,000 tons) of organics are being recovered.



## Recommended Contingency Strategies

Target Sector	#	Recommended Strategy	Proposed Date of Implementation	Proposed Council Implementation Actions
Building Industry	1	Metro should require all construction and demolition loads from the region to be processed.	July 1, 2004	<ul style="list-style-type: none"> <li>• Council directs staff to revise regulatory instruments to include a mandatory recovery requirement.</li> <li>• Council directs staff to submit a change order for Metro transfer station facilities to require additional recovery from C&amp;D loads.</li> </ul>
Commercial	2	Metro should require local governments to adopt mandatory business recycling requirements that require the recycling of specific materials. Metro provides funding for the expansion of business recycling assistance and outreach programs to jurisdictions that have adopted mandatory recycling according to the specified conditions.	July 1, 2004	<ul style="list-style-type: none"> <li>• Council amends the RSWMP to require all local governments to adopt mandatory recycling ordinances.</li> <li>• Council directs staff to facilitate a process to lead local governments to adopt mandatory recycling ordinances.</li> <li>• Council approves budgetary add-package for additional recycling assistance and outreach funding.</li> </ul>
Commercial/ Building Industry	3	Metro should require all dry waste loads to be processed before landfilling.	Following the implementation and evaluation of strategy # 2.	<ul style="list-style-type: none"> <li>• Council directs staff to revise regulatory instruments to include a mandatory recovery requirement.</li> </ul>
Organics	4	Metro should evaluate organics contingency strategies in one year.	/	<ul style="list-style-type: none"> <li>• No action required by Council on this items.</li> </ul>



## A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
 TEL 503 797 1542 | FAX 503 797 1793



**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING  
 DATE: December 18, 2003  
 DAY: Thursday  
 TIME: 2:00 PM  
 PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. CONSENT AGENDA**

3.1 Consideration of Minutes for the December 11, 2003 Metro Council Regular Meeting.

3.2 **Resolution No. 03-3396**, For the Purpose of Revising the Guidelines  
 For Expenditures from the Expense and General Materials and  
 Services Accounts.

**4. ORDINANCES - SECOND READING**

4.1 **Ordinance No. 03-1025B**, For the purpose of approving the Transfer Station Franchise Renewal Application of Willamette Resources, Inc., authorizing the Chief Operating Officer to issue a renewed franchise, and declaring an emergency. Hosticka

4.2 **Ordinance No. 03-1026B**, For the purpose of approving the Transfer Station Franchise Renewal Application of Pride Recycling Company, authorizing the Chief Operating Officer to issue a renewed franchise, and declaring an emergency. McLain

4.3 **Ordinance No. 03-1027B**, For the purpose of approving the Transfer Station Franchise Renewal Application of Recycling America, authorizing the Chief Operating Officer to issue a renewed franchise, and declaring an emergency. Park

4.4 **Ordinance No. 03-1029**, For the Purpose of Transferring \$56,070 from the General Fund Contingency to Personal Services in the Public Affairs Department to Add 1.0 FTE Legislative Affairs Manager (Manager II); And Declaring an Emergency. Hosticka



5. CHIEF OPERATING OFFICER COMMUNICATION

6. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for Dec. 18, 2003 Metro Council meeting

	12/18 Thursday	12/19 Friday	12/20 Saturday	12/21 Sunday	12/22 Monday	12/23 Tuesday	12/24 Wednesday
<b>Clackamas, Multnomah and Washington counties Vancouver, Wash.</b> Channel 11 Community Access Network <a href="http://www.yourtvvtv.org">www.yourtvvtv.org</a> (503) 629-8534	Live at 2 p.m.						
<b>Gresham</b> Channel 30 MCTV <a href="http://www.mctv.org">www.mctv.org</a> (503) 491-7636					2 p.m.		
<b>Lake Oswego, Washington County</b> Channel 30 TVTV <a href="http://www.yourtvvtv.org">www.yourtvvtv.org</a> (503) 629-8534			7 p.m.	7 p.m.		6 a.m.	4 p.m.
<b>Milwaukie</b> Channel 23 Milwaukie Public Television <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> (503) 652-4408							
<b>Oregon City, Gladstone</b> Channel 28 Willamette Falls Television <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> (503) 650-0275	11:30 a.m.	12:30 p.m. 10 p.m.	12:30 p.m.	12:30 p.m.	12:30 p.m. 10 p.m.	11:30 a.m. 10:15 p.m.	12:30 p.m. 10 p.m.
<b>Portland</b> Channel 30 (CityNet 30) Portland Community Media <a href="http://www.pcatv.org">www.pcatv.org</a> (503) 288-1515				8:30 p.m.	2 p.m.		
<b>West Linn</b> Channel 30 Willamette Falls Television <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> (503) 650-0275	11:30 a.m.	12:30 p.m. 10 p.m.	12:30 p.m.	12:30 p.m.	12:30 p.m. 10 p.m.	11:30 a.m. 10:15 p.m.	12:30 p.m. 10 p.m.

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

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).


121603C-02

# MEMORANDUM

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1700 | FAX 503 797 1797



METRO

Date: December 10, 2003  
To: David Bragdon, Metro Council President  
From: Michael Jordan, Chief Operating Officer   
Re: **2003 Urban Growth Management Functional Plan Compliance Report**

I am pleased to submit the 2003 Urban Growth Management Functional Plan Compliance Report. The Report includes the status of the local jurisdictions' compliance with Titles 1 through 7 of the Urban Growth Management Functional Plan (Functional Plan).

Title 1: Requirements for Housing and Employment Accommodation  
Title 2: Regional Parking Policy  
Title 3: Water Quality, Flood Management and Fish and Wildlife Conservation  
Title 4: Retail in Employment and Industrial Areas  
Title 5: Neighbor Cities and Rural Reserves  
Title 6: Central City, Regional Centers, Town Centers and Station Communities  
(formerly Regional Accessibility)  
Title 7: Affordable Housing

The requirements for the Report are found in Metro Code Section 3.07.880. A copy of this section of the Metro Code is attached.

## PROCESS FOR THE COMPLIANCE REPORT AND ORDER

As outlined in Metro Code Section 3.07.880.B, upon receipt of the compliance report, the Metro Council shall set a date for a public hearing in order to receive testimony on the report and to determine whether a city or county has complied with the requirements of the Functional Plan. A notice of the hearing will be sent to the cities and counties, the Department of Land Conservation and Development and to anyone who has requested notification of the hearing. Included in the notification will be a statement that the Metro Council does not have jurisdiction to determine that actions taken by a city or county that were deemed to comply, no longer comply with a requirement of the Functional Plan.

Following the hearing, the Metro Council will enter an order that determines with which Functional Plan requirements each city and county complies. Once an order has been issued, and there has been no successful appeal to the Land Use Board of Appeals, the Metro Council's decision is final. As part of the notice of the hearing, a statement that prior orders cannot be reconsidered will be included.

Enclosure

## **TITLE 8 COMPLIANCE PROCEDURES**

### **3.07.880 Compliance Report and Order**

- A. The Executive Officer shall submit a report to the Metro Council by December 31 of each calendar year on compliance by cities and counties with the Urban Growth Management Functional Plan. The report shall include an accounting of compliance with each requirement of the Functional Plan by each city and county in the district. The report shall recommend action that would bring a city or county into compliance with the Functional Plan requirement and shall advise the city or county whether it may seek an extension pursuant to section 3.07.850 or an exception pursuant to section 3.07.860. The report shall also include an evaluation of the implementation of this chapter and its effectiveness in helping achieve the 2040 Growth Concept.
- B. Upon receipt of the compliance report, the Metro Council shall set a public hearing for the purpose of receiving testimony on the report and determining whether a city or county has complied with the requirements of the Functional Plan. The Executive Officer shall notify all cities and counties, the Department of Land Conservation and Development and any person who request notification of the hearing of the date, time and place of the hearing. The notification shall state that the Metro Council does not have jurisdiction (1) to determine whether previous amendments of comprehensive plans or land use regulations made by a city or county comply with Functional Plan requirements if those amendments already comply pursuant to subsections F and G of Section 3.07.810 or (2) to reconsider a determination in a prior order issued pursuant to subsection C that a city or county complies with a requirement of the Functional Plan. Any person may testify, orally or in writing, at the public hearing.
- C. Following the public hearing, the Metro Council shall enter an order that determines with which Functional Plan requirements each city and county complies. The order shall be based upon the Executive Officer's report submitted pursuant to subsection A and upon testimony at the public hearing pursuant to subsection B, with which Functional Plan requirements each city and county complies. The order may rely upon the report for its findings of fact and conclusions of compliance with a Functional Plan requirement. If the Metro Council receives testimony during its public hearing that takes exception to the report on the question of compliance, the order shall include supplemental findings and conclusions to address the testimony. The Executive Officer shall send a copy of its order to cities and counties and any person who testifies, orally or in writing, at the public hearing.



**URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN  
ANNUAL COMPLIANCE REPORT  
December 1, 2003**

## **INTRODUCTION**

The Urban Growth Management Functional Plan (Functional Plan) came into effect in February 1997. Jurisdictions had two years to comply with the requirements contained in Title 1: Requirements for Housing and Employment Accommodation, Title 2: Regional Parking Policy, Title 4: Industrial and Employment Areas, Title 5: Neighbor Cities and Rural Reserves and Title 6: Regional Connectivity. Title 3: Water Quality, Flood Management came into effect in June 1998 and compliance was required by January 2000. Not all jurisdictions were able to amend their comprehensive plans and implementing ordinances by these dates. Time extensions were granted by the Metro Council to a number of jurisdictions to complete their compliance efforts.

Title 7: Affordable Housing came into effect in January 2001 and jurisdictions are required to submit three separate Progress Reports due on January 31, 2002, December 31, 2003 and June 30, 2004.

With the adoption of Ordinance 02-969B in December 2002, the Metro Council adopted a number of revisions to the Functional Plan, including a new Title 6: Central City, Regional Centers, Town Centers and Station Communities. These revisions are identified in this 2003 Annual Report.

This report, required by Metro Code 3.07.880, outlines the status of each jurisdiction in their compliance efforts with Titles 1 through 7 of the Functional Plan.

## **CONTENTS OF THE REPORT**

Metro Code 3.07.880.A requires that this report include the following:

- An accounting of compliance with each requirement of the functional plan by each city and county in the district.
- A recommendation for action that would bring a city or county into compliance with the functional plan requirement and advise to the city or county whether it may seek an extension pursuant to section 3.07.850 or an exception pursuant to section 3.07.860.
- An evaluation of the implementation of the Functional Plan and its effectiveness in helping achieve the 2040 Growth Concept.

The accounting of compliance is presented in two ways. First, the compliance of each jurisdiction is discussed individually. Second, a compliance matrix, Table A, has been prepared which contains a summary of compliance by Functional Plan Title. The matrix includes the summary of compliance for pre-2002 Functional Plan amendments to Titles 1, 4 and 6 and post-2002 Functional Plan amendments to Titles 1, 4, 6, and 7.

The 2003 Compliance Report is the second completed under Metro Code 3.07.880. This report does not repeat the details of the elements of the Functional Plan already deemed to be in compliance identified in the 2002 Compliance Order. This report notes

the compliance since the adoption of the 2002 Compliance Order and any outstanding items.

## **GENERAL COMPLIANCE NOTES**

This report details the compliance status of the jurisdictions from January 2003 through November 2003.

Ordinance No. 02-969B, adopted by the Metro Council in December 2002, contained amendments to Title 1, 4 and 6 of the Functional Plan. A number of these amendments require the jurisdictions to undertake actions to adopt regulations to comply by July 7, 2005. In addition, amendments were made to the reporting requirements of Title 7 in June 2003.

### Title 1: Requirements for Housing and Employment Accommodation

Two reporting requirements were added to Title 1. Jurisdictions are required to report annually on changes in capacity and biennially on the actual density of new residential development.

### Title 4: Industrial and Employment Areas

Title 4 was rewritten and a new design type, Regionally Significant Industrial Areas (RSIAs) was added. The amendments to protections of Employment Areas were minor and did not change the status of compliance. Retail limitations in Industrial Areas were amended to exclude new uses greater than 20,000 square feet and occupying more than 10 percent of the net developable portion of the Industrial Area. In the RSIAs retail and other non-industrial uses are restricted and there are limits on the division of larger industrial parcels.

### Title 6: Central City, Regional Centers, Town Centers and Station Communities

Under the old Title 6: Regional Accessibility, the jurisdictions were required to meet Metro Code Sections 3.07.620 (Regional Street Design Guidelines) and 3.07.630 (Design Standards for Street Connectivity) under Title 6. With the adoption of the Regional Transportation Plan (RTP) in August 2000, the requirements of Title 6 were moved to the RTP. All jurisdictions have complied with these two sections and all future references will be to the new Title 6.

The new Title 6 requires the jurisdictions to work with Metro to develop a strategy to enhance the Centers, encourage the siting of government offices in Centers and discourage them outside of Centers and biannually report on progress of the Centers.

### Title 7: Affordable Housing

The 2002 Annual Compliance Report dealt with Title 7 compliance separate from Titles 1 through 6. This was due to a number of issues unique to Title 7 including:

- Clarification was needed on who at the local level should approve the progress report required by Title 7.
- Clarification was needed concerning the evaluation of the reported related policies in a comprehensive plan.
- Clarification was needed on what was meant to "consider" amendments of comprehensive plan and implementing ordinances to include strategies such as land use tools.

Staff was directed to propose amendments to Title 7 to clarify these points. At its meeting of May 28, 2003, the Metro Policy Advisory Committee recommended amendments to provide clarification and at its meeting of June 26, 2003, the Metro Council adopted Ordinance No. 03-1005 amending Title 7. Staff is currently re-evaluating the first year (2002) and second year (2003) reports that had been submitted by local governments based on the guideline provided in the amended Title 7.

The amendment also changed the deadlines contained in Metro Code 3.07.740. for local governments to submit their annual reports. The reporting dates have been amended as follows:

- The first year (2002) reporting deadline to January 31, 2002 so as to keep the changes to second (2003) and third (2004) reporting deadlines uniform.
- The second year (2003) reporting deadline to December 31, 2003, and specified that local jurisdictions should explain the tools and strategies adopted and implemented or not adopted and not implemented.
- The third year (2004) reporting deadline to June 30, 2004, and specified that jurisdictions should explain the remaining actions they have taken since submittal of the previous reports.

The first Progress Report required the jurisdictions to consider 15 strategies of adoption into local plans and codes. Although 16 jurisdictions have submitted the first Progress Report, no one jurisdiction has considered all 15 strategies. The amendments to Title 7 clarified that "consider" means consideration by the elected body of the jurisdiction. In eight of the Progress Reports received, the strategies considered to date were done so by the elected body of the jurisdiction.

As the 2003 Annual Compliance Report includes Functional Plan compliance to November 2003, the status of second year Progress Report due on December 31, 2003 is not included in this report.

#### Title 8 – Compliance Deadlines

With the adoption of Ordinance 02-925E, Metro is required to provide the local jurisdictions with the deadlines for compliance with the requirements of the Functional Plan. The schedule of compliance dates is attached to this report as Table B.

#### Outstanding Compliance Elements by Title

**Title 1:** Durham and Oregon City have not adopted minimum densities. Oregon City has not adopted accessory dwelling units. Wilsonville has not provided a capacity analysis.

**Title 3:** Lake Oswego, West Linn, Clackamas County have not fully complied with the Water Quality Performance Standards.

**Title 5:** Oregon City has not adopted a policy relating to Green Corridors.

**Title 7:** At this time there are eleven jurisdictions that have not submitted their First Progress Report: Cornelius, Gladstone, Johnson City, King City, Lake Oswego, Maywood Park, Milwaukie, Oregon City, Rivergrove, Sherwood and Wilsonville. No jurisdiction has considered all 15 strategies for adoption and in only 8 jurisdictions, the strategies considered were done so by the elected body. A second report, "Updated Metro Evaluation of Local Government Title 7 (Affordable Housing) Compliance Report" is being prepared in response to the June 2003 amendments to Title 7. It will provide details of the requirements of the amended Title 7 and provide a status report of local compliance.

## SUMMARY OF COMPLIANCE BY JURISDICTION

The jurisdictions were required to amend their Comprehensive Plans and implementing ordinances to comply with many of the requirements of the Functional Plan.

**The City of Beaverton:** The City is up-to-date on its compliance for Titles 1 through 6.  
**Outstanding Items: Title 7: consideration of 15 strategies by City Council.**

**The City of Cornelius:** The City is up-to-date on its compliance for Titles 1 through 6. Cornelius has not submitted the first Progress Report required by Title 7.  
**Outstanding Items: Title 7: First Progress Report, consideration of 15 strategies by the City Council.**

**The City of Durham:** The City is up-to-date on its compliance for Titles 1 through 6 apart from adopting minimum densities. The City Council is holding hearings on this matter. Durham adopted the Title 2 parking standards in February 2003.  
**Outstanding Items: Minimum Densities, Title 7: consideration of 15 strategies by City Council.**

**The City of Fairview:** The City is up-to-date on its compliance for Titles 1 through 6.  
**Outstanding Items: Title 7: consideration of remaining strategies.**

**The City of Forest Grove:** The City is up-to-date on its compliance for Titles 1 through 6.  
**Outstanding Items: Title 7: consideration of remaining strategies.**

**The City of Gladstone:** The City is up-to-date on its compliance for Titles 1 through 6. Gladstone has not submitted the first Progress Report required by Title 7.  
**Outstanding Items: Title 7, First Progress Report, consideration of 15 strategies by the City Council.**

**The City of Gresham:** The City is up-to-date on its compliance for Titles 1 through 6.  
**Outstanding Items: Title 7: consideration of remaining strategies.**

**The City of Happy Valley:** The City is up-to-date on its compliance for Titles 1 through 6.  
**Outstanding Items: Title 7: consideration of 15 strategies by City Council.**

**The City of Hillsboro:** The City is up-to-date on its compliance for Titles 1 through 6.  
**Outstanding Items: Title 7: consideration of remaining strategies.**

**The City of Johnson City:** The City is up-to-date on its compliance for Titles 1 through 6. Johnson City has not submitted the first Progress Report required by Title 7.  
**Outstanding Items: Title 7, First Progress Report, consideration of 15 strategies by the City Council.**

**King City:** The City is up-to-date on its compliance. King City has sent the second Progress Report required by Title 7 but not the first.  
**Outstanding Items: Title 7, First Progress Report, consideration of 15 strategies by the City Council.**

**City of Lake Oswego:** The City is up-to-date with its compliance for compliance with Titles 1 through 6 apart from meeting the requirements of the Water Quality Resource Area performance standards. City staff is drafting code to meet the Title 3 requirements at this time and anticipate bringing it to the Planning Commission in February 2004. Lake Oswego has not submitted the first Progress Report required by Title 7.

**Outstanding Items: Water Quality Resource Areas Performance Standards, Title 7: First Progress Report, consideration of 15 strategies by the City Council.**

**City of Maywood Park:** The City is up-to-date on its compliance for Titles 1 through 6. Maywood Park has not submitted the first Progress Report required by Title 7.

**Outstanding Items: Title 7, First Progress Report: consideration of 15 strategies by the City Council.**

**The City of Milwaukie:** The City is up-to-date on its compliance for Titles 1 through 6. Milwaukie has not submitted the first Progress Report required by Title 7.

**Outstanding Items: Title 7: First Progress Report: consideration of 15 strategies by the City Council.**

**City of Oregon City:** The City is up-to-date with its compliance for Titles 1 through 6 apart from adopting minimum densities, accessory dwelling units and the Title 5 Green Corridor Policy. The Code and Policy to come into compliance with Titles 1 and 5 have been written and are currently before the Planning Commission. The City anticipates adoption in February 2004. Oregon City has not submitted the first Progress Report required by Title 7.

**Outstanding Items: Minimum Densities, Accessory Dwelling Units, Title 5 Green Corridor policy, Title 7: First Progress Report, consideration of 15 strategies by the City Commission.**

**City of Portland:** The City is up-to-date on its compliance for Titles 1 through 6.

**Outstanding Items: Title 7: consideration of 15 strategies by City Council.**

**City of Rivergrove:** The City is up-to-date on its compliance for Titles 1 through 6. Rivergrove has not submitted the first Progress Report required by Title 7.

**Outstanding Items: Title 7: First Progress Report consideration of 15 strategies by the City Council.**

**City of Sherwood:** The City is up-to-date on its compliance for Titles 1 through 6. Sherwood has not submitted the first Progress Report required by Title 7.

**Outstanding Items: Title 7: First Progress Report, consideration of 15 strategies by the City Council.**

**City of Tigard:** The City is up-to-date on its compliance for Titles 1 through 6.

**Outstanding Items: Title 7: consideration of remaining strategies.**

**City of Troutdale:** The City is up-to-date on its compliance for Titles 1 through 6.

**Outstanding Items: Title 7: consideration of remaining strategies.**

**City of Tualatin:** The City is up-to-date on its compliance.

**Outstanding Items: Title 7: consideration of 15 strategies by City Council.**



**City of West Linn:** The City is up-to-date on its compliance for Titles 1 through 6 apart from meeting the requirements of the Water Quality Resource Area performance standards. The City is in the process of drafting code amendments and anticipates holding public hearings in February 2004. West Linn experienced delays with the Division of State Lands approval of its wetlands maps.

**Outstanding Items: Water Quality Resource Areas Performance Standards, Title 7: consideration of remaining strategies.**

**City of Wilsonville:** The City is up-to-date with its compliance apart from providing a capacity analysis. Wilsonville adopted the Regional Street designs standards in June 2003. The City is currently working with Metro staff on its capacity analysis. Wilsonville has not submitted the first Progress Report required by Title 7.

**Outstanding Items: Capacity Analysis, Title 7: First Progress report, consideration of 15 strategies by the City Council.**

**City of Wood Village:** The City is up-to-date on its compliance for Titles 1 through 6.

**Outstanding Items: Title 7: consideration of 15 strategies by the City Council.**

**Clackamas County:** The County is up-to-date with its compliance apart from the meeting the requirements of the Water Quality Resource Area performance standards for the Lake Grove portion of the County. The County Commission did not amend the standards for this area and took the position that the County was in substantial compliance. Metro staff does not agree with this position and have informed the County that it would need to seek an exception. The County's decision was made in March 2003 but the County Commission has not adopted the ordinance, the County Legal Department has not prepared it, so Metro has not been able to formally respond to the County's position. The County has not asked the Metro Council for an exception to the requirements of Title 3.

**Outstanding Items: Water Quality Resource Areas Performance Standards for the Lake Grove portion of the County, Title 7: consideration of 15 strategies by the County Board.**

**Multnomah County:** The County is up-to-date on its compliance for Titles 1 through 6.

**Outstanding Items: Title 7: consideration of 15 strategies by the County Board.**

**Washington County:** The County is up-to-date on its compliance for Titles 1 through 6.

**Outstanding Items: Title 7: consideration of the remaining strategies.**

## **RECOMMENDATIONS FOR ACTION TO BRING JURISDICTIONS INTO COMPLIANCE**

### Titles 1 through 6

There are six jurisdictions that have not yet met all of the requirements of Titles 1 through 6. These include the cities of Durham, Lake Oswego, Oregon City, West Linn, Wilsonville and Clackamas County. The five cities are working on their compliance requirements and all anticipate to have completed their work or be in final hearings early in the new year. Metro staff will continue to work with these jurisdictions as the compliance work is completed.

Clackamas County took the position in March 2003 that it was in substantial compliance with the Water Quality Resource performance measures of Title 3. The Metro staff did not concur with this position. The County has not formally taken this position, as the

necessary ordinances have not been prepared and Metro has not been able to formally respond. The County has not requested an exception to Title 3.

#### Title 7

Sixteen jurisdictions have submitted their first Progress Report. A second report, "Updated Metro Evaluation of Local Government Title 7 (Affordable Housing) Compliance Report" is being prepared in response to the June 2003 amendments to Title 7. It will provide details of the requirements of the amended Title 7 and provide a status report of local compliance. This report will be distributed to the jurisdictions with the 2003 Annual Compliance Report.

### **EVALUATION OF THE IMPLEMENTATION OF THE FUNCTIONAL PLAN**

This is the second Compliance Report required by Metro Code 3.07.880. To date, the region has reached a compliance rate of 98 percent for the elements due December 2002.

Compliance with the Functional Plan contributes toward achievement of the 2040 Growth Concept and efficient use of land within the region. Evaluation of compliance is a prerequisite to the region's response to the mandates of state law in ORS 197.296 and 197.299. Those statutes require Metro to determine the capacity of the urban growth boundary to accommodate housing and employment every five years and to take measures to ensure that they can be accommodated. Metro recently completed this capacity analysis as part of its periodic review program.

Part of the capacity analysis is to gauge actual development patterns in the years since the last periodic review. If the patterns (density, housing mix, etc.) of the past, when projected into the future, are not sufficient to satisfy housing needs of the future, then ORS 197.296(5) requires the region to take new measures to increase capacity in the region. Measures to increase capacity can include expansion of the urban growth boundary, actions to increase the yield from land within the boundary, or a combination of measures. The Functional Plan contains measures that increase the yield from land within the boundary. These measures include setting minimum densities, increasing zoned capacities for dwelling units and jobs, permitting accessory dwelling units, permitting portioning of lots at least twice the size of the minimum lot size and limiting the amount of land dedicated to parking.

If the jurisdictions in the region do not implement the efficiency measures in the Functional Plan, not only will the region use land less efficiently, but also the region will also not know whether Functional Plan measures would be successful. As a result, the region would lose much of its flexibility to respond to the requirements of ORS 197.296. The region would have to undertake new measures. New measures would likely include significant expansion of the urban growth boundary and others more daunting than the measures in the Functional Plan.

As the jurisdictions are implementing the measures of the Functional Plan, and the region wide capacity targets have been met, the region retains the flexibility under state law to continue its course toward achievement of the 2040 Growth Concept.

### **NEXT STEPS**

- As required by Metro Code Section 3.07.880.B, the Metro Council shall set a public hearing date for the purpose of receiving testimony on the report.

- Metro staff will distribute the report to the local jurisdictions and those who have requested to be on a mailing list to receive the report.
- Presentations will be made to MTAC and MPAC.
- Metro staff will continue to work with the jurisdictional staff as compliance efforts are completed.
- A second report, "Updated Metro Evaluation of Local Government Title 7 (Affordable Housing) Compliance Report" providing details of the requirements of the amended Title 7 and a status report of local compliance will be distributed to the jurisdictions with the 2003 Annual Compliance Report.



**Table A: Status of Compliance with the Functional Plan – November 30, 2003**

Functional Plan Title	No. of Applicable Jurisdictions	No. of Jurisdictions in Compliance	Percentage Complete
<b>Title 1 – capacity analysis</b>	27	26 (analysis completed)	
Title 1 – map of design types	27	27	
Title 1 – minimum densities	27	25	
Title 1 – partitioning standards	27	27	
Title 1 – accessory dwelling units	27	26	
Title 1 – accessory dwelling units in centers	21		
Title 1 – reporting	27	0	
<b>Total Title 1</b>	<b>162</b>		
<b>Title 2 – minimum/maximum standards</b>	27	27	100%
Title 2 – variance process	27	27	100%
Title 2 – blended ratios	27	27	100%
<b>Total Title 2</b>	<b>81</b>	<b>81</b>	<b>100%</b>
<b>Title 3 – floodplain standards</b>	25	25	100%
Title 3 – water quality standards	26	23	88%
Title 4 – erosion control standards	27	27	100%
<b>Total Title 3</b>	<b>78</b>	<b>75</b>	<b>96%</b>
<b>Title 4 – protection of RSIA's</b>	unknown		
Title 4 – protection of Industrial Areas	20		
Title 4 – protection of Employment Areas	22	22	100%
<b>Total Title 4</b>			
<b>Title 5 – rural reserves</b>	2	2	100%
Title 5 – green corridors	10	9	90%
<b>Title 5 - Total</b>	<b>12</b>	<b>11</b>	<b>92%</b>
<b>Title 6 – Develop a Strategy to Enhance Centers</b>	21		
Title 6 – Special Transportation Areas	21		
Title 6 – Siting Government Offices	21		
Title 6 – Reporting on Centers Progress	21		
<b>Total Title 6</b>	<b>84</b>		
<b>Title 7 – 1st progress report</b>	27	16 (received)	
Title 7 – 2nd progress report	27 – due December 31, 2003	9 (received)	
Title 7 – 3rd progress report	27 – due June 30, 2003	0	
<b>Total Title 7</b>	<b>81</b>	(not available)	(not available)
<b>Total</b>			

# **Status of Compliance with the Functional Plan (not including December 2002 amendments) – November 30, 2003**

## **Percentage of Completeness by Title 1-6**

Functional Plan Title	No. of Applicable Jurisdictions	No. of Jurisdictions in Compliance	Percentage Complete
Title 1 – minimum densities	27	25	93%
Title 1 – partitioning standards	27	27	100%
Title 1 – accessory dwelling units	27	26	96%
Title 1 – map of design types	27	27	100%
Title 1 – capacity analysis	27	26 (analysis completed)	96%
<b>Total Title 1</b>	<b>135</b>	<b>131</b>	<b>97%</b>
Title 2 – minimum/maximum standards	27	27	100%
Title 2 – variance process	27	27	100%
Title 2 – blended ratios	27	27	100%
<b>Total Title 2</b>	<b>81</b>	<b>81</b>	<b>100%</b>
Title 3 – floodplain standards	25	25	100%
Title 3 – water quality standards	26	23	88%
Title 4 – erosion control standards	27	27	100%
<b>Total Title 3</b>	<b>78</b>	<b>75</b>	<b>96%</b>
Title 4 – retail in Industrial Areas	20	20	100%
Title 4 – retail in Employment Areas	22	22	100%
<b>Total Title 4</b>	<b>42</b>	<b>42</b>	<b>100%</b>
Title 5 – rural reserves	2	2	100%
Title 5 – green corridors	10	9	90%
<b>Title 5 - Total</b>	<b>12</b>	<b>11</b>	<b>92%</b>
Title 6 – street design	27	27	100%
Title 6 – street connectivity	27	27	100%
<b>Total Title 6</b>	<b>54</b>	<b>54</b>	<b>100%</b>
<b>Total: Completeness Titles 1-6</b>	<b>402</b>	<b>394</b>	<b>98%</b>

**This table shows compliance for Titles 1 through 6, pre-2002 amendments to the Functional Plan.**

## Status of Compliance by Jurisdiction

Title 1: Housing and Employment Accommodation							
	2. capacity analysis	3. map of design types	4.A minimum density	4.B partitioning standards	4.C accessory dwelling units	4.C accessory dwelling units in centers	2 & 4.D Reporting
Beaverton	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Cornelius	in compliance	in compliance	in compliance	in compliance	in compliance	N/A	07/07/05
Durham	in compliance	in compliance	at City Council	in compliance	in compliance	N/A	07/07/05
Fairview	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Forest Grove	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Gladstone	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Gresham	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Happy Valley	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Hillsboro	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Johnson City	in compliance	in compliance	in compliance	in compliance	in compliance	N/A	07/07/05
King City	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Lake Oswego	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Maywood Park	in compliance	in compliance	in compliance	in compliance	in compliance	N/A	07/07/05
Milwaukie	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Oregon City	in compliance	in compliance	Planning Comm.	in compliance	Planning Comm.	07/07/05	07/07/05
Portland	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Rivergrove	in compliance	in compliance	in compliance	in compliance	in compliance	N/A	07/07/05
Sherwood	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Tigard	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Troutdale	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Tualatin	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
West Linn	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Wilsonville	In progress	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Wood Village	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Clackamas C.	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05
Multnomah C.	in compliance	in compliance	in compliance	in compliance	in compliance	N/A	07/07/05
Washington C.	in compliance	in compliance	in compliance	in compliance	in compliance	07/07/05	07/07/05



	<b>Title 2: Regional Parking Policy</b>		
	2.A.1&2 Minimum/Maximum standards	2.A.3 Variance Process	2.B Blended Ratios
Beaverton	in compliance	in compliance	in compliance
Cornelius	in compliance	in compliance	in compliance
Durham	In compliance	In compliance	In compliance
Fairview	in compliance	in compliance	in compliance
Forest Grove	in compliance	in compliance	in compliance
Gladstone	in compliance	in compliance	in compliance
Gresham	in compliance	in compliance	in compliance
Happy Valley	in compliance	in compliance	in compliance
Hillsboro	in compliance	in compliance	in compliance
Johnson City	in compliance	in compliance	in compliance
King City	in compliance	in compliance	in compliance
Lake Oswego	in compliance	in compliance	in compliance
Maywood Park	in compliance	in compliance	in compliance
Milwaukie	in compliance	in compliance	in compliance
Oregon City	in compliance	in compliance	in compliance
Portland	in compliance	in compliance	in compliance
Rivergrove	in compliance	in compliance	in compliance
Sherwood	in compliance	in compliance	in compliance
Tigard	in compliance	in compliance	in compliance
Troutdale	in compliance	in compliance	in compliance
Tualatin	in compliance	in compliance	in compliance
West Linn	in compliance	in compliance	in compliance
Wilsonville	in compliance	in compliance	in compliance
Wood Village	in compliance	in compliance	in compliance
Clackamas County	in compliance	in compliance	in compliance
Multnomah County	in compliance	in compliance	in compliance
Washington County	in compliance	in compliance	in compliance

	<b>Title 3: Water Quality, Flood Mgmt and Fish and Wildlife Conservation</b>		
	4.A Flood Mgmt Performance Standards	4.B Water Quality Performance	4.C Erosion and Sediment Control
Beaverton	in compliance	in compliance	in compliance
Cornelius	in compliance	in compliance	in compliance
Durham	in compliance	in compliance	in compliance
Fairview	in compliance	in compliance	in compliance
Forest Grove	in compliance	in compliance	in compliance
Gladstone	in compliance	in compliance	in compliance
Gresham	in compliance	in compliance	in compliance
Happy Valley	in compliance	in compliance	in compliance
Hillsboro	in compliance	in compliance	in compliance
Johnson City	in compliance	in compliance	in compliance
King City	in compliance	in compliance	in compliance
Lake Oswego	in compliance	<b>In progress</b>	in compliance
Maywood Park	N/A	N/A	in compliance
Milwaukie	in compliance	in compliance	in compliance
Oregon City	in compliance	in compliance	in compliance
Portland	in compliance	in compliance	in compliance
Rivergrove	in compliance	in compliance	in compliance
Sherwood	in compliance	in compliance	in compliance
Tigard	in compliance	in compliance	in compliance
Troutdale	in compliance	in compliance	in compliance
Tualatin	in compliance	in compliance	in compliance
West Linn	in compliance	<b>In progress</b>	in compliance
Wilsonville	in compliance	in compliance	in compliance
Wood Village	N/A	in compliance	in compliance
Clackamas County	in compliance	<b>Awaiting Ordinance</b>	in compliance
Multnomah County	in compliance	in compliance	in compliance
Washington County	in compliance	in compliance	in compliance

	<b>Title 4: Retail in Employment and Industrial Areas</b>		
	2. Protection of Regionally Significant Industrial Areas	3. Protection of Industrial Areas	4. Protection of Employment Areas
Beaverton		07/07/05	in compliance
Cornelius		07/07/05	in compliance
Durham		07/07/05	in compliance
Fairview		07/07/05	in compliance
Forest Grove		07/07/05	in compliance
Gladstone		N/A	in compliance
Gresham		07/07/05	in compliance
Happy Valley		N/A	N/A
Hillsboro		07/07/05	in compliance
Johnson City		N/A	N/A
King City		N/A	N/A
Lake Oswego		07/07/05	in compliance
Maywood Park		N/A	N/A
Milwaukie		07/07/05	in compliance
Oregon City		07/07/05	in compliance
Portland		07/07/05	in compliance
Rivergrove		N/A	N/A
Sherwood		07/07/05	in compliance
Tigard		07/07/05	in compliance
Troutdale		07/07/05	in compliance
Tualatin		07/07/05	in compliance
West Linn		N/A	in compliance
Wilsonville		07/07/05	in compliance
Wood Village		07/07/05	in compliance
Clackamas County		07/07/05	in compliance
Multnomah County		07/07/05	in compliance
Washington County		07/07/05	in compliance

Title 5: Neighbor Cities and Rural Reserves	
2. Rural Reserves	2. Green Corridors
N/A	N/A
N/A	N/A
N/A	N/A
N/A	N/A
N/A	N/A
N/A	N/A
N/A	in compliance
N/A	N/A
N/A	in compliance
N/A	N/A
N/A	N/A
N/A	N/A
N/A	N/A
N/A	N/A
N/A	<b>Planning Commission</b>
N/A	N/A
N/A	N/A
N/A	in compliance
N/A	N/A
N/A	N/A
N/A	in compliance
N/A	in compliance
N/A	in compliance
N/A	N/A
in compliance	in compliance
N/A	in compliance
in compliance	in compliance

	<b>Title 6: Central City, Regional Centers, Town Centers and Station Communities</b>			
	2.A Develop a Strategy to Enhance Centers	3. Special Transportation Areas	4. Siting Government Offices	5. Reporting on Centers Progress
Beaverton	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Cornelius	N/A	N/A	N/A	N/A
Durham	N/A	N/A	N/A	N/A
Fairview	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Forest Grove	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Gladstone	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Gresham	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Happy Valley	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Hillsboro	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Johnson City	N/A	N/A	N/A	N/A
King City	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Lake Oswego	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Maywood Park	N/A	N/A	N/A	N/A
Milwaukie	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Oregon City	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Portland	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Rivergrove	N/A	N/A	N/A	N/A
Sherwood	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Tigard	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Troutdale	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Tualatin	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
West Linn	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Wilsonville	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Wood Village	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Clackamas County	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05
Multnomah County	N/A	N/A	N/A	N/A
Washington County	Mutually agreed timeframe	07/07/05	07/07/05	07/07/05



Title 7: Affordable Housing					
	First Progress Report – 2002 <sup>1</sup>			Second Progress Report – 2003 <sup>2</sup>	Third Progress Report – 2004
	Report Received	15 Strategies Addressed	Consideration by Elected Body		
Beaverton	Received	No	No		
Cornelius					
Durham	Received	No	No		
Fairview	Received		Yes	Report Received	
Forest Grove	Received	No	Yes		
Gladstone					
Gresham	Received	No	Yes	Report Received	
Happy Valley	Received	No	No		
Hillsboro	Received	No	Yes		
Johnson City					
King City				Report Received	
Lake Oswego					
Maywood Park					
Milwaukie					
Oregon City					
Portland	Received	No	No		
Rivergrove					
Sherwood					
Tigard	Received	No	Yes	Report Received	
Troutdale	Received	No	Yes	Report Received	
Tualatin	Received	No	No		
West Linn	Received	No	Yes	Report Received	
Wilsonville					
Wood Village	Received	No	No	Report Received	
Clackamas County.	Received	No	No		
Multnomah County.	Received	No	No	Report Received	
Washington County	Received	No	Yes	Report Received	

<sup>1</sup> – January 31, 2002 is the deadline for the first year progress report of Title 7 (Affordable Housing) of the Urban Growth Management Functional Plan amended by the Metro Council in June 2003 (Ordinance No. 03-1005A).

<sup>2</sup> – December 31, 2003 is the deadline for the second year progress report of Title 7 (Affordable Housing) of the Urban Growth Management Functional Plan amended by the Metro Council in June 2003 (Ordinance No. 03-1005A).

**Table B: COMPLIANCE DATES FOR THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN**

July 29, 2003

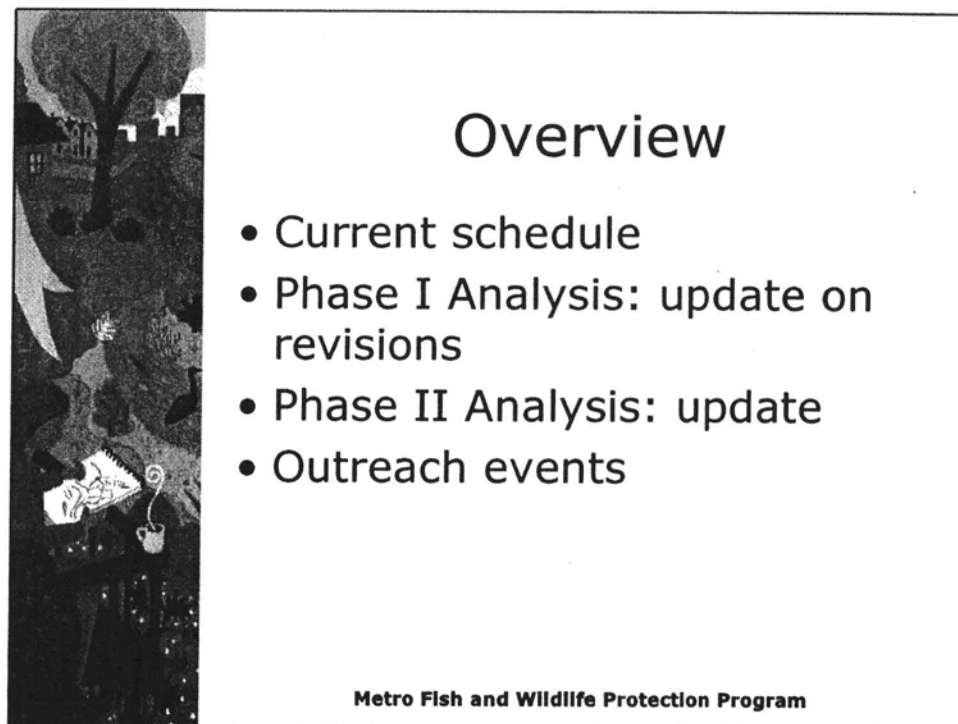
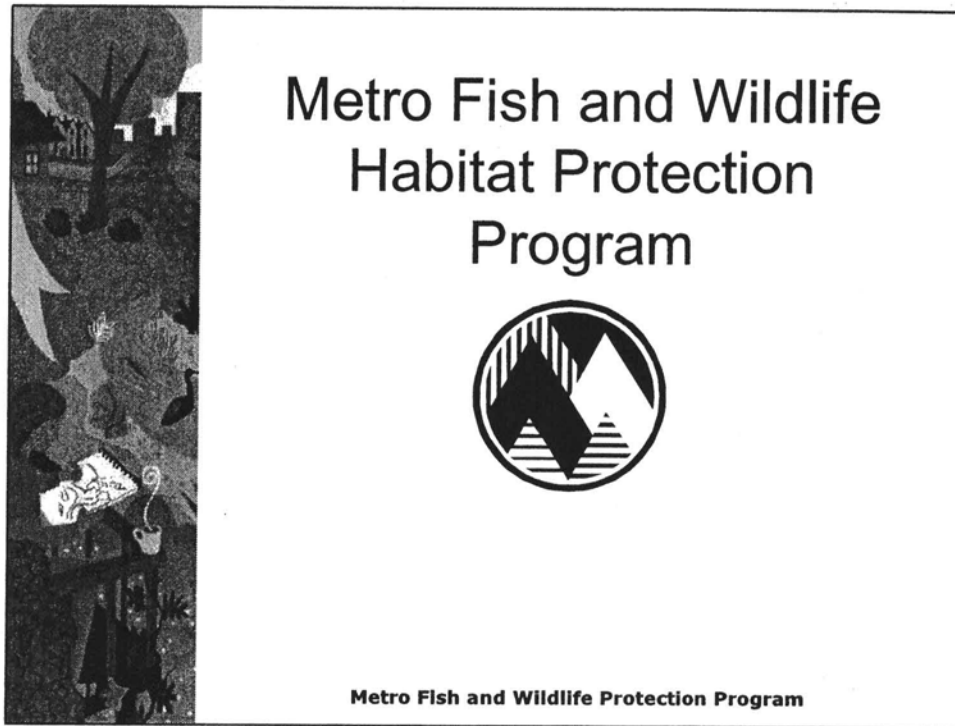
Functional Plan Requirement	When Local Decisions Must Comply		
	Plan/Code Amendment	Land Use Decision	Adoption
<b>Title 1:</b> Determine capacity for housing and jobs (3.07.120.A)			12/08/02
<b>Title 1:</b> Report changes to jobs/housing capacity annually (3.07.120.D)			07/07/05
<b>Title 1:</b> Map design types (3.07.130)	12/08/00	12/08/01	12/08/02
<b>Title 1:</b> adopt minimum density (3.07.140.A)	12/08/00	12/08/01	12/08/02
<b>Title 1:</b> , no prohibition to partition lots twice the minimum size (3.07.140.B)	12/08/00	12/08/01	12/08/02
<b>Title 1:</b> allow accessory dwelling unit in SFD (3.07.140.C)	12/08/00	12/08/01	12/08/02
<b>Title 1:</b> allow accessory dwelling unit in attached SFD in Centers and Stations (3.07.140.C)	07/07/03	07/07/04	07/07/05
<b>Title 1:</b> report density of residential development (3.07.140.D)			07/07/05
<b>Title 2:</b> parking minimum and maximum standards (3.07.220.A.1)	01/07/98	01/07/99	01/07/00
<b>Title 2:</b> Adopt maximum parking standards (3.07.220.A.2)	01/07/98	01/07/99	01/07/00
<b>Title 2:</b> adopt blended parking ratios in mixed-use areas (3.07.220.B)	01/07/98	01/07/99	01/07/00
<b>Title 2:</b> Establish a variance process (3.07.220.A.3)	01/07/98		01/07/00
<b>Title 2:</b> monitor and report parking data annually (3.07.220.D)	01/07/98		01/07/00
<b>Title 3:</b> Adopt model or equivalent and map or equivalent (3.07.330.A)	12/08/00)	12/08/01	12/08/02
<b>Title 3:</b> floodplain management performance standards (3.07.340.A)	12/08/00	12/08/01	12/08/02
<b>Title 3:</b> water quality performance standards (3.07.340.B)	12/08/00	12/08/01	12/08/02
<b>Title 3:</b> erosion control performance standards (3.07.340.C)	12/08/00	12/08/01	12/08/02
<b>Title 3:</b> fish and wildlife habitat Conservation (3.07.350)			
<b>Title 4:</b> map RSIs in new UGB additions (3.07.420.A)	07/07/03	07/07/04	07/07/05
<b>Title 4:</b> Map RSIs in pre-expansion UGB (3.07.430.B)	07/07/03	07/07/04	07/07/05
<b>Title 4:</b> limit uses in Regionally Significant Industrial Areas (3.07.420)	07/07/03	07/07/04	07/07/05

Functional Plan Requirement	When Local Decisions Must Comply		
	Plan/Code Amendment	Land Use Decision	Adoption
<b>Title 4:</b> limit retail uses in Industrial Areas (60,000 sq ft) (3.07.430)	01/07/98	01/07/99	01/07/00
<b>Title 4:</b> limit retail uses in Industrial Areas (20,000 sq ft) (3.07.430)	07/07/03	07/07/04	07/07/05
<b>Title 4:</b> limit retail uses in Employment Areas (60,000 sq ft) (3.07.440)	1/07/98	01/07/99	01/07/00
<b>Title 4:</b> limit retail uses in Employment Areas (3.07.440)	07/07/03	07/07/04	07/07/05
<b>Title 5:</b> rural reserves (3.07.520)	01/07/98		01/07/00
<b>Title 5:</b> green corridors (3.07.520)	01/07/98		01/07/00
<b>Title 6:</b> develop a strategy for each Center (3.07.620)			Mutually agreed timeframe
<b>Title 6:</b> address barriers to siting government offices in centers (3.07.640)			
<b>Title 6:</b> require demonstration that government offices cannot be located in Centers (3.07.640.B)	07/07/03	07/07/04	07/07/05
<b>Title 6:</b> reporting on progress (3.07.650)			07/07/05
<b>Title 7:</b> adopt strategies and measures to increase housing opportunities (3.07.730.A)			
<b>Title 7:</b> consider specific tools and strategies (3.07.730.B, 3.07.760)			
<b>Title 7:</b> report progress at specified times (3.07.740)			
<b>Title 8:</b> compliance procedures	02/14/03		
<b>Title 9:</b> Performance Measures			
<b>Title 10:</b> definitions	12/08/00	12/08/01	12/08/02
<b>Title 11:</b> set interim protection for areas brought into the UGB (3.07.1110)	12/08/00	12/08/01	12/08/02
<b>Title 11:</b> prepare a comprehensive plan and zoning provisions for territory added to the UGB (3.07.1120)	12/08/00		Metro sets date
<b>Title 12:</b> establish level of service standards for parks 3.07.1240.A)			2 years after Parks Functional Plan Adopted
<b>Title 12:</b> provide access to parks by walking, bicycling, transit (3.07.1240B)			07/07/05

## 2002 Annual Functional Plan - Title 7 – Compliance Report

Jurisdiction	Progress Reports Submitted per Title 7: 3.07.740	Adopted Voluntary Goals in Title 7: 3.07.720	Considered the <u>Three</u> Policies in Title 7: 7:3.07.730.A	Considered <u>Seven</u> Strategies in Title 7: 3.07.730.B	Considered <u>Five</u> Other Strategies in Title 7: 3.07.760	Full Compliance
Beaverton	Yes (2002)	<b>YES</b>				NO
Cornelius						NO
Durham	Yes (2002)					NO
Fairview	Yes ✓ (2002 & 2003)					NO
Forest Grove	Yes ✓ (2002)		<b>YES</b>			NO
Gladstone						NO
Gresham	Yes ✓ (2002 & 2003)					NO
Happy Valley	Yes (2002)					NO
Hillsboro	Yes ✓ (2002)					NO
Johnson City						NO
King City						NO
Lake Oswego						NO
Maywood Park						NO
Milwaukie						NO
Oregon City						NO
Portland	Yes (2002)		<b>YES</b>			NO
Rivergrove						NO
Sherwood						NO
Tigard	Yes ✓ (2002 & 2003)					NO
Troutdale	Yes ✓ (2002 & 2003)					NO
Tualatin	Yes (2002)					NO
West Linn	Yes ✓ (2002 & 2003)					NO
Wilsonville						NO
Wood Village	Yes (2002 & 2003)					NO
Clackamas County	Yes (2002)		<b>YES</b>			NO
Multnomah County	Yes (2002 & 2003)	*	*	*	*	*
Washington County	Yes ✓ (2002 & 2003)					NO

Definitions: ✓ Report approved by an elected body  
 \* Multnomah County signed an IGA with the cities of Portland and Troutdale to carry out land use planning responsibilities in unincorporated county areas. The cities of Portland and Troutdale are expected to detail the matter in which affordable housing strategies in the unincorporated areas have been addressed.





## Current schedule

- *Dec 03:* evaluate program options
- *Jan-Feb 04:* draft Phase 2 Report, committee review, public notice
- *Mar-May 04:* public outreach, Council hearings and ESEE decision
- *June-Sept 04:* draft regional ordinance
- *Oct-Dec 04:* public notice, outreach, Council hearings and consideration of regional ordinance

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## Phase I: Update

- Resolution 3376 identifies revisions:
  - Add more description in conflicting use analysis to address transportation, public institutions & redevelopment
  - Respond to IEAB regarding economic equity, economic values associated with open space & methodology
  - Update economic policy priorities
  - Define regional public facilities

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## Phase II: update

- Evaluate ESEE tradeoffs of six program options
- Provide facts and analysis to support an ESEE decision to apply ALP treatments
- Describe framework for program direction

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## Vision statement

"The overall goal is to conserve, protect, and restore a continuous ecologically viable streamside corridor . . . integrated with surrounding urban landscape . . . to be achieved through conservation, protection and appropriate restoration . . . through time."

"...stream & river corridors maintain connections with adjacent upland habitats, form an interconnected mosaic of urban forest and other fish and wildlife habitat..." *October 2000*



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## Baseline conditions

- State of the environment
  - inventory & technical report summary
- Current habitat protection
  - non-regulatory
  - regulatory (focus on Title 3)
- Restoration activities

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## Current protection

- 19.4% (15,560 acres) of the Goal 5 inventory is covered by Title 3 Water Quality Resource Areas (WQRA)
- 14.3% (11,520 acres) of the inventory is covered by Title 3 Flood Management Areas (FMA)
- Local plans may protect additional habitat

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## Comparison of approaches

Non-regulatory	Regulatory
1. Uncertain protection	1. Certainty of protection
2. Restoration can be achieved	2. Preserves restoration opportunities but does not achieve restoration
3. Minimizes property rights concerns	3. Property rights concerns (takings, real or perceived)
4. Can apply to non-land use activities	4. Triggered by land use action
5. Application limited by \$\$ and willing landowners	5. Addresses entire system to the same degree

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## Non-regulatory tools

- Not required by Goal 5
- Tools for protection
- Tools for restoration
- How feasible and effective in filling gap between baseline conditions and vision?

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## Non-regulatory: protection

- Acquisition
  - Outright
  - Conservation easements
  - Revolving fund
  - Targeted to habitat types or properties with most restrictions
- Property tax relief



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## Non-regulatory: restoration

- Financial incentives
- Education
- Volunteer activities
- Agency sponsored restoration



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## Regulatory options

- Apply allow, limit or prohibit treatments to regionally significant habitat areas
- 6 program options that vary in level of protection
  - 3 options are habitat based
  - 3 options combine habitat and urban development values

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## Assumptions for allow & prohibit

- Allow
  - Current regulations apply
- Prohibit
  - Development will be prohibited unless all economic use is lost
  - Most stringent disturbance area, design guidelines, and mitigation requirements

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## Assumptions for limit

- 3 limit treatments – LL, ML, SL
- Development may occur if it cannot be avoided; limited disturbance area
- Design guidelines (e.g., low impact development) may be required to minimize impacts
- Land divisions
  - LL, ML: may occur, designation of open space encouraged
  - SL: only allowed if undisturbed habitat is designated as open space

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## Assumptions for limit (cont.)

Treatment	Disturbance area	Mitigation
Lightly limit	50%	2:1
Moderately limit	35%	3:1
Strictly limit	20%	4:1

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## Habitat options

- Summary tables
- Pie charts
- Maps

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## Land use & habitat options

- Summary tables
- Pie charts
- Maps

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## Example: summary data table

Resource Class	A	LL	ML	SL	P
Class I RC					
Class II RC					
Class III RC					
Class A WH					
Class B WH					
Class C WH					

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## Analysis methodology

- Calculate acreage affected by ALP treatments for each option; compare to baseline
- Apply ESEE criteria and measures to evaluate tradeoffs of each option; compare to baseline
- Distinguish key tradeoffs on sub-watershed basis
- Describe interaction of non-regulatory and regulatory tools to achieve protection and restoration

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## Economic criteria



- **Criterion 1:** Supports urban development priorities
  - **Measure:** acreage of gross buildable land affected
- **Criterion 2:** Promotes retention of ecosystem services
  - **Measure:** acreage of habitat protected

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## Economic criteria (cont.)

- **Criterion 3:** Promotes recreational opportunities (use and non-use)
  - **Measure:** acreage of habitat protected
- **Criterion 4:** Promotes economic equity
  - **Measure:** acreage and spatial distribution of residential, industrial, and other land use categories affected
- **Criterion 5:** Promotes substitutability of land use
  - **Measure:** same as Criterion #4

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## Social criteria



- **Criterion 1:** Minimizes impact on individual landowner rights
  - **Measure:** acres of land by zoning category and # of landowners affected
- **Criterion 2:** Reduces impact on types/locations of jobs & housing
  - **Measure:** acres of vacant residential & employment land

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## Social criteria (cont.)

- **Criterion 3:** Preserves resources for future generations
  - **Measure:** acres of habitat land protected, partially protected, not protected
- **Criterion 4:** Maintains cultural heritage & sense of place
  - **Measure:** same as Social #3
- **Criterion 5:** Preserves amenity value of resources
  - **Measure:** same as Social #3

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## Environmental criteria



- **Criterion 1:** Preserves habitat and restoration opportunities
  - **Measure:** acreage of habitat by resource category protected
- **Criterion 2:** Retains forest canopy cover
  - **Measure:** acreage of forest canopy protected

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## Environmental criteria (cont.)

- **Criterion 3:** Promotes habitat connectivity, riparian corridor continuity
  - **Measure:** acreage of habitat within 150' of streams; fragmentation of patches and effect on system connectivity
- **Criterion 4:** Promotes large habitat patches
  - **Measure:** acreage of large patches protected
- **Criterion 5:** Promotes conservation of sensitive habitats and species
  - **Measure:** acreage of Class I riparian corridors and Habitats of Concern protected

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## Energy criteria



- **Criterion 1:** Promotes compact urban form
  - **Measure:** potential for displacement of land uses (use data from economic and social criteria)
- **Criterion 2:** Promotes retention of green infrastructure
  - **Measure:** acres habitat protected

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## Other criteria

- **Federal ESA:** Extent to which option assists in recovery of listed species
  - **Measure:** use environmental criteria
- **Federal CWA:** Extent to which option assists in meeting water quality standards
  - **Measure:** use environmental criteria
- **Increment of additional protection**
  - **Measure:** extent of additional protection provided by a sample of local government plans

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## Potential funding sources

- Funding could be used for non-regulatory or regulatory programs
- Several funding sources under consideration; could be implemented locally or regionally:
  - Increased excise tax
  - Urban area inclusion fee
  - Systems development charge
  - Stormwater management fee
  - Bond measure

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## Summary of analysis

- Analysis will describe and evaluate ESEE tradeoffs of six program options compared to baseline
- Analysis will support an ESEE decision that applies ALP treatments and sets program direction

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## Outreach

- Property owner notification
- Press releases to media & newsletters
- Stakeholder meetings
- Web site
- Cable broadcast
- Workshops
- Tours
- Handouts
- Public hearings

**Metro Fish and Wildlife Protection Program**

121603c-05

**Regional Solid Waste Management Plan  
Contingency Plan Work Group  
Final Report and Recommendations**



**METRO**  
PEOPLE PLACES • OPEN SPACES

Prepared by:  
Marta Conklé McGuire  
Waste Reduction & Outreach Division  
Solid Waste & Recycling Department

**600 NE GRAND AVENUE  
PORTLAND, OR 97232**

**TEL (503) 797-1650  
FAX (503) 797-1795**

*Printed on Recycled Paper*

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## **Regional Solid Waste Management Plan Contingency Plan Work Group Final Report and Recommendations**

### **WORK GROUP PURPOSE**

In August 2003, the Regional Solid Waste Management Plan (RSWMP) Contingency Plan Work Group was convened to evaluate and recommend required recycling policies that could be implemented in the region if progress toward the 2005 regional waste recovery goal of 62 percent is not adequate.

### **BACKGROUND**

Metro is the watershed representative to the state and is responsible for ensuring that the region meets its designated recovery goals of 62 percent by the end of 2005 and 64 percent by the end of 2009. The Regional Solid Waste Management Plan (RSWMP) provides a framework for coordinating solid waste programs within the region by establishing direction for resource management and the solid waste system, identifying strategies to increase recovery, identifying roles and responsibilities, and fulfilling a state requirement that Metro have a waste reduction plan.

Amendments to the Regional Solid Waste Management Plan (RSWMP) in April 2003 established a contingency planning process to evaluate and recommend strategies to reach the 2005 recovery goal of 62 percent if sufficient progress is not being made. These strategies were intended to identify recycling policies to increase recovery in the sectors where the largest tonnage of recoverable waste remains: commercial, construction and demolition, and commercial organics.

The Contingency Plan Work Group met eight times from August 27, 2003 to December 3, 2003. The group evaluated 12 potential strategies to increase recovery. Some members were divided on some of the strategies that were adopted or eliminated from consideration. As a package, however, the work group approved (by an 11-to-1 vote) a set of four contingency strategies to increase progress toward the 2005 recovery goal.

### **WORK GROUP CHARGE**

The charge of the Contingency Plan Work Group, approved by Metro Council and Regional Solid Waste Advisory Committee (SWAC), was as follows:

1. Identify required recycling and other methods of increasing progress toward recovery goals for three sectors: building industries; businesses; and commercially-generated organics.

2. Consider whether methods identified are best implemented through actions of local governments, Metro, the State of Oregon or a combination;
3. Determine whether adoption of these methods would be legally and financially feasible and would enable the region to meet its recovery goals; and
4. Recommend a contingency plan to Metro Council and SWAC by January 1, 2004.

Although not directed by Metro Council and SWAC, the group was asked to recommend “trigger points” for implementation of the proposed contingency plan if sufficient progress toward the region’s recovery goal is not reflected in recovery reports.

## **WORK GROUP COMPOSITION**

In August 2003, Metro Chief Operating Officer Michael Jordan appointed a core group of 12 individuals who represent businesses, recyclers, local government and citizen interests to serve on the Contingency Plan Work Group (Table 1).

Lee Barrett, Waste Reduction and Outreach Manager, acted as the non-voting facilitator of the work group. Marta McGuire, Waste Reduction Planner, provided technical assistance and staffed the work group. Gina Cubbon served as the administrative secretary for all of the work group meetings.

**Table 1. Contingency Plan Work Group Members**

<b>Name</b>	<b>Affiliation</b>
Mark Altenhofen	Washington County (local government)
Jason Buch	R&H Construction Company (construction company)
JoAnn Herrigel	City of Milwaukie (local government)
Mike Huycke	WRI/Allied Waste Industries (processor)
Les Joel	Blue Heron Paper Company (end-user)
Joe Keating	Sierra Club (environmental organization)
Wade Lange	Ashforth Pacific (multi-tenant property management)
George Lundberg	Epson (large business)
Mike Miller	Gresham Sanitary Service (collector)
Jerry Powell	Resource Recycling Magazine (citizen)
Chip Sammons	Holistic Pet Center (small business)
Bruce Walker	City of Portland (local government)

## RECOMMENDED CONTINGENCY STRATEGIES

With the goal of reaching the 62 percent recovery rate by 2005, the Contingency Plan Work Group recommends the following strategies:

**Strategy #1: Metro should require all construction and demolition loads from the region to be processed before landfilling, beginning July 1, 2004.** This strategy targets additional recovery in the building industry sector. Facilities that are franchised or licensed in the Metro region are currently required to perform recovery on construction and demolition loads at minimum recovery rate of 25 percent. Designated Facility Agreements with facilities outside the region would need to be revised to either: 1) require material recovery at the facility; or 2) require the facility to accept only material that has been processed (MRFed). It is recommended that Metro facilities be included under this requirement.

**Strategy #2: Metro should require local governments to adopt mandatory business recycling requirements that require the recycling of specific materials.** Metro should provide additional funding to expand business recycling assistance and outreach programs to jurisdictions that have adopted mandatory recycling, with the following conditions:

- Beginning July 1, 2004, Metro should provide additional funding to local jurisdictions for expanded business recycling assistance and outreach.
- If by January 1, 2005, the development of a mandatory recycling program is not underway in individual jurisdictions, those jurisdictions should not be eligible to receive the additional funding for expanded recycling assistance and outreach.
- If by January 1, 2006, a mandatory recycling program is not in place in individual jurisdictions, those jurisdictions should not receive recycling assistance and outreach funding (including both present program funding and additional contingency funding).

The Contingency Plan Work Group recommends that Metro provide additional funding for the Commercial Technical Assistance Program (\$400,000 per year) and commercial recycling outreach campaigns (\$110,000 per year) beginning in FY 04-05. The proposed funding doubles the FY 03-04 business recycling assistance program and commercial outreach budget. These strategies target additional recovery in the commercial sector, where the greatest amount of tonnage is needed to meet the 2005 recovery goal.

**Strategy #3: Metro should require all dry waste loads from the region to be processed before landfilling.** Dry waste does not include food or other putrescible waste. Typically, recyclables in a dry waste load include paper, wood, metal and glass. The work group recommends that this strategy be implemented after the adoption of mandatory recycling requirements and expanded business recycling assistance and outreach to capture any remaining recyclables in dry waste loads. This strategy may be implemented in a similar manner as Contingency Strategy #1.

**Strategy #4: Metro should evaluate organics contingency strategies in one year.**

The Contingency Plan Work Group strongly supports Metro's efforts and leadership in developing an organics collection program for the region. At this time, the work group feels it is premature to implement contingency measures and recommends evaluating the following strategies to increase recovery in one year:

- 1) Mandatory recovery of food waste from certain sized businesses; and
- 2) Residential organics collection (food waste collected with yard debris).

In this evaluation, factors for consideration should include: 1) a processor is located and operational; 2) at least two jurisdictions have organics collection programs established; and 3) at least 5,000 tons (over baseline of 12,000 tons) of organics are being recovered.

**PROJECTED RECOVERY**

An analysis of RSWMP performance indicators in March 1999 found that although recovery through local government residential curbside programs was exceeding anticipated progress, recovery was lagging significantly in the construction and demolition, business and commercial organics sectors. As a result, Metro and local governments developed work plans to target these sectors for additional recovery, and the RSWMP was amended to reflect these strategies (known as the Waste Reduction Initiatives).

In early 2002, the region projected that 177,000 tons would be needed from the construction and demolition, business and commercial organics sectors in order to meet the 2005 recovery goal of 62 percent. Final Oregon Department of Environmental Quality data received in November 2003 indicated 180,000 tons would be needed.

As of the end of 2002, the region's recovery rate was 54 percent. Based on past recovery trends, it is highly unlikely that the region will meet the 2005 recovery goal without increased efforts. The projected recovery as a result of the implementation of the recommended contingency strategies is illustrated in Table 2.

**Table 2. Projected Recovery from Contingency Recommendations**

Recommended Contingency Strategies	Projected Recovery by Tons			Net Recovery Rate Increase*		
	Low	Average	High	Low	Average	High
C&D Required MRF (Strategy 1)	32,000	33,000	34,000	1.4%	1.5%	1.5%
Mandatory Recycling/Expanded CTAP (Strategy 2)	70,000	88,000	108,000	3.1%	3.9%	4.9%
Dry Waste Required MRF (Strategy 3)	5,000	10,000	15,000	0.2%	0.4%	0.7%
Organics (Strategy 4)	5,000	10,000	15,000	0.2%	0.4%	0.7%
<b>Total</b>	<b>112,000</b>	<b>141,000</b>	<b>172,000</b>	<b>5.0%</b>	<b>6.3%</b>	<b>7.7%</b>

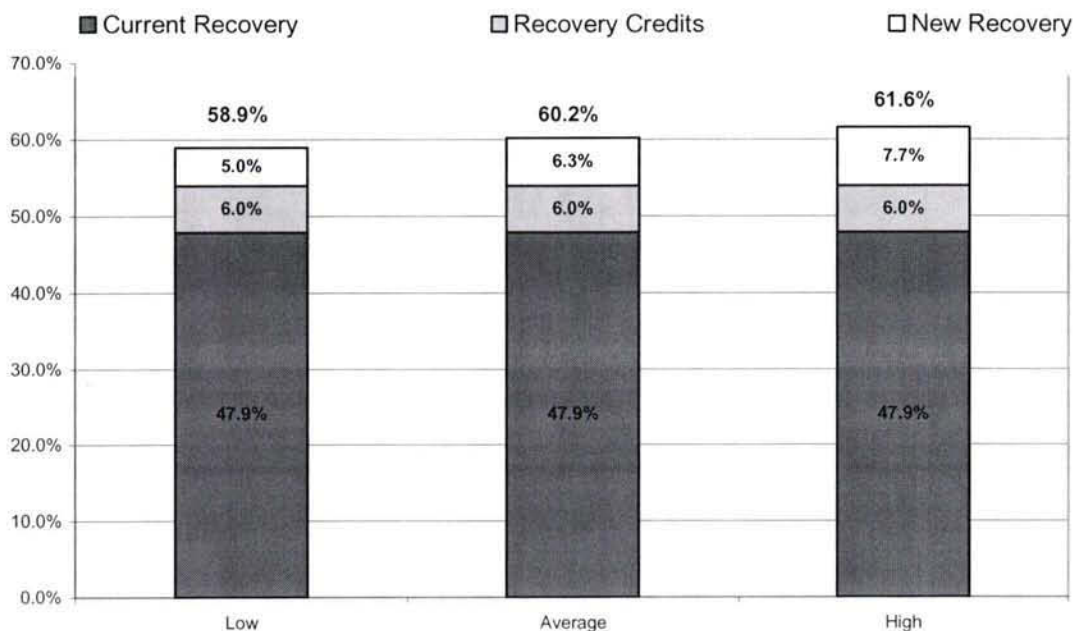
\*Numbers may not sum due to rounding.



The implementation of the contingency strategies has the potential to recover an additional 112,000 to 172,000 tons. For Contingency Strategies 1, 3 and 4, the difference between the low to high scenarios reflects differences in the level of effort and success of the programs. The range for Contingency Strategy 2 illustrates differences in the materials targeted by the program. The low scenario targets paper only, and the average scenario targets paper and containers (metal, plastic and glass). The high scenario targets paper, containers, and yard trimmings from small businesses and multi-family units. These materials were selected based on potential recovery, available processing capacity and market stability.

Figure 3 illustrates the range of recovery rates likely to be realized as a result of the implementation of the contingency strategies. The high scenario would allow the region to reach the 62 percent recovery goal, assuming a minimal contribution from other sectors not targeted by the Waste Reduction Initiatives.

**Figure 1. Projected Metro Recovery Rate**



## CONTINGENCY PLAN WORK GROUP DELIBERATIONS

The work group evaluated potential contingency strategies targeting three sectors: building industry, commercial and commercial organics. These three sectors comprise the Waste Reduction Initiatives, which have specific goals for reaching the 2005 recovery goal. The work group examined potential contingency strategies for each sector independently and then evaluated how they worked in combination.

Overall, 12 strategies were proposed for the group to examine further. The proposed contingency strategies were evaluated based on several criteria, including:

1. **Impact.** The work group's final recommendation must include those strategies likely to attain the sizable level of additional waste diversion required for Metro to meet the 62 percent recovery goal.
2. **Use elsewhere.** The final list should contain alternatives being employed in other communities in the United States and Canada.
3. **Compatibility.** The final list should include strategies that can be integrated into a complete system.
4. **Ease and cost of implementation.** The final strategies should be legally and financially feasible.
5. **Market capacity.** Given the time frame in which Metro must attain the 62 percent goal, the recommended strategies should focus on efforts that rely on current and expected market capacity.

Matrices were developed to assist the work group with the decision-making process and evaluation (See Appendix A). In addition, Metro staff outlined the twelve proposed strategies to provide additional detail and identify potential program elements (see Appendix B and C). The work group deliberations are detailed by sector below.

### Construction and Demolition

The region must recover 35,000 tons of construction and demolition waste from the building industry sector in order to meet its established goals. Metro staff presented information to the work group on the Construction and Demolition Waste Reduction Initiative work plan and its progress to date.

The work group proposed the following contingency strategies to increase recovery from the building industry sector:

1. Require all dry waste loads from the region to be processed before landfilling.
2. Require all construction and demolition loads to be processed before landfilling.
3. Ban the landfill disposal of construction and demolition materials, including wood, cardboard and metal, at all mixed solid waste facilities that take Metro region waste.

Metro staff provided the group with estimates on the probable tonnage diverted for the proposed strategies and with information on Metro's authority to mandate processing of materials and ban items from disposal.

There was general consensus among the group supporting the strategy to require all construction and demolition loads to be processed before landfilling. The construction industry representative did not feel this would negatively impact its building and construction operations. Processor representatives confirmed the system's capacity to

construction operations. Processor representatives confirmed the system's capacity to handle the additional material. Based on an 11-to-1 vote, the group adopted this strategy as a contingency recommendation. The member who voted against the strategy preferred a disposal ban approach. The group further recommended that the strategy be implemented July 1, 2004, and that Metro facilities should be included under the requirement.

The group had some discussion about the possibility of a phased approach that would include mandatory processing of construction and demolition loads, followed by a disposal ban. Under this approach, a disposal ban would be implemented if a certain tonnage level was not achieved through mandatory processing. Although his motion failed (by a 5-to-7 vote), a substantial minority supported this strategy, including two local governments, both citizens and the large business representative. Some members preferred disposal bans because this method offered both a higher level of recovery and more implementation flexibility than mandatory processing requirements.

The final contingency strategy the work group evaluated was mandatory processing of all dry waste loads, including commercial drop boxes that contain only dry waste. Dry waste does not include food or other putrescible waste. Typically, recyclables in a dry waste load include paper, wood, metal and glass. With the exception of two work group members (one local government and one large business representative), this strategy was adopted as a recommended contingency strategy based on a 10-to-2 vote. The work group agreed that required dry waste processing should not replace the source separation system. Some members, however, still felt this strategy may send the wrong message to generators. To address this issue, the group agreed that this strategy should be implemented following mandatory recycling and expanded recycling assistance and outreach. The group felt the strategies that focus on a source-separated approach should be implemented first.

## **Commercial**

The region must recover 97,000 tons of waste from the commercial sector in order to meet the 62 percent recovery goal by 2005. Commercial waste comprises more than 45 percent of the region's total disposed waste. Metro staff presented an overview of the Commercial Waste Reduction Initiative work plan and its progress to date.

The work group proposed the following contingency strategies to increase recovery in the commercial sector:

1. Improve the opportunity model by setting regional recycling service standards.
2. Provide incentives to haulers for increasing recycling tonnage or the number of customers recycling.
3. Set garbage collection rates higher so there is a greater economic incentive for businesses to subscribe to a lower garbage service level and increase recycling.



4. Expand the regional Commercial Technical Assistance Program (CTAP) program and outreach programs by the raising regional system fee in the region by \$1 per ton, resulting in \$1.2 million revenue—50 percent of revenue dedicated to outreach campaigns and 50 percent to CTAP.
5. Adopt mandatory business recycling requirements (requirements might include minimum diversion requirements or recycling of specific materials).
6. Ban the landfill disposal of key commercial materials at all mixed solid waste facilities that take waste from the Metro region (cardboard, mixed paper, mixed containers).

Metro staff provided the work group with estimates on the probable tonnage diverted for the proposed strategies, Metro's authority to mandate recycling and ban items from disposal, the system's capacity to recover additional materials, and summaries of other communities that have implemented required recycling programs.

After further evaluation, the work group eliminated four of the above strategies (improving the opportunity model, hauler incentives, rate increase and disposal ban on key materials). In a 5-to-4 vote, the group eliminated improving the opportunity model strategy. The group was divided on this issue—with some members not seeing the need for establishing regional standards versus others that felt having consistent service standards across the region was a vital step to increasing recovery.

The work group unanimously voted to eliminate hauler incentives. The group felt this option may be difficult and costly to design and implement. The group eliminated the rate increase option because of the difficulty in estimating the potential impact of the strategy. The group felt a rate increase may not produce the desired result, especially if the level of the rate boost is modest.

The work group had additional discussion on mandatory recycling and disposal bans. There were a number of questions and concerns regarding enforcement and implementation of mandatory recycling and disposal bans. Mandatory recycling was defined to the work group as recycling requirements that identify specific materials to be source-separated or minimum diversion requirements that target the generator. Disposal bans were defined as regulations that prohibit the landfill disposal of a specific item. Bans are typically enforced at disposal facilities, but can be enforced at the generator and hauler level. Potential enforcement measures and possible program elements were presented to the work group by Metro staff.

Based on a 7-to-5 vote, the work group narrowly eliminated disposal bans as a contingency strategy. One local government, both citizens, one business and one end-user representative were in favor of the strategy. Some members in support of this approach felt it offered more implementation flexibility and higher recovery levels. Members opposed to the strategy felt a disposal ban approach would be more difficult to enforce and more expensive for generators. In addition, some members preferred mandatory recycling over disposal bans because it put the onus on the generator.

The work group nominated mandatory recycling and expanded business recycling assistance and outreach as the primary strategies to increase recovery in the commercial sector. Both of these strategies, however, passed narrowly.

In a 6-to-4 vote (with one abstention), mandatory business recycling was adopted as a recommended contingency strategy. Both businesses, the construction company, one citizen, one jurisdiction and the hauler representative supported mandatory recycling requirements. The small business representative viewed this strategy as a method for setting a minimum standard in the region for recycling. The hauler representative felt a mandatory approach should target the generator with recycling requirements versus a disposal ban that focuses on the disposal end. The City of Portland, which established mandatory recycling in 1996, supported expanding mandatory recycling requirements throughout the region. Some work group members recommended that any increase in collection costs resulting from mandatory recycling should be passed through to ratepayers through the local government rate review process.

Two local governments, one citizen and the end-user representative voted against the measure. One local government felt this requirement would negatively impact economic development in his jurisdiction. The other local government felt it would not be feasible to ask local governments to individually adopt mandatory recycling requirements and was in favor of the disposal ban approach.

The expanded recycling assistance and outreach approach was passed by a vote of 6-to-5. Both businesses, the construction company, one citizen, one jurisdiction and the hauler representative supported this strategy. Some members did not support prescribing a dollar amount for this strategy and felt that it was outside of the work group's charge to make that type of funding recommendation. Others felt it was important designate resources and staff and recommend an amount. Several members did not support the strategy because they did not feel this effort alone could achieve the recovery levels needed to meet the established goal.

In order to garner more support for this strategy, the author proposed revising the recommendation to read:

*Provide significant expansion of recycling assistance and outreach to businesses in the Metro region for jurisdictions that have adopted mandatory recycling. It is recommended that Metro provide additional funding for the Commercial Technical Assistance Program (\$400,000 per year) and commercial recycling outreach campaigns (\$110,000 per year).*

The funding amounts were based on doubling the current CTAP and outreach budgets. The group unanimously voted to amend the strategy with the new dollar amounts and recommended that an evaluation of the effectiveness of this strategy be conducted after two years.

With this revision, the group further considered the commercial contingency strategies of mandatory recycling and expanded recycling assistance and outreach. The group discussed mandatory recycling in terms of requiring the recycling of specific materials versus requiring a minimum diversion requirement. The group felt a minimum diversion requirement was too subjective and would be difficult to monitor. Based on a vote of 7 to 4 (with one abstention), the group voted to amend the strategy to require the recycling of specific materials.

The group discussed the potential of linking the expanded business recycling assistance and outreach to mandatory recycling. Some members felt that expanded business recycling assistance and outreach alone was not sufficient to get the additional recovery needed to reach the 2005 goal. One jurisdiction commented that additional funding would assist local governments with adopting mandatory recycling requirements.

In the end, the group elected to link expanded recycling assistance program and outreach funding to mandatory recycling. The additional funding would be used at first as an incentive for local governments to adopt mandatory recycling requirements. After a specified time period, all Metro funding would be discontinued if local governments had not adopted mandatory recycling. The group proposed multiple timelines and implementation options for this strategy. Some group members advocated for a tighter timeline for the implementation of mandatory recycling or for making funding available to only those local governments that initiated a process to adopt mandatory recycling. Eventually, the group came to agreement on the following proposed dates and conditions:

- Beginning July 1, 2004, Metro should provide additional funding to local jurisdictions for expanded business recycling assistance and outreach.
- If by January 1, 2005, the development of a mandatory recycling program is not underway in individual jurisdictions, those jurisdictions should not be eligible to receive the additional funding for expanded recycling assistance and outreach.
- If by January 1, 2006, a mandatory recycling program is not in place in individual jurisdictions, those jurisdictions should not receive recycling assistance and outreach funding (including both present program funding and additional contingency funding).

This amendment to the recommended strategy passed by a 9-to-3 vote.

## **Organics**

The region must recover 45,000 tons of organic waste from the commercial sector in order to meet its established goals. Metro staff presented an overview of the Organics Waste Reduction Initiative work plan and its progress to date.

The work group proposed the following contingency strategies to increase recovery in the organics sector:

1. Require local governments to adopt an incentive rate for commercial organics collection (for the 700 largest food-generating businesses) in the region.
2. Mandatory recovery of food waste from certain sized businesses (for the 700 largest food-generating businesses) in the region.
3. Residential organics collection (food waste collected with yard debris).

Overall, the work group supported the development of organics collection in theory, but there were many concerns and unknowns about program development in this region. Some members commented that implementation at the residential level would assist the region at getting additional tonnage and strengthen the commercial sector program.

The work group nominated mandatory recovery of food waste from certain sized businesses and residential organics collection as contingency strategies. The work group, however, unanimously agreed that it was premature to recommend contingency strategies for a system that is still under development.

Therefore, the work group recommended the strategies be evaluated after one year if certain conditions are met, including: 1) a processor is located and operational; 2) at least two jurisdictions have organics collection programs established; and 3) at least 5,000 tons (over baseline of 12,000 tons) of organics are being recovered.

**Appendix A: Proposed Contingency Strategy Matrix**



Proposed Contingency Strategies

#	Contingency Strategy				Probable Tonnage Diverted	Feasibility of Implementation	Cost of Implementation					Vote
		C&D	Commercial	Organics			Generators	Processing Facilities	Haulers	Local Governments	Metro	
1	Require all dry waste loads from the region to be processed before landfilling.	X	X		Moderate to High (53,000-71,000)	Moderate	Moderate	Low to High (depending on current ability to process dry waste loads)	Low	Low	Low	10-2 approved
2	Require all C&D loads be processed before landfilling.	X			Low to Moderate (38,000 to 46,000)	High	Moderate	Low to High (depending on currently ability to process C&D loads)	Low	Low	Low	11-1 approved
3	Ban the landfill disposal of C&D materials, including wood, cardboard and metal at all MSW facilities that take Metro region waste.	X			Low to Moderate (31,000 to 37,000)	Moderate	Moderate	Undetermined (based on current ability to recover recyclables)	Moderate	Low	Low	5-7 failed
4	Ban the landfill disposal of key commercial materials at all MSW facilities that take waste from the Metro region (cardboard, mixed paper, mixed containers).		X		High (88,000)	Moderate	Low to Moderate	Undetermined (based on ability to recover recyclables)	Moderate	Moderate	Low	7-5 approved
5	Mandatory business recycling requirements adopted by local jurisdictions.		X		Low to High (28,000-73,000)	Low	Low to Moderate	/	Moderate	Moderate	Low	6-4 (1 abstention) approved
6	Improve opportunity model by setting regional recycling service standards.		X		Low (28,000)	Low	Low	/	Moderate	Low	Low	4-5 failed
7	Incentives to haulers for increasing recycling tonnage or number of customers recycling.		X		Moderate to High	Low	Low	/	Low	Low	High	0-10 failed
8	Raise regional system fee in the region by \$1 per ton, resulting in \$1.2 million revenue—50 percent of revenue dedicated to outreach campaigns and 50 percent dedicated to expanding the increase Commercial Technical Assistance Program (CTAP) program.*		X		Moderate	Moderate	Low	/	Low	Low	Low	6-5 approved
9	Set garbage collection rates higher so there is a greater economic incentive for businesses to subscribe to a lower garbage service level and increase recycling.		X		Moderate	Low	Moderate	/	Low	Low	Low	0-10 failed
10	Require local governments to adopt an incentive rate for commercial organics collection (for the 700 largest food-generating businesses) in the region.			X	Low to Moderate (36,000)	Low to Moderate	Low to Moderate	/	Low	Moderate to High	Low	0-6 (2 abstentions) failed
11	Mandatory recovery of food waste from certain sized businesses (for the 700 largest food-generating businesses) in the region.			X	Low to Moderate (36,000)	Low to Moderate	Moderate	/	Moderate	Moderate to High	Moderate	12-0 approved
12	Residential organics collection (food waste collected with yard debris).			X	High (40,000 to 52,000)	Moderate	Moderate	**	Low	Low to Moderate	Low	12-0 approved

\*This language was later revised to include specific dollar amounts and was approved by a vote of 12-0.

## **Appendix B: Proposed Contingency Strategy Profiles**



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## Contingency Strategy Profile # 1

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### Strategy and Goals

Contingency Strategy: Require all dry waste loads from the region to be processed before landfilling.  
 Target Sector: Building industry and commercial businesses with drop box service  
 Tons Needed: 35,000 tons (C&D) and 45,000 tons (commercial)

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### Possible Program Elements

Program: Metro requires all facilities that accept mixed dry waste loads from the region to process the material before landfilling. Mixed dry waste facilities (MRFs) are facilities that accept loads of mixed dry waste (paper, wood, metal, glass) for processing. Dry waste does not include food or other putrescible waste. Mixed construction and demolition debris is accepted at mixed dry waste processing facilities that sort materials for recycling. All mixed dry waste MRFs are required to recover a minimum of 25 percent of the mixed dry waste loads they receive. Some facilities accept both source-separated and dry waste loads.

Target Generators: C&D and commercial generators.

Target Materials: Wood, metal and cardboard.

Adoption Process: Metro amends the Regional Solid Waste Management Plan and adopts an ordinance to require all facilities that accept mixed dry waste to process material before landfilling.

Potential Enforcement Measures: Metro has authority to enforce at solid waste facilities in the Metro region. Enforcement may include Metro setting a minimum recovery rate at processing facilities that accept material from the Metro region or identifying specific materials to be recovered. Warnings and fines may be issued for non-compliance.

Probable Tonnage Recovered: Projected recovery includes 53,000 to 71,000 tons based on:

- Special Waste Landfills (SPLF) at 30 percent recovery, 44,000
- Metro Transfer Stations at 20 percent recovery, 10,000 tons
- Metro Transfer Stations at 25 percent recovery, 18,000 tons
- Forest Grove Transfer at 25 percent recovery, 8,500

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### Cost of Implementation

Generators: Moderate. May cause increase in garbage rates for generators.

Processing Facilities:
 

- Low. Costs will be lower for facilities that have the ability to process dry waste loads.
- High. Costs will be higher for facilities that do not have the ability to process dry waste loads.

Haulers: Low. Haulers will be required to take dry waste loads to MRFs to be sorted instead of to transfer stations or directly to the landfill. Costs may be higher for haulers who currently take loads to Hillsboro or Lakeside because they will have to pay a higher tip fee at a MRF.

Local Governments: Low. No action required on the part of local governments.

Metro: Low. Metro currently has two inspectors who monitor facilities.

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## Feasibility of Implementation

Moderate. This strategy will require only a minimal number of facilities in the region to change operations.

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## Potential Barriers

- May discourage commercial drop box customers from source separating materials on-site. Source-separated materials are taken to clean MRFs, where more than 95 percent of loads are recovered for recycling.
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## Contingency Strategy Profile # 2

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### Strategy and Goals

Contingency Strategy: Require all C&D loads to be processed before landfilling.  
 Target Sector: Building industry (construction and demolition debris)  
 Tons Needed: 35,000 tons

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### Possible Program Elements

Program: Metro requires all mixed dry waste facilities that accept C&D loads from the region to process the material before landfilling. Mixed dry waste facilities (MRFs) are facilities that accept loads of mixed dry waste (paper, wood, metal, glass) for processing. Dry waste does not include food or other putrescible waste. Mixed construction and demolition debris is accepted at mixed dry waste processing facilities that sort materials for recycling. All mixed dry waste MRFs are required to recover a minimum of 25 percent of the mixed dry waste loads they receive. Some facilities accept both source-separated and dry waste loads.

Target Generators: C&D generators.

Target Materials: Wood, metal, brick, roofing, and cardboard.

Adoption Process: Metro amends the Regional Solid Waste Management Plan and adopts an ordinance to require all facilities that accept C&D loads to process material before land filling.

Potential Enforcement Measures: Metro has authority to enforce at facilities. Enforcement may include setting a minimum recovery rate or identifying specific materials to be recovered. Warnings and fines may be issued for non-compliance.

Probable Tonnage Recovered: Projected recovery includes 38,000 to 46,000 tons based on:

- Special Waste Landfills (SPLF) at 35 percent recovery, 31,000
- Metro Transfer Stations at 30 percent recovery, 8,000 tons
- Metro Transfer Stations at 35 percent recovery, 10,000 tons
- Forest Grove Transfer at 35 percent recovery, 5,000

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### Cost of Implementation

- Generators: Low to moderate. Additional costs will depend on whether a generator initiates a source separation program.
- Processing Facilities:
  - Low. Costs will be lower for facilities that have the ability to process C&D loads.
  - High. Costs will be higher for facilities that do not have the ability to process C&D waste loads.
- Haulers: Low. Haulers will be required to take C&D loads to MRFs to be sorted instead of to the transfer stations or directly to the landfill.
- Local Governments: Low. No action required on the part of local governments.
- Metro: Low. Metro currently has two inspectors who monitor facilities.
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### Feasibility of Implementation

High. Metro is currently taking steps to require all C&D loads be processed at MRFs before being sent to the landfill.

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## Contingency Strategy Profile # 3

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### Strategy and Goals

- Contingency Strategy: Disposal ban on C&D materials including wood, cardboard and metal at all MSW facilities that take Metro region waste.
- Target Sector: Building industry (construction and demolition debris)
- Tons Needed: 35,000 tons
- 

### Possible Program Elements

- Program: Metro bans C&D loads of wood, metal and cardboard from landfill disposal.
- Target Generators: Commercial generators.
- Target Materials: Wood, metal and cardboard.
- Adoption Process: Metro amends the Regional Solid Waste Management Plan and adopts an ordinance to ban C&D loads of wood, metal and cardboard from landfill disposal.
- Potential Enforcement Measures: Metro has authority to enforce at solid waste facilities in the Metro region. Enforcement may include setting a minimum recovery rate or identifying specific materials to be recovered. Warnings and fines may be issued for non-compliance.
- Probable Tonnage Recovered: Projected recovery includes 31,000 to 37,000 tons based on:
  - Special Waste Landfills (SPLF) at 35 percent recovery, 25,000
  - Metro Transfer Stations at 30 percent recovery, 6,000 tons
  - Metro Transfer Stations at 35 percent recovery, 8,000 tons
  - Forest Grove Transfer at 35 percent recovery, 4,000

\*Assumes wood, metal, cardboard are 80 percent of materials targeted in C&D.

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### Cost of Implementation

Generators:	Moderate. Generators may have to initiate source separation programs.
Processing Facilities:	Undetermined. Costs based on the facilities' ability to recover recyclables.
Haulers:	Moderate. Haulers may have to provide increased recycling services.
Local Governments:	Low. Will require some action on the part of local governments if enforcement is targeted at the generator level.
Metro:	Low. Metro currently has two inspectors that monitor facilities.

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### Feasibility of Implementation

Moderate. Requires action only by Metro.

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## Contingency Strategy Profile # 4

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### Strategy and Goals

Contingency Strategy:	Disposal ban on key commercial materials at all mixed solid waste facilities that take waste from the Metro region (cardboard, mixed paper, mixed containers).
Target Sector:	Commercial
Tons Needed:	97,000 tons

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### Possible Program Elements

Program:	Metro bans cardboard, mixed paper and mixed containers from landfill disposal.
Target Generators:	Commercial generators.
Target Materials:	Cardboard, mixed paper, and mixed containers (glass, plastic bottles, aluminum cans).
Adoption Process:	Metro amends the Regional Solid Waste Management Plan and adopts an ordinance to ban the landfill disposal of cardboard, mixed paper, mixed containers (glass, plastic bottles, aluminum cans).
Potential Enforcement Measures:	<p>Metro has authority to enforce at solid waste facilities. Warnings and fines may be issued for non-compliance. Enforcement may include:</p> <ul style="list-style-type: none"> <li>▪ Random business inspections by local governments</li> <li>▪ Transfer station load observations by Metro staff</li> <li>▪ Increased tipping fee penalty on haulers</li> </ul>

Probable Tonnage Recovered: Projected recovery includes 88,000 tons based on:

- Cardboard, 19,000 tons
- Scrap paper, 49,000 tons
- Containers, 20,000 tons

Projected tonnage assumes 90 percent recovery for cardboard, 85 percent for scrap paper, 70 percent for containers. *\*Disposal bans on same materials for residents would divert additional 26,000 tons.*

### Cost of Implementation

Generators: Low to moderate. Generators will have to set up source-separated programs. Costs based on garbage collection service and ability to increase recycling.

Processing Facilities: Undetermined. Costs based on a facility's ability to recover recyclables.

Haulers: Moderate. Haulers may have to provide increased recycling service to businesses.

Local Governments: Moderate. May require some action on the part of local governments if enforcement is targeted at the generator level.

Metro: Low. Metro currently has two inspectors who monitor facilities.

### Feasibility of Implementation

Moderate. Metro region has Commercial Technical Assistance Program staff to support enforcement through education at the generator level. It will be important to establish regional standards before the implementation of a disposal ban, so all businesses have access to a basic recycling service level.

## Contingency Strategy Profile # 5

### Strategy and Goals

Contingency Strategy: Mandatory business recycling requirements adopted by local jurisdictions.

Target Sector: Commercial

Tons Needed: 97,000 tons

### Possible Program Elements

Program: Local jurisdictions adopt ordinances to require commercial generators to source separate materials (requirements may include minimum diversion requirement or recycling of specific materials).

Target Generators: Commercial generators.

Target Materials: Cardboard, mixed paper and mixed containers (glass, plastic bottles, aluminum cans).

Adoption Process: Each jurisdiction in the Metro region adopts a mandatory recycling ordinance.

Potential Enforcement Measures: Warnings and fines may be issued for non-compliance. Enforcement may include:

- Random business inspections by local governments

Probable Tonnage Recovered:	Projected recovery includes 28,000 to 73,000 tons based on:
	<ul style="list-style-type: none"> <li>▪ 28,000 tons at 56 percent recovery</li> <li>▪ 73,000 tons at 60 percent recovery</li> </ul>

### **Cost of Implementation**

Generators:	Moderate. Generators will have to set up source-separated programs. Costs based on garbage collection service and ability to increase recycling.
Processing Facilities:	Undetermined. Based on a facility's ability to recover recyclables.
Haulers:	Moderate. Haulers may have to provide increased recycling service to businesses.
Local Governments:	Moderate. Local governments may need to hire enforcement staff in each jurisdiction.
Metro:	Low. No action required by Metro.

### **Feasibility of Implementation**

Low. Each solid waste jurisdiction in the Metro region must adopt program. Currently, the City of Portland is the only jurisdiction with a mandatory recycling program. Portland requires businesses to source separate recyclable materials from mixed waste and set out for recycling a minimum of 50 percent of their waste.

## **Contingency Strategy Profile # 6**

### **Strategy and Goals**

Contingency Strategy:	Improve opportunity model by setting regional recycling service standards.
Target Sector:	Commercial
Tons Needed:	97,000 tons

### **Possible Program Elements**

Program:	Local jurisdictions adopt commercial collection service standards that are consistent across the Metro region (Multnomah, Clackamas and Washington counties) such as: <ul style="list-style-type: none"> <li>▪ Type and number of recyclables collected.</li> <li>▪ Require commingling be offered to generators.</li> <li>▪ Require all commercial garbage service, including loose and compacting drop boxes, be coupled with a source separated recycling collection provision.</li> <li>▪ Define a basic recycling service for all businesses, which might include all household recyclables, yard trimmings, film plastic and wood pallets.</li> <li>▪ Require all garbage service rates in franchised areas and price quotes in non-franchised areas to include the basic recycling service level.</li> <li>▪ Require semi-annual reports by haulers on the names and addresses of new customers and of customers for whom they do not provide recycling collection for household recyclables.</li> </ul>
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Target Generators:	Commercial generators.
Target Materials:	Cardboard, mixed paper, mixed containers (glass, plastic bottles, steel, aluminum cans), yard trimmings and film plastic, wood pallets.
Adoption Process:	Each jurisdiction revises administrative rules or franchises to be consistent across the region.
Potential Enforcement Measures:	Metro takes action against local governments that refuse to adopt the standards.
Probable Tonnage Recovered:	Moderate. Projected recovery includes 28,000 tons based: <ul style="list-style-type: none"> <li>16,000 tons of paper at 75 percent recovery rate</li> <li>12,000 tons of mixed containers at 50 percent recovery rate</li> </ul>

### Cost of Implementation

Generators:	Low. Participation by generators is voluntary. Costs will be based on selected garbage service and ability to increase recycling.
Processing Facilities:	Not applicable.
Haulers:	Moderate. Haulers may have to provide increased recycling service to businesses.
Local Governments:	Low. Some local governments may have to adopt new administrative rules.
Metro:	Low. No action required by Metro.

### Feasibility of Implementation

Low. It may be challenging to get local governments to come to consensus on regional standards and independently adopt and implement the standards.

## Contingency Strategy Profile # 7

### Strategy and Goals

Contingency Strategy:	Incentives to haulers for increasing recycling tonnage or number of customers recycling.
Target Sector:	Commercial
Tons Needed:	97,000 tons

### Possible Program Elements

Program:	Metro pays a per ton bounty on specified recyclables or local governments reduce franchise fee for haulers that meet minimum recovery rates.
Target Generators:	Commercial generators.
Target Materials:	Cardboard, mixed paper, mixed containers (glass, plastic bottles, steel, aluminum cans).
Adoption Process:	Metro responsible for administration of bounty incentive. Local governments would administer franchise fee reduction.
Potential Enforcement Measures:	Not applicable.



Probable Tonnage Recovered: Moderate to high.

### **Cost of Implementation**

Generators: Low to moderate. Voluntary participation by generators. Costs based on selected garbage service and ability to increase recycling.

Processing Facilities: Not applicable.

Haulers: Low. Haulers will have monetary incentive to increase recycling services.

Local Governments: Low. The cost will be low unless local governments are involved in the reimbursement to haulers.

Metro: High. The cost may be high if Metro administers and funds the bounty.

### **Feasibility of Implementation**

Low. The feasibility is low due to the program's complexity and the infrastructure needed to track recovery.

## **Contingency Strategy Profile # 8**

### **Strategy and Goals**

Contingency Strategy: Raise regional system fee in the region by \$1 per ton resulting, in \$1.2 million revenue—50 percent of revenue dedicated to outreach campaigns and 50 percent dedicated to expanding the Commercial Technical Assistance Program (CTAP) program.

Target Sector: Commercial

Tons Needed: 97,000 tons

### **Possible Program Elements**

Program: Metro raises the regional system fee by \$1 per ton to fund outreach campaigns and expand the CTAP program.

Target Generators: Commercial generators.

Target Materials: Cardboard, mixed paper, mixed containers (glass, plastic bottles, steel, aluminum cans).

Adoption Process: Metro adopts ordinance to amend regional system fee. This rate would be effective no sooner than 90 days after adoption.

Potential Enforcement Measures: Not applicable.

Probable Tonnage Recovered: Moderate.

### **Cost of Implementation**

Generators: Low. There may be a minimal increase in garbage rates.

Processing Facilities:	Not applicable.
Haulers:	Low. City of Portland haulers may have difficulty passing cost off to generator due to their competitive system.
Local Governments:	Low. Revise rates.
Metro:	Low. Requires Metro to revise rates.

### Feasibility of Implementation

Moderate. Rate increase would have to be adopted into Metro's budget as a new expenditure, approved by the rate review committee and adopted by Metro Council.

## Contingency Strategy Profile # 9

### Strategy and Goals

Contingency Strategy:	Set garbage collection rates higher so there is a greater economic incentive to businesses to adopt lower garbage service levels and increase recycling.
Target Sector:	Commercial
Tons Needed:	97,000 tons

### Possible Program Elements

Program:	Local governments with franchises increase garbage collection rates.
Target Generators:	Commercial generators.
Target Materials:	Cardboard, mixed paper, mixed containers (glass, plastic bottles, steel, aluminum cans).
Adoption Process:	Local governments revise garbage collection rates.
Potential Enforcement Measures:	Not applicable.
Probable Tonnage Recovered:	Moderate.

### Cost of Implementation

Generators:	Low to moderate. Costs based on selected garbage service and ability to increase recycling.
Processing Facilities:	Not applicable.
Haulers:	Low. Haulers will receive additional money as a result of the increased rates.
Local Governments:	Low. Local governments will have to administer the new rates.
Metro:	Low. Requires Metro to direct local government to increase rates.

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### Feasibility of Implementation

Low. Businesses may object to higher garbage rates.

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## Contingency Strategy Profile # 10

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### Strategy and Goals

Contingency Strategy: Require local governments to adopt incentive rate for commercial organics collection (700 largest food-generating businesses) in the region.

Target Sector: Organics

Tons Needed: 45,000 tons

---

### Possible Program Elements

Program: Local jurisdictions with franchises adopt a lower-than-cost-of-service rate for organics collection.

Target Generators: Commercial organics generators.

Target Materials: Food waste, non-recyclable paper.

Adoption Process: Local governments perform cost of service study and adopt incentive rate.

Potential Enforcement Measures: Not applicable.

Probable Tonnage Recovered: Moderate. Projected recovery includes 36,000 tons.

---

### Cost of Implementation

Generators:
 

- Low. Costs will be lower for organics generators.
- High. Costs will be higher for other businesses that will subsidize organics collection.

Processing Facilities: Not applicable.

Haulers: Low.

Local Governments: Moderate to high. Costs based on local governments' cost to establish subsidized rates.

Metro: Low. Requires no action by Metro.

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### Feasibility of Implementation

Low to moderate. Businesses may object to paying subsidized rates.

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## Contingency Strategy Profile # 11

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### Strategy and Goals

Contingency Strategy: Mandatory recovery of food waste from certain sized businesses (700 largest food-generating businesses) in the region.  
 Target Sector: Organics  
 Tons Needed: 45,000 tons

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### Possible Program Elements

Program: Local jurisdictions adopt ordinances to require commercial generators to source-separate food waste for recovery.

Target Generators: Commercial organics generators.

Target Materials: Food waste, non-recyclable paper.

Adoption Process: Each jurisdiction in the Metro region adopts a mandatory recycling ordinance.

Potential Enforcement Measures: Warnings and fines may be issued for non-compliance. Enforcement may include:

- Random business inspections by local governments

Probable Tonnage Recovered: Projected recovery includes 36,000 tons.

---

### Cost of Implementation

Generators: Moderate. Generators will have to set up a source-separated program for organics.

Processing Facilities: Not applicable.

Haulers: Moderate. Costs may be higher if haulers supply collection containers.

Local Governments: Moderate to high. Costs based on the level of enforcement and if local governments provide collection containers.

Metro: Moderate. Costs will be moderate if Metro provides collection containers.

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### Feasibility of Implementation

Low to moderate. Feasibility will be based on the results of the City of Portland's organics program.

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## Contingency Strategy Profile # 12

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### Strategy and Goals

Contingency Strategy: Residential organics collection (food waste collected with yard debris).  
 Target Sector: Organics  
 Tons Needed: 45,000 tons

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### Possible Program Elements

Program: Local governments require haulers to offer organics/yard debris collection service to households.

Target Generators: Residential generators.

Target Materials: Food waste, non-recyclable paper.

Adoption Process: Each jurisdiction adopts administrative rules or revises franchises to include organics collection service.

Potential Enforcement Measures: Metro takes action against local governments that refuse to adopt service.

Probable Tonnage Recovered: Projected recovery includes 40,000 to 52,000 tons based on:

- 40,000 tons at 50 percent recovery
- 52,000 tons at 65 percent recovery

---

### Cost of Implementation

Generators: Moderate. Rates may go up to cover increased services.

Processing Facilities: Yard debris processors that receive material from the region will see a drastic decrease in their flow of material, because they are not currently able to accept food waste nor are they likely to get the appropriate permits.

Haulers: Low. Cost of service will be covered in the new collection rate.

Local Governments: Low to moderate. Costs will increase if local governments subsidize collection containers.

Metro: Low to moderate. Costs will be based on whether Metro provides containers.

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### Feasibility of Implementation

Low to moderate. Metro and local governments may recommend that residential organics collection be contingent on the results of the commercial organics collection program.

## **Appendix C: Proposed Contingency Strategies Enforcement Implementation Overview**

## RSWMP Proposed Contingency Strategies # 1-5 Enforcement Implementation Overview

As a starting point to better understand the range of enforcement issues that will be associated with the Regional Solid Waste Management Plan (RSWMP) Proposed Contingency Strategies, the following questions should be asked:

<b>What is the violation?</b>	Performance based or specific standards?
<b>Who is the violator?</b>	Multiple violators?
<b>What is the remedy?</b> (How do you compel the violation to be corrected?)	Fines, mandatory technical assistance, specific operational changes, performance based (increase required recovery rate)?
<b>Who is the regulator?</b>	Metro? Local governments?

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### Contingency Strategy # 1

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#### Strategy and Goals

Contingency Strategy:	Require all dry waste loads from the region to be processed before landfilling- "mandatory MRFing of all dry waste."
Target Sector:	Building industry and commercial businesses with drop box service
Tons Needed:	35,000 tons (C&D) and 97,000 tons (commercial)
Probable Tonnage Diverted:	Moderate to High (53,000 to 64,000 tons)

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#### Enforcement Implementation Issues

1) *Metro licensed or franchised facilities in the region.*

- A mandatory recovery requirement is already in place for these facilities.

There are eight<sup>1</sup> facilities in the Metro region that conduct general material recovery on dry waste, and five other facilities that conduct more specialized or limited recovery. All of these facilities are licensed or franchised by Metro and are required to perform recovery on dry waste at a minimum rate of 25 percent.

2) *Designated Facilities (landfills outside the region that have Designated Facility Agreements (DFA) with Metro to accept Metro region waste).*

- The mandatory recovery requirement would need to be inserted into each DFA. The requirement would likely state that the landfill must either:
  - a) Conduct material recovery, at a specified rate, on all dry waste from the Metro region at the landfill, or
  - b) Accept only dry waste from the region that comes from a facility that conducts material recovery.

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<sup>1</sup> PLC III is currently in the process of obtaining a Metro license to operate as a MRF.



## Inspection and compliance

For a Designated Facility that elects to conduct material recovery on-site, the following would need to be addressed:

- Record keeping and reporting requirements: Keeping track of incoming dry waste from the Metro region, recovered materials and landfilled materials.
- Required recovery rate: Would there be a required recovery rate even if loads came from C&D sites that source-separate? What will be the required recovery rate?
- Additional inspections will be required. Should Metro inspect all Designated Facilities or just the ones closest to the Metro region that receive the majority of its waste?
- Enforcement: If a Designated Facility were found to be in violation of the new policy, then enforcement action against the DFA would likely result in a warning or a fine. However, Metro can regulate the facility only to the extent that they agree to be regulated, since a DFA is *voluntary*.

There are seven landfills outside the region that are designated facilities of the system to accept dry waste.

- ✓ Two are limited-purpose landfills (dry waste only): 1) Lakeside Landfill, and 2) Hillsboro Landfill.
- ✓ Five are general-purpose landfills (wet & dry waste): 1) Columbia Ridge Landfill, 2) Wasco County Landfill, 3) Coffin Butte Landfill, 4) Roosevelt Landfill, and 5) Finley Buttes Landfill.

Each landfill with a DFA would need to agree with the terms, or risk a revocation of its Metro DFA. In this case, Metro would require any hauler using the landfill to obtain a Non-System License (NSL). Refer to the NSL discussion below.

3) *Non-System Licenses (NSLs) and non-DFA landfills. If landfills outside the region have no DFA with Metro, then the haulers must obtain a Metro Non-System License in order to use the facility.*

- NSLs would stipulate that the hauler can only deliver dry waste to the landfill that has come from a facility that conducted material recovery.

## Inspection and compliance issues

- Additional compliance inspections: Metro would need to intercept and question both NSL and non-NSL haulers to ensure compliance. This approach is difficult and resource intensive, as Metro would need to follow haulers to a landfill if they are suspected of hauling waste from the region. In addition, it is difficult to distinguish dry mixed loads from source-separated commingled loads.
- Enforcement: Enforcement action against a hauler would likely result in warnings or a fine.

There are two nearby landfills without a DFA with Metro for dry waste. Currently, two in-region facilities that do conduct material recovery have NSLs to deliver dry waste to one of these landfills (Riverbend Landfill). However, the other landfill (Weyerhouser Landfill) is not cooperative with Metro on flow control.

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## Contingency Strategy # 2

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### Strategy and Goals

Contingency Strategy: Require all C&D loads to be processed before landfilling.  
Target Sector: Building industry (construction and demolition debris)  
Tons Needed: 35,000 tons  
Probable Tonnage Diverted: Low to Moderate (38,000 to 41,000 tons)

---

### Enforcement Implementation Issues

Refer to Strategy #1, with the following additional concerns specific to C&D loads:

- Need to establish operationally unambiguous definition of what constitutes a “C&D” load.
  - Would Metro impose a different recovery rate on C&D loads? If so, how would a facility keep track of two required recovery rates from separate waste streams (dry waste and C&D)?
- 

## Contingency Strategy # 3 and # 4

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### Strategy and Goals

Contingency Strategy # 3: Disposal ban on C&D materials including wood, cardboard and metal at all MSW facilities that take Metro region waste.  
Target Sector: Building industry (C&D)  
Tons Needed: 35,000 tons  
Probable Tonnage Diverted: Low to Moderate (31,000 to 33,000 tons)

Contingency Strategy # 4: Disposal ban on key commercial materials (cardboard, mixed paper and mixed containers).  
Target Sector: Commercial  
Tons Needed: 97,000 tons  
Probable Tonnage Diverted: High (88,000 tons)

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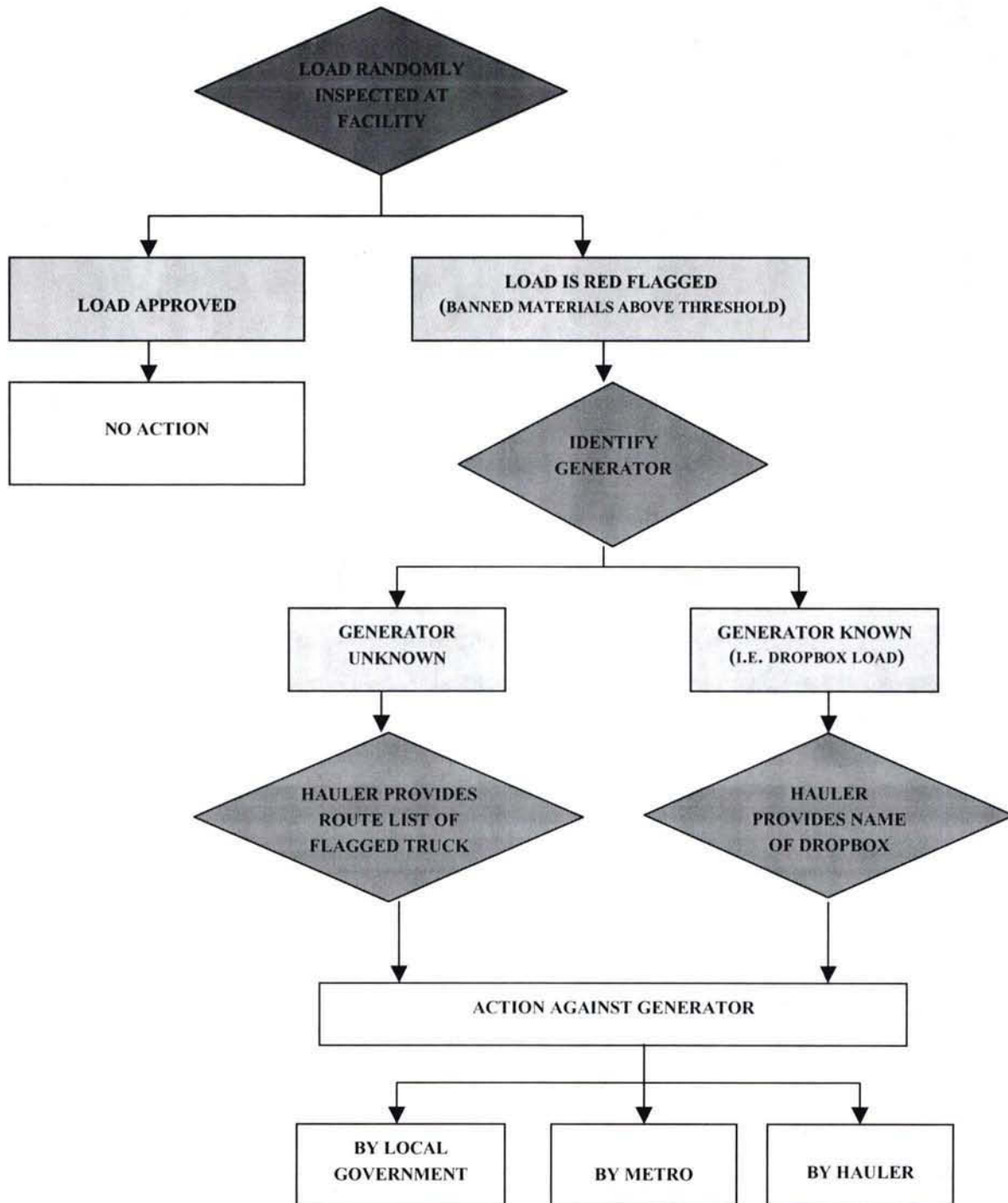
### Enforcement Implementation Issues

The following is an overview of potential disposal ban enforcement measures targeting the generator, hauler and facility.

**Enforce at generator level:** Banned materials set out by a generator for disposal. See Figure 1.

- Generators could be identified by inspecting hauler loads arriving at a facility and locating items in the load that can be tracked back to the generator. In addition, the hauler can be questioned about the origin of the load and to provide a route list.
- There will be a need to have additional inspectors to effectively monitor hauler loads being delivered to multiple facilities.
- Provided that the generator is identified, haulers, local governments, and/or Metro could be responsible for providing technical assistance or issuing citations to the generator.

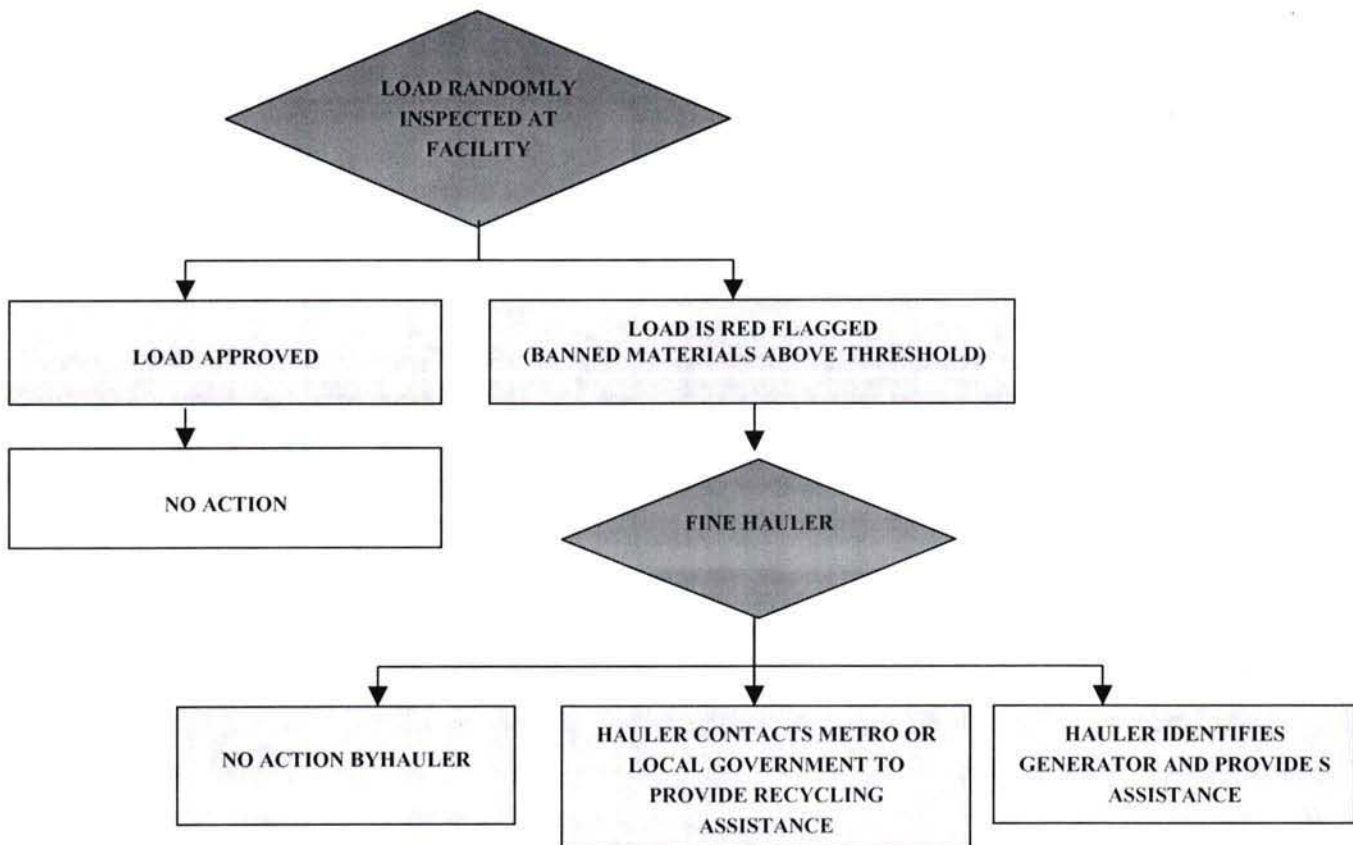
**FIGURE 1. Disposal Ban: Potential Enforcement at the Generator Level**



**Enforce at the hauler level:** Banned materials found in a hauler load. See Figure 2.

- Hauler loads, destined for disposal, could be inspected by Metro at the receiving facilities.
- If the load contained banned materials Metro could issue the hauler a warning or a fine.
- The hauler is then responsible for ensuring that its customers are aware of the ban.
- The hauler could request assistance from the local government to provide the generator with information.

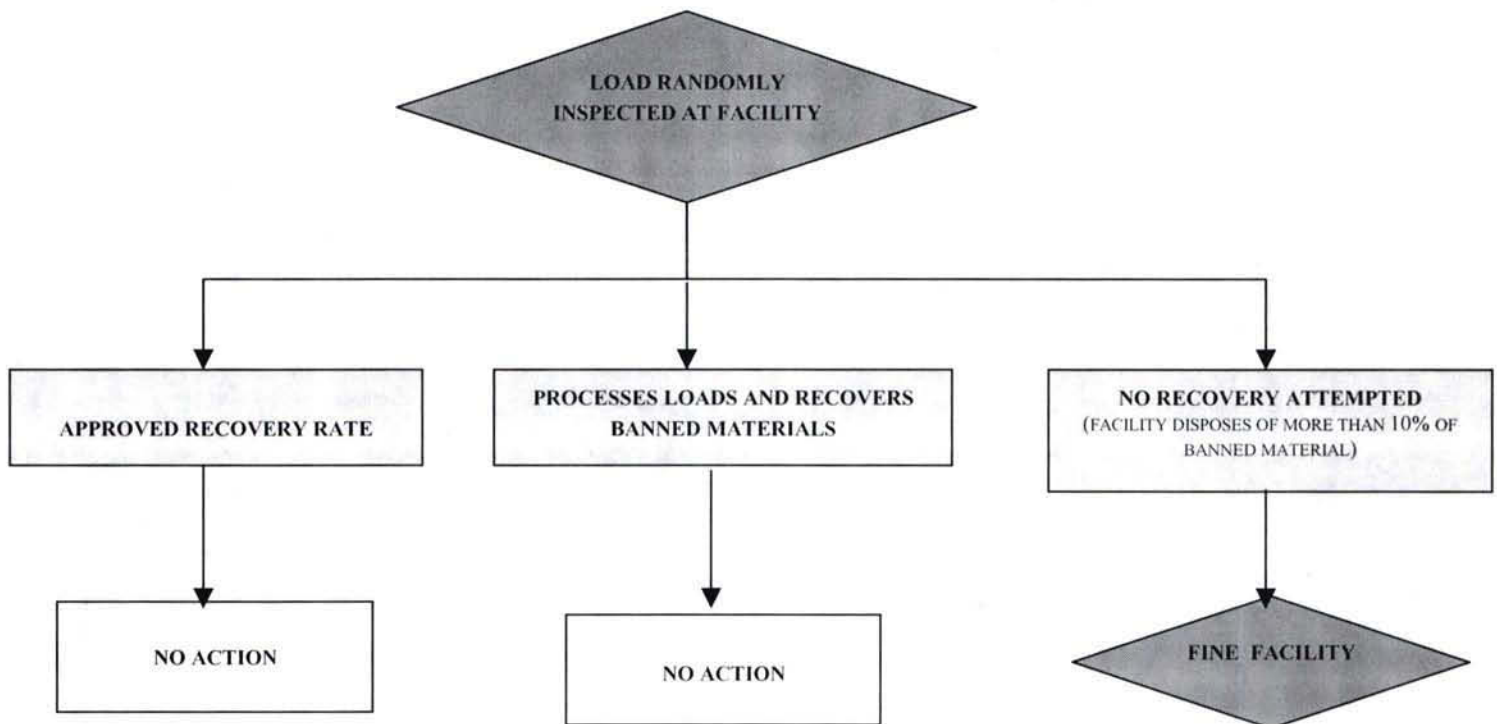
**FIGURE 2. Disposal Ban: Potential Enforcement at the Hauler Level**



**Enforce at the facility level:** Banned materials at a facility destined for landfill or at a landfill. See Figure 3.

- Facilities would be required to actively monitor and screen haulers to ensure compliance with the ban.
- If banned materials are delivered, the facility must demonstrate that it conducts effective load checks and removes the banned materials from the load. The facility would decide what action to take against a hauler that delivers banned materials.
- A facility may be issued a warning or a citation if a Metro inspector finds banned materials in the outgoing loads or in processing residual.

**FIGURE 3. Disposal Ban: Potential Enforcement at the Facility Level**



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## Contingency Strategy # 5

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### Strategy and Goals

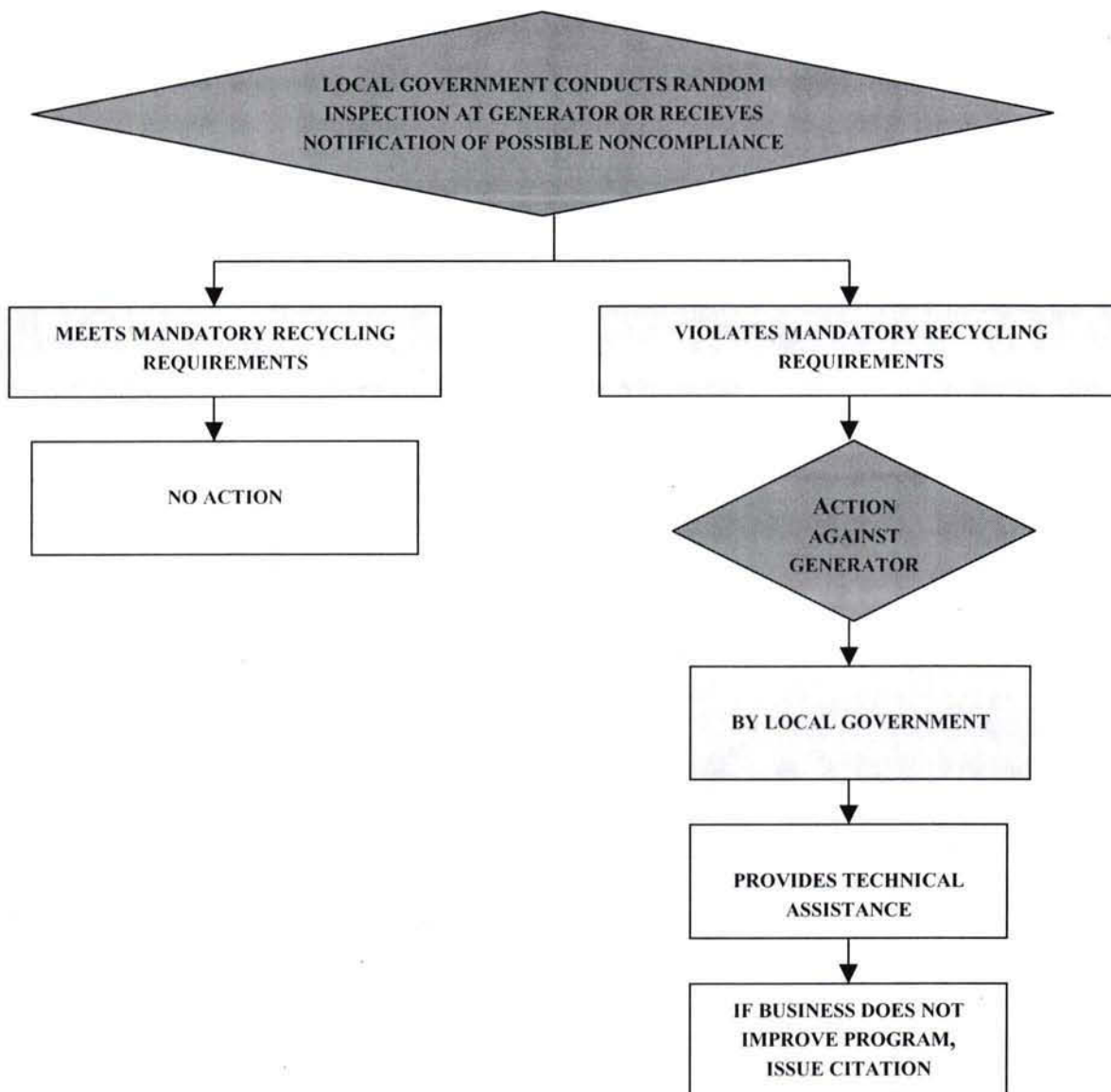
Contingency Strategy # 5: Mandatory business recycling requirements adopted by local jurisdictions.  
Target Sector: Commercial  
Tons Needed: 97,000 tons  
Probable Tonnage Diverted: Low to High (28,000 to 73,000 tons)

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### Enforcement Implementation Issues

Generator requirements may include a minimum diversion requirement or recycling of specific materials. Enforcement would be focused at the generator level and be the responsibility of local governments. The program may follow the Portland enforcement framework as illustrated in Figure 4.

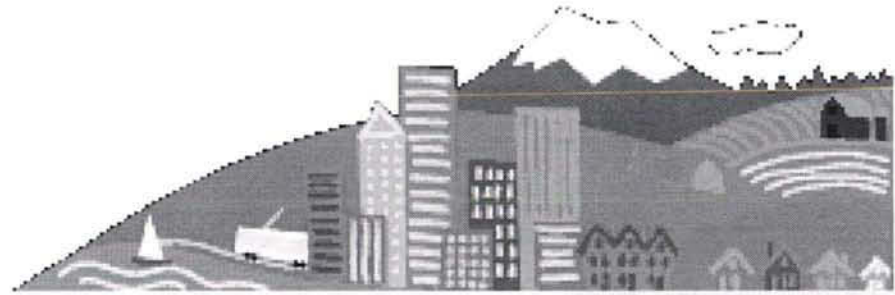
**FIGURE 4. Mandatory Recycling Requirement: Enforcement Against the Generator**







**people places open spaces**



# **Regional Solid Waste Management Plan Contingency Plan Work Group**

**Tuesday, December 16, 2003  
Metro Council Work Session  
Council Chambers, Metro Regional Center**

121603c-06



# Contingency Plan Work Group

- Background
- Work group charge
- Recommendations
- Next steps

# Contingency Plan Work Group

- Spring 2003 RSWMP amended
- Stakeholder work group to develop a recommended contingency plan

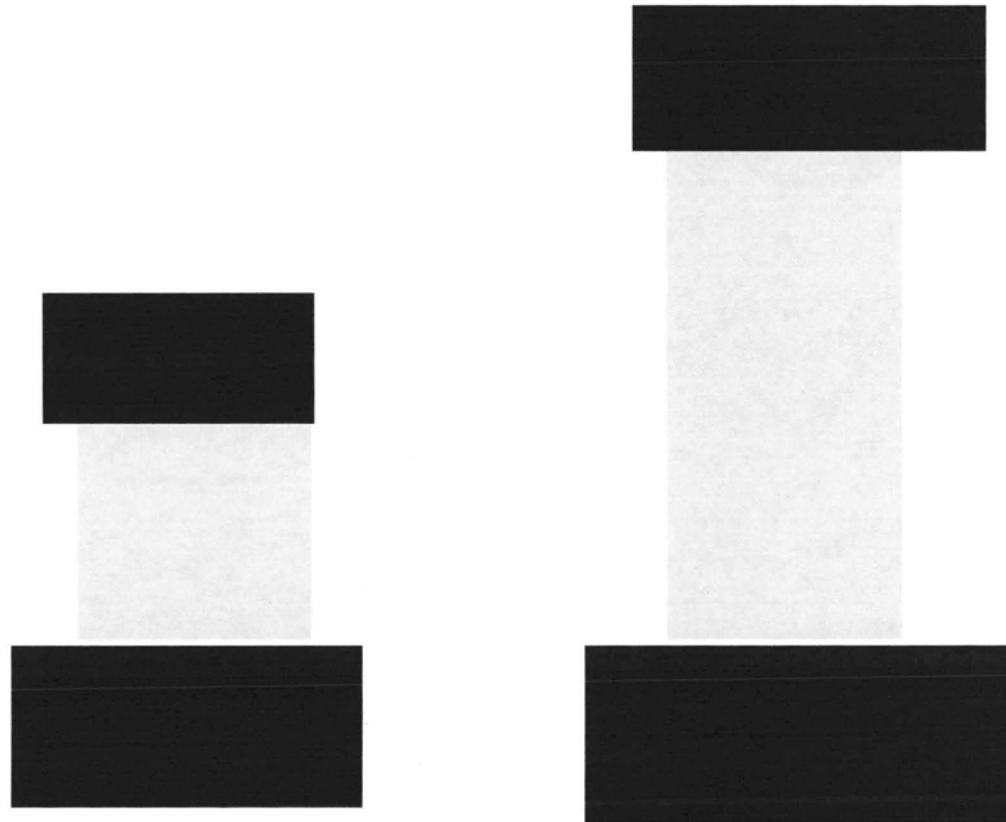
# Work Group Charge

1. Identify required recycling and other methods to increase recovery in C&D, commercial and organics;
2. Consider whether identified methods are best implemented through actions of local governments, Metro or the State of Oregon;
3. Determine if methods are legally and financially feasible; and
4. Recommend a contingency plan to Metro Council and SWAC by January 1, 2004.

# Work Group Composition

- 4 businesses
- 3 recyclers
- 3 local governments
- 2 citizen/public interest
- 1 non-voting facilitator

# Progress Toward Regional Recovery Goal



# Contingency Plan Work Group

- Work group was convened August to December 2003
- Evaluated strategies by sector

# Proposed Contingency Strategies



Proposed Contingency Strategies

#	Contingency Strategy	C&D Commercial Organics		Possible Program Elements	Potential Enforcement Measures	Cost of Implementation					Feasibility of Implementation	Probable Tonnage Diverted
						Generators	Processing Facilities	Haulers	Local Governments	Metro		
1	Require all dry waste from the region to be processed before landfilling	X	X	Metro requires all facilities that accept dry waste loads* from the region to process material before landfilling	Metro sets minimum recovery rate at MRFs. Metro identifies specific materials to be recovered (i.e. wood, metal, cardboard) at MRFs	Moderate	Low to High (depending on current ability to process dry waste loads)	Low	Low	Low	Moderate	Moderate to High (53,000-71,000)
2	Require all C&D loads be processed before landfilling	X		Metro requires all facilities that accept C&D loads from the region process material before landfilling	Metro sets minimum recovery rate at MRFs. Metro identifies specific materials to be recovered (i.e. wood, Metal, cardboard) at MRFs	Moderate	Low to High (depending on current ability to process C&D loads)	Low	Low	Low	High	Low to Moderate (39,000 to 48,000)
3	Disposal ban on C&D materials including wood, cardboard and metal at all MSW facilities that take Metro region waste	X		Metro bans specific items from landfill disposal	Random business inspections by local governments Transfer station load observations by Metro staff Increased tipping fee penalty on haulers	Moderate	Undetermined (based on current ability to recover recyclables)	Moderate	Low	Low	Moderate	Low to Moderate (31,000 to 37,000)
4	Disposal ban on key commercial materials at all MSW facilities that take waste from the Metro region (cardboard, mixed paper, mixed containers)	X		Metro bans specific items	Random business inspections by		Undetermined (based on current ability to recover recyclables)	Moderate	Moderate	Low	Moderate	High (88,000)
5	Mandatory business recycling requirements adopted by local jurisdictions	X		Local jurisdictions adopt commercial generators to materials (requirements for diversion requirement or materials)			/	Moderate	Moderate	Low	Low	Low to High (29,000-73,000)
6	Improve opportunity model by setting regional recycling service standards	X		Local jurisdictions adopt collection service standards that are consistent across the region (i.e. # and type of materials for which recycling is offered)	Metro takes action against local governments that refuse to adopt service	Low	/	Moderate	Low	Low	Low	Low (26,000)
7	Incentives to haulers for increasing recycling tonnage or number of customers recycling	X		Metro pays a per ton bounty on identified recyclables or local governments reduce franchise fee for haulers that meeting minimum recovery rates	/	Low	/	Low	Low	High	Low	Moderate to High
8	Raise regional system fee in the region by \$1 per ton, resulting in \$1.2 million revenue—50 percent of revenue dedicated to outreach campaigns and 50 percent dedicated to expanding the increase Commercial Technical Assistance Program (CTAP) program	X		Metro raises the regional system fee by \$1 per ton	/	Low	/	Low	Low	Low	Moderate	Moderate
9	Set garbage collection rates higher so there is a greater economic incentive to the business to go to lower garbage service levels and increase recycling	X		Local governments with franchises increase garbage collection rates	/	Moderate	/	Low	Low	Low	Low	Moderate
10	Require local governments to adopt an incentive rate for commercial organics collection (700 largest food generating businesses) in the region		X	Local jurisdictions with franchises adopt a lower than cost of service rate for organics collection	/	Low to Moderate	/	Low	Moderate to High	Low	Low to Moderate	Low to Moderate (38,000)
11	Mandatory recovery of food waste from certain sized businesses (700 largest food generating businesses) in the region		X	Local jurisdictions adopt ordinances to require commercial generators to source-separate food waste for recovery	Random business inspections by local governments	Moderate	/	Moderate	Moderate to High	Moderate	Low to Moderate	Low to Moderate (38,000)
12	Residential organics collection (food waste collected with yard debris)		X	Local governments require haulers to offer organics/yard debris collection service to households	Metro takes action against local governments that refuse to adopt service	Moderate	**	Low	Low to Moderate	Low	Moderate	High (40,000 to 52,000)



# Recommended Contingency Strategies

**Strategy #1:** Mandatory processing of C&D loads.

- Beginning July 1, 2004.
- Metro facilities held to this standard.

# Recommended Contingency Strategies

**Strategy #2:** Mandatory business recycling of specific materials with expanded recycling assistance and outreach program funding.

- Increased funding beginning July 1, 2004.
- Jurisdictions must meet certain conditions to receive additional funding after January 2005.

# Recommended Contingency Strategies

**Strategy #3:** Mandatory processing of dry waste loads.

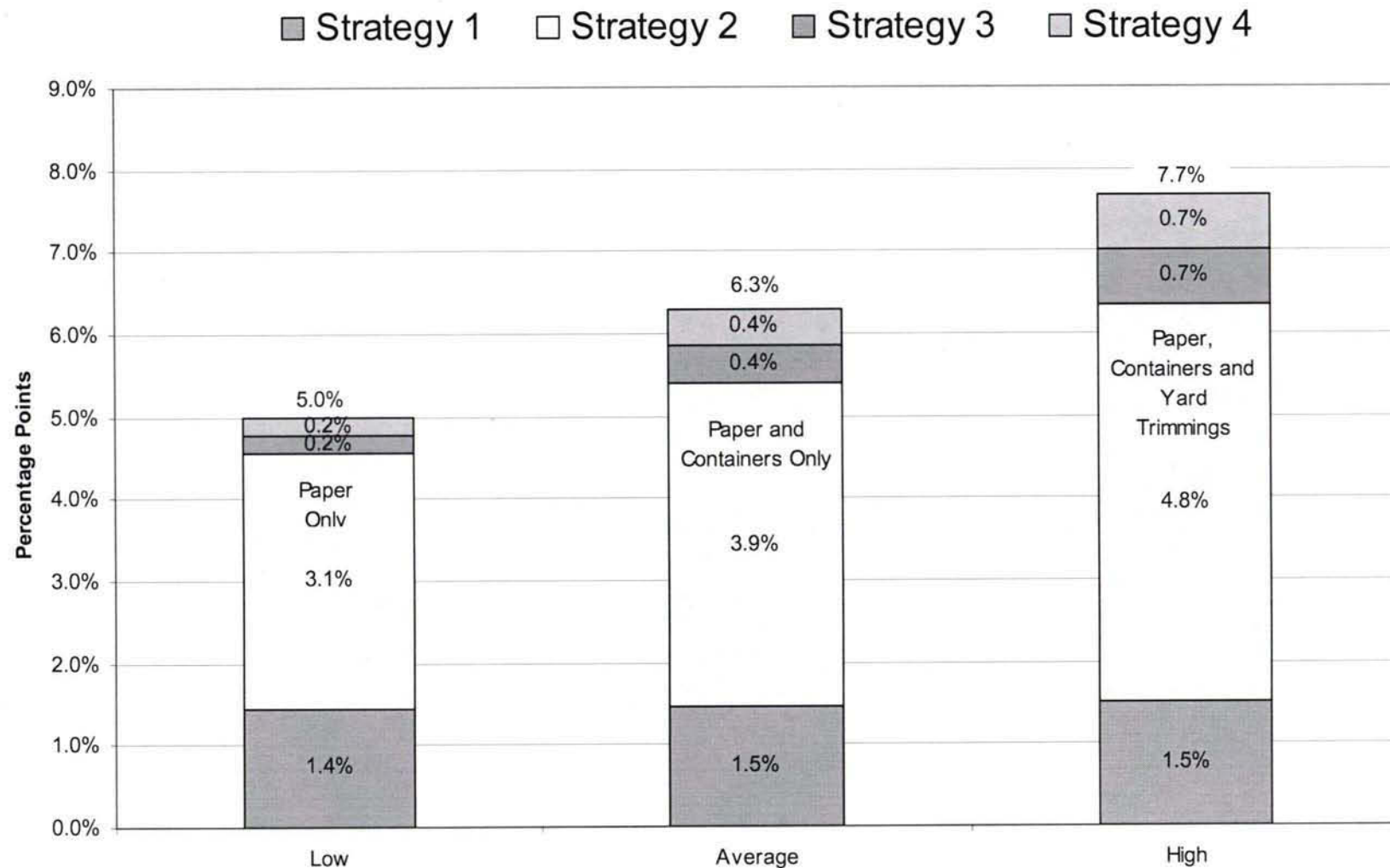
- Following implementation and evaluation of Contingency Strategy #2.

# Recommended Contingency Strategies

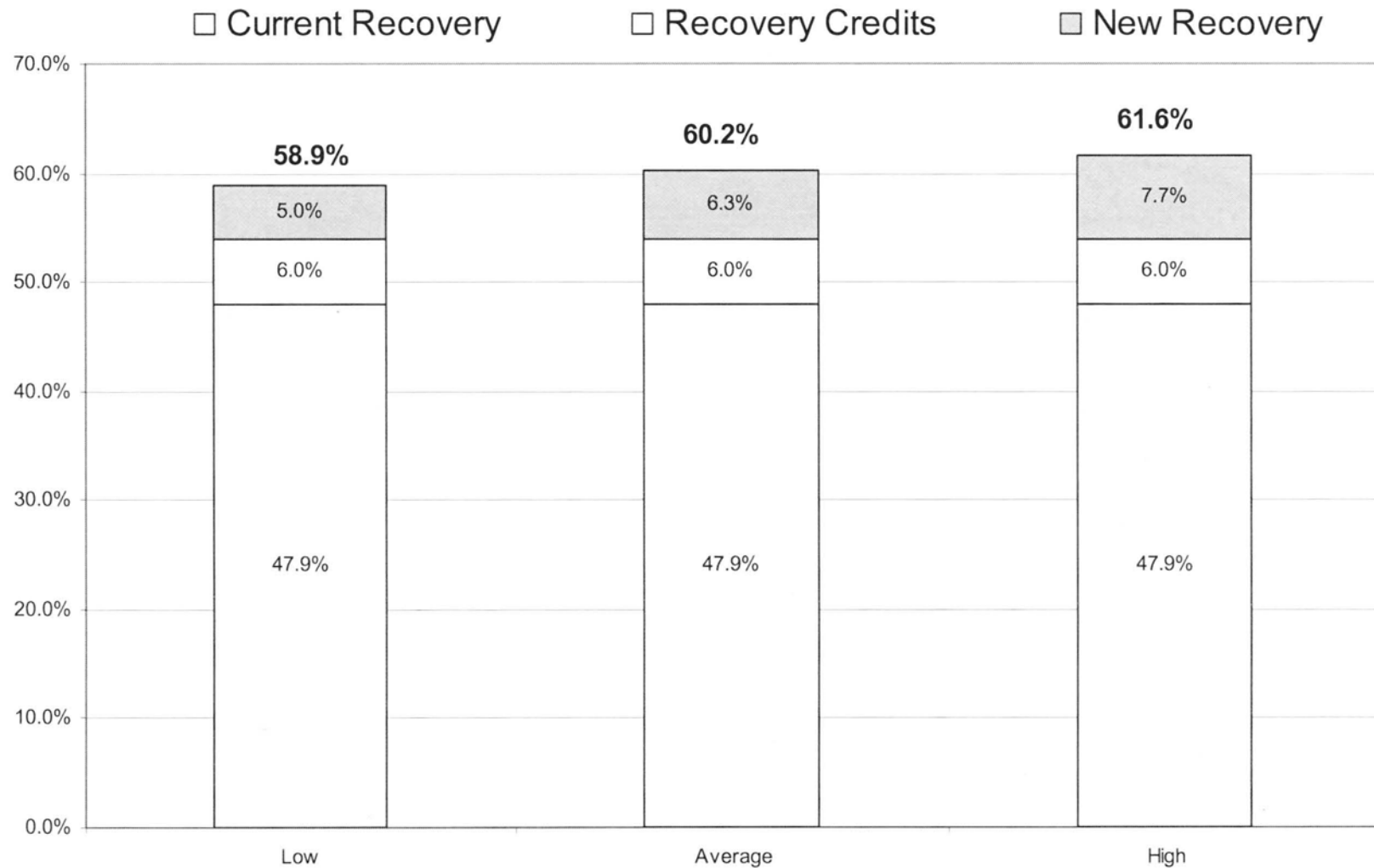
**Strategy #4:** Evaluate the need for organics contingency strategies in one year.

- Mandatory recovery of food waste from certain sized businesses.
- Residential organics collection (food waste collected with yard debris).

# Net Recovery by Recommendation



# Projected Metro Recovery Rate



# Next Steps

1. Council direction
2. Draft RSWMP legislation
3. Review and comment period
4. Council action
5. Develop implementation strategies for each contingency recommendation
  - C&D MRFing
  - Mandatory recycling and expanded CTAP
  - Dry waste MRFing
  - Organics evaluation