



600 NE Grand Ave.
Portland, OR 97232-2736

Council meeting agenda

Thursday, February 16, 2017

2:00 PM

Metro Regional Center, Council chamber

PACKET REVISED 02/09/17

1. Call to Order and Roll Call

2. Citizen Communication

3. Consent Agenda

- 3.1 Consideration of the Council Meeting Minutes for
February 9, 2017

[17-1399](#)

4. Ordinances (First Reading and Public Hearing)

- 4.1 Ordinance No. 17-1393, For the Purpose of Approving a
Solid Waste Facility Franchise Application and Authorizing
the Chief Operating Officer to Issue a New Franchise to
SORT Bioenergy, LLC, to Operate an Anaerobic Digestion
and Energy Recovery Facility in Wilsonville, Oregon

[ORD 17-1393](#)

Presenter(s): Paul Slyman, Metro
Will Ennis, Metro

Attachments: [Ordinance No. 17-1393](#)
[Exhibit A to Ordinance No. 17-1393](#)
[Staff Report](#)

- 4.1.1 Public Hearing for Ordinance No. 17-1393

5. Ordinances (Second Reading)

- 5.1 Ordinance No. 17-1394, For the Purpose of Annexing to the Metro District Boundary Approximately 45.98 Acres Located in the River Terrace Area of Tigard and 17.32 Acres Located in the North Bethany Area of Washington County

[ORD 17-1394](#)

Presenter(s): Tim O'Brien, Metro

Attachments: [Ordinance No. 17-1394](#)
[Exhibit A to Ordinance No. 17-1394](#)
[Exhibit B to Ordinance No. 17-1394](#)
[Staff Report](#)
[Attachment 1 to Staff Report](#)
[Attachment 2 to Staff Report](#)

6. Chief Operating Officer Communication

7. Councilor Communication

8. Adjourn

Metro respects civil rights

Metro fully complies with Title VI of the Civil Rights Act of 1964 and related statutes that ban discrimination. If any person believes they have been discriminated against regarding the receipt of benefits or services because of race, color, national origin, sex, age or disability, they have the right to file a complaint with Metro. For information on Metro’s civil rights program, or to obtain a discrimination complaint form, visit www.oregonmetro.gov/civilrights or call 503-797-1536. Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1890 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 5 business days before the meeting. All Metro meetings are wheelchair accessible. For up-to-date public transportation information, visit TriMet’s website at www.trimet.org.

Thông báo về sự Metro không kỳ thị của

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Повідомлення Metro про заборону дискримінації

Metro з повагою ставиться до громадянських прав. Для отримання інформації про програму Metro із захисту громадянських прав або форми скарги про дискримінацію відвідайте сайт www.oregonmetro.gov/civilrights. або Якщо вам потрібен перекладач на зборах, для задоволення вашого запиту зателефонуйте за номером 503-797-1890 з 8.00 до 17.00 у робочі дні за п'ять робочих днів до зборів.

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សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការការពារសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកញ្ចប់ណែនាំសេវាសម្រាប់ពលរដ្ឋមានការរើសអើងសូមទូរស័ព្ទទូរស័ព្ទទៅលេខ ។ www.oregonmetro.gov/civilrights ។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1890 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឱ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

إشعار بعدم التمييز من Metro

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Television schedule for June 16, 2016 Metro Council meeting

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PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times. Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities.



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<p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 Call or visit web site for program times.</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 Call or visit web site for program times.</p>	<p>Washington County and West Linn Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.</p>
<p>Oregon City and Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p>	

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times. Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities.

Agenda Item No. 3.1

Consideration of the Council Meeting Minutes for
February 9, 2017

Consent Agenda

Metro Council Meeting
Thursday, February 16, 2017
Metro Regional Center, Council Chamber

Metro

*600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov*



Metro

Minutes

Thursday, February 9, 2017

2:00 PM

Metro Regional Center, Council chamber

Council meeting

1. Call to Order and Roll Call

Council President Tom Hughes called the Metro Council meeting to order at 3:04 p.m.

Council President Hughes read a statement into the record honoring the life of Packy the elephant at the Oregon Zoo. The Metro Council shared a brief moment of silence in honor of Packy's life and expressed their condolences.

Present: 6 - Council President Tom Hughes, Councilor Sam Chase, Councilor Carlotta Collette, Councilor Shirley Craddick, Councilor Craig Dirksen, and Councilor Kathryn Harrington

Excused: 1 - Councilor Bob Stacey

2. Citizen Communication

Art Lewellan, City of Portland: Mr. Lewellan shared public testimony opposing the proposed Barbur Boulevard light rail. He expressed concerns about the affects of light rail in that area and noted that there were other areas better-suited for increased transit including the Lloyd Center District. He emphasized that it was important to develop the central corridors downtown and in the central city without neglecting regional development.

3. Consent Agenda

A motion was made by Councilor Dirksen, seconded by Councilor Collette, to adopt items on the consent agenda.

The motion passed by the following vote:

Aye: 6 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, and Councilor Harrington

Excused: 1 - Councilor Stacey

3.1 Consideration of the Council Meeting Minutes for February 2, 2017

4. Resolutions

4.1 Resolution No. 17-4771, For the Purpose of Authorizing an Exemption from Competitive Bidding and Authorizing Procurement of Construction Manager

General Contractor Services by Competitive Request for Proposals for the Construction of the Oregon Convention Center Plaza, Entries, and Interior Renovations

Council President Hughes recessed the meeting of the Metro Council and convened the Metro Contract Review Board. President Hughes called on Ms. Gabi Schuster, Metro staff, for a brief presentation on Resolution No. 17-4771. Ms. Schuster explained that approval of the resolution would authorize an exemption from the competitive bidding procurement process for the construction of the Oregon Convention Center plaza, entries, and interior renovations. She stated that the State of Oregon's contracting rules required a competitive bidding process for public improvement construction projects, but also permitted local governments to procure improvement projects by a request-for-proposal (RFP) as long as it would not encourage favoritism and would result in substantial cost savings and other benefits for the public.

Ms. Schuster informed the Metro Council that Metro's Procurement Services department was in support of the exemption. She explained that it would allow the general contractor and the designer to work together early in the process, resulting in greater collaboration and preventing costly redesign and change orders in the future. She noted that the exemption would also help mitigate risks and allow Metro to put a greater focus on diversity by including requirements such as for subcontracting opportunities with historically underutilized firms and workforce development for women and people of color.

Councilor Chase made a motion to amend Resolution No. 17-4771 to add a sixth section under "Be it Resolved" stating, "Staff working on this Construction Management General Contractor public improvement contract are directed to work with Metro's Construction Careers Pathway Project staff prior to drafting the contract, to find opportunities to direct up to 1% of the contract amount

towards efforts that increase the participation of women and people of color on Metro projects.” Councilor Chase explained that the amendment would help Metro not only ensure that the project took advantage of the opportunity to develop skilled professionals on the construction site, but would also help the agency achieve more success towards its goal of supporting a living-wage economy in the region.

Council Discussion

Councilor Craddick highlighted the success of the Oregon Zoo bond projects that were consistently under-budget, on-time, and reaching their set goals of contracting with Minority-owned, Women-owned, or Emerging Small Businesses (MWESBs). She asked how Councilor Chase’s proposed amendment would build on those existing practices. Ms. Schuster explained that the amendment would strengthen the existing language focused on workforce diversity in the RFP and would provide a dedicated fund for investments into apprenticeships and resources such as childcare, transportation, and equipment. Councilor Harrington expressed her support for the amendment and thanked Councilor Chase for bringing the motion forward. Councilor Dirksen spoke to the importance of training programs and their impact on the region’s economic success. Councilor Chase thanked staff for their work and asked how the Council would remain informed about the implementation of the amendment. Ms. Strening noted that staff would like return to the Council with periodic updates throughout the RFP process.

A motion was made by Councilor Chase, seconded by Councilor Harrington, that this item be amended. A motion was made by Councilor Dirksen, seconded by Councilor Collette, that this item be adopted as amended. The motions passed by the following vote:

Aye: 6 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, and Councilor Harrington

4.1.1 Public Hearing for Resolution No. 17-4771

Council President Hughes opened a public hearing on Resolution No. 17-4771 and requested that those wishing to testify come forward to speak. Seeing none, Council President Hughes gaveled out of the public hearing. Council President Hughes adjourned the Metro Contract Review Board and reconvened the Metro Council.

5. Ordinances (First Reading and Public Hearing)

5.1 Ordinance No. 17-1394, For the Purpose of Annexing to the Metro District Boundary Approximately 45.98 Acres Located in the River Terrace Area of Tigard and 17.32 Acres Located in the North Bethany Area of Washington County

Metro Attorney Alison Kean and Council President Hughes read the requirements on holding a quasi-judicial hearing and Council President Hughes introduced Mr. Tim O'Brien, Metro staff, to provide a brief staff report. Mr. O'Brien provided an overview of the annexation request, explained the criteria required and stated that the request met the criteria for annexation into the Metro District Boundary.

Council Discussion

Councilor Dirksen noted that a map depicting the second location was not included in the packet and asked if it would be legally acceptable to add it to the record after the meeting. Metro Attorney Alison Kean clarified that it would be, stating that doing so would correct the clerical error. Councilors discussed the local and regional requirements for annexations.

5.1.1 Public Hearing for Ordinance No. 17-1394

Council President Hughes opened a public hearing on Ordinance No. 17-1394 and requested that those wishing to testify come forward to speak. Seeing none, Council

President Hughes gavelled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 17-1394 would take place on Thursday, February 16.

6. Chief Operating Officer Communication

Ms. Martha Bennett provided an update on the following events or items: the Oregon Zoo Volunteer Banquet, the Love Your Beach event at Broughton Beach, and the Pacific Northwest Sportsmen's Show at the Expo Center. Ms. Bennett noted that an Oregon Zoo California condor had laid the first egg of the breeding season at the Jonsson Center for Wildlife Conservation. Ms. Bennet also thanked the Metro Council for their expressions of support and condolences following the death of Packy the elephant at the Oregon Zoo.

7. Councilor Communication

Councilors provided updates on the following meetings or events: Transit-Oriented Development program awards, GLEAN artist applications, the McLoughlin Area Plan Implementation Team meeting, the Washington County Board of Commissioners work session, the Hillsboro Chamber of Commerce's Public Policy Committee meeting, a town hall hosted by Safe Routes to School and the Street Trust, the Troutdale Parks Advisory Committee meeting, the Oregon Zoo Bond Citizens Oversight Committee meeting, and the Orenco Woods Nature Park grand opening. Councilor Chase thanked Mr. Mel Huie, Metro staff, for organizing his annual Chinese New Year celebration.

8. Adjourn

There being no further business, Council President Hughes adjourned the Metro Council meeting at 3:04 p.m. The

Metro Council will convene the next regular council meeting on February 16 at 2:00 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,



Nellie Papsdorf, Legislative and Engagement Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 9, 2017

Item	Topic	Doc. Date	Document Description	Doc. Number
2.0	Citizen Communication	02/09/2017	MAX Handouts from Art Lewellan	020917c-01
5.1	Ordinance No. 17-1394	02/09/2017	Exhibit B	020917c-02
5.1	Ordinance No. 17-1394	02/09/2017	Attachment 1 to Staff Report	020917c-03
5.1	Ordinance No. 17-1394	02/09/2017	Attachment 2 to Staff Report	020917c-04

Agenda Item No. 4.1

Ordinance No. 17-1393, For the Purpose of Approving a Solid Waste Facility Franchise Application and Authorizing the Chief Operating Officer to Issue a New Franchise to SORT Bioenergy, LLC, to Operate an Anaerobic Digestion and Energy Recovery Facility in Wilsonville, Oregon

Ordinances (First Read)

Metro Council Meeting
Thursday, February 16, 2017
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING A SOLID WASTE FACILITY) ORDINANCE NO. 17-1393
FRANCHISE APPLICATION AND AUTHORIZING THE CHIEF)
OPERATING OFFICER TO ISSUE A NEW FRANCHISE TO SORT) Introduced by Chief Operating
BIOENERGY, LLC, TO OPERATE AN ANAEROBIC DIGESTION) Officer Martha Bennett in
AND ENERGY RECOVERY FACILITY IN WILSONVILLE, OREGON.) concurrence with Council President
) Tom Hughes

WHEREAS, Metro Code Section 5.01.150 requires a Metro solid waste franchise for any person owning or controlling a facility that processes putrescible waste other than yard debris, including energy recovery facilities; and

WHEREAS, on September 6, 2016, SORT Bioenergy, LLC (SORT Bioenergy) applied for a solid waste franchise; and

WHEREAS, Metro Code Section 5.01.180 provides that the Chief Operating Officer must review a franchise application and that the application is subject to approval or denial by the Metro Council; and

WHEREAS, SORT Bioenergy has complied with all requirements for applications for a franchise found in Metro Code Section 5.01.170, including obtaining from DEQ all necessary permits for a solid waste facility; and

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

WHEREAS, the Chief Operating Officer recommends that a new solid waste franchise be issued to SORT Bioenergy, together with specific conditions as provided in Exhibit A to this Ordinance; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The solid waste franchise application of SORT Bioenergy is approved subject to the terms, conditions, and limitations contained in Exhibit A to this Ordinance.
2. The Chief Operating Officer is authorized to issue to a new solid waste franchise to SORT Bioenergy substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this ____ day of _____, 2017.

Tom Hughes, Council President

Attest:

Approved as to Form:

Nellie Papsdorf, Recording Secretary

Alison R. Kean, Metro Attorney



600 NE Grand Ave.
 Portland, OR 97232-2736
 oregonmetro.gov

**SOLID WASTE FACILITY FRANCHISE
 No. F-173-17**

FRANCHISEE:	FACILITY NAME AND LOCATION:
SORT Bioenergy, LLC 3668 LaFontana Way Boise, Idaho 83702 Tel. (208) 859-8257	SORT Bioenergy 10295 SW Ridder Road Wilsonville, Oregon 97070 Tel. (503) 570-0626 Fax. (503) 570-0523
OPERATOR:	PROPERTY OWNER:
SORT Bioenergy, LLC 3668 LaFontana Way Boise, Idaho 83702 Tel. (208) 859-8257	Willamette Resources, Inc. 10295 SW Ridder Road Wilsonville, Oregon 97070 Tel. (503) 570-0626 Fax. (503) 570-0523

Metro grants this franchise to the franchisee named above. The franchisee is authorized to operate and maintain a solid waste facility and to accept the solid wastes and perform the activities authorized by and subject to the conditions stated in this franchise.

ISSUED BY METRO:

 Paul Slyman, Property and Environmental Services Director

 Date

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1.0	ISSUANCE	
1.1	Franchisee	SORT Bioenergy, LLC 3668 LaFontana Way Boise, Idaho 83702 Tel. (208) 859-8257
1.2	Corporate affiliation	SORT Bioenergy, LLC 3668 LaFontana Way Boise, Idaho 83702 Tel. (208) 859-8257
1.3	Contact	Paul Woods Tel: (208) 859-8257 e-mail: paul@sortbioenergy.com
1.4	Franchise number	When referring to this franchise, please cite: Metro Solid Waste Facility Franchise No. F-173-17.
1.5	Term	The franchise term is from July 1, 2017 to December 31, 2021, unless amended, suspended, or revoked under Section 12.0 of this franchise.
1.6	Renewal	The franchisee may apply for a franchise renewal as provided in Metro Code Chapter 5.01.
1.7	Facility name and mailing address	SORT Bioenergy 10295 SW Ridder Road Wilsonville, Oregon 97070 Tel. (503) 570-0626 Fax. (503) 570-0523
1.8	Operator	SORT Bioenergy, LLC 3668 LaFontana Way Boise, Idaho 83702 Tel. (208) 859-8257 paul@sortbioenergy.com
1.9	Facility legal description	Tax Lot Identification No. 600, Section 2C, Township 3 N, Range 1 W, City of Wilsonville, Washington County, State of Oregon

1.10	Property owner	Willamette Resources, Inc. 10295 SW Ridder Road Wilsonville, Oregon 97070 Tel. (503) 570-0626 Fax. (503) 570-0523
1.11	Permission to operate	The franchisee warrants that it has obtained the property owner's consent to operate the facility as specified in this franchise.

2.0	CONDITIONS AND DISCLAIMERS	
2.1	Guarantees	This franchise does not vest any right or privilege in the franchisee to receive specific quantities of solid waste at the direction of Metro during the term of the franchise.
2.2	Non-exclusive franchise	This franchise does not in any way limit Metro from granting other solid waste franchises within Metro's boundaries.
2.3	Property rights	This franchise does not convey any property rights in either real or personal property.
2.4	Amendment	Except as provided in Section 12.0, no amendment will be effective unless approved by the Metro Council.
2.5	No recourse	The franchisee will have no recourse whatsoever against Metro or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this franchise or because of the enforcement of the franchise or in the event Metro determines that the franchise or any part thereof is invalid.
2.6	Indemnification	The franchisee must defend and indemnify Metro, the Council, the Chief Operating Officer (COO), and any of their employees or agents and save them harmless from any and all loss, damage, claim, expense including attorney's fees, or liability related to or arising out of the granting of this franchise or the franchisee's performance of or failure to perform any of its obligations under the franchise or Metro Code Chapter 5.01, including without limitation patent infringement and any claims or disputes involving subcontractors.

2.7	Binding nature	This franchise is binding on the franchisee. The franchisee is liable for all acts and omissions of the franchisee's contractors and agents.
2.8	Waivers	To be effective, a waiver of any terms or conditions of this franchise must conform with Section 12.0 and be in writing and signed by the COO.
2.9	Effect of waiver	Waiver of a term or condition of this franchise does not waive nor prejudice Metro's right to require subsequent performance of the same term or condition or any other term or condition.
2.10	Choice of law	The franchise will be construed, applied, and enforced in accordance with the laws of the State of Oregon.
2.11	Enforceability	If a court of competent jurisdiction determines that any provision of this franchise is invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this franchise will not be affected.
2.12	Franchise not a waiver	This franchise does not relieve any owner, operator, or the franchisee from the obligation to obtain all required permits, franchises, or other clearances and to comply with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
2.13	Franchise not limiting	This franchise does not limit the power of a federal, state, or local agency to enforce any provision of law relating to the facility.
2.14	Definitions	Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.00.

3.0	COMPLETION OF FACILITY CONSTRUCTION	
3.1	COO's certification of the completion of facility construction	Franchisee may not accept any solid waste at the facility unless the COO has certified, in writing, that facility construction is complete according to plans submitted by franchisee and approved by Oregon Department of Environmental Quality (DEQ) and Metro. The COO will base the certification upon the franchisee's compliance with the provisions of Section 3.0 of this franchise, including the COO's inspection of the facility and the

		documents submitted to the COO by the franchisee.
3.2	Facility design	Franchisee must design and construct the facility in accordance with the plans it submits to Metro and DEQ. The COO must approve in writing any amendments or alterations to the plans.
3.3	“As constructed” documents	Within 30 days of the substantial completion of the facility, the franchisee must submit to the COO “as constructed” facility plans which note any changes from the original DEQ and Metro approved plans.
3.4	Pre-operating inspection	<ol style="list-style-type: none"> 1. The franchisee must notify the COO when construction of the facility is nearly complete in order to schedule a pre-operating inspection. 2. The franchisee must provide the COO with “as constructed” facility plans before the time of the pre-operating inspection. 3. The franchisee must receive a pre-operating inspection and obtain a certification of completion from the COO as provided in Section 3.1 before the facility may accept or process any solid waste. If the COO finds that the construction is not complete or that the facility has been constructed in a way that is materially inconsistent with the plans approved by the COO, the franchisee may not begin operations.

4.0	AUTHORIZATIONS	
4.1	General conditions on solid waste	The franchisee is authorized to accept at the facility only the solid wastes described in Section 4.0. The franchisee is prohibited from knowingly receiving any solid waste not authorized in this section.
4.2	General conditions on activities	The franchisee is authorized to perform at the facility only those waste-related activities that are described in Section 4.0 of this franchise.
4.3	Acceptance and management of source-separated food waste	<ol style="list-style-type: none"> 1. The franchisee is authorized to accept source-separated food waste from commercial and industrial sources for on-site processing and anaerobic digestion. Examples of food waste that franchisee may accept include commercial food scraps, grease trap waste, brewery waste and bakery waste, FOG (fats,

		<p>oils and grease) and liquids associated with food processing.</p> <p>2. The franchisee must receive, manage, store, reload, and transfer all source-separated food waste in accordance with the facility building plans, odor control plan and operating plan submitted and approved by Metro as part of the franchise application.</p>
4.4	Management of processing residual and byproducts	The franchisee must store, reload, and transfer all putrescible and non-putrescible processing residual and byproducts inside a roofed, enclosed building, or other in-vessel system in accordance with the facility design plans, odor control plan and operating plan approved by Metro as part of the franchise application.
4.5	Byproducts from anaerobic digestion process for agricultural use	The franchisee may provide its liquid, semi-solid or solid byproducts from the anaerobic digestion process to authorized horticultural, agricultural, landscape and nursery operations for use as a fertilizer or agricultural amendment at agronomic application rates or to distributors that resell the byproducts for such uses, or other useful purposes as described in an operating plan and approved in writing by the COO.

5.0	LIMITATIONS AND PROHIBITIONS	
5.1	Prohibited waste	The franchisee must not knowingly receive, process, reload, or dispose of any solid waste not authorized by this franchise. The franchisee must not knowingly accept or retain any material amounts of the following types of waste: putrescible waste not authorized in Section 4.0 including yard debris; non-putrescible waste; materials contaminated with or containing asbestos; lead acid batteries; liquid waste not authorized in Section 4.0; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; or any waste prohibited by DEQ or the City of Wilsonville.
5.2	No disposal of recyclable materials	The franchisee must not transfer source-separated recyclable materials to a disposal site, including without limitation landfills and incineration facilities.
5.3	Limits not exclusive	This franchise does not limit, restrict, curtail, or abrogate any limitation or prohibition contained elsewhere in this franchise document, in Metro Code, or in any federal, state, regional or

		local government law, rule, regulation, ordinance, order or permit.
5.4	Tonnage authorization	The franchisee may accept up to 65,000 tons of source-separated food waste from commercial and industrial sources per calendar year.

6.0	OPERATING CONDITIONS	
6.1	General performance goals	<p>The franchisee must operate in a manner that meets the following general performance goals:</p> <ul style="list-style-type: none"> a) Environment. The franchisee must design and operate the facility to avoid undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste, asbestos and other prohibited wastes. b) Health and safety. The franchisee must design and operate the facility to avoid conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris. c) Nuisances. The franchisee must design and operate the facility to avoid nuisance conditions including, but not limited to, litter, dust, odors, and noise.
6.2	Qualified operator	<ol style="list-style-type: none"> 1. The franchisee must, during all hours of operation, provide an operating staff employed by the facility who are qualified and competent to carry out the functions required by this franchise and to otherwise comply with Metro Code Chapter 5.01. 2. Facility personnel, as relevant to their job duties and responsibilities, must be familiar with the relevant provisions of this franchise and the relevant procedures contained within the facility's operating plan. 3. A qualified operator must be an employee of the facility with training and authority to reject prohibited waste that is discovered during load checks and to properly manage prohibited waste that is unknowingly received.
6.3	Fire prevention	The franchisee must provide fire prevention, protection, and

		<p>control measures, including but not limited to, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from processing and storage areas.</p>
6.4	Adequate vehicle accommodation	<p>The franchisee must:</p> <ul style="list-style-type: none"> a) Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. The franchisee must maintain road access to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather. b) Take reasonable steps to notify and remind persons delivering solid waste to the facility that vehicles must not park or queue on public streets or roads except under emergency conditions or as provided by local traffic ordinances. c) Post signs to inform customers not to queue on public roadways. d) Provide adequate off-street parking and queuing for vehicles, including adequate space for on-site tarping and untarping of loads.
6.5	Managing prohibited wastes	<ol style="list-style-type: none"> 1. The franchisee must reject prohibited waste upon discovery and must properly manage and dispose of prohibited waste when unknowingly received. 2. The franchisee must implement a load-checking program to prevent accepting prohibited waste. This program must include at a minimum: <ul style="list-style-type: none"> a) Visual inspection. As each load is tipped, a qualified operator must visibly inspect the load to prevent the acceptance of waste that is prohibited by the franchise. b) Containment area. A secured or isolated containment area for the storage of prohibited wastes that are unknowingly received. Containment areas must be covered and enclosed to prevent leaking and contamination. c) Record maintenance. The franchisee must maintain records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste and

		<p>make those records available for review by Metro.</p> <p>d) Upon discovery, the franchisee must remove all prohibited or unauthorized wastes or manage the waste in accordance with DEQ requirements and procedures established in the operating plan. All such wastes the franchisee unknowingly receives must be removed from the site and transported to an appropriate destination within 90 days of receipt, unless required to be removed earlier by the DEQ or local government.</p>
6.6	Storage and stockpiles	<p>The franchisee must:</p> <p>a) Manage, contain, and remove at sufficient frequency stored materials and solid wastes to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards;</p> <p>b) Store all waste and processing residual inside an enclosed, roofed building;</p> <p>c) Maintain storage areas in an orderly manner and free of litter; and</p> <p>d) Position stockpiles within footprints and within the storage volume limits identified on the facility site plan or operating plan.</p>
6.7	Dust, airborne debris and litter	<p>The franchisee must operate the facility in a manner that minimizes and mitigates the generation of dust, airborne debris and litter, and must prevent its migration beyond property boundaries. The franchisee must:</p> <p>a) Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit;</p> <p>b) Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit;</p> <p>c) Maintain and operate all access roads and receiving, processing, storage, and reload areas in such a manner as to minimize dust and debris generated on-site and prevent such dust and debris from blowing or settling off-</p>

		<p>site;</p> <p>d) Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation;</p> <p>e) Maintain on-site facility access roads to prevent or control dust and to prevent or control the tracking of mud off-site; and</p> <p>f) Provide access to the facility for the purpose of uncovered load enforcement. During all times that solid waste or recyclable materials are being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, must be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of Metro Code Chapter 5.09.</p>
6.8	Odor	<ol style="list-style-type: none"> 1. The franchisee must operate the facility in a manner that prevents the generation of odors that are detectable off-site. Detectable off-site odors will be evaluated based on, but not limited to: intensity, character, frequency, and duration. 2. The franchisee must establish and follow procedures in the operating plan for minimizing odors at the facility and preventing off-site odors.
6.9	Vectors (e.g. birds, rodents, insects)	<ol style="list-style-type: none"> 1. The franchisee must operate the facility in a manner that is not conducive to harboring rodents, birds, insects, or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another. 2. If vectors are present or detected at the facility, the franchisee must implement vector control measures.
6.10	Noise	<p>The franchisee must operate the facility in a manner that avoids noise sufficient to cause adverse off-site impacts and to the extent necessary to meet applicable regulatory standards and land-use regulations.</p>
6.11	Water quality	<p>The franchisee must operate the facility consistent with an approved DEQ stormwater management plan or equivalent and</p>

		<p>must:</p> <ul style="list-style-type: none"> a) Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation; and b) Dispose of or treat water contaminated by solid waste generated on-site in a manner complying with local, state, and federal laws and regulations.
6.12	Access control	<ol style="list-style-type: none"> 1. The franchisee must control access to the facility as necessary to prevent unauthorized entry and dumping. 2. The franchisee must maintain a gate or other suitable barrier at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.
6.13	Signage	<p>The franchisee must post signs at all public entrances to the facility. The signs must comply with local government signage regulations. These signs must be easily and readily visible, and legible from off-site during all hours and must contain at least the following information:</p> <ul style="list-style-type: none"> a) Name of the facility; b) Address of the facility; c) Emergency telephone number for the facility; d) Operating hours during which the facility is open for the receipt of authorized waste; e) Fees and charges; f) Metro’s name and telephone number (503) 234-3000; g) A list of authorized and prohibited wastes; h) Vehicle / traffic flow information or diagram; i) Covered load requirements; and j) Directions not to queue on public roadways.
6.14	Nuisance complaints	<ol style="list-style-type: none"> 1. The franchisee must respond to all nuisance complaints in timely manner (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors), and must keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint.

		<p>2. If the facility receives a complaint, the franchisee must:</p> <ul style="list-style-type: none"> a) Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts (whether successful or unsuccessful); and b) Log all such complaints as provided by the operating plan. The franchisee must maintain each log entry for one year and it must be available for inspection by Metro.
6.15	Access to franchise document	The franchisee must maintain a copy of this franchise on the facility's premises, and in a location where facility personnel and Metro representatives have ready access to it.

7.0	OPERATING PLAN	
7.1	Plan compliance	The franchisee must operate the facility in accordance with an operating plan approved in writing by the COO. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this franchise. The franchisee may amend or revise the operating plan from time to time, subject to written approval by the COO.
7.2	Plan maintenance	The franchisee must revise the operating plan as necessary to keep it current with facility conditions, procedures, and requirements. The franchisee must submit amendments and revisions of the operating plan to the COO for written approval prior to implementation.
7.3	Access to operating plan	The franchisee must maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.
7.4	Procedures for inspecting loads	<p>The operating plan must establish:</p> <ul style="list-style-type: none"> a) Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes; b) Procedures for identifying incoming and outgoing loads for waste classifications; and c) A set of objective criteria for accepting and rejecting loads.

7.5	Procedures for processing and storage of loads	The operating plan must establish procedures for: <ul style="list-style-type: none"> a) Processing authorized solid wastes; b) Reloading and transfer of authorized solid wastes; c) Managing stockpiles to ensure that they remain within the authorized weights, volumes and pile heights; d) Storing authorized solid wastes; and e) Minimizing storage times and avoiding delay in processing of authorized solid wastes.
7.6	Procedures for managing prohibited wastes	The operating plan must establish procedures for managing, reloading, and transferring to appropriate facilities or disposal sites each of the prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan must establish procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.
7.7	Procedures for odor prevention	The operating plan must establish procedures for preventing all objectionable odors generated at the facility from being detected off the premises of the facility. The plan must include: <ul style="list-style-type: none"> a) A management plan that the franchisee will use to monitor and manage all odors of any derivation including malodorous loads delivered to the facility; and b) Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility.
7.8	Procedures for dust prevention	The operating plan must establish procedures for preventing dust from blowing off the premises of the facility. The plan must include: <ul style="list-style-type: none"> a) A management plan that the franchisee will use to monitor and manage dust of any derivation; and b) Procedures for receiving and recording dust complaints, immediately investigating any dust complaints to determine the cause of dust emissions, and remedying promptly any dust problem at the facility.

7.9	Procedures for emergencies	The operating plan must establish procedures that the franchisee will follow in case of fire or other emergency.
7.10	Procedures for nuisance complaints	<ol style="list-style-type: none"> 1. For every nuisance complaint (for example odor, dust, vibrations, and litter) received, the franchisee must record: <ol style="list-style-type: none"> a) The nature of the complaint; b) The date the complaint was received; c) The name, address and telephone number of the person or persons making the complaint; and d) Any actions taken by the operator in response to the complaint (whether successful or unsuccessful). 2. The franchisee must make records of such information available to Metro upon request. The franchisee must retain each complaint record for a period of not less than one year.
7.11	Closure protocol	<p>The franchisee must establish protocol for closure and restoration of the site in the event of a cessation of operations as provided in Metro Code Chapter 5.01. The plan must include procedures for:</p> <ol style="list-style-type: none"> a) Short term closure (duration of time that is more than seven consecutive days but less than 30 consecutive days in length); and b) Long term closure (duration of time that is 30 consecutive days or more in length).

8.0	FEES AND RATES	
8.1	Annual fee	The franchisee must pay an annual franchise fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the franchise fee at any time by action of the Metro Council.
8.2	Rates not regulated	<ol style="list-style-type: none"> 1. The rates charged by the franchisee for accepting solid waste are not regulated by Metro unless the Metro Council adopts an ordinance that establishes Metro's rate regulation authority. 2. Notwithstanding the provision above, the rates charged by the franchisee must not exceed the rates posted at the facility as described in Section 6.13.

8.3	Metro fee and tax imposed on disposal	The franchisee is liable for payment of the Metro Regional System Fee, as provided in Metro Code Title V, and the Metro Excise Tax, as provided in Metro Code Title VII, on all solid wastes delivered to a disposal site.
8.4	Metro community enhancement fee imposed on waste received	The franchisee must collect and remit to Metro a community enhancement fee, as provided in Metro Code Chapter 5.06, in an amount equal to \$1.00 per ton for all food waste received. The franchisee must remit the community enhancement fees to Metro on a monthly basis in conjunction with the record keeping and reporting requirements of Section 9.0.

9.0	RECORD KEEPING AND REPORTING	
9.1	Record keeping requirements	For all solid waste and materials the franchisee is authorized to receive under Section 4.0, the franchisee must keep and maintain accurate records of the amount of such materials the franchisee receives, recovers, recycles, reloads and disposes. These records include the information specified in the Metro document titled, <u><i>Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees, and Parties to Designated Facility Agreements.</i></u>
9.2	Reporting requirements	The franchisee must transmit to Metro the records required under Section 9.0 no later than fifteen days following the end of each month in the form and format prescribed by Metro.
9.3	Account number listing	Within five business days of Metro's request, franchisee must provide Metro with a listing that cross-references the account numbers used in the transaction database with the company's name and address.
9.4	Transactions based on scale weights	Except for minimum fee transactions for small, lightweight loads, the franchisee must record each transaction electronically based on actual and accurate scale weights using the franchisee's scales.
9.5	DEQ submittals	The franchisee must provide Metro with copies of all correspondence, exhibits, or documents submitted to the DEQ relating to the terms or conditions of the DEQ solid waste permit or this franchise within two business days of providing such

		information to DEQ.
9.6	Copies of enforcement actions provided to Metro	The franchisee must send to Metro, upon receipt, copies of any notice of violation or noncompliance, citation, or any other similar enforcement actions issued to the franchisee by any federal, state, or local government other than Metro, and related to the operation of the facility.
9.7	Unusual occurrences	<ol style="list-style-type: none"> 1. The franchisee must keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation, and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. 2. The franchisee must notify Metro within 24 hours of any breakdown of the franchisee's equipment if the breakdown will substantially impact the facility's ability to comply with this franchise or with Metro Code, or which will create off-site impacts. 3. The franchisee must report any facility fires, accidents, emergencies, and other significant incidents to Metro within 12 hours of the discovery of their occurrence.
9.8	Transfer of ownership or control of franchise	<ol style="list-style-type: none"> 1. The franchisee must notify Metro within 10 days if the franchisee leases, assigns, mortgages, sells or otherwise transfers the control of the franchise to another person, whether whole or in part. 2. The term for any transferred franchise is for the remainder of the original term unless Metro Council establishes a different term.

10.0	INSURANCE REQUIREMENTS	
10.1	General liability	Upon meeting the requirements of Section 3.0, the franchisee must carry the most recently approved ISO (Insurance Services Office) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits not less than \$1,000,000 per occurrence. The policy will include coverage for bodily injury, property damage, personal injury, death, contractual liability, premises and products/completed

		operations. Franchisee's coverage will be primary as respects Metro.
10.2	Automobile	Upon meeting the requirements of Section 3.0, the franchisee must carry automobile bodily injury and property damage liability insurance with a combined single limit of \$1,000,000.
10.3	Additional insureds	Metro, its elected officials, departments, employees, and agents must be named as ADDITIONAL INSUREDS on the Commercial Liability and automotive insurance policies.
10.4	Worker's Compensation Insurance	The franchisee, its subcontractors, if any, and all employers working under this franchise, are subject employers under the Oregon Workers' Compensation Law and must comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. The franchisee must provide Metro with certification of Workers' Compensation insurance including employer's liability. If the franchisee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
10.5	Notification	The franchisee must give at least 30 days written notice to Metro of any lapse or proposed cancellation of insurance coverage.

11.0	ENFORCEMENT	
11.1	Generally	Metro will enforce this franchise as specified in Metro Code Chapter 5.01.
11.2	Authority vested in Metro	The power and right to regulate, in the public interest, the exercise of the privileges granted by this franchise is at all times vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against franchisee.
11.3	No enforcement limitations	This franchise may not be construed to and does not limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative procedures adopted pursuant to Metro Code Chapter 5.01, nor does this franchise limit or

		preclude Metro from adopting ordinances that regulate the health, safety, or welfare of any person or persons within the region, notwithstanding any incidental impact that such ordinances may have upon the terms of this franchise or the franchisee’s operation of the facility.
11.4	Penalties	Each violation of a franchise condition is punishable by penalties as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation.

12.0	AMENDMENT, SUSPENSION, AND REVOCATION	
12.1	Amendment by agreement	At any time during the term of the franchise, either the COO or the franchisee may propose amendments to this franchise. If either the COO or the franchisee proposes amendments to this franchise, both parties will make good faith efforts to arrive at consensus on the intent and implementing language of said amendments.
12.2	Amendment by Metro Council action	<p>Except as provided in Section 12.0, the provisions of this franchise will remain in effect unless the Metro Council:</p> <ul style="list-style-type: none"> a) Amends the Metro Code, amends the Regional Waste Plan, or implements other legislation of broad applicability that affects the class of facilities of which this franchisee is a member; and b) Adopts an ordinance amending this franchise to implement the policy, code or process specified by said ordinance. <p>If, in the course of considering an ordinance amending this franchise as provided in (b) above, the franchisee provides evidence that the amendment will result in significant capital cost to the franchisee, the Metro Council will include capital cost and the ability of the franchisee to achieve a reasonable rate of return on any additional investment required as factors when considering whether to adopt the ordinance.</p>

12.3	Amendment, suspension or revocation by Metro for cause	<p>The COO may, at any time before the expiration date, amend, suspend, or revoke this franchise in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to:</p> <ul style="list-style-type: none"> a) Violation of the terms or conditions of this franchise, Metro Code, or any applicable statute, rule, or standard; b) Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this franchise; c) Failure to disclose fully all relevant facts; d) A significant release into the environment from the facility; e) Generation of odors detectable off-site; f) Significant change in the character of solid waste received or in the operation of the facility; g) Any change in ownership or control; h) A request from the local government stemming from impacts resulting from facility operations; and i) Compliance history of the franchisee.
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13.0	GENERAL OBLIGATIONS	
13.1	Compliance with law	<p>The franchisee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this franchise, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility are deemed part of this franchise as if specifically set forth herein. These conditions and permits include those cited within or attached as exhibits to the franchise document, as well as any existing at the time of the franchise is issued but not cited or attached, and permits or conditions issued or amended during the term of the franchise.</p>

13.2	Deliver waste to appropriate destinations	<p>The franchisee must ensure that solid waste transferred from the facility goes to the appropriate destinations under Metro Code Chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.</p>
13.3	Right of inspection and audit	<p>Authorized representatives of Metro may take photographs, collect samples of materials, and perform any inspection or audit as the COO deems appropriate. The franchisee must allow authorized representatives access to the premises of the facility at all reasonable times during business hours with or without notice or at such other times upon giving reasonable advance notice (not less than 24 hours). Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the confidentiality provisions in Section 13.0 of this franchise, Metro's right to inspect includes the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts, and other similar written materials of franchisee that are directly related to the operation of the facility.</p>
13.4	Confidential information	<p>The franchisee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the franchisee that are directly related to the operation of the facility and that are submitted to or reviewed by Metro. The franchisee must prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro will treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. Within five days of Metro's receipt of a request for disclosure of information identified by franchisee as confidential, Metro will provide franchisee written notice of the request. The franchisee will have three days within which time to respond in writing to the request before Metro determines, at its sole discretion, whether to disclose any requested information. The franchisee must pay any costs incurred by Metro as a result of Metro's efforts to remove or redact any such confidential information from documents that</p>

		<p>Metro produces in response to a public records request. Nothing in this Section 13.0 will limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. In addition, Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, those representatives agree to continue to treat the information as confidential and make good faith efforts not to disclose the information.</p>
13.5	Compliance by agents	<p>The franchisee is responsible for ensuring that its agents and contractors comply with this franchise.</p>

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 17-1393 FOR THE PURPOSE OF APPROVING A SOLID WASTE FACILITY FRANCHISE APPLICATION AND AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A NEW FRANCHISE TO SORT BIOENERGY,LLC, TO OPERATE AN ANAEROBIC DIGESTION AND ENERGY RECOVERY FACILITY IN WILSONVILLE, OREGON.

February 16, 2017

Prepared by: Will Ennis (503) 797-1667

EXECUTIVE SUMMARY

Adoption of Ordinance No. 17-1393 will authorize the Chief Operating Officer (COO) to issue a new solid waste facility franchise to SORT Bioenergy, LLC (SORT) to operate an anaerobic digestion and energy recovery facility to be co-located with Willamette Resources, Inc., at 10295 SW Ridder Road in Wilsonville, Oregon (Metro Council District 3).

BACKGROUND

Overview

On September 6, 2016, in accordance with Metro Code Section 5.01.170¹, SORT submitted an application to Metro seeking a solid waste facility franchise to construct and operate an anaerobic digestion and energy recovery facility that will process commercial food waste into biogas for the production of renewable energy and transportation fuel. The facility will be known as SORT Bioenergy (Sustainable Organics Recycling Technology). A franchise is needed because the facility seeks to accept and process putrescible waste (i.e. food waste). Anaerobic digestion is a type of conversion technology that relies on a controlled and enclosed biological process that breaks down organic matter in the absence of oxygen and can produce biogas for energy production.



Site of proposed facility at 10295 SW Ridder Road in Wilsonville

¹ All Metro Code Chapter 5.01 citations in this staff report reference those adopted by Metro Council through Ordinance No. 16-1386 on November 10, 2016. The new Code citations became effective on February 8, 2017.

The applicant proposes to construct the facility at a site co-located with Willamette Resources, Inc. (WRI), a Metro-authorized solid waste transfer station located at 10295 SW Ridder Road in Wilsonville. WRI is a wholly owned subsidiary of Republic Services (Republic), which is headquartered in Phoenix, Arizona. SORT proposes to construct the facility on a 3.5 acre parcel that will be leased from WRI. SORT will own and operate the proposed facility which will also have cross access and operating agreements with WRI.

The land upon which the facility is to be sited is zoned as a Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA) and the proposed use is conditionally allowed. The city of Wilsonville annexed this parcel into the city boundary on June 20, 2016. The applicant provided a copy of a Land Use Compatibility Statement (LUCS) signed by the city of Wilsonville. According to the LUCS, the proposed anaerobic digestion facility qualifies as a composting operation under Oregon Revised Statutes 277.600 and all notification requirements have been met.²

According to the applicant, all commercial food waste received at the facility will be accepted and assessed a fee at WRI's scale house and then directed to the proposed facility. Billing and tracking of loads will be the responsibility of WRI. Once the food waste is directed to the facility, SORT will manage all processing and reporting of operations. The proposed facility is expected to have processing capacity for 65,000 tons of commercial food waste per year. If the capacity is unmet, the applicant proposes to supplement the operation with fats, oils, grease (FOG) and other liquids associated with food processing. The facility will not accept septage and all liquid waste entering the facility will require certification that demonstrates the material characteristics.

The primary product of the proposed facility will be methane-rich gas (biogas) that will be used as fuel in two on-site internal combustion engines. The engines will convert the biogas into mechanical energy which will be converted into electricity. The applicant plans to generate about 2.4 megawatts of electricity continuously (equivalent to 21,000 megawatts annually); equivalent to meeting the annual power demand of about 1,900 homes. As additional byproducts, the facility will produce post-digestion separated liquids and solids also known as digestates. These by-products may be used for agricultural purposes such as composting or land application. Once in operation, the facility is expected to employ ten people (further details about the proposed operation are provided in the Proposed Facility Systems section of this report).

THE PROPOSED FACILITY SYSTEMS

The following information provides background about the SORT Bioenergy anaerobic digestion facility systems, as described in the franchise application submitted to Metro.

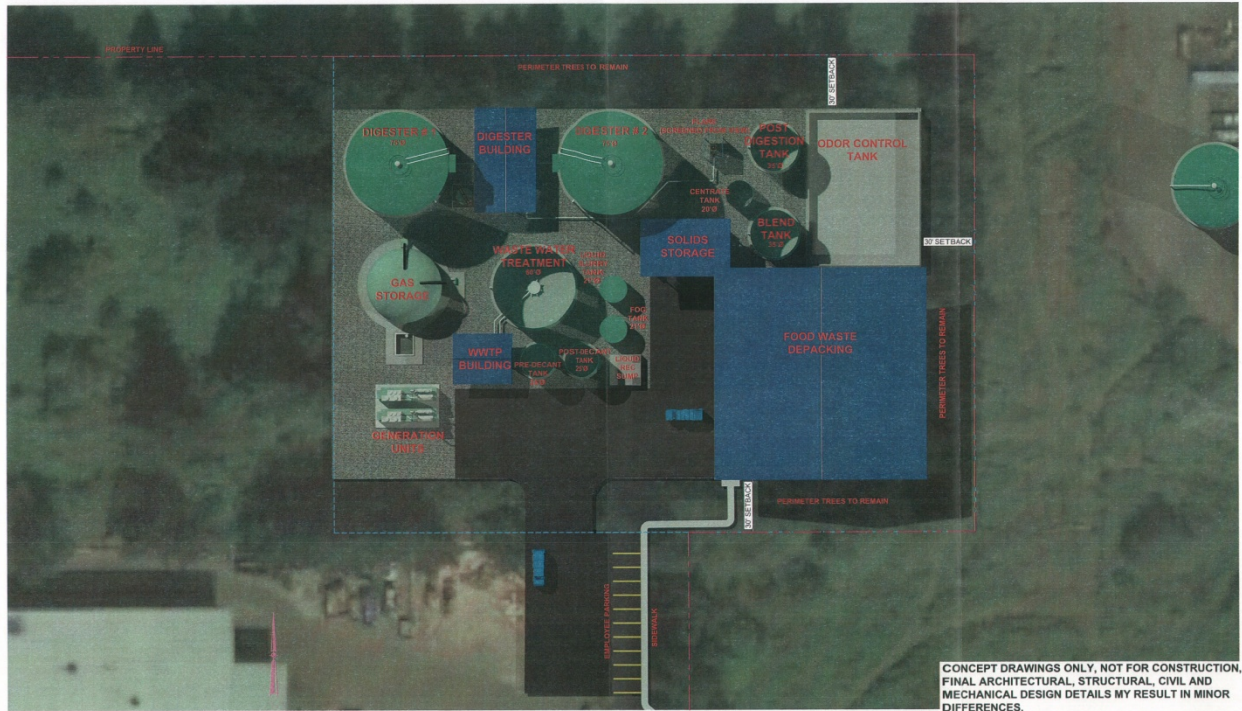
Overview

SORT proposes to construct and operate a food waste recovery facility for processing source-separated food waste generated from local government-managed commercial sector waste collection programs. In addition, SORT will selectively process difficult to manage semi-solid and liquid food waste such as

² ORS 277.600 requires cities and counties to hold a pre-application conference before an applicant can submit an application for land use approval. Also, after the conference, the applicant must hold a community meeting prior to submitting an application for land use approval. Both actions took place in 2015.

dairy products, spent grains, beverage products, food preparation FOG and other liquid food products that have limited energy recovery options. The facility will not accept yard debris or yard debris mixed with food waste as these feedstocks do not support the efficient production of biogas. The facility also will not accept manure or rendering waste.

The primary facility components will include an enclosed negative air receiving and processing building, proprietary de-packaging equipment, a bio-filter for odor control, processing equipment and tanks, a biogas holding sphere, byproduct storage, energy generation equipment and a gas flare.



Concept drawing for SORT Bioenergy

According to the applicant, the primary energy product of the proposed facility will be a methane-rich biogas that will be used to fuel two on-site engines that will generate approximately 2.4 megawatts of energy continuously (equivalent to 21,000 megawatts annually) and supply Portland General Electric’s power grid through a power purchase agreement. This is enough electricity to supply the annual demand for about 1,900 homes. The facility also has the ability to turn the biogas into renewable natural gas that can fuel the onsite fleet of CNG³ collection trucks for Republic Services. Because the trucks fuel at nighttime, the facility can generate much needed “on-peak” electricity during daytime hours and fuel the CNG fleet at night during the “off-peak” period.

A secondary product of the anaerobic digestion process is digestate, a nutrient-rich fibrous material that may be used as a fertilizer or soil amendment product. The applicant is proposing to partner with a nearby (1/2 mile) producer of soil amendment products to create a market-specific product. Liquid generated from dewatering of the digestate material is another byproduct with beneficial re-use potential. This liquid contains nitrogen and phosphorus that are suitable nutrients for agricultural

³ Compressed natural gas.

production. SORT has identified seasonal re-use applications and will seek to develop opportunities for off-season storage. In the event that off-season storage is not economical, SORT has incorporated the ability to pre-treat and discharge the liquids to the city of Wilsonville's publicly owned treatment works (POTW) located about five miles away from the facility. The applicant estimates that byproducts will consist of about 15,000 tons of post-digestion solids and up to 50,000 tons of post-digestion liquids annually.

Vehicles hauling food waste will enter the facility through WRI's existing entrance and use that facility's scale for transactions. Vehicles will then be directed to SORT's enclosed receiving building. Prior to emptying, vehicles will be visually inspected and once they pass inspection, contents may be tipped on the floor of the building for a second visual inspection of the waste. The applicant estimates that about 17 commercial vehicles will be directed to SORT daily. Loads containing more than 25 percent of contamination will be isolated and the material moved to WRI for disposal. Loads that are rejected due to contamination will be photo documented and charged the wet waste rate plus a special handling fee. WRI will assist in timely notification of reject loads to the generator.

SORT will accept food waste including food packaging. When food and packaging is received, the material will be shredded and conveyed to packaging removal equipment to capture the food component for processing into a "clean" slurry. All material will be processed from the tipping floor on the day it is received; there will be no storage of material on the tipping floor over night. The clean slurry will be pumped into a pre-digestion holding tank that will provide a continuous feeding to the facility's two anaerobic digesters. Both digesters will be continuous flow stirred tank reactors and will maintain the slurry at a mesophylic temperature regime of 98 degrees Fahrenheit for 18 – 22 days. Biogas generated during this time collects in the headspace of the digesters and continuously conveyed to a low-pressure storage sphere that equilibrates delivery for energy use.

The processed slurry material will be continuously pumped from the digesters. The material will be stored in a post-digestion tank before being dewatered through on-site centrifuges inside the operations building. The resulting solid digestate will be used for agricultural purposes (i.e. composted or used as fertilizer). Waste water (liquid digestate) will be directed to beneficial re-use as land application for fertilizer. The land application of the liquid would be managed by Agri-Tech, a wholly owned subsidiary of Republic that specializes in land application of liquids for agricultural purposes. In the event that year-round beneficial re-use is not feasible, the facility will pre-treat the liquids on-site and discharge to the local POTW. The pretreatment system would operate in accordance with an Industrial Pretreatment Permit to be issued by the city of Wilsonville.

SORT's proposed primary use of the biogas generated during anaerobic digestion is fuel to generate renewable electricity. Two internal combustion engines at the facility will convert the biogas to mechanical energy that will generate electricity. The operator has already entered into an agreement with Portland General Electric to purchase the electricity generated at SORT. The engines will operate under the authority of a DEQ-issued Air Contaminant Discharge Permit.⁴ Heat is also a byproduct of the engines and will be used to maintain a constant temperature of the slurry and heat the facility.

Another proposed use of the biogas would be to upgrade the gas for use as transportation fuel. WRI

⁴ DEQ Air Contaminant Discharge Permit No. 34-0179-ST-01 issued on December 30, 2016.

maintains an on-site CNG filling station for its fleet vehicles. Upgraded biogas could be directed to the filling station for use as transportation fuel.



Site of compressed natural gas filling station at WRI.

Odor Control

In its required compost risk screening application evaluation, DEQ determined that the facility's operation poses a risk for odors due to the nature and amount of feedstocks the facility proposes to accept.⁵ In the operations plan submitted to Metro as part of the application, the applicant detailed the odor control methods the facility will employ. All food waste delivered to SORT will be tipped in a fully enclosed receiving building with an air handling system that will maintain a negative pressure environment. Fast acting receiving bay doors will open and close for deliveries. Loads will be tipped at the far end of the building away from the bay doors. Air ducting will be focused over the tipping floor to prevent the escape of odorous compounds during deliveries. All food waste will be processed on the day that it is received and placed in enclosed containers. The tipping floor will be washed down at the end of each work day.

Air drawn from the receiving building will be vacuumed through duct work and discharged into a bio-filter for the removal of odorous compounds. The bio-filter medium will be a sand/soil blend containing microorganisms that consume odorous gas molecules. The operations plan indicates that the provider of the bio-filter technology has provided bio-filter installations for several waste water treatment facilities in and near the Metro region. The facility operator will measure the operation of the bio-filter on a daily basis using a handheld gas analyzer around the boundary of the site. The results of the monitoring will be made available to regulatory agencies including Metro.

The proposed franchise includes provisions to minimize the generation of odors on site including a requirement for the facility to establish an odor control plan and procedures for responding to odor complaints. Additionally the facility will be routinely monitored for compliance by Metro and DEQ inspection staff. The facility must also comply with the city of Wilsonville's odor ordinance.

⁵ Although SORT will not operate as a composting facility, anaerobic digestion facilities are subject to the same risk screening evaluation by DEQ under Oregon Administrative Rules (OAR) 340-096-0001 and 0080.

ANALYSIS / INFORMATION

Public Notice and Opportunity to Comment



Public notice and opportunity to comment cards were sent to nearby residents and businesses

On October 26, 2016, Metro issued notice of the proposed franchise application and provided the public with an opportunity to submit comments. Public notice was mailed to 28 residences and businesses within 1/3 of a mile of the facility, posted on the Metro web site, and e-mailed to a list of industry and government stakeholders, and members of the public that have expressed a general interest in solid waste issues in the Metro region. The public comment period ended on November 30, 2016. There were no comments in response to the public notice.

During Metro's public comment period, DEQ held a public information meeting and hearing in Wilsonville on November 17, 2016, to provide information and solicit comments on the proposed facility and its DEQ permits. Metro staff attended the hearing to provide information and to accept comments on the franchise application. Eleven people signed the attendance sheet for the hearing. There were no formal comments submitted at the hearing.

Known Opposition

There is no known opposition to the proposed franchise.

Legal Antecedents

1. Metro Code Chapter 5.01, entitled "Solid Waste Facility Regulation." Specifically:
 - A. Section 5.01.150 states that a solid waste facility franchise is required for the processing of putrescible waste and operating an energy recovery facility.
 - B. Section 5.01.160 requires that a prospective applicant for a franchise participate in a pre-application conference within one year before filing an application.

The applicant attended a pre-application conference with Metro on July 7, 2016, and subsequently filed a complete franchise application on September 6, 2016.

- C. Section 5.01.170 requires that a franchise application be filed in a format prescribed by Metro and include a description of the proposed activities and waste to be accepted at the proposed facility.

The applicant filed its application using a standard Metro form and submitted the required application fee of \$500 on September 6, 2016. The application included an adequate description of the types of activities and waste to be accepted at the facility.

- D. Section 5.01.170(c) requires that a franchise application must include the following information:

- (1) Proof that the applicant can obtain the types of insurance specified by the Chief Operating Officer during the term of the franchise.

The applicant will be required to submit proof of insurance once the facility is constructed and prior to commencing operation.

- (2) A duplicate copy of all applications for necessary DEQ permits and any other information required by or submitted to DEQ.

The applicant submitted a duplicate copy of its DEQ Solid Waste Disposal Site and Air Contaminant Discharge Permit applications.

- (3) A duplicate copy of any closure plan required to be submitted to DEQ, or if DEQ does not require a closure plan, a closure document describing closure protocol for the solid waste facility at any point in its active life.

The DEQ does not require that the facility submit a closure plan. The applicant included a closure plan with its Metro franchise application.

- (4) A duplicate copy of any documents required to be submitted to DEQ demonstrating financial assurance for the costs of closure.

The DEQ does not require proof of financial assurance for this facility.

- (5) Signed consent by the owner(s) of the property to the proposed use of the property.

The applicant submitted a signed property use consent form with the application.

- (6) Proof that the applicant has received proper land use approval.

The applicant provided proof of land use approval in the form of a LUCS signed by the city of Wilsonville on June 20, 2016.

- (7) Identify any other known or anticipated permits required.

In addition to the proposed franchise, the applicant states it must obtain the following permits to construct and operate the facility:

- DEQ Solid Waste Disposal Site Permit No. 1573 issued on December 5, 2016
- DEQ Air Contaminant Discharge Permit No. 34-0179-ST-01 issued on December 30, 2016
- DEQ Stormwater General Permit 1200-Z
- DEQ Stormwater Construction Permit 1200-C
- City of Wilsonville Industrial Discharge Pre-Treatment Permit

- E. Section 5.01.180(f) states that the Metro Council must consider the following factors when determining whether to authorize a franchise.

- (1) Whether the applicant has demonstrated that the proposed solid waste facility and authorized activities will be consistent with the Regional Solid Waste Management Plan (RSWMP);

Staff finds that the proposed activity is consistent with the regional values and policies outlined in the RSWMP.⁶ Specifically, Chapter III of the RSWMP, entitled “Future Direction and Regional Policies,” establishes the long-term vision, values, and policies that provide direction for the region’s solid waste management system. The applicant’s proposed activity is consistent with the regional values outlined in that chapter in that the proposal seeks to reduce the amount of solid waste generated in the Metro region and divert it to energy recovery. Chapter IV of RSWMP, entitled “Program Areas,” emphasizes program goals to implement a collection and processing system to enhance recovery of commercial food waste by targeting large generators such as grocery stores, institutional cafeterias and food processors. Additionally, to meet the requirements of Oregon Administrative Rules 340-93-070 (4)(b) for its DEQ Solid Waste Disposal Site Permit application, the applicant obtained a written statement from Metro that the proposed facility is compatible with RSWMP.⁷ In fact, management of commercial food waste in this manner is a primary goal of Metro Council based on direction provided at its October 25, 2016 work session.

- (2) The effect that granting a franchise to the applicant will have on the cost of the solid waste disposal and recycling services for the citizens of the region;

⁶ Regional Solid Waste Management Plan 2008-2018 Update

⁷ Solid Waste Disposal Site Compatibility with Solid Waste Management Plan signed June 28, 2016.

The effect is undetermined at this time. Approval of the proposed franchise would not immediately result in the construction of the facility. The applicant has indicated that it is unlikely the facility would be constructed unless it is awarded a supply contract through the competitive procurement process that Metro will conduct later in 2017. However, the applicant has indicated it will evaluate its situation once the RFP decision is finalized. Metro will determine cost impacts on services through that process and through a related determination of how to most effectively transfer commercial food waste to a processing facility (or facilities) that is awarded the contract(s) (further details about the competitive procurement process are provided in the Anticipated Effects section of this report).

- (3) Whether granting a franchise to the applicant is likely to adversely affect the health, safety, and welfare of Metro's residents in an unreasonable manner;

WRI has been operating a transfer station on the property since 1998. In that time WRI has operated at the site without significant impact to nearby neighborhoods or business, and the SORT facility is not expected to adversely affect health, safety, or welfare of nearby residents or businesses as it will have additional odor control measures and all processes will take place in enclosed vessels.

- (4) Whether granting a franchise is likely to adversely affect nearby residents, property owners or the existing character or expected future development of the surrounding neighborhood in an unreasonable manner;

As discussed above in subsection E(3) above, WRI has been operating a solid waste transfer station at the site since 1998 and has a good operating record at the site. SORT proposes to construct and operate an enclosed anaerobic digester for energy recovery adjacent to the transfer station which is consistent with current activities at the site location.

- (5) Whether the applicant has demonstrated the strong likelihood that it will comply with all the requirements and standards of this chapter, the administrative rules and performance standards adopted pursuant to Section 5.01.280 and other applicable local, state and federal laws, rules, regulations, ordinances, orders, or permits pertaining in any manner to the proposed franchise.

Since WRI has operated at the site since 1998 without significant impact to nearby neighborhoods or business, the proposed anaerobic digester at the site is not expected to adversely affect health, safety, or welfare of nearby residents or businesses. In addition, neither DEQ nor the city of Wilsonville have reported any code, environmental, or nuisance violations at the site. Based on the WRI's good compliance record, staff anticipates that the applicant will also remain in compliance with requirements and standards of the proposed franchise.

Anticipated Effects

Adoption of Ordinance No. 17-1393 will authorize a new, five-year solid waste facility franchise for SORT to operate an anaerobic digestion and energy recovery facility with an annual maximum tonnage authorization of 65,000 tons of food waste. If the proposed ordinance is adopted, the franchise will become effective on July 1, 2017. The construction of the proposed facility is not expected to commence before that date.

Metro intends to issue a request for proposals (RFP) in April 2017 to secure stable, proximate food waste processing capacity for the region. Republic pre-qualified as a potential service provider during an earlier request for qualifications.⁸ In its proposal, Republic indicated that SORT would serve as its operator. If Republic is not selected as a service provider by Metro, Republic and SORT have indicated they may re-evaluate whether the proposed facility continues to be viable. Franchise approval does not guarantee that Republic will be selected as a service provider.

Budget and Rate Impacts

If the proposed franchise is approved, SORT is unlikely to have an immediate impact to Metro's budget or transfer station rates. SORT has not yet constructed the anaerobic digestion facility. As discussed above, Republic and SORT have indicated that the proposed facility may be reevaluated if Republic is not selected as a service provider as a result of the RFP. Additionally, SORT's operation will likely coincide with other solid waste policy decisions that may further affect the collection and diversion of commercial food waste and putrescible waste tonnage at both public and private transfer stations. Such direction may result in changes to some of Metro's solid waste fiscal policies and rates at its transfer stations.

Should SORT begin operations it could have an effect on Metro tip fees, transaction fees and disposal costs. For instance, Metro would likely divert the 15,000 tons of commercial food waste that it currently receives directly to SORT. An additional 20,000-30,000 tons of food waste could be diverted if it were to be separated from the current general municipal waste stream. This additional tonnage would be sourced from both Metro's transfer stations and privately-owned transfer stations. Any diverted tonnage from Metro transfer stations will have some commensurate effect on the tip fee, transaction fee, and disposal costs. Under current rate policy, the separation of commercial food waste from the general solid waste stream would result in a slight increase in the per ton rate. Overall, Community Enhancement Fund revenue would be unaffected in the region but would shift from one jurisdiction/fund to another as the waste shifts to different facilities.

Metro's Disposal Cost

Because the proposed facility does not yet receive any waste that would otherwise be disposed of at a landfill, there is no immediate impact on disposal costs.

⁸ In early 2016, Metro issued a Request for Qualifications (RFQ) to qualify firms and technologies that would be eligible to propose in a scheduled future procurement to process up to 50,000 tons of the region's commercial food waste. Thirteen firms submitted qualifications; nine firms were deemed qualified. Metro is now preparing to issue a Request for Proposals (RFP) to procure long-term, proximate processing capacity for the region's commercial food waste. The RFP, applications, evaluation, and selection are likely to be completed by late 2017.

Community Enhancement Fund Revenue

All commercial food waste received at the proposed facility will be subject to a \$1.00 per ton community enhancement fee. The funds collected will be remitted to Metro. In turn, Metro will remit these fees to the already established Wilsonville Community Enhancement Program (Wilsonville CEP). The Wilsonville CEP operates under an intergovernmental agreement with Metro to provide support to the local host community of Wilsonville as determined by the local committee. The funds collected at SORT would serve to increase the funds available to the committee on an annual basis of up to an additional \$65,000 per year. In fiscal year 2016, the Wilsonville CEP received about \$86,600.

RECOMMENDED ACTION:

Based on the information and analysis provided in this report, the COO recommends that the Metro Council adopt Ordinance No. 17-1393 and issue a new five-year franchise to SORT as attached to this ordinance as Exhibit A which becomes effective on June 1, 2017 until December 31, 2021.

Agenda Item No. 5.1

Ordinance No. 17-1394, For the Purpose of Annexing to
the Metro District Boundary Approximately 45.98 Acres
Located in the River Terrace Area of Tigard and 17.32
Acres Located in the North Bethany Area of Washington
County

Ordinances (Second Read)

Metro Council Meeting
Thursday, February 16, 2017
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE)	ORDINANCE NO. 17-1394
METRO DISTRICT BOUNDARY)	
APPROXIMATELY 45.98 ACRES LOCATED IN)	Introduced by Chief Operating Officer
THE RIVER TERRACE AREA OF TIGARD AND)	Martha J. Bennett with the Concurrence of
17.32 ACRES LOCATED IN THE NORTH)	Council President Tom Hughes
BETHANY AREA OF WASHINGTON COUNTY)	

WHEREAS, Polygon WLH LLC has submitted a complete application for annexation of 45.98 acres -in the River Terrace area of Tigard and 17.32 acres in the North Bethany area of Washington County ("the territory") to the Metro District; and

WHEREAS, the Metro Council added the River Terrace and the North Bethany areas to the UGB, including the territory, by Ordinance No. 02-969B on December 5, 2002; and

WHEREAS, Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan requires annexation to the district prior to application of land use regulations intended to allow urbanization of the territory; and

WHEREAS, Metro has received consent to the annexation from the owners of the land in the territory; and

WHEREAS, the proposed annexation complies with Metro Code 3.09.070; and

WHEREAS, the Council held a public hearing on the proposed amendment on February 9, 2017; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A and Exhibit B, attached and incorporated into this ordinance.
2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated January 18, 2017, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this ___ day of February 2017.

Tom Hughes, Council President

Attest:

Approved as to form:

Nellie Papsdorf, Recording Secretary

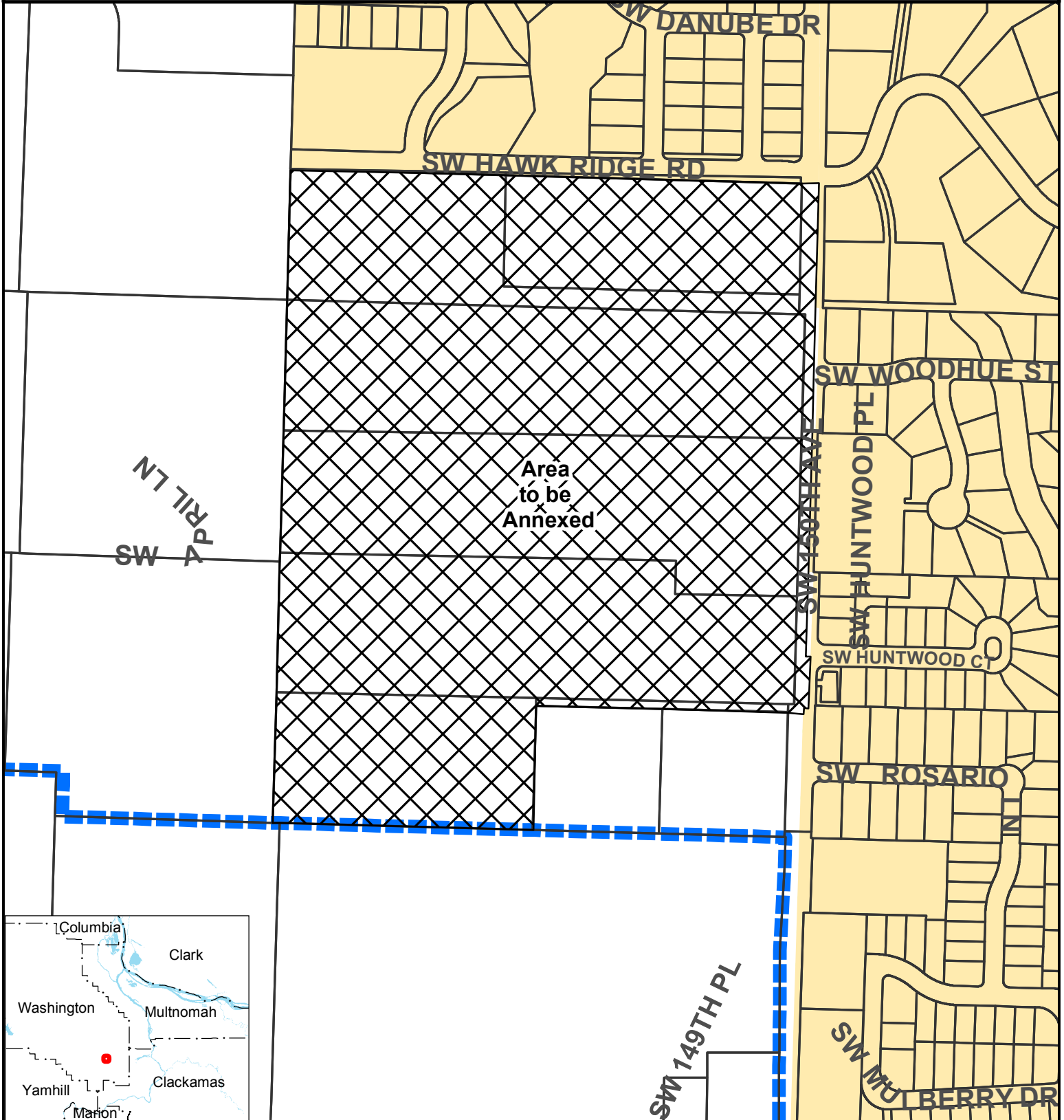
Alison R. Kean, Metro Attorney

Proposal No. AN-0117





2S1W08

Annexation to the Metro District Boundary

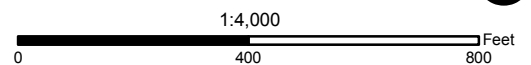
Washington County



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<http://www.oregonmetro.gov/drc>

-  Area to be annexed
-  Taxlots
-  Urban growth boundary
-  Metro District Boundary

Proposal No. AN-0117 Metro District Boundary



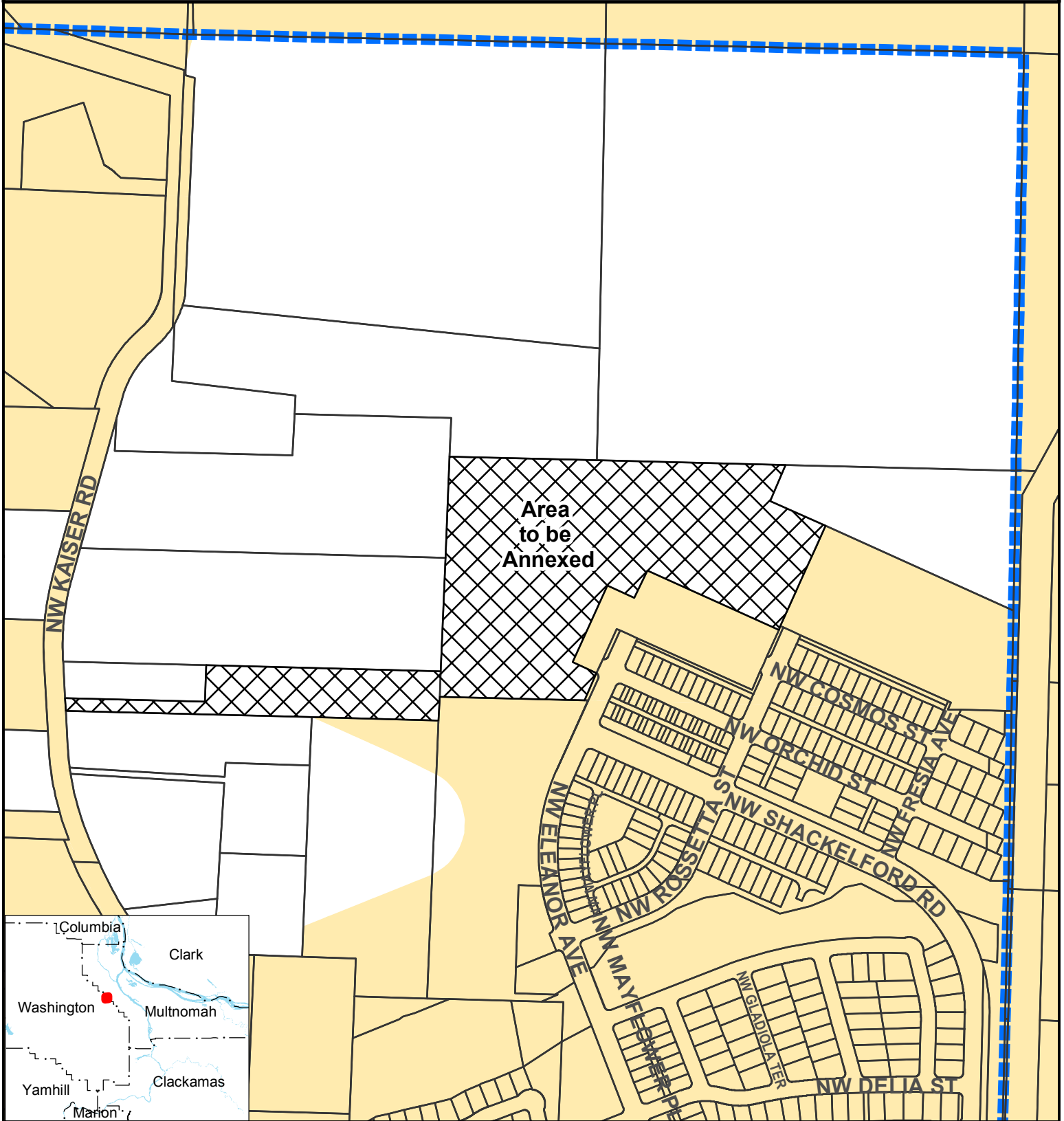
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Proposal No. AN-0117





1N1W17

Annexation to the Metro District Boundary

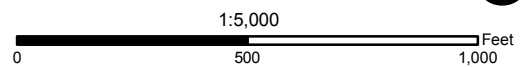
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Proposal No. AN-0117 Metro District Boundary



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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 17-1394, FOR THE PURPOSE OF ANNEXING TO THE METRO DISTRICT BOUNDARY APPROXIMATELY 45.98 ACRES LOCATED IN THE RIVER TERRACE AREA OF TIGARD AND 17.32 ACRES LOCATED IN THE NORTH BETHANY AREA OF WASHINGTON COUNTY

Date: January 18, 2017

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

CASE: AN-0117, Annexation to Metro District Boundary

PETITIONER: Polygon WLH LLC
109 E. 13th Street
Vancouver, WA 98660

PROPOSAL: The petitioner requests annexation of land in the River Terrace area of Tigard and in the North Bethany area of Washington County to the Metro District Boundary.

LOCATION: The land in the River Terrace area of Tigard is approximately 45.98 acres in size, located west of SW 150th Ave and south of SW Ridge Road and can be seen in Attachment 1.

The land in the North Bethany area of Washington County is approximately 17.32 acres in size, is located east of NW Kaiser Road and west of NW Eleanor Ave and can be seen in Attachment 2.

ZONING: The land in the River Terrace area of Tigard is zoned for residential use (R-4.5 & R-7) by Tigard.

The land in the North Bethany area of Washington County is zoned for residential (R-15NB, R-24NB & R-25+NB) and neighborhood commercial (NCC NB)

The land was added to the UGB in 2002 and is part of the River Terrace Community Plan that was adopted by Tigard or the North Bethany Subarea Plan that was adopted by Washington County. The land must be annexed into the Metro District for urbanization to occur.

APPLICABLE REVIEW CRITERIA

The criteria for an expedited annexation to the Metro District Boundary are contained in Metro Code Section 3.09.070.

3.09.070 Changes to Metro's Boundary

(E) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions to demonstrate that:

- 1. The affected territory lies within the UGB;*

Staff Response:

Both the land in the River Terrace area of Tigard and the North Bethany area of Washington County was brought into the UGB in 2002 through the Metro Council's adoption of Ordinance No. 02-969B.

2. *The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and*

Staff Response:

The conditions of approval for Ordinance No. 02-969B include a requirement that Washington County apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. Title 11 requires that new urban areas be annexed into the Metro District Boundary prior to urbanization of the area. Washington County applied the Future Development 20 (FD-20) zone to both expansion areas.

The River Terrace property was annexed to Tigard in January 2013 and the River Terrace Community Plan was adopted in 2014. The applicant is currently moving forward with annexation to Clean Water Services. These measures ensured that urbanization would occur only after annexation to the necessary service districts is completed.

For the land in North Bethany, Washington County requires the land to be annexed into the appropriate sanitary sewer, water, park and road service districts prior to urbanization occurring, which the applicant is in the process of completing. These measures ensured that urbanization would occur only after annexation to the necessary service districts is completed.

3. *The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS Chapter 195 and any concept plan.*

Staff Response:

The River Terrace property is part of Tigard's River Terrace Community Plan Area, adopted by the City of Tigard in 2014. The proposed annexation is consistent with the community plan and is required by Tigard as part of a land use application. The inclusion of the property within the Metro District is consistent with applicable cooperative urban service agreements.

The North Bethany property is part of Washington County's North Bethany Subarea Plan and was included in the North Bethany County Service District, established by the County Board of Commissioners on June 7, 2011. The proposed annexation is consistent with the Subarea Plan and the Service District agreement and is required by Washington County as part of a land use application. The inclusion of the property within the Metro District is consistent with all applicable plans.

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition to this application.

Legal Antecedents: Metro Code 3.09.070 allows for annexation to the Metro District boundary.

Anticipated Effects: This amendment will add approximately 45.98 acres in the River Terrace area of Tigard and 17.32 acres in the North Bethany area of Washington County to the Metro District. All of the land is currently within the UGB and approval of this request will allow for the urbanization of the land to occur consistent with the River Terrace Community Plan and the North Bethany Subarea Plan.

Budget Impacts: The applicant was required to file an application fee to cover all costs of processing this annexation request, thus there is no budget impact.

RECOMMENDED ACTION

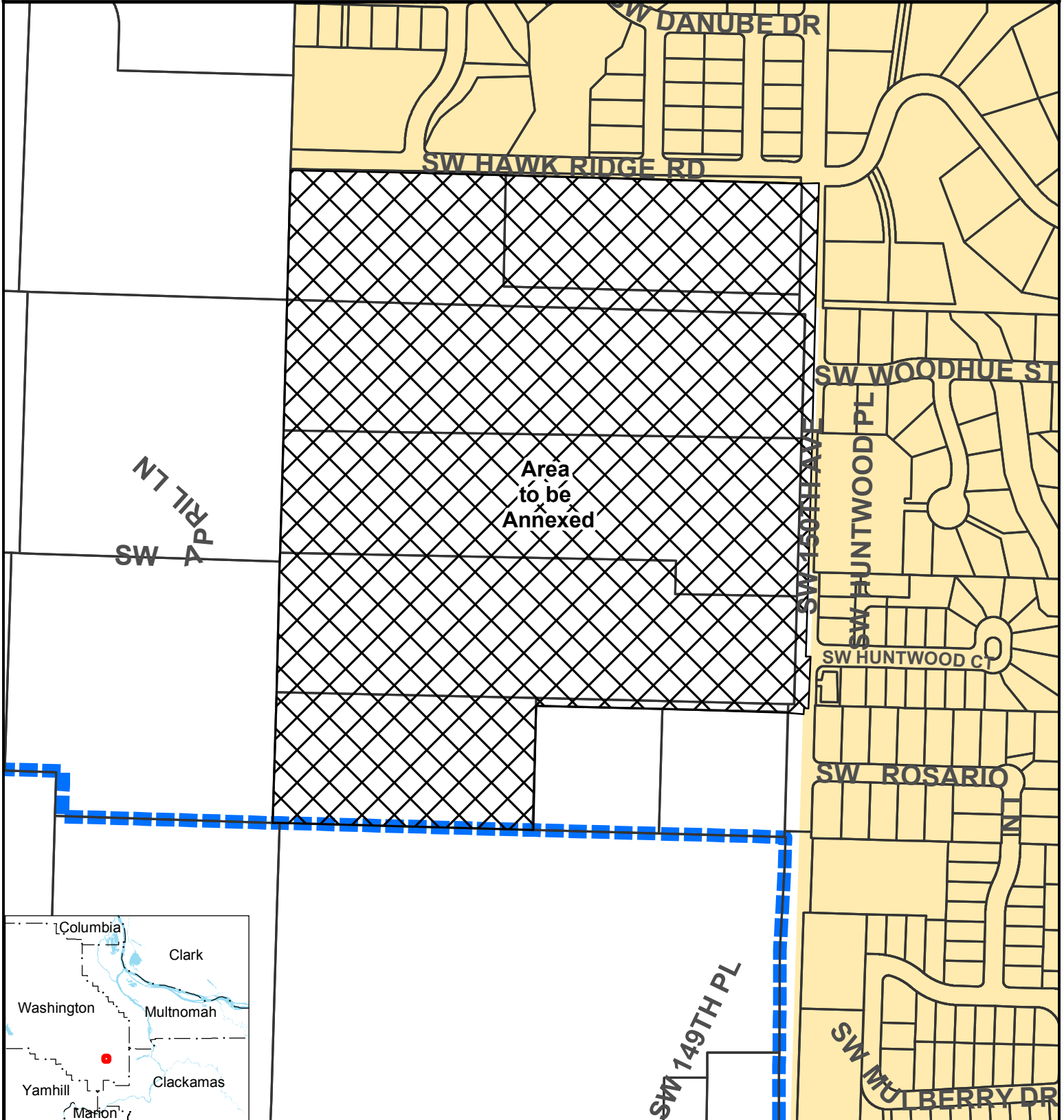
Staff recommends adoption of Ordinance No. 17-1394.

Proposal No. AN-0117

2S1W08

Annexation to the Metro District Boundary





Washington County



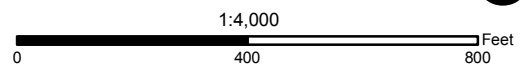
Area to be Annexed



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-  Area to be annexed
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Proposal No. AN-0117 Metro District Boundary



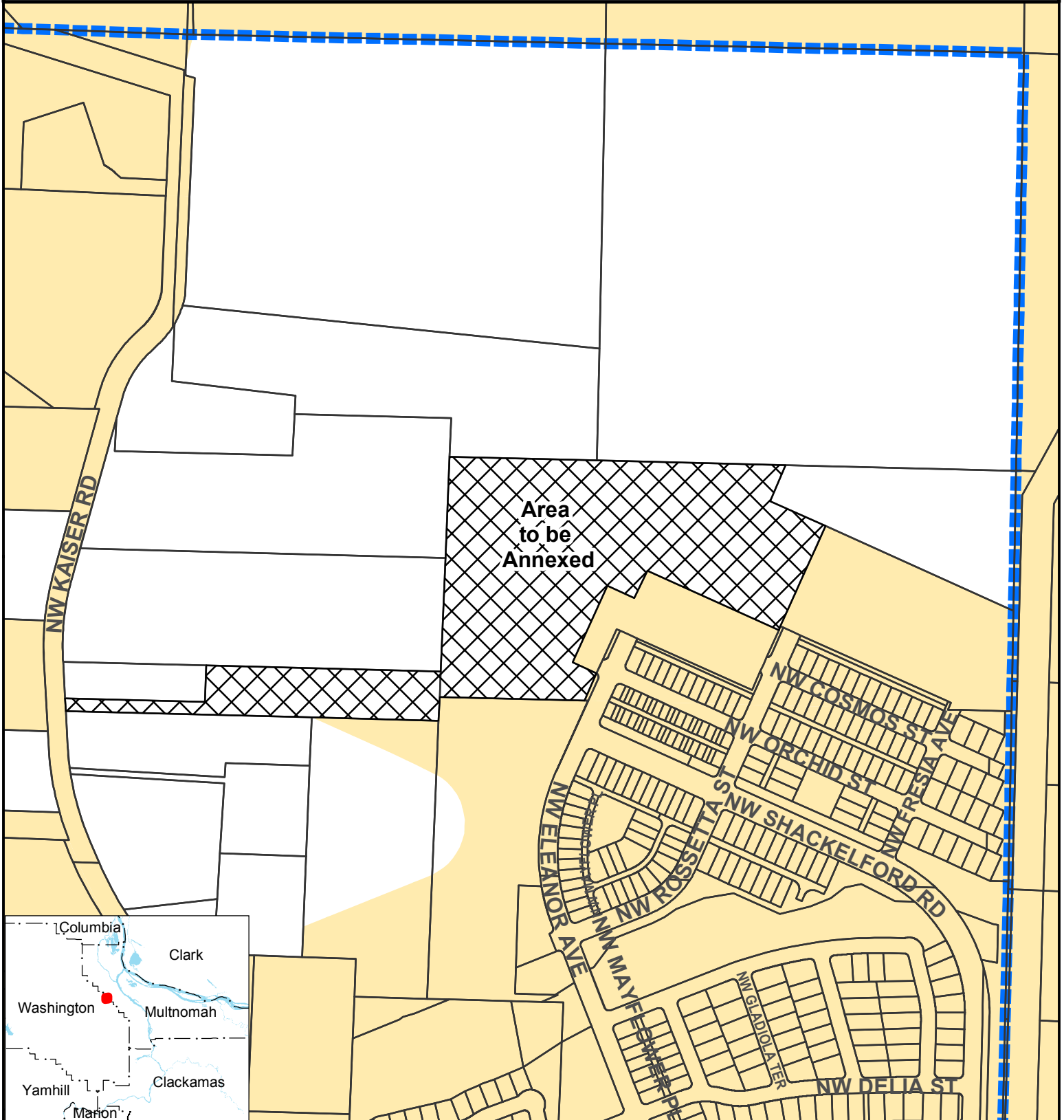
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Proposal No. AN-0117





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Annexation to the Metro District Boundary

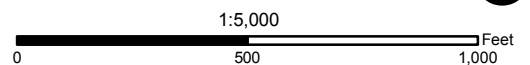
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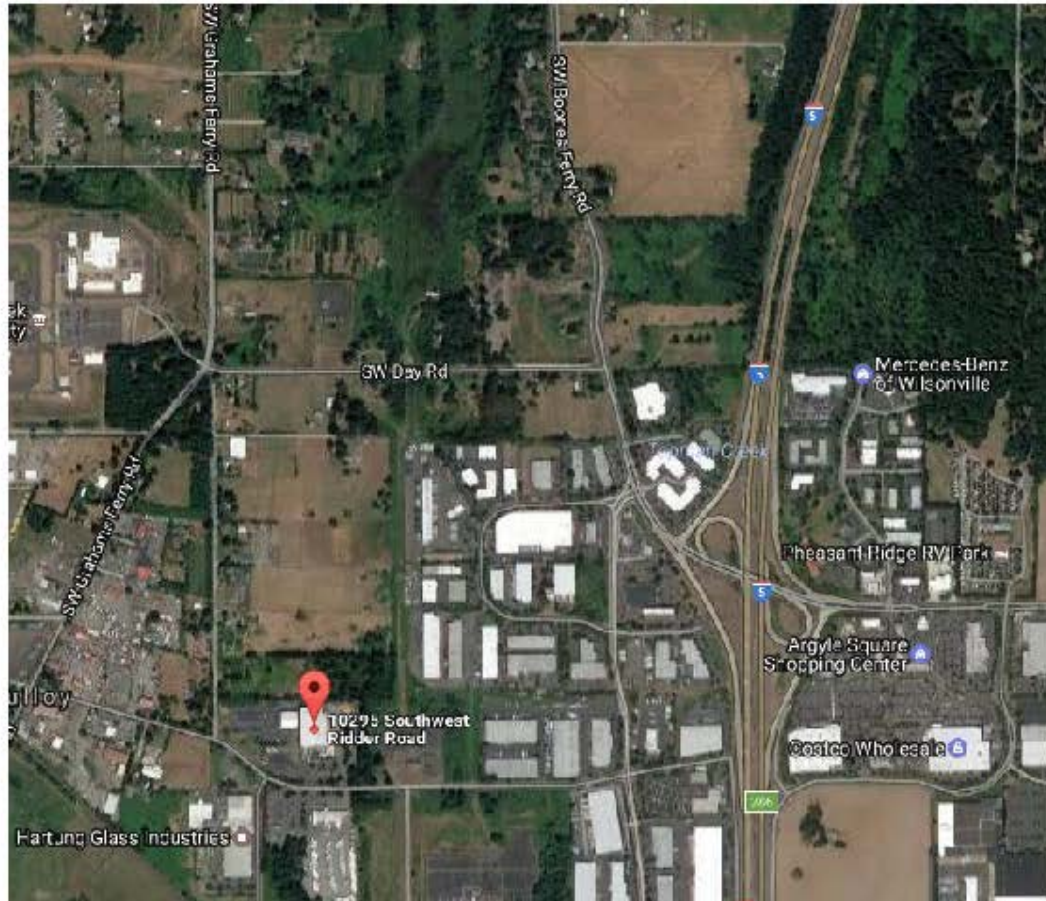
Materials following this page were distributed at the meeting.

SORT Bioenergy Wilsonville Anaerobic Digestion Facility

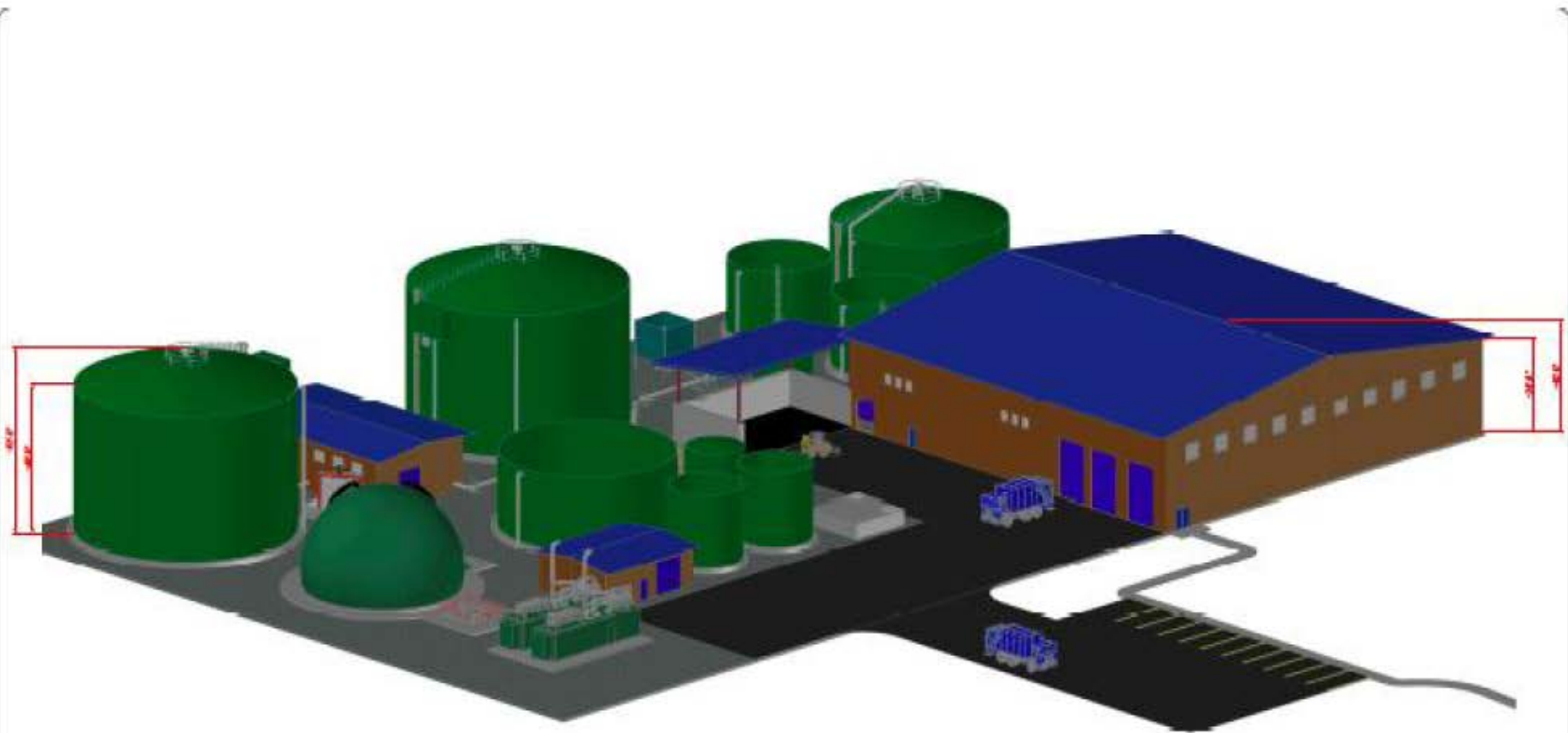
Metro Council Presentation

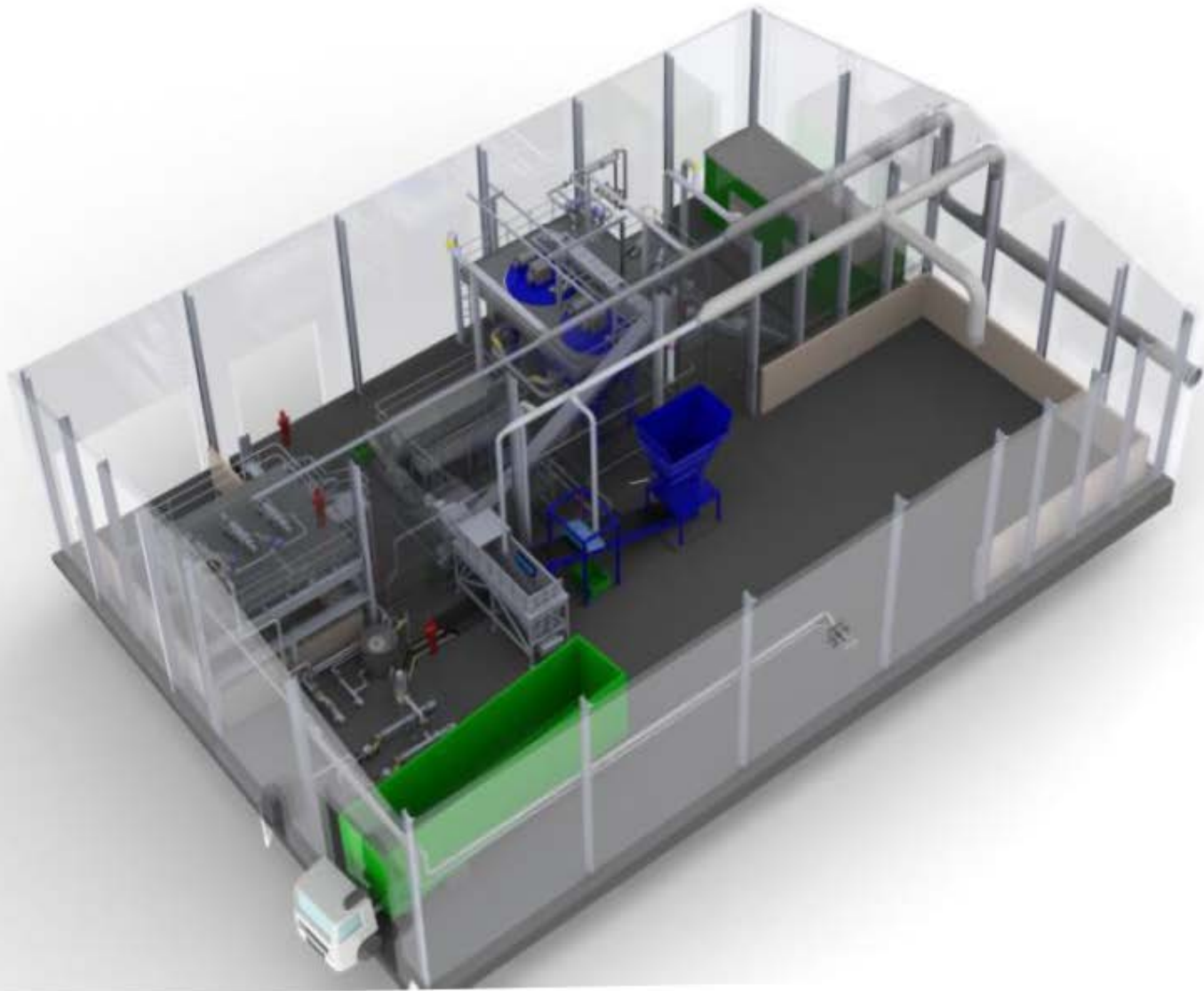
February 16, 2017

Facility Location



Facility Schematic





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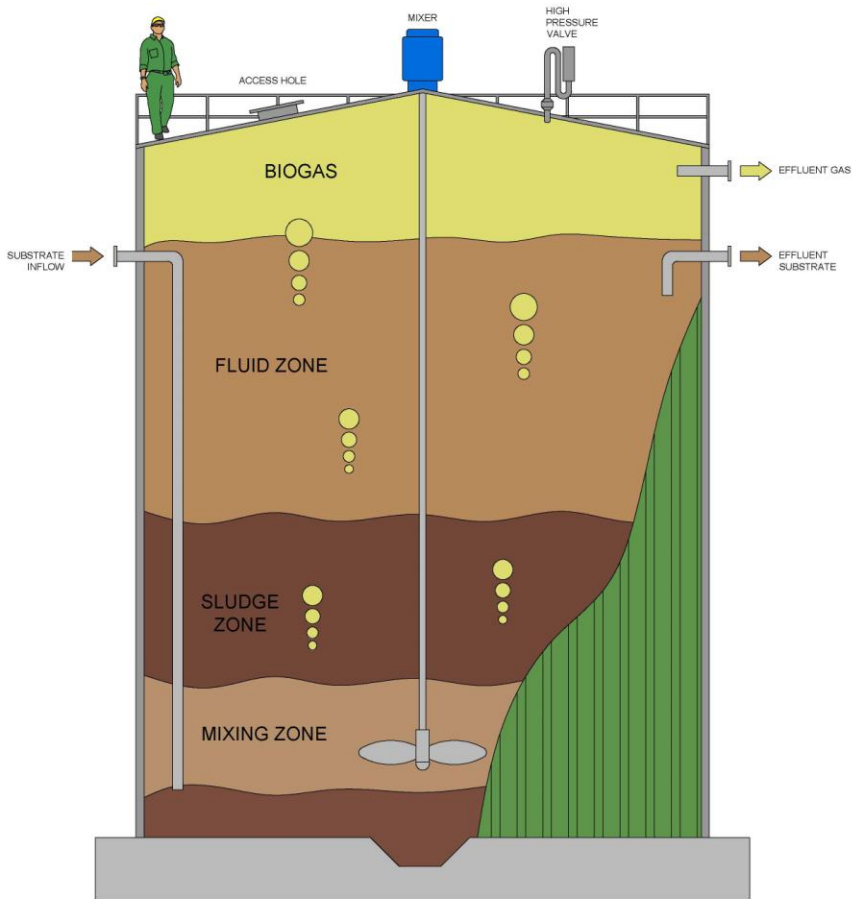
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Odor and Air Emissions Control

Regional Experience

*Clean Water Services Durham Wastewater Treatment Facility,
Clean Water Services Forest Grove Wastewater Treatment Facility
Troutdale Water Pollution Control Facility
Camas Wastewater Treatment Facility
Ranier Wastewater Treatment Facility*

Anaerobic Digestion System

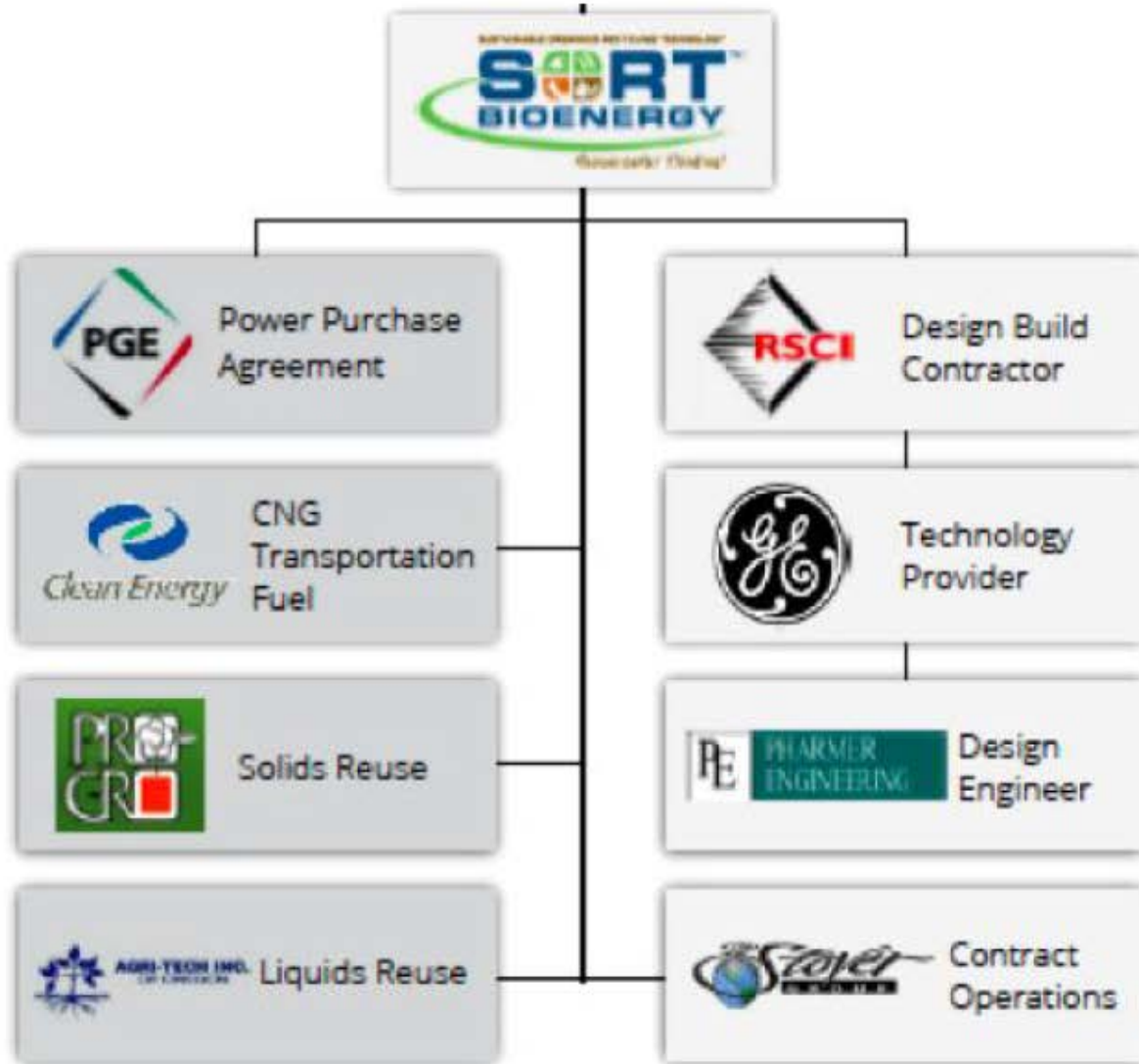




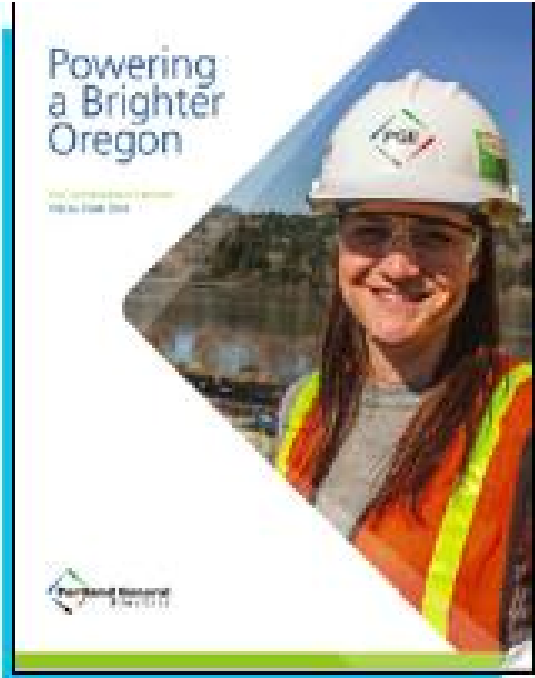
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Project Partners



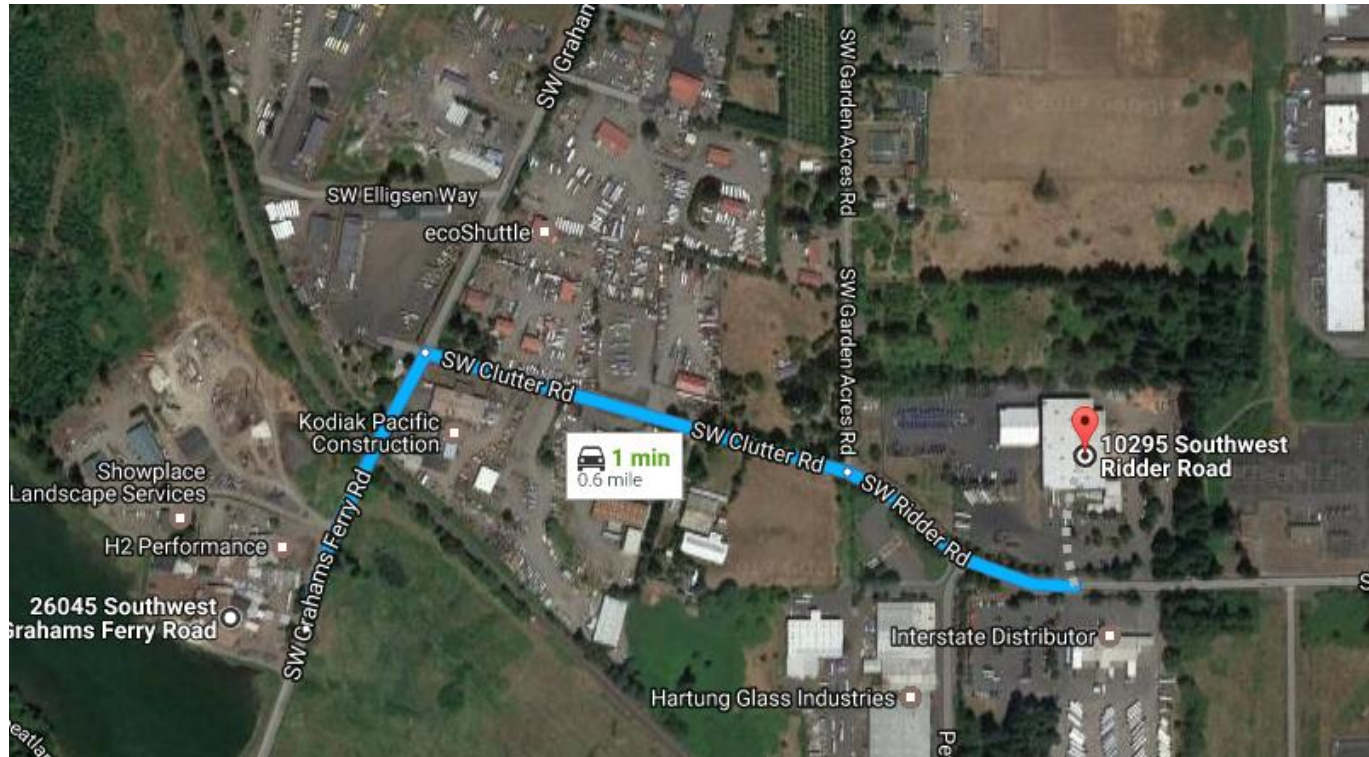
Energy Off-take Option: Renewable Electricity Generation



Energy Off-take Option: Onsite Vehicle Fueling



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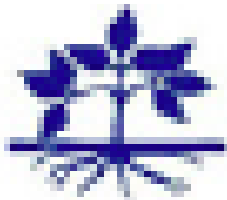
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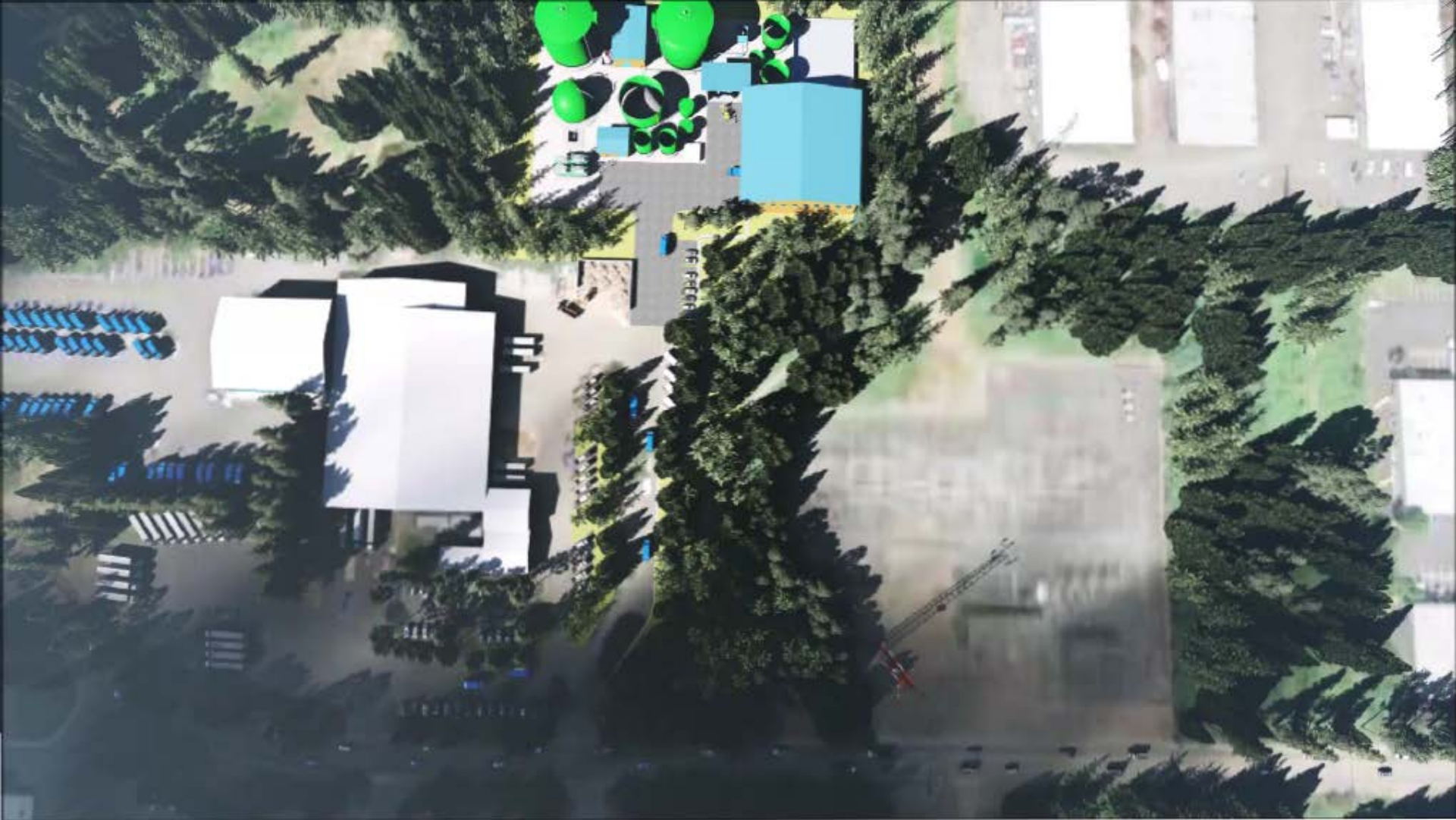
SUSTAINABLE ORGANICS RECYCLING TECHNOLOGY

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Permitting Status

1. City of Wilsonville Land Use and Site Specific Conditions of Approval **complete**;
2. Oregon DEQ Solid Waste Permit for Anaerobic Digestion **complete**;
3. Oregon DEQ Air Contaminant Discharge Permit **complete**;
4. PGE Power Purchase Agreement and Interconnection Feasibility Study **complete**.



SORTBioEnergy.com



Questions ?

SORTBioEnergy.com





10295 SW Ridder Road Wilsonville, OR 97070
o 503.570.0626 f 503.682.9505 republicservices.com

**COMMENTS BEFORE METRO COUNCIL
ORDINANCE No. 17-1393
FIRST READING AND PUBLIC HEARING**

February 16, 2017

Good afternoon Council President Hughes and members of the Metro Council. My name is Jason Jordan. I serve as the General Manager for Republic Services. I am responsible for the operations of three hauling divisions and two post collection divisions (Metro South Operations and Willamette Resources, Inc., (WRI). I also oversee Operations for one hauling division and one post collection division supporting North Marion County.

On behalf of Republic Services, my purpose for being here today is to demonstrate partnership and provide support for the approval of the Solid Waste Facility Franchise application to SORT Bioenergy, LLC (SORT). I have had the privilege to work intimately with SORT on this project for over 18 months. SORT and Republic Services have partnered through each step of the process from developing initial plan objectives and completing the design to the current project status presented to you today.

Republic Services takes pride in aligning its long-term, sustainable solutions for our region's solid waste and recycling needs to the priorities of the local communities we serve. We know that food waste represents roughly 18% of total waste produced in the region (through recent studies) and finding an environmentally responsible solution for this type of waste is a top priority of our company.

We believe that the proposed operations of SORT, under Paul Wood's leadership, are the type of solution our region should have the opportunity to pursue.

Being a good community partner is important to Republic Services along with ensuring either we or organizations we partner with follow the proper procedures for responsible operations. SORT's diligent work to secure Department of Environmental Quality permits and this request for an authorization of a Solid Waste Facility Operating Franchise are key steps to ensure the projects viability. SORT has been thorough in researching, engaging stakeholders, and following the various community input and permitting processes.

SORT has our full support in its request for the approval of Metro's Solid Waste Facility Franchise.

Respectfully,

Jason Jordan
General Manager
Republic Services