

Council meeting agenda

Thursday, May 9, 2019

2:00 PM

Metro Regional Center, Council chamber

1. Call to Order and Roll Call

2. Safety Briefing

3. Public Communication

4. Presentations

- 4.1 Oregon Zoo Bond Citizens' Oversight Committee Annual Report [18-5215](#)

Presenter(s): Susan Hartnett, Zoo Bond Oversight Committee Chair
Heidi Rahn, Metro Staff

Attachments: [Calendar Year 2018 Report](#)

5. Consent Agenda

- 5.1 Consideration for the Council Meeting Minutes for May 2, 2019 [18-5222](#)

- 5.2 Resolution No. 19-4994, For the Purpose of Confirming the Appointment of Andrew Scott as Acting Chief Operating Officer [RES 19-4994](#)

Attachments: [Resolution No. 19-4994](#)
[Staff Report](#)

6. Ordinances (First Reading and Public Hearing)

- 6.1 Ordinance No. 19-1435, For the Purpose of Approving a
Solid Waste Facility Franchise Application and Authorizing
City of Roses Disposal & Recycling, Inc. to Operate a
Transfer Station

[ORD 19-1435](#)

Presenter(s): Roy Brower, Metro
Hila Ritter, Metro

Attachments: [Ordinance No. 19-1435](#)
[Exhibit A to Ordinance No. 19-1435](#)
[Staff Report](#)
[Attachment 1 to Staff Report](#)
[Attachment 2 to Staff Report](#)

7. Chief Operating Officer Communication**8. Councilor Communication****9. Adjourn**

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Agenda Item Number 4.1

**Oregon Zoo Bond Citizens' Oversight Committee Annual
Report**

Presentations

Metro Council Meeting
Thursday, May 9, 2019
Metro Council Chamber



Oregon Zoo Bond Citizens' Oversight Committee

CALENDAR YEAR 2018 REPORT

Presented April 2019 to the Metro Council and the community



Cover:

- Artist renderings of the three Oregon Zoo habitats under construction: Polar Passage, Primate Forest and Rhino Habitat, scheduled to open in 2021. (Renderings by Scott Taylor, Scott Taylor Consulting)
- In 2018, the former Oregon Zoo primate building built in 1957 was demolished to make way for the new Primate Forest project. (photo by Kate Giraud, zoo bond project manager)

April 4, 2019

RE: Oregon Zoo Bond Citizens' Oversight Committee Report for the Calendar Year 2018

Dear Metro Councilors and Residents of the Region:

In 2008 voters in the region expressed the value they place on animal welfare and water and energy conservation when they passed the \$125 million bond measure that funds habitat and infrastructure upgrades at the Oregon Zoo. To help ensure the public's money is well spent, the bond measure mandated an Oregon Zoo Bond Citizens' Oversight Committee ("the committee") to provide independent citizen review of the bond program. Each year since 2011, the committee has presented an annual report to the Metro Council and our regional community. This is the committee's report presenting its findings on how the program has progressed during the period from January through December 2018.

In accordance with the bond requirements, the report covers three required reporting items: (1) Assessment of Progress, (2) Spending Considerations, and (3) Project Modifications in Excess of Budget. In each section, the committee provides a narrative followed by a summary of findings and recommendations. For the recommendations from the 2017 report, we include an update on what was done in response to those recommendations, followed by new findings and recommendations from 2018. The new 2018 findings and recommendations are also summarized at the beginning of the report for your convenience.

The committee is pleased to report that in 2018, bond funds continued to be spent wisely, bond projects were advanced on schedule and within budget, and overall the bond program is on track to deliver on voter expectations.

Starting with the 2015 report, the committee changed the format from previous years by focusing on the three main objectives of the ballot measure – animal welfare, conservation education, and infrastructure and sustainability – and diversity in contracting utilization, for each project. The 2018 report also includes format changes intended to begin transitioning the annual report to a final bond program report when the remaining projects are completed. Information on completed projects has been moved to a new appendix which also includes background on the bond initiation process and early planning stages. The committee's goal in making these changes is to assemble a complete picture of the zoo bond process and program and to begin identifying key "lessons learned" that may be useful to Metro and other public agencies when undertaking a significant bond-funded construction program.

The committee's main focus in 2018 was on the design and construction planning for the final three projects called for in the bond measure and assuring that the bond program is on solid footing to complete the remaining projects, despite significant cost escalation in the region. Project budgets and scopes, which were first defined in 2011, were analyzed and modified in 2017 to address cost escalation. However, the strength in the local economy and an unprecedented rate of construction activity has continued to create challenges as the final projects are being developed. Of principal concern to the committee is completion of all bond projects within the remaining funding and without sacrificing bond program goals, including as a prime aim the animal welfare objectives.

The committee worked closely with the bond team in 2018 to understand the potential impacts to the final projects and the choices facing the staff. As was the committee's experience in prior years, the bond team and zoo staff consistently present clear, thoughtful and professional information and demonstrate their willingness to engage with the committee on issues and to give serious consideration to the members' thoughts, concerns and ideas. The committee notes that Dr. Don Moore's leadership at the Oregon Zoo has been a significant benefit not only to the bond program, but throughout the zoo's many activities and programs.

The Oregon Zoo Bond Oversight Committee will work diligently to assure that in its final two years of construction, commissioning and celebration of these new habitats, the zoo bond program continues to deliver projects that meet the bond measure goals, including the best conditions possible for the animals. We will also look for ways to support the zoo in providing a first-class experience for zoo visitors.

It is my honor to thank the other 17 members of the Oregon Zoo Bond Citizens' Oversight Committee for their service, and the Oregon Zoo staff and other Metro staff supporting the zoo bond program for their hard work, professionalism and clear answers to the many questions we asked. We present this report as a team effort.

Sincerely,



Susan G. Hartnett, Chair
Oregon Zoo Bond Citizen Oversight Committee

Oregon Zoo Bond Citizens' Oversight Committee Report

A report to the Metro Council and community regarding progress
on the zoo bond program

Presented April 2019 for the calendar year 2018

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Oregon Zoo Bond Citizens' Oversight Committee Report

A report to the Metro Council and community regarding progress on the zoo bond program

Presented April 2019 for the calendar year 2018

In 2008 Portland area voters expressed the value they place on animal welfare and water and energy conservation when they passed the \$125 million bond measure that funds habitat and infrastructure upgrades at the Oregon Zoo. As mandated by the bond measure, the Oregon Zoo Bond Citizens' Oversight Committee ("the committee") provides independent citizen review to help ensure the public's money is well spent. The committee's charge is to determine if the zoo improvement program is on the right path in terms of structure, expenditures and achievement of defined goals. This is the committee's annual report to the Metro Council and the community, presenting its findings on how the program has progressed during the period from January through December 2018.

Zoo Bond Ballot Measure:

Bonds to Protect Animal Health and Safety; Conserve, Recycle Water

The zoo bond measure calls for updating and replacing old exhibits and facilities, increasing access to conservation education, and replacing utility systems to reduce water and energy use and lower operating costs.

- Provide more humane care for animals; update four outdated and undersized enclosures with larger, more natural and safer spaces.
- Protect animal health and safety; modernize zoo's substandard 45-year-old animal clinic determined deficient by the Association of Zoos and Aquariums.
- Increase access to conservation education; provide more space for summer camps, classes and hands-on learning for kids, adults and families.
- Improve water quality; replace the zoo's 1950s sewer system, reducing pollution by separating sewage from stormwater, harvesting runoff for reuse.
- Conserve, reuse water; install water recycling filtration systems; replace leaking, worn-out plumbing, irrigation systems, saving 11,000,000 gallons of water annually.

Why the committee exists

The Metro Council first appointed the committee in January 2010. The committee met four times in 2018: February, May, September and November. Currently the committee has 18 members, who bring to the committee skill sets from a diverse set of backgrounds (see Appendix B).

The committee operates under a charter that incorporates the governance and reporting requirements of Metro Council Ordinance 10-1232. The Metro Council president appoints the chair of the committee, a position currently held by Susan Hartnett.

The committee meetings typically involve interactive presentations by the zoo bond staff team and other Oregon Zoo and Metro staff. Each meeting includes considerable discussion and question/answer time.

The committee operates at a high oversight level, reviewing the zoo improvement program to ensure that structure, expenditures and defined goals are on track. In most cases, the committee does not make specific project decisions. Members look at how decision-making occurs and how business is conducted. The committee seeks to help ensure that the right processes and controls are in place so that the best possible value can be realized from the voter-approved zoo bond funds. The attached organizational chart of the zoo bond program (Appendix B), illustrates the many different levels of interaction and oversight.

The 2008 zoo bond measure titled “Bonds to Protect Animal Health and Safety: Conserve, Recycle Water” (the “zoo bond”) called for a citizen oversight committee to do the following:

1. Assess progress in implementing the Oregon Zoo bond measure project improvements.
2. Report on project spending trends and current cost projections, and review and report on the annual independent financial audit of spending.
3. Consider and recommend project modifications intended to account for increases in construction costs in excess of budget estimates, to ensure that the purpose and promise of the Oregon Zoo bond measure is fully realized.

The committee's reporting requirement

The committee is required to report annually to the Metro Council regarding the progress of the zoo bond measure improvements, spending trends and cost projections, and project modifications. This document satisfies that requirement. This committee helps ensure the best value for the voters' investment and provides this report to the community as part of its oversight and stewardship.

In addition to the bond reporting requirements, the committee reviewed other requirements and goals for the program. These included the state requirement that 1.5 percent of construction cost on eligible projects be used for renewable energy installations. Metro requires that 1 percent of construction cost on projects of a certain size be used for commissioned artwork. Zoo bond-funded construction projects have an aspirational contracting goal of 15 percent participation from minority-owned, women-owned, emerging small business, and service-disabled veteran-owned firms. The committee also strives to maintain a focus on the visitor experience and how its recommendations impact this crucial component.

Starting with the 2015 report, the committee changed the format from previous years by focusing on the three main objectives of the ballot measure – animal welfare, conservation education, and infrastructure and sustainability – and diversity in contracting utilization, for each project. This report includes the committee's recommendations from the report issued in April 2018 that covered the calendar year 2017 (2017 Findings and Recommendations), and provides an update on the outcomes of those recommendations as applicable. This report also includes format changes intended to begin transitioning the annual report to a final bond program report when the current projects are completed in 2020. Information on completed projects has been moved to a new appendix, which also includes background on the bond initiation process and early planning stages.

As noted above, this report fulfills the bond measure requirement to report annually to the Metro Council regarding the progress of the zoo bond measure improvements, spending trends and cost projections, and project modifications. Although of interest to the committee, it does not attempt to set measurable operations standards or include an analysis of operations of the new facilities constructed by the bond program. Some of that information is provided in a mid-program report, [*Thanks to You, A Better Zoo, 2016 Bond Program Progress Report*](#), posted on the zoo website, www.OregonZoo.org. Based on a 2015 request, bond staff is committed to providing a memo outlining the estimated annual operational impacts after one full fiscal year (July to June) of operations in the new bond-constructed facilities completed in 2015 or later.

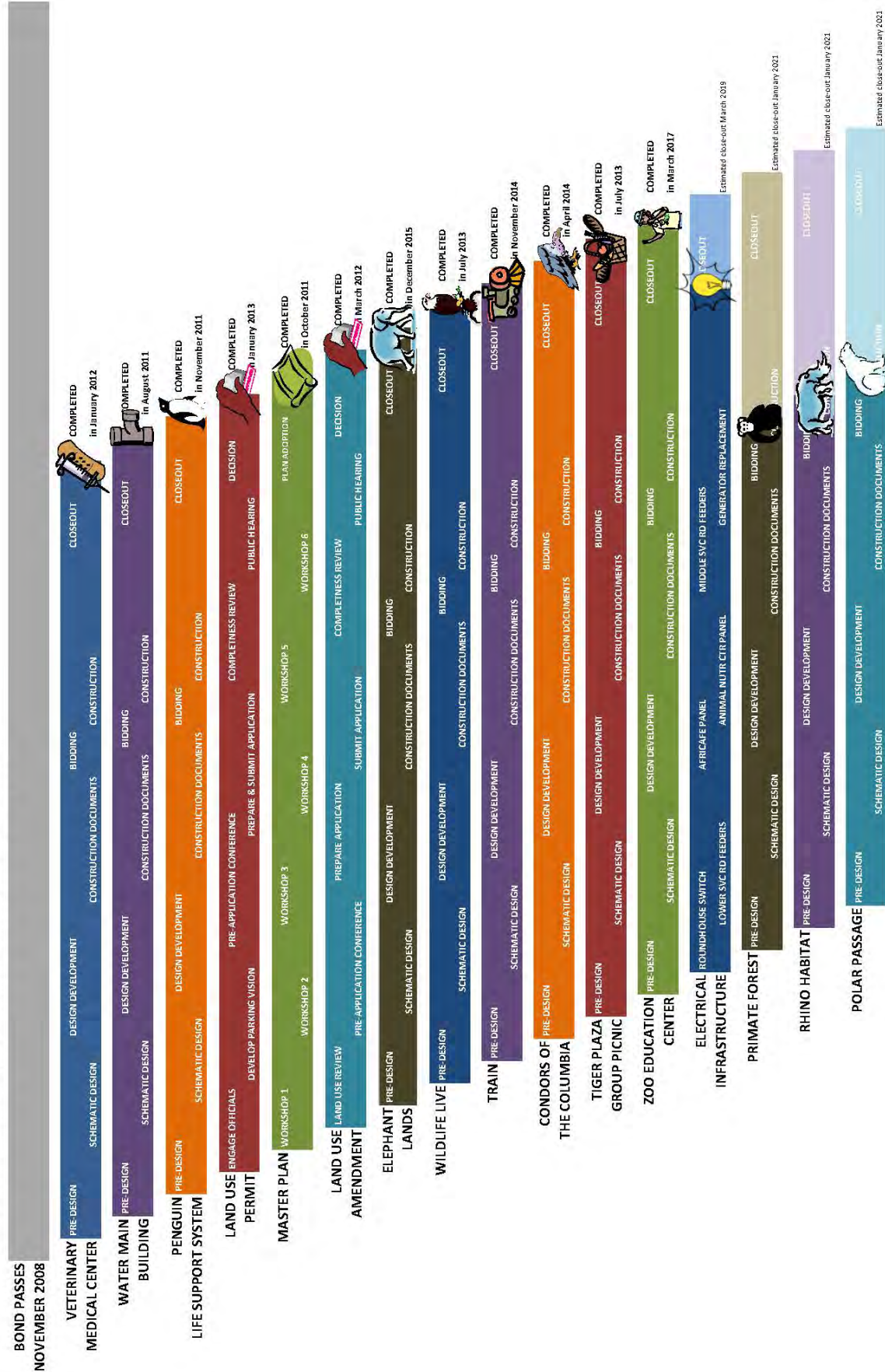
This Oversight Committee annual report includes high level data on diversity in contracting information, but more complete information is available in the [*Oregon Zoo Bond Program Equity in Contracting Quarterly Report*](#), first issued by bond staff in September 2016, and provided to the committee and posted quarterly thereafter on the zoo website (except the latter half of 2018 when it was suspended for six months due to no new data).

This report makes various references to items that were presented to the committee in 2018 and prior years. The committee's meeting materials, minutes, annual reports, program fiscal audits and *Oregon Zoo Bond Program Equity in Contracting Quarterly Reports* can be found on the Oversight Committee meeting materials pages on the zoo's website: <http://www.oregonzoo.org/discover/new-zoo/oregon-zoo-bond-citizens-oversight-committee/oregon-zoo-bond-citizens-oversight>.

Figure 1

OREGON ZOO BOND PROGRAM

PROJECT SEQUENCE AND PROGRESS, AS OF DECEMBER 2018



2018 Findings and Recommendations Summary

The committee's findings and recommendations for 2018 are compiled here for quick reference. They are listed again under each reporting item later in the report with more complete narrative and updates on the previous year's recommendations.

2018 Findings and Recommendations Summary

Conservation Education: Overview (section 1A2, pages 13-15)

- The committee commends the change in the name of two zoo departments: Education became Inspiration, Learning and Action and Living Collections became Care, Connection and Conservation. These changes demonstrate ongoing maturing commitments to conservation, which was a commitment of the zoo bond measure. They also ensure that all interpretive investments reflect conservation action priorities for the zoo.
- The committee carries forward its 2017 recommendation that the remaining bond-funded projects focus conservation education to align with the Integrated Conservation Action Plan.
- The committee recommends that staff report findings from the Education Center interpretive summative evaluations when available in 2019.

Infrastructure and Sustainability: Overview (section 1A3, pages 15-18)

- The committee carries forward its 2017 recommendation that the Oregon Zoo operate, maintain and repair the new facilities to meet the intended water, energy and sustainability performance of the designs and equipment specifications.
- The committee commends the zoo for adding to its awards for the Education Center. It achieved Leadership in Energy and Environmental Design (LEED) Platinum certification from the US Green Building Council, the highest level of certification available. In addition, the Portland Chapter of American Institute of Architects awarded the Architecture 2030 Award to Opsis Architecture and the Oregon Zoo in recognition of their effort to reduce the use of greenhouse gas-emitting fossil fuels (net-zero operations), and the American Council of Engineering Companies of Oregon bestowed its Engineering Excellence 2018 Grand Award.
- The committee recommends that the Education Center continue data collection on energy use in order to achieve the International Living Future Institute (ILFI) zero energy bond certification.

Diversity in Contracting: Overview (section 1A4, pages 18-22)

- The committee commends Metro for its role in commissioning the Portland Metro Region Construction Workforce Market Study that advanced public agencies' understanding of the challenges facing women and people of color in the regional construction industry, and for its leadership in developing strategies to overcome such challenges.

(continued)

2018 Findings and Recommendations Summary (continued)

Diversity in Contracting: Overview (continued) (section 1A4, pages 18-22)

- The committee commends the zoo bond program for continuing its focus on COBID utilization and its work with its designers and contractors in expanding tools to advance COBID participation.
- The committee recommends that Metro continue to explore additional alternative procurement strategies to further improve COBID participation and workforce diversity.
- The committee recommends that all aspects of the program's COBID utilization efforts be well documented by continuing the Quarterly Reports through the end of the program, for use on future zoo bond programs as well as on other Metro capital programs.
- The committee recommends that Metro continue its leadership role in the Construction Career Pathways Project aimed at increasing diversity in the regional construction workforce.

Program Governance and Structure: Overview (section 1A5, pages 22-23)

- The committee continues to recommend that Metro maintain clarity about roles, responsibilities and lines of authority given the program management and reporting structure transitions.

Polar Passage/Primate Forest/Rhino Habitat (section 1B1-3, pages 24-29)

- The committee carries forward its 2017 recommendation of continued commitment to polar bear conservation and to define how Polar Passage supports this conservation commitment.
- The committee continues its 2017 recommendation that the Oregon Zoo continue to work with professional networks to optimize the positive result of bears being placed in appropriate habitats, including Polar Passage.
- The committee commends the staff and project team for cost-savings generated by value engineering to bring the project into budget, including removal of the maternity den that is not needed at this time and is consistent with animal welfare and conservation goals.
- The committee commends the zoo for maintaining its focus on animal welfare and conservation education while designing and budgeting for Polar Passage, Primate Forest and the Rhino Habitat.
- The committee commends the zoo for its partnership with the Oregon Museum of Science and Industry and the leverage of local knowledge in designing the climate action portion of the interpretives for Polar Passage. The committee recommends that the Oregon Zoo continue to identify and work with local organizations with relevant expertise in alignment with the zoo bond program's goals.
- The committee commends the zoo's ability to keep chimps and orangutans on site during construction with focus on animal welfare.

(continued)

2018 Findings and Recommendations Summary (continued)

Polar Passage/ Primate Forest/ Rhino Habitat (continued) (section 1B1-3, pages 24-29)

- The committee commends the flexibility of the Oregon Zoo Foundation to support the full cost of the Rhino Habitat.
- The committee commends the zoo's proactive planning to reduce disruption and embrace construction as part of the guest experience (e.g., creating windows in fencing to watch construction).
- The committee commends the zoo's significant preparations made in a timely manner to prepare for construction, including complex planning and successful animal transfers. The zoo transferred out 53 individual animals representing 17 species, and transferred in 63 animals representing 14 species, for a net increase of 10 animals.

Interpretive Experience and Wayfinding (section 1B4, pages 30-31)

- The committee commends the zoo on its progress in developing an Interpretive Framework and new governance structure to ensure interpretives remain relevant and current.
- The committee recommends that the Interpretive Framework be completed by mid-2019 and shared with the committee.

Percent for Art (section 1B5, pages 32-34)

- The committee commends the zoo staff on its efforts to create a policy framework and mechanisms that ensure the zoo's art collection and other nonliving collections receive adequate and ongoing attention.
- The committee recommends that the project team continue to coordinate the design, fabrication and installation of artwork for the final zoo bond project over the next two years.

Electrical Infrastructure (section 1B6, pages 34-35)

- The committee commends zoo Facilities Management and the zoo bond construction team for working together on the Middle Service Road Feeders and Generator Replacement to improve coordination and reduce costs.
- The committee commends the zoo for including in the bond program such a significant investment in infrastructure (including that contained in each project) that supports safety, animal welfare and facility future growth.
- The committee recommends that zoo staff remain open to creative collaborations such as Portland General Electric's Dispatchable Service Generation partnership; however, staff should engage in an early feasibility study to ensure that resources are not expended on an unrealistic project.

2018 Findings and Recommendations Summary (continued)

Budget and Expenditures (section 2A1, pages 36-40)

- The committee commends zoo staff on careful and strategic value engineering and monitoring of costs during the completion of final projects without sacrificing animal welfare or conservation efforts.
- The committee commends zoo staff for thoughtful planning and discussion around potential bid scenarios for the Polar Passage/Primate Forest/Rhino Habitat project.
- The committee commends the Oregon Zoo Foundation for their support and flexibility with funding the Rhino Habitat and a portion of Polar Passage and Primate Forest.
- The committee commends the zoo bond staff for a continuous history of completing all projects within the allocated budget.
- The committee recommends that the zoo continue to implement alternative food choices for patrons while eateries are closed for construction.
- The committee recommends that the zoo have a plan to offset any reduced cash flow during this final stage of construction.
- The committee recommends staff continue monitoring construction costs and project and program contingencies.

Contracting Methods (section 2A2, page 41)

- The committee commends staff and Metro for being receptive to and implementing the use of alternative contracting methods. The outcomes include cost savings, planning to minimize the construction impact to animals, visitors, and staff, flexibility to support innovation and partner fund contributions, and overall problem solving for constructability.
- The committee recommends that alternative contracting methods be considered for appropriate construction projects at the zoo due to its unique geography, visitor presence and animal habitat needs.

Master Plan Implementation: Cost Projections (section 2B1, pages 42-43)

- The Committee commends staff and the project team on their value engineering efforts to address continuing cost escalation without sacrificing animal welfare efforts or program goals.
- The committee commends Metro for reserving program contingency to ensure the final projects could be completed successfully despite the demand in the region's construction market.

2018 Findings and Recommendations Summary (continued)**Administrative Costs: Cost Projections** (section 2B2, pages 44-45)

- The committee commends Metro for capping central service administrative costs, which provided more certainty to the budget and reallocation process.
- The committee recommends staff continue to monitor the reasonable assessment of administrative costs and their implications on the overall program budget, and provide a report at least annually to the full Oversight Committee.
- The committee recommends that staff complete periodic reviews of other local bond issuance programs to make sure administrative costs continue to be comparable.
- The committee recommends allocation from program contingency for administrative cost projections.

Operating Costs: Cost Projections (section 2B3, page 46)

- The committee carries forward its 2017 recommendation that staff continue to monitor future operating costs of the zoo assuming that as projects mature, costs may change.
- The committee recommends staff provide the operating outcomes from completed projects and the projected cost or revenue impact on the zoo budget from all bond projects.
- The committee recommends that the zoo prioritize preventative maintenance in the ongoing operation of the new facilities to maximize the lifespan of the equipment.

Elephant Lands (Appendix A9, pages 57-62)

- The committee commends the Oregon Zoo director and staff for the Elephant Lands Operating Outcomes Report, especially the insights of lessons learned.

Education Center (Appendix A11, pages 62-66)

- The committee carries forward its recommendation that the Education Center continue to be operated in a way that optimizes net-zero energy goals while achieving other program goals.
- The committee recommends that the Education Center continue data collection on energy use in order to achieve the International Living Future Institute (ILFI) zero energy bond certification.

REQUIRED REPORTING ITEM 1 | Assessment of Progress

Assess progress in implementing the Oregon Zoo bond measure project improvements

A. Program initiatives

1. Animal Welfare: Overview

Protecting animal health and safety was a priority in the ballot measure. The zoo is committed to providing its animals with the best care possible. Animal welfare is prioritized during design and monitored during all construction. The sequence and design of the bond-funded projects prioritizes animal welfare.

Animal welfare refers to an animal's collective physical, mental and emotional states over a period of time and is measured on a continuum from poor to excellent. The zoo aims to optimize the welfare potential of each animal through enrichment, habitat design, nutrition, research programs, veterinary care, husbandry training, population management and staff training. For animals to thrive the zoo takes into account psychological aspects of welfare such as mental, emotional and social health. The zoo conducts continuous welfare assessments of individual animals and the species to analyze behavior, physiology, and physical appearance and health.

The ballot measure called for providing more indoor and outdoor space for elephants; replacing the zoo's 45-year-old animal hospital and quarantine facilities to protect animal health and safety; protecting the health of polar bears by replacing concrete structures and substrate with pools, more space and more humane conditions; and replacing plain and sterile areas for primates with trees, rocks and water.

Completed Projects

Elephant Lands was designed to improve elephant health and welfare by providing more options for extending outside access, increasing exercise opportunities and offering a more natural and stimulating environment for elephants. A four-year research study, beginning before construction began and ending after the first year in the new habitat, monitored animal welfare using three indicators: distance walked (GPS monitoring), reproductive and adrenal hormone analyses, and detailed behavior assessments. Study results show that the elephants in Elephant Lands are walking at least as far, and in some cases farther than elephants in the wild, their movement is more self-directed, and they are using all parts of the new habitat regularly. Hormonal data indicate that the female elephants maintained regular reproductive hormonal patterns throughout the four years, and all members of the herd showed normal adrenal responses to the challenges, excitement and changes of the transition. That is, all showed adaptive responses to real/perceived stressors, including the ability to re-establish physiological equilibrium. The behavioral data show increased activity, increased foraging, and increased choice over how they spend their time and with whom they interact. The report's conclusion is that elephants in Elephant Lands are exhibiting a diverse range of natural behavior and social dynamics of a healthy herd. Zoo staff continues to collect and analyze data as part of their ongoing care for the elephants.

The Veterinary Medical Center offers dramatic improvements in animal holding, climate-controlled spaces, enclosure substrates to increase safety and comfort, reduced stress for animals, options for environmental enrichment and ability to control communicable diseases. The Association of Zoos and Aquariums (AZA) had deemed the zoo's former animal quarantine facility substandard. Built 45 years

ago, it had inadequate lighting, heating, ventilation and drainage. The building had been noted for its rusty and crumbling walls and doors. Some surfaces were difficult to sanitize because of degradation and could have provided foreign objects subject to ingestion by animals. The facility's floor had the potential to damage the hooves of some animals. The Oregon Zoo is now recognized as having one of the most advanced animal hospitals in the country.

The Condors of the Columbia exhibit offers opportunities for birds to fly that cannot be released, and provides the public with a rare opportunity to see this endangered Northwest native bird, increasing awareness of the need to protect this endangered species.

The Education Center provides improved facilities for the invertebrate collection at the Insect Zoo and western pond turtles at the Species Conservation Lab. In addition, the Center's message of taking small actions on behalf of wildlife will benefit the conservation of animals worldwide.

Current Projects

Design of Polar Passage was completed in 2018. Key elements are intended to provide polar bears with long views, natural substrate, more space, and to meet Association of Zoos and Aquariums and Manitoba standards for polar bear habitats and provide visitors with a close-up view of polar bear care. The old exhibit was almost entirely concrete, generating a very high heat load in the summer, and uniformly failed to address the welfare of the polar bears.

Primate Forest's design was also completed in 2018. The new facility will be home to an expanded number of chimpanzees adjacent to the orangutans in Red Ape Reserve. Chimps thrive when they are in large enough groups to choose with whom to spend time. New construction addresses this need by expanding and significantly improving the space to accommodate a larger group of chimpanzees. The new habitat will provide the chimps with more complex spaces and better visibility so that they can monitor the whole area. Primate Forest will include interchangeable, three-dimensional structures, allowing keepers to enrich the physical environment by changing the arrangement of climbing structures and hammocks.

The rhinoceros habitat, to be completed in 2020, will incorporate the old hippo habitat, providing 50 percent more space for the critically endangered black rhinoceros.

2. Conservation Education: Overview

The ballot measure highlighted a need to increase conservation education opportunities for zoo visitors. The zoo aims to inspire visitors to take conservation action, increase its capacity to invite and engage diverse audiences in conservation education, engage other conservation partners in providing resources and programming to the zoo's 1.5 million annual visitors, and advance conservation education in the region by fostering connection and dialogue among different sectors and issues.

Completed Projects

Completed in March 2017, the Education Center creates a dedicated space for education programming at the zoo, allowing the zoo to increase capacity for conservation education. The Education Center is helping the zoo raise the visibility and support the work of more than 30 nature, conservation and sustainability organizations by connecting them with zoo audiences. The center features seven new

classrooms and three tent sites, up from just two classrooms and a tent previously. New programming in the space has resulted in an increase in summer camp attendance. The Education Center has hosted wildlife lectures, naturalist classes, citizen science trainings, Zoo Teen demonstrations in the insect zoo, and an early childhood pilot program. Visitors to the Education Center can see Western Pond Turtles and learn about local conservation efforts and actions they can take to help. Thanks to Oregon Zoo Foundation support, every third-grader at a Title I school in the region can participate in a zoo field trip and an interactive live animal classroom program presented at the zoo.

Conservation education is an integrated part of the main themes of the interpretive experience in Elephant Lands: a) Being an elephant: the mind, body, and life of an elephant; b) Elephant Lands is the Oregon Zoo's vision for elephant care in practice; and c) Humans and elephants: a shared history. It includes a smart phone app that provides visitors with tools for identifying individuals in the herd. A 2017 evaluation of the Elephant Lands interpretives indicated that messaging about palm oil threats and human-elephant conflicts holds promise as an effective way to incentivize conservation action in Elephant Lands. Almost half of all respondents had never heard that these situations threatened elephants. As a result of their visit, 62 percent were more likely or a lot more likely to buy products that contain only wildlife-friendly palm oil. When asked about a series of local sustainability actions that would benefit elephants, about one-third of survey respondents were more likely to engage in all five actions as a consequence of their visit.

Condors of the Columbia tells the story of condors' historic fall and current rise and the challenges these birds face today from lead and trash in their environment. It also guides visitors through the zoo's decade-long condor recovery effort in conjunction with the United States Fish and Wildlife Service and many other partners. An evaluation of the interpretive messaging and experience at Condors of the Columbia demonstrated that visitors learned about history, threats, recovery efforts under way and what actions they could take to support the condors. Specifically, visitors committed to picking up trash and to support the voluntary switch to lead-free ammunition.

Current Projects

As the primary threat to polar bear survival, climate change will be a central theme of the visitor experience in the new Polar Passage project. Visitors will learn about the polar bears' amazing adaptations to their Arctic habitat and the best ways to take personal action to reduce the effects of climate change. Because polar bears are hard to study in their natural habitat, the Oregon Zoo provides an environment suitable for science-based research that contributes to and supports field research aimed at helping wild bears survive. The new zoo habitat will continue this commitment and provide visitors with a fascinating and close-up view into this important conservation science support.

At Primate Forest, visitors will learn about how chimpanzees and orangutans are adapted for life in their forested habitats in Africa and Asia and the devastating impacts of deforestation and habitat loss on these large apes. Interpretives will have a special focus on sustainable palm oil products from these forests and will address how to take action to reduce the human impact on forests and the animals who live in them.

In 2018, the Oregon Zoo finalized an Integrated Conservation Action Plan (ICAP). This plan establishes the zoo's primary conservation priorities and helps the zoo focus efforts around animals, programs and operations for greater impact. ICAP helps prioritize staff resource investments and decisions, maximizes effectiveness of zoo conservation efforts, unifies the education, interpretive messaging and

communication strategies to increase awareness of our conservation efforts and inspire conservation action locally and globally, and aligns sustainability efforts on zoo grounds with conservation priorities. Staff work on the plan continues, with a conservation impact manager to be hired in 2019 to organize and support the implementation of the ICAP and conservation programs and actions.

Conservation Education: Overview

2017 Findings and Recommendations *with updates*:

- The committee recommends that the remaining bond-funded projects focus conservation education to align with the new Integrated Conservation Action Plan.

Update: Zoo staff continues to tie key priorities identified in the ICAP to the messaging of the new habitats. In order to further engage in community conservation and resource sustainability work, a conservation impact manager will be hired in 2019.

2018 Findings and Recommendations:

- The committee commends the change in the name of two zoo departments: Education became Inspiration, Learning and Action and Living Collections became Care, Connection and Conservation. These changes demonstrate ongoing maturing commitments to conservation, which was a commitment of the zoo bond measure. They also ensure that all interpretive investments reflect conservation action priorities for the zoo.
- The committee carries forward its 2017 recommendation that the remaining bond-funded projects focus conservation education to align with the Integrated Conservation Action Plan.
- The committee recommends that staff report findings from the Education Center interpretive summative evaluations when available in 2019.

3. Infrastructure and Sustainability: Overview

The ballot measure called for the zoo to conserve and reuse water, requiring significant infrastructure upgrades. Most of the zoo's infrastructure dates back to the 1950s and 1960s. Pipes, plumbing and irrigation systems were outdated, leaking and well past their useful lives. The most expensive utility cost at the zoo is water, and leaking pipes, run-off, inadequate filtration systems, and lack of water storage all contributed to wasting water and increasing costs. Literally millions of gallons of water per year and thousands of dollars are being saved through a major rebuilding of the zoo's water distribution system. In addition, new buildings are being designed to capture solar warmth and provide natural light and ventilation, cutting down on energy usage and cost.

In its Comprehensive Capital Master Plan (approved November 2011), the Oregon Zoo detailed its commitment to creating an efficient and sustainable campus constantly striving to increase conservation of resources and improvement and expansion of services. Through these types of efforts, operating funds needed for utilities and energy are reduced and can be used for support of the zoo's core

missions. The bond funds have provided for the replacement of many of the original buildings, antiquated building/operational systems and animal habitats. The Oregon Zoo strives to be an efficient and sustainable campus.

The physical location of the zoo presents challenges due to natural landforms, steep grades and unstable soil conditions. Projects are shaped using the design team's study of vegetation, geology, hydrology, landforms, topography, circulation, potable water network and existing infrastructure, age of existing buildings and suitability of land for development. Capital improvements, enhancements and sustainable features have been incorporated to improve site infrastructure, including the new train route and trestle, new service road, sanitary sewer line replacement, improved stormwater management, and energy and water saving measures.

Zoo bond projects are designed to achieve or exceed U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Silver certification. The Veterinary Medical Center and Elephant Lands both received LEED Gold Certifications, and the Education Center was awarded LEED Platinum, the highest level of certification. LEED is an internationally recognized means to assess the effectiveness of building materials, systems and siting choices to reduce environmental impact through a broad range of energy and resource consumption measures.

Oregon Zoo bond project sustainability and infrastructure goals:

- Achieve LEED Silver or higher certification in each project.
- Reduce zoo-wide greenhouse gas emissions 80 percent below 2008 levels by 2050, from building operations and maintenance and through energy efficiency and resource conservation.
- Produce on-site renewable energy with solar panels generating electricity to meet state requirements to invest 1.5 percent of capital construction cost of eligible projects in renewable energy.
- Reduce zoo-wide water use 50 percent below 2008 levels by 2025.

Completed Projects

On projects to date, the zoo has separated the old combined sewer system into isolated stormwater and sanitary sewers, and built stormwater planters and bioswales to naturally filter and clean stormwater before sending it downstream; this practice will continue on the remaining projects.

The zoo installed an underground stormwater storage facility under the Elephant Lands encounter habitat capable of storing and slowly releasing storm runoff from the entire zoo in a ten-year rain event. In addition, the zoo implemented water reuse or reclaimed water systems for nonpotable water demands (rainwater harvesting) on the Veterinary Medical Center, Elephant Lands and the Education Center.

The zoo also installed water filtration and circulation systems as part of the Penguin Life Support System project to reuse water in the penguinarium, significantly reducing fresh water consumption. Water filtration and circulation systems were also included in Elephant Lands. The pools at Elephant Lands use 86 percent less water than the old exhibit pools, or a decrease of more than 13 million gallons of water annually.

The zoo has designed landscape areas with native, climate-adaptive plant species on projects to date and will continue to do so on remaining projects.

The new Education Center includes many features to enhance infrastructure and sustainability (see page 62). The LEED-certified building features rainwater reuse in restrooms, solar panels for energy production, bird-friendly glazing, Forest Stewardship Council-certified wood and efficient heating and cooling systems.

Current Projects

Polar Passage is being designed to connect to the geothermal “slinky” system for heat exchange installed with Elephant Lands. This energy-saving feature will capture heat used to cool the polar bear pools and transfer it to help heat the elephant building. New pools at Polar Passage will have water filtration and recovery systems to save significantly on water utility costs. Polar Passage and Primate Forest buildings will be significantly upgraded with a high efficient heating/ventilation/air conditioning (HVAC) system, LED lighting and solar tubes for natural daylighting. The most critical improvement is the demolition of the 1950s polar bear and primate buildings and their antiquated systems.

The Rhino Habitat to be newly renovated will expand into the existing hippopotamus area, and the hippos were moved to another zoo in 2018. The outdated hippo pool was eliminated, saving approximately 9.5 million gallons of water annually.

In 2017 the Metro Council approved funding for additional electrical infrastructure upgrades on the zoo campus. Work continues on the final two parts of the project, a new generator and the Middle Service Road Feeders, managed by zoo Facilities staff with oversight from the zoo bond construction manager due to the complexity and scale of the project. Investing in a new generator and supporting electrical infrastructure provides for animal welfare and operational efficiencies.

Infrastructure and Sustainability: Overview

2017 Findings and Recommendations *with updates*:

- The committee recommends that the Oregon Zoo operate, maintain and repair the new facilities to meet the intended water, energy and sustainability performance of the designs and equipment specifications.

Update: The zoo remains committed to taking full advantage of the new facilities to meet the water, energy and sustainability performance goals. The zoo is already tracking energy production and usage at the Education Center in order to achieve net-zero energy certification.

2018 Findings and Recommendations:

- The committee carries forward its 2017 recommendation that the Oregon Zoo operate, maintain and repair the new facilities to meet the intended water, energy and sustainability performance of the designs and equipment specifications.

(continued)

Infrastructure and Sustainability: Overview (continued)

2018 Findings and Recommendations: (continued)

- The committee commends the zoo for adding to its awards for the Education Center. It achieved Leadership in Energy and Environmental Design (LEED) Platinum certification from the US Green Building Council, the highest level of certification available. In addition, the Portland Chapter of American Institute of Architects awarded the Architecture 2030 Award to Opsis Architecture and the Oregon Zoo in recognition of their effort to reduce the use of greenhouse gas-emitting fossil fuels (net-zero energy operations), and the American Council of Engineering Companies of Oregon bestowed its Engineering Excellence 2018 Grand Award.
- The committee recommends that the Education Center continue data collection on energy use in order to achieve the International Living Future Institute (ILFI) zero energy bond certification.

4. Diversity in Contracting: Overview

The zoo continues to demonstrate its commitment to increase contracting opportunities for minority-owned enterprises, women-owned enterprises, emerging small businesses, and service-disabled veteran-owned enterprises that are certified by the State of Oregon Certification Office of Business Inclusion and Diversity (COBID firms).¹ The aspirational contracting goal for the zoo bond-funded construction projects is 15 percent participation from COBID firms. This goal is currently being met by the zoo bond program.

A full accounting of the bond program diversity in contracting activities is detailed in a quarterly report, first issued in September 2016. The [Equity in Contracting Quarterly Report](#) is shared with, and reviewed by the committee, posted on the zoo website, and distributed through Metro's community and construction networks. Because there has been no significant contracting activity in 2018, only the April 27, 2018, report covering services through March 31, 2018, was published during the year. Updated reports will be issued in early 2019 as contracting for Polar Passage/Primate Forest/Rhino Habitat is completed.

On the completed Education Center project, the COBID utilization rate as of December 31, 2018, was 29.5 percent – almost double the aspirational goal. Overall as of that date, the bond program has spent approximately \$71.6 million on COBID-eligible construction contracts, and \$11.24 million, or 15.7 percent, of that was on COBID firms. Of that COBID spending, 32 percent (\$3.6 million) went to minority-

¹ Metro now refers to MWESB firms as COBID (Certification Office for Business Inclusion and Diversity)-certified firms to align with the state's certification program for minority-owned businesses, women-owned businesses, emerging small businesses and service-disabled veteran-owned businesses.

owned businesses, 30 percent (\$3.4 million) to women-owned businesses, and 38 percent (\$4.3 million) to emerging small businesses.

Starting with the Education Center project, additional tracking is being conducted to assess COBID consultant utilization in the design phase. The Education Center design team led by Opsis Architecture, had a COBID utilization rate of 8 percent (\$131,509). COBID utilization for the Polar Passage/Primate Forest/Rhino Habitat design team led by CLR Design is 29 percent (\$956,644).

On the final phase of the Electrical Infrastructure project (Generator Replacement and Electrical Feeders), a COBID-certified firm (woman-owned and emerging small business) was awarded a contract for the work valued at \$831,598, and represents 100 percent COBID utilization rate on this project. Work will be completed in 2019.

Subcontractor bids for Polar Passage/Primate Forest/Rhino Habitat construction were received in late 2018. Estimated COBID contracting for construction is 13 percent or \$4 million. Of the 10 COBID certified firms that bid on construction work, seven were low-bid and were awarded contracts. The CM/GC conducted significant outreach in advance of the bid deadline to ensure COBID firms understood the project, had adequate information to develop a bid, and were encouraged to participate.

Subcontract bidding opportunities on the bond program are now effectively exhausted. It is important to recognize and record the program's efforts over the years to increase these numbers by including evaluation during the procurement of goods and services, outreach to COBID firms to encourage participation, mentoring of COBID firms, and breaking down projects to increase accessibility to bid.

Improved recruitment strategies of COBID firms included:

- General contractor starts recruiting COBIDs earlier to help get them ready by bid day, and hosting workshops either at their office or on site before bid day.
- Breaking down bid packages for subcontractors so that they are not overwhelming for smaller firms to bid.

Metro's methodology for calculating COBID utilization² deducts the value of the scopes of work deemed ineligible to COBID firms from the total construction contract amount to determine the base for utilization rate calculation. For example, for the Condors of the Columbia project, this methodology resulted in removing the specialized aviary mesh installation scope of work, with a subcontract value of \$157,845, from the base calculation. Only three firms nationwide provide the mesh installation, and none of them was a certified COBID firm.

To determine if a scope of work is ineligible, the Metro project manager and contractor contacted and searched the Oregon Procurement Information Network (ORPIN), State of Oregon COBID website, Oregon chapter of National Association of Minority Contractors and minority business chambers of commerce to determine if any vendors in the area were eligible to perform the specialized work. The outcome of this search was documented in the project Minority Utilization Report. Metro's

² Early in the bond program, Metro used a different method of calculating COBID utilization (COBID utilization percentage was calculated based on the value of contract dollars available to subcontractors; excluding the value of the general contractor's self-performed work). Metro revised its methodology in 2014 to include the total contract value (including the general contractor's self-performed work and overhead costs), and this report has updated all COBID utilization reporting to be consistent with the current method.

procurement manager was required to approve any request for specialized work deemed ineligible to COBID contractors and was responsible for tracking and reporting COBID contractor utilization.

While COBID goals focused on business ownership, goals for creating greater labor force opportunities for women and people of color have not been addressed until recently. The committee has raised this topic, which has been well received by zoo bond staff and Metro. With no goals in the original bond language to help measure workforce equity impacts, the committee has encouraged practices that increased opportunities for women and people of color on the final construction projects, including recommending the Metro Council approve alternative contracting methods such as Construction Management by General Contractor (CM/GC) for several zoo bond projects.

In 2017, Metro launched the Construction Career Pathways Project ("C2P2") to identify strategies for providing reliable career pathways for women and people of color in the construction trades. Metro, in partnership with the City of Portland, commissioned an assessment of the region's construction workforce supply and demand outlook to better understand its overall capacity to meet growing demand, its current composition as it relates to the increasing demand to provide more diversity across the trades, and the existing opportunities for future workforce growth across the overall regional industry. The zoo bond staff have participated in this project to determine meaningful areas of partnership between public sector agencies, community, the trades and industry to invest resources to support living-wage jobs for people of color and women. The Portland Metro Region Construction Workforce Market Study was published in July 2018.

In December 2018, an update reported on the C2P2 Public Owner Workgroup, comprised of representatives from sixteen public agencies in the Portland region. The goal of the Workgroup is to create a framework and set of investment strategies to advance workforce equity and support people of color and women to fully realize the benefits of a career in construction. Information on the project is available online at www.oregonmetro.gov/pathways.

The Zoo Bond Citizens' Oversight Committee acknowledges that issues of equity and inclusion in public sector contracting to increase both business ownership and labor force development are complex and will require sustained, long-term actions that extend beyond the zoo bond in scope and time. The committee also recognizes the immediate challenges due to robust local market conditions.

Nonetheless, the committee appreciates and encourages the efforts by Metro, other government units and private sector entities to create sustainable programs that will make meaningful change over time. The committee also appreciates that the bond program staff has worked hard to solicit and retain design and construction teams who are committed to these goals.

Diversity in Contracting: Overview

2017 Findings and Recommendations *with updates*:

- The committee recommends that Metro continue prioritizing efforts to enhance diversity in the construction workforce and contracting through workforce equity standards.

Update: Metro's leadership in the Construction Career Pathways Project will directly and positively impact enhanced diversity in the construction workforce. (See 2018 Findings.)

- The committee carries forward its 2015 recommendation that staff share the general contractor's Diversity in Workforce and Contracting plan with the committee prior to seeking subcontractor bids on the final construction projects.

Update: The Contractor's Diversity in Workforce and Contracting Plan for the Polar Passage/Primate Forest/Rhino Habitat project was shared with the committee well in advance of subcontractor bidding.

- The committee carries forward its 2016 recommendation to track and report the contracting of COBID-certified firms used for project design, construction and other services.

Update: Staff continues to track the COBID-certified firms used for project design and other services, and reports the data in the Equity in Contracting Reports (next due in early 2019).

- The committee recommends that staff continue to make best efforts to diversify contracting; the committee considers the demand on the marketplace to be an ongoing challenge for projects in the region based on both limited overall competitive resources as well as the other, primarily publicly funded, construction projects that require reporting of workforce equity.

Update: To date, the bond program has spent approximately \$71.6 million on COBID-eligible construction contracts, and \$11.24 million, or 15.7 percent, of that was on COBID firms.

Diversity in contracting remained a significant concern as the Polar Passage/Primate Forest/Rhino Habitat project design evolved. Subcontractor bids for construction were received in late 2018. Estimated COBID contracting for construction is 13 percent or \$4 million. Of the 10 COBID certified firms that bid on construction work, seven were low-bid and were awarded contracts. The CM/GC conducted significant outreach in advance of the bid deadline to ensure COBID firms understood the project, had adequate information to develop a bid, and were encouraged to participate.

2018 Findings and Recommendations:

- The committee commends Metro for its role in commissioning the Portland Metro Region Construction Workforce Market Study that advanced public agencies' understanding of the challenges facing women and people of color in the regional construction industry, and for its leadership in developing strategies to overcome such challenges.

Diversity in Contracting: Overview (continued)

2018 Findings and Recommendations (continued)

- The committee commends the zoo bond program for continuing its focus on COBID utilization and its work with its designers and contractors in expanding tools to advance COBID participation.
- The committee recommends that Metro continue to explore additional alternative procurement strategies to further improve COBID participation and workforce diversity.
- The committee recommends that all aspects of the program's COBID utilization efforts be well documented by continuing the Quarterly Reports through the end of the program, for use on future zoo bond programs as well as on other Metro capital programs.
- The committee recommends that Metro continue its leadership role in the Construction Career Pathways Project aimed at increasing diversity in the regional construction workforce.

5. Program Governance and Structure: Overview

Prior to the start of the zoo bond construction projects, the Metro Auditor recommended improved accountability through clarity of the organizational structure. The Auditor suggested clearly delineating roles and responsibilities and lines of authority.³ The governance structure set up for the zoo bond program separated bond program project planning and construction activity from zoo operations. The zoo bond program team reported directly to the Metro deputy chief operating officer through November 2017.

A follow-up audit demonstrated that separating the bond program from zoo operations created a separate project management function better suited to address financial oversight, scheduling and information sharing.⁴ This robust governance and oversight structure continues to guide the bond program and is proving to be effective in ensuring careful and diligent stewardship of bond funds.

The zoo bond team transitioned reporting to the Metro general manager of visitor venues at the end of 2017, which still allows a separation of planning, construction and expenditure authority between the zoo bond program and zoo operations.

In February 2016, Dr. Donald E. Moore joined the zoo as the new director. Dr. Moore's leadership has offered valuable insight in the design and partnerships to support the zoo's bond-funded projects.

³ Metro audit issued in November 2009 entitled "Oregon Zoo Capital Construction: Metro's readiness to construct 2008 bond projects," p. 21.

⁴ Metro audit issued October 26, 2011, entitled "Zoo Capital Construction Program Audit Follow-up," p. 5.

On June 1, 2018, Heidi Rahn, former zoo bond program director since 2013, accepted a new position as Metro's Asset Management and Capital Planning program director. In that new role, she retained oversight of the zoo bond program construction. To manage zoo bond administration at 0.4 full-time-equivalent (FTE), Sarah Keane started on Dec. 1, 2018, as the new zoo finance and administration program director. (Sarah was formerly the zoo finance manager for two years, and will continue overseeing zoo finance and administration at 0.6 FTE.) Together Ms. Rahn and Ms. Keane will work as a team to manage the bond program. The bond program continues to report to the Metro general manager of visitor venues, Scott Cruickshank.

Program Governance and Structure

2017 Findings and Recommendations:

- The committee recommends that Metro continue to maintain clarity about roles, responsibilities and lines of authority given the reporting structure transition.

Update: Additional transitions of bond program management staff have occurred during the year. Bond staffing was adjusted to an appropriate level as the program nears completion and transitions bond project operations to the zoo staff.

2018 Findings and Recommendations:

- The committee continues to recommend that Metro maintain clarity about roles, responsibilities and lines of authority given the program management and reporting structure transitions.

REQUIRED REPORTING ITEM 1 | Assessment of Progress

B. Ongoing and new bond projects

The final projects – Polar Passage, Primate Forest and expanded Rhino Habitat – are adjacent to one another in the center of the zoo, so the zoo is managing them as a single construction site. This approach is expected to reduce construction time and costs, make the whole undertaking more efficient, and reduce impacts on zoo operations and visitor experience. The construction will be done in phases. The first phase has the largest footprint, encompassing all three future habitats as the zoo demolishes old facilities. As the zoo completes projects, the construction footprint will get smaller. The Rhino Habitat will open first, followed by Primate Forest and Polar Passage. All are currently scheduled to be open in 2021.

Demolition and site grading began in July 2018. As of November 2, 2018, the existing polar bear, sun bear and wild pig buildings had been removed and selective demolition had begun on the primate building.

Construction documents needed for permitting and bidding were completed in November 2018, and bids were received in December 2018. Zoo staff anticipated that bids may exceed the budget for these final projects and before the bids were received, advised the committee of that possibility and presented potential recommendations that the committee may adopt depending on the amount by which the budget may be exceeded. The bids do exceed the budget, and in January 2019 the committee will review a recommendation for the Metro Council to reallocate existing contingency allowances within the budget to cover the excess without affecting the budget overall.⁵

1. Polar Passage

Zoo director Dr. Don Moore, who has for many years worked closely with international colleagues on polar bear conservation, and the Oregon Zoo polar bear curator and keepers, who have been recognized internationally for their research on polar bear nutrition and metabolism, have generously shared their knowledge with the Zoo Bond Citizens' Oversight Committee and zoo bond program staff. The new exhibit is designed to meet the zoo's multiple goals for animal welfare, conservation and education, creating an engaging habitat for the next generations of polar bears at the Oregon Zoo.

Polar Passage will cover approximately two acres, three times the size of the existing space, and will be custom designed to support the needs of polar bears. The new habitat will give the bears greater choice and control, encouraging them to engage in more natural behaviors while providing opportunities for keepers to visually monitor animals, enabling responsive care. Polar Passage will include more open and varied terrain, with hilltops and cliffs offering the bears big views across the zoo and a variety of habitats to patrol, as polar bears do on ice floes and tundra in the Arctic. New shallow and deep saltwater pools will be healthy for skin, fur and eyes. The groundbreaking work the zoo does with bears to support Arctic conservation science will be on display for visitors, who will learn how to personally take

⁵ On Feb. 7, 2019, the Metro Council considered the Oversight Committee's recommendation and approved Res. 19-4960 allocating \$3,200,000 to the Polar Passage/Primate Forest/Rhino Habitat project and \$1,650,000 to the Program Administration budget, taking the Unallocated Program Contingency to \$0.

meaningful action to reduce their climate change impacts and help create a better future for polar bears.

Animal Welfare – As envisioned, the project will expand the bears' access to natural substrate and habitat, renovate and increase the efficiency of the water-filtration system, reduce temperatures, chill the pool water, and increase both land and pool space. New holding areas will have better lighting and ventilation, allowing for better animal care. As marine mammals, polar bears' eye and coat health is best served with access to saltwater. The original scope included one saltwater pool, but the committee recommended and the Metro Council approved a scope change to ensure all of the pools will have a saltwater system.

Manitoba, Canada's Polar Bear Protection Act and the regulations established under that Act set forth minimum requirements for facilities that receive an orphaned animal from Manitoba (Western Hudson Bay population/Churchill area). The regulations identify exhibit and off-exhibit space, holding area, pools, viewing distance, barrier heights, exhibit complexity, animal care, enrichment and education requirements. The Association of Zoos and Aquariums' Species Survival Plan for polar bears has asked that all polar bear facilities aspire to the Manitoba standards. The Oregon Zoo is designing Polar Passage to adhere to AZA and the Manitoba standards. This will allow the zoo to qualify to receive polar bears from Canada, if available. Polar Passage could be a future home for orphaned or displaced bears.

In evaluating the design of Polar Passage, staff took into account the rapid loss of polar bear habitat in the wild and the anticipated needs of displaced animals, and determined that a maternity den will not be needed at this time. This resulted in considerable costs savings. The space for the den and an outdoor maternity yard remains in the design, in case these facilities are needed in the future. Polar Passage will have capacity for five or six bears.

Conservation Education – Development of this new habitat also provides the Oregon Zoo the opportunity to educate guests about climate change, as well as the conservation research the zoo conducts with polar bears to assess the impacts of such change. A key component of the new polar bear habitat will be to bring the zoo's research and positive reinforcement training activities to the forefront of the visitor experience. One of the main objectives of the interpretive messaging will be to introduce facts about climate change, polar bear conservation, and actions visitors can take to preserve polar bears and their Arctic habitat. As with all bond projects, the effectiveness of the interpretive exhibits with visitors will be assessed after the project is complete.

Infrastructure and Sustainability – Infrastructure work associated with the polar bear project includes a public plaza with guest amenities, visitor path upgrades, and the final phase of upgrading utilities as part of the bond program implementation. The polar bear project will also connect to the geothermal "slinky" system installed during the construction of Elephant Lands to exchange heat and cooling between the habitats. The geothermal system will help save energy by transferring energy used to cool Polar Passage and use it to help heat Elephant Lands.

Diversity in Contracting – Subcontractor bids for Polar Passage/Primate Forest/Rhino Habitat construction were received in late 2018. Estimated COBID contracting for construction is 13 percent or \$4 million. Of the 10 COBID certified firms that bid on construction work, seven were low-bid and were awarded contracts. The CM/GC conducted significant outreach in advance of the bid deadline to ensure COBID firms understood the project, had adequate information to develop a bid, and were encouraged

to participate. The approval to utilize CM/GC for this project allowed for more outreach to COBID contractors during the design phase.

Percent-for-Art – The final of three major bond program Percent-for-Art installations is being developed in conjunction with the Polar Passage project. The team of Edwin and Veronica Dam de Nogales was selected in November 2016 as the commissioned artists. The Polar Passage design and conservation messages related to the iconic polar bear were a major consideration in artist selection. The Metro Council approved the artists' design concept in 2017. In 2018, refinement of the concept and fabrication of the artwork were completed.

2. Primate Forest

Primate Forest will provide vastly improved habitat for an expanded family of chimps. The old primate building, including Flooded Forest, will be demolished to make way for this new habitat. Red Ape Reserve will remain, but with updated displays and information about the effects of deforestation on orangutans, and guidance for visitors on how to take meaningful action.

Animal Welfare – The old primate building was scheduled to be demolished in a future phase of construction (Master Plan Phase II). In 2017, the Metro Council approved the prioritization of removing the primate building in this phase and building a new habitat in that space. Zoo staff reviewed conservation and animal welfare goals to determine and identify the priority species for the new habitats: chimpanzees and orangutans.

The Oregon Zoo already has an existing group of chimpanzees who will benefit significantly from more complex spaces and better visibility so that they can see who is entering the area. This species thrives in groups large enough for individuals to choose with whom to spend time, and with latitude to move between groups. Primate Forest is being planned to address these needs by greatly expanding the space to accommodate a larger group of chimpanzees. The habitat will include interchangeable, three-dimensional structures, allowing keepers to enrich the environment by changing the arrangement of climbing structures and hammocks. The new chimp habitat will be adjacent to the orangutans in Red Ape Reserve.

Conservation Education – Visitors will learn about the conservation challenges primates face from deforestation, particularly as their habitat is converted to palm oil plantations.

Infrastructure and Sustainability – The project is being designed to meet LEED Silver certification.

Diversity in Contracting – See Polar Passage Diversity in Contracting for the combined project.

3. Rhino Habitat

The 2008 ballot measure asked for funds to improve the hippo exhibit, primarily the installation of a water-saving filtration system. The hippo pool was being dumped and refilled several times a week with millions of gallons of water being poured down the drain every year. The zoo began master planning after the ballot measure was approved and analyzed energy use across the entire zoo campus. The

pumps and filtration systems use the most power, which meant the zoo was about to install a water-saving hippo pool filtration system that would use a lot of energy.

Unlike hippos, rhinos don't require pools and pose no issues regarding water use or filtration. In addition, rhinos are better suited to the zoo's long-term species plan. The zoo's 20-year master plan calls for construction of an Africa savanna habitat shared by a number of large grassland species. Rhinos can share habitat with gazelles and giraffes, while hippos are more aggressive and cannot share habitat. Upon further analysis, including public opinion surveys, the zoo and Metro Council amended the project to focus on expanded habitat for critically endangered rhinos. This allows for removal of the pool and prioritizing conservation of the endangered black rhino. To prepare for the Rhino Habitat expansion, the zoo moved the hippos to a new home (Fort Worth Zoo) in the spring of 2018 and decommissioned the hippo pool.

On the advice of bond counsel, in 2018, bond funds were shifted away from the construction of the expanded rhinoceros habitat. Construction costs for the Rhino Habitat expansion will be fully funded by the Oregon Zoo Foundation, using funds it had previously designated to build the maternity den at Polar Passage (which will not be constructed in this phase). Bond funds that were originally designated for the Rhino Habitat expansion have been redirected back to Polar Passage.

Animal Welfare – The Rhino Habitat will expand by more than fifty percent, creating space that can be divided, which will better support future breeding opportunities for this highly endangered animal. The rhinos will have more choices over how and where they spend their day, and visitors will get more intimate views of the animals.

Conservation Education – The new encounter space being designed into the habitat will allow visitors the opportunity to get up close to an endangered rhino with a keeper and learn more about the threats to the species.

Infrastructure and Sustainability – Decommissioning the hippo pool will save approximately 9.5 million gallons of water annually for the zoo.

Diversity in Contracting – See Polar Passage Diversity in Contracting for the combined project.

Polar Passage, Primate Forest and Rhino Habitat

2017 Findings and Recommendations *with updates*:

- The committee recommends continued commitment to polar bear conservation and to define how Polar Passage supports this conservation commitment.

Update: The Committee commends the zoo for aligning its staff-led, value engineering efforts in Polar Passage/Primate Forest/Rhino Habitat with its conservation goals, including the elimination of a polar bear maternity den while retaining space in the design for future construction of the den if required.

- The committee carries forward its 2015 recommendation that staff share the general contractor's Diversity in Workforce and Contracting plan with the committee prior to seeking subcontractor bids on a construction project, specifically Polar Passage.

Update: The Contractor's Diversity in Workforce and Contracting Plan for the Polar Passage/Primate Forest/Rhino Habitat project was shared with the committee well in advance of subcontractor bidding.

- The committee recommends the Oregon Zoo continue to work with professional networks to optimize the positive result of bears being placed in appropriate habitats, including Polar Passage.

Update: The committee commends Oregon Zoo director Dr. Don Moore and animal curator Amy Cutting for their work with the Association of Zoos & Aquariums, among other professional networks, to help conserve bears and house displaced and orphaned animals in appropriate facilities, including Polar Passage.

- The committee recommends that staff analyze and apply lessons learned on COBID utilization from the Education Center to Polar Passage, Primate Forest and the Rhino Habitat.

Update: Diversity in contracting remained a significant concern as the Polar Passage/Primate Forest/Rhino Habitat project design evolved. Subcontractor bids for Polar Passage/Primate Forest/Rhino Habitat construction were received in late 2018. Estimated COBID contracting for construction is 13 percent or \$4 million. Of the 10 COBID certified firms that bid on construction work, seven were low-bid and were awarded contracts. The CM/GC conducted significant outreach in advance of the bid deadline to ensure COBID firms understood the project, had adequate information to develop a bid, and were encouraged to participate.

2018 Findings and Recommendations:

- The committee carries forward its 2017 recommendation of continued commitment to polar bear conservation and to define how Polar Passage supports this conservation

(continued)

Polar Passage, Primate Forest and Rhino Habitat

2018 Findings and Recommendations (continued):

- The committee continues its 2017 recommendation that the Oregon Zoo continue to work with professional networks to optimize the positive result of bears being placed in appropriate habitats, including Polar Passage.
- The committee commends the staff and project team for cost-savings generated by value engineering to bring the project into budget, including removal of the maternity den that is not needed at this time and is consistent with animal welfare and conservation goals.
- The committee commends the zoo for maintaining its focus on animal welfare and conservation education while designing and budgeting for Polar Passage, Primate Forest and the Rhino Habitat.
- The committee commends the zoo for its partnership with the Oregon Museum of Science and Industry and the leverage of local knowledge in designing the climate action portion of the interpretives for Polar Passage. The committee recommends that the Oregon Zoo continue to identify and work with local organizations with relevant expertise in alignment with the zoo bond program's goals.
- The committee commends the zoo's ability to keep chimps and orangutans on site during construction with focus on animal welfare.
- The committee commends the flexibility of the Oregon Zoo Foundation to support the full cost of the Rhino Habitat.
- The committee commends the zoo's proactive planning to reduce disruption and embrace construction as part of the guest experience (e.g., creating windows in fencing to watch construction).
- The committee commends the zoo's significant preparations made in a timely manner to prepare for construction, including complex planning and successful animal transfers. The zoo transferred out 53 individual animals representing 17 species, and transferred in 63 animals representing 14 species, for a net increase of 10 animals.

4. Interpretive Experience and Wayfinding

The zoo's overall interpretive goals, including both bond project and nonbond project initiatives, are to create a more synergistic experience for guests across the entire campus and to position the zoo itself – its environmental resources and stewardship of those resources, husbandry and animal care practices, and conservation programs – as an essential part of that experience.

During the zoo bond program, the planning and development of interpretative materials has transitioned from an individual project approach to a comprehensive approach – like the Percent for Art – and back to an approach where each project integrates the interpretive experience into the project planning, design and implementation. Each project has interpretive themes and goals developed via a research-based approach. Visitors are engaged as part of the front-end (goal setting), formative (design) and summative (effectiveness) evaluations. Animal welfare, sustainability/green living, and conservation education are common threads through each project's interpretive elements.

Installation of the campus wayfinding system was substantially complete in 2017. Zoo staff and consultants implemented a system to aid visitor navigation and trip planning on grounds.

In December 2018, zoo staff issued an Interpretive Experience Update report that spells out an Interpretive Framework with strategy and processes to inform interpretive design and keep interpretives fresh, relevant to contemporary conservation concerns and integrated with messaging across the zoo. The Framework is scheduled to be completed in June 2019, but is already being used to inform interpretive design. It outlines the zoo's new process for assessing and maintaining effectiveness of interpretive elements across the zoo, including bond projects. This includes an expanded governance structure with more involvement of zoo leadership via a new Strategic Messaging Steering Committee. This group will also ensure that adequate resources are budgeted to support interpretive development.

Based on previous recommendations from the committee, the bond team has focused on designing interpretives for Polar Passage and Primate Forest that are flexible in design and messaging so they can easily be changed out at little cost and remain current. Zoo staff are doing the same for Rhino Habitat interpretives.

Interpretive Experience and Wayfinding

2017 Findings and Recommendations *with updates*:

- The committee recommends that the interpretive messaging continue to be analyzed and updated to reflect conservation action priorities for the zoo.

Update: In December 2018, zoo staff issued an Interpretive Experience Update report that spells out an Interpretive Framework with strategy and processes to inform interpretive design and keep interpretives fresh, relevant to contemporary conservation concerns and integrated with messaging across the zoo. The Framework is scheduled to be completed in June 2019, but is already being used to inform interpretive design.

- The committee recommends that staff share the outcomes and findings from the Education Center interpretive summative evaluations when they are available.

Update: A report will be provided in the spring of 2019 following a full fiscal year of operations.

- The committee requests information about the zoo's ongoing processes and systems to assess the condition and effectiveness of the interpretive elements of completed bond projects, including how funds are budgeted, to ensure they remain relevant, accurate and well maintained.

Update: The Interpretive Experience Update issued by zoo staff in December 2018 outlines the zoo's new process for assessing and maintaining effectiveness of interpretive elements across the zoo, including bond projects. This includes an expanded governance structure with more involvement of zoo leadership via a new Strategic Messaging Steering Committee. This group will also ensure that adequate resources are budgeted to support interpretive development.

- The committee recommends that staff continue to investigate interpretive systems that can be easily changed to display current data and conservation updates.

Update: Throughout design of the interpretives for Polar Passage and Primate Forest, the focus has been on flexible messaging and design that can be easily changed over time. For example, the polar bear identification display will be magnetic so items can be easily changed at little cost.

2018 Findings and Recommendations:

- The committee commends the zoo on its progress in developing an Interpretive Framework and new governance structure to ensure interpretives remain relevant and current.
- The committee recommends that the Interpretive Framework be completed by mid-2019 and shared with the committee.

5. Percent for Art

The zoo's public art program goal is to present art that complements and enhances the zoo's award-winning education programs and animal habitats, and inspires visitors to be aware of the zoo's inherent role in creating a better future for wildlife. The zoo bond program has contributed to the zoo's collection through the acquisition of art under Metro's 1 percent for art requirement. The zoo bond program has engaged the Regional Arts and Culture Council (RACC) to help administer the selection of art for all the major art pieces commissioned under the bond program.

In 2011, the Metro Council approved a programmatic approach to art spending, which allowed the art appropriation for the remainder of the construction projects to be pooled for the whole program to fund three major commissions at three plazas, in addition to the initial zoo bond art commission for the Veterinary Medical Center. At the same time, the Council created an Oregon Zoo Public Art Advisory Committee (OZPAAC) and defined the process and criteria for the committee to select art. OZPAAC was directed to advise Metro on the selection of artists and/or works of art in accordance with Metro's percent-for-art program and to develop a long-term public art strategy dealing with the zoo's existing public art collection. OZPAAC includes a member of the Zoo Bond Citizens' Oversight Committee.

Since 2012 when the committee was formed, volunteer members have met several times each year and spent many hours developing artist solicitations, reviewing hundreds of artist proposals, interviewing finalists, selecting artists to recommend, and working with artists to refine the art concepts. OZPAAC has played a key role in successfully selecting art of high quality that represents the best in artistic skills, encourages public dialogue and understanding of art, enhances the aesthetic quality of the zoo site, and fulfills the zoo's public art program goal.

The first commissioned art acquired under the zoo bond program was installed at the Veterinary Medical Center. Two artists, Steve Gardner and Margaret Kuhn, were selected and produced *Inside/Outside* (Gardner), a series of fused glass and acrylic pieces, and *Outside/Inside* (Kuhn), a series of mosaic floor tiles.

The second art installation commissioned through the zoo bond program was created by artist Catherine Widgery. Ms. Widgery created *Forest Lights* for Elephant Lands and the east plaza, which opened in December 2015. She used dichroic glass and wood on the Elephant Lands Forest Hall façade to welcome visitors, and a related series of reflective vertical towers demarcating the concert lawn/Elephant Lands edge to help weave a sense of continuity between different elements on the site.

The third art commission was awarded to Rob Ley, a public artist from Los Angeles, to create art for the Education Center and west plaza project. Mr. Ley's art, titled *Ambiguous*, was installed in 2016 in Discovery Plaza, in front of the Education Center. His conceptual approach is based on the Education Center's interpretive theme that "small things matter," particularly how many small parts contribute to a whole. Mr. Ley created a sculpture composed of 2,500 triangles with 10,000 unique-angled bends and 15,000 rivets that turn all of these separate pieces into a singular, monolithic form.

The final major art commission selection process was completed in 2016 in coordination with the design of the new Polar Passage. Given the connection between polar bears and North American native populations, OZPAAC asked RACC to extend its outreach to native artists in Alaska. In addition to its routine outreach efforts, RACC contacted arts organizations based in Canada and Alaska and directly contacted a number of native artists, but did not receive any proposals from them.

OZPAAC selected the artist team of Edwin and Veronica Dam de Nogales of Ontario, Canada, out of 179 responses to the request for qualifications. The selected artists demonstrated significant personal knowledge of the plight of polar bears, and their proposed *Melting Ice Bear* sculpture will capture and convey both the majestic qualities of the polar bear and the precarious state of their survival. The cast aluminum sculpture, approved to proceed by the Metro Council in 2017, will stand 11 feet tall and be complemented by two cast aluminum benches that capture the playful side of polar bears. Fabrication of the artwork was completed in December 2018. Delivery of the sculpture and accompanying benches is anticipated in 2019; the pieces will be stored locally until their installation toward the end of the construction on Polar Passage.

In 2017 staff provided a report on the public art expenditures associated with the bond program. It showed that the program is on track to achieve Metro's requirement to invest 1 percent of direct construction costs in public art. These investments further the zoo's public art program goal.

OZPAAC encouraged the zoo to enhance its art condition assessment and maintenance program for its entire art collection, along with the newly commissioned artworks. In December 2018, the zoo issued its Secondary Collections policy that outlines the basic policies guiding the development and care of the zoo's secondary collections – which includes its art collection – in a manner that is consistent with the missions of the Oregon Zoo, Metro and the Association of Zoos and Aquariums (AZA), and modern philosophy and practice of managing such collections in accredited zoo, aquarium and museum environments. The policy addresses the acquisition, care, and use of the secondary collections, and is designed to be both a practical guide for zoo staff and a public document explaining how the Oregon Zoo exercises stewardship of the secondary (non-living) collections assets in its care. A zoo Secondary Collections Steering Committee with zoo leadership has been established to oversee the zoo's art collection and ensure that the artworks are assessed and maintained over time.

OZPAAC held its last meeting in March 2018 and was ended after the Polar Passage commissioned artwork design was complete and in fabrication, a draft of the zoo's Secondary Collections policy was reviewed, and the committee's work had been completed. In December 2018, staff documented the successful OZPAAC and public art process in a draft report: *Oregon Zoo Public Art Advisory Committee Summary Report*. The report is scheduled to be finalized in 2019 and can serve as a model to inform other zoo and Metro public art processes.

Percent for Art

2017 Findings and Recommendations:

- The committee carries forward its 2016 recommendation that the zoo document the new public art and develop an ongoing maintenance plan to support its commitment to this nonliving collection.

Update: The zoo completed a Secondary Collections Plan in 2018 that outlined the basic policies guiding the development and care of the zoo's art collection and other nonliving collections, and established a Secondary Collections Steering Committee with zoo leadership to ensure ongoing assessment and maintenance of all the zoo's artwork.

- The committee recommends that the zoo document the successful process of the Oregon Zoo Public Art Advisory Committee, as a reference for future art investments.

Update: The zoo bond staff documented the public art process in a draft report issued in December 2018: Oregon Zoo Public Art Advisory Committee Summary Report. The report is scheduled to be finalized in 2019.

2018 Findings and Recommendations:

- The committee commends the zoo staff on its efforts to create a policy framework and mechanisms that ensure the zoo's art collection and other nonliving collections receive adequate and ongoing attention.
- The committee recommends that the project team continue to coordinate the design, fabrication and installation of artwork for the final zoo bond project over the next two years.

6. Electrical Infrastructure

In March 2017 when the Metro Council reallocated the remaining bond funds, it created a new Electrical Infrastructure project to replace two outdated emergency power generators and associated electrical infrastructure critical to servicing animal areas and supporting animal and guest safety. It includes six subprojects – each with its own scope, schedule and budget – that are being managed by zoo Facilities Management and paid with zoo bond funds, per a signed Memorandum of Understanding with the zoo bond program:

1. Lower Service Road Feeders
2. Roundhouse Automatic Transfer Switch
3. AfriCafé Panel Replacement
4. Animal Nutrition Center Panel Replacement
5. Middle Service Road Feeders
6. Generator Replacement

As of December 31, 2017, the first four projects were substantially complete. The Middle Service Road Feeders and Generator Replacement were combined into one project and are in progress and scheduled to be completed in 2019. High Point Construction, a woman-owned and COBID certified firm, was contracted to do the work for \$831,598, and represents a 100 percent COBID utilization rate on this project. Zoo Facilities Management continues to direct this work but, due to its complexity and necessary coordination with the Polar Passage/Primate Forest/Rhino Habitat project, oversight is being provided by the zoo bond construction manager.

In 2017 the zoo entered into a contract with Portland General Electric for a Dispatchable Service Generation partnership. PGE agreed to contribute \$576,000 to fund upgrades to the zoo's backup generation system. Unfortunately, the actual cost of upgrading the generators exceeded the PGE contribution, so the plan was abandoned in early 2018 and the planned contribution was removed from the bond program resources.

Electrical Infrastructure

2018 Findings and Recommendations:

- The committee commends zoo Facilities Management and the zoo bond construction team for working together on the Middle Service Road Feeders and Generator Replacement to improve coordination and reduce costs.
- The committee commends the zoo for including in the bond program such a significant investment in infrastructure (including that contained in each project) that supports safety, animal welfare and facility future growth.
- The committee recommends that zoo staff remain open to creative collaborations such as Portland General Electric's Dispatchable Service Generation partnership; however, staff should engage in an early feasibility study to ensure that resources are not expended on an unrealistic project.

REQUIRED REPORTING ITEM 1 | Assessment of Progress

C. Completed bond projects — See Appendix A (page 50)

REQUIRED REPORTING ITEM 2 | Spending Considerations

Report on spending trends, current cost projections and independent financial auditors' report

A. Overall program spending

1. Budget and Expenditures

The zoo bond program is divided into four main areas: construction projects, planning projects, land use processes and program administration. As of December 30, 2018, the allocated resources for all program activities total \$148,378,306. Forecasted revenues total \$152,073,317.

Figure 2

Oregon Zoo Bond Program Budgets and Expenditures

as of December 31, 2018

| Project | Project Budget | Project Expenditures | Forecasted Expenditures | % Complete |
|---|----------------|-----------------------|-------------------------|------------|
| Master Plan/Land Use Permits | \$ 3,304,011 | \$ 3,197,675 | \$ 3,197,673 | 100% |
| Veterinary Medical Center | \$ 9,464,299 | \$ 8,840,329 | \$ 8,840,329 | 100% |
| Penguin Life Support System | \$ 1,800,000 | \$ 1,762,250 | \$ 1,762,250 | 100% |
| Water Main Building | \$ 267,459 | \$ 242,495 | \$ 242,495 | 100% |
| Condors of the Columbia | \$ 2,628,592 | \$ 2,215,609 | \$ 2,215,609 | 100% |
| Elephant Lands | \$ 57,561,443 | \$ 57,407,246 | \$ 57,407,246 | 100% |
| Remote Elephant Center | \$ 117,864 | \$ 117,863 | \$ 117,863 | 100% |
| Education Center | \$ 17,699,157 | \$ 17,413,724 | \$ 17,482,791 | 100%* |
| Interpretives/Wayfinding | \$ 2,766,640 | \$ 2,523,352 | \$ 2,766,640 | 91% |
| Percent-for-Art | \$ 843,154 | \$ 737,297 | \$ 843,154 | 87% |
| Program Administration | \$ 7,200,000 | \$ 6,119,575 | \$ 7,200,000 | 85% |
| Electrical Infrastructure | \$ 2,076,600 | \$ 1,029,447 | \$ 1,500,000 | 67% |
| Close-out Contingency | \$ 1,000,000 | \$ 27,097 | \$ 1,000,000 | 27% |
| Polar Passage/Primate/Rhino | \$ 43,802,256 | \$ 7,906,859 | \$ 43,802,256 | 18% |
| Totals | | \$ 109,540,818 | \$ 148,378,306 | |
| Unallocated Program Contingency | | | \$ 3,695,011 | |
| Zoo Bond Program Forecasted Revenues | | | \$ 152,073,317 | |

*Net-zero energy certification for the Education Center will be completed in 2019 after one full year of operations data is available.

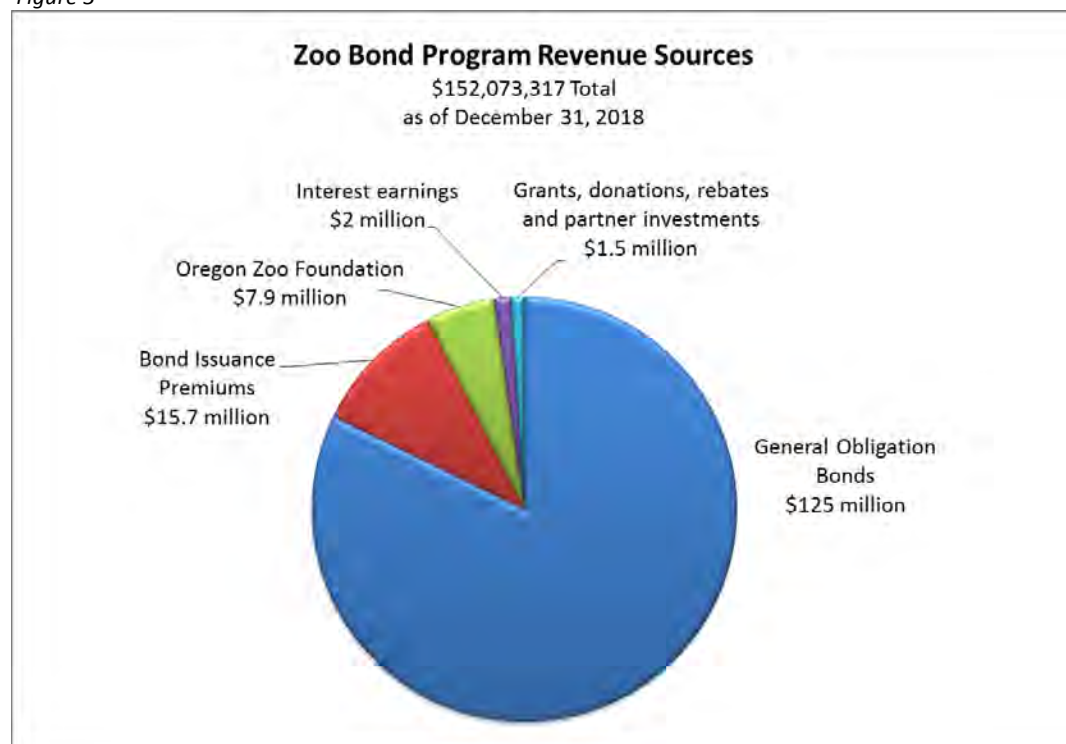
The Comprehensive Capital Master Plan process is complete, as well as construction of the Veterinary Medical Center, the Penguin Life Support System Upgrade project, the Water Main Building, Condors of the Columbia, Elephant Lands, Education Center and the major land use approval processes. These projects and expenditures on the remaining projects in process represent \$109.5 million (72 percent) of the \$152 million total resources. The completed projects were finished on time and within budget.

The planned projects for 2019-2020 include the construction of the new Polar Passage and related infrastructure, and the construction of the new Primate Forest and Rhino Habitat. Following the recommendation of staff and the committee with approval from the Metro Council, these three final projects – Polar Passage, Primate Forest and Rhino Habitat – have been combined to reduce expenditures and are referred to as “PPR” in this section of the report. In addition, the program will complete the final art installation, install the final wayfinding kiosk and upgrade campus electrical infrastructure.

On the advice of bond counsel, in 2018, bond funds were shifted away from the construction of the expanded black rhinoceros habitat. Construction costs for the Rhino Habitat expansion will be fully funded by the Oregon Zoo Foundation, using funds it had previously designated to build the maternity den at Polar Passage (which will not be constructed in this phase). Bond funds that were originally designated for the Rhino Habitat expansion have been redirected back to Polar Passage.

Funding sources total approximately \$152 million and include \$125 million from general obligation bond measure proceeds, \$7.9 million from the Oregon Zoo Foundation, an expected \$1.5 million in grants, donations, and partner contributions, approximately \$2 million in anticipated investment earnings and \$15.7 million from bond sale premium proceeds.

Figure 3



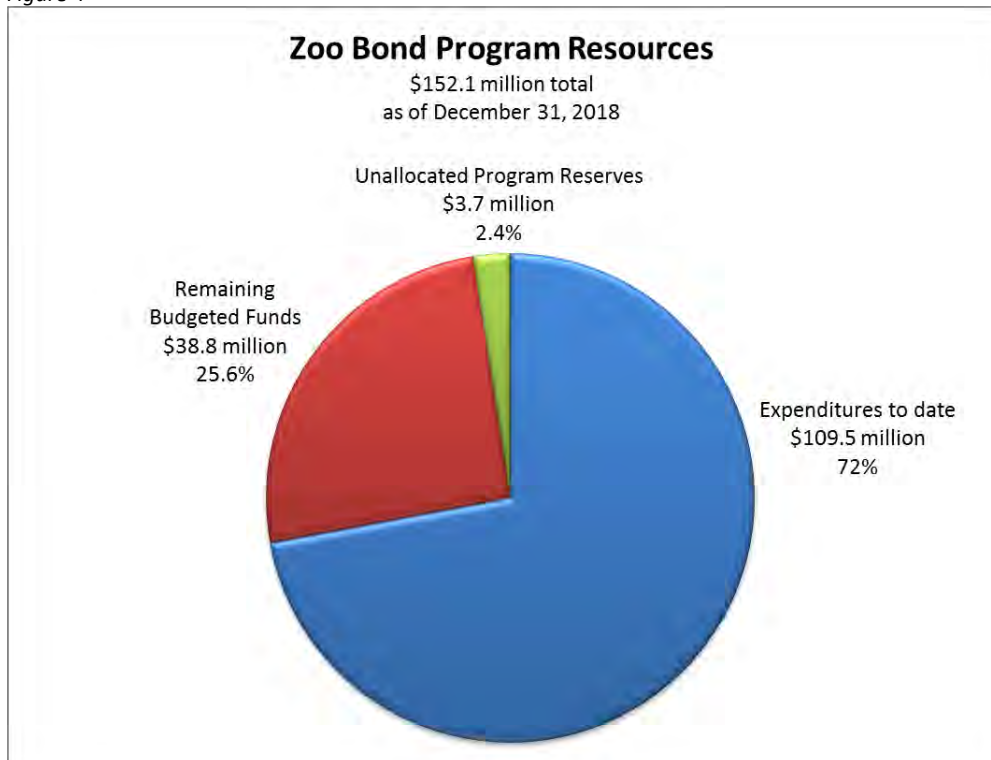
After 2017, \$2.3 million remained that was not budgeted to a specific project and was considered an additional program contingency. In 2018 that grew to nearly \$3.7 million. This program contingency is above and beyond the individual project contingencies, which are built into each project budget. In addition, the program has nearly \$1 million budgeted for close out contingency needs. It is expected that most of the unallocated and close out contingency will be required to complete the Polar Passage/Primate Forest/Rhino Habitat projects.

Metro's conservative fiscal policy and excellent AAA bond rating from S&P and Aaa from Moody's have resulted in premiums on the sale of the bonds. This has put the program in a solid position to complete the remaining projects, despite significant cost escalation in the region. Project budgets and scopes were first defined in 2011 and were analyzed and modified in 2017 to address cost escalation. Of principal concern to this committee is completion of all bond projects with the remaining funding without sacrificing bond program goals, including animal welfare objectives.

Given the construction cost escalation in the region toward the end of the zoo bond program, PPR is the most impacted of all the zoo's projects funded by the bond and is expected to exceed its currently allocated budget even after significant value engineering. The existing PPR project budget is \$43.8 million and the construction portion of that budget is \$33 million.

PPR construction documents needed for permitting and bidding were completed in November 2018, and bids were received in December 2018. Based on the final cost estimate, zoo staff anticipated that bids may exceed the budget for these final projects and before the bids were received, advised the committee of that possibility and presented potential recommendations that the committee may adopt depending on the amount by which the budget may be exceeded. The committee was notified in December that the bids did exceed the budget, but the cost to deliver the project could be addressed with program contingency allowances. Thus, the committee will propose a budget allocation recommendation to the Metro Council that aligns with previously adopted guiding principles for budget decisions.⁶

Figure 4



⁶ On Feb. 7, 2019, the Metro Council considered the Oversight Committee's recommendation and approved Res. 19-4960 allocating \$3,200,000 to the Polar Passage/Primate Forest/Rhino Habitat project and \$1,650,000 to the Program Administration budget, taking the Unallocated Program Contingency to \$0.

The Oversight Committee charter outlines the committee's role to "consider and recommend project modifications if inflationary increases in construction costs exceed current budget estimates." The committee monitors changes to the cost and budget on an ongoing basis. As of year-end 2018, there were \$4.7 million in unallocated program contingency and close out contingency. These funds are available to support completion of the final projects, as needed.

In December 2017 staff reported that the bond program is on track to meet Metro's requirement to invest 1 percent of direct construction costs in public art. At the time of that report, the eligible direct construction costs through the end of the bond program totaled \$84,955,960, making the 1 percent for art requirement \$849,560. At that time, the zoo bond program forecasted to spend \$991,691 on art commissions and relocation. The investments the zoo bond program will make were expected to exceed the public art requirement by \$142,131.

In addition to the zoo bond investments in art commissions and historic art relocation, the Oregon Cultural Trust, Oregon Zoo Foundation and zoo operations have invested \$62,841 in restoration of three sets of historic artwork that were moved to accommodate bond construction projects. These include the Willard Martin mosaic, two totem poles and the Warren Iliff sculpture garden. With restoration added, the total art expenditures were forecast to be \$1,054,532.

Budget and Expenditures

2017 Findings and Recommendations *with updates*:

- The committee recommends that continued rising construction and infrastructure costs be monitored closely during the remaining projects.

Update: Costs continued to rise in 2018, and staff worked diligently to develop contingency plans to ensure projects are completed without sacrificing animal welfare.

- The committee recommends that the zoo consider alternative ways to provide food choices for patrons while eateries are closed for construction.

Update: Food carts have been brought in to provide a variety of dining options for patrons.

- The committee recommends that the zoo have a plan to help offset any reduced cash flow during this final stage of construction.

Update: The zoo's fiscal year 2019-2020 budget is balanced based on conservative attendance estimates. In addition, financial results are monitored throughout the year and operations are adjusted as necessary.

- The committee recommends careful consideration of the Integrated Conservation Action Plan (ICAP) when completed and adopted to understand how costs will be influenced.

Update: The ICAP will help to guide decisions regarding how the zoo prioritizes resources through the annual budget process.

(continued)

Budget and Expenditures (continued)**2017 Findings and Recommendations *with updates*:** (continued)

- The committee recommends evaluating options with remaining unallocated funds after the final bond issuance in 2018.

Update: Due to increased construction costs it is likely that any unallocated funds will be utilized to complete the PPR project.

2018 Findings and Recommendations:

- The committee commends zoo staff on careful and strategic value engineering and monitoring of costs during the completion of final projects without sacrificing animal welfare or conservation efforts.
- The committee commends zoo staff for thoughtful planning and discussion around potential bid scenarios for the Polar Passage/Primate Forest/Rhino Habitat project.
- The committee commends the Oregon Zoo Foundation for their support and flexibility with funding the Rhino Habitat and a portion of Polar Passage and Primate Forest.
- The committee commends the zoo bond staff for a continuous history of completing all projects within the allocated budget.
- The committee recommends that the zoo continue to implement alternative food choices for patrons while eateries are closed for construction.
- The committee recommends that the zoo have a plan to offset any reduced cash flow during this final stage of construction.
- The committee recommends staff continue monitoring construction costs and project and program contingencies.

2. Contracting Methods

The program received Metro Council approval to use an alternative general contractor procurement method called the Construction Management by General Contractor (CM/GC) approach for Elephant Lands, Education Center and Polar Passage/Primate Forest/Rhino Habitat. This approach worked well for the Elephant Lands and Education Center projects and, given the complexity of the zoo bond-funded projects and simultaneous construction projects, the committee continues to support the consideration of alternative contracting methods such as this in order to reduce risk and achieve the most cost-effective and efficient use of the zoo bond funds.

In 2018, the zoo bond team reported on the outcomes of the use of CM/GC for the Education Center. The highlights include the following:

- During the design process and cost estimating, more than \$2.7 million of cost reductions were identified and implemented to align project scope with the budget.
- The CM/GC phased the project to effectively work around the zoo's scheduled activities, reduce impacts on revenue opportunities, and limit overall disruption to visitors (especially given the location at the entrance to Washington Park).
- Metro distributed nearly \$4.3 million to COBID contractors (29.5 percent of the eligible contract dollars), exceeding the zoo bond program's goal of 15 percent utilization.
- This project was a true collaboration with external stakeholders, and the funding sources reflect that. CM/GC provided more flexibility when new funding sources came in (e.g., Portland General Electric funded the increase in solar panels). Ultimately, the additional sustainability investments allowed the zoo to achieve LEED Platinum certification on the project. The Education Center is now generating more energy than it consumes, allowing the zoo to benefit from the additional generation on campus.

Contracting Methods

2017 Findings and Recommendations *with updates*:

- The committee recommends that zoo bond staff continue to document cost savings and efficiencies through the use of alternative contracting methods through the completion of the remaining projects.

Update: Alternative contracting methods continue to be a successful and positive use of the zoo's resources.

2018 Findings and Recommendations:

- The committee commends staff and Metro for being receptive to and implementing the use of alternative contracting methods. The outcomes include cost savings, planning to minimize the construction impact to animals, visitors, and staff, flexibility to support innovation and partner fund contributions, and overall problem solving for constructability.
- The committee recommends that alternative contracting methods be considered for appropriate construction projects at the zoo due to its unique geography, visitor presence and animal habitat needs.

REQUIRED REPORTING ITEM 2 | Spending Considerations

B. Cost projections

1. Master Plan Implementation

The Comprehensive Capital Master Plan describes the zoo's vision and goals, the purpose and intent for each facility, and includes a budget, sequence and timeline of construction projects that will bring the future vision to reality. This representation of the zoo's future is an essential tool to coordinate the development of the zoo's separate facilities into a coherent, effective and unique institution with a clear and recognizable theme and mission.

The Metro Council approved the master plan in 2011, which included the budgets for the bond-funded projects. The CCMP has been and will continue to be a crucial element to ensure efficient and effective use of bond proceeds. As part of the CCMP process, each project budget was developed with a contingency fund for both design and construction. Annual cost escalation due to inflation was also incorporated into each project budget. In addition, the overall program has a contingency fund.

The committee commends the economy and efficiency with which the program has been run and recommends its continuance. Of principal concern to this committee is completion of all bond projects with the remaining funding without sacrificing bond program goals, including animal welfare objectives.

Master Plan Implementation: Cost Projections

2017 Findings and Recommendations *with updates*:

- The committee recommends staff continue to inform and update the Oversight Committee on cost trends in the construction industry, including materials costs.

Update: The cost of construction continues to rise. Staff continues to monitor this closely and provide timely updates to the committee.

- The committee recommends staff continue to review and validate budgets and cost escalation and their implications on the remaining planned projects.

Update: Staff continues to monitor construction budgets and provide timely updates to the committee.

- The committee recommends the staff continue to monitor changes to animal welfare standards that could have an impact on current and future projects.

Update: Zoo staff continues to monitor animal welfare standards to ensure compliance. In addition, zoo leaders are actively engaged in planning for future needs.

- The committee recommends continued monitoring of the zoo's conservation priorities for any upcoming changes that could affect project designs, construction or operation.

Update: Conservation priorities were taken into account when completing the final design for the PPR projects.

2018 Findings and Recommendations:

- The Committee commends staff and the project team on their value engineering efforts to address continuing cost escalation without sacrificing animal welfare efforts or program goals.
- The committee commends Metro for reserving program contingency to ensure the final projects could be completed successfully despite the demand in the region's construction market.

2. Administrative Costs

Metro's central services support the zoo bond program with budget management, bond sales, legal support, procurement of goods and services, and information services.

Administration costs and the actual costs of issuing the bonds total \$6.1 million (5.6 percent) of the zoo bond program's total expenditures through December 31, 2018. This percentage is comparable to other local public bond-funded construction projects. An analysis of the Beaverton School District, Portland Public School District and Portland Community College bond programs resulted in a range of administrative costs between 3.8 percent and 7.2 percent of the total program budget.

Originally staff projected that total administrative overhead costs for the zoo bond program would be \$3.9 million, about 3 percent of total expenditures. Metro adopts a cost allocation plan in which costs for centralized services are allocated on a reasonable basis. The same methodology for allocation is applied and charged to all Metro programs. The Oregon Department of Transportation reviews Metro's cost allocation plan for compliance with federal rules.

In 2018 the Oversight Committee was notified that the total administrative costs would increase from a projected \$7.2 million in 2017 to an expected \$8.85 million through the completion of the project – an increase of \$1.65 million. Part of the increase is due to the program running longer than planned and part is due to imprecise projections of administrative costs at the start of the bond program. In preparation for the end of the program, Metro agreed to cap any additional central services transfer increases at \$5.85 million total, which means it will not exceed \$2.2 million going forward from November 2018 when the committee was notified. This agreement provides a high level of confidence that the administrative costs will not exceed \$8.85 million.

Administrative Costs: Cost Projections

2017 Findings and Recommendations *with updates*:

- The committee recommends staff continue to monitor the reasonable assessment of administrative costs and their implications on the overall program budget, and provide a report at least annually to the full Oversight Committee.

Update: Staff provided detailed information to the Committee regarding the administrative cost escalation and forecasted budget.

2018 Findings and Recommendations:

- The committee commends Metro for capping central service administrative costs, which provided more certainty to the budget and reallocation process.
- The committee recommends staff continue to monitor the reasonable assessment of administrative costs and their implications on the overall program budget, and provide a report at least annually to the full Oversight Committee.
- The committee recommends that staff complete periodic reviews of other local bond issuance programs to make sure administrative costs continue to be comparable.
- The committee recommends allocation from program contingency for administrative cost projections.

3. Operating Costs

The Oregon Zoo staff anticipates that some future operating costs of the zoo will increase upon completion of the bond-funded projects, but will be offset by additional revenue-generating opportunities and the enhancements and efficiencies gained through new technologies and the modernization of zoo infrastructure. The committee believes it is important that staff continue to monitor this assumption as project planning matures, to allow reasonable financial planning by zoo staff.

Operating Costs: Cost Projections

2017 Findings and Recommendations *with updates*:

- The committee believes it is important that staff continue to monitor future operating costs of the zoo assuming that as project planning matures, costs may change.

Update: Staff continues to monitor costs and provides updates to the committee.

- The committee recommends staff provide the operating outcomes from completed bond projects.

Update: Staff updated the committee on the preliminary operating outcomes of the Education Center following its one-year anniversary. A final operating outcomes report will be provided in the spring of 2019, when one full year of accurate energy monitoring and operations data is available.

- The committee recommends that the zoo prioritize preventative maintenance in the ongoing operation of the new facilities to maximize the lifespan of the equipment.

Update: Contractors provide specialized training on bond-installed equipment, and that training is videotaped for future reference and zoo Facilities staff ongoing training. The zoo Facilities department has instituted a program prioritizing preventative maintenance aimed at maximizing the lifespan of all zoo equipment and reducing emergency repair requests.

2018 Findings and Recommendations:

- The committee carries forward its 2017 recommendation that staff continue to monitor future operating costs of the zoo assuming that as projects mature, costs may change.
- The committee recommends staff provide the operating outcomes from completed projects and the projected cost or revenue impact on the zoo budget from all bond projects.
- The committee recommends that the zoo prioritize preventative maintenance in the ongoing operation of the new facilities to maximize the lifespan of the equipment.

C. Independent financial audit

Moss Adams issued the annual independent financial audit report of the zoo bond program on November 19, 2018. The auditors reported that nothing came to their attention that caused them to believe that Metro failed to comply with the provisions of the bond measure. No specific management letter comments were made. Notice of the audit report was published on December 19, 2018, in the Daily Journal of Commerce, and the audit report was posted on the zoo website. The audit report was also provided to members of the Oversight Committee.

REQUIRED REPORTING ITEM 3 | Project modifications in excess of budget

Consider and recommend project modifications intended to account for increases in construction costs in excess of budget estimates

A. Project Modifications

As the bond projects reach their final years, modifications from the master plan are occasionally required. In 2018, the modifications were related to cost increases in both the administration and construction areas.

- Due to cost escalation, additional resources will need to be allocated to the Polar Passage/Primate Forest/Rhino Habitat project budget. Exact amounts required will be determined in 2019 after a thorough review of construction bids.⁷
- Add \$1.65 million to the program administration budget. The additional funds will maintain appropriate staffing levels and pay for the necessary level of legal, accounting, procurement and other services provided by Metro shared services.

How to learn more

We encourage you to learn more about the Oregon Zoo's bond program by visiting www.oregonzoo.org/newzoo.

We also welcome your feedback about what you would like to hear from us next year. Would you like us to focus on specific areas of concern or processes? Please contact us with any ideas, suggestions or questions.

Email: zoobond@oregonzoo.org

Phone: 503-914-6028

⁷ On Feb. 2, 2019, the Metro Council considered the Oversight Committee's recommendation and approved Res. 19-4960 allocating \$3,200,000 to the Polar Passage/Primate Forest/Rhino Habitat project and \$1,650,000 to the Program Administration budget, taking the Unallocated Program Contingency to \$0.

Appendices

A. Background information and completed projects

B. Committee membership

C. Zoo bond program organization structure

Appendix A – Background information and completed projects

As the zoo bond program moves towards conclusion, the committee decided the time was right to make format changes intended to begin transitioning the annual report to a final bond program report when the current projects are completed in 2020. To that end, information about the bond's inception and early planning stages has been added. In addition, information on completed projects has been moved to this new appendix. The committee's goal in making these changes is to assemble a complete picture of the zoo bond process and program and to begin identifying key "lessons learned" that may be useful to Metro and other public agencies when undertaking a significant bond-funded construction program.

1. Introduction: How the zoo bond program started

In 2008, the Portland Metro region voted to invest \$125 million in the zoo to protect animal welfare, increase access to conservation education and improve sustainability. The bond projects were ambitious and extensive, with nearly half the zoo grounds getting an upgrade. Construction spanned a decade, with initial projects taking off in 2010. The last three habitats – Polar Passage, Primate Forest and Rhino Habitat – are scheduled to open in 2021.

Even an undertaking of this magnitude starts as a small spark. For two years the 21-member volunteer Oregon Zoo Foundation Board worked with zoo leadership, the Metro Council, zoo veterinarians, animal biologists and scientists, and community leaders to develop a plan for the future of the zoo. The Oregon Zoo Future Committee, led by a Metro councilor and the zoo director, dug deep to conduct strategic plans, commissioned early opinion polling and conducted interviews and briefings with key constituents.

This early work turned up a consistent theme – the people of the Portland region wanted animals at the zoo to have the best habitats possible. And this theme was well-grounded. The zoo had many ageing facilities that reflected decades-old standards of care or required unsustainable levels of maintenance.

- At nearly 50 years old, the Association of Zoos and Aquariums had noted the zoo's veterinary hospital and quarantine facilities were substandard and deficient.
- Built in 1959, the elephants' indoor and outdoor spaces were worn, cramped and out-of-date.
- The Polar Bear habitat was built when the primary objective was containment of the bears. As a concrete bowl, it became scorching hot in summer and did not provide a sufficient amount of enrichment opportunities.
- Similarly, the Primate area was originally designed to be easy for the keepers to clean and no longer met current standards for primate engagement or a stimulating environment.
- Out-of-date water filtration capabilities for the hippo and penguin habitats wasted more than 11 million gallons a year, and were woefully out of sync with the sustainability values and financial stewardship responsibilities of Metro.

In November 2008, Measure 26-96 was approved by voters: Yes 195,652 (59.72 percent); No 131,985 (40.28 percent).

The following sections describe each of the completed zoo bond projects and an early advisory group's role.

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2. Oregon Zoo Bond Advisory Group

The Oregon Zoo Bond Advisory Group (OZBAG), though not a bond-funded project, played a pivotal role in early planning. Following passage of the zoo bond measure in November 2008, OZBAG was established to make recommendations to the zoo bond program manager regarding planning and implementation surrounding the planning, permitting, contracting and construction activity reflected in the zoo bond measure. The group consisted of five external members, eight staff and two Metro Councilors, and were appointed by the Metro deputy chief operating officer. Members were recognized experts in their fields, including real estate law, financial management, facility management, and facility planning and construction management.

OZBAG provided professional, prospective guidance regarding how to move forward with specific project issues, especially related to land use and the Comprehensive Capital Master Plan preparation. The legal land use expertise on OZBAG proved critical in advising the bond program on the best way to negotiate the land use process. OZBAG helped the program develop a successful strategy that resulted in no appeals and no delays to construction. The group met 18 times over four years from July 2009 to June 2013, when it had completed its work advising on the land use process.

Oregon Zoo Bond Advisory Group

Lessons Learned:

- OZBAG assisted greatly in steering Metro on land use decisions related to the conditional use master plan (CU MS) and was valuable in weighing various land use strategies. Because land use actions are often complex, a lesson was learned about the benefit of engaging an expert group like OZBAG early in the process to navigate the land use permit process.

3. Water Main Building, 2011

The Water Main Building was completed in 2011 and prevents nonpotable water from entering the water system. It was a crucial upgrade to save water at the zoo, including the capture and reuse of rainwater at the Veterinary Medical Center.

4. Comprehensive Capital Master Plan, 2011

Developing a Comprehensive Capital Master Planning (CCMP) was a crucial element in helping to ensure efficient and effective use of bond proceeds. Metro issued a Request for Proposals in April 2010 for an

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interdisciplinary consulting team to complete a CCMP for the remaining zoo bond improvements⁸ funded by the \$125 million bond. Bond program staff received compliments from external parties on a well-written RFP, and their hard work paid off. A multidisciplinary team was selected for this work:

- SRG Partnership (prime consultant; architecture and management)
- CLR Design (zoo planning and exhibit design)
- Atelier Dreiseitl (landscape, planning and sustainability)

The consultant team was charged with developing a 20-year campus plan encompassing bond-funded projects as well as future phases that did not have an identified funding source. Metro expected the consultant team to balance schematic designs for the specific bond projects, sustainability initiatives and infrastructure improvements with available bond resources.

In addition to a sweeping scope, one challenge for the consultant team was to develop a plan within the realities of the site itself. The zoo campus slopes and unstable soils are important considerations. The consultant team mitigated the soil concern by working with geotechnical engineers that had a 20-year history of work on the zoo campus.

Primary consultant team work with Metro staff occurred at six CCMP workshops, each scheduled for three days duration. Metro established zoo stakeholder teams for each major bond project to test the consultant team's concepts and draft plans. Following the workshops, the consultant team reviewed and advanced the top-most siting and concepts. To provide public outreach and an opportunity for comment on the CCMP, the program held five open houses in April and August 2011.

In addition, the program used Metro's innovative online opinion panel, Opt In, to communicate draft plans and to seek opinion on various planning options and received more than 4,400 responses. Respondents indicated they were in favor of implementing the bond construction over a longer period of time, keeping animals on site, and maintaining the zoo guest experience, rather than doing the construction in a shorter period that would hinder the guest experience and require more animals to be moved offsite. Respondents also indicated they were in favor of substituting improvements to the rhino habitat instead of the hippo habitat as listed in the bond measure, since it would save large amounts of water and energy and promote conservation of the endangered black rhino.

As a major stakeholder in the future of the zoo, the Oregon Zoo Foundation (OZF) director and key staff were directly involved in the CCMP process. In addition to attending master planning sessions, OZF staff contracted for a development plan that relied on information from the CCMP.

Several significant changes and challenges included:

- **Removal of hippo project:** Through careful assessment of zoo capacity, funding and animal welfare needs, the zoo decided to remove hippos from the zoo collection and therefore remove the hippo filtration project, and instead added the Rhino Habitat project.
- **Train Route:** The expansion of the elephant exhibit necessitated changes to the zoo train route. As a favorite experience for zoo guests, this project necessitated careful planning. The consultant team proposed five alternate route options.

⁸ The Penguin Filtration and Veterinary Medical Center (VMC) projects were begun before the new Conditional Use Master Plan and the Comprehensive Capital Master Plan were complete because the VMC land use was approved under the zoo's prior Conditional Use Master Plan and the Penguin Filtration project is a mechanical upgrade that was not dependent on a land use decision.

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In the end, the CCMP provided:

- Analysis, recommendations and a strategy for Metro to implement the specific bond projects, as well as sustainability initiatives and infrastructure improvements. This included refining project scopes through schematic design.
- An overall schedule for all projects based on the optimal project sequencing, timing and estimated duration. This plan included a schedule for each project.
- An overall bond budget and financing plan with cost estimates for each project based on schematic designs.
 - Contingencies were included based on the proposed site and complexity of each specific project. The plan included direct, indirect and overhead costs; construction cost inflation; and assumed timing for cash in- and out-flows.
 - The financing plan assumed no outside funding sources and was developed from a conservative mindset. This allowed any outside funds to be used for scope enhancements and not critical (base) project elements

The CCMP was completed and approved by the Metro Council in September 2011. The CCMP development expenses totaled \$1.7 million, or just under the established budget. The CCMP provided a clear blueprint for the process to realize bond goals.

Comprehensive Capital Master Plan, 2011

2018 Lessons Learned:

- The Comprehensive Capital Master Plan process was a deeply engaging process drawing on the expertise of zoo and other Metro staff and visitors' experience to envision a new zoo for people and animals. The CCMP took ideas and made them themes, then took themes and made them into schematics. Decisions made through the CCMP effort have direct land use implications. The lesson learned is to conduct a CCMP first; running the CCMP and Conditional Use Master Plan/Land use permit efforts concurrently created some delays in the land use permit work.

5. Land Use, 2012-2013

The Oregon Zoo operates as a conditional use within the City of Portland's Open Spaces zoning designation. Conditional uses are uses that may be allowed by the city in a base zone in which they are otherwise not permitted, so long as certain conditions are met. As an institution that is more or less continually redeveloping, the Oregon Zoo must obtain a longer-term process approval through the City of Portland's 10-year conditional use master plan (CU MS). The conditional use CU MS serves as the guiding land use and development master plan for the Oregon Zoo. The city originally approved a CU MS for the zoo in 1997, which remained in effect until 2013. By 2010, all of the projects originally identified

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in the 1997 plan had been completed or were in the process of being completed, thus necessitating a new conditional use master plan.

Early in the land use application process in 2010, Metro staff requested that the city consider other land use approaches, such as re-zoning the property to a less restrictive base zone or creating a Plan District, but after several meetings with city commissioners and senior city staff, it was determined those alternatives were unacceptable or infeasible.

The CU MS effort was led by Metro staff and the Office of Metro Attorney, and was supported by a multidisciplinary consulting team. An aggressive timeline estimate of two years was initially set to complete the process. Several known nonconforming land uses and high-priority issues were identified early on, including multimodal access and parking (including bicycle parking and parking lot landscaping), environmental impacts, and stormwater management. Given the complexity of these issues, staff recognized that timing of land use approvals could pose a threat to project construction schedules.

Concurrent with the CU MS process, a consultant team prepared the Oregon Zoo's new Comprehensive Capital Master Plan (CCMP) (additional context provided about the Master Plan in the next section). The Master Plan provided increased detail around project scope, sequencing, sustainability initiatives, and general campus infrastructure improvements and served as the basis for the final CU MS application for City of Portland approval.

Though the work of the CU MS and CCMP planning process, Metro decided to address land use requirements in three distinct phases to reduce risk to project timelines from possibly delayed land use decisions and, in the case of the West Parking Lot, to seek approvals with appropriate property owner partners. The three phases were:

- **Phase I Amendment to the prior CU MS:** To maintain the program's construction momentum, Metro asked the city to allow work to proceed on the Elephant Lands project and the Condors of the Columbia project under the prior CU MS. One challenging aspect of this amendment was the Elephants Lands expansion into the environmental zone on the northeast side of the exhibit. Though filed three months behind schedule, this amendment was approved in March 2012.
- **Phase II New Conditional Use application for the West Parking Lot:** Up to this point, the West Lot did not have legal land use standing with the city. The West Lot land use application was for permanent use of the area as parking. This separate West Lot application allowed for the zoo and its neighbors to focus on this discrete topic without jeopardizing timelines for other zoo bond projects. This application was approved November 2012.
- **Phase III New CU MS:** The new Conditional Use Master Plan laid out the growth plan for the next 10 years - for the remainder of the specific bond projects and the overall master plan improvements. The CU MS reflected the needs of the bond projects as articulated in the Comprehensive Capital Master Plan and encompasses site planning and boundaries, current and future uses, development standards, and projected transportation and parking impacts. Though originally expected to be submitted the fourth quarter of 2011, the application for the new CU MS was submitted August 2012 and approved January 2013.

Concurrently with the CU MS process, the zoo was faced with the pending expiration of the zoo's 30-year lease of the Washington Park parking lot. Though the zoo attempted several times to negotiate

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a revival of the parking lot lease, the city was unwilling to do so. The confluence of the CU MS process with the return of the management of the parking lot to the City of Portland Parks & Recreation department had ramifications for institutions beyond the zoo itself. Extensive partner and public engagement by the zoo resulted in the following changes:

- Parking management responsibilities were turned over to Portland Parks & Recreation
- Impacted parties formed the Washington Park Transportation Management Association (WPTMA)
- Paid parking for the shared lot and throughout Washington Park was implemented in January 2014
- In 2015 the WPTMA was renamed Explore Washington Park with a new website and branding.

The CU MS was a necessary but time-consuming effort: Metro assessed and changed tactics early on in the process, the city replied to each application with questions and seeking additional information and the consultant team facilitated extensive engagement with other entities present in Washington Park, adjacent neighborhood associations, and city and state partners. In the end, the land use process built a good working relationship with neighbors, established a whole new way of working with Portland Parks & Recreation, and prioritized improvements to Washington Park guest experience through the specific focus on coordinated access and parking. This process became a way to think systematically about all of Washington Park.

Throughout, the Oregon Zoo Bond Citizens' Oversight Committee took a keen interest in this project to ensure the risk-appropriate level of resources were dedicated to achieving the necessary approvals.

Land Use, 2012-2013

Lessons Learned:

- The Conditional Use Master Plan and land use permit was a necessary but time-consuming effort. This was in part due to the change in approach from creation of a Plan District to a zoo-specific Conditional Use permit. The lesson-learned is to have the land use strategy more concretely understood or decided before entering the bond implementation window.
- The Conditional Use Master Plan process became a way to think systematically about all of Washington Park. Through the zoo's leadership, many long term changes began to take shape that not only improved the experience of all Washington Park visitors, but brought benefit to and strengthened the ties between all the institutions housed in the park. This foundation of collaboration and mutual support will serve the zoo and other Washington Park entities well as they consider future development and growth.

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6. Penguin Life Support System Upgrade, 2012

The penguin water filtration project was completed in 2012. The goal of the upgrade was to conserve water and improve water quality. Zoo staff estimates that water use has decreased by more than 90 percent as the pool water is filtered versus frequently dumped.

Diversity in Contracting – The project accomplished a COBID utilization rate of 6 percent; all 6 percent were emerging small businesses.

7. Veterinary Medical Center, 2012

The grand opening of the VMC was celebrated in January 2012. The Veterinary Medical Center replaced the substandard veterinary and quarantine buildings with a new facility that meets standards set by the Association of Zoos and Aquariums. The Veterinary Medical Center was prioritized as the first bond project for animal health and safety.

Diversity in Contracting – Of the total contract value, the project achieved a 10 percent⁹ COBID utilization rate. Five percent were emerging small businesses, 4 percent were women-owned businesses, and 1 percent were minority-owned businesses.

8. Condors of the Columbia, 2014

Condors of the Columbia officially opened to the public in May 2014. Construction was completed on an amended schedule and *under* budget by \$412,983. The construction completion date was later than the estimated schedule in the Comprehensive Capital Master Plan, but approved and updated due to the need for a longer design and construction period and the discovery of hidden underground challenges on site. Condors of the Columbia highlights the Oregon Zoo's successful condor breeding program and aims to inspire visitors to learn more about the conservation of these iconic birds.

The interpretative features at the Condors of the Columbia exhibit were designed to illustrate the zoo's role in California condor conservation and to inspire audiences to take conservation action. To validate the efficacy of the interpretive experience, an evaluator was contracted to analyze visitor tracking studies and intercept surveys. The evaluator concluded that Condors of the Columbia was highly successful in meeting the intended outcomes.

The exhibit was not a candidate for LEED certification because it did not meet minimum square-footage requirements.

⁹ Metro's calculation methodology at the time of this project was to exclude the cost of prime contractor self-performed work. Out of the \$4,214,163 available in subcontracts (*i.e.*, work not performed directly by the prime contractor), 17 percent of the dollars went to contractors certified as a MBE, WBE or ESB. This number was previously reported in Metro's annual Equity in Contracting report.

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Diversity in Contracting – The project accomplished a COBID utilization rate of 26 percent; 19 percent were emerging small businesses and 7 percent were minority-owned businesses. The specialty netting scope was deemed ineligible for COBID firms, and the value was deducted from the calculation.

9. Elephant Lands, 2015

Elephant Lands is the largest project the Oregon Zoo has ever developed. Construction of Elephant Lands and associated projects covered approximately 35 percent of the zoo grounds and lasted approximately three years. Associated projects included: 1) relocation of the train loop, 2) a new perimeter service road, 3) relocation of the Wild Life Live! program and 4) water and energy sustainability measures, including a new campus geothermal loop to reduce the use of fossil fuels for heating and cooling. In recognition that elephants are the Oregon Zoo's signature species, Metro prioritized the on-site Elephant Habitat (known as "Elephant Lands") project in terms of timing and the financial resources dedicated to it. The project was substantially complete in December 2015, within its approved schedule and budget. The grand opening to the public was held on December 15, 2015, with several hundred people attending.

Two totem poles were displaced in the construction of Elephant Lands, creating an opportunity for a complete restoration by the Lelooska tribe and artist Ray Losey prior to relocating the poles. With significant engagement of the Native American community, the zoo hosted a well-attended totem pole rededication event in October 2014 to celebrate the Native American culture, history and meaning of the poles.

Elephant Lands also includes the second art installation commissioned through the zoo bond 1 percent-for-art program, created by Catherine Widgery, whose artwork welcomes guests to Forest Hall, the elephants' new indoor habitat.

The Wild Life Live! facility was displaced due to the construction of Elephant Lands. The bond program renovated an under-utilized animal holding facility at the zoo and successfully relocated the Wild Life Live! program. The relocation resulted in improved living quarters for the program animals.

The Elephant Lands project was completed using a Construction Management/General Contractor (CM/GC) alternative procurement approach. A project of this size and scope would generally average change orders that increase costs by around 10 percent of the construction cost. The Elephant Lands number was 5 percent of the guaranteed maximum price, due to the CM/GC working with the design team to fill in any gaps in the drawings prior to bid. The project was divided into four distinct phases, which allowed each phase to be designed, permitted and competitively bid out to subcontracting firms early in the design process rather than waiting for the whole design to be complete. An early phase included the construction of a new service road that enabled contractor teams to access the area without navigating trucks and construction equipment through congested visitor areas. Early bidding produced substantial savings in the robust construction cost escalation market. It also shortened the construction schedule. Hiring the CM/GC early in the process helped to set up the work so that visitor interactions and other revenue-generating events proceeded without construction interference. The most beneficial aspect of phasing was allowing the elephants into the first new habitat to test design

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features prior to construction of the other habitats. This saved time and money by identifying structural design changes, prior to material being ordered and additional structures being erected.

Elephant Lands has been awarded 17 awards for design, construction and sustainability, including the 2016 TopProject of the Year award from the Daily Journal of Commerce, the Associated General Contractors' Skill, Integrity and Responsibility award in 2017, and the Association of Zoos and Aquariums' Excellence in Exhibit Design award, a significant recognition from zoo peers. The elephant buildings and site earned Leadership in Energy and Environmental Design (LEED) Gold certification. The primary funding source for the Elephant Lands project is from general obligation bonds approved by voters as part of the Oregon Zoo's bond measure in 2008. The Oregon Zoo Foundation also contributed \$3.4 million to the project.

Animal Welfare – The Elephant Lands project significantly expanded the elephant habitat, from 1.5 acres to six acres. The site includes Forest Hall and the Elephant Barn, the North Meadow Habitat, Encounter Habitat and the South Habitat. It is designed to encourage activity, promote a diverse range of natural behaviors, offer increased opportunities for choice and social interaction, and provide biologically meaningful challenges for Asian elephants at the Oregon Zoo. Elephant Lands offers flexible space with a variety of features to seek out and interact with, more choice, an increased level of self-directed control over their daily lives, and the opportunity to live in multigenerational matrilineal groups, which bulls can join occasionally as they would in free-ranging populations. The elephants cannot see the entire space from any one vantage point and get exercise simply by maneuvering through it.

A diversity of feeding methods provides foraging opportunities 14-16 hours per day, which more closely mimics the grazing habits of free-ranging elephants. Throughout the habitat, timed feeders release food at programmable intervals, overhead feeders require elephants to stretch and sometimes climb on logs, concrete herd feeders require reaching down, and other puzzle feeders demand manipulation to acquire food. The expanded habitat size allows for increased walking distances, and the hilly terrain, climbing features, and varied surfaces – including deep sand, hills of dirt, patches of grass and clay – provide stimulation and physical challenges. The habitat includes a 160,000 gallon pool big enough for the whole herd, a wading pool and a water cannon, which makes mud wallows. State-of-the-art heating and ventilation systems with open doors allow the herd to move inside and out as they please.

In order to evaluate the effectiveness of Elephant Lands in promoting animal welfare, the zoo research staff designed a four-year study, beginning in September 2012 before construction began, and ending in December 2016, one year after the new exhibit opened. Comparing the elephants' behavior and hormones in the old habitat, during the transition, and then in the new habitat allowed the zoo to monitor the welfare of the herd during the process and measure the impact of the new environment. Welfare indicators included distance walked through global positioning system (GPS) monitoring, reproductive and adrenal hormone analyses, and detailed behavior assessments.

Distance walked was measured with GPS data loggers worn as anklets on two females and two males for 24-hour periods, approximately every two weeks from June 2014 to December 2016. The results show that in Elephant Lands, elephants walk at least as far and possibly farther than their wild counterparts on a daily basis, and are utilizing the entire habitat regularly. In their new habitat, their movement is more self-directed; they have more choice and control.

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The study also monitored adrenal activity, an adaptive response to a real or perceived stressor in which a suite of physiological and behavioral changes occur to help deal with the stressor and re-establish equilibrium. In addition, the on-going monitoring of reproductive hormones in both males and females continued during the study. All adult females in the herd continued regular cycling throughout the construction phase and in the new Elephant Lands habitat, indicating normal reproductive health for the herd in all phases of the project. All individuals exhibited the greatest variability in their adrenal activity during the periods of major changes, suggesting adaptive and normal adrenal responses to life changes, challenges and excitement.

The behavior study assessed Elephant Lands' effectiveness in providing increased opportunities for choice (social, food source and resource use), increased activity and increased opportunity to express natural behaviors. Measurements of behavior included activity budgets (proportion of time spent performing behaviors), proportion of time performing active vs. inactive behaviors, proportion of time in proximity of other elephants, and relative usage of resources in their habitat. Data was collected by video using a team of volunteers and coded onto data sheets.

Results of the behavioral study show increased activity; increased foraging; and increased choice and control over their environment, including with whom they spend time and how they interact socially. The elephants in Elephant Lands are exhibiting a diverse range of natural behavior and social dynamics of a healthy herd.

The ultimate goal for Elephant Lands is for each elephant to exhibit a full range of natural behaviors, living in a social, stable, multigenerational, matrilineal herd that is regularly integrated with bull elephants in a manner that meets or exceeds their biological, social, physiological and psychological needs. The results of the animal welfare study are gratifying. The zoo is achieving its goals with Elephant Lands.

Conservation Education – Artwork, interpretive signs and other displays installed with the project provide the public with many opportunities to understand the impacts of human activities on wild elephant habitat and to get an up-close experience with these amazing creatures. The Elephant Lands interpretive experience has three main themes:

- **Being an elephant: the mind, body and life of an elephant.** This natural history content helps enrich guests' understanding of elephants as remarkable, unique creatures.
- **Elephant Lands is the Oregon Zoo's vision for elephant care in practice.** These highlights show how elements in and around the habitat enrich the lives of the zoo's elephant herd.
- **Humans and elephants: a shared history.** This exploration of the long, complex history that elephants and humans have shared includes current conservation issues and celebrates more than 60 years of elephants at the Oregon Zoo.

A life-sized wall graphic of Packy, the former senior male elephant, allows visitors to appreciate the height and size of an elephant, while a model of an elephant trunk allows them to experience its feel and texture. The Elephant Lands interpretive experience also includes the zoo's first smart phone

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application. Features of the app, released in December 2015, provide visitors with tools for identifying individual elephants in the herd.

In 2017 staff shared the outcomes of the Elephant Lands interpretives evaluation (see page 14). Results of this summative evaluation demonstrate that the Oregon Zoo is effectively achieving its education goals for Elephant Lands.

Focus group participants and survey respondents perceived the overall design of the habitat as beneficial to elephant welfare and conducive to family fun. Elements throughout the habitat such as the feeding tower, sand substrate and the shift doors intrigue visitors and impress upon them how much attention was given to detail during the construction phase. Ninety-eight percent agreed or strongly agreed that this exhibit shows that the Oregon Zoo is committed to the welfare of elephants. Public spaces that are designed to facilitate comfortable viewing contribute to a positive visitor experience. Forest Hall gives visitors an up-close look at elephants through visuals, sound and even odor, while offering an inviting space to warm up, dry off or have a snack. Interpretives about conservation issues such as elephant-friendly palm oil and the ivory trade invite visitors to become engaged. Sixty-six percent of those surveyed said they were more likely to urge companies to switch to wildlife-friendly palm oil. Focus group participants who voted to support the bond measure that funded Elephant Lands are satisfied that their taxes were well-spent and said they are willing to continue financial contributions to support additional habitat improvements. Whether comparing it to the old Oregon Zoo elephant habitat or exhibits at other zoos, there was consensus that Elephant Lands was superior.

Conservation education is also provided through the daily keeper talks at Elephant Lands, which are extremely popular. Volunteer Zoo Guides and Zoo Teens also provide interpretive talks. Finally, camp experiences that feature Elephant Lands have proved extremely popular in the Zoo Camp programs.

Infrastructure and Sustainability – Completion of the six-acre Elephant Lands project exemplifies the zoo's commitment to sustainability through the incorporation of a variety of elements including energy efficiency, sustainable building materials, solar preheating hot water, use of daylighting, stormwater management and the first portion of the new geothermal "slinky" system that will redistribute heat created from cooling the polar bear exhibit and move it to Elephant Lands where it is needed to warm the elephants. The zoo received technical assistance and nearly \$150,000 in rebates and incentives from the Energy Trust of Oregon for energy efficiency investments at Elephant Lands. The zoo received LEED Gold certification for Elephant Lands.

In 2015 the Portland Business Journal staff nominated Elephant Lands for a Portland Business Journal Better Bricks award, primarily for the project's focus on sustainability and use of cross-laminated timber (CLT) for the roof of the Elephant Plaza restroom. This was the first commercial building in Oregon to use CLT, a new engineered wood product made of 2-by-6s glued together in huge sheets and crosshatched in three to nine layers. Made of a naturally renewable resource, CLT is considered a greener choice since it takes less energy to produce than steel and concrete and can be made of smaller, lower-grade timber that avoids cutting old-growth trees.

Infrastructure improvements in the Elephant Lands project include a new service road, which provides a safer environment for visitors by removing most service and construction vehicles from pedestrian paths and by improving emergency vehicle access. In addition, the zoo train tracks were rerouted to provide

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more space for the elephants and offer better views of the animals. Local food carts are featured in Elephant Plaza, contributing to the local economy, increasing revenue and providing visitors with more diverse food offerings. A souvenir outlet is located at the top of the concert lawn, and restrooms plus a modern nursing room were added to Elephant Plaza, with additional restrooms in Forest Hall.

The Elephant Lands Operating Outcomes Report, May 2018, discussed some challenges, highlights, and lessons learned in the first two years of operating Elephant Lands. In order to properly maintain Elephant Lands' new mechanical and electrical systems, the zoo's Facilities division added a new position – controls engineer – to handle the complex building automation systems. This provided the chance to tune up the operation of life support systems and modify some processes to save energy. The zoo has also recognized the value of standardizing equipment across the zoo in new projects and in the replacement of assets.

Elephant Lands was constructed with a number of sustainable features. The pools are on target to use 86 percent less water than the old pools – a decrease of over 13 million gallons of water annually. Water use and conservation are being managed by the automated backwash recovery system. The solar photovoltaic array on Forest Hall's roof generates around 34,000 kilowatt-hours a year. A solar hot water system preheats water for elephant bathing and other uses. Louvers on the walls and roof of Forest Hall reduce the energy needed for fans by about 75 percent.

The Elephant Lands project provided many lessons for the remainder of the bond-funded projects. One lesson learned is the recognition that some of the features that achieve water conservation require significant energy to operate. Another is the importance of designing for flexibility in anticipation of change in operating needs over the life of the facility. And new systems have implications for staffing.

Diversity in Contracting – Elephant Lands achieved a COBID utilization rate of 10 percent of the COBID-eligible contract value, with \$4.4 million going to COBID-certified firms. Due to the project's complexity, scale and specialization, the 15 percent COBID goal was harder to reach. Also, 25 percent of the subcontractors that bid on the project were COBID firms, but not all of them had the lowest bid, so some were not awarded the work. The scopes of work deemed ineligible for COBID firms, and deducted from the total construction contract amount to determine the base for the utilization rate calculation, include: elephant doors and gates, crane, elevators and specialty rock work.

The General Contractor performed extensive outreach to Minority, Women, and Emerging Small Business (MWESB at the time, now referred to as COBID¹⁰) firms. The General Contractor also mentored numerous minority and women individuals through apprenticeship and office intern programs. One minority subcontractor, R&R General Contractors, was mentored through the RFP response and interview process for Elephant Lands. R&R was subsequently selected to construct the zoo's temporary picnic area valued at approximately \$500,000, and through the bid process, R&R was awarded the train track relocation scope of work valued at \$1.2 million. Mentoring R&R proved to be successful in that they have responded to and have been awarded projects from other agencies through the RFP process on their own accord.

¹⁰ Metro now refers to MWESB firms as COBID (Certification Office for Business Inclusion and Diversity)-certified firms to align with the state's certification program for minority-owned businesses, women-owned businesses, emerging small businesses and service-disabled veteran-owned businesses.

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Elephant Lands

2017 Findings and Recommendations *with updates*:

- The committee carries forward its 2016 recommendation that staff share publicly the outcomes of the elephant welfare studies when data analysis is complete.

Update: The outcomes of the four-year elephant welfare study were shared with the committee and the public in 2018. The ultimate goal for Elephant Lands is for each elephant to exhibit a full range of natural behaviors, living in a social, stable, multigenerational, matrilineal herd that is regularly integrated with bull elephants in a manner that meets or exceeds their biological, social, physiological and psychological needs. The results of the animal welfare study are gratifying. The zoo is achieving its goals with Elephant Lands.

2018 Findings and Recommendations:

- The committee commends the Oregon Zoo director and staff for the Elephant Lands Operating Outcomes Report, especially the insights of lessons learned.

10. Remote Elephant Center, deemed not feasible and cancelled February 2016

While a Remote Elephant Center was not included among the list of projects approved by voters when passing Measure 26-96, zoo and other Metro staff conducted feasibility analyses of potential sites, operational plans and financials, per the Metro Council's direction as stated in Attachment A of Resolution No. 08-3945, approved in 2008.

In February 2016 the Metro Council unanimously approved a formal resolution to suspend pursuit of the Remote Elephant Center project due to lack of financial viability, difficulty securing suitable property and the ability to achieve the zoo's vision for elephants through the new on-site Elephant Lands. Metro informed the public by issuing a press release and posting the decision on the zoo and Metro websites, and it was covered by local media as well. In March 2017, the Metro Council reallocated the unspent Remote Elephant Center funds to the remaining bond projects, based on the recommendation from the committee.

11. Education Center, 2017

The Education Center opened on March 2, 2017. It is the fifth project to be completed under the \$125 million bond measure approved by voters in 2008 to enhance animal welfare, conservation education and sustainable infrastructure. It is a highly interactive facility that provides multiple avenues for learning about nature and conservation. The new buildings provide much-needed dedicated spaces for educational activities and programs that engage thousands of Oregon Zoo visitors each year. The Education Center includes the Nature Exploration Station (NESt), the Backyard Habitat, Insect Zoo, the

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Species Conservation Lab where western pond turtles are being raised for release, classrooms, teen space, a flexible events space, a café, offices and tent pods. More than 3,600 people in the metro region were involved through online and site surveys in determining key interpretive themes and potential activities.

Construction began in September 2015 and had a significant impact on the visitor experience, zoo classes and camps, and zoo operations. Access in and out of the project site onto busy Washington Park roadways was a safety challenge and concern. Close coordination between construction and facility operations was required. The Metro Council approved an alternative procurement for construction management by a general contractor (CM/GC). The CM/GC allowed zoo staff and the project architect to work with the general contractor early in the design phase, reducing both construction costs and the project timeline, as well as mitigating negative impacts to visitors and surrounding neighbors during construction. The CM/GC contract with Fortis Construction included Early Work Amendments (EWAs) for two purposes: to manage construction cost escalation and to expedite the construction schedule by approving early site work while the building permits were under review with the City of Portland. The first two EWAs included the construction of a new underground storm line (80 percent funded by the City of Portland) and the remaining bond-funded project-specific work (demolition, grading, utilities, asphalt paving, etc.). The third EWA was executed to begin construction of the Nature Exploration Station, the classroom building and train station based on the building construction bid package. Phasing construction allowed the CM/GC to effectively work around the zoo's scheduled activities, reduce impacts on revenue opportunities and limit overall disruption to visitors.

The primary funding source for the Education Center project was the general obligation bond approved by voters as part of the Oregon Zoo's 2008 bond measure. However, one goal of the project was to leverage the bond investment for the public by creating partnerships. The train station, which was built as a part of the Education Center project, was funded by Oregon Zoo operations. The City of Portland primarily funded the design and installation of the South Entry underground storm water pipe. A PGE Renewable Development Fund grant provided the zoo an opportunity to expand the solar array system onto all three buildings: The Nature Exploration Station, the classroom building, and the train station. The project was a true collaboration with external stakeholders and the funding sources reflect that. The Oregon Zoo foundation contributed \$488,000 for interpretive elements installed throughout the Nature Exploration Station and \$170,000 for the Species Conservation Lab. Metro Parks & Nature contributed \$65,000 for the development and installation of the Metro Parks Finder touch screen monitor in the Nature Exploration Station. Metro Solid Waste provided \$129,294 for the Backyard Habitat interpretive elements and the Wildlife Garden sculptures.

The Education Center has earned several sustainable design accolades. It achieved Leadership in Energy and Environmental Design (LEED) Platinum certification from the US Green Building Council, the highest level of certification available. And in November 2018, the Portland Chapter of American Institute of Architects awarded the Architecture 2030 Award to Opsis Architecture and the Oregon Zoo, in recognition of their effort to reduce the use of greenhouse gas emitting fossil fuels (net-zero energy operations) in the Education Center design. Other awards, include the 2017 DJC TopProjects Energy Trust of Oregon High Performance Building for New Construction Award, the 2017 DJC TopProjects People's Choice for Public New Construction, and the Engineering Excellence 2018 Grand Award from the American Council of Engineering Companies of Oregon.

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Animal Welfare – The Education Center provides new improved facilities for the invertebrate collection at the Insect Zoo and western pond turtles at the Species Conservation Lab. In addition, the Nature Exploration Station's message of taking small actions on behalf of wildlife benefits animal conservation and welfare worldwide.

Conservation Education – The new zoo educational curriculum, developed in alignment with Metro's environmental literacy framework, was launched with the opening of the Education Center. The Metro framework is connected to national science education standards and is the source of the interpretive vision for the Education Center, "Small Things Matter":

Small animals matter. While visitors to the zoo care about many larger animals such as elephants, orangutans and polar bears, Education Center exhibits and experiences – like the new, improved Insect Zoo – ensure they don't forget the smaller and often underappreciated inhabitants of our world including insects, turtles and microorganisms which are critical to a functioning and healthy natural system.

Small habitats matter. Small habitats found in gardens, stormwater basins, highway medians, parks and natural areas all over the region are important to a well-functioning ecosystem.

Small actions matter. Small individual actions and choices can make a big difference. An exhibit in the Education Center's Nature Exploration Station highlights "wildlife heroes" – everyday people who have taken action on behalf of wildlife and wild places. An adjacent "Take Action Now" exhibit encourages visitors to follow these heroes' example and pledge to do more to help.

Each year, 95,000 kindergarten through 12th-grade students visit the zoo, and many attend zoo classes, which meet state science standards. Every third-grade student in our region's Title I schools is invited to participate in a zoo field trip and an interactive live animal classroom program presented at the zoo (ZooSchool) and funded by the Oregon Zoo Foundation. In 2018, 6,000 third-grade students participated. The Education Center also accommodates the 3,500 students that attend zoo day camps, one of the largest day camps in the metropolitan area.

The Education Center added seven new classrooms (four dedicated rooms and three spaces within Conservation Hall). These include an early-childhood space and a dedicated lab space for middle and high school students. Classroom garage doors open to provide a connection to the outdoors. Two new tent pods were also added. Conservation Hall, with seating capacity for 150 people and state-of-the-art audio-visual equipment, hosts lectures and documentary screenings. People attending events are able to access the adjacent Nature Exploration Station, the main interpretive space. The sustainable features of the building are evident on Green Living Signs, as well as visible through the interactive sustainability dashboard exhibit.

The Education Center is a place where regional conservation education partners connect with each other and the community. Oregon Zoo has developed partnerships with more than 30 conservation organizations to deliver collaborative educational programs and access to office space in the new facility. Key partners include the U.S. Fish and Wildlife Service, which has dedicated staff and resources to provide ongoing year-round programming; the Intertwine Alliance, which uses the space to convene and plan among regional conservation education organizations; and Metro's Property and Environmental Services and Parks and Nature divisions, which provide content and resources for

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programs and exhibits on natural gardening, waste reduction and sustainability. Oregon State University Master Gardeners support the Wildlife Garden to foster awareness about backyard habitats. Dozens of additional partners participate in a partnership and programming advisory group. The Education Center design process included input from a variety of sources. Metro Sustainability Center provided feedback on addressing diverse audiences in messaging and visitor experiences. Thirteen local school districts and more than 14 conservation education groups gave feedback on the design. Zoo visitors were invited to give feedback on early design plans, and 3,600 people responded to a public Opt In online survey on how to best connect with and benefit nature.

In the first seven months of operation, 10,000 zoo visitors visited the Wildlife Garden for tips on making backyards more wildlife-friendly, partner organizations engaged with more than 20,000 guests at the Education Center, and a number of regional associations held meetings and symposia there. Camp enrollments and revenues were up and café sales and catering revenues exceeded projections by \$200,000. The results of a summative evaluation of the Education Center will be shared in Spring 2019.

In November 2018, the zoo Secondary Collections Management Policy was approved. It outlines the basic policies guiding the development and care of the zoo's secondary (non-living) collections in a manner consistent with the missions of the Oregon Zoo, Metro and the Association of Zoos and Aquariums, and the philosophy and practice of managing such collections in accredited zoo, aquarium and museum environments. The Educational Collection, which is used in on-site programs including volunteer interpretive stations, camps, and classes is covered by this policy, ensuring these items will be properly managed, protected and preserved.

Infrastructure and Sustainability – One of the goals of the Education Center project was to improve zoo operations, and to that end the Tiger Plaza structures were demolished. This is a portion of infrastructure work identified in the Master Plan to address stormwater and aging site utilities. Another goal was to generate revenue to offset operation costs through retail food sales and catering and to provide additional revenue generating space. The Education Center includes the new Discovery Plaza, with train ticket sales, Coffee Crossing Café and infrastructure connecting Elephant Plaza and Central Plaza. Zoo catering shares new space in the Education Center.

The Education Center is a “building that teaches” with sustainable elements prominently on display. Green Living signs and a sustainability dashboard interpret the resource conservation efforts and outcomes of the new facility to visitors. The LEED-certified building features rain water reuse in restrooms, solar panels for energy production, bird-friendly glazing, Forest Stewardship Council-certified wood, and efficient heating and cooling systems. The Oregon Zoo Foundation and zoo staff developed a partnership with SolarWorld, the largest U.S. manufacturer of solar panels and a leader in solar technology, to provide solar panels at cost. Funding from Portland General Electric's Renewable Development Fund supported the expansion of the solar panel installation to help seek a net-zero energy operations certification for the NEST building, along with visitor and revenue-generating amenities for Discovery Plaza. Offsets from solar arrays went to the project contingency fund. Net-zero energy operations certification requires twelve months of data collection; results will be available in 2019.

Diversity in Contracting – The zoo bond program greatly exceeded its 15 percent target for contract expenditures awarded to COBID firms. The project closed with a 29.5 percent COBID utilization rate,

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based on COBID-eligible construction contract spending, and represents \$4.26 million paid to COBID-certified firms. The Education Center design team led by Opsi Architecture had a COBID utilization of 8 percent. Some of the success can be attributed to the use of CM/GC procurement. With CM/GC, the contractor can begin recruiting COBID-certified firms earlier and have more time to help them be ready by bid day. Breaking down the bid packages for subcontractors makes the packages more suitable for smaller firms to bid. And additional recruitment techniques can be used. For example, Fortis Construction, the Education Center CM/GC, hosted two recruitment workshops on site before bid day.

Education Center

2017 Findings and Recommendations *with updates*:

- The committee recommends the Education Center continue to be operated in a way that optimizes net-zero energy goals while achieving other program goals.

Update: Zoo staff are operating the Education Center in a way consistent with conserving electricity. As an example, an operational decision was made to keep the doors of the NEST closed to conserve electricity used for heating and cooling. Additionally, the classrooms open the garage doors when the passive cooling lights come on indicating it is efficient to do so.

2018 Findings and Recommendations:

- The committee carries forward its recommendation that the Education Center continue to be operated in a way that optimizes net-zero energy goals while achieving other program goals.
- The committee recommends that the Education Center continue data collection on energy use in order to achieve the International Living Future Institute (ILFI) zero energy bond certification.

Appendix B – Committee Membership

Susan Hartnett – Committee Chair

Susan Hartnett has more than 26 years of experience in urban planning and development. Her career includes more than 21 years with City of Portland bureaus, including planning, transportation and water; she currently serves as the spectator venues program manager in the Office of Management and Finance but is planning partial retirement in early 2019. Hartnett has also worked for the City of Tigard, Oregon Health & Science University, the City of Chicago and several private sector companies. She earned her Bachelor of Science in criminalistics from the University of Illinois and her master's in urban and regional planning from Portland State University.

Emma Stocker – Committee Vice Chair

Emma Stocker is an emergency management professional with more than 10 years of experience in multihazard emergency management, specializing in higher education and campus environments. She developed a background in natural hazards planning, public policy, public involvement and social research through consulting and public sector positions in Portland and Eugene, including one year as an interim policy coordinator in the Metro Council Office. Stocker currently serves as director of emergency management at Portland State University. She has a master's in public administration (University of Oregon) and a bachelor's in sociology (Reed College).

Daniel Aja

Daniel Aja is the senior vice president and chief medical officer at Banfield Pet Hospital, where he leads internal and external medicine initiatives at the world's largest veterinary practice. Prior to joining Banfield in 2014, Dr. Aja served as director of U.S. professional and veterinary affairs at Hill's Pet Nutrition. Previously, he owned and directed the Cherry Bend Animal Hospital in Traverse City, Michigan. Dr. Aja earned his veterinary medical degree from the college of Veterinary Medicine at Michigan State University, and has more than 33 years of experience, credibility and commitment to delivering the highest quality of veterinary medicine. He is a past president of the American Animal Hospital Association and served on the Michigan State Board of Veterinary Medicine. He is also the founding board member of Partners for Healthy Pets, a committee of the American Veterinary Medical Foundation created to ensure pets receive the preventative health care they deserve.

Naomi Bishop

Naomi Bishop is a professor *emeriti* of anthropology at California State University, Northridge. A physical anthropologist with a specialization in primate behavior and ecology, Bishop's research focuses on the behavior and adaptations of both langur monkeys and humans to the high altitude environment in the Nepal Himalaya. Zoo observation projects have been an essential element in her teaching. Bishop has been a department chair and interdisciplinary program leader at both the University of Massachusetts Boston and California State University, Northridge, and has written and directed multimillion dollar grant projects in teacher education. She received an American Council on Education Fellowship in academic leadership for 2003-4, which was spent at Portland State University. She has a Ph.D. in anthropology from the University of California, Berkeley.

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Laurel Brown

Laurel Brown has served as the assistant director of property management and zone maintenance at Portland State University since 2013, overseeing facility operations and maintenance of 29 buildings, including housing residences, a hotel, a student union and parking structures. She develops and administers 10 separate operational budgets totaling \$16 million and average annual capital expenditures of \$4.6 million. Previously she was a project manager with Ellis Ecological Services in Estacada, Oregon where she led environmental monitoring during construction activities for diverse clientele. Earlier, she was a front desk manager at Hart Road Animal Hospital in Beaverton and prior to that, managed her own property maintenance company in Portland for multiple property owners. She earned a B.A. in biology from Drury College in Springfield, Missouri.

Heidi Goertzen

Heidi Goertzen is a financial planner at Becker Capital Management providing comprehensive wealth management and financial planning to clients. She previously worked as a wealth advisor at Confluence Wealth Management doing financial planning and investment management for clients. Prior to that, she served as chief compliance officer for Ferguson Wellman Capital Management, overseeing all company compliance policies and procedures. Goertzen began her career at RVK, Inc. working with large institutional clients. She earned a B.S. in finance from Linfield College and holds an MBA with a concentration in finance from the University of Portland's Pamplin School of Business.

Cynthia Johnson Haruyama

Cynthia Johnson Haruyama joined the Portland Japanese Garden in 2012 as Deputy Director, working with the CEO and Board of Trustees to plan and implement major strategic initiatives, including the Cultural Crossing project that opened in 2017 with five acres of new gardens and four buildings designed by world-renowned architect Kengo Kuma. Previously, Haruyama served as Executive Director of Lan Su Chinese Garden and Hoyt Arboretum. Prior to that, she practiced corporate and business law with Davis Wright Tremaine. She currently serves as Board President of Explore Washington Park and was a founding member of the Washington Park Alliance. She received her undergraduate degree from Princeton University and her law degree from Columbia University.

Daniel C. Hauser

Daniel C. Hauser is a policy analyst for the Oregon Center for Public Policy where his research and advocacy addresses tax and housing policies. Throughout his career, Hauser has often focused on how various revenue structures, from income taxes to bonds, can be designed to address efficiency, adequacy and progressivity. He was previously selected as a Hatfield Resident Fellow at Portland State University's Center for Public Service and has worked at the Association of Oregon Counties as a Transportation Policy Analyst. Hauser holds a master's degree in Public Policy from Oregon State University. He also serves as the vice chair of Washington County's Urban Roads Maintenance District Advisory Committee.

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Nan Heim

Nan Heim has more than thirty years of experience in association management and lobbying for a variety of clients. She has also managed several statewide ballot measure campaigns. Heim currently serves on the Oregon Zoo Foundation Board and the Oregon State Capitol Foundation Board.

Jill Mellen

Jill Mellen is a research biologist whose areas of expertise include animals, animal welfare and enhancing guest experiences in informal learning settings such as zoos and aquariums. Dr. Mellen has worked in the zoo and aquarium field for more than three decades. Most recently she was the education and science director at Disney's Animal Kingdom, where she researched a range of topics from elephant welfare to inspiring children to conservation action. Within the Association and Zoos and Aquariums, Dr. Mellen has held many leadership positions. Her current projects include coordinating studies on marine animal welfare. Early in her career, Dr. Mellen worked at the Oregon Zoo, and has moved back to Portland after her retirement from the Disney Company.

Javier Mena

Javier Mena serves as the affordable housing manager at the City of Beaverton. To ensure the City continues being the most diverse city in the state, he focuses on ensuring affordable rental and homeownership housing opportunities are available to all, especially marginalized communities and communities of color. Until July 2018, he was the assistant director of the Portland Housing Bureau at the City of Portland, where he had worked since 2010 in various roles, and most recently was implementing a \$258 million affordable housing bond measure program. He worked with the more than 40 nonprofits and service providers that partnered with the housing bureau to ensure the city's housing and rent-assistance programs were fulfilling their mission. Mena also has an extensive record in the finance industry, working for Wells Fargo until 2006 as an assistant vice president.

Chin See Ming

Chin See Ming is an attorney at the law firm of Gilbert Levy Bennett where he practices in the areas of construction defect and general business litigation, and insurance coverage law. A long-time resident of Portland, Oregon, he is a graduate of the University of Oregon School of Law and has previously served as Vice Chair of the Oregon Board of Bar Examiners. As the father of two adult children, he knows from first-hand experience the central role the zoo plays in the lives of young children and their parents in the Metro area! Ming enjoys riding his bicycle on the weekends.

Robyn K. Pierce

Robyn K. Pierce is a professional consultant with Pierce, Bonyhadi & Associates. She assists colleges, universities and school districts with planning, development, design and construction of academic, research, housing and student service facilities. She served eight years as the director of facilities and planning at Portland State University (PSU), where she managed a department of 160 staff and had an active role in more than 1.5 million square feet of campus growth and development, including nine LEED-certified buildings and three public-private and public-public partnership projects. She managed

Appendix B – continued

annual budgets exceeding \$100 million, including construction budgets. Pierce remains dedicated to supporting women and minority contractors in all facets of project development. She completed her undergraduate degree at the University of Oregon and master's degree at PSU.

Katherine A. Porras

Katherine A. Porras is an investment associate at Meyer Memorial Trust, responsible for monitoring and analyzing the foundation's investments, while researching environmental, social and governance factors on portfolio holdings to inform the alignment of the investment strategy to the organization's mission. Porras has experience working in finance, legal services, and performing arts. She earned an MBA with a focus in finance from Willamette University's Atkinson Graduate School of Management. She looks forward to contributing to the zoo, its staff and the Oregonian community at large.

Kevin Spellman

Kevin Spellman is a business consultant and trainer for construction contractors and industry professionals, following a 28-year career with commercial contractor Emerick Construction, including 18 years as president. In his Spellman Consulting, Inc. practice, he works with contractors on business strategies, development of contract management tools and techniques, and effective operational procedures. He has been an adjunct instructor in the Civil Engineering Department at Oregon State University, and at Portland Community College. He has served on several local boards, including Multnomah Education Service District, and currently chairs the Bond Accountability Committee for Portland Public Schools' bond program.

Dick Stenson

Dick Stenson retired in 2014 after 22 years as Tuality Healthcare president and chief executive officer. He was previously administrator of Straub Clinic & Hospital and Straub Health Plan in Honolulu, after working in San Francisco as administrator of Harkness Community Hospital and Upjohn Medical Group. He has a BS degree from the University of California, Berkeley and master's degrees in healthcare and business administration from Tulane and Loyola Universities in New Orleans. Stenson is a Fellow of the American College of Healthcare Executives and the American College of Medical Practice Executives. In 2018 he was appointed Entrepreneur in Residence for the Berglund Center for Innovation at Pacific University. He currently serves on the boards of the Portland Community College Foundation, Pacific University Oak Tree Foundation, Native American Rehab Association, Intel Community Advisory Panel, Vision Action Network of Washington County, Washington County Public Health Advisory Panel, Hillsboro Community Foundation, Tuality Healthcare Foundation and Tuality Health Alliance.

Christine L. Taylor

Christine Taylor is an attorney with Miller Nash Graham & Dunn. In her practice, she works with public entities on matters including public contracting, construction contracting, and public meetings and records. In her spare time, she enjoys hiking with her dog and visiting the Oregon Zoo. She is also a huge polar bear fan!

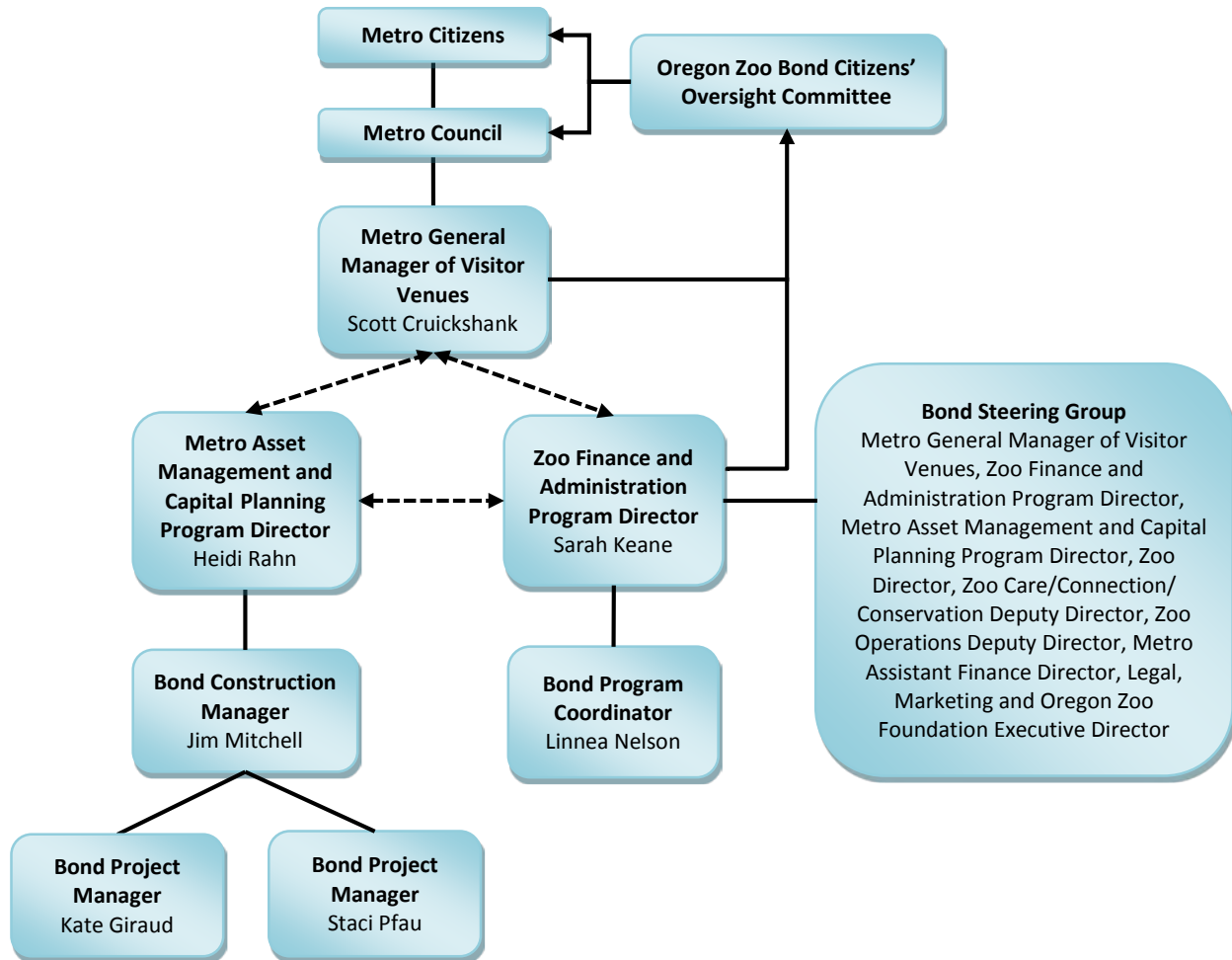
Appendix B – continued

Karen Weylandt

Karen Weylandt retired in March 2018 from Providence Health & Services after serving more than 25 years, most recently as the chief planning and design officer for the five-state health system. She has worked in the building, construction and improvement of Providence hospitals, outpatient clinics, surgery centers and educational facilities from Alaska to California. Her leadership for the planning and construction of Providence Newberg Medical Center resulted in the first hospital in the country to earn a LEED Gold designation. She also directed the planning and construction for the Providence Cancer Center in Portland. Weylandt's recent projects include a major expansion of services for Providence's downtown Seattle facilities, and a master plan for the south campus expansion at St. John's Hospital in Santa Monica, California. Weylandt earned a degree as a registered nurse and a master's degree in health care administration. She currently serves on the Bond Accountability Committee for Portland Public Schools and the Building Committee for the Oregon Humane Society. Until July 2018 she served on the Oregon Facility Authority Board, and she also served several years on the Oregon Humane Society Board.

Appendix C

Zoo Bond Program Organization Structure



External Consultant and Contractor Contributions

Bond Construction Projects: Design consultants and construction contractors managed by zoo construction and project managers.

Zoo Staff Contributions

Animal Welfare, Guest Experience, Facilities Impacts, Conservation Education, Grant Administration, Finance, Procurement, Marketing, and Public Relations and Involvement.

Oregon Zoo Foundation Contributions

Financial, Grant Administration, Donor Management and Communications.

Metro Contributions

Governance, Civil Engineering, Real Estate, Planning/Permitting, Program Delivery, Historical Investigations, Legal, Finance, Procurement, Human Resources, Sustainability, Diversity/Equity/Inclusion, and Risk Management.

Solid Lines = Primary responsibility for or relationship to
Dashed Lines = Secondary/support for or relationship to

Agenda Item Number 5.1

Consideration for the Council Meeting Minutes for May 2, 2019

Consent Agenda

Metro Council Meeting
Thursday, May 9, 2019
Metro Council Chamber

Metro

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



Metro

Minutes

Thursday, May 2, 2019

2:00 PM

Metro Regional Center, Council chamber

Council meeting

1. Call to Order and Roll Call

Council President Peterson called the Metro Council meeting to order at 2:01 p.m.

Council President Peterson called on Councilor Dirksen to provide a safety briefing. Councilor Dirksen provided a safety briefing for the meeting including information on the location of emergency exits, fire extinguishers and automated external defibrillators.

Present: 5 - Councilor Sam Chase, Councilor Craig Dirksen, Councilor Bob Stacey, Council President Lynn Peterson, and Councilor Juan Carlos Gonzalez

Excused: 2 - Councilor Shirley Craddick, and Councilor Christine Lewis

2. Public Communication

Charles Ormsby, City of Lake Oswego: Mr. Ormsby expressed his concern over transit access and efficiency at the intersection of State Street and Highway 43 in the City of Lake Oswego and discussed the impacts of a proposed hotel project on transit access at this intersection. He requested Metro, TriMet and the Oregon Department of Transportation work to reconfigure the intersection.

Terrell Garrett, City of Portland: Mr. Garrett, of Greenway Recycling expressed his concern over Metro's testimony before the Oregon House Natural Resources Committee concerning Mr. Garrett. He stated that claims his company manufactured alternative daily covers was incorrect.

Art Lewellan, City of Portland: Mr. Lewellan discussed the Southwest Corridor project on Barbur Boulevard, stating his concern over the rail line development. He requested review of his pamphlet including proposals for transportation

improvements in the region. (Mr. Lewellan submitted written materials as part of his testimony; please see the May 2 meeting packet.)

Jon George, Confederated Tribes of Grand Ronde: Mr. George, Tribal Council Secretary of the Confederated Tribes of Grand Ronde, thanked Metro Council for their support for the Willamette Falls Locks. He discussed the importance of reopening the Locks and highlighted the significance to the tribal community.

Siobhan Taylor, Willamette Falls Heritage Area Coalition: Ms. Taylor, Executive Director of the Willamette Falls Heritage Area Coalition, discussed the 56 mile heritage area centered around the Willamette Falls and shared collaborative efforts by public, private, tribal and non-profit organizations to designate the falls as a National Heritage Area. Ms. Taylor thanked Metro Council for its support of the project. (Ms. Taylor submitted written materials as part of her testimony; please see the May 2 meeting packet.)

Russ Axelrod, City of West Linn: Mayor Russ Axelrod, of the City of West Linn, thanked Councilors for their work and encouraged their continued support for the Willamette Falls Locks. He discussed the value of the Locks as a historical asset and highlighted the economic, recreational and resiliency benefits of the Locks.

Sandy Carter, Willamette Falls Locks Commission: Ms. Carter, Co-Vice Chair of the Willamette Falls Locks Commission, encouraged the Metro Council to include financial support for the Willamette Falls Locks in Metro's upcoming budget. She discussed the benefits of reopening the Locks including access to scenic areas, revitalization of transportation along the river and the deep cultural

significance.

Sharon Nasset, Economic Transportation Alliance: Ms. Nasset recommended that Metro Council review the Burlington Northern and Santa Fe Railway bridge and the addition of a center lift to the bridge. She discussed the benefits to congestion and cost reduction through the addition of the center lift. (Ms. Nasset submitted written materials as part of her testimony; please see the May 2 meeting packet.)

3. Resolutions

- 3.1 Resolution No. 19-4992, For the Purpose of Proclaiming May 5, 2019 as a Day of Awareness for Missing and Murdered Indigenous Women

Council President Peterson called on Mr. Roger Gonzalez, Metro staff, Ms. Laura John, Director of Tribal Relations for the City of Portland, and Ms. Amanda Swanson, from the Oregon Department of Justice, to introduce the proclamation. Mr. Gonzalez explained that approval of the proclamation would proclaim May 5, 2019 as a day of awareness for missing and murdered Indigenous women and girls. He read aloud the resolution and highlighted the disproportionate rates of violence, assault and murder against Indigenous women. Ms. Swanson stated the importance of raising awareness of this issue. She discussed the intersection of murdered and missing indigenous women with sex trafficking and shared federal and state efforts to address this issue.

Ms. John spoke to the long history of murdered and indigenous women within the context of colonization and settlement of the Willamette Valley. She discussed the impacts of kidnapping, trafficking and the crisis of unaccounted for missing and murdered Indigenous women on Indigenous communities in the region. Ms. John noted

that momentum of awareness was building and discussed the importance of support and collaboration from local, state, federal, tribal and communities in addressing this issue.

Council Discussion:

Councilors thanked the presenters for the proclamation and expressed interest in helping change occur. Councilor Stacey noted the history of genocide of Indigenous people and thanked the presenters for their efforts in raising awareness. Councilor Dirksen and Chase expressed their support in building awareness and emphasized the need for addressing this issue. Councilor Gonzalez stated that Metro Council stood in solidarity on this issue. Council President Peterson thanked all of the women that have brought this issue forward.

A motion was made by Councilor Gonzalez, seconded by Councilor Stacey, that this item be adopted. The motion passed by the following vote:

Aye: 5 - Councilor Chase, Councilor Dirksen, Councilor Stacey, Council President Peterson, and Councilor Gonzalez

4. Consent Agenda

- 4.1 Resolution No. 19-4983, For the Purpose of Adding or Amending Existing Projects to the 2018-21 Metropolitan Transportation Improvement Program Involving One Project Impacting SMART (AP19-08-APR)
- 4.2 Resolution No. 19-4990, For the Purpose of Confirming the Appointments of Derron Coles and Kelly Stevens to the Metro Central Station Community Enhancement Committee (MCSCEC)
- 4.3 Consideration for the Council Meeting Minutes for April 25, 2019

5. Resolutions

- 5.1 Resolution No. 19-4991, For the Purpose of Approving an Intergovernmental Agreement with Housing Authority of Clackamas

County to Provide Affordable Housing Bond Funding to Acquire Real Property

Council President Peterson called on Ms. Emily Lieb, Metro staff, to provide a brief presentation on the resolution. Ms. Lieb stated that the resolution would approve housing bond funding for a phase one project brought forward by the Housing Authority of Clackamas County. She discussed the role of phase one projects in the overall housing bond implementation plan, noting local implementation strategies were being developed. Ms. Lieb explained that the resolution, if approved, would provide \$2.7 million in funding for the acquisition of an existing structure for rehabilitation into 45 units of permanent supportive housing. She shared that based on preliminary assessment the Housing Authority would be seeking additional bond funding for rehabilitation costs later this year. Ms. Lieb provided additional project details including 45 project based rental assistance vouchers and onsite supportive services. She shared the project timeline and reviewed legal attachments to the legislation.

Council Discussion:

Councilor Stacey asked whether this allocation was proportional to Clackamas County's targets for affordable housing units. Ms. Lieb explained that the project would achieve roughly 13% of the County's progress towards deeply affordable 30% area median income (AMI). Councilor Chase commended Clackamas County for their exemplary work. Councilor Gonzalez asked for clarification on the project's per unit costs, Minority Owned, Women Owned and Emerging Small Business contracting goals and proposed metrics on advancing racial equity. Councilor Dirksen highlighted the importance of this project in providing permanent supportive housing, noting that cost

per unit for supportive housing was not necessarily comparable to all housing projects. Councilor Dirksen asked whether the supportive services including a health and wellness clinic would be available to the community.

A motion was made by Councilor Chase, seconded by Councilor Stacey, that this item be adopted. The motion passed by the following vote:

Aye: 5 - Councilor Chase, Councilor Dirksen, Councilor Stacey, Council President Peterson, and Councilor Gonzalez

- 5.2 Resolution No. 19-4976, For the Purpose of Approving the FY 2019-20 Budget, Setting Property Tax Levies and Transmitting the Approved Budget to the Multnomah County Tax Supervising and Conservation Commission

Council President Peterson called on Mr. Tim Collier, Director of Finance and Regulatory Services to present on Resolution No. 18-4873. Mr. Collier explained that adoption of the resolution would approve the 2019-20 budget, set the maximum tax levies for fiscal year 2019-20, and authorize the transmittal of the approved budget to the Multnomah County Tax Supervising and Conservation Commission (TSCC.) Mr. Collier then provided an overview of the budget process. He informed the Council that the TSCC would hold their hearing on Metro's approved budget on June 6, after which they would provide Metro a letter certifying the review of the budget. He added that the Council would hold additional meetings in June to discuss the budget, consider and vote on amendments, and ultimately adopt the budget prior to the end of the current fiscal year.

Council Discussion:

Councilor Gonzalez asked whether other partnering counties tax commissions reviewed Metro's budget similar

to the TSCC.

A motion was made by Councilor Dirksen, seconded by Councilor Gonzalez, that this item be adopted. The motion passed by the following vote:

Aye: 5 - Councilor Chase, Councilor Dirksen, Councilor Stacey, Council President Peterson, and Councilor Gonzalez

5.2.1 Public Hearings For Resolution No. 19-4976

Council President Peterson opened up a public hearing on Resolution No. 19-4976 and requested that those wishing to testify come forward to speak. Seeing none, Council President Peterson gavelled out of the public hearing.

6. Chief Operating Officer Communication

Mr. Andrew Scott provided an update on the following events or items: Community Placemaking grant awards.

7. Councilor Communication

Councilors provided updates on the following meetings and events: the Housing Bond Oversight Committee meeting. Councilors thanked Ms. Mary Rowe, outgoing Director of Human Resources, for her work and wished her luck on her retirement.

8. Adjourn

There being no further business, Deputy Council President Chase adjourned the Metro Council meeting at 3:20 p.m. The Metro Council will convene the next regular council meeting on May 9, 2019 at 2:00 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'SF' with a stylized flourish.

Sara Farrokhzadian, Legislative and Engagement
Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 2, 2019

| ITEM | DOCUMENT TYPE | DOC DATE | DOCUMENT DESCRIPTION | DOCUMENT No. |
|-------------|--------------------------|---------------------|--|---------------------|
| 2.0 | Handout | 5/2/19 | DEIS Alternative Route Between Springfield and Oregon City submitted by Art Lewellan | 50219c-01 |
| 2.0 | Handout | 5/2/19 | Drawing of Single Deck and Double Deck Bridges submitted by Art Lewellan | 50219c-02 |
| 2.0 | Handout | 5/2/19 | Proposed Transit Map submitted by Art Lewellan | 50219c-03 |
| 2.0 | Letter | 5/2/19 | Letter to the Metro Council from the Willamette Falls Heritage Area Coalition | 50219c-04 |
| 2.0 | Report | July 2018 | Willamette Falls National Heritage Area Feasibility Study | 50219c-05 |
| 2.0 | Handout | 5/2/19 | Adding a Center Lift to the BNSF Rail Bridge submitted by Sharon Nasset | 50219c-05 |
| 4.3 | Minutes | 5/2/19 | Council Meeting Minutes for April 25, 2019 | 50219c-06 |

Agenda Item Number 5.2

Resolution No. 19-4994, For the Purpose of Confirming
the Appointment of Andrew Scott as Interim Chief
Operating Officer

Consent Agenda

Metro Council Meeting
Thursday, May 9, 2019
Metro Council Chamber

BEFORE THE METRO COUNCIL

| | | |
|-----------------------------------|---|--------------------------------------|
| FOR THE PURPOSE OF CONFIRMING THE |) | RESOLUTION NO. 19-4994 |
| APPOINTMENT OF ANDREW SCOTT AS |) | |
| ACTING CHIEF OPERATING OFFICER |) | Introduced by Council President Lynn |
| |) | Peterson |

WHEREAS, Chief Operating Officer Martha J. Bennett has submitted her resignation effective May 10, 2019; and

WHEREAS, as a result of Martha J. Bennett's resignation, there will be a vacancy in the office of Chief Operating Officer effective May 10, 2019; and

WHEREAS, the Metro Council President and Council intend to fill the vacancy on a permanent basis after conducting a competitive process for the selection of a Chief Operating Officer. The Council President desires to appoint an Acting Chief Operating Officer to serve until the selection process is completed; and

WHEREAS, the duties and responsibilities of the Chief Operating Officer are described and provided for in the Metro Charter and the Metro Code; and

WHEREAS, Section 2.20.070 of the Metro Code provides that during any vacancy in the office of Chief Operating Officer, such vacancy shall be filled with all due speed and that the Council President has the authority to appoint an acting Chief Operating Officer subject to confirmation by the Metro Council by resolution; and

WHEREAS, the Metro Council President has appointed Andrew Scott to serve as Acting Chief Operating Officer as of May 11, 2019, subject to Council confirmation; and

WHEREAS, Mr. Scott is qualified to be the Acting Chief Operating Officer and has stated his intent to accept the position; now therefore

BE IT RESOLVED that the Metro Council:

Affirms the appointment of Andrew Scott as Acting Chief Operating Officer

ADOPTED by the Metro Council this __ day of May 2019

Lynn Peterson, Council President

Approved as to Form:

Nathan A. S. Sykes, Acting Metro Attorney

STAFF REPORT

FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF ANDREW SCOTT AS ACTING CHIEF OPERATING OFFICER

Date: May 9, 2019

Prepared by: Paul Slyman,
503-797-1510
Roger Gonzalez
503-797-1746

BACKGROUND

Chief Operating Officer Martha Bennett has submitted her resignation effective May 10, 2019, which will result in a vacancy in the Office of the Metro Chief Operating Officer.

The Metro Council President and Council intend to permanently fill the vacancy after a competitive recruitment process for selection for the position of Chief Operating Officer. In the interim the Council President wishes to appoint an Acting Chief Operating Officer to serve in the role until the recruitment process closes and a replacement is hired.

Metro Code Section 2.20.070 directs the Council President to appoint an Acting Chief Operating Officer “with all due speed”, which appointment is then subject to confirmation by the Metro Council by resolution. The Council President has the authority to appoint an Acting Chief Operating Officer subject to confirmation by the Metro Council by resolution.

Council President Peterson has appointed Andrew Scott to serve as Acting Chief Operating Officer subject to Council confirmation by resolution as required by Metro Code. Mr. Scott is the current Deputy Chief Operating Officer. Council President Peterson has determined that Mr. Scott is qualified to serve as Acting Chief Operating Officer.

ANALYSIS/INFORMATION

- 1. Known Opposition** None
- 2. Legal Antecedents** Metro Charter Chapter V, Section 25(1) and Metro Code Chapter 2.20 govern the creation, duties, powers, and other functions of the Metro Chief Operating Officer. Section 2.20.070 of the Metro Code states that during any vacancy in the position of the Metro Chief Operating Officer, the vacancy shall be filled with all due speed and that the Council President has the authority to appoint an Acting Chief Operating Officer subject to confirmation by the Metro Council by resolution.
- 3. Anticipated Effects** This appointment will fill the vacancy in the position of Chief Operating Officer on an interim basis by Andrew Scott, transferring the current Deputy Chief Operating Officer to the position of Acting Chief Operating Officer.

- 4. Budget Impacts** Due to the transfer of the current Deputy Chief Operating Officer to the position of Acting Metro Chief Operating Officer, there will be no new hire required to fill the vacancy created by the resignation of the current Chief Operating Officer, thus resulting in a net budget savings to Metro during the interim period.

RECOMMENDED ACTION

Council President Peterson and staff recommend adoption of Resolution 19-4994

Agenda Item Number 6.1

Ordinance No. 19-1435, For the Purpose of Approving a Solid Waste Facility Franchise Application and Authorizing City of Roses Disposal & Recycling, Inc. to Operate a Transfer Station

Ordinances (First Reading and Public Hearing)

Metro Council Meeting
Thursday, May 9, 2019
Metro Council Chamber

BEFORE THE METRO COUNCIL

| | | |
|---------------------------------------|---|--|
| FOR THE PURPOSE OF APPROVING A SOLID |) | ORDINANCE NO. 19-1435 |
| WASTE FACILITY FRANCHISE APPLICATION |) | |
| AND AUTHORIZING CITY OF ROSES |) | Introduced by Chief Operating Officer Martha |
| DISPOSAL & RECYCLING, INC. TO OPERATE |) | Bennett in concurrence with Council |
| A TRANSFER STATION |) | President Lynn Peterson |

WHEREAS, Metro Code Section 5.01.150 states that a Metro solid waste facility franchise is required for any person owning or controlling a facility that operates a transfer station; and

WHEREAS, City of Roses Disposal & Recycling, Inc. is affiliated with CORE Recycling which holds a Metro solid waste facility license authorizing it to operate a non-putrescible waste material recovery facility in Northeast Portland; and

WHEREAS, City of Roses Disposal & Recycling, Inc. applied for a Metro solid waste facility franchise seeking authorization to accept putrescible waste at its current facility for consolidation and transfer to a Metro-authorized disposal site; and

WHEREAS, City of Roses Disposal & Recycling, Inc. has complied with all requirements of Metro Code Section 5.01.170 for franchise applications, including applying to DEQ for all necessary permits for a solid waste facility; and

WHEREAS, pursuant to Metro Code Section 5.01.180, the Chief Operating Officer has reviewed City of Roses Disposal & Recycling, Inc.'s application materials and finds that the applicant is qualified to operate a transfer station, the proposed franchise complies with the Regional Waste Plan, and the applicant can comply with other applicable regulatory requirements; and

WHEREAS, the Chief Operating Officer recommends that City of Roses Disposal & Recycling, Inc. receive an initial tonnage allocation of up to 15,000 tons of putrescible waste for calendar year 2019; and

WHEREAS, beginning in 2020, Metro will allocate the region's putrescible waste tonnage to privately-owned transfer stations in accordance with Metro Code Chapter 5.01.105 and Metro's tonnage allocation methodology; and

WHEREAS, City of Roses Disposal & Recycling, Inc.'s putrescible waste tonnage allocation amount may change during the term of the franchise in accordance with Metro's tonnage allocation methodology; and

WHEREAS, the Metro Council finds that the terms, conditions, and limitations contained in Exhibit A to this Ordinance are appropriate; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The solid waste franchise application for City of Roses Disposal & Recycling, Inc. is approved subject to the terms, conditions, and limitations contained in Exhibit A.
2. The Chief Operating Officer is authorized to issue to City of Roses Disposal & Recycling, Inc. a new solid waste facility franchise substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this ____ day of May 2019.

Lynn Peterson, Council President

Attest:

Approved as to Form:

Sara Farrokhzadian, Recording Secretary

Nathan A. S. Sykes, Metro Attorney



SOLID WASTE FACILITY FRANCHISE

No. F-057-19

| FRANCHISEE: | FACILITY NAME AND LOCATION: |
|---|---|
| City of Roses Disposal & Recycling, Inc. P.O. Box 301427 Portland, OR 97294 Tel. 503-285-9940 Email: alando@cityofrosesdisposal.com | COR Transfer Station 4530 NE 138 TH Ave Portland, OR 97230 Tel. 503-285-9940 Email: alando@cityofrosesdisposal.com |
| OPERATOR: | PROPERTY OWNER: |
| CORE Recycling 4530 NE 138 TH Ave Portland, OR 97230 Tel. 503-285-9940 Email: alando@cityofrosesdisposal.com | NE 138 th LLC. P.O. Box 301427 Portland, OR 97294 Tel. 503-285-9940 Email: alando@cityofrosesdisposal.com |

This franchise replaces and supersedes the provisions of Metro Solid Waste Facility License No. L-057-18. 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:

Martha Bennett, Chief Operating Officer

Date



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| | | |
|-------------|--|---|
| 1.0 | ISSUANCE | |
| 1.1 | Franchisee | City of Roses Disposal & Recycling, Inc. P.O. Box 301427 Portland, OR 97294 Tel. 503-285-9940 Email: alando@cityofrosesdisposal.com |
| 1.2 | Contact | Alando Simpson Tel: (503) 285-9940 E-mail: alando@cityofrosesdisposal.com |
| 1.3 | Franchise number | Metro Solid Waste Facility Franchise No. F-057-19. |
| 1.4 | Term | The franchise term is from August 14, 2019 to December 31, 2023, unless amended, suspended, or revoked as provided in this franchise. |
| 1.5 | Renewal | The franchisee may apply for a franchise renewal as provided in Metro Code Chapter 5.01. |
| 1.6 | Facility name and mailing address | COR Transfer Station P.O. Box 301427 Portland, OR 97294 Tel. 503-285-9940 Email: alando@cityofrosesdisposal.com |
| 1.7 | Operator | COR Recycling P.O. Box 301427 Portland, OR 97294 Tel. 503-285-9940 |
| 1.8 | Facility premises description | R318510 & R318534, Section 1N, Township 2E, Range 23D, Multnomah County, State of Oregon |
| 1.9 | Property owner | NE 138 th LLC P.O. Box 301427 Portland, OR 97294 Tel. 503-285-9940 Email: alando@cityofrosesdisposal.com |
| 1.10 | Permission to operate | The property owner, NE 138 th LLC, consents to use of the property as a transfer station by the franchisee. |

| 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 Sections 5.1 and 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 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 otherwise 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 | <ol style="list-style-type: none">1. "Mixed Non-Putrescible Waste" means a mixture of more than one type of non-putrescible waste, including commingled recyclables other than residential curbside recyclable material. This category includes construction and demolition waste but excludes Cleanup Materials Contaminated by Hazardous Substances, Source-Separated Recyclable Material, special waste, land clearing debris and yard debris.2. Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.00. |

| | | |
|------------|---|--|
| 3.0 | PRE-OPERATING CONDITIONS AND REQUIREMENTS | |
| 3.1 | Completion of facility pre-operating requirements | The franchisee may not accept any putrescible waste as authorized in Section 4.0 unless Metro provides written approval that the franchisee has completed the pre-operating requirements described in this section. |
| 3.2 | Demonstration of compliance with City and DEQ requirements | <p>The franchisee must:</p> <ol style="list-style-type: none">1. Install an odor control and neutralizing system subject to approval by DEQ and Metro;2. Install landscaping (a high hedge) along the southern property line that meets landscaping standards subject to approval by the city of Portland and Multnomah County Drainage District; and |



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| | | 3. Implement facility infrastructure improvements for the capture and management of leachate (liquid that has come into direct contact with solid waste and contains dissolved, miscible and/or suspended contaminants as a result of such contact) subject to approval by DEQ and Metro. |
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| 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 of this franchise. 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 3.0 of this franchise. |
| 4.3 | Acceptance and management of putrescible solid waste | <ol style="list-style-type: none">1. The franchisee is authorized to accept putrescible waste for reload and transfer to an appropriate destination as provided in Section 13.2. The franchisee also is authorized to accept putrescible waste for material recovery.2. The franchisee must receive, manage, store, reload, and transfer all putrescible waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight covered or tarped containers or within covered or tarped transport trailers.3. The franchisee is authorized to accept putrescible waste generated inside the Metro region only from persons who are franchised or permitted by a local government unit to collect and haul putrescible waste.4. The franchisee must not store putrescible waste on-site for more than 24-hours.5. Putrescible waste stored on-site overnight must not exceed one truckload (25 cubic yards) and must be stored inside a covered container inside the closed building. |
| 4.4 | Acceptance and management of mixed non-putrescible solid waste | <ol style="list-style-type: none">1. The franchisee is authorized to accept loads of mixed non-putrescible solid waste to perform material recovery.2. The franchisee must receive, sort, store, reload, and transfer all mixed non-putrescible solid waste on an impervious surface, for example asphalt or concrete, and inside a roofed |



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| | | <p>building that is enclosed on at least three sides. Unusually large vehicles, for example 30-foot tippers, may tip wastes outside, provided the tipped wastes are moved under cover prior to processing, within 12 hours of receipt, or by the end of the business day, whichever is earlier</p> <p>3. The franchisee is authorized to accept mixed non-putrescible waste from all customers including public self-haul.</p> |
| 4.5 | Material recovery required | <p>1. The franchisee must perform material recovery on mixed non-putrescible wastes. The franchisee must design and operate the facility to ensure materials are recovered in a timely manner and to protect the quality of non-putrescible waste that has not yet undergone material recovery. The franchisee must perform recovery at no less than the minimum level set forth in Metro Code Chapter 5.01.</p> <p>2. The franchisee must take quarterly samples of processing residual that are statistically valid and representative of the facility's residual. Each sample required by this section must weigh at least 300 pounds.</p> |
| 4.6 | Management of processing residual from material recovery | <p>The franchisee must store, reload, and transfer all non-putrescible waste processing residual on an impervious surface and inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight covered containers or within covered transport trailers.</p> |
| 4.7 | Acceptance of source-separated recyclable materials | <p>1. The franchisee must provide a place for collecting source-separated recyclable materials on the facility premises.</p> <p>2. The franchisee is authorized to accept source-separated recyclable materials for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer and other similar functions related to preparing these materials for reuse or recycling.</p> |
| 4.8 | Acceptance of yard debris | <p>The franchisee is authorized to accept source-separated yard debris that has not reached a state of decomposition sufficient to produce malodors detectable beyond the boundaries of the facility. The franchisee may accept yard debris for grinding and reloading to authorized facilities for composting, use as hogged fuel, or other useful purposes as described in an operating plan and approved in writing by the COO.</p> |



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| 4.9 | Acceptance of source-separated food waste | The franchisee is authorized to accept source-separated food waste that has not reached a state of decomposition sufficient to produce malodors detectable beyond the boundaries of the facility. The franchisee may accept source-separated food waste only for reloading to authorized facilities for composting or other useful purposes as described in an operating plan and approved in writing by the COO. |
| 4.10 | Acceptance of untreated wood | The franchisee is authorized to accept for processing and reloading, source-separated, untreated and unpainted wood waste, for example untreated lumber and wood pallets. The franchisee may accept clean wood waste for grinding and reloading to authorized facilities for composting, use in paper production, use as hogged fuel, or other useful purposes as described in an operating plan and approved in writing by the COO. |
| 4.11 | Acceptance of painted and treated wood | The franchisee is authorized to accept painted and treated wood waste for grinding and reloading to authorized facilities for use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by the COO. The franchisee must not use or incorporate painted or treated wood into mulch, animal bedding, compost feedstock, or any other product unless otherwise described in an operating plan and approved in writing by the COO. |
| 4.12 | Acceptance of electronics devices | The franchisee is authorized to accept source-separated electronic devices for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer, and other similar functions related to preparing these materials for reuse, recycling, or disposal as required by the Oregon Department of Environmental Quality (DEQ). |
| 4.13 | Acceptance of inert material | The franchisee is authorized to accept inert materials for purposes of classifying, consolidating, transfer, and other similar functions related to preparing these materials for useful purposes. |
| 4.14 | Production of hogged fuel | <ol style="list-style-type: none">1. As authorized by Section 4.0, the franchisee is authorized to accept and process only untreated wood, painted wood, and incidental quantities of treated wood for delivery to facilities with industrial boilers for use as hogged fuel.2. The franchisee is prohibited from mixing any other solid waste with the wood wastes described above in Section |



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| | | 4.14.1 for the production of hogged fuel. |
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| 5.0 | LIMITATIONS AND PROHIBITIONS | |
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| 5.1 | Tonnage allocation | <ol style="list-style-type: none">1. In calendar year 2019, beginning on August 14, 2019 and ending December 31, 2019, the franchisee is authorized to accept up to 15,000 tons of putrescible waste generated inside the Metro region.2. By January 1 of each subsequent year, Metro will establish a calendar year tonnage allocation for this franchise and the COO will amend Section 5.1 as applicable.3. Metro bases its tonnage allocations on its <i>Solid Waste Forecast and tonnage allocation methodology</i>. Metro will determine future tonnage allocations based on the tonnage allocation methodology beginning in 2020. |
| 5.2 | Waste hauler access | <p>It is in the public's best interest that transfer stations located inside the Metro region maintain adequate capacity to accommodate solid waste generated within the region and provide adequate access to waste haulers that collect solid waste within the geographic proximity of the facility. Therefore:</p> <ol style="list-style-type: none">a) The franchisee must not accept solid waste generated outside the Metro region if to do so would limit the franchisee from accepting any putrescible or non-putrescible waste generated inside the Metro region;b) The franchisee should not accept solid waste collected outside of the geographic proximity of the facility if to do so would deny access to waste haulers that collect solid waste within the geographic proximity of the facility;c) The franchisee must not deny access to any unaffiliated waste hauler without due cause or written notice 30-days in advance. Due cause includes, but is not limited to, load contamination, failure to pay, or risk of exceeding the franchise tonnage allocation; andd) The COO may require the franchisee to provide a written explanation of its rationale if the facility denies access or refuses service to a waste hauler. |
| 5.3 | 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 |



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| | | amounts of the following types of waste: materials contaminated with or containing friable asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; or any waste prohibited by the DEQ. |
| 5.4 | Prohibition on mixing | <ol style="list-style-type: none">1. The franchisee must not mix or commingle any source-separated recyclable materials, source-separated yard debris or wood wastes brought to the facility with any unprocessed solid wastes or solid wastes destined for disposal.2. The franchisee must not mix or commingle putrescible solid waste with non-putrescible solid waste or source-separated recyclable materials, including without limitation wood waste and yard debris.3. The franchisee must not mix or commingle non-putrescible solid waste with putrescible solid waste or source-separated recyclable materials, including without limitation wood waste and yard debris. |
| 5.5 | Prohibition of size reduction on non-putrescible waste | The franchisee must not crush, grind or otherwise reduce the size of non-putrescible waste except when such size reduction constitutes a specific step in the facility's material recovery operations, reload operations, or processing residual consolidation or loading operations, and such size reduction is described in an operating plan and approved by the COO. |
| 5.6 | 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. |
| 5.7 | Composting prohibited | The franchisee must not keep yard debris on site long enough for more than negligible biological decomposition to begin. |
| 5.8 | Limits not exclusive | This franchise will not be construed to 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. |

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| 6.0 | OPERATING CONDITIONS | |
| 6.1 | General performance goals | The franchisee must operate in a manner that meets the following general performance goals: |

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| | | <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 | <ul style="list-style-type: none"> 1. The franchisee must, during all hours of operation, provide an operating staff employed by the facility and 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 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. |
| 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 access roads 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 |



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| | | <p>emergency conditions or as provided by local traffic ordinances.</p> <p>c) Post signs to inform customers not to queue on public roadways.</p> <p>d) Provide adequate off-street parking and queuing for vehicles, including adequate space for covering and uncovering of loads on-site.</p> |
| 6.5 | Managing prohibited wastes | <p>1. The franchisee must reject prohibited waste upon discovery and must properly manage and dispose of prohibited waste when unknowingly received.</p> <p>2. The franchisee must implement a load-checking program to prevent accepting prohibited waste. This program must include at a minimum:</p> <p>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.</p> <p>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.</p> <p>c) Record maintenance. The franchisee must maintain records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste and 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 exterior 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> |



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| | | <ul style="list-style-type: none">b) Maintain storage areas in an orderly manner and keep the areas free of litter;c) Position exterior stockpiles within footprints identified on the facility site plan or operating plan; andd) Not stockpile recovered or source-separated materials for longer than 180 days. |
| 6.7 | Dust, airborne debris and litter | <p>The franchisee must operate the facility in a manner that controls and minimizes the generation of dust, airborne debris and litter, and must prevent its migration beyond property boundaries. The franchisee must:</p> <ul style="list-style-type: none">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;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;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-site;d) Keep all areas within the site and all vehicle access roads within $\frac{1}{4}$ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation;e) Maintain on-site facility access roads to prevent or control dust and to prevent or control the tracking of mud off-site; andf) 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 Section 5.09.040 of the Metro Code. |
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| 6.8 | Odor | <ol style="list-style-type: none">1. The franchisee must operate the facility in a manner that controls and minimizes the generation of odors that are detectable off-site.2. The franchisee must establish and follow procedures in the operating plan for minimizing odor at the facility. |
| 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 | The franchisee must operate the facility in a manner that controls and minimizes noise sufficient to cause adverse off-site impacts and to meet applicable regulatory standards and land-use regulations. |
| 6.11 | Water contaminated by solid waste and solid waste leachate | <p>The franchisee must operate the facility consistent with an approved DEQ stormwater management plan or equivalent and must:</p> <ol style="list-style-type: none">a) Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation; andb) 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 | 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: |



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| | | <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; andj) Directions not to queue on public roadways. |
| 6.14 | Complaints | <ul style="list-style-type: none">1. The franchisee must respond to all 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.2. If the facility receives a complaint, the Franchisee must:<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); andb) Log all such complaints as provided by the operating plan. The franchisee must retain each log entry for one year and it must be available for inspection by Metro. |
| 6.15 | Operating hours | Metro may reasonably regulate the hours of facility operations as it finds necessary to ensure compliance with this franchise. |
| 6.16 | 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. |

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| 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 |



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| | | 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 | The operating plan must establish: <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;c) A set of objective criteria for accepting and rejecting loads; andd) An asbestos testing protocol for all materials that appear to contain friable asbestos. |
| 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; ande) 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. |



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| 7.7 | Procedures for odor prevention | <p>The operating plan must establish procedures for controlling and minimizing odors generated at the facility from being detected off the premises of the facility. The plan must include:</p> <ul style="list-style-type: none">a) A management plan that will be used to monitor and manage odors of any derivation including odorous loads delivered to the facility; andb) Procedures for receiving and recording odor complaints, immediately investigating all odor complaints to determine the cause of odor emissions, and remedying promptly all odor problems at the facility. |
| 7.8 | Procedures for dust prevention | <p>The operating plan must establish procedures for controlling and minimizing dust from blowing off the premises of the facility. The plan must include:</p> <ul style="list-style-type: none">a) A management plan that the franchisee will use to monitor and manage dust of any derivation; andb) Procedures for receiving and recording dust complaints, immediately investigating all dust complaints to determine the cause of dust emissions, and remedying promptly all dust problems at the facility. |
| 7.9 | Procedures for emergencies | <p>The operating plan must establish procedures that the franchisee will follow in case of fire or other emergency.</p> |
| 7.10 | Procedures for nuisance complaints | <ul style="list-style-type: none">1. For every nuisance complaint (for example odor, dust, vibrations, and litter) received, the franchisee must record:<ul 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; andd) 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 protocol for:</p> |



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| | | <ol style="list-style-type: none">1. Short-term closure (duration of time that is more than two consecutive business days but less than 120 days in length); and2. Long-term closure (duration of time that is 120 consecutive days or more in length). |
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| 8.0 | FEES AND RATES | |
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| 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 | <ol style="list-style-type: none">1. The rates charged by the franchisee for accepting solid waste are not subject to regulation 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 putrescible waste including food waste and residential yard debris mixed with food waste. The franchisee must remit the community enhancement fees to Metro on a monthly basis in conjunction with fees remitted in Section 8.3. |

| 9.0 | RECORD KEEPING AND REPORTING | |
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| 9.1 | Record keeping requirements | For all solid waste and materials the franchisee is authorized to accept under Section 3.0, the franchisee must keep and maintain accurate records of the amount of authorized materials the franchisee accepts, recovers, recycles, reloads, and disposes. These records include the information specified in the Metro document titled, <u>Reporting Requirements and Data Standards for</u> |



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| | | <u><i>Metro Solid Waste Licensees, Franchisees, and Parties to Designated Facility Agreements.</i></u> |
| 9.2 | Reporting requirements | The franchisee must transmit to Metro records required under Section 8.0 no later than fifteen days following the end of each month in a format prescribed by Metro. |
| 9.3 | Material recovery reporting | The franchisee must provide the results of its quarterly sampling of processing residual, as provided in Section 4.5 of this franchise, to Metro as a component of its monthly report no later than fifteen days following the end of the each quarter in a format prescribed by Metro. |
| 9.4 | 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. |
| 9.5 | Transactions based on scale weights | Except for minimum fee transactions for small, lightweight loads, the franchisee must record each inbound and outbound transaction electronically based on actual and accurate scale weights using the franchisee's on-site scales. |
| 9.6 | 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. |
| 9.7 | Copies of enforcement actions provided to Metro | The franchisee must ensure Metro receives 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) related to the operation of the facility. |
| 9.8 | 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 |



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| | | <p>this franchise or with Metro Code, or which will create off-site impacts.</p> <p>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.</p> |
| 9.9 | Changes in ownership | <p>1. Any change in control of franchisee or the transfer of a controlling interest of franchisee requires prior written notice to Metro. "Transfer of a controlling interest of franchisee" includes without limitation the transfer of 10% or more of the ownership of franchisee to or from a single entity. Metro may amend this franchise under Section 12.3 to require the new ownership of franchisee to assume all the rights and obligations of this franchise.</p> <p>2. The franchisee may not lease, assign, mortgage, sell, or otherwise transfer control of the franchise unless the franchisee follows the requirements of Metro Code Section 5.01.220.</p> |

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| 10.0 | INSURANCE REQUIREMENTS | |
| 10.1 | General liability | 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 and \$1,000,000 aggregate. The policy will include coverage for bodily injury, property damage, personal injury, death, contractual liability, premises and products/completed operations. Contractor's coverage will be primary as respects Metro. |
| 10.2 | Automobile | The franchisee must carry automobile bodily injury and property damage liability insurance. |
| 10.3 | Coverage | Insurance coverage must be a minimum of \$1,000,000 per occurrence and \$1,000,000 aggregate. |
| 10.4 | Additional insureds | Metro, its elected officials, departments, employees, and agents must be named as ADDITIONAL INSURED. |
| 10.5 | 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 must comply with ORS 656.017, which requires them to provide Workers' Compensation |



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| | | 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. |
| 10.6 | Notification | The franchisee must give at least 30 days written notice to the COO of any lapse or proposed cancellation of insurance coverage. |

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| 11.0 | ENFORCEMENT | |
| 11.1 | 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. |
| 11.2 | 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 District, notwithstanding any incidental impact that such ordinances may have upon the terms of this franchise or the franchisee's operation of the facility. |
| 11.3 | 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. |

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| 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. |
| 12.2 | Amendment by Metro Council action | Except as provided in Section 5.0 and 12.0, the provisions of this franchise will remain in effect unless the Metro Council: <ul style="list-style-type: none">a) Amends the Metro Code, amends the Regional Waste Plan, or implements other legislation of broad applicability that |



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| | | affects the class of facilities of which this franchisee is a member; or b) Adopts an ordinance amending this franchise to implement the policy, code or process specified by said ordinance. |
| 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) Significant change in the character of solid waste received or in the operation of the facility;f) Any change in ownership or control;g) A request from the local government stemming from impacts resulting from facility operations;h) Compliance history of the franchisee; andi) Changes in regional tonnage trends or actual solid waste generation. |

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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 rules adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited in this franchise. 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. These conditions and permits include those cited within or attached as exhibits to the franchise document, as well as any existing at the time the franchise is</p> |



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| | | issued but not cited or attached, and permits or conditions issued or amended during the term of the franchise. |
| 13.2 | Deliver waste to appropriate destinations | The franchisee must ensure that solid waste transported 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. |
| 13.3 | Right of inspection and audit | <ol style="list-style-type: none">1. 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 13.4, 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.2. The franchisee must permit access to the facility premises to authorized representatives of Metro, including personnel on contract to Metro, at all reasonable times during business hours with or without notice to determine whether the franchisee meets the minimum level of recovery as provided in Section 4.5. The franchisee must provide:<ol style="list-style-type: none">a) Access to all areas where it generates, manages, stores, and reloads processing residual, including without limitation to transfer vehicles;b) Access to facility personnel and equipment to collect, segregate, contain, and weigh individual samples of processing residual; andc) A safe, covered location away from working areas and vehicle traffic where authorized representatives of Metro may conduct an analysis of the franchisee's processing residual. |



| | | |
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| 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" before it submits it to Metro for review. 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.</p> <p>This Section 12.0 does not 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. 19-1435 FOR THE PURPOSE OF APPROVING A SOLID WASTE FACILITY FRANCHISE APPLICATION AND AUTHORIZING CITY OF ROSES DISPOSAL & RECYCLING, INC. TO OPERATE A TRANSFER STATION

Date: April 25, 2019
Department: Property and Environmental
Services
Meeting Date: May 9, 2019

Prepared by: Hila Ritter, 503-797-1862,
hila.ritter@oregonmetro.gov
Presenters: Roy Brower and Hila Ritter
Length: 15 minutes

ISSUE STATEMENT

City of Roses Disposal & Recycling, Inc. (partner company of CORE Recycling) a Metro-licensed non-putrescible (dry) waste material recovery facility located at 4580 NE 138th Avenue in Portland, (Metro District 1), seeks authorization to operate a transfer station, named COR Transfer Station, at its existing facility. In addition to its current material recovery operation, COR Transfer Station seeks to accept putrescible (wet) waste for consolidation and transport to Wasco County Landfill in The Dalles for disposal. The Metro Council determines whether to approve or deny an application for a solid waste facility franchise. (Metro Code 5.01.180).

ACTION REQUESTED

Review applicable code criteria and Metro policies to determine whether Council should grant a new solid waste facility franchise to COR Transfer Station and authorize it to accept up to 15,000 tons of wet waste for calendar year 2019.

IDENTIFIED POLICY OUTCOMES

Approval of this ordinance will support the goals of the *2030 Regional Waste Plan* as described later in this report. It will also help achieve some of the transfer system configuration policy objectives that Council adopted in 2016. Additionally, it will help achieve many of the goals outlined in Metro's *Strategic Plan to Advance Racial Equity Diversity and Inclusion (Diversity Action Plan and Equity Plan)* and Property Environmental Services' *Diversity, Racial Equity and Inclusion (DEI) Work Plan, 2018-2022*. This staff report further describes these expected policy outcomes.

POLICY QUESTION

Does the Metro Council approve the solid waste facility franchise application and authorize COR Transfer Station to accept wet waste according to the provisions of Metro Code Chapter 5.01.180 and as described in the ordinance?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Approve the ordinance as proposed to grant a new franchise to COR Transfer Station effective 90 days after adoption of the ordinance.
2. Amend the ordinance to grant a franchise with different conditions other than those recommended by staff.

3. Amend the ordinance to declare an emergency, as requested by the applicant, finding that it is necessary to establish an earlier effective date for the franchise for the health, safety or welfare of the Metro area.
4. Do not approve Ordinance No. 19-1435.

STAFF RECOMMENDATIONS

Staff recommends that Council adopt Ordinance No. 19-1435 to authorize a new solid waste facility franchise. The applicant has requested that the ordinance take effect immediately pursuant to an emergency clause, rather than taking effect 90 days after Council adoption. Staff does not recommend that Council adopt an emergency clause.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Metro's *2030 Regional Waste Plan* sets the policy direction to shape the future of the solid waste system to better attain public benefits and improved sustainability. A major component of this plan is to take a broad look at the role, configuration, and services offered by publicly and privately-owned transfer stations. In 2016, Metro also established a transfer system configuration policy to:

- 1) Ensure that the region's transfer system provides maximum public benefit;
- 2) Maintain the current configuration of publicly and privately-owned transfer stations;
- 3) Ensure that an adequate amount of wet waste flows to publicly-owned stations (at least 40 percent of the region's wet waste);
- 4) Limit the amount of wet waste that any one company may accept for transfer within the region (no more than 40 percent); and
- 5) Improve rate transparency.

The configuration policy also seeks to promote more efficient off-route transport of waste to reduce greenhouse gas and provide opportunities for small, locally-based businesses to participate in the region's solid waste system.

Tonnage Allocation

In addition to the objectives above, the transfer system configuration policy shifted Metro away from its historical "tonnage cap" approach, in which the Metro Council had established annual facility tonnage limits, to a more systematic and predictable "tonnage allocation" system, in which tonnage authority is proportionally allocated to privately-owned stations each year. Staff is developing the detailed methodology for future tonnage allocations for adoption as administrative rules later this year, to become effective in 2020.

In its franchise application, COR Transfer Station requested an allocation of 30,000 tons of wet waste per calendar year. If Council approves the ordinance as proposed, then the proposed franchise would become effective mid-way through the year. As such, staff recommends that the Council grant COR Transfer Station an initial tonnage allocation of 15,000 tons of wet waste for the remainder of calendar year 2019. In the future, Metro will determine and adjust tonnage allocations for all privately-owned transfer stations in the region, including COR Transfer Station, by applying a percentage-based allocation methodology currently being developed using the allocation framework that Metro Council adopted in November 2018 via Ordinance No. 18-1426.

Regional Waste Plan Goals

This proposed ordinance is consistent with Metro's 2030 Regional Waste Plan because it helps achieve many of the goals outlined in the plan including nos. 2, 4, 12, 13, and 16. In particular, staff finds that the proposed facility would likely:

- Increase the percentage of garbage and recycling system revenue that benefits a company owned by people of color (Goal 2);
- Increase the diversity of the workforce in occupations where people of color are underrepresented (Goal 4);
- Promote efficient off-route travel which reduces environmental impacts (Goal 12);
- Support investment in the host community by way of the Community Enhancement Grant program (Goal 13); and
- Implement the transfer system configuration policy by including a small, locally-based business in the region's solid waste system (Goal 16.7).

Equity Plan and Diversity Plan

The Metro Council adopted a Diversity Action Plan and the Equity Plan that set goals for Metro to advance racial equity, diversity and inclusion. This proposed ordinance is consistent with the strategies and goals outlined in those plans. In particular, staff finds that the proposed ordinance helps achieve Metro's goal of advancing racial equity by authorizing COR Transfer Station to operate a transfer station and participate in the region's solid waste system (Goal E).

PES DEI Work Plan

In 2016, the Property and Environmental Services Department (PES) adopted its first DEI work plan to support Metro's Equity Plan and Diversity Action Plan and further guide its work in solid waste reduction, regulation, management, planning and policy. Approval of this ordinance aligns with many of the DEI work plan strategies. Specifically:

- Providing services equitably, with a priority on communities of color (strategy 3);
- Create jobs, career pathways and promote workforce equity in the sectors where PES works, with a priority on people of color and women (strategy 5); and
- Incorporate racial equity outcomes into PES allocation of budget resources (strategy 6).

Emergency Clause

As previously noted in this staff report, if the Council approves the proposed ordinance, then the applicant seeks a franchise with an effective date earlier than the 90-days required under the Charter for adoption of an ordinance. The applicant submitted the following request for Metro to consider as part of its application:

Due to the urgency and necessity of this facility not only for the City of Portland but more importantly for the Metro Region, we are strongly urging and requesting that you and your council move forward with an emergency ordinance which would allow this facility to immediately receive wet waste if Metro Council decides to approve the application. The urgency in this matter has a triple bottom line effect for our region but moving forward with the standard 90 day process (upon approval), will only hinder our ability to work alongside all solid waste stakeholders in this region to achieve the desirable environmental outcomes by logistically citing the first ever privately owned transfer station in the City of Portland, achieve the social outcomes the Diversity Equity and Inclusion goals set forth by the Property and Environmental Services team strives to achieve and lastly the underserved community of East Portland will now have the

chance to host this facility and the ability to tap into the Community Enhancement Grant Program which will foster greater investments and economic opportunities for this part of the region.

Please consider moving forward with an emergency ordinance that would allow for this transfer station facility to provide all the community benefits we all hope to see in the near future.

Per the Metro Charter, all ordinances take effect 90 days after adoption *unless* the Council finds that an emergency exists that affects the “health, safety or welfare of the Metro Area.” In such instances, at least two-thirds of the Council (five Councilors) must approve an emergency clause and the Council must state the reasons for the emergency.

Staff does not find that there is an emergency circumstance, as described in Metro’s Charter, in this instance and does not recommend adoption of an emergency clause. Additionally, the proposed franchise includes several pre-operating conditions that the applicant would be required to complete before the facility accepts wet waste.

Specific Franchise Conditions

As mentioned above, the proposed franchise includes several pre-operating conditions and other unique requirements in addition to Metro’s standard requirements for transfer stations. The unique requirements included in the franchise are derived from the land use conditions required by the city of Portland, and facility infrastructure improvements required by DEQ for leachate management.

The proposed franchise requires that the facility must meet the following conditions before accepting wet waste:

- Install an odor control and neutralizing system subject to approval by DEQ and Metro;
- Install landscaping (a high hedge) along the southern property line that meets landscaping standards subject to approval by the city of Portland and Multnomah County Drainage District; and
- Implement facility infrastructure improvements for the capture and management of leachate (liquid that has come into direct contact with solid waste and contains dissolved, miscible and/or suspended contaminants as a result of such contact) subject to approval by DEQ and Metro.

In addition to the above, the proposed franchise includes a specific operating condition that requires that the facility must remove all wet waste from the site within 24 hours of receipt. The facility may store small amounts of wet waste on-site overnight if the waste is enclosed in a covered container within a closed building.

Known Opposition/Support/Community Feedback

Metro posted notice and provided an opportunity for the public to review and submit comments on the franchise application. The public notice was posted on Metro’s website, mailed to approximately 1,420 property owners and residents surrounding the proposed facility, and emailed to various other parties that are generally interested in solid waste issues. The comment period began on December 28, 2018, and closed on February 8, 2019. A detailed description of the written comments that Metro received during that time is provided in the *Public Comment Report* included as Attachment 2 to this staff report. Overall, comments were mixed. Many neighboring residents expressed concerns about the location of this facility and its proximity to residential housing, increased traffic impacts, potential environmental and human health impacts, and odors negatively impacting quality of life in the area. Comments in

support of granting the proposed franchise generally described the benefits of approving a local minority-owned business with an emphasis on innovation and waste recovery.

In addition to posting the application for public review and comment, staff also hosted a community conversation in conjunction with DEQ's public hearing at Shaver Elementary School on April 9. Metro hosted this event in response to requests from the public received during Metro's public comment period. As explained further in the *Public Comment Report*, public opinion regarding the proposed transfer station is mixed.

Staff finds that COR Transfer Station has a good compliance history as a material recovery facility and has adequately demonstrated that it is qualified to appropriately manage wet waste. The proposed franchise includes specific operating conditions to prevent and mitigate off-site impacts. Approval of the proposed franchise aligns with Metro's *2030 Regional Waste Plan*, the transfer station configuration policy, Equity Plan, and the PES DEI Plan. Staff finds that the application meets the franchise requirements in Metro Code Section 5.01.170 and the proposed franchise meets the objectives and goals of the Regional Waste Plan.

Legal Antecedents

Pursuant to Metro Code 5.01.180, the Council must consider the following factors when determining whether to issue 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;

Staff finds that the proposed activity is consistent with the regional values and policies outlined in the *2030 Regional Waste Plan* and specifically aligns with many of the goals of the plan, leading with equity in particular.¹ In addition, staff finds that the proposed activity is consistent with the configuration policy in that it promotes more efficient off-route transport of waste to reduce greenhouse gas (as it provides a closer option for trucks operating in the vicinity) and provides an opportunity for a small, locally-based business to participate in the region's solid waste system.

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

Approval of the proposed franchise would likely result in minimal shifting of tons of waste away from Metro's transfer stations. COR Transfer Station is seeking to initially provide additional transfer options for third-party haulers. Staff understands that most of the wet waste that the proposed facility is likely to receive in 2019 will be from a vertically integrated hauling company, Waste Connections, which currently transports waste to its affiliated transfer stations located in Clark County, Vancouver Materials Recovery Center, under authority of a Metro non-system license (NSL No. N-029-17B). Waste Connections is also the owner/operator of Wasco County Landfill. Because this waste has already been allocated to privately-owned facilities the associated revenue impacts have already been

¹ Regional Solid Waste Management Plan retitled to 2030 Regional Waste Plan during planning process. Metro Code will be amended to reflect this name change in 2019.

factored into Metro's budget. Additional information regarding the costs associated with the proposed franchise is provided in the budget and rate impact section of this report.

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

The applicant operated a dry waste material recovery facility at 5726 NE 109th Avenue in Portland since 2013. In February 2019, the applicant relocated its facility to 4580 NE 138th Avenue in Portland. The applicant proposes to perform material recovery activities and accept wet waste for consolidation and transport to a landfill for disposal. Staff finds that the proposed franchise is unlikely to adversely affect the health, safety, and welfare of Metro's residents because transfer stations generally pose minimal environmental risk. The proposed franchise requires the franchisee to manage all wet waste received inside of a building and subsequently remove from the site within 24 hours. In addition, COR Transfer Station has performed significant site improvements to appropriately manage waste, and meet all land use conditions such as paving, land clearing and landscaping, and internal and external rehabilitation of existing structures.

The applicant plans to use operational practices and management controls that are typical of transfer stations and that Metro considers adequate for the protection of health and the environment.

- (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 in attachment 2, the *Public Comment Report*, this facility is located in a regionally-significant industrial sanctuary. City of Portland has granted conditional use approval for the proposed waste-related activity in this industrial zone. The site was formerly home to Oregon Recycling Systems, a processor of recyclable materials, from 1995-2016.

The proposed franchise requires the franchisee to operate the facility in a manner that controls and minimizes off-site impacts, including, but not limited to: odors, noise, vectors, traffic, etc. All wet waste will be required to be managed and received inside of a building and subsequently removed from the site within 24 hours of receipt, and all vehicles transporting waste materials will have to be covered. Furthermore, additional facility infrastructure improvements will be required prior to the facility accepting wet waste such as: installing an odor control and neutralizing system subject to approval by DEQ and Metro, improving the leachate capture and management system within the building, and increased landscaping to function as a buffer.

Staff's detailed response to both the concerns and the benefits of approving this proposed transfer station, which were submitted to Metro during the comment period, is included as attachment 2, the *Public Comment Report*.

In addition, in order to help mitigate potential impacts from solid waste facilities on host communities, Metro requires that any facility receiving wet waste must collect and remit to

Metro \$1 per ton for use in local community enhancement programs to mitigate facility impacts by improving economic opportunities, neighborhood livability, and public safety. As previously mentioned, COR Transfer Station is already operating as a dry waste material recovery facility at this location. Approval of a franchise will initiate the formation of a Community Enhancement Committee to grant funds for enhancement projects. Staff finds that the proposed franchise is not likely to adversely affect the surrounding community in an unreasonable manner.

- (5) Whether the applicant has demonstrated the strong likelihood that it will comply with all requirement 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, and regulations, ordinances, orders or permits pertaining in any manner to the proposed franchise.

Metro staff's investigation of COR Transfer Station has revealed a good record of compliance. DEQ and city of Portland staff have reported that there are no code, environmental, or nuisance violations at the site. Based on the applicant's good compliance record operating a material recovery facility, staff finds that there is a strong likelihood that COR Transfer Station will comply with the requirements and standards of the proposed franchise.

Anticipated Effects

Approval of ordinance No. 19-1435 will authorize the COO to issue a new franchise to COR Transfer Station to accept up to 15,000 tons of wet waste in 2019 and establish future annual allocations as described in Metro's tonnage allocation methodology currently being developed. If approved, the franchise will replace and supersede the applicant's current solid waste facility license upon its effective date. The proposed license becomes effective on August 14, 2019, and expires on December 31, 2023.

Financial Implications (current year)

As described above, it is Metro's understanding that for 2019, COR Transfer Station will partner with Waste Connections to accept the wet waste that it currently transports to its affiliated facilities in Clark County Washington. COR Transfer Station proposes to transport the waste to Wasco County Landfill which is also affiliated with Waste Connections. Metro's cost and rate model already assumed that waste would not come through Metro's transfer stations. Therefore, approval of the proposed franchise is expected to have minimal impact to Metro's Solid Waste Fund operating costs and revenues. Furthermore, beginning in 2020, as part of Metro's tonnage allocation methodology, Metro will adjust tonnage allocations for all privately-owned transfer stations and require that at least 40 percent of the region's wet waste tonnage flows to publicly-owned transfer stations (Metro Central and South).

If this proposed ordinance is approved, a Community Enhancement Committee will be established in the city of Portland which could receive up to \$15,000 in 2019, and \$1 per ton of wet waste received for all subsequent years under the proposed franchise. As a result of this action, other Community Enhancement Committees might experience a reduction in funds based on potential tonnage shifts. For example, it is possible that the Metro Central and South community enhancement committees could experience a reduction in funds if any tonnage shifts to COR Transfer Station.

This ordinance may also have the effect of driving rates down at privately-owned facilities as a result of increased competition, which would benefit rate payers. Cost savings may also occur if vehicle miles traveled are reduced.

As previously explained in this staff report, staff are developing administrative rules that will set forth a detailed process for determining and adjusting future tonnage allocations. Staff notes that this prescribed tonnage allocation process, beginning in 2020, may result in a different, to be determined, tonnage allocation for COR Transfer Station.

BACKGROUND

The applicant is a locally-owned company that operates a waste hauling service (City of Roses Disposal and Recycling) and a Metro-licensed dry waste material recovery facility. COR Transfer Station has operated a facility on NE 109th since 2013. COR Transfer Station applied for and obtained Metro and DEQ authorization to operate a dry waste material recovery facility at its current location, 4530 NE 138th Ave in Portland.² COR Transfer Station primarily accepts and processes mixed dry waste collected by its hauling company. It does not currently accept waste from the general public, and is not proposing to accept self-haul waste as part of its transfer station operation. It specializes in the recovery of waste generated during construction projects that seek to obtain LEED (Leadership in Energy and Environmental Design) certification. LEED projects require that the solid waste resulting from construction activities be recovered to a higher degree and be more extensively documented than from standard construction projects.

Metro has conducted one inspection of the applicant's current site on NE 138th Avenue, and 44 inspections of the former location at NE 109th Avenue (from August 2011 - January 2019). COR Transfer Station is currently in compliance with Metro's requirements and has a good history of compliance. In addition, DEQ and city of Portland staff have reported that there are no enforcement or compliance issues associated with the current site.

The functions of regional solid waste system are implemented by Metro, cities and counties, and many private for-profit businesses and non-profit organizations. This sharing of responsibilities means that Metro has a strong interest in the success of the private sector at creating, expanding, preserving and broadening efforts that advance waste prevention, reuse, recycling and energy recovery. In December 2017, the Metro Council established a new Investment and Innovation grant program to support this interest through the granting of funds to businesses and non-profit organizations involved in these efforts and to help foster economic opportunities for people who have historically been left out of the garbage and recycling system, particularly communities of color. COR Transfer Station applied for and was granted a capital grant for \$500,000 with a 100 percent matching requirement. The grant will be used to expand dry waste material recovery and processing operations at its facility. This expansion will include significant property improvements and new equipment to increase both the volumes and types of materials recovered for reuse and recycling at COR Transfer Station.

The applicant seeks to continue and evolve its current material recovery activities on dry waste and also accept wet waste to diversify its operation, and avoid the added costs of travel time and tipping fees using other transfer stations. The site was formerly occupied by Oregon Recycling Systems which operated a material recovery facility there from 1995-2016. Additionally, the city of Portland had previously granted a conditional waste related use of the site and Metro had previously issued a transfer

² Metro Solid Waste Facility License No. L-057-18 and DEQ Solid Waste Disposal Site Permit 1606

station franchise to the former occupant in 2005, although the transfer station never opened. The site has undergone significant site improvements under COR Transfer Station's ownership.

On November 28, 2018, the applicant submitted to Metro a complete solid waste facility franchise application accompanied by payment of the appropriate application fee of \$500. The applicant requested to both become authorized to accept wet waste for transfer and amend its NSL (N-134-16C) to similarly authorize the transport of waste to Wasco County Landfill for disposal. The proposed non-system license amendment will be brought to Metro Council for consideration on May 16, 2019, under Resolution No. 19-4981 on the consent agenda.

ATTACHMENTS

- A. Exhibit A to Ordinance No. 19-1435: Draft Franchise No. F-057-19
- B. Attachment 1 to Staff Report: Images
- C. Attachment 2 to Staff Report: Public comment report

Attachment 1: Images



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Attachment 1 to Staff Report for Ordinance No. 19-1435

PUBLIC NOTICE:

COR Transfer Station

Submit comments to Metro by 5 p.m. January 25, 2019

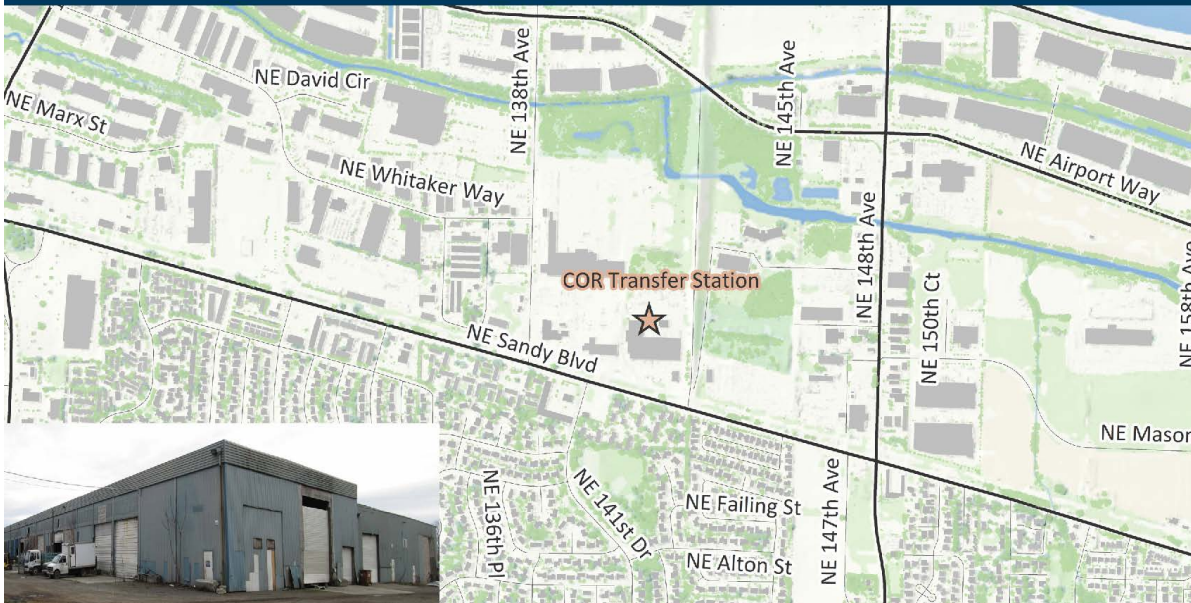


Photo 1: Public notice post card, front

COR Transfer Station submitted an application for a new Metro solid waste franchise to receive garbage generated within the Metro region for reloading and transport to a landfill for disposal. COR Transfer is a locally owned and operated subsidiary of City of Roses Disposal and Recycling.

Please refer to oregonmetro.gov/solidwastepublicnotices for more information about the license application.

Location: 4530 NE 138th Ave, Portland, Oregon



Metro

600 NE Grand Ave
Portland, OR 97232

Written comments must be submitted by 5 p.m. January 25, 2019.

Metro Solid Waste Information Compliance & Cleanup
600 NE Grand Ave., Portland, OR 97232

Fax: 503-813-7544 Email: SWICC@oregonmetro.gov

More information: oregonmetro.gov/solidwastepublicnotices

Esta es una notificación de su oportunidad para comentar sobre una solicitud para operar un establecimiento de desechos sólidos (basura o reciclado) en su comunidad. Si necesita asistencia con el idioma, llame al 503-797-1890 (de 8 a 5, lunes a viernes).

Настоящим уведомляем, что у вас есть возможность оставить свой отзыв относительно заявки на эксплуатацию учреждения по переработке твердых отходов (или вторсырья), расположенного в вашем районе. Языковую поддержку можно запросить по номеру 503-797-1890 в рабочие дни с 8:00 до 17:00.

Đây là thông báo về cơ hội của quý vị được trình bày ý kiến bằng đơn trong việc điều hành cơ sở quản lý rác thải (rác hoặc đồ tái chế) trong cộng đồng của quý vị. Nếu quý vị cần trợ giúp về ngôn ngữ, xin gọi số 503-797-1890 (từ 8 giờ sáng đến 5 giờ chiều vào những ngày thường).

本公告旨在通知您利用這個機會評論在您所在社區經營固體廢物(垃圾或回收服務)設施的申請。需要語言援助者請在撥打503-797-1890(工作日上午8點至下午5點)。

본 통지서는 지역사회 내 고형 폐기물(쓰레기 또는 재활용) 시설 운영 신청에 대해 귀하의 의견을 제시할 수 있는 기회를 알려 드리기 위한 것입니다. 언어 지원 서비스가 필요한 경우 전(근무일 기준)까지 503-797-1890으로 전화하십시오(주중 오전 8시 ~ 오후 5시).

Printed on recycled content paper.

Photo 2: Public notice post card, back

Attachment 1: Images

Attachment 1 to Staff Report for Ordinance No. 19-1435



Photo 3: Aerial photo of COR Transfer Station located at 4530 NE 138th Ave in Portland

Attachment 1: Images

Attachment 1 to Staff Report for Ordinance No. 19-1435



Photo 3: COR Transfer located at 4530 NE 138th Ave in Portland



Photo 4: COR Transfer located at 4530 NE 138th Ave in Portland

Attachment 1: Images

Attachment 1 to Staff Report for Ordinance No. 19-1435



Photo 4: Community conversation and DEQ public hearing at Shaver Elementary School on April 9, 2019



Photo 5: Community conversation and DEQ public hearing at Shaver Elementary School on April 9, 2019

April 25, 2019

Prepared by: Hila Ritter
503-797-1862

BACKGROUND

COR Transfer Station, (partner company of City of Roses Disposal and Recycling) a Metro-licensed non-putrescible (dry) waste material recovery facility located at 4580 NE 138th Avenue in Portland, (Metro District 1), submitted a Solid Waste Facility Franchise application to Metro to operate a transfer station at its existing facility. In addition to its current material recovery facility (MRF) operation, COR Transfer Station seeks to accept putrescible (wet) waste for consolidation and transport to a landfill for disposal.

PUBLIC NOTICE AND OPPORTUNITY TO COMMENT

Metro posted notice and provided an opportunity for the public to review and submit comments on COR Transfer Station's franchise application. The public notice was posted on Metro's website, mailed to approximately 1,420 property owners, schools, neighborhood association and residents surrounding the facility, and emailed to other parties that have a general interest in solid waste issues. The 30-day public comment period began on December 28, 2018, was extended an additional two-weeks to ensure sufficient time to comment, and closed February 8, 2019.

In addition to posting the application for public review and comment, staff also hosted a community conversation in conjunction with the Oregon Department of Environmental Quality's (DEQ) public hearing for the proposed transfer station at Shaver Elementary School on April 9. This event was planned in response to requests for a public meeting received during Metro's public comment period, and approximately 70 people attended. The questions and concerns discussed at the meeting were similar to those articulated to Metro during the written comment period.

Metro received an additional five written comments via e-mail after the comment period closed on February 8, which did not become an official part of the record. COR Transfer Station submitted responses to the comments that Metro received, which are included in full at the end of this report.

SUMMARY OF WRITTEN PUBLIC COMMENTS ON APPLICATION

Metro received 48 comments during the public notice period from 45 individuals or organizations. Twenty-six of the comments supported the proposed franchise citing support for a local minority-owned business, and increased recycling infrastructure. Twenty comments opposed the proposed franchise primarily due to its location (proximity to residential housing, restaurants, and Costco). Two comments were neutral/indeterminable.

The concerns and benefits that were identified by the commenters can be summarized in five general categories: livability, facility location, traffic, economic impacts and environmental impacts.

1. LIVABILITY

- Concerns that garbage odors will be pervasive in the surrounding community.
- Concerns about increased noise, both from trucks entering/exiting the site and equipment noise negatively impacting the community.
- Concerns about increased pests, particularly rodents

Metro response #1 – Livability:

Metro is tasked with planning, management, and oversight of the region's solid waste system. It has an obligation to the public to ensure that the waste intended for reuse, recycling and other purposes is handled properly and sent to appropriate markets, and that all other waste is safely managed and disposed. In carrying out its oversight responsibilities, Metro balances the need to manage waste in or near the region with the needs of the local communities that live and work near these facilities.

The proposed franchise requires the franchisee to operate the facility in a manner that controls and minimizes off-site odors. In addition it must manage all wet waste received inside of a building and subsequently remove wet waste from the site within 24 hours of receipt. It also requires the facility to install an odor control and neutralizing system subject to approval by DEQ and Metro prior to accepting wet waste.

The facility is located in an industrial sanctuary and is subject to compliance with local noise regulatory standards allowed in industrial zones. Metro primarily relies on the local jurisdiction, in this case city of Portland, to determine noise allowances. The proposed franchise requires the franchisee to operate the facility in a manner that controls and minimizes noise and to meet applicable local noise regulatory standards and land-use regulations

The proposed franchise requires the franchisee to operate the facility in a manner that is not conducive to the harborage of rodents, birds, insects, or other vectors or pests. It further requires implementation of vector control measures if vectors are present or detected.

Metro employs two full time solid waste facility inspectors who are trained in environmental compliance and tasked with monitoring the solid waste facilities authorized by Metro in and around the region. The inspectors generally perform seven or eight inspections of a facility annually. When greater attention at a facility is merited, Metro performs an increased amount of both announced and un-announced facility inspections and complaint investigations in neighboring areas surrounding the facility. Metro has conducted one inspection of the applicant's current site on NE 138th Avenue, and 44 inspections of the former location at NE 109th Avenue (from August 2011 - January 2019). COR Transfer Station is currently in compliance with Metro's requirements and has a good history of compliance. In addition, DEQ and

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city of Portland staff have reported that there are no enforcement or compliance issues associated with the current site.

2. FACILITY LOCATION

- Land use concerns, particularly, that a garbage facility should not be allowed in proximity to residential housing and restaurants.
- Concerns about whether there is a need for another transfer station in the region.
- East Portland has been historically disproportionately burdened by industry.

Metro response #2 – Facility location:

This facility is located in a regionally-significant industrial sanctuary and has been the site of several industrial, commercial, and waste-related businesses since 1959. City of Portland has granted conditional use approval for the proposed waste-related activity in this industrial zone. Additionally, the site was formerly occupied by Oregon Recycling Systems which operated a material recovery facility there from 1995-2016. Additionally, the city of Portland had previously granted a conditional waste related use of the site and Metro had previously issued a transfer station franchise to the former occupant in 2005, although the transfer station never opened. The site has undergone significant site improvements under COR Transfer Station's ownership.

Metro is committed to working with existing facilities to ensure they operate in a manner that is benefitting the community, and overseeing the region's solid waste system to achieve public benefits of the highest and best use of materials and, when needed, their safe disposal. Since early 2017, Metro has been working with communities across the region to develop the 2030 Regional Waste Plan as both a vision for greater Portland's garbage and recycling system and a blueprint for achieving that vision. For more information visit: www.oregonmetro.gov/regionalwasteplan

COR Transfer Station is a private business that has applied to Metro to operate at its location on NE 138th Ave. Although there are other transfer stations in proximity to this proposed facility (GSS Transfer locally owned by Gresham Sanitary Service and Troutdale Transfer Station owned by Waste Management), COR Transfer Station chose this site for its industrial zoning between three freight heavy streets and its historical use as a solid waste facility.

In order to help mitigate potential impacts from solid waste facilities on host communities, Metro requires that any facility receiving wet waste must collect and remit to Metro \$1 per ton for use in local community enhancement programs to mitigate facility impacts by improving economic opportunities, neighborhood livability, and public safety. As previously mentioned, COR Transfer Station is already operating as a dry waste material recovery facility at this location. Approval of a franchise will initiate the formation of a Community Enhancement Committee to grant funds for enhancement projects. Staff finds that the proposed franchise is not likely to adversely affect the surrounding community in an unreasonable manner.

3. TRAFFIC

- Concerns about increased traffic congestion.
- Railroad concerns and hazards associated with trains transporting oil.

Metro response #3 – Traffic:

Traffic is a major concern across the region. As greater Portland grows into a major metropolitan area, our communities need a collaborative approach to transportation planning, funding and implementation. Metro primarily relies on the local jurisdiction, in this case city of Portland, to determine traffic allowances for solid waste facilities. The applicant completed and submitted a Transportation Impact Study (TIS) to the City. Based upon the information that Metro received from City staff, the proposed activities comply with the Portland Bureau of Transportation and Oregon Department of Transportation traffic requirements. The vehicles that will access the site will likely use streets that are classified to accommodate truck movements. The applicant intends to direct customers to use NE Airport Way, when possible, to minimize congestion at the intersection of NE 138th Avenue and Sandy Boulevard. Finally, given the significant paving of the site, there will be adequate areas on site to accommodate the peak number of vehicles expected at the site at any one time.

The concerns about the adjacent rail line and potential impact of oil trains raised at the public meeting on April 9 are outside the scope of Metro's franchise requirements. However, the franchise requires that the operator must comply with all local, state, and federal requirements. In addition, Union Pacific Railroad offers a railroad safety presentation for those interested in enhancing railroad safety in their community. Union Pacific inspects crossing signals regularly for a variety of safety checks. If a malfunctioning signal is noted, the public should report it via the Union Pacific Grade Crossing Hot Line (1-800-848-8715).

4. ECONOMIC IMPACTS

- Concern about decreased property values
- Increased job opportunities

Metro response #4 – Economic impacts:

The city of Portland has determined that the proposed waste-related use is appropriate for this industrial site. At this time, Metro does not regulate the location where private facilities are cited, and relies on the local jurisdiction for zoning determinations.

Regionally significant industrial areas are near major transportation routes that enable efficient movement of freight, and movement and storage of goods. These are vital to the region's economy and provide good jobs. COR Transfer Station proactively hires second-chance populations and provides living wage jobs to this marginalized group as well as employing people of color. As mentioned previously, this is a locally-owned business whose owners live in the community where the facility is located and seeks to support the local community and economy. COR Transfer Station expects that diversifying and expanding its operations will increase its ability to create more living wage jobs.

5. ENVIRONMENTAL IMPACTS

- Concerns about potential contamination of air from dust and odors, and groundwater or nearby waterways such as the Columbia Slough due to contaminated stormwater.
- Comments in support based on COR Transfer Station's sustainable business practices and innovation in the recycling industry.

Metro response #5 – Environmental impacts:

The proposed site has undergone significant site improvements since COR Transfer Station acquired ownership of the facility in 2018. For example, all site roadways have been paved to mitigate dust from vehicle traffic, significant portions of exterior siding of the main building were replaced to decrease exposure to elements and increase aesthetics, land clearing and preliminary landscaping have begun to enhance visual aesthetics and buffer site activities, and the site office building has been largely renovated. As a condition of sale of the property to COR Transfer Station, an engineered bio-swale and natural area was installed on the eastern property line to control site drainage and function as a buffer. City of Portland's Bureau of Environmental Services has evaluated the existing stormwater management system and has determined that it meets the City's requirements. The site has also applied for and obtained a DEQ National Pollutant Discharge Elimination System Stormwater Discharge Permit 1200-Z. In addition, the proposed Metro franchise requires additional facility infrastructure improvements for the capture and management of leachate (liquid that has come into direct contact with solid waste and contains dissolved, miscible and/or suspended contaminants as a result of such contact) subject to approval by DEQ and Metro prior to the acceptance of wet waste. This requirement is to ensure that the catchment and storage system located inside the facility is sufficient to manage any liquids that are then regularly pumped out and transported offsite to a wastewater treatment facility. Additional site infrastructure improvements are planned, as described above, including construction improvements to buildings, and paving and site improvements including design, engineering and permitting for site drainage and traffic access.

COR Transfer Station is actively working toward increasing its recovery rate of recyclable materials, particularly around re-use of reclaimed lumber and discarded wood products. The proposed transfer stations may reduce emissions in the region based on decreased vehicle miles traveled while also increasing workforce and enterprise opportunities for low-income people and people of color. As mentioned previously, COR Transfer Station's hiring practices are intentional around building wealth in low-income and people of color communities who have been marginalized in the region's economic prosperity. Additionally, COR Transfer Station is a certified Benefit Corporation, which are businesses that achieve a minimum verified score on a rigorous assessment of a company's impact on its workers, customers, community, and environment—and make their Benefit Impact Report transparent on bcorporation.net. Certified Benefit Corporations also amend their legal governing documents to require their board of directors to balance profit and purpose.

Staff finds that the proposed facility supports many of the goals of the Regional Waste Plan that was collaboratively created with the community to plan for the future of the solid waste system with a focus

on equity, health and the Environment. This proposed franchise will increase the percentage of garbage and recycling system revenue that benefits a company owned by people of color (Goal 2), increase the diversity of the workforce in occupations where people of color are underrepresented (Goal 4), promote efficient off-route travel which reduces environmental impacts (Goal 12), support investment in the host community by way of the Community Enhancement Grant program (Goal 13), and implement the transfer system configuration policy by including a small, locally-based business in the region's solid waste system (Goal 16).

PUBLIC COMMENTS ARE LISTED BELOW IN NO PARTICULAR ORDER:

1. I am sending this email to show my support for the transfer station franchise proposal being submitted by City of Roses Disposal & Recycling! When opportunities like these are offered to organizations of color it shows the community that Portland has and supports the economic growth and development for minority owned business. Additionally, this company conducts sustainable and environmentally friendly practices. Also, they are leaders in innovative recycling practices. Lastly, as an individual who is a native to Portland and impacted by gentrification in inner N/NE Portland, it's important to me to see equal access to space for minority owned businesses.
2. This letter is in support of the transfer station franchise proposal being submitted by City of Roses Disposal and Recycling. City of Roses is a local minority-owned business focused on sustainability and innovation. Their increased industry presence will be a benefit to diversifying the disposal industry and investment in the local community.
3. I am writing in support of the transfer station franchise proposal being submitted by City of Roses Disposal & Recycling. Alando Simpson came to the Parkrose Neighborhood Association a couple years ago when he was thinking of expanding his current facility in the neighborhood., and at the time, it appeared he had all the bases covered. From what I have seen of his plans for the Argay station, he has continued to follow all the necessary precautions against noise and vectors and has even taken traffic impacts into account. There are other reasons I support this project. Simpson has sustainability at the core of his business. Recycling is a bigger interest of his, but he is creating a transfer station in our area both because he sees a need as this area's population grows and also to have shorter trips for garbage trucks to make on the east side, thereby reducing fuel usage. His business will also be a minority-owned business that will create jobs (in an area that typically has higher unemployment than the rest of Portland) and will keep profits local. Overall, Simpson and his family--who has been in this community since the early 1900s--has community concerns in mind, and I trust his business will be beneficial. I'm glad he has chosen to invest in our community, and I'm looking forward to see how the Community Enhancement Grant program that comes along with a transfer station project can help improve an area that suffers from blight and is the home to vulnerable populations. Thank you for considering my commentary, and I hope that Mr. Simpson's project will be approved.
4. I am writing you this email to show my support for the transfer station franchise proposal being submitted by City of Roses Disposal & Recycling. I hope that you recommend or vote for approval of this proposal.
City of Roses Disposal and Recycling is African American owned waste hauling and recycling benefit company with deep roots and long standing ties to the North and Northeast

Portland community. It is the first African American transfer station in the state of Oregon. As long time African American resident of Northeast Portland, myself, this business is great for Portland and supports the equity goals that have been expressed by the City of Portland and METRO.

City of Roses is a leader and innovator. This business focuses on a growing sector of the economy and plans for the future. It will provide living wage jobs for East Portland and the community. It embodies the triple bottom line goals and objectives we seek for the region, promotes sustainability and our natural resources, provides local growth for a minority entrepreneur and our regional economy, and is a concrete measurable example of investment in a minority business, which promotes real measurable economic equity.

Please support this innovative business as it captures the spirit of Oregon!

5. I would like to express to you my support for the transfer station franchise proposal that is being submitted by City of Roses Disposal and Recycling. My support comes in the fact that COR is a locally and minority owned business that has been in the community since the early 1900's. They are an innovated leader in the recycling industry and bring a wonderful value to our community. Between their sustainable ways and the great value they bring to the community by offering jobs in the community and keeping profits local, they have my complete support in this matter.
6. We as a family in the Argay neighborhood are vigorously opposed to a new transfer station off 138th. The traffic on 138 is already congested because of Costco being on that street not to mention the railroad tracks and the back ups on Sandy Blvd as well. We already have traffic issues on Sandy Blvd why escalate the traffic issues we endure already? There will be traffic accidents with trucks entering and leaving the station. This site might produce contaminated water runoff near the Columbia River because it of its drainage system. We are concerned also about the odor, noise and more rats in our neighborhood. We don't believe that we need another transfer station when we have two closeby in Troutdale and one at Metro. Don't allow this station at this location here! It's a very bad idea!
7. I know there is a meeting coming up this Tuesday which I will be attending. I am told we will not be able to participate and will only be able to listen. Therefore, I would like voice my concerns now regarding the potential location of the Waste Transfer operation slated for 138th off of Sandy Blvd. I am not in favor of the Transfer Station being relocated to this property and feel it is a very bad addition for our surrounding neighborhood. I would like my concerns voiced at this meeting.
This proposed Transfer Waste station is very close to one of the largest undeveloped properties in Northeast Portland. The Rossi/Guisto/Garre Farms property located at 122nd and Shaver, near Parkrose high school. This land is slated for a major residential and commercial development and is in the proposal/planning process at this time. Having a dump located just on the other side of Sandy Blvd. is not conducive to "upgrading" the Parkrose/ Argay neighborhood

and definitely not a “plus” for selling the commercial and more importantly, the residential development of this location.

Sandy Blvd is already a major traffic / commuter route. With only single lanes in both east and west directions, traffic congestion is already heavy at most times of the day. Adding major truck traffic for the transfer station will only make traffic worse, adding more early morning noise pollution as well. I have additional concerns about air quality for our neighborhood. The prevailing wind often comes along the river. Having a “wet” as well as dry transfer station is concerning. The odors associated with this type of operation are not pleasant for the surrounding neighborhood. This type of “wet” and “dry” waste are also a breeding ground for rodents and other garbage related pests. The increased traffic and air quality will decrease the desirability and livability of the surrounding area. With the increase in homeless camps, tent cities in the slums and along the bike paths and freeways along with the east counties focus on affordable housing, we do not need one more development that makes our area less desirable and livable. A more remote location that is not in direct proximity to existing and planned residential neighborhoods would be a better solution. There is land further out in Gresham and Fairview that have better I-84 access that would be more suitable for this Transfer Station.

The proposed location on 138th off of Sandy should be developed with similar types of businesses as the surrounding area. Warehouses, regional offices and sales outlets would be a better development for our neighborhood.

I hope you will strongly voice these concerns at the upcoming meeting. I speak for many of my neighbors who have discussed with me their opposition to the location of this proposed Waste site.

8. We as a family in the Argay neighborhood are vigorously opposed to a new transfer station off 138th. The traffic on 138 is already congested because of Costco being on that street as well. There will be traffic accidents with trucks entering and leaving the station. We are concerned also about the odor, noise and more rats in our neighborhood. We don't believe that we need another transfer station when we have two close by in Troutdale and one at Metro. Don't allow this station at this location here! It's a very bad idea!
9. I would be interested in a public meeting regarding this transfer station. I think the location off 138 is bad because of the existing traffic issues with Costco there. Will you consider a meeting? What do we do to make it happen?
10. The volume of trucks this will bring to an area that already is extremely congested will be INSANE. Does anyone have any knowledge of this area? Costco is right there causing constant traffic jams. The plan does not seem thought out or vetted in any way. Please reconsider this. It will be terrible for the adjacent neighborhoods that already have to fight constant long lines of traffic on Sandy Blvd. OY!

11. I have used City of Roses Disposal and Recycling in the past to recycle construction debris from a remodel we were doing on our home. We were drawn to this company because of their ongoing commitment to the community, the fact that they are a minority owned business, and the emphasis they put on sustainability not only for the environment but the social and economic aspects as well. When I found out that they were looking to grow their business by opening a transfer station I was very excited and knew that I needed to lend them my support as a community member. This is the type of business that we as a community need to get behind; we should encourage their growth as a locally owned business who is investing their profits back into the area to the benefit of the future of Portland. In closing, I would like to thank you for your service to the community as the Solid Waste Authorization Coordinator with Metro.
12. We have lived in the Argay neighborhood for 48 years and are strongly opposed to the proposed garbage transfer station off NE 138th and Sandy Blvd. We have not objected to the previous requests for the recycling transfer stations (which are self contained). However, this transfer station will process garbage and will pollute the neighborhood with obnoxious odors. This proposed transfer station is too close to existing homes and apartments. There are many low income apartments on NE Sandy Blvd that will be only one block from this proposed station. It is very unfair to put such a facility in an area where there are many low income residents. There are also many homes just two blocks away. Our property values would be greatly affected as well as livability. We will be unable to spend time outside without smelling this garbage facility. We are also concerned that this will produce more rats in our neighborhood. We are already plagued with rats from the homeless RV's that park nearby, leaving their garbage by the side of the road. In addition, we are concerned about the noise. The existing businesses north of Sandy Blvd already produce continual low level noise during the day. Another concern is additional traffic. Traffic at the intersection of 138th and Sandy Blvd is already congested because of Costco being on that street. There are also the railroad tracks. All this causes considerable traffic backup on Sandy Blvd in both directions as well as on 138th heading south. Since we already have traffic issues on Sandy Blvd, why escalate the traffic issues we endure already? There could be additional traffic accidents with trucks entering and leaving the station. A further concern is this site might produce contaminated water runoff near the Columbia River because of its drainage system. If there is a need for another transfer station, it should NOT be built so close to homes. There are many other locations closer to Airport Way that would be away from any homes. Also lots of empty area east of 181st. Please, don't allow this transfer station at this location! It's a very bad idea and will greatly harm the Argay neighborhood.
13. The location at NE 138th that you have selected for a potential Waste Transfer location is a very poor decision by Metro. You have selected a high-traffic area that is consistently backed up and congested at all times of day. The streets are narrow and can't handle the amount of cars and trucks today let alone adding more trucks to the streets. Building a Transfer Station at this location will cause traffic

that the streets are not able to handle. The streets are at capacity right now. Having large Garbage Trucks hauling in and out will reek havoc on the traffic flow not to mention the bad odor that will waft through the adjoining residential neighborhood. The Gorge Winds consistently blow down Sandy Blvd at 138th and will spread the foul odor. The quality of air will deteriorate rapidly. You need to find a more remote location that will not adversely affect traffic patterns and cause air pollution to residential neighborhoods.

Metro claims to be community-focused and friendly to Portland residents' needs. Approval of this Transfer location will have a very high-impact negative affect on many, many levels. The Parkrose residents are currently working with the City, on a major Project, to improve the livability and desirability of the Parkrose Neighborhood. Having a Garbage Dump for a neighbor will decrease our Property Values significantly which will result in less Property Taxes for you to use.

14. As a Tax Payer, in Argay/Parkrose, I am requesting that you conduct a Public Hearing on Metro's decision to locate a Transfer Station (Garbage Dump) on NE 138th Avenue.
I am unclear as to why Metro would make such a decision with a 2-lane Road on Sandy Blvd. that intersects with the narrow 2-lane road on 138th. This infrastructure cannot even handle the current traffic flow let alone adding multiple large Garbage Trucks to the already backed up traffic lanes.
Metro needs to have some consideration and respect for the Tax Payers who support Metro and Metro should not make these kind of negative impact decisions without Tax Payer feedback. Please schedule a Public Hearing ASAP and notify the neighborhood of the date, time and location.
15. I wanted to take a moment and express my support of the transfer station franchise proposal being submitted by City of Roses Disposal & Recycling. There are many reasons I support this, but some key reasons that stick out in my head are that they are locally owned, it's a minority owned business (first African American xfer station in the state), and they go above and beyond to keep their profits local. In addition to this they are a true leader in recycling and innovation and this would be a strong job boost for East Portland. If you have any questions, please don't hesitate to reach out and thank you for taking the time to read my email!
16. I would like to express my support for City of Roses Disposal and Recycling and their transfer station. I love the fact that they are a minority owned company that provides jobs to other minorities and convicted felons. This goes along with their goal of full sustainability; environmentally and socially.
17. Please accept this note of support for the franchise proposal submitted by City of Roses Disposal and Recycling.

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18. I am against this garbage transfer station in my neighborhood of Argay Terrace for many reasons. Smell, traffic concerns, vermin, etc. I could go on but I'm sure you have heard other people's concern already. I would like to request a public hearing. I do not think sending a post card in the mail is sufficient notice.
19. As a customer of City of Roses Disposal & Recycling, I am in support of the transfer station franchise proposal that was submitted by them. City of Roses Disposal & Recycling is a locally minority owned business that promotes sustainability while continuing to be a leader in recycling and innovation. As a N/NE Portland native, I have witnessed the gentrification and displacement of the African American community and I believe that it would serve the community well if the proposal was granted.
20. My wife and I oppose the transfer station on 138th of sandy blvd. we live in the Argay neighborhood and it's not a good idea!
21. I just wanted to write in support of the transfer station franchise proposal being submitted by City of Roses Disposal & Recycling. Not only are they a company that is centered around sustainability, it they are a locally owned business. Both of these points alone are reason enough for my support. Things like being the first African American transfer station in Oregon, or that this family has been a part of this area since the really 1900's.. these are just more of a reason for my support. Please consider!
22. I write in support of the transfer station franchise proposed submitted by City of Roses Disposal & Recycling for a number of reasons, but in particular, because their ownership is a local, minority- and family-owned, and it is a registered Benefit corporation. City of Roses has led to efforts in job creation, sustainability, innovation, and civic engagement for our city. The owners are family that is from our community, with generations in Portland going back to the early part of last century.
Thank you for considering my letter of support.
23. This letter is in regard to the City of Roses Disposal and Recycling COR Transfer Station Station and CORE Recycling Material Recovery Facility proposed off of 138th and NE Sandy Blvd. I have a number of concerns which I have listed below, all of which comprise my objections to these two facilities, objections which I believe all those in my community share as well.
Noise
 - The noise that these facilities stand to generate concerns me greatly: back-up beepers, machinery, trucks, etc.
 - Will a sound level survey be conducted?
 - What levels of sound are deemed appropriate and at what distance will these various sounds be audible?

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- What will the days and hours of operations be?

Odor

- The inevitability for odors emanating from these facilities, especially one categorized as taking “putrescent” waste, is another cause for extreme alarm.
- What methods will be used to control odor?
- Is there an “acceptable” level of odor? If so, at what distance is this odor deemed acceptable?

Chemical and Biological Pollutants

- What control measures will be taken to not only minimize, but completely eliminate, the risk of chemical and biological pollutants being released and/or accumulating in these two sites?
- Facilities like these have the high probability of being feeding grounds and general harborage for pests. An explosion in the population of pests in the community is another great concern. What effective pest control measures will be taken?

Truck Traffic

- We will already be experiencing an increase in traffic due to the new Castlegate Apartment Complex. Has a traffic impact study been conducted?
- Where will the main entry and exit points be for trucks and other vehicles? This is important to consider given the following:
 - NE Sandy Blvd is a 2 lane “highway,” in fact, all routes in this area save for Airport Way only have 2 lanes
 - Airport Way going West often becomes impassable after 2pm on weekdays due to people commuting back into Washington
 - 138th, a main connecting route from Airport Way to Sandy, which is also just 2 lanes, is often choked by traffic to and from Costco
 - Train traffic traveling parallel to Sandy Blvd often blocks the ability to cross back and forth from North to South for extended periods of time at various intersections
 - NE Fremont St. is a 2 lane residential thoroughfare with a cut-through on NE 141st to Sandy and is not a reasonable route for increased truck traffic

For each of these concerns, I would like to know what governing agencies – local/state/federal government and/or third party auditors – are responsible for inspecting and enforcing any and all measures City of Roses Disposal and Recycling commit to taking to mitigate each of these concerns that have a direct impact on the health, finances / property value, and general wellbeing and livability of the residents in this community, including myself. At what intervals are inspections to be conducted and any applicable re-certifications re-issued? What recourse do residents have to file meaningful and actionable complaints should these agencies not be effective?

I would also like to request a hearing regarding these facilities.

As I mentioned above, this list of concerns – which is by no means comprehensive – serve as the reasons for my strong objection to these two facilities. Some of the questions I ask, while I am interested in the answers, also serve as an almost comical and certainly rhetorical list of reasons

why the proposed locations for these two facilities is incomprehensible. Why would facilities such as these be considered, let alone approved, for installation this close to residential areas? It is beyond rational thought why area residents should have to hear, smell, and see these types of facilities from their backyard, patio, porch, or Community Park.

I appreciate the opportunity to submit this comment and I look forward to your response and the hearing on these two facilities.

24. Just a quick Friday email in support of the transfer station franchise proposal being submitted by the locally minority owned City of Roses Disposal & Recycling based in NE Portland. The geographic location makes real sense at 138th and Sandy Blvd. Strategically located for less fuel consumption and material handling. It's also in a industrial spot away from the community. Thanks for considering this good idea for METRO and the people it serves.
25. I am writing you regarding the proposed COR Transfer Station Station at 4530 NE 138th Ave, Portland, Oregon, to be operated by City of Roses Disposal and Recycling. I would like to voice my support for the approval of the Transfer Station and provide you with some insight about why I take this position.
- City of Roses Disposal and Recycling has an exemplary history of operations in Portland, already having operated other waste management facilities and transfer stations in the area for over 20 years. Alando Simpson, Vice President and owner of COR Disposal and Recycling, has a long history of service to the community and environmental responsibility and stewardship evidenced by his extensive resume. This includes serving on the board of the City of Portland Small Business Advisory Council, the National Association of Minority Contractors of Oregon, as well as the Oregon Sustainability Board. Mr. Simpson also serves on the Oregon Transportation Commission as PAC Co-Chair.
- City of Roses Disposal and Recycling was started in 1996 by Al Simpson, the father of Alando Simpson, becoming the first waste company in the United States fully owned by African Americans. Both Al and Alando have striven to maintain a highly diverse, well-paid workforce, with a focus on providing quality jobs to the community while working to protect and preserve the environmental sustainability and livability conditions in the Portland metro area.
- I have worked in the recycling, carting and environmental sustainability sector in Portland for as long as City of Roses Disposal and Recycling has existed. It has been my privilege and honor to consider both Al and Alando Simpson friends and business associates for many of those years. In my own 20+ years in the industry, I have found City of Roses Disposal and Recycling to be among the most well managed organizations I've interacted with. They have a true passion for creating a sustainable Portland and exercise extreme care for neighborhoods they operate in, the citizens of those communities, and the Portland-Metro area as a whole.
- In closing, I wish to point out that the facility location being proposed was previously

licensed to another firm to perform, greatly, the same services being proposed at the new facility. While that previous operation never got off the ground at the proposed location, I can say with full certainty that City of Roses Disposal and Recycling has the know-how to do the operation the right way. This will provide additional solid waste processing capacity that is badly needed in the City of Portland.

By approving this facility, METRO would be sending a strong message that a) it fully supports responsible recycling operations; b) is strongly committed to supporting minority owned local business, c) supports environmental sustainability efforts of the greater Portland metro area; and d) is committed to creating new jobs, diverse workforce initiatives and general economic opportunity to the communities it serves.

Thank you for your time and consideration in this effort.

26. I currently use City of Roses Disposal and Recycling for remodeling our home. This is a minority owned business and with me being a minority I feel like it was best to support this business. This company is family owned and they've been apart of the community since the early 1900's. They're all very professional, affordable and overall just great people. love using them also because I know they're guaranteed to recycle our debris from my house. I'm very excited about this transfer station if all goes well. As a community member and someone who currently still uses the company, it's only right I support them. This company has grown tremendously and I can't wait to see what's still to come.
27. I am writing regarding the COR Transfer Station station on 138th. I live in the Argay neighborhood and am very opposed to a new transfer station. The traffic on 138th is already congested because of Costco, the railroad tracks, and increased traffic on Sandy Blvd. The morning and afternoon gridlock on Sandy is unnavigatable now. This site will undoubtedly produces contaminated water runoff and will impact the Columbia River. We are concerned also about the odor, noise and more rats in our neighborhood. We don't believe that we need another transfer station when we have two close by in Troutdale and one at Metro. Don't allow this station at this location here!
28. As a resident in the Argay neighborhood, I vigorously oppose a new transfer station off 138th. Has a traffic analysis been completed for the increased truck traffic and number of vehicles in Sandy and at 138th with Costco bringing in so much already? Has an impact study been completed for environmental sustainability to ensure health of the neighbors and Columbia River Watershed? Why not? We are concerned also about the odor, noise and more rats in our neighborhood. Has an impact study been completed for home values and quality of life/livability with a waste management center so close to homes? As a home owner, I have only read nightmare stories about living next to recycling and waste from the families in these areas and expect we would suffer the same. What about when the farms are sold and developed for more housing and business? This will

likely drive away residents and businesses from investing. We don't believe that we need another transfer station when we have two close by in Troutdale and one at Metro. Don't allow this station at this location here! It's a very bad idea!

29. I am writing in support of the transfer station franchise proposal being submitted by the City of Roses Disposal & Recycling. City of Roses is the first African American-owned transfer station in the State of Oregon and is recognized for its leadership in sustainability, recycling and social equity – it invests in blighted communities, keeps its profits local as a locally-owned benefit corporation, and creates jobs in East Portland. I have worked with City of Roses for more than a decade in my previous position as a director at the Portland Development Commission and as current vice chair of the Metropolitan Contracting Improvement Partnership (MCIP) and the Hispanic Metropolitan Chamber of Commerce, and I have never met a better community partner. This family-owned business is exactly what Portland needs, and this proposal is crucial for its business plans to create jobs and keep them local. Please feel free to contact me if you need any more information or would care to discuss.

30. As residents of the Argay neighborhood, we are expressing concerns with the proposed Metro authorized franchise, COR Transfer Station Station at 4530 NE 138th Avenue, Portland. A response to our concerns is requested.

Positives: In reviewing the application, the company-CORE Recycling- demonstrates strong knowledge and experience with the proper handling of its business to process and dispose of, or recycle, waste products. Their application plans more than adequately address issues of that business including acceptable waste materials; processes to review, contain, and dispose of acceptable and unacceptable or unsafe materials; environmental impact and safety; pest control; and noise reduction or abatement issues.

Negatives / Concerns: Traffic impact, management, and related safety issues are not requested nor addressed in the application process. The company's application estimates initial traffic volume – use by 10-30 trucks per day, with a potential and goal for increases beginning in Year Two. Also, the application states that certain property-specific paving and road management will be addressed eventually.

We could not see if Metro's application process contained or requested traffic impact or traffic management studies, and subsequent plans for the surrounding roadways. If those elements had been included, a study or review would show that traffic along adjacent Sandy Blvd (from NE 122nd Ave to NE 148th Ave) and along NE 138th Avenue (NE Sandy Blvd and NE Airport Way due to Costco Warehouse) is frequently extremely congested. The adjacent major commercial railway frequently stalls traffic on both of the arterial roadways. The addition of several large commercial waste disposal trucks per day will further congest the two roadways, adding to safety issues, potential for traffic accidents, and driver impatience, aka "road rage". What is traffic flow capacity for these roadways?

1- Please address the issue of traffic impact, management and related safety plans for the new COR Transfer Station Station on NE 138th Avenue.

2 - Please describe the preferred method(s) and agency(ies) for reporting observations of COR Transfer Station franchise not fulfilling its management plans, and when traffic exceeds capacity.

31. As a resident and active community member in the City of Portland, I am writing in support of COR Transfer Station's application for a new Metro solid waste franchise. After reviewing their application, I believe that their business would serve our City needs. I am impressed by COR Transfer's proposed approach to working with community members in the area through their master planning process for the site and innovative ideas for material recovery. Also, given limited industrial zoned land and the community lens COR brings as well as M/W/ESB goals for the City, I support the approval of this application.
32. I live in the Wilkes Neighborhood and I am vehemently opposed to the COR Transfer Station proposed at 4530 NE 138th Ave.
This area can not withstand the additional traffic and safety hazards. The intersection at NE Sandy Blvd and NE 138th Ave is currently horrendous. Sandy Blvd is only a two lane street as is 138th Ave. Train tracks run parallel to Sandy Blvd and prevent traffic from turning onto 138th when there is a train. That wait for a train can be lengthy at times which creates a huge backup of traffic on Sandy Blvd.
Costco at this location on NE 138th Ave is extremely popular, not only for those of us in Portland and the surrounding area, but in addition draws an incredible amount of traffic from Vancouver and the surrounding area. This is the only Costco location on this side of the city. Their gas station was so busy that they had to increase the size, and yet there is still a huge backup of traffic waiting for gas at times. There are many times when they have multiple deliveries of gas just to service the need, not to mention the trucks making deliveries to stock the warehouse. And there is a backup of traffic on 138th waiting to make that left hand turn into Costco.
Western Pacific Trucking School is also there on NE Whitaker Way putting additional big trucks on the street increasing traffic. The Columbia River Slough is right there. What will the environmental impact be with a transfer station?
I strongly urge you to deny this application for a new Metro Solid Waste franchise.
33. I wanted to express my support for the transfer station franchise proposal being submitted by City of Roses Disposal & Recycling. I think it is important we consider that they are a company that is locally owned, minority owned, focused on sustainability and they are creating job opportunities in a community who needs it.
Thank you for your attention to the matter.
34. My name is Laura Tokarski, and I am the Executive Director of Trash for Peace. I am writing to support the transfer station franchise proposal being submitted by City of Roses Disposal & Recycling.

From our experience working in the solid waste and recycling field (mostly through education and outreach), we find it is not every day we work with a hauler who genuinely cares about reducing waste and recycling, and who cares about the sustainability of our planet. City of Roses is one of those organizations.

They are also a locally and minority owned business, they are a benefit corporation, they invest in our community and are willing to partner with organizations such as my own to work towards a cleaner and safer Metro region.

I have no doubt that their increased participation in this industry will make our region better. Feel free to call me if you have any questions.

35. As an East Portland resident and business owner, I wholeheartedly support the City of Roses Disposal and Recycling transfer station in the Historic Parkrose district.

This proposal is beneficial for East Portland for multiple reasons. First, this local, family owned business will bring much needed living wage job opportunities to East Portland residents. This is a top priority for the East Portland Action Plan, of which I am the co-chair of the Economic Development Sub-committee.

Further, this business investment is within the Historic Parkrose Neighborhood Prosperity Initiative's service area, which has been identified as a priority area for commercial revitalization in Prosper Portland's five year strategic plan. As the former executive director of the Division Midway Alliance, East Division Street's NPI area, an investment like this aligns directly with Historic Parkrose's revitalization efforts.

Portland has historically supported small, local business, and the City of Roses Disposal and Recycling is exactly that type of business. As the United States sees more and more disposal companies purchased by corporations, it is essential that Metro support a local, multigenerational, family owned business with roots in the very community where it is investing.

Thank you for supporting the City of Roses Disposal and Recycling transfer station proposal; your support will help establish Oregon's first African American owned transfer station.

36. I am a HOA board member and resident of Jasper Heights Condominium. Our complex is located on 148th north of I-84 and south of Sandy. We continue to see traffic increases on 148th as it is a main arterial street for airport traffic, Costco traffic, business traffic, commuters, etc. As PBOT slows traffic down on the 4 lane streets in east county drivers continue to find other streets in the area where they can drive faster to get to their location.

Allowing additional traffic especially commercial trucks into this congested area is irresponsible and not on the path to making this area more desirable for residential housing as the land gets developed. There are lots of lower income rentals in the area where this transfer station would be located. These individuals are going to see the worse of the effects from this garbage and recycling station. I consider this another bad decision that is made by individuals who don't live in this area. Perhaps you come out here and see industrial, railroad tracks, junk yards, etc. but

there are nice neighborhoods with well maintained homes, condominiums, and apartments. We don't want this in our area. It's not compatible with our vision.

37. I am a resident of the Argay neighborhood and it has come to my attention that Metro is considering a transfer station on 138th. I am curious if anyone from Metro has ventured out here to review the current feasibility of added traffic on 138th. I travel this road regularly and during times that Costco is open for business it is a solid stream of traffic. If there is not a planned traffic light, the garbage trucks are going to have a difficult time entering and exiting the property. I have other concerns centered mostly on possible smells and varmints. I believe you owe it to the surrounding community to at least express how Metro plans to deal with the variety of issues that this transfer station could pose. I would also hope that government won't ignore the voices of those affected.
38. I live in outer Northeast, not far from where you want to make your solid waste transfer station. I am opposed to your proposed location and do wonder why you chose this location and also about the environmental impact for our area. The area is full of low income and other disenfranchised people. The surrounding roads are bumper to bumper at times during the day and when it isn't bumper to bumper people are significantly speeding because there is no regular police presence in our area. Increased traffic with garbage trucks, no sidewalks, and no police presence is scary to me.
Please help make our neighborhood a better place, not a place that no one would want to live, given choices. Please reconsider this and do the right thing.
39. Even though I have not yet used City of Roses Disposal and Recycling services I am quite familiar with them. My father works for them and I know the type of business they run and I am familiar with everyone who works there. When I heard that they wanted to expand and open up a transfer station I was so excited to hear that because they are a company who offer opportunities to everyone that walks into their facility. I feel that with this new station they will be able to provide the community with job opportunities. This the type of business that we as a community need to get behind and encourage their growth as a locally owned business who is investing their profits back into our community.
40. There is already so much traffic in the area being proposed (there was a fatality on Sandy Blvd not to far from the site). Car traffic going in and out of COSTCO and plus the fact that Sandy Blvd. is a heavily traveled street from 205N to Gresham is significant. Not to mention the train tracks. I don't feel that this would be positive for the environment and those who live in the Argay area.
41. I am writing you due to my anxiety that large waste companies are possibly interfering with City of Roses Disposal and Recycling efforts for their new location by the airport. We have all seen way-too many times how these big guys destroy opportunities for the emerging, locally-owned

businesses, when these small operations are the background of our local economies and civic interests. Here we have a Benefit Corporation, minority owned, family enterprise which has been so dutifully engaged in the health and welfare of our entire community, and is finding struggles due to the influence of these out-of-state, well-funded organizations which care only to absorb dollars out of our region, not contribute. I urge you to support the transfer station franchise that the City of Roses is submitting.

42. Greetings and thank you for the chance to "chime in" on the discussion of the upcoming COR Transfer Station. I have been waiting for a new recycle location to handle the type items we used to recycle at the old NE Marx St. location, which has closed for good without a nearby location for an alternative. We used that place for years, decades with great appreciation. I am thinking that this new station will not be handling recycling but garbage instead. I may be wrong, but if that is the case, I would certainly be very concerned about this kind of operation so close to my home, which is also my business. Everyone knows what that stuff smells like and I am not at all interested in smelling garbage from my house. I remember a composting operation near my old place of employment near PDX that had to shut down after the smells and air born toxins were affecting nearby folks. If it's going to smell and be any kind of air issue, I am not for this location for such a project. Better to find a spot a bit further east to avoid costly public problems after it starts to smell in my opinion.
43. As a resident in the Argay neighborhood, I adamantly oppose a new transfer station off 138th. Traffic in that specific area is already at its maximum. If a study by PBOT has been done, you need to share it with the community. Sandy Blvd always backs up now almost every afternoon. Has an impact study been completed for environmental sustainability to ensure health of the neighbors and Columbia River Watershed? Why not? We are concerned also about the odor, noise and more rats in our neighborhood. Rats are already a huge problem here and I am sure this transfer station will just increase the problem. And the odor that will be in the air daily is not what homeowners want or should have to tolerate. As a home owner, I have only read nightmare stories about living next to recycling and waste from the families in these areas and expect we would suffer the same. What about when the farms are sold and developed for more housing and business? Rossi Farm area will be developed soon and but it is unknown yet as to what will be built there. Also the Kmart area. So both will probably bring more traffic. We don't believe that we need another transfer station when we have two close by in Troutdale and one at Metro. Metro sent us a flyer but why aren't we having some sort of community meeting on this issue? I think many neighbors may have missed this in their mail. We need a public meeting. This is a very bad idea.
44. We oppose the transfer station. I wanted to share with you our concerns as nearby homeowners. We are concerned about:

Increased Traffic (Currently, we already can hardly take a left or right on Sandy Blvd)
Increased Smells
Increased Vermin
Increased Noise (We already have the planes flying over us, buses and existing traffic)
We already have transfer stations in Troutdale and Metro that are close by. We do not need one located here. How much more can we take living in NE Portland.. Please.

45. I am writing you regarding the transfer station franchise proposal by City of Roses Disposal and Recycling. I have worked in the waste sector both locally and internationally for the past decade. I have not found a Portland waste business that better represents the values of inclusion, equity, job creation for disadvantaged folks, local development, and commitment to waste reducing/recycling than COR. We live in a state with an unfortunate history of racial exclusion, including in our waste sector, and there is work to be done to tip the balances towards a more equitable and inclusive business environment in Oregon and in Portland. We should be proud to have a African American-owned company in our city that is able to expand its work here, and as a city we should support such ambitions. I ask that you please do what you can to ensure that COR's proposal is accepted, and to help COR's neighbors understand the value and potential of having this type of business in our city.
46. I am writing to express support for the transfer station franchise proposal submitted by City of Roses Disposal & Recycling. As a family-owned and operated minority business, City of Roses has proven its commitment to responsible waste management as well as generating community benefits through its business operations. I believe they will bring the same level of commitment to this franchise opportunity, which is much needed in the Metro area.
47. Verde is a Portland-based non-profit focused on ensuring that low-income communities and communities of color participate and benefit from sustainability and environmental investments. Since 2005, Verde has worked at the intersection of sustainability, social justice and equity and has brought environmental infrastructure to low-income neighborhoods, engaged residents to design and implement these projects, and ensured that environmental investments contribute to community well-being.
- City of Roses is a long-standing partner and important part of our collective effort to build wealth in low-income and people of color communities. It's model of creating workforce and enterprise opportunities for people of color mirrors Verde's approach to solving environmental problems we face: create co-benefits that prioritize improving environmental conditions and increasing wealth among people of color who have been marginalized in the region's economic prosperity. City of Roses' proposal reduces VMT and emissions while increasing workforce and enterprise opportunities for low-income people and people of color while strengthening the region's only people of color owned hauler. An additive benefit: these dollars stay in the region.
- As with many environmental sector spaces, people of color are woefully under-represented in

decision-making, design and operation of environmental investments such as those Metro makes across its portfolio. We applaud Metro's recent efforts to examine equity across its portfolio including solid waste and make investments in increasing capacity in communities of color to understand and exercise increased control in decision-making of these investments. We urge Metro to continue this effort by approving City of Roses' proposal. Please contact me if you have any questions or need more information about Verde.

48. I would like to say that I support City of Roses Disposal and Recycling in becoming a transfer station franchise. This would be a locally owned business, who is a minority and the First African American transfer station in Oregon. Lets make Oregon great by being inclusive to all.

COR Transfer Station response to comments:

In response to comments that were submitted from Kathy Liebowitz, Michael Satern, Rex Johnston, Carolyn Williams, Harley Gilson-Smith, Delores & Jim Livesay, Roger Rossman, Cheryl (Argay Terrace Resident), Susan Raethke, Jean Donohue, Jenny Stewart, Randy & Loretta Burmester, Brenda Scrivens, Patricia Donohue, Nancy Horsfield, Cathy Tennant, Marlene Rooney, Joseph Hooker, Robert Depew, please consider the following information below as our formal response:

1. *Thank you for your comments, as many of your concerns have been addressed through the City of Portland's land use hearing approval in the fall of 2018, we welcome your presence, comments and transparent dialogue at the upcoming public hearing which will be hosted by Metro at Shaver Elementary School on April 9th at 6pm.*

We look forward to seeing you there!

Best,

Alando Simpson, LEED® GA

CEO

City of Roses Disposal & Recycling | COR

In response to all additional comments submitted that were either in support and or neutral through the closure of the public comment period that ended on February 8th, please consider the following information below as our formal response:

2.

We would like to thank all of those who submitted comments, letters of support and advocacy for the COR Transfer Station Station Franchise Application. As many of you know whether it be from our voices, the community's voice or simply our reputation as a 23 year old locally owned business we are humbled that there are so many of you out there who support our goals and aspirations around innovating and modernizing our solid waste industry for the 21st century. We are fully aware that we will not be able to be successful

without the community that has supported our business in the past as well as all of those who are supporting us going forward. We look forward to working with all stakeholders in the waste and recycling industry in a concerted effort to making the Metro Region a true model for what a triple bottom line closed loop ecosystem looks like. We welcome your presence, comments and transparent dialogue at the upcoming public hearing which will be hosted by Metro at Shaver Elementary School on April 9th at 6pm.

We look forward to seeing you there!

Best,

Alando Simpson, LEED® GA

CEO

City of Roses Disposal & Recycling | COR

The East Portland Action Plan (EPAP) Economic Development Subcommittee submitted this letter to Metro and DEQ at the public meeting hosted on April 9, 2019:



East Portland Action Plan

To: Lynn Peterson, METRO Council President
District 1 Commissioner, Shirley Craddick
District 2 Commissioner, Christine Lewis
District 3 Commissioner, Craig Dirksen
District 4 Commissioner, Juan Carlos Gonzalez
District 5 Commissioner, Sam Chase
District 6 Commissioner, Bob Stacey

From: The East Portland Action Plan (EPAP) Economic Development Subcommittee

Date: April 9, 2019

RE: Request to approve the City of Roses Transfer Station Application

Metro Commission:

The East Portland Action Plan Economic Development sub-committee urges METRO Council to approve the City of Roses (COR) Transfer Station Application at 4530 NE 138th Avenue in Portland, OR.

EPAP strongly supports COR's proposal for a multitude of reasons. COR's business values align with many of EPAP's values. COR commitment to local hiring aligns with EPAP's Strategic Priority to "promote catalyst workforce development projects in East Portland; partner with the Neighborhood Prosperity Initiatives and other urban renewal and economic development efforts to bring living wage jobs to East Portland." COR has demonstrated a long history of providing living wage jobs to Portland's communities of color and second chance population, and is committed to that value.

The EPAP Economic Development Subcommittee finds further reason to support COR as COR is one of Metro's only independently owned and operated Disposal and Recycle companies. Local companies drive local economies and with a transfer station in East Portland, haulers will have the money-saving option to utilize a local company rather than haul Portland's trash the extra miles across the Columbia River.



COR has the distinction of being the United States' only Solid Waste B-Corporation, which underscores COR's commitment to sustainability. COR is dedicated to creating new and innovative ways to deal with urban wood waste, which has led to the development of an on-site cross laminated plywood production facility that processes post-consumer lumber waste.

Thank you for your time and consideration of this request.

Respectfully,

A handwritten signature in blue ink that reads "Lori Boisen".

Lori Boisen
EPAP Economic Development Sub-committee Co-Chair

Materials following this page were distributed at the meeting.

To: Lynn Peterson, METRO Council President
District 1 Commissioner, Shirley Craddick
District 2 Commissioner, Christine Lewis
District 3 Commissioner, Craig Dirksen
District 4 Commissioner, Juan Carlos Gonzalez
District 5 Commissioner, Sam Chase
District 6 Commissioner, Bob Stacey

From: Lynn Felton

May 9, 2019

Written Testimony Against Ordinance No. 19-1435

Dear Council Members,

This is written testimony against Ordinance No. 19-1435. I live in the Argay Terrace Neighborhood and oppose the franchise application that will establish a wet waste transfer site for the first time in the neighborhood. This ordinance/policy works against goals outlined in the 2030 Regional Waste Plan, it has serious public safety issues, it works against goal B of Metro's Strategic Plan to Advance Racial Equity, Diversity and Inclusion and adversely affects the neighborhood in an unreasonable manner making its passage against Metro code.

REGIONAL WASTE PLAN 2030 GOALS:

A waste transfer site is considered a negative impact site to a community. (EPA 500-R-00-001). Traditionally minority, low income communities, those who can least defend themselves have been burdened with these sites. The Metro Regional Waste plan 2030 identified the problem and made equity one of the cornerstones of the plan. "A long history of discrimination in law, policy and practices has left communities of color out of the economic benefits of garbage recycling system while burdening them disproportionately with harmful impacts." The proposed COR transfer station solves only half of the equity problem. The site will be minority owned allowing greater equity in ownership/participation in the waste system. Unfortunately the proposed site continues the long tradition of communities of color, low income bearing the burden/impact of such sites. Some statistics about Argay Terrace from the City of Portland Housing report 2018. The neighborhood has over a 20 percent poverty rate, over half are foreign born individuals, over a third are elderly, over a third are persons experiencing disabilities. The change in the black population from 2000 to 2016 went from 924 to 2002, Hispanic/Latino population during the same time 986 to 1,658. At Shaver elementary school according to Parkrose school district statistics - the Ethnic code, over two thirds of the student body are students of color, community eligibility program rate for free lunch is 97.39 percent - all lunches are free. Previous descriptions of the site have described it as being solidly within the character of the surrounding area. This is true only if you look north. The site and waste processing building sit on the

extreme Southern edge of a light industrial zone. Look to the South and within 600 feet are multiple low income apartments, Parkway Gardens, and a city park - Argay Park (description taken from DEQ ECSI 4392). Within 800 feet are multiple minority owned businesses - restaurants and convenience stores; just beyond those businesses are multiple single family homes and one of the largest Laotian Buddhist temples in Oregon - Wat Buddhatham Aram. In the Metro 2030 Regional Waste Plan it states under community restoration that Metro will equitably distribute cost and benefits. Benefits are going to one minority owned company, a quick, beneficial, public way to fulfill a goal. Costs continue on the tradition of impacting a low income, minority community, no goal met, the same old ways remain entrenched in the system. What does the distribution of Metro look like in the area? Metro has three solid waste system licensed sites within two miles from the proposed site, surrounding the neighborhood - ECR - L-003-18/Far West Recycling L-053-19/Arrow Sanitary services Non system solid waste license N-029-17B a subsidiary of Waste Connections. COR recycling holds a solid waste license at the proposed transfer location - L-057-18 making a total of four Metro licensed solid waste facilities in and surrounding the neighborhood. Metro is already well represented in the area, proof of how a minority neighborhood becomes burdened with the cost of impacts. Those impacts relate to goal 12.1 of Metro's Regional 2030 Waste Plan "minimize the health and safety of solid waste operations...on neighboring communities with particular focus on low income communities and communities of color and identify methods for repairing past harm" Adding a wet waste transfer station to a neighborhood already surrounded by solid waste operations does not minimize the health impacts on the neighborhood, it only increases them. In the description of the site it has been noted it was used for such purposes previously. It was licensed but never used as a wet waste transfer station. Under this ordinance, to re-activate the site does not repair past harm, it simply continues the harm a neighborhood has been fighting for years. That gets me to goal 16.1 of Metro Regional Waste plan which is "locate waste transfer stations...in a way that benefits the public....emphasizing geographic equity, access to service and a reduction in environmental and health impacts." This site, 600 feet from multiple residences, does not reduce health impacts. Antidotal evidence of this is when a commercial vehicle fire broke out at the site on Saturday May 4th, 2019 - the manager of the apartments directly across from the site said multiple residents spent the day with migraines and breathing problems. Does this site meet the goal of geographic equity? No. A look at the transfer sites in the area; Troutdale transfer station is 6.4 miles from the proposed site, Gresham transfer station is 5.9 miles from the proposed site. Metro services 24 cities and three counties - yet this ordinance would make three out of the eight waste transfer sites for the area within six miles of each other. That is a consolidation of transfer sites not geographic equity. For the above reasons the ordinance does not meet multiple goals of Metro Regional Waste plan for 2030 and should not be passed.

PUBLIC SAFETY:

Ordinance No. 19-1435 presents two dangerous public safety issues.

Traffic: The intersection of NE 138th and Sandy Blvd (by way 30) is in ODOT's top 10 percentile Safety Priority Index System (SPIS). That is a state wide system that highlights the most dangerous intersections in the state. Within that index it is in the top 5 percentile of dangerous intersections. The SPIS shows a fatal accident has occurred at the intersection. Between the sites entrance on 138th and Sandy Blvd sits railroad crossing 2AE-15.4 overseen by ODOT rail and public transportation division and Union Pacific. From ODOT records in 2017 17,000 cars and 26 trains crossed there daily. ODOT's records show that in 1997 there was a deadly incident at

that crossing. The operators own traffic impact study was done for operations of 15,000 tons to the site, an underestimation of proposed use of the site. At an April 9, 2019 meeting with the community a Metro official said the 2020 allocation of waste would be 30,000 tons. Given that information, it is safe to double the truck traffic estimated by the operator to a minimum of 30 trucks, a maximum 60 trucks entering the site daily. The increase of this traffic to an already known deadly intersection puts the public at risk. Metro's Regional Transportation plan 2018 has as a goal zero traffic deaths and severe injury in the region by 2035. This ordinance does not meet that goal - it increases the probability of, at the worse, a deadly accident at an already proven deadly rail crossing and intersection. In the operation plan the operator says their intention is to have trucks use the intersection at Airport way and NE 138th to access the site. Heading South on 138th will mean that trucks will have to cross traffic to enter the site. The entrance to the site is within feet from the rail crossing which is within feet from the intersection of Sandy blvd and NE 138th. Crossing traffic to gain entrance to the site diminishes the danger at the intersection but increases the risk for drivers traveling North on NE 138th. Intentions are very nice but intentions are not rules and regulations and intentions do not diminish the risk of the dangerous intersection at NE 138th and Sandy Blvd (by way 30). In the precondition for the franchise a high hedge is required along the Southern property line. The hedge has the potential to lower visibility for drivers approaching the rail crossing from the North and trains coming into the crossing. I will also note that the only traffic impact study for this site was done by the operator who is an ODOT commissioner. It was done underestimating the trips generated since it only looked at operation of the site at 15,000 tons. I find it hard to believe that a traffic study company that is reliant on ODOT/PBOT, who is preparing a traffic study for an ODOT commissioner, who has thousands of dollars invested in the development of a new business would be impartial but that is only opinion - I do not have facts to back that up. At the very least having the only traffic impact study commissioned by an ODOT commissioner is a conflict of interest. (ORS. 244.020)

Planes: The ordinance puts at risk the flying public arriving at Portland International Airport. The site sits directly under the final approach to PDX. The site's Northern border is within feet of the Columbia River Slough - a bird habitat. Wet waste transfer sites are known bird attractants, a Las Vegas buffet for birds. From DOT/FAA/AR-09/62

"Wildlife collisions (wildlife strikes) with aircraft pose a serious risk to aircraft and cost civil aviation in the United States an estimated \$490 million annually. Traditional putrescible-waste landfills are very attractive to and are used by many birds, especially gulls, creating a hazard to aircraft if located near airports. The Federal Aviation Administration currently recommends that the location of municipal solid waste landfills and trash-transfer facilities should not be within 5 statute miles of an airport. "

The above study states that no one building design was associated with limiting wildlife use. An enclosed site does not limit use any more than other types of building designs. 4.3.(2) of the ordinance states the putrescible waste will be "inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight covered or tarped containers or within covered or tarped transport trailers." That is saying the bay doors on the South side of the facility can be wide open on one side, as they often are, that only tarps are necessary for the coverage of putrescible waste. Tarps are not a strong deterrent as noted in the above study. According to the

operation plan for the site putrescible waste would be processed in an enclosed site on a first in first out basis - buffets operate the same way - it simply means there is a constant food supply available for birds. The operation plan says that they will not store wet waste more than 24 hours on site and it will be stored in an enclosed building. Birds can be relied upon to know when and where food is present. Metro knows this is a risk with Waste transfer sites - a Falconer is employed at the Central waste transfer station for this exact reason. Further, the FAA does not consider the planned site safe - FAA AC 150/5200-33B 2.2.4

"Trash transfer facilities that are open on one or more sides; that store uncovered quantities of municipal solid waste outside, even if only for a short time; that use semi-trailers that leak or have trash clinging to the outside; or that do not control odors by ventilation and filtration systems (odor masking is not acceptable) do not meet the FAA's definition of fully enclosed trash transfer stations."

The operating plan for the site has only an odor masking system proposed, with the Southern bay doors open - the site is open on one side.

You may think that I have now become a Chicken Little and such a danger is slight. I might be, but here is the crux of the matter, there is a known, proven danger, it involves planes, they are on their final approach to PDX, this is not a good mix. US Airways flight 1549 was a happy story, they all do not turn out that way. There is a reason these guidelines exist. Metro has a responsibility to the public to approve policy that decreases dangerous risks to the public not increase them as would be the case in passing this ordinance. Ordinance No. 19-1435 adds deadly risks to the public that are not mitigated by the benefits to the region and should not be approved.

METRO CODE:

The proposed ordinance is against Metro code. Metro code 5.01.180(f)(4) states "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"

Municipal transfer stations have a negative effect on property values. A study on the negative impact of waste transfer sites on the surrounding community was referenced in an article published in Waste Management magazine in 2007. The study showed that the negative impact of a waste transfer site extends 1.8 miles from the site. This puts many of the residents and property owners of Argay within a negative impact zone. According to the study, residences .6 miles from the site had a reduced value of between 6.4 to 8.4 percent using various hedonic model specifications. Presently the Rossi, Garre and Guisto farmland within 1.8 miles of the site is being considered for development. It is a large development that has the potential to bring new families/revitalize the neighborhood. By passing this ordinance that future development will be adversely affected as proven by the study. A 15,000 dollar enhancement grant and then 1 dollar for each tonnage does not compensate the negative impact to a multimillion dollar development. It does not provide the community with the means to revitalize the neighborhood. The jobs created by the transfer station will not have the equivalent economic stimulus as new families buying homes and raising their children in Argay Terrace. Approval of this ordinance

will be a blow that the neighborhood will not be able to recover from. As stated above there is a traffic impact study of low volume for the site, increased traffic to the intersection of 138th and Sandy blvd is assured, it is highly likely people will take the cut thru/short cut of Shaver street. A quick turn on NE 141st allows people to avoid the troublesome intersection. On Shaver street there is a school zone and entrances to two city parks - Argay Park and Luuwit Park. People already take this cut thru, speeding in a neighborhood street, the passage of this ordinance will only exasperate that problem. Unreasonable manner is a subjective term that is hard to prove. One could say it is unreasonable to have high school and elementary school students wait for their bus 600 feet from the open bay doors of a wet waste transfer site. One could say it is unreasonable to have a city park within 600 feet of a wet transfer site. One could say that it is unreasonable to place a wet waste transfer station 600 feet from multiple residences and that Metro has not done that previously because of its unreasonableness. It is for the above reasons this ordinance is against Metro code 5.01.180(f)(4) and should not be approved.

METRO STRATEGIC PLAN TO ADVANCE RACIAL EQUITY DIVERSITY AND INCLUSION:

In Metro's Strategic Plan to Advance Racial Equity, Diversity and Inclusion goal B is "Metro meaningfully engages communities of color." Explanation of that goal states..."Metro will create policies, build systems and invest resources to break down social, historical and institutional barriers and positively transform how communities of color meaningfully engage in Metro decisions and the design of policies, programs and plans. The community will have greater ability to influence decisions, access and build relationships with decision makers and staff and help develop and participate in meaningful public meetings and other inclusive engagement efforts."

This goal has not been met with this ordinance. At a micro level it could be said the example of how outreach has been done with the Argay community could be a test case of why this goal exists. In the City of Roses disposal application to Metro in 2017 for a solid waste license it states that they plan to use the site for wet waste, in the approval for the license dated May 2018 the staff report states it has been discussed the site will be used for wet waste, in December 2018 City of Roses received a grant for 500,000 dollars from Metro for the development of the site, which, as previously established, was being planned as a wet waste transfer site. What was Metro's meaningful and inclusive engagement efforts to the Argay community? Post cards were sent out December 15, 2018 to residences within a quarter mile, close of comments was February 9, 2019. A meeting was held by Metro long after close of comments on April 9, 2019. At a micro level did the Argay community ever have the chance to participate in meaningful engagement? No. EPA guidelines say early communication with the community is essential when planning of a waste transfer site. The potential for the site was known by Metro from September 2017, a Metro public meeting about the site took place April 2019, one month before the ordinance was to be in front of council. Post cards in the mail are not meaningful engagement. For the community affected, this ordinance did not follow EPA guidelines nor Metro's own goals to Advance Racial Equity, Diversity and Inclusion, for this reason it should not be approved by the council.

GOOD NEIGHBOR:

The record for CORE recycling being a good neighbor is questionable. In CORE Recycling land use hearing with the City of Portland - a Sr. City planner noted to the company that the neighborhood had multiple complaints against previous owners due to odor from the site, please have an odor plan at the hearing. There was no such plan. At the second convening of the hearing - there was a brochure from a company, no plan. In this ordinance the operator is asking for emergency consideration so they can begin operating, no odor system in place. Multiple public comments from the neighborhood about odor concerns are on the record. Is that an operator who is taking the communities known concerns seriously? No. Within 13 months of being licensed the operator has already had a fire on the site. The operator, contrary to what is stated in the public comment report, is not in compliance with DEQ requirements under it's CMMP. (ECSI 4392). The operation plan says there has been outreach to the community about the plan since 2017 and response has been favorable. Contacting several of the non profits listed, this is not a true statement.

In conclusion, this ordinance/policy works against goals outlined in the 2030 Regional Waste Plan, it has serious public safety issues, it works against goal B of Metro's Strategic Plan to Advance Racial Equity, Diversity and Inclusion and adversely affects the Argay Terrace neighborhood in an unreasonable manner making it against Metro code. For all these reasons the ordinance should not be approved by the council.

Thank you for considering the above objections.

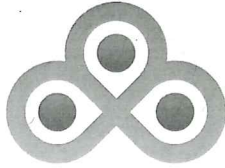
ETHICS CONSIDERATION:

Finally, City of Roses Disposal and Recycling received a 500,000 dollar grant from Metro under the Investment and Innovation grants 2018.2019 cycle. As part of that grant application process a Metro Councilor reviewed the grant. I would request the Councilor who was involved in that process recuse themselves from this ordinance vote as their previous involvement does not make them an impartial participant to these proceedings.

Sincerely,

Lynn Felton

Email: Kapond12@yahoo.com



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

Attn: Metro Council
Metro
600 NE Grand Avenue
Portland, OR 97232

President Peterson and Councilors:

The City of Portland strongly supports granting a new solid waste facility franchise to City of Roses Disposal and Recycling, Inc. (COR) and authorizing it to accept wet waste.

The COR Transfer Station aligns with Portland's Waste Equity Workplan, adopted in 2018 by Portland City Council. The Workplan identifies a set of actions to advance equity and diversity in Portland's waste collection system and aims to reduce barriers to economic opportunities for minority-owned and woman-owned companies. The COR Transfer Station is an opportunity for Portland and the region to further our commitment to equity.

COR Transfer Station also creates a close-in option on Portland's east side for haulers to tip residential and commercial garbage. COR's location has the potential to help Portland reach its climate action goals by reducing vehicle miles traveled and greenhouse gas emissions from waste collection.

Last fall, following hearings and public testimony, the City of Portland reviewed and approved the COR Transfer Station's land use application for a waste-related use in an industrial zone. Portland's Bureau of Transportation did not require mitigation for traffic impacts after reviewing the results of a transportation study. COR's proposed use was found to be similar to previous recycling uses on the site and was previously approved for a waste-related use.

The City of Portland urges Metro Council to adopt Ordinance 19-1435 and grant a solid waste franchise to the COR Transfer Station.

Sincerely,

Bruce Walker
Program Manager, City of Portland Solid Waste and Recycling



City of Portland, Oregon | Bureau of Planning and Sustainability | www.portlandoregon.gov/bps
1900 SW 4th Avenue, Suite 7100, Portland, OR 97201 | phone: 503-823-7700 | fax: 503-823-7800 | tty: 503-823-6868

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8 May 2019

Metro Council
600 NE Grand Avenue
Portland, OR 97232

Re: Ordinance 19-1435: City of Roses Disposal franchise application for waste transfer station

Dear Metro Councilors,

About ten years ago, as part of a Groundwater Protection Program site inspection, I went to 4550 NE 138th Avenue. The place was a mess. Falling apart with no visible attempt to make it better. I've been to the site a number of times over the years. A couple of weeks ago, it was humming with activity.

The office building, which I had previously thought would have to be bulldozed, is in the middle of a renovation relying on re-used materials. There's a new stormwater swale system. They're getting rid of hazardous chemicals that were left by previous owners. There's an area for materials that can be resold.

Before City of Roses Disposal moved in, wiring and metal had been stripped from buildings that were already in disrepair. Now, the waste storage building has been repaired, concrete footings for the pillars re-poured and all is now in proper working order.

This is a responsible company doing a good job. They make for good neighbors. They provide family wage jobs for people without college degrees. They're located literally across the tracks from low income neighborhoods. The jobs are good and the money is going to the part of town that most needs it.

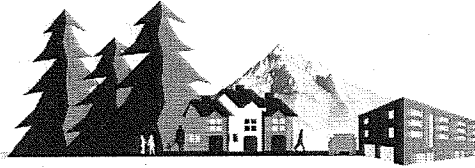
City of Roses Disposal is providing a needed service in a good location—not too far out; not too close in. They have redeveloped a blighted site. As a B-corp, they're committed to sustainability and equity. They are building a business model that we should all applaud.

I encourage you to approve City of Rose's application to operate a transfer station.

Respectfully submitted,

A handwritten signature in black ink that reads "Corky Collier". The signature is fluid and cursive, with the first name "Corky" and last name "Collier" clearly distinguishable.

Corky Collier
Executive Director



East Portland Action Plan

To: Lynn Peterson, METRO Council President
District 1 Commissioner, Shirley Craddick
District 2 Commissioner, Christine Lewis
District 3 Commissioner, Craig Dirksen
District 4 Commissioner, Juan Carlos Gonzalez
District 5 Commissioner, Sam Chase
District 6 Commissioner, Bob Stacey

From: The East Portland Action Plan (EPAP) Economic Development Subcommittee

Date: April 9, 2019

RE: Request to approve the City of Roses Transfer Station Application

Metro Commission:

The East Portland Action Plan Economic Development sub-committee urges METRO Council to approve the City of Roses (COR) Transfer Station Application at 4530 NE 138th Avenue in Portland, OR.

The EPAP Economic Development Subcommittee strongly supports COR's proposal for a multitude of reasons. COR's business values align with many of EPAP's values. COR commitment to local hiring aligns with EPAP's Strategic Priority to "promote catalyst workforce development projects in East Portland; partner with the Neighborhood Prosperity Initiatives and other urban renewal and economic development efforts to bring living wage jobs to East Portland." COR has demonstrated a long history of providing living wage jobs to Portland's communities of color and second chance population, and is committed to that value.

The EPAP Economic Development Subcommittee finds further reason to support COR as COR is one of Metro's only independently owned and operated Disposal and Recycle companies. Local companies drive local economies and with a transfer station in East Portland, haulers will have the money-saving option to utilize a local company rather than haul Portland's trash the extra miles across the Columbia River.

COR has the distinction of being the United States' only Solid Waste B-Corporation, which underscores COR's commitment to sustainability. COR is dedicated to creating new and innovative ways to deal with urban wood waste, which has led to the development of an on-site cross laminated plywood production facility that processes post-consumer lumber waste.

Thank you for your time and consideration of this request.

Respectfully,

A handwritten signature in cursive script, appearing to read "Lori A. Boisen".

Lori Boisen
EPAP Economic Development Sub-committee Co-Chair

Janani Srinivasan

From: Jean M. Burch <burch_j@me.com>
Sent: Wednesday, May 08, 2019 9:16 PM
To: Metro Council
Subject: Metro Council Meeting May 9th. 2019. Ordinance No.19-1435

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Testimony

Jean Burch
13010 N.E. Shaver Street
Portland, Oregon 97230
503 252 5298

I'm very much oppose the COR transfer site planned for 4530 N.E. 138th. Portland, Oregon Ordinance No. 19-1435 We are supporting two recycling facilities plus the Inverness Jail in area which is supporting the greater good of this and others communities.

Would also like to know how this project will benefit our neighborhood. Have not heard anything from Metro regarding this matter.

Sandy Blvd. has way too much traffic with Costco, on the 138th. The smell, the congestion, traffic, will not be good for our neighborhood.

There must be another location that you can find.

Have also been thinking about the birds this will attract for the airline jets from the airport. I could go on and on with reasons to oppose this Cor Transfer site.

Thank you.

Jean Burch

Janani Srinivasan

From: Deb Holmstedt <ashurdan@comcast.net>
Sent: Wednesday, May 08, 2019 9:10 PM
To: Metro Council
Subject: Input against wet recycling on Sandy

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Testimony

1) already in multiple proximity violations to residential and restaurant property. Already is non-compliant—why should we expect it will become any better?

2) we are already facing plans for lane diet and increased population due to proposed development of Rossi and other farms. Sandy and transportation already a mess, the plant would only make it worse.

3) Residents believe Metro is using our neighborhood as dumping ground, and sacrificing the quality of our neighborhood to save yours and the west side. We are tired of those in positions of power forcing us to violate our values, pay higher and higher taxes and make increasing sacrifices for others' values.

4) multiple conflict of interest gives appearance of wrong, if not in (likely) actuality.

5) multiple concerns for environmental safety due to proximity to train lines, Columbia Slough. And already with code violations shows a baseline lack of ethics to begin with—why would there now be a concern to consistently “do the right thing.”

6) we anticipate—given status of other recycling/transfer stations—malodorous smells, rodents, uncleanliness in the neighborhood, and untimely solutions. Despite your promise in writing there will be no smell, etc. we consider your words to be false and therefore don't trust your word to hold veracity.

7) people at the last meeting basically communicated most of you don't care about quality of life here. Many of us are frustrated with the realities of changes Metro is producing, and Metro and PBOT not listening or caring, which only enhances the frustration of people including when they drive.

8) you are expecting retired and handicapped people to walk, bike or take scooters to get services in a neighborhood that is significantly lacking in essential convenient services. You are then asking us to also walk, bike, or scooter back home with arms full of groceries, passing homeless, drug addicts, noxious smells, more low income housing, more “marginalized” populations and felons (the proposed work force at the transfer station). And you expect a lower crime rate here (illogical) or don't care?

9) as someone with common sense, I suggest creating what seems to be your utopia at mostly others (our) expense (known as a win-lose situation) will not be an effective solution—socially or economically.

10). As an oncology nurse, I would suggest effective solutions cannot occur without first identifying and understanding the real issues. The ends do not justify the means—you/one can not achieve a good outcome from something based in lies, deceit, apathy. If promoting your values leads to a win-lose situation, maybe a reassessment of those values is in order. Can we come up with a moral and ethical win-win solution instead of this one?

One of many Argay residents against the wet recycling transfer station here on Sandy. Many are jaded and apathetic as I have heard too often that “Metro/the city PBOT does what metro/the city/PBOT wants to do (without responding to our concerns) and there is nothing we citizens can do about it.” I hope this evaluation can change, and that we can move forward from this point in integrity and mutual respect.

Can you put yourselves in our shoes, at least for a short period. How would you feel if you were us? What would you do if you were us?

Prove you care about the environment, integrity, and reasonableness.

NO On The Wet Transfer Station On Sandy.

Please.

Sincerely, Debbie Holmstedt

Janani Srinivasan

From: james <burch_j@comcast.net>
Sent: Wednesday, May 08, 2019 9:09 PM
To: Metro Council
Subject: METRO ORDINANCE No. 19-1435

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Testimony

Dear Sirs;

I live in the Argay area where the Garbage and recycling center is coming. I am oppose to this proposal Due to the fact that we all ready have two recycling facilities and the Inverness Jail in our area. Have not been Shown the benefit of another recycling project. As stated we all ready are doing our part for the "greater good". Where this facility is going the intersection of 138th and Sandy Blvd is one of ODOT's 10 worst in the State,. All we need is
More Traffic and Trucks at this intersection
Thanks for your consideration.

James Burch
13010 NE Shaver Street
Portland, Oregon 97230
Sent from Mail for Windows 10

Janani Srinivasan

From: Flo McWillis <flomcwillis@hotmail.com>
Sent: Wednesday, May 08, 2019 8:03 PM
To: Metro Council
Subject: Metro station

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Testimony

I am a resident of Argay Terrace and opposing the site for the wet garbage dump you are planning to impose on our neighborhood, not only will it increase our bottle neck on Sandy it will also discourage new businesses that would likely build on the large lot that KMart had occupied, our neighborhood needs small businesses and single family homes. Please take the time to walk the area and ask yourself if this is a business you would want in your neighborhood, would it bring in single family homes, small business.

Thank you,
Flo McWillis

Janani Srinivasan

From: Bernie Muller <berniemuller@yahoo.com>
Sent: Wednesday, May 08, 2019 3:35 PM
To: Metro Council
Subject: Ordinance No 19-1435

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Testimony

We recently found out about this placement of a wet waste transfer station being considered for 4530 NE 138th, Portland. We are concerned about its proximity to dwellings both present and future. My wife and I have attended most, but not all of the Argay Terrace Neighborhood Association meetings, and for some reason we are not fully aware of the studies that have or have not been done. The northern part of our development/association has come under fire from the Federal Government regarding the Columbia River Slough and pollution. With wet waste this should never become a concern for you. Your proposed station is much closer to the slough than we are. We hope you have studied that and have favorable plans to eliminate a potential problem.

A second area that really concerns us is odor. We not only don't want to smell it, but it can really hurt future development of the farm properties in our neighborhood as well as property values. The farm owners are working very well with the City and with our Neighborhood Association to bring in development that can enhance the area. Odor can limit their ability to do their best for the City and the community.

If these matters including traffic impact are not properly solved, we would be AGAINST this change.

Bernie and Margaret Muller
13625 NE Rose Parkway
Portland OR 97230
503 255 6751

Janani Srinivasan

From: Burmester <burmester@q.com>
Sent: Wednesday, May 08, 2019 12:17 PM
To: Metro Council
Subject: Solid waste facility

Follow Up Flag: Follow up
Flag Status: Completed

Randy and Loretta Burmester
13207 Ne Failing Court
Portland Oregon
503 252-0396

Re: Ordinance No. 19-01435

We are vigorously opposed to the opening of this Solid Waste facility in Parkrose.

This site was never zoned for this use. It is too close to low income housing on Sandy Blvd and will adversely affect the residents and the businesses so close to it. I know that the owners have promised to keep odors down but I can see many problems during temperature inversions and when temps go above 90 degrees. This is unacceptable for the health and well-being of residents of this neighborhood not to mention the low income residents right on top of this proposed site!

The traffic is a major concern. When leaving or entering Argay neighborhood, traffic is absolutely terrible. The hours they say will be peak hours for trucks leaving and entering the facility are exactly the hours that we see congestion! There is always a back up from 148th to 133rd. With more garbage trucks entering and leaving 138th, this will be a major bottleneck. I'm surprised ODOT approved it!

This is a major concern and we feel it has not been addressed properly. I've heard the owners say they will use Airport way but does it make sense that Heiburg, the company that services Argay will use Airport way? Or even other garbage companies going out of their way to go Airport Way. Doubtful. And are there any regulations stopping the use of Sandy Blvd? Airport Way is also very congested.

I had a good friend who was hit by the train crossing to this site. He was killed on impact. Even though the easement I'd off 138th, with Costco on this road, I can see vehicles on those tracks waiting to move. Does a Metro want the chance that some individual might be killed because of the back up that might result from this facility?

This site is 3 miles from pdx airport, under the approach air space. As proposed the site is not safe according to FAA AC 150/5200_33.

The site is 600 ft. from a wildlife habitat, the Columbia River slough. The site as a wildlife habitat attractant, plus the near by Wildlife habitat make the planned site dangerous to public safety.

We really feel that this isn't the best site for this facility.

I am hopeful you will reconsider your approval of this going forward. Our neighborhood will suffer because of this decision. Please don't approve it!

Janani Srinivasan

From: Tina Talbot <tinatalbot@gmail.com>
Sent: Wednesday, May 08, 2019 11:28 AM
To: Metro Council
Subject: Fwd: Please vote No on City of Roses Metro Wet Waste Transfer Station - Ord. # 19-1435
Attachments: image001.jpg
Follow Up Flag: Follow up
Flag Status: Completed

Below is the email I sent to my Metro Councilor opposing the approval of Ordinance # 19-1435.

Please gather more facts regarding the impact of this facility on surrounding neighborhoods including potential alternative sites.

Thank you,
Sincerely,
Christina Talbot

----- Forwarded message -----

From: Tina Talbot <tinatalbot@gmail.com>
Date: Wed, May 8, 2019 at 11:23 AM
Subject: Please vote No on City of Roses Metro Wet Waste Transfer Station - Ord. # 19-1435
To: <shirley.craddick@oregonmetro.gov>

Dear Ms. Craddick,

I live in the Argay neighborhood and, as one of your constituents, I am emailing to ask you to oppose the proposed wet waste transfer station up for approval tomorrow. I urge you and the Council, to ask for a report on alternative sites as part of your due diligence in enacting the Waste Management Plan

I have read the report by staff and the main arguments to approving the transfer station are that: 1) there was one there before; 2) the zoning allows it; 3) it fits into our larger waste manage plan; 4) it's a minority owned business; 5) it will create jobs; and, 6) it is an "emergency."

Regarding these arguments:

1) The previous business in this space was not a "puresicible wet waste" site, which is significantly different and more noxious than dry waste. As well, the scale of the COR proposal is larger.
2) We will endeavor to appeal to Multnomah County to make their zoning more equitable moving forward. Meanwhile, we currently contend with heavily traveled roads, two trains tracks, the airport and military jets, and the Inverness jail among other things. Please don't use current unequitable zoning as an excuse to put another more noxious waste transfer station near neighborhoods, schools and low-income housing. We see this as a blow to the future character and development of our area. See Metro Code 5.01.180(f)(4). People are feeling hopeful about the potential offered by the Rossi, Guisto, Garre farmland, which has the potential to mitigate the current imbalance caused by current zoning.

3) I support a Waste Management Plan for the greater good of Portland. However, this plan does not meet the plan goal to "Advance Racial Equality, Diversity and Inclusion" as promoted. Our area has more than our share of waste management facilities nearby, as they are largely located in areas with predominantly low-income and foreign-born populations. We moved to this neighborhood because we want to support diversity in Portland. This decision undermines building equality or equity because prospective residents will have to weigh living in a diverse neighborhood with living near a wet waste transfer station.

4) We want to support minority-owned businesses. However, I have seen no data that shows we have a lack of them in this District 1, or that this should be the overriding argument for approval. Have alternative sites in other districts been considered? Does advancing racial equity by approving one minority-owned business take precedence over continuing to place waste transfer sites in neighborhoods with higher populations of minority, foreign-born, disabled, elderly and low-income people?

5) The Staff report uses jobs creation to contend that approval of this facility will "Advance Racial Equality, Diversity and Inclusion" as called for in the Waste Management Plan. This is a faulty argument given that employers cannot discriminate based on race, etc., so there is no guarantee that these jobs will promote workforce equity or will go to residents living nearby. I would like to see facts to back up this claim. If the current locations of waste management facilities in diverse areas have not improved job equity, why will this one?

6) I understand the need for waste management facilities is dire in our region. However, this "emergency" should not be the reason to approve this site in an already burdened community. District 1, and the neighborhoods surrounding this proposed facility in particular, already have accepted more than their share for the greater good.

In closing, nearby neighborhoods to this proposed facility are already carrying more than their fair share of regional system needs. We need solutions to the noise, traffic, public safety and livability issues we face, not an added burden. Please ask for more facts about potential benefits before approving Ordinance 19-1435.

Sincerely,

Christina Talbot

--
Tina Talbot, MSW
Virtual Knowledge Translation Consultant
tinatalbot@gmail.com 425-503-4660
bccewh.bc.ca



CEWH is hosted by BC Women's Hospital + Health Centre, an agency of the Provincial Health Services Authority

Janani Srinivasan

From: Doyle Stiles <doyle@redselectric.com>
Sent: Wednesday, May 08, 2019 5:50 AM
To: Metro Council
Subject: City of Roses 4530 NE 138th Av transfer station
Attachments: City of Roses DEQ letter.docx

Follow Up Flag: Follow up
Flag Status: Completed

To Metro Council,

The site at 4530 NE 138th Av is not suitable for a wet waste transfer station.

Title 33 city of Portland Planning & Zoning Standards 33.254.080 call for 100' setbacks for waste facilities. The report on the Land Use Compatibility hearing from the Portland city Auditor Hearings office states that since the existing facility does not conform to these requirements that the requirements will be reduced.

The reductions are drastic:

The south setback (the closest to residential areas and to restaurants & other businesses) has been reduced 90% to 10'.

The East & West setbacks have been reduced 60% & 62% respectively.

I find this to be ridiculous, If a property is nonconforming for its present use you do not approve the property for new expanded uses. A wet waste facility on this property would be a new use and as such should conform to all of applicable codes for a waste facility.

Using the terminology from the report on the Land Use Compatibility hearing, "A larger impact area for the proposed development may be defined as an area 600' from the property lines".

City of Roses mentions, "small commercial uses to the southwest". It failed to mention that seven of these "small commercial uses" are businesses that sell prepared food.

It would appear that in its testimony for the hearing City of Roses intentionally misrepresented the vulnerability of the businesses within the impact area of the proposed facility.

The representatives of City of Roses presented contradictory & deceptive information at the hearing.

They state that no wet waste will be stored on site then later admit the putrescible waste will on occasion be stored overnight.

They state that putrescible waste will stored in a covered container not a sealed container.

They state that their trucks are sealed, then later in the report they admit that the trucks are equipped with tarping systems. A tarp over a truck does equate to a sealed truck.

City of Roses has already been neglectful in the operation of the facility.

The hearings report states that, "The PBOT engineer noted that vegetation on the subject property near the entrance off 138th is overgrown and encroaching into the public right of way creating potential visibility problems."

The neighbor business Altec Ind. complained at the hearing that the existing facility already creates, "A significant amount of airborne dust that is migrating beyond the boundaries of the subject property."

Despite the deceptions, omissions, misrepresentations, & example of neglectful operation we are expected to believe that this facility that is on a site that already does not meet the requirements for a waste facility, can be trusted too suddenly begin acting responsibly.

Doyle Stiles

Janani Srinivasan

From: dschnacky@aol.com
Sent: Tuesday, May 07, 2019 2:54 PM
To: Metro Council
Subject: Ordinance no. 19-1435

Follow Up Flag: Follow up
Flag Status: Completed

I object to the cor waste facility proposed for 138th. Permit no. 1485.
Ordinance no. 19-1435
This area is not zoned for waste purposes.
As proposed the site is not safe according to FAA AC 150/5200-33.
This site is 600 ft. From a wildlife habitat, It's dangerous to public safety.
You have not showed how this will benefit the neighborhood!
Respectfully Dave and Julie
Schnacky. 5034932713

Sent from my iPhone

Janani Srinivasan

From: Marnie Murray <marnie.murray@gmail.com>
Sent: Tuesday, May 07, 2019 1:34 PM
To: Metro Council
Subject: Comment on Ordinance No. 19-1435

Follow Up Flag: Follow up
Flag Status: Completed

From: Marnie Murray
2500 NE 143rd Ave
Landline: 503-624-8757
Email: marnie.murray@gmail.com

May 7, 2019

To: Metro Council

I am writing to you on: Ordinance No. 19-1435, For the Purpose of Approving a Solid Waste Facility Franchise Application and Authorizing City of Roses Disposal & Recycling, Inc. to Operate a Transfer Station

I heard about this topic from a pile of flyers placed underneath a rock by the entrance to the Luuwit View Dog Park on May 5, 2019.

According to Metro code 5.01.180 (f) (4) the Council must factor in “whether granting a franchise is likely to adversely affect nearby residents, property owners or the existing character or the expected future development of the surrounding neighborhood in an unreasonable manner;”

There are at least 3 ways in which Ordinance No. 19-1435 will adversely affect residents, property owners, existing character or future development of the surrounding neighborhood:

1. Noise: the proposed location (by NE 138th & Sandy Blvd) for the Transfer Station is within 600 feet of multiple apartments, Argay Park and surrounding houses. The noise coming from trucks moving into the station, around the station, particularly when backing up, and leaving the station will be heard by those living in the surrounding area and using Argay Park. Ordinance No. 19-1435 Section 6.10 says “*The franchisee must operate the facility in a manner that controls and minimizes noise sufficient to cause adverse off-site impacts and to meet applicable regulatory standards and land-use regulations.*” Control, minimize, sufficient are imprecise and ambiguous. One person’s sufficient might be different from another person’s. It also doesn’t name the standards or regulations to be used, so there is no goal to reach.
2. Public Safety: The intersection of NE 138th and Sandy Blvd is a dangerous intersection. I’ve been told it’s on a top ten list of problem intersections for the state of Oregon. And this is the intersection that will get this additional traffic from garbage trucks? Plus, the rail road crossing is very close to Sandy Blvd at 138th. I can envision trucks backing up onto Sandy while waiting for trains to proceed over 138th.
3. Odors: Part of what will be transferred at the proposed location is Putrescible Waste, defined as “*solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to cause obnoxious odors and to be capable of attracting or providing food for birds or animals.*” Yes, clause 6.8 says “*The franchisee must operate the facility in a manner that controls and minimizes the generation of odors that are detectable off-site. The franchisee must establish and follow procedures in the operating plan for minimizing odor at the facility.*” I hope that the Franchisee can “minimize” odors so they

aren't "detectable off-site", although I am dubious that they will be able to do this. Unfortunately bad smells wafting over a neighborhood can adversely affect property values and even prospects for future development.

Janani Srinivasan

From: Andy Beers <andy@andybeers.com>
Sent: Monday, May 06, 2019 1:29 PM
To: Metro Council
Subject: Ordinance No. 19-1435

I oppose the Metro COR wet waste transfer station planned for 4530 NE 138th St.
This development violates Metro code 5.01.180(f)(4).

The granting of this franchise will adversely effect the existing character and future development of the Argay and Parkrose neighborhoods.

- Public safety will be impacted by increasing traffic at an already dangerous intersection. Increased truck traffic will raise airborne particulates from diesel emissions, a known human carcinogen.
- Nearby parks and school zones where children play and walk to school will see increased traffic as motorists take shortcuts to avoid the already extremely busy intersection of NE 138th and Sandy Blvd.
- Noise from the site will impact residents of low income apartments and the use of nearby parks
- New development planned for an area 10 blocks from the proposed site will be impacted by reduced interest in the new development and future prospects for the community due to the location of the proposed transfer station.

All of these issues violate the aforementioned Metro code. Siting of this transfer station in our community is illegal. Do not allow this plan to go forward at the Metro Council May 9th. Residents of this community are united in opposition and will take legal action if necessary.

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