



600 NE Grand Ave.  
Portland, OR 97232-2736

## Council meeting agenda

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**Thursday, October 13, 2022**

**10:30 AM**

**Metro Regional Center, Council Chamber**

**<https://youtu.be/-lCoQSRIRsc>**

**<https://zoom.us/j/615079992> (Webinar ID:  
615079992) or 929-205-6099 (toll free)**

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This meeting will be held electronically and in person at the Metro Regional Center Council Chamber.

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<https://zoom.us/j/615079992> (Webinar ID: 615079992) or 888-475-4499 (toll free).

**1. Call to Order and Roll Call**

**2. Public Communication**

Public comment may be submitted in writing. It will also be heard in person and by electronic communication (videoconference or telephone). Written comments should be submitted electronically by emailing [legislativecoordinator@oregonmetro.gov](mailto:legislativecoordinator@oregonmetro.gov). Written comments received by 4:00 p.m. the day before the meeting will be provided to the council prior to the meeting.

Those wishing to testify orally are encouraged to sign up in advance by either: (a) contacting the legislative coordinator by phone at 503-813-7591 and providing your name and the agenda item on which you wish to testify; or (b) registering by email by sending your name and the agenda item on which you wish to testify to [legislativecoordinator@oregonmetro.gov](mailto:legislativecoordinator@oregonmetro.gov). Those wishing to testify in person should fill out a blue card found in the back of the Council Chamber. Those requesting to comment virtually during the meeting can do so by using the "Raise Hand" feature in Zoom or emailing the legislative coordinator at [legislativecoordinator@oregonmetro.gov](mailto:legislativecoordinator@oregonmetro.gov). Individuals will have three minutes to testify unless otherwise stated at the meeting.

**3. Resolutions**

- 3.1 Resolution No.22-5282, For the Purpose of Directing the Chief Operating Officer to Update and Replace Metro’s Green Building Policy with the Sustainable Buildings and Sites Policy and Authorizing the Chief Operating Officer to Implement the Policy

[RES 22-5282](#)

Presenter(s): Dana Visse, Metro  
Brent Shelby, Metro  
Ryan Kinsella, Metro

Attachments: [Resolution No. 22-5282](#)  
[Exhibit A](#)  
[Staff Report](#)

- 3.2 Resolution No. 22-5284 For the Purpose of Allocating \$152.8 Million of Regional Flexible Funding for the Years 2025-2027, Pending Adoption of the 2024-2027 Metropolitan Transportation Improvement Program

[RES 22-5284](#)

Presenter(s): Dan Kaempff (he/him), Metro

Attachments: [Resolution No. 22-5284](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Staff Report](#)

- 4. **Chief Operating Officer Communication**
- 5. **Councilor Communication**
- 6. **Adjourn**

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### សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានការប្រឹក្សាស្តីពីការរើសអើងសូមទូរស័ព្ទទៅលេខ 503-797-1700 ។ [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights) ។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃច្រើនការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេបកប្រែសម្រាប់លោកអ្នក ។

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**Resolution No. 22-5282, For the Purpose of Directing the  
Chief Operating Officer to Update and Replace Metro's  
Green Building Policy with the Sustainable Buildings and  
Sites Policy and Authorizing the Chief Operating Officer to  
Implement the Policy**

*Resolutions*

Metro Council Meeting  
Thursday, October 13th, 2022

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DIRECTING THE CHIEF	)	RESOLUTION NO. 22-5282
OPERATING OFFICER TO UPDATE AND REPLACE	)	
METRO’S GREEN BUILDING POLICY WITH THE	)	Introduced by Chief Operating
SUSTAINABLE BUILDINGS AND SITES POLICY AND	)	Officer Marissa Madrigal with the
AUTHORIZING THE CHIEF OPERATING OFFICER TO	)	Concurrence of Metro Council
IMPLEMENT THE POLICY	)	President Lynn Peterson

WHEREAS, on October 7, 2010, the Metro Council adopted Resolution No. 10-4198, “For the Purpose of Adopting Metro’s Sustainability Plan and Authorizing the Metro Chief Operating Officer to Implement the Plan” (Metro’s “Sustainability Plan”) providing a framework for the strategies and actions needed to address Metro's five environmental sustainability goal areas of greenhouse gas emissions, toxics, waste, water and habitat.

WHEREAS, the Sustainability Plan identified the development of a green building policy for new construction, major renovations and operation and maintenance of existing buildings owned and operated by Metro as a high priority action to be implemented within the first year after plan adoption, and on October 20, 2011, the Metro Council adopted Resolution No. 11-4294A, “For the Purpose of Accepting a Green Building Policy for Metro Facilities and Operations and Authorizing the Chief Operating Officer to Implement the Policy.”

WHEREAS, Metro’s Strategic Plan to Advance Racial Equity Diversity and Inclusion calls Metro to convene and support regional partners to advance racial equity, meaningfully engage communities of color, create safe and welcoming destinations and advance racial equity through resource allocation.

WHEREAS, the guiding principles of Metro’s Strategic Framework call for Metro to build back better guided by the values of Safety, Public Service, and Resilience. Metro will embody these values through the following guiding principles: Racial Justice, Climate Justice and Resilience, and Shared Prosperity.

WHEREAS, the built environment presents a significant opportunity to advance these commitments – buildings account for 28 percent of Oregon’s climate emissions which impact Black, Indigenous and People of Color first and worst, building materials can have serious health impacts, and the built environment continues to play a role in systemic inequities like displacement and disparities in health and wealth.

WHEREAS, an update to the Green Building Policy was initiated in 2020 to supersede and replace the Green Building Policy, to recalibrate Metro policies and procedures to support the achievement of Metro’s five Sustainability goals, the Strategic Plan to Advance Equity, Diversity and Inclusion, and the values and guiding principles in the Strategic Framework, called “the Metro Sustainable Buildings and Sites Policy.”

WHEREAS, the Metro Sustainable Buildings and Sites Policy goes beyond environmental performance to address the triple bottom line of sustainability: environment, economy and social equity by striving to achieve racial equity outcomes based on the racial equity goals in Metro’s Strategic Plan to Advance Racial Equity, Diversity and Inclusion and departmental equity plans, and the values and guiding principles in Metro’s Strategic Framework.

BE IT RESOLVED that the Metro Council directs the Chief Operating Officer to update the and replace Metro's Green Building Policy with the Sustainable Buildings and Sites Policy, substantially similar to the policy attached as Exhibit A, and authorizes the Chief Operating Officer to implement the policy.

ADOPTED by the Metro Council this 13th day of October, 2022.

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Lynn Peterson, Council President

Approved as to Form:

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Carrie MacLaren Metro Attorney

**Exhibit A**



**Metro Sustainable Buildings and Sites Policy**

**Administrative Procedure**

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**Contents**

Purpose and goals .....Section 1

Approach .....Section 2

Equity .....Section 3

Standards for New Construction and Major Renovation .....Section 4

Standards for Operations and Maintenance of Existing Facilities .....Section 5

Implementation .....Section 6

Roles and Responsibilities .....Section 7

Funding Methods and Tools .....Section 8

Reporting requirements .....Section 9

Definitions and terms .....Section 10

Appendices.....

- Appendix A: Applying Metro’s Racial Equity Framework to the Sustainable Buildings and Sites Policy
- Appendix B: Alternative standards for new construction and major renovation
- Appendix C: Additional requirements
- Appendix D: Sample reporting templates for new construction, major renovation and operations and maintenance projects

## Section 1. Purpose and goals

- 1.1. The purpose of the Metro Sustainable Buildings and Sites Policy is to set standards for design, construction, operations and maintenance of Metro buildings and developed properties that support achievement of Metro's five Sustainability goals and the Strategic Plan to Advance Equity, Diversity and Inclusion.
- 1.2. This policy applies to all buildings owned and/or operated by Metro, including visitor venues.
  - 1.2.1. Buildings are defined as "A complete, permanent enclosed structure that is regularly occupied by people and contains conditioned space (heated or cooled)."<sup>1</sup> Solid waste transfer stations are included in the policy, though they do not contain conditioned space.
    - 1.2.1.1. Some built structures do not meet the policy definition of "building", and some buildings are operated—but not owned—by Metro. They may not require certification standards, however they are required to meet policy operational requirements and set performance targets in alignment with the five Sustainability goals.
  - 1.2.2. Residential buildings (houses) located on Metro natural area properties are specifically excluded from this policy.
  - 1.2.3. Requests for exemptions to this policy shall be submitted to the Capital Asset Management Director, who will make a recommendation to the Deputy Chief Operating Officer (DCOO) for final approval.
- 1.3. The Metro Council adopted the Sustainability Plan for Internal and Business Operations (Plan) through Resolution 10-4198 in October 2010<sup>2</sup> which included an action to adopt an agency-wide green building policy to set standards for new construction and operations of existing buildings. Council adopted a Green Building Policy in 2011. An update to the Green Building Policy was conducted in 2021 to recalibrate the policy requirements and procedures to support Metro goals.
- 1.4. The Sustainability Plan also directs Metro to adopt sustainable site retrofit, development and management practices and standards for Metro's parks to meet Salmon-Safe certification<sup>3</sup> and Gold-rated Sustainable SITES certification for new parks.<sup>4</sup>

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<sup>1</sup> Buildings are defined as, "A complete, permanent enclosed structure that is regularly occupied by people (1 FTE [full time equivalent] minimum. Based on an 8-hour day, the building must be occupied by either one full-time staff, or a combination of part-time staff to equal eight hours.) and contains conditioned space (heated or cooled)."

<sup>2</sup> Metro Council Resolution 03-3338, "For the Purpose of Directing the Metro Chief Operating Officer to Establish a Sustainable Business Model for Metro Departments and Facilities and Undertake Related Duties," 2003. <http://rim.oregonmetro.gov/webdrawer/rec/20828/>.

<sup>3</sup> Salmon-Safe is an independent 501(c)3 nonprofit focused on transformation of land management practices so Pacific salmon can thrive in West Coast watersheds.

<sup>4</sup> SITES is a comprehensive rating system designed to distinguish sustainable landscapes, measure their performance and elevate their value administered by Green Business Certification Inc.

- 1.5. The Plan outlines environmental goals for internal operations, which the Metro Council adopted through Resolution 03-3338 in May 2003.<sup>5</sup> This Sustainable Buildings and Sites Policy supports implementation of building construction and maintenance practices that support achievement of the following five goals.
- a. Reduce direct and indirect greenhouse gas emissions to 80 percent below 2008 levels by 2050.
  - b. Eliminate the use or emissions of persistent bioaccumulative toxics (PBTs) and other priority toxic and hazardous substances by 2025.
  - c. Recover all waste for recycling or composting and reduce overall generation of waste by 2025.
  - d. Reduce water use to 50 percent below 2008 levels by 2025.
  - e. Ensure that Metro's parks, trails and developed properties positively contribute to healthy, functioning urban ecosystems and watershed health and that Metro's natural areas are healthy, functioning ecosystems.

## **Section 2. Approach**

- 2.1. The buildings in the Metro portfolio are highly varied and distinct from each other. Metro's buildings range from large-scale venues (Oregon Convention Center, Expo Center) to a campus of many buildings and exhibits (Oregon Zoo) to solid waste processing buildings (Metro Central and South transfer stations) to office buildings (Metro Regional Center) to park buildings (Blue Lake Park, Oxbow Park).

Acknowledging the different building sizes and types in Metro's portfolio, the policy incorporates flexibility and exemptions in standards. Each project's unique attributes should be considered to inform the highest and best outcome in terms of advancing Metro's sustainability, climate justice and resilience goals.

- 2.2. This policy will undergo periodic review, no less than every three years after adoption, to assess the effectiveness of implementation, application of certification standards, and resource requirements. Subsequently, modifications will be made to the policy, and implementation plan, to improve performance and advancement of Metro's sustainability goals.

## **Section 3. Equity**

- 3.1. This policy goes beyond environmental performance to address the triple bottom line of sustainability: environment, economy and social equity. Based on the racial equity goals in Metro's Strategic Plan to Advance Racial Equity, Diversity and Inclusion<sup>6</sup> and departmental equity plans, the Sustainable Buildings and Sites policy strives to achieve the following racial equity outcomes:
- a. Metro buildings provide healthy, accessible, welcoming spaces where staff and visitors can thrive.
  - b. Metro's buildings contribute to climate and environmental justice outcomes in the region.

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<sup>6</sup> <https://www.oregonmetro.gov/sites/default/files/2016/06/15/Steps-to-complete-the-Strategic-Plan-to-Advance-Racial-Equity-draft-2-04042016.pdf>

- c. Metro's capital investments in buildings create opportunities for COVID-certified firms and advance construction workforce diversity.

For details on how this policy update incorporates recommendations from the racial equity framework see Appendix A.

- 3.2 Sustainable building certification standards for new construction, major renovation and operation and maintenance of existing buildings were analyzed and selected based on their ability to advance Metro's sustainability goals and achieve racial equity outcomes. In addition to policy requirements, all new construction, major renovation and existing building operations must adhere to the following requirements, as applicable:

- a. Clean Air Construction (CAC) Standard
- b. Construction Career Pathways Program
- c. Administrative Rules for Equity in Contracting
- d. Strategic Plan to Advance Racial Equity Diversity and Inclusion and respective departmental racial equity plans.

Project teams will determine applicability of policy requirements that may be superseded by jurisdictional requirements specific to the project.

- 3.3 To further center and achieve policy equity outcomes, all new siting, design, construction, major renovation, and operation and maintenance of existing buildings will:

- a. Prioritize sites that are served by public transit and are accessible by walking and biking.
- b. Promote environmental justice by preventing and mitigating the negative impacts on adjacent communities related to siting and displacement, traffic, noise, and diesel emissions and other pollution from building and site construction.
- c. Site and design buildings for climate adaptation and resiliency and to minimize urban heat island effect.
- d. Ensure buildings and parks are welcoming to staff, the public, and all Metro constituents, including strategies like signage in multiple languages.
- e. Ensure buildings and parks are accessible and inclusive to people of all abilities and include accessibility features for those with mobility, hearing or vision needs.
- f. Minimize the use of toxic building materials and require the use of non/low-toxic chemicals for operations and maintenance.
- g. Ensure equity in contracting and advance workforce diversity.
- h. Respect culturally significant areas and honor the history of the original inhabitants of the land.

- 3.4 As a best practice, Metro will add space in the project timeline to conduct early, meaningful and inclusive engagement (as defined in Section 10.16) for projects subject to this policy, when appropriate, to inform, guide or improve project outcomes. Decision-making processes should elevate the voices of those who are most impacted by projects and who have historically had the least amount of influence on, and access to, government decision-making processes. Projects should strive for outcomes that reduce negative impacts to people and the environment and benefit host community(ies).

- Recognizing communities and best practices for meaningful engagement evolve over time, each project will follow recommendations from the most current departmental racial equity plans, existing community engagement guides, the agency's Racial Equity Framework and/or Metro's Strategic Plan to Advance Racial Equity Diversity and

Inclusion to determine the level and extent of community engagement required for the project.

- Decisions about whether engagement is necessary or not, and the level of engagement appropriate for each project, could be informed by considering environmental justice, the cultural history of a site, the location of a site in proximity to vulnerable populations and past or potential future impact to historically marginalized communities.
- Project team leads should consider the negative risks of not engaging with communities.

#### **Section 4. Standards for New Construction and Major Renovations**

- 4.1. The following standards shall apply to the new construction of Metro buildings and parks as well as all major renovations of buildings and parks Metro owns and operates.
- 4.2. New construction and major renovations of structures meeting the policy definition of “building” 2,000 square feet and more and \$1,000,000 in total project cost shall be built to meet at minimum the Core Green Building Certification standard certified by the International Living Future Institute (ILFI)<sup>7</sup>.
  - 4.2.1. If the project sponsor believes that Core Green Building Certification is not applicable for a specific project, they must submit an exemption form documenting why the project cannot meet Core Green Building Certification to the Capital Asset Management Director, who will make a recommendation to the Deputy Chief Operating Officer (DCOO). If a Core Green Building Certification exemption is approved, refer to the policy Appendix B for alternative sustainable building standards.
  - 4.2.2. New construction and major renovations under 2,000 square feet and \$1,000,000 in total project cost, and/or structures that do not meet the policy definition of “building” do not require certification by the aforementioned standards. However, they are required to meet operational requirements and set performance targets in alignment with the five sustainability goal areas of greenhouse gas emissions (including building energy), waste, toxics, water and habitat.
- 4.3. All new construction and major renovation of Metro developed park sites \$1,000,000 or more in total project cost shall achieve SITES Gold certification, at a minimum, while any park structure(s) 2,000 sf and more and \$1,000,000 or more in total project cost, meeting the policy definition of “building” must achieve Core Green Building Certification.
  - 4.3.1. New construction and major renovations less than \$1,000,000 in total project cost, and/or projects that do not meet the baseline qualification standards for SITES certification do not require certification by the aforementioned standards. However, they are required to meet operational requirements and set performance targets in alignment with the five

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<sup>7</sup> The Core Green Building Certification<sup>SM</sup> (Core) is a framework that outlines the 10 best practice achievements that a building must obtain to be considered a green or sustainable building as certified by the International Living Future Institute.

sustainability goal areas of greenhouse gas emissions (including building energy), waste, toxics, water and habitat.

- 4.4. All new construction and major renovation projects shall meet the following additional requirements if applicable:
  - 4.4.1. Project planning: Incorporate resources needed to comply with the requirements of this policy in the project budget, starting with the initial design phase. Resources shall include staff time necessary to complete documentation requirements for the certification standard applicable to the project. Integrated design practices should be utilized early in the design process.
  - 4.4.2. Green Energy Technology: New buildings that meet the criteria outlined by the State of Oregon in the “1.5% for Green Energy Technology in Public Building Construction Contracts” rule are required to spend an amount equal to at least 1.5 percent of the total contract price of a public improvement contract for the construction, reconstruction, or major renovation of a public building for the inclusion of appropriate green energy technology in the building.<sup>8</sup>
  - 4.4.3. Fossil fuel infrastructure: Exclude the use of fossil fuels and dedicated fossil fuel infrastructure and fossil gas combustion.<sup>9</sup>
  - 4.4.4. Electrification infrastructure: Include vehicle electrification infrastructure consistent with requirements for the Core Green Building Certification.
  - 4.4.5. Additional requirements in policy appendices: All new construction and major renovation shall follow the Bird-Friendly Design, Materials Carbon Reduction, and Sustainable Roof requirements in policy Appendix C during project design, procurement, contracting, and implementation.

## **Section 5. Standards for Operations and Maintenance of Existing Facilities**

- 5.1. With engagement from community stakeholders pursue Salmon-Safe certification for identified sites within Metro Parks and Natural Areas system by 2025.
- 5.2. If an existing Metro building meets eligibility and prioritization criteria selected by Metro, the building shall apply for the LEED Rating System for Existing Buildings: Operations & Maintenance (LEED O+M) certification at the Silver level or higher. The most recently accepted version of the LEED standard for existing buildings shall be followed.
- 5.3. For LEED-ineligible projects, facility operations managers will pursue other certifications best-suited to the specific project to meet Metro goals such as LEED Zero for water reduction, Zero Carbon for emissions reduction, Zero Energy for energy reduction, WELL for toxics reduction, Salmon-Safe for habitat and TRUE for waste reduction.

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<sup>8</sup> Oregon Administrative Rules (OAR) 330-135-0010 to 330-135-0055, “1.5 Percent for Green Energy Technology in Public Building Construction Contracts. <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1113>

<sup>9</sup> An exception may be made for low-carbon technologies such as anaerobic digestion, that can reduce carbon emissions from the fossil gas system, which Metro could use in combination with energy efficiency and other measures to accelerate decarbonization.

- 5.4. For existing certified buildings, scale operations to incrementally achieve higher certification, such as LEED Gold, Platinum or Zero (carbon, waste, energy, water), or Zero Carbon or Zero Energy with the International Living Future Institute.
- 5.5. Operational requirements: All Metro buildings, regardless of their eligibility for LEED O+M certification, shall meet the following sustainable operations requirements.
- 5.5.1. Recycling: All Metro buildings shall meet the following Business Recycling Requirements:<sup>10</sup>
- 5.5.1.1. Source-separate all recyclable paper, cardboard, glass and plastic bottles and jars, and aluminum and tin cans for reuse or recycling.
- 5.5.1.2. Provide recycling receptacles for internal maintenance or work areas where recyclable materials may be collected, stored, or both; and post accurate signs where recyclable materials are collected, stored, or both that identify the materials that the business must source-separate for reuse or recycling and that provide recycling instructions.
- 5.5.2. Food Waste: All Metro buildings shall separate food waste where hauling services for these source-separated materials are available in accordance with local government requirements including:<sup>11</sup>
- 5.5.2.1. Separate food waste from all other solid waste for collection.
- 5.5.2.2. Recover food waste that is controlled by the business, agents, and employees. This requirement does not apply to food wastes controlled by customers or the public. At its discretion, a Covered Business may also collect food waste from customers but must ensure that food wastes are free of non-food items.
- 5.5.3. Roofs: For all roofing projects that require a tear-off or full roof replacement, complete sustainable roof assessment worksheet to evaluate the highest and best use of rooftop opportunities including solar generation, green roof installation, or solar reflectivity treatment, as well as some combination thereof, and comply with any jurisdictional requirements applicable to the project location such as the City of Portland's ecoroof requirement<sup>12</sup>. (See Appendix C.)
- 5.5.4. Lighting. During any renewal and replacement of lighting, all fluorescent light fixtures and lamps shall be replaced with high efficiency LED fixtures whenever feasible and comply with the bird-friendly design appendix. Any remaining linear

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<sup>10</sup> Metro requires all local governments in the region to adopt Business Recycling Requirements. <http://www.oregonmetro.gov/index.cfm/go/by.web/id=26294>

<sup>11</sup> Metro requires all local governments in the region to follow regional food waste policy. <https://www.oregonmetro.gov/sites/default/files/2021/03/30/Metro-Code-chapter-5-15-effective-20210310.pdf>

<sup>12</sup> Refer to ecoroof requirements 35.510.243 in Portland's Central City Plan at <https://www.portland.gov/sites/default/files/code/510-central-city.pdf>.

fluorescent lamps shall meet the standard set in the European Union Restriction on Hazardous Substances (RoHS) Directive for mercury levels in lamps. (See Appendix C.)

- 5.5.5. All new appliances and electronic equipment purchased shall achieve the highest Energy Star efficiency rating<sup>13</sup>, where certified products are available. An alternative product can be chosen if an assessment demonstrates a better performance over the life of the product.
  - 5.5.6. All water fixtures purchased shall be EPA Water Sense certified,<sup>14</sup> where certified products are available. An alternative product can be chosen if its lifecycle assessment demonstrates a better performance over time.
  - 5.5.7. Develop and adopt operational policies and procedures that reduce the use of and exposure to toxins, including but not limited to a green cleaning policy with requirements for the use of third-party certified cleaning products such as Green Seal or EPA Safer Choice<sup>15</sup>, compliance with Metro's Integrated Pest Management Policy, and additional strategies to maximize the use of safe alternatives to toxic materials.
- 5.6. All occupied Metro buildings larger than 10,000 square feet shall have an Energy Efficiency Action Plan in place, which shall include, but not be limited to, the following measures:
- 5.6.1. Audits: For occupied buildings larger than 10,000 square feet, complete a comprehensive energy audit of the building using the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standard for Energy Survey and Engineering Analysis. A Level I, Level II, or Level III audit shall be conducted based on the building need and upon progression from past audit completion. Funding for energy audits shall be built into the budgets for the building. If the Energy Trust of Oregon (ETO) provides funding for energy audits, the ETO audit process is acceptable. Energy audits should be completed every ten years, after a major renovation, or upon change to two or more systems.
  - 5.6.2. Compile a prioritized list of energy efficiency measures (EEM) appropriate to the building. Examples of EEM include upgrades or replacement of lighting, heating, ventilation and cooling (HVAC), insulation, motors or any custom measures unique to the facility as identified during an energy audit.
  - 5.6.3. Integrate the EEM into the building Capital Improvement Project (CIP) and Renewal and Replacement (R&R) project lists.

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<sup>13</sup> The U.S. EPA certification program for energy efficient equipment and appliances is **Energy Star**. Find certified products at [http://www.energystar.gov/index.cfm?fuseaction=find\\_a\\_product](http://www.energystar.gov/index.cfm?fuseaction=find_a_product).

<sup>14</sup> The U.S. EPA certification program for water efficient fixtures is **Water Sense**. Find certified products at <http://www.epa.gov/WaterSense/>.

<sup>15</sup> The U.S. EPA Safer Choice program certifies products that meet stringent human health and environmental criteria reviewed by EPA scientists including requirements for performance, packaging, pH, and volatile organic compounds (VOCs). <https://www.epa.gov/saferchoice>. Other standards include [Green Seal](#), [UL Ecologo](#) and [Cradle to Cradle](#).

- 5.6.4. Track utility usage through Metro’s Energy Manager database.
- 5.6.5. Manage plug load and occupant energy use through best practices for energy conservation including but not limited to implementation of building energy policies, installation of lighting sensors, automatic electrical outlet shutoffs, turning off of all non-essential lights, computers, and monitors during non-business hours, reducing phantom or standby power use and restricting excessive use of personal appliances.
- 5.7. Electric Vehicle-Ready Infrastructure: Facility managers shall plan for capital investment and installation of vehicle electrification infrastructure to meet requirements consistent with the Core Green Building Certification. At a minimum, renovation and system upgrades to infrastructure and/or parking projects must include pre-installation or installation of wiring and connections to support electric vehicle charging.
- 5.8. Fossil fuel use: work to reduce the use of fossil fuels and fossil fuel combustion at existing facilities through efficiency and the replacement in part or in whole with less, or non-emitting renewable or low-carbon alternatives.
- 5.9. Policy requirements in Appendices: Follow the applicable Bird-Friendly Design, Materials Carbon Reduction, and Sustainable Roof standards (Appendix C) during project procurement, contracting, and implementation of building operations.
- 5.10. Sustainability criteria for building systems upgrades
  - 5.10.1. Systems upgrades in Metro buildings shall require selection of most efficient options available and applicable for that system.
  - 5.10.2. Replacement or upgrade of lighting, HVAC equipment and domestic hot water equipment shall, at a minimum, require installation of energy efficient options for which financial incentives are available from the ETO Oregon Cash Incentives<sup>16</sup> or other energy efficiency incentive resources. Project managers shall apply for any incentives available from ETO for energy efficient equipment at the start of a project. If options are available that conserve more energy than those that are incented by ETO, those may be selected.
  - 5.10.3. Sub-metering. At minimum, system upgrade projects shall be evaluated for the installation of submeters to provide energy use information to help optimize energy performance.
  - 5.10.4. Total cost of ownership and lifecycle assessment shall be used in the decision-making criteria for selection of retrofit or replacement projects for funding, rather than simple comparison of the initial first costs.
- 5.11. Guidance for campus-wide upgrades. When multi-building redesign projects occur at a campus site, such as at the Oregon Zoo or Expo Center, a holistic approach to sustainable operations will be integrated into the design process to address the challenges and opportunities in campus projects towards achieving Metro sustainability goals. Design

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<sup>16</sup>The Energy Trust of Oregon’s current listing of Existing Buildings Oregon Cash Incentives is available online at <https://energytrust.org/commercial/existing-buildings-oregon-cash-incentives/>.

teams will explore economies of scale through shared or complementary systems. Sustainable building certification standards (International Living Future Institute, LEED) have guidance for going outside single building boundaries for better solutions that may reduce certification documentation requirements and costs.

## **Section 6. Implementation**

- 6.1. This policy will be implemented by the groups of people identified in Section 7, Roles and Responsibilities.

### **New construction and major renovation**

- 6.2. Capital Planning Oversight Committee (CPOC): Department CPOCs will review annual Sustainable Building and Sites Policy strategic investment recommendations and prioritize and integrate them into the annual Capital Improvement Plan (See Section 7).
- 6.3. Project concept form: The project sponsor will complete the sustainability section in the project concept form to identify possible sustainable building opportunities and budget needs, when initiating a new project.
- 6.4. Capital Improvement Plan (CIP): Upon approval of annual department Capital Improvement Plans, the CIP will identify all sustainable building projects and their associated budgets.
- 6.5. Requirements: The project sponsor and project manager will review policy requirements related to their specific project and identify the appropriate sustainable building certification path.
  - 6.5.1. The project manager will identify Sustainable Buildings and Sites Policy outcomes including the intended pathway for sustainable building certification(s) and outline the required resources and steps the project will take to achieve them in the Project Management Plan.
- 6.6. Equity: The project manager and project sponsor will identify the relevant racial equity outcomes and guidelines in this policy, as well as the goals and actions in the Strategic Plan to Advance Racial Equity Diversity and Inclusion and departmental equity plans requirements and outline the steps the project will take to achieve them in the Project Management Plan.
- 6.7. Energy Trust of Oregon incentives: The project manager will enroll applicable projects with Energy Trust of Oregon once it is funded.
- 6.8. Other funding opportunities: The project sponsor and project manager will consider various funding opportunities and resources listed in the Sustainable Building and Sites Policy resource library.
- 6.9. Solicitation: The project manager will work with Procurement to incorporate the appropriate procurement language into solicitations and final contracts in accordance with relevant Metro policies.
- 6.10. Community Engagement. Each project team will follow recommendations from departmental racial equity plans and/or Metro's Strategic Plan to Advance Racial Equity

Diversity and Inclusion to determine the level and extent of community engagement required for the project.

- 6.11. Eco-Charette. The project manager will manage consultant teams to follow Sustainable Buildings and Sites Policy requirements including hosting an eco-charrette during the initial design phase to explore viable sustainability features to include in the final design.
- 6.12. Progress Tracking. The project manager will regularly report on the status and progress of meeting the policy requirements to ensure design is on track and reserve the right to follow up with teams and require narrative descriptions of strategies and project documents on a project-by-project basis as needed. At least two status reports are required at the following milestones: 50% design development phase and 100% construction documents/permit set phase. Reports shall include:
  - 6.12.1. Status of meeting relevant certification standards' requirements
  - 6.12.2. Status of meeting operational and additional policy requirements
  - 6.12.3. Resource needs, if any, to meet relevant policy requirements
- 6.13. Close-out. At the end of a project, the project manager will ensure policy reporting requirements are met in accordance with Section 9. The project manager will review and submit materials to Metro's Sustainability Program for reporting purposes.

### **Existing Properties & Operations**

- 6.14. The Sustainability Program will work with facility staff to document the current performance of existing Metro properties in meeting environmental sustainability goal areas for energy usage, water usage, waste generation and recycling, toxics, habitat-friendly development practices and stormwater impact on an annual basis to identify areas for improvement. Sustainability accomplishments shall be shared with the Sustainability Program, as described in Section 9.
- 6.15. Metro facility operations managers will conduct an energy audit and create energy efficiency action plans as described in Section 5.
- 6.16. Facility managers and the Capital Planning Oversight Committee will evaluate the list of existing capital and renewal and replacement projects annually and identify opportunities to integrate Sustainable Buildings and Sites Policy requirements into these projects.
- 6.17. Facility managers will implement LEED O+M certification for priority eligible buildings.
  - 6.17.1. Metro facility operations managers shall complete LEED O+M eligibility analysis with support from a LEED Accredited Professional (AP) and submit the analysis to the Sustainability Program. Buildings that are determined to be good candidates for LEED O+M certification shall be ranked in order of priority by the Sustainability Program and facility staff with certification pursued starting with the highest priority building or buildings first.

- 6.17.2. For existing LEED certified buildings, facility managers will scale operations to incrementally achieve higher certification, such as LEED Gold, Platinum or LEED Zero (carbon, waste, energy, water) as outlined in Section 5.4.
- 6.17.3. For LEED-ineligible projects, facility operations managers will pursue other relevant certifications to meet Metro sustainability goals such as Zero Carbon for emissions reduction, Zero Energy for energy reduction, WELL for toxics reduction, Salmon-Safe for habitat and TRUE for waste reduction as outlined in Section 5.3.

## **Section 7. Roles and Responsibilities**

### **7.1. Deputy Chief Operating Officer**

- 7.1.1. Review and grant exemptions from policy requirements as applicable.

### **7.2. Capital Asset Management Director**

- 7.2.1. Assists project sponsors with interpretation of policy language, when required, to determine applicability.
- 7.2.2. Reviews requests for policy exemptions and makes recommendations regarding approval to DCOO.
- 7.2.3. Helps ensure consistent, successful policy implementation through support of Sustainability Program and CPMO and their subsequent outreach to Metro departments.

### **7.3. Directors**

- 7.3.1. Department and facility directors will ensure sustainable building policy requirements are incorporated into their annual CIP and budget proposals.
- 7.3.2. Appoint a Sustainable Buildings and Sites Policy Coordinator for their department/venue.
- 7.3.3. As project executive sponsor, review and endorse requests for exemptions from policy requirements as applicable.
- 7.3.4. Hold department project sponsors, building operations managers and project managers accountable for implementation of the Sustainable Buildings and Sites Policy.

### **7.4. Building operations managers**

- 7.4.1. Conduct assessments of building performance and energy efficiency action plans, as described in Section 6.
- 7.4.2. Implement all standards for operations and maintenance of existing buildings outlined in Section 6.
- 7.4.3. Complete LEED O+M eligibility assessments for buildings, as described in Section 6.

- 7.4.4. Ensure training for operations staff and project managers in sustainable building operations and maintenance.
- 7.5. Capital Planning Oversight Committee (CPOC)
  - 7.5.1. Review and prioritize annual Sustainable Building and Sites Policy strategic investment recommendations.
  - 7.5.2. Integrate annual Sustainable Buildings and Sites Policy strategic investment recommendations into the annual Capital Improvement Plan.
- 7.6. Construction Project Management Office (CPMO)
  - 7.6.1. Integrate sustainable building requirements from this policy into the CPMO manual and project management tools and documentation.
  - 7.6.2. Ensure training for project managers on sustainable building standards required by this policy, as well as training and tools for implementation of this policy.
  - 7.6.3. Hold CPMO project managers accountable for implementation of the Sustainable Building and Sites Policy. Encourage consistent application of the policy by project managers across departments.
- 7.7. Project sponsor
  - 7.7.1. Sponsor a project from beginning to end and ensure the integration of Sustainable Buildings and Sites Policy requirements into all new construction, major renovations and systems upgrades projects where required.
  - 7.7.2. Incorporate sustainable building requirements in the project budget starting with project initial design phase as described in Section 6.
- 7.8. Project managers
  - 7.8.1. Attend sustainable building trainings.
  - 7.8.2. Integrate Sustainable Buildings and Sites Policy requirements into all new construction and major renovations where required and reflect accordingly in the project management plan.
  - 7.8.3. For new construction and major renovation projects, submit the following:  
  
Projects working toward Core Green Building Certification or LEED-BD+C certification: submit Core imperatives or LEED checklist and review comments from the International Living Future Institute or Green Building Certification Institute at project completion indicating that the project has achieved Core imperatives and LEED credits.
    - 7.8.3.1. Ensure post-occupancy tracking and documentation requirements for certification are met, as required.

7.8.4. For new construction of new parks, submit the following:

7.8.4.1. Projects seeking SITES Gold certification: submit SITES credits checklist and review comments at project completion indicating that the project has achieved SITES Gold certification.

7.9. Sustainable Buildings and Sites Coordinator

7.9.1. Appointed by Director as department/venue point person for Sustainable Buildings and Sites Policy coordination and implementation.

7.9.2. Meet with department and facility directors and Capital Planning Oversight Committee to provide guidance on how to integrate sustainable building policy requirements into projects and annual budget proposals.

7.9.3. Support project sponsors and project managers in compliance with the policy, to include: review and interpretation of policy requirements and potential exemptions at project initiation; review of policy-related project documentation for reporting; and sharing information with the Sustainability Program for the annual sustainability report.

7.9.4. Participates in quarterly meetings with Sustainability Program and other agency Sustainable Building Coordinators to support successful policy implementation, training on sustainable building standards required by this policy, and training on the implementation of this policy.

7.10. Sustainability Steering Committee

7.10.1. The primary function of the Sustainability Steering Committee is to oversee implementation of the Metro Sustainability Plan for internal operations. The intention is that all departments and facilities are represented on the committee.

7.10.2. Provide accountability and policy reinforcement by identifying barriers to successful policy implementation and helping to develop strategies to overcome barriers while serving as a point of contact between venues and departments and the Sustainability Program.

7.10.3. Contribute to annual sustainability report by sharing key accomplishments related to implementation of this policy.

7.11. Finance

7.11.1. Revise and update all funding processes to be consistent with the Sustainable Buildings and Sites Policy as described in Section 8.

7.12. Procurement services

7.12.1. Align procurement policies and procedures to support Sustainable Buildings and Sites Policy requirements, including template language for solicitations and contracts.

7.12.2. Align new construction, major renovation, and existing building maintenance contracts in accordance with Sustainable Buildings and Sites Policy and other relevant Metro policies.

7.13. Sustainability Program

7.13.1. Ensure that staff with knowledge of Sustainable Buildings and Sites Policy requirements are in attendance at CPOC meetings.

7.13.2. Support Sustainable Building Policy Coordinators through training, quarterly meetings, and as needed. Provide training for policy awareness and implementation and maintain up-to-date policy resources.

7.13.3. Regularly review data from projects and annual sustainability reporting, audits, studies, as well as partnerships and grant opportunities, to make recommendations to CPOCs regarding which strategic opportunities Metro should pursue to advance sustainability across Metro's portfolio.

7.13.4. Meet with department and facility directors to provide guidance on how to integrate Sustainable Buildings and Sites Policy requirements into projects and budget proposals.

7.13.5. Evaluate and prioritize Metro buildings eligible for potential LEED O+M certification and recommend buildings for certification to respective Department Directors.

7.13.6. Develop and adopt operational policies and procedures that support the Sustainable Buildings and Sites Policy as needed.

7.13.7. Curate an accessible library of policy resources for project teams to use.

7.13.8. Report on progress toward implementing the Sustainable Buildings and Sites Policy in the annual Sustainability Report, as described in Section 9.

7.13.9. Lead periodic policy review and make recommendations to Chief Operating Officer on policy modifications to improve performance and advancement of Metro's sustainability goals.

**Section 8. Funding Methods and Tools**

8.1. 8.1. Funding methods: Annually, departments identify project costs and funding sources as part of the Metro's Capital Improvement Plan process so that sustainability goals can be achieved. Project costs should include the total cost of the project, inclusive of any costs required by this policy. Funding sources should comply with any fund restrictions.

8.2. Return on investment (ROI): Projects which result in a measurable reduction in electricity, fossil (natural) gas or water consumption by increasing efficiency, and that will result in an avoided cost for ongoing operations, have a positive ROI to Metro. Energy efficiency projects which have a ROI of ten years or less will be prioritized for funding from Metro's various funding sources even if there is an up-front capital investment required.

8.2.1. ROI for energy efficiency projects is typically estimated by the Energy Trust of Oregon or its partner service providers.

- 8.3. Energy Trust of Oregon incentives: When incentive funds are available from the Energy Trust of Oregon for energy efficiency projects, project managers will apply these to their projects.
- 8.4. Total cost of ownership: Projects will use a total cost of ownership model to determine the best value for Metro over the expected life of the building or equipment, consistent with Metro's Sustainable Procurement Policy and Capital Asset Management Policy.

## **Section 9. Reporting Requirements**

- 9.1. At the end of each new construction or major renovation project, the project manager is responsible for submitting the following information to the Sustainability Program: (1) amount of construction and demolition waste diverted from each project and reused on the job site (total tons, percent diverted, and list of primary materials diverted); (2) documentation of all Core imperatives and/or LEED credits that were incorporated in the project, (3) verification of certification for either Core, LEED, Sustainable SITES, and/or other third-party standards when available.
- 9.2. At the end of each fiscal year, operations managers are responsible for submitting a summary of key sustainable building operations and maintenance projects completed in the previous fiscal year including capital improvement projects as well as renewal and replacement projects that implement this policy. These summaries will include: (1) a one to two-paragraph summary of the project; (2) which of the Metro Sustainability goals the project addresses; (3) any anticipated resource or financial savings expected from the project.
- 9.3. Key accomplishments toward implementation of the Sustainable Buildings and Sites Policy will be included in the annual sustainability report prepared by the Sustainability Program.
- 9.4. Environmental sustainability performance of Metro buildings in the five goal areas of climate, toxics, waste, water and habitat/stormwater will be reported in absolute terms (e.g., total gallons or cubic feet of water consumed from a building in a given year) and in normalized terms (e.g. gallons consumed per visitor per year, per full-time equivalent worker per year, per square foot area per year, depending on building type).

## **Section 10. Definitions and Terms**

For the purposes of this policy, the following terms and definitions apply:

- 10.1. **Bioswale**: Landscape elements designed to remove silt and pollution from surface runoff water. They consist of a swaled drainage course with gently sloped sides and often filled with vegetation.
- 10.2. **Building**: A complete, permanent enclosed structure that is regularly occupied by people (1 FTE or full-time equivalent minimum) and contains conditioned space (heated or cooled). Based on an 8-hour day, the building must be occupied by either one full-time staff, or a combination of part-time staff to equal eight hours.
- 10.3. **Core Green Building Certification**: The Core Green Building Certification<sup>SM</sup> (Core) is a framework that outlines the 10 best practice achievements that a building must obtain to be

considered a green or sustainable building as certified by the International Living Future Institute.

- 10.4. **Eco-charrette:** An eco-charrette is an intensive workshop where the project stakeholders and expert consultants convene to brainstorm on project sustainable design goals and objectives.
- 10.5. **Ecoroof:** An ecoroof consists of a layer of vegetation over a growing medium on top of a synthetic, waterproof membrane. According to the City of Portland Ecoroof program, an ecoroof significantly decreases stormwater runoff, saves energy, reduces pollution and erosion and helps preserve fish habitat.
- 10.6. **Energy Trust of Oregon (ETO):** An independent nonprofit organization dedicated to helping utility customers benefit from saving energy and generating renewable energy.
- 10.7. **Fossil Fuels:** Fossil fuels are made from decomposing plants and animals. These fuels are found in the Earth's crust and contain carbon and hydrogen, which when burned for energy contribute greenhouse gas emissions that cause climate change. Coal, oil, and natural gas are examples of fossil fuels.
- 10.8. **FSC certified:** Forest Stewardship Council certification is an independent standard for sustainable management of forests and forest products, developed and maintained by the Forest Stewardship Council.
- 10.9. **Green Building Certification Institute (GBCI):** A third-party organization that provides independent oversight of professional credentialing and project certification programs related to green building. GBCI administers certifications and professional designations within the framework of the U.S. Green Building Council's LEED® Green Building Rating Systems™ and the SITES Rating System.
- 10.10. **IAQ:** Indoor air quality – the nature of air inside the space that affects the health and well-being of building occupants.
- 10.11. **International Living Future Institute (ILFI):** The International Living Future Institute is a nonprofit organization that seeks to lead the transformation toward a civilization that is socially just, culturally rich, and ecologically restorative. They offer several types of certification including Living Building Certification, Core Green Building Certification, Petal Certification, Zero Energy Certification, or Zero Carbon Certification.
- 10.12. **Integrated design:** Multidisciplinary collaboration, including key stakeholders and design professionals, from conception to completion of a building project, rather than the traditional series of hand-offs from owner to architect, from builder to occupant.
- 10.13. **LEED:** Leadership in Energy and Environmental Design, a green building certification standard and rating system developed and maintained by the U.S. Green Building Council.
  - **LEED BD+C:** LEED for New Construction and Major Renovations, latest version available
  - **LEED O+M:** LEED for Existing Buildings Operations and Maintenance, latest version available

- 10.14. **Life Cycle Assessment:** Life cycle assessment (LCA) is an evaluation of the environmental impacts of a product or service across its life cycle, from extraction of raw materials through manufacturing and transportation to end of life. LCAs function like nutrition labels.
- 10.15. **Major renovation or retrofit:** Extensive alteration work in addition to work on the exterior shell of the building and/or primary structural components and/or the primary mechanical, electrical and plumbing (MEP) and service systems and/or site work.
- 10.16. **Meaningful, inclusive engagement:** People have an opportunity to participate in decisions about activities that may affect their environment and/or health; the public's contribution can influence the regulatory agency's decision; community concerns will be considered in the decision-making process; and decision makers will seek out and facilitate the involvement of those potentially affected.
- 10.17. **Return on Investment:** Return on investment (ROI) is a simple formula that measures the gain or loss from an investment relative to the cost of the investment.
- 10.18. **RoHS:** The European Union Restriction on Hazardous Substances (RoHS) Directive restricts the use of six hazardous materials in the manufacture of various types of electronic and electrical equipment, including mercury levels in fluorescent lamps.
- 10.19. **Salmon-Safe Certification:** Salmon-Safe Certification involves a comprehensive evaluation of overall management policies and planning related to habitat and water quality protection.
- 10.20. **SITES:** Administered by Green Business Certification Inc., SITES offers a comprehensive rating system for projects on sites with or without buildings to enhance their sustainability, implement green infrastructure strategies and improve resilience.
- 10.21. **Solar Reflectance Index:** A measure of a material's ability to reject solar heat, as shown by a small temperature rise. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is 0 and a standard white (reflectance 0.80, emittance 0.90) is 100. Materials with the highest SRI values are the coolest choices for roofing.
- 10.22. **Sustainability:** Metro adopted the State of Oregon's definition of sustainability in 2008, as defined in ORS 184.421(4), as the working definition that will be used at Metro:  
"Sustainability' means using, developing and protecting resources in a manner that enables people to meet current needs and provides that future generations can also meet future needs, from the joint perspective of environmental, economic and community objectives."
- 10.23. **Total Cost of Ownership:** The comprehensive accounting of the total cost of an asset, including the initial costs, energy and operational costs, longevity and efficacy of service, and disposal costs.
- 10.24. **Total Project Cost:** The approved budget for a single project in the Capital Improvement Plan incorporating all associated project costs that will be coded to that specific project.

# APPENDICES

## Appendix A

### Part 1: Applying a Racial Equity Framework to the Policy Update

This document describes the process undertaken to apply Metro’s racial equity framework and engage stakeholders to inform development of the Sustainable Buildings and Site Policy. In summary, the updated policy will advance racial equity on Metro's projects by:

- Identifying racial equity outcomes and principles for all projects,
- Requiring new construction and major renovation projects to achieve the Core Green Building Certification that addresses the key environmental/climate justice and equity issues related to buildings, including: the climate impact of buildings, heat island effect, air quality, nontoxic building materials, accessibility, equity in contracting, workforce diversity and respecting the cultural and historical significance of land where development occurs, and
- Requiring meaningful and inclusive community engagement on Metro construction projects subject to the policy, when appropriate.

To identify those policy outcomes, principles and requirements, staff convened a racial equity team, reviewed and incorporated prior community input on Metro facilities and engaged COBID-certified firms.

### Metro’s Strategic Plan to Advance Racial Equity, Diversity and Inclusion

Following is a summary of the goals and objectives in Metro’s *Strategic Plan to Advance Racial Equity, Diversity and Inclusion* that the proposed policy update advances.

#### Strategic Plan to Advance Racial Equity GOALS that are most relevant to policy update:

Goal A	Metro convenes and supports regional partners to advance racial equity
Goal B	Metro meaningfully engages communities of color
Goal D	Metro creates safe and welcoming services, programs and destinations
Goal E	Metro's resource allocation advances racial equity

#### Strategic Plan to Advance Racial Equity, Diversity & Inclusion OBJECTIVES that are most relevant to the policy update:

A.4	Work with regional partners to increase the utilization of local minority, women, and emerging small businesses and the number of skilled construction tradespeople of color.
B.1	Establish and strengthen relationships with communities of color.
B.3	Increase participation of communities of color in Metro decision-making.
D.1	Increase the number of individuals of color who access Metro services and facilities.
D.2	Metro’s properties are more welcoming and reflective of all cultures.
E.2	Advance social equity contracting at Metro.

### Racial Equity Framework

To apply a racial equity framework to the policy update, Metro:

1. Convened an internal racial equity team,

2. Identified who tends to benefit and be burdened by the siting, construction and operation of Metro facilities,
3. Reviewed data sets from the Regional Barometer and other sources to evaluate community conditions related to racial equity and impacts from construction projects
4. Conducted stakeholder power analysis to determine who has influence to inform the policy decision as well as who is most impacted,
5. Reviewed and incorporated past input from community members on Metro facilities, and
6. Engaged COBID-certified design and construction firms to get feedback on the proposed policy.

Applying this framework led Metro to:

1. Identify racial equity outcomes the policy will strive to achieve,
2. Include racial equity principles to guide projects subject to the policy,
3. Include policy requirements to achieve racial equity outcomes,
4. Requiring meaningful and inclusive community engagement for projects subject to the policy,
5. Develop implementation strategies to reflect and address the needs of COBID firms.

### **Forming a Racial Equity Team**

Metro formed a Racial Equity Team (RET) of staff from across Metro with experience in racial equity analysis, accessibility, serving the public, and the operation and maintenance of Metro facilities, as well as staff with lived experience.

#### *Identifying benefits and burdens*

RET members were asked to identify who tends to benefit or be burdened by the planning, design, construction, and maintenance and operation of Metro facilities. Those who tend to benefit from construction, renovation, and operation of new and existing Metro buildings include residents who already know about and use Metro services, people who can access reliable transportation, established design, engineering and construction firms who are often awarded contracts over smaller minority-owned firms, and households near public transit and public amenities who can more easily access services. People with higher incomes and formal education who English are more readily involved in the planning of new public facilities and benefit from having a more direct path to influence the decision-making process.

Those who tend to be burdened include people living nearby who can be impacted by traffic, noise, pollution, and communities and neighborhoods disrupted or displaced by the siting and construction of new facilities. People with unreliable transportation or who have difficulty accessing public transit tend to lack access to Metro facilities and services. Non-English-speaking people are often overlooked in building wayfinding and signage. People with mobility and accessibility issues often lack physical access to public facilities.

The people most impacted by new facilities are often those least represented in public engagement and decision-making processes. Communities of color suffer a disproportionate share of diesel particulate pollution and environmental toxins from the construction and operation of existing facilities. Those same communities often experience higher rates of dangerous urban heat island effect. BIPOC-owned businesses often get edged out by larger firms during contracting. Frontline staff who maintain buildings and interact with community members using buildings are often not involved in the planning, design, or decision making.

#### *Evaluating community data*

The RET examined data sets from the [Metro Regional Barometer](#) and other sources to help evaluate community conditions related to racial equity and the possible impacts from Metro projects past, present, and future. Data evaluation showed that a higher percentage of low income, people of color, and English-limited language residents live in equity focus areas<sup>17</sup> with corresponding inequities related to environmental hazards, transportation, access to greenspace, language barriers, socioeconomic conditions, accessibility, urban heat island effect, and toxic chemicals and health. These same equity focus areas within the Portland metropolitan region also correlate with areas of historic disinvestment, redlining, and are largely located along or near transportation corridors where development by public agencies has resulted in displacement.

There is a lack of diversity in the construction trades in greater Portland – especially across higher skilled construction occupations. Black, Indigenous, and People of Color and women face multiple barriers in accessing and sustaining construction careers. The inconsistent nature of construction work, lack of career ladders at construction firms, and insufficient funding and resources for education, job training and support services are among the factors that limit career employment.

#### *Stakeholder power analysis*

Metro conducted a stakeholder power analysis with some members of the Racial Equity Team to determine who has influence to inform policy decisions related to siting, design, construction and operation of Metro facilities as well as who is most impacted. Stakeholder analysis helped inform policy development engagement efforts.

#### **Incorporating past public engagement feedback related to Metro facilities**

As part of applying a racial equity framework to the policy development, Metro examined previous feedback from community members received in recent years related to the planning and siting, operation and use of existing and prospective Metro facilities, including:

1. Metro South Transfer Station - Public Involvement Summary Report and Future South Community Lens document
2. Metro's Americans with Disabilities Act (ADA) Compliance Initiative Community Engagement Report and ADA Compliance Initiative Transition Plan for Parks and Nature
3. Oregon Zoo Community Accessibility Workshop

Metro did a crosswalk of the input received through these engagement efforts with the proposed policy to determine how prior community input is reflected and addressed in the policy.

#### *Metro South Transfer Station - Public Involvement Summary Report and Future South Community Lens document*

In 2019 Metro's Waste Prevention and Environmental Services department worked with Unite Oregon to form a Metro South Advisory Group to apply a robust community lens when considering site selection and planning of a new transfer station and services in Clackamas County. In facilitated sessions, the advisory group established community values and goals to prioritize when siting and planning a new Metro facility. When construction and operating facilities the advisory group asked Metro to:

- Minimize harmful impacts to the environment

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<sup>17</sup> Equity focus areas are Census tracts that represent communities where the rate of people of color (POC) or people with limited English proficiency (LEP) is greater than the regional average, or people with low income, i.e., incomes equal to or less than 200% of the Federal Poverty Level (LI). Additionally the density (persons per acre) of one or more of these populations must be double the regional average.

- Demonstrate respect for the natural environment
- Promote environmental justice and protect wildlife, plants, air and water
- Monitor air quality to mitigate negative environmental impacts
- Ensure accessibility for people with mobility, hearing, and vision needs
- Provide safe pathways, sidewalks, and vehicle speed control around facilities
- Address odors, trash, and noise pollution of new construction and ongoing operation
- Include signage in multiple languages and prioritize the needs of vulnerable populations
- Honor the history of First Nations and the original inhabitants of the land whether through design, land acknowledgement, signage, and/or ongoing education and outreach
- Build community assets that serve as focal points for the community
- Allow communities to determine the services provided by new facilities
- Ensure fair, equitable decision making and transparency of process
- Maximize resiliency in the design of future development and facilities in anticipation and response to natural disasters or emergencies such floods, earthquakes and serve as a resource hub in the event of community emergencies

This feedback is addressed in the following requirements included in the Sustainable buildings and Sites policy:

- Core Imperative 1: Ecology of Place
- Core Imperative 2: Human Scaled Living
- Core Imperative 3: Responsible Water Use
- Core Imperative 4: Energy + Carbon Reduction
- Core Imperative 7: Universal Access
- Core Imperative 9: Beauty and Biophilia
- Core Imperative 10: Education and Inspiration

*Metro's Americans with Disabilities Act (ADA) Compliance Initiative Community Engagement Report and the Metro Americans with Disabilities Transition Plan for Parks & Nature*

Starting in 2017 Metro conducted an accessibility audit of the Metro Regional Center and at a series of selected Metro parks and facilities to prepare a phased retrofit schedule to address access deficits. As part of this work, in 2018, Metro solicited feedback at a series of community engagement events when developing an American Disabilities Transition Plan for compliance with the American Disabilities Act for the Metro Parks & Nature department. Participants included people who represented themselves as having disabilities and organizations advocating for people with disabilities.

Feedback received centered on how to ensure accessibility of spaces and public participation in the planning and designing of Metro facilities, including the outlining of specific and prescriptive approaches Metro can take to ensure safety and accessibility. Throughout engagement discussions, participants communicated the following community accessibility priorities:

- Remove physical barriers across Metro properties, parks, and natural areas
- Design parking with exterior accessible routes, signage, with accessible restrooms
- Deploy a variety of seating including some with arm rests, some without, single seats, and group seating with more seats available at sites.
- Provide disability access
- Ensure everyone has equal access to services
- Make spaces welcoming

- Provide accessible recreation opportunities for people across the region with prioritization on communities of color
- Document requests from people with disabilities and routinely consider potential changes or additions
- Host community discussions to solicit public feedback on trails and parks amenities

This feedback is addressed in the following requirements included in the Sustainable buildings and Sites policy:

- Core Imperative 1: Ecology of Place
- Core Imperative 2: Human Scaled Living
- Core Imperative 7: Universal Access

#### *Oregon Zoo Community Accessibility Workshop*

In 2019, Metro hosted an accessibility workshop at the Oregon Zoo to better understand how to make facilities like the Oregon Zoo more accessible, inviting, and welcoming for people, including people with disabilities. Workshop participants emphasized that removing barriers to accessibility is not enough and to let users determine what is actually accessible. Themes from the workshop that are transferable on how to make Metro buildings more inclusive and accessible include:

- Include representation by disability communities throughout a project
- Ensure visitors of all abilities can access spaces, amenities, and experiences in comparable ways
- Work with local organizations in the planning, design, and testing of spaces
- Clearly communicate what accommodations facilities provide
- Include representation of people with disabilities on staff, as volunteers, and part of decision making.
- Make Metro facilities more welcoming, safe, and accessible for people of all abilities

This feedback is addressed in the following requirements included in the Sustainable buildings and Sites policy:

- Core Imperative 1: Ecology of Place
- Core Imperative 2: Human Scaled Living
- Core Imperative 7: Universal Access

#### **Engagement of COBID-certified Firms**

In June 2022, Metro staff worked with a consultant to engage COBID-certified construction and design firms about the policy update process. Metro recruited focus group participation from community-based organizations who support COBID firms including the Professional Business Development Group (PBDG), National Association of Minority Contractors (NAMC), Oregon Association of Minority Entrepreneurs (OAME), and LatinoBuilt. Metro hosted two paid, virtual focus groups with a total of ten COBID firms to:

- Get feedback on the potential benefits or challenges that the new policy requirements could create for them, from competing for projects through the delivery of services once a contract is awarded.
- Use feedback to identify ways that Metro could support COBID firms in working with Metro and meeting the policy requirements.

#### *Key takeaways*

- Participants support Metro's commitment to sustainability with the new standards.

- Tracking certifications and specific requirements across different agencies is an ongoing challenge. Participants asked Metro to coordinate with other agencies to use similar standards when possible.
- The cost and process of learning about and obtaining new accreditations can be prohibitive and exclusionary for smaller firms with limited capital, staff, and other resources.
- Firms have a wide range of experience with third-party certifications. LEED was the most familiar certification. Only a couple participants recognized Core, Sustainable SITES, and Salmon-Safe.
- The policy should have flexibility built into it to consider which requirements make sense for individual projects.
- Participants requested more information about the certifications and policy requirements and expressed interest in a variety of offerings including online and in-person trainings, informational sessions, site visits, and charrettes.
- Participants cited a need for Metro to help facilitate connections between COBID firms, subject matter experts, and suppliers so they can form competitive teams that include the expertise required by the updated policy.

#### *Incorporating COBID firm engagement feedback*

To address COBID focus group feedback and the ability for COBID firms to successfully compete for Metro projects, the policy implementation plan includes the following:

- Clarification within policy materials how projects can apply for a Core certification exemption if not feasible for the project. If the exemption is approved, a project can pursue an alternative path of LEED certification with baseline LEED credits required.
- Metro to provide as much advance notice as possible regarding Metro's upcoming request for proposals (RFPs) and requirements.
- Metro procurement will ensure solicitations include an estimated project schedule and cost, so contractors can assess and better meet expectations in the request for proposal.
- Metro procurement will include detailed requirements and scoring metrics in project RFPs and specifications.
- Metro will reimburse the cost for firms to earn JUST certification within project budgets to ease certification burdens
- A policy toolkit with a comprehensive and accessible library of resources on policy requirements, resources, and implementation tools.
- Trainings and informational sessions on policy requirements.
- Outreach to COBID firms to connect COBID firms with professionals and firms following best practice in order to grow capacity within the industry.

## **Part 2: Racial Equity outcomes and requirements in the Policy**

Applying a racial equity framework to the policy update resulted in the inclusion of racial equity outcomes, principles and requirements within the policy.

### **Racial equity outcomes:**

The policy strives to achieve the following racial equity outcomes (Section 3.1):

1. Metro buildings provide healthy, accessible, welcoming spaces where staff and visitors can thrive.
2. Metro's buildings contribute to climate and environmental justice outcomes in the region.
3. Metro's capital investments in buildings create opportunities for COBID-certified firms and advance construction workforce diversity.

### **Racial equity principles:**

To achieve the identified racial equity outcomes, the policy includes the following racial equity principles (Section 3.2) that policy requirements are designed to advance:

1. Prioritize sites that are served by public transit and are accessible by walking and biking.
2. Promote environmental justice by preventing and mitigating the negative impacts on adjacent communities related to siting and displacement, traffic, noise, and diesel emissions and other pollution from building and site construction.
3. Site and design buildings for climate adaptation, resiliency and to minimize urban heat island effect.
4. Ensure buildings and parks are welcoming to staff, the public, and all Metro constituents, including strategies like signage in multiple languages.
5. Ensure buildings and parks are accessible and inclusive to people with disabilities and include accessibility features for those with mobility, hearing or vision needs.
6. Minimize the use of toxic building materials and require the use of non/low-toxic chemicals for operations and maintenance.
7. Ensure equity in contracting and advance workforce diversity.
8. Respect culturally significant areas and honor the history of the original inhabitants of the land.

### ***Community engagement requirements***

Section 3.4 of the policy requires meaningful and inclusive engagement for projects subject to this policy, when appropriate, to incorporate community feedback, to elevate the voices of those who are most impacted by projects and who have historically had the least amount of influence, and to help inform, guide, and improve project outcomes.

### **Policy green building certification requirements that address racial equity**

#### ***Core Green Building certification***

New construction and major renovation projects must achieve Core Green Building Certification, which includes requirements that address environmental and climate impacts, accessibility, climate adaptation and resiliency, toxic building materials, equity in contracting, and respecting the cultural and historical significance of land where development occurs.

To address **environmental and climate justice** while protecting ecology of place, Core certification requirements all new construction and major renovation must meet the following requirements:

- Achieve a 70% reduction in total energy consumption compared to a typical existing building
- Prohibit combustion of fossil fuels
- Demonstrate a 20% reduction in the embodied carbon of primary materials (wood, concrete, steel, etc.) compared to an equivalent baseline building
- Select interior materials with lower than industry average carbon footprint
- Design projects to be “zero ready” for electric vehicle charging and future installation of renewable energy systems
- Avoid building on pristine greenfield, wilderness, prime farmland or in a floodplain, and preserve thriving vibrant ecological environments and habitats.
- Demonstrate how a project contributes positively to the ecology of place and restore or enhance the ecological performance of the site towards a healthy ecological baseline.

- Design on-site landscaping to mature and evolve and emulate the functionality of the reference habitat
- Not use potable water for irrigation.
- Treat all stormwater on site, through natural or mechanical means and without chemicals.
- Eliminate persistent bioaccumulative toxicants, and known or suspect carcinogenic, mutagenic and reprotoxic chemicals, including Red List ingredients in operational emissions.
- Address noise related to construction and operation of facilities.

To ensure **accessibility** and public safety of facilities all new construction and major renovation must meet the following requirements:

- Follow principles of universal access including requiring that all projects safeguard access for those with physical disabilities through designs meeting either the Principles of Universal design, the Americans with Disabilities Act and the Architectural Barriers Act Accessibility Guidelines, or international equivalent,
- Increase opportunities to access facilities in a variety of ways (beyond single occupancy vehicle use),
- Provide pedestrian routes, weather protection, and community advocacy in support of human-powered and public transportation,
- Make all primary transportation, roads and non-building infrastructure (e.g., plazas, seating or park space) equally accessible to all members of the public regardless of background, age, ability, and socioeconomic class— including people experiencing houselessness, and
- Design public realm features to be accessible to all members of society, including street furniture, public art, gardens, and benches.

To ensure **inclusive public participation and honoring of the cultural and historical context** of a place, new construction and major renovation must meet the following requirements:

- Assess cultural and social equity factors and needs in the community to inform design and process decisions.
- Integrate public art and design features intended for human delight and the celebration of culture, spirit, and place appropriate to the project’s function.
- Examine the historical, cultural, ecological, and climatic studies of the site

To ensure **equity in contracting and workforce diversity**, new construction and major renovation projects must meet the following requirements:

- At least two project team organizations must have a [JUST label](#) (a “nutrition” label for socially just and equitable organizations),
- 20% of design contract and/or construction contracts, and 10% of maintenance contracts must be with JUST organizations that achieve the Diversity category, or are registered Minority, Woman, or Disadvantaged Business Enterprises (MWDBE) organizations, or international equivalent, and
- 10% of the general contractor project contracts and/or project maintenance contracts employ workforce development/training/community benefits agreements, registered apprentice programs and similar programs.

*Projects ineligible for Core certification*

If a project is unable to achieve the Core Green Building Certification standard the policy establishes a fallback sustainable building standard of LEED v.4.1 Rating System for Building Design and

Construction (LEED BD+C) with some required credits to align with Metro sustainability and equity goals.

#### *Sustainable site standards for Parks*

New construction and major renovation of Metro developed parks and green spaces over 2,000 square feet must meet the SITES Gold certification standard, which is designed to enhance sustainability, implement green infrastructure strategies and improve resilience.

#### *Requirements for all new construction and major renovation projects*

All new construction and major renovation projects, regardless of size or certification standard must meet additional sustainability requirements:

- Exclude the use of fossil fuels and dedicated fossil fuel infrastructure
- Include electric vehicle charging infrastructure
- Evaluate highest and best use of rooftop space for onsite solar generation, green roof installation, and/or solar reflectivity
- Reduce diesel emissions
- Reduce embodied carbon in primary materials by 20%
- Conduct meaningful and inclusive engagement, when appropriate (Section 3.4)

#### *Existing Sites and Buildings*

In the operation and maintenance of existing Metro buildings, buildings shall apply for the LEED Rating System for Existing Buildings: Operations & Maintenance (LEED O+M) certification at the Silver level or higher. Existing LEED certified buildings will incrementally achieve higher certification, such as LEED Gold, Platinum or LEED Zero (carbon, waste, energy, water).

All existing Metro buildings, regardless of their eligibility for LEED O+M certification, shall meet the following sustainable operations requirements:

- Conduct energy audits and develop energy efficiency plans,
- Meet business recycling requirements and separate food waste
- Complete a sustainable roof assessment upon roof tear off or replacement to evaluate highest and best use of rooftop including solar generation, green roof installation and increasing solar reflectivity,
- Replace lighting fixtures and lamps with high efficiency LED alternatives,
- Select new appliances and equipment with highest Energy Star efficiency rating,
- Purchase EPA Water Sense certified fixtures,
- Develop and adopt operational policies and procedures that reduce use and exposure to environmental toxins, and
- Follow sustainability criteria during system upgrades to consider the long term environmental, human and financial impacts

### **Part 3: Accountability and Progress Tracking**

The policy includes the following measures to track progress and ensure accountability:

- Reporting on sustainability achievements and certification results at the end of each new construction or major renovation project
- Annual reporting by facility of key projects completed and how they address Metro's sustainability and racial equity goals
- Annual reporting by the Sustainability Program of environmental sustainability performance data

## **APPENDIX B**

### **Alternative standards for new construction and major renovation**

If the project sponsor believes that Core Green Building Certification is not applicable for a specific project, they must submit an exemption request documenting why the project cannot meet Core Green Building Certification to the Metro Chief Operating Officer for approval.

If a Core Green Building Certification exemption is approved, the LEED Rating System for Building Design + Construction (LEED BD+C) certification will be required instead. The most recent version of the LEED standard will be followed.

If LEED certification is pursued, project teams should attempt to achieve the highest level of certification possible. At minimum, the following LEED-BD+C credits are required to be incorporated into each project. Metro selected the following required credits due to their alignment with Metro's environmental sustainability goals for internal operations and racial equity goals.

- a. Location and Transportation: Access to Quality Transit
- b. Energy & Atmosphere: Optimize Energy Performance
- c. Energy & Atmosphere: Renewable Energy
- d. Water Efficiency: Outdoor Water Use Reduction
- e. Water Efficiency: Indoor Water Use Reduction
- f. Materials and Resources: Building Life-Cycle Impact Reduction
- g. Materials and Resources: Construction and Demolition
- h. Sustainable Sites: Rainwater Management, Quality Control
- i. Sustainable Sites: Heat Island Reduction – Roof
- j. Sustainable Sites: Light Pollution Reduction
- k. Indoor Environmental Quality: Low-Emitting Materials

The following credits (which closely align with Metro's sustainability goals) are preferred, but not required, for LEED-BD+C projects as applicable to each project and site. These credits align with Metro's environmental sustainability goals for internal operations and racial equity goals.

- a. Location and Transportation: High Priority Site and Equitable Development Credit
- b. Energy & Atmosphere: Enhanced Commissioning
- c. Energy & Atmosphere: Enhanced Refrigerant Management
- d. Materials and Resources: Environmental Product Declarations
- e. Materials and Resources: Sourcing of Raw Materials
- f. Materials and Resources: Material Ingredients
- g. Sustainable Sites: Protect or Restore Habitat
- h. Sustainable Sites: Heat Island Reduction – Non-Roof

## **APPENDIX C**

### **Additional Bird-Friendly Design, Materials Carbon Reduction, Sustainable Roof Requirements for all applicable projects/operations**

#### **Bird-Friendly Design Standards**

##### **Background**

Portland sits on the Pacific Flyway, a major north-south flight route extending from Alaska to South America. The region is home or a critical stopping point for more than 200 species of birds. Many of these bird species are in decline due to multiple risk factors. Structural hazards are a primary threat to both resident and migratory birds, ranked second as a mortality factor after habitat destruction.

##### **Purpose**

Implement bird-friendly requirements in new, existing, and renovated buildings to prevent bird injury and mortality from in-flight collisions with buildings.

##### **Compliance**

1. Meet Bird-Friendly Design Requirements, or
2. Achieve [LEED Pilot Credit 55: Bird Collision Deterrence](#)

##### **Applicability**

Bird friendly requirements apply if any of the following conditions are true:

- The project includes one or more structures with a footprint of more than 500 square feet
- The project includes one or more monopole structures
- The project includes one or more wind energy facilities
- The project involves a change to 25% of an existing building façade with exterior alterations
- The project involves installation of trail or building lighting, glass railings or exhibit windows, or a glass corridor/walkway, etc.
- Exemptions are allowed when accidents, severe weather events, and other emergency situations require immediate replacement of existing glass and infrastructure.

#### **Bird-Friendly Design Requirements**

##### ***Window Treatments***

This section applies to projects with at least 10 percent exterior glass, exhibit windows, sky-bridges or atriums with exterior glazing, or glass railings. (All measures apply unless not applicable)

To reduce reflectivity and make exterior glass visible to birds, apply at least one of the following treatments to 100 percent of new windows or other exterior glass: a.) between the ground and 60 feet above the ground, and b.) for one story above a vegetated roof.

- Non reflective, opaque or translucent glass
- Glass that reflects ultraviolet light (which some birds can see), such as Ornlux, effective for use in bright sunlit conditions (not recommended in backlit conditions or densely forested settings).
- Glass that has photovoltaic cells embedded, such as IQ Glass or Voltalux.
- Application of patterns (e.g., dots, stripes, images, abstract patterns) to exterior (first outside facing) glass surfaces. Patterns may be etched, fritted or in films. Spaces between

pattern elements must be no more than two inches horizontally or two inches vertically, or both, i.e., patterns must conform to the "two by two" rule.

- External screens, decorative grills, interior screens, netting, louvers, shutters or exterior shades placed as close to the outside glass surfaces as possible cannot exceed a 9" maximum spacing between exterior elements including a 1:1 depth to spacing ratio (whether horizontal or vertical).

***Reducing Light Attractants*** (all measures apply unless not applicable)

- Minimize exterior lighting.
- No up-lighting or light beams.
- Install full cut off, shielded, or directional lighting to minimize light spillage, glare, or light trespass.
- No lighting should be brighter than necessary to reduce glare off of adjacent surfaces.
- Install time switch control devices, motion-occupancy sensors, or non-emergency interior lights that can be programmed to turn off during non-work hours or otherwise designated hours.
- LED lighting must meet a rating of 3000 kelvin or below and 2700 kelvin in all natural areas including areas Metro defines as high value habitat.

Use best available science to select light intensity, color, and flash frequencies that reduce bird hazard if complying with federal aviation safety requirements.

Additions or exterior alterations to existing development, must comply with *Window Treatments* and *Reducing Light Attractants* requirements above by retrofitting existing windows or light fixtures if to do so will more effectively reduce hazards to birds.

**Additional measures** (all measures apply unless not applicable)

- Mirrored glass, exterior mirrors or mirroring materials with exterior reflectivity greater than 15% are not allowed in building or landscape design.
- Minimize the number and co-locate rooftop antennas and other rooftop structures.
- Wind generators must appear solid when in motion.
- Tower structures must not include guy wires.
- Bird attractants (exterior/interior landscaped areas, vegetated roofs, water features) may not be placed where they could be reflected in, or be viewed through, exterior glass unless the glass incorporates bird-friendly treatments (see *Window Treatments* above).
- Free-standing glass for exhibits, railing, and signage must comply with *Reducing Light Attractants*
- Trail lighting in parks and at Metro facilities must comply with *Reducing Light Attractants* guidelines<sup>18</sup>
- Include methods to identify and document locations where repeated bird strikes occur, the number of collisions, the date, the approximate time, and features that may be contributing to collisions. List potential design solutions and provide a process for corrective action.

**Best Management Practices** (optional and encouraged)

The following BMPs are intended to promote bird safety through construction practices and building operation/site and management.

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<sup>18</sup>For more information see the *Lighting Regional Trails Best Practices and Recommendations*, Lake McTighe 2016.

## Avoid adversely affecting nesting birds (required per federal Migratory Bird Treaty Act)

- Schedule the timing of construction-related activities (e.g., vegetation removal, site preparation, demolition) during non-nesting season September 1 – January 31.
  - During early nesting season, February 1 – April 15, (March 30) apply best practices to avoid disturbance to vegetation, especially trees, and impact to local and migrating bird populations.
  - During primary nesting season, April 15 – July 31, avoid disturbance to vegetation.
  - Additional guidance can be found in the [City of Portland's Protecting Nesting Birds<sup>19</sup>](#).
  - Conduct nest searches if applicable.
- Extinguish nighttime non-security illumination during the spring (February 15 to May 31) and fall (August 15 to November 30) bird migration periods.
  - Recommend at minimum, exterior lighting should be programmed to be extinguished by 11 pm or midnight until 6 am unless necessary for safety and circulation.
  - Distribute educational materials on bird-friendly building and lighting practices to building managers and occupants.
- Install interior blinds, shades or other window coverings in windows with clear glass on the ground floor, visible from the exterior, as part of the construction project contract, lease agreement or covenants, conditions, and restrictions *in addition to* following window treatment and lighting attractant guidelines.
- Install screens on windows that open *in addition to* following window treatment and lighting attractant guidelines.
- Request employees to turn off task lighting at workstations and draw office window coverings at end of the day.
  - Schedule maintenance activities to occur during the day, or conclude before 11 p.m. if possible, and avoid maintenance activities that could cause disturbance during nesting seasons.
- Modify mowing practices during bird nesting times in accordance with [City of Portland's Protecting Nesting Birds](#).
- If hosting bird feeders at a Metro site, follow best feeding practices to avoid creating unsafe situations for birds and wildlife<sup>20</sup>.
- When designing and constructing new buildings incorporate treatments into the design to deter bird congregation and prevent nuisance problems.

## Glossary

- **Frit pattern** – a bird safe frit pattern involves the application of a uniform treatment over an entire window with a consistent element of any shape (lines, dots, other geometric figures, etc.) to reduce bird collisions. Birds can see the visual markers in the pattern and avoid a strike.

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<sup>19</sup> The City of Portland's Protecting Nesting Birds provides guidance on the times of the year birds are more likely to be present or nesting in a project area within the Portland region and describes actions that minimize risk without stopping a project. Advanced planning can minimize problems later on. <https://www.portlandoregon.gov/bes/index.cfm?a=322164>

<sup>20</sup> Audubon of Oregon recommends allowing feeders only in front of treated glass facades and/or placing feeders within 3 feet of glass (to reduce momentum of birds flushed off feeders) or placing them farther than 30 feet (absolute minimum) from facade.

- **High value habitat** - Areas that meet criteria of high ecological function, having structures to support wildlife and healthy plant diversity; Metro has documentation of these areas based on the Regional Conservation Strategy.

## **Materials Carbon Reduction Standards**

### **Purpose**

The intent is to reduce embodied carbon in materials and move Metro towards net-zero carbon status by 2050. Throughout their life cycle, building materials are responsible for nearly 40% of all global greenhouse gas emissions and many adverse environmental issues, including personal illness, habitat and species loss, pollution, and resource depletion.

### **Applicability**

All new construction, major renovation and existing buildings shall comply with the requirements of this appendix, except as noted below:

- Any new construction or major renovation seeking ILFI Core Green Building Certification is exempt from Requirement 1 through 2029. Core Green Building Certification requires a 20% reduction as is. (Requirement 2, low-carbon concrete, still required.)
- Any new construction or major renovation seeking LEED v4.1 Materials Recovery Exemplary Performance credit for Building Product Disclosure and Optimization – Environmental Product Declaration (EPD) is exempt from Goal 1 through 2029. (Goal 2, low-carbon concrete, still required.)
- Non-applicable projects or existing buildings. If project or existing building-type doesn't seem applicable to the requirements of this appendix, an explanation shall be submitted within a Sustainable Buildings and Sites Policy exemption form and submitted by the Project Manager (PM) or site Operations Manager to the project Executive Sponsor and Sustainable Buildings and Sites Policy (SBSP) Coordinator. Upon their approval the project will be exempt from requirements.

### **Requirements**

1. All new construction and major renovation must demonstrate a 20% reduction in the embodied carbon of primary materials. Primary materials refer to the majority by cost of permanently installed components that make up the structural, foundation and enclosure systems of a building (i.e., concrete, steel, wood, roofing, cladding, glass and insulation).
  - The re-use of an existing building, or use of salvaged or reused primary materials contributes to meeting the reduction requirement by removing the embodied carbon impacts of the materials that would have otherwise been sourced new.
  - Future updates to this policy will include an incremental increase in embodied carbon reductions over time to achieve net zero carbon by 2050.
2. All projects utilizing concrete shall comply with the most recent version of the City of Portland's Concrete Embodied Carbon Thresholds.
3. Evaluate use of MetroPaint first before specifying finishes for any painted surfaces.
4. All existing buildings must meet the same incremental mandatory embodied carbon reductions as new construction for purchases such as new furniture, equipment and interior finishes (wood trim, carpet, ceiling tile, gypsum wallboard, wall coverings, etc.).

### **Implementation**

1. **For new construction/renovation.** Step one: Consultant and/or contractor use free, open-source software (Athena, Tally, GaBi, EC3, One Click LCA, etc.) to calculate embodied carbon baseline and reductions and deliver to Sustainable Buildings and Sites Coordinator. Step two: Follow up by providing Sustainable Buildings and Sites Coordinator approved submittals validating that materials used in calculations were used on building, and/or

substitutions (if any) matched same embodied carbon requirements. PM can forward the approved submittals from project team.

2. **For all projects using concrete.** PM ensures that consultants and contractors comply with specifications and documentation of City of Portland's Concrete Embodied Carbon Thresholds. All specifications, EPDs and approved submittals will be forwarded by the PM to the Sustainable Buildings and Sites Coordinator.
3. **For existing buildings.** Step one: Consultant and/or contractor use free, open-source software (Athena, Tally, GaBi, EC3, One Click LCA, etc.) and/or carbon-neutral interiors' databases to calculate embodied carbon baseline and reductions and deliver to GBP Coordinator. Step two: Follow up by providing GBP Coordinator approved submittals or invoices validating that materials used in calculations were used on building, and/or substitutions (if any) matched same embodied carbon requirements. PM can forward the approved documentation from project team.
4. **For operations and maintenance purchases.** PM or site Operations Manager requests EPDs, contingent with purchase, and forwards them to Sustainable Buildings and Sites Coordinator. Procurement will make EPDs mandatory for these "top 10%" purchases, and a condition of contract execution, in procurement documents.

### **Glossary**

- **Embodied carbon** is the carbon dioxide (CO<sub>2</sub>) emissions created during the extraction, manufacturing, and transport of building materials used in a construction project, or the carbon footprint of a building or infrastructure project before it becomes operational.
- **Primary materials** include wood, steel, and concrete and constitute the majority of materials used in a building or infrastructure project.
- **Low carbon concrete** uses a lower embodied carbon material as the binder such as fly ash or slag to produce a concrete that results in a less overall production of greenhouse gas emissions from the mining, refining, and transport of ingredients.
- **Global warming potential (GWP)** was developed to allow comparisons of the global warming impacts of different gases. Specifically, it is a measure of how much energy the emissions of 1 ton of a gas will absorb over a period of time, relative to the emissions of 1 ton of carbon dioxide (CO<sub>2</sub>).
- **Environmental product declarations (EPD)** or EPDS are third-party verified reports of all the environmental impacts of a product or service across its life cycle. The life cycle analysis looks at every stage of that product's or service's life. They function like a nutrition label.

## **Sustainable Roof Standards**

### **Purpose**

Sustainable building rooftop technologies, such as low reflectance roofs, ecoroofs, and solar photovoltaic(s) (PV) panels, are becoming more common as a result of their associated environmental benefits. *The purpose of this policy appendix is to maximize the environmental benefit of rooftops at new or existing Metro facilities.*

### **Requirements**

Evaluate and implement sustainable rooftop technologies based on the hierarchy below to maximize environmental benefit.

1. Solar PV – highest priority due to clean energy generation
2. Ecoroof – next-highest priority to mitigate storm water, provide habitat and reduce heat island effect
3. High reflectance roof – third priority; reduces heat island effect but may contribute to higher heating costs in winter and higher maintenance needs (keeping clean)

### **Applicability**

For the purposes of this policy the applicable roof area excludes roof area covered by mechanical equipment, skylights, and any other appurtenances.

1. All new Construction and Major Renovation projects, 1,000 sf or larger.
2. For all Existing Buildings, 1,000 sf or larger, analysis shall be completed for all roofing projects that require a tear-off or full roof replacement.
  - a. Existing building roofing projects will first consider roof restoration before tear-off due to the cost savings and environmental benefits.
  - b. If the roof does not have insulation or the existing insulation has damage, contact the Energy Trust of Oregon to see if this project is eligible for incentives.
3. Non-applicable building types must get an exemption approved by Sustainable Buildings and Sites Coordinator and project Executive Sponsor using standard project exemption process.

### **Approach/Implementation**

1. **For New Construction and Major Renovation projects:** design consultant works with PM and design team to complete the roof assessment worksheet to evaluate the highest and best use of rooftop opportunities including solar generation, ecoroof installation, or solar reflectivity treatment, as well as some combination thereof. The completed optimal roof opportunities worksheet is submitted to Sustainable Buildings and Sites Coordinator and Executive Sponsor.
  - Worksheet will include a calculation of project site's total solar resource fraction (TSRF) and help project team evaluate cost/benefit opportunities for solar generation, solar reflectivity, solar-ready infrastructure design, heat island effect mitigation, storm water treatment and mitigation, and ecoroof viability based on project-specific constraints and opportunities.
    - i. Energy Trust of Oregon (ETO) offers incentives for early design assistance, solar development assistance, solar-ready design and up to \$35,000 for solar

installation<sup>21</sup>. These incentives should be incorporated to help fund assessment worksheet work as well as evaluation of installation costs.

- Develop a project-specific roof plan for the worksheet submittal that could incorporate solar-ready design, solar generation, an ecoroof, roof reflectivity, etc. or some combination of roof treatments to encourage maximum environmental benefit from roof area.
  - Submit plan for approval to Sustainable Buildings and Sites Coordinator and Executive Sponsor.
  - If approved, PM ensures that roof plan requirements are included in design specifications. Approved submittals and summary narrative are provided by PM to the GBP Coordinator to document compliance with policy.
  - If rejected, PM documents decision and ensures fallback roof runoff requirements are met, documented and reported.
2. **For Existing Building projects:** after restoration vs. tear-off replacement analysis of existing roof is complete, design consultant works with Building Operations Manager and/or PM to complete roof assessment worksheet to evaluate the highest and best use of rooftop opportunities including solar generation, ecoroof installation, or solar reflectivity treatment, as well as some combination thereof. The completed optimal roof opportunities worksheet is submitted to Sustainable Buildings and Sites Coordinator and Executive Sponsor.
- If engineering and cost analysis shows work is feasible, the project moves forward pending a decision on practicality by the Executive Sponsor and GBP Coordinator.
  - If approved, PM ensures that policy requirements are included in design specifications. Approved submittals and summary narrative are provided by PM to the Sustainable Buildings and Sites Coordinator to document compliance with policy.
  - If rejected, PM documents decision and ensures fallback roof runoff requirements are met, documented and reported.

## Glossary

- **Ecoroof** – An ecoroof is intended to minimize the urban heat island effect, enhance urban habitats for wildlife, and reduce storm water runoff. An ecoroof consists of a layer of vegetation over a growing medium on top of a synthetic, waterproof membrane.
- **Total Solar Resource Fraction** – (TSRF) is the amount of sunlight the measured area will receive over the year. In more scientific terms, it is the ratio of insolation available accounting for both shading and Tilt and Orientation Factor (TOF), compared to the total insolation available at a given location at the optimum tilt and orientation and with no shading.

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<sup>21</sup> [https://insider.energytrust.org/wp-content/uploads/Part\\_5\\_Solar\\_Development\\_Assistance.pdf](https://insider.energytrust.org/wp-content/uploads/Part_5_Solar_Development_Assistance.pdf)

## **Sustainable Building Roof Assessment Worksheet**

Sustainable building rooftop technologies, such as solar photo-voltaic(s) (PV) panels, ecoroofs, and high reflectance roofs are becoming increasingly implemented as a result of their associated environmental benefits. Multiple rooftop technologies may be employed on the same roof simultaneously. *The purpose of this worksheet is to maximize the environmental benefit of rooftops at new or existing Metro facilities by evaluating sustainable rooftop technologies based on the hierarchy below:*

1. **Solar power generation** – highest priority due to clean energy generation
2. **Ecoroof** – next-highest priority to mitigate storm water, provide habitat and combat heat island effect
3. **High reflectance roof** – lowest priority; combats heat island effect

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### **General Information**

Project Manager \_\_\_\_\_

Project Sponsor \_\_\_\_\_

Project Name/Description \_\_\_\_\_

Project Address/Location \_\_\_\_\_

Does project site zoning or historical designation affect the type of roof that can be used?

Yes  No

#### **1. Solar Power Generation**

What is the project site's total solar resource fraction (TSRF)? \_\_\_\_\_

Physical assessment  Remote assessment

*Projects with a TSRF greater than or equal to 75% with a Physical Assessment and 80% for a Remote Assessment are recommended for solar power installation.*

Based on TSRF, does this project qualify? Yes  No

If "yes" above, what is the minimum anticipated yearly output for project solar power \_\_\_\_\_ kWh

What are the anticipated yearly savings in electricity costs? \_\_\_\_\_

What is constraining the project's anticipated power output?

- Size/area of project
- Cost/budget
- Other, describe \_\_\_\_\_

For existing buildings, is the weight-bearing capacity of the facility sufficient for solar power generation?

Yes  No

If "no", what upgrades are needed? \_\_\_\_\_

What is the estimated cost of the upgrades? \_\_\_\_\_

#### **2. Ecoroof**

Approximate size of the project site's total ecoroof area \_\_\_\_\_

What is constraining the project's ecoroof area?

- Size/area of project
- Cost/budget
- Other, describe \_\_\_\_\_

What is the primary purpose for project ecoroof?

- Manage storm water runoff
- Provide habitat
- Mitigate heat island effect
- Education/demonstration
- Aesthetics
- Other, describe \_\_\_\_\_

Why is an ecoroof the best strategy to address for this purpose for this project? \_\_\_\_\_

\_\_\_\_\_

Are there/will there be resources (a maintenance plan, funding, trained staff and/or contractors) for ongoing maintenance of the ecoroof? Yes  No

What is the estimated yearly cost to maintain ecoroof? \_\_\_\_\_

How will maintenance be funded? \_\_\_\_\_

For existing buildings, is the weight-bearing capacity of the facility sufficient for ecoroof?

Yes  No

If "no", what upgrades are needed? \_\_\_\_\_

What is the estimated cost of the upgrades? \_\_\_\_\_

### 3. **High-Reflectance Roofing**

Ascertain solar reflectance index (SRI) from roofing product manufacturer.

Low-reflectance roofing shall meet the following requirements:

- Solar reflectance index (SRI) of Low-sloped (< or equal 2:12) roofs minimum SRI = 82
- Solar reflectance index (SRI) of Steep-sloped (> 2:12) roofs minimum SRI = 32

What is the approximate percentage of total applicable low-sloped project roof area? \_\_\_\_\_  
\_\_\_\_\_%

What is the SRI of the proposed roofing product for the low-sloped area? \_\_\_\_\_

Does the proposed roofing product meet the SRI requirements for low-sloped roof?

Yes  No

What is the approximate percentage of total applicable steep-sloped project roof area? \_\_\_\_\_  
\_\_\_\_\_%

What is the SRI of the proposed roofing product for the steep-sloped area? \_\_\_\_\_

Does the proposed roofing product meet the SRI requirements for steep-sloped roof?

Yes  No

If "no" for either, what is constraining the product choice?

- Aesthetics

- Cost/budget
- Specific product performance requirement
- Other, describe \_\_\_\_\_

What is the estimated yearly cost to maintain low-reflectance roof material? \_\_\_\_\_

For existing buildings, is this more or less than existing roof material?

More  Less  About the same

### **Roof Plan**

Based on analysis of worksheet responses above, develop and attach a project-specific roof plan that briefly summarizes how the project will incorporate solar power generation, solar-ready design, an ecoroof, roof reflectivity, or some combination thereof, to maximize environmental benefit of project roof area. Include anticipated outcomes and cost/benefit of approach(es). Please identify anticipated grants, incentives and other resources contributing to the project's success.

Submit completed worksheet, including roof strategic plan summary, to the Sustainable Buildings and Sites Policy Coordinator and Project Executive Sponsor for approval.

## **APPENDIX D**

### **Reporting template for new construction, major renovation and operations and maintenance projects that support the Sustainable Building and Sites Policy**

#### New construction and major renovation projects

At the end of each new construction or major renovation project, the project manager is responsible for submitting the following information to the Sustainability Program:

- (1) Report the amount of construction and demolition (C&D) waste diverted from each project and reused on the job site (total tons, percent diverted, and list of primary materials diverted).
- (2) Provide a summary of Core imperatives or all LEED credits, SITES credits that were incorporated in the project.
- (3) Provide a copy of certification document for either Core, LEED, or SITES when available.

#### Operations and maintenance projects

At the end of each fiscal year, operations managers are responsible for submitting a summary of sustainable building operations and maintenance projects completed in the previous fiscal year, including capital improvement projects and renewal and replacement projects that implement this policy.

- (1) Provide a one to two-paragraph summary of the project.
- (2) Note which of the [Metro sustainability goals](#) the project addresses and how.
- (3) Are there any anticipated resource or financial savings expected from the project? If so, please summarize.

IN CONSIDERATION OF RESOLUTION NO. 22-5282, FOR THE PURPOSE OF DIRECTING THE CHIEF OPERATING OFFICER TO UPDATE AND REPLACE METRO'S GREEN BUILDING POLICY WITH THE SUSTAINABLE BUILDINGS AND SITES POLICY AND AUTHORIZING THE CHIEF OPERATING OFFICER TO IMPLEMENT THE POLICY

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Date: September 29, 2022  
Department: Capital Asset Management  
Meeting Date: October 13, 2022

Prepared by: Dana Visse  
([dana.visse@oregonmetro.gov](mailto:dana.visse@oregonmetro.gov)) and  
Brent Shelby  
([brent.shelby@oregonmetro.gov](mailto:brent.shelby@oregonmetro.gov))

Marissa Madrigal, Chief Operating Officer  
Ryan Kinsella, Director, Capital Asset  
Management  
Brent Shelby, Senior Capital Projects  
Manager, Capital Asset Management  
Dana Visse, Climate Analyst, Capital Asset  
Management

Length: 30 minutes

Presenters:

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**ISSUE STATEMENT**

Metro values and commitments include making our internal operations sustainable, advancing climate justice and resilience, leading with racial equity and ensuring clean air, clean water and healthy ecosystems. The built environment presents a tremendous opportunity to advance these commitments: buildings account for 28 percent of Oregon's climate emissions which impact Black, Indigenous and People of Color first and worst; building materials can have serious health impacts; and the built environment continues to play a role in systemic inequities like displacement and disparities in health and wealth.

To ensure that Metro's buildings and investments reflect these commitments to advance climate, environmental and racial justice, staff propose that Metro adopt an updated Sustainable Buildings and Sites Policy that would replace Metro's existing Green Building Policy. An updated Sustainable Buildings and Sites Policy would set new requirements and standards for new construction, major renovation and operation of existing developed sites and buildings owned and operated by Metro as aligned with Metro's values.

**ACTION REQUESTED**

Adopt resolution No. 22-5282 for the purpose of directing the Chief Operating Officer to update and replace Metro's Green Building Policy with the Sustainable Buildings and Sites Policy and authorizing the Chief Operating Officer to implement the policy.

**IDENTIFIED POLICY OUTCOMES**

The policy will support achievement of Metro's five sustainability goals for internal operations adopted by the Metro Council in 2003:

- Reduce direct and indirect greenhouse gas emissions to 80 percent below 2008 levels by 2050.

- Eliminate the use or emissions of persistent bioaccumulative toxics (PBTs) and other priority toxic and hazardous substances by 2025.
- Recover all waste for recycling or composting, and reduce overall generation of waste by 2025.
- Reduce water use to 50 percent below 2008 levels by 2025.
- Ensure that Metro’s parks, trails and developed properties positively contribute to healthy, functioning urban ecosystems and watershed health and that Metro’s natural areas are healthy, functioning ecosystems.

The policy also strives to achieve the following **racial equity outcomes** (Policy Section 3.1)

- Metro buildings provide healthy, accessible, welcoming spaces where staff and visitors can thrive.
- Metro’s buildings contribute to climate and environmental justice outcomes in the region.
- Metro’s capital investments in buildings create opportunities for COBID firms and advance workforce diversity.

### **POLICY QUESTION(S)**

Following are some of the key questions and considerations that informed development of the policy:

- In what ways can an updated green building policy advance climate justice and Metro’s environmental sustainability goals?
- How will COBID-certified firms be impacted as a result of this policy update, and how can Metro support them?
- What thresholds, parameters and certifications best deliver on Metro’s goals?
- How to ensure successful implementation of the policy?

### **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

Metro Council could:

- a) Direct the COO to update and replace the Green Building Policy with the Sustainable Buildings and Sites Policy as presented.
- b) Direct the COO to update and replace the Green Building Policy with the Sustainable Buildings and Sites Policy as amended by Council.
- c) Direct the COO not to update and replace the Green Building Policy.

### **STAFF RECOMMENDATIONS**

The COO recommends consideration and approval of Resolution 22-5282.

### **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

#### **1. How is this related to Metro’s Strategic Plan or Core Mission?**

This policy helps Metro deliver on promises. Metro has made commitments to the people in the region to advance racial equity, environmental and climate justice, clean air and clean water, workforce diversity, equity in contracting, and sustainability in our own operations in alignment with Metro’s Strategic Framework, Metro’s Strategic Plan to Advance Racial

Equity, the 2030 Regional Waste Plan, and the Parks and Nature bond. These commitments and values need to be reflected in our buildings and spaces. This policy is an important tool and accountability mechanism for delivering on those commitments.

## 2. How does this advance Metro’s racial equity goals?

The proposed policy update advances the following goals in Metro’s *Strategic Plan to Advance Racial Equity, Diversity and Inclusion*:

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<b>Goal A</b>	Metro convenes and supports regional partners to advance racial equity
<b>Goal B</b>	Metro meaningfully engages communities of color
<b>Goal D</b>	Metro creates safe and welcoming services, programs and destinations
<b>Goal E</b>	Metro's resource allocation advances racial equity

The updated policy will advance racial equity on Metro's projects by:

- Identifying racial equity outcomes and principles (Policy Section 3.2) for all projects.
- Requiring new construction and major renovation projects to achieve the [Core Green Building Certification](#) which addresses key environmental/climate justice and equity issues related to buildings, including: the climate impact of buildings, urban heat island effect, air quality, healthy/nontoxic building materials, accessibility, equity in contracting, workforce diversity and respecting the cultural and historical significance of land where development occurs.
- Requiring meaningful and inclusive community engagement on Metro construction projects subject to the policy, when appropriate (Policy Section 3.4).
- Providing resources and trainings to support COBID firms in being competitive on Metro projects subject to the policy.

## 3. How does this advance Metro’s climate action goals?

### New construction and major renovation requirements

New construction and major renovation project must achieve Core Green Building Certification which includes meeting the following climate requirements:

- No combustion of fossil fuels in the building.
- A 70 percent reduction in total energy consumption.
- A 20 percent reduction in the embodied carbon of primary materials (e.g., wood, concrete, steel, etc.).
- Interior materials with a lower than industry average carbon footprint.
- Design projects to be “zero ready” for electric vehicle charging and future installation of renewable energy systems.

### Existing buildings requirements

Metro’s existing buildings will be required to:

- Achieve LEED Existing Buildings: Operations & Maintenance certification at the Silver level or higher if the building meets eligibility and prioritization criteria.
- Complete an energy audit and develop an energy efficiency plan.

- Phase out fossil fuel combustion over time.
- Make electrical vehicle charging infrastructure investments.
- Choose high efficiency products when replacing lighting, water, and mechanical systems.
- Assess rooftops for solar generation, green roof installation, and/or solar reflectivity treatment when replacing a roof.
- LEED-ineligible buildings and projects will be required to pursue other certifications such as LEED Zero Carbon or Net Zero Energy.

#### Sustainable Site Standards

- New Metro developed parks and green spaces will be required to achieve SITES Gold certification to enhance sustainability, implement green infrastructure strategies, and address climate adaptation and resilience.
- With engagement from community stakeholders pursue Salmon-Safe certification for identified sites within Metro Parks and Natural Areas system by 2025.

#### **4. Stakeholder engagement and feedback**

##### Metro green building policy working group

The project team formed a working group of staff from across Metro whose work responsibilities involve the design, construction, and operation of Metro facilities to provide guidance and best practice knowledge to inform the policy update.

##### Metro racial equity team

Metro formed a racial equity team of staff from across Metro to apply Metro’s racial equity framework to the policy update. Team members:

1. Identified who tends to benefit and be burdened by the process of siting, constructing and operating of Metro facilities,
2. Reviewed data sets from multiple sources to evaluate community conditions related to racial equity and impacts from construction projects,
3. Conducted stakeholder power analysis to determine who has influence to inform the policy decision as well as who is most impacted, to inform engagement, and
4. Reviewed previous community input Metro has received on Metro buildings.

##### Agency, non-government organizations and consultants

The project team engaged local government staff at the City of Portland, Multnomah County, City of Eugene, King County, and Oregon Department of Environmental Quality to confer on approaches to sustainable building requirements. Other organizations consulted included Portland Audubon, Beyond Toxics, Salmon Safe, and the Energy Trust of Oregon to inform policy requirements related to bird-friendly design, reducing toxins, and site standards to support healthy ecosystems and parks.

To seek independent evaluation of proposed policy requirements, Metro hired consultants Project Pivot and Skanska to evaluate the effectiveness of the policy in advancing Metro’s

environmental and equity goals, the impact of potential requirements on the cost of new construction and the feasibility of LEED certification for some of Metro’s existing facilities.

### COBID-certified firms

The project team held focus groups with ten construction and architecture firms registered through the Certification Office for Business Inclusion and Diversity (COBID) to seek feedback on the potential benefits or challenges that the new policy requirements could create for COBID firms, and ways that Metro could support COBID firms in meeting policy requirements. Metro recruited focus group participants from community-based organizations who support COBID firms including the Professional Business Development Group (PBDG), National Association of Minority Contractors (NAMC), Oregon Association of Minority Entrepreneurs (OAME), and LatinoBuilt. Participants generally expressed:

- Support for Metro’s commitment to sustainability with the new standards, and
- To address the cost and process of learning about new certifications and requirements, a request for Metro to provide trainings, a policy toolkit, and other resources to help COBID firms grow their capacity to be competitive. The policy implementation plan incorporates this feedback.

### CORE

The project team presented the Sustainable Buildings and Sites Policy to the Committee on Racial Equity on September 13, 2022 and asked for feedback on: how the policy advances racial equity and environmental justice; and recommendations for policy implementation. Highlights from CORE member engagement included:

- Support for how the policy will advance environmental and racial equity outcomes and benefit communities.
- Emphasized the importance of supporting BIPOC-owned firms in navigating certification requirements.
- Acknowledgement that policy requirements are important, but also need to foster culture change to embed racial equity in decision-making to achieve long term outcomes.
- Emphasized the importance of engaging community members on projects and uplift Indigenous knowledge and practice

## **5. Legal antecedents**

- Metro Council Resolution 10-4198, “For the Purpose of Adopting Metro’s Sustainability Plan and Authorizing the Metro Chief Operating Officer to Implement the Plan.”
- Metro Council Resolution No. 11-4294A, “For the Purpose of Accepting a Green Building Policy for Metro Facilities and Operations and Authorizing the Chief Operating Officer to Implement the Policy.”

### **Financial implications (current year and ongoing)**

The costs to implement this policy will vary by project and will include a consideration of upfront (construction) costs as well as the total life cycle costs. The cost for new construction to achieve Core Green Building Certification is anticipated to add

approximately 3.5 percent to the total project cost based on a cost analysis of a hypothetical building conducted by Skanska, an international construction company. This was compared to a 4.5 percent cost for LEED Platinum certification. It is expected that Core Green Building Certification will cost less and deliver more toward meeting Metro's commitments to address climate, environmental and racial justice compared to LEED.

Beyond looking at first costs for projects, integrating sustainable requirements can reduce operating costs over time. Over the life of a building, operational costs far exceed the costs of construction, making upfront investments to reduce energy and water use, and make spaces more accessible, healthy, and comfortable pay dividends over time.

## **BACKGROUND**

In 2010 Metro Council adopted the Metro Sustainability Plan for internal and business operations which identifies the strategies and actions needed to achieve Metro's environmental sustainability goals for climate, toxics, waste, water and habitat. One of the high-priority actions identified in the plan was to adopt a Metro-wide green building policy to set standards for new construction, renovation and operation of buildings as well as sustainable site management standards for Metro's developed parks and green spaces. The Metro Council adopted the Green Building Policy in 2011. Sustainable site standards have yet to be adopted, and the policy does not reflect current green building best practices and certifications. Metro has also made commitments to advance racial equity and climate justice and resilience since the original policy was adopted.

The existing Green Building Policy requires LEED Gold certification for buildings over 70,000 square feet and Earth Advantage Commercial Gold certification for buildings between 5,000 and 70,000 square feet. Since then, the Earth Advantage Commercial standard was discontinued and left a gap in the policy which meant that few Metro buildings have been required to meet green building policy certification requirements. An update to the Green Building Policy was initiated in 2020 to address this gap, align with current best practices and advance Metro's adopted climate, sustainability and racial equity goals.

**Resolution No. 22-5284, For the Purpose of Allocating  
\$152.8 Million of Regional Flexible Funding for the Years  
2025-2027, Pending Adoption of the 2024-2027  
Metropolitan Transportation Improvement Program**

*Resolutions*

Metro Council Meeting  
Thursday, October 13th, 2022

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ALLOCATING \$152.8 ) RESOLUTION NO. 22-5284  
MILLION OF REGIONAL FLEXIBLE FUNDING )  
FOR THE YEARS 2025-2027, PENDING ) Introduced by Chief Operating Officer  
ADOPTION OF THE 2024-2027 MTIP ) Marissa Madrigal in concurrence with  
 ) Council President Lynn Peterson

WHEREAS, Metro is the regional government responsible for regional land use and transportation planning under state law and the federally-designated metropolitan planning organization (MPO) for the Portland metropolitan area; and

WHEREAS, approximately \$152.8 million is forecast to be appropriated to the metropolitan region through the federal Surface Transportation Block Grant Program (STBG) and Congestion Mitigation – Air Quality (CMAQ) transportation funding programs; and

WHEREAS, the Metro Council and Joint Policy Advisory Committee on Transportation (JPACT) are authorized per federal regulation 23 CFR 450.324 to allocate these funds to projects and programs in the metropolitan region through the Regional Flexible Fund Allocation (RFFA) process; and

WHEREAS, the Metro Council and JPACT have provided policy guidance to Metro staff to conduct a two-step allocation process to Region-wide Program Investments and Capital Project Investments for funding by Metro Resolution No. 21-5194, For the Purpose of Adopting the 2025-2027 Regional Flexible Funds Program Direction for the Portland Metropolitan Area, adopted September 9, 2021; and

WHEREAS, the criteria used to select projects for the 2025-2027 RFFA followed policy direction adopted by Metro Council in the 2018 Regional Transportation Plan by Ordinance No. 18-1421, For the Purpose of Amending the 2014 Regional Transportation Plan (RTP) to Comply with Federal and State Law and Amending the Regional Framework Plan; and

WHEREAS, the 2018 RTP investment policy directed the region to invest in transportation projects which advanced equity, improved safety, carried out the region’s Climate Smart Strategy, and provided traffic congestion relief; and

WHEREAS, an extensive regional public process provided opportunities for comments on the merit and potential impacts of the project and program applications between May 20 and June 21, 2022, and is summarized in Exhibit C, attached to this resolution; and

WHEREAS, JPACT has recommended that Capital Project Investments funded through the 2025-2027 RFFA should focus on improving Equity and Safety outcomes throughout the region; and

WHEREAS, TPAC considered the list of projects and programs recommended for funding by Metro staff, and recommended JPACT forward that list to the Metro Council for adoption; and

WHEREAS, JPACT considered the list of projects and programs recommended by TPAC and voted to send an amended list, attached as Exhibit A, to the Metro Council for adoption with a recommendation to allocate funding consistent with RTP policy direction and the 2025-2027 RFFA Program Direction, and in consideration of local prioritization processes and public comments; and

WHEREAS, JPACT approved this legislation to submit to the Metro Council for adoption; and

WHEREAS, receipt of these funds is conditioned on completion of requirements listed in Exhibit B to this resolution; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT on the programs and projects to be funded through the 2025-2027 Regional Flexible Fund Allocation process as shown in Exhibit A.

ADOPTED by the Metro Council this 13<sup>th</sup> day of October, 2022.

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Lynn Peterson, Council President

Approved as to Form:

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Carrie MacLaren, Metro Attorney

**2025-2027 Regional Flexible Funds Allocation**  
**Exhibit A to Resolution No: 22-5284**

<b>Step 1: Regional Bond Commitments and Region-wide Program Investments</b>	
Transit + Project Development Bond Commitment	\$ 65,280,000
Corridor and Systems Planning	\$ 4,737,483
MPO Planning (in lieu of dues)	\$ 4,730,789
Federal Grant Application Support	\$ 500,000
Regional Travel Options + Safe Routes to School	\$ 11,102,371
Transit Oriented Development	\$ 11,806,111
Transportation System Management and Operations/ITS	\$ 6,943,432
Regional Arial Photo/LiDAR	\$ 300,000
<b>Step 1 Total:</b>	<b>\$ 105,400,186</b>

<b>Step 2: Capital Investments</b>			
Project name	Applicant	Sub-region	Amount
148th Avenue	City of Portland	Portland	\$ 7,100,335
162nd Avenue	City of Gresham	Multnomah Co	\$ 7,575,882
57th Avenue-Cully Blvd	City of Portland	Portland	\$ 7,643,201
Allen Blvd	City of Beaverton	Washington Co	\$ 500,000
Beaverton Creek Trail	Tualatin Hills Parks & Rec	Washington Co	\$ 2,055,647
Council Creek Trail	Washington County	Washington Co	\$ 5,511,000
Fanno Creek Trail	City of Tigard	Washington Co	\$ 1,106,705
I-205 Multi-Use Path	Clackamas County	Clackamas Co	\$ 1,094,858
N Portland Greenway (Columbia Bl to Cathedral Pk)	City of Portland	Portland	\$ 4,860,647
Sandy Blvd	Multnomah County	Multnomah Co	\$ 6,500,000
Wilamette Falls Drive	City of West Linn	Clackamas Co	\$ 3,497,580
<b>Step 2 Total:</b>			<b>\$ 47,445,855</b>

<b>Total 2025-2027 RFFA:</b>	<b>\$ 152,846,041</b>
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## **2025-2027 RECOMMENDED REGIONAL FLEXIBLE FUND AWARDEE CONDITIONS OF APPROVAL**

Conditions of approval are mechanisms to ensure that projects are planned, designed, and built consistent with the project applications as approved by JPACT and Metro Council, with federal regulations and with regional program policies. Projects can be reviewed at any point in the process for consistency with the conditions of approval and action taken if they are not adhered to.

There are two sets of conditions which apply to Regional Flexible Fund-awarded projects: 1) conditions which address all projects; and 2) project-specific conditions.

The conditions for all projects outline expectations pertaining to the use of funds, project delivery, process, etc. The project-specific conditions outline expectations to create the best project possible in accordance to regional program policies and federal regulations. Recognizing that projects are at different stages of development (i.e. some are in planning phases while others are ready for construction), Metro may choose to waive or modify certain conditions for a project based on what is appropriate for the project's stage in development.

### **Conditions applied to all projects and programs:**

1. Funding is awarded to the project as outlined in the JPACT-approved and Metro Council-adopted 2025-2027 Regional Flexible Fund Allocation (RFFA). If any project is determined to be unfeasible or is completed without expending all of the Regional Flexible Funds awarded, any remaining Regional Flexible Funds for that project shall revert back to Metro to the regional pool for the 2028-2030 Regional Flexible Fund allocation, to be distributed among the region, per the RFFA Program Direction. Or the project sponsor/local jurisdiction receiving the flexible funds for the project may request reallocation of the funds per the Metropolitan Transportation Improvement Program (MTIP) amendment process. Reallocation may necessitate JPACT and Metro Council approval.
2. The award amount is the total amount of Regional Flexible Funds provided to deliver the awarded project as it is defined in the project application and as approved by JPACT and Metro Council. The project sponsor/local jurisdiction is expected to resolve any cost overruns or unexpected costs to emerge. It is understood by the project sponsor/local jurisdiction that Metro and the Regional Flexible Fund program does not have any further financial commitment/responsibility beyond providing the amount awarded.
3. Project scopes will include what is written in their project application narrative and project refinements in response to comments. Project schedules and budget will include what is determined during the pre-implementation phase to take place after adoption of the 2025-2027 RFFA. Changes in project scopes, schedules, and budget must be requested and made in writing to the MTIP Project Manager utilizing the amendment procedures adopted in the MTIP (Please see 2024-2027 MTIP Administration section.) Changes in project scopes must be approved by Metro to ensure the original intent of the project is still being delivered.
4. All projects will follow the design approach and decision-making process as defined in the [Designing Livable Streets and Trails Guide](https://www.oregonmetro.gov/tools-partners/guides-and-tools/guidelines-designing-livable-streets-and-trails)<sup>1</sup> (Metro; 3<sup>rd</sup> edition; October 2019) and any updates in effect at the time a funding intergovernmental agreement is signed. Other street and trail design guidelines, including those developed by local jurisdictions, the National

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<sup>1</sup> <https://www.oregonmetro.gov/tools-partners/guides-and-tools/guidelines-designing-livable-streets-and-trails>

Association of City Transportation Officials, the Institute of Transportation Engineers, the Oregon Department of Transportation, the American Association of State Highway and Transportation Officials, and the Federal Highway Administration, may also be referred to as long as the design approach and decision making process used are consistent with Metro's guidelines.

5. All projects will update local network maps and provide relevant network data to Metro. Metro will provide guidelines on network data submissions upon request. Additionally, all bicycle and pedestrian projects will implement sufficient wayfinding signage consistent with Metro sign guidelines (Ex. [Metro's Intertwine Design Guidelines](#).)<sup>2</sup> and the Manual on Uniform Traffic Control Devices.
6. All projects with ITS elements will be consistent with National ITS Architecture and Standards and Final Rule (23 CFR Section 940) and Regional ITS Architecture. This includes completing a systems engineering process during project development to be documented through the systems engineering form and submitted to Metro for inventory purposes. For further guidance, consult [ODOT's ITS compliance checklist](#).<sup>3</sup>
7. All projects implementing Transportation System Management and Operations (TSMO) elements will provide information to Metro on the TSMO elements for inventory purposes. Metro will provide guidelines on how to provide TSMO data submissions.
8. All local jurisdiction/project sponsors shall acknowledge Metro as a funding partner. Acknowledgement will attribute credit to Metro on all project materials (print or electronic), such as reports, newsletters, booklets, brochures, web pages, and social media posts. Attribution on materials must read "Made possible with support from Metro." If marketing is done with audio only, spoken attribution language must be "This project is made possible with support from Metro." The local jurisdiction/sponsor delivering the project will include the Metro logo on all print ads, banners, flyers, posters, signage, and videos. Grantee will include the Metro logo on all marketing and advertising materials, both print and online (size permitting). Metro will provide partners with Metro logos and usage guidelines. Lastly, the local jurisdiction/project sponsor will extend invitations to Metro Councilors to attend events or engagements pertaining to the project.
9. All projects will carry out public involvement processes that meet federal Title VI and environmental justice requirements. As appropriate, local data and knowledge shall be used to supplement analysis and inform public involvement. Metro guidelines for public involvement can be found in the [Public Engagement Guide Appendix G: Local Engagement and Non-Discrimination Checklist](#).<sup>4</sup>
10. All projects will implement transportation demand management strategies/activities in conjunction with the delivery and opening of the project to enhance the success and performance of the project. Local jurisdiction/project sponsors must request and receive Metro approval to waive the requirement for transportation demand management activities.
11. All projects are expected to measure the progress and performance of the RFFA-funded project. Local jurisdictions/project sponsors will identify a set of indicators for data collection and pre-and post-project monitoring. Metro will provide input and feedback into

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<sup>2</sup> <https://www.oregonmetro.gov/sites/default/files/2018/01/05/2017-Intertwine-Trail-sign-guidelines.pdf>.

<sup>3</sup> <https://www.oregon.gov/odot/Maintenance/Documents/ITS-QualityPlan.pdf>

<sup>4</sup> [http://www.oregonmetro.gov/sites/default/files/final\\_draft\\_public\\_engagement\\_guide\\_112113.pdf](http://www.oregonmetro.gov/sites/default/files/final_draft_public_engagement_guide_112113.pdf)

the indicators and datasets, especially to help respond to regional transportation performance measures. Indicators can be determined during the pre-implementation phase of the project.

12. Non-Certified agencies receiving Regional Flexible Funds to deliver a project will be expected to work directly with a certified agency or ODOT to determine the administration and delivery of the project. Such agencies will comply with ODOT Local Agency Liaison (LAL) project pre-implementation requirements (e.g. completion of detailed scope of work, budget, project prospectus, etc.). The ODOT LAL requirements are expected to be in the proper format as part of the federal delivery process to facilitate MTIP & STIP programming, initiate development and execution of the Intergovernmental Agreement (IGA), and obligate and expend awarded federal funds for the project.

The awarded lead agency is required to complete or participate in the following project delivery & monitoring activities:

- Kick-off Meeting Coordination.
- MTIP/STIP programming to a realistic project delivery schedule that accounts for meeting funding obligation targets.
- Participate in project coordination meetings and reviews as called for and scheduled.
- Completing project pre-implementation (Pre-Preliminary Engineering or Planning phase obligation) actions and milestones to ensure project proceeds on schedule, including completing a project scoping document with a thorough scope, schedule and budget with milestones and deliverables.
- Complete and execute a project IGA in time to obligate funds as programmed
- Participation in Project Delivery Actions, including attending Project Development Team (PDT) review meetings, completing and submitting project Milestone Reports and Progress Updates, providing any performance measurement project data, providing project delivery status updates, and addressing questions raised by the Metro advisory committees.
- Providing project close-out/final reports and billings.

**Conditions applied to specific projects and programs:**

**1. City of Beaverton – Allen Blvd:**

- Due to the JPACT decision to reduce funding from the TPAC-recommended amount, City of Beaverton project staff will work with Metro to identify other funding sources to backfill the reduced amount (\$223,670). In the event the City cannot provide sufficient funding to backfill the reduced RFFA award, City staff will work with Metro and ODOT LALs to agree upon a reduced scope of work.
- There is a moderate to high probability of cultural resources in the project area and vicinity. Review cultural resource report and understand that future construction activities may result in discovery of these resources. In that case, additional consultation with relevant tribes may be necessary for avoidance or mitigation.

**2. Clackamas County – Interstate 205 Multiuse Path:**

- The project will involve ODOT throughout the planning process and consideration of potential alignments.

**3. City of Gresham – 162nd Avenue:**

- No additional conditions.
4. **Multnomah County – Sandy Blvd:**
    - Original project scope indicated the project area began approximately 600’ east of NE 201<sup>st</sup> Ave, resulting in a gap between the beginning of project area and previous improvements from 201<sup>st</sup> Ave westward. Applicant has indicated that the City of Gresham has agreed to work with Multnomah County to include this gap in the project scope. Please provide documentation and details of agreement with City of Gresham for inclusion of segment from NE 201<sup>st</sup> Ave eastward, to ensure there will be no gap in street, sidewalk and bikeway improvements.
  5. **City of Portland – 148th Avenue:**
    - No additional conditions.
  6. **City of Portland – 57th Avenue/Cully Blvd:**
    - There is a moderate to high probability of cultural resources in the project area and vicinity. The proposed project area has never been previously surveyed in entirety, and historic development in the vicinity increases the probability of encountering historic archaeological sites. Review cultural resource report and understand that construction activities may result in discovery of these resources. In that case, additional consultation with relevant tribes may be necessary for avoidance or mitigation.
  7. **City of Portland – N. Portland Greenway (Columbia Blvd to Cathedral Park):**
    - The project requires coordination between applicant, ODOT and Metro to ensure local agency project management duties are properly transferred from Metro to applicant (PP&R) with ODOT as lead agency, who is managing project on behalf of Portland Parks.
    - There is a very high probability of cultural resources in the project area and vicinity. Review cultural resource report and understand that construction activities may result in discovery of these resources. In that case, additional consultation with relevant tribes may be necessary for avoidance or mitigation.
    - As part of pre-implementation activities, review project delivery and funding strategy for the Columbia Blvd overcrossing and the remaining project elements. The purpose is to ensure the overcrossing is fully funded and will be built prior to committing the remaining funds to ROW acquisition and construction of the southern project section.
  8. **City of Tigard – Fanno Creek Trail:**
    - There is a moderate to high probability of cultural resources in the project area and vicinity.
    - Due to the JPACT decision to reduce funding from the TPAC-recommended amount, City of Tigard project staff will work with Metro to identify other funding sources to backfill the reduced amount (\$500,000). In the event the City cannot provide sufficient funding to backfill the reduced RFFA award, City staff will work with Metro and ODOT LALs to agree upon a reduced scope of work.
    - As part of pre-implementation activities, discuss the status and viability of previously funded RFFA projects on this facility. The purpose is to ascertain that previous and current RFFA funding awards will lead to a fully completed project.
  9. **Tualatin Hills Parks & Recreation District – Beaverton Creek Trail:**
    - There is a high probability of cultural resources in the project area and vicinity. Review cultural resource report and understand that construction activities may result in discovery of these resources. In that case, additional consultation with relevant tribes may be necessary for avoidance or mitigation.

- Project has significant complexities as noted in risk assessment. Utility, PE and ROW activities are ongoing and the final project cost estimate may not be fully known at this time. Should these activities result in higher costs than what is currently estimated, the applicant needs to demonstrate the availability of sufficient funding if needed in the future, to ensure that the project will be constructed per the scope identified in the RFFA application.

**10. Washington County – Council Creek Trail:**

- There is a high probability of cultural resources in the project area and vicinity. Review cultural resource report and understand that construction activities may result in discovery of these resources. In that case, additional consultation with relevant tribes may be necessary for avoidance or mitigation.

**11. City of West Linn – Willamette Falls Drive:**

- There is a high probability of cultural resources in the project area and vicinity. Review cultural resource report and understand that construction activities may result in discovery of these resources. In that case, additional consultation with relevant tribes may be necessary for avoidance or mitigation.

IN CONSIDERATION OF RESOLUTION NO. 22-5284, FOR THE PURPOSE OF ALLOCATING \$152.8 MILLION OF REGIONAL FLEXIBLE FUNDING FOR THE YEARS 2025-2027, PENDING ADOPTION OF THE 2024-2027 MTIP

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Date: September 19, 2022

Prepared by:

Department: Planning & Development

Daniel Kaempff,  
daniel.kaempff@oregonmetro.gov

Meeting Date: October 13, 2022

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## **ISSUE STATEMENT**

As the metropolitan planning organization (MPO) for the urban area of the Portland region, Metro distributes different sources of federal transportation funds. Two sources of federal transportation funds, the Surface Transportation Block Grant Program (STBG) and the Congestion Mitigation and Air Quality (CMAQ), are allocated at the discretion of the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council. The process of distributing these funds is known as the Regional Flexible Funds Allocation (RFFA). The RFFA is conducted on a three-year funding cycle. The metropolitan region is forecasted to receive \$152.8 million from these sources in the federal fiscal years of 2025-2027.

## **ACTION REQUESTED**

Approve Resolution No. 22-5284, allocating funding to regional investments as recommended by JPACT, and detailed in Attachment A.

## **IDENTIFIED POLICY OUTCOMES**

In September 2021, JPACT and Metro Council adopted Resolution 21-5194 which established the program direction for the 2025-2027 RFFA. This program direction establishes the process and criteria for the funding allocation, and follows policy established in the 2018 Regional Transportation Plan (RTP), adopted by JPACT and Metro Council in December 2018 (Ordinance 18-1421). Through that effort, four key regional funding priorities emerged:

- Equity, with a focus on race and income
- Safety
- Climate Smart Strategy implementation
- Managing Congestion

These four priorities were carried forward as the policy outcomes for the 2025-2027 RFFA, recognizing the extensive public outreach effort and agreement among the region's stakeholders that had led to their inclusion in the 2018 RTP.

The 2025-2027 RFFA Program Direction continues a two-step process for allocation of these regional funds. Step 1 identifies funding for repayment of bonds issued for regional transit system and other capital project development, funding for MPO planning and administration, and continued investment in regionwide programs to carry out priorities identified through the 2018 RTP.

Step 2 is funding identified for local capital projects that improve the regional transportation system. Metro conducted a Step 2 project solicitation and evaluation process beginning in July 2021 and concluding in September 2022 with a JPACT-approved list of projects to receive funding.

Metro's Planning, Development and Research staff coordinated with Parks and Nature staff to use the RFFA project solicitation process in developing a staff recommendation for projects to be funded through the portion of funding dedicated to trails projects in the voter-approved 2019 Metro Parks and Nature bond measure. This staff recommendation was adopted by Metro Council on September 29, 2022 (Resolution 22-5285).

Part of the Step 2 project selection process was to conduct a technical analysis on the project proposals to determine their performance with regards to the policy outcomes. This technical analysis measured the projects' potential benefits and outcomes in each of the four policy priority areas and assigned each a project a rating reflective of its merits.

Following completion of the technical analysis, discussions with Metro Council and JPACT directed that the recommended project list be developed with an emphasis on Equity and Safety outcomes.

## **POLICY QUESTION(S)**

Should the Metro Council approve the resolution and direct staff to move forward with allocating funding to the selected projects as recommended by JPACT?

## **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

Policy options for Metro Council to consider include:

1. Approve the resolution thereby approving the funding allocations and project funding awards as outlined in Attachment A, and conditions of approval as outlined in Attachment B, or
2. Remand the resolution back to JPACT with direction on desired changes or conditions

## **STAFF RECOMMENDATIONS**

Staff recommends Metro Council approval of Resolution 22-5284.

The package of projects funded through this resolution were selected by JPACT based on their technical performance in achieving outcomes in the four RFFA policy outcomes. In

addition to their technical merit, the package follows RFFA policy direction regarding how these funds should be allocated to invest in projects throughout the region and to use them to leverage other investments.

Non-approval or a remand of the package of projects back to JPACT could result in a delay in adoption of the 2024-2027 Metropolitan Transportation Improvement Program (MTIP), due to be adopted by Metro Council in 2023. The MTIP is the federally approved list of transportation investments in the region and a delay in its adoption could result in the region being unable to spend federal funding until it is approved by the Federal Department of Transportation.

## **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

The 2025-2027 RFFA follows transportation policy direction established in the development of the 2018 RTP. Chapter 6 of the RTP provides detail on the region's investment priorities. Projects selected for RFFA funding are on the 2027 Constrained RTP project list, which identifies the highest priority projects to be funded in the first 10 years of the plan. The RTP project list focuses on making near-term progress on key regional priorities – equity, safety, climate, and congestion.

### **How does this advance Metro's racial equity goals?**

Advancing equity is a primary policy objective for the RFFA. Equity, along with Safety, were the primary outcomes used in selecting projects. The projects selected were evaluated on the degree to which they eliminated transportation-related disparities and barriers, and improved access to community assets within RTP Equity Focus Areas. Equity Focus Areas are defined as communities where the rate of people of color, people in poverty and people with low English proficiency is greater than the regional average and double the density of one or more of these populations.

### **How does this advance Metro's climate action goals?**

Another of the four primary policy objectives for the 2025-2027 RFFA is to advance the region's Climate Smart Strategy. Selected projects were evaluated based in part on how they could help the region reduce greenhouse gas emissions. The projects funded through the 2025-2027 RFFA are focused on making bicycling and walking easier and safer, and improving and expanding the region's transit system.

### **Known Opposition/Support/Community Feedback**

A 30-day public comment period was held between May 20 and June 21, 2022. Over 3,000 individuals shared their thoughts and opinions on the 29 projects under consideration for funding. Respondents were asked to indicate the degree to which they supported or opposed specific projects through an online survey tool. All the projects received over 50 percent of their responses as indicating support by the respondents.

The notice and invitation to participate were distributed through several channels:

- email to community involvement offices and community participation organizations

- an email to the 1,900 subscribers on Metro’s transportation and land use interested persons email list
- an email to the 882 subscribers on Metro’s Parks and Nature Trails email list
- an email to the 1,264 subscribers on Metro’s Parks and Nature Bond Measure email list
- email to community-based organization networks, asking them to distribute the invitation through their networks
- Metro News ([oregonmetro.gov/news](http://oregonmetro.gov/news))
- Metro’s social media channels, including targeted Facebook advertising in all languages
- email invitation to committee members and interested persons for the Metro Council, JPACT, Metro Policy Advisory Committee, Transportation Policy Alternatives Committee (TPAC) and Metro Technical Advisory Committee

Metro facilitated the discussion and selection of the projects through two transportation-specific Metro advisory committees – TPAC and JPACT. These committees were forums for discussion, coordination, consultation, and decision-making by elected officials and their staffs, representing cities and counties of the region, public agencies and transportation providers, including the Oregon Department of Transportation, Oregon Department of Environmental Quality, the Port of Portland, TriMet and South Metro Area Regional Transit (SMART).

### **Legal Antecedents**

This resolution allocates transportation funds in accordance with the federal transportation authorizing legislation (currently known as Infrastructure Investment and Jobs Act, or IIJA) as implemented through the Code of Federal Regulations Title 23, Part 450, Subparts A and C and relevant rules issued by the USDOT. The allocation process is intended to implement the 2025-2027 Regional Flexible Fund Allocation program direction as defined by Metro Resolution No. 21-5194, For the Purpose of Adopting the 2025-2027 Regional Flexible Funds Program Direction for the Portland Metropolitan Area, adopted September 9, 2021.

### **Anticipated Effects**

Adoption of this resolution would direct staff to program funding in the amounts specified to the identified transportation programs and projects into the upcoming 2024-2027 MTIP so they may become eligible to receive those federal transportation funds.

### **Financial Implications (current year and ongoing)**

Adoption of the resolution would commit federal grant funding for Metro Transportation Planning activities. These grants are administered on a cost reimbursement basis, requiring Metro to incur costs associated with the planning activities prior to receiving reimbursement thereby incurring carrying costs. Furthermore, the grants require a minimum match from Metro of 10.27% of total costs incurred. Funding for this allocation of grants will occur in Federal Fiscal Years 2025, 2026, and 2027. Federal Fiscal Year 2025 grant funds would typically be utilized by Metro in Metro Fiscal Year 2025-26 (July 1, 2025

– June 30, 2026). Federal Fiscal Year 2026 grant funds would typically be utilized by Metro in Metro Fiscal Year 2026-27 (July 1, 2026 – June 30, 2027). Federal Fiscal Year 2027 grant funds would typically be utilized by Metro in Metro Fiscal Year 2027-28 (July 1, 2027 – June 30, 2028). The Planning and Development Department is able to request advancing the allocation of these funds to an earlier year, however, if there is funding program capacity need and the budget capacity for local match is available.

The proposed allocation to MPO Planning would require Metro match of \$175,178 in Metro fiscal year 2025-26, \$180,434 in Metro fiscal year 2026-27 and \$185,847 in Metro fiscal year 2027-28 for transportation planning activities. Additionally, match would be required for the portion of the Regional Travel Options (RTO) program funding utilized for Metro-led expenditures. Approximately 30 percent of the RTO program funding is currently utilized for this purpose. Metro sometimes provides the local match requirement for Corridor Planning activities, though this requirement is often met by partner agency contributions to a corridor planning project.

## **BACKGROUND**

The RFFA represents the region's direct implementation of the funding priorities defined in the RTP. As the only transportation funding under the purview of JPACT and Metro Council (in their MPO oversight role), these funds have historically been used to invest in elements of the transportation system that advance key policy objectives.

Every three years, the region undergoes a process to affirm the policy direction and select investments to be funded with the Regional Flexible Funds. Since the 2012-2013 RFFA cycle, the region has followed a two-step approach to allocating these funds. This framework was adopted to ensure the region is investing in the system in accordance with RTP direction and the RFFA objectives. Step 1 provides funding for regional commitments to transit capital and project development bond payments, and continues investments in MPO, system, and corridor planning activities, as well as investing in region-wide programs.

After meeting Step 1 funding commitments, the remainder of the funding comprises Step 2. This portion of funding is targeted to capital projects that support the region's four RTP investment priorities as detailed above.

In September 2021, Metro Council, through Resolution 21-5194, adopted the 2025-2027 RFFA Program Direction. This action created the policy direction for investment of a forecasted total of \$142.35 million in federal transportation funds allocated to the region.

Subsequent to adoption of Resolution 21-5194, passage of the federal Infrastructure, Investment and Jobs Act (IIJA) resulted in additional federal funding for MPOs. The IIJA added an additional \$10.4 million dollars to the regional revenue forecast. Metro staff prepared a proposal for how these funds could be incorporated into the 2025-2027 RFFA and discussed this proposal with JPACT in April 2022. The proposal recommended increasing the Step 1 amount by \$4.3 million and Step 2 by \$6.1 million. The additional Step

1 funding increased regional investments in corridor project development and Transportation System Management and Operations, and added support for federal discretionary grant applications and the regional aerial photo consortium. Additional Step 2 funding increased the amount available for local capital projects. In total, the forecasted amount of federal funds to be awarded through the 2025-2027 RFFA would be increased to \$152.8 million. JPACT indicated their support for this approach for investment of the additional \$10.4 million.

Following adoption of Resolution 21-5194, Metro conducted a call for project proposals to be considered for allocation of Step 2 funding. The project call opened in November 2021 and proposals were due in February 2022. Through this call for projects and the subsequent technical evaluation and public comment processes, Metro also solicited project applications for up to \$20 million for trails projects. This funding was generated by the voter-approved 2019 Parks and Nature Bond Measure.

Metro received a total of 29 project proposals through this project call. With the help of an ad hoc advisory committee comprised of staff from non-competing agency and non-government organizations, Metro led a technical analysis of the projects, focusing on how well they achieved regional outcomes as identified through the 2018 RTP and the 2019 Parks and Nature Bond Measure.

Beginning in May, a 30-day public comment opportunity was held to gather input about the proposed projects from community members and stakeholders. County coordinating committees and the City of Portland provided further information on which projects they indicated were their priorities for funding.

Through a series of briefings with TPAC and JPACT from May through September 2022, the technical and public comment input was used to develop a draft recommendation for TPAC discussion and their subsequent action to forward the recommendation to JPACT.

As part of their discussion in advancing a funding recommendation to JPACT, TPAC offered several observations for consideration in the development of the 2028-2030 RFFA Program direction:

- Urban arterials have significant needs that the current RFFA process may not fully address. The region should continue both global discussion on how to address these needs and whether the RFFA process is appropriately considering the needs and priorities of arterials relative to other transportation needs.
- There is some potential for additional federal funding being identified for the region within the timeframe of this current revenue forecast. TPAC expressed interest in discussions of whether the region should develop a procedure for this current revenue forecast to pre-identify additional projects to be prioritized for any additional funding the region may receive. Should there be sufficient interest in moving these discussions forward, the following additional points should be considered:

- Should such a procedure as indicated above be developed, should it be developed as an on-going process or limited to this one instance?
- Should the procedure emphasize lower-cost project development work that would be more affordable for potential additional funds and would create a pipeline of competitive projects to leverage other discretionary funds?
- There were comments by TPAC members that the procedure should not lose focus on project performance relative to the desired policy outcomes if it were to be implemented.
- Metro staff identified several procedural mechanics that would need to be addressed to develop such a procedure and it would likely result in additional staff and committee time to implement.
- There were comments about whether there could be more consideration of how to articulate and incorporate program direction on geographic parity or “fairness” when allocating funds, while recognizing federal rules that do not allow sub-allocation of funds. Current program direction is to “fund projects throughout the region”.

In their September 2022 meeting, JPACT discussed the TPAC recommendation and made changes to two projects. The Fanno Creek Trail project requested funding was reduced by \$500,000. This amount was reallocated to the Allen Boulevard project, which had not been in the TPAC recommendation. Following these amendments, JPACT took action in September 2022 to approve the list of projects for Step 2 funding, as indicated in Exhibit A.

The final JPACT-approved package of projects reflects a compromise between multiple sources of input to be considered. The funding package is a balance between policy technical ratings, coordinating committee priorities, assessment of risks to project delivery, public input and other RFFA process policy objectives.

The overall performance of these investments aligns with the regional performance-based and congestion management process, detailed in Appendix L of the 2018 RTP. The Step 1 programs and Step 2 projects selected for funding advance the region’s system performance goals and objectives by making communities more walkable, improving access to jobs, improving people’s travel choices, reducing greenhouse gas emissions, and making the system safer, more reliable, and efficient. Many of the projects funded are either on or adjacent to roads on the regional congestion management network. The 2025-2027 RFFA makes system improvements through dedicating funding to demand and system management strategies, and supporting efficient land use decisions through investments in walking, bicycling, and transit.

## **ATTACHMENTS**

Exhibit A: 2025-2027 RFFA list of investments

Exhibit B: 2025-2027 RFFA Conditions of Approval

Exhibit C: 2025-2027 RFFA Public Comment Report

Exhibit D: 2025-2027 Appendices to RFFA Public Comment Report