

Legal Antecedents

Pursuant to Metro Code 5.01.180, the Council will consider the following factors when determining whether to issue a franchise:

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

Staff finds that the proposed activity is consistent with the regional values and policies outlined in the 2030 Regional Waste Plan and specifically aligns with many of the goals of the plan, including goals 12, 13 and 16:

- **Goal 12:** Manage all garbage and recycling operations to reduce their nuisance, safety and environmental impacts on workers and the public.
- **Goal 13:** Invest in communities that receive garbage and recyclables from the Metro region so that those communities regard solid waste facilities as assets.
- **Goal 16:** Maintain a system of facilities, from small recycling drop-off depots to larger full-service stations, to ensure equitable distribution of and access to services.

The proposed renewal is also in alignment with the Regional System Facilities plan adopted by Metro Council in March 2025, that envisions continued operations of the six privately owned transfer stations operating within the Metro region.

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

City of Roses Disposal & Recycling, Inc. (COR) has not requested any change in authorization or operational activities at this facility. Renewing the franchise would help ensure continuity of transfer service and minimize potential disruptions to the solid waste system. This is an existing transfer station that is part of the region's solid waste system. As such, the proposed renewal is not expected to have any significant impact on the cost of solid waste disposal and recycling services for the residents of the region.

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

Metro staff is not aware of any facility incidents or operating procedures that adversely affected the health, safety and welfare of Metro's residents during the term of the current franchise. Staff finds it unlikely that the proposed franchise will adversely affect the health, safety and welfare of Metro's residents due to the type of activities performed. The facility is also regulated and monitored by the Oregon Department of Environmental Quality (DEQ).

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

COR Transfer Station is an existing Metro-franchised transfer station and has been in operation at its current location since 2019. The facility is located in an industrial zone and has obtained the requisite land use approval from the City of Portland.

During the recent public comment period for the proposed franchise renewal, Metro received comments from residents near the facility and a comment submitted by the Argay Terrace Neighborhood Association raising concerns about offsite impacts from the facility. A fuller description of the comments received, and Metro's responses to the comments, is provided in Attachment 1 to the Staff Report for Resolution No. 25-5525.

In October 2022, Metro received one odor complaint from a local resident related to COR, and the facility reported receiving seven complaints from three individuals that month. The franchisee reported that it followed up with the concerned individuals, increased the percentage of odor neutralizer in its misting system, and performed increased odor monitoring surveys. Metro also increased odor monitoring during that time.

The proposed franchise carries forward requirements for the facility to control and minimize off-site impacts. Based on the information provided by the applicant, its experience operating a transfer station, and its requisite land use approval, staff finds it unlikely that facility operations would adversely affect the surrounding neighborhood in an unreasonable manner.

- (5) *Whether the applicant has demonstrated the strong likelihood that it will comply with all requirement and standards of this chapter, the administrative rules and performance standards adopted pursuant to Section 5.08 and other applicable local, state, and federal laws, rules, and regulations, ordinances, orders or permits pertaining in any manner to the proposed franchise.*

Metro recently determined following a complaint investigation that the applicant filed inaccurate reports and improperly disposed of source-separated recyclable materials. Based on these recent findings, further investigation is necessary to determine whether there are other compliance issues or corrective actions that Metro should consider for the franchise.

The proposed franchise includes a one-year term and Metro Council will consider potentially extending the term of the franchise for an additional four years. This proposed approach allows Metro to further investigate and evaluate the facility's compliance status without causing significant system disruption due to the abrupt closure of an existing transfer station.

DEQ and City of Portland reported to Metro that there are no current enforcement or compliance issues associated with this site.