

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF)	RESOLUTION NO. 86-626
AUTHORIZING THE NEGOTIATED)	
ACQUISITION OR COMMENCEMENT OF)	Introduced by the
CONDEMNATION OF THE CORNELIUS)	Executive Officer
PASS ROAD SITE FOR THE PURPOSE)	
OF CONSTRUCTING THE WEST)	
TRANSFER AND RECYCLING CENTER.)	

WHEREAS, By virtue of the laws of the state of Oregon, the Metropolitan Service District (Metro) is authorized and empowered to acquire by purchase, or by the exercise of eminent domain, real property or any interest therein for the purpose of providing a metropolitan aspect of a public service; and

WHEREAS, ORS chapter 268 gives Metro the responsibility for solid waste disposal in the Portland metropolitan area; and

WHEREAS, Metro has adopted by Resolution No. 84-506 a Solid Waste Management Plan for solid waste transfer centers, including one such center to be located in Washington County as part of the solid waste disposal system, and this is a metropolitan aspect of a public service; and

WHEREAS, For the reasons described in Resolution No. 84-506, Exhibit A, and the Staff Reports dated February 13 and April 10, 1986, (attached hereto and incorporated herein), Metro finds it necessary to acquire in fee the property shown generally on the map attached as Exhibit B, and more particularly described in Exhibit C (both attached hereto and incorporated herein), for the purpose of constructing the west transfer & recycling center (center) and finds that the center has been located and planned and

will be designed in a manner which will be most compatible with the greatest public benefit and the least private injury; and

WHEREAS, Metro finds that if a satisfactory agreement cannot be reached with the property owners as to a just compensation for the property, a condemnation suit should be instituted to acquire the property for the purposes of constructing the center; and

WHEREAS, Immediate possession of the property is necessary to obtain development permits and commence construction on schedule and in conjunction with commitments made to jurisdictions regulating other Metro transfer stations; now, therefore,

BE IT RESOLVED,

1. That the Metropolitan Service District does hereby find and declare that it is necessary and required for the purpose of providing a metropolitan aspect of public service by constructing the center to acquire the property described in Exhibit C, which property will be utilized for such public purpose within ten (10) years from the date of acquisition.

2. That the Metropolitan Service District hereby directs the Metro General Counsel to make a written offer on behalf of Metro to all owners or parties having an ownership interest to purchase all right, title and interest in the property and to pay just compensation. The offer to purchase shall comply with all legal formalities as determined by the Metro General Counsel and shall remain open for at least twenty (20) days.

3. That should any owner or party having an ownership interest fail to accept the amount offered by the Metro General Counsel, the Executive Officer and Metro staff and General Counsel

are hereby authorized to attempt to agree with the owners and other persons in interest in the real property as to the compensation to be paid for the appropriation of the property. In the event that no satisfactory agreement can be reached promptly, then the attorneys for Metro are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest therein. Metro General Counsel may file an action in eminent domain at any time after the expiration of the twenty-day (20) letter offer.

4. That upon the filing or trial of any suit or action instituted to acquire the real property or any interests therein, Metro General Counsel is authorized to make such stipulation, agreement or admission as in their judgment may be for the best interest of Metro.

5. That Metro General Counsel is authorized, in accordance with all applicable laws and regulations, to take appropriate steps to acquire immediate possession of such property.

6. That there is hereby authorized the creation of a fund in the amount estimated to be the just compensation for such property which shall, upon obtaining possession of the property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants of the action.

7. That upon the final determination of any such proceedings, the deposit of funds and payment of judgment conveying title to the property to Metro is hereby authorized.

8. That this Resolution is effective immediately upon its adoption.

ADOPTED by the Council of the Metropolitan Service District
this 10th day of April, 1986.



Richard Waker, Presiding Officer

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5412C/445-1
03/31/86

REASONS FOR SITE SELECTION

1. Based on the recommendation of the WTRC Advisory Group and testimony at public hearings the Council of the Metropolitan Service District identified four potential sites in Resolution Nos. 85-591 and 85-614: Site 56, the Archdiocese and Beaverton Urban Renewal properties at T.V. Highway and Mullikan Way, in Beaverton; Site 56 (south), the Beaverton Urban Renewal property at Tualatin Valley Highway and Millikan Way, in Beaverton; Site 59, the Times-Litho site (now called Cornelius Pass site) at Cornelius Pass Road and Sunset Highway in Washington County; Site N, the Champion property at Western Avenue in Beaverton.

2. On January 16, 1986, the Council evaluated the information on each of these sites contained in the Staff Report and staff testimony presented at that hearing and compared the sites on a variety of bases, including proximity to the center of waste, design problems, zoning, traffic impact and compatibility with existing and future uses.

3. At that meeting the Council determined that the Cornelius Pass Road and Sunset Highway area is the best area for a transfer station for these reasons:

- a. the traffic analysis presented by Wilsey & Ham shows that this area maximizes use of the highway system for travel and minimizes traffic on local access streets within developed business districts and residential areas, unlike Site N;
- b. undeveloped land offers the best opportunity to design the most appropriate transfer station on a parcel correctly sized for this activity and without the design constraints imposed by retrofitting an existing site, unlike Site N;
- c. the industrial land in this area has not been significantly developed; based on the Mercury Study and the staff comment on it, building the transfer station in this area will allow Metro to develop the site in such a way that other uses allowed in the industrial zone will not be deterred from locating there; this is more desirable than infilling or retrofitting in an industrial area which has already been developed, unlike Site N; and
- d. it is undesirable to select land which requires a comprehensive plan and zone change because this can delay the permit process and conflict with community expectations based on current zoning, as required for Site 56.

4. Selecting this area is consistent with the site selection process of having the WTRC Advisory Group and Council review and compare specific sites for the reasons explained in the Staff Report.

5. Based on the information contained in the Staff Report, Site B is the best site in this area for these reasons:

- a. it is more than 1,000 feet from a residential development and will not involve travel through a residential neighborhood, unlike the northeast corner;
- b. it is correctly planned and zoned for a transfer station and, therefore, can proceed through the permit process in a timely manner (unlike Sites A, C and the site west of Site B) and without changing community expectations, unlike Site C; and
- c. it has little or no development constraints, unlike Site A and the southeast corner.

6. Based on the information in the April 10, 1986, Staff Report and the information presented at the public hearing on April 8, 1986, the Cornelius Pass Site B is preferable to the site at 209th/T.V. Highway proposed by the Governor's Task Force because access from Sunset Highway is better.

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5412C/445-1
03/31/86

Tier I on approved
SID Master Plan

CORNELLUS PASS RD

CROENLE RD

SUNSET HWY

Dimensions are
approximate

7.5 ACRES

500'

375'

250'

170'

Resolution 86-626

EXHIBIT C

February 11, 1986

Description for Washington Transfer and Recycling Center

File: 4-2811-0102-13

A tract of land located in the northwest 1/4 of Section 23, Township 1 North, Range 2 West, Willamette Meridian, Washington County, Oregon and being more particularly described as follows:

Commencing at a Washington County monument at the southwest corner of the Stephen Holcomb donation land claim No. 67 in said Section 23; thence along the centerline of County Road No. 1058, Croeni Road (said line also being the south line of said Claim No. 67) South 89°42'05" East 726.31 feet; thence North 00°17'55" East 20.00 feet to the north right of way line of said County Road No. 1059 and the TRUE POINT OF BEGINNING; said TRUE POINT OF BEGINNING also being on the southerly line of that tract of land conveyed to Western International Properties, a joint venture, and as described in auditor file No. 85026886; thence leaving the north line of said County Road No. 1059 North 00°17'55" East 500.00 feet; thence South 89°42'05" East 367.68 feet; thence South 64°01'46" East 426.00 feet to the westerly line of Cornelius Pass Road (County Road No. 1172); thence along the westerly line of said Cornelius Pass Road South 25°58'14" West 350.00 feet to the intersection of the northerly line of said Croeni Road; thence along the northerly line of said Croeni Road North 89°42'05" West 600.00 feet to the TRUE POINT OF BEGINNING.

Contains 7.2651 acres.

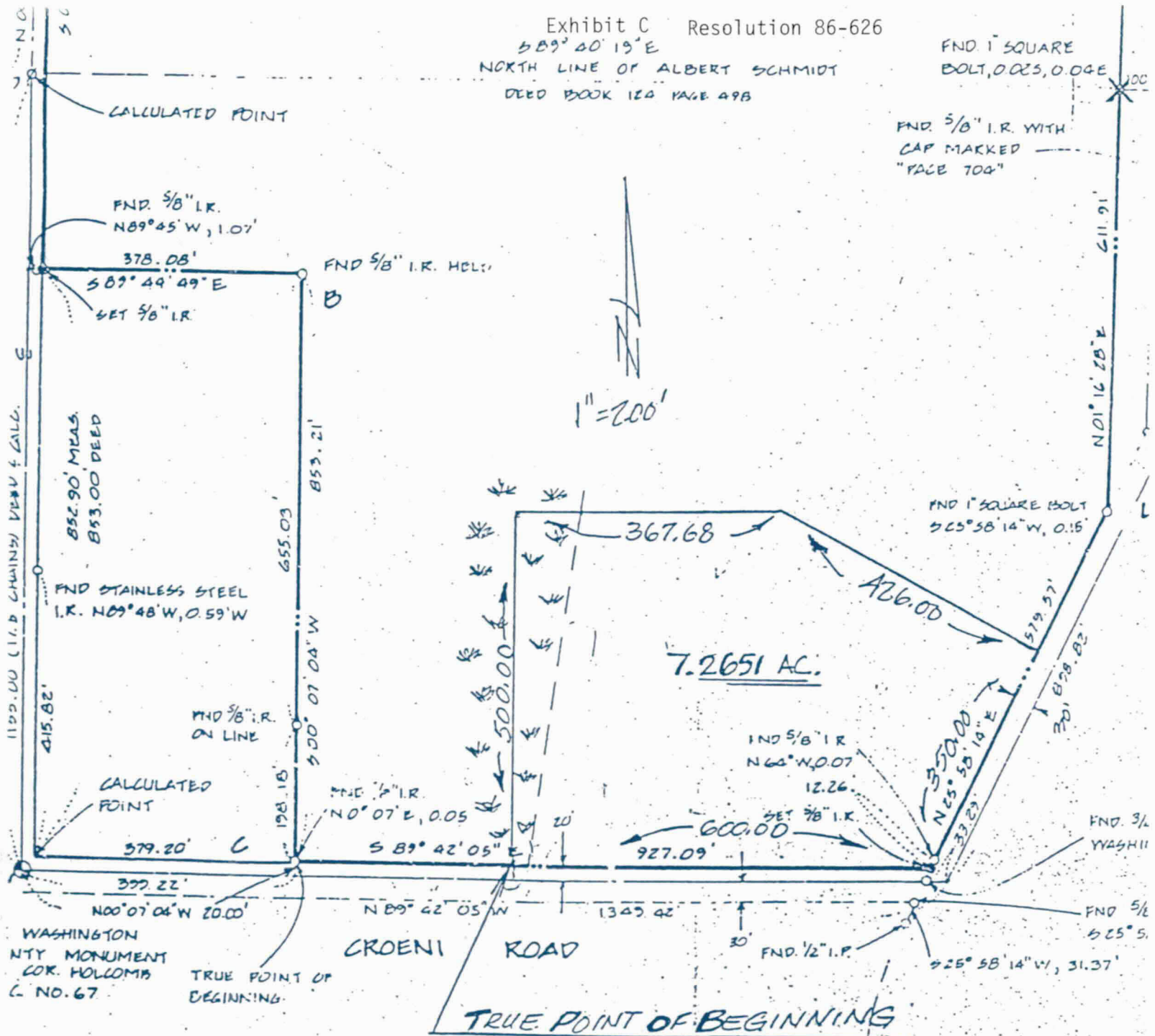
REGISTERED
PROFESSIONAL
LAND SURVEYOR

G. Robert Taylor

OREGON
JULY 12, 1970
G. ROBERT TAYLOR
937

FND. 1" SQUARE
BOLT, 0.025, 0.04

FND. 5/8" I.R. WITH
CAP MARKED
"FACE 704"



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert Taylor

OREGON
JULY 17, 1970
G. ROBERT TAYLOR
937

STAFF REPORT

Agenda Item No. 7

Meeting Date April 10, 1986

CONSIDERATION OF WEST TRANSFER AND RECYCLING
CENTER SITE:

CONSIDERATION OF RESOLUTION NO. 86-626 FOR THE
PURPOSE OF AUTHORIZING THE NEGOTIATED ACQUISITION
OR COMMENCEMENT OF CONDEMNATION OF THE CORNELIUS
PASS ROAD SITE FOR THE PURPOSE OF CONSTRUCTING
THE WEST TRANSFER AND RECYCLING CENTER; AND

CONSIDERATION OF RESOLUTION NO. 86-637 FOR THE
PURPOSE OF SELECTING AND AUTHORIZING ACQUISITION
OF THE 209TH/T.V. HIGHWAY SITE FOR THE PURPOSE OF
CONSTRUCTING THE WEST TRANSFER AND RECYCLING
CENTER

Date: April 1, 1986

Presented by: Randi Wexler and
Eleanore Baxendale

FACTUAL BACKGROUND AND ANALYSIS

At the February 13, 1986, Metro Council meeting, the Council considered alternative locations for the transfer station at the intersection of Cornelius Pass Road and Sunset Highway. The Council selected a 7.26 acre parcel in the northwest corner of the intersection.

Through his Chief of Staff, Governor Atiyeh requested 45 days to convene a task force to recommend an alternative location for the transfer station. The Council granted the Governor his request with the stipulation that a recommended site be "as good or superior to" the site selected by the Metro Council and did not proceed with condemnation of the Cornelius Pass Road site. (See February 13, 1986, Minutes, attached, and February 13, 1986, Staff Report attached to Resolution No. 86-626.)

On March 27, the Governor's chief of staff presented the findings of the special task force and the Governor's recommendations. On the basis of the work of the task force, the Governor stated that he "strongly recommends [the 209/T.V. Highway site] as the alternative to the site previously chosen in the Sunset Corridor."

This Staff Report evaluates both the Cornelius Pass Road site and the 209th/T.V. Highway site. The advantages and disadvantages of each site are outlined in the Staff Report and appropriate Resolutions for acquisition or condemnation of each site are

attached. If the Council wishes to include additional reasons in the resolution for proceeding with one site, this can be done at the April 10 meeting.

Site Descriptions

The Cornelius Pass Road site (Map 1) in Washington County, is a 7.26 acre parcel with access from Sunset Highway. The site is more than 1,000 ft. from a residential development which is across Cornelius Pass Road to the east. The site is on the edge of the Sunset Corridor area. The site is zoned Industrial and is part of a larger parcel which is included in the Master Plan for the SID overlay zone. The site is in an area designated for small lot development. The western edge of the site has a significant natural resource designation, but this will not be a major development constraint. Although this site is farther from the center of waste than the 209th site (six and one-half miles from the center of waste), it is within the seven-mile limit established by the Advisory Group, and access from Sunset Highway provides a good transportation corridor for collection vehicles, transfer trucks, and public haulers. Under the current transportation plan, access would be from Croeni Road. The long-term access would be 600 feet from the upgraded Cornelius Pass Interchange. (See February 13, 1986, Staff Report.)

The 209th/T.V. Highway site in Washington County, is a 9.50-acre parcel with access from T.V. Highway off S.W. 209th Avenue. Currently, one acre of the parcel (southwest corner) is an operating business. The owner of that one-acre has recently signed an option agreement with the owner of the other eight and one-half acres. The site is zoned Industrial. The site is approximately 1,000 feet from a residential development beginning on Blanton Street and a residential development beginning on Alexander Street, north of T.V. Highway. The site is on the edge of the West Way Industrial Park and is approximately three-fourths of a mile from the unincorporated "downtown" of Aloha. The West Way Industrial Park is comprised of a variety of light industrial uses. Without direct access off T.V. Highway, most vehicles would use T.V. Highway and turn southbound to 209th to access the parcel. Approximately 20 percent of vehicles would travel northbound on 209th to access the parcel. Transfer trucks seeking access to a major highway would travel on major arterials (185th or 158th) or use T.V. Highway to reach Highway 217. To correct some traffic impediments at the intersection of 209th/T.V. Highway, the Governor's Task Force has suggested development improvements. These will be reviewed with County staff before they are accepted.

Site Comparison

To compare the Cornelius Pass Road site and the 209th/T.V. Highway site, staff performed a comparative technical analysis on the two sites. Five categories were evaluated: solid waste technical aspects including center of waste and transportation, flexibility for development, land use, and acquisition of land.

Center of waste is a measure of convenience for the public and collection industry and a measure of cost for the region in operating a transfer station. Transportation issues are an important technical criteria, as well as a major concern expressed by the public. Flexibility for development is a measure of usable acreage for both transfer operations and additional recycling. Land use is a measure of the difficulty in acquiring the necessary permits. Acquisition of land is a measure of whether or not the owner is willing to sell the property. A qualitative rating was given for each category of the decision matrix. The qualitative rating included: poor, fair, good or best. An explanation of each rating for the two sites is provided.

DECISION MATRIX

<u>Site</u>	<u>Center of Waste</u>	<u>Trans.</u>	<u>Flex. for Devel.</u>	<u>Land Use</u>	<u>Acquisition</u>
Cornelius Pass Road	Fair	Best	Best	Best	Can Condemn
209th/T.V. Highway	Good	Fair	Best	Best	Willing Seller

Cornelius Pass Road Site

A rating of "Fair" was given for the center of waste criterion because the parcel is located six and one-half miles from the center of waste.

A rating of "Best" was given for the transportation criterion because access is from Highway 26 and traffic is minimized on the local access street system within business districts due to location outside of a high activity business district.

A "Best" rating for the flexibility for development criterion was given because there are no major development constraints.

A "Best" rating was given for the land use criterion because a transfer station is listed as an allowed use (Type II process) in an industrial zone.

The owner is not willing to discuss an option agreement and condemnation powers would need to be exercised. Only one owner is involved and there appear to be no problems with the title .

209th/T.V. Highway Site

A rating of "Good" was given for the center of waste criterion because the parcel is located three and one-half miles from the center of waste.

A rating of "Fair" was given for the transportation criterion because access is from T.V. Highway. T.V. Highway is not a limited access highway and has numerous traffic signals requiring a lower

speed limit than a limited access highway and numerous stops at traffic lights.

A "Best" rating for the flexibility for development criterion was given because there are no major development constraints.

A "Best" rating was given for the land use criterion because a transfer station is listed as an allowed use (Type II process) in an industrial zone.

The owner is willing to discuss an option agreement.

In summary, the 209th/T.V. Highway site is located closer to the center of waste. The Cornelius Pass Road site has better highway access being located just off of Sunset Highway. Neither of the two sites presents any major development constraints. Neither of the two sites are guaranteed land use permits based on the controversial nature of this development. Both sites are zoned industrial and transfer stations are an allowed use (Type II process) in this zone. The Cornelius Pass Road site would require condemnation. The 209th/T.V. Highway site is available for sale to Metro.

Staff Recommendation

In comparing the 209th/T.V. Highway site with the site at Cornelius Pass Road, the relevant distinctions between the sites are:

1. The 209th/T.V. Highway site is closer to the center of waste but with access from a less desirable highway. The Cornelius Pass Road site is farther from the center of waste but with access from a limited access highway; and
2. The 209th/T.V. Highway site is for sale to Metro while the Cornelius Pass Road site would require condemnation.

Both sites are suitable for development of a transfer station. The degree of weight assigned to these two distinctions is the deciding factor in choosing the location for the transfer station. If the Council discerns any additional reasons for preferring one site over the other, Council should amend the Resolution it adopts.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer has no recommendation.

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5387C/453-4
04/01/86

Start on approved
CID Master Plan

CORNELLUS PASS RD

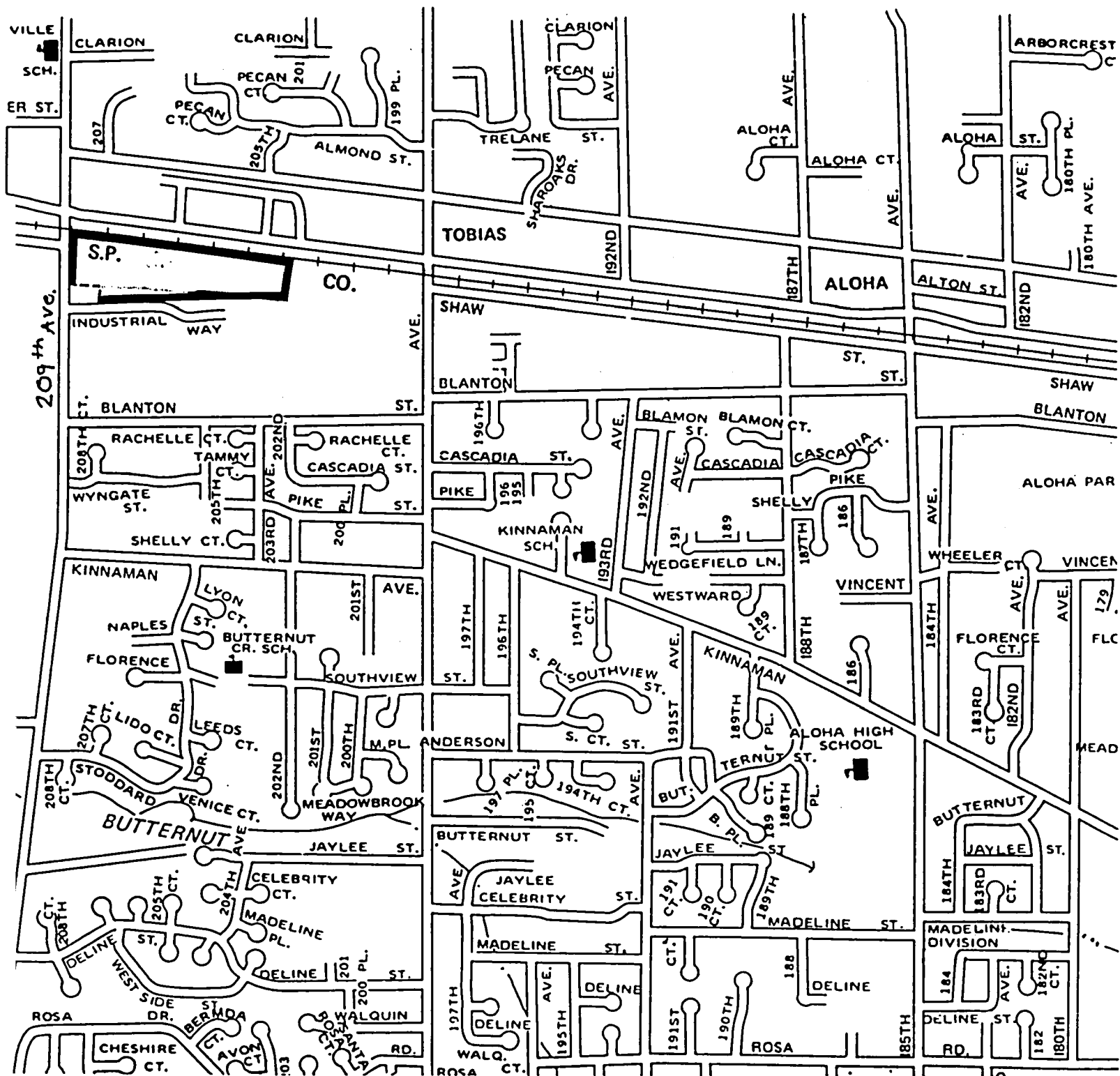
7.5 ACRES

CROOKED

SUNSET HWY

Dimensions are
approximate

Map 2



1

listed above and take public testimony on them, on January 16, 1986, the Council directed staff to look at all possible sites in the area of Site 59. This is consistent with the site specific process because testimony and the Advisory Group rating on Site 59 are applicable to all parcels at the intersection of Cornelius Pass Road and Sunset Highway.

A group of Sunset Corridor developers attempted to reach a consensus on a site they believed had the least impact to industrial land developers.

B. Site Descriptions

Three locations in the Cornelius Pass Road area were considered as potential locations for the WTRC (Map 1).

Site A in the northwest section of the intersection is a 10-acre parcel with access from Sunset Highway. The site is more than 1,000 ft. from a residential development which is across Cornelius Pass Road to the east. The site is on the edge of the Sunset Corridor and on the edge of a large vacant Special Industrial District zone for land development. The parcel is buffered from adjacent industrial property by a 100-foot BPA right-of-way for power lines. The site has a significant natural resource designation (wetland) through the center of the parcel which could be a major development constraint. The area under the power corridor is also designated as open space. Under the current transportation plan, access would be from Croeni Road. The long-term access would probably be on a new road farther north on Cornelius Pass Road. The site is zoned Industrial. Because the site is in a Special Industrial District (SID), it must be developed under the SID Master Plan for all land in the District. At this time, the Master Plan does not include this parcel and it must be added to the SID Master Plan. This additional action itself could be subject to appeal delaying the process further.

The Washington County Planning staff is unclear as to the process to amend the Master Plan to include this site in the Master Plan. Because of this situation, additional time (two to six months) would be required to determine how to amend the Master Plan before Metro could make an application for the required development permits.

CONSIDERATION OF RESOLUTION NO. 86-626 FOR THE PURPOSE OF AUTHORIZING THE NEGOTIATED ACQUISITION OR THE COMMENCEMENT OF CONDEMNATION TO ACQUIRE CERTAIN PROPERTY IN ACCORDANCE WITH THE APPROVED SOLID WASTE MANAGEMENT PLAN FOR THE PURPOSE OF CONSTRUCTING THE WASHINGTON TRANSFER & RECYCLING CENTER

Date: February 6, 1986

Presented by: Doug Drennan
Randi Wexler
Eleanore Baxendale

FACTUAL BACKGROUND AND ANALYSIS

I. SITE SELECTION

A. Process

At the January 16, 1986, Metro Council meeting, the Council considered three potential locations for the Washington Transfer & Recycling Center (WTRC): Western Avenue in Beaverton (Site N), 160th/T.V. Highway in Beaverton (Site 56), and Cornelius Pass Road and Sunset Highway in Washington County (Site 59). The advantages and disadvantages of each site are described in the staff report dated January 13, 1986.

After discussion of the three potential sites and areas, the Council voted 7-2 for Cornelius Pass Road as the preferred area for the transfer station. The Cornelius Pass Road area was selected for the following reasons: access from Highway 26 minimizing traffic on local access streets within areas already developed (e.g., business districts and residential neighborhoods), preference for an undeveloped parcel eliminating any design constraints possibly imposed by retrofitting an existing building, and the desire to build the transfer station in an unestablished, relatively undeveloped area where new businesses and industries would knowingly build near a transfer station. The Council did not appear to believe the development community's proposition that locating a transfer station in an undeveloped area would deter development consistent with the area's zoning.

Although the original process used by the WTRC Advisory Group and Council was to evaluate the specific sites

D. Recommendation

The development community could not reach a consensus on a preferred site in the Cornelius Pass area and has not offered a site for location of the transfer station. The staff recommends Site B because the site is more than 1,000 ft. from a residential development, presents little or no development constraints, and is zoned properly for a timely land use and permit process.

II. PROPERTY ACQUISITION

The attached Resolution is a resolution to acquire property for WTRC through condemnation. A property description will be available for the meeting on Thursday.

The process described in the Resolution is the process prescribed by statute. The Council must declare the necessity of acquiring this site for this purpose. After adoption of the resolution, Metro must make a written offer to acquire the property. If that offer is rejected, the condemnation suit is filed asking the Court to transfer the property to Metro upon payment of just compensation to the owner (fair market value plus damages, if any). If the owner contests the compensation, the jury will decide this issue.

Once the condemnation suit is filed with the Court, this Resolution gives Metro Counsel authority to file a Motion for Immediate Possession, pay Metro's estimate of the fair market value through the Court to the owner and seek the right to commence the development process.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of the Resolution No. 86-626.

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02/06/86

Site B, in the northwest section of the intersection, is a 7.5 acre parcel with access from Sunset Highway. The site is 1,000 ft. from a residential development which is across Cornelius Pass Road to the east. The site is on the edge of the Sunset Corridor. The western edge of the site has a significant natural resource designation (wetland) but this will not be a major development constraint. Under the current transportation plan access would be from Croeni Road. The long-term access would probably be on either a new road farther north on Cornelius Pass Road or directly on to Cornelius Pass Road. The site is zoned Industrial. Because the site is in a SID, it must be developed under the SID Master Plan for all land in the District. This site is included under the Master Plan in an area designated for small lot development, and a transfer station is a permitted use on industrial land. Metro can apply for development permits as soon as Metro acquires a legal right to the property.

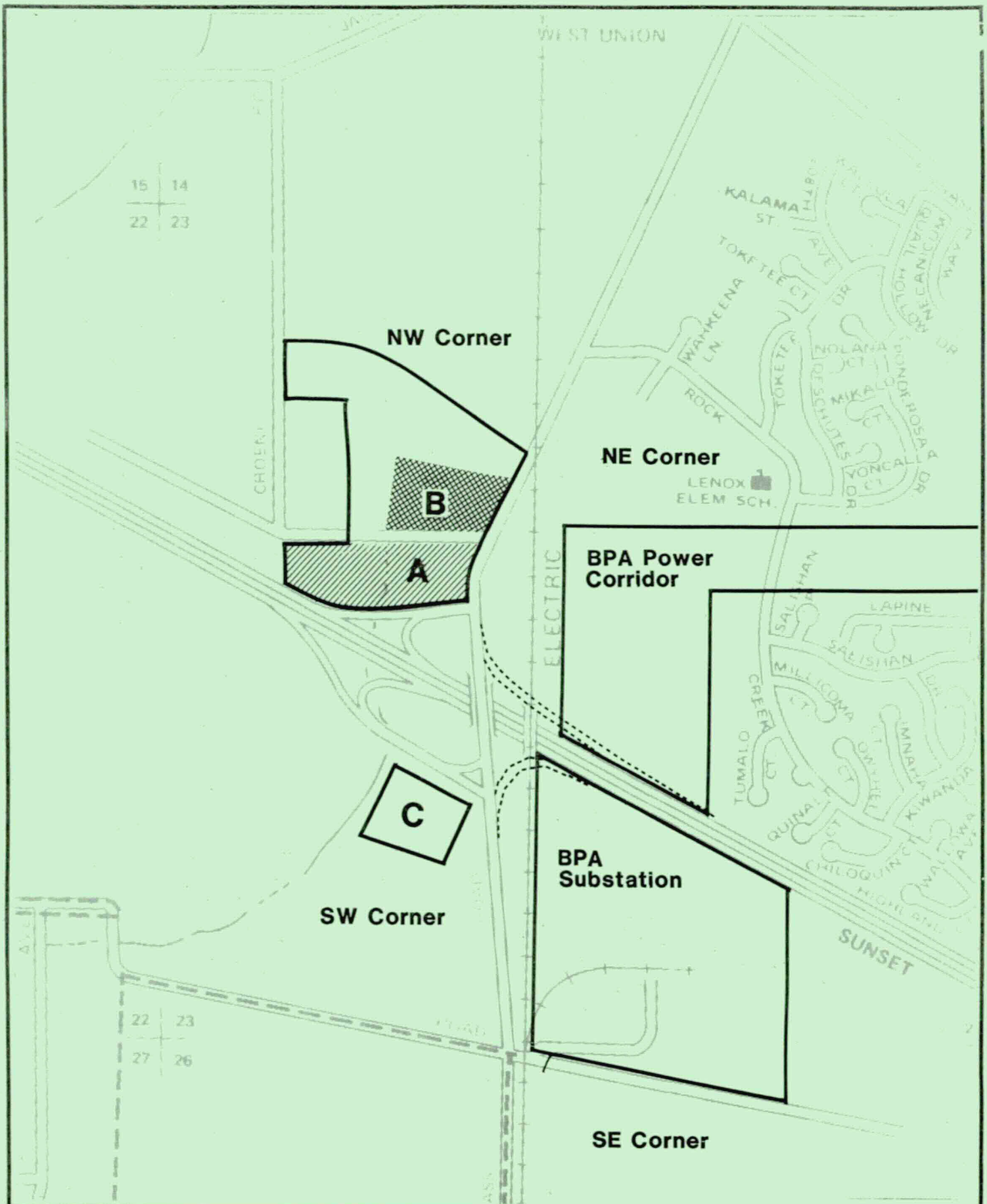
Site C, in the southwest corner of the intersection, is an eight-acre parcel with access from Sunset Highway. The site is across the highway and more than 1,000 ft. from a residential development. The site is outside the Urban Growth Boundary. Under the current transportation plan, access would be from a new road to be constructed under the BPA power corridor. The site is currently zoned Agricultural. A zone change and plan amendment would be required for development of a transfer station.

C. Additional Information

The land west of Site B is comprised of three parcels totaling 7.6 acres of Industrial zoned land. The parcels are not included in the Master Plan and have the same land use issues as Site A.

Vacant land in the southeast corner of the intersection is also zoned Industrial. The developed portion includes a BPA substation and seven power lines. A meeting with BPA staff confirmed that the site is completely encumbered with power corridors and, therefore, this site is completely unusable.

Vacant land in the northeast corner is zoned Industrial. This parcel is also encumbered with power lines stretching from the substation on the south side of Sunset Highway diminishing the amount of buildable land to less than four acres. This land is the closest of the four corners to the Rock Creek neighborhood. Future access to this parcel from Cornelius Pass Road is likely to be built through a residential area.



**CORNELIUS PASS ROAD & SUNSET HIGHWAY,
WASHINGTON COUNTY**

would accomplish one of the following: 1) Demonstrate need, under factors 1 and 2, for all land in the boundary based on detailed planning data; 2) Demonstrate that the identified portion of Bethany is committed to urban use under the Goal 14 locational factors; and 3) Identify a special or site specific need for the identified area. Metro was also directed to delete the area from the UGB and replan and rezone it for rural uses. The Executive Officer said he would keep the Council abreast of further developments.

Finally, Executive Officer Gustafson reported the Intergovernmental Resource Committee recommended the Council assess local governments 51¢ per capita for its local government services. The Council would consider a resolution to adopt this policy at their next meeting, he said.

5. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

7. APPROVAL OF MINUTES of the Meeting of January 9, 1986

Motion: Councilor DeJardin moved the minutes be approved and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen and Waker

The motion carried and the minutes were approved.

8. CONSIDERATION OF RESOLUTION NO. 86-626, for the Purpose of Authorizing the Negotiated Acquisition or the Commencement of Condemnation to Acquire Certain Property in Accordance with the Approved Solid Waste Management Plan for the Purpose of Constructing the Washington Transfer & Recycling Center

Presiding Officer Waker announced there would be no public hearing for this item since public hearings had occurred previously for all transfer stationsites under consideration. The Presiding Officer said he would, however, read written testimony submitted by Edward Ritter. Also, the Governor had requested to address the Council on the matter. Gerry Thompson, Chief of Staff for the Governor, would deliver the Governor's message.

Councilor Myers declared he had a conflict of interest on this issue because his law firm was involved with the owner of the property under consideration. He then left the Council Chamber.

Randi Wexler reviewed highlights of staff's written report explaining that on January 16, 1986, the Council selected the site at Cornelius Pass Road as the preferred area for the transfer station in Washington County. That site, she said, was selected for the following reasons: 1) access from Highway 26 minimized traffic on local access streets within areas already developed; 2) preference for an undeveloped parcel would eliminate any design constraints possibly imposed by retrofitting an existing building; and 3) the desire to build the transfer station in an unestablished, relatively undeveloped area where new businesses and industries would knowingly build near a transfer station. She reported the Council did not appear to believe the development community's position that locating a transfer station in an undeveloped area would deter development consistent with the area's zoning.

Ms. Wexler then described specific parcels of land considered by staff at the Cornelius Pass Road site identified as Sites A, B and C in the staff report. She also noted staff had received many letters objecting to the use of the Cornelius Pass Road site for a transfer station. Staff recommended Site B as the preferred site because the property was more than 1,000 feet from a residential area, had few development constraints and was zoned properly for a timely land use process.

Presiding Officer Waker read a letter submitted by Edward Ritter of the Sunset Neighborhood Association. Mr. Ritter urged the Council to consider the regional and statewide consequences of siting the transfer station at the Cornelius Pass Road site. He said the facility would be disastrous for his neighborhood and would adversely effect homes and children's lives. He questioned the wisdom of siting the facility before it was known where the next regional landfill would be located. Mr. Ritter also objected to siting the transfer station in the Sunset Corridor, one of the few areas in the state experiencing economic growth.

Gerry Thompson, Chief of Staff of Governor Victor Atiyeh, said she was speaking on behalf of the Governor who fully supported the idea that a transfer station was needed in Washington County. However, the Governor Atiyeh objected to the specific site recommended by the Council for the facility. She said he had taken this unprecedented action of objecting to a local government decision because that decision would have statewide implications. Because the Governor had such deep concerns for the direction Metro was about to take, he was willing to join with the Council to assist in finding a suitable site for the transfer station, she said.

Ms. Thompson then discussed the Governor's efforts to change the negative image of Oregon to the positive business image of creating jobs. Those efforts were yielding results, she said, especially in the Sunset Corridor area of Washington County. She emphasized the action considered by the Council tonight would have an absolute negative impact on those efforts by destroying the image of the Sunset Corridor as a premier location for new and expanding Oregon business. She said damaging, negative signals were already being sent within and outside the state.

Ms. Thompson reviewed a proposal to use the Governor's resources to assist Metro in identifying a location for a waste transfer station in Washington County that would be acceptable to a wide array of citizens living and doing business in the County. The Governor proposed the Council delay their action tonight. He would then immediately organize a task force composed of leading and respected Washington County citizens to find a generally acceptable site for the facility on property that could be properly permitted. The task force would attempt this work on a very short timeline and with consideration of any criteria already set forth by the Council, she explained. She emphasized the task force would need some flexibility to accomplish their job.

Finally, Ms. Thompson reported two important examples where Metro's pending action might cause prominent companies to reconsider siting in Oregon. She urged the Council not take action that would further jeopardize those negotiations or negotiations with companies that might be interested in Oregon in the future.

Councilor DeJardin thanked Ms. Thompson for sharing the Governor's concerns. He explained, however, he had difficulty with the Governor's message because it would be virtually impossible to find a site acceptable to everyone. He also questioned Ms. Thompson's statement that a transfer station at the Cornelius Pass Road site would cause economic blight to the area and the entire state. The Councilor reported a thriving shopping center was located near the transfer station in Oregon City and no problems had resulted from the facility.

Councilor DeJardin said that during the process of public hearings on proposed Washington County sites, he had resented inferences of elitism that perhaps the County was too good to have a solid waste transfer station in the area and that waste should continue to be handled by Oregon City. Councilor DeJardin also questioned whether Pacific Rim companies and countries, who were quite advanced in dealing with their garbage issues, were actually threatening not to site businesses in Oregon because of the transfer station. Oregon was perhaps embarrassing itself by making an issue to the transfer station with these companies, he said.

Finally, Councilor DeJardin said the Governor's last-minute appeal was unfair because he was asking the Council to disregard the thousands of hours expended on the project by the staff, citizen task forces, businesses, and neighborhood residents. However, he said, if the Governor could find a site superior to that recommended by the Council, it would be unprudent for the Council not to recognize that possibility. He requested the Council proceed with siting the transfer station at the Cornelius Pass Road Site B if the Governor could not come up with a better plan within a prescribed time period.

Councilor Kelley asked Ms. Thompson to clarify how much flexibility the Governor would need to find a suitable site. Ms. Thompson said the Governor's office would adhere to any criteria set by the Council and that some flexibility would be needed to conduct that process.

Councilor Oleson agreed the north side of Cornelius Pass Road was not the best location for a solid waste transfer station. In response to the Councilor's question, Ms. Thompson said no location within that area would be acceptable for all the reasons she had stated earlier. Councilor Oleson said that from the residents' point of view, an undeveloped commercial area would be the best kind of site for the facility. He was concerned the Governor not recommend a site that would create the same type of problems with residents previous sites had caused. Ms. Thompson responded that any site would create some human reaction, either negative or positive, but the Governor hoped a generally acceptable site could be found. Finally, Councilor Oleson said he would rather live near a transfer station than near some of the acids and poisons generated by hi tech businesses.

The Executive Officer defined the Council's options as follows:

- 1) the Council could, in response to the Governor's request, set over any action on Resolution No. 86-626 until March 27;
- 2) recognize by motion site B as the preferred site for the transfer station but set over any action on Resolution No. 86-626 pending the Governor's action;
- 3) adopt the Resolution in its current form authorizing the condemnation but recognize the Executive Officer would have 45 days in which to proceed with the condemnation process which would allow the Governor the opportunity to find a more suitable site; and
- 4) adopt the Resolution and instruct the Executive Officer to file papers for a condemnation process immediately.

In response to the Presiding Officer's question, Ms. Thompson said the first option would fit exactly into the framework of the Governor's request. The second option would also be workable, she said, but the third option would make it difficult for the Governor to do his work.

Councilor Van Bergen said he was concerned that no action be taken to jeopardize Metro's ability to obtain necessary land use permits for the preferred site. The Executive Officer explained he had indicated the same concern to the Governor's Chief of Staff. He said if any action were initiated to amend the current Washington County land use permit process that could jeopardize siting a transfer station, the Council could determine to file its land use permit application immediately or take any necessary action to assure Metro could apply for a permit. In response to Councilor Van Bergen's question, Executive Officer Gustafson explained the first three options would guarantee that ability.

Responding to Councilor Hansen's question, Ms. Thompson said the Governor understood the siting process was not popular with neighborhood groups and he would take a stand to support any site be recommended. She emphasized any recommended site should not jeopardize the state's economic potential.

Motion: Councilor Cooper moved to select staff's recommended site, as identified in the staff report, as the appropriate site for the transfer station but to set over consideration of Resolution No. 86-626 until March 27, 1986, in order that the delay be used to allow the Governor of the State of Oregon to propose a site superior to the property described in Exhibits B and C of staff's report. Councilor Kelley seconded the motion for discussion purposes.

Councilor Kirkpatrick asked if the motion were adopted, could the Executive Officer start condemnation proceedings if action were taken to change zoning effecting transfer stations in Washington County. The Executive Officer said if any actions were taken to change the planning process, he would commence administrative work preparing for condemnation and would return to the Council requesting a condemnation order. Councilor Kirkpatrick said she would only support the motion if the option the Executive Officer had explained were guaranteed. She was concerned the Council would end up with no site options if the Governor was not successful and she did not want to give the public another reason to say Metro had failed. However, she also thought it would be foolish not to accept the Governor's offer to assist the Council in finding a better site.

Councilor Kafoury asked if the objectives described by the Executive Officer could be accomplished by adopting the Resolution but not implementing action until March 27. Eleanore Baxendale explained that type of action would accomplish the same objective but it should be clarified what would be meant by the term "start condemnation." She then explained the multi-phased condemnation process

and which phases would require Council action. Councilor Kafoury said she agreed with Councilor Kirkpatrick that the Council must preserve its options if the Governor failed.

Councilor Van Bergen opposed the motion explaining condemnation could be a lengthy process. He supported working with the Governor but wanted to authorize the Executive Officer to file condemnation proceedings in case the Governor did not succeed.

Councilor Gardner said he would support Councilor Cooper's motion because he was willing interrupt the condemnation process to give the Governor the opportunity to help locate a better site. However, the Councilor said he had not been impressed by the arguments of those opposed to the Cornelius Pass Road site. He thought they had greatly exaggerated the probable impact of a transfer station and had misrepresented the facts to other citizens. The Councilor said if one were to believe the reports that some companies were not planning to build in the Sunset Corridor because of the transfer station, those companies could have decided not to build because of the exaggerated picture painted by citizens. He emphasized a transfer station should be located within the Sunset Corridor precisely because of the planned economic development for that area.

Councilor DeJardin explained although he would prefer to begin condemnation proceedings for the preferred site in tandem with working with the Governor, he would support the motion.

Councilor DeJardin requested if the motion were adopted the Governor's Office present a status report of their progress at the next Council meeting. Ms. Thompson gave her assurance this would occur.

Vote: A vote on the motion resulted in:

Ayes: Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley and Waker

Nays: Councilors Oleson and Van Bergen

Abstain: Councilor Myers

The motion carried.

9. ORDINANCES

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 86-626
THE NEGOTIATED ACQUISITION OR)	
THE COMMENCEMENT OF CONDEMNATION)	Introduced by the
TO ACQUIRE CERTAIN PROPERTY IN)	Executive Officer
ACCORDANCE WITH THE APPROVED)	
SOLID WASTE MANAGEMENT PLAN FOR)	
THE PURPOSE OF CONSTRUCTING THE)	
WASHINGTON TRANSFER & RECYCLING)	
CENTER)	

WHEREAS, By virtue of the laws of the state of Oregon, the Metropolitan Service District (Metro) is authorized and empowered to acquire by purchase or by the exercise of eminent domain real property or any interest therein for the purpose of providing a metropolitan aspect of a public service; and

WHEREAS, ORS chapter 268 gives Metro the responsibility for solid waste disposal in the Portland metropolitan area; and

WHEREAS, Metro has adopted by Resolution No. 84-506 a Solid Waste Management Plan for solid waste transfer centers, including one such center to be located in Washington County as part of the solid waste disposal system, and this is a metropolitan aspect of a public service; and

WHEREAS, For the reasons described in Resolution No. 84-506, Exhibit A, and the Staff Report (attached hereto and incorporated herein), Metro finds it necessary to acquire in fee the property shown generally on the map attached as Exhibit B, and more particularly described in Exhibit C (both attached hereto and incorporated herein), for the purpose of constructing the Washington Transfer & Recycling Center (WTRC) and finds that WTRC has been located and planned and will be designed in a manner which will be most compatible with the greatest public benefit and the least private injury; and

WHEREAS, Metro finds that if a satisfactory agreement cannot be reached with the property owners as to a just compensation for the property, a condemnation suit should be instituted to acquire the property for the purposes of constructing WTRC; and

WHEREAS, Immediate possession of the property is necessary to obtain development permits and commence construction on schedule and in conjunction with commitments made to jurisdictions regulating other Metro transfer stations; now, therefore,

BE IT RESOLVED,

1. That the Metropolitan Service District does hereby find and declare that it is necessary and required for the purpose of providing a metropolitan aspect of public service by constructing WTRC to acquire the property described in Exhibit C, which property will be utilized for such public purpose within ten (10) years from the date of acquisition.

2. That the Metropolitan Service District hereby directs Metro Counsel to make a written offer on behalf of Metro to all owners or parties having an ownership interest to purchase all right, title and interest in the property and to pay just compensation. The offer to purchase shall comply with all legal formalities as determined by the Metro Counsel and shall remain open for at least twenty (20) days.

3. That should any owner or party having an ownership interest fail to accept the amount offered by the Metro Counsel, the Executive Officer and Metro staff and Counsel are hereby authorized to attempt to agree with the owners and other persons in interest in the real property as to the compensation to be paid for the appropriation of the property. In the event that no satisfactory

agreement can be reached promptly, then the attorneys for Metro are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest therein. Metro Counsel may file an action in eminent domain at any time after the expiration of the twenty-day (20) letter offer.

4. That upon the filing or trial of any suit or action instituted to acquire the real property or any interests therein, Metro Counsel is authorized to make such stipulation, agreement or admission as in their judgment may be for the best interest of Metro.

5. That Metro Counsel is authorized, in accordance with all applicable laws and regulations, to take appropriate steps to acquire immediate possession of such property.

6. That there is hereby authorized the creation of a fund in the amount estimated to be the just compensation for such property which shall, upon obtaining possession of the property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants of the action.

7. That upon the final determination of any such proceedings, the deposit of funds and payment of judgment conveying title to the property to Metro is hereby authorized.

8. That this Resolution is effective immediately upon its adoption.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1986.

Richard Waker, Presiding Officer

EXHIBIT A

REASONS FOR SITE SELECTION

1. Based on the recommendations of the WTRC Advisory Group and testimony at public hearings the Council identified four potential sites in Resolution Nos. 85-591 and 86-614: Site 56, the Archdiocese and Beaverton Urban Renewal properties at Tualatin Valley Highway and Mullikan Way, in Beaverton; Site 56 (south), the Beaverton Urban Renewal property at Tualatin Valley Highway and Millikan Way, in Beaverton; Site 59, the Times-Litho site (now called Cornelius Pass site) at Cornelius Pass Road and Sunset Highway in Washington County; Site N, the Champion property at Western Avenue in Beaverton.

2. On January 16, 1986, the Council evaluated the information on each of these sites contained in the Staff Report and staff testimony presented at that hearing and compared the sites on a variety of bases, including proximity to the center of waste, design problems, zoning, traffic impact and compatibility with existing and future uses.

3. At that meeting the Council determined that the Cornelius Pass Road and Sunset Highway area is the best area for a transfer station for these reasons:

- a. the traffic analysis presented by Wilsey & Ham shows that this area maximizes use of the highway system for travel and minimizes traffic on local access streets within developed business districts and residential areas, unlike Site N;
- b. undeveloped land offers the best opportunity to design the most appropriate transfer station on a parcel correctly sized for this activity and without the design constraints imposed by retrofitting an existing site, unlike Site N;
- c. the industrial land in this area has not been significantly developed; based on the Mercury Study and the staff comment on it, building the transfer station in this area will allow Metro to develop the site in such a way that other uses allowed in the industrial zone will not be deterred from locating there; this is more desirable than infilling or retrofitting in an industrial area which has already been developed, unlike Site N; and
- d. it is undesirable to select land which requires a comprehensive plan and zone change because this can delay the permit process and conflict with community expectations based on current zoning, as required for Site 56.

4. Selecting this area is consistent with the site selection process of having the WTRC Advisory Group and Council review and compare specific sites for the reasons explained in the Staff Report.

5. Based on the information contained in the Staff Report, Site B is the best site in this area for these reasons:

- a. it is more than 1,000 feet from a residential development and will not involve travel through a residential neighborhood, unlike the northeast corner;
- b. it is correctly planned and zoned for a transfer station and, therefore, can proceed through the permit process in a timely manner (unlike Sites A, C and the site west of Site B) and without changing community expectations, unlike Site C; and
- c. it has little or no development constraints, unlike Site A and the southeast corner.

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02/06/86

EXHIBIT B

Tier I on approved
SID Master Plan

CORNELIUS PASS RD

450'

350'

350'

7.5 ACRES

500'

600'

CROENI RD

SUNSET HWY

Dimensions are
approximate



F R O M

Donald E. Carlson

Deputy Executive Officer
Ext. 341

2/13/86
version - not
adapted.



METROPOLITAN SERVICE DISTRICT
Providing Zoo, Transportation, Solid Waste and
other Regional Services

527 SW Hall St., Portland, OR 97201-5287 • 503/221-1646

CONSIDERATION OF RESOLUTION NO. 86-626 FOR THE
PURPOSE OF AUTHORIZING THE NEGOTIATED ACQUISITION
OR THE COMMENCEMENT OF CONDEMNATION TO ACQUIRE
CERTAIN PROPERTY IN ACCORDANCE WITH THE APPROVED
SOLID WASTE MANAGEMENT PLAN FOR THE PURPOSE OF
CONSTRUCTING THE WASHINGTON TRANSFER & RECYCLING
CENTER

Date: February 6, 1986

Presented by: Doug Drennan
Randi Wexler
Eleanore Baxendale

FACTUAL BACKGROUND AND ANALYSIS

I. SITE SELECTION

A. Process

At the January 16, 1986, Metro Council meeting, the Council considered three potential locations for the Washington Transfer & Recycling Center (WTRC): Western Avenue in Beaverton (Site N), 160th/T.V. Highway in Beaverton (Site 56), and Cornelius Pass Road and Sunset Highway in Washington County (Site 59). The advantages and disadvantages of each site are described in the staff report dated January 13, 1986.

After discussion of the three potential sites and areas, the Council voted 7-2 for Cornelius Pass Road as the preferred area for the transfer station. The Cornelius Pass Road area was selected for the following reasons: access from Highway 26 minimizing traffic on local access streets within areas already developed (e.g., business districts and residential neighborhoods), preference for an undeveloped parcel eliminating any design constraints possibly imposed by retrofitting an existing building, and the desire to build the transfer station in an unestablished, relatively undeveloped area where new businesses and industries would knowingly build near a transfer station. The Council did not appear to believe the development community's proposition that locating a transfer station in an undeveloped area would deter development consistent with the area's zoning.

Although the original process used by the WTRC Advisory Group and Council was to evaluate the specific sites

listed above and take public testimony on them, on January 16, 1986, the Council directed staff to look at all possible sites in the area of Site 59. This is consistent with the site specific process because testimony and the Advisory Group rating on Site 59 are applicable to all parcels at the intersection of Cornelius Pass Road and Sunset Highway.

A group of Sunset Corridor developers attempted to reach a consensus on a site they believed had the least impact to industrial land developers.

B. Site Descriptions

Three locations in the Cornelius Pass Road area were considered as potential locations for the WTRC (Map 1).

Site A in the northwest section of the intersection is a 10-acre parcel with access from Sunset Highway. The site is more than 1,000 ft. from a residential development which is across Cornelius Pass Road to the east. The site is on the edge of the Sunset Corridor and on the edge of a large vacant Special Industrial District zone for land development. The parcel is buffered from adjacent industrial property by a 100-foot BPA right-of-way for power lines. The site has a significant natural resource designation (wetland) through the center of the parcel which could be a major development constraint. The area under the power corridor is also designated as open space. Under the current transportation plan, access would be from Croeni Road. The long-term access would probably be on a new road farther north on Cornelius Pass Road. The site is zoned Industrial. Because the site is in a Special Industrial District (SID), it must be developed under the SID Master Plan for all land in the District. At this time, the Master Plan does not include this parcel and it must be added to the SID Master Plan. This additional action itself could be subject to appeal delaying the process further.

The Washington County Planning staff is unclear as to the process to amend the Master Plan to include this site in the Master Plan. Because of this situation, additional time (two to six months) would be required to determine how to amend the Master Plan before Metro could make an application for the required development permits.

Site B, in the northwest section of the intersection, is a 7.5 acre parcel with access from Sunset Highway. The site is 1,000 ft. from a residential development which is across Cornelius Pass Road to the east. The site is on the edge of the Sunset Corridor. The western edge of the site has a significant natural resource designation (wetland) but this will not be a major development constraint. Under the current transportation plan access would be from Croeni Road. The long-term access would probably be on either a new road farther north on Cornelius Pass Road or directly on to Cornelius Pass Road. The site is zoned Industrial. Because the site is in a SID, it must be developed under the SID Master Plan for all land in the District. This site is included under the Master Plan in an area designated for small lot development, and a transfer station is a permitted use on industrial land. Metro can apply for development permits as soon as Metro acquires a legal right to the property.

Site C, in the southwest corner of the intersection, is an eight-acre parcel with access from Sunset Highway. The site is across the highway and more than 1,000 ft. from a residential development. The site is outside the Urban Growth Boundary. Under the current transportation plan, access would be from a new road to be constructed under the BPA power corridor. The site is currently zoned Agricultural. A zone change and plan amendment would be required for development of a transfer station.

C. Additional Information

The land west of Site B is comprised of three parcels totaling 7.6 acres of Industrial zoned land. The parcels are not included in the Master Plan and have the same land use issues as Site A.

Vacant land in the southeast corner of the intersection is also zoned Industrial. The developed portion includes a BPA substation and seven power lines. A meeting with BPA staff confirmed that the site is completely encumbered with power corridors and, therefore, this site is completely unusable.

Vacant land in the northeast corner is zoned Industrial. This parcel is also encumbered with power lines stretching from the substation on the south side of Sunset Highway diminishing the amount of buildable land to less than four acres. This land is the closest of the four corners to the Rock Creek neighborhood. Future access to this parcel from Cornelius Pass Road is likely to be built through a residential area.

D. Recommendation

The development community could not reach a consensus on a preferred site in the Cornelius Pass area and has not offered a site for location of the transfer station. The staff recommends Site B because the site is more than 1,000 ft. from a residential development, presents little or no development constraints, and is zoned properly for a timely land use and permit process.

II. PROPERTY ACQUISITION

The attached Resolution is a resolution to acquire property for WTRC through condemnation. A property description will be available for the meeting on Thursday.

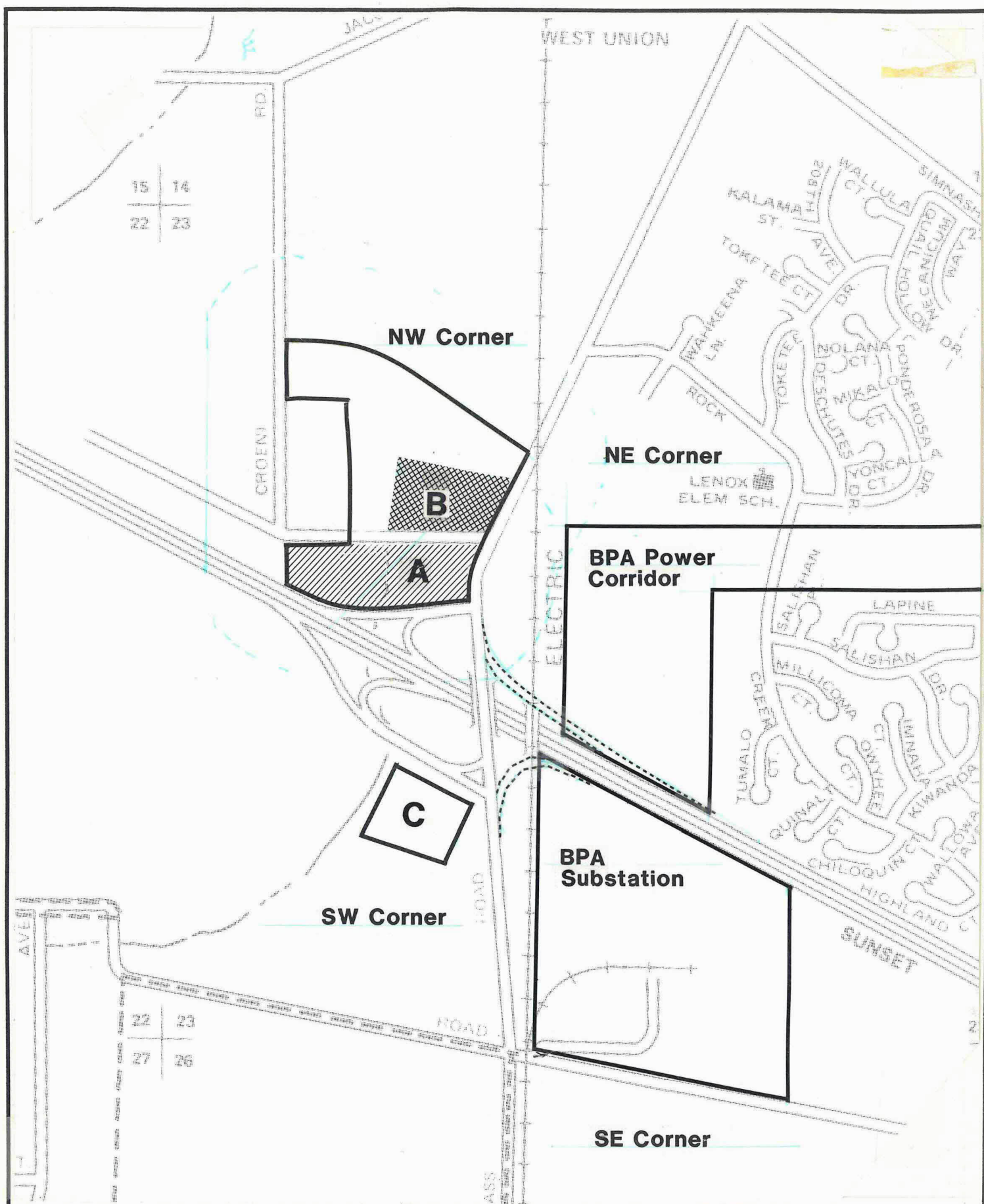
The process described in the Resolution is the process prescribed by statute. The Council must declare the necessity of acquiring this site for this purpose. After adoption of the resolution, Metro must make a written offer to acquire the property. If that offer is rejected, the condemnation suit is filed asking the Court to transfer the property to Metro upon payment of just compensation to the owner (fair market value plus damages, if any). If the owner contests the compensation, the jury will decide this issue.

Once the condemnation suit is filed with the Court, this Resolution gives Metro Counsel authority to file a Motion for Immediate Possession, pay Metro's estimate of the fair market value through the Court to the owner and seek the right to commence the development process.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of the Resolution No. 86-626.

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5113C/445-2
02/06/86



CORNELIUS PASS ROAD & SUNSET HIGHWAY, WASHINGTON COUNTY

85136

CONSIDERATION OF RESOLUTION NO. 86-626 FOR THE
PURPOSE OF AUTHORIZING THE NEGOTIATED ACQUISITION
OR THE COMMENCEMENT OF CONDEMNATION TO ACQUIRE
CERTAIN PROPERTY IN ACCORDANCE WITH THE APPROVED
SOLID WASTE MANAGEMENT PLAN FOR THE PURPOSE OF
CONSTRUCTING THE WASHINGTON TRANSFER & RECYCLING
CENTER

Date: January 15, 1986

Presented by: Eleanore S. Baxendale

FACTUAL BACKGROUND AND ANALYSIS

The attached Resolution is a sample resolution to acquire property for WTRC through condemnation. The resolution will be finalized to reflect the Council's decision of January 16, 1986, and will include a summary of the Council's reasons for selecting the designated site.

The process described in the Resolution is the process prescribed by statute. The Council must declare the necessity of acquiring this site for this purpose. After adoption of the resolution, Metro must make a written offer to acquire the property. If that offer is rejected, the condemnation suit is filed asking the Court to transfer the property to Metro upon payment of just compensation to the owner (fair market value plus damages, if any). If the owner contests the compensation, the jury will decide this issue.

Once the condemnation suit is filed with the Court, Metro can file a Motion for Immediate Possession, pay Metro's estimate of the fair market value through the Court to the owner, and obtain the right to commence the development process.

ESB/gl
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01/15/86

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 86-626
THE NEGOTIATED ACQUISITION OR)	
THE COMMENCEMENT OF CONDEMNATION)	Introduced by the
TO ACQUIRE CERTAIN PROPERTY IN)	Executive Officer
ACCORDANCE WITH THE APPROVED)	
SOLID WASTE MANAGEMENT PLAN FOR)	
THE PURPOSE OF CONSTRUCTING THE)	
WASHINGTON TRANSFER & RECYCLING)	
CENTER)	

WHEREAS, By virtue of the laws of the state of Oregon, the Metropolitan Service District (Metro) is authorized and empowered to acquire by purchase or by the exercise of eminent domain real property or any interest therein for the purpose of providing a metropolitan aspect of a public service; and

WHEREAS, ORS chapter 268 gives Metro the responsibility for solid waste disposal in the Portland metropolitan area; and

WHEREAS, Metro has adopted by Resolution No. 84-506 a Solid Waste Management Plan for solid waste transfer centers, including one such center to be located in Washington County as part of the solid waste disposal system, and this is a metropolitan aspect of a public service; and

WHEREAS, For the reasons described in Exhibit A (attached hereto and incorporated herein) Metro finds it necessary to acquire in fee the property known as _____, and more particularly described in Exhibit B (attached hereto and incorporated herein), for the purpose of constructing the Washington Transfer & Recycling Center (WTRC); and

WHEREAS, Metro has been negotiating with the property owner for acquisition of such fee at a price based on estimates of the fair market value for the fee; and

WHEREAS, Metro finds that if a satisfactory agreement cannot be reached as to a just compensation for the property, condemnation suit should be instituted to acquire the property for the purposes of constructing WTRC; and

WHEREAS, Immediate possession of the property is necessary to obtain development permits and commence construction on schedule and in conjunction with commitments made to jurisdictions regulating other Metro transfer stations; now, therefore,

BE IT RESOLVED,

1. That the Metropolitan Service District does hereby find and declare that it is necessary and required for the purpose of providing a metropolitan aspect of public service by constructing WTRC to acquire the property described in Exhibit B, which property will be utilized for such public purpose within ten (10) years from the date of acquisition.

2. That the Metropolitan Service District hereby directs Metro Counsel to make a written offer on behalf of Metro to the owner or party having an ownership interest to purchase all right, title and interest in the property and to pay the fair market value. The offer to purchase shall comply with all legal formalities as determined by the Metro Counsel and shall remain open for at least twenty (20) days.

3. That should any owner or party having an ownership interest fail to accept the amount offered by the Metro Counsel, Metro and its attorneys are hereby authorized to attempt to agree with the owners and other persons in interest in the real property as to the compensation to be paid for the appropriation of the property. In the event that no satisfactory agreement can be reached promptly, then the attorneys for Metro are directed and

authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest therein. Metro Counsel may file an action in eminent domain at any time after the expiration of the twenty-day (20) letter offer.

4. That upon the filing or trial of any suit or action instituted to acquire the real property or any interests therein, the attorneys acting for and on behalf of Metro are authorized to make such stipulation, agreement or admission as in their judgment may be for the best interest of Metro.

5. That Metro authorizes Counsel, in accordance with all applicable laws and regulations, to take appropriate steps to acquire immediate possession of such property.

6. That there is hereby authorized the creation of a fund in the amount estimated to be the just compensation for such property which shall, upon obtaining possession of the property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants of the action.

7. That upon the final determination of any such proceedings, the deposit of funds and payment of judgment conveying title to the property to Metro is hereby authorized.

8. That this Resolution is effective immediately upon its adoption.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1986.

Richard Waker, Presiding Officer

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Frewing, Gardner, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen and Waker

Absent: Councilors Cooper and Myers

The motion carried and the minutes were approved.

7. CONSIDERATION OF RESOLUTION NO. 86-626, for the Purpose of Authorizing the Negotiated Acquisition or Commencement of Condemnation of the Cornelius Pass Road Site for the Purpose of Constructing the West Transfer and Recycling Center; and

CONSIDERATION OF RESOLUTION NO. 86-637, for the Purpose of Selecting and Authorizing Acquisition of the 209th/T.V. Highway Site for the Purpose of Constructing the West Transfer and Recycling Center

Presiding Officer Waker reviewed the series of events leading up to final consideration of the two Resolutions. He explained that at this meeting the Council would consider information presented at the public hearing conducted on April 8. At the April 8 hearing, public testimony was received on the Sunset Highway/Cornelius Pass Site and on the Governor's recommended site at TV Highway and 209th Avenue in Aloha. The Presiding Officer announced that before making a decision at this meeting, the Council would take the opportunity to raise legal and physical questions about the two sites. He then invited staff to present its report.

Randi Wexler, Solid Waste Analyst, said staff had prepared responses to the following questions raised by Councilors at the April 8 public hearing: a request for additional information on the special industrial district zone of the Cornelius Pass Site; a question concerning foundation and soils studies on the two sites; and a question about the no right turn and the median barrier near the Cornelius Pass Site.

Eleanore Baxendale, General Counsel, first addressed the question about the special industrial district (SID). She said she had evaluated the chief point raised by Ed Sullivan at the April 8 hearing that a transfer station was not an allowed use but an accessory allowed use in the SID zone. Ms. Baxendale said after investigating the matter, she and Washington County Planning staff did not agree with Mr. Sullivan's position. She said she had talked to Mr. Sullivan and he had not changed his position. She reported it would likely remain a point of contention on the Cornelius Pass Site but it was not an issue for the TV Highway/209th Avenue Site.

Regarding questions about foundations and soils, Ms. Wexler said she had consulted with Bob Carn, an engineer with Swan Wooster, and learned the engineering firm had taken a preliminary look at the soils of both sites. They did not anticipate any problems with foundations for the transfer station.

Ms. Wexler report on the no right turn and median barrier issue near Croeni Road on Cornelius Pass. She said if the transfer station were built at the Cornelius Pass Site, traffic patterns were anticipated to change. She explained the Washington County Planning staff had suggested for the interium the transfer station use Croeni Road as an entrance road, having freeway access of the interchange from Sunset to Cornelius Pass and making a left onto Croeni Road. She said Croeni Road was anticipated to be closed and realligned although the location of the reallignment had not been confirmed. She said Washington County Planning staff thought access to the site could be gained from realligned Croeni Road, which would be further north from the interchange, or from Cornelius Pass. Ms. Wexler reported those changes in traffic patterns had been taken into consideration by designing flexibility into the facility's plan.

Ms. Wexler also addressed other issues raised at the April 8 public hearing. Some testifyers had questioned why the transfer station was being sited before the new landfill location was known. Ms. Wexler explained transfer stations were sited based on where waste was generated, not on where it was disposed. In addition, because Metro's West Reduction Program called for reduced dependence on landfills, landfills should not be the critical factor in siting transfer stations. Most importantly, she said, transfer station provided the flexibility to send waste to a variety of recycling, recovery or disposal options. They were the flexible point in the system, she said.

Ms. Wexler addressed the issue of why Metro had not allowed the Forest Grove Transfer Station to take more waste in order to eliminate the need for another Washington County transfer station. She said the Forest Grove station was integral to the solid waste system but it did not serve the general public. Washington County residents made an estimated 30,000 trips a year to a disposal site and they needed a public facility.

Questions had been raised at the hearing regarding the possibility of siting several smaller transfer stations in Washington County. Ms. Wexler reported the solid waste system called for a service level standard of 90 percent of the population being within a 20-minute drive time of the disposal option. She also said small stations would not eliminate public opposition.

In response to accusations about the private sector not being allowed to participate in the process, Ms. Wexler said the Council had adopted a policy to own transfer stations and to bid the field operations to the private sector. As with the Clackamas Transfer & Recycling Center, the west transfer station would be privately designed, built and field operated, she said, and the Council's policy reflected public and private sectors working together to provide the best price for solid waste service.

In conclusion, Ms. Wexler reviewed the advantages and disadvantages of the two sites as outlined in the staff report. The TV Highway/209th Site was located close to the center of waste. The Cornelius Pass Road site had better highway access, being located off Sunset Highway. Neither site presented major development constraints. Neither site was guaranteed land use permits due to the controversial nature of the development. Both sites were zoned industrial and transfer stations were an allowed use in that zone. The Cornelius Pass Site would require condemnation and the TV Highway/209th Site was available for sale to Metro. In summary, she said, either site was a workable location for the transfer station to serve the western part of the metropolitan region.

Presiding Officer Waker gave Councilors the opportunity to ask question of staff.

In response to Councilor Frewing's request for clarification about the median strip proposed near the Sunset Highway site, Ms. Wexler explained the median strip was intended to close access just to Croeni Road. She said it would go several hundred feet from the highway interchange back toward Croeni Road.

Councilor Oleson asked staff to comment on allegations that the TV Highway/209th Site had poor drainage. Ms. Wexler said the area was designated in the Washington County Plan as a drainage area but she said that would not preclude development. Special engineering techniques could be used to eliminate any potential problems, she said.

Councilor Kelley asked about the local improvement district (LID) on Cornelius Pass Road. Ms. Wexler reported that land owners in the West Union Plan area had formed the LID to improve roads. The exact location of one road was under consideration pending the type of development that would take place on the large tract of land west of Cornelius Pass Road. If the Council designated the Cornelius Pass Site for the transfer station, Metro would become part of the LID and would pay a share of improving the road system in that area, she explained.

Councilor Frewing asked if the Council designated the Cornelius Pass Site, would Metro be obligated to buy a larger parcel of land than it needed for the facility. Ms. Wexler responded the site was divided into different tiers for different types of development. Staff had identified a two acre lot in one tier that was slated for small lot development, she said.

In response to Councilor Frewing's question, Ms. Baxendale explained that partitioning of the land into a small lot for Metro use would not cause any severance damage because, as explained by Ms. Wexler, that particular tier of land had been designated for small lots. What was being debated, however, was whether the proposed transfer station was appropriate use. Staff maintained the use was appropriate although that would probably be debated, she said.

Councilor Oleson asked Ms. Baxendale to comment on a statement made at the April 8 hearing that Metro could not legally select the Governor's choice over a choice designed by the Council. Ms. Baxendale said she failed to see the rationale of that statement.

Motion: Councilor DeJardin moved to adopt Resolution No. 86-626 and Councilor Kafoury seconded the motion.

Councilor DeJardin said he recommended siting the transfer station at the Cornelius Pass Site because it would be the most practical choice in the long run and would have the least impact on the area. He said it would be the decision and responsibility of those citizens who wanted to believe all the negative issues they had been raising. He said the facts, however, did not support their claims and Metro should build the facility so everyone could forget about it.

Presiding Officer Waker said it had been his observation that the issue had gotten a lot more attention than it probably deserved. The transfer station, he explained, had two more or less equal purposes: to provide service to the hauling industry, thus reducing hauling costs; and to provide a service to the self-hauling public in Washington County. About 30,000 trips a year would be made by self-haulers to the transfer center, he said. Because area residents were accustomed to traveling along TV Highway to the Hillsboro limited purpose landfill and because about 50 percent of the users were already near the TV Highway, he was prepared to support the 209th and TV Highway site as the best location for the transfer station.

Councilor Kirkpatrick said she was convinced a good transfer station could be built on either site. She also concurred the issue had been blown out of proportion and thought it unfortunate the Governor had made it a political issue. The Councilor said Metro needed to

find the best location for the facility. She recommended the Cornelius Pass Site because it would have the least impact on neighborhoods and transportation access was superior. She said she had not been convinced that a transfer station at the Cornelius Pass Site would hurt the state's economic development. In fact, she said, such a facility would be an asset: as that area grew, they would have a more efficient means of waste disposal.

Councilor Kelley concurred the Cornelius Pass Site offered better transportation access and would have the least impact on neighborhoods. She then circulated a series of ariel photographs submitted as testimony on April 8 to illustrate the highly residential nature of land surrounding the TV Highway/209th Site.

Councilor Kafoury explained that as the seconder of the motion, her views should be obvious to the rest of the Council. She added she was impressed at the April 8 hearing by testimony concerning the small amount of industrial land available in the Aloha area for industrial development. The transfer station, if built on the TV Highway/209th Site, would use up much of that land, she said, and an enormous amount of industrial land remained for use in the Sunset Corridor. The Councilor also discussed traffic problems inherent with the TV Highway site. Recognizing the facility would be virtually invisible to most of its industrial neighbors in the Sunset Corridor, Councilor Kafoury declared herself a firm supporter the Cornelius Pass Site.

Councilor Gardner said freeway access was the most important factor for the long-term success of the transfer station. He then discussed his disappointment with the level of rhetoric about the impact the transfer station would supposedly have on economic development for the Sunset Corridor and the state. He was convinced there would be some negative impacts on the Governor's economic development efforts but that those negative impacts would be caused by the rhetoric of the site's opponents. Councilor Gardner said he thought the facility would prove to be very compatible with other industries and office parks that developed in the Sunset Highway/Cornelius Pass area.

Councilor Frewing said he was convinced that Cornelius Pass was technically the best site. He said he was impressed by the interest of the Governor and he agreed the Sunset Corridor was very important to the economic development of Oregon. But he also believed what distinguished Oregon from other states was Oregonians' willingness to take care of their own problems where they lived. Therefore, he thought the selection of the Cornelius Pass site consistent with that underlying quality of Oregon which was even more important than long-term economic development in the state.

Councilor Van Bergen said he was proud of the Council for the restraint they had shown by not responding on the same level to some of the irrational, emotional and unwarranted statements made at the public hearings.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Frewing, Gardner, Hansen, Kafoury, Kelley, Kirkpatrick and Van Bergen

Nay: Councilors Oleson and Waker

Absent: Councilor Cooper and Myers

The motion carried and Resolution No. 86-626 was adopted.

Presiding Officer Waker called a break at 6:10 p.m. The Council reconvened at 6:40 p.m.

3. EXECUTIVE OFFICER'S REPORT

May Council Meeting Schedule. Executive Officer Gustafson proposed the Presiding Officer change the Council meeting schedule in May to allow for Council participation in May 8 Golden Monkey Exhibit opening ceremonies. He proposed the Council meet on May 1, 15 and 29. The Presiding Officer agreed that participation in the May 8 ceremonies would be beneficial and declared the schedule amended.

Budget Review and Adoption Schedule. The Executive Officer reported the budget had been approved for presentation to the Council at their last meeting and that the Council would need to approve the budget for transmittal to the Tax Supervising & Conservation Commission by May 8, 1986.

Council Work Session on Alternative Technology Issues. Executive Officer Gustafson announced an work session had been scheduled for 5:00 p.m., April 16.

8. CONSIDERATION OF ORDINANCE NO. 86-199, for the Purpose of Adopting the Solid Waste Reduction Program for the Metropolitan Service District (Second Reading and Continued Public Hearing)

The Clerk read the Ordinance by title only a second time.

Dennis Mulvihill, Waste Reduction Manager, reported the staff report had not changed since the first reading of the Ordinance.

Presiding Officer Waker opening the public hearing on the Ordinance.

would accomplish one of the following: 1) Demonstrate need, under factors 1 and 2, for all land in the boundary based on detailed planning data; 2) Demonstrate that the identified portion of Bethany is committed to urban use under the Goal 14 locational factors; and 3) Identify a special or site specific need for the identified area. Metro was also directed to delete the area from the UGB and replan and rezone it for rural uses. The Executive Officer said he would keep the Council abreast of further developments.

Finally, Executive Officer Gustafson reported the Intergovernmental Resource Committee recommended the Council assess local governments 51¢ per capita for its local government services. The Council would consider a resolution to adopt this policy at their next meeting, he said.

5. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

7. APPROVAL OF MINUTES of the Meeting of January 9, 1986

Motion: Councilor DeJardin moved the minutes be approved and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen and Waker

The motion carried and the minutes were approved.

8. CONSIDERATION OF RESOLUTION NO. 86-626, for the Purpose of Authorizing the Negotiated Acquisition or the Commencement of Condemnation to Acquire Certain Property in Accordance with the Approved Solid Waste Management Plan for the Purpose of Constructing the Washington Transfer & Recycling Center

Presiding Officer Waker announced there would be no public hearing for this item since public hearings had occurred previously for all transfer stationsites under consideration. The Presiding Officer said he would, however, read written testimony submitted by Edward Ritter. Also, the Governor had requested to address the Council on the matter. Gerry Thompson, Chief of Staff for the Governor, would deliver the Governor's message.

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Councilor Myers declared he had a conflict of interest on this issue because his law firm was involved with the owner of the property under consideration. He then left the Council Chamber.

Randi Wexler reviewed highlights of staff's written report explaining that on January 16, 1986, the Council selected the site at Cornelius Pass Road as the preferred area for the transfer station in Washington County. That site, she said, was selected for the following reasons: 1) access from Highway 26 minimized traffic on local access streets within areas already developed; 2) preference for an undeveloped parcel would eliminate any design constraints possibly imposed by retrofitting an existing building; and 3) the desire to build the transfer station in an unestablished, relatively undeveloped area where new businesses and industries would knowingly build near a transfer station. She reported the Council did not appear to believe the development community's position that locating a transfer station in an undeveloped area would deter development consistent with the area's zoning.

Ms. Wexler then described specific parcels of land considered by staff at the Cornelius Pass Road site identified as Sites A, B and C in the staff report. She also noted staff had received many letters objecting to the use of the Cornelius Pass Road site for a transfer station. Staff recommended Site B as the preferred site because the property was more than 1,000 feet from a residential area, had few development constraints and was zoned properly for a timely land use process.

Presiding Officer Waker read a letter submitted by Edward Ritter of the Sunset Neighborhood Association. Mr. Ritter urged the Council to consider the regional and statewide consequences of siting the transfer station at the Cornelius Pass Road site. He said the facility would be disastrous for his neighborhood and would adversely effect homes and children's lives. He questioned the wisdom of siting the facility before it was known where the next regional landfill would be located. Mr. Ritter also objected to siting the transfer station in the Sunset Corridor, one of the few areas in the state experiencing economic growth.

Gerry Thompson, Chief of Staff of Governor Victor Atiyeh, said she was speaking on behalf of the Governor who fully supported the idea that a transfer station was needed in Washington County. However, the Governor Atiyeh objected to the specific site recommended by the Council for the facility. She said he had taken this unprecedented action of objecting to a local government decision because that decision would have statewide implications. Because the Governor had such deep concerns for the direction Metro was about to take, he was willing to join with the Council to assist in finding a suitable site for the transfer station, she said.

Ms. Thompson then discussed the Governor's efforts to change the negative image of Oregon to the positive business image of creating jobs. Those efforts were yielding results, she said, especially in the Sunset Corridor area of Washington County. She emphasized the action considered by the Council tonight would have an absolute negative impact on those efforts by destroying the image of the Sunset Corridor as a premier location for new and expanding Oregon business. She said damaging, negative signals were already being sent within and outside the state.

Ms. Thompson reviewed a proposal to use the Governor's resources to assist Metro in identifying a location for a waste transfer station in Washington County that would be acceptable to a wide array of citizens living and doing business in the County. The Governor proposed the Council delay their action tonight. He would then immediately organize a task force composed of leading and respected Washington County citizens to find a generally acceptable site for the facility on property that could be properly permitted. The task force would attempt this work on a very short timeline and with consideration of any criteria already set forth by the Council, she explained. She emphasized the task force would need some flexibility to accomplish their job.

Finally, Ms. Thompson reported two important examples where Metro's pending action might cause prominent companies to reconsider siting in Oregon. She urged the Council not take action that would further jeopardize those negotiations or negotiations with companies that might be interested in Oregon in the future.

Councilor DeJardin thanked Ms. Thompson for sharing the Governor's concerns. He explained, however, he had difficulty with the Governor's message because it would be virtually impossible to find a site acceptable to everyone. He also questioned Ms. Thompson's statement that a transfer station at the Cornelius Pass Road site would cause economic blight to the area and the entire state. The Councilor reported a thriving shopping center was located near the transfer station in Oregon City and no problems had resulted from the facility.

Councilor DeJardin said that during the process of public hearings on proposed Washington County sites, he had resented inferences of elitism that perhaps the County was too good to have a solid waste transfer station in the area and that waste should continue to be handled by Oregon City. Councilor DeJardin also questioned whether Pacific Rim companies and countries, who were quite advanced in dealing with their garbage issues, were actually threatening not to site businesses in Oregon because of the transfer station. Oregon was perhaps embarrassing itself by making an issue to the transfer station with these companies, he said.

Finally, Councilor DeJardin said the Governor's last-minute appeal was unfair because he was asking the Council to disregard the thousands of hours expended on the project by the staff, citizen task forces, businesses, and neighborhood residents. However, he said, if the Governor could find a site superior to that recommended by the Council, it would be unprudent for the Council not to recognize that possibility. He requested the Council proceed with siting the transfer station at the Cornelius Pass Road Site B if the Governor could not come up with a better plan within a prescribed time period.

Councilor Kelley asked Ms. Thompson to clarify how much flexibility the Governor would need to find a suitable site. Ms. Thompson said the Governor's office would adhere to any criteria set by the Council and that some flexibility would be needed to conduct that process.

Councilor Oleson agreed the north side of Cornelius Pass Road was not the best location for a solid waste transfer station. In response to the Councilor's question, Ms. Thompson said no location within that area would be acceptable for all the reasons she had stated earlier. Councilor Oleson said that from the residents' point of view, an undeveloped commercial area would be the best kind of site for the facility. He was concerned the Governor not recommend a site that would create the same type of problems with residents previous sites had caused. Ms. Thompson responded that any site would create some human reaction, either negative or positive, but the Governor hoped a generally acceptable site could be found. Finally, Councilor Oleson said he would rather live near a transfer station than near some of the acids and poisons generated by hi tech businesses.

The Executive Officer defined the Council's options as follows:

- 1) the Council could, in response to the Governor's request, set over any action on Resolution No. 86-626 until March 27;
- 2) recognize by motion site B as the preferred site for the transfer station but set over any action on Resolution No. 86-626 pending the Governor's action;
- 3) adopt the Resolution in its current form authorizing the condemnation but recognize the Executive Officer would have 45 days in which to proceed with the condemnation process which would allow the Governor the opportunity to find a more suitable site; and
- 4) adopt the Resolution and instruct the Executive Officer to file papers for a condemnation process immediately.

In response to the Presiding Officer's question, Ms. Thompson said the first option would fit exactly into the framework of the Governor's request. The second option would also be workable, she said, but the third option would make it difficult for the Governor to do his work.

Councilor Van Bergen said he was concerned that no action be taken to jeopardize Metro's ability to obtain necessary land use permits for the preferred site. The Executive Officer explained he had indicated the same concern to the Governor's Chief of Staff. He said if any action were initiated to amend the current Washington County land use permit process that could jeopardize siting a transfer station, the Council could determine to file its land use permit application immediately or take any necessary action to assure Metro could apply for a permit. In response to Councilor Van Bergen's question, Executive Officer Gustafson explained the first three options would guarantee that ability.

Responding to Councilor Hansen's question, Ms. Thompson said the Governor understood the siting process was not popular with neighborhood groups and he would take a stand to support any site be recommended. She emphasized any recommended site should not jeopardize the state's economic potential.

Motion: Councilor Cooper moved to select staff's recommended site, as identified in the staff report, as the appropriate site for the transfer station but to set over consideration of Resolution No. 86-626 until March 27, 1986, in order that the delay be used to allow the Governor of the State of Oregon to propose a site superior to the property described in Exhibits B and C of staff's report. Councilor Kelley seconded the motion for discussion purposes.

Councilor Kirkpatrick asked if the motion were adopted, could the Executive Officer start condemnation proceedings if action were taken to change zoning effecting transfer stations in Washington County. The Executive Officer said if any actions were taken to change the planning process, he would commence administrative work preparing for condemnation and would return to the Council requesting a condemnation order. Councilor Kirkpatrick said she would only support the motion if the option the Executive Officer had explained were guaranteed. She was concerned the Council would end up with no site options if the Governor was not successful and she did not want to give the public another reason to say Metro had failed. However, she also thought it would be foolish not to accept the Governor's offer to assist the Council in finding a better site.

Councilor Kafoury asked if the objectives described by the Executive Officer could be accomplished by adopting the Resolution but not implementing action until March 27. Eleanore Baxendale explained that type of action would accomplish the same objective but it should be clarified what would be meant by the term "start condemnation." She then explained the multi-phased condemnation process

and which phases would require Council action. Councilor Kafoury said she agreed with Councilor Kirkpatrick that the Council must preserve its options if the Governor failed.

Councilor Van Bergen opposed the motion explaining condemnation could be a lengthy process. He supported working with the Governor but wanted to authorize the Executive Officer to file condemnation proceedings in case the Governor did not succeed.

Councilor Gardner said he would support Councilor Cooper's motion because he was willing interrupt the condemnation process to give the Governor the opportunity to help locate a better site. However, the Councilor said he had not been impressed by the arguments of those opposed to the Cornelius Pass Road site. He thought they had greatly exaggerated the probable impact of a transfer station and had misrepresented the facts to other citizens. The Councilor said if one were to believe the reports that some companies were not planning to build in the Sunset Corridor because of the transfer station, those companies could have decided not to build because of the exaggerated picture painted by citizens. He emphasized a transfer station should be located within the Sunset Corridor precisely because of the planned economic development for that area.

Councilor DeJardin explained although he would prefer to begin condemnation proceedings for the preferred site in tandem with working with the Governor, he would support the motion.

Councilor DeJardin requested if the motion were adopted the Governor's Office present a status report of their progress at the next Council meeting. Ms. Thompson gave her assurance this would occur.

<u>Vote:</u>	A vote on the motion resulted in:
Ayes:	Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley and Waker
Nays:	Councilors Oleson and Van Bergen
Abstain:	Councilor Myers

The motion carried.

9. ORDINANCES

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Ayes: Cooper, DeJardin, Gardner, Hansen, Kirkpatrick,
Kafoury, Kelley, Van Bergen and Waker

Absent: Councilors Myers and Oleson

The motion carried and Resolution No. 86-222 was adopted.

9.4 Consideration of Resolution No. 86-626, for the Purpose of
Authorizing the Negotiated Acquisition or the Commencement of
Condemnation to Acquire Certain Property in Accordance with the
Approved Solid Waste Management Plan for the Purpose of
Constructing the Washington Transfer & Recycling Center

As discussed earlier in the meeting, Executive Officer Gustafson requested this item be withdrawn from consideration until February 13, 1986. The Executive Officer reported he and the Presiding Officer were working with representatives of the business community near the Cornelius Pass Road/Sunset Highway site to select a land parcel that would be agreeable to all parties and that would have the greatest assurance of receiving a conditional use building permit. The Executive Officer emphasized he had established a February 13 deadline for making a final decision.

Councilor Van Bergen said he wanted to make sure the Executive Officer, as part of his discussions with land owners and business leaders, made no concessions that would limit the design or capacity of the transfer station. The Councilor said he was not giving the Executive Officer that authority.

The Presiding Officer assured Councilor Van Bergen no concessions were being made and any concessions requested by business leaders would be made to the Council or the Executive Officer in writing and approved by the Metro Council.

Motion: Councilor Gardner moved Resolution No. 86-626 be considered at the Council meeting of February 13, 1986, and Councilor Kafoury seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen,
Kirkpatrick, Kafoury, Kelley, Van Bergen and Waker

Absent: Councilors Myers and Oleson

The motion carried.

F R O M

Donald E. Carlson

Deputy Executive Officer
Ext. 341

1/15/86 version
not adopted.



METROPOLITAN SERVICE DISTRICT
Providing Zoo, Transportation, Solid Waste and
other Regional Services

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