

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF SELECTING) RESOLUTION NO. 86-669
AND AUTHORIZING ACQUISITION OF THE)
CORNELL ROAD SITE FOR THE PUR-) Introduced by the
POSE OF CONSTRUCTING THE WEST) Executive Officer
TRANSFER AND RECYCLING CENTER)

WHEREAS, The Council of the Metropolitan Service District (Metro) adopted Resolution No. 84-506, a resolution "For the Purpose of Adopting Solid Waste Transfer Station Strategies and Related Policies as a Component of the Solid Waste Management Plan Update 1984"; and

WHEREAS, The resolution identifies a need for three regional transfer stations in the Portland metropolitan area; and

WHEREAS, the resolution states that one of these transfer stations shall be located in Washington County and should be operational in 1986; and

WHEREAS, based on the information provided by staff, the July 24 Staff Report, and testimony at public hearings, the Council compared the Cornell Road site with the Fairway Western site at a public hearing; and

WHEREAS, Both sites comply with the existing standards for transfer stations identified in Exhibit A; now therefore,

BE IT RESOLVED,

1) That the Council selects the Cornell Road site in Washington County as the site for the West Transfer and Recycling Center.

2) That the Council authorizes the acquisition of the Cornell Road site in Washington County as the site for the West Transfer and Recycling Center.

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

NOT ADOPTED

Richard Waker, Presiding Officer

DL/epv

07011086

EXHIBIT A

APPLICABLE STANDARDS

The Metro Solid Waste Management plan, which was approved by DEQ, has the following criteria for evaluating sites for transfer stations:

1. Transfer stations should be located in industrial areas, and the surrounding area should be industrial or a conditional use permit must be obtained.
2. The transfer station should not conflict with existing land uses. The effects of noise, odors and traffic should be considered.
3. The transfer station should be near the major refuse producing areas (the center of waste).
4. Major access routes should be able to handle increased traffic, especially during peak hours of refuse transportation. The increase must be considered relative to the amount of truck traffic these roads presently receive.
5. Traffic control should be feasible at the site entrance and not impede the regular flow of traffic (p. 14-6 and 14-7.)

There are no standards for the relative weight to be given to each of these evaluating criteria.

The 1984 Draft Update to the Solid Waste Plan states it is not to be used as policy and may be refined through use. It contains these draft comments:

1. The transfer station should be located as close as possible to the center of waste (see Figure 4-4) [identified same center of waste as used]
2. The transfer stations should be located near major transportation corridors.

There are no standards for the relative weight to be given to each of these criteria.

Resolution 84-506 contains this criteria:

1. A transfer station be located in Washington County.

Conclusion

These criteria are all addressed in the staff report with

the exception of the effects of odor and noise, which are addressed by the Washington County Zoning Code. The Code allows the transfer stations as a permitted use in industrial zones but requires potential noise and odor impacts be managed.

MEETING DATE July 24, 1986

CONSIDERATION OF RESOLUTION NOS. 86-668 AND 86-669
FOR THE PURPOSE OF SELECTING A SITE FOR THE WASHING-
TON TRANSFER AND RECYCLING CENTER AND AUTHORIZING THE
EXECUTIVE OFFICER TO ENTER INTO NEGOTIATIONS TO
ACQUIRE THE SITE.

DATE: July 16, 1986

Presented by: Randi Wexler

FACTUAL BACKGROUND AND ANALYSIS

The 1974 Solid Waste Management Plan identified the need for a West Transfer and Recycling Center, (WTRC). In August of 1984, Metro staff formed the WTRC Advisory Group comprised of representatives from local governments, industry, Metro staff and the public. The WTRC Advisory Group used local land use plans, development codes and the 1984 updated report on transfer stations to evaluate 80 sites. After considering the WTRC Advisory Group's recommendations from September 1985 to January 1986, the Metro Council on January 16, 1986 decided to review the sites in the Cornelius Pass Road/Sunset Highway 26 vicinity. On April 10 of 1986, the Council reiterated its interest in this area.

The Metro Council chose this area for two main reasons: first, because it preferred the proximity to Sunset Highway 26, a limited access highway, which is consistent with the Washington County Development Code and the updated report. Both require siting of a transfer center on or near major arterial roads or highways; second because most of the industrially zoned property in this area has not been developed, enhancing the likelihood of future compatible development.

At the June 25, 1986 Metro Council meeting, the Council decided not to proceed with the Sunset Highway Associates site located at the Sunset Highway 26/Cornelius Pass interchange.

This staff report evaluates two other sites in the vicinity. The first site is the Fairway Western property at 1770 NW 216th Avenue. The second site is located at 21450-21480 NW Cornell Road. The advantages and disadvantages of each site are outlined in the staff report. Resolutions for acquisition of each site are attached, but do not contain reasons for preferring one site over the other. The Council should state the reasons when adopting one of the resolutions for proceeding with site acquisition.

Site Descriptions (see Maps 1 and 2)

The Fairway Western property at 1770 NW 216th Avenue in Washington County is 14.66 acres. This is larger than the minimum 4 acres required for development of the transfer station (see map 2). The site is located approximately 1.8 miles south of the Sunset Highway, Cornelius Pass Road highway interchange. The site and surrounding land are zoned industrial. The existing development to the northeast and west are primarily small, light industries and farms. The development adjacent to the south is residential although the property is zoned industrial. The residential property consists of ten homes located along Cherry Lane. Land on the east side of the power corridor is zoned residential. The back property lines of the parcels along the north side of Cherry Lane abut the south property line of the site.

The site is located approximately 5 miles from the center of waste, therefore it is within the seven mile limit established by the WTRC Advisory Group. It is estimated that 71% of the traffic using a facility at this site would access the facility from the north and not pass through residential areas or through school zones. Map 3 describes the expected increases in traffic on the approaches to the Fairway Western Site. The increases vary from 11.4% on 216th Avenue North of the site to 1.2% on Cornell Road. Transfer trucks would travel north along 216th Avenue and Cornelius Pass Road to Sunset Highway. This access is consistent with the 1984 draft Solid Waste Management Plan criteria that the transfer station be located near major transportation corridors.

The overpass where the railroad tracks cross 216th is considered by Washington County as safety deficient and may require improvements. Also, the intersection of 216th and Cornell Road westbound may require safety improvements.

The site located at 21450 and 21480 NW Cornell road is 6.18 acres. The site is located approximately 1.2 miles from the Cornelius Pass, Sunset Road highway interchange. This site, and the surrounding properties, are zoned industrial. There are no residential properties adjacent to this site.

The site is located approximately 5 miles from the center of waste and is also within the seven mile limit established by the advisory group. It is estimated that 93% of the traffic using a facility at this site would not pass through residential areas or through school zones. Map 4 describes the expected increases in traffic on the approaches to the Fairway Western Site. The increases vary from 3.2% on the Cornell Road approach from the east to 0.9% on the Cornell Road from the west. Transfer trucks would travel north on Cornelius Pass Road

to Sunset Highway. This access is consistent with the 1984 draft Solid Waste Management Plan criteria that the transfer station be located near major transportation corridors.

The intersection of Cornelius Pass Road and Cornell Road is being signalized this year.

The existing site contains two residences and several agricultural out buildings which are being offered with the property.

Site Description Summary

The Cornell Road site has fewer existing residential neighbors than the Fairway Western site. Preliminary investigation indicates that the transportation improvement costs may be less for the Cornell Road site. There are no apparent site specific problems with respect to either drainage or geotechnical considerations at either site. The proposed relocation of Cornell Road should not inhibit access to either site.

Staff Site Evaluation

To compare the Fairway Industrial site and the Cornell Road site, staff performed a comparative technical analysis on the two sites. Five categories were evaluated: solid waste technical aspects including center or waste and transportation, flexibility for development, landuse and acquisition of land. Center of waste is a measure of convenience for the public and collection industry and a measure of the cost to the region in operating a transfer station. Transportation issues are an important technical criteria, as well as a major concern expressed by the public. They consist of travel times, travel patterns and any alignment or safety improvements that might be necessary. Flexibility for development is a measure of usable acreage for both transfer operations and additional recycling including site specific drainage geotechnical concerns that might impact development. Landuse is a measure of the difficulty in acquiring the necessary permits. Acquisition of the 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. Qualitative rating included: poor, fair, good or best. An explanation of each rating for the two sites is provided.

DECISION MATRIX

Site	Center of Waste	Transportation	Flexibility for devel.	Landuse	Acquisition
Fairway Indus.	fair	fair	best	best	willing seller
Cornell Road	fair	good	good	best	willing seller

Fairway Western Site

A rating of "Fair" was given for the center of waste criterion because the parcel is located five miles from the center of waste.

A rating of "Fair" was given for the transportation criterion because the distance to Highway 26 is 1.8 miles from the freeway interchange. The intersection of 216th and Cornelius Pass Road may need to be realigned to provide safe crossing of the railroad tracks. Although the railroad overpass is more than 1000 feet from the site, it may be necessary to replace the railroad overpass over 216th to meet permit requirements stipulated by Washington County.

A rating of "Best" was given for the flexibility for development because there are no major development constraints at this site. The large size of the parcel allows for a high degree of flexibility.

A rating of "Best" was given for the landuse criterion because a transfer station is listed as an allowed use in an industrial zone.

The owner is a willing seller and an option agreement has been signed.

Cornell Road Site

A rating of "Fair" was given for the center of waste criterion because the parcel is located five miles from the center of waste.

A rating of "Good" was given to the transportation criterion because the distance to Highway 26 is 1.2 miles . Within a year, the intersection of Cornell Road and Cornelius Pass Road will be signalized as a part of the current safety improvements program. The improved intersection design specifies a 42' roadway width for Cornell Road. This width will include turning lanes that will improve the efficiency of the intersection. Because of this no major transportation improvements are anticipated.

A rating of "Good" 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 the transfer station is listed as an allowed use in an industrial zone.

The Owner is willing to sell and has signed an option agreement.

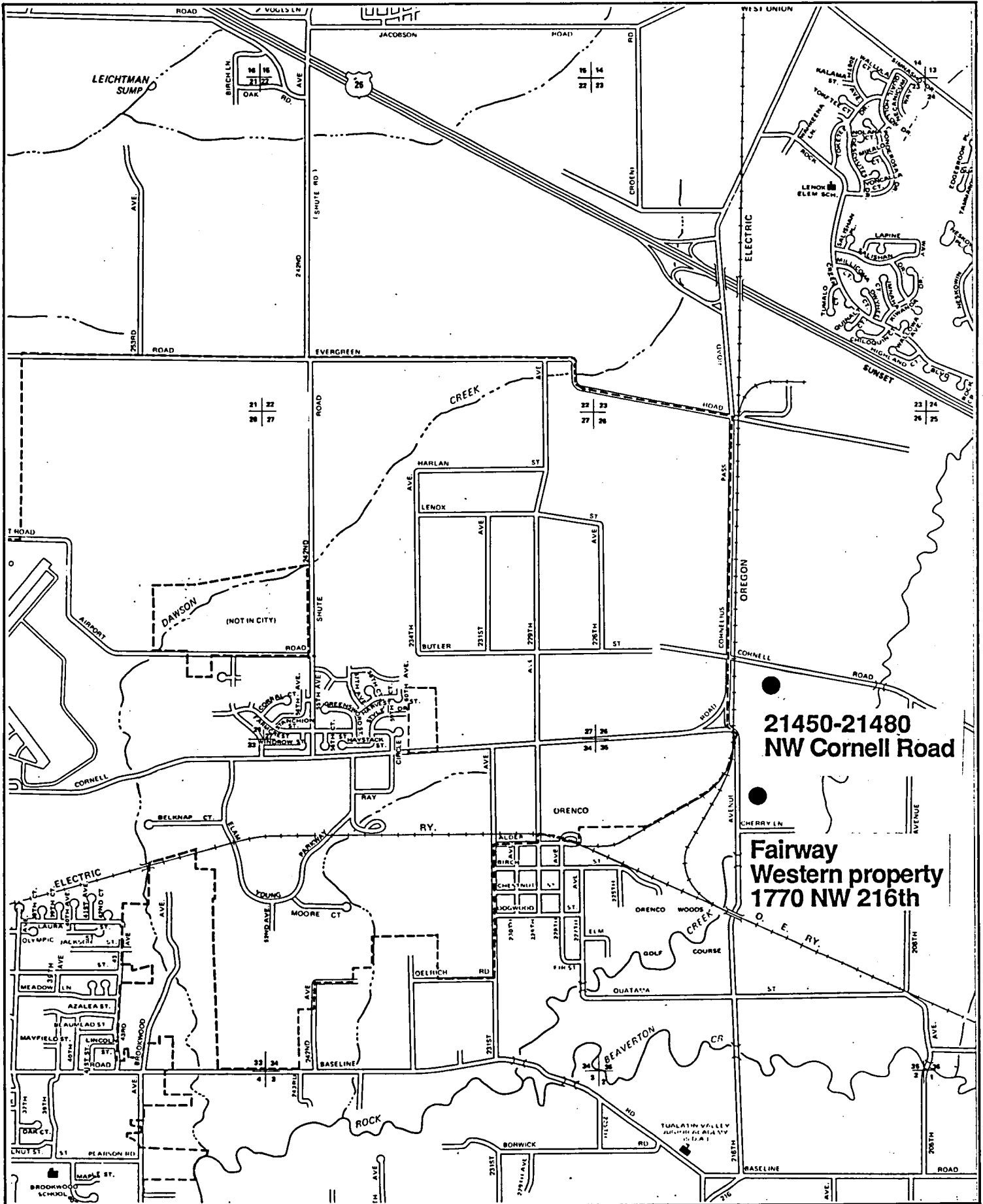
In summary, the Cornell Road site is located closer to the highway interchange. If the Fairway-Western site is selected over the Cornell Road site we expect a shift of 22% of the traffic generated by the transfer station to Taulatin Valley Highway and Baseline Road thereby increasing the approach traffic on 216th Avenue south of the site. Neither of the sites present any major development constraints, but the larger size of the Fairway Western site allows for a higher degree of flexibility. Both sites are zoned industrial, and transfer stations are allowed but require a Type II process for permitting. Both sites are owned by willing sellers.

In conclusion, both sites are suitable for development of a transfer station.

The Federal Aviation Administration has stated that the two sites being considered will not adversely affect the Hillsboro Airport.

EXECUTIVE OFFICERS RECOMMENDATION

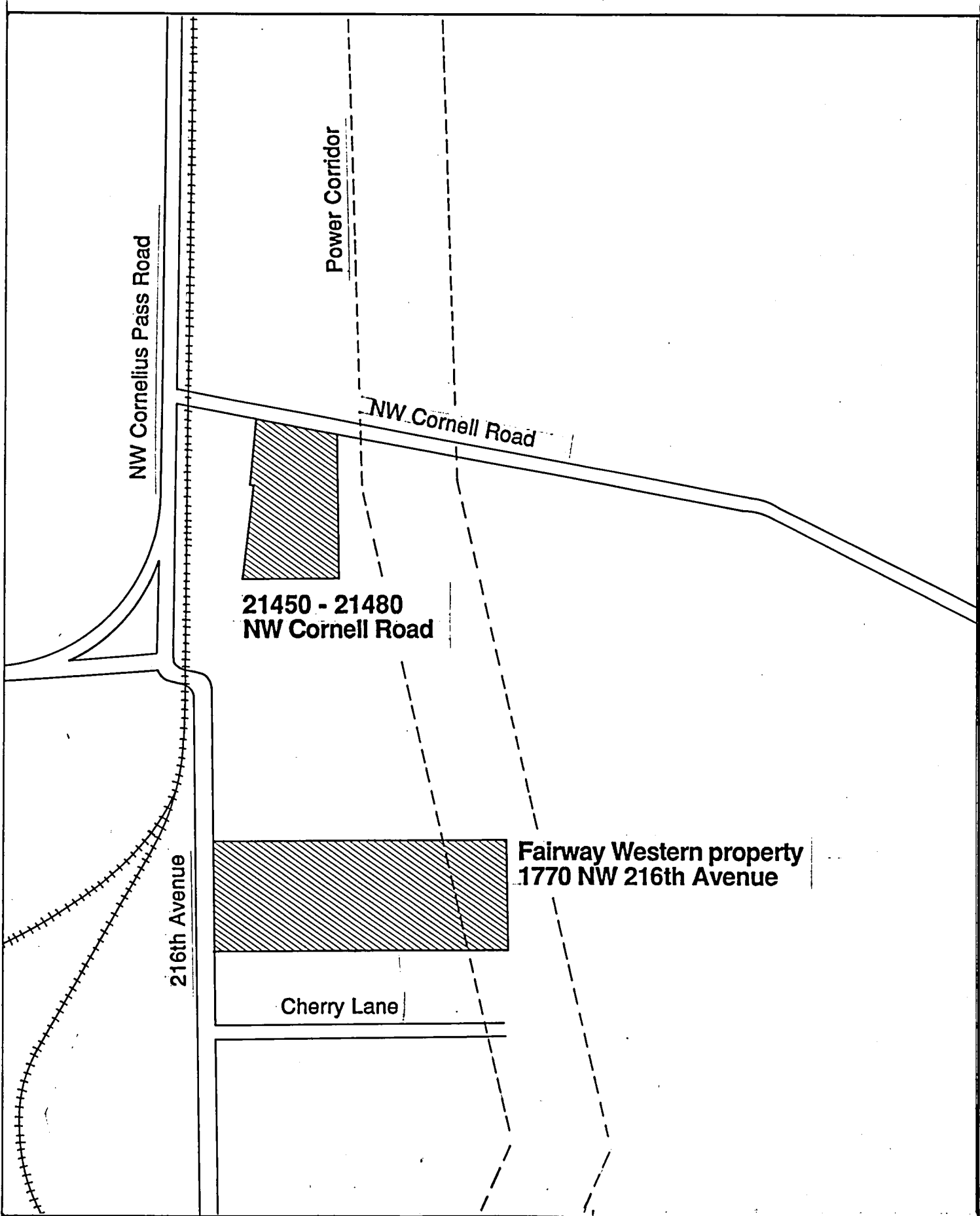
The Executive Officer has no recommendation.



METRO

Proposed Locations Map

West transfer & recycling center
Cornelius Pass area.



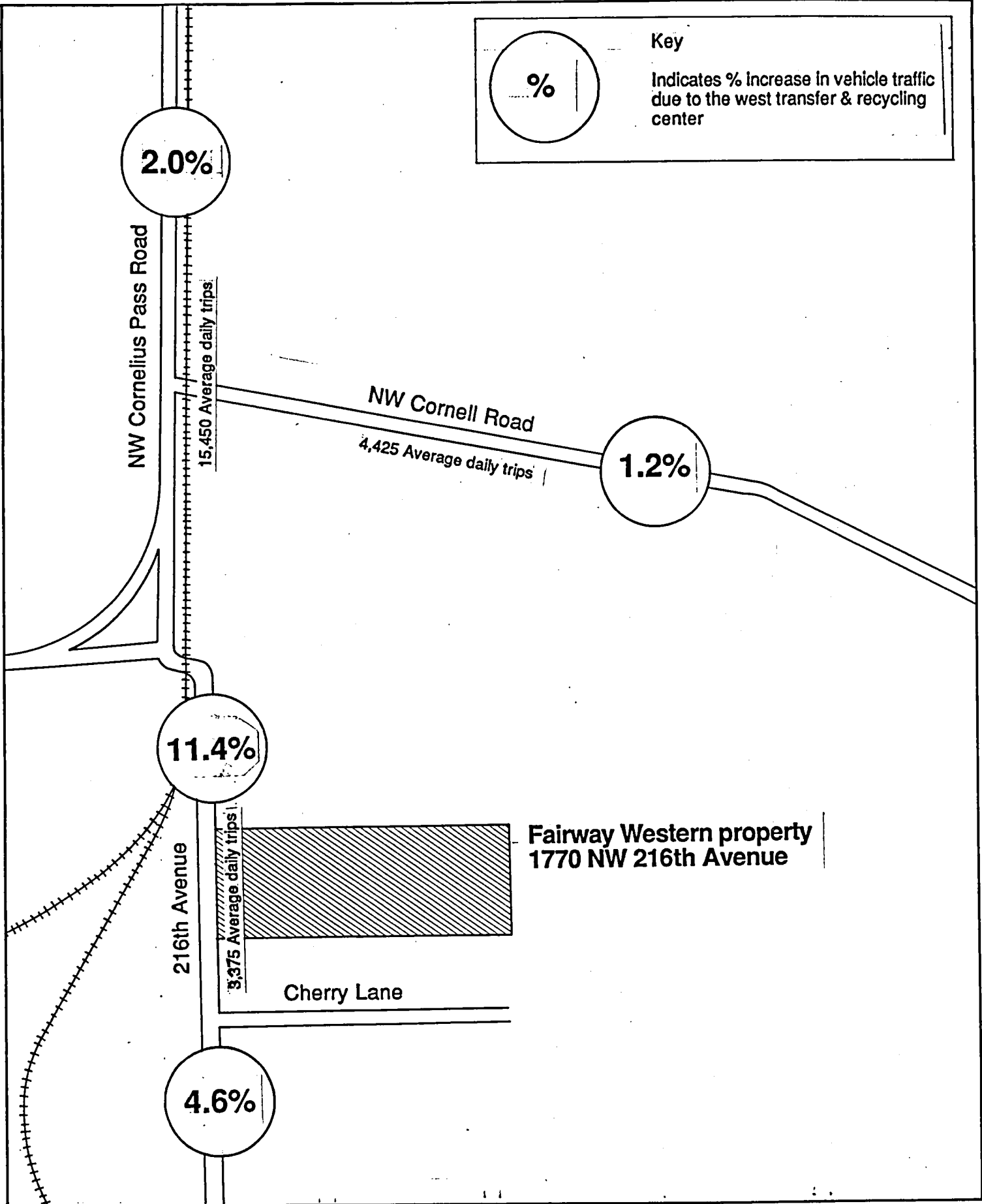
METRO

Proposed Sites Map

West transfer & recycling center
Cornelius Pass area

Key

% | Indicates % increase in vehicle traffic due to the west transfer & recycling center



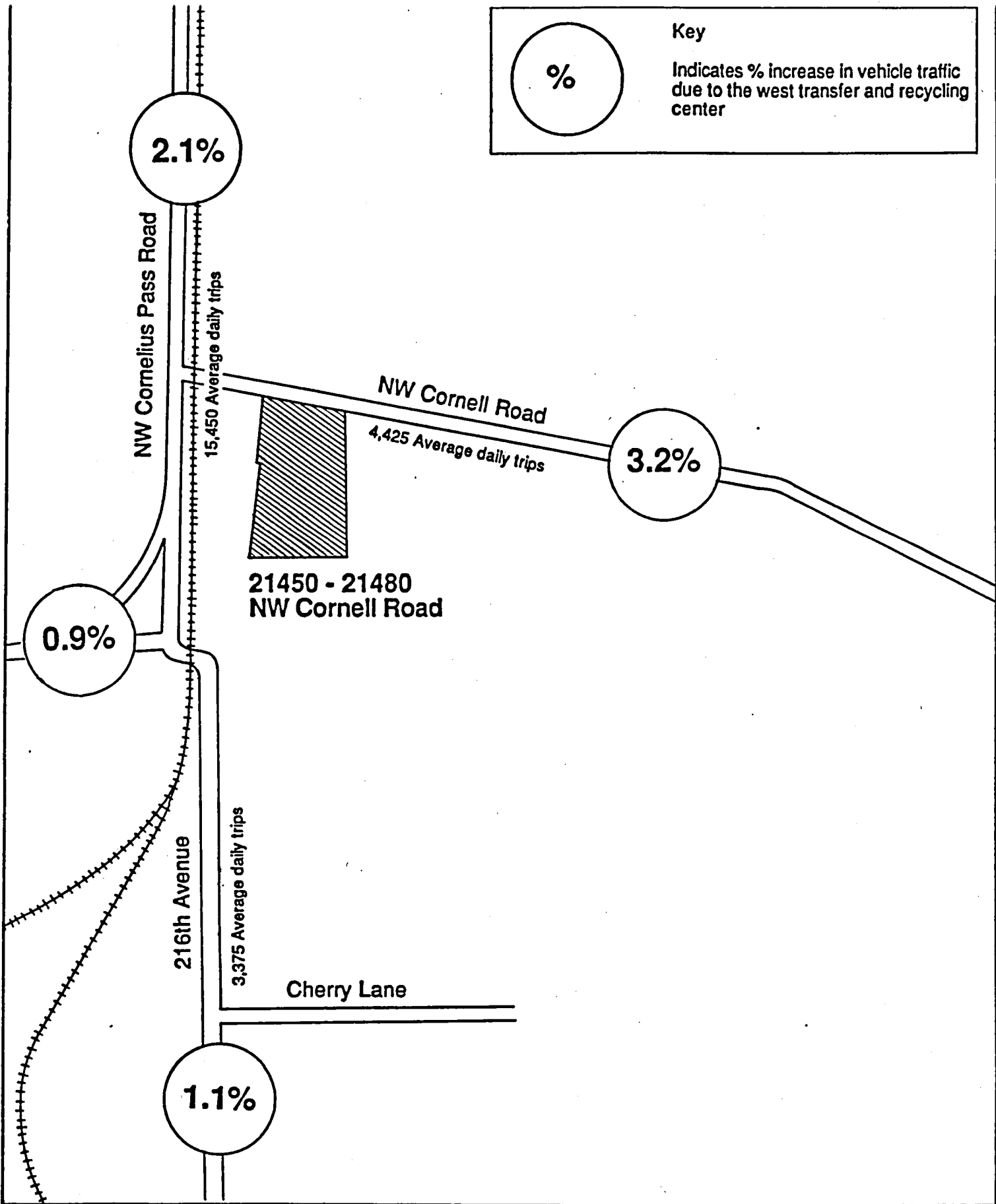
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Fairway Western Site

West transfer & recycling center
Traffic impact map

Key

%
Indicates % increase in vehicle traffic due to the west transfer and recycling center



METRO

Cornell Road Site

West transfer & recycling center
Traffic impact map

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

August 14, 1986

Councilors Present: Councilors Collier, DeJardin, Frewing,
Gardner, Hansen, Kafoury, Kirkpatrick,
Van Bergen and Waker

Councilors Absent: Councilors Cooper, Kelley and Oleson

Also Present: Rick Gustafson, Executive Officer

Staff Present: Donald Carlson, Eleanore Baxendale, Vickie
Rocker, Phillip Fell, Peg Henwood, Debbie
Allmeyer, Cathy Thompson, Wayne Rifer, Jim
Shoemake, Dennis Mulvihill, Steve Rapp,
Doug Drennen, Randi Wexler, Rich McConaghy,
Randy Boose, Ray Barker, Sonnie Russill,
Neil McFarlane

Presiding Officer Waker called the meeting to order at 5:35 p.m. and explained Councilors Cooper, Kelley and Oleson were out of town and would not be in attendance.

1. WEST TRANSFER & RECYCLING CENTER

Consideration of Resolution No. 86-668, Selecting and Authorizing Acquisition of the FAIRWAY WESTERN SITE for the Purpose of Constructing the West Transfer and Recycling Center

Consideration of Resolution No. 86-669, Selecting and Authorizing Acquisition of the CORNELL ROAD SITE for the Purpose of Constructing the West Transfer and Recycling Center

Consideration of Resolution No. 86-771, Selecting and Authorizing Acquisition of the S.W. 209TH AND T.V. HIGHWAY SITE for the Purpose of Constructing the West Transfer and Recycling Center

Presiding Officer Waker reviewed the history of finding a site for Metro's west transfer and recycling center in Washington County as defined in staff's report. At the June 26, 1986, Council meeting, the Council decided not to proceed with the site located at the Sunset Highway/Cornelius Pass Road interchange and directed staff to evaluate other sites in the vicinity due to the Washington County Commission's decision which rendered the site's zoning in conflict with Metro's intended use. The Council was now considering two additional sites (Cornel Road Site and Fairway Western Site) in the same area plus the site the Governor's Task Force previously selected (the 209th/TV Highway site). At its July 24, 1986, the Council decided to reconsider the 209th/TV Highway site along with the Cornel Road and Fairview sites. The Council also determin-

Metro Council
August 14, 1986
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ed it would hear a limited amount of additional public testimony on the 209th/TV Highway site only. Presiding Officer Waker said staff had contacted community leaders to help identify individuals who could represent community interests and provide additional information. Forty minutes had been allocated to the hearing, he said, and the Council would hear comments from the area's elected officials and community leaders.

Councilor Frewing said it was his understanding the three sites to be considered at this meeting had no special status over any other site the Council had previously studied. He asked an opportunity be granted for limited testimony on sites other than the three previously mentioned.

Presiding Officer Waker explained extensive testimony had been received on all three sites and it was now time for the Council to deliberate in order to reach a conclusion on the three sites before it.

The Presiding Officer said he had received a letter from Martin Butler indicating the Presiding Officer should disqualify himself from voting on the basis of having a potential conflict of interest. As previously stated at the public hearings, Presiding Officer Waker explained he was a consultant in Washington County, had performed work for many property owners and clients in many different areas around the County including in the Sunset Corridor, adjacent to the 209th/TV Highway site and adjacent to other sites previously considered for the transfer station. He said he had no direct financial interest in any site and was qualified to cast his vote at this meeting and represent his District.

Randi Wexler, Solid Waste Analyst, presented staff's report. She said at the July 24, 1986, meeting, the Council decided to re-examine the 209th/TV Highway site and compare them with the Cornell Road and Fairway Western sites. Public testimony was taken on the 209th/TV Highway site on April 8, 1986. Public testimony was taken on the Cornell Road and Fairway Western sites on July 22, 1986. Only new testimony on the 209th/TV Highway site would be taken at this meeting. The published staff report, she explained, compared the three sites being considered. The general characteristics of those sites had been reviewed by the Council at earlier meetings and Councilors had also visited the three sites. All sites were depicted on maps in the published staff report. Ms. Wexler then described the physical characteristics of each of the three sites.

Ms. Wexler explained all three sites were evaluated by the following criteria: center of waste, transportation, flexibility for develop-

for repeatedly pointing the way to the 209th/TV Highway site. Mr. Larrance then introduced himself to the Council. He explained CPO's were the official state-sanctioned conduit for citizen communications with County staff and officials. CPO #6 represented about 36,000 people, he said, and the organization unanimously passed a motion opposing the 209th/TV Highway Site. Mr. Larrance then delivered petitions to the Metro Council signed by 1,080 adult members of the community expressing opposition to siting a transfer station at the 209th/TV Highway site. Further, Mr. Larrance called the Council's attention to many letters they had received from citizens opposed to the site.

Mr. Larrance testified regarding a report prepared by Mercury Development Inc. evaluating the success of transfer stations in King County and the city of Seattle. The report examined access, traffic impact, adjacent uses, and proximity to residential uses of those facilities. Mr. Larrance noted transfer stations had been a part of Seattle's waste management system for the past 18 years. The report concluded: 1) significant traffic congestion problems had resulted when access to stations was not provided by one major route; 2) all facilities were well isolated from surrounding land uses in order to mitigate problems with surrounding users; 3) one public official noted that increased traffic congestion was the largest impact a transfer station had on its immediate community; 4) King County officials had taken steps to locate facilities away from residential areas; and 5) successful transfer stations had been built in undeveloped areas so that compatible development would follow.

Mr. Larrance reported the Metro siting criteria were initially based on five DEQ-approved standards known as the Metro Solid Waste Management Plan. He reviewed those standards and pointed out why the 209th/TV Highway site did not fit the standards.

Standard 1: transfer stations should be located in industrial areas and the surrounding area should be industrial or a conditional use permit must be obtained. Comment: 209th site is adjacent to retail and residential uses. Beaverton "sent Metro running" by initiating conditional use procedures.

Standard 2: The transfer station should not conflict with existing land uses. The effects of noise, odors and traffic should be considered. Comment: Compatibility with all surrounding area uses and users is stressed.

Standard 3: The transfer station should be near the center of waste. Comment: Seattle criteria does not mention this standard. All three sites being considered today would be within the Forest Grove station's service area.

ment, land use and acquisition. Ms. Wexler then reviewed the "Decision Matrix" and discussed staff's analysis of the sites based on the above criteria as published in staff's report. Staff concluded all sites were workable locations for the transfer station. Three resolutions were now before the Council for acquisition of one of the three sites.

Gary Katson, a traffic engineer hired by Metro, discussed cost estimates for road improvements estimated to be required for each site. He first explained a detailed traffic analysis had not been performed on any of the sites and without such analysis, Washington County would not define any conditions for road improvements. Mr. Katson said he would report on his best estimate of possible needed roadway improvements. In addition to the costs he reported on potential costs for participation in local improvement districts.

Regarding the 209th/TV Highway site, cost estimates included widening 209th Street; improvements at the 209th/TV Highway intersection including signalization modifications and improvements to the Southern Pacific Railroad crossing. Estimated costs for those improvements would be about \$295,000, he said. If an additional access point were required on TV Highway, additional costs would be incurred totaling about \$265,000. Those improvements would probably include creating an access drive intersection, widening the road, signalization, and a railroad safety crossing installation.

For the Cornell Road site, improvements could include a traffic impact fee of about \$57,000, an overlay to Cornell Road, and intersection improvements on Cornell Road and Cornelius Pass Road. Road improvements could cost about \$96,000, Mr. Katson reported.

Improvements for the Fairway Western site would include about \$58,000 for a traffic impact fee, an overlay on 216th Avenue at a cost of about \$137,000, and safety improvements to the 216th/Cornell Road intersection and the Burlington Northern railroad crossing. Mr. Katson said total improvements to the site would amount to approximately \$325,000.

Before the limited public hearing commenced on the 209th/TV Highway site, Presiding Officer Waker reviewed time limits for the parties addressing the Council.

Steven M. Larrance, Vice-Chairman of CPO #6, submitted a written statement of his testimony to the Council. Before he presented his testimony, he said he had been asked by area residents -- present and future employees of the Sunset Corridor -- to present to the employees and the Sunset Corridor Association the first annual Washington County Good Neighbor Award (aka The Governor's Trophy)

Acquisition: Mr. Larrance questioned whether the owner of the 209th site was a willing seller as indicated by staff.

Finally, Mr. Larrance showed an arial photograph which he said illustrated all the points noted above. A solid waste transfer station would have too many adverse impacts for one primarily residential community to accept. He said residents could recycle and maybe even transfer the Aloha/Reedville garbage somewhere in their community but the 209th site simply could not function as the facility was envisioned by Metro.

Robert G. Fritz, Jr., Vice-President, Cross Creek Homeowners Association, 20410 S.W. Avon Court, Aloha. Mr. Fritz submitted written testimony to the Council which he read. He explained he was involved in a coalition of six neighborhood associations representing 4,200 residents and an estimated property value of \$70 million. Other homes within the one-mile radius of the transfer station would add to that total, he said. He said it was a well known fact that property values were based on visual perception of an area and homeowners were very concerned a transfer station would greatly effect the perception of residential areas. Mr. Fritz noted the homeowners he represented opposed the 209th site for the same reasons Sunset Corridor backers opposed sites in the Corridor: the facility would have an adverse effect on the economy of the area immediately adjacent to a transfer station. Along with lower property values, the facility would not contribute any support to the local tax picture in an already limited tax district, he said. Mr. Fritz further testified staff had not adequately addressed the problem of traffic on secondary streets: five serious accidents had occurred on those street within the last six months. In summary, Mr. Fritz urged the Council to vote against the site for the reasons noted above and because the next regional landfill could be sited in that same area. Aloha residents did not want to be known as the "garbage capital" of Oregon, he said.

David E. Gillespie, Superintendent of Reedville School District No. 29, submitted written testimony to the Council which he summarized. Mr. Gillespie stated he was primarily concerned with the safety of 5,000 school children who lived within a two-mile radius of the 209th site. He then read a letter to the Council from Caryl Knudsen, Executive Director of the Edwards Center, Inc., regarding student safety.

Ms. Knudsen explained existing conditions along the TV Highway made pedestrian travel dangerous, especially for over 100 handicapped workers in the sheltered workshops. Those people did not drive and could only access work and community resources through the use of Tri-Met. The safety training already given the program's partici-

Standard 4: Major access routes should be able to handle increased traffic, especially during peak hours of refuse transportation. Comment: No regional or local trucking firms are located on TV Highway between Beaverton and Hillsboro. Only rocks trucks, who must access Cooper Mountain quarries, use these routes presently between Farmington and TV Highway and Baseline.

Standard 5: Traffic control should be feasible at the site entrance and not impede the regular flow of traffic. Comment: Road improvements to the 209th site would not only be expensive but would result in a lower level of service for the already substandard highway. Access on 209th would not be legal according to Washington County standards.

Mr. Larrance pointed out, based on the above information, staff's "Decision Matrix" needed to be re-examined.

Center of Waste: The criteria purported to measure a site's convenience for the public and collection industry and operating costs. The 209th site, as testified by garbage haulers, would not be convenient, safe or profitable for haulers.

Transportation: Metro rated the site "fair," looking only at the actual act of entering the site and traveling on TV Highway. Other testimony indicated haulers would most likely access the site by backroads in order to avoid numerous traffic lights and congestion. If the facility were built with only the minimum of access and egress potential, severe accidents would be routine. The Mercury Report indicated traffic congestion as the largest single impact of a transfer station on the community. Yet Metro listed only improvements to the proposed access road network.

Flexibility for Development: The site was not suitable due to drainage and flooding problems that could result if a facility were built there. The long, narrow configuration of the site would also limit future growth. The "best" rating assigned by staff was impossible to justify.

Land Use: Just because a transfer station was an allowed use in an industrial zone did not mean that compatibility of surrounding uses would not be an issue. Seattle officials identified isolation as a key point in locating a facility in order to mitigate problems with surrounding uses. Letters from nearby property owners should indicate staff's "best" rating was unjustified.

Dr. Arthur proposed a means of fixing the siting process which would include the following steps:

1. Implement an open process which identified and adopted weighted criteria for site selection and all vested interests be given an active opportunity to participate.
2. Metro staff would screen sites and recommend no more than five top site which best met the stated criteria. A public meeting would be held in which staff would indicate why the five sites met the criteria better than other options and a public record of site selection would be established.
3. A public hearing would be held on all five sites before a decision was made. All five sites would be evaluated simultaneously, not sequentially, to ensure sites considered first would not be dismissed prematurely.
4. Upon completion of the hearings, the Council would have an open discussion of the relative merits of each site. The Council would select a first, second and third choice and instruct staff to proceed with the first option.

Dr. Arthur recognized the difficulty of the siting process but thought it better to make a good, fair and systematic decision than a hurried and seriously tainted one. He noted the process was similar to the DEQ landfill siting process and challenged Metro to make a decision that would earn community respect.

Larry Derr, testified he wished to propose a means of equalizing the problems from zoning jurisdictions which would make site selection work as described by Mr. Arthur. He suggested Metro use its power to dictate the content of local planning and zoning ordinances to conform to regional goals. Once Metro found a site using criteria rather than politics, each jurisdiction would have to accommodate that site and could only review it for technical -- not pass or fail -- type criteria. Mr. Derr said previously testimony demonstrated Metro's criteria was flawed and did not conform to the reality of other jurisdictions. He said if those criteria were applied, the 209th site would not be at the top of Metro's list. For example, he said four of the five most dangerous intersections in Washington County were photographed in the slide shown by Mr. Larrance.

Mr. Derr said he was aware Metro's counsel had advised the Council that although they had criteria, they were not bound by law to apply them. He did not agree with that stance and did not think the courts would agree either. The Council had now run into danger of

pants could never prepare them for the type of traffic the transfer station would create. Ms. Knudsen thought it non-productive to create new public service problems in order to solve an existing one when better options were available.

David L. Arthur, 535 N.W. 86th Court, having moved just yesterday from the Reedville area, testified he was a former Chairman of the Reedville School District and a concerned citizen of Washington County. Dr. Arthur distributed written testimony to the Council which he read. Dr. Arthur explained his Ph.D. dissertation was entitled: "An analysis of the Changing Decision-Making Roles of Business and Government in Regional Development: Related Policy Issues." He had also taught graduate level regional development classes. Dr. Arthur discussed the present siting process and an alternative process with the Council.

The present process, Dr. Arthur testified, was flawed because each "finalist" site was eliminated through a public hearing process. In most instances the reason for elimination was political intimidation, he said. He noted the 209th/TV Highway site was never one of the "finalist" sites initially identified. When other sites were eliminated, Governor Atiyeh had a moment of leadership and "offered" to create a "citizens' task force" to "help out": in less than two months the task force found a site in the one area not represented on the task force. He pointed out one of the task force members indicated to Reedville residents prior to the task force's public hearing the 209th site would be recommended regardless of the testimony offered. He also explained the 209th site was not one of the previously identified Reedville area sites. It was, however, owned by the same individual who owned the Cornelius Pass site. In summary, the new "front runner" site had not been chosen according to the initial criteria but was chosen because it lacked the political protection of other sites considered.

Dr. Arthur reviewed the series of events which led the Council to again consider the 209th site. He said the Council had not noticed the fact the site was inferior to other sites on most any criteria available. He then reviewed the five siting criteria and discussed how the site did not satisfactorily meet those criteria. In reality, he said, there was only one criterion that distinguished the 209th site - it lacked political leverage. That criterion was not listed in any public record.

Dr. Arthur discussed Metro's mistake of assuming a site would be selected according to pure technical criteria. In reality, he said, the selection and weighting of the criteria were probably the most political parts of the selection process and should not have been delegated to staff. That process should have been the subject of intense public review, he emphasized.

Bonnie Hays, Washington County Board of Commissioners. Commissioner Hays explained she was a former school teacher and drew on that background in addressing the Council. She said it appeared there was no right answer to the multiple choice question of picking a west transfer and recycling center. If the Council acknowledged there was no one correct answer, the Council could be forced to select the lesser of three wrong answers. If that were the case, the Council should not take the test at this meeting. The people grading the test -- the ultimate recipients of the Council's action -- would all give the Council failing grades, she warned.

Commissioner Hays said she had intended to speak to the Council about its siting process but David Arthur had expressed her views on that subject. She reported the Washington County Board of Commissioners requested by consensus the Council consider the approach outlined by Dr. Arthur. The Commissioner understood Metro could ask each city and County to identify a minimum of one site meeting preidentified and agreed upon criteria for a potential transfer and recycling station. The County Board would support that approach, she said which could require a minimum of nine months. By that time, it would be known where the new regional landfill would be sited. Also, the discussion about a regional transfer station versus community or area stations could be reopened. She said if some jurisdictions did not receive a transfer station, they could have recycling centers available in their communities.

In conclusion, Commissioner Hays reported Washington County was ready to assume its proportionate degree of responsibility for siting a very much needed transfer station. She said the County, Metro and the public knew a transfer station could be sited in an industrial zone with an outright permitted use and that the station could be operated and managed in a manner compatible with the majority of industrial uses. Because the current siting process had taken so much time, she requested the Council "come up for air," take a fresh look around, gather all players around the table, get a commitment, and then go forward.

Jeannette Hamby, State Senator, District 5. Senator Hamby emphasized the sole purpose of a garbage transfer station was economics. It was appropriate to site the station near the center of waste because a centralized site would result in savings for the collection industry and the general public. One did not site a station away from the solid waste source and within close proximity of a possible landfill, she explained. The Senator pointed out Metro's own figures indicated a hauling cost of \$15 per ton. She added that for every one moment of hauling further out from the radius of waste generation, costs would increase \$.60 per ton per minute. That morning she had driven the shortest, quickest route possible from

the most basic criteria that applied to almost any governmental action: the Council could not be arbitrary and capricious. Mr. Derr read a definition of that term: "Without fair, solid and substantial cause; not governed by any fixed rules or standard." He concluded a decision to select the 209th site at the end of the kind of process that had occurred would not withstand any legal challenge.

Presiding Officer Waker asked Ms. Wexler to respond to points raised by those testifying including the role of the Forest Grove Transfer Station in solid waste management, criteria development and the public hearing process.

Regarding the Forest Grove matter, Ms. Wexler reported a satellite facility had always been part of Metro's transfer station plan to serve western Washington County. The Forest Grove area was never a part of the population based used in calculating the center of waste and that station was not designed to serve the public hauler. Because Oregon did not have mandatory collection laws, a regional transfer station needed to be built that would serve the public.

Ms. Wexler addressed the concern about County requirements for 600 feet for a driveway cut. She said that standard applied to roads classed as arterials and 209th was currently classified as a collector road. Washington County could not deny access to the developer of that parcel of land, she explained. Therefore, the driveway cut had to go along 209th.

Ms. Wexler said she had talked to both the Divisions of State Lands and Wildlife regarding drainage issues. She said the Division of State Lands could not find the particular drainage area on their maps. The Fish and Wildlife Division said the fish resources in that area were of no significance. They did request, however, someone from their Division visit the area to see if a wetland habitat existed and, if so, proper mitigation efforts be taken. Ms. Wexler said the existance of any drainage alteration would not preclude development of that land.

Finally, Ms. Wexler reviewed how Metro's siting criteria were developed. She explained in August 1984 staff developed the criteria with the Solid Waste Advisory Group in a series of open, public meetings. The Group was comprised of Washington County citizens, local government staff, and representatives of the Washington County hauling and recycling industry. In March 1985 the the Sunset Corridor Association submitted amendments and the criteria were reworked in a series of public meetings. She said the land use compatibility criterion was weighted highest.

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privilege of attending two landfill hearings and one transfer station hearing within one week, all within her district. She acknowledged Metro could ask state elected officials to change the transfer station siting process but did not think the region should handle the process in that manner. She said the station should be located where people would use it but the public benefit would not exist if access were difficult and time consuming. Councilors, she said, had received a letter from the Fire District near the 209th site. District officials were concerned about their ability to respond to emergencies if the transfer station were located in their area.

Representative Jones pointed out Metro's Advisory Group did not recommend the 209th site. She also discussed the importance of reserving the Sunset Corridor for the growing hi-tech industry. She said just because one large, long-time Oregon hi-tech company had not openly opposed the site did not mean they did shared concerns expressed by other, newer Sunset Corridor firms.

Finally, Representative Jones testified the cost of improving the 209th site for the facility would be high and neighborhoods would bear those costs. In addition, no consideration had been given to access beyond the 209th location. She explained because the immediate area was growing, the traffic problems would not improve.

The Representative asked the Council to consider all the testimony given and to make their decision with good thought recognizing it was not a simple matter of being for or opposed to a particular site.

There was no further testimony.

Councilor Frewing asked Commissioner Hays whether she wanted Council to postpone a decision a maximum of nine months rather than a minimum of nine months, as she stated earlier. He also asked her to explain the nature of the consensus by which the Washington County Commission made its recommendation. Commissioner Hays explained the representative majority of the Washington County Commission concurred Metro should use its abilities to require local jurisdictions to submit a minimum of one site to be used as a transfer and recycling center. If Metro made that decision, she said the Commission would support the Metro Council. Regarding the time schedule, she said she hoped a three-month period would exist for reviewing the criteria. She thought a minimum of nine months would be required but the work could be achieved in less time.

In response to Councilor Frewing's question about the maximum time she thought would be required for her proposed siting process, the Commissioner answered the process could be relatively short if the

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the 209th site to the Metro-identified center of waste generation at Murray and Allen. The trip took her 16 minutes.

Senator Hamby also pointed out her concern about Metro's loss of credibility and that the siting process had become politicized. After a thorough review of 79 sites based on criteria, the top choice of all those sites was not under consideration at this meeting, she said. Metro had decided to back down against the threats of the Beaverton City Council and she questioned whether it would have been more responsible for the Metro Council to meet with the City Council in a public forum and decide together where the transfer station should be located. She thought Beaverton would have been more responsive if they had known their constituents' hauling costs could have doubled if the garbage was trucked further out into western Washington County. The Senator said she was prepared to introduce legislation to bring about that type of process during the 1987 State legislative session.

Finally, Senator Hamby explained because of her dissatisfaction with Metro's process and because the Forest Grove Transfer station -- a private enterprise currently fighting for its economic life -- was willing to serve western Washington County, she would not be able to support the continuation of funding of a metropolitan form of government during the 1987 legislative session. She urged the Council to re-evaluate its process and support Councilor Frewing's effort to bring the discussion back to a location at the center of waste generation.

Presiding officer said he wished to clarify some statements made by the Senator. First, he noted when making its original site selection, the Council did not experience any obstacles from the city of Beaverton. It was only after the Metro Council selected the Cornelius Pass site that the Beaverton Council decided to change their regulations. Second, he pointed out the Council was siting a transfer and recycling station, not just a transfer station and the facility would require public access for self-hauling. Presiding Officer Waker said he intended to address that subject later in the meeting and he hoped the Senator would be present during those deliberations.

Responding to Councilor Hansen's question, Senator Hamby said when she had taken the 16-minute trip from Murray and Allen to the 209th site, she had deducted the four minutes it had taken her to get through the road construction on 185th Avenue.

Delna Jones, State Representative, District 6, testified she had been reading Councilors' facial expressions and realized democracy was a laborious task. Representative Jones said she had the distinct

currently chaired the Tualatin Valley Economic Development Commission.

There were no additional questions from the Council.

The Presiding Officer reviewed a memo from Eleanore Baxendale, General Counsel, indicating if the Council selected a site at this meeting, Councilors should state reasons for preferring one site over another. He suggested each Councilor state his or her preference at this time. He would then know which site had sufficient support by which to pass a resolution.

Councilor Hansen said he shared the anguish and frustration of those testifying because his district was the home of the current regional landfill and had been identified as the possible home of the future landfill. He then reviewed the sites brought before the Council for consideration. The two Beaverton sites, regardless of the location to the center of waste, were flawed sites, he explained. The Champion site was an operating business and the Council should take no action to jeopardize jobs. The St. Mary's site had a peculiar layout. He did not support the Cornelius Pass or the 216th sites because they were in the Sunset Corridor and because testimony received on July 22 had swayed him to believe the economy of the state and region would suffer. Also, the 216th site directly abutted residences. Councilor Hansen said he could not support the Cornell Road site because of the jobs issue. The Oregon economy was extremely fragile, he explained, and job opportunities should be preserved by making sacrifices in other areas. Finally, the Councilor said he would be able to support the 209th site if he could amend Resolution No. 86-671 to provide language to mitigate citizen concerns. He proposed the following language be added to page 2, under "Be it resolved:"

- "3. The Presiding Officer of the Metropolitan Service District shall appoint a three-member task force of Councilors to meet with effected parties to develop methods of mitigating negative impacts of the west transfer and recycling center. Discussions and mitigations shall focus on, but not be limited to, the following:
 - 1) Plant design including sound barriers, landscaping and appearance;
 - 2) Operations including hours, traffic flow and traffic controls;
 - 3) Neighborhood enhancement;

process was well planned. Councilor Frewing suggested the County be given a nine month time limit and if no site were recommended, Metro proceed with the 209th site. The Commissioner agreed this would be an incentive for the County to find a suitable site. She also suggested a series of community transfer stations and recycling centers could be sited in place of one regional facility. Metro, she explained, could have the final veto power over the County's suggestions which would keep plans cost-effective. She emphasized her concern with the present siting process was that it placed the County in a reactive role. She preferred the County work in partnership with Metro and other cities within Washington County. In response to Councilor Frewing's question, Commissioner Hays said she would not choose to have Metro's responsibility of siting a facility transferred to Washington County. She would rather work cooperatively with Metro and other cities to accomplish that goal.

Presiding Officer Waker pointed out the Washington County Board of Commissioners had adopted a resolution in 1982 which requested Metro site a solid waste transfer station within Washington County as soon as possible and to work diligently with the County toward speedy completion of the project. The Presiding Officer noted four years had passed since the resolution was adopted and a site had yet to be found.

Presiding Officer Waker, responding to previous testimony that a landfill site should be known before the transfer station were located, explained that landfill sites identified in Washington County were all in exclusive farm use zones. Therefore, state regulations required restricted access to allow only transfer trailers to enter the new landfill. Private haulers and the public would probably not have access to the landfill. Given this information, it would be no benefit to know the location of the next regional landfill, he explained.

Councilor Kafoury said Senator Hamby had accurately identified the economic problem of siting a facility away from the center of waste. The Councilor recalled when Metro conducted public hearings on the Champion site in Beaverton, leaders and residents were just as vehement about protecting their area as the Senator was about protecting the Reedville-Aloha area. She asked the Senator if she or her colleagues had discussed the siting problem and its economic impacts with Beaverton leaders. Senator Hamby said she had had such discussions including a meeting with the State Representative who

Presiding Officer Waker then offered his comments on site preference. He explained when Metro first entered the siting process, he was in favor of the 160th and TV Highway site because the site would have been convenient for the public use. He said the community could not afford to delay a decision for nine months or longer because the Hillsboro Landfill would soon close and the public needed a place to take their garbage. The difficult choice, he noted, was whether the Council should site a facility which the greatest number of Washington County citizens could use -- in which case visibility and good traffic access would be important; or whether to take the converse view to hide the facility and take the risk that citizens could find the facility. Presiding Officer Waker did not think the Council should take the latter risk. He explained a substantial number of citizens did not dispose of garbage in a conventional or responsible manner and it was therefore important to make the disposal process easy and simple. The Presiding Officer recalled the questions he asked himself when the project commenced: would he vote in favor of local concerns for the greater good of the greatest number of people in Washington County. He said the answer was making a decision to maximize the benefit to the greatest number of residents and to deal with the resulting problems as well as possible. Therefore, he would support Resolution No. 86-671 with the amendments proposed by Councilor Hansen.

Councilor Frewing explained if a decision were made for the greater good, the Council should select one of the top three sites scoring highest in the criteria process instead of one of the three sites currently under consideration. He was impressed with the comment heard earlier that the DEQ landfill siting process was more structured and acceptable even if a site were selected in one's front yard. The Councilor understood that kind of change would take time, but he thought that decision rationally confronted the problem.

Councilor DeJardin explained his first site choice, as indicated by Councilor Frewing, had been eliminated from consideration. His second choice had been compromised by a similar action and to continue to pursue those sites would be an exercise in futility. He also thought it unfair to start the process over because a false impression would be given that the impact of the facility on neighborhoods would be as bad as envisioned by residents and business leaders. The Councilor explained he was tired of being "in a long bed of responsibility but being short-sheeted on authority." He said he had been assured the local officials most obstructive to Metro's process for their own political advantage would be addressed by the leadership within their constituency. The Councilor described what he said was a similar scenerio several years ago regarding

- 4) Feasibility of private sector satellite facilities to ease traffic and solid waste volume;
- 5) Use of functional planning and certification to encourage location of public drop-off centers for yard debris and mixed waste;
- 6) Relationship issues concerning DEQ landfill siting; and
- 7) Any other mitigation suggested by effected parties."

Presiding Officer Waker read a letter from Councilor Oleson, who was unable to attend the meeting, expressing the Councilor's views. The letter read:

"Dear Dick: The board for which I work is meeting in John Day Thursday night and Friday and my presence is required there. As you know, I am in a minority group of Councilors who support the 216th transfer site as being our best option. Besides having a negative impact on very few County residents, this site is surrounded by yet to be developed industrial land and is relatively close to the freeway. Unlike the situation with the neighboring site on Cornell, there is ample evidence to show that the dominant interest groups in the Sunset Corridor could live with the 216th site. All three of the sites now before the Council are technically adequate and workable. If the 209th site is selected, I hope the Council makes an immediate commitment to work with the local residents to fully resolve traffic and drainage problems. I believe it is in the best interests of all parties concerned to finalize the siting decision as soon as possible. Cordially, Bob Oleson, Councilor, District 1."

Presiding Officer Waker then read a letter from Councilor Cooper.

"Dear Dick: Since business pressures preclude me from attending the August 14 meeting, I would like to express my views on the following items. (NOTE: The Presiding Officer read only the Councilor's view on the solid waste transfer station matter.) In the interest of resolving this issue, it would appear the TV Highway and 209th site would be the first choice. My second choice would be the Fairway Western Property on 216th. If a consensus of the Council precludes a decision, we should put the whole matter on hold until the interested jurisdictions can offer a positive response to the needs of a transfer station."

sites the Council had considered. Reflecting on the process, she said the Council's worst mistake had been acquiescing to Governor Attiyeh's invitation to become involved and she regretted voting to support that action. Councilor Kafoury shared Councilor Gardner's views regarding the Cornell Road site and found it marginally acceptable. Regarding what she called the hi tech hysteria to which the Council had been subjected and various pleadings for the Council to buy into the notion the perception of incompatible land use would damage opportunity for economic growth, the Councilor explained her perception of the hi tech industry. She said that perception was the industry could be characterized by carcinogenic byproducts, by a propensity to move quickly and chase the highest bid from the most active state, and were extremely susceptible to economic downturns as witnessed already in Washington County. She thought the Council would, in five years, wonder why it had so actively courted the hi tech industry in Washington County rather than a transfer station.

Councilor Kirkpatrick said she was not at all tempted to start the process over. She appreciated suggestions that be done but after examining Dr. Arthur's proposal, she thought the Council had essentially followed that process. Commissioner Hays, she explained, had requested Metro work with cities and counties but she was sorry the cities and county had not become involved earlier when Metro needed their help. She said her choices, ranked in priority order, reflected her opinion the Council should select the best site technically possible and not bow to political pressure: Cornell Road, 209th/TV Highway, and Fairway Western. Regardless of the decision, she hoped the Council would be committed to proceed with that decision.

Main Motion: Councilor DeJardin moved to adopt Resolution No. 86-671, selecting and authorizing acquisition of the S.W. 209th/TV Highway site for the purpose of constructing the west transfer and recycling center, for the reasons articulated in his earlier statement. Councilor Van Bergen seconded the motion.

Motion to Amend: Councilor Hansen moved the Resolution be amended to add an item 3 under the last "be it resolved" as explained in detail earlier in the meeting. (See pages 14 and 15 of these minutes for the wording of the amendment.) Councilor Collier seconded the motion. The amendment would set out a process for the Council to meet with effected parties to develop methods of mitigating negative impacts of the transfer center.

Councilor Hansen explained the 209th site was not a perfect site. His concern was to complete the siting process and to resolve as

Metro's garbage burner project. Although most people may have enjoyed the initial victory of defeating the project, many of those people later regretted their actions because a more intelligent way of dealing with the garbage problem was lost. In conclusion, the Councilor said he support the 209th/TV Highway site because it was the only location that had a reasonable assurance of becoming a reality. He then moved to support that site, explaining the next site in Multnomah County would require a location near even more businesses and residences. Finally, he said his town of West Linn continued to attract residents and businesses and that Oregon City had a successful shopping center in spite of the proximity of the Clackamas Transfer & Recycling Center.

Councilor Gardner shared concerns about the length of the process and the political factors which brought about consideration of the 209th/TV Highway site. He agreed the Metro Advisory Committee's number one ranked site was the best site for the transfer station and he supported that choice even after the public hearing. However, he recalled, the majority of the Council did not support that site. Other sites were then considered, some having never been on the Advisory Committee's original list of sites. Councilor Gardner said he did not clearly favor any of the three sites now under consideration and was beginning to be drawn to the suggestion of starting over with an abbreviated, clean and rational process. Of the sites now before the Council, he said it would be impossible to support the 209th site. The problems with the site were far worse than those of some sites previously rejected, he said. He was especially concerned with traffic and access problems with the site and thought those problems would get worse. He was also bothered the site was surrounded by a large residential area and was adjacent to commercial and retail uses. Of the three sites, Councilor Gardner said he could support the Cornell Road site primarily because it was the closest of the three sites to a limited access highway. It was about 1.2 miles from the Sunset Highway and studies indicated most haulers would use that access. He expected most public users to access likewise. The site also had no nearby residences, was in an open area, and would have no impact on nearby businesses. He thought the proported negative economic impacts of the transfer station on the Sunset Corridor's ability to attract new businesses had been blown far out of proportion.

Councilor Collier explained that being a Councilor for one month, she was the newest member of the Council. She had visited the sites, reviewed reports and attended the July 22 public hearing. Her choice of sites, ranked in preferred order, were the 209th/TV Highway site, the Cornell Road site and the Fairway Western site.

Councilor Kafoury said she had made it very clear she would not support the 209th/TV Highway site because it was the worst of many

many problems with the site as possible. He requested the mitigation process, as described in his amendment, be done at the Council level because the Council would select the site. Councilors were good neighborhood organizers and were well qualified to take the lead. This process, he explained, would be the clearest way to show Reedville residents the Council was serious about mitigating problems.

Councilor DeJardin explained because Councilors were elected officials and subject to political concerns, the mitigation work should be performed by staff.

The Presiding Officer said the intent of the amendment was for the Council to stay actively involved in the mitigation process. Staff could still perform much of the work.

Councilor Frewing asked how spending limits would be imposed on proposed improvements to the site. Councilor Hansen explained the Council approved all expenditures.

Vote on Motion to Amend: A vote on the motion resulted in:

Ayes: Councilors Collier, DeJardin, Hansen, Van Bergen and Waker

Nays: Councilors Frewing, Gardner, Kafoury and Kirkpatrick

Absent: Councilors Cooper, Kelley and Oleson

The motion to amend carried.

Vote on Main Motion as Amended: A vote resulted in:

Ayes: Councilors Collier, DeJardin, Frewing, Hansen, Van Bergen and Waker

Nays: Councilors Gardner, Kafoury and Kirkpatrick

Absent: Councilors Cooper, Kelley and Oleson

The motion to carried and Resolution 86-671 was adopted as amended.

The Presiding Officer called a 15-minute recess. The Council reconvened at 7:05 p.m.

2. INTRODUCTIONS

None.

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

July 24, 1986

Councilors Present: Councilors Collier, Cooper, DeJardin
Frewing, Gardner, Hansen, Kafoury, Kelley,
Kirkpatrick, Oleson, Van Bergen and Waker

Staff Present: Donald Carlson, Eleanore Baxendale, Dan
Durig, Randi Wexler, Norm Wietting, Jim
Shoemake, Mary Jane Aman, Peg Henwood,
Sonnie Russill, Andy Cotugno, Jennifer
Sims, Debbie Allmeyer, Phillip Fell, Wayne
Rifer, Steve Rapp, Kay Rich and Vickie
Rocker

Presiding Officer Waker called the meeting to order at 5:30 p.m. He announced the Executive Session would be held immediately after consideration of Agenda Item No. 1. He also announced the female Golden Monkey currently on exhibit at the Zoo gave birth that morning, the first such birth outside the Republic of China.

1. WEST TRANSFER AND RECYCLING CENTER

Consideration of Resolution No. 86-668, Selecting and Authorizing Acquisition of the FAIRWAY WESTERN SITE for the Purpose of Constructing the West Transfer and Recycling Center; and

Consideration of Resolution No. 86-669, Selecting and Authorizing Acquisition of the CORNELL ROAD SITE for the Purpose of Constructing the West Transfer and Recycling Center

At the Presiding Officer's invitation, staff presented a report on the two resolutions before the Council. Randi Wexler, Solid Waste Analyst, reported that on July 22, 1986, a public hearing was conducted on the following two sites: 1) 1770 N.W. 216th, the Fairway Western Site; and 2) 21450-21480 N.W. Cornell Road. Additionally, she explained, in June 1986 the Council elected to hold the 209th/TV Highway Site in a reserve position. After reviewing the Cornell Site and the Fairway Western Site and weighing testimony from the July 22 hearing, the Council could elect to reexamine the 209th/TV Highway site, she said. Staff deemed all three sites workable for the transfer station project. At this meeting the Council was being asked to consider adopting one of the two Resolutions, one representing the Cornell Road Site and one representing the Fairway Western site. The Council could also reexamine the 209th/TV Highway site and at an August meeting, along with the above two sites.

In response to Councilor Frewing's question, Ms. Wexler explained the reserve status of the 209th/TV Highway site was different from the Beaverton Champion site and other sites not selected because the 209th site was the only location formally put on reserve by the Council but the Council could choose to reconsider any other site. The Presiding Officer added the 209th site was unique in that it was the only site previously reviewed that the Council did not take action to eliminate from further consideration. Councilor Frewing noted it was his understanding when choosing a Cornelius Pass Road site over a Beaverton site, the Council did not specifically declare the Beaverton area unsuitable because, in fact, several Beaverton sites scored high on staff's evaluation. Ms. Wexler agreed, but again said the 209th/TV Highway site was the only location the Council had requested be kept in reserve. The Councilor said he did not consider the "reserve" designation special other than to distinguish it from other sites not actively being considered at any one point in time.

Presiding Officer Waker invited Councilors to discuss the sites under consideration.

Councilor Hansen declared in light of testimony he heard on July 22, he was no longer in a position to support the Fairway Western or the Cornell Road sites. He preferred to gather more information on the 209th/TV Highway Site before he made a final decision.

Councilor Frewing explained his preference would be for the Council to rethink its process. He said the public testimony he heard led him to believe the Council was going down the wrong track. The Council appointed an advisory group comprised of Washington County people to develop criteria for siting a transfer station. He did not understand why the Council did not pursue the highest ranked site until that site -- which he understood to be near 160th and Merlo Road -- was declared legally unworkable.

Ms. Wexler responded that the numerical analysis assigned by staff was not used to select the best site. Rather, the ratings were used to assist the advisory group in screening a list of 80 sites down to the top 10 sites. Once the 10 sites were identified, the numerical ratings were no longer and the mechanism for selecting a site was then public testimony and the advisory group's judgment, she explained.

Councilor DeJardin agreed the best site considered was the Champion site in Beaverton because it was at the center of waste generation. The fact that it was not selected would result in Washington County not being well served and he regretted the Council had been a part of that decision. The Councilor said the testimony received on

July 22 having the most impact on his decision was given by Mike Ragsdale. That testimony focused on the need for positive cooperation between government and business in developing the Sunset Corridor. Councilor DeJardin refused to believe all the work of industry and government in developing the Corridor would fall apart because of a waste transfer and recycling center, but he was willing to reexamine the 209th/T.V. Highway site along with the Champion site.

Councilor Cooper said those once against the transfer station project seemed to be turning to an attitude of cooperation with the Council. Because of that change, the Councilor made the motion following motion:

Main Motion: Councilor Cooper moved, seconded by Councilor Oleson, the Council set over consideration of Resolution Nos. 86-668 and 86-669 to the August 14, 1986, meeting and that staff prepare a Resolution for Council consideration selecting the S.W. 209th/T.V. Highway location as a site for the west transfer and recycling center to also be considered at the August 14, 1986, meeting, along with a public hearing to review prior testimony and to hear any new testimony on the S.W. 209th/T.V. Highway Site.

Councilor Oleson agreed with the above strategy because it would keep the key sites and players on the front burner of the process. He saw the process coming to a positive end due to better cooperation. The Councilor, however, said he was bothered by the efforts of the Governor and others to paint the idea of the solid waste transfer station as a "boogeyman." He noted most people, once involved, would prefer to live near a solid waste transfer and recycling station rather than near other commercial and industrial sites. He was convinced once the facility was on line, it would be quickly accepted by its community. The problem in Washington County, he noted, was if the facility were not located in the Sunset Corridor, it would be sited in a residential neighborhood. Councilor Oleson said he was coming to the conclusion the periphery of the Corridor was the best place to site the facility. Although he did not expect new sites to surface before August 14, the above motion would allow more time for other parties to assist the Council.

Councilor Frewing said he was not sure the motion would help in advancing a decision. He proposed adding the Champion site in Beaverton to the list of sites to be considered by the Council on August 14, 1986.

Amendment to Main Motion: Councilor Frewing moved, seconded by Councilor DeJardin, to amend the main motion by adding the phrase "and Champion location" after the two references to the S.W. 209th/TV Highway location.

Councilor Gardner said he supported the amendment because he thought it best not to limit consideration of sites to the 209/T.V. Highway location. He said he was also beginning to think the Council was losing sight of what were originally declared to be the most important selection criteria: transportation access and proximity to the center of waste generation. Although Washington County's future growth would be to the west, it would not be as far west as the sites currently under consideration, he said. The 209th site, he explained, had serious transportation access drawbacks. Councilor Gardner suggested the sites previously excluded be brought back for consideration in order to ensure the most suitable locations be reviewed by the Council before a final decision was made.

Councilor Kelley declared she had not attended the July 22 public hearing -- the first Council meeting she had missed -- as a formal protest of the process. She said the lengthy siting process had an adverse effect on the Council, staff and public. All that time and over \$200,000 had been spent to no avail. The missing player, she said, was Washington County and until the County accepted their responsibility, all the time and energy would have been useless. She referred the Council to a letter from Washington County Commissioner Bonnie Hays. She pleaded the Council to involve the County in the upcoming process.

Presiding Officer Waker noted he had not received the Commissioner's letter which had been addressed to him.

Councilor DeJardin welcomed the opportunity to work cooperatively with Washington County. However, he said, come August 14, he wanted to see a decision made. He also discussed the fact that Clackamas County had been extremely patient in accepting Washington County's waste at the Clackamas Transfer & Recycling Center but were beginning to impose limitations on waste outside the County. He urged the Council to take immediate action so that further limitations would not be imposed. The Councilor was encouraged that local governments within Washington County were willing to work with the Council to find a site.

Presiding Officer Waker commented the decision on the site was not improving with age. Although a number of sites could mechanically serve as a location for a transfer station, the 209th/TV Highway site would be the most suitable of those under consideration, he said. Existing public users of the Hillsboro Landfill drive by the

209th site, creating no additional public traffic impact. There would be traffic impacts from garbage trucks, he acknowledged, but all sites would be subject to those impacts. Finally, the Presiding Officer said the Governor had pledged his support to assist Metro in every possible, legal manner to establish a transfer center at that site. The site was closer to the center of waste and on an existing travel route. He said he would support the 209th site on August 14.

Councilor Kirkpatrick hoped everyone would be ready to make a decision on August 14. She said she was reluctantly supporting both motions on the table although she did not expect a lot of new information would come to light. She noted that by delaying the action, the Council was recognizing the decision was political, not technical, and she regretted that fact.

Councilor Hansen, speaking against the amendment, said the majority of the Council had already moved away from the Champion site and to open it for reconsideration, if the votes were not there, would cloud the issue and lengthen the deliberation process. Councilor Cooper agreed with Councilor Hansen.

Councilor Frewing questioned whether his amendment and the main motion would mean that anyone wishing to address the Council could speak on any matter related to the sites under consideration. The Presiding Officer answered the Council had indicated on several previous occasions that if the 209th/TV Highway site was brought forward for further consideration, the Council would afford the opportunity for additional comments from the public. The motion on the table would provide that opportunity on August 14.

Vote on the Amendment: The vote resulted in:

Ayes: Councilors DeJardin, Frewing, Gardner, Kirkpatrick and Van Bergen

Nays: Councilors Collier, Cooper, Hansen, Kafoury, Kelley, Oleson and Waker

The motion failed.

Councilor Van Bergen supported the main motion with the exception of conducting an additional public hearing. He did not see what would be gained. All the Councilors had visited the sites, had heard the public speak about specific concerns and he could not imagine any new information that would come to light. Presiding Officer Waker hoped the August 14 hearing could be confined to truly new testimony or indications for support for a new site.

Councilor Oleson said the sponsors of the main motion intended the hearing to be restricted to new testimony and for the Presiding Officer to be rigorous in controlling the meeting.

Eleanore Baxendale, General Counsel, said the Council could be provided with written testimony of previous hearings and the Council could declare its intent of reviewing that testimony by reading the written record prior to the August 14 meeting.

Councilor Kafoury said she had not attended the July 22 hearing for many of the reasons noted by Councilor Kelley. She said she had not nor would she now support the 209th/TV Highway site and would not support the motion for many of those reasons. She did not feel conciliatory about Washington County's late stage "invitation to dance" and commented the problem was they were dancing all over the floor and it was difficult to keep up with them. In summary, the Councilor said she would rather not have a site than the wrong site and the 209th/TV Highway site was the wrong site. She preferred pursuing other means of dealing with Washington County's garbage than to chase phantom sites, land use plan amendments, and go through endless public hearings.

Vote on the Main Motion: The vote resulted in:

Ayes: Collier, Cooper, DeJardin, Hansen, Kirkpatrick, Oleson, Van Bergen and Waker

Nays: Councilors Frewing, Gardner, Kafoury and Kelley

The motion carried.

EXECUTIVE SESSION

The meeting was called into executive session at 6:10 p.m. under the authority of ORS 192.660(1)(h) to discuss litigation matters with counsel. All 12 Councilors were present at the session. The Presiding Officer called the meeting back into regular session at 6:35 p.m.

ALASKA TUNDRA LITIGATION

Motion: Councilor Frewing moved to direct Metro's legal representative to negotiate a settlement as discussed in executive session. Councilor Kafoury seconded the motion.

Vote: A vote on the motion resulted in: