

MEETING OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

April 10, 1986

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

Councilors Absent: Councilors Cooper and Myers

Also Present: Rick Gustafson, Executive Officer

Staff Present: Don Carlson, Eleanore Baxendale, Dan Durig,  
Doug Drennen, Randi Wexler, Dennis  
Mulvihill, Norm Wietting, Vickie Rocker,  
Peg Henwood, Janet Schaeffer, Cathy Thomas,  
Phillip Fell and Ray Barker

Presiding Officer Waker called the meeting to order at 5:30 p.m. The Presiding Officer noted for the record that Councilor Cooper was in Europe and Councilor Myers was in Washington, D.C. He also noted Councilor Myers had disqualified himself from considering Agenda Item No. 7 due to his law firm's relationship with the owner of the two proposed transfer station sites.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

At the request of Executive Officer Gustafson, Presiding Officer Waker announced the Executive Officer would present his report after consideration of Item No. 7.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. APPROVAL OF MINUTES

Motion: Councilor Kirkpatrick moved the minutes of March 13, 1986 be approved. Councilor DeJardin seconded the motion.

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 interim 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 realigned although the location of the realignment had not been confirmed. She said Washington County Planning staff thought access to the site could be gained from realigned 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 testifiers 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.

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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

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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, Rafoury, 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.

Teresa DeLorenzo, Chairperson, Solid Waste Policy Advisory Committee (SWPAC), addressed the Council regarding amendments to the Ordinance recommended by SWPAC. Staff distributed a document outlining the proposed amendments which she reviewed (additions to the original version are underlined and deletions are in brackets):

- \* Promotion and education program. Amend the Framework Plan, page 5, second paragraph of "G. Public Education", to read: "In order to have public support for any particular solution, it will be essential for Metro and local and state agencies to sponsor a coordinated, broad based public education program which maximizes impact of promotion and education resources and avoids unnecessary duplication of materials."
- \* Salvageable Building Materials and Items. Amend the Framework Plan, page 7, following the paragraph relating to Salvageable Building Materials and Items, add the following language: "The RIC will expand and promote the use of a salvageable material data base and hot line to encourage the reclaiming and reuse of salvageable materials before they are discarded as waste."
- \* Waste Exchange. No amendments proposed.
- \* Technical Assistance. No amendments proposed.
- \* Recycling Information Center. Amend the Framework Plan, page 8, following the sentence concerning Recycling Information Center Enhancement, add the following language: "Appropriate functions related to waste exchange and salvageable material data base and hot line will be expanded."
- \* Certification Program. No amendments proposed.
- \* Yard Debris. Amend the Work Plan, page 18, Task No. 9, to read: "Metro will collect, process and/or divert (using rate incentives, promotions, education and a ban if necessary) all source separated yard debris from Metro disposal facilities as processing and marketing capacity is available."
- \* Plastics Reduction. No amendments proposed.
- \* Packaging Reduction. No amendments proposed.

A discussion followed on the proposed yard debris program and whether sufficient markets would exist for yard debris byproducts by the schedule proposed. Councilor Hansen encouraged staff to proceed with processing yard debris as soon as possible. Councilor Van Bergen, however, was concerned that processed material would be



stockpiled at disposal centers because no markets would exist. Councilor Waker encouraged special incentives to promote markets for the material. Mr. Mulvilhill said staff would soon bring a marketing plan to the Council for review.

Councilor Kafoury said she supported an aggressive campaign for plastics reduction but questioned whether anything could be done without a strong commitment from the state Legislature. Ms. DeLorenzo encouraged Metro to keep working for plastics reduction legislation and offered SWPAC's assistance in those efforts.

Estle Harlan, representing the Oregon Sanitary Service Institute (OSSSI), distributed copies of her testimony to the Council. She emphasized Metro had no collection authority and that the proposed Certification Program would involve Metro in waste collection. She cited specific legislation and court cases to document this point. Regarding the proposed yard debris program, she said for Metro to charge a fee for debris which would be sold for final landfill cover constituted "double dipping." She also urged the District to look at alternative technology concurrently with all other methods of waste reduction and to move up the timeline on seeking RFP's for alternative technology so that maximum waste reduction could occur.

Ms. Baxendale addressed Ms. Harlan's earlier statement regarding the extent of Metro's authority as it related to collection. Referencing a memo to the Council describing Metro's legal authority for conducting the type of program described in the Waste Reduction Program, she explained Metro's authority did not rest on its ability to perform or franchise collection services. Rather, it was based on authority included in local government franchising ordinances which allowed Metro to franchise if it were consistent with solid waste management and waste reduction programs. She said franchising had always been subject to Metro's authority to create programs to reduce waste and to follow the state's priorities. Certification Program incentives might fall under the category of user fees, she explained. She said it was clear that Senate Bill 662 did intend to use rate structures to reduce the amount of waste going to landfills. Therefore, regardless of how user fees were interpreted, there was no additional authority on which Metro was relying.

Councilor Kelley said she had been concerned about the authority issue when the Solid Waste Task Force met to draft the Waste Reduction Program. Also she was not uncomfortable with the Program as written, she proposed the Council discuss the matter further. Councilor Hansen suggested staff obtain an opinion from the Attorney General on the extent of Metro's authority. Ms. Baxendale explained she had already checked with the Attorney General on related matters but advised developing a final program plan before asking for an

opinion. She also cautioned that such an opinion was not legally binding.

Mike Burton, 6937 North Fisk, Portland, State Representative, congratulated the Council for its progress to date. Regarding the earlier discussion about Metro's authority to establish rate incentives, he said the intent of Senate Bill 662, Section 8(a), specifically identified rate incentives as a tool to be used by the District to reduce the amount of waste landfilled. He also offered to assist Metro in seeking an Attorney General's opinion on the Certification program. Representative Burton then discussed the factors the Council should take into consideration when determining the role of alternative technology in the Waste Reduction Program. The cost of such technology would be considered along with environmental advantages, he said.

Councilor Frewing asked if Representative Burton had any insight on what opinions other legislators might have regarding the premium that should be paid for alternative technology. Representative Burton noted Oregon was a rural state and little attention had yet been paid to waste disposal. However, he said, the Council's discussion of the matter would send signals to the Legislature that waste disposal was a problem that needed attention. He said Marion County had already sent those signals by building an innovative plant for waste disposal. He explained the final decision about alternative technology must be made by Metro and the EQC, not the Legislature.

Councilor Frewing asked if the Legislature had identified a specific dollar ceiling they thought appropriate for waste reduction by means of alternative technology. Representative Burton said he could not speak for other legislators and hesitated to quote a definite figure. He explained the decision was Metro's to make and that legislatures would either approve or not approve the final plan. He did say, however, he would place a large premium on alternative technology and would reserve landfilling as the last option for waste disposal.

Motion: Councilor Frewing moved to amend Ordinance No. 86-199, Exhibit B, the Framework Plan of the Waste Reduction Program, page 4, to add an item to read: "e. Incorporation in appropriate waste stream measurements of at least an initial survey of the type and amounts of small quantity and household hazardous wastes in the waste stream entering the landfill and alternate technology facilities." Councilor DeJardin seconded the motion.

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Councilor Gardner said he was concerned that formal acknowledgment of the acceptance of hazardous waste would create a liability problem although he agreed to support the amendment.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Cooper, Myers and Oleson

The motion carried and the Ordinance was amended.

A discussion followed about whether to adopt the amendments proposed by SWPAC. Staff agreed to prepare the amendments and incorporate them into the Ordinance and attachments so Councilors could examine the amendments in context. It was agreed the amendments would be prepared in time for the April 16 Council work session and considered at the April 22 Council meeting. The amendments would include annotations regarding staff's position on the proposed amendments.

Presiding Officer Waker continued the second reading and public hearing of Ordinance No. 86-199 to April 22, 1986.

There being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,



A. Marie Nelson  
Clerk of the Council

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