

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. 86-671, 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
Page 2

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-

Metro Council
August 14, 1986
Page 3

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)

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. Larrence 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.

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.

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-

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.

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

Metro Council
August 14, 1986
Page 9

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 existence 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.

Metro Council
August 14, 1986
Page 10

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 it 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

Metro Council
August 14, 1986
Page 11

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

Metro Council
August 14, 1986
Page 12

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 neighbors 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

Metro Council
August 14, 1986
Page 13

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

Metro Council
August 14, 1986
Page 14

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;

- 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."

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 scenario several years ago regarding

Metro Council
August 14, 1986
Page 17

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 reported 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

Metro Council
August 14, 1986
Page 18

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

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.

3. COUNCILOR COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Year-End Report. Executive Officer Gustafson summarized information contained in the document entitled "1985-86 Program Progress Report." Zoo attendance, he reported, was 40,000 more than projected. Solid waste volumes exceeded projections all twelve months. He explained actions taken to reverse that trend. Disadvantaged Business Program goals were met for both minority and female business enterprises. The agency exceeded meeting affirmative action goals for hiring minorities and nearly met the goal for hiring females. Both areas had improved over the previous year, he explained. Finally, the Executive Officer discussed major project accomplishments over the last year as reported in detail in the Program Progress Document.

Washington Park Zoo. The Golden Monkey Exhibit closed with a successful ceremony. The Executive Officer was hopeful that negotiations with the Chinese for giant pandas would also be successful. The Council had received an award from the Chinese delegation for allocating funds to back the Golden Monkey Exhibit, he reported, and a framed photograph of the monkeys would be placed in the Councilors' assembly room.

Convention, Trade and Spectator (CTS) Facility. The ballot title for the November 4 general obligation bond measure election was submitted to the Secretary of State for inclusion in the Voter's Pamphlet. The title was not challenged. Portland architect Dennis McClure was contracted to develop concept renderings of the facility and that project would be completed September 1. Nine proposals were received in response to the RFP for construction management services and interviews were scheduled for August 27. Finally, Harriett Sherburne, Vice President of Development for Cornerstone Columbia Development Company, was appointed to the Design and Construction Advisory Committee.

5. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

7. CONSENT AGENDA

Motion: Councilor Kirkpatrick moved to approved the Consent Agenda and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Cooper, Kelley and Oleson

The motion carried, the following minutes and contracts were approved, and the following order was adopted:

- 7.1 Council meeting minutes of May 15, June 26, July 10 and July 22, 1986
- 7.2 Contract with Lindsay, Hart, Neil & Weigler for General Bond Counsel; and Contract with Stoel, Rives, Boley, Fraser & Wyse for Resource Recovery Bond Counsel
- 7.3 Order No. 86-11, for the Purpose of Correcting the Regional Waste Treatment Management Plan

NOTE: After discussion of Ordinance No. 86-206, a matter related to Order No. 86-11, Councilor Hansen requested the option be retained of reconsidering the Order at the August 28, 1986, Council meeting.

8. ORDERS AND ORDINANCES

Jill Hinckley, Land Use Coordinator, requested Item No. 8.2 be considered before Item No. 8.1 because the petitioner's representative was not yet present at the meeting.

8.2 Consideration of Ordinance No. 86-206, for the Purpose of Amending Metro Code Chapter 3.02, Amending the Regional Waste Treatment Management Plan, and Submitting the Plan for Recertification (First Reading and Public Hearing)

The Clerk read the Ordinance by title only.

Neil McFarlane, Public Facilities Analyst, presented staff's report. He explained the Ordinance provided for updates and "house cleaning" amendments to the Regional Waste Treatment Management Plan, or the "208" Plan, which was originally adopted in 1979. The revisions contained in the proposed Ordinance would allow the Plan to be consistent with revised state and federal requirements. One

Metro Council
August 14, 1986
Page 22

amendment added resource documents to the mid-Multnomah County area but no major amendments had been proposed for that area, he reported.

Motion: Councilor Frewing, seconded by Councilor Kirkpatrick, moved the Ordinance be adopted.

Presiding Officer Waker opened the public hearing on the Ordinance.

W. Ray Dean, Vice President, Rosewood Action Group, 18951 S.W. Indian Springs Circle, Lake Oswego. Mr. Dean reviewed his interest in the 208 Plan and criticized actions taken by the city of Lake Oswego in the absence of clear, concise staff work. He explained an annexation was proposed by a minority of people in his neighborhood to finance the addition of sewer mains. Those mains, he said, would make impossible for some 37.5 acres of undeveloped land to be provided services for which others had paid.

Mr. Dean said the Council was being asked to decide which sewerage district would serve the public's needs. His neighborhood had been subject to several changes in sewer districts and those changes had been brought about by arbitrary decisions or scrivnor's errors, he explained. He thought the need for a sewer district had not been clearly demonstrated and he urged the Council not to take any action until all facts were presented in an orderly manner.

In response to the Presiding Officer's questions, Mr. McFarlane explained Mr. Dean's comments were related to Order No. 86-11 which had just been adopted as part of the Consent Agenda. The maps attached to that staff report (Attachments B and C) depicted the proper sewer districts, he said. He further explained that sewer district boundaries were formalized as part of the 1984 amendments to the Waste Treatment Management Plan. Before that time, the area was included in the Tryon Creek service area and was not included in the USA District. Staff had received a letter from the USA District declaring their disinterest in serving that area. A similar letter had been received from the city of Tualatin. Therefore, the city of Lake Oswego was the only jurisdiction capable of and interested in providing sewer service to the area.

Mr. McFarlane explained the USA designation was made in 1984 because Clackamas County, in planning for another area of Lake Oswego, had an agreement that USA would serve all areas the City could not serve. That agreement was interpreted to cover the unincorporated areas including the area in question. USA, however, did not agree with this intent.

Finally, Mr. McFarlane said some remedies could be made at a regional level but they would not address the problems discussed by

Mr. Dean. Metro could designate a study area for collection systems but the "208" Plan required such studies only when more than one jurisdiction offered to provide services to a given area. In this case, he explained, only one jurisdiction had offered to provide services. He also explained the city of Lake Oswego was updating their sewage treatment master plan and were committed to determining which areas would be best served by various means of sewage treatment. That update would satisfy one of Mr. Dean's concerns, he said.

Responding to Councilor Collier's question, Mr. McFarlane suggested Mr. Dean work with the city of Lake Oswego in the update of the City's sewage master plan process. The City was the appropriate agency to address Mr. Dean's problems, he said. Mr. Dean explained that to suggest he go to the source of his problem to resolve the problem bordered on the ludicrous. His group had clearly demonstrated -- because the City had refused to poll citizen attitudes -- of the 136 families in the area, 106 were strongly against the actions proposed by the city of Lake Oswego. The City's record would demonstrate that time after time the City had unanimously voted to ignore testimony and recommendations of citizens, he said. He requested the Council defer their decision until the city of Lake Oswego presented factual information to support their position. He said adoption of Order No. 86-11 was required in order for local jurisdictions to receive federal financial assistance.

A discussion followed regarding how the Council might assist Mr. Dean. Eleanore Baxendale, General Council, again explained what Mr. McFarlane had said: the Council was very limited in what it could do.

Sherry Patterson, President, Rosewood Action Group, 18926 S.W. Arrowood, Lake Oswego. Ms. Patterson presented a map which showed the boundaries of the neighborhood group, the city of Rivergrove, and the unincorporated area in question known as the Indian Creek/Indian Springs area where the map amendment was proposed. She explained in January and February of 1985 the city of Lake Oswego proposed a text and map amendment to their sewer plan. Litigation was pending regarding that case, she explained, and she requested the Council not take action on matters related to the 208 plan until the matter with the City was settled.

Ms. Patterson described in detail her frustration in dealing with the City and Metro due to lack of notification about public meetings. She indicated she had informed the Metro Council Clerk she wanted to speak on Order No. 86-11 before it was adopted and her request had been overlooked. She said she had requested specific information be included in the Council's agenda packet which was not included. Ms. Patterson then requested written notices be provided

Metro Council
August 14, 1986
Page 24

to all concerned citizens in her area about the Water Resources Policy Alternatives Committee (WRPAC) meetings and that written testimony she would submit be entered into the record for this meeting.

Councilor Hansen requested the Council retain the option to reconsider Agenda Item No. 7.3, Order No. 86-11, for the Purpose of Correcting the Regional Waste Treatment Management Plan, at the August 28, 1986, Council meeting.

Ms. Baxendale advised the requested corrections to the Waste Treatment Management Plan were mechanical in nature and to Ms. Patterson's concerns could be resolved by issuing a study on the area in question to determine how it would best be served.

Ms. Patterson explained she was requesting the Council separate the area in question from the 208 Plan.

Connie Emmons, 5101 S.W. Dawn, Lake Oswego, testified she agreed with the testimony of Ms. Patterson and Mr. Dean.

Jim Coleman, City of Lake Oswego Counsel, testified the Rosewood Action Group was frustrated because they were not familiar with the City's process and timelines. He said the Group had a fair chance to address the City Council. Mr. Coleman said the case had brought out a lot of incorrect statements. For example, he said, GI Joe's and the immediate area was not served by the city of Tualatin and USA. The area was served by the city of Tualatin by contract with the city of Lake Oswego. He also said there was no litigation on the case with LUBA as previously stated. Mr. Coleman requested the Council follow the advice of its counsel and correct the technical error to the Plan by adopting Order No. 86-11. He asked the Council not to initiate a study area because that kind of action could upset other plans. He said the city would soon fund a sewer study for the entire area and the problem would then be addressed. Finally, he said Ms. Patterson had been treated fairly and courteously by city staff and that Mr. Dean had overstated a lot of facts before the Metro Council.

In response to Councilor Kafoury's question, Mr. Coleman said the basis of the Rosewood Action Group's initial concern was that they did not want to be included in the sewer district or to be annexed to the City. They now realized they would have to become part of some sewer district but could not accept the city of Lake Oswego as the natural provider of that service. Mr. Coleman acknowledged sewers an extremely emotional and costly issue, but the City, not Metro, was the logical place for citizens to address their problems.

Metro Council
August 14, 1986
Page 25

Mr. Dean took exception to Mr. Cole's statement that he had overstated several issues before the Metro Council.

Ms. Baxendale reminded the Council if they wished to reconsider Order No. 86-11, they had to give notice at this meeting of that intent.

After discussion on Councilor Kirkpatrick's suggestion that Metro direct the city of Lake Oswego to perform a study on the area, it was agreed staff would return to the August 28 meeting with a resolution for Council consideration which would address the need for the city of Lake Oswego to conduct a study of service requirements on the specific service area of concern. As noted earlier, Councilor Hansen requested the Council reserve the right to reconsider Order No. 86-11 at the August 28 meeting.

Presiding Officer Waker closed the public hearing and announced the second reading of the Ordinance No. 86-206 would occur August 28.

8.1 Consideration of Order No. 86-10, in the Matter of Contested Case No. 84-3, a Petition for an Urban Growth Boundary Locational Adjustment by Larry Burright, et al

Jill Hinckley, Land Use Coordinator, presented staff's report on the 39-acre petition for an Urban Growth Boundary (UGB) adjustment in Clackamas County. The petition was made in part to grant permission to install urban services to a mobile home park on the northern portion of the property. Seventeen acres on the south portion of the property were currently vacant. Andrew Jordan, the hearings officer, recommended the petition be denied. Reasons for denial included the petitioner had not adequately explained why the undeveloped property was included in the petition. The petitioner filed exceptions to the hearings officer's report which were presented to the Council at the July 24, 1986, Council meeting. At that meeting, the Council instructed Mr. Jordan to return with a written response to those exceptions.

Ms. Hinckley recommended the Council adopt the hearings officer's recommendations and an amendment regarding whether the UGB adjustment would facilitate needed development to adjacent urban land. She said Mr. Jordan had interpreted that standard to mean there would have to be a present need for a particular use on the adjacent land in order to have a positive finding. Staff's position, however, was the Council should examine the boundary from a 20-year perspective. If, at any time during that 20-year period approving the petition would make it easier for adjacent property to be developed, it would constitute a positive finding. In that one regard a small, positive benefit existed with the petition not

Metro Council
August 14, 1986
Page 26

recognized by the hearings officer, she explained. Ms. Hinckley further explained the language for staff's proposed amendment was rather lengthy in order to provide clarification for future cases. The Order, she said, had been written to incorporate staff's proposed amendments.

Ms. Hinckley recommended the Council first hear from the petitioner, followed by a party wishing to speak in opposition to the petition, and then the hearings officer would summarize the issues.

Paul Nelson, an attorney representing the petitioners, explained his client's position was that the area in question was a highly developed urban enclave and was, for unknown reasons, excluded from the initial UGB. Several residences and a mobile home were on the property and severe sewage problems existed. Mr. Nelson reviewed the reasons why the boundary should be changed: the city of Portland boundary abutted the property on one side; the petitioners would be willing to exclude one vacant lot from the petition request which could mitigate a major objection raised by the hearings officer; and the petitioner saw no positive or negative benefit in addressing certain standards such as school and drainage. The petitioners main thrust was that the property was already highly developed, many people already resided on the property, the sewers were inadequate, and that a UGB petition was the first step to remedy those problems. Mr. Nelson noted the hearings officer had suggested other remedies but the petitioner thought a UGB petition the most fundamental way to resolve those problems.

In response to Councilor Kafoury's question, Mr. Nelson said the petitioner had included all the vacant land in his request because when purchased, the land package was considered one unit. Subsequently, it became two tax lots. He again said the petition was prepared to drop the undeveloped property from the petition because granting sewers to the developed property was the most important issue. Councilor Kafoury explained the greater the petition, the greater the burden of proof on the petitioner and the hearings officer did not think the petitioner had met that test.

John Reeves, Superintendent of the Mount Scott Water District, the district serving the mobile home park area. He explained the Mount Scott Water District was not prepared to release property it now served because the District currently provided services to other homes as well as individual residences within the mobile home park. The District would lose the property if it were incorporated into the UGB, a loss they could not afford. Mr. Reeves noted the petitioner had stated in the record the property was divided into two lots at the request of the Mount Scott Water District. The District had no record of such a request, he said.

Andrew Jordan, hearings officer, presented his report. He explained at the previous Council meeting he had presented his oral response to the petitioner's exceptions and would not review that material again unless the Council had specific questions. He said the issue raised earlier by Ms. Hinckley had to do with the urban development standard and whether it applied to needed development versus long-range development. His decision, he said, was based on the LUBA case which held that if the intent of that standard applied as long as the property was already within the UGB, then the word "needed" in the standard was superfluous. Ms. Hinckley, he explained, had presented evidence based on what he perceived to be a weak legislative history. He found no evidence the Council's previous decision, in reviewing that history, was as Ms. Hinckley had interpreted it. Mr. Jordan emphasized the standard referred to present need and if it did not, that standard had no strength.

Main Motion: Councilor Kirkpatrick, seconded by Councilor DeJardin, moved to adopt the Order which would include staff's amendments.

A discussion followed about whether the Council should include staff's proposed amendments in the Order.

Motion to Amend: Councilor Frewing moved to amend the Order by deleting Exhibit E, staff's amendments, and any reference to staff's amendments included in the Order. Councilor Kafoury seconded the motion.

Vote on Motion to Amend: The vote resulted in:

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

Nay: Councilor Waker

Absent: Councilors Cooper, Kelley and Oleson

The motion carried.

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

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

Absent: Councilors Cooper, Kelley and Oleson

The motion carried and Order No. 86-10 was adopted as amended.

9. RESOLUTIONS

9.1 Consideration of Resolution No. 86-672, for the Purpose of Adopting Criteria for Determining the Amount of Corporate Surety Bonds for Solid Waste Processing Centers and Transfer Stations Franchised by Metro and Repealing Resolution No. 81-271

Rich McConaghy, Solid Waste Analyst, briefly reported this matter was being introduced for consideration at the Council's request. The Resolution would clarify bonding procedures for the solid waste facilities named in the Resolution's title, he said.

Motion: Councilor Van Bergen moved to adopt the Resolution and Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Cooper, Kafoury, Kelley, Oleson and Waker

The motion carried and the Resolution was adopted.

9.2 Consideration of Resolution No. 86-673, for the Purpose of Granting a Waste Processing Franchise to the East County Recycling Company and Granting Variances to the Collection of Metro Fees and the Regulation of Disposal Rates

Rich McConaghy briefly reviewed the staff report printed in the agenda materials and presented slides illustrating the East County Recycling operation.

A discussion followed regarding the type of waste the facility would receive. Mr. McConaghy explained East County Recycling would receive high and low grades of mixed waste from primarily public disposers, but not food waste.

Ralph Gilbert of East County Recycling thanked staff for their assistance and urged the Council to adopt the Resolution.

Responding to Councilor Frewing's question, Mr. McConaghy explained the Department of Environmental Quality and the City of Portland would have to approve the facility before the Metro franchise was effective.

Motion: Councilor Van Bergen, seconded by Councilor Kirkpatrick, moved to adopt Resolution No. 86-673.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Cooper, Kafoury, Kelley, Oleson and Waker

The motion carried and the Resolution was adopted.

9.3 Consideration of Resolution No. 86-674, for the Purpose of
Granting a Variance to Authorize Commercial Collection
Companies to Dispose at the Forest Grove Transfer Station,
Amending and Renewing the Franchise Agreement, and Establishing
Transfer Rates for the Forest Grove Transfer Station

Mr. McConaghy reviewed information contained in the staff report, including the rationale for the variance request, and presented a series of slides illustrating the Forest Grove Transfer Station Operation.

Dan Saltzman, representing Ambrose Calcagno, the owner of the Forest Grove Transfer Station, indicated the working relationship with Metro staff had been productive. He requested the following changes be made to the Resolution: 1) the maximum allowable waste received be changed from 200 tons per day to 250 tons per day; and 2) the advance notice required to haulers in the event of a rate increase be changed from 60 days to 30 days. Regarding the first change, Mr. Saltzman said the transfer station could soon be in violation of the franchise agreement because population forecasts projected much greater volumes would be generated.

A discussion followed regarding the requested changes. Mr. McConaghy said staff's volume and density projections had been carefully calculated and he did not recommend volume limits be amended. He also thought 60 days notice to haulers was reasonable since haulers, in turn, had to notify customers of rate changes.

Councilor Kafoury asked why the Solid Waste Rate Review Committee (RRC) had recommended a 30 day notice period and staff had recommended 60 days. George Hubbel, RRC Chair, explained the Committee believed 30 days would allow for sufficient notification and would also allow the franchisee the flexibility needed to respond quickly to market conditions.

Main Motion: Councilor Van Bergen moved Resolution No. 86-674 be adopted and Councilor Gardner seconded the motion.

Executive Officer Gustafson discussed the importance of adopting the Resolution and establishing the Forest Grove Transfer Station as a satellite facility integral to Metro's Solid Waste Management Plan. Facility owners had worked hard to cooperate with Metro, he said, and they deserved the Council's support. The Executive Officer also explained statements made by Ezra Koch at previous public hearings about the facility were untrue.

Motion to Amend: Councilor Kafoury moved to amend Attachment B of the Resolution to provide for 30 days notice to haulers of rate increases. Councilor Kirkpatrick seconded the motion.

Vote on Motion to Amend: The vote resulted in:

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

Absent: Councilors Cooper, Kelley and Oleson

The motion carried and the Resolution was amended.

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

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

Absent: Councilors Cooper, Kelley and Oleson

The motion carried and the Resolution was adopted as amended.

Rod Adams, the franchisee's attorney, said he had worked for two and one-half years to accomplish what the Council had just adopted. He regretted the paranoid nature of human beings and the competition created by Metro's transfer station siting process.

The Executive Officer, addressing Mr. Adams' concerns, explained he was very anxious to see the Forest Grove Transfer Station succeed.

9.4 Consideration of Resolution No. 86-675, for the Purpose of Creating a New Position (Public Affairs Analyst 2) and Amending the Budget

Vickie Rocker, Public Affairs Director, explained the previous Public Affairs Analyst 2 had been transferred to the Convention, Trade and Spectator Facility (CTS) project. This request, she said, would replace that transferred position.

Metro Council
August 14, 1986
Page 31

Responding to Presiding Officer Waker's question, Ms. Rocker explained the position transferred to the CTS Department was funded by the CTS budget. If the November General Obligation Bond measure were defeated, the position would cease to be funded.

Motion: Councilor DeJardin moved to adopt the Resolution and Councilor Hansen seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Collier, DeJardin, Frewing, Gardner, Hansen, Kirkpatrick, Van Bergen and Waker

Absent: Councilors Cooper, Rafoury, Kelley and Oleson

The motion carried and the Resolution was adopted.

10. OTHER BUSINESS

10.1 Consideration of Solid Waste Rate Incentive Policies

Doug Drennen, Engineering/Analysis Manager, and Steve Rapp, Solid Waste Analyst, explained the Council was being asked to endorse the rate options as defined in the staff report. Based on that endorsement, staff would begin drafting the 1987 rate ordinance. Staff then reviewed the rate options contained in the staff report.

Richard Cheek, President, St. Vincent DePaul, testified he was pleased staff had approached the thrift store industry regarding processing center rate incentives. He acknowledged that it cost money to pick up recyclables and to landfill unuseable items. All parties would benefit from the arrangement, he said.

Councilors discussed the problem of some people using thrift store drop-off boxes to dispose of garbage. Some Councilors perceived the problem would get much worse when disposal fees increased as a result of alternative technology.

Councilor Van Bergen questioned whether a rate break arrangement with St. Vincent de Paul would violate separation of church and state laws. Mr. Cheek explained his organization was not part of the archdioceses.

Teresa DeLorenzo, Chair, Metro's Solid Waste Policy Advisory Committee (SWPAC), distributed a memo to Councilors dated August 8, 1986, outlining SWPAC's recommendations on rate incentive policies:

Certification: SWPAC recommended Alternative II, Implementation Through Directive Authority, as a means of encouraging compliance with certification standards. A differential tip fee would not be fair to haulers at this time.

Materials Processing Rate Incentives: SWPAC agreed a rate differential was needed between processing centers and the regular disposal system and that the differential be established on a case-by-case basis. SWPAC strongly encouraged Metro to work with private processing centers to ensure their success.

Private Not-For-Profit Reuse Operations Rate Incentives: SWPAC recommended the status quo be maintained. While SWPAC applauded the activities of those organizations, the Committee had concerns about reducing tipping fees.

Yard Debris Incentive: SWPAC supported staff's recommendations.

Estle Harlan, representing the Oregon Sanitary Service Institute (OSSI), read a written statement, dated August 14, 1986, regarding OSSI's position on proposed rate incentive policies. She explained strong opposition to proposed certification program rate incentive policies had been raised by the industry for the following reasons: 1) rate differentials were not needed because a high rate of recycling was mandated by collection franchises by local governments; 2) the City of Portland's recent decision to hire private contractors to collect recyclables, modeled after the unsuccessful Minneapolis program, would impose a rate penalty on collectors within contractors' areas and there would be no way for collectors to remedy a poor performance by the recycling contractor in order to be relieved of the rate differential. Ms. Harlan testified Metro's staff had recognized the above inequity by developing Alternative II, Implementation Through Directive Authority. Ms. Harlan said she had no major objection to the other categories of rate incentives proposed under the Waste Reduction Program.

After discussion of the rate incentive policies, the Council generally endorsed the policies as recommended by staff and encouraged development of the solid waste reduction certification program before the final rate ordinance was developed.

Consideration of Resolution No. 86-678, for the Purpose of Authorizing the Negotiated Acquisition or Commencement of Condemnation of the 209th and Tualatin Valley Highway Site for the Purpose of Constructing the West Transfer and Recycling Center

Executive Officer Gustafson explained because Resolution No. 86-671 was adopted earlier in the evening, adoption of this resolution would be necessary to secure the site.

Metro Council
August 14, 1986
Page 33

Motion: Councilor DeJardin moved the Resolution be adopted and Councilor Gardner seconded the motion.

Councilor Frewing asked if Metro's rules and procedures allowed Resolutions to be introduced and adopted at the same meeting. Ms. Baxendale said the rules and procedures allowed such action.

Vote: A vote on the motion resulted in:

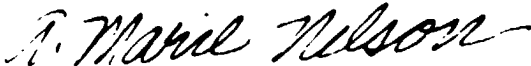
Ayes: Councilors Collier, DeJardin, Frewing, Gardner, Hansen, Kirkpatrick and Van Bergen and Waker

Absent: Councilors Cooper, Kafoury, Kelley and Oleson

The motion carried and the Resolution was adopted.

There being no further business, the meeting was adjourned at 11:20 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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