CONVENE:

10:03 a.m.

BOARD OF COMMISSIONERS:

Vice Chair Roy Rogers
Commissioner Dick Schouten
Commissioner John Leeper
Commissioner Andy Duyck (Joined Meeting at 10:12 a.m.)

Chairman Tom Brian was engaged elsewhere on this date.

STAFF:

Charles D. Cameron, County Administrator
Dan Olsen, County Counsel
Kathy Lehtola, Director, LUT
Kathy Busse, Assistant Director, LUT
Brent Curtis, Planning Division Manager, LUT
Gregg Leion, Senior Planner, LUT
Bill Gaffi, General Manager, CWS
Patt Opdyke, CPO Coordinator
Jeff Friend, AudioVisual Specialist
Barbara Hejtmanek, Recording Secretary

PRESS:

Laura Gunderson, The Oregonian
Doug Browning, Hillsboro Argus

APPROVAL OF MINUTES:

January 21, 2003

1. CONSENT AGENDA

Vice Chair Rogers announced a bid award for item c. to Northwest Earthmovers, Inc. in the amount of $1,870,079.95.
It was moved to adopt the Consent Agenda as modified.

Motion - Leeper
2nd - Schouten
Vote - 3-0
(Duyck absent at time of vote)

CLEAN WATER SERVICES

1.a.
CWS MO 03-15

Approve Agreement for Engineering Services with Murray, Smith & Associates, Inc. for the River Road Pump Station and Force Main Project (CPO 9) (Approved Under Consent Agenda)

1.b.
CWS MO 03-16

Approve a 36-Month Back-Up Contract with CIBA Specialty Chemicals for the Purchase of Dewatering Polymer (Approved Under Consent Agenda)

LAND USE AND TRANSPORTATION

1.c.
MO 03-37

Approve Bid Award, Execute Contract for Cornelius Pass Road/Highway 26 to Rock Creek Boulevard Project (CPO 7, 8) (Approved Under Consent Agenda)

1.d.
MO 03-38

Approve Amendment for Engineering Services for Lower Boones Ferry Road Project (CPO 4M) (Approved Under Consent Agenda)

1.e.
RO 03-20

Approve Establishment of a County Road in Tigger Acres (CPO 6) (Approved Under Consent Agenda)

1.f.
RO 03-21

Approve Establishment of County Roads in Westgaard Meadows, Gertie's Place and Afton Court Subdivision (CPO 6) (Approved Under Consent Agenda)

2. ORAL COMMUNICATION (2 MINUTE OPPORTUNITY)

Dick Vanderzanden (no address given-did not sign in) submitted a copy of a letter addressed to Metro Councilor Susan McClain and signed by numerous people. (Letter may be found in the Meeting File.) He wished to talk about the Jackson School/Highway 26 interchange. Mr. Vanderzanden felt this topic needs to be addressed by the municipalities involved. He related that interested property owners recently met with the Highway Commission in Salem, which subsequently issued a directive for the
Highway Department to re-design the interchange. Mr. Vanderzanden said he learned yesterday that the Highway Department is not going re-design the interchange. He told the Board that there is a lot of opposition to the footprint of the interchange and to what it will do to neighboring farms/businesses and the neighborhood in general. Mr. Vanderzanden believed that the Jackson School crossing would move safety issues from the highway down the road a few miles. He asked the Board to consider the opposition to the proposed interchange. Mr. Vanderzanden maintained that the directive from the Highway Commission is not being followed by the Oregon Department of Transportation (ODOT). He urged the Board to obtain a copy of the tape for the January 15, 2003 meeting of the Highway Commission in order to hear his (and others') testimony. Mr. Vanderzanden stated that his group is not against the overpass but would like to provide input into the design of it. He hoped to find a design that everybody could live with.

Vice Chair Rogers informed Mr. Vanderzanden that item 6.a. on today's agenda has to do with Jackson School Road. He indicated that this is the Area Management Plan, which may be adopted today. In addition, Vice Chair Rogers commented that the Board has before it today a Resolution and Order, which expresses Board sentiments along the lines of Mr. Vanderzanden's testimony.

Before proceeding with the regular agenda, Vice Chair Rogers announced that items 4.a. and 5.a. (Approval of the Hillsboro Urban Service Agreement by both the County and Clean Water Services) are removed from today's agenda. He explained that this is due to the fact that additional work needs to be done on the agreement.

3. PUBLIC HEARING - LAND USE AND TRANSPORTATION

3.a.
RO 03-18

Consider the Annexation of Twenty-Eight Parcels Encompassing 38.97 Acres, Plus Right-of-Way, to the Tualatin Valley Water District (CPO 7)

Kathy Lehtola informed the Board that the properties involved in this annexation request are located north of Laidlaw at its intersection with 137th. She said that each parcel contains a single-family residence and added that a number of them have failing water wells—which is why they are requesting annexation.

Commissioner Schouten asked if the area will be inside what are now the proposed service lines for the Tualatin Hills Park and Recreation District. He noted that the Staff Report states that this territory is not currently located within the service boundaries.

Paul Schaefer stated his belief that, ultimately long-term, this will be located inside the service boundaries because it is on the east side of 185th (the Tualatin Hills Park and Recreation District area).

Commissioner Schouten wanted to know if staff was referring to annexation or to the service provider line.
Mr. Schaefer clarified that he referred to the service provider line.

Commissioner Schouten wondered if this is well north of the current proposed lines.

Mr. Schaefer believed this to be the case.

Kathy Lehtola observed that this annexation is only to the Water District. She offered to check into the nearness of the Tualatin Hills Park and Recreation District boundary to these parcels and to provide that information to Commissioner Schouten at a later time.

Commissioner Schouten remarked that it is not a question of annexation but rather whether this is inside or outside of the lines being drawn for services.

The public hearing was opened.

No public testimony was offered.

The public hearing was closed.

There was a motion to adopt a Resolution and Order approving the annexation of these parcels into the Tualatin Valley Water District.

Motion - Schouten
2nd - Leeper
Vote - 3-0
(Duyck away at time of vote)

At this point, Commissioner Duyck entered the auditorium and joined the rest of the Board on the dais.

4. CLEAN WATER SERVICES

4.a.
CWS MO 03-14

Approve Hillsboro Urban Service Agreement (CPO 9)

This item was removed from the agenda and was not continued to a date certain.

5. COUNTY ADMINISTRATIVE OFFICE

5.a.
MO 03-36

Approve Hillsboro Urban Services Agreement (CPO 6, 7, 9)


This item was removed from the agenda and was not continued to a date certain.

6. LAND USE AND TRANSPORTATION

6.a. RO 03-19

Declare Support for the Jackson School Road Interchange Area Management Plan (CPO 8)

Vice Chair Rogers clarified that this action is to be distinguished from the design features. He noted that this is simply a plan for articulation as to what is happening. Vice Chair Rogers acknowledged for the record receipt of a letter from a number of residents of the area, which was submitted by Mr. Vanderzanden earlier in the meeting. He reported that the writers of the letter agree that the overpass is necessary but express concern about the large footprint and operational difficulties for the farming community. Vice Chair Rogers went on to say that the letter speaks of safety issues and asks that less evasive, different footprints be considered with a modification of the plan. He summarized that the group is asking for additional input.

Vice Chair Rogers commented that the Board had a comprehensive discussion of this item during today's Worksession. He reported that the Board looked for a way to declare support for the Jackson School Interchange and to allow the opportunity for the Board to make further comments relative to its design features. Vice Chair Rogers read language into the record that the Board is adding to today's Resolution and Order:

"Resolved and ordered that the Board wishes to express its design concerns to the Oregon Department of Transportation and that staff will follow the design issues closely and provide frequent and appropriate briefings regarding the process of the interchange design to the Board, and it is further"

and

"It appearing to the Board that there are legitimate design concerns that may affect the farming community and property adjacent to the interchange and"

Brent Curtis said that staff was prepared to provide a short staff report and to answer any questions. He pointed out that representatives from the Oregon Department of Transportation are in the audience to address questions as well.

Gregg Leion stated that the Jackson School Road Interchange Plan is an Oregon Transportation Investment Act (OTIA) project. He reviewed that the Oregon Transportation Commission directed ODOT in January of 2002 to prepare an Interchange Area Management Plan to help protect the future function of this interchange and to protect the investment. Mr. Leion recalled that in the Fall of 2002, ODOT formed a Task Force to help direct preparation of the Interchange Area Management Plan. He said that Washington County, along with Hillsboro, North Plains, and METRO, participated in that process. Mr. Leion stated that throughout the Task Force process, Washington County and the other jurisdictions agreed to request that their Boards and Commissions adopt resolutions of support for the Interchange Area Management Plan. He indicated that, as the jurisdiction with land use authority, Washington County would take the additional step of introducing an ordinance to incorporate
the Interchange Area Management Plan into the County's Transportation Plan. Mr. Leion related that on January 15, 2003, the Oregon Transportation Commission held a hearing in Salem considering the adoption of the draft Interchange Area Management Plan which the Task Force helped to prepare. He reported that at that hearing, the Commission heard testimony relating to a number of design issues associated with the interchange. Mr. Leion said that while the OTC adopted the Interchange Area Management Plan, it also directed ODOT to continue to explore design alternatives to address the concerns expressed at the hearing. He noted that it is important to recognize that the expression of support for the Interchange Area Management Plan is separate and distinct from the interchange design. Mr. Leion informed the Board that ODOT has not finalized a design at this point in time and that ODOT-at the time of the OTC hearing-intended to solicit additional public involvement in the design process. He said that as it affects the County, the Interchange Area Management Plan is limited in scope to recognizing ODOT's access control, which it will be purchasing and which extends for a distance of 1,320 feet north and south of the interchange along Jackson School Road. Mr. Leion added that the plan also seeks to ensure that Washington County notifies and coordinates with ODOT any proposed capacity or functional classification changes to Jackson School Road.

Commissioner Schouten referenced a map on page 11 of the draft Interchange Area Management Plan. He wanted to know how far the cross-hatched area is from the interchange and if staff has an idea of how that area will be zoned.

Brent Curtis responded that the cross-hatched area is part of the consideration of the City of North Plains for the expansion of its Urban Growth Boundary. He summarized that it is therefore a North Plains planning matter-not a Washington County planning matter. Mr. Curtis estimated that this area is a couple of miles away from the interchange. He focused then on the North Plains planning process. Mr. Curtis said that Washington County follows that process but does not make those decisions. He indicated that North Plains has been under preparation for a good while and under periodic review for expanding its boundary. Mr. Curtis said that associated with the North Plains planning effort, the city went through an initial visioning process a few years ago. He mentioned that this work was supported by a TGM grant and, out of that, emerged a vision for the city calling for North Plains to become more efficient in terms of utilization of land uses. Mr. Curtis recalled that North Plains proposed building at greater densities than typically found in the old part of the city. He related that these densities would approximate the kinds of requirements that METRO would require if it was brought into the METRO Urban Growth Boundary. Mr. Curtis was not sure that North Plains has made final decisions about that but observed that the area referenced by Commissioner Schouten is closest to the proposed project being discussed today. He recollected that the primary intent of North Plains for the large expansion areas is oriented to residential uses, with a longer term vision of the commercial core of existing North Plains being intact. Mr. Curtis pointed out that this is not to say that there could not be some associated small scale commercial to serve those communities. He believed this report actually talks about the City of North Plains' efforts in regard to the possibility for finding an east/west connector road and the intent to ensure that Highway 26 does not become part of the circulation system that is most convenient for movement within the City of North Plains. Mr. Curtis clarified that his comments about the general intent of what North Plains is doing are not reflected in the plan because the city has not yet finalized those actions. He explained that North Plains has been under initial review by LCDC in regard to periodic review; however,
the city was sent back to do some additional work and the land use is, therefore, not finalized. Mr. Curtis' understanding was that it is sufficiently far along to predict residential at a higher density. He did not characterize this as highway-oriented, commercial uses that are directed to travelers on the highway. Mr. Curtis regarded this as the opposite, i.e., residential, a couple of miles away from the interchange.

Commissioner Duyck apologized for his tardiness in arriving at today's meeting. He related that he was on the telephone with Senator Bruce Starr talking about this very issue. Commissioner Duyck reported that while Senator Starr was not sure there would be a problem with a two week delay, he did not see a problem with approving the Jackson School Road Interchange Area Management Plan today.

Commissioner Duyck recognized that the issue of the management plan is separate from the design issues. In some ways, however, he regarded them as interrelated in that if the design is pulled in, it will have an effect upon the surrounding area. Commissioner Duyck expressed an interest in posing a question or two to the ODOT representative. He said that he has no problem with the management plan itself. However, Commissioner Duyck feared that at this stage, the management plan could become a lever to change design issues. He heard from Senator Starr's conversation with ODOT that the design is still in flux and could still be changed in some way. Commissioner Duyck wanted to know if that was ODOT's current understanding.

Leo Huff came forward and identified himself as Project Manager for the Interchange Area Management Plan. He commented that no design is finished until it has been stamped by the modern equivalent of the State Highway Engineer. Mr. Huff confirmed that ODOT does not yet have a design that has been finally approved. He pointed out, however, that a period of three weeks to go back and redesign something like this is almost no time at all. Mr. Huff said that he saw four or five different iterations this morning that would pull back the interchange somewhat and that some do reduce the amount of farmland that would be taken. He affirmed that ODOT is certainly looking at those alternate designs. Mr. Huff added that ODOT intends to go out to show those designs and have discussions about them. He related that ODOT has not come across a way to pull the accesses back to any significant degree to overcome the apparent problems that certain property owners have with the access. Mr. Huff used the example raised by Mr. Vanderzanden and explained that you would have to move the Sunset Highway to the north in order to get it far enough north to be north of the current nursery. He emphasized that there would have to be a great deal of movement to significantly change the actual location of the accesses. Mr. Huff reiterated that ODOT has looked at some changes in the designs and will discuss these with property owners and the general public.

When looking at a concept map, Commissioner Duyck envisioned the ramps on the overpass as being a long way from the highway. He was confused as to why these need to be that far from paralleling the Sunset Highway.

Mr. Huff responded that experience with many other interchange projects has resulted in this design. He pointed to such factors as the speed on the Sunset Highway, the speed at which traffic exits the highway, and the need for minimizing the congestion in the actual over-crossing area as contributing to modern design standards. Mr. Huff acknowledged that these can be moved back a little bit and that the design speed can be reduced a little bit. He divulged that all of the iterations he has seen do move from essentially a 55 mph speed down to a 45 mph speed, which makes it possible to move it in some tens of feet. However, Mr. Huff
explained that the closer you come to the urban type design, the more problems you are going to have and the less safe it becomes. He admitted that there is a range but offered the proposed as the optimum design from the engineer's point of view. Mr. Huff asked the Board to bear in mind that there is a point where safety becomes more of a consideration than can be overcome by the changes. He recognized that moving it back will reduce the farmland-take by a few acres, perhaps, but pointed out that it cannot be moved back far enough so that the access to the south can become north of the nursery.

Commissioner Duyck stressed that it would move back considerably closer to the nursery.

Commissioner Schouten felt frustrated by this matter. He wished there was a way that the engineers could talk with the residents and citizens earlier in the design stage. Commissioner Schouten believed that what is being discussed is really close to a final plan.

Mr. Huff interjected that the list of meetings which have been held with citizens does not count all of the phone conversations with property owners.

Commissioner Schouten asked why this farmland issue is manifesting itself now.

Mr. Huff maintained that a few people have brought this up all along.

Commissioner Schouten stated his belief that one of the people bringing this up is one of the property owners, i.e., Mr. Vanderzanden.

Mr. Huff admitted that this is true and informed the Board that ODOT has spoken to this individual numerous times.

Commissioner Schouten wanted to know the nature of those earlier conversations.

Mr. Huff asked for clarification of the question.

Commissioner Schouten asked if there were any other design possibilities besides the proposed one. He wanted to know if the property owners were told that the design might be able to move a few feet but must basically stay as proposed.

Mr. Huff denied that this was the case. He remarked that Mr. Vanderzanden's access, for example, has had several iterations. Mr. Huff guessed that the earlier ones were apparently less satisfactory than the current proposal.

Commissioner Schouten was trying to read Mr. Vanderzanden's body language at this point and he did not receive a positive affirmation of Mr. Huff's latest statements.

Commissioner Duyck believed that some of the issue here (and recognized the County is guilty of this also) is that Open Houses are held to solicit feedback from the public. He pointed out that the feedback received is in the form of comments, rather than dialogue. Commissioner Duyck felt that this is often where the breakdown in communication occurs, namely, that there is no real dialogue with individuals who are most impacted by a decision.

Commissioner Schouten said that what needs to be understood is that there is a bleeding of design, policy and land use issues here. He stated that with his law background, he appreciates the distinctions of substantive issues, process, and analytical thinking. Commissioner Schouten regarded this case as an example where design does have some policy and land use implications, as well as raising issues about the future efficacy of farming
activities in that immediate area. He was frustrated to hear that the design is *fait accompli*.

Vice Chair Rogers sensed the discussion was turning to issues of philosophy. He appreciated that Mr. Huff was kind enough to come to the meeting today and listen to those.

Commissioner Duyck proposed a two week delay for this issue because he did not see an immediacy to approving it today. He recognized that at some point, it will have to be approved—especially if the interchange moves forward. Commissioner Duyck sought more time in which to work out the design issues to a position where parties can agree a little more closely.

It was moved to continue this item to February 18, 2003.

Motion - Duyck  
2nd - Schouten  
Vote - 4-0

Commissioner Leeper wished to be assured that during this two week period, whatever can be done to achieve resolution will be done. He suggested one or more meetings with the neighbors in the near vicinity of the interchange during the interim.

Mr. Huff assured the Board that ODOT would, of course, do its best.

**7. ORAL COMMUNICATION (10 MINUTE OPPORTUNITY)**

None.

**8. BOARD ANNOUNCEMENTS**

Vice Chair Rogers announced that the Board would meet in Extended Worksession next week, as is usual on the second Tuesday of the month. He noted that there would therefore be no formal meeting on that date.

**9. ADJOURNMENT:**

10:38 a.m.

Motion - Duyck  
2nd - Leeper  
Vote - 4-0

**MINUTES APPROVED THIS ____ DAY _______________________________ 2003**

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RECORDING SECRETARY  CHAIRMAN
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