COMMISSIONER Roy Rogers was away today on excused business.

STAFF:
Robert Davis, County Administrator
Dennis Mulvihill, Government Affairs Manager
Dan Olsen, County Counsel
Andrew Singelakis, Director, LUT
Brent Curtis, Planning Division Manager, LUT
Joanne Rice, Principal Planner, LUT
Andy Back, Principal Planner, LUT
Andrea Vannelli, Senior Planner, LUT
Joy Chang, Associate Planner, LUT
Linda Schroeder, Assistant Planner, LUT
Angela Brown, Administrative Specialist II, LUT
Anne Madden, Senior Program Educator, LUT
Stephanie Reitmajer, Human Resources Manager, SS
Nora Curtis, Engineering Division Manager, CWS
Linda Gray, CPO Coordinator
Jim Thiessen, Audiovisual Technician
Barbara Hejtmanek, Recording Secretary

PRESS:
Dana Tims, The Oregonian
Kurt Eckert, Hillsboro Argus
Unidentified Television Media

1. CONSENT AGENDA

Chairman Brian announced that an off docket item from County Counsel entitled “Meyer v. Washington County” is added to the Consent Agenda. (MO 10-131)
It was moved to adopt the Consent Agenda, as modified.

Motion – Duyck
2nd – Strader
Vote – 4-0

LAND USE AND TRANSPORTATION

1.a.
MO 10-310
Approve Submission of Transportation Enhancement Grant Application (CPO 1)
(Approved Under Consent Agenda)

SUPPORT SERVICES

1.b.
MO 10-311
Accept Bid/Award Contract for Systems Furniture Installation for Facilities Management Division (Approved Under Consent Agenda)

1.c.
RO 10-90
Approve Resolution and Order Amending the Fiscal Year 2010-11 Pay Plan Adding Three New Classifications and Establishing Their Pay Range (Approved Under Consent Agenda)

1.d.
MO 10-312
Accept Proposal/Award Contract for Design and Installation of Solar Electric System (Approved Under Consent Agenda)

2. ORAL COMMUNICATION (2 MINUTE OPPORTUNITY)

Vice Chair Strader announced that when the room is crowded as it is tonight, it is important that people turn off their cell phones and avoid private conversations because that will prevent them from hearing what is going on. She asked the audience to be respectful of the testimony.

Tom Black, 870 NW Garibaldi Street, Hillsboro, Oregon, told the Board that he attended the meeting held today with the Fair Board and the proposed Fair Advisory Committee. He viewed this as a new page in the history of the Fairgrounds. Mr. Black said that where we go with that hinges on this new committee that is being formed out of the MOU that was approved in March of 2010. He stated that about eight individuals applied for the committee but added that most of those were passed over for others who were selected by County staff. Mr. Black said that in the future, it would be more pleasing to
have an explanation of why certain individuals are passed over. He stated that it would be nice to have the names and bios of the individuals being approved tonight. Mr. Black recognized that we do not want to look back at past hurts and go toward the positives. He hoped that Fair Advisory Committee members who are approved tonight have constituents to answer to and are not in a bubble. Mr. Black hoped, too, that there will be more opportunity for public participation. He felt that it is more appropriate to hold these meetings at the Fairgrounds and in an open town hall forum so that people do not feel hesitant to speak out. Mr. Black requested an equal-to-equal discussion.

Keith Blankenbaker, 15745 NW Perimeter Drive, Beaverton, Oregon, represented the 3not5 group. He was pleased that the Board directed staff to consider alternatives to a 5-lane design. However, Mr. Blankenbaker was disappointed that the 3- and 4-lane alternatives presented during Focus Group 3 were pronounced unacceptable as they were presented. He said that 3not 5 has these concerns:

- Review of the data and projections used to justify a 5-lane boulevard indicates that they may be inaccurate, making a 5-lane unnecessary.
- Widening of the Highway 26 overpass is unlikely to do little more than move the bottleneck to the eastbound entrance ramp and continue backing up traffic on Bethany Boulevard.
- Allowing Bethany Boulevard to be widened based on an out-of-date projection and a plan that was conceived 20 years ago is unlikely to produce an efficient, cost effective solution to the problem.

Mr. Blankenbaker asked the Board to think beyond the outmoded theories of the past that bigger is better. He said that Metro is currently re-examining its traffic model/data and Washington County will also be updating its Transportation Plan. Mr. Blankenbaker stated that given these planned updates, the current economy and shortage of transportation funding, this seems like an excellent time for the County to re-examine all transportation projects in terms of cost benefit and contemporary transportation needs. He remarked that transportation needs have changed and so have solutions. Mr. Blankenbaker said that instead of asking how many lanes are required for projected number of vehicles, we need to ask how many people need to be moved more efficiently via our transportation network. He asked that we step back and take a fresh look at the options other than building another concrete canyon from the past. Mr. Blankenbaker asked the Board to work with 3not5 to build a 3-lane roadway that can effectively move traffic in as cost effective, attractive and inviting gateway to the community and future as possible.

On behalf of the Board, Chairman Brian commented that there have been a lot of letters and emails from 3not5 and said that the communication is appreciated. He said that these are responded to in different ways, depending on Board schedules and other factors. Chairman Brian was aware that this is a very important issue to 3not5. He assured the
Chairman Brian expressed appreciation that the concerns have been raised in a professional manner.

Fran Bates, 14880 NW Ridgetop Court, Beaverton, Oregon, reported that the 3not5 group wants a 3-lane road design for Bethany Boulevard that fits in the available right-of-way. He said the group believes that a 3-lane road with improved intersections and protected left turns will move traffic efficiently, resulting in a cost savings to the County and much less public opposition to this project. Mr. Bates did not believe that spending over 30 percent of the project budget just to acquire right-of-way needed to build a road that nobody wants is cost effective. He stated that Bethany Blvd. in its current form seems to be a problem for drivers primarily during the morning and afternoon peak hours. Mr. Bates said that research has shown that much of the delay and frustration with roads today is not in the size of the road but in the intersection design and the left turn opportunities that exist along the route. He stated that the goals of transportation planning have changed considerably since the 1988 County Transportation Plan was adopted. Mr. Bates said that communities all over the world are learning that downsizing roads is having a positive impact on safety, pedestrian and cycling access while preserving effective traffic flow. He claimed that the new high capacity, 3-lane roads move traffic just as quickly and do so in a safer manner than 4- and 5-lane highways in residential and urban areas. Mr. Bates said that 3not5 represents people who live in communities of distinction now and who want to be able to enjoy their communities in the future. He asked the Board to consider a viable 3-lane plan for Bethany Blvd. from Bronson to West Union within the available right-of-way that includes: two travel lanes, a continuous center turn lane, bike lanes, sidewalks, traffic signals for both pedestrian safety and neighborhood access, and redesigned intersections. Mr. Bates requested a review of the overall Transportation Plan using revised Metro data, with the goal of encouraging alternative multi-modal traffic solutions while reducing road construction impacts on existing neighborhoods.

Suzanne Walker, 3196 NW 157th Place, Beaverton, Oregon, told the Board that the 3not5 committee has headed up a successful petition drive to demonstrate community concern toward the current plan for Bethany Blvd. expansion. She reported that this drive has garnered over 1,500 petitions so far and they are still arriving daily. Ms. Walker said that petitions have been signed by residents of the ten neighborhoods directly affected by the upcoming road expansion. She stated that included with the petitions are responses to a survey taken in the Oak Hills neighborhood, wherein residents express alarm at the potential devastation and devaluation of the area’s well-established neighborhoods. Ms. Walker asked supporters of 3not5 to stand for recognition and presented the Board with the petitions as a statement of extreme concern by voting age residents of Washington County and as a request for the Board to place significant value on local citizen opinion. She promised that 3not5 will continue to attend meetings, give public input and follow the process.

Chairman Brian thanked the speakers for being so organized.
Ron Crutcher, 15089 NW Dominion Drive, Portland, Oregon, related that he has been in the real estate business for the past 34 years and in the Bethany area for the past 20 years precisely where the widening would occur. He said that despite the fact that not one piece of dirt has been moved yet, the threat of a 5-lane expansion has caused a lot of damage already. Mr. Crutcher, over the last year, has seen a drop in value in properties that will be directly affected, should there be a widening. He described the drop in the range of 10 to 20 percent. Mr. Crutcher stated that his equates to $20,000 to $80,000 change in value and provided an example from his business. He urged the Board to look at other alternatives. Mr. Crutcher could not support 5 lanes between the highway and West Union and could not understand what will be done with the stretch of N. Bethany north of West Union between West Union and Springville Road.

The meeting file contains the following submittals from 3not 5:

- Written testimony from Keith Blankenbaker
- Written testimony from Fran Bates
- Written testimony from Suzanne Walker
- Written testimony from Eudora Goganian (with drawing)
- Petition from Daniel Yaillen
- Executive Summary from 3not5 dates September 28, 2010
- Notebook of materials from 3not 5

The nearly 9-inch-tall stack of petitions from 3not 5 resides in the Capital Projects Division of Land Use and Transportation and may be inspected there.

Gary Burns, 702 SW 206th Place, appeared this evening to pass along a compliment. He mentioned that he finished up a Master’s Degree in the 1990’s at PSU and was then judged by the Veterans Administration to be permanently and totally disabled. Mr. Burns reported that agencies came after him for school loans and he was in a bad situation. He said that he went to the Disability Aging & Veterans Services and spoke to Doug MacEllven about this issue. Mr. Burns reported that he and Mr. MacEllven spent a year on this complex negotiation. He said that if Mr. MacEllven had not interceded on his behalf, he would be in dire straits. Mr. Burns commented that if every bureaucrat in the County operated with the same respect for the citizenry, the kindness, efficiency and professionalism exhibited by Doug MacEllven, this would be a great place to live. He asked the Board to thank Mr. MacEllven for him.

Chairman Brian responded that the Board appreciates Washington County employees and acknowledged that they do a lot of great work. He was glad that an employee was able to help Mr. MacEllven. Chairman Brian was aware that Washington County has an active Veterans staff, particularly because of the increased numbers of returning veterans.
3. PRESENTATION
3.a. MO 10-307
Washington County Jail

Pete Moseler, Sergeant, Washington County Jail, narrated a PowerPoint presentation regarding Measure 34-179—the Public Safety Levy. He stated that this levy funds personnel that enable the Sheriff’s Office to manage the Washington County Jail at full capacity. Sergeant Moseler said that no matter where an arrest is made in Washington County, all who are arrested are booked in the Washington County Jail. He estimated that about 20,000 arrestees are booked into the Washington County Jail each year. Sergeant Moseler reported that the Jail is at capacity, or over, every day of the year.

Sergeant Moseler provided some statistics:

Current County Population: 537,000 and growing
572 jail beds available

Jail Beds per 1,000 Population:
National Standard 2.58*
Washington County 1.90

* U.S. Dept. of Justice – Bureau of Justice Statistics 2008

Sergeant Moseler said that even with best efforts and using available tools for alternative custody, the Jail is still forced to release inmates early sometimes due to overcrowding. He offered another set of statistics:

Forced Releases
2009 591
2010 through 9-15-10 88

Sergeant Moseler said that during the five year span of the levy, it is known that the population, and therefore the number of inmates, will increase. He stated that levy funds keep all housing units in the Jail available. Sergeant Moseler reported that the Sheriff’s Office goal is to avoid releasing inmates early due to this expansion. He recognized that minimizing forced releases is important and noted that the community has an expectation that if you do the crime, you will do the time. Sergeant Moseler said that if offenders are required to post bail or go before a Judge before release, it is more likely they will appear in Court as promised. He stated that forced releases are just outright releases without those additional incentives. Sergeant Moseler said that if we are forced to release inmates early, we still ensure public safety by holding dangerous offenders in Jail. He stated that avoiding forced releases is always the goal but when Jail beds are full, it takes innovation to find other alternatives to serving time in Jail. Sergeant Moseler explained
that when offenders are released and then fail to appear for Court, they have to be found, re-arrested and brought to Jail again. He indicated that this pattern drains Patrol, Court, Prosecution and Jail resources.

Sergeant Moseler said that one of the innovative programs is the Electronic Home Detention, whereby low risk offenders wear ankle bracelets. He stated that this utilizes GPS technology and Jail staff can track their movements on a computer. Sergeant Moseler reported that it takes one Jail Deputy to supervise up to 40 inmates in this program, compared to 6.5 Deputies to supervise that many inmates inside the Jail.

Sergeant Moseler stated that the Work in Lieu of Jail is another program that sentences offenders to weekend Jail or Community Service. He offered examples of work assignments and showed pictures of inmate projects. Sergeant Moseler indicated that these projects are performed in both the unincorporated areas of the County as well as within City limits.

Vice Chair Strader asked what offenders are performing this work in lieu of jail time.

Sergeant Moseler responded that these inmates are all assessed as low risk offenders. He said that they do not have a history of committing personal crimes or a serious offender history. Sergeant Moseler stated that the offenses might be a small theft or DUI charge, for example.

Sergeant Moseler said that the Oregon Department of Transportation contracts some of the Jail’s work crews, which are currently working on Highway 217. He added that they have also done landscape maintenance, crash clean-up on the highways, and bike path maintenance in the community. Sergeant Moseler summarized that 963 inmates have been involved in the Work in Lieu of Jail program to date this year and 188 ODOT work crews.

Sergeant Moseler spoke of the inter-departmental cooperation that the Sheriff’s Office depends on:

- Early Case Resolution. This takes offenders who have in the past stayed in the Jail 2-3 weeks in order to process their way through the Court system. Now, they spend only 1-2 days in Jail.
- Veterans Program. This, and the next two items, identifies people with specific needs. They will have their needs met and will not need to come back to Jail. The Sheriff’s Office is looking at expanding these programs.
- Drug Courts.
- Mental Health Courts.

Sergeant Moseler concluded that the Public Safety Levy is a system levy. He said that if you take away funding from the District Attorney’s Office, it will affect Jail beds. Sergeant Moseler stated that if you take away funding from the Juvenile Department,
those people will grow up and end up in the Jail. He summarized that levy funding impacts every aspect of this system. Sergeant Moseler said that Measure 34-179 supports the Washington County Jail and the Washington County Public Safety System.

Lieutenant John Black agreed that this is a true system levy and system approach. He explained how the District Attorney’s Office and the Community Corrections Center affect Jail beds. Lieutenant Black stated that the beds in the Jail are a single aspect of the public safety aspect.

District Attorney Robert Hermann announced that the Public Safety Levy is up for renewal. (By law, it needs to be up for renewal every 4 years; the law has now changed so that it is for a continuing period of 5 years.) District Attorney Hermann clarified that the levy is a renewal; it is not a new tax but rather a continuation of the tax rate of 42 cents per thousand of assessed value of a home. He said that this levy helps support the entire criminal justice system in the County and approximately 16 percent of the justice system is funded by the levy.

District Attorney Hermann spoke of the efficiencies of the Jail. He reviewed that this levy began in the year 2000 at 43 cents per thousand and is now seeking renewal through the year 2015 at 42 cents per thousand. District Attorney Hermann explained that this is possible because the levy will maintain positions—not create any new positions. He said that one factor is the efficiencies of the criminal justice system in Washington County. District Attorney Hermann regarded the Jail as a good example of this. He referenced an Oregonian article from today about the cost of State corrections and said it reminded him of who gets sentenced in the Washington County Jail. District Attorney Hermann related that Oregon is 33rd out of 50 states in incarceration per capita; Oregon is 7th at the State level in the cost for corrections per capita. He said that in Washington County, it is significant to remember that everybody who is booked on a crime goes through our Jail, whether it is within a city or the unincorporated area.

District Attorney Hermann stated that in Oregon, 77 percent of all convicted felons are placed on probation by the Oregon Sentencing Rules. He said that they serve their time locally in the Washington County Jail and do not go off to the State; this is a volume and cost that the Jail must absorb. District Attorney Hermann stated that some individuals who are technically sentenced to State Corrections for felony convictions serve time in the Washington County Jail if the sentence is less than 12 months under sentencing rules in Oregon. He said that anyone who is on parole (now called post prison release) receives a revocation sentence; they do not go back to the State institution but rather serve their time in the Washington County Jail. District Attorney Hermann stated that the efficiencies in the Jail and in our system have allowed us to meet that capacity and to deal with all the offenders and situations effectively. He said that, hopefully, with the passage of the levy, we will continue to be in that position.

District Attorney Hermann spoke of the efficiencies created with the early case resolution program; this has been a cooperative venture with Judges, Sheriff’s Office, District
Attorney’s Office, and Community Corrections. He said that a Probation Officer has been placed in the Courtroom so those cases can be dealt with quickly and efficiently. District Attorney Hermann stated that the Drug Court program is a way to deal with repeat property offenders on chronic drug and alcohol problems. He said that there have been well over 80 graduates and over $47,000 paid in restitution. District Attorney Hermann explained that those individuals have been sentenced and would have been spending up to 33 years in prison, which is about a $4 million saving to the State. He went on to say that the availability of beds in the Jail has helped the Judge because there is some sanction involved in making a successful Drug Court graduate. District Attorney Hermann regarded having Jail beds as critical to the success of the Drug Court program and the ability to keep these people on the track to sobriety and to keeping the public safe.

District Attorney Hermann concluded that the efficient management of the Jail is one of the reasons why we are able to go to the public and ask to continue the Public Safety Levy at an even lower rate.

Chairman Brian found what our public safety system has done to be very impressive. He noted that the Oregonian article identified it as a system approach. Chairman Brian attributed the levy’s success to the innovation and efficiency that the departments have developed by working together. He believed that Washington County has one of the best systems, not only in the State but also in the country.

Vice Chair Strader observed that within our judicial system, each agency does not always agree on how to deal with its various part of the system. She commended the entire judicial system for working extremely well together and collaborating through the challenges. Vice Chair Strader posed two questions to staff:

1. How many illegal immigrants are in the County Jail and what is our relationship with ICE?
2. How many sex offenders are currently registered in Washington County?

Lieutenant Black responded that the Jail has been in partnership with the ICE services and ICE actually has personnel within our Jail. He said that what is sometimes misunderstood is that many people perceive that the Sheriff’s Office works for or is an agent of ICE and this is not true. Lieutenant Black stated that when the Jail books anyone, checks are run on him/her and if an ICE hit is encountered, the Jail informs the ICE agent. He explained that if a person is here illegally, ICE works with the Jail to find solutions.

District Attorney Hermann stated that there are 1,400 registered sex offenders in Washington County. He emphasized that the Sheriff’s Office as well as the local police districts do a good job of trying to identify those individuals and making sure they are where they are supposed to be. District Attorney Hermann remarked that his office is involved in the prosecution of those that are arrested and identified for not being where they are supposed to be. He added that Community Corrections and the Juvenile
Department are involved in the supervision and programming for all those that they deal with at that level as well. District Attorney Hermann summarized that it is a concerted effort and a significant concern that the laws are being followed.

Commissioner Schouten noted that Vice Chair Strader already mentioned that the Sheriff’s Office is nationally accredited. He was aware that statewide organizations have recognized the Sheriff as being an outstanding Sheriff for a couple of years and that his Jail is one of the top jails in the State. Commissioner Schouten thought it important that the Jail is being recognized by disinterested peers in the field as outstanding. He therefore thought the voters are getting a top product and strongly urged the electors to support the justice levy this fall.

OFF DOCKET – COUNTY ADMINISTRATIVE OFFICE
MO 10-314
Appoint Members to the Washington County Fairgrounds Advisory Committee

It was moved to appoint the following applicants to the Fairgrounds Advisory Committee:

Nicole Berg, Jonathan Schlueter, David Villalpando and Cindy Phillips for terms ending December 31, 2011.

Tom Brian, Don McCoun, Terry Goldman and Jerry Willey for terms ending December 31, 2012.

Motion – Schouten
2nd – Strader
Vote – 4-0

At this point, the Board re-ordered the remaining items on the agenda in order to better utilize staff time.

5. PUBLIC HEARING – SUPPORT SERVICES
5.a.
RO 10-89
Conduct Public Hearing and Approve Resolution and Order Updating Amending and Readopting Washington County Personnel Rules and Regulations

Stephanie Reitmajer indicated that the changes before the Board are minor and housekeeping in nature. She said that there are a few modifications. Ms. Reitmajer specified that the first will change the rate of compensation that is paid to employees for time when they are called back for emergency operations from a minimum time of one hour to two hours. She reported that Human Resources is also doing some minor updates, such as changing terminology relating to adding to reasons for disciplinary
action. Ms. Reitmajer said that we are dropping the provision to allow employees two hours off work to vote. She stated that we are also clarifying and updating some redundant language.

The public hearing was opened.

No public testimony was offered.

The public hearing was closed.

It was moved to approve the Resolution and Order updating, amending and re-adopting the Washington County Personnel Rules and Regulations, effective October 1, 2010.

Motion – Duyck
2nd – Strader
Vote – 4-0

6. SHERIFF’S OFFICE
6.a.
MO 10-309
Introduction and First Reading of Proposed Ordinance No. 737 – an Ordinance to Amend WCC 8.16 to Regulate Parking of Vehicles in the Unincorporated Areas of Washington County within the Urban Growth Boundary and Declaring an Emergency

There was a motion to read Proposed Ordinance No. 737 by title only.

Motion – Duyck
2nd – Strader
Vote – 4-0

Dan Olsen read the proposed ordinance by title.

It was moved to continue this item to October 5, 2010 for second reading.

Motion – Strader
2nd – Duyck
Vote – 4-0

4. PUBLIC HEARING – LAND USE AND TRANSPORTATION
4.a.
MO 10-308
Proposed Ordinance No. 730 – an Ordinance Amending Elements of the Washington County Comprehensive Plan to Amend the North Bethany Subarea Plan and to Adopt Implementing Regulations (CPO 7)
There was a motion to read Proposed Ordinance No. 730 by title only.

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

Dan Olsen read the proposed ordinance by title.

Joanne Rice provided a staff report and recommended that, following public testimony, the Board order engrossment of Ordinance 730 to include the changes noted in the staff report, as well as a few other issues she will cover during her oral report. She acknowledged receipt of new testimony today from:

- Michael Robinson on behalf of West Hills Development
- Doug Menke, General Manager, Tualatin Hills Park & Recreation District
- CPO 7
- Dina Gross, Cedar Mill Farmers Market

Ms. Rice reviewed that the Board held its second public hearing on this ordinance last Tuesday. She said that following that, staff met with staff from the Portland Community College, THPRD staff and staff from both West Hills Development and K & R Holdings to talk about issues raised last week.

Relative to Portland Community College issues, Ms. Rice reported that staff was able to add new language to the Community Plan that addresses and clarifies that the key determining factor of the location of the new trail adopted last year would be how the pathway/sidewalk system/bikeway area connects through the PCC campus in the future; key determinants would be PCC and THPRD. She clarified that staff wanted to ensure that there will be a pathway through that part of the campus as it develops and that would connect to the two other trails nearby. Ms. Rice added that a couple of other changes were made to address issues raised by PCC.

With regard to the developer interests, Ms. Rice said that staff discussed with the developers issues that were raised last week:

1. Annexations in the service districts. After a discussion about what the requirements were—particularly with the County’s streetlighting service districts—it is staff’s understanding that the developers are not opposed to the proposed standard that would require annexation prior to preliminary land use approval.
2. Neighborhood parks. Last year, when Ordinance 712 was adopted, in order to take FD-20 district off property, provisions for necessary public improvements needed to be in place. Developers asked that the County develop denial standards for development applications in place of that. The Board therefore directed staff and the work groups to develop those standards. The proposed Article V
standards that are related to neighborhood parks were developed through the public work group process. Developers are now proposing changes to those standards that would allow decisions about neighborhood parks to be delayed for what could appear to be a considerable amount of time—depending on how development occurs. Staff recommends that the Board maintain the standards that are identified in the staff report that were developed through the public work group process. Staff is concerned that changing the standards that were developed and vetted through this process could have unintended consequences, particularly since those standards were developed to be denial criteria. Staff has talked with THPRD, who indicated that the standards that had been proposed are acceptable to the District. Staff would like to work with the developers and property owners over the fall and winter to see if there are other ways to provide assurances relative to how property is transferred in the future. THPRD would like to be proactive in terms of going out and working with developers and property owners in the areas that would develop first and hopefully begin to identify where future park sites would be and possibly even acquire those park sites.

Commissioner Schouten’s understanding is that the Park District does have funding available to make those purchases.

Ms. Rice said that this is staff’s understanding also.

3. Interim pedestrian facilities. Staff and developers have proposed a Type III process and developers proposed two standards that would be used in the event that an applicant requested some modification.

4. Interim bicycle facilities. There was not agreement and so staff has prepared two options for the Board: 1) Maintain the 28 feet that is part of the filed ordinance, or 2) Remove the 28 feet and rely upon existing 22 foot pavement width; also make an amendment to Policy 44 that calls for a 28 foot pavement width.

5. Remove FD-20 district in the event that in the spring there is a County service district or one or more Local Improvement Districts formed to pay for outstanding funding for capital improvements. That criterion was developed through the work group process. Staff understands from Michael Robinson’s recent letter that West Hills is not going to comment on that proposed provision any longer.

Ms. Rice referenced testimony from Dina Gross regarding the Farmers Market. She reported that staff is recommending that the Board engross the changes staff proposed in the staff report. Ms. Rice said that staff has prepared something that would be unique to North Bethany. She explained that currently, a Farmers Market is done in unincorporated Washington County through a Type I Temporary Use Permit and this can only be done on commercial property. Ms. Rice proposed that a Farmers Market could be operated for a much longer time period on what would be mostly residential sites in North Bethany. She noted that there is very limited commercial property in North Bethany and added that the Type I standard that is applicable is only good for 90 days per year. Ms. Rice said
that staff is proposing something that would be able to operate for a longer period of
time. She stated the limits that staff has proposed in terms of how many days a week,
how late in the evening, etc. were designed to take into account that North Bethany is
primarily a residential district and the locations where Farmers Markets could go would
be primarily in the middle of residential land. Ms. Rice explained that this is why staff
did not propose something as intensive as outlined in Ms. Gross’ letter.

Ms. Rice recalled that at today’s Worksession, Commissioner Schouten asked staff to
look at the proposed parking for service stations in Section 390-16.10. She said that staff
examined the existing code standards and noticed that what is proposed in this ordinance
for engrossment is incorrect. Ms. Rice provided the Board with a green piece of paper
which shows the correction. She asked the Board to include this engrossment in the
changes tonight. Ms. Rice said that the current standards calls for one parking space for
each gas pump and two parking spaces for each lubrication stall or pit.

Commissioner Schouten asked if there are any other parking minimum or maximum
requirements set forth in Ordinance 730.

Ms. Rice replied that that was the only one.

Commissioner Schouten asked for the default requirement.

Ms. Rice responded that it is one parking space for each gas pump and the provisions for
the lubrication bays (since they are no longer provided) would not be applicable.

The public hearing was opened.

Doug Menke, General Manager, Tualatin Hills Park and Recreation District (THPRD),
referenced a letter that was submitted today. (Letter may be found in the Meeting File.)
He expressed appreciation for the cooperation of staff in the development and working
process for the details of providing parks and trails to service future residents of the
North Bethany area. Mr. Menke said that amendments proposed to Ordinance 730 by
staff adequately respond to concerns the District has expressed in previous
communications. He stated THPRD’s understanding that Michael Robinson,
representing West Hills Development, has proposed changes to the denial criteria, as
noted by staff earlier, that might well loosen the requirements for achieving a binding
agreement with the District to sell specific sites (for a neighborhood park, for instance)
within a proposed given development. Mr. Menke remained convinced that it is
advantageous to the District to participate in decision making processes about the
location of park sites and trail routes as early as possible in the design process for any
given proposed development. He said that, generally, in the past, the District has not
been contacted by developers about acquiring park sites within a given proposed
development until after their projects have been substantially designed. Mr. Menke
remarked that THPRD is usually faced with a take it or leave it proposition. He said that
sometimes the offered site is less than optimal. Mr. Menke related that it is THPRD’s
hope that this situation can be avoided in North Bethany by adoption of ordinance language as recommended by staff this evening and as a result of the work group process. He stated that, if given the opportunity, THPRD will work proactively with representatives of proposed developments in North Bethany early in their process to achieve certainty about the location of parks and trails within or near their given project site.

Hal Bergsma, Director of Planning, Tualatin Hills Park and Recreation District, appeared with Mr. Menke but did not have further remarks.

Commissioner Schouten said that one option is to keep the language but have this as a sort of placeholder study item.

Hal Bergsma reported that the Park District is not opposed to further study of this. He said that this is a new process for THPRD and the District understands there may be things to be worked on as we try this out.

Chairman Brian commented that everyone seems to recognize that having a deed is not practical at certain phases of this process because the selected site might not even be within the control of an applicant. He thought that staff’s recommendation that this is imperfect and that we will work together to make it functional is a good one.

Hal Bergsma agreed and said that THPRD’s previous communication on this issue suggested changes to the language, which staff now recommends, that would get away from a requirement to have a deed or something very specific and allow for some instrument to confirm acquisition of a property.

Chairman Brian felt that there will likely be amendments to this language early next year or next spring.

Mary Manseau, 5230 NW 137th Avenue, Portland, Oregon, delivered a letter from Dina Gross, Cedar Mill Farmers Market Manager, which may be found in the Meeting File. Ms. Manseau summarized Ms. Gross’ letter as follows:

- Remove CDC 390-16.6 (Farmers Market) from Ordinance No. 730 because it does not meet the needs of the community. Instead, if a provision is added to the current existing CDC 430-135.1.b (Temporary Use Standards) to allow Farmers Markets in community service uses, the needs would be met. As code is currently written for Ordinance 730, it is too restrictive and will ensure that no markets are able to function in North Bethany.
- Create a group to study the issue and to figure out what rules should be in place for a permanent Farmers Market that is open more than 90 days per year.

Chairman Brian said that if this is removed, we would be back to our current code.
Ms. Manseau stated that it applies to all Farmers Markets under temporary use as well as in commercial areas.

Chairman Brian asked if the effort is to do better with that.

Ms. Manseau responded that community service use should be added to current code so that temporary use could also be available in the community service use areas.

Vice Chair Strader asked staff to address this issue. She said that even under the current language and code, we were prevented from opening Farmers Markets in current Bethany. Vice Chair Strader explained that this has nothing to do with Washington County and had everything to do with the owner of Bethany and the deals he signed with the anchor grocery store.

Joanne Rice responded that the existing Community Development Code allows a Type I permit that is good for 90 days. She clarified that it is only applicable to commercial districts. Ms. Rice said that if you wanted to do a Farmers Market, you would have to be in either the general commercial, office commercial or community business district. Her understanding is that the Cedar Mill Farmers Market is operated in conjunction with THPRD (or something similar) and is on a commercial site. Ms. Rice stated that the code says that you can only do that 90 days out of the year and only on commercial property. She explained that there is no provision on residentially-zoned property to do a Farmers Market. Ms. Rice recalled that last year, staff proposed a public service district, which was intended to be future locations for churches, day care centers and other civic-type uses. She stated that the overlay designation of community service uses is what staff developed. Ms. Rice said that those overlay designations in Ordinance 730 are primarily on residential land—not on commercial land. She stated that the proposed Farmers Market for North Bethany could be on a community service designation and it would not be under the Type I temporary use permit. Ms. Rice reiterated that this is something new that staff is introducing. She said that if it was to be put into the existing code, it really would not work in any other areas of the County because we do not have this community service overlay; it is unique to North Bethany.

Vice Chair Strader asked how we would deal with produce stands (that are going up in unincorporated Washington County and are open a lot longer than 90 days) if we did not have room to put in a traditional Farmers Market.

Joanne Rice responded that, technically, these are illegal and would need to be acted upon if someone filed a complaint. She said that staff was trying to be proactive in the area. Ms. Rice stated that staff was trying to strike a balance in terms of what would be appropriate for a community that is basically going to be all residential. She indicated that these Farmers Markets will be surrounded by residential development.

Vice Chair Strader asked if the new language would cover produce stands if they were to go up in North Bethany.
Ms. Rice believed that it would.

Mary Manseau now appeared as representative of CPO 7. (Letter may be found in the Meeting File.) She expressed appreciation for the issue paper in response to CPO 7’s August 23, 2010 letter. Ms. Manseau stated that planning for North Bethany will not be complete until all traffic impacts for North Bethany are addressed. She said that current Washington County residents should not be required to finance new development by assuming responsibility for new development traffic impacts. Ms. Manseau stated that the issue paper explains current thinking but does not address the problem. She said that until the fundamental principles of R&O 06-116 (including financing for the area’s base infrastructure) are met, Ordinance 730 should not be adopted.

Greg Malinowski, 13450 NW Springville Lane, Portland, Oregon, submitted a graphic relative to traffic analysis, which may be found in the Meeting File. He stated that there are a lot of costs that do not seem to be covered by anybody, which means they will be covered by whoever is in the County long enough to get the bill. Mr. Malinowski was concerned with passing the plan now and not worrying about the financing until later because the developers have agreed that no matter how much the costs shift to them, they will still be good with it. He went on to say that tax payers agree that if the costs shift to them, they will be good with it. Mr. Malinowski did not think this will work out long term. He wished the Board to know why people have concerns about Bethany Boulevard: they are told the road was put in that place for that size 22 years ago before we knew that most of the area would end up in rural reserves, which was decided just months ago. Mr. Malinowski said that we are not going to do a complete 185th project because we are going to put that on Jim Park’s property so that he will have an excuse to bring that in if we ever want that road fixed. He stated that we are also not going to do all of Road A because we are going to take that road hostage; if the Peterkorts do not get their land in, that road will not be built. Mr. Malinowski said that we are willing to make changes at the last minute without a public meeting and yet Bethany Boulevard was agreed to 22 years ago when we didn’t know what the situation today is and that we are going to push on through. He stated that this is why people do not always trust the transparency of the Board.

Vice Chair Strader was disturbed by Mr. Malinowski’s implication of backroom dealings by the Board. She did not speak up when 3not5 spoke because she believes that the two issues are being purposely confused. Vice Chair Strader suggested that he be really careful, strategically, in attaching the two because if it was put under North Bethany’s criteria, it would go through as five lanes. She stated that the Bethany Boulevard issue has a lot more to do with density and infill in those areas and Metro’s direction in putting more density in northwest Washington County. Vice Chair Strader remarked on the population that has burst on the scene in the last 20 years in those same areas. She acknowledged that there has been a lot of infill in Oak Hills, Spyglass, Claremont, and on and on. Vice Chair Strader commented that those homes were not there 20 years ago.

Mr. Malinowski interjected that those were planned and were not infill reconstruction.
Vice Chair Strader maintained that a lot of them were not even planned. She recalled that there were many battles regarding Oak Hills and the infill that occurred in Oak Hills. Vice Chair Strader said that she does not like the fact that we are putting two very big issues together that are not and assuming that somehow we are doing some distrustworthy things on the Board of Commissioners. She stated that the fact is that Bethany Boulevard was voted on when she was not yet out of high school. Vice Chair Strader said that she would be more interested in hearing about Mr. Malinowski’s thoughts about North Bethany pertaining to how we should go forward and how we should adopt the ordinance.

Matt Wellner, K & R Holdings, 17933 NW Evergreen Parkway, Beaverton, Oregon, submitted written testimony, which may be found in the Meeting File. He indicated that his submittal is nothing new but rather a clip from language previously submitted by Michael Robinson to Dan Olsen. Mr. Wellner stated that this language was developed to address some issues pertaining to Section 501-12.2.D regarding interim pedestrian connections. He clarified that this is not necessarily targeted at the interim bicycle connections. Mr. Wellner shared that the concerns related to costs, the sustainability of constructing throw-away improvements in North Bethany, and the need to acquire right-of-way for improvements that are just temporary. He said that the language in his submittal accomplishes the following:

- It limits the need to provide these interim pedestrian connections to only areas along existing roads. This is of critical importance because what we have heard is a concern with safety tied to separating the pedestrian lane from the auto lane. When this is tied to existing roads, you are then not creating a scenario where you are building a pedestrian connection out in the middle of nowhere that is not even close to an existing road. That is what that language adjustment accomplishes.
- It clarifies that we only need to address these interim pedestrian improvements for one-quarter mile length.
- It provides some Type III criteria that staff is not in opposition to.
- This language does not address the 28 feet versus 22 feet issue. K & R Holdings believes that if we are going to provide this extra width outside of what can be accomplished today in unincorporated Washington County (there is a 22 feet standard now), this pedestrian connection proposal would add an additional five feet approximately. You do not need an additional six outside of that. The interim pedestrian connection, because it is interim, can serve for both pedestrian and bicycle traffic.

Mr. Wellner heard Commissioner Schouten question at Worksession which of these improvements will be throw-away. He contended that all of these interim improvements will be throw-away—whether a pedestrian improvement or a bicycle improvement. Mr. Wellner said that when you actually go in and put those final ultimate improvements in, none of these interim improvements will be used within that final design. He stated that
when you put these interim facilities in, for example on Brugger Road, you will impact existing driveway drops and have to fix those issues. In addition, Mr. Wellner noted that you will have to impact drainage issues. He believed that those problems should be addressed with the ultimate improvement—not necessarily with an interim improvement. Mr. Wellner stated that the decision the Board is making with Ordinance 730 is very important for the entire region. He acknowledged that this ordinance represents a collaborative effort and a lot of hard work by everyone involved. Mr. Wellner remarked that this process provided an opportunity for a lot of input from a lot of individuals. He said that the input actually made North Bethany a better plan.

Commissioner Schouten understood Mr. Wellner to say that these facilities would be throwaway because they would not be meeting the kind of standards with respect to grading, drainage and other things relative to a finished product and would ultimately have to be re-done.

Mr. Wellner agreed and said that this does not even take into account that all of the roads within North Bethany are going to be based upon a low impact development design. He stated that they would have storm drainage facilities built into them and won’t be able to be incorporated into the interim design. Mr. Wellner remarked that every interim road is going to be torn out and replaced with an entirely new road eventually.

Commissioner Schouten referenced the language submitted by Mr. Wellner and asked if this is the same as what is included in the staff report.

Dan Olsen did not have this in front of him and was not sure how it differs.

Mr. Wellner stated that his language implements the Type III criteria but it does not address the “along existing roads” language.

Mr. Olsen now received a copy of the language and said that it would keep the one-quarter connection but allow a Type III modification with the standards suggested by the development community. His quick look at the language made him believe that staff is comfortable with it. Mr. Olsen intended to share it with staff now.

Mr. Wellner said that there is Type III language in there but there are also some words taken out from the language presented in the staff report.

Chairman Brian asked the speaker to specify how his language differs from staff’s.

Mr. Wellner responded that there is some language early on that says that the pedestrian connection will be provided along existing roads.

Commissioner Schouten said that the language he sees for paragraph d. under Option 2 and paragraph e. in Option 1 appears to be the same language.
Matt Wellner referenced the fourth line of this language:

“... commercial uses within one-quarter mile of the development site on existing roads.”

Mr. Wellner did not believe that this is in the staff report.

Chairman Brian and Commissioner Duyck stated that this language has been incorporated into the staff report.

Vice Chair Strader observed that Michael Robinson is indicating that this is not the case.

Andy Back referenced 501-12.2.d. He told the Board that the entire first sentence is the same, although in the staff recommendation, the sentence ends with the phrase “commercial use within one-quarter mile of the development site.” Mr. Back specified that Mr. Wellner’s proposal adds “on existing roads.” to that sentence. He pointed out that that is very different in terms of how this would apply.

Chairman Brian asked to see a map of the roads and proposed roads involved in the 22 feet versus 28 feet issue.

Andy Back provided further clarification that this relates to the pedestrian.

Chairman Brian asked if staff is saying that this should include all roads—existing and non-existing.

Mr. Back responded by using an example of a school site. He said that in some cases, it could imply that you have to get an off-site easement, if the school is within one-quarter mile even though going via existing roads must be three-quarters of a mile.

Chairman Brian noted that there is a Type III process available where the applicant can show that that was impracticable.

Mr. Back stated that there is language on what you would have to find as part of the Type III process. He said that if they went to the property owner, who is in between where they are developing and the school, and were not able to negotiate or had proof that the only way the seller would give an easement was for $5 million, this would be evidence enough for a Hearings Officer to say it was impracticable.

Chairman Brian asked if the ped connection would eventually be a road necessarily or just a ped path.

Mr. Back replied that it certainly could be in the place where a future road could be. He said that this would all be a part of the process where they would negotiate with the
property owner. Mr. Back thought that the property owner would probably find it in his or her best interest to put the easement in a place where some other kind of use would not be and would in fact be along a future road.

Chairman Brian asked if, the way it is written, the County could also require the path even though it may not be a road in the future.

Mr. Back agreed this is true but said that they would have the option of going through the Type III process and having all the information at that time and stating that it was impracticable for a variety of reasons.

Commissioner Schouten said it sounds like there is difference in the language:
- The extra couple of words “on existing roads” and deletion of the word “to” at the first of the sentence. The difference is between measuring that one-quarter mile either as the crow flies or based on a road. Such road could meander and take up more distance than the crow flies and therefore that quarter mile is triggered more readily under the staff recommended language.

Andy Back affirmed that this is correct.

Vice Chair Strader asked Matt Wellner for an estimate of how long it will take to fully develop North Bethany.

Mr. Wellner responded that he has looked at ranges from 25 to 30 years.

Vice Chair Strader concluded that when we are talking about “interim” and “not being useful” that we are talking about over a 20 to 30 year period. She recognized that this is a long time to go without interconnectivity and sidewalks. Vice Chair Strader wanted the public to realize that we are talking about this length of time when we are talking about tossing out infrastructure.

Mr. Wellner agreed that it is a long period of time. He stated that originally, K & R Holdings opposed the provision of pedestrian and bicycle interim improvements altogether because of cost concerns and the throwaway concerns. Mr. Wellner reported that they came around and started to understand that there is a substantial safety improvement that needs to be considered. He said that the language he submitted was developed to address that safety concern. Mr. Wellner stated that they clearly recognize that if you have a road, you want to separate the pedestrian and bicycle from that road.

Vice Chair Strader asked if Mr. Wellner feels that the Type III process would be adequate.

Mr. Wellner replied that the Type III process is appropriate as long as we are applying it along roads because the Type III process will not say you have to take that across private
property in an area where it might not make sense. He added that it does not necessarily make sense to extend that ped path across someone’s private property; it should be focused where vehicle traffic will be so we can separate those trips.

Commissioner Schouten asked if K & R Holdings’ concern about measuring along existing roads rather than straight lines is a new objection, raised after all the work was done with the focus groups.

Mr. Wellner stated that that language was actually more of a clarification. He favored limiting the improvement to one-quarter mile.

Michael Robinson, Attorney, 1120 NW Couch Street, Portland, Oregon, appeared on behalf of West Hills. He thanked staff for meeting over the past week, where progress was made. Mr. Robinson was optimistic about the remaining placeholder work that will come this winter. He referenced 501-12.2.d (interim bicycle improvements) and asked the Board to adopt Exhibit 9.B (the particular language is on page 2). Mr. Robinson reported that the Planning Commission heard the testimony and recommended not changing the standard in North Bethany to deviate from the standard in the rest of the County. He generally agreed with Matt Wellner’s testimony about that. Mr. Robinson said that the reality is that it will be very difficult to achieve those last six feet. He stated that they do not know exactly where the roads are located in the right-of-way. Mr. Robinson observed that this is an old, farm area and we may find out that while you have 40 feet of right-of-way, the roads are offset or outside of the right-of-way in some place and then have to deal with that. His preference was to follow the Planning Commission recommendation. Mr. Robinson said that if the Board cannot get there, an alternative would be to ask staff and the stakeholders to work on this through the winter. Regarding how the crow flies versus the quarter mile-long existing road, he stated that this had not been thought of until sitting down with staff last Tuesday.

Relative to the interim pedestrian network, Mr. Robinson felt good about the Type III process and the language. He agreed with Matt Wellner’s comment about the interim language. Mr. Robinson suggested thinking about, when trying to create a parcel to buy and leave a family with the existing parcel, what triggers this requirement if partitions are not excluded from this language. He recognized that County Counsel is correct that these are denial criteria and it will be tough to change at this point but said maybe this language can be looked at.

Mr. Robinson stated that 501.12.2.f (Exhibit 9.B., page 3) deals with parks. He understood that the Board wants to direct engrossment of the current staff language, which is fine. However, Mr. Robinson also appreciated what the Chair and THPRD had to say about working on this language over the winter.

Mr. Robinson said that staff is recommending that some trails be shown in North Bethany. He specified that these are trails that are already obligated to be constructed by
Arbor Oaks in Phases 2 and 3. Mr. Robison suggested, rather than putting them in a North Bethany document which confuses the issue about whether Arbor Oaks is in or out of North Bethany, they should be adopted in the TSP.

Chairman Brian asked Mr. Robinson which of staff recommendations would be okay to engross but would need work through the winter.

Mr. Robinson responded with the following information:

- West Hills would prefer the Board not adopt the interim bicycle improvements in 501-12.2.d (Exhibit 9.B, page 2) but if the Board does adopt them, this could be worked on over the winter.
- Interim ped improvements of 501-12.2.e (Exhibit 9.B., page 3). This language has gotten very close to what West Hills is comfortable with but West Hills would appreciate addressing this over the winter.

Commissioner Schouten stated that the Commissioners have an Option 1 and 2 in their books, which primarily focuses on the bike option but also includes the ped language. He said that in one, the ped language is d. and the other is e., depending on which of the two options you are looking at.

Mr. Robinson said that he tried to reference Option 2, which is Exhibit 9.B. consistently.

Commissioner Schouten asked Mr. Robinson if he has had a chance to look at Option 3 and read part of that to him.

Mr. Robinson had not had the option to look at Option 3. He did not want to preclude any option. Mr. Robinson said that if where the Board ended up was doing a Type III modification for the bicycle interim improvements as it has for the ped interim improvements, that is fine to an extent. However, he stated that after awhile, staff and the Hearings Officer are going to get tired of seeing people coming back again and again for a modification. Mr. Robinson noted that even the best criteria start to wear thin on a decision maker when you continue to ask for deviations. He thought that the larger policy issue is if the Board wants the interim improvements this way. Mr. Robinson went on to question if they can actually be done. He said that from Doug Menke’s (THPRD’s) perspective, for example, that language is perfect but he is not the one trying to process an application. Mr. Robinson respected his point of view and promised to work with him this winter but said that every time we adopt a standard that will make it difficult to develop, that does not do the community, staff or applicant any good. He preferred that the 22 foot standard remain. Mr. Robinson said that if the Board wants to engross with the Type III language, as in the interim pedestrian improvements, he would appreciate it if the Board made the comment on the record that parties will sit down this winter and look at the language to make certain it is as good as it can get, while still recognizing the policy issues that the Board regards as important.
Commissioner Schouten questioned if there could be a time period in which there is a significant amount of car traffic on one of these connecting roads. He said that with only 22 feet and two eleven-foot travel lanes and a fair amount of traffic, that does not leave a lot of room for two cars and a bicyclist. Commissioner Schouten was concerned about the bicyclists being sideswiped.

Michael Robinson reported that a lot of good progress was made with staff over the past week. He guessed that more things could be thought up over the winter to address Commissioner Schouten’s concern. Mr. Robinson, too, was not interested in seeing bicyclists not be able to ride on the roads. He stated that this is a one solution fits all. Mr. Robinson said that we are dealing with an area that has been farmland for many years and has adequate infrastructure. He remarked that if we end up with criteria that we cannot satisfy staff or the Hearings Officer that we can meet, then nothing gets done out there. Mr. Robinson reiterated that there is likely work on that language that can be done. He requested direction that this be worked on this winter, if it needs to be engrossed tonight.

Relative to the question of needing to engross tonight, Chairman Brian said that theoretically the Board could engross next week but pointed out that there will only be three Commissioner here then. He stated that this would be difficult work for them to participate in by telephone. Chairman Brian asked if the Board can engross tonight but re-engross next week if significant progress is made on issues during this week.

Commissioner Schouten announced that he is leaning toward Option 3 and would be willing to engross on that basis, with the idea that we would be working on this during the winter months.

Joanne Rice explained the engrossment process. She said that once the Board orders engrossment, then there must be two subsequent public hearings. Ms. Rice stated that if the Board wants to put a decision on something off until next week, it would be putting off engrossment of the entire ordinance until next week.

Chairman Brian stated that it would be engrossed anew.

Joanne Rice indicated that the two hearings dates—October 19 and 26—would work if the Board directed engrossment either tonight or next Tuesday. She stated that if the Board orders engrossment tonight, there cannot be a second engrossment next Tuesday. Ms. Rice specified that it would have to be considered a reconsideration of tonight’s decision.

Dan Olsen informed the Board that it really only has time to do one engrossment—either tonight or next week. He explained that under the Charter, two hearings need to be held on the engrossment. Mr. Olsen clarified that there is no opportunity to reconsider an ordinance because of the Charter language/process.
Commissioner Schouten reiterated that four Commissioners are present tonight and only three will be here next week.

Dan Olsen advised the Board that on anything it does this year, it can direct staff to look at again next spring if desired.

Mr. Robinson did not want the trails (page 3 of staff report) issue forgotten. He asked that the Board direct this to be done in the TSP.

Jonathan Schlueter, Executive Director, Westside Economic Alliance, 10655 SW Nimbus, Tigard, Oregon, submitted two graphics, which may be found in the Meeting File. He said that he works with agencies, employers and developers who are most interested in this project. Mr. Schlueter spoke of population growth in Washington County and of the opportunities that bring to the region and Board constituents. He said that 177 new residents have been drawn to Washington County in just the last week. Mr. Schlueter added that the County continues to draw 600 people every month, even in the dour economy that we are experiencing. He stated that our opportunity is to find room and places for our children. Mr. Schlueter referenced his graphics, which show that we are drawing employees here from nine counties. He reported that the employment among the Board’s constituents is going down. Mr. Schlueter concluded that we are not living and working in the same communities and that we are not able to find work opportunities in Washington County. He said that we are having to move out of Washington County and to come back in to work here. Mr. Schlueter stated that that is not consistent with our regional plans. He said that as a region, we have said that we want to control our urban growth, to define the Urban Growth Boundary, and we want to limit future growth and expansion. Mr. Schlueter stated that that begins in North Bethany and added that other opportunities will occur in the months ahead. He regarded the opportunities and challenges as very clear, as well as the immediate needs of Washington County.

Joe Rayhawk, 15248 NW Germantown Road, Portland, Oregon, submitted a handout, which may be found in the Meeting File. He translated a German expression “Unter Den Hammer” as “Under the Auctioneer’s Hammer” or somebody in deep trouble. Mr. Rayhawk pounded a supplement to the Tigard Times full of properties to be auctioned on the testimony table to further illustrate the sound of the hammer falling. He said that this supplement represents 600 to 700 of the tens of thousands of Oregon families who will be kicked out of their homes before this is over. Mr. Rayhawk asked the Board not to engross this ordinance because the project is not in the public interest. He requested the Board, as a matter of child safety, not to allow development of the R-24 housing in the northwest corner until Road A from Joss to Kaiser is fully funded.

Mr. Rayhawk said that in 2008, all three North Bethany developers said that if you raise the infrastructure cost by $50,000 per home, they would not be able to buy the land. He stated that since then, the prices of North Bethany-style homes have dropped more than $100,000. Mr. Rayhawk concluded that at the current time, it is not profitable to build stand-alone houses in North Bethany even if the land owners give them the land. He said
it is not clear that prices will rise over the next ten years to make such development profitable. Mr. Rayhawk questioned why we are here. He stated that the two developers made bad financial decisions and actually bought land. Mr. Rayhawk said that K & R appears to have bought at least $10 million in the northwest corner. He stated that usually, developers get an acquisition loan for the buy amount plus a couple of years interest (typically about 5%), or in this case, $500,000 per year. Mr. Rayhawk alleged that K & R would have burned through that several years ago. He said that they need to build quickly and build something that will sell even though they will still lose money on the overall deal. Mr. Rayhawk stated that because of the carrying interest, waiting is not a strategy. He said that K & R building R-24 is the only thing that can likely sell right now. Mr. Rayhawk remarked that there is a critical safety issue. He said that 100% of the R-24 traffic will use Joss Avenue and go past an elementary school unless Road A is built to Kaiser. Mr. Rayhawk said that it is clear in the record that Joss is not designed to handle this kind of load and it is clear that it will not be safe. He stated that if development of Road A to the east is dependent on other developments, the situation will last for longer than five years—perhaps 20 years. Mr. Rayhawk reiterated his request for the Board not to move forward with this ordinance. Alternately, he asked that the Board require Road A to be fully funded before allowing construction in the northwest corner. Mr. Rayhawk referred the Board to his written testimony for discussion of a few more safety issues relative to the Road A bridge and PCC.

David Nielsen, Home Builders Association, 15555 SW Bangy Road, Lake Oswego, Oregon, submitted written testimony, which may be found in the Meeting File. He said that although the Home Builders Association of Metropolitan Portland has not played a direct role in the planning discussions related to North Bethany UGB expansion area, it has been following this for several years. Mr. Nielsen stated that the Home Builders have weighed in at a 30,000 foot level when issues have come up and have encouraged all parties involved to resolve the complex issues and to set a model that hopefully can be used for other expansion area planning needed in our region. He reported that the Home Builders applaud and support the plan proposed and encourage the Board to adopt it.

Mr. Nielsen shared three thoughts that reinforce why moving forward is so critical to the County right now:

- Adopting the plan helps support the effective implementation of our land use system. While there are no perfect plans, if we can’t reach agreement on how to accommodate growth as planned for in this region, we will ultimately cause our land use system to fail and further hurt our economy.
- Adopting the plan creates jobs. According to a report commissioned by HBA for our area, which uses a statistical model used and respected by housing authorities, economic development agencies and local governments across the country, and applies it to our local region, every 1,000 homes built create an immediate impact of over 3,500 jobs for the region. In addition, due to the ongoing purchases and economic activity associated with the home owners in these homes, over 500 additional jobs are maintained annually.
Adopting the plan will help economic development and increase revenues for the region. According to the same report mentioned above, the estimated impact of 1,000 homes built results in over $230 million in local income and an additional $40 million in taxes and other revenue for local governments in the first year alone. The ongoing impact is over $32 million in local income and $8 million in taxes and other revenues for local governments. (This is for each 1,000 homes built.)

Mr. Nielsen stated that this plan does a good job at addressing the costs and impacts of new housing without imposing additional burdens on these homes related to existing deficiencies and infrastructure needs. He said that the bottom line is that new construction spurs economic development, contributes significantly to the GDP of a region, and more than pays for its impact. Mr. Nielsen thanked all those involved for the time spent on this plan and hoped its approval will begin moving Washington County forward.

Carol Chesarek, 13300 NW Germantown Road, Portland, Oregon, represented the Forest Park Neighborhood Association. She thanked staff, the Planning Commission and Board for recognizing the importance of buffers between new urban areas and adjacent rural lands. Ms. Chesarek related that the Forest Park neighborhood includes many farms along these rural edges. She said that the neighborhood was quite pleased with the inclusion of a placeholder for these buffers in Ordinance 730. Ms. Chesarek stated that the neighborhood hopes that these buffers will be defined by early next year and looks forward to facilitating that process in any way. She said that the neighborhood was disappointed that staff decided not to include another provision in the ordinance that was mentioned at the last hearing, which would delay development in prospective buffer areas along those edges until the buffers themselves are defined. Ms. Chesarek stated that this would be similar to other key elements in the plan that don’t rely solely on the FD-20 designation but have some kind of backup behind them. She said that the neighborhood is aware that FD-20 will block all development but stated that if the busy staff have not completely finished those buffer definitions by the time the FD-20 is lifted, then this Board will need to take new action to put interim protections into place. Ms. Chesarek stated that this means the same people coming to testify at more hearings all about the same basic issue. She suggested that the Board add a provision to Ordinance 730 today to block development within 300 feet of the rural edges until those buffers are defined, as staff suggested last week.

**BOARD DELIBERATION**

Chairman Brian referenced a memorandum from Brent Curtis dated September 27, 2010, which summarized the issues, as follows:

- Annexation to Service Districts. This matter has been resolved to mutual satisfaction, which is reflected in staff recommendation.
Pedestrian Facilities. There seems to be agreement between the property owners and staff that a Type III process would be connected to this item within one-quarter mile of schools and would allow for modification under certain circumstances through this Type III process. This has been agreed to. The language may be found in Exhibit 9.A.

Dan Olsen remarked that this is the section where the testimony of the development community is to insert the language along existing streets. He clarified that staff recommends that that language not be inserted.

Commissioner Schouten stated that this would use the language of Option 1, paragraph e., page 3 of 6, Exhibit 9.A.

Chairman Brian asked if the Board wishes to include the developers’ proposal so that the second sentence would end, “existing streets” versus the staff recommendation that does not.

The Board preferred to leave the language “as is”.

Commissioner Duyck’s support of leaving it “as is” was that the Type III process is the escape route for that. He was aware that the developers probably do not think that that is adequate but Commissioner Duyck did believe that it is.

Chairman Brian observed that the next item is the bike facility piece. He said that it has been discussed to add the Type III process to it. Chairman Brian stated that in both cases (ped and bike), these items would be flagged for further discussion during the winter. He summarized that the consensus appears to be the ped facility Type III process as outlined in 9.A. and the interim bike facility of 28 feet with the Type III process available—with the understanding that this would go on the short list of items to be further considered during the winter process.

Commissioner Schouten supported Option 3.

Commissioner Duyck stated that his opinion on Option 3 would be to go with the 22 foot lane width due to a redundancy in the system. He said that if we are requiring the building of sidewalks, then it does not make sense to also require the additional lane width for the bike lanes until full build-out. In order to engross, Commissioner Duyck suggested a compromise solution: add in the Type III process and then look at it further.

Commissioner Schouten wanted to see a full discussion on this item so that he could really feel comfortable with it next year.

Chairman Brian summarized the Board’s consensus:

- Interim ped would be with Type III, as set forth in 9.A.
- Interim bike would be Option 3, 28 feet with Type III process.
The Chair added that both items would be placed on a short list for further work during the winter to try to perfect our goals.

One further person wished to testify.

Dr. David Rule, President, Portland Community College, Rock Creek Campus, 17715 NW Springville Road, thanked the Board for hearing his complaint at a previous meeting and responding. He expressed appreciation for the efforts of staff, particularly Andrea Vannelli and Joy Chang. Dr. Rule said that staff met with PCC for an extended period of time last week and characterized that as a great conversation. He stated that not only did parties reach agreement on language but also came to better understand the perspectives of each side. Dr. Rule felt positive that the result will be that all will work even better together in the future.

The Board continued deliberations.

- **PCC Concerns.** PCC and staff have reached an agreement and the proposed text is reflected in the staff recommendation.

- **Option to remove the FD-20 if the Community Service District was formed or if it failed the LID.** There was discussion about other language referencing anything else the Board could do. The fact is that the Board has the authority to do other things if the Community Service District did not pass, for example. The parties who raised this issue no longer comment on it and so it is okay “as is”.

- **Neighborhood Park matter.** The Board chooses to go with staff language with the very clear understanding that there are some practical and functional issues on how this actually could get done and a commitment on the part of THPRD, the County and the Developer to work together on perfecting this through the winter so that it does result in certainty about parks and yet does so in some sort of practical way. We cannot, for example, ask a developer to deliver a deed when they do not own the property. Given time constraints, we would adopt existing language with that understanding, which was also recognized by THPRD this evening.

- **Parking.** Staff agrees with Commissioner Schouten that he caught something in the language that needs to be changed. This would be incorporated into the engrossment and is identified as Exhibit 4, page 38 of 49 on a green sheet.

- **Farmers Market.** There is language in the proposed ordinance referencing Farmers Market and there was testimony asking the Board to remove any reference and instead work on that through the winter.

Regarding the Farmers Market, Joanne Rice recognized that there are two different points of view about the Farmers Market. She stated that the testimony from Dina Gross asks
the Board to look at how you provide for Farmers Markets throughout the County. Ms. Rice clarified that staff had proposed something that was limited to North Bethany. She recommended that the Board move forward with the proposal for North Bethany but said that if the Board wants to take more time to look at this, staff needs to know if the Board just wants to look at it for North Bethany or the broader issue. Ms. Rice stated that the type of Farmers Market that Ms. Gross talks about in the Hillsdale area is probably appropriate due to the denser, urban area with a lot more commercial area. However, she related that staff’s conclusion was that that would not be appropriate in the North Bethany area because it is predominantly a residential area. Ms. Rice said that the Board could end up with two different types of standards. She explained that staff was trying to develop a proposal that was unique to North Bethany and which would not be applicable to other parts of the County.

Chairman Brian reasoned that if the Board leaves the Farmers Market language in, that does not interfere with a separate consideration of countywide Farmers Market things. He said that if a Board next year was to adopt something on a countywide basis on Farmers Markets, it would most likely prevail over this language or modify this language then.

Ms. Rice responded that that is correct and that this could easily be handled.

Chairman Brian stated that if the Board was to adopt staff recommendation on Farmers Market, it could separately decide if it wants to form a task force or committee to review Farmers Markets in Washington County—the different types, locations, permitting, and so forth.

Commissioner Duyck’s preference was to leave the Farmers Market in the ordinance “as is”. He believed that if this is a big enough issue to be dealt with during the next work season, then it should be dealt with countywide. Commissioner Duyck was not advocating for that but he preferred a holistic view of the issue if it is done.

Commissioner Schouten was not sure that we need that degree of restriction on Farmers Markets in this particular area. He felt that Farmers Markets are generally positive and their use does not generally need to be restricted.

Commissioner Duyck was not sure that we are being more restrictive. He stated that by specifically allowing Farmers Markets in the designated areas, we are actually being more expansive than countywide. Commissioner Duyck reiterated that if we have a problem countywide, we should take it up and make it a priority next year.

Vice Chair Strader concurred with Commissioner Duyck.

Commissioner Schouten said that this is not what he reads in Mary Manseau’s memo. He stated that he is reading that language is more restrictive inside the North Bethany area than elsewhere in the County.
Vice Chair Strader gathered that the current language in the ordinance addresses Farmers Market on commercial property; this is addressing Farmers Market and produce stands that would be on residential.

Joanne Rice affirmed that that is correct. She stated that in North Bethany, if you were to go under the current standards, you could only do a Farmers Market under the Type I temporary use permit on the proposed commercial areas. (There are only a handful of those.) Ms. Rice proposed that these could potentially go on 20 different sites that will be zoned residential district. She said that you could do this nowhere else in the County.

Commissioner Schouten asked if there are more restrictions in a commercial area in North Bethany versus similarly zoned areas in other parts of the County.

Ms. Rice replied that that is not the case. She stated that it would be treated the same; they could come in under the Type I permit. Ms. Rice emphasized that staff is creating something new.

- Trails. 1) There is a trail plan designated in the Arbor Oaks Plan. 2) Trails should be dealt with in the TSP. There has been a suggestion to remove trails from Ordinance 730 and have them more appropriately added into the Transportation System Plan (TSP).

Joanne Rice stated that the ordinance per staff’s engrossment does not propose to put those trails in the ordinance. She said that, in response to testimony, the Board could engross those in or alternately address this next year. Ms. Rice indicated that the Board could add those trails into Arbor Oaks if it wanted to but clarified that staff is not recommending that course of action.

Commissioner Schouten understood the position of wanting to make it clear that Arbor Oaks is not part of North Bethany. On the other hand, he said that there is no way you can put a map together of North Bethany without showing the trails in Arbor Oaks because trails do not end at the border of Arbor Oaks. Commissioner Schouten suggested that we make it clear on the maps that Arbor Oaks is not part of North Bethany but that these trails do continue on through Arbor Oaks as part of a seamless whole for that larger community.

Chairman Brian referenced the fact that the Arbor Oaks Master Plan requires installation of this trail in Phases II and III. He wanted to know if it has already been sited and asked how it would be shown if not already sited in Phases II and III of Arbor Oaks.

Joanne Rice observed that this is an unusual situation. She recalled that last year, when the Board engrossed Ordinance 712, the Board told staff to take everything out that was associated with Arbor Oaks. Ms. Rice explained that this is why there is a gap in the trail system. She said that even though THPRD shows the Powerline Trail going through Arbor Oaks and there is a trail that goes along Bethany Creek, Arbor Oaks is no longer
part of the North Bethany subarea, which is why there is a gap there. Ms. Rice went on to say that this is why there has been testimony stating that these trails do need to connect and asking for this ordinance to make that indication for Arbor Oaks. She told the Board that staff can add a new exhibit that would be just for Arbor Oaks that would show these trails or staff could look at those as part of the TSP update next year. Ms. Rice clarified that this just reflects what is required. She stated that the ordinance does not show any trails in Arbor Oaks and this causes a disconnect because there are no more trails when you come to the perimeter of Arbor Oaks.

Chairman Brian asked Michael Robinson what he is asking to be removed if the trails are not shown.

Michael Robinson asked the Board not to engross because it was not clear from the staff report what was being proposed. His preference was, if the Board wants to do it at all, to do it in the TSP. Mr. Robinson explained that once it goes on this map, it becomes a regulatory document.

Chairman Brian said that taking no action on the trail issue is consistent with the staff recommendation and with the property owner’s request.

Commissioner Schouten asked that there be colors on the map or some other way to make this really clear.

Chairman Brian questioned if we know where the trails are yet for Phases II and III.

Joanne Rice responded that the trails that at some point in time would be placed would be through the BPA Powerline and along Bethany Creek.

Commissioner Schouten stated that the lines through there are as definitive in terms of what is actually there than is the case for the largely vacant land that has no trails yet for North Bethany proper.

Ms. Rice said that staff has not proposed this as part of the ordinance due to past Board direction to not have Arbor Oaks part of this ordinance. She did not have a problem including it but agreed with Michael Robinson that one you put those trails on the map, then they become a regulatory requirement. Ms. Rice said that right now, there are no regulatory requirements for trails in Arbor Oaks.

Chairman Brian was okay with not illustrating the trails, given that both staff and the property owner prefer that option, because they will show in the Master Plan at some point.

Commissioner Duyck agreed with the Chair. He supported getting the lines on the map through the TSP, which will accomplish the same thing. Commissioner Duyck said that that way, there is no doubt that it is not regulatory.
Commissioner Schouten asked if the possible trails have been identified in Arbor Oaks. He thought that existing maps of Arbor Oaks do show these trails as being a requirement.

Andy Back stated that there is a requirement through Phases II and III of Arbor Oaks to include the trails. He said that there are different maps. Mr. Back remarked that clearly, as part of a THPRD trail map, THPRD has the discretion of putting anything on there. He noted that this is the more commonly used map for the public. Mr. Back offered to work with THPRD to make sure that they show the continuity of trails on a map.

Board consensus was to follow staff recommendation not to include that reference.

- Buffers. Commissioner Duyck asked if the 300 foot figure is a safe harbor that does preclude development until such time as that issue is resolved.

Joanne Rice said that staff would like to start work on that issue early so that by the time the Board removes the FD-20 district associated with the formation of a County Service District or an LID, then that issue is resolved at the same time. She said that in the event that we could not get everything nailed down along the perimeter, staff did not want to preclude development from occurring in other parts of North Bethany—particularly along Springville Road where sewer and water are available. Ms. Rice stated that staff felt that that might be a safe harbor and that the FD-20 district would only remain along that perimeter next year until that issue is finally resolved. She reported that the goal would be to have the FD-20 district lifted from the entire area once these buffer requirements have been worked out. Ms. Rice said that it is staff’s goal to have that resolved so that next year, the Board can deal with all the issues through one ordinance and not have to come back with subsequent ordinances.

Chairman Brian summarized that this does not need any action tonight but is just a clarification.

It was moved to direct engrossment of Ordinance 730 to include the amendments described in the September 28, 2010 staff report with the following additional changes:

1. Amend CDC Section 390-16.10 on pages 37 and 38 of Exhibit 4 to delete Subsection 390-16.10 B. as shown in the attachment for these pages.
2. Amend Exhibit 9, CDC Section 501, including Section 501-12, to include the text shown in Option 3.

The Board also directed staff to examine the following Article V issues over the winter to identify needed refinements to consider in 2011:

1. Interim bicycle facilities (Section 501-12.2 D.)
2. Interim pedestrian facilities (Section 501-12.2 E.)
3. Section 501-12.2 F. – Appropriate methods to ensure that land identified for a neighborhood park will be provided to the Tualatin Hills Park & Recreation District.

The Board continued the hearing to October 19 and 26, 2010 and directed staff to prepare and mail notice of the amendments consistent with the requirements of Chapter X of the County Charter.

Motion – Schouten
2nd – Strader
Vote – 4-0

Vice Chair Strader shared that she spent a lot of time thinking about North Bethany before tonight. She said that as she wraps up her four-year term, she recalls that she spent more time on the campaign trail nearly five years ago discussing with and being educated by constituents on North Bethany and land use and transportation issues than on anything else. Vice Chair Strader stated that she thinks that the reasons North Bethany has been so important—aside from creating a community of distinction—are threefold:

1. It gave us an opportunity to have a real dialogue about how we grow as a region and as a county. In dealing with some of the issues over the last four years from Measure 37 to Rock Creek Country Club and the Golf Course there, etc., what we do not deal with is that you hear the UGB is really good at protecting farmland. The Board heard this a lot during the Urban/Rural Reserve process. There are consequences for all actions and public policies. The conversation and dialogue that Vice Chair Strader was hoping for is to finally address the real issue, namely, that there is a cost to a very strong UGB. The Board has never dealt with the consequences of that and are dealing with some of these today. The Portland area ranks in the top three in the nation for foreclosures; 52 percent of these are prime loans. One of the biggest reasons is that Oregon also has a high unemployment rate (a direct correlation). Washington County is the economic engine of the state, which means more companies are going to come here for all sorts of reasons because there is already a huge industry cluster around some very viable leading comebacks in jobs—high tech and renewable energy.

2. Because of a tight UGB, we had a very inflationary housing market. People were making profits on their homes from the time of purchase before they even closed and took possession over the past ten years during the record heights. Now, we are going to be dealing with a real estate market that is going to go back to its normalized function and be seeing people who are upside down for years to come on their homes. We need to look at the fact that a tight UGB has been one of the factors in inflationary costs in the Portland region. Vice Chair Strader was hoping to be able to have that discussion. She anticipated that dialogue in the Metro presidency race because it is critical. Before Vice Chair Strader joined the Board, there was a shift in public policy focus. There are a lot of local jurisdictions, including state and federal, that are finding it necessary to make public policy to
pay for past sins. Vice Chair Strader provided the opinion that the shift in North Bethany was to pay for past sins. She stated that infrastructure was not being paid for as we went. We carried a dearth for a long time in the development and people were not paying their way. Vice Chair Strader was outspoken during the Urban/Rural Reserve debate, saying that if we were going to save farmland then we should have that debate but she was not interested in saving 20-acre mansions for folks who were not paying for the very infrastructure they were using on a regular basis, such as schools.

3. North Bethany gave us a great dialogue concerning that whether you care about your investment in your home, there is nothing that will decrease the value of your house more than poor schools. Schools are the epicenter of our healthy communities and should be. For decades, we never considered siting schools as we sited communities, which is why northwest Washington County schools opening in the past 10-15 years were at capacity when opening. Some of those schools, such as Westview, still have mobile units. These issues were never addressed.

Vice Chair Strader commended all the work that has been done on North Bethany. She agreed with people who liken making public policy to making sausage: it is messy and never starts off perfect. Vice Chair Strader stated that through all the evolutions of public policy, you still do not get to a perfect process, policy or law because you have to collaborate and compromise. She thought that we have come up with a good compromise for Ordinance No. 730. Vice Chair Strader thanked the development community for all their efforts and their hard work on the Stakeholders Work Group. She thanked the citizens and everyone else who served on the Stakeholders Work Group for adding incredible value and a voice that was desperately needed in this process when stalemates were reached. Vice Chair Strader thanked her colleagues for being patient with her through the North Bethany process. She recognized staff, particularly Andrea Vannelli, Brent Curtis, Andy Back and Joanne Rice, for spending endless hours on North Bethany. Vice Chair Strader was aware that she herself has spent several thousand hours on this and noted that that pales in comparison to staff’s efforts.

Commissioner Schouten said that the good staff is reflected in the work product that is being engrossed tonight. He agreed that it is a pretty good compromise. Commissioner Schouten said that during the time we have had the current Urban Growth Boundary, there have been inflationary periods, deflationary periods, good times, and bad times, showing that there are a lot of forces at work. He was not sure that the Urban Growth Boundary was really the driver on that but acknowledged that that is open for discussion. Commissioner Schouten said that now that we are close to being done with this piece, the Board will deal with questions about financing.

Chairman Brian felt that this is a momentous occasion, even though the Board has two hearings coming up yet on this. He recalled that when North Bethany first came on the radar, we had a unique opportunity, challenge and responsibility to Master Plan 800 acres at once. Chairman Brian observed that we had never done that. He noted that, typically,
development comes in 20, 40, 50 acres at a time, with half street improvement, assessment of the System Development Charges, and so forth. Chairman Brian stated that even under those circumstances, he challenged anyone to name any development that has paid 100%. He likened it to paying for schools: someone paid for schools before his children got there and now he is paying for them after his children have graduated. Chairman Brian said that we all keep doing this for the good of society. He remarked that 800 acres is different from how we have ever done business. Chairman Brian said that when you do 800 acres at once, you identify systemic impacts, including major transportation elements that you don’t identify when you have development come in 20 and 40 acres at a time. He stated that traffic goes somewhere but that particular development does not get asked to do much about it. Chairman Brian recognized that development is a risky business from the beginning, with what they paid versus what the land became. He acknowledged that the County has infrastructure requirements. Chairman Brian said that since it is 800 acres at a time, we see some big requirements. He stated that over and above normal infrastructure investments of developers of owners of property for North Bethany are going to be paying more than we have ever asked of developers in the past and yet it is still not all of the cost. Chairman Brian said that these will be pushed out, absorbed and added to our existing $2 billion infrastructure shortage. He stated that this is what happens incrementally. Chairman Brian summarized that there are extraordinary impacts here because of the size and it is hard to imagine how you could have development pay for 100% of the costs. He referenced Clackamas County’s concurrency approach, which they have not been able to use because one development at a time cannot afford to pay all impacts. Chairman Brian announced that following the substance of Ordinance 730, the Board will consider an ordinance regarding the financial package, which includes things that will likely to a May vote of the area for the Community Service District. He added that there will also be the winter work that we have committed staff to do. Chairman Brian thanked staff for their work on this complex, difficult, and unique project.

7. **ORAL COMMUNICATION (5 MINUTE OPPORTUNITY)**

James Crawford, 24955 NW Oak Hill Road, Yamhill, Oregon, said that he used to live and farm in Washington County for quite a few years. He stated that as part of a legacy of that farming operation, he acquired a portion of the family farm that was in Multnomah County in an area known as Bonnie Slope. Mr. Crawford reported that Metro brought that area into the Urban Growth Boundary back in 2002 and added that nothing has been done to enable development of it. He alleged that City of Portland and Multnomah County “are so profoundly ignorant and incompetent that they could not even acknowledge the existence of Clean Water Services sewer pipes on their own existing infrastructure map”. Mr. Crawford asked the Board to consider the possibility of Washington County entering into an intergovernmental agreement with Multnomah County to do the concept planning and zoning for Bonnie Slope and to administer it. He requested that the County do the same for the “L” along Springville Road. Mr. Crawford believed that a lot of the County’s transportation problems could be resolved if Saltzman Road could be extended north and connect to Springville. He recalled when Bethany
Boulevard only existed between Cornell and West Union and was only 1.5 lanes of gravel. Mr. Crawford characterized Bonnie Slope as rural residential with average lot size of three acres, with no farmers anymore. He said it is the epitome of the type of land that State law says should be urbanized. Mr. Crawford predicted that if this process is held up, then as soon as the economy recovers, it will go into “McMansions”. He said that if Multnomah County had enabled development in a timely manner, THPRD would now have an extension of the northwest neighborhood park going up Bronson Creek for at least half a mile. Mr. Crawford thought that something like that could be worked out if Washington County would tell Multnomah County it will take over.

Commissioner Schouten observed that as with most agreements, it takes two parties to agree.

Mr. Crawford requested Washington County to get into a discussion with Multnomah County. He felt that it is necessary to develop Bonnie Slope to safeguard the integrity of the land use planning process. Mr. Crawford said that the land use planning system exists to protect farmland. He wondered how the County can claim it is safeguarding farmland if the County will not develop areas like Bonnie Slope and yet develop areas like North Bethany.

Commissioner Duyck stated that he has met with Commissioners from Multnomah County as well as Metro officials to talk about the possibility of doing what Mr. Crawford proposed. He reported that in the final analysis, that possibility was discarded. Commissioner Duyck said that this is a prime example of governance issues and the costs associated with it that should have been considered before it was ever brought into the Urban Growth Boundary.

Mr. Crawford interrupted to say that the concept planning and zoning process did progress far enough to demonstrate that the offsite infrastructure costs for the area are less than $1,000 per dwelling unit. He disagreed that there are cost issues.

Commissioner Duyck stated that there is still a governance issue. He said that the arguments Mr. Crawford makes about saving the County money and being able to extend roads are arguments that land owners make who live in different places around the County. However, Commissioner Duyck stated that there is a broader issue here, namely, of governance. He said that this issue is of Washington County ending up with more unincorporated property that we then do not have the resources to serve because we do not receive the same resources that a city would.

Mr. Crawford stated that the City of Beaverton would love to annex Bonnie Slope but the problem is that they cannot yet. He said that Beaverton is forbidden to annex north of Highway 26 by Washington County, which is difficult to understand.

Chairman Brian indicated that this has been worked on for a long time. He reviewed that he met several years ago with Multnomah County Commissioners and Metro. Chairman
Brian explained that it is a very difficult issue because all the sewer, water and traffic goes into Washington County but the property resides in Multnomah County. He stated that it will be a very expensive place to develop. Chairman Brian said that it will not be allowed to develop at one unit for three acres.

Mr. Crawford interjected that it is one unit per three acres now. He asked if someone told the Board that no one would buy and no one would sell and there would be all this land constrained by existing improvements.

Chairman Brian summarized that it is a very complex piece of property. He said that our staff is overloaded now doing things like North Bethany, Area 63/64, and a long list of other work projects and honestly do not have time to take on an area that is not even in our County, that will be controversial to develop, that will be expensive to develop. Chairman Brian thought that the numbers will be worse in that area than in North Bethany.

Mr. Crawford interrupted to question that $1,000 per dwelling unit is expensive to develop.

Chairman Brian disagreed with that number.

Mr. Crawford said that onsite infrastructure which developers customarily pay for is in the $20,000 to $30,000 range. He stated that there are no “biggies” that have to be done. Mr. Crawford referenced November, 2009 and January, 2010 briefing memos for the Multnomah County Planning Commission and said that all of this has been done. He said that Clean Water Services and Tualatin Valley Water District have said they can serve that area with no problem.

Chairman Brian advised Mr. Crawford that he is speaking to the Board of Clean Water Services District and said that that is just not the case. He indicated that the Board will not get into further debate.

Mr. Crawford said that Clean Water Services’ engineers already did the cost analysis. He stated that all the sewers are stubbed out along the downhill western border of Bonnie Slope. Mr. Crawford reported that there is one issue with a pipe that is undersized and would have to be upsized. He estimated $200,000 of offsite infrastructure costs would accommodate this area and said that developers would be perfectly willing to pay this. Mr. Crawford insisted that it is not cost prohibitive to develop this area. He said that the only thing that might be expensive is road improvements but he believed that the County needs to do improvements on Saltzman and Laidlaw now to accommodate the severe impact already suffered by residents sandwiched between Forest Heights and suburban Washington County.

Vice Chair Strader said that it could be debated whether or not the “L” should have gone in but clarified that that was dealt with in the Urban/Rural Reserves process. She
observed that we have already moved way beyond that. While Vice Chair Strader very much appreciated Mr. Crawford’s testimony, she did not think the Board should take further time for debate.

Chairman Brian, too, thanked Mr. Crawford for his remarks.

Mr. Crawford acknowledged that the Board was more than fair giving him time to speak and added that the Board probably answered some questions.

8. BOARD ANNOUNCEMENTS

Commissioner Duyck announced that he and Commissioner Rogrers will miss next week’s Board meeting because they will be representing Clean Water Services at the Water Environment Federation Technical show in New Orleans.

9. ADJOURNMENT: 9:38 p.m.

Motion – Strader
2nd – Schouten
Vote – 4-0

MINUTES APPROVED THIS ___ DAY _________________________ 2010

_______________________________ ______________________________
RECORDING SECRETARY  CHAIRMAN