PLANNING COMMISSION MINUTES

May 24, 2000

CALL TO ORDER:	Chairman Dan Maks called the meeting to order at 7:10 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.
ROLL CALL:	Present were Chairman Dan Maks, Planning Commissioners Bob Barnard, Betty Bode, Sharon Dunham, Chuck Heckman, Eric Johansen and Vlad Voytilla. Development Services Manager Irish Bunnell, Senior Planner John Osterberg, Transportation Planner Sean Morrison, Planning Consultant John Spencer, AICP, Assistant City Attorney Bill Scheiderich and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

VISITORS:

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATIONS:

On question, no staff communications were presented at this time.

PUBLIC HEARING:

Chairman Maks discussed the standard Public Hearing process and the challenges and advantages of hearing all seven applications concurrently. He asked that members of the public limit their testimony to five minutes, observing that all seven applications may be discussed during this time. Emphasizing that testimony will be limited to applicable criteria for these seven applications, he observed that lamb chops, lettuce or previous actions or considerations will not be discussed. Noting that every effort will be made to minimize repetitive or redundant testimony, he expressed his appreciation to the public for their cooperation in simplifying this process.

Chairman Maks opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response

OLD BUSINESS:

CONTINUANCES:

A. BEARD COURT

The following land use applications have been submitted for a 60-unit single family detached, Planned Unit Development, proposed to be located east of SW 155th Avenue and north of SW Beard Road. The zone change and development proposal is located on property identified by the Washington County Assessor's Map 1S1-29DB, on Tax Lot's 101, 300, 400, and 500, and is zoned Neighborhood Service Center (NS).

1. **RZ 2000-0001: BEARD COURT REZONE:**
The applicant requests approval of a Rezone (RZ) to change the City's zoning designation from Neighborhood Service Center (NS) to Urban Standard Density Residential (R-5). This rezone is proposed with the condition that if the Conditional Use Permit (PUD) is denied, the denial will prevent the final approval of the Rezone. This rezone is also proposed with the condition that if the two Sexton Mountain Rezones (RZ2000-0002, RZ2000-0003) are denied, the denial will prevent the final approval of the Beard Court Rezone. The Planning Commission will review the rezone request through the RZ2000-0001 application.

2. **CUP 2000-0001: BEARD COURT CONDITIONAL USE PERMIT (PUD):**
Request for a Conditional Use Permit approval for a 60-unit Planned Unit Development (PUD) on 10.33 acres of land. The PUD request includes proposed single family homes, sidewalks, streets, open space tracts, and associated landscaping. Proposed access points include two locations on SW 155th Avenue, and two locations on SW Beard Road. The Planning Commission will review the preliminary development plan through the CUP2000-0001 application.

3. **TPP 2000-0001: BEARD COURT TREE PRESERVATION PLAN:**
The applicant requests Tree Preservation Plan approval to remove trees within an area identified as a "significant grove" on Beaverton's Inventory of Significant Trees. The Tree Preservation Plan is proposed with this project to evaluate removal and impact to existing trees as a result of the residential development. The Planning Commission will review the proposal through the TPP2000-0001 application.

B. THE SEXTON MOUNTAIN VILLAGE PROJECT:

The following land use applications have been submitted for the development of a grocery store approximately 61,000 square feet in size and approximately 94 townhomes at the northwest corner of SW Murray Boulevard and SW Beard Road. The zone change and development proposal is located on property identified by Washington County Assessor's Map 1S1-29DD on Tax Lots 100 and 200, and is currently zoned Urban Standard Residential (R-5).

1. **RZ 2000-0002: THE SEXTON MOUNTAIN VILLAGE PROJECT/ HAGGEN STORE ZONE CHANGE:**

   Request for Zone Change approval from R-5 to Community Service (CS) on the northern portion of the Sexton Mountain Village parcels. On this portion of the site, the applicant is proposing the development of a grocery store approximately 61,000 square feet in size, which would be a permitted use within the CS zone. The Planning Commission will review this Zone Change through the RZ2000-0002 application during a public hearing. This Zone Change application will be reviewed in conjunction with RZ2000-0001 Beard Court Rezone, RZ2000-0003 Sexton Village Zone Change, and CUP2000-0003 Sexton Mountain Village CUP (PUD). A condition to the approval of all three Zone Changes and the CUP would be if one application were to be denied, then the denial of that application would prevent the approval of the other applications.

2. **RZ 2000-0003: THE SEXTON MOUNTAIN VILLAGE PROJECT/ SEXTON PLACE TOWNHOMES ZONE CHANGE:**

   Request for Zone Change approval from R-5 to Urban Medium Density (R-2) on the southern portion of the Sexton Mountain Village parcels. On this portion of the parcels, the applicant is proposing the development of approximately 94 residential units, which would be a permitted use within the R-2 zone. The Planning Commission will review this Zone Change though the RZ2000-0003 application during a public hearing. This Zone Change application will be reviewed in conjunction with RZ2000-0001 Beard Court Rezone, RZ2000-0002 Haggen Store Zone Change, and CUP2000-0003 Sexton Mountain Village CUP (PUD). A condition to the approval of all three Zone Changes and the CUP would be if one application were to be denied, then the denial of that application would prevent the approval of the other applications.

3. **CUP 2000-0003: THE SEXTON MOUNTAIN VILLAGE PROJECT/ SEXTON MOUNTAIN VILLAGE CONDITIONAL USE PERMIT (PUD):**

   Request for Conditional Use Permit (CUP) approval for the Sexton Mountain Village Planned Unit Development (PUD). The CUP will review the development of the grocery store and townhomes as one planned development. Additionally, the applicant is requesting the height of a portion of the grocery store to approximately 43 feet, exceeding the 35-feet allowed in the CS zone. The Planning Commission will review this PUD though the

CUP2000-0003 application during a public hearing. This CUP application will be reviewed in conjunction with RZ2000-0001 Beard Court Rezone, RZ2000-0002 Haggen Store Zone Change, and RZ2000-0003 Sexton Place Townhomes Zone Change. A condition to the approval of all three Zone Changes and the CUP would be if one application were to be denied, then the denial of that application would prevent the approval of the other applications.

4. **CUP 2000-0002: THE SEXTON MOUNTAIN VILLAGE PROJECT/ HAGGEN STORE 24-HOUR OPERATION CONDITIONAL USE PERMIT:**

Request for Conditional Use Permit (CUP) approval to operate the proposed grocery store 24 hours a day. Uses that operate in the CS zone between 10:00 p.m. and 7:00 a.m. require a CUP. The Planning Commission, during a public hearing, will review the hours of operation through the CUP2000-0002 application.

Chairman Maks asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

Commissioner Dunham informed Chairman Maks that she has been involved with these particular applications through the entire process, noting that while she has no financial or personal interest in these applications and feels certain that she could participate fairly and impartially, in the interest of appearance, she has decided to recuse herself from these proceedings.

Commissioner Barnard informed Chairman Maks that while he also feels capable of hearing these applications in a fair and impartial manner, because of a potential conflict of interest and in the interest of appearance, he has also decided to recuse himself from these proceedings.

Chairman Maks declared that he has had two conversations with Mr. Mark Holady and two conversations and one e-mail with Mr. Andrew Rapp, emphasizing that all contacts strictly involved process and did not involve the specific applications in any way and that this will not affect his ability to participate fairly and impartially on these issues.

Commissioners Dunham and Barnard left the dais.

On question, no one challenged the right of any of the remaining Planning Commissioners to participate in these applications or asked that the Public Hearing be continued to a later date.

On question, Commissioner Heckman observed that he had not visited the site.

On question, Commissioner Bode described her visit to the site, noting that she had no contact with anyone at that time.

On question, Commissioner Voytilla mentioned that he had visited the site and had no contact with anyone while he was there, adding that he had been familiar with the site over the past twenty years

On question, Commissioner Johansen stated that he had visited the site and had no personal contact while there.

Chairman Maks reported that he had visited the site and walked the property.

On question, no one challenged the right of any of the remaining Planning Commissioners to participate in these applications or asked that the Public Hearing be continued to a later date in connection with the site visits.

Chairman Maks questioned City Attorney Bill Sheiderich, how he ended up with a Comprehensive Plan Amendment that is conditioned to a grocery store when a grocery store had not been discussed throughout the amendment proceedings.

Observing that the conditions are already adopted, Mr. Sheiderich clarified that it is not the task of the Planning Commission in these hearings to determine whether only one or another rezone meets the Council's statement of intent as to whether that condition of the plan amendment is met, adding that this is generally left to a separate proceeding.

Senior Planner John Osterberg introduced Planning Consultant John Spencer, who has provided assistance in tonight's applications, adding that Mr. Spencer had been the primary author of most of the seven Staff Reports. He discussed exhibits that have been presented this evening, specifically Exhibits 1 – 8, some of which have multiple parts, and are referenced within the Staff Reports. He described Exhibit 9, which includes additional miscellaneous communications received from the applicant's team through May 17, 2000; Exhibit 10, which includes additional material submitted by staff; Exhibit 11, which includes additional communications received from the public; Exhibit 12, which includes the Wetland Mitigation Plan for the Sexton Place Townhouse and the Sexton Mountain Village (both within the Sexton Mountain Village Planned Unit Development); and Exhibit 13, which includes the Sexton Mountain Village and Beard Court Figures and Illustrations – May 2000, submitted by the applicant, all of which are available with the Recording Secretary.

Mr. John Spencer, Principal Planner with Spencer and Cupper, mentioned that the City has retained him for the purpose of assisting with these seven applications. He discussed the Beard Court site and described this

approximately 10.3-acre area at the northeast quadrant of the Beard Court and 155th Avenue intersection. He noted that there are several structures on this partially vacant property, which includes a significant grove of trees and a 1.3-acre jurisdictional wetland. He pointed out that the Comprehensive Plan currently designates this area as Urban Standard Residential, adding that the present application would change the existing zone within Urban Standard Residential from Neighborhood Service to R-5, which is the highest density zone. He mentioned that staff recommends approval of this application (RZ 2000-0001 – Beard Court Rezone), with the following conditions: 1) that the Beard Court Rezone be conditioned on approval of the Beard Court PUD Application (CUP 2000-0001 – Beard Court Conditional Use Permit/Planned Unit Development); and 2) that the approval is contingent upon the approval of the two zone changes on the other property, specifically RZ 2000-0002 – The Sexton Mountain Village Project/Haggen Store Zone Change and RZ 2000-0003 – The Sexton Mountain Village Project/Sexton Place Townhomes Zone Change. He pointed out that staff had reviewed and found that the application meets the criteria for the zone change, adding that the property is currently planned for residential uses and zoned for commercial uses and that the applicant's proposed R-5 zone is the appropriate zone for that site.

Mr. Spencer discussed the second application – CUP 2000-0001 – Beard Court Conditional Use Permit/Planned Unit Development, noting that the proposal includes sixty single-family residential structures to be clustered around an open space tract containing trees, wetlands and the important natural resource area. He mentioned that the site contains a loop road that connects Beard Road with 155th Avenue, as well as a road that connects 155th Avenue to the internal street, which will serve 45 units on the west side of the open space tract. The east side of the open space tract includes a cul de sac proposed from Beard Road and the remaining 15 single-family units which will be served by that street. He explained that the planned unit development allows some flexibility in the application of development standards, which are appropriate for the R-5 zone. He noted that this application includes some variety in lot sizes and setbacks, adding that staff also supports the applicant's request to adjust solar access requirements and street design standards. He described the open space tract, which includes the jurisdictional wetland, trees and all environmental features that are inherent on that site, adding that some enhancement to these features have been proposed. He mentioned that staff recommends approval of the planned unit development, contingent on the success of the rezone for the Beard Court property.

Mr. Spencer discussed the Sexton Mountain Village site, located at the northwest corner of Beard Road and Murray Boulevard, noting that this site includes approximately 17.6 acres. He mentioned that a quarry had formerly been located on this property which is basically sloped from north to south, surrounded by residential uses, primarily single-family residences on 149th Avenue that back on to the western edge of the site. He mentioned that the

Comprehensive Plan designations for this site had been approved by the City Council in 1999, adding that roughly the northern 10 acres had been designated for commercial use and the southern 7.6 acres had been designated for medium density residential use. He clarified that RZ 2000-0002 – The Sexton Mountain Village Project – Haggen Store Zone Change, is proposing that the northern approximately 10 acres be rezoned to the CS zone, to allow for a grocery store and related commercial facilities incorporated as part of the Haggen planned unit development application. He mentioned that the staff reports clarify the appropriateness of these zone changes, emphasizing that the proposal, which is conditioned upon a specific use, will not create the strip commercial opportunity that may be a cause for concern when using the CS zone. He commented that staff is recommending approval of the zone change to CS, adding that this is appropriate for this location and that conditions of approval should mitigate any issues.

Mr. Spencer referred to RZ 2000-0003 – The Sexton Mountain Village Project – Sexton Place Townhomes Zone Change, which is located on roughly 7.6 acres on the southern portion of that same site. He noted that the existing Comprehensive Plan designation provides for Urban Medium Density Residential in this existing R-5 zone, adding that the proposed zoning is R-2, which is the zone that staff feels most appropriately fits the Urban Medium Density Residential Comprehensive Plan Designation. He reported that staff is recommending approval of this zone change, under certain conditions; specifically upon approval of the planned unit development for Sexton Mountain and approval of the rezone for Beard Court.

Mr. Spencer clarified that the Sexton Mountain Planned Unit Development is the plan for both of these rezone areas, noting that the applicant has proposed a Haggen Food and Pharmacy on the north side of the site, including approximately 61,000 square feet of building area with associated activities, and approximately 94 townhomes on the southern (residential) portion of the site. He discussed the proposed public and internal street system, as well as specific access proposed primarily for the Haggen Store. He discussed a primary issue of the impact of the grocery store in this area, adding that staff has determined that these impacts, including traffic, noise and visual have been satisfactorily mitigated by the applicant. He stated that staff recommends approval of the planned unit development, as well as increased parking spaces for the Haggen Store.

Mr. Spencer discussed CUP 2000-0002 – The Sexton Mountain Village Project -- Haggen Store 24-Hour Operation Conditional Use Permit, noting that the issues of nighttime noise and glare from traffic have been satisfactorily addressed by the applicant. He mentioned that the applicant had provided a satisfactory traffic analysis, as well as an acoustic analysis, and that they had proposed that the entire loading area to the west of the building be completely enclosed to help mitigate the noise associated with nighttime

loading. Concluding that the post-litigation proposals are adequate, he recommended approval of CUP 2000-0002.

Mr. Osterberg discussed TPP 2000-0001 – Beard Court Tree Preservation Plan, noting that the applicant has submitted a complete inventory of all trees on the site, including trees that are not within the significant grove, which occupies a relatively small area of trees in comparison with the overall Beard Court site. He referred to page 9 of the Staff Report, noting that the applicant is proposing the removal of certain trees that are necessary in the development of the site, the subdivision infrastructure and actual home sites. He observed that the applicant would retain approximately 74% of the trees within the significant grove, as well as some of the trees outside of the significant grove. He noted that the Tree Preservation Plan describes an agreement that has been submitted as Exhibit 6, adding that the document has been signed by neighbors, as well as the developers. He stated that this document indicates that approximately 85% of the trees will be retained, although staff has determined that this would be closer to 74%. He mentioned that the applicant expects to address this issue this evening, observing that this is not an issue and that the application meets all of the criteria for a tree preservation plan. Noting that staff recommends approval of TPP 2000-0001, he discussed recommendations and conditions of approval for this application, including special tree preservation measures during construction, such as tree preservation fencing, as well as other recommendations of the arborist, which are included in the Staff Report.

On question, Commissioner Heckman indicated to Chairman Maks that he is not yet prepared with his questions for staff, requesting that he be given the opportunity at a later time.

Chairman Maks referred to page 13 of the Sexton Mountain Planned Unit Development Staff Report, specifically a reference that this area could be constructed in two separate phases. He indicated that he is concerned with the possibility of the grocery store being constructed with no houses.

Mr. Spencer clarified that the applicant's intent is to construct the grocery store and the houses concurrently, adding that they had desired some flexibility to sequence the construction conveniently, which staff finds appropriate.

Referring to a letter from Tualatin Valley Fire & Rescue mentioned in the Facilities Review Conditions, Chairman Maks requested identification of all private roads involved in all of these applications.

Mr. Osterberg noted that the Tualatin Valley Fire & Rescue is not a member of the Facilities Review Committee, although as additional service providers,

they do submit comments regarding applications for review by the City's Building Official prior to a decision.

Chairman Maks expressed his concern with narrow streets, emphasizing the need for access by the Fire Department, who requested that "No Parking" signs be installed in appropriate areas.

Mr. Osterberg observed that signing and striping are commonly included in a Site Development Permit, as a condition of approval.

Pointing out that this had been conditioned in the past, Chairman Maks mentioned that he had not observed any provision for private streets.

Mr. Osterberg informed him that this condition could apply to both public and private streets.

Chairman Maks observed that he had not found any provision for road maintenance for the private roads included in any of the documents, emphasizing that he does not intend for the City of Beaverton to absorb these maintenance costs.

Mr. Osterberg clarified that this issue is primarily reviewed in the subdivision, adding that this application is not before the Planning Commission at this particular time.

Chairman Maks emphasized that past applications have been conditioned to do something with the CC&R's that meets the approval of the City Attorney, with regard to road maintenance.

Mr. Osterberg agreed that this had been conditioned in the past and could be conditioned at this time, repeating that the intent of the staff had been to address this issue in the subdivision. He clarified that the review of the plat will create the subdivision tracts, all of which must have an ownership, including a maintenance responsibility.

Commissioner Heckman referred to TPP 2000-0001 – Beard Court Tree Preservation Plan, commending Mr. Osterberg for what appears to be the best Tree Preservation Plan he has seen.

Commissioner Heckman referred to pages 18 and 19 of CUP 2000-0003 – Sexton Mountain Village Conditional Use Permit (Planned Unit Development), specifically parking spaces, requesting clarification of what had been used in comparison for this recommendation. Noting that the only local supermarket he is aware of that might be comparable would be the Albertson's Store on Hall Boulevard, he questioned how many parking spaces this store has allotted for a 41,000-foot building.

Informing Commissioner Heckman that he does not have the figures for this Albertson's Store, Mr. Osterberg noted that the applicant had submitted information regarding the parking provided by similar stores.

Commissioner Heckman referred to the Murrayhill Shopping Center, which is 42,000 feet, questioning how many parking spaces are located at this site, dedicated for use by the store.

Noting that this particular property had been developed under two separate parking requirements, Mr. Osterberg pointed out that one had been for the retail/shopping center, which includes the grocery store, and the other one for the office space. He emphasized that they have an arrangement which he referred to as "shared cross-over parking", making any real comparison difficult. Mr. Osterberg observed that because the grocery store is proposed to be located within a shopping center, he is unable to provide the figures indicating how many parking spaces are dedicated specifically to the grocery store. He mentioned that Murrayhill Shopping Center has 718 total parking spaces, 597 of which are required for the retail shops and the grocery store.

On question, Mr. Osterberg informed Commissioner Heckman that the combined retail operation includes a total of 119,500 square feet, adding that the requirement provides for one parking space for every 200 square feet of gross floor area.

Commissioner Heckman referred to page 19 of the CUP 2000-0001 – Beard Court Conditional Use Permit/Planned Unit Development; specifically a comment that states that staff has not identified a need for additional securities or liens. He expressed concern that the City of Beaverton obtain adequate assurance of coverage, adding that other than a percentage of the total cost, he knows of know means of determining an actual amount.

Mr. Osterberg mentioned that that this comment refers to the potential for a Condition of Approval to be established relating to the construction with a Planned Unit Development, such as providing for Performance Bonds or other forms of security. Observing that a Site Development Permit, which is required for all construction, already requires Performance Bonds, he added that the intent of the statement that staff had not identified a need for additional securities or liens was to prescribe over and above the standard bonding procedure any performance securities required through the Site Development Permit process.

Commissioner Heckman questioned how the Planning Commission is to determine whether any additional securities or liens are necessary.

Mr. Osterberg explained that this determination would require the applicant to submit all information necessary for the Site Development Permit, particularly any applicable cost estimate, as well as any infrastructure improvements to occur with each sequence of the construction.

Commissioner Heckman requested clarification of whether this generally occurs during Management Review.

Mr. Osterberg observed that this is an administrative function of the City of Beaverton, reviewed by Development Services Engineer through the Site Development Permit, adding that this is a relatively standard operation.

Commissioner Heckman referred to page 21 of the Staff Report for CUP 2000-0001 – Beard Court Conditional Use Permit/Planned Unit Development, specifically Section 20.05.50.3,A, 2, regarding the 18-1/2 feet proposed for the minimum yard setback for a garage. Observing that the standard is 20 feet, he mentioned that his wife's comet is 16 feet long and he does not find the extra 2-1/2 feet necessary.

Agreeing that Commissioner Heckman has called attention to a valid issue, Mr. Osterberg clarified that 18-1/2 feet is considered the full-size parking space established for vehicles in parking lots and in private driveways and garages.

Commissioner Heckman noted that 20 feet is the requirement, questioning the sacrifice of the 1-1/2 feet.

Mr. Osterberg repeated that Commissioner Heckman has presented a valid issue, adding that the 18-1/2 feet appears to be based upon the assumption that the driver is parking very close to the garage door to avoid extending into the sidewalk area, which is generally located six inches outside the property line. He observed that some of the larger vehicles are likely to take up some of the sidewalk area as well, noting that some individuals park within the sidewalk area regardless of how much driveway space is available.

Chairman Maks thanked Commissioner Heckman, emphasizing that Commissioner Heckman had asked his three questions.

Commissioner Johansen noted that the applicant's statement included language that seems to suggest that a particular zone implement the commercial designation for a grocery store, and therefore it meets the criteria for the rezone. He referred to the statement that "by adopting commercial comprehensive plan designation at the Murray site, the City has decided that the proposed zoning which implements that comprehensive plan designation meets this comprehensive plan provision." He questioned the possibility of multiple commercial zones which don't all meet the criteria but allow grocery

stores, emphasizing that such a finding by the City Council would not necessarily "flow down" to all of the commercial zones allowing grocery stores.

Mr. Spencer noted that the rationale of the City Council had determined that they preferred commercial zoning at this particular location, adding that there had been a specific reference to this specific commercial use -- the applicant's proposal for a grocery store. He clarified that the Planning Commission needs to determine the appropriate zone to implement the comprehensive plan designation, expressing his opinion that the applicant's proposal for a CS zone is feasible. He pointed out that several other commercial zones that would allow a grocery store are available, noting that other issues such as size and spacing standards are associated with these other options.

Commissioner Johansen requested clarification of whether it is appropriate for staff or the applicant to rely upon a decision with respect to a comprehensive plan amendment and transfer this positive finding into any zone that might implement the City Council's broad finding. He questioned whether a particular criteria may work in CS zoning and not NS zoning, and vise versa.

Mr. Spencer informed Commissioner Johansen that the Council had not specifically indicated which zone is appropriate in this particular issue, noting that they had discussed the grocery store use on a commercially designated piece of property. He emphasized that the Planning Commission must determine the most appropriate commercial zone to implement that comprehensive plan designation and the specific requirement for a grocery store.

Commissioner Johansen commented that if the rezone is granted, the Planning Commission will have specific findings of their own, which are applicable only to this particular application, and not what occurred in the comprehensive plan amendment.

Chairman Maks emphasized that only one application for an actual zone change is under consideration at this time, observing that this particular application involves a zone change to CS. He noted that such an application for another location would necessitate facts and findings to a Commission's action of determination.

Commissioner Johansen questioned the spacing of the accesses to Beard Road at the Sexton Mountain Village site, specifically whether these meet the city standards for spacing on a non-arterial designation.

Mr. Osterberg introduced Traffic Engineer Sean Morrison, who noted that access spacing had been identified as a requirement and that a copy of this information can be provided upon request. He described future volumes on

Beard Road and queuing at Beard Road and Murray Boulevard, as well as future access spacing with respect to queuing at 155t^{h} Avenue and Beard Road.

Referring to the unusually clean Staff Report, Commissioner Johansen questioned whether this situation is a result of difficult issues being resolved through the CPA process or whether other elements are involved.

Mr. Osterberg informed Commissioner Johansen that the City Council had removed a great deal of the potential for contradictions. He expressed his opinion that the City Council's decision on the CPAs had been clear, noting that they had approved the CPAs and established that they would be conditional upon the development of the Sexton Mountain Village Planned Unit Development, as presented to the City Council. He mentioned that of four alternatives, Alternative "A" had been selected, providing direction to both the City of Beaverton and the applicant.

Observing that this particular project has evolved through a continuous evolvement throughout several years, Mr. Spencer emphasized that the applicant has made every effort to address and resolve all issues initiated by staff, neighbors and anyone else concerned.

Noting that most of the issues he had been concerned with had been addressed, Commissioner Voytilla commented that he has no questions at this time.

Commissioner Bode referred to the Haggen Store rezone, specifically the noise mitigation, and requested clarification of her understanding that the residential lots are approximately 2.5 times greater than what is required by code. Noting that the drawings illustrate the loading docks, including the brick wall, she questioned the height of this proposed brick wall.

Mr. Spencer mentioned that the height of the wall varies because the site slopes downward, suggesting that the applicant is better prepared to respond to this question.

Commissioner Bode noted that her last question regarding road maintenance had already been addressed.

Chairman Maks mentioned that the sign canopy exceeds the height, adding that this is permitted due to the increased setback. He questioned whether the Commissioners could disapprove this particular element of the Planned Unit Development.

Mr. Osterberg assured Commissioner Maks that the Planning Commission could disapprove the sign canopy exceeding the height requirement.

Chairman Maks referred to the lighting, specifically how the applicant's lighting plan compares to the lights at the Albertson's Store in Tigard, expressing his opinion that these particular lights resemble an airport at a distance of fifteen miles.

Mr. Osterberg declined to compare the lighting to that of the Tigard Albertson's Store, offering to describe the lighting plan of the Haggen Store.

Chairman Maks informed Mr. Osterberg that he would ask the applicant to compare the lighting at the Tigard Albertson's Store to the lighting of the proposed Haggen Store.

Chairman Maks questioned Mr. Spencer regarding a cul de sac, specifically whether this action might be in violation of the functional plan. He mentioned that he believes that a cul de sac should be no longer than 220 feet.

Mr. Spencer observed that the City of Beaverton has adopted transportation standards and policies that Metro has accepted as being in compliance with the functional plan, emphasizing that the city's standards take precedence over the functional plan.

Chairman Maks observed that this had not been addressed within the Staff Report.

Mr. Osterberg mentioned that this particular cul de sac in Beard Court is proposed as a private street, which provides for greater latitude.

Chairman Maks expressed his opinion that with Metro's efforts to limit cul de sacs to 200 feet in length, this may be one of the last true cul de sacs. He mentioned that Metro is also attempting to limit pedestrian access to every 330 feet, which does not appear to apply on the Sexton Mountain Planned Unit Development.

Mr. Spencer observed that all of the proposed pedestrian connections on the Sexton Mountain Planned Unit Development should comply with those Metro standards.

Commissioner Heckman referred to page 39 of RZ 2000-0002 – Haggen Store Zone Change, specifically the section Title 3, which states, as follows: "The Natural Resource Inventory performed for the project found no jurisdictional wetlands on the Haggen Store site," and "The applicant has submitted an application to fill and mitigate for the loss of this wetland per state requirements." Observing that these two statements conflict with one another, he questioned the wetland status at the site.

Mr. Spencer clarified that no jurisdictional wetlands are located on the proposed Haggen Store site, although the proposed townhome site on the southern section of the property does include a small jurisdictional wetland adjacent to Beard Road. He emphasized that RZ 2000-0002 concerns only the Haggen Store Rezone.

Observing that these two statements tie together, Commissioner Heckman questioned why this comment regarding the 10-acre site was included in this particular Staff Report.

Mr. Spencer emphasized that while no jurisdictional wetlands are located on the proposed Haggen Store portion of the Planned Unit Development, a small wetland does exist in another part of the entire site, adding that this is a separate issue that is addressed within the Sexton Place Townhomes application.

At the suggestion of Commissioner Heckman, Mr. Spencer agreed that this particular section could be deleted from the RZ 2000-0002 Haggen Store Rezone application.

Commissioner Heckman referred to paragraph 4 of page 12 of the Staff Report for CUP 2000-0001 – Beard Court Planned Unit Development Conditional Use Permit, which states: " Staff do not support the language of the proposed condition because it is not specific enough to meet the need for conditional approval." He questioned whether this issue has been resolved.

Mr. Osterberg clarified that staff does not recommend the specific language that has been recommended by the applicant, adding that they recommend similar, more exact language to accomplish the same goals, as a condition of approval.

Commissioner Heckman referred to mention of the future installation of a traffic signal at Murray Boulevard and Maverick, observing that many individuals assume that a red light indicates that the vehicle behind them should stop. Observing that this will obviously involve some queuing, he expressed concern with the possibility of an increase in people who drive through red lights.

Mr. Osterberg referred this issue to Mr. Morrison, who observed that this proposed traffic signal and the existing traffic signal located at Murray Boulevard and Brockman will be timed to work together to allow for an even flow of traffic progression in the area.

Commissioner Heckman commented that while most citizens are law-abiding, that one individual can create a great deal of problems, emphasizing his concern with individuals who may not want to stop at the proposed light.

Mr. Morrison assured Commissioner Heckman that red means stop in Beaverton.

8:23 p.m. – 8:30 p.m. – recess.

Chairman Maks reminded all members of the applicant's team that they need to complete and return yellow cards in order to testify.

APPLICANT:

JOEL GORDON, 1011 Western Avenue, #902, Seattle, WA 98104, Director of Development representing Haggen/Briar Development Company, noted that he intends to address the applications pertaining to 155th Avenue first. Observing that the approval of these applications will complete the planning and development of the Sexton Mountain neighborhood, he mentioned that the proposal has been characterized as a zoning swap. He discussed the idea of moving this zoning out to Murray Boulevard, which had been proposed at the NAC long before Haggen expressed interest in the property. He pointed out that this action has provided the opportunity to locate commercial zoning in an area that the City Council has determined that it actually belongs, serving the community while not adding any more total commercial zoning than existed in the City of Beaverton since the early 1980's. He discussed their efforts to obtain all parcels within this particular area in order to assume any economic impacts relating to this process. He described their agreement to purchase the property located at 155th Avenue and Beard Court, noting that an incredible amount of detail and policies are involved in this entire process. Apologizing for the redundancies occurring throughout the seven Staff Reports and applications, he observed that while the applicant had originally attempted to integrate all of these applications into one application, the City of Beaverton had required that all applications be submitted separately. He explained the applicant's decision to prepare and submit all applications for the entire project to present a package that would deal with all of these properties at one time, complete development of the neighborhood and proceed from that point.

Mr. Gordon explained that while all necessary technical staff is present to provide information if requested, the applicant does not intend to address with each separate issue at length.

FRED GAST, 2700 Northeast Andresen Plaza, Suite D-22, Vancouver, WA 98661, Residential Developer representing Polygon Northwest, discussed Polygon Northwest's proactive team approach to a specific piece of property. He observed that Polygon Northwest attempts to take advantage of the wealth of information available through the City staff. He mentioned that many aspects are involved in this process, including, but not limited to, capital

improvements, resources and tree preservation. He emphasized that a great deal of effort is extended towards the community, specifically the neighbors of any application, observing that they had been making significant effort with these particular neighbors since April of 1997, resulting in two outstanding development proposals. He emphasized that every attempt is made to meet and exceed any standard requirements. He outlined the agenda for presentation of these projects, noting that he prefers to deal with Beard Court first and then Sexton Place. He specified that he intends to discuss the zoning criteria and the planned unit development criteria, followed by the applicant's approach to the development itself and how the applicant arrived at this development concept and brief explanations, in detail, of each site.

Mr. Gast pointed out that the applicant is requesting an R-5 designation, which is the most dense zone designation. He noted that this designation includes two specific criteria, both of which are explained in detail within the packets. He observed that R-5 is an implementing (or executing) zone, as noted by staff, for Standard Density Residential. He discussed the Comprehensive Plan Residential Policies and Objectives, which is the first criteria, noting that this promotes a variety of residential densities, consistency with housing densities within the area, and offers a wide variety of housing types and preservation of natural resources and open spaces. He mentioned that the second criteria includes the litany of everything else, specifically the Metro Functional Plan, the Beaverton Development Code and the Statewide Planning Goals. He discussed the rationale for zoning this area R-5, noting that the area is already primarily developed as townhomes (medium density residential), existing single-family development and commercial development. He discussed the progression of density, the variety of housing types and the variety of zone designations, as well as the program the applicant had developed for compatibility with the surrounding area.

Mr. Gast discussed the criteria for a planned unit development, noting that an efficient comprehensive use of the site is the objective of this action. He mentioned that compliance with zoning and density is a primary requirement, noting that the applicant is proposing sixty units, which is less than the maximum of ninety units allowed and greater than the minimum of forty units allowed. Noting that the preservation of natural resources and compatibility to the surrounding area is encouraged in the Planned Unit Development, He mentioned their approach at developing a piece of property, including the external criteria, which includes buffers, setbacks, building orientation, landscaping and buffering, the lighting analysis, and neighbor requests that are reasonable and appropriate; and resources (assets and amenities) on the site, which includes a wetland and a significant grove of trees. He noted that these resources have been isolated as much as possible and presented a slide presentation of Beard Court. He described the area, pointing out the lower density single family residences located to the north, several townhomes and condominiums located to the south and commercial area located to the east.

He observed that the biggest "jewel" on the site is obviously the resources, observing that 20% of the site has been dedicated for the open space of these resources. Noting that the wetland is low-quality, pasturine in nature, and has basically been created from storm drainage from existing developments, he observed that it has grown over the years. He described the proposal for mitigation of this wetland, including filling, creating new wetland and enhancing the balance. He emphasized that the applicant proposes to create more than they are disturbing and enhancing four time what is required under standard mitigation, adding that a DSL permit has been obtained for this action. He explained that the enhancement includes 175 trees within the wetland, resulting in a total of 413 new trees on the site. He noted that the applicant intends to plant 800 new shrubs and 2700 ground cover plants in the wetland area.

Mr. Gast described the other component of the resources -- the significant grove of trees. Observing that the applicant has determined that their proposal will preserve 85% of the trees on the site, although the staff has determined that this percentage is lower. He explained that the discrepancy is due to the fact that the applicant has included the trees in the far east side in the grove, noting that they have included approximately 14 trees that staff has not counted in their total.

Mr. Gast discussed the proposed single-family homes, which are based upon a typical family lot frontage, adding that the minimum frontage is 48 feet and the typical frontage is 50 feet. He mentioned that the average size of the lots 4,300 square feet, noting that linear streets have been provided, where possible, in order to break up the street scene. He pointed out that sidewalks and planters are included in all possible areas as a further effort to increase the street scene. He described concerns with grading on the site, noting that with 46 feet from the south to the north, the applicant is attempting to make every effort to remain at grade with the existing neighbors to the north. The result is that the site had to be terraced, causing some of the sites to be larger. He noted that the lot line is where a fence had been envisioned, adding that they want to install the fences at the top of the grade, rather than mid-slope, to make certain that these fences serve their purpose. He mentioned that water quality has been a significant concern of the neighbors, emphasizing that the proposed system exceeds the required volume and that the proposed facilities consistently exceed the City's requirements. He described the parking issue, pointing out that the applicant has exceeded the requirement by proposing an average of five parking spaces per home. He discussed the proposed craftsman style architecture for the site, including recessed garages, usable front porches, gable and hip roofs and craftsman-type siding textures.

Mr. Gast discussed issues concerning adjacent neighbors, noting that the applicant had spent a great deal of time and effort in creating a plan sensitive to the concerns of the neighbors. He described the screening and buffering

program, which includes a double row of trees along the northern and eastern perimeters. These coniferous trees include cedar and cypress, at a height of twelve to fifteen feet at the time of planting, which will provide immediate impact. Each alternating row is to be placed at fifteen-foot centers, which will provide an immediate thick hedge, in addition to the wetland plantings that will be located within the same area. He commented that homes are to be set back at least 30 feet, with orientation to side on, rather than back on, with the result that only four homes come into contact with the neighborhood to the north. He mentioned that fencing is another concern of the neighbors, observing that the applicant has offered to install fencing in the perimeter of the site and that the neighbors had requested that the applicant not install fencing where there are existing fences. He mentioned that the applicant intends to install a fence on the eastern perimeter and on the northern perimeter where there are no existing fences, as well as along 155th Avenue and along Beard Road. He described the proposed lighting, which includes standard antique lighting to be commensurate with the existing neighborhood.

Mr. Gast described the Sexton Place project, noting that the applicant had taken a similar approach to this neighborhood. He mentioned that the site proposal includes apartments to the north, a commercial store, and single-family residences to the west. He observed that this plan should appear very familiar, adding that this is the alternate plan "A" approved by the City Council and has changed very little from the original version. He described the 94 craftsman-style condominium homes (townhomes and flats), ranging in size from 800 square feet to 1500 square feet. He noted that the density requirements are a maximum 151 units and a minimum of 78 units, and that the proposal provides for 168% of the required open space. He expressed his regret that this site includes very limited existing resource in order to create a focal point on this development, although there is a 463 square foot wetland along Beard Road. He mentioned that the applicant has applied for a mitigation permit through DSL, noting that the intent is to mitigate for that wetland across the street in an apartment development called "Woodview Apartments". He mentioned that the applicant has proposed to provide the maximum number of parking spaces allowed, noting that as with Beard Court, this application includes adjacency concerns. He presented a "worst case scenario" illustration of the building, pointing out that the structure is located approximately 130 feet from the property line and 160 feet from the nearest existing home. He described the extensive screening and buffering program, including retaining walls and evergreen trees planted on an average of 4-1/2 feet on center. He discussed the siting of the buildings, pointing out that the neighbors will only have a direct view of four of the buildings, emphasizing that this is the worst case scenario. Observing that this concludes his presentation, he offered to respond to any questions.

Mr. Gordon, representing Haggen Store, reminded the Commissioners that the Sexton Mountain Village Project has two separate components, noting that

Mr. Gast had just discussed Sexton Place, which is the residential component. He described the Haggen Food and Pharmacy, which is the commercial component of this application, noting that this plan is the result of numerous hours of many individuals over a five-year period of time. He responded to Commissioner Johansen's comment regarding the clean staff report, observing that this is the result of so many of the issues being resolved with staff and the neighborhood over this lengthy period and that the design solutions have been created in an effort to work with everyone concerned.

DALE C. HENLEY, 2211 Rimland Drive, Bellingham, WA 98226, representing Haggen Inc., expressed his appreciation for this opportunity to discuss this project they have been working on for such a significant period of time. He expressed his appreciation to the numerous individuals who have expressed their support as well as those who have presented issues that challenged the application, resulting in a better application. He noted that Haggen Store is a family business, which was founded in 1933 by the mother, father and uncle of the current owners in the middle of the Depression with an investment of $600 per family. He noted that Haggen, Inc. is currently owned by Donald and Richard Haggen, emphasizing the great deal of family pride associated with their product. Pointing out that customers are an important factor in their business, he mentioned that Haggen Stores currently has 28 stores, three of which are currently open in Oregon, and the remainder throughout Whatcom and Thurston County in Washington. He emphasized that Haggen Stores makes a point of becoming a part of any community they serve.

Chairman Maks suggested that Mr. Henley discuss issues relating to the criteria for the applications.

Mr. Henley addressed the issue involving noise connected with the Haggen Store, observing that although they believe they will be in conformance with criteria without this feature, the applicant has proposed, for the first time, to cover the loading dock. He pointed out that this would increase the cost of building the store by approximately ½ million dollars, adding that because the neighbors are also their potential customers, the applicant feels that this is the right thing to do. He discussed parking ratios on the site, observing that generally parking for such an application is the five to one ratio, the parking ratio for this proposal is closer to six to one. He described the applicant's efforts to make the parking lot more pedestrian-friendly, noting that they have proposed walkways and landscaping in places where not actually required. He mentioned that due to the amount of different activities that occur within the store and the great commitment to food service, Haggens customers generally spend more time within the store. He described the proposed seating area, which will include a fireplace and a carpet, emphasizing that this is an area where customers have a tendency to socialize, which means that their vehicles are in the parking lot for a longer period of time.

Mr. Henley discussed the issue of the 24-hour operation, adding that while he understands this is a sensitive issue, the applicant had determined that with the addition of only one checker, individuals may choose to shop at this alternative time when employees are traditionally present stocking shelves anyway. Noting that Haggen Store is the first in the northwest to operate on a 24-hour basis, he stated that they have been successfully operating all of their stores on a 24-hour basis. He pointed out that the result of these hours had been approximately a 20% increase in business, adding that the vast majority of this increased business appears to be between 10:00 p.m. and 11:30 p.m. A customer survey had revealed that any needs throughout the nighttime hours did not necessitate a research project to determine which store could fulfill these needs.

Mr. Gordon clarified that restricted business hours within the City of Beaverton necessitate a Conditional Use Permit for hours after 10:00 p.m. and prior to 7:00 a.m.

Observing that Haggen Store had conducted a customer survey, Mr. Henley explained that many customers include shift workers who are purchasing their lunches or simply individuals who prefer to shop at a time when the store is less crowded. He noted that the applicant also intends to conduct a test within the Bellingham, Washington area, in one of the four stores located there, to determine the feasibility of extending pharmacy hours to 24-hour service as well. He stressed that this has been the greatest request from their pharmacy customers, who have indicated that they only seem to run out of their medications when the pharmacies are closed. He discussed concerns with crime, noting that in 29 years of operation, Haggen stores have only experienced two or three armed robberies in 28 stores, expressing his opinion that this is a very low rate compared to the entire grocery industry and significantly low in comparison to the convenience stores. He explained that because it is not empty, the activity and employees within the store serve as a deterrent to crime activity. He concluded that the applicant has worked extremely hard to address all issues, emphasizing that they had made every effort to respond to all concerns of the neighbors. Expressing his appreciation to everyone involved, he commented that Haggen Stores is looking forward to becoming a part of this community.

ERIC HANSON, 19203 – 36th Avenue West, Suite 101, Lynnwood, WA 98036, representing MFG, Inc., formerly known as McCauley, Frick & Gilman, stated that his firm has been the acoustic consultants for this project on which they have been working for approximately five years. He discussed sound level measurements that had been taken in three locations throughout the neighborhood. This had determined that the neighborhood along SW 149th Avenue is a fairly quiet suburban neighborhood, and they were aware that there would be concerns with noise issues. Measurements had also been

taken on Yearling, on the northeast corner of Beard Court and Murray Boulevard, and the noise level at this location had been considerably louder due to the traffic. The dominant noise source on SW 149th Avenue is traffic noise, augmented by some aircraft and typical suburban neighborhood noise. Grocery stores in the area had been visited, including Tanasbourne, where he had measured the sound levels of different trucks at different times, and found nothing unique at this well-designed store. He mentioned that the trucks back into an alcove with a very tall wall along it, at which point the doors open up and the loading is not visible. He discussed measurements he had taken at a QFC Store and a Haggen Store in Stanwood, Washington, pointing out that these measurements were similar to those at Tanasbourne.

Mr. Hanson discussed detailed field level measurements utilizing an octoban analyzer, which considered the frequency spectrum of the noise sources of both the trucks and the roof-top refrigeration and ventilation equipment. He discussed calculations and his opinion that the applicant could easily meet the standards along SW 149th Avenue without further mitigation than is being done at Tanasbourne, which includes a well-sheltered truck loading area backing up to an enclosed loading dock. Emphasizing that the applicant's goal for this project is insignificant noise impact, he stated that they desire that this store is as acoustically invisible as possible. He discussed noise berms designed to run along the west property line, adding that enough fill would be excavated from the store to provide sufficient dirt to achieve this along with a combination of berms and retaining walls ranging in height from ten to twelve feet up to as high as twenty feet. Noting that this would result in a noise level of 40 decibels, he pointed out that the nighttime standard is 50 decibels, while daytime standard is 55 decibels. Observing that the standard provides for some allowable excess, he emphasized that the applicant's target is to exceed DEQ regulations. He discussed a conversation he had with Mr. Gordon regarding the sound level, which would be 40 decibels, noting that when informed that some sounds would be heard occasionally, Haggen agreed to provide an enclosure. He discussed the peak noise level, including truck deliveries under the worst of circumstances, observing that it is expected to remain within 35 decibels along SW 149th Avenue. Observing that he has measured higher noise levels in the neighborhood currently, he expressed his opinion that the applicant had done an excellent job of mitigating noise at the store. He emphasized that Oregon law requires that the direct and indirect impacts from a commercial noise source may not increase sound levels on residential property by greater than 10 decibels. In response to a comment that the applicant had not adequately addressed traffic noise levels, he explained that the greatest estimated impact for doubling traffic in an area is actually only 3 decibels. He added that an analysis had indicated that the greatest increase anticipated in off-site traffic noise as a result of the traffic would be 2 decibels on the intersection of Beard Road and Murray Boulevard.

Mr. Gordon submitted a letter prepared by Mr. Eric Hanson, dated May 24, 2000, in response to two letters to Mark Holady from Albert G. Duble dated May 10, 2000 and May 12, 2000. On request, he distributed copies to the Recording Secretary and Planning Commissioners.

Mr. Gordon discussed the project's compliance with the various approval criteria, noting that essentially it had been necessary for the applicant to address 384 separate criteria. He expressed his opinion that the major issues of focus include compliance with the Comprehensive Plan, and observing that the City had adopted the Comprehensive Plan Amendment, and the establishment of consistency with the Comprehensive Plan. He mentioned other criteria applicable throughout the Conditional Use Permit, including that the location, size, design and functional characteristics of the project can be made reasonably compatible and have a minimum impact on the livability of the other properties within the immediate vicinity. He emphasized that all application submittals demonstrate this compatibility and minimum impact. Regarding the CS zoning, he observed that by approving the Comprehensive Plan Amendment, the City Council had essentially moved the big "C" on the map from 155th Avenue and Beard Court to Murray Boulevard. Observing that this had been conditional, they had limited this use to use as a grocery store, including plans that address the issue of impact on surrounding neighborhoods. Consultation with staff had determined that the appropriate zone to implement this particular use had been CS zoning, including a Planned Unit Development, providing for limitations on the use, the configuration and various other elements of the property. He discussed the unique circumstance of relocating a portion of existing zoning to another location, adding that because Murray Boulevard is 90% developed, there is no danger of it becoming a commercial strip.

Highlighting Mr. Henley's presentation regarding the proposed 24-hour operation, Mr. Gordon discussed several other stores in the area operating under either 24-hours and extended hours. Expressing his opinion that the applicant is not making any extraordinary request, he emphasized that they have mitigated any impact of the 24-hour operation. Commenting that he is privileged to represent Haggen Store, he stated that they are all extremely proud of this project and the design. He provided an illustration of a standard Haggen Store, emphasizing that it is a high-quality, pedestrian-friendly store. He called attention to the family pride in the store, as well as the extraordinary lengths they go to, above and beyond what is expected to mitigate issues, including:

1) Concerns with this ex-landfill site and environmental issues -- the applicant has provided six different reports by four separate consulting firms, all of which have concluded that there are no major geotechnical or environmental issues that can not be addressed through standard construction techniques;

2) Noise – the loading dock is not just tacked on the back, but is incorporated into the building, will be architecturally pleasing, and the trees will be full, not diseased, as they appear on the illustration to allow visibility;
3) Visual screening -- cross sections have been completed from first and second story windows in each house on 149th Avenue and the planting scheme has been designed to provide visual screening from every location; and the applicant has provided a setback 2-1/2 times greater than required by code and nearly 500 new trees and shrubs for a total landscape plan that includes over 5000 plants and shrubs over this old quarry site, which must be totally revegetated;
4) Lighting – he distributed copies of an exhibit indicating light pole heights in the neighborhood, noting that the proposed light poles for the Haggen Stores is 20 feet, one of the lowest in the neighborhood, which is sufficient, while much less obtrusive; and
5) Traffic – the applicant had conducted a detailed, accurate and thorough traffic analysis, approved by staff and Washington County.

Emphasizing that all of the issues and the application have been evaluating under the 384 different criteria, Mr. Gordon submitted his yellow card and ended his presentation.

Chairman Maks expressed appreciation to Mr. Gordon for his presentation and commented that the market feasibility section for the Beard Court Planned Unit Development had been very well prepared.

Chairman Maks commented that page 16 of 40.32 specifically states that "these findings do not address the criteria for PUD approval", clarifying that these findings are not addressed and this issue is open.

Chairman Maks questioned whether Mr. Vandehey had come prepared with his ITE Manual. He observed that Figure 3 in the initial Traffic Report cites 1997 existing traffic volumes and questioned the existence of more than one ITE rating for grocery stores.

MARK VANDEHEY, 610 SW Alder Street, Suite 700, Portland, OR 97205, Managing Principal representing Kittelson & Associates, informed Chairman Maks that although he had not brought his ITE Manual, he brought a lot of other stuff and his memory and could obtain other stuff, if necessary. He clarified that the ITE designation for a grocery store is a supermarket,

Chairman Maks questioned whether the ITE number utilized for this grocery store also provides for the other activities, including a food court, a coffee shop and an ATM.

Observing that this ITE number provides for a range of uses, Mr. Vandehey noted that it describes the typical supermarket currently in operation, adding that there is a tendency to incorporate other uses.

Chairman Maks questioned whether these items are specifically included in the ITE number and description that had been used.

Mr. Vandehey informed Chairman Maks that he is not certain whether this description includes the coffee shop, for example, adding that it does include full-service, which includes on-site bakeries, delicatessens, pharmacies and other standard on-site uses.

Chairman Maks clarified that he is referring to traffic-generators, such as ATMs and coffee shops, expressing his concern with the weekday p.m. peak per hour. He referred specifically to the intersection of Maverick Terrace coming out onto Murray Boulevard, observing that both the 1997 report and the 1999 report had indicated 10 vehicles turning left and 10 vehicles turning right per hour. He noted that the same intersection in 2000 traffic volumes existing zoning indicates 10 vehicles turning right and 15 vehicles turning left, and 2000 total traffic volumes alternative A (new zoning), indicates 10 vehicles turning right and 10 vehicles turning left, and questioned the status of the other 5 vehicles that had been turning left under the existing zoning. Mr. Vandehey requested clarification, and Chairman Maks repeated that while the count had not changed between 1997 and 1999, the 2000 count referred to fifteen vehicles turning left and then 10 vehicles turning left. He pointed out that with zone changes, five vehicles had been suddenly lost into an abyss.

Mr. Vandehey informed Chairman Maks that he suspects that this discrepancy may be due to the assignment of traffic through the model, adding that the existing zoning assumes that all the commercial development is down on 155th Avenue. Noting that some minor amount of traffic may have been routed through a left-turn movement, he added that one can not assume that there would not be a public road through the site and so all traffic destined for commercial development in that area was routed through the intersection of Murray Boulevard and Beard Road.

Chairman Maks pointed out that the number of vehicles moving forward into the Haggen site had not increased.

Mr. Vandehey clarified that the amount states “less than five”, which is a negligible amount of vehicles coming from that approach, adding that all of the numbers are rounded to the nearest five vehicles.

Chairman Maks mentioned that the estimated new trip distribution pattern for commercial uses indicates 20% heading down and 30% heading up Murray Boulevard, and referred to Figure 8, which provides numbers for the Maverick

Terrace turn into the first driveway into the store. He noted that the applicant has indicated 110 trips into that driveway coming south and 75 trips coming south entering the second driveway. He pointed out that this indicates that 60% of the vehicles will be entering the first driveway, which he finds difficult to believe. Observing that he had actually counted cars, he expressed his opinion that the percentage entering the first driveway of a store would most likely be greater.

Stating that he will not enter into a debate over the percentages, Mr. Vandehey pointed out that the right turn movement coming in and the right in, right-out will provide a free-flowing maneuver and easily negotiated. He mentioned that it is anticipated that with the traffic lights coordinated on Murray Boulevard, there will be a green light the majority of the time and a number of people will take advantage of this free right-turn lane on Murray Boulevard that will be located at a convenient location into the store site.

Observing that this is exactly what he was referring to, Chairman Maks pointed out that his observation of similar situations had determined that 80%, rather than 60%, of the traffic will utilize that first driveway. He pointed out that in order to adopt the commercial service zone, it is necessary to address functional problems that interrupt traffic flow as cars turn in and out of each business. He suggested a right turn lane at the light at Maverick Terrace and Murray Boulevard, emphasizing that traffic is being interrupted, even if it is only 60%. He referred to the p.m. peak period for Beard Road, noting that with 55 cars turning left during that p.m. peak, that is one car per minute, and 120 cars turning right during this time results in two cars per minute. Noting that there are no right-hand or center turn lanes, he mentioned that the applicant is requesting a CS zone, which clearly indicates that traffic flow must not be interrupted.

Mr. Vandehey pointed out that the importance of reviewing the updated report on Murray Boulevard, as opposed to the old report, noting that there have been several changes.

Chairman Maks commented that he had reviewed the updated report on Murray Boulevard.

Mr. Vandehey stated that the original report had included build-out of the apartment complex that was previously approved, noting that part of the traffic in that right-turn lane is associated with that particular apartment complex. Where they had projected 110 and 75 vehicles under the 1997 scenario, the numbers had changed to 55 and 75 vehicles, respectively, at Maverick Terrace at the right-in, right-out location. He pointed out that the volume has decreased, due to a “worst case” zoning scenario and the removal of the apartment complex, which is no longer an approved use.

Mr. Vandehey observed that the issue of a right-turn lane at a signalized intersection is considered differently than a right-turn lane at a non-signalized intersection. At a non-signalized intersection, the goal is to remove traffic from the traffic stream when the volume reaches a point where it is not necessary to impede traffic traveling through the intersection. A signalized intersection requires more of a capacity-based approach, and it is necessary to consider whether or not a right-turn lane is required to mitigate some kind of a capacity deficiency on the approach. He emphasized that it is necessary to attempt to minimize putting in a right-turn lane whenever possible, particularly in an area such as Murray Boulevard, pointing out that the addition of a right-turn lane also adds to the distance necessary to cross the street. Therefore pedestrians need to cross a greater distance, adding to the green time requirement for pedestrians, who need sufficient time to cross the street. He noted that the result is a frustrating situation for both pedestrians and drivers, who will obviously be waiting longer for their light to turn green.

Chairman Maks offered to cite the reference in the Staff Report that this is not really a pedestrian-oriented development.

Mr. Vandehey observed that he is referring to the functional operation of Murray Boulevard, adding that this is the rationale for not including the right-turn lane and that Washington County is in full concurrence with that approach, which is the Traffic Engineer's perspective.

Agreeing with Mr. Vandehey's concern with the functional operation of Murray Boulevard, Chairman Maks emphasized that it is necessary to realize that this is going to affect traffic flow. He described the effect of 75 cars per hour, more than one per minute, at 5:00 p.m., during p.m. peak, slowing down and turning right into that intersection. He noted that the turning radius is most likely ten to fifteen miles per hour, which will definitely slow the traffic down on Murray Boulevard.

Mr. Vandehey agreed with Chairman Maks, stating that this will have a marginal effect to traffic on Murray Boulevard.

Chairman Maks referred to the CS zone criteria, repeating that it provides that traffic flow not be affected.

Mr. Vandehey expressed his opinion that this criteria does not specify the necessity of eliminating any affect to traffic flow whatever, which is not a reasonable criteria.

Chairman Maks emphasized that the City of Beaverton does not have that many arterial streets, noting that when these arterial streets are not functioning properly, people are more inclined to cut through neighborhoods.

Mr. Vandehey mentioned that they had considered the volume and all of the elements involved, pointing out that 45 mile per hour traffic is not desirable on Beard Road.

Chairman Maks referred to the intersection by the Albertson's Store at Greenway and Hall Boulevard, emphasizing that due to the lack of turning movements, this particular intersection fails to function effectively.

Mr. Vandehey discussed doing comparisons to determine the number of left turns versus the number of through movements, emphasizing that this issue had been reviewed with the City's Traffic Engineer and based on the volumes, concluded jointly that turn lanes were not warranted.

Commissioner Heckman requested clarification regarding a reference within the Staff Report that indicates that there will be no further improvements on 155th Avenue, observing that there is a sign just north of Weir Road indicating that there will be further improvements. He questioned specifically when staff intends to remove this sign indicating future improvements.

Commissioner Heckman referred to the 24-hour operation, commenting that other stores in the City of Beaverton have unsuccessfully attempted 24-hour operations at which point they reverted to extended hours.

Commissioner Heckman observed that Mr. Vandehey must have been an outfielder in professional ball, and Chairman Maks commented that he is a very good traffic consultant.

Commissioner Heckman referred to the noise issue, specifically how much noise must be generated in this very quiet residential area before residents would become aware of this noise, particularly after 10:00 p.m.

Mr. Hanson informed Commissioner Heckman that as long as the sounds were the same, they would need to be several decibels louder than the background, which would be at about 40 decibels.

Commissioner Heckman questioned specifically how much this noise would need to increase for residents to notice it from inside their homes.

Mr. Hanson clarified that as long as the noise is generated from the same sound source, for example if traffic noise doubled, more than three decibels would be necessary for the residents to even notice that the sound is different, although if they listened carefully, they may notice it at a lesser level.

Commissioner Heckman questioned whether it is a reasonable assumption that currently 149th Avenue two blocks off of Beard Court is fairly quiet at 10:00

p.m., pointing out that the applicant's intent is to introduce other noises, specifically trucks.

Mr. Hanson emphasized that these noises will not be heard from inside the concrete building, adding that the applicant intends to install an absorbent material inside of the structure, although occasional noise will escape from entries and exits. He assured Commissioner Heckman that he does not anticipate any impact on 149th Avenue.

Commissioner Heckman referred to the excessive noise level in the underground area at Lloyd Center, and questioned how the situation would change if that truck area were not covered.

Mr. Hanson informed Commissioner Heckman that his berm analysis had determined that there would be very low sound levels, emphasizing that the roof is very important and decreases the noise level significantly.

Referring to the noise levels coming from a grocery store 3-1/2 blocks from his home, Commissioner Heckman observed that the noise levels are more noticeable during the winter months.

Commissioner Heckman referred to the market analyses, observing that it in contrast to the market analysis for the Haggen Store, the market analysis for Beard Court had been very well done. He discussed market demand, noting that since he had taken responsibility for the family grocery shopping five years ago, he had not observed the same demand for stores as indicated by the applicant.

DAVID LELAND, 325 NW 22nd Street, Portland, OR 97210, President of Leland Consulting Group, noted that he represents the real estate economist development advisors who had prepared the public need analysis for this application in 1997, at which time they had testified at both the Planning Commission and City Council hearings. He requested that Commissioner Heckman restate his question, which he had not clearly understood.

Commissioner Heckman emphasized that he does not understand how this analysis indicated this definite need when his on-site visits indicate that the grocery stores are practically empty during the hours that he shops. On question, he informed Mr. Leland that he does his grocery shopping between the hours of 7:00 a.m. and 4:00 p.m. throughout the entire week.

Mr. Leland informed Commissioner Heckman that 70% of retail sales, including groceries, occurs on weekends and after 5:30 p.m. during the week.

Noting that he does not shop during those hours, Commissioner Heckman stated that his question has been answered.

Chairman Maks observed that Commissioner Heckman is retired, and Commissioner Heckman confirmed that he has been retired for thirteen years.

Commissioner Heckman mentioned a reference to bus routes 92-X and 62, both of which serve this site, adding that the 92-X is available from 5:30 a.m. until 9:00 a.m. and again from 3:30 p.m. until 6:30 p.m. He questioned the value of the 92-X route to the store, emphasizing that most individuals do not utilize public transportation to do their grocery shopping.

Mr. Gordon agreed that for practical reasons, the majority of the customers would not be utilizing the bus as transportation to and from the store. He pointed out that there is a potential for individuals who ride the 92-X route to stop and utilize the store facilities while returning from work.

Commissioner Heckman requested clarification of how these individuals would get home after riding the 92-X to the store, and Mr. Gordon informed him that hopefully they will live close enough to walk home from there.

Commissioner Johansen mentioned that he could not recall any prior situation in which a proposal to locate single-family development adjacent to existing single-family development had created any concerns by the neighborhood. He questioned which particular elements, if any, have been identified by the neighbors as causing their concern.

Mr. Gast emphasized that in every case he has been involved in, regardless of existing use, there are always concerns regarding screening and buffering, adding that because this particular case involves these concerns the applicant had determined that their site plan may be able to address these concerns.

Commissioner Johansen requested clarifications of the locations of the accesses to the development.

Mr. Gast observed due to the significant wetland that basically encompasses the area, access to the north of Beard Court is limited due to the wetland. Communication with staff had determined that no connection was necessary to serve that side.

Commissioner Johansen questioned access location to the east of the site, and Mr. Gast informed him that all of these parcels are occupied and that there had been no provision from the owners requesting any connection.

Commissioner Johansen referred to the loading dock, specifically whether the applicant intends to construct this loading dock regardless of whether they are approved for 24-hour operation.

Mr. Gordon clarified that the applicant does not intend to invest a half a million dollars to construct this loading dock if they are not allowed 24-hour operation.

On question by Commissioner Johansen, Mr. Hansen clarified that with the enclosure, the noise standards could easily be met by a significant margin, adding that he is unable to guarantee that the neighbors will never hear any of the noise. He emphasized that with the enclosure, even if the neighbors do hear some of the noise, the impact of the truck noise from the area will be slight.

Commissioner Johansen referred to the potential noise of the parking lot sweepers.

Mr. Hanson commented that the applicant had determined that the noise of the parking lot sweepers could be addressed with the City through reasonable operating conditions.

Commissioner Johansen questioned the amount of employees will be on site during a peak hour, and Mr. Henley estimated that there will be approximately 70 employees at that time, most of whom will arrive in individual vehicles.

Commissioner Johansen questioned whether Mr. Henley had ever been in the position of having to impose a car-pool transit program on his employees.

Mr. Henley advised Commissioner Johansen that in the jurisdictions in which Haggen Stores has been involved the break-off point for mandatory car-pooling had been 100 or greater employees.

Chairman Maks observed that Seattle must not have traffic problems.

Mr. Henley observed that varying shifts create difficulties in establishing car pools.

Commissioner Heckman questioned whether the applicant has checked with transit authorities in other jurisdictions in which he is operating to determine prices for quantities of tickets to distribute to employees.

Mr. Henley advised Commissioner Heckman that although this option has been provided in several stores there has been little participation in public transit.

Commissioner Johansen requested clarification of whether the applicant is aware that along with the proposed CS zoning, the only permitted use will be retail trade and that all other uses traditionally associated with or conditioned with commercial zoning will not be allowed.

Mr. Gordon indicated that he is aware of this condition.

Commissioner Voytilla referred to a pedestrian link identified at the front of the store, specifically where this link intersects with Murray Boulevard and the de-acceleration or right-hand turn lane.

Mr. Gordon explained that this particular pedestrian connection does not link up to a crosswalk to cross Murray Boulevard.

Commissioner Voytilla suggested the likelihood of vehicles dropping off pedestrians in this particular location, which would involve pulling over, stopping and then pulling back out onto Murray Boulevard.

Mr. Gordon pointed out that currently no parking is allowed on Murray Boulevard, and on question, he informed Commissioner Voytilla that he is unaware of any certain method to ensure that no one would use this location as a drop-off point.

Commissioner Voytilla mentioned a small portion of property located on the east side of Murray Boulevard.

Mr. Gordon informed him that he does not know what this small portion of property represents.

Mr. Morrison advised Commissioner Voytilla that this property in question is a “flag lot”, adding that it is zoned single-family.

Observing that he is familiar with many of the sites involved along Murray Boulevard and has personally observed pedestrians crossing improperly, Commissioner Voytilla emphasized his concern with the potential for illegal mid-block pedestrian crossing.

Agreeing that Commissioner Voytilla has brought up a legitimate concern, Mr. Gordon observed that this particular pedestrian connection creates both an asset and a liability.

Commissioner Voytilla mentioned that for various reasons, often an applicant may choose not to include a pedestrian connection, adding that while he is appreciative of the applicant’s efforts in this situation, he wants them to be aware of possible adverse effects, specifically traffic flow.

Observing that the primary function of the pedestrian connection is to provide a means for pedestrians to get through the parking lot, Mr. Gordon pointed out that customers are generally appreciative of this amenity.

Commissioner Voytilla would like some feedback on possible ways to deter people from utilizing this area as a drop-off point.

Commissioner Voytilla referred to the cross-sections of the property from 149th Avenue back to the building, specifically the materials proposed for the roof itself, including color and potential for glare.

Mr. Gordon stated that these roofs consist of a membrane covered by approximately six inches of gravel that essentially holds the roof down.

Observing that he is familiar with this type of roof, Commissioner Voytilla noted that a light-colored on a bright day creates the potential for an unpleasant, reflective glare.

Mr. Gordon mentioned that the trees would screen the neighbors' view of the roof, adding that the berming and the landscaping will prevent any glare into neighbors' windows.

Referring to a solid barrier of trees, Commissioner Voytilla questioned the height of these trees.

Mr. Gordon informed Commissioner Voytilla that the height of these trees will be fifteen feet at the time of planting, assuring him that the roof will not be visible to the neighbors. He added that his consultant has just informed him that the ¾-inch rock on the roof will not be very reflective.

Commissioner Voytilla referred to the five parking spaces proposed per unit in the Beard Court development.

Mr. Gast advised Commissioner Voytilla that the five parking spaces per unit includes two in the garage, two in the driveway and one on the street.

Commissioner Voytilla referred to the Sexton Place development, specifically the target occupancy market.

Explaining that a number of these units in both the Seattle and Portland areas, Mr. Gast informed Commissioner Voytilla that in the Portland area, particularly over the past three years, the primary focus has been young professionals. He added that there has been a broad spectrum, including singles and marrieds, but not a lot of families and very few school age children. Observing that two products have been proposed in these developments – the townhomes, consisting of two stories over parking; and flats, consisting of ground floor units for elderly and handicapped residents. He pointed out that this creates an even greater range of prospective buyers.

Commissioner Voytilla mentioned that he had not noticed any type of recreation for children within the developments, noting that while their target buyer may be young professionals, Beaverton is still primarily a family area. He expressed concern with the detention ponds in the corners, observing that without any type of playground area, children will end up in the parking lots or at the detention ponds.

Mr. Gast informed Commissioner Voytilla that very few school age children reside in their community, adding that the number of families with children has not been significant in this type of development, either the applicant's or their competitors.

Commissioner Voytilla questioned whether the applicant intends to provide any type of playground on other sites.

Mr. Gast advised Commissioner Voytilla that playgrounds would be included on the higher-density single-family sites, dependent, of course, on both the market and the site itself.

Commissioner Bode referred to the Haggens 24-hour operation issue, specifically the research supported by Linda Montgomery Research in support of this operation. She noted that after hearing presentations by professionals, she feels very comfortable with the noise and traffic issues. Observing that it had been so long since she had been allowed to speak, she stated that she is unable to locate her notes at this particular time.

Chairman Maks complimented Commissioner Bode for having all questions prepared and written down.

Advising Chairman Maks that she has her questions written down, Commissioner Bode repeated that while waiting for so long for her turn she had lost her notes. She expressed her opinion that the report that had been submitted by Linda Montgomery Research was credible, adding that it lacked some of the essential elements. She observed that this should include a graphic report, rather than a casual narrative report, and had not included the methodology, the bias of those individuals gathering the research or a summary conclusion, emphasizing that she had disregarded this report as non-supportive. She referred to Exhibit 6, miscellaneous communications, includes a variety of comments, and Exhibit 8, miscellaneous communications received through May 15, 2000, adding that while these exhibits did not follow a formal criteria, in her opinion they were more supportive and clarifying some of the considerations for the 24-hour operation than the report by Linda Montgomery Research, which had been non-professional and invalid.

Chairman Maks referred to the applicant's statement that sign regulations should be maintained which limit the size, location and number of signs, and

that sign designs are not being submitted at this time and that any future application for signage will comply with applicable sign regulations. He requested clarification that the applicant will never seek a sign variance for this development.

Mr. Gordon advised Chairman Maks that this had not been the intent and that it is conceivable that the applicant will submit an application for a sign variance at a later time.

Chairman Maks mentioned the noise associated with the 24-hour operation, expressing his opinion that Mr. Hanson's noise study had been extremely difficult to interpret. He questioned a further study Mr. Hanson had referred to in regard to noise at another location after receiving particular letters.

Mr. Hanson clarified that the letters had been received last week, noting that they had reviewed and evaluated the Kittelson Traffic Report.

Chairman Maks requested clarification of how much of a decibel difference is likely to be noticeable.

Mr. Hanson stated that with sound levels from the same source, such as an increase in traffic, an individual would typically discern a three to five decibel increase in noise level.

Chairman Maks discussed the noise analysis that had been prepared, observing that he had noticed that the applicant had not covered deliveries to the store, specifically how the trucks reach the store. He mentioned that the trucks would be traveling on Brockman and Murray Boulevard, adding that no noise study had been prepared on Arabian or Dapple Gray Loop. He emphasized that at 3:00 a.m., he will very likely notice a truck or trucks driving up Murray Boulevard, expressing his opinion that these sounds will not be masked by the ambient noise.

Mr. Hanson discussed ambient noise, emphasizing that there is not an issue with heavy-duty trucks and that there should never be more than one per hour.

Referring to the potential decibel level of a semi-truck starting up and going uphill from a complete stop at a red light, Chairman Maks stressed that the issue is whether the 24-hour operation will create an impact in the noise level.

Mr. Hanson expressed his opinion that one truck per hour does not constitute a major noise impact.

Chairman Maks noted that Mr. Hanson had measured noise levels at one location – Yearling…

Mr. Hanson clarified that that he had measured the noise levels at two locations on SW 149th Avenue.

Chairman Maks noted that in his opinion, the noise level had not been measured where the noise would be generated.

Mr. Hanson agreed that the applicant had not conducted an extensive off-site traffic analysis.

On question, Chairman Maks was shown the proposed location of the transit plaza. He observed that the 92-X would not go by that location.

Commissioner Johansen questioned the possibility of potential home delivery.

Mr. Henley informed him that while this has not been determined at this time, in his opinion home delivery would not become a major element of the grocery business at any time soon. He mentioned that that on-line shopping is anticipated, adding that Haggen Store has announced plans to test a model providing on-line shopping in July 2000, although this will be a pick-up, rather than home delivery experience, utilizing the drive-up window.

Commissioner Johansen pointed out that while this information is not necessary tonight, he would like information of whether home delivery could be included within the City Council's limitations that they put on the site.

Mr. Henley referred to homegrocery.com, noting that they had recently released their sales numbers for their operations in Seattle, Portland and Orange County combined and that if converted to weekly sales, this number equals approximately 2/3 of Haggen Store's lowest volume store in Aberdeen.

Commissioner Heckman referred to the 24-hour operation, specifically the last paragraph of page 12 of the Staff Report for CUP 2000-0002 and why other stores have overlooked this opportunity to provide benefits to the community.

Mr. Gordon emphasized that these other stores are not as customer-oriented as Haggen Stores.

Commissioner Heckman questioned whether most stores provide ATMs, noting that he had never utilized an ATM.

Mr. Gordon assured Commissioner Heckman that he is different from most individuals, adding that other stores offer ATMs, also.

Commissioner Heckman questioned whether employees would be working in the store at night even without the 24-hour operation.

Mr. Gordon advised Mr. Heckman that without the 24-hour operation, employees would be at the store at night attending to various other duties, such as stocking shelves, adding that this is occurring in other stores.

Commissioner Heckman referred to the next to the last line at the top of page 13 of the Staff Report for CUP 2000-0002, specifically the meaning of the phrase “Hengaging in activities”.

Mr. Gordon advised Commissioner Heckman that this phrase had confused him as well.

Commissioner Bode requested clarification, specifically the intent of adding only one additional employee as a cashier at night during the proposed 24-hour operation. She pointed out that the store and parking lot are already lit, employees are stocking the shelves and the only change will be an additional employee to serve as cashier.

Mr. Henley advised Commissioner Bode that this is the situation in 26 of the 28 Haggen Stores, adding that in the remaining two stores, the nighttime volume justifies two cashiers.

Commissioner Heckman questioned whether these are full-time employees.

Mr. Henley clarified that these full-time employees also perform some stocking duties near the check stand while not serving as cashiers, emphasizing that they do not leave the check stand area.

Chairman Maks expressed appreciation to the applicant and his associates for their presentation.

Commissioner Heckman expressed his opinion that this is a good time to stop for the evening.

Observing that the public has sat through the entire evening and is entitle to make their comments, Commissioner Bode questioned the possibility of allowing for some public comment this evening.

Noting that the public comment portion of this public hearing is being handled in a specific way, Chairman Maks explained that some of the public is submitting their comments and testimony as a group for specific periods of time, adding that individual public testimony will also be accepted. He suggested the possibility of ending tonight’s public hearing with testimony from Mr. Rapp, who has been allotted fifteen minutes for his group.

Commissioner Heckman expressed his desire to start fresh Thursday evening and hear all public testimony at that time.

Chairman Maks suggested the possibility of starting the public hearing at 6:30 p.m., rather than 7:00 p.m., Thursday evening.

Commissioner Heckman advised Chairman Maks that the By-Laws of the Planning Commission provide that the Commission can not start before 7:00 p.m.

Chairman Maks informed Commissioner Heckman that this explains why he is the ex-Chairman of the Planning Commission, observing that because Thursday is not a regular meeting date it may be possible to convene at an earlier time.

Observing that he has prior work-related commitments, Commissioner Voytilla commented that he would not be available prior to 7:00 p.m.

Mark John Holady requested that it be determined if any parties are present at this time that wish to speak who may not be available tomorrow.

Noting that he would not necessarily grant such a request, Chairman Maks questioned whether anyone present tonight who wishes to testify can not be present tomorrow night.

On question, Chairman Maks informed Andy Rapp that the Commissioners are tired and prefer to wait until tomorrow to accept testimony. He noted that Mr. Rapp had submitted written documentation highlighting what his group intends to cover, requesting that copies be distributed tonight for the review of the Commissioners.

On question, Chairman Maks informed Mr. Holady that the Commissioners would prefer to receive multiple copies of any written testimony ahead of time, if possible, and Mr. Holady provided these copies for distribution.

Mr. Osterberg provided one final comment, advising the Commissioners that although Murrayhill Thriftway operates between the hours of 6:00 a.m. and 1:00 a.m., they have been previously approved by a Conditional Use Permit for a 24-hour operation.

Commissioner Heckman **MOVED** and Commissioner Bode **SECONDED** a motion that RZ 2000-0001 – Beard Court Rezone; CUP 2000-0001 – Beard Court Conditional Use Permit (Planned Unit Development); TPP 2000-0001 – Beard Court Tree Preservation Plan; RZ 2000-0002 – Sexton Mountain Village Project – Haggen Store Zone Change; RZ 2000-0003 – Sexton Mountain Village Project – Sexton Place Townhomes Zone Change; CUP 2000-0003 – Sexton Mountain Village Project Conditional Use Permit (Planned Unit Development); and CUP 2000-0002 – Sexton Mountain Village

Project – Haggen Store 24-Hour Operation Conditional Use Permit; be continued until a date certain of May 25, 2000.

Motion **CARRIED** unanimously.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 10:42 p.m.