PLANNING COMMISSION MINUTES

January 15, 2003

CALL TO ORDER: Chairman Bob Barnard called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Bob Barnard, Planning Commissioners Gary Bliss, Eric Johansen, Dan Maks, Shannon Pogue, Vlad Voytilla and Scott Winter.

Associate Planner Sambo Kirkman, Senior Planner, John Osterberg, Senior Planner Margaret Middleton, Senior Planner Don Gustafson, City Transportation Engineer Randy Wooley, Assistant City Attorney Ted Naemura, and Recording Secretary Bonnie Webb represented staff.

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

VISITORS:

Chairman Barnard 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 COMMUNICATION:

Staff indicated that there were no communications at this time.

NEW BUSINESS:

Chairman Barnard opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. 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.

PUBLIC HEARINGS:

A. CUP 2002-0025 – BAHAI OF BEAVERTON RELIGIOUS CENTER CONDITIONAL USE PERMIT -- USE

The applicant requests approval of a Conditional Use Permit (CUP) for use of the subject site of a religious institution, specifically for the re-development of the subject site to include construction of a building approximately 3,600 square feet in size and other supporting development for use as a religious institution. The development proposal is located at 5355 SW Murray Boulevard, and is more specifically described as Tax Lot 6101 on Washington County Assessor's map 1S1-17DA. The site is zoned Urban Medium Density (R-2), and is approximately 0.80 acres in size. Section 20.05.35.2.B.8 of the Development Code requires Conditional Use approval for "Churches, synagogues, and related facilities" within the R-2 zoning designation. A decision for action on the proposed development shall be based upon the approval criteria listed in Development Code Section 40.05.15.2.C.

Commissioners Voytilla, Winter, Johansen, Maks, Pogue, and Bliss and Chairman Barnard all indicated that they had visited and were familiar with the site and had not had any contact with any individual(s) with regard to this application.

Associate Planner Sambo Kirkman presented the Staff Report and described the proposed project and subject site. Concluding, she recommended approval, including certain Conditions of Approval, and offered to respond to questions.

Referring to the bottom of page 8 of the Staff Report with regard to the proposed setbacks and the proposed four-foot right-of-way dedication, Commissioner Voytilla questioned whether the proposed 11-foot setback is inclusive of the proposed four-foot right-of-way dedication.

Ms. Kirkman verified that the proposed 11-foot setback includes the proposed four-foot right-of-way dedication.

Commissioner Voytilla pointed out that because other events frequently occur at such facilities and that a Conditional Use Permit runs with the land, he has some concerns with regard to parking

issues, and questioned whether staff is comfortable with the number of parking spaces that have been proposed by the applicant.

Ms. Kirkman referred to the Development Code regarding other uses of the facility, adding that staff is satisfied that adequate parking would be provided.

Commissioner Voytilla: referred to page 15 of the Staff Report and requested clarification with regard to who had provided the worst-case evaluation of the trips generated by this use with regard to the ITE Manual, observing that the Staff Report implies that staff had prepared this evaluation.

Ms. Kirkman advised Commissioner Voytilla that this information had been evaluated and provided by the applicant's Traffic Engineer.

Commissioner Pogue requested clarification with regard to whether the subject site includes any significant resources or is under the jurisdiction of any tree plan.

Ms. Kirkman informed Commissioner Pogue that the subject site does not include any significant resources.

APPLICANT:

STEWART STRAUS, representing *Baha'is of Beaverton*, stated that the applicant has reviewed the Staff Report and concurs with the recommendations of staff, adding that this creative solution to this small religious facility would blend into the surrounding community.

Commissioner Pogue requested clarification with regard to the decision to remove the 24-inch diameter Fir Tree located in front of the property.

Mr. Straus observed that he would defer to either the architect or one of the owner's representatives to respond to this issue.

FRANK MONFARED, representative for the applicant, explained that the decision to remove this tree is due to issues with the excavation and parking lot areas, adding that it had been determined that these activities would likely kill the tree.

Referring to diagram A.5, Commissioner Pogue pointed out that this illustration indicates that while it is not associated with the parking, the tree is located directly in front of the building.

Mr. Monfared reiterated that the roots of the tree would be damaged in the process of excavating the property.

Mr. Strauss emphasized that it is clear that the amount of space available from the front property line to the rear property line to accommodate the building and parking would not allow for the preservation of this tree, noting that a certain amount of space is necessary to preserve the healthy condition of the tree.

PUBLIC TESTIMONY:

No member of the public testified with regard to this application.

Staff had no further comments with regard to this proposal.

Assistant City Attorney Ted Naemura had no comments with regard to this application.

The public portion of the Public Hearing was closed.

All Commissioners expressed their support of the application as meeting applicable criteria.

Commissioner Pogue **MOVED** and Commissioner Voytilla **SECONDED** a motion to APPROVE CUP 2002-0025 – Baha'I of Beaverton Religious Center Conditional Use Permit – Use, based upon the testimony, reports and exhibits, and new evidence presented during the Public Hearing on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated January 8, 2003, as revised, including Conditions of Approval Nos. 1 through 4.

Motion **CARRIED,** by the following vote:

AYES:	Pogue, Voytilla, Bliss, Johansen, Maks, Winter, and Barnard.
NAYS:	None
ABSTAIN:	None.
ABSENT:	None.

Following a brief recess to allow members of the Planning Commission to review information submitted by the Transportation Department

with regard to their presentation, Chairman Barnard called the meeting back to order.

B. <u>CPA 2002-0014 – TRANSPORTATION SYSTEM PLAN UPDATE</u>

The proposed amendment will implement the Transportation System Plan Update by amending Beaverton's Comprehensive Plan to adopt the updated Transportation Element of the Comprehensive Plan and Adopt the Transportation System Plan Update (September 2001), as required by the State Transportation Planning Rule and Metro planning requirements. The proposal updates the city's policies and relates to transportation throughout the entire city.

Margaret Middleton, Senior Transportation Planner, introduced herself and Randy Wooley, City Transportation Engineer, who are here to answer Commission questions about CPA 2002-0014 Comprehensive Plan Amendment to implement the *Transportation System Plan Update* and to hear public testimony and consider comments.

Ms. Middleton summarized the *Transportation System Plan (TSP) Update* development process since 2000, reviewed the differences between the adopted TSP and the 2020 TSP update, and reviewed the staff recommendation to the Commission. During plan development six Public Forums and three Open Houses were held at Traffic Commission meetings. Two Planning Commission Work Sessions and one City Council Work Session were held. Thereafter, Council directed staff to proceed with implementation of the *TSP Update*. The new *Comprehensive Plan Transportation Element* was drafted based on recommendations of the *TSP Update* with changes that responded to comments. The Traffic Commission reviewed that draft in October 2002. The differences between the 2015 TSP and the 2020 TSP are that the 2020 TSP update includes a larger study area to acknowledge past and future annexations, improvements were added and modal plans updated, polices and actions were updated, the functional classification map was updated and a principal arterial designation was added, Local Connectivity Maps were updated, and TSP project costs and revenues were updated. Ms. Middleton also reviewed the requested actions: Approve CPA 2002-0014 *Comprehensive Plan* Amendments to Ordinance 4187 as described in Appendix A of the December 16, 2002, Staff Report and in the December 24, 2002, Supplemental Staff Report, Repeal *Chapter Six – Transportation Element* from the existing *Comprehensive Plan*. Replace it with updated *Chapter Six – Transportation Element (dated October 15, 2002).* Adopt the *Transportation System Plan Update (dated September 2001)* as part of the *Public Facilities Plan* in *Comprehensive Plan Volume IV*. Make the changes to these documents identified in the Change Logs. Recommend

the City Council approve any changes and corrections based on this public hearing and reflect them in the final ordinance. Authorize staff to administratively make changes to update the *Comprehensive Plan Community Plans* and references subsequent to final adoption of this amendment.

Ms. Middleton noted that the Commission received the Staff Report and Supplemental Staff Report that provided the two comments received prior to that mailing. Since then three letters of comments were received. The Department of Land Conservation and Development's (DLCD) letter and Metro's letter conflict as Metro feels the City is in full compliance with Regional Transportation Plan requirements, whereas DLCD feels that the form of the City's response to the non single-occupant-vehicle mode share targets may not be what DLCD would like to see. Ms. Middleton stated that staff drafted text to address this tonight if the Commission desired. She noted that she had talked extensively with Metro and DLCD today, who also talked to each other, and that she felt comfortable that the draft text addresses the DLCD concern.

Another comment that was received was the letter from Renee France, Ball Janik, regarding the Fairfield extension that is identified in the *TSP Update*. The letter requests that the City designate the Fairfield extension as a study area like Washington County did in its recently adopted TSP update. Ms. Middleton stated that the Fairfield extension discussion is an ongoing one that is documented in Public Log #4 contained in the Staff Report. Staff has worked with representatives from Ball Janik and the Beaverton Mall since 2002 on this issue. She stated that staff drafted text to offer for the Commission's consideration following the public testimony on this issue.

Randy Wooley, City Transportation Engineer, addressed two TSP implementation items. A year ago staff began a process that was to take all amendments including those to the Development Code and Engineering Design Manual through the adoption process at the same time. This was a large package. Since that time, staff worked on several issues and decided that this process was not necessary, so tonight only the Comprehensive Plan amendment is being addressed. He said that staff reviewed the issue to make sure this process will not conflict with the Development Code and Engineering Design Manual processes, and that he is confident it will not conflict. The other thing is that compared to the 2015 TSP update in 1999, the 2020 TSP had fairly minor issues with a few changes. It is a smaller project this time.

Commissioner Maks: Commissioner Maks brought up the Performance Measures Work Session and told staff he had since contacted some consultants about the proposed measures. With regard to the volume-to-capacity ratio and cycle delay, the City needs to clarify whether the analysis is conducted using a peak hour factor less than one. He said that if a peak hour factor is less than one, the analysis is really a peak 15-minute analysis rather than a one-hour analysis. If a peak 15-minute analysis is used, then the impacts of a development can be overestimated. If the City's TSP used a one-hour peak analysis, and the Development Code uses a peak 15-minute analysis, then there could be some issues about development conditions. Commissioner Maks asked what the time of analysis was based on and what does the TSP use?

Mr. Wooley recalled the Development Code was based on the peak 15-minute period. Commissioner Maks asked about the TSP, and Mr. Wooley stated that staff would need to check on the TSP. Mr. Wooley asked Commissioner Maks to email the question to him.

Commissioner Maks had comments on several policies. 6.2.1.b) Consider noise attenuation in the design, redesign, and reconstruction of arterial streets immediately adjacent to residential development. He asked staff to define "immediately adjacent." Ms. Middleton stated that the definition is most likely not in the Comprehensive Plan but is in the Development Code. She thought it means "abutting" or "next to". Commissioner Maks said he would look it up in a moment.

Actions under 6.2.1. d); Commissioner Maks thanked staff for adding text about project prioritization. He questioned "traffic management" and asked that it be changed to "traffic calming". Commissioner Maks questioned whether Traffic Commission should be the final approval authority for traffic calming on collectors. He questioned whether calming should be limited to Neighborhood Routes and Local Streets.

Policy 6.2.2.f) Actions: Continue to work with Tri-Met to improve transit service… Commissioner Maks asked if this policy can be made stronger. He summarized instances where the City needed to be more forceful with the transit agency. If this cannot be done, then another form of transit should be looked at, as TriMet has not been a very good partner. Ms. Middleton stated that she met today with TriMet staff on their Metro Transportation Improvement Program application. She stated that there are shelter and transit tracker improvements proposed in Beaverton as well as Jobs Access projects. Middleton said she understands the frustration when needs have been identified and expected, but that funding is not available. TriMet staff would like to implement these

improvements, but the dollars are not there. From a staff perspective, TriMet wants what the Commission wants, and staff works with TriMet on these. Commissioner Maks stated shelters do not impress him. No matter what size the shelter, only two people go in. The problem is that in the past, TriMet has not listened. People are going to drive to get to MAX. Commissioner Maks would like stronger verbiage in the document. TriMet is not looking at transit on Murray Blvd. Text on Page 1-21 does not list Murray; what happened to transit for the Town Center and 125th Avenue?

Policy 6.2.4. Supplement and implement trip reduction strategies. Commissioner Maks asked what are we talking about here? Ms. Middleton responded that these are the mode split targets assigned to the City from Metro that are required to be in the TSP. Specifically, the Regional Canter, Town Centers and all 2040 land use designations have certain percentages that need to be reached. The targets are very specific in the Transportation Planning Rule. Metro modeled these and found out what is expected in each city and county, and these are now the target non-single-occupant vehicle mode share targets. The "45% to 55%" means that this percentage of trips should be by bus, carpool, bicycling, and walking in the Regional Center. Commissioner Maks said this relates back to his comments on TriMet and how they are not increasing the routes, which do not add up. On Action iv, again, if it can be made stronger, he would appreciate it. Whenever a bus route is put in, along the stops there are a lot of cars parked there as they drive to take the bus. Down from Hiteon School, there is a church parking lot that is never used in the morning or afternoon. He said if the City can put a policy into place and let people know it is there, then they could park and ride the bus. This is a policy issue down the road. He asked staff to make it stronger.

6.2.4.c) Maintain levels of service consistent with Metro's Regional Transportation Plan and the Oregon Transportation Plan. Commissioner Maks asked what does this mean? Ms. Middleton stated that the City is consistent with Metro's level of service standards as documented in the Compliance Report she submitted to Metro and the participation of Metro staff in the TSP Update.

6.2.4.d) Plan land uses to increase opportunities for multi-purpose trips (trips chaining). Actions: Encourage mixed-use development where allowed to promote trip chaining in an effort to reduce vehicle trips, cold starts, and air pollution. Commissioner Maks stated that in the past year, there have been three applications that were for commercial uses adding a curb cut that argued it would increase trip chaining. Is internal circulation what we are after? Randy Wooley stated that it is partly, but

it is also taking one trip and making a series up stops instead of a separate trip for each destination.

6.2.4.g) Commissioner Maks asked for stronger language for working with TriMet.

6.2.7.d) Action; Commissioner Maks asked how does this apply on a rezone? For example, a TSP is there based on zoning and needs, and there is a rezone. After the rezone, the applicant puts in the project under CS zoning and fees are based on that project, correct? Mr. Wooley stated that the fees are based on the project and the established standards. Commissioner Maks stated that if in 10 to 15 years the property is sold and another development is an outright use, are the fees also levied on that new development? Wooley stated yes, and if trips increased, the developer would pay additional fees and get appropriate credits. This is assessed at the time tenant improvement permits are issued.

Commissioner Maks said the Policy 6.2.7.f) Actions are good. Page 26, under street improvements, second paragraph, is that our standard? Ms. Middleton stated that for the Comprehensive Plan TSP, this is the standard for analysis based on requirements. It corresponds to the projects identified in the improvement tables and maps.

Commissioner Maks reviewed the Tables on pages 3-12, 3-13 and 3-14 and the corresponding Figure 3-6 in the 2020 *Transportation System Plan Update* report that he had identified previously. Some are still incorrect. Ms. Middleton stated she would make the corrections. Mr. Wooley stated it could be corrected in the Change Log.

Commissioner Maks thanked staff for the hard work and for the insertions that were discussed in the work sessions and previous hearings. He asked staff to please be stronger in pushing for transit service in Beaverton.

Commissioner Johansen: Commissioner Johansen asked how long DLCD had had the amendment to look at. Middleton replied that they received it in November around the 11th or 19th. She stated that she had worked closely with DLCD and they were apologetic that their comments did come so late.

Commissioner Johansen asked what is staff's opinion on considering a development's comment on the transportation plan now or would it be more appropriate when the application is considered. Ms. Middleton stated that the Murray/Scholls plan was considered during the 2015

update work sessions. Staff met with the current Progress Quarry proponents and staff likes to address TSP-related issues when they arise. A full traffic analysis was provided by the Progress Quarry consultants, which allowed staff to fully analyze the comments in the submitted comment letter being considered tonight. Staff received the information from TriMet as well, which was new information. Therefore, staff feel comfortable recommending what was recommended in the Change Log attached to the Supplemental Staff Report. Mr. Wooley stated that in general it is better to wait for development to come along. However, in this instance, staff feels comfortable because of the analysis and that the analysis does make sense. Commissioner Johansen asked if the development did not happen, is what is proposed still appropriate?

Commissioner Maks asked if Mr. Wooley is comfortable with the change no matter what happens. Mr. Wooley answered yes. Commissioner Maks stated that what could happen and what is proposed is different. Mr. Wooley said that the transit center proposal in the Murray/Scholls Plan is not in a logical place and is not needed or appropriate according to TriMet. Transit service is needed but in a more traditional way. The extension of the route across to Murray now goes through more recent development and staff feel comfortable with this change. Also, the switching of the functional classifications makes sense. Commissioner Maks said that the change is all right if staff is comfortable with it. He read the analysis and the PM peak is not the issue, but that the AM peak is the issue in this area.

Commissioner Bliss said he has walked the site many times and has studied it extensively. He agrees with staff that the new plan makes more sense.

Commissioner Winter: Commissioner Winter stated that he is curious why there are two conflicting opinions on the TSP from Metro and DLCD. He asked if both agencies reviewed it thoroughly. Ms. Middleton stated that the mode split targets issue was expected to come up. She stated that DLCD commented to other jurisdictions on their TSP updates on the same issue and each of these plans were acknowledged. DLCD is concerned about how these targets are listed in the plans. Even Metro's Regional Transportation Plan was acknowledged after working with DLCD on the issue. Her understanding is that Metro and DLCD continue to work on this issue. Ms. Middleton stated she coordinated extensively with Metro on the City's Regional Transportation Plan Compliance Report and Metro feels the City fully complies with all requirements listed in the Regional Transportation Plan in Chapter Six, which includes the mode split targets. It remains an issue and it is up to the Commission what

should be done. Staff brought draft text to hand out if the Commission would like to look at it. The text puts an action under one of the policies on monitoring and updating the plan stating that the City commits to work with DLCD and Metro on the issue. Commissioner Winter asked if this is a consistent theme in the region. Ms. Middleton stated that she was told every jurisdiction that handed in a TSP was given a letter about this issue.

Commissioner Maks asked shouldn't the state be happy that Metro says that the City is OK? Ms. Middleton stated that DLCD and Metro talked this afternoon and got back to her on the issue. Commissioner Maks asked if we needed the text staff is proposing. Ms. Middleton stated that that is the Commission's decision. Commissioner Maks asked if this would be a problem in acknowledging the Comprehensive Plan. Ms. Middleton said that DLCD has not kicked back any jurisdiction to date in her understanding. Commissioner Winter asked if we need to develop draft text. Ms. Middleton said she is comfortable and wants to be the good regional and state partner and said that it is the Commission's decision to determine the response to these two letters. Mr. Wooley said that based on the conversations this afternoon, it sounds like if we added a few words to the goals, it would make DLCD feel better, which might help our future relationships. However, if the Commission chooses not to do that, it is not fatal. Commissioner Maks asked about the last paragraph of the DLCD letter that requests additional information; they request the record be left open for seven days or more like 15 days. Ms. Middleton said that DLCD said to bring it to the public hearing and provide the information in the Notice of Decision to DLCD. City Counsel, Ted Naemura, stated that this is a Legislative Amendment. He said that the continuance request is not binding like in a quasi-judicial hearing.

Commissioner Maks stated that he now had the definition of "adjacent" from the Development Code: Adjacent means near or close. This is not very helpful. Using the word "adjacent" in the policy with reconstruction can be problematic. Noise walls can be expensive, and the cost/benefit ratio should be considered. ODOT does make this consideration. Reconstruction should not trigger this on such a project as something on Brockman and neighbors then wanting a noise wall. If the City is going to do something that is unexpected, then the City should review noise attenuation, but there are so many transportation needs and so few dollars. Mr. Wooley stated that this text predates the last update as he had the same questions. Commissioner Maks would like the text softer or have the word reconstruction stricken. Mr. Wooley did not object. "Adjacent" does not bother Commissioner Maks if the word "reconstruction" is removed from text. Commissioner Maks asked Mr.

Wooley if he is comfortable with striking " reconstruction". Mr. Wooley answered yes.

Commissioner Bliss: The TSP Local Connectivity Map Figure 6.16 Local Connection #9 the extension of Ivy Glen. The terrain is not conducive to this connection and the property owner is not receptive to the connection. They are thinking of dedicating it. What are the implications of showing this connection and the reality is not there? Have you looked at this closely? Mr. Wooley said he did not recall this particular one and that these have been refined. The City's explanation to the neighborhoods is that that text is read thoroughly about the requirement to consider these connections with new development. Commissioner Bliss is more concerned about the connection of Cambray on Figure 6.8. There is a large wetland there and he does not see a connection as realistic. Particularly the connection with Walker is a real hazard. There are no signals in the area and to suggest cross traffic--it would have to be a right in right out. These two connections need to be looked at closer. Mr. Wooley said the Cambray connection was brought up through the Traffic Commission TSP update process and was reviewed. Thereafter, the recommendations on #116 were changed. The intent is to connect through an indirect alignment to 185th. The arrows on the map are attempting to show this. The concern is about cut-through traffic, which is quite real in this location. The note was added to pursue multimodal but avoid cut-through traffic to Cambray. Depending on the development, avoid might mean to abandon this or come up with a creative non-direct solution. It was not envisioned to connect to Walker. It was intended to be an indirect connection to 185th. Ms. Middleton added that the rating is P standing for "potential or definite problems".

Commissioner Maks asked that during the next update of the TSP, a policy be developed that rain protection be promoted through the Development Code. Mr. Wooley asked if this means strategies such as awnings? Commissioner Maks said yes and stated that he has 15-30 people standing under his awning every day.

Hearing that there were no more comments from the Commission, Chairman Barnard asked for public testimony.

Marc Perniconi, Vancouver, Washington representing the C.E. John Company: He owns most of the property between Hocken and Cedar Hills that the proposed Fairfield extension impacts. Mr. Perniconi introduced **Chris Brehmer**, Kittelson and Associates, Portland OR, and **Renee France,** Ball Janik, Portland OR. Mr. Perniconi stated that he wanted to give some facts to back up his request that the Fairfield extension be

taken off the Functional Classification Map. He stated that there have been about five events in the immediate vicinity that resulted in a significant study of the vicinity. They are the major subdivision of the Tektronix campus about four years ago, which resulted in a massive traffic study that was a precursor to the development agreement and the purchase of the three parcels and the wetlands track immediately west of the Beaverton Mall, now called the Cedar Hills Crossing project. The second is the redevelopment of Beaverton Mall that required a considerable traffic study. This was followed by the annexation of the four Tektronix parcels that they purchased west of Beaverton Mall and annexed into the City. Those parcels were then rezoned which required additional traffic studies. Most recently they did the traffic analysis for the signal at Fairfield and Cedar Hills. He believes that this has been approved and he is working with Randy Wooley on it.

Renee France, Ball Janik, stated that the proposed Fairfield alignment would cut through Best Buy and Winco Foods. She reviewed staff's proposed language in Table 6.3. She recognized staff's willingness to add text, but stated that the text is ambiguous which creates uncertainty and that the street is ultimately unnecessary. She summarized the requests in the letter of comment on the subject amendment. The main reason for concern is that the street is not appropriate at this time. The location passes through existing uses that are on long-term leases, which are unlikely to change during the life of this plan. An extension at Hall is also going through, and a second extension would divide the property into three pieces, which would severely disrupt pedestrian patterns that users enjoy and that are critical to the viability of the mall. Third, there is a wetlands west of Cedar Hills Crossing and the alignment would run through it that would complicate the alignment. The $5.5 million cost in the TSP fails to take into account the cost of property acquisition and demolition, and compensation for the loss of the commercial value of those uses. The proposed language seems to attempt to tie the extension to any modifications done on the property and any attempt to shift this cost only to the landowner is somewhat problematic. This property has been there for 30 years and attempts to do this would be difficult to survive a rough proportionality analysis. Finally, this cost and commercial disruption is likely to be unnecessary from a transportation perspective. Other extensions and improvements are in that area. There is a possible transportation need and it could be met by additional improvements, but the exact location and the need has not been demonstrated at this time. A solution would be to look at what Washington County did with this, which is to create a study area to allow them to revisit the issue when more is known. She urged the City to coordinate the City's response with Washington County's approach.

Chris Brehmer, Kittelson and Associates, highlighted the January 6 letter submitted to Mr. Perniconi that is part of the attachments to the Ball Janik letter. This area has been looked at extensively and has been brought to this body with the rezone application for the property on the west of the mall. The analysis reviewed the operations at Jenkins and Cedar Hills. It showed that the intersection would work with or without the Fairfield extension. So from their perspective, long-term and near-term needs can be met without this extension. Since the TSP was put together, the signal at Fairfield was planned. As they worked on the signal analysis, it was found that traffic went from the mall, to Jenkins, to Cedar Hills Blvd., which uses Jenkins Road capacity at the signal. There is benefit to the system with the Fairfield signal that has not been acknowledged in the TSP. They are confident that the system will work without the connection. The roadway would bisect the site and that raises concerns from the transportation perspective. They see the mall as a destination oriented venue. To create a through route disrupts pedestrian connectivity as well internal mall circulation. The mall has worked with the City and made the connection at Hall, but it would be difficult to do in the Winco area. As long as there are new connections at Hall and the new signal at Fairfield and other connections, they think the system will work without the extension and would advocate for creating a special study area. The City and DKS did recognize the need for connectivity and there may be an appropriate connection needed in the long-term future. In their appendix it was made clear that the big bang for the buck extensions are the Millikan extension, now done, the Hall Blvd. extension which will open this summer, and then they said that in the long term future, keep the option of the Fairfield extension as another mechanism. This can be done by creating the study area without the burden of the roadway on the plan and development review needing to address it with each new application in the area. He proposed a study area instead of having to propose a modification to the Comprehensive Plan later to deal with whether or not this two-lane road is appropriate or not.

Marc Perniconi wrapped up saying that they have several irons in the fire and this adds another. They are going through a major redevelopment of the old mall, plus what is happening to the west of the mall. The ground lease is in place through 2050 so this is showing that what is there now will primarily be there in 50 years in one form or another. The site is not going to be available. The reduction in value is enormous, parking would be broken up, and commercial viability is compromised. It would be extremely expensive. There is enough data that the street is not needed. Mitigation measures are already being implemented. The intersection is completed. The parking lot needs to be turned around, and this will be done this summer. The wetlands issues are enormous. The tributary is

right at the intersection. The wetlands were there prior to parcel purchase and they consolidated the wetlands so that there is now more natural resource area than there was originally. It is forested wetlands, which makes a lot more issues should you want to build the road. If this gets on the TSP, what it means is more process for any kind of redevelopment that could happen out there. The City of Beaverton has plenty of process now. After what they have been through over the past couple months, the City does not need any more process. It is hard enough redeveloping and investing here without the rules changing, and when they change, which this does, it adds more and more layers of complications. The harder it is to redevelop, the higher the probability of a blighted center, and this must be thought about. If you look 50 years down the road, is it really worth the risk. It makes it harder for things to get done. The last issue is that the green building was a previously-approved use and the parcels have been rezoned and cinemas are going into the site. Again, this could present complications when it really has no chance of happening. In an era of urban growth boundaries and Metro, there are no sites like this being made any more. The site is in the middle of the community and serves the community. Why carve it up. We ought to preserve the ones we have; a contiguous site this big.

Commissioner Johansen asked who are the parties to the ground lease. Mr. Perniconi replied that he did not know, but the Bernard family owns the land. Commissioner Johansen asked if ground leases have termination provisions. Mr. Perniconi said, no, it is a term lease. Commissioner Johansen said that at some time in the future the company might decide to knock the buildings down. Mr. Perniconi said the individual tenants have leases in the building. Their terms are mostly not as long as the ground lease. Commissioner Johansen asked if a 50-year ground lease doesn't mean that the buildings are going to stay there. He is concerned about taking it off the TSP. From the traffic study it seems that the intersections function without the extension, but wouldn't they function better with it? The community may desire that the intersection be above the standard, not just barely above failure or the standard; maybe a B or C. It is in the community's interest to try to get there.

Chris Brehmer said that it is a double-edged sword. From a capacity perspective, adding a roadway connection helps. The flip side is that you create potential for cut-through traffic. With the signal issue there were comments about cut-through traffic. That has not been addressed in extending the roadway. So you get into new issues. Plus you create through traffic through a mall environment. It is not a yes or no answer. Commissioner Johansen asked if the intersection would improve what you would expect? Chris Brehmer said yes.

Commissioner Maks asked about where the cut-through traffic would be going to? Mr. Brehmer said the testimony was that the traffic would come from the west. They have not done a cut-through analysis. Commissioner Maks said he is looking at a map and cannot see the potential. There is a significant lack of a place to go that creates the cut-through traffic. The second issue is that all the intersections will operate at proper levels of service. The cause of cut-through traffic is when the intersection fails. Then they use the cut-through route to save time. If the arterials work, the cut-through traffic argument is a nebulous one. Mr. Perniconi stated that it is the unincorporated County area over to the neighborhood in the middle of the city.

Commissioner Maks said on page 2 of Mr. Perniconi's letter he questions the text about pedestrian circulation. Is the opinion that there is good pedestrian circulation in the mall? Mr. Perniconi stated that it is being addressed considerably in the redevelopment. None of the improvements are visible right now. On the west side they hope to bring it to Hocken. Commissioner Maks said that pedestrian improvements on the west side would facilitate a lot. Renee France said she would not cross the street. Commissioner Maks agreed.

Commissioner Maks agreed that the idea of a study is a good compromise, but is the light happening or not? Mr. Perniconi said it has been approved by Council; there are no problems. Commissioner Maks said he agrees that the street is not necessarily needed right now and that a study area would probably function the same way. Possibly a study could be done to just look at the pedestrian movement, not necessary auto-related connections but other connections. The City would need to meet the rough proportionality question always.

Commissioner Johansen asked what would trigger a study? Renee France said, if one looks at Washington County's approach, they designated it a study area and stated that there is an identified need but that the specifics of how to address the need are not necessarily readily available at this point, and she believes this fits under this category. There is potentially a need but the alignment may not be quite right. She said they would be willing to work with staff on drafting language that would coordinate with what Washington County did. Ms. France was asked if the study area was auto-related. She said yes, it is a flexible mechanism for them to identify a need but not to set something in stone. Commissioner Johansen said his concern is if something comes up to consider it; that it not be something that is forgotten, and that there are triggers to go in and decide whether something needs to happen there or not. Ms. France said they would work with staff on crafting that

language. Commissioner Maks asked how this would be accomplished and at what point? Ms. France said it could be studied throughout the length of the TSP and can be examined once again with the new TSP, or if the need arises again, it gives the jurisdiction flexibility in requiring something; some kind of improvement. Commissioner Maks said he does not necessarily see the need with the lease and improvements at the light. He also likes the paper street with regards to pedestrian and bicycle. He thinks the west side access is very important. That is why it is important to leave a study area.

Commissioner Voytilla asked how many times the mall has been remodeled since it was built; he believes a major redevelopment happened about every ten years. He said with increased density, it would stand to reason that the immediate area would increase with residences, so to parallel that, this facility needs to look forward to the expansion to meet the market challenge. Where would it go? Mr. Perniconi said if they looked far enough, you see true mixed use. Commissioner Voytilla asked if they would go up with retail and span over the streets? Such solutions can make a better solution all the way around. Potentially, there could be future redevelopment that is bigger and grander. Mr. Perniconi said that knowing what they know, they cannot level the mall as they have leases and obligations. Commissioner Voytilla wondered if there is a way to keep the options open for everybody with a trigger for a study area. Mr. Perniconi stated that one of their biggest objections is looking at the 20-year horizon; it would be an obligation on their part with no chance that the road ever happens. That has a lot of implications and it gets harder every time. It affects where they invest. It does not make sense to them to put it on here now. They are trying to mitigate the problem with their dollar.

Chairman Barnard thanked the speakers and introduced the next speakers.

Jason Johnston and **Brian Colclazier**, both of Beaverton, testified about Local Connectivity connection #3, which recommends "pursue multimodal" with "minimal" problems from 116th south to Center Street. They submitted a letter and petition to Margaret Middleton that is contained in the Supplemental Staff Report. Mr. Johnston stated that in summary, their neighborhood is concerned about preserving livability. A connection will require a high-density project be developed in the space available. They heard comments that the project would need to be similar to Orenco. With it being close to Canyon Road, a potential for cut-through traffic exists. Previous development efforts did not happen. There is a current proposal for single-family homes where the quality of life would be

similar to their own neighborhood. They recognize that their major concern is that the City will work with them and take into consideration the concerns of this neighborhood though it is not in the City. They feel strongly that the neighbors in Lynnwood would support the current proposal for the single-family homes and accommodate the increase in traffic through their neighborhood. They recommended to the Council that a bicycle and pedestrian path be accepted as part of the connection from Center to 116th.

Brian Colclazier said that the neighborhood has met since the apartment was proposed. They are concerned about cut-through traffic, increased traffic, and the wetland. In their more than ten meetings, they gathered 246 signatures on the petition from neighbors and some from the greater Cedar Hills area. The three issues are safety, wetland bridging, and compatibility. It does not pencil out to put single-family homes in that space according to two developers he talked to. It would have to be high-density homes, which are not compatible. With MAX, it makes sense to have a connection to that station. Their goal is livability, just like the City's.

Chairman Barnard asked if there was anyone else that wanted to speak to the Commission. Hearing none he asked for staff comments.

Mr. Wooley pointed out that in the TSP, the Fairfield extension is needed out at about the 20-year timeframe or slightly beyond. Sometime within that 20-year period some redevelopment will occur and it is important that future development consider the road. This happened elsewhere in the City and buildings were oriented so that a future roadway could go through, and that is what staff is after. If the way to get there is to change the notes on the plan to be more like the County notes, he said he could support that; in fact, he said that staff have some text that could be added to Table 6.3 Street Improvement Master Plan that could help. Ms. Middleton handed out the text. Mr. Wooley was asked for his opinion of a study area. He stated that one of his concerns about a study area is that the TSP does not have study areas. Perhaps a note on the map. Commissioner Maks asked if a study area could be created. Mr. Wooley said yes. Mr. Wooley said the intent is to preserve the option if there are changes in that area. Commissioner Maks said he likes such connections but in 20 years the connectivity improvements have not been seen.

Mr. Wooley recommended the Commission adopt some additional language into the TSP to address DLCD's comment. It is only promising something that the City has to do anyway. If no changes are made to the

TSP, it is not fatal; the coordination through Metro will still have to take place.

Mr. Wooley talked about the 116th connection on Figure 6.14 connection #3 on Table 6.6 on page 41. He suggested that the "minimal" problems could be changed to "potential or definite problems" rating. He recommended keeping the connection on the map to be considered when development is reviewed.

Commissioner Voytilla's overall feeling is one of concern. The Commission has received a lot of new information tonight, and has received some significant testimony. He asked if there is some compelling reason to move on this tonight or is there time to work this out and continue the hearing. Commissioner Maks agreed, especially on the issues of the road or study area. The property owners should also review the text as he has questions, too. Also, the trigger is a big question.

Mr. Wooley said there is no looming deadline. He wants to keep the amendment moving because there are projects coming through, but a week or two is not a problem.

Chairman Barnard asked about the recommendation on a response to DLCD. Ms. Middleton handed out the language staff proposes. Commissioner Maks said it is fine. Commissioner Pogue said he abstains. Commissioner Bliss concurs. Commissioner Johansen concurs. Commissioner Winter stated that they should think about the words. Commissioner Voytilla is amenable to having staff provide a recommendation.

Chairman Barnard asked about the recommendation on striking "reconstruction" in Policy 6.2.1.c). , the study area on Fairfield, and the 116th connection.

Commissioner Maks asked to strike "reconstruction" from the policy. He also talked about designating the study area for Fairfield and feels it should be done. He thinks access from the west is going to be implemented. The 116th connection needs to stay on the map.

Commissioner Bliss agrees with Commissioner Maks on seeing what the language entails. He agrees with the striking of reconstruction. On the Fairfield issue, to dissect this center with roads at this point in time would be an abomination. With wording worked out between staff and the owner, he would like to see what this would entail and then make a decision. On 116th, he agrees it should remain on the map.

Commissioner Johansen agreed with taking out reconstruction. On Fairfield, his preference is to leave it in the plan as is or if a study area concept could be developed that gives him complete assurance that it would be triggered at appropriate times, he could support the idea. But without the assurance, the concern is that with the study area, the need never really gets focused on or dealt with. He could also support the study area with the assurance he requests. He agrees with leaving 116th.

Commissioner Winter agreed with what was said. He agrees with Commissioner Johansen on Fairfield, and if the assurance would be there, it would be fair. 116th should stay in the plan.

Commissioner Voytilla agrees with what has been said so far. Those with the mall should work with staff to come up with something they can work with. He agrees with Commissioner Maks that we need a tool with adequate triggers.

Chairman Barnard agrees with the majority of the Commission and added a little weight onto Commissioner Johansen's statement; if we do move forward to a study area, he wants to understand what makes it work and what makes it happen, or he would prefer to leave it there on the map.

Chairman Barnard asked for a date. Commissioner Maks asked for statements to be stronger on transit, and asked if others agreed with him. Chairman Barnard asked what influence that would make. Commissioner Maks said he did not know. Some jurisdictions have their own bus system. Commissioner Johansen said it has to be clear that the land use concepts are supported based on an assumption of service. Regional partners have to be active in reaching the goal. Commissioner Maks said one could say "seek" cooperation.

Mr. Wooley said that this would be a hard one for staff and asked for words from the Commission. Commissioner Maks said he would have something emailed to him within four days. Commissioner Voytilla added that last minute comments leave more questions than solutions. Stronger text could help staff so that they could tell the agencies that it is a requirement that the City has their input so they have to work with the City.

Mr. Wooley said that it would take more than one week to craft study area text and additional text on these issues and get a staff report to Commissioners prior to the meeting. He suggested continuing to February 5.

Commissioner Maks **MOVED** and Commissioner Johansen **SECONDED** a motion that CPA 2002-0014 be continued to a date certain February 5, 2003.

Motion **CARRIED**, unanimously, with the exception of Commissioner Pogue, who abstained from voting on this issue.

Commissioner Voytilla requested clarification from staff with regard to why Commissioner Pogue had not received the background information for this proposal.

Mr. Wooley advised the Commissioners that this information had been mailed out early to mid-December 2002.

Commissioner Voytilla requested that staff make certain that Commissioner Pogue receives the appropriate materials prior to the next hearing.

APPROVAL OF MINUTES:

Minutes of the meeting of November 20, 2002, submitted. Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a motion that the minutes be approved as written.

Motion **CARRIED**, unanimously.

Minutes of the meeting of December 4, 2002, submitted. Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a motion that the minutes be approved as written.

Motion **CARRIED**, unanimously.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 10:05 p.m.