

## REGULAR MEETING

September 28, 1998

### CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, September 28, 1998, at 6:43 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Evelyn Brzezinski, Dennis Doyle, Forrest Soth, and Cathy Stanton. Coun. Wes Yuen was excused. Also present were City Attorney Mark Pilliod, Chief of Staff Linda Adlard, Community Development Director Joe Grillo, Engineering Department Director Tom Ramisch, Development Services Manager Irish Bunnell, Senior Planner John Osterberg, Redevelopment Project Manager John Engel, Support Specialist II Deborah Baidenmann, and City Recorder Darleen Cogburn.

### EXECUTIVE SESSION:

The Executive Session was canceled.

### CITIZEN COMMUNICATION:

There was no one who wished to speak.

### COUNCIL ITEMS:

Coun. Doyle reminded Council of the Children's Theater Productions series put on by the Beaverton Arts Commission. He said it began October 4, through October 25, 1998 and interested parties could call the Arts Commission at 526-2288.

Coun. Stanton said anyone at the meeting who would like a sign in support of the Library Bond Measure for the November ballot could contact her that night to pick one up. She also announced the fundraiser hosted by the Library Foundation and suggested those interested call Shirley George, the City Librarian at 526-3705.

### STAFF ITEMS:

There were none.

PROCLAMATION:

Disability Employment Awareness Month

CONSENT AGENDA:

Coun. Brzezinski MOVED, SECONDED by Coun. Soth that the consent agenda be approved as follows:

- 98-266 Liquor License – New Outlet: Great Wall Restaurant & Lounge
- 98-267 Boards and Commissions Appointment
- 98-268 Purchase of Software License Renewals and New Licenses From the State of Oregon Price Agreement
- 98-269 Authorize Conveyance of City Property for *The Round* at Beaverton Central
- 98-270 Authorize Purchase of Excess Tri-Met Right of Way in Connection With The Round at Beaverton Central and Transfer Resolution

Question called on the motion. Couns. Brzezinski, Doyle, Soth and Stanton voting AYE, the motion CARRIED unanimously (4:0)

PUBLIC HEARING:

- 98-265 ECP 97002, ECP 97003; Sexton Mountain Village Expedited Comprehensive Plan Amendments (Continued)

Mayor Drake noted that this was a continuance of the public hearing that began the previous week.

Mayor Drake explained the ground rules for the meeting that evening. He noted that at the last meeting he explained that the Council would first hear from the proponent, then the opponent and after that a rebuttal. He said he had testimony cards from those who came to the last meeting but did not testify in favor of the Comprehensive Plan (Plan) change because they left early. He reported that he had discussed it with the attorneys for both the proponent and the opponent, and he would take those who did not testify at the last meeting but who signed up to do so first, and then would finish up with the opponents testimony.

Mayor Drake clarified they would not take new testimony cards in favor of the Comprehensive Plan change at the meeting that evening. He said there were about a dozen cards of those in favor of the proposal that did not testify last time. He said he would finish with those opposed.

Mayor Drake noted that the intent that night was to get the proponent, opponent and rebuttal done and close the hearing. He said unless they got done soon enough and finished that night they would come back next week and simply deliberate. He said the public portion would be closed that night but he did not want to start the deliberations after 10:00 p.m. He recognized that this was a tough decision for the Council and they wanted to be sure that everybody had a clear head. He said he and the Council took this very seriously, they knew it had been very contentious, and had been for such a long time. He continued that it was announced in advance that there would be two evenings and he asked the audience for understanding and indulgence. He noted that it was 'on the record' and no new information would be taken. He said he and the Council had read all the information and had listened intently and would continue to do so.

Mayor Drake stipulated that three minutes would be allowed for testimony and he encouraged participants to consolidate their testimony by perhaps speaking for two other people and have those people raise their hands. He stated that if anyone on the proponent side wanted to say there were an additional 20 people attending the meeting and they agreed with the speaker by raising their hands then, it would be noticed and it was not often that they got more than 10 to 20 people. He said the Council knew the commitment made to come that night and it was sincerely appreciated.

Mark Pilliod, City Attorney, stated that there were two items presented to the Council, one entitled NFL Issues Summary, dated September 21, 1998. He said staff had looked at the document and it was about 32 pages long and it indicated at the bottom that it was a previously submitted document that was slightly modified to take into account the additional Brandon piece at 5<sup>th</sup> and Beard. He said they noted places in two tables, where the numbers or the figures had been adjusted or changed since the original document was presented to the Planning Commission (PC). He said he consulted with the attorney for Hagggen's and they had no objection to it being entered into the record. He directed the City Recorder to distribute the documents to Council. He said there were three letters that were received after the last meeting and before the meeting that night, two of those letters were unobjectionable (letter from David Brown and letter from Mr. and Mrs. Haight) and he recommended they be received. He noted a letter from Floyd Harrington, dated September 24, 1998, and said there was an objection to the letter from the opponents. He verified that after reviewing, it appeared the information contained in it was new information and would not be allowable for the Council to receive under its rules for an 'on the record' hearing. He said he had not distributed the letter to the Council or City Recorder. He stated that as of Friday there was an e-mail message from Julie Jupta and it did not have new material and Council could receive it as well. He said he believed that was everything received in the interim.

Coun. Brzezinski noted that when the attorney for Hagggen's was making a presentation he put up an overhead of a map that Pilliod's initial reaction

was not to show as testimony. She asked if Pilliod had given any more thought to that map.

Pilliod said he thought it did not represent anything more than a compilation of what was already in the record so he did not believe it represented new information. Pilliod said it could be shown at the meeting that night.

Pat Macklin, 14435 SW Yearling Way, spoke from the audience and claimed that there was something (on the map) in her neighborhood that she said was not true.

Mayor Drake addressed Macklin and said that respectfully that was not her decision and he and the City Attorney had not had an opportunity to talk about it.

Pilliod said he thought they were referring to the map and they were misunderstanding each other.

Coun. Brzezinski said she was talking about the map with dots that showed where all of the letters had come from supporting the rezone.

Pilliod said the conclusion was that the staff was not in a position to verify that information and recommended Council not receive it.

Mayor Drake said they had ruled that with the dot map it could not be verified and whether Ms. Macklin was correct or not, there might be someone in her neighborhood who would favor it. He affirmed that it could not be verified so it was excluded from the record.

Mayor Drake said at that time he would take testimony in favor of the Comprehensive Plan Amendment (CPA) from those who filled out testimony cards at the last meeting.

#### TESTIMONY IN SUPPORT:

Mayor Drake called Holly Moon and Patrice Kuchulis to testify, but both were not present.

Mayor Drake remarked that Coun. Stanton asked if there needed to be declarations made. He said since the meeting was a continuation from the past week, those declarations were appropriate unless there was something that happened the last week that might have changed the ability of the Council to be impartial.

Coun. Stanton commented that she had *ex parte* contact, when she manned the CCI booth at the Farmers Market. She said a proponent of Hagggen's wanted to talk to her and she told the person not to talk about it, but she continued to speak. She explained that it would not sway her opinion since she had heard many preferences. She commented that she

had also received a phone call from Laura Broadrick and she did not listen to the message before she deleted it.

Coun. Doyle said he received a phone call, contact from a neighbor and someone who came to his door. He said those contacts would not affect his overall thought process.

Sharon Dunham, 8685 SW Lava Ct., said she had been involved in the Sexton Mt. Community over five years in many issues including land use development. She said she had a good understanding of the PC activities and the issue of the Sexton Mtn. application was important to her because of its involvement and its potential impact in the Sexton Mtn. Neighborhood. She explained that she became involved in an effort to move Commercial zoning from the interior of the neighborhood out to Murray Blvd., and (along with many neighbors) had meet with Brad Liljequist, a representative from Haggen's, and staff members from the City of Beaverton to discuss the potential of a zone shift. She noted that level of neighborhood involvement by a developer was unprecedented, and in light of Beaverton's continued growth the current application provided the neighborhood with the means to change outdated zoning that did not adequately serve the present needs of the community.

Dunham talked about certain development in the area including other kinds of development (such as apartments), and said they were only talking about the CPA, not specific zoning. She said whether it was for good reason or because of a flaw in the process, it was unfortunate that the planning process in Beaverton did not recognize or allow for a development plan to proceed intact. She commented that instead it had been teased out into very separate components, not allowing for the discussion of the intended project and all of its extensive mitigation.

Dunham said the application had far reaching neighborhood and community support and people had come before Council three-to-one in favor of the project. She stated that it was a real solution to move commercial development out onto Murray where it was better suited and preserve the interior of the neighborhood for residential development. She concluded by saying the proposal was a unique opportunity and represented over two and one-half years of community involvement that arrived at a well thought out plan for development within the neighborhood. She urged Council to approve the CPAs as the first step in a comprehensive package that the Haggen's proposal offered the community.

Janet Fergeson read written testimony on behalf of Rebecca Welling, 16100 SW Granite Ct., summarized as follows: (Welling) voiced her support for Haggen's and addressed the issue on what was best for the community as a whole. She stated that she was voting for the least invasive proposal, and felt that without the rezoning she foresaw intolerable consequences on the community by adding multiple housing units in the now vacant space. She said the unwanted growth would put

unendurable demands on the streets, schools neighborhoods and police patrol and mentioned noise and transient traffic that accompanied apartment life. She said with the Haggen's proposal she did not believe the aforementioned issues would be a concern because they had presented a bid to build a well-maintained grocery store. She reported that her neighborhood did not want retail space in the middle of the neighborhood and she urged Council to make the Haggen's proposal a reality.

Mayor Drake called Wayne and Carol Bridges who were not present, and continued with the others who had signed up to testify.

Allen Shelby, 16742 SW Julianne Ln., said he had been a board member of the Sexton Mtn. NAC for three years and loved living in Beaverton. He reported that he had attended several meetings both for and against the Haggen's proposal and he personally supported the proposal. He said it made sense to build something useful for the community on Beard/Murray and all of his neighbors supported the proposal. He commented that it was a unique opportunity for the community to grow and utilize the space for future generations. He requested Council to listen to members of the community and vote in favor of the Haggen's proposal.

Vladimir Luric, 15190 SW Basalt Ct. said he was also speaking for his wife, Lisa, and noted they had lived in the neighborhood for 21 years, and would like to see the Haggen's store in that place. He declared he did not believe there would be a traffic impact problem because today there were a thousand cars and tomorrow there would be a thousand and one cars. He said this was a good place for Haggen's and they were spending a lot of money on a good investment with a big well-decorated building. He suggested that some of the people who lived close should not be in a panic because the new store would bring happiness to this naked mountain, which for so many years no one took care of. He said he would like to see the mountain covered with something like a nice, beautiful colored skirt. He concluded by saying he was for Haggen's.

Mayor Drake called Susan Floeter, Joanne Conrad, Sally Sullivan, and John Halbert who were not present.

Robert Maas, 14295 SW Red Haven Dr., said ditto for what everyone else said.

Eileen Kravetz, Ironstone Ct., said she strongly supported the Haggen's proposal and as a company they had done everything in their power to enhance the community spirit and work with the community to make the community happy. She expressed her concerns about some of the neighbors hiring attorneys to try and change what she felt was majority rule.

Mayor Drake announced that was all of the testimony cards from people in favor who had signed up to speak at the last Council meeting. He stated

that he would now call people who were opposed who had filled out testimony cards at the previous meeting.

TESTIMONY IN OPPOSITION:

Charles Cook, 14980 SW Telluride Ct., said he was a board member of a neighborhood association committee (NAC) and on other boards and did not represent those associations that night, but was before the Council as a concerned citizen and business leader. He commented that the Plan change was intended to allow for a destination grocery store that was larger than the grocery department at the Beaverton Fred Meyer. He suggested that the traffic congestion generated would be higher than the traffic patterns that the Plan was developed under and was concerned about drivers cutting through neighborhood streets, and named many streets where he was concerned that congestion would increase.

Cook stated that Beaverton needed a long-term look and a steady and consistent application of the rules for future investments. He said the goals of the Plan were to help people make informed decisions for their future without the fear of invasive change. He addressed the issue of property owners purchasing property with specific zoning understandings and making investments based on such knowledge. He spoke about the proposed Town Center being a more appropriate development for the neighborhood (already zoned and with land use issues in place) and he encouraged the Council to deny this plan and to encourage Haggen's to be the lead store at the Town Center development. He said the decision before Council was a litmus test for the validity of the Plan. He asked if the Plan was to be a practical and credible guide for residents, developers and the City, or was the Plan an academic and costly expenditure of taxpayer money that Council could ignore.

Stephanie Berge, 9102 SW 149<sup>th</sup> Ave., said she did not feel the land at Murray/Beard and 155<sup>th</sup>/Beard should be rezoned. She affirmed that she was in agreement with the PC's denial of the zone change she did not see the need for another grocery store in the Sexton Mtn. area. She said she was also concerned about traffic impact and cut through traffic as well as delivery truck and other disruptive noises. She said it was not fair for her neighborhood to be placed next to Commercial zoning and she appealed to Council to preserve and enhance Beaverton's sense of community.

Pat Macklin, 14435 SW Yearling Way, said she had a letter to read from Bill Noche.

Mayor Drake directed Macklin to give a letter that she proposed to read from Bill Noche to Pilliod for inspection of possible new evidence.

Macklin said she regarded the hearing as very serious not only to her but to the people who had given testimony previously and to those yet to testify.

Coun. Soth noted that he and Macklin had served together on the Board of Design Review (BDR) prior to his Council election in 1980.

Mayor Drake said he also served with Macklin on the BDR and as much as he enjoyed his tenure with her it would not impact any decision that he might make.

Pilliod reported that the letter did not appear to offer any new evidence and could be received.

Macklin read the letter from Bill Noche, 14425 SW Yearling Way. Noche testified (in his letter) that he had received letters from Haggen's and felt he was viewed as a supporter of the Haggen's development. He said he was in opposition to the project and was disturbed that it was still an issue after the PC had made its decision. He felt Haggen's financial resources were greater than his or his neighbors, and those neighbors who opposed Haggen's were unfairly financially matched. He stated he wanted his opposition to Haggen's duly noted.

Macklin testified that she was a 30-year resident of Beaverton and an active volunteer in the community. She said she wanted Council to know that she had been paying attention to what was going on in the community. She stated that in spite of continued reference to 155<sup>th</sup> zoning as Community Service (CS), it was originally designated as Neighborhood Service (NS), and she believed that had not been changed. She noted that she had heard little about original intent behind that zoning and even if the swap were made variances would still be necessary. She commented that some of the support letters had come from nonresidents. She said that applicant and rezone supporters repeatedly inferred that the applications approval meant a great future for the entire NAC as if residents to the east of Murray did not exist. She reported that a few folks had spoken about the impact on Murray but no one had reported the fact that there was a mini-climate there (on the western slope of Sexton Mtn.) which caused a quite dangerous effect in the winter when cold weather snaps occurred. She said that the mini-climate had tremendous impact for where an additional stoplight was planned.

Macklin said, in conclusion, life was about choices and as a citizen of the community she chose not to join a group in opposition to the application. She chose not to buy TV airtime to advertise her family background or her value to the community and chose not to make donations to non-profit groups to have warm bodies at meetings. She stated that she did choose to buy her property and chose to begin adaptation of it in 1994 to meet her current and future health needs. She said she chose that night to speak publicly against the applicant's proposal and urged Council to support the PC's decision.

Barb Fredericks, 10065 SW 141<sup>St</sup> Ave. asked Council to affirm the decision of the PC. She said it was correct and should not be altered.



She reported that she did not presently take Scholls Ferry Rd. because of traffic problems and Murray had gridlock most of the day. She noted that the only free traffic space where traffic moved (not at gridlock) was the area in question. She remarked she did not want to commute through neighborhoods because it was too slow and she preferred to travel on the main arteries. She stated that if there were more unneeded commercial development then it would be detrimental to the neighborhoods. She stated she would not regularly shop at Haggen's because they were too expensive and Haggen's interest was a business interest, not a community interest.

Tom Orth, 14979 SW Opal Drive, said he had not been a long-time resident but had moved to the Shadow Creek neighborhood in March, 1998. He commented that he had some relevant experience since he had spent four years in a western Chicago suburb that had gone through the same kind of development that the Portland area was going through now. He noted that putting a big block grocery store on Murray was "every mistake that had ever been made in every suburb around the country in the last 50 years." He said it did not represent good city planning and was really not that accessible for walkers because of traffic congestion. He urged people as a community to make sure the property in question was developed to their liking.

Susan Cook, 14980 SW Terruride Ct., said she had been an active community participant for the past two years and had attended many meetings. She stated she had learned about and understood the Plan. She said that the more she learned the more she thought the development was not appropriate. She read from the Plan about policies protecting the interest of individuals, and in the bottom paragraph it referred to the planning process itself as a means of constantly evaluating the Plan. She stated that it was essential that the Plan be adaptable but must not be interrupted to permit piecemeal amendments that disregarded the basic relationships established by the original effort. She went on to say that proposed changes must be evaluated in the best interest for the entire community and accommodation of a proposed development that appeared desirable on the surface might (under a through investigation with reference to the Plan) prove costly. She referred to section 3.5 (Commercial Designations) in the Plan and said the Plan proposed relationships between commercial uses and the other elements of the community, which could be achieved with minimum conflicts. She noted that most of the existing commercial uses occurred on major boulevards and referred to the Plan as saying strip development be avoided. She noted she had spoken with City staff about the Scholls Town Center Plan and her understanding was that there would be a grocery store at that center as an anchor and she thought that would be the appropriate place for Haggen's. She thanked City staff for the help they had provided in her research and gathering of information.

Mayor Drake called Steve Brown who was not present.

Rob Schulthies, 9068 SW 149<sup>th</sup> Ave., said he and his family would be directly impacted by the rezone application if it was granted. He noted that there were many more people present who supported the proposal than opposed it and it had been his understanding and belief throughout his life that the proper role of government was to protect the rights of the individual citizen rather than the will of the majority. He commented that the will of the majority had been equated to mob rule and that was why there was a representative form of government and why there were elected officials such as the Council to represent the needs and rights of the individual citizens. He asked Council to vote in opposition to the application.

Ashish Gupta, 8850 SW Maverick Terrace, said he lived just three doors down from the proposed entrance of the new commercial establishment on Murray and Beard. He said he and his wife were in the process of buying a home in an established neighborhood so they could feel comfortable raising their children when the time came, and thought the house on Maverick Terrace was the home. He said prior to making an offer on the home they asked about the plot of land adjacent to their property and about a plot of land across the street (the land in question now). He said they asked the Oregon Title Company about the zoning of the two plots and Oregon Title assured them that the zoning would not change. He said based on the information they received they bought their home and they were very upset when they learned about the rezone barely six months after they had moved in. He said he had never received an announcement or invitation from Haggen's and so was led to believe that the Haggen Corp. knew exactly what doors to go knocking on or they were not such a great corporation after all. He noted that change was difficult to deal with, but the changes made by his high tech company always reflected the needs and wishes of their customers as a whole, not a special interest group with an obvious motive. He stated that he and his wife had made an investment based on trust in the Plan and now that was not the case anymore. He showed Council on the wall map (displayed in the Council Chambers) where he lived and stated that his immediate neighbors had not received any invitation by Haggen's about the Council meeting that evening.

Mayor Drake said he had received testimony cards from Steve Marshall, Patrick Bodine, Floyd Holady, Lam Hoang, and Celia Holady saying that they did not wish to testify but they were in opposition.

Mayor Drake called Dorothy Chamberlain who was not present.

Ruthie Wood, 8900 SW 149<sup>th</sup> Pl., said the unknown was scary and had some concerns about a CPA that would allow commercial development at Murray/Beard. She said she had been on the Rezone Committee and had been asked not to continue. She noted that she was fully aware that there would be some future development at that site and was concerned that rezoning would allow any type of commercial development. She said if Haggen's were allowed to develop, then there should be safeguards in

place to make sure that Haggen's did what they had promised. She noted that she had asked Haggen's for various visuals and received very little of what she asked for. She asked for a master plan for progress and development and not random rezoning to suit individual developers and situations.

Andrew Rapp, 9051 SW 149<sup>th</sup> Ave., submitted his written testimony and read his letter (In record). He said (in his letter) he had been an active participant through the Haggen's application process and had concluded through a series of events that there should be no rezone.

Deidre Bussard, 15035 SW Opal Drive, said she used to be a business owner affiliated with the Beaverton Chamber of Commerce and now she was representing a greater interest; her family and her neighbors. She noted that one of her major concerns was her children and the dangerous amount of traffic that the Haggen's project would introduce to the neighborhood. She stated that she purchased her home as an investment and was under the impression her home would always be surrounded by other homes. She stated that most of the neighbors in her Shadowcreek neighborhood were stay-at-home moms and they were very involved together. She pointed out that she had never received a letter from Haggen's and neither had her friends in the neighborhood. She concluded by saying she would hate to see Haggen's go in because three other grocery stores were within a reasonable drive and she also worried about questionable activities in the parking lot at night.

Fred Poujade, 8510 SW Maverick Terrace, spoke in opposition and was concerned about the cut through traffic, which could result from the property rezone. He noted that he agreed with the testimony of Mr. Charles Cook who had spoken earlier.

Mary Hoang, 9956 SW 149<sup>th</sup> Ave., said she was a full time student at the University of Portland. She stated that she was there on behalf of her family and the children in the neighborhood. She explained that she opposed the application because it did not meet criteria 1(Public need), criteria 2 (Impact on surrounding areas), criteria 3 (Consistency with Plan provisions) and criteria 8 (Effect on the quality of life of those persons directly impacted by the change). She talked about noise problems impacting the quality of life in the neighborhood and safety concerns and related that she was fully opposed to the application.

Carolyn Sullivan, 9124 SW 149<sup>th</sup> Ave, said she and her husband were opposed to the CPA. She stated that the applicant did not meet criteria 1,2,3,8 and 9. She said it was difficult to keep emotions out of such an emotionally charged issue. She stated her opposition was based on the facts of the proposal and was not specifically with Haggen Foods, but any commercial applicant who wanted to develop the site located at Murray/Beard with Commercial. She said when they were looking for an area in which to purchase their home, they were concerned with quality of schools and surrounding homes and properties, a safe environment for

children to grow up in and the potential for increased value of their investment in their home. She noted the increased traffic, noise, crime, reduction of home values, and other undesirable effects commercial properties had on surrounding neighborhoods. She declared they would not have purchased their home if they thought the surrounding property would be zoned Commercial. She commented that many of her neighbors had moved because of the pending commercial development and felt they took much less for their homes than they were worth. She asked Council not approve the application.

Coun. Stanton asked Hoang about the number of grocery stores.

Hoang said there were approximately six grocery stores.

Mayor Drake called Roy Dancer.

Jack Franklin said he would speak for Roy Dancer, 6085 SW Glenbrook, reported that Dancer had spent much time with both sides of the proposal, and his interest was in what was best for the City. He said his principal points were traffic concerns on Murray as the only major north/south traffic lane in the City. Franklin said he felt as Dancer did that if Council were to reverse the decision of the PC, they were giving an implied consent to the applicant to build a 24-hour grocery store in the neighborhood. He asked if Council were to reverse the PC decision how could they not grant the application later when they came back through the planning process.

Franklin said Dancer also felt strongly about the proposed Town Center at Murray and Scholls. He said Dancer's concern was that the proposal would weaken the success of the Town Center and the developer of the Town Center wished to have a major grocery store as an anchor tenant. He suggested that Haggan's should get together with the Town Center developers and really work for the betterment of the whole community and put something on the board that could be a model for the whole metropolitan area.

Jim Barton 9390 SW 151<sup>st</sup> Ave., said he lived between the two properties being considered for rezone. He said he was not affiliated with the NFL or any group, but was against the rezone. He related an incident where he had bought a home in another city and had not considered the Plan when he purchased his house. He said that about a year later a car lot was built in his back yard and the City told him he should have looked into the Plan before he bought. He said he did that this time, and was comfortable with what was in his neighborhood. He reported that Haggan's had worked with the people on 149<sup>th</sup>, but had not talked to the people in Eagle Ridge who where up higher and would look out the window and see the grocery store. He said they had already seen a significant traffic impact when 155<sup>th</sup> connected to Weir and he thought there would be more cut through traffic. He stated that he was concerned about traffic, safety and reduced land available for residential development, and as for demonstrated need they would have plenty of shopping at the Town

Center. He summarized that he was pleased with the PC decision since they were planners and thought they made the best decision and asked for Council's agreement.

Mayor Drake clarified that the Planning Commissioners were lay citizens and they provided free public service. He said they were a wide cross-section of the public.

Barton said he might have been speaking of City staff.

Joanne Schulthies, 9068 SW 149<sup>th</sup> Ave., said she would speak from her heart. She said there were approximately 22 on just 149<sup>th</sup>, and she had a special needs child with a form of cerebral palsy. She said her son had had eight surgeries on his brain and he needed his sleep. She pleaded with Council not to open "Pandora's Box" and to consider those 22 children that lived on her street.

Dick Schouten, 6105 SW 148<sup>th</sup> Ave., said he was there on behalf of the West Beaverton NAC who had considered the matter over six months ago and discussed it over several meetings. He noted they heard from various groups, deliberated and considered it carefully, and came to conclusion (by majority) that they were opposed. He said they were concerned about the continued viability of the Safeway Shopping Center at Murray and Allen. He noted they were concerned about the unfairness for the people who lived on 149<sup>th</sup> and said there were certain expectations that came from the existing Plan zoning that should be respected.

Schouten went on to say they were concerned about the large parking lot in front of Haggen's and felt it would be very unattractive. He commented they were also concerned about the number of developments along Murray particularly the church, which had a large parking lot in the front for services and events. He said if there were a whole series of large stores with large parking lots in front that that would be negative and displeasing from an aesthetic point of view. He commented that they were also concerned about the traffic along Murray and Hart. He concluded that they were puzzled and found it distasteful that the so-called zone-swap proposal pitted neighbor against neighbor. He remarked that they wondered why that the proposed zone changes at Murray and Beard were also dependent on, or in some way tied to, what they thought was an unrelated change for neighborhood services at 155<sup>th</sup> and Beard.

Bill Olson, 14785 SW Carlsbad Dr., said he and his wife were both opposed to the project. He noted they were opposed because the PC opposed it after full consideration. He said he was personally opposed because he did not want to see additional commercialization of the Murray Hills area. He talked about light pollution and litter problems and said he would like to Council to protect the residential area.

Mark Kliewer, 14310 SW Stallion Dr., said he had not received anything from Haggen's and when they moved there they did so because of the

zoning. He said he worked at the school at the church and he and his children walked to school. He noted that the intersection at Murray/Beard was extremely dangerous and he was also concerned about a strip mall and the traffic on Murray. He noted that they had no trouble getting groceries and had plenty of choices. He said he was disturbed by the fact that he did not know his neighbors on 155<sup>th</sup>/Beard until they were pitted against each other in a struggle over a possible zone swap. He commented that it was unfortunate and he would like to meet them in a nice situation instead of in a debate.

Mark Holady said he would read Chris Mullins', 9022 SW 149<sup>th</sup> Ave., testimony (in record). She stated her opposition to the proposed CPA in her letter and said she thought large scale commercial and family housing so close together, were not compatible. She urged the Council to support the PC denial of the application. She said she had plotted a map of over 900 signers of a petition in opposition (map in record).

Coun. Stanton said they almost saw a map the past week and she didn't remember seeing a map for opponents.

Holady said he thought it was submitted to the PC.

Joe Grillo, Community Development Director, said they could go back and look at the file but could not recall it at that time.

Coun. Stanton said she did not need to see the map, she just did not recall it and wondered why it was referenced.

Jeff Kleinman said they had a copy of it, and they thought it came in during the first set of PC hearings. He emphasized that the record did continue through those.

Coun. Soth asked Pilliod, in view of the fact that the other map was not admissible, would this map not be admissible, also.

Mayor Drake said if it was in the record, it should have been available.

Pilliod said, assuming it was a document that was submitted to the PC and was for some reason not in the Council's packet and was unaltered, it became part of the record. He said the material that was submitted last week might or might not reflect the locations collectively of people who might or might not be in favor.

Klineman said he spoke with Maura Malone and she said she submitted seven duplicates of the map to the PC at the March hearing.

Coun. Doyle noted that in regard to the map from the past that verifying it probably wasn't done, due to staff time. He said he had not seen the current map either.

Klineman said it was an oversized exhibit and all they could do was to check to see if it was in the record.

Mayor Drake said they would take a break and he asked staff to check for the map.

Coun. Stanton asked if that piece was missing, what other pieces were missing.

Mayor Drake said they could go on all day and night and ask that question and Mr. Orchard or Mr. Klineman could ask that question. He said the only thing he had heard that night was a reference to a map that he or Council had not seen and at that point he would not even attempt to start evaluating what was or was not there because the issue had not been raised.

Mayor Drake asked if there was anyone else who wished to speak in opposition to the CPAs.

There was no one else who wished to speak.

RECESS:

Mayor Drake called a recess at 8:30 p.m.

RECONVENED:

The meeting reconvened 9:00 p.m.

Mayor Drake said that during the break he had been asked a question about why proponents were not allowed to speak at the meeting that night. He explained the process outlined in the Beaverton Code, which was that first the applicant may speak, (Haggen's) and then the proponents (the people who favored the Plan change), and then there were some people who filled out cards last week then left for one reason or another. He explained that he honored those testimony cards and also honored the opponent's cards that were filled out at the meeting the previous week. He explained that traditionally with this Council (in public hearings) if someone brought a card in during either the proponent or the opponent portions he would honor that. He said however he would not allow that to go on and on especially in this case because it was a hearing 'on the record' and proponents had asked to be able to keep speaking. He pointed out that he had another 30 testimony cards presented at the meeting that night and he informed the audience that when the meeting was set up it was very clear that there was going to be two nights, with possibly a third (but only for deliberation). He stated that the intent had been to close the public hearing that night and have deliberation the next week. He said the meeting was at the point of rebuttal and it was agreed that there would be 20 minutes for rebuttal. He went on to say it would then be time for Council questions and he thought the Council could take action that night.

He reminded Council and the audience that in the event of a tie that he would vote.

Mayor Drake thanked those who came in support and said he had their testimony cards (in record) and would make sure Council was informed that they were there that evening. He commented that he couldn't recall anything that had been so contentious or created so much interest. He reminded the attendees that this was a Comprehensive Plan change only and the Council would not be voting on a new Hagggen's store.

Mayor Drake called for rebuttal.

**REBUTTAL:**

Joel Gordon, said he was there representing the applicant. He commented that Council had sat through a lot of testimony and a lot of issues had been raised. He said he would not attempt to rebut everything raised at the meeting. He reported that Hagggen's firmly believed they had received good responses and answers. He said if there was an issue of concern that he did not mention, he did not want people to assume he didn't have an answer, and if there was something bothering Council, he encouraged them to ask staff or him the question.

Gordon said there had been a lot of testimony before Council and with respect to the organized opposition and their consultant team there had been attempts to obscure and confuse what he believed was the straightforward nature of the proposal. He said a prime example was a citation by the opponent consultant of a Washington Supreme Court case that looked with disapproval on Hagggen's zoning practices. He stated that that case had nothing to with the facts before Council. He said the court did reverse the Mt. Vernon City Council in that particular case on procedural grounds peculiar to their Planned Unit Development (PUD) ordinance. He reported that what wasn't told was that when it went back to the Mt. Vernon City Council the project was unanimously approved and was now under construction. He warned that there had been some attempts to take them off in different directions and not give the complete story.

Gordon reported that the NFL had submitted an alternate plan to Council which they did not discuss at the hearing, but was in their written material and was the basis for which they argued that there were better ways to meet Plan criteria than what the Hagggen's proposal submitted. He said it represented a concession on their part that the Plan did need to be changed because they, too proposed an alternate solution to changing the Plan from the existing designations. He submitted to Council that the NFL plan was not real and the Hagggen's plan had been subjected to three years of public scrutiny, reviewed by regulatory agencies and supported the underlying property owners who were willing to go forward with the proposal. He described the Hagggen's plan as feasible from a regulatory and a development standpoint and the NFL plan was not feasible. He noted, for example, it showed buildings placed on portions of the property



that were too steep to be buildable, roads on places that were too steep to be buildable and there were elements of it that did not comply with basic requirements of the zoning code. He indicated that Haggen's plan was real and provided an opportunity to meet the requirements of the 2040 Plan and he believed that the NFL plan was nothing more than an artifice that did not warrant any further consideration.

Gordon commented that some issue had been raised about why the zoning swap was proposed. He said the NFL had asserted that the Haggen's proposal was designed to divide the neighborhood, to pit neighbor against neighbor. He recalled that testimony was heard at the last Council meeting from Bryce Adkins, (who had been involved with the Sexton Mtn. NAC), who said the concept of the zoning swap arose in the NAC in discussions regarding traffic concerns occurring in the interior location of the neighborhood, before Haggen's ever appeared on the scene. He said that when Haggen's came to the scene, they recognized that this was an area that was under-served by commercial, and they found 10 acres of undeveloped Commercially zoned land which would allow (under its current designation), the construction of their store outright, but it was in the wrong place. He explained that they found the zone swap provided the opportunity to put Commercial zoning in the right place without having the burden to demonstrate need for any more Commercial zoned land than the City had already planned for since the early 1980's. He said they arranged for the acquisition of the existing Commercial zoned land so that any financial consequences of the *down zone* on those properties would be borne by Haggen's and not some property owner that was not part of the process. He stated that that sort of thing would never happen in a legislative process and it was just not fair to suggest they would go through the exercise to avoid having to buy real estate at commercial prices. He pointed out that they would be buying twice as much property as they needed for a store so they could absorb the economic loss of a *down zone*. He said the process was now at three years and counting, where they had spent a considerable amount of time and effort on community outreach, engineering, design, and evaluating the impacts to make sure they could put forward a project that was consistent with the community. He noted that there was simply no suitable available Commercial zoned land in Beaverton. He said there was a huge amount of residential growth that had occurred in the City and there had not been a corresponding growth in commercial property. He went on to say that was what Haggen's had found in coming to the community looking for a place to put a store and it was what Mr. Leland's study and other studies done for the City had confirmed.

Gordon stated the next issue raised by the opposition was the requirements of Statewide Planning Goal No. 2. He said the issue was what finding was required by this Council, with respect to the ultimate zoning designation, which might end up on the property, if the Council chose to approve the CPA. He said Goal 2 did not require one to make a finding with respect to a zoning determination now. He said Pilliod had rendered an opinion that that opinion was not required. He noted that all

Goal2 required was that a Plan and a set of implementing measures such as zoning and subdivision ordinances, building codes, etc., be in place. He explained that it also said that in areas of rapid growth that Plan should be reviewed and revised frequently to keep up with growth. He said that nowhere in Goal 2 did it say that one needed to make a finding with respect to a zoning category when making a Plan decision.

Gordon commented that the applicant and staff had always believed that there were a number of possibilities for implementing zoning and the City had used CS zoning in the past to accommodate similar proposals in the materials that had been submitted. He noted that in the record before the PC, there were at least eight examples of rezones to CS that had been approved on locations other than the designated arterials and in the Plan, including centers for Safeway and Fred Meyer. He said that designation had also been located on Murray and there was no danger of Murray becoming a commercial strip. He said 90% of Murray (from Scholls to Allen) was already developed and there would not be any precedent set because they were talking about relocating an existing commercial node.

Gordon said NS might also be available depending on the circumstances at the time of the application. He noted that there had been some concerns about the one-mile spacing limitations, which the current zoning at Murray and Beard didn't meet to start with, and Haggen's would not be rendering that non-conforming. He said there may be other zones available at the time of the rezone and the City Council did not need to make a specific finding on zoning designation now.

Gordon described another major consideration that had been raised was the idea of people who relied on the Plan not to change when they purchased their properties. He noted that the City's Plan recognized that there needed to be changes from time to time, particularly in situations where the area had changed or new policy needed to be implemented. He said the Plan called for a balance between reasonable continuity and planning and the need for change. He stated Haggen's had shown there were significant changes that supported the need for a CPA. He said there was a 16-year old designation in an area where population had doubled, and Murray had been expanded to five lanes and designated as a regional corridor. He went on to say there had been the adoption of the region 2040 mandate which required intensification of zoning along Murray, and widespread community support for the Plan had been demonstrated at the public hearings. He noted that even the NFL, by submitting an alternate plan conceded there was a need to change the Plan.

Gordon suggested the Council now look at the magnitude of the community interest for the countervailing policy. He said there were 15 lots that abutted the property on Murray, which was the proposed rezone. He noted that every one of those lot owners purchased knowing that they had a sizable piece of undeveloped property behind their land and knowing that the Plan could be changed. He said there had been testimony at the

last meeting that seven to nine of those lots had turned over in the course of the three years of the process. He stated that one member of the Rezone Committee who testified in support was one of those 15 and that did not leave many property owners who purchased their property since this very public process had begun. He said Haggen's had posted signs so everyone would know about the proposed development.

Gordon said that did not mean one could ignore the legitimate concerns that people had with respect to the impact of the project. He commented that it showed disrespect to Council and others to assert that approval of the plan simply meant that nothing would be done to protect the interest of the residents to 149<sup>th</sup> or other people in the community. He explained that what they were proposing was not something out of the ordinary and there were many places in Beaverton and other jurisdictions where Commercial zoning was located directly adjacent to single family residential. He said that this plan amendment did not open the floodgates, as Kleinman had asserted. He related that not a shovel-full of dirt would be turned without a lot more review and processes that would occur before the City. He said those processes would include all of the detailed issues that they had started to address, but had been unable to discuss because they were just talking about the CPA first. He named the processes to be zoning, the PUD process, design review, and facilities review process, all of which protected near-by residents with conditions and other measures. He commented that was what the land use process was all about and that was why there were staff, the PC and Board of Design Review to look at those issues. He noted it was not fair to assert that any change meant the livability of the residents would be ignored. He said Haggen's had done a lot of work and had demonstrated to the Council that they were willing to step up and do what it took and have the ability to address the residents' issues.

Gordon addressed concerns raised about the Town Center. He said what seemed be lost in all of the discussions was the Town Center planning process had assumed all along that existing commercial areas in the City were going to be retained and not eliminated or moved to the Town Center. He said no one had ever been able to cite any specific policy document or any other policy relating to the Town Center which said that the City should move all commercial property to the Town Center. He explained that what Haggen's was proposing represented no change at all from existing zoning with respect to the need for Commercial zoning in this area in general or with respect to the Town Center. He noted that studies had shown there was a shortage of commercial property more than could be accommodated in the Town Center without any increased population. He noted the Town Center proposal itself called for a substantial increase in population in that area which would create more demand of services in that location. He stated that it was not good planning to require the residents of the Sexton Mtn. area to drive down to the Town Center for their everyday commercial needs. He predicted that the residents in the Town Center area would not like traffic driving to their area for their everyday needs.

Gordon noted that the next issue was traffic. He reported that both the City and County's technical staff were comfortable with the analysis of traffic as well as the proposed mitigation measures. He stated that acceptable levels of service as defined by City and County ordinances would be maintained at all intersections with the proposal. He said the most fundamental point with respect to traffic was that traffic (under the proposal) would not be any worse than built out under a 'no action' alternative. He said that would be true with respect to the intersection operations and to Murray's function as a through arterial. He said the reason was that if you looked at the predicted LOS at all of the intersections under the existing zoning, one would end up with the same LOS (delays being a little different) as was the case under the proposed alternative and action.

Gordon said another issue was the signal at Maverick Terrace and Murray, which was going to happen with or without commercial development of the current site. He explained that was what Washington County intended when they widened Murray. He said the traffic study found that signal warrants would be met for development of the site in question under existing or proposed zoning.

Gordon talked about the demonstration of public interest and he thought it was important to look at the nature of the support. He said there had been opposition testimony of a large number of people who signed petitions or mailed in post cards or form letters in opposition. He invited Council to take a closer look at what was or was not in the record. He said with regard to people signing petitions the unknown was what did the people know about the proposal, what were they told, and did they know there were 10 acres of existing Commercial zoning at 155<sup>th</sup> /Beard. He said what they did know from looking at the record was that 90% of the people who signed the petitions did not bother to participate any further in the public process either by coming to a public hearing to testify or by writing a letter. He cited that 5% of the people who signed initial petitions or form letters said they now had a better understanding of the process and were now in support of the proposal. He described 18 out of 20 members of the Sexton Mtn. NAC Board (people deeply involved in this project and community affairs) were in support of the project. He said there were 290 different individuals who had written a letter of support or had come to a public hearing in support. He related that Haggen's believed the record demonstrated that approval of the CPA met the public interest.

Gordon said there had been a double standard that had been asserted by the opposition in respect to several issues. He said the opposition was asserting that 10 acres of Commercial zoning on Murray, even when it was designed into a center with limited and controlled access, constituted strip commercial. He said the same 10 acres located on 155<sup>th</sup> /Beard was not a threat as strip commercial. He said 10 acres on Murray was a threat to the Town Center but the same 10 acres which already existed on 155<sup>th</sup> was not a threat to the Town Center. He noted that 10 acres of

Commercial zoning on Murray was *big box* zoning, but the same existing zoning at 155<sup>th</sup>, which would allow a grocery store of exactly the size that Hagggen's wanted to build to be located at 155<sup>th</sup> /Beard was somehow not *big box* zoning. He went on to say that 10 acres of Commercial development on Murray would create traffic problems, yet the same LOS, the same signal at Maverick Terrace would occur under existing designations or what was proposed. He urged Council to see through the "smoke screen." He said Hagggen's thought this was a chance to establish a good infill site for commercial development and those commercial sites were hard to come by. He said this was the chance to relocate an existing Commercial zone designation to where it belonged on the Regional Transportation Corridor. He stated that this was also the chance to accomplish the zoning shift with the cooperation of all of the underlying property owners. He continued that it was also an opportunity to have the area developed by a user who was committed to working with the community, and to provide something that the public hearings had demonstrated the community wanted and needed. He urged Council to adopt the proposed amendment.

Coun. Brzezinski said that in all of the aerial photos that Council saw when they talked about option A (which was 10 acres of Commercial, 7 acres of Medium Density Residential), it had always been the northern 10/17<sup>th</sup> Commercial and the bottom 7/17<sup>th</sup> being residential. She asked if they had ever looked to see if that 10 acres could be in a north/south strip (out closest to Murray) being commercial and 7 acres up against 149<sup>th</sup> being residential.

Gordon responded by saying they evaluated every possibility and in the site planning materials submitted to the PC they looked at the possibility of locating the use on each one of the four quadrants of the site. He explained the problem with the size and the reason one could not shift the Commercial out to the front of the site was because of the topography. He said what was going on at the site was that Murray was an 8% grade and it dropped significantly from the intersection of Maverick Terrace down at Beard, then Beard fell off even further. He said there was an approximate 90-foot topographical difference between Maverick Terrace and Murray, and the southwest corner of the site. He indicated there was no way to make the grade transitions and provide the area needed for Commercial and make the access work if you tried to shove all of the Commercial zoned property up to Murray. He said that from a site-planning standpoint it was not feasible to do that.

Grillo clarified that the original application had the site planning material. He said he thought the applicant would acknowledge that, but when the application was amended, that material was not considered to be 'on the record,' and it was not forwarded on to the Council. He explained that although the application had commented, his comment referred to what was in the original application. He said he wanted Council to understand that was why they did not have that information, which was part of the original application. He reiterated that the application as modified did not

include a rezoning site planning consideration. He said Gordon was correct and staff would not refute the fact that they did some extensive analysis and that had a bearing on how he made their Plan request, but it was not in the modified application.

Mayor Drake asked Pilliod if the information as modified could be considered as part of the record.

Pilliod responded by saying the material that was presented to the PC and staff with the understanding that an application which bundled the Plan Amendment, the zone change, and the Conditional Use Permit (CUP) could all be considered at the same time. He suggested they limit their application to the CPA and reserve the zone change and CUP should the CPA be successful. He said it would be that material which was part of the record, and it was not the material that might have been generated in terms of studies and site planning relative to ultimate development of the site, if that was not submitted to the PC as part of the CPA process.

Gordon addressed the issue and said as part of the bound materials submitted to the PC, included was a section called "Siting Rational." He noted that it was his understanding that it was given to the PC and when the application got un-bundled, specifics of a PUD and the like (they understood) were not relevant and were then taken "off the table." He said for the purposes of where would the "C" be put on the map (from a CPA standpoint), there were some reasons they proposed to put the "C" half on the north side of the site and not on the south side of the site that related to site planning issues. He related that one could not assume, for CPA purposes, that the world was flat when it was not flat. He noted that it was their understanding that even though they were not proceeding with the PUD and some of the more specific applications, that the siting rational, which was relevant for this issue, was in fact part of the record.

Grillo explained that staff said material was originally presented to PC, but the PC laid that material aside as part of the re-bundling of the application. He said it was his understanding from staff (and Council could get into this more in depth with the PC Commissioner, who was present at the meeting that night), that because the application was separated out, that information was laid aside and was not used by the PC in their deliberation.

Mayor Drake explained it was because it was not relevant to the Comprehensive Plan change.

Grillo said he was trying to separate out as to what the PC received and what they deliberated on, and what staff received was one item, and what the staff was not debating was that the applicant took a look at the site analysis and that was what led them to their conclusion as to what to apply for. He said it may have relevance to them, but it did not have relevance in the application to the record.

Coun. Stanton inquired if the blue binder came from the February/March public hearings with the PC.

Gordon said it was part of the materials presented to the PC.

Coun. Stanton questioned that in June it did not go before the PC and that was why Council did not see it.

Mayor Drake this material did not come to the PC later.

Coun. Brzezinski said she did not want to make it a bone of contention and only wanted to make sure someone had thought of it.

Grillo clarified that it was correct that it was originally presented to the PC but that as part of separating it out, the PC laid that information aside. He noted that since Gordon was asked a question about how it was that Haggen's proposed a particular area for a Plan designation, then he thought that he answered the Councilor's question to the best of his ability.

Mayor Drake stated that they were not referring to or concerned about the blue covered document, and Gordon was simply responding to a Council question.

Coun. Stanton referred to the land use order of the PC after their June meeting and asked about Land Use Order ECP 97002/1128 re-designating property to one of four alternatives.

Grillo explained that what was in front of the Council was the request on both parcels, with the parcel at Murray/Beard with four options, and staff was recommending option A. He clarified that Council had four options that were in front of them as part of the application, or some other modified A through D.

Coun. Brzezinski noted that two speakers made statements that she wanted to double check with staff. She recounted that more than one opponent talked about a 24-hour operation and she wanted staff to explain if the applicant could automatically have a 24-hour operation in a Commercial zone when it abutted a residential zone. She asked if it required a CUP.

Grillo stated that usual hours were from 7:00 a.m. to 10:00 p.m. and if they wished to have their hours before 7:00 a.m. or after 10:00 p.m. then a CUP would be necessary.

Mayor Drake said he assumed that in terms of deliveries a permit could also regulate the hours of delivery so that if it was deemed there could be no deliveries before 6:00 a.m. or 7:00 a.m. (or whatever the PC determined) then that was what it would be.

Grillo said that was certainly a possibility.

Mayor Drake recalled that when the Safeway at Murray/Allen was first built as a Keils, the restriction went with the land and so whatever restriction Keils had was applied to Safeway (unless they applied for something different).

Coun. Brzezinski asked if the CUP would go back to the PC.

Grillo said that it would.

Coun. Brzezinski recalled an opponent mentioning that Council had to make decisions about the two applications in a particular order, the Murray/Beard application before the other application, and asked if that was correct.

Grillo replied that as staff understood the application, the applicant had asked that the two areas under discussion be tied together, that in essence was their application which was to ask the PC and Council (under appeal) to decide the Murray/Beard site and then decide the Beard/155<sup>th</sup> site. He said he did not believe that precluded the Council from not following that request. He suggested that if the Council wanted to consider (in the absence of the application) not having Commercial at 155/Beard, then he recommended that they respond to the applicant's tying of the application, and come back and initiate a separate application (if that was the direction the Council chose to direct the staff). He explained that would be a more up front yes or no.

Mayor Drake said there was Commercial at 155<sup>th</sup> /Beard at that point and what Grillo was referring to was dispensing of the application, then considering something else. He explained that was something that could be done regardless of the fact that this application was there or not. He suggested that Council simply stick with the application that was before them that night.

Mayor Drake closed the public hearing.

Coun. Soth MOVED, SECONDED by Coun. Brzezinski that the Council reverse the Planning Commission decision and grant the CPA as outlined in AB 98-265, ECP 97002/ECP 97003; Sexton Mountain Village Expedited Comprehensive Plan Amendments.

Coun. Brzezinski asked if Coun. Soth was saying anything about which option.

Coun. Soth clarified that he included with that Alternative A.

Coun. Soth said speaking to the motion, a number of factors went into it, not the least of which were the questions which had been raised regarding the criteria 1,2,3,8,and 9 which had been the subject of considerable discussion. He explained the history that occurred in 1982 when he was



involved. He noted that Sexton Mountain School was not even a gleam in anyone's eye and the Metro 2040 Plan was far from a proposal. He said the Murrayhill Development was thought of as a concept and the Weir trunk sewer had only been in place two years. He described all of that area as mostly undeveloped, and noted that it was the aftermath of the 1979 oil embargo where people wondered if they would have gas for their cars, and that all was a part of the consideration. He reported that the Murray/Beard site was a hole in the ground, and had been filled in later. He noted that the Murray/Allen intersection was designated as R5, as well as a lot of the other property and there had been many changes since that document was formed in 1982.

Coun. Soth explained why he thought the criteria for the CPA had been met. He addressed Criteria 1, Public Need, and said he agreed with staff and the consultant's report on the need for commercially zoned property within the area and particularly the City of Beaverton. He pointed out that that was one of the reasons why people paid marketing consultant services a considerable sum of money to provide the technical details and the analysis of those kinds of questions. He said the testimony they had heard had not been refuted and that made a strong point with him. He explained that with the emphasis on 2040, increased densities, employment tied to densities and housing, these types of commercial operations furnished a good share of the employment base that 2040 required. He said with all of those things together, it said to him that the public need had been met.

Coun. Soth referred to Criteria. 2, Impact on Surrounding Areas, and said part of that had to do with the fact that a Comprehensive Plan (pointed out to by a number of people who testified), was not a static document, and was intended to be an evolving document and amended when necessary. He noted that it had been done many times in the City of Beaverton. He said he did recognize the points of view of people who bought a piece of property with the understanding of what the surrounding development might be. He said the importance was that with proper types of developmental planning those kinds of impacts could and should be mitigated. He said for people who said their property would be downgraded, if they checked with an appraiser there would be no adverse effects.

Coun. Soth said with a commercial operation (as proposed), there was no net increase or decrease in commercially zoned property, but it would furnish an opportunity for those employment types of jobs which the 2040 Plan envisioned throughout the entire area. He recalled that they had heard a lot about the traffic study, and as a person who lived on a street which was used as a by-pass for a major traffic signal, he could attest to some of those traffic effects. He noted that with photo radar, neighborhood patrols, and possibly with photo red light, they would be able to eliminate some of the traffic problems. He said he felt the traffic calming projects had helped stop people speeding through neighborhoods.

Coun. Soth addressed Criteria 3, Consistency with Plan Provisions, and said the "commercial land swap" had nothing to do with a development, which may or may not go in. He said they had occasions in the City where such things had been granted conditionally (where the applicant committed to something or the amendment would be voided after a certain amount of time). He said the impact on the Town Center was a limited argument because it would be impacted by the Regional Center at Washington Square more than others. He stated that his thought was consistent with the Plan provisions because it was a not static document.

Coun. Soth referred to Criteria 8, Quality of Life, and stated that he had a difficult time defining quality of life, since it was an intangible issue, which each person had an interpretation of and for. He said he would not argue with those who said quality of life would be impacted, certainly it would be, but *how* was a matter of individual perception. He explained that one of his philosophical statements was that the initial reaction to change, regardless of what it was, was usually negative and it took education to turn that into a positive. He stated that they would always have changes regardless of where they were.

Coun. Soth commented that the Public Interest, Criteria 9, was best carried out because of the timing. He noted the time frame in which they all lived, the situation in regard to the expected population increase in the Metropolitan area, and particularly for the 110,000 more people expected in Washington County between Hillsboro and the Multnomah County line in the next 15 years. He concluded that it would be an excellent time to implement this particular thing. He stated that he had lived in Beaverton for the past 48 years and the population was 2,150 when he came there. He recalled that Allen Blvd. was the southern City limits and Murray Blvd. was an asphalt strip running up to the rock quarry. He related that there had been changes and they certainly had impacted him, and while he no longer saw deer on his street and China pheasants in his back yard, the overall impact had been positive. He said they could not stop growth, but they could direct that growth. He pointed out that was what they were trying to do with the CPA in question, to a point which all people eventually would be able to accept, live with, and proceed from there as a community, as a City and as an entity.

Coun. Doyle said he would not be able to support the motion as it was written and thought the change represented by the ECP 97003, (155<sup>th</sup> /Beard) was something that needed to be done. He said he wished that it could have been addressed separately, maybe five to ten years ago as Murray was growing. He specified that he fully understood the impact to neighborhoods and this was a piece of the Plan that they could certainly think about changing. He stated that he really had a problem with the *big box* at the Murray site. He said it was something that he had no difference of opinion when they looked at the 12-theatre complex off of the Beaverton Hillsdale Highway, and the Walmart traffic impact issue.

Coun. Doyle stated that in regard to ECP 97002, he tended to agree with most of the observation of the PC. He noted that his thoughts on ECP 97002 were expressed by Planning Commissioner Eric Johansen, and it was difficult for him to visualize what was going to happen there except that he tended to believe it would not be pleasant. He commented that the impact on neighborhood traffic was going to be far more than what they saw in the studies. He noted that the problem with coupling both issues together was that it did not let anyone look at each issue on its own merit. He said he would love to have the quality of a Haggen's store but he really worried about what would happen there, in terms of possible economic changes and the permanence of any business. He stated that he thought something could happen at that spot if it had more definition. He said he had always been told that a corporation could not be put on a piece of property until there was a plan and he objected to that part. He expressed that it had been difficult because both sides presented excellent arguments and it was painful to watch people get angry with one another. He stated that that was not what Beaverton was all about and it was not how they should be conducting business, but he did not make the rules. He said he had to disagree with Coun. Soth and say, "No."

Coun. Brzezinski said she would support the motion. She addressed Coun. Doyle and said she did not think it was the "make or break" issue that made him decide which way to vote. She recalled that there was property which she believed was the same property that Walmart wanted to build on that was rezoned for an auto mall to be built there. She noted that a condition was put on a Plan change because the Council said they wanted *that and only that* on that specific piece of property and gave a timeline of two years to make it happen or it reverted to its original Plan designation. She said she would not be opposed to having such a condition on this CPA, because of the concessions that had been made by this particular applicant. She commented that she also worried about just having a blanket change to a Commercial zoning, but this applicant had proven a real commitment to make it as positive as possible, recognizing that it would not be positive to everybody. She said if it looked like the motion would pass, she would be interested in hearing other Councilors talk about whether they would be amenable to placing a condition on the CPA that limited it to this application and putting a time limit on it.

Coun. Brzezinski explained that she would support the motion because in the five and a half years that she had been on Council there had been four difficult issues that had come before her, and those were the ones where people in the audience felt very strongly about the applications. She named the Rezone for Walmart, the expansion of Valley Center for an Act III theater complex, the Miller Sanitary (her personal favorite) and then the one before Council at that time. She said the first three were difficult to decide, but not because she did not know what the citizens wanted. She noted that this was unique in that they had a huge batch of people who favored the application and a huge batch of people who opposed it. She explained that she had been sitting there for these weeks waiting for some

Solomon-type of wisdom to come down to see how this could be turned into a win-win situation, but it did not look like that was going to happen. She declared that that there was nothing more painful than to make a decision that one knew was going to make people unhappy, but in this decision they were going to make people unhappy, whichever way they went. She explained that she was swayed by the belief that the Plan had to be a living, flexible document, and noted that even the majority of opponents of the application said the 155<sup>th</sup> /Beard site was not appropriate for Commercial, so they were admitting the Plan had to be flexible. She reported that she was a PC member for several years and did not overturn PC decisions easily. She said that when she sat on the PC and a decision was overturned, she felt that maybe her work was not worth it, but sitting on this side of PC decisions, she wanted people to know that in no way did it diminish the confidence the Council had in the PC or the value the Council placed on the PC's work. She explained that there were things the PC had to use in their decisions that Council was not completely limited by, and to her this was an example of one. She said it happened rarely but it was not unheard of that Council would overturn a decision, but it was not in any way that they did not support the vast majority of the decisions PC made.

Coun. Brzezinski noted that one of the opponents who worked in high tech said things changed quickly there and he understood about Plans needing to be flexible. She recalled that he said that even in high tech business, decisions to change were not made quickly, but were made to reflect customers needs, not those of special interest groups. She pointed out that the Council's customers were all the citizens of Beaverton and depending on which side of the issue one was on, one would say the other side was a special interest group and that your group was the vast majority of the citizens. She explained that if she looked at the City as a whole, it made more sense for this facility to be at Beard/Murray than on 155<sup>th</sup> and Beard. She also said she wished that all developers had spent the time with the neighborhood that this one had. She stated that the criteria had been met (as Coun. Soth said ) and she would support the motion, with the hope that if it looked like it would pass she would like other Councilors' opinions about limiting it to this applicant for a period of two years.

Mayor Drake suggested that Council wait on Coun. Brzezinski's idea about a time period. He said Council should take action then make a separate motion.

Coun. Stanton said she appreciated the testimony over the past two meetings and she commented to the audience that they all must be Toastmasters because everyone swayed her opinion. She recalled that everybody made sense and that was the sense she had gotten prior to reading the material presented. She declared that she was a firm believer in certainty, and there were laws that restricted her from doing what she wanted and other laws that allowed her to do things, but there were some that constrained her. She said the Plan was one of those documents that

allowed them to do things and also constrained them from doing things. She said she had gone through the Development Code and the Plan and there was not an easy way on this. She said as people were talking she made notes and thought that eventually one column would have more lines than the other would and maybe that would give her some direction. She noted that it did not happen and she had laboriously looked at this. She commented that she lived near a neighborhood service, near a neighborhood school, a 7-11 convenience store, a car wash and a mini-storage unit in Greenway, on the corner of Longhorn and 125<sup>th</sup> Street. She said one could get all sorts of good things there which made her at one level want to say it made more sense to keep the Commercial in the interior. She recalled that this plan came about after the 1978-79 oil shortage when people took one trip a day to save on gas consumption. She commented that she knew they were under the retail need (Mr. Leland had told Council more than once), but she did not feel it herself. She referred to the impact on the surrounding areas and said the neighbors on 149<sup>th</sup> could be disappointed with what the next application might be and this might be an application that would mitigate beyond anything they could ever hope for from anyone else. She indicated that would not be a reason to go with the CPA because as soon as the CPA took place, whoever owned the property could sell it to someone else and unless it locked this applicant to this CPA there was no certainty for anyone. She declared she would support the motion, if she knew with certainty that (at a concept level at least) what Haggen's had proposed for the land, and that the Haggen Corporation would be the applicant for the future for the CUP or the planning and development, then she would be willing to support the applicant and the support Coun. Soth's motion on the floor.

Mayor Drake determined that Council would vote two for the motion and two against the motion, resulting in a tie vote. He thanked the NFL and Kleinman for their fine work and the neighbors for being so coherent in their thought processes, the work and the effort they went through. He said he would also like to thank the Haggen's folks, Jack Orchard and Joel Gordon. He commented that what he had seen on both sides was the ability to get to the main issues, analyze things thoroughly and he could not imagine that any more could be said about a CPA at the two sites than had been said. He said he had been involved (in City Government) for 17 years and had been proud of his involvement and had been on different sides of issues depending on what the issue was. He explained that at times it was not easy to predict how he would vote but he always listened to exactly what was said and looked at each issue individually. He commented that he had been a businessman but he did not always lean towards business and he had been a strong neighborhood advocate, but he was not always convinced that a specific neighborhood was right about something all the time and so it was a good blend. He said Beaverton was an outstanding blend of good businesses, wonderful neighborhoods, strong schools and proud citizens who figuratively thumped their chests and said there wasn't a better community. He stated that this was a hard decision for him because he could agonize with those who were closely

involved and he could also be proud of the fact that there was a quality applicant for the CPA.

Mayor Drake stated that he liked the idea that if Council voted in favor of the application, they would limit it to one company and one developer because in the case of the auto mall (referred to earlier) a proposal was brought forward and it made sense for the time but the idea was not to leave it there forever. He said he did not know that he would have to break a tie on that suggestion. He noted that however this turned out, it had been difficult, because with the neighbors and with the applicant, he had agonized with them over the last three years as they worked their way through the neighborhood and communicated with him.

Mayor Drake stated that he was coming down in favor of the motion, and had done so with a great deal of thought and a great deal of self analysis and what Beaverton meant as a community. He explained that he also understood Beaverton's processes very well and believed that the City had the ability and the authority to protect surrounding property owners, if it was Haggen's who developed the property and he believed the motion would pass if it was Haggen's. He said whether it was the folks on 149<sup>th</sup> or over on Opal, or 151<sup>st</sup> or friends on the east side of Murray, the City had the authority to very carefully watch the hours of operation. He pointed out the City had the authority through the PC and the design review process, and the ability to protect property owners, which was one thing that was done very well in the community. He noted that the Chamber of Commerce liked him as much as hated him because he supported buffering which was a cost of business, but it was also appropriate for an adjoining use, especially in the case of residential. He commented that he did not take lightly the fact that they would be passing that night, a CPA that would have an impact on the community. He said he trusted that the impact in most ways and in most cases would be positive. He commented that knowing the will and resolve of not only the folks from the NFL but the remainder of the community and having dealt with many of the Rezone folks over the years too, that those people loved the neighborhood as much as the NFL folks did. He said his guess was that after the application went forward that NFL and Rezone would work together to make the best possible Haggen's that could happen.

Mayor Drake said his statement to the Haggen's folks was that they would need to do what they said they would. He said he would do everything he could to hold them personally responsible to that and he believed they would follow through on their commitments. He said the community would come out again when it went back to the PC and went to BDR. He said he believed Haggen's would take the plans directly to the community and the community would craft what the final plan would be. He stated that in the end the community would be very proud of what was there and would also have the Commercial off of 155<sup>th</sup>. He said his message to the friends in Rezone was that they moved in knowing what the zoning was and he was not convinced that Commercial at 155<sup>th</sup>/Beard/Nora was the right piece there (it was in the guts of the neighborhood and did not belong

there). He said things changed and he was on the PC in 1982 when a discussion came through about that very corner being Commercial. He concluded that he would vote in favor of Coun. Soth's motion and support the comments Coun. Soth made on criteria 1,2,3,8 and 9.

Mayor Drake asked for a vote.

Coun. Stanton asked if it was the motion as originally made.

Coun. Soth said he would amend the motion to include a condition to the affect that if substantial progress was not made toward the implementation of the Hagggen's plan within a period of two years, the Comprehensive Plan Amendment was void.

Pilliod asked if it would be within two years from the conclusion of any appeals that might occur as a result of this decision.

Coun. Soth said that would be reasonable if that was satisfactory with the other members of the Council. He clarified that the main reason was that should it be the subject of an appeal, the applicant might not choose to move forward on some of the other aspects during the appeal, since it was known that both LUBA and the Court of Appeals were a bit slow in taking issues up. He said his intent was that it should be pursued and substantial progress made two years from the time that any LUBA appeal was determined . He explained that the Court of Appeals was an entirely different kind of thing.

Coun. Stanton asked if that amendment included the information from Fred Gast, from Polygon N.W., and his discussion and commitment to developing the 155<sup>th</sup> /Beard property in a particular standard density as opposed to a medium or higher density mode. She asked if that included the whole piece of property so that 155<sup>th</sup> /Beard would be standard density.

Coun. Soth replied that was correct.

Coun. Brzezinski said as the Secorder of the motion, she would not agree to that. She said she would agree to the first part, but not to the second part.

Mayor Drake said it was residential and this was only a CPA.

Coun. Stanton said she understood that, but it was a matter of the certainty issues of the Plan and they were tying a particular development to one section of the ECPA and she was wondering if they were also tying a developer or a concept to the other ECPA.

Mayor Drake responded that he did not know if the City had the authority to do that and they probably would not want to. He explained that if the Plan designation was changed to residential from there, there would be a

hearings process about what the zoning would be and how it would be developed.

Coun. Stanton stated that it was Standard zoning.

Mayor Drake replied that at that point it was residential, then it went to rezone to site specific zoning.

Coun. Doyle said the agenda bill said the Standard Density Residential Plan designation and it implied that the Council would be approving that. He asked if what he was hearing was that Council was not approving it, but were saying *residential* and then they would determine the level at a later date.

Pilliod explained that the applicant had proposed a Standard Density Residential Plan Map Amendment at 155<sup>th</sup> /Beard. He stated that the staff recommended Medium Density Residential, which was not a zoning designation, but was a Plan Map color.

Coun. Stanton said she would want Standard zoning.

Mayor Drake asked if that was what was recommended in the staff report.

Coun. Stanton she was reading from the Land Use Order that the PC denied. She said she liked the language "...from Commercial to Standard Density Residential". She explained that what they were taking out was Standard Density Residential. She said it was Urban Standard Density Residential at Murray/Beard and that should be moved to 155<sup>th</sup> /Beard.

Mayor Drake asked if the Council was in agreement.

Mayor Drake explained to the audience that it could be standard and that would not preclude whoever would develop it to apply for a Planned Unit Development (PUD) or something that could transfer density or could be a higher density, but it would all be through a public hearing process.

Coun. Stanton questioned that if it was designated Medium now, wouldn't that mean higher density than Standard. She said Standard Density Residential was a range of "X" units per acre or "X" thousand feet per dwelling unit.

Grillo replied that Standard Density Residential would be a maximum of one unit per 5,000 square feet, and Medium was a maximum of one per 2,000 square feet.

Coun. Stanton said if they kept the language the same as it was in the ECPA 97003, then the conversion to the land at 155<sup>th</sup> /Beard would be Standard, (the smallest it could be would be one unit per 5,000 square feet, R5). She stated that if it was medium then the smallest could be 2,000 square feet, R2, which was smaller than a 3.5, because they were



talking about multi-family. She asked if that was something they wanted to do that night, and said she did not want to do that, but wanted to flip-flop it to Standard.

Coun. Brzezinski said that Coun. Stanton had made a good point that it would be a trade and they would have to stick with what it was. She noted that if at some later point staff or an applicant wanted to propose a change, it would have to go through the process. She pointed out that if it was a trade, it was a trade. She stated that as the Seconder on the motion, she would accept the amendment.

Mayor Drake said he would understand it to be the Standard.

Coun. Doyle said he believed they were trading a different number of acres also.

Mayor Drake said the remainder of it was staying zoned at R-5.

Mayor Drake asked for a better definition of "substantial progress".

Coun. Soth said "substantial progress" meant a number of things. He explained that it was the submission of at least a preliminary plat for the Murray/Beard site, and a master plan for that entire site. He said for the 155th and Beard site, since there had been no particular plan made for that site, it would require some sort of an agreement or proposal between those property owners and the applicant for some sort of development on that site. He said that would be "substantial progress" because with those kinds of things then the City would know the applicant was serious.

Mayor Drake asked for Pilliod and Grillo to comment if "substantial progress" was understood or clear enough.

Grillo explained that "substantial progress" would be that within two years of the LUBA appeal, the applicant would have filed for rezoning and a master plan for the site at Murray/Beard at a minimum. He said at 155<sup>th</sup>/Beard it was not clear to him if the majority of the Council was leaning toward Standard Density, and not clear if the Council wanted to place a condition beyond perhaps the rezoning. He noted that there were a lot of issues dealing with marketability as to whether or not Polygon, or whoever, would find it within their interest to proceed with a preliminary plat. He stated that, to him, it did not appear to be sensible to require that beyond a rezoning at that site. He said that, in essence Council was saying "Give us a preliminary plat of some sort." He noted that he was looking at how he measured "substantial progress," and for the site at Murray/Beard, the applicant could show substantial progress within two years of the conclusion of a LUBA appeal, by filing a rezone request and a master plan with the City.

Mayor Drake asked if that was clear to the applicant.

The applicant indicated it was clear.

Grillo said that for the balance of the other site that the applicant (whom ever that might be) could show substantial progress by filing for a rezone.

Coun. Soth said that was a good definition and he would accept that.

Coun. Stanton questioned if Council, that night, moved the property at 155<sup>th</sup> /Beard to Standard Residential, why would someone have to rezone it.

Grillo explained that Council was only providing direction to the property owner and the staff that the Plan would need an implementing zoning district.

Mayor Drake said the City had what was called a two-map system, a Plan Map and then it was defined better with specific zones. He said many cities just had one, so the City of Beaverton had to go through a two-step process to make a piece of property whole.

Coun. Brzezinski noted the two display maps on the wall.

Mayor Drake explained the map on the left was the Zoning Map and the map on the right was Plan Map. He said there could be multiple residential zones, but there was only one Plan designation (with multiple residential within that).

Pilliod commented that he assumed that the motion would include the direction that the staff return with an ordinance including findings of fact and conclusions based on evidence on the record to support that.

Pilliod said it might not be obvious, but what he would include within the conditioning language that had been taking shape at the meeting that night, was the necessary zone changes (particularly at Beard and Murray) which would be consistent with the representation made by the applicant as to their ultimate use of the property.

Coun. Soth agreed that was correct and that was the intent.

Mayor Drake said there was an amendment before Council to set "a substantial progress" within two years of final action of any suit to the Land Use Board of Appeals (LUBA). He asked for any discussion.

There was none.

Question called on the amendment to the motion. Couns. Brzezinski, Doyle, Stanton and Soth voting AYE, the motion CARRIED unanimously. (4:0)

Mayor Drake stated the motion to reverse the Planning Commission decision and accept alternate A and approve the application of ECP 97002, ECP 97003 Sexton Mountain Village Expedited Comprehensive Plan Amendments.

Coun. Stanton clarified that she would vote yes because she had asked the City Attorney if the applicant sold the land was the whole deal off and it reverted back to the earlier designation, and he told her that was correct.

Pilliod said the original motion had been amended with a condition (the motion for "substantial progress") and that was the reason for his request that the condition (which would be put into writing) included language to the effect of zone change and master plan, particularly at Beard/Murray was consistent with the representations made by Haggen's as part of their application that night.

Mayor Drake said the question would be if it was Haggen's only and the answer would be, "Yes."

Coun. Stanton said the issue to her was would it be Haggen's only and if Haggen's sold the land to someone else then the whole ECPA would revert.

Mayor Drake said that was how he understood the amendment and he asked if the applicant understood the amendment.

Gordon, representing Haggen's agreed.

Question called on the main motion as amended. Couns. Brzezinski, Soth, and Stanton voting AYE. Coun. Doyle voting NAY. Motion CARRIED. (3:1) (Since the motion on the amendment to the main motion carried, there was no tie vote on the main motion, making it unnecessary for the Mayor to vote.)

#### OTHER BUSINESS:

Mayor Drake said that Coun. Brzezinski asked at an earlier meeting if there was any evidence to support that the DARE program was effective. He distributed program information to Council that night.

Mayor Drake noted that he had received a request for support from Beaverton High School marching ensemble. He suggested a one-time limited level of assistance and his concern was that granting the request could open the door to further requests.

Coun. Doyle said he agreed with Mayor Drake, except in this case he would treat this as an honorarium for the service they performed for the City. He said he was comfortable with doing something for them.

There was discussion on the amount of donation to make.

Mayor Drake suggested \$2500, from the State Revenue Sharing Contingency.

Coun. Doyle said he would abstain from the vote.

Coun. Stanton MOVED, SECONDED by Coun. Brzezinski that the City of Beaverton give a one time honorarium out of State Revenue Sharing to the Beaverton High School Marching Band for their trip to the Gator Bowl.

Question called on the motion. Couns. Brzezinski, Soth, and Stanton voting AYE. Coun. Doyle abstained. Motion CARRIED. (3:0)

Mayor Drake gave Council a matrix which the Transportation Staff supplied (in the record) for Transportation dollars from the new T21 Federal funding which was the next rendition of ISTEAA. He said staff had given them an objective and impartial analysis of road projects in the Capital Improvement Plan. He said the counties had asked for double what they would actually receive and if they went strictly by population, the City could receive up to \$12 million. He noted that staff recommended as their first choice, (based on what Metro would do in terms of criteria) the Farmington Rd. widening, the Hall Blvd. Bikeway, the Murray Blvd. extension, 125<sup>th</sup> extension and under separate criteria, the Fanno Creek Path.

Coun. Stanton asked about the Farmington Road, Murray to Hocken, five lanes. She noted that Farmington was a State road run by the County, and asked if the County would get any of the funds or was it only for incorporated areas.

Mayor Drake said the County was getting funds also, and they would probably get their share based on population. He explained that it was a 50/50 split and the County would get about half of what the "pot" was.

Coun. Stanton stated that they had specific, real needs within the City, and she thought they should be picking up 125<sup>th</sup> Street. She explained that with the new high school and swim center, 2,000 families would be impacted the second day of school, and every day thereafter the problem would just get bigger and bigger.

Mayor Drake said the Superintendent said the high school had been designed to make adding another wing possible. He cautioned Council that it was not the City's criteria, but Metro's criteria, and staff had correctly advised them that Farmington Rd. would rank the highest.

Coun. Stanton said Metro had adopted with the State the "No-build Western Bypass Alternative," and was to upgrade Bonita, McDonald and other streets to Scholls Ferry. She noted that the 125<sup>th</sup> connection would make the collector arterial connections that Metro was saying the City had

to do in the region as opposed to doing the freeways. She said it met Metro's requirements for linking of the collectors and arterials.

Mayor Drake said if the Council thought 125<sup>th</sup> was a priority he would take it and work it through the system and fight criteria, but it would take some real effort with no guarantee. He noted that there were limited dollars and they would probably get one major project. He explained that Metro controlled those criteria and they would look at all of the needs. He said he could not guarantee they would get 125<sup>th</sup> funded.

Coun. Doyle reported that Farmington and Murray had the third highest accident rate and he was satisfied with staff's recommendation.

Coun. Stanton she did not want road money to go into the Hall Blvd. Bikepath.

Mayor Drake stated that they would probably get Farmington and Hall and that would be roughly \$10 million. He explained the Fanno Creek Bikepath would come out of the other fund and the Hall connection would link two bike systems together. He noted it would eventually go to JPACT and would be strictly based on ranking numbers.

Coun. Stanton she wanted to set up a meeting with staff and go over the criteria.

Mayor Drake said City staff was right on the mark.

Coun. Stanton commented that it was federal and state money that Metro divided regionally to the local governments, but only if the local governments paid for other people's roads and bought into the regional system.

Mayor Drake said he agreed with Coun. Stanton about 125<sup>th</sup>, and said he wanted to see it built as well.

Coun. Brzezinski asked why the City would not put in applications for Farmington Rd, Hall Blvd. bikeway and the Fanno Creek Bikepath.

Mayor Drake said he would recommend that those three were likely to get funding.

Coun. Soth asked why Farmington Road was \$8 million for one-third of a mile.

Mayor Drake explained that substantial improvement to the Murray Farmington intersection was included, which was really where the bottleneck was.

Coun. Soth said the Murray Rd. extension was \$7 million and 125<sup>th</sup>, two lanes and that one was \$10 million.

Mayor Drake said they had done some estimates on the engineering and 125<sup>th</sup> was probably the best guess of all because of all the work the committee had done. He said the additional local share had to do with guessing the Council would want more soundwall.

Mayor Drake asked for consensus on Farmington Rd. Hall Blvd. and the Fanno Creek Bikepath.

Council gave consensus on Farmington Rd., Hall Blvd., and the Fanno Creek Bikepath.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 10:55 p.m.

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Darleen Cogburn, City Recorder

APPROVAL:

Approved this 15<sup>th</sup> day of March, 1999

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Rob Drake, Mayor