

REGULAR MEETING  
October 5, 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 October 5, 1998, at 6:38 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Evelyn Brzezinski, Dennis Doyle, and Forrest Soth. Couns. Wes Yuen and Cathy Stanton were excused. Also present were City Attorney Mark Pilliod, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Human Resources Director Sandra Miller, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Library Director Shirley George, Police Captain Paul Danko, City Engineer Terry Waldele, Principal Planner Ali Turiel, Policy Planner Steven Sparks, and City Recorder Darleen Cogburn.

CITIZEN COMMUNICATION:

There was no one who wished to address Council.

COUNCIL ITEMS:

Coun. Soth reported that he had attended a Urban Services Boundary (USB) meeting the previous Thursday (10/1/98), regarding Beaverton and Hillsboro. He said the City was well represented, including Mayor Drake, Coun. Brzezinski, and staff members Ali Turiel and David Winship. He commented that the consultants were pleased with the results, and the majority felt it would come to an amicable resolution, perhaps by early next year.

Coun. Brzezinski added that Joe Grillo, Community Development Director, and Tom Ramisch, Engineering Director had also been present at the meeting.

STAFF ITEMS:

There were none.

PROCLAMATIONS:

Arts and Humanities Month

Breast Cancer Awareness Month, Mammography Day

CONSENT AGENDA:

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

- 98-271      Liquor License - Change of Ownership: McCormick's Fish House
- 98-272      Transfer Resolution – Appropriation for Contribution to Beaverton High School Marching Ensemble from the State Revenue Sharing Fund
- 98-273      Authorize the Mayor to Enter into an Intergovernmental Agreement with ODOT to Construct the North/South Segment of the Fanno Creek Bike Path
- 98-276      Authorize Partial Assignment of Interest in The Round at Beaverton Central

Contact Review Board:

- 98-274      Contract Change Orders – Architectural Services for the Beaverton Community Center Expansion

Coun. Doyle said he had abstained from the formulation and discussion of AB 98-272, but he affirmed what the other Councilors had decided on at the last meeting, and would vote on it.

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

Resolution in Support of the Five Year Public Safety and County Operations Levy

Coun. Soth MOVED, SECONDED by Coun. Brzezinski that Council pass the resolution supporting the Five Year Public Safety and County Operations Levy, Measure 34-96 which would appear on the November ballot.

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

PUBLIC HEARING:

- 98-275      Murray Scholls Town Center Master Plan

Mayor Drake noted they would have a brief staff report followed by Council's questions, and then public testimony.

Steve Sparks, Senior Policy Planner, Paddy Tillett, and Charles Kelly of Zimmer Gunsul Frasca (ZGF), addressed Council.

Sparks said they had been working on the Plan for ten months, and would give a brief overview and answer any questions from Council.

Tillett explained that a Town Center was a place that had a diversity of uses, and provided most things needed on a sub-regional basis. He explained that Murray/Scholls was chosen because although much of the community had been built in the last decade, a large portion of undeveloped land remained there. He said that presented an opportunity to come back to an area that had a tremendous amount of housing, and build a center to serve those needs. He pointed out that in order for it work, it must be well connected to the existing housing and to the neighboring communities.

Tillett noted that one of the problems they had encountered was that almost all trips used arterial streets and the intersections became very congested. He explained that there was no connected secondary street system and they had looked at how to knit together the streets that were already there. He said one of the sets of changes difficult to predict related to two regional transportation improvements; one was the southern extension of Murray Blvd., and the second was the parallel extension of Davies. He said those were necessary to accommodate movements that had little to do with local activities in Murray/Scholls, but had a lot to do with connections to the north and south. He noted that the other challenges related to the particular place where it all happened. He said where the Murray Blvd. connection was needed, was also the principal point of connection of the area that could become the Town Center. He added that it was also an area through which Summer Creek and some improved wetlands flowed. He said that was the reason for much of the discussion and dispute in the process, because those responsible for safeguarding the three sets of interest, the Town Center, transportation, and greenspaces, found that they each needed to use the same piece of land. He said they had worked very diligently to find a way to reconcile those needs without imposing unreasonable compromise on anyone. He explained that the recommendations they were going to present were driven as much by livability issues as anything else. He said the difficult part was to identify specifically whether secondary street connections needed to be made, and they wanted to look at the big picture so that it worked as a whole.

Charles Kelly said from their numerous meetings and discussions, it was generally concluded that a Town Center in the area needed to tie all of the pieces together. He said the option was for an alternative plan which they had titled Conceptual Combined Option. He explained that they had presented the option to the appropriate resources agencies and it was determined that additional work was needed to reduce the amount of

connections crossed by vehicles. He added that they also needed to come up with other crossings, which were suitable for bikes and pedestrians but would still allow them to achieve the land use designs for the area. He reported that they developed a revised conceptual option in which they were able to substantially decrease the number of crossings that would have significant impact to the greenway while still maintaining the critical connections for the neighborhoods. He said the revised option had been carried forward as the recommended Plan, and reviewed the key elements of that Plan.

Sparks pointed out that this was the middle of the public process, not the end. He said they would go before the Planning Commission (PC) with public hearings to do Comprehensive Plan, Development Code, and Transportation System Plan amendments. He emphasized that nothing had been decided at this point, but what they had presented were only recommendations to implement what they saw in the displays posted on the wall and what was in the Plan materials that had been provided. He added that staff was requesting that Council by direction, initiate amendments to the appropriate City documents (listed earlier), to implement the recommendations of the plan and begin the public hearing process with the PC.

Mayor Drake clarified that this really was a concept plan that gave general direction and had somewhat refined the master plan for the area, but they needed to get down to the detail of Comprehensive Plan changes, actual transportation improvements, and the actual zoning.

Coun. Doyle clarified that in terms of process, it would go through the PC and further adjustments could be made by the Council as things became more refined. He stated this was not "cast in stone."

Sparks said that was correct, and noted that they were using the advisory committee process and the open houses to develop the Plan. He reported that on the advisory committee they had members of the community as well members of the development community and property owners, who had a vital interest in the area. He said they were attempting to get to a point where everyone was together in their vision for the area, but how to implement that vision still needed to be worked out.

Coun. Soth said mention was made of three-story walkups, and asked if that included an elevator in accordance with ADA standards.

Kelly said it did.

Coun. Soth said once the Plan had been revised and refined, he was concerned about the time frame in which some of the things, particularly the areas of combined uses, would occur. He explained that he was concerned because at the present time, there did not seem to be a lot of retail and professional uses interested in that kind of setting. He said his

understanding was that in those types of uses, about 50% to 75% went out of business within the first two years. He referred to the proposed development of the PGE property, and said he was concerned about the stipulation to "grandfather" that under current plans to allow them to recoup their investments. He said he didn't want to have to change horses in midstream.

Tillett said the concern about the mix of uses and how common or uncommon they were was a real one. He said they had predetermined what was usual by the kind of zoning that was already in place, which tended to be single-use zoning in the majority of areas. He noted that there had been a tendency to segregate uses which made it a necessity to drive from place to place to possible destinations. He said that was workable and they could leave it that way, but there was concern about livability being eroded by congestion, so they had an opportunity to expand the range of options available.

Tillett said they had relied on real estate economic advisors in looking at what was realistic, and based on that information, they were encouraged with the idea of developing a mixture of employment and retail in close proximity. He added that they needed to take care that affordable housing was also in place, and had looked at a market based on a balanced mix of uses. He said the other side of the coin was that where the investors put their money was very much market driven. He noted that they had not seen much mixed-use development at this point, but enough that the lending institutions were feeling more comfortable with it. He said they did not want to penalize those who had already invested in the present system, but encourage a progressive renewal and update of the development that was already there. He noted that one of the biggest challenges was putting a timeline on all of that, because it depended a great deal on what the market opportunities were and where the investment was prepared to go. He said they had tried to set up an armature that was flexible enough to roll with those changes in the market.

Sparks added that the Plan was a vision document for at least the year 2017, and the 2040 Regional Growth Concept was a 50-year horizon which indicated the Town Center. He said they were hoping the Plan would be ultimately realized by 2017, and wanted to set the framework for that to occur; they did not expect it to occur immediately.

Kelly said one of the insights the team had in developing the Plan, was that it laid out the connections in a conceptual way that facilitated the evolving dynamics and created something that was potentially self-sustaining. He explained that if access and visibility was provided to properties along the primary routes (such as a Murray Blvd. extension), to secondary streets, the smaller businesses might be able to develop. He noted that if smaller, safe streets connected a series of developments together (such as Albertson's, Gramor, Murrayhill and PGE), and provided 100% access for vehicles and pedestrians, there would be a greater

opportunity for different kinds of development in different ways. He stated that the great insight of the team was that they needed to put the streets in and build the access and network to facilitate that potential.

Coun. Soth commented that he was strongly in support of using the "lake" as a detention facility for excess storm water. He noted that he served on three different storm water committees, and this was one of the big concerns: that they allow for the passage of storm water without it inundating everything in its path. He pointed out that they had already seen signs that the economy was slowing down and asked if the project was still a viable concept within the 2017 time frame.

Tillett said they recognized there could be upturns and downturns in the market, and the idea was to have something that would accommodate that, and not depend on a particular kind of development occurring at a particular time. He said he had looked at the ability to build single use within a given area up to a certain limit so there would always be economic opportunity. He said they were setting up an armature to accommodate those changes.

Coun. Brzezinski referred to Coun. Soth's comments about changing horses in midstream and asked Sparks if they had looked at the October 5 letter from Steven Abel, with Stoel Rives (in record).

Sparks replied that he had not yet seen the letter, but would review it during the break.

Coun. Doyle said in terms of the type of street, connectivity, traffic flow and being good neighbors and good regional partners, he wondered what was envisioned for Walnut Street in the future.

Sparks said he would defer to the City of Tigard staff, but he understood from talking to them that it would ultimately become an arterial connecting 99W through Gaarde and Walnut.

Coun. Doyle explained that he was asking because they had gone through the discussion and costing-out of the 125<sup>th</sup> extension, and said during that process, if they went south of Scholls, that road was basically shut down for any south bound traffic. He said that really made a statement, in his opinion. He pointed out that if they read through the details in the Plan, they were talking about increasing traffic on Murray by possibly 60%-70% in the next few years. He said it appeared that it would come north, which was not doing Beaverton citizens trying to go south much good, and he wanted to be sure they were going to share in the burden. He stated that he wanted to make certain it wasn't being routed in one direction all the time.

Sparks stated that Tigard staff had made, not necessarily an "about face," but surprising comments at the advisory meetings, because it had been

their (the committee's) understanding that Tigard had not wanted Murray to go through, but at the advisory committee meeting they indicated that was what they preferred. He reported that Tigard staff had asked when Murray was going to go through, and would it be four or five lanes because that was what they wanted. He said what Tigard ultimately was going to do on their side on Gaarde and Walnut, he could only suggest, contrary to what Council might be thinking, was that they would be increasing the width through there as a regional arterial. He stated that was his understanding.

Coun. Doyle asked if the committee had addressed the impact on Davies south of Scholls and said he assumed studies would be done. He expressed his concern about traffic flow, and noted that people were looking for short-cuts everywhere.

Sparks said they drew the study area at Davies Road with the intention of having the extension identified as an improvement, but they were not going to get into it. He said by default, with all the comment they had received about Davies, they had gone so far as identifying alternative alignment for environmental purposes. He added that they determined a potential sequence of events that would need to occur prior to having Davies go through, one of which was having 125<sup>th</sup> in place. He noted that having signals out there, and actually doing some sort of traffic program along Davies Road, also might be included, if it was necessary.

Coun. Doyle said on page 14 of the report, it mentioned an interest by the Beaverton School District, Tualatin Hills Park and Recreation District (THPRD) and Tualatin Valley Fire & Rescue (TVF&R) in developing facilities within the Town Center. He asked what the City could do to ensure that would happen, so they did not have to watch these agencies trying to find enough land to build what was needed. He express his frustration watching them trying to find out a piece of ground to site a school. He wondered if they would be able to designate locations for such building, so it would be available when needed.

Sparks said he would defer to Council on the implications of the City going through and designating a site by zoning. He explained that if they designated an "institutional site" by zoning, that might be argued as a taking.

Coun. Doyle stated that he understood that and he was not talking about a "Dolan" situation.

Sparks noted that they did the best they could in the process and had shown how a school and a park together could work in a town center, and had listed parks and schools in the recommended zoning as a principally permitted use. He noted that would mean they only needed Design Review for it. He said they tried to make it as easy as possible, assuming

negotiations between private property owners and those districts could succeed.

Coun. Doyle noted that on page 7, appendix B, of the report it mentioned putting buildings right up on the sidewalk parking, and asked if there was an example of where that was working.

Sparks said it was standard requirement they put in the multiple-use district zoning, and *The Round* was a good example.

Coun. Soth pointed out that northwest Portland had all kinds of them.

Kelly commented that the area between Farmington Road and TV Highway, east of Watson was probably the best example in Beaverton, and noted that circumstance was a very Town Center-like environment. He said they had been circumspect about the need for parking in order to service a lot of different uses. He explained that commercial and retail had different parking needs than residential and they had built that into the Plan, and hoped that over time, the initial large parking areas could be developed.

Tillett said in recognizing there would be many parking lots, they wanted to make certain they did not interrupt the flow of what was effectively a main street. He said assuming that any parking lot built would be there for awhile, they wanted to make sure it was in the right place.

Sparks added that it was a relatively new requirement that was occurring in Hillsboro and Washington County as they were going through the multiple-use zoning that Hillsboro and Washington County already had. He said it was consistent with their requirements, and recalled that in the 1950s, it was all auto-dependent uses, which it would be for a long time, but they were trying to set the stage for change for it to develop to where it would be a pedestrian oriented situation.

Coun. Doyle asked if they had done any kind of study to indicate that this design would work; what was the likelihood that this would be built-out this way.

Sparks explained that in terms of the market analysis they had done, they only designed into it what the study said the area could support. He said because of the variances in the economy over time, there was nothing to say it would happen this way, but as they had prepared the Plan, what they had laid out, would work. He clarified that they did not go back and do another analysis and ask if based on what was on the map would it work, but they had asked generally, what the area would support.

Coun. Doyle explained he was looking more at the multi-family and apartments, because there was plenty in that area already, and from his perception they were far from being 100% occupied. He said he just



wondered how much more they could put in that general area, and he was curious about what investors said. He noted that he knew that did not have that information, but assumed the market would let them know.

Coun. Soth agreed with Coun. Doyle's concern, and said he assumed that an in-depth market study would be done at the time any development proposal came forth. He said if he understood correctly, they were looking at the area to support this type of development rather than a market analysis to see whether the area would support a particular type of business.

Tillett said that was correct, and explained that the type of market study he was referring to relied on the rearview mirror, i.e., what worked well for the last ten years was a safe bet for the next ten. He noted that in this case, they didn't have a lot of ten-year old examples to copy, which is why they worked with the economic advisors in looking at the overall context.

Coun. Soth said this called to mind the current saying that "what goes around, comes around," and this type of thing reminded him of his childhood when nobody had autos, and it was all neighborhood oriented with the "Mom and Pop" grocery store, etc., and street cars were the main transportation. He stated that he personally preferred to go to a location, make his purchases, and leave rather than spend time shopping around, and asked if that concept was considered in the market analysis.

Tillett said the advisors were certainly aware of that, and had talked about how the increase of buying over the Internet would subtract hundreds of thousands of square feet of retail need from the metropolitan area. He noted that with the rise in regional shopping centers, the smaller shopping centers had become more service oriented and he thought that non-regional malls would continue to change with the times.

Kelly added that the advisors had suggested there were a lot of trips leaving the Murray/Scholls area to shop for items not available locally. He said for that reason, the Town Center at this location with an increase in a diversity of uses with what was being built at Albertson's or Murrayhill for example, would basically begin to reduce the amount of trips out of the neighborhood.

Coun. Soth asked if they saw any conflicts between a Town Center in this area and the Regional Center proposed for Washington Square in Tigard

Tillett explained that one of the principles they talked about in meetings with the advisory committee was satisfying sub-regional need, which meant there was no reason to compete with the Regional Centers. He noted that there was a lot of "retail leakage" out of the area that was not Regional Center stuff; for example a quart of milk.

Coun. Doyle stated that he was pleased to see some fairly solid layouts of streets in the area, and the more that could clearly be defined, the more it would be appreciated. He said he realized they could not do all of it, but if they could develop it within the goals and objectives that were set, it seemed to him they had a good pattern, and if they could stick to it, in 20 years they would be "light years" ahead.

Sparks noted that Tillett had pointed out at an earlier meeting, that if you look at European roads, they were built hundreds of years ago and were still there. He said as they discuss the way the area will evolve, it was important for the roads to stay where they were planned, so that was one area where they wanted to be right.

Coun. Doyle agreed and stated that the firmer the Plan could be in that aspect, the better. He said the connectivity within the neighborhoods was important and he was glad to see they had tried to formulate it so it would take the stress off the arterials, etc.

Tillett said he appreciated Coun. Doyle's comments because that had been a real struggle.

Coun. Doyle reiterated that he was very glad to see this, and was anxious to see how it progressed.

Coun. Brzezinski asked if they were familiar with the status of other Town Center planning.

Sparks said he would defer to the Metro representative that evening about what was going on currently, and noted that Hillsboro had completed the Tanasbourne Plan and perhaps one other. He noted that other cities in the region had completed them and there were about 35 Town Centers in the region.

Coun. Brzezinski said she was interested if there was either anything unusual or similar about this conceptual design, compared to others.

Tillett said what made it unusual was the "hourglass" circumstance, i.e., everything going to the same point in space which made for some problems. He explained an example, that in meeting Title 3 in the stream corridor, if they literally met that, they would be splitting what they would like to be a Town Center into two separate pieces. He said in engaging the agencies responsible for the various parts and pieces, and trying to find a solution that worked for all of them, made it different from other designs.

Sparks commented that the Metro staff had said each Town Center was unique, and it depended upon what the community wanted, so there was no set formula. He noted that Tanasbourne was very different from what they envisioned for this location.

Coun. Brzezinski clarified that meant that the desired density in Town Centers was comparable from one to another, but they were just going about it differently.

Mayor Drake noted that this was being driven by the expectation that within the next 20 years there would be a half million more people in the region, and that had to be accommodated. He said looking at those numbers and realized how much traffic would be going through the area, it encouraged this type of mixed-use development.

Mayor Drake opened the public hearing.

Matt Grady, Gramor Development, 9895 SE Sunnyside Rd., Clackamas, said they had been very involved with the process, had been on the advisory committee, and had attended every meeting. He noted that their review had focused on the mixed-use zone, not the residential zone, so their comments were targeted at mixed-use. He stated that they supported the planning effort, the process, and the intent of figuring out how to get more population into the area. He said as they could tell from their letters in Attachment 5 (in record), they were not in support of all the details of how the Plan worked. He explained that when you start trying to figure out the details of how the buildings would be set back from the street right-of-way (ROW), what the buffer zones might be for resource areas, etc. that was their concern. He said he would not get into that detail that evening because it was there, and he would be working more with staff as it went through the processes.

Grady said Gramor's greatest concern was to reiterate the letter that was dated October 5, 1998 (in record), which talked about Coun. Soth's comment of "changing horse midstream." He explained that Gramor had been working on development applications and site detail designs on a plan under existing rules and regulations, and as they had been working with City staff they had all realized that "changing horses in midstream" would leave them with no "horse." He said they needed to be able to keep working on a development for which they had people interested in terms of the market. He reported that they knew what the market could bear and what things they could actually build. He noted that he would not get into the details, but would suggest language that would contain approval criteria as well as protection against non-conforming uses, and they wanted to work with staff to come up with something that would work for everyone. He noted that Lisa Bongiovi was there from Stoel Rives, and they would answer any questions Council might have.

Jack Orchard, 1100 One Main Place, 401 SW Main St., Portland, and Steven Ladd, 16550 SW Merlo Rd, Beaverton, representing the Beaverton School District (District), addressed Council.

Orchard noted that Coun. Doyle had alluded to an issue which was raised by the letter from the District (in record), where it said the District could no longer be reactive to growth. He pointed out that the Council had often heard him talk about the cost of land and the inability to find property within the District. He stated that with the further restraints under the State legal system, this was the first and last stopping point for addressing school facilities issues.

Orchard said Bob Enninga, whom had served the City on various committees, had sat through the citizen advisory committee part of this process and carried the District's message that it was out of sites for the area. He said, unfortunately, this could not come at a worse place. He reported that over the past five years, the southwest Beaverton area had been the fastest growing area in the District, and noted they had the distinction of housing the State's largest (by enrollment) elementary school. He said if they looked at the square-footage of that site, with the number of children, it was an embarrassingly difficult ratio. He referred to the letter and map (in record) which showed locations and enrollment figures relating to existing schools in the vicinity. He noted that a new school opening in southwest Beaverton next year would be full when it opened.

Orchard reported that the questions they had posed to Sparks, which they needed the City's help in answering, included what kinds of population projections and school-age populations, would be generated by the Town Center. He said at the extreme end of the spectrum, they had over 7,500 residents within that Center, and the District demographer had a standard calculation of what that would mean in terms of school population. He noted that it would constitute a school district in the State within the top 25, just in the Town Center. He said they did not think those numbers were realistic, and Sparks had appropriately cautioned everyone that the 7676 number (see letter in record) was probably not the number they would have to deal with. He noted that Sparks estimate was that it was closer to 1100 units, which still generated over 400 students. He explained that the difficulty the District had was that the truth was somewhere in between, and that in between of 2500 to 3000 population, and what that meant, put the District in a dicey position. He pointed out that there were no school sites that had been identified in that area, and potential sites further west would impinge upon the Urban Growth Boundary (UGB) and somewhat outside of it.

Orchard stated that Beaverton did not have enough people up there to listen to them; they needed their counterparts from Tigard, because a school in the area would also serve children from that City. He noted that the District currently educated children from the City of Tigard, from an area described as the "football area." He said the City and the District needed to coordinate the planning part of the numbers they used. He noted another issue was the kind of housing they anticipated coming from the Town Center area. He said traditionally school enrollments generated

by multi-family residential development had been lower than single-family detached development, and if they were serious about accommodating more family households in different kinds of housing forms, the calculations should be revised. He explained that the PC Chair had been asking the District to rework the figures for how townhouse developments were calculated for purposes of school enrollment, which was probably a good point.

Orchard reported that the School Board had reaffirmed the past spring, the commitment to an elementary site of 10 acres and there had been discussion as to whether that amount was too generous. He explained that given the multi-purpose nature of school buildings, school sites, and the IGAs that existed between the District and THPRD relating to use of indoor and outdoor facilities, the Board was fully committed to 10 acres as being the basic guideline for an elementary school. He said the current Town Center Plan came up short, which presented some real difficulties. He said another dilemma was the cost factor, which had to be reasoned through with the City and the private property owners. He commented that the area did not lend itself well to the identification of school sites and there were none in the Plan that met the Board's ten acre guideline. He stated that the District looked forward to working with the City and property owners to achieve a result that was mutually agreeable.

Ladd concurred with Orchard's comments and said they appreciated being involved in the planning meetings and looked forward to working with City staff and others in addressing the issue. He noted that City staff had been very helpful as they went through the processes to get to this point.

Coun. Soth said he thought the District was obligated to provide a 20-year projection for buildings.

Ladd replied that as part of SB 908, the District had provided the 20-year projection. He noted that one of the difficulties was understanding that it was a projection going out in 20 years, but in many cases growth has already been realized.

Orchard added that the work done on SB 908 was pre-Town Center and they had deliberately excluded those types of growth mechanisms, because they were in a discussion stage at the time. He said they now have this additional wave of comprehensive planning growth issues that had come upon them, midstream of the 20 year plan.

Coun. Soth asked if the District was presently prepared to either take an option on a piece of land or buy it outright to establish a school site. He said if a sizable share was vacant, as it appeared to be, now would be a good time to stake a claim on it.

Ladd said he could not speak for the Board other than to say that the District had looked for school sites over the last two years, and continues

to look. He said should the opportunity present itself, the District would engage in conversations with all parties who had properties for consideration.

Mayor Drake reported that some of the discussions at Metro had been about a regional fund for buying school sites in advance. He explained that it would be a pool of money pointed at fast growth districts, but no funding source had yet been identified. He said an effort was being made to find a solution to avoid situations where the District had to buy land that was on a hillside or in a location where it did not lend itself to mixed-use. He stated that it had been an interesting discussion at the regional table because those from Washington County felt they should be a certain size, because they were a joint-use facility. He noted that as an example they felt that for grade schools it should not be less than 10 acres. He explained that was when they viewed it as a mixed-use, an open space or park after school hours and on weekends.

Coun. Doyle reiterated his earlier comments that it was important to resolve those issues in the planning stage, and now, while they were discussing a possible grid and connectivity of streets, thought should be given to connecting the community and the kids. He said this was the time to do it right and he strongly urged the various participants to sit down and do it.

Coun. Brzezinski stated she could not argue with any points in the District's letter, but pointed out that there had been a school representative on the committee, and it had ended up with not having a school site large enough to accommodate an elementary school. She noted however, the tenor of the comments in the letter struck her as optimistic that they could find resolution acceptable to the District.

Ladd said he would like to believe that the planning process the region had been going through had elevated the need for schools so there would be enough thoughtful reflection about what they wanted to see in the long term in the area as it developed. He said he was cautiously optimistic that the process would allow them to be at the table.

Coun. Brzezinski asked if she was correct in concluding that the only options were either lower density resulting in fewer children, or land put aside for schools. She wondered if there were other solutions.

Orchard replied that there were other solutions, and he did not believe the School Board was interested in "playing in the first arena." He stated that the community's growth concept was the community's growth concept, and if the community had made the decision in favor of higher densities then there needed to be a cooperative planning process to deal with the consequences. He stated that the District's message was that if this is the direction they wanted to go, then the District needed to plan accordingly. He explained that this was the first of the dilemmas he posed

because there was a huge difference between 7676 and 1100. He said the in between number was scary because it was one of those numbers where there were enough people to justify serious facility planning, but not enough where you have to have certain things. He said he did not think it was the Board's desire to get into the density discussion, and said the comments the Mayor, Coun. Doyle and others had made had articulated the growth consequences quite well. He pointed out that he had said for a long time that the defining element of the community was the neighborhood schools, and the District was committed to finding school sites as often as they could, but it was difficult with large enrollments and the scarcity of land. He noted that one of the options to be considered was whether to essentially site the schools out of the area, where they did not have topography issues, plus other kinds of constraints, and that was part of the mix. He noted that the negative part of that would mean the elementary children would not attend a neighborhood school, which reduced parental involvement and put people back in cars. He said he was not saying to abandon the density concept because that was not the District's place in the level of public facilities and planning.

Coun. Brzezinski clarified that he was advocating keeping the District involved so they could refine the number between 7000 and 1100 that they had mentioned earlier.

Orchard agreed they would have to stay involved and work together at this point because they could no longer be reactive. He said the days when they had different kinds of public finance mechanisms were long past. He noted that there would be five high schools in the District in another year and they were all programmed for 1800 to 2000 students.

Coun. Brzezinski asked where things stood with the money from the bond measure for buying land.

Ladd responded that money was still available to purchase land bank sites for the future. He said anyone having land that might work should contact him at the District.

Greg Guthrie, 10470 SW Citation Drive, Beaverton, expressed his appreciation for this type of planning for the future, and thanked those who had been involved for a doing a good job. He said in looking at the Plan he assumed the Davies Road extension was inevitable. He suggested that Council should insist on sequencing, with the Murray Blvd. extension and also the 125<sup>th</sup> project being completed prior to any extension of Davies Road, otherwise they would have another Sorrento Road on their hands. He said most people know that Davies is a residential street with multiple driveways backing-on, and they all know that people would take shortcuts. He explained that was his one pitch for Davies Road, that if it was inevitable, this Council should insist on sequencing and it shouldn't be built with the hope that the multiple funding sources for the Murray extension would happen sometime.

Guthrie said through this process, they should continue to push the concept of density. He noted that there was already "big box" apartment developments in south Beaverton that provided significant density, and he thought that, as a community, an effort should be made to create stability and a sense of permanence. He said he was asking that they view density in a little different vision, to be creative and extend the vision of how to make more affordable owner-occupied housing to create a sense of community. He expressed his appreciation to Council for encouraging and defining the process.

Coun. Soth referred to owner-occupied dwellings Guthrie had mentioned and said he supposed that included row-houses and condos, rather than the "big-box" apartments.

Guthrie explained that his concern was that they could have a vision, and could zone to a certain degree, but zoning didn't necessarily create execution of that vision. He said building was driven by economics, and if the first people who came to the table with money were developers who wanted to build another "big box" complex, it would probably happen. He stated that he would like to have a sense of the Council's position and noted that the only thing they could control was density, and he would like to see some way to force the vision to become a reality.

Coun. Brzezinski commented that her sense of the Plan was that it didn't demand all of it to be rental by any means. She said she understood his point and conceptually she agreed with him. She noted that her guess was there would be a mixture and she would like to make sure there was a mixture. She noted that she was a resident of what Guthrie would probably call a "big-box" apartment complex.

Guthrie clarified that he was not against apartments, he had lived in apartments. He explained that once they had a certain density of apartments, each new complex sucked tenants out of the ones that were five years old. He pointed out that if they went over toe Conestoga Middle School and looked across the street, what started out as very nice apartments, were individually owned by groups of doctors from other states and the crime rate was up and the quality of life had deteriorated. He said once one is built, it had a multiplying effect and the new ones drew from the old ones, which seemed to cause an economic downturn.

RECESS: Mayor Drake called for a recess at 8:05 p.m.

RECONVENED:

The meeting reconvened at 8:16 p.m.

Elaine Wilkerson, representing Metro, commended the City for undertaking the project. She explained that the Town Center concepts



were very important to the achievement of the 2040 Plan, and a created community focal point. She said they enabled Metro to provide local services in a context where they could reduce car trips. She noted that increasing densities was an important aspect that created a compact community and a comfortable pedestrian environment that acutally would make it a Town Center. She referred to the connectivity issues they had previously discussed and noted that she was aware of the problem. She said those connections were a key part to ensure that bicycle, pedestrian and transit service and accessibility were there, to offer options to car travel, which would still be there. She noted that was reasonable to expect it to take time and there would be transitions. She stressed the importance of providing public access for people get around and not feel isolated in their own development, so they would feel part of a larger community. She recalled discussions she had had with residents of this area, in her "earlier life" (at the City), and they told her how disappointed they were that they could not get to one place from another without going out to the main street, and they really wanted those connections.

Wilkerson stated that the stream and flood protection polices under Title 3, adopted by Metro in June, were key in the area. She explained that Title 3 was just a first step in an attempt to insure water quality and flood protection, and it was an area in which Beaverton could show leadership. She noted that it appeared the City was looking at it in a creative way because it was part of the livability issue by taking care of the environment for the benefit of the community. She said it was important to take care of the environment to show the kids what the real environment looked like and keep the green corridors so people could enjoy them. She reported that in northeast Portland, where she now lived, there was a map that showed all the streams that used to exist there, but they are not there anymore; there are no streams in the northeast. She pointed out that this was an opportunity for Beaverton to restore a historic stream and make it a focal point of the community.

Coun. Doyle referred to earlier comments about the "big-box" type of building not lending itself to a sense of community, and asked Wilkerson for her comments on that from her new perspective.

Wilkerson said it was important to have a mix of ownership, and if there were design principles that encouraged ground relationships, such as doors on the street or sidewalks and windows that looked out at the community, it gave a feeling of interaction in the community. She noted that an excellent example was the Beaverton Creek community, which was very ground related with communal walking areas and public access points. She pointed out that they could have apartments and still have ground relationships if it was well designed. She said historically, Beaverton design principles encouraged that type of ground relationship.

Coun. Soth referred to other projected Town Centers in the area, and asked how many had done something similar to what Beaverton was proposing.

Wilkerson replied that there were 29 Centers, and a number had been working on Plans for a couple of years. She said Forest Grove, Tanasbourne, Orrenco, Cedar Mill, Troutdale, Fairview-Wood Village, Tualatin Commons (already built), Sunset Transit Center, were all either in the planning or development stage, and some were in the implementation stages. She noted that Troutdale was worth visiting, where they had built the other side of the main street in the old town area, it was fascinating. She said Raleigh Hills was just starting out, Hollywood in Portland was underway, and Rockwood in Gresham, as well, so that was about 12 or 13 underway.

Coun. Soth commented that the Hillsboro Main Street project was essentially a Local Improvement District, paid for by many of the property owners, which was many years ago. He said, regarding Title3, he was very concerned about the stream corridor setback, which he heard was measured both ways, horizontally from the center of the stream and also from the top of the slope.

Wilkerson clarified that it was from the top of the bank.

Coun. Soth pointed out that if there was 50 feet horizontally from the center of the stream to the top of the bank and another 50 or 100 feet depending upon which part of Title 3 was used, it would essentially deprive the property owner of a substantial piece of property.

Wilkerson explained that the provision of Title 3 allowed for flexibility, so in certain urban areas, some mitigation and adjustments could be made. She noted that in this area there was some discussion about having less of a buffer and more in others. She said it would depend on the sensitivity of that part of the stream. She noted that it also provided for transfer of density, so they could transfer the density that would be on the land that would be setback, onto the remaining parcel or even onto another parcel, depending on circumstance. She said there was a great deal of flexibility in Title 3, but it could only be applied at the development stage and at the actual development plan approvals. She indicated that it would require some creativity in design but would be an amenity and not diminish the density.

Coun. Soth expressed his concern about the liability aspects for the property owner.

Wilkerson explained that the owner did not necessarily have to hold on to the ownership; it could be conveyed to another body. She added that there were other options depending on the significance and the size of the protected area. She said in other cases, it would be a normal protection

that would be built into the design to diminish the potential for liability, and would be a natural part of the process. She said it might be something they wanted to pursue further to ensure that the parcel when separated off was put into someone's hands that they felt would handle it appropriately.

Mayor Drake pointed out that there were specific issues related to the pond and some difficulties related to Title 3, but staff was working with the property owner, Gramor, to utilize the property they had. He noted that there was a provision in Title 3 that if there was a change in the Comprehensive Plan, the Title 3 provisions went into effect immediately, but it was initially intended that there be an 18 month window for municipalities and counties to adapt to Title 3. He explained that in this case, if there was a Comprehensive Plan change for the pond area, Title 3 would take effect immediately.

Coun. Soth noted that was exactly his concern, because that would also apply when they changed the Comprehensive Plan for the area under discussion.

Louise Clark, 11385 SW Bobwhite Pl., Beaverton, said one of her major concerns was the number of apartments in the area. She said she had counted eight complexes, and would not like to see any more. She noted that in the beginning of the process, there had been talk about providing assisted living and thought that was worth pursuing. She added that it was a natural extension of the philosophy of a Town Center to have residential options, and it would be beneficial to both parties to have aging parents in close proximity.

Clark said another concern was the streets and she would like to see more connectivity to help solve the cut-through traffic problem. She said she had heard about the possibility of a public street by the pond and was concerned about the effect on the pond and the livability of the area should that occur. She said she would like more opportunities to walk places.

Mayor Drake commented that he had chaired Design Review when Murrayhill was designed, and reported that the pond originally had that roadway envisioned from Teal Blvd., around the lake, and through the old PGE site. He said currently, the developer would rather make it a private street, but the staff was looking for connectivity, so what might happen was a private street that looked and acted like a public street and still provide access to keep traffic off Scholls and Murray.

Clark noted that if it was a private street it would be used mostly by those who lived there, but if it was public it would be another opportunity for cut-through situation.

Mayor Drake noted that he thought the developer would like the access but in essence mask that it was an access.

Coun. Soth recalled an earlier concern about sequencing the connections Davies, 125<sup>th</sup>, and Murray, and asked if she had an opinion on that.

Clark said she thought it was a fabulous idea, and recalled that when they moved into the area about eight years ago, they were told that Murray was going through and was naïve about how long it takes things like that. She noted now that she was on Traffic Commission (TC) she understands the various entities they had to work with such as Washington County, since it is a County road. She said Davies was already a problem, and reported that TC had recently made a recommendation to Council to put stop signs along the streets that fed into Davies. She reported that homeowners had complained about the speed on Davies and not being able to get out of their driveway, so she was in agreement with anything that could be done to alleviate the problems for driveways that feed into streets.

Brian Boe, 12790 SW Harlequin Drive, Beaverton, said he was with the Windsor Park Homeowners Association, and thanked Sparks and other staff for keeping them informed. He noted that the Council packet included letters from him and some neighbors regarding the concerns he would discuss. He pointed out that he and some of his neighbors whose homes backed up to the Morse Bros. Development, were on a tricky piece of property where the land behind them was literally on a level with the ten-foot fence at the rear of their property. He explained that any development on that property would restrict their view and would be a nuisance. He said there had been some proposed "fixes" that included significant setbacks, a berm, a bikepath, and the road around the lake, all in a way to act as a buffer, as well as the development down the hill in a way so as to not obstruct the view. He noted that they had been told by a Morse Bros. developer that they would be an advocate for those types of suggestions, and City representatives agreed those types of things were possible, as long as the neighbors continued to express themselves. He said he hoped that the concerns were being heard.

Boe reported that people living on Harlequin Drive had experienced heavy traffic cut-throughs during the construction, and it was a big safety concern. He said they would all appreciate improved connections. He said THPRD had great programs and since there were no parks close to their area, if the development went forward it seemed like a park should be incorporated. He noted that he would share Council's comments with the Homeowners Association.

Mayor Drake noted that when they had reported the problems with the cut-through traffic, the past year, Sgt. Wilson of the Traffic Division, easily found some offenders.

Coun. Doyle noted that THPRD had formed a committee to look for suggested park sites, which was reviewed annually. He said THPRD were very supportive and receptive, and suggested that Boe and his neighbors approach the committee as a group with their proposal.

Phil Grillo of Miller and Nash, Attorneys, 111 SW Fifth Ave., Portland, and Greg Arms of JPI, addressed Council.

Grillo explained that JPI was the contract purchaser for the Morse Bros. site. He noted that it had been a pleasant experience to work with City staff. He said one of the challenges he saw, and did not think they had heard much about, was the importance of making the commercial area in the Town Center vital and successful. He noted that an important aspect was not just the increase in residential density, but also the mixed-use aspect of the project in order to reduce vehicle miles traveled. He stated that often, a lot of time was spent focusing on density and connectivity issues, and very little time on focusing on the success and vitality of a commercial area, which was important to their group.

Grillo said another challenge was the need to balance the Town Center densities with the resource protection issues that were a part of the site. He said they had to deal with the creek along some of the frontage, as well as the storm drainage, and there must be a partnership to work through those issues. He added that consideration must be given to public facility costs and financing improvements to support that kind of development. He said it was not easy to generate answers this early in the process, but it was important as they were looking at significant arterial and other roadway improvement costs.

Greg Arms, Area Manager of JPI, 600 University St., Seattle, WA, reported that he had already met with Mayor Drake, would be meeting with Sparks and Boe and other neighbors. He stated that they were committed to working with the neighbors and had lobbied the staff through the process, to lower some of the densities on the western side. He explained that JPI was one of the largest multi-family developers in the nation and primarily developed luxury multi-family, and other varieties of townhouse-type products. He said some where the "big boxes" they had mentioned, but there were very nice looking.

Arms said, at this point they were trying to be "all things to all people," and being very conceptual. He noted that they anticipated there would be a variety of development in the Town Center. He said they expected there to be a commercial component located in the southeast portion of the site; a large component of multi-family rental housing, and envisioned that there might be some assisted living, as well as some "for sale" condominium-type product located towards the western edge.

Arms referred to Coun. Soth's comments regarding the lake and detention pond, and said they intended to go forward with that process and incorporate that use into something that would be a recreational amenity.

Mayor Drake asked if their intention was to turn the pond over to THPRD or would it be owned and managed by the Homeowners Association.

Arms replied that they had not studied that yet, but he thought there would be engineering as well as environmental solutions. He noted that there were issues to be addressed concerning both the lake and the stream and there would eventually be a balancing of the two. He explained that whether the lake actually functioned primarily as detention or as a wildlife habitat would affect what the ultimate disposition would be.

Coun. Soth asked if they had checked with the Unified Sewerage Agency (USA) regarding the detention concept. He said in Washington County, USA was charged with storm water management, and were looking for that type of thing in their storm management process, so he would suggest a meeting with them.

Arms said that was their intention

Grillo reported that during the advisory committee process, they had talked through some of those issues with USA.

Coun. Doyle said he was pleased that they had discussions with the neighbors, and asked if there had been any meetings with the School District.

Arms said not as yet, but a future meeting was planned.

Mayor Drake closed the public hearing.

Coun. Brzezinski asked for a response to her earlier inquiry regarding Mr. Abel's letter.

Sparks said he had looked over the language in the letter, and said it was an idea, it was something they would have to work on. He explained that there was some inherent difficulty if they started making special code sections in the Code for certain properties and developers, however, he did not want to preclude that couldn't happen. He stated that his reaction was that this process had been started some time ago, and they had been cut separate, independent from the Town Center process about a year ago, and this was what happened.

Coun. Brzezinski said not too concerned about what he thought of this particular wording, she was more concerned about the conceptual idea. She said she hoped he wasn't going so far as saying that all the planning they've done so far would go by the boards.

Sparks said, "No." He explained that he thought they (staff) had bent over backwards trying to accommodate what had been forwarded as their (ZGF's) site plan. He reported that when they met with ZGF's staff and the rest of the consulting team, they (staff) had a vision of the area and what they thought would happen without talking to any of the neighbors or

property owners. He said what Gramor Oregon had proposed, was not what they had envisioned for the area, but he felt they had tailored the Plan, to a great extent, to incorporate their design. He said in reading their letters, there were two or three elements of the Code that Gramor had concerns about and they would continue to work on the issues through the PC process.

Mark Pilliod, City Attorney, said he had reviewed the letter and there was some language already contained in the proposed Comprehensive Plan text that ran parallel with the intention behind Abel's correspondence. He noted that it was not as elaborate as what was in Abel's letter, and he had not discussed this with staff so he did not know if there was a reason for that. He explained that the idea that the letter and proposed text language was designed to address, was a State law that protected a property owner who submitted a development application, from changes in the range of regulations that a local government had in place, after the application had been accepted. He clarified that the idea was to look at the framework of regulations in existence at the time of submittal, and apply it throughout the review process, and after that the development went on-line. He said it was more complicated when one asked what did the use or permitted activity on that site after development become, once the regulations were changed. He noted that in a broad sense, it became non-conforming, and he understood that that term scared the financial institutions looking at long-term financing. He explained that there were provisions in the Development Code that dealt with the concept of non-conforming uses, but that didn't provide enough comfort to some investors.

Pilliod explained that part of the reason for reluctance on the part of the staff to include more specific, or customized non-conforming use provisions in the Town Center portion of the Code, was the concern that it would be inconsistent with the more general, broad-based non-conforming use provisions that already existed. He recommended that they try to reconcile the more generic non conforming uses with the concerns that have been submitted by people such as Abel.

Coun. Soth noted there were some instances where non-conforming uses were specifically addressed, as in parts of the City having to do with special circumstances. He stated that was not necessarily to something that had begun under one set of rules and continued under another set. He explained that he believed the philosophy, according to the ORS as well as what had been done at the City, was that they started with one set of rules and continued through the process. He said he would like to see the language reconciled from the generic and the specific, as they had seen in the letter from Abel. He suggested that could be addressed much as some of the other concerns they had heard about.

Sparks said he would like to address some questions that were posed earlier. He reported that he had spoken with THPRD and they were currently in discussions with two property owners in the "football" portion

of the area to purchase property for a park. He said they were in the “due-diligence” phase of researching the property. He noted that USA, as well as other resource agencies, had been involved in the process, and although they had decided to not participate in the advisory committee, they had separate environmental resource agency meetings with them to go over the Plans and talk on a conceptual level. He reported that prior to JPI’s involvement, they had talked about relocating the creek through the pond which elicited a negative response, but they were willing to continue discussions on the issue. He referred to the issue of timing of road improvements, and said one of the main challenges was finding funding, and staff was pursuing all available funding programs.

Sparks said one of the concerns they had heard throughout the study was the type of density and development that would occur in the area. He pointed out that there was existing zoning in the area which allowed for apartment buildings, and said they were trying to establish a framework where development could continue, but under design guidelines in order to create an aesthetically pleasing environment. He said they had tried to provide a number of opportunities for different types of housing, and there were design criteria to prevent slap-hazard development. He thanked Council for their support in the process.

Coun. Soth commented that the 125<sup>th</sup> extension had been a top priority for Council for a number of years. He noted that it was first identified in the early 1970s and they had been trying to get it built ever since! He said it looked like there was a possibility that it might go forward soon. He reminded them that there had also been considerable discussion with Tigard over the years on the Murray extension, and part of that concerned an agreement that the Elsner Road connection be completed before Murray was extended. He said they were now on the track to see that those things were accomplished.

Coun. Brzezinski remarked that she thought the Council was unanimous in their desire to try address the school issue. She noted that she had been on the Long Range Facilities Planning Committee for the District a couple of years earlier, and knew that the District was trying to find space. She pointed out that through the bond measure they had some money, but they still had to find land in the size they needed. She stated that she wanted to make sure that they knew there was a difference between being at the meeting and having the points they were making being heard. She said the City did not want to build things that produced more kids without having good answers as to where they would put them.

Coun. Soth MOVED, SECONDED by Coun. Brzezinski, that the Council adopt the staff recommendations which included acknowledging the Murray Scholls Town Center Master Plan, as being complete with respect to its analysis of the issues pertaining to the future development of the Murray Scholls area, and direct staff to proceed with implementation of the recommendations contained in the Murray Scholls Town Center Master



Plan report. He added to that, that the issue of the request by Gramor be pursued with the City Attorney and possible revision of the language and also the conversations continue among all parties including the School District, THPRD and the residents, so that everyone is kept up to date on these kinds of developments.

Mayor Drake read the motion back as acceptance of the staff report as recommended and in addition, asking the staff and City Attorney to explore addressing the issues related to the letter date October 5, 1998, from Steve Abel, of Stoel Rives regarding the Gramor development, and lastly (more of a comment), continue dialog between the School District and the interested parties related to the Town Center and the difficult issues.

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

Coun. Soth complimented everyone involved in the process and said he felt it had proceeded in a good fashion. He said what he had heard that evening told him that people had been listening to the residents and others who were affected, and their views had been accommodated as much as possible consistent with the overall issues.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 9:10 p.m.

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Darleen Cogburn, City Recorder

APPROVAL:

Approved this 25<sup>th</sup> day of January, 1999

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Rob Drake, Mayor