



City of Tigard
City Center Development Agency Meeting Minutes
February 3, 2015

6:30 p.m.

1. **CITY CENTER DEVELOPMENT AGENCY BOARD MEETING**

A. Chair Cook called the meeting to order at 6:31 p.m.

B. Deputy City Recorder Alley called the roll:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Chair Cook	✓	
Director Goodhouse	✓	
Director Henderson	✓	
Director Snider	✓	
Director Woodard	✓	

C. Call to CCDA and Staff for Non Agenda Items – None announced.

- EXECUTIVE SESSION – Chair Cook called the executive session to order at 6:32 p.m. to discuss real property transactions under ORS 192.660(2)(e) held in the Red Rock Creek Conference Room. Chair Cook closed the executive session at 7:31 p.m. and reconvened the public meeting in Town Hall.
2. **CONSENT AGENDA: AUTHORIZE THE CCDA EXECUTIVE DIRECTOR TO ACCEPT THE DEED FOR THREE CONTIGUOUS PARCELS ON BEHALF OF THE AGENCY**

Director Snider motioned to accept the Consent Agenda seconded by Director Woodard. Motion passed by unanimous vote of the council.

<u>Name</u>	<u>Yes</u>	<u>No</u>
Chair Cook	✓	
Director Goodhouse	✓	
Director Henderson	✓	
Director Snider	✓	
Director Woodard	✓	

3. **JOINT MEETING WITH CITY CENTER ADVISORY COMMISSION**

City Center Advisory Commission (CCAC) members in attendance included Chair Carine Arendes, Vice Chair Linli Pao, Joyce Casey, Richard Shavey and Ravi Nagaraj. CCAC Chair Arendes and Vice Chair Pao reported on the CCAC's 2014 goals of:

1. Support implementation of current City Center Urban Renewal projects and programs.
2. Support planning for medium to long term projects.
3. Review City Center Urban Renewal Plan and prioritize future projects.
4. Continue to improve communications with other boards and committees by providing liaisons.
5. Develop a communication plan to proactively engage with the community on downtown issues.

The CCDA Board thanked the CCAC members for all their hard work and efforts and encouraged them to continue looking at projects that will enhance walkability and downtown livability.

Discussions commenced on CCAC's desire to query the community about downtown issues in the next community survey and the consideration of holding joint executive sessions to ensure all board and CCAC members are kept up to date on downtown projects.

Redevelopment Project Manager Farrelly reviewed the CCAC work plan and provided an update on projects (the work plan was entered into the record).

4. REVIEW THE CCDA BOARD'S 2015 CALENDAR

Redevelopment Project Manager Sean Farrelly reviewed the 2015 calendar and asked if there were any other topics the board would like to see included.

Discussion commenced on future meeting subjects being:

1. CCAC returning in September to provide an update on their goals and future projects and staff provided reports on design suggestions for the Tigard Trail's Tiedemann entrance.
2. Suggestions for conceptual ideas of art on buildings along the Tigard Trail, buildings in downtown and under the Pacific Highway overpass.
3. Concepts attracting visitors to Main Street with things like art, gardens or lighting that may be placed on downtown building's roofs.
4. Suggestions for possible amendments to the sign ordinance.

5. PRESENTATION ON THE URBAN RENEWAL TAX INCREMENT REVENUE FORECAST

Redevelopment Project Manager Farrelly and ECONorthwest Consultant Nick Popenuk presented the staff report accompanied by a PowerPoint presentation with highlights:

1. More than a three percent per year growth occurred showing a slow and steady long term growth trend.
2. There was a four percent growth in real property value. 2012-2013 assumptions were at one percent growth reflecting only one development project.
3. Assumptions for the next fifteen years are at 4.3 percent growth with the development of a 150 unit mixed use building.
4. Suggested refinancing an existing loan that has almost \$1 million in a balloon payment and borrowing at least \$2 million in order for the city to have at least \$200,000 to fund ongoing projects.

Chair Cook thanked Mr. Popenuk and Mr. Farrelly for their time and the presentation as it was timely since the budget year is about to begin.

6. CITY COUNCIL: CONTINUATION OF QUASI-JUDICIAL PUBLIC HEARING – CONSIDERATION OF A+ O APARTMENTS COMPREHENSIVE PLAN AMENDMENT (CPA2014-00002) PLANNED DEVELOPMENT REVIEW (PDR2014-00003), SITE DEVELOPMENT REVIEW (SDR2014-00004), AND SENSITIVE LANDS REVIEW (SLR2014-00002)

Opening Public Hearing – Mayor Cook opened the public hearing announcing this item as a Quasi-Judicial Public Hearing of the City Council which had been continued from the January 13, 2015 Council Meeting.

Attorney Dan Olsen stated this is a continuation of the public hearing for the purpose of hearing oral responses from the applicant, staff and the city attorney to the council's questions presented at the January 13 public hearing. The council may ask additional follow-up questions or may have questions based on any written submittals received since January 13. At the conclusion of the oral presentations, it is the intent of council to close the oral portion of the hearing. Should the council do that, it is recommended to allow seven

days for any person to submit written comments on any material relevant to the application by February 10. Then there will be one week for any person to respond to the evidence in the record submitted leading up to February 10. The applicant has requested his statutory right to rebuttal and it is understood the applicant thinks three days would be sufficient. Assuming that is true, that would be February 20. There is time on the March 3 agenda designated solely for the purpose of deliberation and reaching a decision to adopt findings or asking staff to prepare findings. At the conclusion of tonight's testimony the council is free to continue the hearing for further testimony or revise the schedule.

Mayor Cook called for any declarations of ex-parte contact, bias or conflicts of interest since the January 13 hearing. Councilor Goodhouse declared he ran through the neighborhood after the last meeting. There were no other declarations and no challenges from the community.

Staff report – Associate Planner Gary Pagenstecher submitted additional written testimony received since the January 13, 2015 public hearing into the record and explained from the last hearing council requested 27 questions be addressed. Mr. Pagenstecher stated the applicant addressed most of those questions and requested the applicant present their responses.

Applicant's Presentation – OTAK Planner Don Hanson, OTAK Planner Jerry Offer, OTAK Engineer Mike Peebles and Pacific Habitat Services Representative John VanStavern submitted a new site plan into the record and addressed questions from the January 13, 2015 public hearing as provided in their memo presented in the record.

Pacific Habitat Services Professional Wetland Scientist VanStavern reported with the new site plan OTAK attempted to reduce the impact on the wetlands as much as possible with only a six percent impact preserving 94 percent. The applicant met with the Army Corps of Engineers, Department of State Lands, Department of Fish and Wildlife, National Fishery and Wildlife and Department of Environmental Quality to address the wetland issues. Approvals have been received from the Corps of Engineers and OTAK is working on obtaining permits from the Department of State Lands which is awaiting payment of the fee before issuing the permit. The Corps of Engineers has a strong preference for using a wetland mitigation bank and that is proposed in the application. Mr. VanStavern stated possible wetland mitigation for the area was suggested and the first thing he did was contact Tualatin Riverkeepers, city of Tigard, and Tualatin Hills Park and Recreation District to look for possible mitigation. None was found so focus was on the onsite area with the planting of 15,788 native plants.

OTAK Planner Jerry Offer testified the neighbor's and council's comments and concerns regarding the parking standards were heard so the plan was changed to remove parking from under Building D and placed under Building C. This change gained more than 50 spaces which now meets the city's onsite parking standards; therefore, the request for a parking exemption is no longer needed. The application does still propose parking on Oak Street. The second concern was the wetland and Mr. VanStavern spoke about those. Addressing the third question about providing access to transit stops and the school, Mr. Offer stated attempts were made to obtain an easement with Moreland Limited. They are willing to grant an easement across what will be the future right of way on Lincoln Street. This will allow DBG Limited the ability to provide a pathway connection between Oak Street and the end of Lincoln Street for connection to the school. Council shared concern regarding the lack of sidewalks or pathways along Oak Street. Mr. Offer stated OTAK will commit to providing a connection between the SW 90th Avenue and Oak Street intersection to connect to the existing sidewalk at Lincoln Center. The existing public sidewalk leads to the transit stops on either side of Greenburg Road across from the Lincoln Center. Mr. Offer said discussions with the Lincoln Center property managers and representatives from TriMet were in progress to work through an agreement by which the owners of Lincoln Center will provide an easement, DBG Limited will provide the site grading and concrete pad for a bus shelter and TriMet will provide the shelter. All three parties are in agreement to this, but a formal agreement has not been signed yet.

OTAK Engineer Mike Peebles addressed the storm drainage downstream effects testifying there was an existing drainage ditch on Oak Street into the wetlands and OTAK is looking to remove that and replace it with a public storm drain pipe that will route water through the site and out of the wetland area to convey water from the upstream basin. For the actual site development, OTAK is meeting the Clean Water Services (CWS), Tigard's and Corps of Engineers requirements for the detention, water quantity and water quality. To mitigate an increase in impervious surfaces, a detention is being provided onsite so the existing run off will remain the same after construction; therefore, the flood plain in the Ash Creek area shows no impact to the flood plain. The rest of the downstream bottleneck cannot be controlled or should not be modified because of the unintended consequences so maintaining the existing conditions is a better approach to managing the flow models in the area.

Council President Snider asked how accurate the model and no rise analysis was. Mr. Peebles replied it is the standard model using standard engineering practices. FEMA and CWS use a hydraulic flow (HEC-RAS) model for the area to set up existing conditions which is the accepted engineering practices. Council President Snider asked how often per year those models were wrong. Mr. Peebles replied he did not know, but there is some calibration within FEMA and the HEC-RAS model for the jurisdictions that use them.

Council President Snider stated he was not hearing a level of precision that goes along with this model. Mr. Peebles said he could not say the model is 100 percent accurate as there are too many variables based on the requirements in the code for having to model and check the flood plain in order to meet the no rise analysis, so we followed those.

Mayor Cook stated the water rises either upstream or downstream because the water has to go somewhere. Mr. Peebles explained it is not a bathtub model where the tub is filled with water and when something is put in it the water overflows. Instead look at the flow of water because during a flood the water is still flowing downstream conveying through a floodway or flood channel. What would make the flood plain rise would be encroachment or obstruction; especially in the high velocity areas. This is why upstream and downstream are checked to ensure a 0.00 effect is seen. Council President Snider summarized stating the velocity of the water and speed of movement is more important than the dropping something in the bathtub effect. Mr. Peebles answered yes, it is the velocity times the area so if changes are made then the same flow can go by.

Councilor Woodard expressed several concerns about impacts on the flood plain, the homeowners financial responsibility for damages due to flooding, the high density build in the Washington Square Regional Center (WSRC), the up zone impacts to the neighborhoods and open spaces, the use of flood plain instead of sensitive wetland, the 35% peak flow increase to date and how that will impact the area for the 25-year storm. Mr. Peebles explained when dealing with storm water different design storms are considered which are two-year, ten-year, 25-year and 100-year storms. This means there is a four percent chance there is going to be a storm event in each of those years. As those different storm events happen the rainfall may vary so those are modeled to see what the system impacts are. Those storms have to do with the amount of rainfall that is landing in the area at that moment. Mr. Peebles said the 1996 storm was considered the 100-year storm and a lot of things were modeled from that. These flood plain maps provided in the application show the 100-year flood plain event. Tigard designed their conveyance system for a 25-year storm and conveys all the water down. The rare 100-year storm is managed by these flood ways and plains.

Councilor Woodard stated he was concerned how the system is going to keep up with this development and future developments. He suggested all the developers interested in the area get together to come up with a solution to alleviate the flooding problems as building smartly in the area is really dependent on partnerships.

Mr. Peebles said additional flooding impacts are being mitigated with the construction of a large detention facility detaining water under the parking lot and providing water quality treatment. In addition there is a series of underground chambers under the detention area getting installed based on mitigating the impervious areas. It is a large detention system meeting CWS standards of putting in gravel and arch culverts which detain the water coming off the site and releasing it through a controlled manhole. The water will back up

under the parking area and release into the preexisting condition. The controlled manhole has an orphic at the bottom allowing water to back up behind in the detention system to match the two year and ten-year storm events. That will all be permitted and approved through the city of Tigard's permit review process.

Council President Snider asked what the reason was to encroach on wetlands versus building up. Mr. Offer replied in addressing that and question number two posed on January 13, the neighbors are mostly one and two story buildings with some recent three story townhomes, so they thought there may be political problems if the proposal was for too tall of buildings. The team went to the site, looked at the quality of the wetlands and Mr. VanStavern recommended this was potentially approvable by the Corps of Engineers, Division of State Lands and other state agencies if the proper process and permitting requirements were followed. OTAK looked at the cost of building taller buildings and the balance of the various interests; it was felt the best thing was to come in with the four story buildings and to go through the wetland filling process. To avoid filling the wetlands, multi-levels of parking and bringing the buildings up to seven or eight stories would have been required. Councilor Goodhouse asked what the model and footprint would look like if the wetlands were not encroached upon. Mr. Peebles said several alternatives were shown in appendix D Item V, but were pulled after review from the Corps of Engineers and Division of State Lands.

Councilor Goodhouse asked for clarification on how the parking footprint got bigger without any changes to the wetlands. Mr. Hanson said more parking was placed under a larger building which did not increase any of the site area impact. Mr. Offer said in order to maintain the same amount of impervious surface and not lose landscaping, the parking lot was refigured, the trash and recycling enclosure were moved and a few other changes were made to the parking area. This also allowed no changes to the building elevations other than the southern elevations of Building C and D as represented in the new site plan.

Mr. Offer drew attention to OTAK's memo where they addressed council's questions presented on January 13. He stated question three relating to parking numbers has been satisfied with the new parking plan. Tigard's code requires 306 on-site parking spaces and they are providing that as well as the 14 spaces within the Oak Street right of way.

Councilor Goodhouse asked for clarification on TVF&R's concern with no parking on Oak Street. Mr. Offer said a plan was included in the original submittal showing the emergency vehicle routes through the site which provided proper radius and access through the site. He indicated he was not sure what concerns there were beyond that. Mr. Peebles clarified the parking and street widths will be reviewed by TVF&R as part of the final permit process.

Mr. Offer said council requested a walking trail between the site and transit stops which is in the works with the Lincoln Center and TriMet. It needs to be clear while the trail looks like a probability there are two outside entities not party to this application. He asked the trail not be a condition of approval as there is no guarantee to an agreement with them. Mr. Offer said OTAK is happy to do the pathways within the public right of way, but cannot guarantee a private landowner will grant an easement over their property to allow a pathway. We fully expect to have a condition of approval for an on street pathway connecting Oak Street to the public sidewalk on Lincoln Center property. Mr. McCarthy stated in relation to requiring the applicant to work with the property owner in order to put in a transit stop, it would be possible to add a clause to the condition that they make that improvement or similar improvements as approved by the city engineer providing contingency in case one of those entities refuses to cooperate.

Councilor Woodard said he noted the lack of sidewalk gaps to the west but there is no connection in a section heading east to Hall Boulevard and there is an existing bus stop on both ends. This is a huge populous that needs the infrastructure and facilities in place to accommodate that type of use. If you are going to develop an area with sensitivities it is beneficial to partner up with developers in the area to bring resources together. Councilor Woodard recommended partnerships to find connectivity solutions. Mr. Offer replied we are not proposing pathway connections to the east because after looking at transit schedules we discovered there is one bus serving the transit stop at Locust Street and Hall Boulevard running Monday

through Friday from 6:00 a.m. to 7:00 p.m. The transit stops on Greenburg Road serve two bus lines that provide seven days a week service from before 6:00 a.m. until Midnight. We found it was more important to provide service to the west with seven days a week service.

Mr. Offer addressed question five regarding the traffic impacts around Metzger Elementary School. The traffic study shows the traffic levels on SW 90th Avenue are consistent with the city's transportation plan and should operate at an acceptable level of service. He noted Traffic Engineer Austin said the traffic levels only warrant restriping and signing so traffic improvements to the SW 90th Avenue and Oak Street intersection are not necessary.

Councilor Woodard expressed concern that there is not much room for a pedestrian to walk down 90th Avenue. Mr. Hanson asked council for clarification if it is a safety impact versus a volume impact. Councilor Woodard answered it is both as the development will add to the volume impact giving more opportunity for things to go awry. Council President Snider asked staff what their perspective was on this issue. Mr. Pagenstecher said he had a discussion with Ms. Austin and she clarified there is about a proposed 300 percent increase on traffic on 90th Avenue, but even with that, the capacity on 90th Avenue is substantially greater. Streets and Transportation Senior Project Engineer Mike McCarthy said with this proposal the traffic volume on 90th Avenue would be higher, but would have adequate vehicle carrying capacity. As far as handling the through put of vehicles necessary there would be plenty of access capacity, but it would be toward the higher end of local street volumes, making it a little busier. Councilor Woodard asked if the street would meet the standard. Mr. McCarthy answered the city does not have a hard and fast standard, but it is in an allowable range within a local street.

Councilor Woodard asked if it has a sidewalk on one side. Mr. McCarthy said it does have a sidewalk on one side with parking allowed and some stretches with no sidewalk and no parking.

Councilor Woodard asked what the impact projection was for 87th Avenue. Mr. McCarthy said I do not foresee a lot of traffic using 87th Avenue.

Mr. Offer said addressing question number ten regarding the prevention of head lights in the living rooms of homes across the street; the central driveway was not directly into the windows of the structures across the street. As far as the eastern driveway, the headlights would hit the buildings across the street and thought the homes across the street are mostly townhomes which have living space on the second floor. There is not much landscaping in the front yards of those homes so OTAK offered to work with the property owners to provide landscaping at the time the development is built.

Mr. Offer addressed question 14 regarding the site analysis requirement stating the code is very general about the alternative analysis and does not give guidance as to what needs to be done; it is a pretty generic statement. In preparing the application the development objectives were looked at for trying to develop a moderate size multiple family development close to the Lincoln Center and Washington Square area. OTAK looked at alternative sites existing within a two mile radius and considered a site on Hunziker Street in some detail and smaller sites in the basic WSRC area that did not meet the size requirements. All the sites had some degree of wetlands or flood plain requiring some sort of ESEE analysis.

Council President Snider asked what the staff's perspective was on this. Mr. Pagenstecher answered the development seemed to address the variety of circumstances and the ESEE analysis criteria are general in nature and the ESEE analysis did nominally address each of those criteria so staff is satisfied the issues had been considered. Council President Snider stated there were comments that this was not done in an acceptable standard which is concerning, but there is still no concern from the applicant or staff. Mr. Pagenstecher agreed there was no concern.

Mr. Offer addressed question 15 regarding water quality problems with sanitary sewage in the high water area and treatment of storm water from hard surfaces stating for the sanitary sewage there is a trunk line that

parallels Ash Creek that is not going to be connected to. This allows for no additional chance of sanitary sewerage impacts upon the flood plain from that line due to the development. The sanitary sewerage lines from the development are going out to Oak Street.

Questions to Staff:

Mr. Pagenstecher said all questions brought up at the January 13th Public Hearing, as noted in the document titled Response to Council Questions, have been addressed except questions four, five and 24 and three was partially answered.

Assistant Community Development Director McGuire addressed question three stating there have been presentations about federal and CWS permits and alternative analysis which are usually how local jurisdictions deal with wetlands regulations. The alternatives analysis takes place onsite to review alternative ways to build in order to avoid wetlands, minimizes the impact on the wetlands and then mitigates. Significant wetland inventory is done under the State Planning Goal 5 which has a very specific set of procedures for jurisdictions to follow in creating wetland inventory. To protect the wetlands that are identified as significant, the state gives jurisdictions two options. Tigard chose to take the safe harbor option which is the simplest for the local jurisdiction to comply with but leaves less flexibility on the regulatory end when looking at development on specific sites. That is a situation where the safe harbor was used and essentially the city's regulations say no development in significant wetlands. The Comprehensive Plan Amendment option is the only way to impact wetlands at all. A comprehensive plan amendment process has to be done to remove the significant designation. That puts it in the ESEE analysis which is something the state developed primarily when developing a Goal 5 program for a very large area. It is very difficult to work with on a site by site case.

Mr. Pagenstecher addressed question four reporting there is one comprehensive plan amendment decision before the council affording council the most discretion in deciding this question which is a gut decision made by weighing the two goods of keeping wetlands or the benefits of a development. It is a balancing exercise between the impacts of the wetlands and the aggregate economic values.

Mr. Pagenstecher stated council asked in question five when the WSRC Plan was adopted and are there any other applicable plans. The WSRC Plan which was adopted by Council on July 25, 2001 and is not subject to periodic review. The WSRC Plan has not been reviewed at and has been dormant since adoption. Other applicable plans would be the city's Park System and the Trail System Master Plans.

Mr. Pagenstecher said concerns brought up on question 24 are a moot point since the applicant removed the parking exception.

Council President Snider asked if council has any ability to require the right of way dedication on Lincoln Street. Mr. Pagenstecher answered the city's engineer said based on the traffic impact analysis it was not warranted and council could not require dedication or improvement to Lincoln Street.

Councilor Woodard asked for clarification on the traffic impact on 90th Avenue and whose responsibility it would be to improve that street. Mr. McCarthy said according to the applicant's traffic study the proposed trip generation would be 1,430 trips per day which is in accordance with the standards used by the Institute of Transportation Engineers. Of that, because Oak Street at Greenburg Road is restricted to right in and right out, more of the outbound traffic would use 90th Avenue to get to Locust Street than the inbound traffic. Figuring 75 percent of the outbound traffic and 25 percent inbound traffic would use 90th Avenue calculates to 715 vehicles per day added to 90th Avenue. Our current traffic volume estimates are 600 vehicles per day as of today. Add those together we go from 600 to 1315 on 90th Avenue. Current city design standards on 90th Avenue are to accommodate less than 1500 average daily traffic volume, which this development meets that threshold; although this development is pushing it right to the upper end. A couple hundred more vehicles beyond this would push the volume into a higher level classification.

Councilor Woodard expressed concern there may be a requirement of that development to pay for it as they participated in the increased need with this development. Council needs to think about what potential development may occur, the impact created and the need to mediate those impacts. As land inventory is used up it really gets important so council should tread lightly and make the best decision possible. Mr. McCarthy said there was a provision in the WSRC Plan that developments need to do their part to work toward the infrastructure plan in that code. Dedication of Lincoln Street could be considered as the developer doing their part, but that is more of a judgment call.

Mayor Cook stated if the plan says everyone should pay their fair share and if they are using up almost all the capacity on the street that is already there, then the next small development bringing the street to capacity, by adding 150 cars, would find it financially overwhelming and not cost effective. Council President Snider added it would not meet an equity standard and sounds wholly different than the previous response about it being under capacity therefore we really cannot require it, but this equity thing seems to disagree with this statement. Mr. McCarthy said that sort of dedication would help transportation in the entire area and what is their fair share is a judgment call.

Attorney Dan Olsen said it is important to remember there are code and plan standards that sound as though they rely heavily on equity among the various property owners. There are constitutional requirements stipulating a jurisdiction's ability in conditioning a development. First, there must be a nexus where the condition actually addresses a problem created by the development. Second, cost of the condition to developer must be proportional to that impact. So, if an early development comes in and adds to a future problem, but not creating an impact at that particular time, it is hard to condition because they are creating a long term impact. Therefore, the immediate impact does not support a condition. Ultimately the later development creates the street to be out of standard and if fixing the street is onerous the council may be in a position to approve the development regardless. Mr. Olsen added in order to require improvements now there would have to be a careful analysis by staff as to the nexus between this development and Lincoln Street and the cost or feasibility of that dedication in proportion to this development as opposed to another development. Council President Snider requested the analysis be done.

Public Testimony:

Ms. Jill Warren, 9280 SW 80th Avenue, Metzger, 97223, submitted and read a letter from her attorney into the record.

Mr. Steve Nys declined to speak.

Mr. Stephen Bintliff, 13520 SW 122nd Avenue, Tigard, 97223, testified in order to make the Goal 5 amendment the ESEE is the rationale for approval but it says almost nothing as to why this is a good deal for the community. He expressed concern about the vague references to some economic benefit and requested they be spelled out if a decision is based on that. Mr. Bintliff requested the applicant list the alternate sites considered and make it part of the record if that is going to be deliberated on. He stated there is a need for sidewalks on both sides on Lincoln Street, curbs on 90th Avenue, sidewalk all the way through from Greenburg Road to Hall Boulevard and improvements to drainage and should all happen before a big development like this is allowed. He said one thing he was glad to see brought up was the WSRP has not been visited in 14 years and should not be considered as so much has changed in the area.

Mr. Jim Long, 1070 SW 72nd Avenue, Tigard, 97223, chair of the CPO4-M, testified the committee is unanimously opposing this application and want to see it denied due to some ambiguity in the application.

Ms. Nancy Tracy, 7310 SW Pine Street, Portland, 97223, submitted her testimony into the record.

Ms. Penny Nash, 10231 SW Jefferson Avenue, Tigard, 97223, expressed concern for the 100-year flood plain being altered, the increasing amount of water going into the area, increased traffic to congestive proportions,

lack of sidewalks on the Metzger streets, the increased burden on the Metzger schools and the damage to the grounds from the combination of the liquefaction and amplification as indicated on the map she submitted into the record.

Ms. Allison Wyatt, 8820 SW Thorn Street, Tigard, 97223 testified she agreed with all the questions presented and is concerned with the traffic on the streets, that there are no sidewalks and there is no access to the bus shelter on Hall Boulevard.

Ms. Trudy Knowles, 10430 SW 82nd, Tigard, 97281, requested the city consider doing another traffic study in the area as there is concern for the level of increased traffic on Greenburg Road, Hall Boulevard, 87th Avenue and 90th Avenue. She submitted a flood plain map into the record showing the flood plain area for the proposed development.

Mr. Ryan O'Brien, 1862 NE Estate Drive, Hillsboro, 97123, representing Gene Davis, testified about the desire for Lincoln Street to be dedicated and concern with a possible condemnation to secure the right of way. He requested the right of way be secured before any planning or development occurs.

Mr. Todd Kinsley, 8840 SW Spruce Street, Tigard, 97223 testified a five house development is underway near his home in which the contractors ignored building standards and the building department did not catch certain things during the building process. The neighbors and developers entered into mediation to resolve the issues. Mr. Kinsley expressed concern that the city's building division be well enough staffed to handle a development of this size and ensure compliance.

Closing of Public Hearing – Mayor Cook closed the public hearing.

Mr. Olsen stated the recommendation to council is to keep the record open for anyone who wants to submit written material on any matter related to the application, including argument or new evidence, to be received by 5:00 p.m. on February 10th. The record will be held over for one more week for anyone to respond to the evidence in the record, including the material that came in during the week leading up to February 10, until February 17 at 5:00 p.m. Any person can read the material submitted in the week up to February 10th and can respond. There will not be new evidence allowed. Finally, the applicant felt three days would be sufficient to submit rebuttal which would allow the applicant to submit rebuttal until 5:00 p.m. on February 23rd. This would be an argument and no new evidence is allowed. The question is what date the council wishes to continue this matter for deliberation and decision.

Councilor Henderson motioned to postpone the Quasi-Judicial Public Hearing to March 3, 2015, seconded by Councilor Goodhouse. Motion passed by unanimous vote of the council.

<u>Name</u>	<u>Yes</u>	<u>No</u>
Chair Cook	✓	
Director Goodhouse	✓	
Director Henderson	✓	
Director Snider	✓	
Director Woodard	✓	

7. NON AGENDA ITEMS – None

8. ADJOURNMENT

At 11:03 p.m. Director Henderson motioned to adjourn the meeting. Director Woodard seconded the motion and all voted in favor.

<u>Name</u>	<u>Yes</u>	<u>No</u>
Chair Cook	✓	
Director Goodhouse	✓	
Director Henderson	✓	
Director Snider	✓	
Director Woodard	✓	

Norma I. Alley, Deputy City Recorder

Attest:

Chair, City Center Development Agency

Date: _____