



Community Development Department / Planning Division
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Beaverton, OR 97076
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www.BeavertonOregon.gov

MEMORANDUM

TO: Planning Commission
FROM: Steve Regner, Senior Planner
DATE: October 8, 2024
SUBJECT: LU2023-00557 Ashcreek Playschool Supplemental Memorandum – Additional Testimony and Analysis

This memo is to provide the Planning Commission with additional public testimony received, as well as provide analysis in response to testimony previously conveyed to Planning Commission that had not been fully reviewed by staff. Exhibits 2.17 and 2.18 were provided to the Planning Commission through a supplemental memo dated October 2, 2024. Analysis in the October 2 memo was limited to responding to the request for continuance contained in Exhibit 2.17. Further analysis of Exhibits 2.17 and 2.18 can be found below in this memo. Additionally, Exhibits 2.19 and 2.20 and 2.22 are being provided to the Planning Commission for the first time. Exhibit 2.21a-f are Audio/video files, and are being provided under separate memo, also dated October 8, 2024.

Exhibit 2.22

This exhibit is being addressed out of sequential order due to its impact on hearing procedure. Previously, Planning Commission was supplied with a memo dated October 2, 2024, conveying testimony requesting the continuance of the public hearing. Subsequently, the same persons who provided the request have now withdrawn the continuance request. As such, staff now recommends Planning Commission hold the public hearing per standard procedure, with the possibility of reaching a decision the night of the hearing. However, Planning Commission should be advised that all persons of record still maintain their right to request a hearing continuance pursuant to state law.

Exhibit 2.17

This testimony requests a request to postpone the hearing due to late information being provided by the applicant. Staff had identified a schedule in the October 2, 2024 supplemental memo regarding how the record will be kept open following the October 9th public hearing to allow additional testimony. Staff refers to analysis above in response to Exhibit 2.22, noting the continuance request has been withdrawn.

Exhibit 2.18

Staff responds to these comments in the structure is it presented in the testimony. First, 5 general statements are provided in a section Titled "Overview". Staff response as needed is provided below.

1. The testimony asserts that the original Conditional Use Permit for the child care facility (CUP-94011) has been superseded by a later Conditional Use Permit that dealt with the church expansion (CUP2000-0031), and that the 2000 CUP should be modified, not the 1994 CUP. Staff take a different view, noting that the 2000 CUP was specifically for the expansion of the church, and contained no proposals to modify the childcare facility enrollment, nor was any analysis included regarding the childcare facility in regards to the Conditional Use approval criteria. Instead, it appears that the Condition of Approval in question simply clarifies that the 2000 CUP did not affect the school in any way, and describes the approach needed to modify the original 1994 CUP for the childcare facility.

COA 3 reads:

"Separate Conditional Use approval shall be required for any future expansion to student enrollment associated with the existing Montessori School or the introduction of any other school program which utilizes church facilities. Enrollment at the existing Montessori School shall not exceed 20 students."

Staff asserts that the current application CU32023-00555 is the precise "separate Conditional Use approval" process both identified in the 2000 CUP COA, as well as the proper approach to modify the original 1994 CUP per the Development Code.

2. The testimony asserts that the play area should be regarded as a public playground with its own Conditional Use Permit. Staff provides initial responses to this argument on page 4 of the staff report.

3. The testimony asserts that the City Noise Ordinance (5.15) is applicable to this situation. Staff concurs that generally speaking, the City Noise Ordinance is applicable to the site and surrounding properties, with provisions prohibiting:

"unreasonably loud or raucous noise within the jurisdictional limits of the City (5.15.0.025.1)";

"Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable individuals of ordinary sensitivity, within the jurisdictional limits of the City (5.15.0.025.2)"; or

"Within the jurisdictional limits of the City, any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any individuals within the residential area from which said noises are heard, or as to unreasonably interfere with the peace and comfort of residents or their guests, or operators or customers in places of business."

Audio/video recording testimony provided under a separate memo, also dated October 8, 2024, recorded from neighboring residential properties, demonstrates that sounds from the

church area can be heard. However, in staff's opinion, nothing in these recordings should be considered a *"unreasonably loud or raucous noise"*, sounds that *"unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable individuals of ordinary sensitivity"*, nor do they appear to be *"harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any individuals within the residential area"*

Staff notes that enforcement of the City's noise ordinance is not a land use matter and is outside the purview of the Planning Commission. However, the Major Modification of a Conditional Use Permit being considered by the Planning Commission contains approval criteria regarding compatibility with the neighborhood and having minimal impact on livability. Staff analysis on this topic can found in Attachment B of the Staff Report dated October 2, 2024. Planning Commission should weigh potential noise impacts on neighboring properties during the consideration of the land use applications, as it relates to the approval criteria, not the City's noise ordinance.

4. The applicant asserts that Approval Criteria BDC 40.15.15.4.C.5 and 50.95.7.D have not been met. Staff refer to the analysis in Attachment B of the staff report for these approval criteria as relevant to this topic.

5. The applicant asserts that the required Neighborhood Meeting requirement was not properly satisfied. Staff refer to the analysis in the staff report on page 6 as relevant to this assertion.

The testimony continues with a slightly varied structure, titled "Four Grounds For Denial...". Staff response as applicable is provided below.

A. The testimony claims that the 1994 approval only allows for use inside the building, and there was no request to use the play area associated with the childcare facility. Staff have already addressed the use of the play area by the original 1994 approval in the Staff Report. Staff reiterates that the original narrative from the applicant includes the following sentence:

"These classes will occupy only one room in the church building, and the children will use the church-owned play equipment outdoors for their short periods of recreation."

Staff asserts that this is more than sufficient evidence that the approval for the original 1994 CUP included the use of the play area.

Furthermore, staff disagrees with the testimony's comments on proper construction and utilization of the record for context. Testimony cites a 1933 case that requires a statute to be read plainly, without adding or subtracting any information, as a corollary argument for interpretation of conditions of approval. Staff asserts that this is not an appropriate comparison, noting that the condition of approval in question is part of a Final Order, not a statute or a regulation. The Final Order memorializes a quasi-judicial decision based on a record of facts, and the facts in the record are relevant to the interpretation of the order. Staff notes that the final order for CUP94011/819 incorporates the staff report, citing the following language:

"The Commission adopts the Planning Department staff report dated August 3, 1994, as to criteria applicable to this request and findings thereon"

As such, any analysis in the staff report is relevant to the interpretation of the condition of approval. Staff notes that on page 5 of the 1994 staff report, the following language is included:

“The school classroom would be located inside the building. A small play area for children is already located on the south side of the building. Children from the school would use the existing play equipment.”

Given the language included in the 1994 staff report, and the incorporation of the staff report into the final order (CUP94011/819), staff asserts that the record makes it clear that use of the play area by the childcare facility is consistent with the land use approval.

B. The testimony claims that the church-owned play area used by the childcare facility should be regarding a public playground and requires a separate conditional use permit. The testimony asserts that the play area is a public playground as defined by the Beaverton Development Code. Staff observes that the while Chapter 20 does include Public Playground as part of a land use category (Public Parks, Parkways, Playgrounds, and Related Facilities) the Development Code does not define Public Playground. Staff cites responses to this assertion in the staff report, page 9, as additionally relevant.

Staff notes that there is no quantitative measurement to determine whether a use is accessory or incidental, and the increase in the play area footprint does not necessarily establish the play area as a primary use for the site. Similar modifications or size increases to play areas that are incidental to a separate Conditional Use Permit have not been historically regarded as not requiring its own CUP, nor is that requirement found anywhere in the Development Code. As staff notes in the staff report, play areas are commonly found with places of worship, commonly used by parishioners and other church users, and therefore fall under the accessory use provisions of 60.50.05.

The testimony attempts to demonstrate the scale of the church play area, asserting it is larger than the local Hiteon elementary school play area. By staff's measurement utilizing publicly available aeriels, the area composed of play structures and similar equipment is almost 21,000 square feet, nearly three time the size of the church play area, and that does not include the sports fields also at the Elementary School.

The testimony asserts that signage placed on the site welcomed the community to use the play area. Staff acknowledges photos of signs previously posted on the site, however to the best staff's knowledge, all signs related to the use of the playground have been removed as of the date of this memo.

C. The testimony discusses noise impacts, applicability of the Noise Ordinance, and compliance with approval criteria 5 of the Major Modification of the Conditional Use permit. Staff cite analysis elsewhere in this memo, as well as the staff report, as applicable to this topic.

D. The testimony asserts that the neighborhood meeting requirements were not properly satisfied. Staff refer to the analysis in the staff report on page 6 as relevant to this assertion.

Exhibit 2.19 & Exhibit 2.20

Staff has no additional analysis to provided in response to these pieces of testimony.

Exhibit 2.21a-f

These audio/video recordings are captured from residential properties neighboring the church. Sounds of children playing and birds chirping can be heard, along with narration from the recorder of the audio/video file. Staff suggest the Planning Commission consider these

recordings when evaluating the Major Modification of a Conditional Use Permit approval, particularly regarding compliance with approval criterion 5. Staff note that due to the varied technical requirements of conveying this testimony, they are being conveyed under separate memo, also dated October 8, 2024.

Conclusion

Staff recommends no amendments to the staff report based on the testimony received.

Exhibits

Exhibit 2.17 Letter from Golder, Douglas, and Sattler, dated September 30, 2024

Exhibit 2.18 Letter from Douglas, dated October 2, 2024

Exhibit 2.19 Letter from Elizabeth Tuck, dated October 4, 2024

Exhibit 2.20 Letter from Amy Charise Sargent, dated October 4, 2024

Exhibit 2.22 Letter from Golder, Sattler, Gordon, dated October 7, 2024

Received
Planning Division
09/30/2024

Exhibit 2.17

10175 SW 149th Terrace
Beaverton, OR 97007

September 30, 2024

SENT VIA ELECTRONIC DELIVERY

Mr. Steve Regner
City of Beaverton
12725 SW Millikan Way
Beaverton, OR 97005-1678

RE: Project LU32023-00557 Ashcreek Playschool
Case File No. CU32023-00555 / DR12024-00090

Dear Mr. Regner:

We are writing in regard to the revised Application, Narrative Statement, and other supporting items submitted by Ashcreek on September 27, 2024, on the above referenced matter. The revised submission contains substantial detailed new information.

This late filing severely limits the ability of Beaverton citizens who oppose the Application to respond meaningfully in their written testimony, which they want to be reviewed by Planning Commission members prior to the hearing. It also severely limits Beaverton citizens' ability to engage subject matter experts to provide written or oral testimony on the newly submitted information.

The large reduction in time posed by the new submission unrealistically forces citizens to review and attempt to incorporate their responses into testimony that must be provided before the Beaverton Planning Commission on October 9, 2024. This situation imposes an unfair burden on interested citizens, which in turn, will likely preclude the Planning Commission from receiving important testimony from interested citizens.

Moreover, the new information must be reviewed by City staff and incorporated into the staff report that is required to be completed and made public on October 2, 2024. The submission of a revised application and supporting documents three (3) working days before the staff report is to be made public strains City resources and limits its ability to incorporate the information into the report.

Mr. Steve Regner
September 30, 2024
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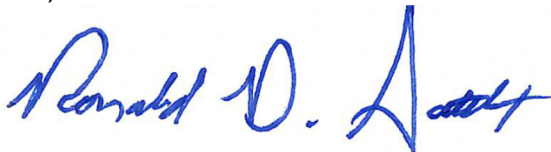
Based on these reasons, we demand a continuance of the hearing scheduled for October 9, 2024, of this matter pursuant to Oregon Revised Statue 197.797.4(b). We submit that failure to postpone the hearing under these circumstances will also deprive citizens of their due process rights as stipulated under Oregon Law and the U.S. Constitution.

We request an immediate response to our request due to the time sensitive nature of this matter.

Respectfully submitted,



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Received
Planning Division
10/02/2024

SUBMISSION BY DOUG GORDON
OCTOBER 2, 2024
CITY OF BEAVERTON
PLANNING COMMISSION
RE: MURRAY HILLS CHRISTIAN CHURCH/
ASHCREEK PLAYSCHOOL, LLC

Application/Project Name: LU32023-00557 Ashcreek
Application Numbers: CU32023—00555 /
DR12024-00090

PART (1) OF (4)

October 2, 2024

ATTEN: Jana Fox, Planning Manager
Steven Regner, Senior Planner

City of Beaverton
Planning Commission
12725 SW Millikan Way
Beaverton, Oregon

In the Matter of: Application/Project Name: LU32023-00557 Ashcreek
Application Numbers: CU32023—00555 /
DR12024-00090

SUBMISSION

Testimony and Exhibits, and Response to Application and accompanying
Staff Report from:

Douglas Gordon
10050 SW 151st Place
Beaverton, Oregon

The following is my Submission of Testimony and Exhibits
to the Planning Commission respecting the above-described Application
and the accompanying Staff Report.

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Submission of D. Gordon

October 2, 2024

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PLEASE SEE
Planning Commission written Petitions and Objections to the Ashcreek Playschool expansion Application. Ex. 30 They are united in their belief that if Ashcreek's Application were to be approved, their tranquility and enjoyment of their homes, and the liveability of their neighborhood, will be severally damaged.

OVERVIEW

1. The Conditional Use Permit 2000-0031 superseded CUP 94011-089. Applicant has failed to request modification of CUP 2000-0031 and has presented no basis for modification of that CUP. Had the clear requirements of the 2001 CUP been followed in the first instance, MHCC should have filed a Type 3 Application to amend the 2001 CUP to allow Ashcreek Playschool to utilize church facilities.
2. The 8,500 sq. ft. playground is undisputably a public playground as defined under the BDC, and in order to lawfully exist the MHCC must first apply for and obtain a Conditional Use Permit given the RMC residential zoning of the surrounding neighborhood. BDC 20.05.15 and Table 20.05.20.A(11). At no time has MHCC made such an application with the City of Beaverton. Until such approval is obtained, the playground should be closed to both public use, and use by Ashcreek Playschool.
3. The City of Beaverton Noise Ordinance applies directly to the MHCC 8,500 sq. ft. playground. Noise projected from activity on the playground from activity of Ashcreek Playschool and the general public is unreasonably loud and materially disturbs the tranquility, enjoyment

and liveability of the residences (homes and yards) in the neighborhood surrounding the MHCC playground.

4. Applicant has failed to carry its burden of proof that the Type 3 Modification approval criteria have been met, specifically:

BDC 40.15.15(4)(C)(5):

"The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate use and development of properties in the surrounding area of the subject site."

BDC 50.95(7)(D):

"A new or modified condition would better accomplish the purpose of the original condition."

5. The Applicant has failed to satisfy the requirements of the BDC 50.30 as to both the Notice and the conduct of the Neighborhood Review Meeting. For this reason alone, the Application fails.

This submission presents substantial evidence that the conditions existing when the 1994 CUP was approved, compared to the present size and use of the 8,500 sq. ft. playground, that expanding the Ashcreek enrollment from 20 to 60 with accompanying adverse effects on liveability, could not better accomplish the purpose of the 1994

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condition limiting operation of the Montessori School to 20 students inside the building.

The factors which support this conclusion include, but are not limited to, the normal boisterous nature of the childrens' activity on the playground, the very loud noise level even with smaller number of children present, the penetrating nature of the repetitive screaming and shouting, the intensity of the noise as the number of students on the playground increases, the efficiency by which is easily projected from the playground unimpeded into surrounding residential properties, the existence of factors such as the higher elevation of the playground relative to residential properties, the 100 foot long, two story external west wall of the church building which reverberates and redirects playground noise into neighboring residential properties, the absence of any sound barrier or any other noise mitigation, the insufficiency of landscaping to impede the broadcasting of the noise, the frequency and duration of the noise while the playground is open to the public 12 hours a day, morning till dusk or dark, seven days a week 365 days of the year.

The consequence is that the unreasonably loud playground projected into my house and yard is totally prohibits or substantially reduces enjoyment of house and yard, including use of the outdoor decks for dining, socializing, reading or relaxing. See Ex. 2. Because of these factors, the existing playground has a major negative impact on liveability and cannot be made reasonably compatible with the surrounding residential properties.

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FACTUAL HISTORY

Understanding the factual history is essential to analysis of the merits of the Application. Regrettably, the Applicant's Statement and the Staff Report often ignore pivotal historical facts. The Staff Report incorrectly describes the current 8,500 sq. ft. playground as the "play area". (My measurement was approximately 7,500 sq. ft.) The only time the term "play area" is correctly used is in reference to the 500 sq. ft. "play area" as it is shown on the 1994 and 2001 architect's site plans, Exs. 13 and 21.

The play area was totally removed by the church before the church constructed the new 8,500 sq. ft. public playground approximately 2007 – 2009.

I have lived in Beaverton for 45 years. My wife and I purchased our present home in 1995. Our home is next door to the church property to the west. My neighborhood Featherwood which adjoins Hedlund Acres, which is a dense R-5 Zone. Many of these homes are adjacent to or immediately nearby, and surround the church property. The setting is unique in that many of the homes back to a large protected seasonal wetland, affording a private open space. Between our home and the church property is about 60 feet consisting of a thin grove of fir trees and a little wild overgrowth. It does nothing to mitigate the noise from the playground.

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The area now occupied by the large playground used to provide a quite pastoral setting, even with the 500 sq. ft. play area which was located down the slope near the rear of the church building. See Ex. 1, a photograph I took in 1996.

The church building itself is situated on a knoll above many of the surrounding homes. This side yard drops about 40 feet downward south into the seasonal wetlands. In 1995 the church grounds had a pastoral look and feel which complemented the surrounding residential properties. There was a small swing and a small play structure on the church lawn at the southwest corner of the building. I took a photo of the area in 1996, which is Ex 1. Very little noise came from the play area, although on occasion some teens would come over at night and congregate and be boisterous.

Over the years since 1995 I became quite familiar with the church and its activities. I attended church services from time to time and worked with the Property Committee to handle issues with the fir grove between our properties. Our relations were friendly. I was a member of another church all the while.

History of the Church play area and playground

The Montessori School which had been approved by the 1994 CUP operated until 2011 when it closed its doors according to the Beaverton Business License records.

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The small play area that existed in 1994 at the southwest corner of the church building remained unchanged as of 2001. See the 1994 and 2001 architects' site drawings which display the exact same play area, each showing it was 500 square feet. Exs. 13 and 21.

In both the 1994 and 2001 site drawings the term "play area" was used. The term "playground" was not used until many years later.

After the Montessori School closed in 2011 the preschool operation at MHCC ceased to exist.

After that the church leadership decided to construct a large playground. Between 2004 and 2007 MHCC removed the play area and constructed a cement retaining wall to enable excavation for the placement of a new huge play structure further south down the hill next to the 2002 building addition. This sequence is documented in the photographs, Compare the "play area" location of swing and play structure shown on the 1994 and 2001 site plans, Exs. 13 and 21, and the 1996 photograph Ex. 1 with current photos showing the former "play area" gone along with the old swing and old play structure. Exs. 4(A)-(F).

The Church leadership has never applied for lawful city approval, including a CUP, to construct or maintain the public playground.

The new playground is approximately 8,500 sq. ft. (as determined by the Staff) is 13 times larger than the 500 sq.ft. play area which had been removed.

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The new playground was not an expansion of the small play area, which had been totally removed previously by the church. When construction began on the new playground, there was nothing to expand.

From inception, church leadership intended to invite the public to use the playground. On November 18, 2022 long-time church Trustee, Jim Cure, told me that the reason the church built the large playground was in words to the effect "to attract the community to the playground in the hope of increasing church membership". Mr. Cure then said words to the effect: "Unfortunately our plan didn't work; we didn't attract new members".

To invite and welcome the public use the large playground the church installed a large sign welcoming the community to use the playground. Ex. 3(A).

Later the church installed two new signs in the large playground on approximately August 29, 2022 welcoming the public to use the "Murray Hills Christian Church Playground" from 10:00 a.m. to dusk". Ex. 3(B).

The church signs have been very effective in regularly and usually daily significant nonchurch members of the community, most of whom drive there and park their cars in the church parking lot—families, moms with their young ones and youngsters, groups of children who arrive on foot, middle school children who come with friends in the evening, and many more any time that the Ashcreek Playschool is not present, sometimes past dusk and into the night.

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Frequently there are families, groups of children, and teenagers who visit and use the playground seven days a week from morning to dusk and beyond.

It is very rare to hear any children using the playground before or after Sunday services at the Church.

The church took the signs down in early months of 2023, after it filed the subject Application, knowing neighbors were complaining that its public playground was unlawful without a proper Conditional Use Permit

The signs have never been reinstalled, notwithstanding my several inquiries since. In a letter dated February 13, 2023 the Trustee Chair, Sharon Jarman, assured that the signs would be put up again soon: "These signs will be placed around the church and playground shortly." On April 24, 2024, the Trustee Chair again assured me in writing that the signs would be put up in the playground.

Church leadership has been informed and is well aware that the playground is constantly used by the public and that surrounding neighbors complain that there is excessive noise. It is evident that the resolute intent of the Church is to continue to keep its playground open to the public. It is equally clear from this and past years that the public will continue to consider this a public playground and to use it accordingly.

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FOUR GROUNDS FOR DENIAL OF THE CHURCH/ASHCREEK APPLICATIONS FOR TYPE 3 AND TYPE 1 MODIFICATIONS

A. THE 1994 CUP ONLY APPROVED THE MONTESSORI SCHOOL TO OPERATE INSIDDE OF THE CHURCH BUILDING. THE 500 SQ. FT. PLAY AREA WAS DEEMED AN INCIDENTAL USE WHICH DID NOT REQUIRE APPROVAL.

Approval of Applicant's Type 3 and 1 Modification Requests are dependent on having this Planning Commission" interpret" the CUP 1994 contrary to its unambiguous express terms, and in doing so, create uncertainly for both the public and staff enforcement of Conditional Use Permits. The mechanism for this untoward result, advocated by the Staff Report, is to import new terms from a Staff Report into the CUP Order itself, even though this would contradict the unambiguous meaning of the Order as written by the Planning Commission.

The 1994 CUP contains an Order with Conditions. Condition 3 states:

" This permit will allow no more than 20 pre-school students, 2 employees, and no greater than 700 square feet of building area to be used for the school within in the existing church building"
Ex. 10.

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The Planning Commission, the Staff Report and the Facilities Review Report uniformly described the Montessori School Application as requesting approval as follows:

"Request for a Conditional Use Permit to allow operation of a school class room within the Murray Hills Church Building." Exs. 14, 15, 16.

The 1994 CUP Order exactly matches the approval requested by the Application.

No where in the city file records, including the Application itself, Ex. 11, is there any request to approve the use or legality of the "play area". Had the Montessori School wanted any such approval, it could have so stated, but it did not do so.

The word "playground" is never found in any of the City's file documents.

No where in the city records is there any written approval of the construction or maintenance of the play area.

The 500 sq.ft. "play area" was an incidental use to Church Operations

The Planning Commission deemed the 500 sq. ft. play area as an incidental use of the Church. Therefore, no issue was ever raised as to

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any need to approve the play area. It was a nonissue and was treated as such.

The only reason the play area was even discussed in the Staff Report and the Planning Commission minutes was because of a brief mention in the Church's "Impact Statement" of June 23, 1994, Ex. 12:

"These classes will occupy only one room inside the church building, and the children will use the church-owned play equipment outdoors for short periods of recesses".

The report also stated:

"It is the opinion of the Trustees of the Murray Hills Christian Church that no impact will be experienced by the neighborhood."

"We strongly believe that this permit will in no way impact the Murray Hills neighborhood" Ex. 12.

The Board as well as the Staff considered the "play area" and concluded that the play area was incidental to the Church operations, and needed no approval as such.

The context and only reason the play area came under discussion in the Staff Report and the Board's Minutes was to consider whether there was any impact it impacted any outdoor noise might negatively

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impact the liveability of neighborhood. Because the play area was so small, with two small pieces of play equipment, and not near any neighboring residences, the Staff and the Board did not foresee any such impact.

This scrutiny by the Board and the Staff only underscores here that the Board and Staff believed that the liveability of the surrounding neighborhoods would be sufficiently protected by limiting the operation of the Montessori School to inside the church building.

Condition 3 of the 1994 CUP is clear and unambiguous, and should be enforced in accordance with its common meaning, without resort to the underlying file records.

The Applicant's goal is to have the 1994 CUP "interpreted" by the Planning Commission to mean that the existence of the small "play area" next to the Church building was **approved** as a lawful use of church property. The Applicant then contends that such lawful status somehow has been carried forward to the present and now serves as the legal basis to have the existence of the current mega-playground also deemed lawful. Note that Ashcreek Playschool leases use of the playground.

These contentions have been positioned under the umbrella of Applicant's request for a favorable Design Review of the playground. I object to this procedure as improper, in part because the Church constructed and maintains a public playground, which is a nonconforming use in our "R-5" zone, but has failed to apply for and

obtain a Conditional Use Permit. In actuality, this process is an attempt to evade scrutiny of the most important underlying point, which is that the playground is unlawful, and that Ashcreek Playschool should therefore be forced to cease and desist from utilizing the playground until it is approved as a nonconforming use.

Turning now to the 1994 CUP and its proper "construction" and enforcement. Many of the following principles involving the proper "construction" of 1994 Planning Commission Orders is consistent with and reinforced by the Beaverton Code Sec. 10.20 which provides the rules to be followed in the "Interpretation and Application of Code Language."

Condition (3) of the 1994 CUP is unambiguous and should be enforced according to its plain meaning. This "rule of construction" is well-established and a universally accepted rule of construction. When this rule is applied, it is not proper to delve into underlying "record" new to create new terms to engraft onto the original Order.

The Staff Report is part of that "record". While an CUP may approve the underlying Staff Report, such does not incorporate any part of the Report into the actual Order itself. The Order is the mechanism by which the Planning Commission effectuates its legal authority, and that authority may not be shared or delegated to the Planning Staff. Here, the Planning Staff attempts to reach exactly that improper result, by molding discussion in the Staff Report into new terms which are then to be engrafted on the Order itself. If accepted, this result would create a bad

policy which has no defined limits, would render enforcement completely unpredictable, and in effect would delegate the Commission's quasi-judicial authority to the planning staff.

The Commission well knows that the paramount component of a CUP is the Orders set forth by the decision-making authority be it the Planning Commission or City Council. Other language in the CUP outside of the Orders such as preamble recitations are just that, but they are not part of the Orders and have no legal efficacy here.

Universally applied standards reject use of any such attempt using "interpretation" to add to the plain meaning of the Orders in the 1994 CUP. This such so-called "interpretation" is legally improper because it represents an arbitrary and capricious exercise of authority, by disregarding and refusing to enforce Planning Commission's **actual** Orders. This is true for Orders, as well as ordinances and statutes alike. See BC Sec.10.20, "Interpretation and Application of Code Language":

The Code shall be read literally. Regulations are not more or less strict than as stated. Sec. 3.

Terms not defined in the Code shall have the meaning set forth in Webster's Third New International Dictionary, 1993. Sec. 6 (B).

The Code shall be interpreted reasonably. Sec. 6(C).

Properly "interpreted", the Orders of the 1994 CUP approve the Montessori School but only "**within the existing church building**". (emphasis added) When enforcing the 1994 CUP, the City is by law

required to apply the plain and obvious meaning to words of common use, such as "inside" the building. The term "inside" does not mean "outside" by any dictionary definition.

The Staff Reports a result which violates each of the applicable rules of interpretation mandated by the Beaverton Code. They should be applied equally to the Commission's Orders, since such Orders derive directly from the same Code.

It is the duty of the City in "construing" its own Orders, to take the Orders of the 1994 CUP "as it finds it, without adding to it or subtracting therefrom." Cary v. Metropolitan Ins. Co., 141Or 388, 391, 17 P2d 1111. A corollary principle is: it is legally impermissible for the City "to adopt a rule of construction to make a plain (Order) ambiguous and then to construe it in favor of . . ." a person or party in order to benefit that person/party. When the words used in an Order are clear and unambiguous, the Order must be enforced according to the common and plain meaning of its words, without any resort or reference to records or materials extrinsic or outside of the four corners or the Order itself.

Accordingly, it is legally improper for the Staff Report to extract anything from the 1994 Staff Report or the minutes of the Planning Commission which adds to or subtracts from the plain language of the Orders stated in the 1994 CUP.

When these principles are followed in this matter, the only legally proper conclusion is that the Orders of the 1994 CUP expressly restrict

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the operation of the Montessori School to "within the existing church building". This Order necessarily excludes the outside "play area".

B. MHCC PLANNED, CONSTRUCTED, AND MAINTAINS THE CURRENT 8,500 SQUARE FOOT PLAYGROUND TO BE A PUBLIC PLAYGROUND. IT IS A NONCONFORMING USE SITUATED IN AN RMC RESIDENTIAL ZONE. MHCC HAS NEVER APPLIED FOR A CONDITION USE PERMIT. THE PUBLIC PLAYGROUND REMAINS UNPERMITTED AND UNAPPROVED TO EXIST OR BE OPEN FOR USE. MHCC NOW ALSO UTILIZES THE PLAYGROUND AS A PROFIT CENTER.BY LEASING IT TO ASHCREEK PLAYSCHOOL.

AS LONG AS THE PUBLIC PLAYGROUND REMAINS AS AN UNPERMITTED NONCONFORMING USE IN AN RMC RESIDENTIAL ZONE, ACCESS SHOULD BE DENIED TO THE GENERAL PUBLIC AND TO ASHCREEK PLAYSCHOOL.

ANY APPROVAL OF THE PLAYGROUND REQUIRES A TYPE 3 MAJOR MODIFICATION BECAUSE OF THE SIZE AND SCOPE OF THE PROPOSED CHANGE AND USE AND ITS PROPENSITY TO NEGATIVELY IMPACT THE SURROUNDING NEIGHBORHOOD'S LIVEABILITY

Senior Staff Planner Steve Regner noted in his letter dated September 1, 2023 to Ashcreek that "Staff notes the applicant's materials show an

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existing play area of approximately 8,500 square feet." When I measured the playground recently with a tape measure, I calculated that the playground is approximately 7,500 sq.ft., That area would be larger if some of the grassed area near the sidewalk were to be included.

The current 8,500 sq. ft. outdoor playground is a **public** playground as defined by the Beaverton Development Code and therefore is a nonconforming use in this residential zone. BDC 20.05.20 and Table20.05.20A(12)(A). MHCC has never applied for a Conditional Use Permit to construct and maintain a public playground. Until MHCC receives approval, the outdoor playground is in violation of the Development Code.

The playground is well-equipped to be a public playground, and is larger and has more equipment than the public playground just east of Hieton Elementary School on SW Brockman Street.

The church public playground has three swings, slides, a mega-play station, climbing bars, platforms, ladders, small wagons to ride, six or seven picnic tables, a canopy, a storage shed, and many more pieces of equipment. Ex. 4(A) through 4(F). It dwarfs the 1994 500 sq. ft. play area in both size and equipment

The church also utilizes the playground as a profit center by leasing it to Ashcreek Playschool. Presumably the larger the enrollment, the greater the revenue.

Given these factors, the current playground, unlike the play area existing at least from 199 to 2001, can hardly be deemed "incidental" to

church operations. And in that regard, I almost never hear children playing on Sunday mornings before or after services. Indeed, my observation when attending church services is that there are only a few children present because of the senior age of the small congregation. In short, the playground hardly gets used by anyone from the church, and certainly is not "incidental" to its present operations.

In is indisputable that the 8,500 sq. ft. outdoor playground is a public playground:

1. On November 18, 2022, following a meeting with church trustees, long-time church Trustee, Jim Cure, told me that the reason the church built the large playground was to attract the community to the playground in the hope of increasing church membership.
2. The church has reached out to invite and welcome the public to come to the playground. A large sign was prominently displayed inviting the public into the playground and to use the equipment. Ex. 3A

The sign states:

**"PLAYGROUND OPEN TO THE COMMUNITY.
ADULT SUPERVISION REQUIRFED.
MURRAY HILLS CHRISTIAN CHURCH IS NOT
LIABLE FOR INJURIES DUE TO UNSUPERVISED
CHILDREN."**

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In August 2022, this sign, Ex. 3A, was replaced by two identical signs prominently posted in the playground for the public to see. Ex.3(B)

Each sign states:

**"MURRAY HILLS CHRISTIAN CHURCH
PLAYGROUND**

**THIS PLAYGROUND AND EQUIPMENT AFRE FOR CHILDREN 12 AND
UNDER ACCOMPANIED BY AN ADULT.**

**BE CONSIDERATE OF OTHERS AND NEIGHBORS
VOICES CARRY**

**PLAYGROUND OPEN
10 AM TO DUSK**

**CHURCH PROPERTY COMMITTEE
(503) 524-5230**

**MURRAY HILLS CHRISTIAN CHURCH
DOES NOT WARRANT THE CONDITION OR SAFETY
OF THIS EQUIPMENT AND PLAYGROUND."**

The playground and signs have and continue to this day to attract the public, who come there seven days a week at all hours of the morning, afternoon and evening. This includes entire families with

young children, moms with their kids, dads with their kids, groups of younger children without supervision, and groups of teenagers who come to socialize, sometimes after dark.

Exhibits 3(C), (D) and (E) were taken from the public sidewalk along church property, at times the church's welcome signs were posted, and after Ashcreek Playschool operations were ended. No individual likeness is identifiable due to redactions.

Every year the church undertakes to provide maintenance to keep the playground inviting to the public. One principal example is that each year a dump truck load of wood chips is spread on the ground around the equipment. Ex. 9.

The playground and signs continue to this day to attract the public, who come there seven days a week at all hours of the morning, afternoon and evening. This includes entire families with young children, moms with their kids, dads with their kids, groups of younger children without supervision, and groups of teenagers who come to socialize, sometimes after dark.

Until the church's public playground is properly approved as a nonconforming use in a residential zone, further access should be denied to the general public and to Ashcreek Playschool.

///

///

C. THE BEAVERTON NOISE ORDINANCE APPLIES TO THE CHURCH PLAYGROUND; APPLICATION FAILS TO MEET THE TYPE THREE APPROVAL CRITERIA IN BDC 50.95(7)(D) and 40.15.4(C)(5)

In stark contrast here, the Staff Report concludes that the Beaverton Noise Ordinance does not apply at all because there is not prohibition of playground noise whatsoever during the hours of 7:00 a.m. and before 10:00 p.m. The Staff Report argues that other provisions of the Noise Ordinance support its conclusion. The Application fails to present any actual testimony or evidence about the actual amount or volume of noise or its negative impact on surrounding residential neighbors and the liveability of their properties.

Here, as discussed below, the Beaverton Noise Ordinance does clearly apply, and my uncontradicted testimony establishes that playground noise projected from the playground during preschool activities is unreasonably loud and in violation of the Ordinance.

The Application fails to satisfy two critical Approval Criteria, BDC 50.95(7)(D) and 40.15.4(C)(5), as discussed further below.

The Beaverton Noise Ordinance was specially enacted by the City Council to protect the city's residents from loud intrusive noise. When interpreting this Ordinance, the Beaverton Code requires:

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"This Code shall be interpreted reasonably, reading questioned regulations in relation to other sections such that an interpretation most fully effectuates the intent and purpose of the regulations."
BC 10.20 (6)(C).

The purpose of the Noise Ordinance is declared by the City Council in its "Legislative Findings":

" The city council finds that:

A. Loud or raucous noise degrades the environment of the City to a degree that is harmful to the health, welfare, and safety of its residents and visitors; interferes with the comfortable enjoyment of life and property; interferes with the well-being, tranquility, and privacy of the home; and may cause or aggravate health problems."

To reinforce this policy declaration, the City Council enacted on special protections for residential zones, defining them as "Noise- Sensitive Areas":

"E. *Noise-Sensitive Areas*. The creation of any unreasonably loud and raucous noise adjacent to any noise-sensitive area while it is in use, and which unreasonably interferes with the workings of the noise-sensitive area **or which disturbs individuals in those noise sensitive areas.**" (Emphasis Added) BC 5.15.030(E)

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A "noise-sensitive" area is defined to include "**a sleeping facility**", and a sleeping facility is defined to include a "**residential dwelling**".

(Emphasis Added) BC 15.15.015(D) and (K).

The west perimeter of the church playground is located about 60 feet from my house. This is about the same distance as from the front to the back of the first floor City Council Chambers/hearing room. The trees and underbrush between my house and the playground do NOT in any way muffle, obstruct or deflect the playground noise. The noise level is made worse because the noise reverberates off of the 100-foot, two-story exterior wall of the church building, which ricochets into my property and projects out across the large wetlands into my homes and yards. Even the Church recognizes that "voices carry" into neighboring properties. Ex. 3(B)

I have provided the Planning Commission with audio recordings of the noise from the church public playground which intrudes into my house and yard. The noise from the Ashcreek preschool is very loud, and with my windows open, it can be clearly hear in every major living area in my house, including my bedroom, kitchen, living room, family and study. I can hear to the noise when the windows are **closed** as well, although it is muted, I know when the children are on the playground. Although the children are loud, parents are sometimes even louder as they engage in games and contests on the playground.

I submit that I am meet the criterion stated in BC 5.15.025(A)(1), that as to noise, I am a "reasonable individual of ordinary sensitivity." As such, I find the noise from the playground unreasonably disturbing to

the peace and comfortable enjoyment of my house and yard. BC 5.15.030 (C). For the last three years, including this one, I have stopped using my decks, one off of my kitchen, and one off of my family room. Ex. 2 are photos of how my decks have looked for the last three years. I no longer put out my deck furniture as the noise from the playground is, as would be expected, quite loud and often boisterous, and is so intrusive as to override any enjoyment from normal conversation, dining, reading or just plain relaxation. Sleeping in my bedroom is futile once the preschool occupies the playground; and this is true during the day and evening as well when the public uses the playground, on and off until dusk and sometimes later.

The position taken in the Staff Report is that loud and raucous noise, no matter how loud, is only prohibited between 10:00 p.m. and 7:00 a.m.! None of the provisions of the Noise Ordinance protect residents and residences even though they are deemed to be noise sensitive areas. And specifically, this means that any and all noise coming from the church playground is acceptable during the day until 10:00 p.m. Code Compliance Manager, Kimberlee McArthur also told me twice in that this is the City's enforcement policy.

If the Staff Report's conclusion is correct, it would not have been necessary for the City Council to have passed the Noise Ordinance with its many regulations covering all aspects of daytime noise. Only one sentence or two would have sufficed.

The Staff Report's analysis of the Noise Ordinance should be rejected. The Staff report blatantly ignores the express language "or at any time or place" which follows the prohibition against

prohibits yelling and shouting etc. between 10:00 p.m. and 7:00 a.m.
(Emphasis Added) BC 5.15.030 (C).

The Staff Report does not present **any evidence** of any sound recordings or any factual evidence by which the Planning Commission could concluded that the level of playground noise "does not unreasonably disturb the quiet, comfort or repose of reasonable individuals of ordinary sensitivities." BC 5.15.030 (C). The Applicant does not provide any such evidence. The Applicant bears the burden of proof on this issue and has failed to carry its burden.

The Staff Report's conclusion also fails to read the provisions of the Noise Ordinance to effectuate the intent and purpose of the Ordinance, which is primarily to protect residents residing in noise-sensitive areas as required by BC 10.20 (6)(C).

The Planning Commission is urged to reject the Staff Report's flawed analysis
and conclude that the Noise Ordinance does apply to this Application.

The Planning Commission should find that the Application should be denied for
failing to address compliance with the Noise Ordinance.

Moreover, the Commission should deny the Application for failing to satisfy the
Approval Criteria.

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Specifically, the Applicant has not submitted any credible testimony to satisfy

DBC 40.15.15(C)(5) that the proposed expansion to 60 students will have a

minimal impact on our dense residential neighborhood, which City policy declares to be "noise sensitive areas" requiring protection from invasive loud

noise. BC 5.15.010(A) and .015(D) and (K).

In addition, the Applicant has failed to prove that the location can be made

reasonably compatible with the surrounding neighborhood, given the unsuitable location of the large playground, next to the 100 foot long two-story

exterior wall of the church building, on a hillside 40 feet above many surrounding homes, without any noise mitigation of any nature.

DBC 40.15.15(C)(5)

Similarly, the Applicant is unable to prove that tripling the enrollment from 20

to 60, with the concomitant increase in expected noise levels and longer duration outside, will better accomplish the purpose of the original condition of

the 1994 CUP that the pre-school operate inside the church building.

For the foregoing reasons, the Applicant has failed to meet its burden of proof and its Application should be denied.

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Further detailed analysis of this issues may be found in Ex. 26, my letter to Steve Regner, Senior Staff Planner, dated August 9, 2024 and Ex. 25, my letter to Mr. Regner dated June 3, 2024.

D. THE NOTICE FOR AND THE CONDUCT OF THE NEIGHBORHOOD REVIEW MEETING FAILED TO MEET THE REQUIREMENTS OF BDC 50.30. THE APPLICATION SHOULD BE DENIED ON THIS GROUND ALONE.

The Applicant failed to provide the proper Meeting Notice in that it failed to include provide any notice that the Applicant and its Application sought City approval of the large playground. Ex. 23. This was a material issue which would have been of great concern and interest of surrounding neighbors, including myself. Because of this lack of notice, the playground was never discussed in the context of seeking approval of the unlawful playground.

This conclusion is confirmed both in the City's minutes of the meeting, Ex. 24. The minutes note that the meeting was very well attended, and that it was ended by the Chair after neighbors requested that the meeting be continued at another time.

The testimony of the meeting was taken and transcribed by a licensed Oregon Court Reporter. Ex. 25 excerpt. The presenters on behalf of Ashcreek Playschool never mentioned the playground as part of their Application or an issue to address with questions. This is indisputable given the transcript of what they actually presented.

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The Staff Report casually brushes over this issue and contends that the playground was adequately discussed. That is not accurate, and the proof is found in the actual testimony at the meeting. Ex. 25.

This issue is discussed in much greater detail in my letter to Mr. Regner of August 9, 2024, Ex. 26. The Planning Commission is requested to make reference to that letter for further analysis.

CONCLUSION

Based on any one of the foregoing defects in the Ashcreek Application, the Planning Commission should deny the Application.

Were the Commission to be inclined to approve any portion of the Application, the Commission is urged (1) not to approve an increase in enrollment beyond 20; and (2) to impose substantial conditions requiring the construction of a sound wall, placing sound absorbing baffling on the exterior building wall above the playground area, reducing the size of the playground by one-half, removing the swing set closest to the Gordon property or relocating it next to the church building, limiting the time for playground use to a total of two hours per day, with a limit of 10 children on the playground at one time and locking the fence gate after Ashcreek Playschool ends each day and during the weekends.

Respectfully submitted,

A handwritten signature in black ink that reads "Douglas B. Gordon". The signature is written in a cursive style with a large, sweeping initial "D".

Douglas B. Gordon

SUBMISSION BY DOUG GORDON

OCTOBER 2, 2024

CITY OF BEAVERTON

PLANNING COMMISSION

RE: MURRAY HILLS CHRISTIAN CHURCH/
ASHCREEK PLAYSCHOOL, LLC

Application/Project Name: LU32023-00557 Ashcreek

Application Numbers: CU32023—00555 /
DR12024-00090

PART (2) OF (4)



TAKEN 1996

EXHIBIT
1
GORDON

EXHIBIT
1
GORDON



GORDON RESIDENCE



EXHIBIT
3 A
GORDON

Murray Hills Christian Church Playground

This playground and equipment are for children 12 and under accompanied by an adult

BE CONSIDERATE OF OTHER USERS AND NEIGHBORS
VOICES CARRY

Playground open
10am to dusk

Church Property Committee
(503) 524-5230

Murray Hills Christian Church
does not warrant the condition or safety
of this equipment and playground



Murray Hills Christian Church Playground
This playground and equipment are for children 12 and under accompanied by an adult
BE CONSIDERATE OF OTHER USERS AND NEIGHBORS
VOICES CARRY
Playground open
10am to dusk
Church Property Committee
(503) 524-5230
Murray Hills Christian Church
does not warrant the condition or safety
of this equipment and playground

EXHIBIT

3 B
GORDON



EXHIBIT
3c
GORDON

EXHIBIT
PUBLIC CHURCH
PLAYGROUND
GORDON
2023



EXHIBIT
PUBLIC CHURCH
PLAYGROUNDS
GORDON
2022

EXHIBIT
3D
GORDON

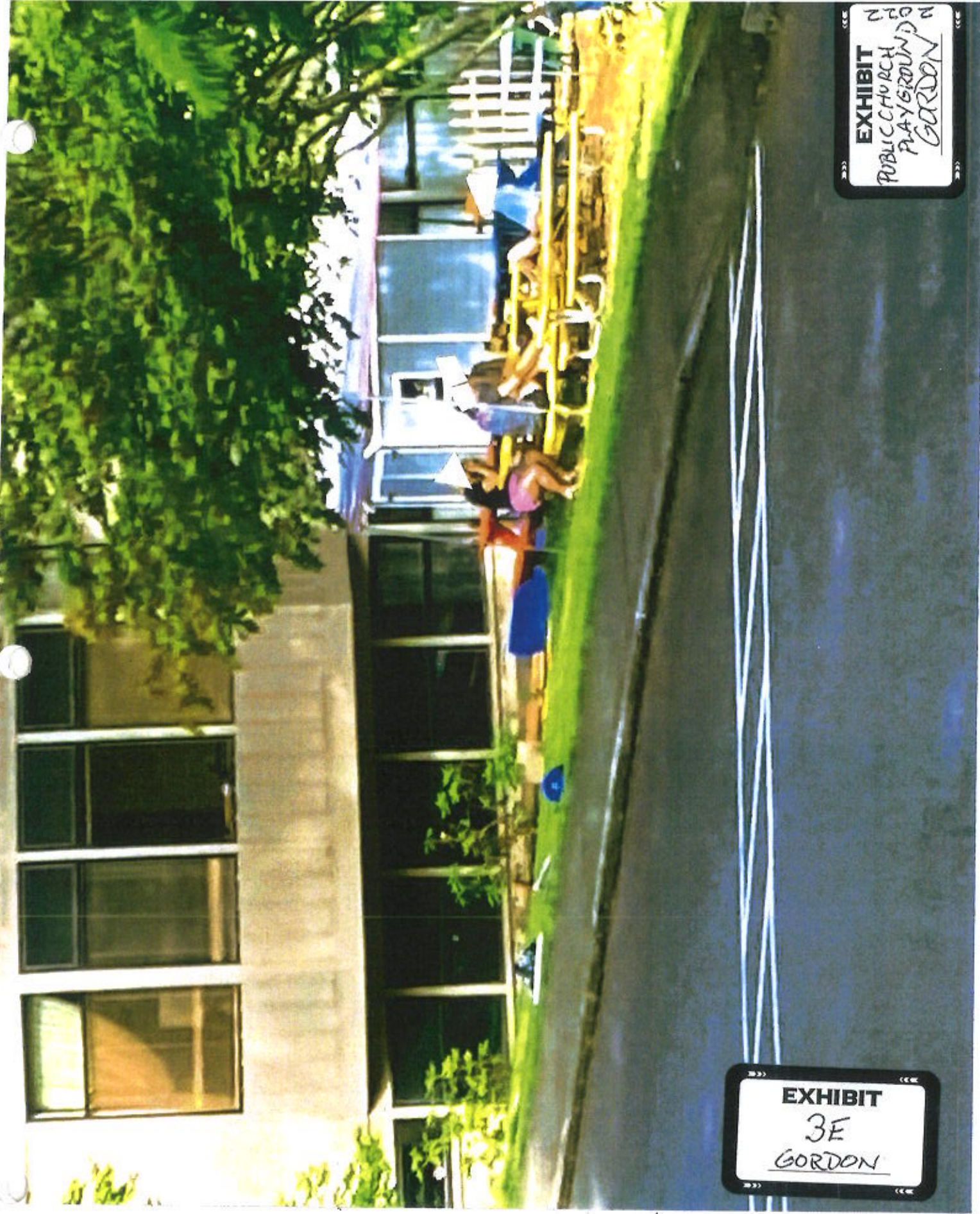


EXHIBIT N
PUBLIC CHURCH
PLAYGROUND
GORDON

EXHIBIT
3E
GORDON



EXHIBIT
4B
GORDON



LARGE PLAY STATION JUST DOWN HILL FROM CEMENT RETAINING WALL
- SECURED IN CEMENT FOOTINGS -
- THIS REPLACED SMALL PLAY STATION VISIBLE IN 1996 PHOTO - Ex 1



EXHIBIT
4c
GORDON



EXHIBIT
4D
GORDON



CEMENT RETAINING WALL WITH RAIL ON TOP



EXHIBIT
4E
GORDON



EXHIBIT

4F



CEMENT RETAINING WALL ↑ CONSTRUCTED AROUND 2007-09
IN AREA OF THE "PLAY ↓ AREA" WHICH WAS IN PLACE IN 1994 - LATER



REMOVED
BY
CHURCH
BEFORE
CONSTRUCTING
NEW
8,500 sq. FT.
PLAYGROUND
ABOUT
2007-09

EXHIBIT
5A
GORDON



GENERAL LOCATION OF THE "PLAY AREA" THAT WAS IN PLACE IN 1994 BEFORE REMOVAL BY CHURCH ABOUT 2007-2009

EXHIBIT
5B
GORDON



3/4/2023

EXHIBIT
GORDON RESIDENCE
FRONT AND RIGHT PROPERTY
GORDON

EXHIBIT
6
GORDON



LOOKING SOUTH FROM GORDON DECK - WETLANDS EASEMENT AREA



LOOKING SOUTH TO EAST - WETLANDS EASEMENT AREA





SOUTH EAST



SOUTH EAST - CHURCH PROPERTY ON
THE CENTER - LEFT

EXHIBIT
7 B
GORDON



BUILDING
EAST - CHURCH, BEHIND TREES/SHRUBS; PARKING LOT

EXHIBIT
7C
GORDON



EXHIBIT
VEGETATION - NO
NOISE MITIGATION
GORDON

3/4/2023

EXHIBIT
8
GORDON



2023 - WOOD CHIPS ANNUALLY PLACED ON PUBLIC PLAYGROUND
AROUND EQUIPMENT



AB 94-275

BEFORE THE PLANNING COMMISSION
FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF A REQUEST FOR A)	
CONDITIONAL USE PERMIT TO ALLOW THE	)	ORDER NO.
OPERATION OF A PRE-SCHOOL WITHIN	)	CUP 94011/819
THE MURRAYHILLS CHRISTIAN CHURCH	)	ORDER APPROVING
(MURRAYHILLS CHURCH MONTESSORI	)	CONDITIONAL USE PERMIT
SCHOOL); MURRAYHILLS CHRISTIAN	)	WITH CONDITIONS
CHURCH, APPLICANT.)	

This matter came before the Planning Commission on August 3, 1994, on a request for approval to allow an existing church building to be used as the location for a pre-school. The site is located at 15050 SW Weir Road. Pursuant to Ordinance No. 2050, sections 97 - 103, the Planning Commission conducted a public hearing and considered testimony and exhibits.

The Commission adopts the Planning Department staff report dated August 3, 1994, as to criteria applicable to this request and findings thereon; now, therefore,

IT IS HEREBY ORDERED that CUP 94011 is hereby approved subject to the following conditions:

1. The Conditional Use Permit Order shall be recorded with Washington County Records prior to the issuance of occupancy permits. The City will record the original signed Order after the applicant submits to the City Recorder the appropriate sum to cover the cost of recording.
2. The applicant shall supply to the City a copy of the State of Oregon license for the school, including the maximum classroom capacity approved for the site. This information shall be provided prior to recording of the Conditional Use Permit.
3. This permit will allow no more than 20 pre-school students, 2 employees, and no greater than 700 square feet of building area to be used for the school within the existing church building. Future school expansions, if proposed, may be processed administratively.



AFTER RECORDING RETURN TO:
City Recorder
City of Beaverton
PO Box 4755
Beaverton, OR 97076

P.1

The property subject to this order is Tax Lot 400; Map 1S1-32AA also known as the property located at 15050 SW Weir Road, Beaverton, Washington County, Oregon.

Dated this 31st day of August, 1994.

PLANNING COMMISSION
FOR BEAVERTON, OREGON:

ATTEST:

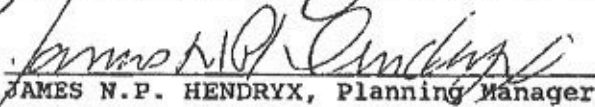
APPROVED:



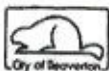
JOHN OSTERBERG, Associate Planner



STEVE DONOVAN, Chairman



JAMES N.P. HENDRYX, Planning Manager



Planning Department
Development Review
Phone: (503) 526-2420

CITY OF BEAVERTON
5000 DEP
4753 W. GARDNER DR.
P.O. BOX 4755
BEAVERTON, OR 97006
MAY 7 1994

NOTE:
APPROXIMATE SHEET SIZE 24 x 36
FOLDED TO FIT LEGAL SIZE
ASSEMBLED INTO SETS

PRELIMINARY RECONSTRUCTION PLANNING BUILDING D.I. FINAL RECONSTRUCTION

APPLICATION DATE: 05 26 94 FEE PAID \$ _____ APPLICATION DATE _____

FAC. REV. STAFF _____ RECEIPT # _____ HEARING TYPE _____ DATE _____

FAC. REV. APP. _____ CHECK # _____ HEARING TYPE _____ DATE _____

FILE # Exp-940-11 FILE NAME Murray Hills Montessori School

SHADE AREA FOR OFFICE USE ONLY

PRINT OR TYPE ALL INFORMATION BELOW

APPLICANT USE MAILING ADDRESS FOR MEETING NOTIFICATION USE SITE LOCATION ADDRESS BELOW

APPLICANT

Your Name: Pat Green, Trustee Phone # 644-6927

Business Name: Murray Hills Christian Church dba Murray Hills Christian Church

Address Street: 15050 S.W. Weir Road

City/State: Beaverton, Oregon Zip: 97007

Signature: Pat Green Date: 5-26-94

PROPERTY / ZONING DATA

Address: 15050 S.W. Weir Road

Location Description: Between S.W. 148th and 151st Place

MAP & TAX LOT (SECTION PARCEL)	DOMINANT USE & BLOCK	SITE AREA (ACRES)	ZONING (OFFICIAL PROPOS.)	REMARKS
I-S-1, 32AA-	400		R-5 C.U.	
-	-		-	
Conditional use of this property was approved in 1988. This application is for amended use of the church for a Montessori School.				
-				
-				
-				
TOTAL GROSS SITE:			ACRES	SQ. FT.
			4.11	179,040
TOTAL NET SITE: (GROSS SITE MINUS IMPROVEMENTS)				

PROPERTY OWNER Attach separate sheet if more than one owner

Your Name: Pat Green, Trustee Phone # 644-6927

Business Name: Murray Hills Christian Church dba Murray Hills Christian Church

Address Street: 15050 S.W. Weir Road

City/State: Beaverton, Oregon Zip: 97007

Signature: Pat Green Date: 5-26-94

ARCHITECT/DESIGNER

Your Name: Joachim C. Grube/Pietro Belluschi Phone # 321-8150

Business Name: Tom Grube Hall, P.C.

Address Street: 1211 S.W. 5th Avenue Zip: 2700

City/State: Portland, Or Zip: 97204-3782

COMMERCIAL / INDUSTRIAL DEVELOPMENT

Use or Development Description: _____

BUILDING USE (PROPOSED USES)	BLDG. AREA (GROSS SQ. FT.)	% OF BLDG.	PARKING # SPACES (REQ/PROP)	REMARKS
Church	12,584		50 /	
Montessori School	1 room		15-36	
	6120' 34" x 28'			
TOTAL BLDG. AREA: 12,584 100% 50 /				

LANDSCAPE ARCHITECT

Your Name: Larry Walker Phone # 228-3122

Business Name: Walker & Hacy

Address Street: 320 S.W. Oak Zip: 3100

City/State: Portland, Or Zip: 97204

SUBDIVISION / LAND PARTITION

LOTS PROPOSED: _____ PARTITION LOT SIZES IN SQUARE FEET: _____

ENGINEER/SURVEYOR

Your Name: Ganfar Hansa Ganfar Phone # 227-3251

Business Name: kpj, Consulting Engineers

Address Street: 911 S.W. 6th Zip: 911

City/State: Portland, Or Zip: 97204

MULTI-FAMILY / R.U.D. DEVELOPMENT

GROSS SQ. FT. / % SITE: _____ # UNITS: _____

TOTAL RES. SPACE: _____

VILLAGE RESIDENTIAL: _____

TOTAL GROUND SPACE: _____

OPEN SPACE (PER UNIT): _____

DRIVEWAY AREA: _____

PARKING AREA: _____

MAX. BLDG. HEIGHT: _____

UNITED BY BEDROOM NO: _____

AGE GROUP: EARLY ADULT SENIOR ALL

CONTRACT: RENTAL CO-OP RENT-COST \$ _____

CONTRACTOR EXPECTED TO BEGIN: _____

READER ONLY CHECK OFF

PRELIM APPLICATION FCDD ACTION

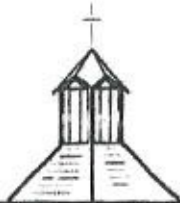
FINAL APPLICATION COUNCIL ACTION

WWW: No YELLOW: Applicant PINK: Plan Tech GOLD: Council

If this notice appears clearer than the document, the document is of marginal quality.

EXHIBIT

GORDON



MURRAY HILLS CHRISTIAN CHURCH
(Disciples of Christ)

P.O. Box 7096 • 15050 S.W. Weir Road • Beaverton, Oregon 97007 • (503)524-6230

June 25, 1994

City of Beaverton Planning Department
P.O. Box 4755
Beaverton, OR 97076

To: Members of the Beaverton Planning Department

Subject: Impact statement regarding application for Conditional Use Permit for Montessori School

Operating hours: 8:30 A.M.-3:30 P.M.

Frequency: Week days, daily, during the school year; July, August if sufficient registration

Constituency: Up to 20 children, ages 2 1/2 years to 5 years.

Change from original Conditional Use Permit: The pastor and secretary were expected to be the only regular daily occupants plus occasional group use.

It is the opinion of the Trustees of Murray Hills Christian Church that no impact will be experienced by the neighborhood.

These classes will occupy only one room inside the church building, and the children will use the church-owned play equipment outdoors for their short periods of recreation. Therefore, they will not be using the schools or parks or other public facilities in the area.

Because there is nothing being built, altered or changed in any way, there is no concern regarding the aesthetic compatibility with the neighborhood.

Utilities will not be stressed because the small amount of extra usage would be considered normal with usage of a public facility such as ours.

Normal need for emergency services will not burden those resources.

No neighborhood residential streets would be used for entrance or exit from the property because Weir Road handles the main traffic in the area. Times for the slight additional use of this street are outside the heavy traffic times. Students will be arriving from Aloha and Beaverton neighborhoods. Because parents will be arriving at a variety of times, there will not be sufficient automobiles entering or leaving Weir Road to cause a circulation problem.

We strongly feel that granting this permit will in no way impact the Murray Hills neighborhood or diminish the services thereof.

Yours truly,

Pat Green
Pat Green, Chairman
Board of Trustees, Murray Hills Christian Church

Dr. John T. Bristow, Pastor

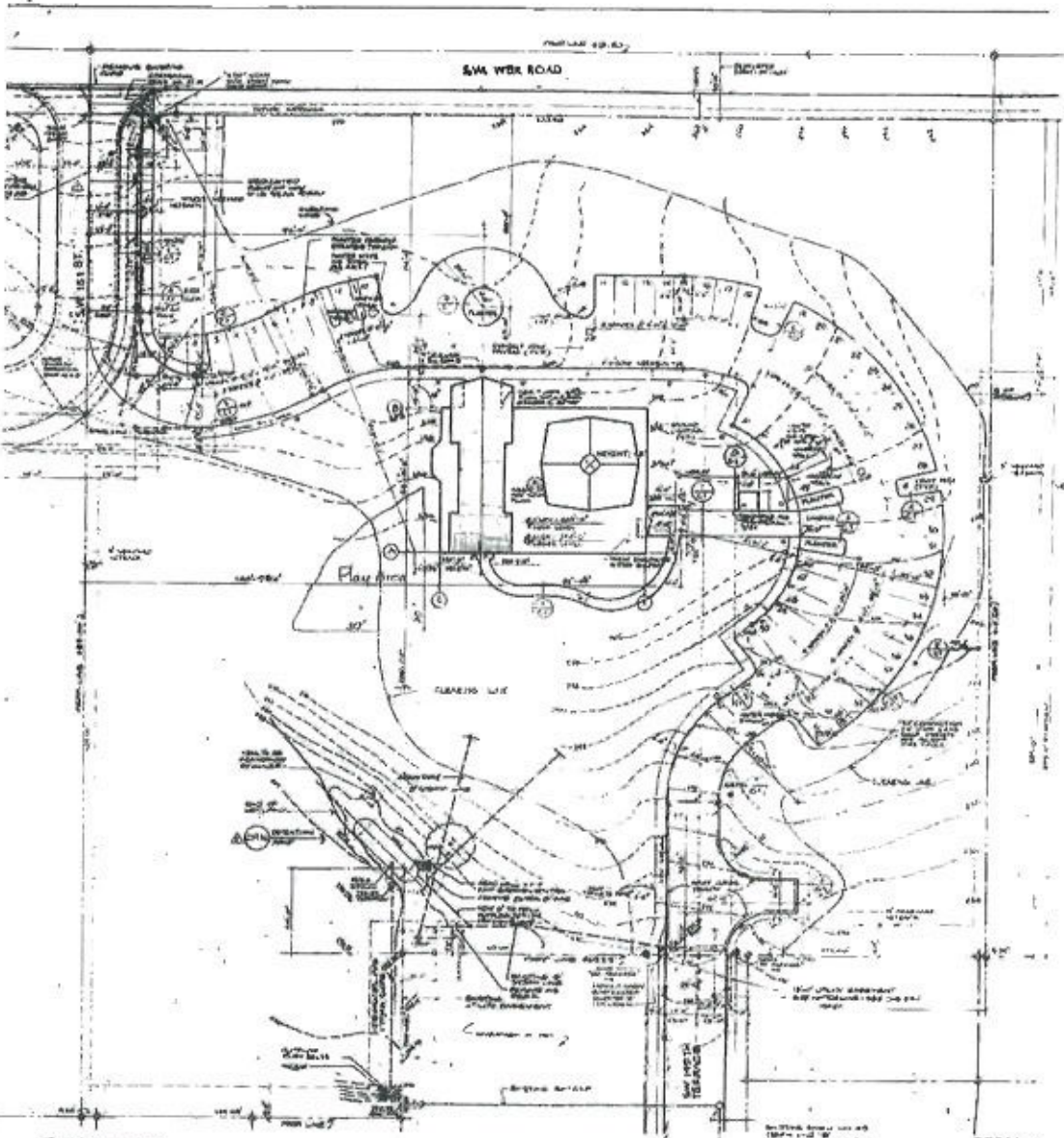
Sue Webber, Program Director

If this notice appears clearer than the document, the document is of marginal quality.

EXHIBIT

12
GORDON

FILE COPY



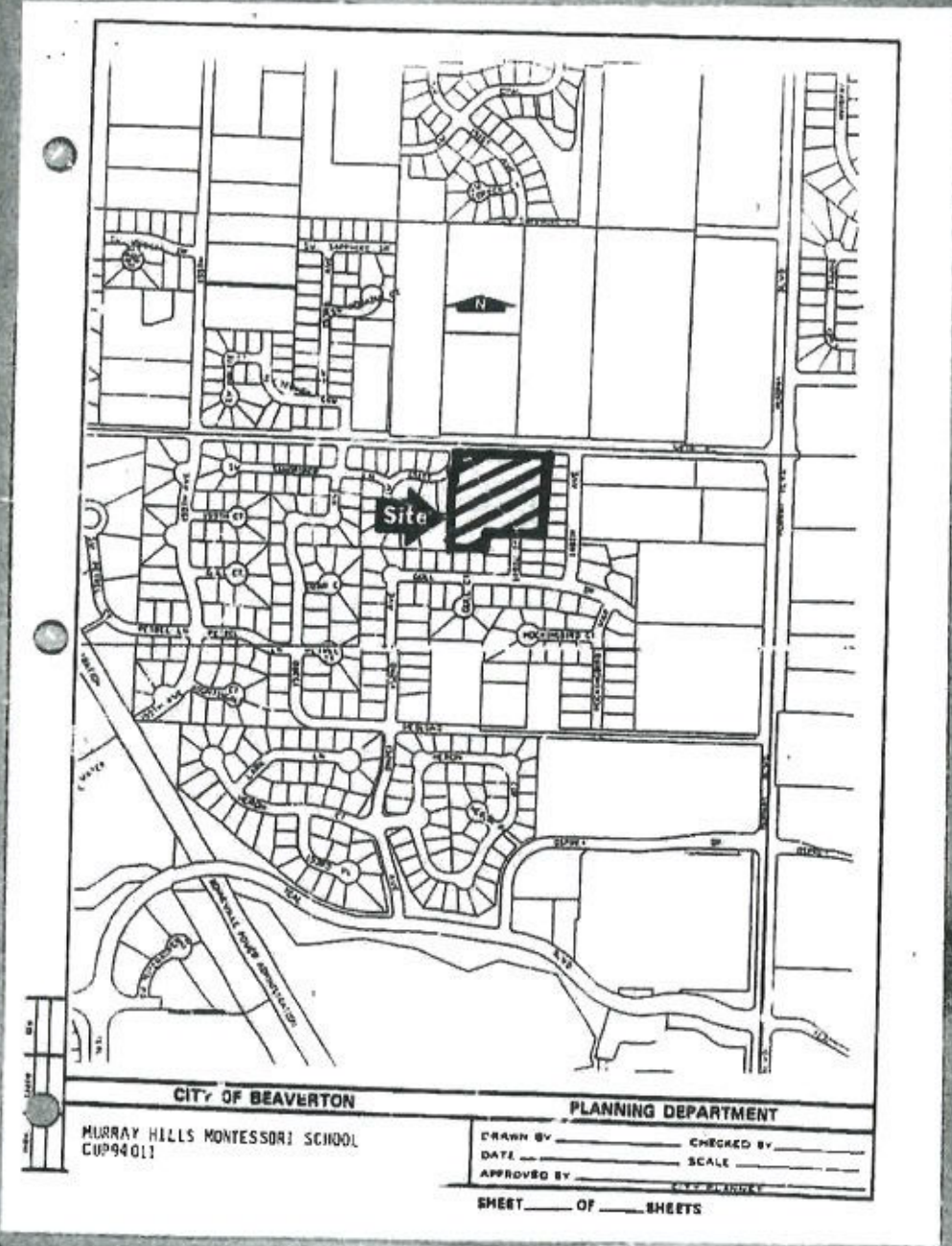
CD 24X

<p>6 SITE PLAN 1" = 40'-0"</p>		<p>SITE PLAN & DETAILS</p>		<p>RECORD</p>	
<p>DATE: 11/11/88</p> <p>BY: [Signature]</p>	<p>PROJECT: CEDAR HILLS CHRISTIAN CHURCH</p> <p>LOCATION: S W WEBB ROAD, BLAVINGTON, OREGON</p>	<p>ARCHITECT: PETRO BRUSCHI, DESIGN CONSULTANT</p> <p>1101 S.W. 104th Street, Portland, Oregon 97223</p>			

EXHIBIT

13 A

GORDON



CITY OF BEAVERTON PLANNING DEPARTMENT

MURRAY HILLS MONTESSORI SCHOOL
CUP94011

DRAWN BY _____	CHECKED BY _____
DATE _____	SCALE _____
APPROVED BY _____	DATE _____

SHEET _____ OF _____ SHEETS

If this notice appears clearer than the document, the document is of marginal quality.

EXHIBIT
13.B
GORDON

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Acquirer, the document is of doubtful quality.

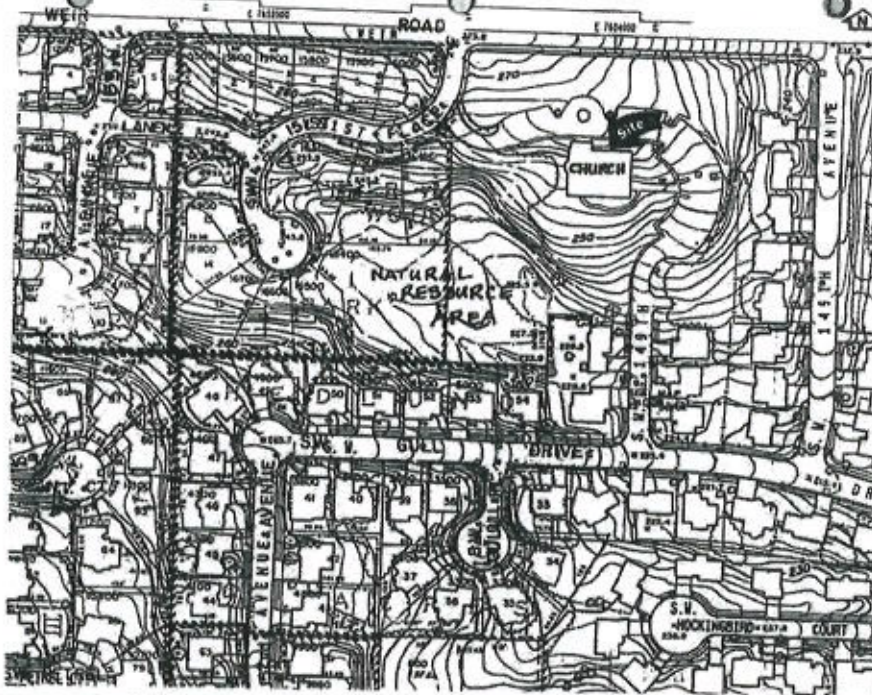


EXHIBIT
13C
GORDON

COMMUNITY NEWSPAPERS, INC.

P.O. BOX 370 BEAVERTON, OREGON 97005 PHONE (503) 884-0380

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City of Beaverton Planning • □ Tearsheet Notice
PO Box 4755 • □ Duplicit - Advertis
Beaverton, Oregon 97076

PO#33468

AFFIDAVIT OF PUBLICATION

STATE OF OREGON, COUNTY OF WASHINGTON, ss.

I, Judith Koshler, being first duly sworn, depose and say that I am the Advertising Director, or his principal clerk, of the Valley Times newspaper of general circulation as defined in ORS 193.010 and 193.020; published at Tigard in the aforesaid county and state; that the Hearing/CUP 94011 Murray Hills Montessori a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for ONE successive and consecutive in the following issues:

July 7, 1994

Signature of Judith Koshler

Subscribed and sworn to before me this 7th day of July, 1994

Signature of Robyn A. Burgess, Notary Public for Oregon

My Commission Expires:

AFFIDAVIT

NOTICE OF PUBLIC HEARING

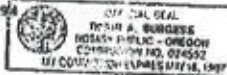
NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Beaverton Planning Commission at the Beaverton City Hall in the Council Chambers located at 4755 S.W. Griffith Drive, Beaverton, Oregon, on Wednesday, August 3, 1994, at 7:00 P.M., on the following:

CUP 94011 MURRAY HILLS MONTESSORI SCHOOL Request for a Conditional Use Permit to allow operation of a school classroom within the Murray Hills Christian Church building, to be located at 15030 S.W. War Road, Tract 400; Map 151-32AA. The land is zoned R-3 Single-Family Standard Density zone. The site is approximately 4.13 acres in size.

The Planning Commission invited testimony from interested citizens on this matter. Public hearings are conducted in accordance with adopted procedures for land use hearings.

Dated this 1st day of July, 1994 Jim Hendryx, Planning Manager City of Beaverton CDD#033468

VT4317 - Publish July 7, 1994



If this notice appears clearer than the document, the document is of marginal quality.

EXHIBIT 14A GORDON

City of Beaverton
**DEVELOPMENT APPLICATION
NOTICE OF REVIEW**

Date: July 6, 1994

Notice is hereby given that a public hearing will be held before the City of Beaverton Planning Commission on August 3, 1994. Hearings are conducted at Beaverton City Hall in the Council Chambers located at 4755 S.W. Griffith Drive, Beaverton, Oregon, beginning at 7:00 p.m. These hearings are for the purpose of receiving testimony from the public on the following:

CIP 94011 MURRAY HILLS MONTESSORI SCHOOL

Request for a Conditional Use Permit to allow operation of a school classroom within the Murray Hills Christian Church building, to be located at 15090 SW Wair Road. Tax Lot 400; Map 151-322A. The land is zoned R-5 Single Family Standard Density zone. The site is approximately 4.11 acres in size.

Any person may appear before the Planning Commission at the public hearing and be heard in support of or in opposition to the granting of the request. Written testimony is acceptable if received by the Council prior to the meeting. Further information may be obtained by contacting John Ostrowsky at 526-2416.

Following the hearing the Planning Commission can do one of the following:

- 1) Deny the application.
- 2) Approve the application
- 3) Approve the application with conditions.
- 4) Continue the application for further consideration.

THIS INFORMATION IS AVAILABLE IN LARGE PRINT OR AUDIO TAPE UPON REQUEST. IN ADDITION, ASSISTED LISTENING DEVICES, SIGN LANGUAGE INTERPRETERS, OR QUALIFIED BILINGUAL INTERPRETERS WILL BE MADE AVAILABLE AT ANY PUBLIC MEETING OR PROGRAM WITHIN 72 HOURS ADVANCE NOTICE. TO REQUEST THESE SERVICES, PLEASE CALL 526-2222/VOICE/TDD.

PC-7

City of Beaverton
Planning Department
4755 S.W. Griffith Drive
P.O. Box 4755
Beaverton, Oregon 97076

CIP 94011 MURRAY HILLS MONTESSORI SCHOOL

8/3/94

**Notice of Development
Review Enclosed**

NOTICE TO MORTGAGEE, LIENHOLDER
VENDOR OR SELLER: IF YOU RECEIVE THIS
NOTICE, IT MUST BE PROPERLY FOR-
WARDED TO PURCHASER

PROJECT FILE

If this notice appears clearer than the
document, the document is of marginal quality.

EXHIBIT

14B
GORDON



CITY of BEAVERTON

4755 S.W. Oriskany Drive, P.O. Box 4755, Beaverton, OR 97008 General Information: (503) 526-2222 V/T/D

STAFF REPORT

TO: Planning Commission **DATE:** August 3, 1994

FROM: Planning Division
John Osterberg, Associate Planner

SUBJECT: CUP 94011 MURRAYHILLS CHURCH MONTESSORI SCHOOL

REQUEST: Request for a Conditional Use Permit to allow operation of a school classroom within the Murray Hills Christian Church building to be located at 15050 SW Weir Road. (Tax Lot 400; Map 151-32AA.) The land is zoned R-5 Single Family Residential. The site is approximately 4.11 acres in size.

LANDOWNER: Murray Hills Christian Church

APPLICANT: Murray Hills Christian Church; Ms. Pat Greene, Trustee

AUTHORIZATION: Ordinance 2050; Section 97-103.

CRITERIA FOR APPROVAL

Development Code sections 34.19, 76.5 and 97-103

Comprehensive Plan, Residential Land Use Policies 1, 2, 3 and 22.

SUMMARY AND RECOMMENDATION

The applicant asks the existing church building be allowed as the location for a pre-school. Based upon the information presented, staff recommends approval with conditions.



If this notice appears clearer than the document, the document is of marginal quality.

BACKGROUND FACTS

A. Comprehensive Plan Recommendations

1. Land Use: The Comprehensive Plan identifies the site as Urban Standard density residential.
2. Circulation: 34' Weir Road, is identified as a "C1" standard section (a Major Collector) with 66 feet of right-of-way and 42 feet of improvements.

SW 149th Terrace and 151st are identified as Local Residential streets with 50 feet of right-of-way and 24 feet of improvements.
3. Bikeways: None are adjacent to the site.

B. Current zoning

1. Subject Property: R-5, One residential unit/minimum lot size: 8,000 square feet of land area.
2. Surrounding Area: North - R-5
East - R-5
South - R-5
West - R-5

C. Current Land Use

1. Subject Property: Church
2. Surrounding Area: North - Low density single family residential
East - Lewiswood subdivision
South - Medium Area subdivision
West - Featherwood subdivision

D. Public Facilities

1. Police facilities are available from City of Beaverton at City Hall. Fire facilities are available from the Hixson Fire Station at the intersection of Brockman and Davies Road, and at the Cooper Mtn. Station on Russar Road (175th), south of Weir Rd.
2. Water and Sewer facilities are existing at the site.
3. Schools: Beaverton School District has determined that the use will have no impact on schools.
4. Parks: The use will have no impact on parks.

CUP 94011

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I. Physical Profile

The site is already developed with the church building and parking lots to the north and east of the building. The developed portion of the site is situated somewhat higher than surrounding properties. A drainage swale and natural resource area is located on the southwest portion of the lot. This area remains in natural tree cover.

PREVIOUS ACTIONS AND CONDITIONS

- CUP 14-88 MURRAYHILLS CHRISTIAN CHURCH approved by Planning Commission 1988
SDR 25-88 MURRAYHILLS CHRISTIAN CHURCH approved by Design Review Board 1989
SDR 87-90 MURRAYHILLS CHRISTIAN CHURCH LANDSCAPE REVISION
Type 1 Design Review, administrative approval 1991

**FINDINGS
(Analysis)**

A. Discussion

The applicant proposes to allow the church to be used for a Montessori School. A single classroom is proposed that could accommodate up to 20 pre-school aged children.

The Conditional Use permit is being processed with the requirement for a public hearing before the Planning Commission due to the addition of a new land use (pre-school) to the church site. The school activity was not previously considered during the review of the original Conditional Use Permit (CUP).

B. Conformance to the Development Code (Ordinance 2050)

Ordinance 2050 specifies that criteria must be met in order to approve a Conditional Use Permit request. The criteria is as follows:

1. The proposed use will comply with the purposes of the Development Code and all provisions thereof.

The underlying purpose of the Development Code is to provide for orderly development in the City. Section 34.19 of the Code lists "nursery schools" as a Conditional Use in the R-5 zone, therefore this use is in conformance with the underlying zoning and only requires a CUP for approval. A request to allow a pre-school in the R-5 zone would be in conformance with the Development Code.

CUP 94011

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2. The proposed use will comply with the Beaverton Comprehensive Plan.

The Beaverton Comprehensive Plan is not intended to be a site specific document for this type of land use. Therefore, it can only be generally determined that a particular use request, such as to locate a pre-school in the R-3 zone, would be in conformance with the Comprehensive Plan. The Plan does set out broad policies for non-residential uses in a residential zone. The section below will evaluate the pertinent plan policies.

Section II. RESIDENTIAL LAND USES

Policies Number 1, 2, 3 and 22.

1. Certain private and public nonresidential uses are necessary and should be permitted within residential areas for the convenience and safety of the people. However, all nonresidential uses should recognize and respect the character and quality of the residential area in which they are located and be so designed.

The Plan intends to allow non-residential uses in all residential zones. Virtually all churches and schools in Beaverton are located within residential zones and many of them are located adjacent to single family subdivisions. The proposed pre-school classroom would be located within an existing church which received Conditional Use approval in 1988. This Plan policy was previously met with that approval. The Board of Resign Review approved the church development plan in 1988 in accordance with city standards designed to recognize and respect the character of the surrounding residential area. Staff finds that the new classroom element will not impact the existing church activity, and therefore would not affect the ability of the existing development to meet the Plan's intent.

2. All on and off-site improvements in residential areas should add to the character and quality of the area as a place for people to live.

No additional improvements are planned for the site as part of the Montessori School classroom. The appearance of the church will remain virtually undisturbed.

3. Residential development should be coordinated with other land use elements and community facilities which are consistent with projected housing densities.

While this Plan policy usually refers to the coordinated provision of necessary public facilities such as schools, emergency services, etc., church's are often considered by the public as a community facility, although private. The use of the church property for a private school classroom is in keeping with the intent of the policy because as the community grows in size and population, the need for private community facilities grows also. The allowance of a school classroom will help provide for needed community services.

CUP 94011

22. Certain commercial and other nonresidential uses such as, but not limited to: community buildings; including recreation, health or social service facilities; fire stations; churches; recreational vehicle storage facilities; golf courses; and riding stables should be allowed within or abutting residential areas provided the location, design, operational aspects are compatible. These types of uses should also be subject to special development standards which recognize the residential areas.

The church development has already met the Plan's intent and met Development Code standards for compatibility with adjacent residential subdivisions. The location of a pre-school classroom will allow the existing church site to be more effectively used in order to provide additional services to the surrounding area while remaining compatible with the area.

Conclusion of Comprehensive Plan Policies

The proposed pre-school classroom meets the intent of the Plan in regard to the development and use of land in residential zones.

3. The location, size and functional characteristics of the proposed use are such that it can be made reasonably compatible with and have a minimum impact with the livability of appropriate developments on other properties in the surrounding area.

a. Location

The school classroom would be located inside the building. A small play area for children is already located on the south side of the building. Children from the school would use the existing play equipment.

b. Land Size

The church lot is just over 4 acres in size. This would not change with the school classroom.

c. Project Size

The school would occupy one room, about 675 square feet, inside the existing church building. The size of the church is about 13,000 square feet of building area on two floors. Therefore the school activity would occupy only a very small percentage of the building.

CUP 94011

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If this notice appears clearer than the document, the document is of marginal quality.

p. 5

d. Traffic Impact

The Montessori School proposes to operate with up to 20 students, 5 days a week (Monday through Friday). The applicant requests that this be allowed year-round, although they concede that a summer class may not be successful. For this pre-school the applicant states that parents will be arriving at a variety of times between 8:30 AM and 3:30 PM to drop off and pick up their children. Generally students may arrive from the locations in the Aloha/Beaverton area.

Staff generally uses the ITE Trip Generation Manual to determine expected traffic generation for particular land uses. Because ITE does not address 'pre-schools', staff will rely on the children's 'day care center' category. For every 1,000 square feet of day care, ITE shows that during both the AM and PM peak hours of trip generation, approximately 12 car trips can be expected. This figure includes employee trips, which would number two in this case. Staff notes that some cars are expected to carry more than one child to and from the day care center.

The Facilities Review Committee has reviewed the proposal and has found it to be well within the guidelines for capacity of the very short distance that must be travelled on SW 151st Place. Weir Road, a major collector, was designed to handle the auto trips to the nearby subdivisions, including the church site. Therefore, staff finds that the number of auto trips expected to be generated by the use is very low, and will be of negligible impact to surrounding areas.

e. Access

Traffic to the church is limited to SW 151st Place during the weekdays for school activity. This reflects no change from the existing traffic access approved for the site. No access is allowed on weekdays from 149th Terrace (to the south). That access is gated except for church activities on the weekend. Access to 151st is from both Weir Road and SW Sandpiper Lane. However, the primary access is expected to be from Weir Road, with cars turning left at the church driveway, before entering intersecting with residential driveways in Featherwood. Staff finds that access to the church remains adequate and the addition of a small number of autos will not negatively affect traffic circulation or surrounding areas.

f. Hours of Operation

The applicant proposes hours of 8:30 AM to 3:30 PM, 5 days a week (Monday through Friday). Church services are on Sundays.

CUP 94011

g. Number of Employees

The school activity would add two (2) more employees to the site. Currently, the church has two (2) full-time employees and one (1) part-time employee at the site.

h. Noise Generated

Staff has already found the traffic and access to the site to be of virtually no impact to surrounding areas. Additional traffic noise therefore, would be expected to be minimal. Although the school will use the small outdoor play area at the church, the play equipment already exists for occasional use by children in the neighborhood. Therefore, little change is expected. The play area is located close to the building, and is not near adjoining properties or the church parking lot. The applicant will meet the fencing and play area requirements of Section 16.8 of the Code. Staff finds that noise will be of a negligible impact to surrounding areas.

i. Buffering from Abutting Properties

The site already provides buffering from adjacent properties. Landscape screening and fencing already exists at the church site. This was reviewed in general with the previous CUP and more specifically during the review of the Design Review request by the church. No changes to buffering or screening are proposed.

j. Natural Resources/Historic Resources

The site does contain an area of Significant Natural Resources. This area is in the southwest portion of the site, below the developed areas. No changes are proposed that would affect the preservation of natural resources.

k. School/Park Impact

There is no impact to schools or parks.

l. Water and Sewer Facilities Impact

The existing public utilities are adequate to serve the building. No additional services are required for the school.

m. Transit Proximity

There is no transit service to the site. It is not expected that Tri-Wat service on Murrey Blvd. could provide for a pre-school activity.

CUP 94011

-7-

CONCLUSIONS

1. The use conforms with the Development Code criteria for approval (Sections 14.19, 78.8 and 97-103) for a conditional use permit.
2. The proposal conforms to the criteria for approval as expressed in the Beaverton Comprehensive Plan policies 1, 2, 3 and 22 of the Residential Land Use section of the Plan.
3. The existing church site will remain virtually unchanged while accommodating the school classroom.
4. The proposed conditional use, a Montessori School, is reasonably compatible with, and would have a minimum impact on the livability of other properties in the surrounding area.

RECOMMENDATIONS

Based upon the information presented and evaluation of the Development Code and Comprehensive Plan criteria for approval described in this report, staff recommends approval of CUP 94011, MURRAY HILLS CHURCH MONTESSORI SCHOOL. Staff's recommendation is subject to the following conditions of approval:

1. The Conditional Use Permit Order shall be recorded with Washington County Records prior to the issuance of occupancy permits. The City will record the original signed Order after the applicant submits to the City Recorder the appropriate sum to cover the cost of recording.
2. The applicant shall supply to the City a copy of the State of Oregon license for the school, including the maximum classroom capacity approval for the site. This information shall be provided prior to recording of the Conditional Use Permit.
3. This permit will allow no more than 20 pre-school students, 2 employees, and no greater than 700 square feet of building area to be used for the school within the existing church building. Future school expansions, if proposed, may be processed administratively.

ATTACHMENTS

1. Applicant's Statement of Intent
2. Site Map of project area
3. Map of zoning in site area
4. Facilities Review Conditions of Approval
5. Section 565 ITE Trip Generation Manual (1987, 4th Edition)

CUP 94011

-8-

COUNTY ASSESSOR SUB-MASTER FILE CREATE

REPORT-DATE 6-20-1994

FILE NAME: CUP 94011

CREATED BY: TRS FILE: CA2B12F

MAP & TAXLOT RANGE SELECTED

151 32 AA 00200 00400
151 32 AA 01200 01400
151 32 AA 03000 05700
151 32 AA 04400 03500
151 32 AB 03000 03900
151 32 AB 04500 05100
151 32 AB 15600 17000
151 29 DC 00200 00500
151 29 OD 00200 00300

P9

PLANNING COMMISSION MINUTES

August 3, 1994

CALL TO ORDER

Chairman Donovan called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL

Present were Chairman Steve Donovan, Planning Commissioners Brian Conley, Vern Williams, and Louis Larson. Wes Yuen, Charles Heckman, and Darren Welborn were excused.

Staff was represented by Associate Planner John Osterberg and Recording Secretary Gerry Bowles.

NEW BUSINESS

PUBLIC HEARINGS

Chairman Donovan opened the public hearing and read the format for the meeting. There were no disqualifications of Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items.

A. CUP 94011 MURRAY HILLS MONTESSORI SCHOOL

Request for a Conditional Use Permit to allow operation of a school classroom within the Murray Hills Christian Church building to be located at 15050 SW Weir Road. The land is zoned R-5 Single Family Residential. The site is approximately 4.11 acres in size. Tax Lot 400, Map 1S1-32AA.

Mr. Osterberg presented slides of the site and summarized the staff report.

Commissioner Conley questioned the fencing requirements. Mr. Osterberg responded that the existing fencing on the site meets the requirement. The fencing primarily is not intended to mitigate noise from the play area. Nothing further is required to be installed as a result of this application.

Chairman Donovan questioned the Facilities Review Condition 4 pertaining to the gate in the parking lot asking whether the required information has been provided to staff. Mr. Osterberg indicated that the condition has been met and that the applicant proposes no change with regard to the locked gate.

If this notice appears clearer than the document, the document is of marginal quality.

EXHIBIT

16
GORDON

PAT GREEN, Chairman, Board of Trustees, Murray Hills Christian Church, 11230 SW Muirwood Drive, Portland, said they are requesting a change in the Conditional Use permit to allow a Montessori School to use one room in the existing church. There will be no architectural changes inside or outside the building.

There was no public testimony. The public portion of the hearing was closed.

Commissioner Williams commented that this is a good use of the property. Commissioner Conley agreed but expressed some concern for the need for fencing around the immediate play area. Commissioner Larson supported the application saying it is a good use of the facility. Chairman Donovan agreed with comments from other commissioners noting that this is a wonderful program.

Commissioner Williams MOVED for approval of CUP 94011 Murray Hills Montessori School subject to the conditions stated in the staff report dated August 3, 1994.

Commissioner Larson SECONDED the motion.

The question was called and the motion CARRIED unanimously.

APPROVAL OF MINUTES

Commissioner Conley MOVED and Commissioner Larson SECONDED a motion to approve the Minutes of July 6, 1994, as presented. The question was called and the motion CARRIED unanimously.

MISCELLANEOUS

Mr. Osterberg indicated that according to the Development Code, it is required that a member of the Planning Commission serve on the Historic Resource Review Committee. A meeting has been scheduled for August 23, 1994. Commissioner Larson agreed to serve on the Committee.

ADJOURNMENT 7:32 p.m.

SUBMISSION BY DOUG GORDON

OCTOBER 2, 2024

CITY OF BEAVERTON

PLANNING COMMISSION

RE: MURRAY HILLS CHRISTIAN CHURCH/

ASHCREEK PLAYSCHOOL, LLC

Application/Project Name: LU32023-00557 Ashcreek

Application Numbers: CU32023—00555 /

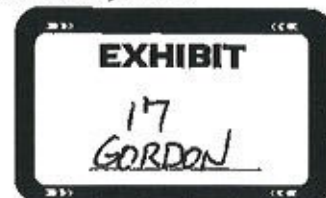
DR12024-00090

PART (3) OF
(4)

**BEFORE THE PLANNING COMMISSION
FOR THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF A REQUEST FOR	)	ORDER NO. 1398
CONDITIONAL USE PERMIT APPROVAL	)	CUP 2000-0031
TO ALLOW FOR EXPANSION OF USE	)	ORDER APPROVING
AND HEIGHT EXCEPTION TO THE	)	REQUEST WITH
EXISTING CHURCH FACILITY AT	)	CONDITIONS
15050 SW WEIR ROAD, MURRAY HILLS)	
CHRISTIAN CHURCH, APPLICANT)	

This matter came before the Planning Commission on April 18, 2001, on a request to approve a Conditional Use Permit (CUP) to expand the Murray Hills Christian Church located at 15050 SW Weir Road. The church is located in the Standard Urban zone (R-5), where churches and requests for height exceptions are permitted through CUP approval. The expansion proposal is intended to increase the size of the fellowship hall and the number of classrooms, with no expansion proposed to the main sanctuary area. The proposed addition includes a three-story portion located on the south building elevation. The highest portion of the proposed building addition is 42 feet. The site is generally located west of SW 148th Avenue and south of SW Weir Road, is specifically identified as Tax Lot 400 on Washington County Assessor's Map 1S1-32AA, and is approximately 3.89 acres in size.



The Planning Commission adopts the Staff Report dated April 11, 2001, as well as all exhibits thereto, including materials presented to the Planning Commission at the public hearing, as to criteria applicable to this request and findings therein; now therefore:

IT IS HEREBY ORDERED that CUP 2000-0031 is approved, based on the findings in the Staff Report that the proposal meets Development Code Section 40.05.15.2, subject to the following Conditions of Approval:

1. The approved CUP Land Use Order, and all Conditions of Approval included in the CUP shall be recorded with the Washington County Department of Records and Elections. Recording shall occur prior to issuance of site development permits.
2. The Conditional Use Permit shall become void two years after the final date of approval or as otherwise modified by Section 40.05.15.2.F and G of the Development Code. The Planning Director, pursuant to Section 50.30.2, may grant or deny time extensions allowing up to twenty-four (24) additional months, if justifiable cause is shown.
3. Separate Conditional Use approval shall be required for any future expansion to student enrollment associated with the existing Montessori School or the introduction of any other school program which utilizes church facilities. Enrollment at the existing Montessori School shall not exceed 20 students.
4. Detailed plans for architecture and site landscaping shall be subject to Design Review pursuant to Chapter 40.10 of the Development Code. Particular emphasis shall be given to the landscape plan for providing visual screening of the church building as seen from neighboring properties to south and southeast. In addition, the church shall be required to provide regular maintenance of the landscape area to ensure continuous visual screening of the building as seen from neighboring properties to the south and southeast.
5. The plans for site grading, which include the proposed relocation of the existing storm water bio-filtration swale and proposed modifications to the existing storm water detention pond, shall be designed to ensure that adverse impacts are minimized and temporary, and do not affect surrounding properties. No grading or fill activity shall take place below the top of the slope as identified on the approved plan set. Plans for site grading shall also be subject to further review and subsequent approval of a Site Development Permit through the City prior to site grading. Ongoing maintenance shall be

provided to the storm water bio-filtration swale and storm water detention pond in order to ensure proper operation of these facilities.

6. Outdoor lighting attached to the building exterior shall be shielded and directed away from residential properties so that the light source is not visible from adjacent residential properties. Outdoor lighting shall also be subject to Design Review approval.
7. Use of the property shall not at any time exceed 400 individuals.

Dated this 26th day of April, 2001

Year should be 2001 as indicated throughout the document.

Darleen Cogburn
City Recorder



PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:



SCOTT WHYTE
Associate Planner

VLAD VOYTILLA
Chairman

IRISH BUNNELL
Development Services Manager

July 7, 2000

Mr. Sean Morrison, Associate Planner
City of Beaverton
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

Sent via fax: 526-3720

Re: **Murray Hills Christian Church Building Addition**
15050 SW Weir Road
Beaverton, OR 97007

PRE-APPLICATION CONFERENCE SUBMISSION
Map Number: 1S132AA Tax Lot Number: 400

Dear Sean:

In pursuance to the Pre-Application Conference of June 28, 2000 I am submitting herein a description of issues and programs relating to the building addition for Murray Hills Christian Church. This is being submitted for your review to determine the need for a traffic analysis.

NARRATIVE:

The Murray Hills Christian Church building facility is located at 15050 SW Weir Road, Beaverton Oregon. The existing building was designed by local Portland architect Pietro Belluschi in association with Yost Grube Hall Architecture in 1988. Construction was completed on the original building approximately 11 years ago. The parking lot was expanded to 99 parking stalls two years ago. Due to continued growth to the Church community the congregation has outgrown it's current facility. In order to meet the Church's mission, additional building space is needed. Due to the recent parking lot expansion additional parking is not anticipated.

The proposed building addition consists of approximately 13,425 square feet of new space. The proposed addition is to provide adequate space for the Church's current programs and outreach needs with anticipation for growth to the congregation over the next ten years.

The following illustrates the uses of the building, both as it currently exists and as it is anticipated to be used over the next ten years.

Worship and Gathering: The upper level floor consists primarily of the Sanctuary, Fellowship Hall, and kitchen. There are currently two Sunday morning services in the Sanctuary. After the Sunday morning church service there is an informal gathering in the Fellowship Hall (refreshments served). Currently, there is not enough space for the whole congregation to meet in the Fellowship Hall at one time. This is a primary reason for the proposed building addition. The Fellowship Hall is also currently used during weekday evenings for various programs such as Boy Scouts, quilting group meetings, occasional neighborhood meetings, and various other impromptu gatherings. Occasional large gatherings occur, such as potluck dinners, wedding receptions, etc. The maximum anticipated capacity of the proposed expansion to the Fellowship Hall is 250 people, based on a ten-year projection. Please note that this will occur infrequently

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(perhaps a few times during the year). A new larger kitchen is proposed and will provide adequate food service for the whole congregation, which the current kitchen is unable to do. Future Fellowship Hall uses will also continue to be on Sunday, with the current weekday evening programs to continue. Therefore, the pattern of use for the Fellowship Hall and Sanctuary is not anticipated to change in relation to the proposed building addition.

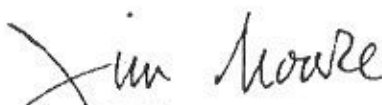
Education: The Church is currently beyond comfortable capacity for the Sunday school programs offered during the year. The ten-year projection for growth to the congregation estimates an increase from 71 to 172 participants in the Sunday school education programs. These programs generally take place after Sunday church service and are used by the church members themselves. This is the main increase in the use of the church facility. This change will take place during off peak traffic times (Sunday: late morning, early afternoon). The existing Montessori school will continue to operate at its current size in a new space in the proposed building addition. Therefore, a change in the use pattern or occupancy for this function will not occur. The music spaces proposed in the building addition are provided for existing music programs. Currently, the music programs/groups are using either the Sanctuary or inadequately sized classrooms for practice space. The music spaces in the proposed building addition are provided to meet the current and future music program space needs. The Choir currently practices on Wednesday nights and Sunday mornings prior to church service. The Bell Choir practices on Wednesday nights. The Band/Ensemble practices on Saturday mornings and occasional Wednesday nights. All music groups may occasionally practice at other times depending upon upcoming events. There is not an anticipated change in the use time and pattern for these programs in relation to the proposed building addition.

Pastoral/Administrative Support: Larger and more functional space is proposed in the building addition for the Pastor, secretaries and workroom. The Church has hired an Associate Pastor to begin in September 2000. A conference room is proposed in the building addition that will provide more comfort and privacy for the Pastor and congregation. Currently, conferences are held either in the Pastor's office or adjacent library. Any increase in use relating to this building addition will be periodic. A Pastoral Intern and one to two additional administrative people may be added to the Church staff. This has yet to be defined. This would increase the number of weekday occupants during late morning and early afternoon hours by two to four people.

As this description illustrates, a change in the pattern of use for the Church is not anticipated. An increase in Church occupancy will occur primarily on Sundays as the congregation continues to grow. An increase in traffic due to the building addition will therefore be minimal during the week and occur mainly during or after church service hours on Sundays. We do not feel that a traffic analysis is needed as part of the proposed building expansion.

We appreciate your evaluation of this information as it relates potential traffic issues. Please give me a call once you have reviewed this and advise on your interpretation of the need for a traffic analysis. I am, of course, available to answer any questions you may have. Thank you.

Yours Sincerely


James C. Moore
Yost Grube Hall Architecture

January 22, 2001

Re: Murray Hills Christian Church Building Addition
15050 SW Weir Road
Beaverton, OR 97007

Dear neighbor:

A neighborhood / community meeting was held at Murray Hills Christian Church on August 10, 2000 to advise our neighbors of our intention to expand the current Church facility. This letter is to provide you an update on our progress towards the Church expansion.

At the neighborhood meeting of August 10, 2000 concerns were expressed regarding site water drainage and treatment. We have employed the services of a local civil engineering firm to conduct a site analysis of the current and proposed site water drainage and water treatment. The firm has provided us, our architect and the City of Beaverton with a study of our property. This includes an analysis of the proposed site water treatment relating to the Church expansion.

Our civil engineer has identified ways of creating an efficient and workable site drainage solution that will adequately accommodate the current site drainage conditions and incorporate the change in drainage pattern resulting from the building expansion. The following items indicate the ways our on-site water drainage system can be modified as part of the proposed building expansion:

- The existing on-site detention pond will be excavated to remove accumulated sediment from the bottom of the pond. This will improve the retention and distribution of on-site water.
- The south end of the on-site detention pond will be raised to provide sufficient water detention area.
- The drain orifice at the bottom of the detention pond will be increased in size to more adequately accommodate discharge from the pond and reduce the potential for pond overflow.
- Modifications to the detention pond overflow standpipe will be made to protect the top grate of the standpipe from becoming clogged with vegetation debris.
- Native vegetation (grasses, shrubs, trees) will be provided at the relocated water treatment swale as part of the City of Beaverton development requirements.
- Additional vegetation (native grasses, shrubs, trees) will be added to the site to treat general on-site water as required by the City of Beaverton.
- Re-grading of the site as part of the building expansion will be made in a manner that will efficiently direct on-site water to the appropriate on-site water treatment facility.

We have currently submitted information on our proposed Church facility expansion to the City of Beaverton for their review and approval. Due to the type of building expansion we are proposing, the City of Beaverton will notify our neighbors of a public meeting that will be held to keep the neighbors informed of the project.

We are excited about the growth to our Church. As a Church we are committed to creating a building expansion that meets the needs of our members, architecturally co-exists with our existing building, and fits in with the language of our neighborhood surroundings.

Sincerely,

Evelyn Siler, Chair
Building Expansion Committee



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The following items are responses to letters sent to the City of Beaverton from neighboring properties of the Murray Hills Christian Church. The letters address concerns with the proposed building expansion of the Church as submitted herein to the City of Beaverton.

1. Concern: Drainage of grass fertilizer into the detention pond, DEQ/government studies, roof runoff.
Response: We feel that due to the creation of a vegetated corridor that include plantings as required by the Unified Sewerage Agency (see Landscape Plan) water runoff on the site that will travel downhill towards the detention pond will be treated naturally in the vegetated corridor to reduce the amount of contaminants in the runoff. The roof drainage system is designed as a sub-surface drainage line that takes the water from the roof and, through a piping system, drains into the detention pond. The roof drainage should not pick up any ground fertilizer or contaminants.
2. Concern: Cutting down trees. Removal of three trees on August 11, 2000.
Response: Based on the proposed building expansion, we are estimating that 4 Birch trees will need to be removed: they are located within the expansion area. See the Landscape Plan for clarification of proposed treatment of trees and other vegetation. Measures will be taken during construction to protect all other existing trees. Any of these trees that are effected during construction will be either temporarily removed or replaced in kind. The three Douglas Fir trees that were recently removed were done so after an effort to re-stimulate their health. The trees had become infested with bark beetles and the trees expired last summer. Due to concern by the adjacent neighbor of falling branches and trees, they were removed. If desired by the City of Beaverton the Church can provide the City with documentation from the arboricultural consultants confirming this. The (5) small fir trees at the entrance to the Church property from 151st Place may be removed/relocated in the future. Approval from the City of Beaverton will be requested at the appropriate time.
3. Concern: Legitimacy of water drainage, site analysis.
Response: Site Development Permit and Building Permit for the proposed expansion will be requested by the Church at the appropriate time. Any site work to be undertaken will meet with all required City, State and Federal codes which will be ensured by the City of Beaverton during their review and subsequent approval of Site Development and Building Permit.
4. Concern: Increased noise; increased traffic; expansion of Montessori school.
Response: The Church feels that there will not be an increase in noise necessary to warrant a noise impact study. The Church does not anticipate an increase in traffic that would warrant a traffic study. This item has been discussed with Sean Morrison of the City of Beaverton and addressed in a letter to Sean on July 7, 2000. The City of Beaverton has made the assessment that a traffic study is not necessary. The Montessori school is not anticipated to increase in use. The City of Beaverton granted conditional Use for the Montessori School with an occupancy of 20 students. If, in the future, the Church decides to increase the occupancy of this use, Conditional Use approval will be pursued.

5. Concern: No clear definition of how to measure building height.
Response: Building height will be measured by the method indicated in the Unified Building Code section 209 (Height of Building definition).
6. Concern: Visual continuity with existing neighborhood.
Response: We feel that the visual continuity is not being compromised with the proposed building expansion. The Church property is large enough to allow for a building expansion while maintaining a large landscaped area (see Landscape Plan) to the south which has been developed to allow for natural "screening" through the use of landscaping. The proposed expanded portion of the Church building will be 102 feet from the south property line, approximately 109 feet from the existing house directly to the south of the property, and 140 feet to the house at the southeast of the property. Because the church expansion will maintain the same roofline as the existing church building, and the ground elevation of the property is higher than the surrounding properties to the south, landscape will be placed to "screen" the building addition and "soften" its size to the south.
7. Concern: Vegetated Corridor.
Response: The Unified Sewerage Agency has received the current Landscape Plan, which identifies the Vegetated Corridor and the proposed plantings in the corridor per their requirements. We believe that the size of the Vegetated Corridor is correct.
8. Concern: Adverse impact of the addition's location and size on the neighborhood.
Response: See response 6 above. In addition, it is the Church's intention to propose a building expansion that is in keeping with the original design language of the existing building. It is also the intention to size the building addition in relation to the property as it currently exists, and the surrounding properties. While there is greater than 100 feet from the proposed addition to the nearest house to the south, the design will incorporate landscape that will screen and soften the view of the proposed expansion for the neighbor properties to the south and southeast of the property. There appears to be one kitchen window approximately 4'x4' in size on the north elevation of the house directly to the south of the proposed expansion. There currently is vegetation and trees that screen the view to the Church property, which will remain.
9. Concern: Site surface drainage.
Response: The proposed expansion will incorporate modifications to the on site water detention pond, relocation and improvement to the on site drainage swale, and the incorporation of natural vegetation to the vegetated corridor that will meet with Unified Sewerage Agency requirements. These methods of water treatment are designed to sufficiently treat, maintain and disperse site water in a manner acceptable to the Unified Sewerage Agency, the City of Beaverton and the surrounding property owners. The Stormwater Analysis completed by Otak identifies the methods of enhancing the performance of the detention pond. The 30" pipe that takes water from the creek and water overflow from the Church's detention pond is not on the Church's property. The Church does not have any current plans to pursue work to this pipe.
10. Concern: Proposed lighting impact upon surrounding properties.
Response: While exterior lighting is a necessity with the proposed building expansion,

the proposal for new exterior lighting is minimal. The Lighting Plan indicates the existing and proposed lighting fixtures for the project. Seven (7) ground fixtures are proposed, six of which will be located in the new courtyard area, and four (4) wall mounted fixtures, two of which face south, are proposed. The exterior wall fixtures facing south can be manually operated so that they will not adversely effect neighbor properties. The lighting for the proposed building expansion has been deliberately limited out of concern to the adjacent property owners. As stated above, additional landscaping and large trees (evergreen) will be located near the south property line so as to screen the building and new lighting from the resident to the south's 4'x4' (approx) kitchen window.

11. Concern: compatibility and minimum impact upon livability of neighborhood.
Response: We do not feel that the proposed building addition will dominate the entire neighborhood. See Conditional Use and Design Review Narrative.
12. Concern: Building Height
Response: The Building height will be measured by the method indicated in the Unified Building Code section 209 (Height of Building definition).
13. Concern: Stormwater analysis incorrect.
Response: The Addendum to Natural Resource Assessment addresses initial inconsistencies in the Stormwater analysis. The statement in the Stormwater analysis indicating that the property does not receive any runoff originating from off-site is incorrect. There is not any off-site runoff onto the developed and hard-surface area of the Church property (parking areas).
14. Concern: Vegetated Corridor requirements will not be met.
Response: We feel that the Vegetated Corridor as indicated on the Landscape Plan meets with the requirements of the Unified Sewerage Agency.
15. Concern: Cutting down existing trees.
Response: See response number 2 above.

March 21, 2001

Mr. Scott Whyte
Associate Planner
Community Development Department
City of Beaverton
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

Re: **Murray Hills Christian Church Building Addition**
Design Review Type 3 Application
File Number: PA-2000-0036 BDR 2000-0185
Map Number: 1S132AA Tax Lot Number: 400

Dear Mr. Whyte:

The following information is being provided to you and the City of Beaverton as part of the application for development review via Design Review Type 3 procedure for the expansion to the Murray Hills Christian Church facility. Please accept this information as a revised "Narrative" to be used in place of the original narrative dated November 7, 2000 and the additional narrative information dated December 20, 2000.

The proposed development is for a building expansion to the existing Church facility located at 15050 SW Weir Road, Beaverton, Oregon 97007. The items provided herein are based on the Design Review submittal checklist provided by the City of Beaverton, the findings as outlined during the Pre-Application meeting held on June 28, 2000, and comments made during the Facilities Review Committee meeting of February 7, 2001.

WRITTEN NARRATIVE:

I. COMPLETED CHECKLIST

Attached herein please find one completed copy of the Design Review Type 2 and 3 checklist.

II. DESCRIPTION OF PROPOSAL

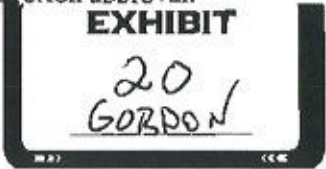
The Murray Hills Christian Church is an existing building facility located at 15050 SW Weir Road, Beaverton Oregon. The existing building was designed in 1988 by the late Portland architect Pietro Belluschi in association with Yost Grube Hall Architecture. Conditional Use Permit (CUP 14-88) and Design Review approval (BDR 25-88) were provided for this building in 1988. Construction was completed on the building approximately 12 years ago. In 1994, Conditional Use Permit (CUP 94-011) approval was provided for a Montessori school of 20 children and 2 employees. The Church proceeded with this approval and now hosts a Montessori school as approved by the City of Beaverton. In 1996, Conditional Use Permit (CUP 96-035) and Design Review (BDR96-196) approval were provided for a parking lot expansion of 49 spaces. Construction on the parking lot was completed and the current total of parking spaces is 99 in compliance with the City of Beaverton approval.

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James L. Stark
Mark A. Steller AIA
W. Roger Yost FAIA



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Mr. Scott Whyte
City of Beaverton
03.21.01

Due to continued growth to the Church community the congregation has outgrown it's current facility. In order to meet the Church's mission, additional building space is needed. The proposed building expansion consists of adding 13,425 square feet of new space to the existing building facility. This space will be contained on three levels. The proposed expansion is to provide adequate space for the Church's current programs and outreach needs. The expansion will also provide for anticipated growth in the education programs over the next ten years. See section "D Proposed Operations" for a description of Church activities.

Site:

The Church building as it currently exists has a site footprint of 6,130 square feet. The building is 2 stories and totals 12,510 square feet. The existing parking area is 45,500 square feet encompassing 99 parking spaces. The existing site landscaped area is 117,673 square feet. The proposed expansion consists of a two and three level addition that will have a building footprint of 4,745 square feet. Including this proposed building expansion the new total building footprint would be 10,875 square feet with a total landscaped area of 112,928 square feet. The building expansion will be to the south of the existing building. The south face of the building expansion will be located 100 feet from the south property line.

As indicated on the site plans enclosed, the existing site water treatment swale will be relocated 40 feet to the south to accommodate the building expansion. The existing on-site water detention pond will also be modified to improve its and performance and accommodate the necessary detention. Calculations determining the swale size and detention pond size requirements are included in the Stormwater Analysis dated November 6, 2000 and submitted to the City of Beaverton on November 7, 2000 with an addendum submitted on December 20, 2000. Included herein is a revised "Addendum to Natural Resource Assessment".

Landscaping:

Extensive landscaping will be added to the portion of the site around the building expansion, as indicated in the Landscape Plan included herein. The Unified Sewerage Agency has reviewed this Landscape Plan for compliance with their Wetlands Buffer/Vegetated Corridor planting requirements. They have issued their revised "Service Provider Letter" outlining the necessary conditions that need to be met once development/construction begins (included herein). An important criteria of the landscape design is to provide aesthetic planting materials that work with the existing site conditions and provide visual "screening and softening" of the building expansion when viewed from the south and southeast portion of the site. This is done in an effort to accommodate neighbor concerns regarding the view of the expansion from the south and southeast portion of the property. We believe that this is being accomplished with the current Landscape Plan.

Parking:

The current parking facility is sufficient to accommodate the expansion as shown in the drawings included herein. There is no intention to increase the seating capacity of the existing Sanctuary, which is the determining factor in calculating the required number of parking spaces. This determination is based on Chapter 60 Section 20 "Off Street Parking and Loading" in the Beaverton Development Code. The primary use of Murray Hills Christian Church is a "place of worship". The parking space requirement per "Zone A" of the Development Code requires that a minimum of 0.25 and a maximum of 0.6 parking spaces per seat (sanctuary seating) be provided. The original building project estimated a maximum seating of 200 people in the Sanctuary. Therefore, 50 parking spaces need to be provided for this portion of the facility. The facility also houses a Montessori School during the weekday. "Zone A" Development

Code requires between 1.0 and 1.5 parking spaces per Montessori School staff. The Montessori School staff is generally one to two people. The total number of parking spaces at the Church facility is 99, which appears to meet the requirements of this chapter of the Development Code.

Land Use:

The existing facility is located in the Zoning District R-5, which allows for "Churches, synagogues and related facilities" subject to the Conditional Use permit process (Section 20.05.20.B.7 of the Development Code).

III. APPROVAL CRITERIA

"Provide findings verifying that the proposal meets the Code's requirements found in the site development section of chapter 20 and the off-street parking and loading requirements of Chapter 60 section 20. In addition, provide findings for any other applicable Code requirements. Specify conformance or proposed variance request from those requirements":

Chapter 20 Site Development:

The lot setbacks will comply with the Development Code. For Zoning District R-5 the front yard setback is 20'-0", the side yard setback is 5'-0", the rear yard setback is 25'-0".

The building height : 27'-8"

Design features of the proposal expansion will match the existing building.

Chapter 60 Section 20 Off Street Parking and Loading:

The primary use of Murray Hills Christian Church is a "place of worship". The parking space requirement per "Zone A" of the Development Code requires that a minimum of 0.25 and a maximum of 0.6 parking spaces per seat (sanctuary seating) be provided. The original building project estimated a maximum seating of 200 people in the Sanctuary. Therefore, 50 parking spaces need to be provided for this portion of the facility. The facility also houses a Montessori School during the weekday. "Zone A" Development Code requires between 1.0 and 1.5 parking spaces per Montessori School staff. The Montessori School staff is generally one to two people. The total number of parking spaces at the Church facility is 99, which appears to meet the requirements of this chapter of the Development Code. Please note that the proposed building expansion will not include the addition of any parking spaces, nor the expansion of driveway areas.

IV. Provide findings specifically addressing each criteria found in the Technical and Design Standards described in Sections 40.10.15.2.C and 3.C. of the City's Development Code (Ord 2050).

40.10.15.3.C. Approval Criteria.

To ensure that the stated purposes of the Design Review process are met, the Board shall be governed by the standards of this section as it evaluates and renders a decision or recommendation on a proposed development. The standards to govern decisions are:

1. Technical Standards.

- a. That the public and private facilities and services provided by the development are adequate as to location, size, design and timing of construction in order to serve the residents or establishments to be accommodated and meet City standards and the policies and requirements of the comprehensive plan. The service provider is presumed correct in the evidence which they submit. The evidence shall demonstrate that critical services be shown to be available now, and essential services within five years. The City is entitled to rely on the evidence submitted by the applicable service provider that the area can be served in making its determination; (ORD 3739)

Response: Based on evaluation of the existing site by the design team (Church committee members, architects, engineers) there are public and private facilities adequate to accommodate an expansion of the existing Church building. Since the proposed building expansion will provide adequate space for the Church needs without anticipation of activities different than what takes place currently, there is not an anticipation of any different public or private facility needs. The Site Utility Plan provides information regarding public and private facilities.

- b. That, based on anticipated vehicular and pedestrian traffic generation and the standards and policies of the Comprehensive Plan, adequate right-of-way and improvements to streets, pedestrian ways, bikeways, transitways and other ways are provided by the development in order to promote safety, reduce congestion, conserve energy and resources, and encourage transit use, bicycling and walking. Consideration shall be given to the need for constructing, widening and/or improving, to the standards of the Comprehensive Plan and this code, public streets, bicycle, pedestrian, and other ways in the area of the proposed development impacted by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, transit facilities, street drainage facilities, traffic calming devices, and other facilities needed because of anticipated vehicular, transit, bicycle, and pedestrian traffic generation. In lieu of actual construction of off-site improvements, the Committee may accept written waivers of remonstrance to the formation of local improvement districts for the purpose of providing the needed off-site improvements or cash payment to the City in an amount

equal to the estimated cost of said off-site improvements;
(ORD 3965, October 1996) (ORD 4061; September 1999)

Response: *Off-site improvements are not anticipated. We believe that vehicular and pedestrian traffic will not be affected by the proposed building expansion. This issue has been discussed with Sean Morrison of the City of Beaverton and is indicated in the letter dated July 7, 2000 and submitted with the original Design Review application dated November 7, 2000.*

- c. That adequate dedication or reservation of real property for public use, as well as easements and right of entry for construction, maintenance and future expansion of public facilities and services, shall be required to protect the public from any potentially deleterious effects resulting from the proposed use, to fulfill the need for additional, improved services, whether on or off site, created by the proposed use, and to effect the implementation of the standards and policies of the Comprehensive Plan;

Response: *Off-site improvements are not anticipated. We believe that vehicular and pedestrian traffic will not be affected by the proposed building expansion. This issue has been discussed with Sean Morrison of the City of Beaverton and is indicated in the letter dated July 7, 2000 and submitted with the original Design Review application dated November 7, 2000*

- d. That there is a safe and efficient circulation pattern within the boundaries of the site. Consideration shall include the layout of the site with respect to the location, number, design and dimensions of vehicular, transit, and pedestrian access, exits, drives, walkways, bikeways, transit stops and facilities, building location and entrances, emergency equipment ways and other related on-site or off-site facilities. That there are adequate off-street parking and loading-unloading facilities provided in a safe, well designed and efficient manner. Consideration shall include the layout of parking, storage of all types of vehicles and trailers, shared parking lots and common driveways, garbage collection and storage points, as well as the surfacing, lighting, screening, landscaping, concealing and other treatment of the same; (ORD 3965, October 1996)

Response: *It is the belief of the architect and Church building committee that a safe and efficient circulation pattern currently exists on the site. It is also believed that the circulation will remain safe and efficient with the proposed building addition. An expansion to the parking was completed in 1996 and there currently exists 99 parking spaces, which is within the requirement of the Beaverton Development Code. Lighting,*

screening and landscaping are indicated in the appropriate drawings submitted herein, dated March 21, 2001.

- e. That adequate means are provided to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage storage areas and other facilities not subject to periodic maintenance by the City or other public agency;

Response: The private common facilities of the existing Church facility are maintained at a very high quality. Landscaping and general site maintenance is performed on a regular schedule. The proposed building expansion will continue this high quality maintenance. The Landscape plan included herein indicates the proposed site plantings. The Church takes great care to provide a thoughtful and well-designed site, and they plan to continue to do the same.

- f. That the structures and public facilities and services serving the site are designed and constructed in accordance with adopted codes and/or City standards at a level which will provide adequate fire protection and protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development;

Response: The architect (Yost Grube Hall Architecture) and design team will ensure that the proposed building expansion will concur with the building and City code standards. We anticipate a well designed and thoughtful building addition that meets all fire protection requirements, provides comfort and safety from crime and accident, and provides a setting for wonderful uses. Yost Grube Hall was the architect of record for the original Church building and plans to provide an expansion that in no way diminishes the existing building.

- g. That the grading and contouring of the site takes place and site surface drainage and on-site storage of surface waters facilities are constructed so there is no adverse affect on neighboring properties, public right-of-way or the public storm drainage system; and that said site development work will take place in accordance with the City site development code;

Response: Grading, surface and subsurface drainage, on site water treatment and detention facilities have all been considered in the drawings submitted to the City of Beaverton herein. Included with the original Design Review submission of November 7, 2000 was a Storm Water Analysis report

performed by Otak Engineers. Submitted herein is an addendum to this report. This information, and the drawings included herein indicate the methods for treatment of site water issues.

- h. That, where practical and feasible, all utility lines shall be placed underground;

Response: It is the intention of the design team to locate all utility lines underground.

- i. That the structural design and materials used for walls, fences, berms, traffic islands and median areas are such that they serve their intended purposes.

Response: The structural design and materials used for walls, fences, berms, etc. will be designed to match the existing facility, and they will meet the building code and Beaverton Development Code. Where required, a structural engineer will be used to ensure adequate structural design.

- j. That access and facilities for physically handicapped people are incorporated into the site and building design, with particular attention to providing continuous, uninterrupted access routes.

Response: The proposed building expansion will provide adequate access and facility design for the physically handicapped. Indeed, it is an interest of the Church members that accessibility be made available above and beyond the current building code requirements. Handicap access to 151st place will be incorporated into the proposed building expansion as shown on the site drawings included herein.

- k. (ORD 3965, October 1996) Where street improvements on arterials and collectors are required as a condition of development approval, they shall include bicycle lanes and sidewalks constructed in accordance with City standards. (ORD 4061, September 1999)

Response: Street improvements on arterials and collectors are not anticipated on this project.

2. Design Standards.

- a. That, in relationship to the existing surroundings and future allowed uses, the location, size, shape, height and spatial and visual arrangement of the uses and structures are compatible, with consideration given to increased setbacks, building

heights, shared parking, common driveways and other similar considerations;

Response: The existing building and proposed expansion are believed to "fit" within a residential area. The proposed building expansion will use the same materials, architectural language, and guiding horizontal and vertical dimensions of the existing Church building. As shown in the Exterior Elevations that were submitted with the original Design Review submission on November 7, 2000, and included herein, the proposed building expansion is to "fit in" with the existing building. We believe that the visual arrangement of the proposed building expansion provides for a useful and dynamic expression to the existing building. We also believe that the size, shape and height of the proposed building expansion is the best and most well designed solution from the prospective of the existing church facility and the adjacent neighborhood development.

- b. That there is a desirable, efficient and workable interrelationship among buildings, building entrances, transit stops, transit facilities and routes, parking, loading areas, circulation, open spaces, landscaping and related activities and uses on the site; (ORD 3965, October 1996)

Response: We believe that the proposed building expansion provides a desirable, efficient and workable solution to the overall site, vehicular and pedestrian access, proposed uses, and current and anticipated activities.

- c. For Significant Natural Resource sites, that treatment of the natural features which have been identified on the site as part of the City's natural resources inventory process, and the siting and design of buildings and other improvements, are appropriate to protect these resources as contemplated by the Comprehensive Plan policies adopted as part of the Comprehensive Plan for Beaverton's Natural Resources;

Response: The existence of wetland areas on the site have been addressed on the drawings included herein, in the Storm Water Analysis Report issued with the original Design Review submission on November 7, 2000, and in the "Addendum to Natural Resource Assessment" included herein. The Unified Sewerage Agency has reviewed the proposed building expansion project and issued a Service Provider Letter, also included herein. As indicated on the drawings included, treatment and plantings in relation to these areas meet with the Unified Sewerage Agency and City of Beaverton policies.

- d. That the development has been designed to, where possible, incorporate and preserve existing trees or vegetation of

significant size and species. Consideration shall be given to whether habitat, survival of the tree species, and aesthetics can best be achieved by preserving groves or areas of trees as opposed to only individual trees;

Response: Four (4) existing Birch trees will be removed as part of the proposed building expansion. All other existing trees are anticipated to remain. If existing trees are damaged or pose a problem during construction, the tree(s) will be temporarily removed and replaced when appropriate. The Landscape Plan included herein addresses existing and new vegetation and identifies the specific trees to be removed.

- c. That due consideration is given to the effect of the proposed development on historic buildings or features both on the site and within the immediate area.

Response: There are no historic buildings or features on the site.

- f. That grading and contouring of the site shall take place with particular attention to minimizing the possible adverse effect of grading and contouring on the natural vegetation and physical appearance of the site;

Response: As shown on the Grading Plan included in this resubmission the building expansion is intended to require minimal re-grading. The Landscape Plan included herein indicates the effect upon existing vegetation and indicates the proposed new vegetation. Based on the Unified Sewerage Agency planting requirements, and the proposed new landscape design, the site will be improved in regards to natural vegetation with the proposed building expansion.

- g. That the quality, location, size and aesthetic design of walls, fences, berms, traffic islands, median areas, hedges, screen planting and landscape areas are such that they serve their intended purposes and have no adverse effect on existing or contemplated abutting land uses;

Response: The site items as listed above will be designed and incorporated into the site to meet the aesthetic level necessary to equal, and in some cases enhance, the existing site and building layout. Per Unified Sewerage Agency requirements, and as shown on the Landscape Plan included herein, natural vegetation will be increased on the site. This will positively effect the abutting land uses.

- h. That proposed lighting is appropriate for the use and does not adversely impact surrounding properties.

Response: As shown on the Lighting Plan included herein, the proposed site lighting will have a minimal impact on the site. All proposed lighting will match existing lighting, and consideration of the effects of new lighting on abutting land uses is taken into consideration.

V. PROPOSED OPERATIONS:

Due to the growth of membership in the Church, the current facility cannot adequately support the existing Church functions. With the proposed building expansion, the Church plans to meet the current needs and anticipated needs over a ten-year period. The Church operations are not anticipated to change significantly with the proposed building expansion. Sunday services will continue with two services each Sunday morning. Religious education will continue on Sunday after the services. Occasional religious education programs will continue in the evening during the week. Community events will continue to take place in the Fellowship Hall. Music programs will continue to practice as currently scheduled, with occasional weekday evening meetings. Weekday administrative activities will continue as scheduled. As stated above, number of Church members anticipated to use the facility in office and administrative roles on a daily basis may increase from the three individuals currently to five individuals in the future in relation to the proposed building expansion. The Montessori School will continue to function within the Church facility at its current level.

Hours of operation (current use):

The Church holds Sunday Service at 8:30 a.m. and 11:00 a.m. Sunday School takes place on Sunday between 9:45 a.m. and 10:45 a.m. During the week there is an administrative person/people in the church from approximately 8:00 am to 4:00 p.m. This is somewhat flexible based on need and time of year. Montessori school is in session from 8:00 am to 3:30 p.m. A quilters group meets on Wednesdays from 1:00 p.m. to 3:00 p.m. On Monday, Tuesday and Wednesday there is a piano teacher in the Church from 2:00 p.m. to 7:00 p.m. and on Thursday from 4:00 p.m. to 6:00 p.m. Monday, Tuesday and Wednesday nights include Boy Scouts, Cub Scouts, Brownies, Choir practice, and occasional Music Ensemble practice. Generally, these activities occur between 6:30 p.m. and 8:30 p.m. Junior Girl Scouts meet on Thursday twice a month from 4:00 p.m. to 5:30 p.m. and 7:00 p.m. to 8:30 p.m.

The building expansion will allow more space for these groups to meet. There is not, however, an anticipated change in the hours of operations with the building expansion. The following further clarifies the specific uses of the building, existing and proposed for a projected period of ten years.

Worship and Gathering: The upper level floor currently consists primarily of the Sanctuary, Fellowship Hall, and Kitchen. There are two Sunday morning services in the Sanctuary. There is no anticipated expansion to the Sanctuary. Following the Sunday morning church service in the Sanctuary there is an informal gathering in the Fellowship Hall with refreshments. Currently, there is not enough space for the whole congregation to meet in the Fellowship Hall at one time. This is a prime reason for the proposed building expansion. The Fellowship Hall is also used during weekday evenings for various programs such as Boy Scouts, quilting group meetings, occasional neighborhood meetings, community use and various other informal gatherings. Larger gatherings such as potluck dinners and wedding receptions occasionally occur. The Church has determined that the maximum capacity needed to meet their anticipated

Fellowship Hall needs in ten years is 250 people. The proposed building expansion will meet this need. The anticipated use of the Fellowship Hall for a maximum of 250 people, based on a ten year projection, will be infrequent and occur only a few times a year during traditional celebrations and events (three to four times per year).

The pattern of use for the Fellowship Hall and Sanctuary is not anticipated to change in relation to the proposed building expansion.

Kitchen: A new larger Kitchen is proposed at the upper level and will provide adequate food service for the whole congregation, which the current Kitchen is unable to do. There are currently too many groups that need to use the Kitchen at the same time on Sunday. The Kitchen is an accessory to the Fellowship Hall and is used in conjunction with activities in the Fellowship Hall. Additional Kitchen storage will also be provided next to the Kitchen.

Education: The Church is currently beyond comfortable capacity for the existing Sunday school programs offered during the year. The ten-year projection for growth to the congregation estimates an increase from 71 to 172 participants in the existing Sunday school education programs. These programs generally take place after Sunday church service and are used by the church members. This is the main increase in the use of the church facility. The use pattern of the Church facility for these programs will take place during off peak traffic times (Sunday: late morning, early afternoon and potentially weekday evenings). The existing Montessori school will continue to operate at its current size in a new space in the proposed building addition. Therefore, a change in the use pattern or occupancy for the Montessori school will not occur.

The building expansion proposes new music rehearsal space for the existing Choir, Ensemble and Choir groups. The existing music space is inadequate for the current needs. The existing Choir is currently using the Sanctuary for practice, which creates a conflict during Sunday services. The Choir currently practices on Wednesday nights and Sunday mornings prior to church service. The Bell Choir practices on Wednesday nights. The Band/Ensemble practices on Saturday mornings and occasional Wednesday nights. All music groups may occasionally practice at other times depending upon upcoming events. There is not an anticipated change in the use time and pattern for these programs in relation to the proposed building addition.

Pastoral/Administrative Support: Larger and more functional space is proposed in the building expansion for the Pastor, Associate Pastor, Pastoral Intern, secretaries and workroom. A conference room is proposed in the building addition that will provide more comfort and privacy for the Pastor and congregation. Currently, conferences are held either in the Pastor's office or the upstairs Parlor. Any increase in use relating to the conference room addition will be periodic. A Pastoral Intern and one to two additional administrative people may be added to the Church staff. This has yet to be defined. The Office/Administration area operates currently with three occupants (Secretary, Pastor, and Associate Pastor). Therefore, with the building expansion, the Office/Administration area may be occupied by four to five persons during the late morning and early afternoon hours. The increase to use patterns and traffic flow for the Office/Administration area due to the proposed building expansion would be minimal.

VI. ADDITIONAL REQUIREMENTS:

Traffic Impact Analysis: The issue of Traffic Impact in relation to the proposed building expansion was discussed during the Pre-Application Conference of June 28, 2000. Mr. Sean

Mr. Scott Whyte
City of Beaverton
03.21.01

Morrison of the Transportation Division of the City of Beaverton advised that prior to having the Church hire an engineer to perform a Traffic Impact Analysis a letter could be submitted to him for his evaluation of the need for such an analysis. Yost Grube Hall Architecture submitted this letter to Sean on July 7, 2000. Please find a copy of the original letter attached herein. Sean advised myself (Yost Grube Hall Architecture) that, based on this letter, he has made the determination that a Traffic Impact Analysis is not needed.

Unified Sewerage Agency Service Provided Letter: Attached herein is the revised Unified Sewerage Agency's "Service Provided Letter" that is a result of their evaluation of the proposed building expansion and proposed current Landscape Plan included herein. Also included herein is an "Addendum to Natural Resource Assessment" as submitted by Otak Engineers to the Unified Sewerage Agency on February 7, 2001. This document is to be considered part of the Stormwater Analysis dated November 6, 2000 as completed by Otak Engineers and originally submitted to the City of Beaverton on November 7, 2000 with the original Design Review application.

Report of Geotechnical Investigation: A geotechnical investigation was made by Carlson Geotechnical of the building site in relation to the proposed building expansion. Part of the information provided in this report was necessary for the Unified Sewerage Agency to make a final analysis of the stability of the slope to the southwest of the proposed building expansion. The Unified Sewerage Agency has reviewed this information and made the determination that the proposed development is acceptable to their standards.

Neighborhood Interaction: Murray Hills Christian Church is aware of the neighborhood concern with the proposed expansion and the effect upon site drainage, both on the Church property and on surrounding properties. The Stormwater Analysis conducted by Otak Engineers and previously submitted to the City of Beaverton addresses these issues. The Unified Sewerage Agency has also provided requirements for treatment of site water, which will be met as part of the proposed expansion. It is the intent of the proposed expansion to develop a site water treatment plan that satisfies all agency requirements and does not negatively impact surrounding properties.

Attached is a copy of the letter sent by the Church to the surrounding neighbors that indicates ways in which the site drainage will be addressed and developed to accommodate current and future drainage issues.

Also include herein are responses to issues raised in by Church neighbors in letters sent to the City of Beaverton.

VII. SITE ANALYSIS INFORMATION:

The following information is provided as indicated in the submittal checklist:

- | | |
|--------------------------------|---|
| 1. Existing building area: | 6,130 sq.ft. building footprint (12,510 sq.ft total) |
| Proposed building addition: | 4,745 sq.ft. building footprint (13,425 sq.ft. total) |
| 2. Existing parking area | 45,500 sq.ft. (includes driveways) |
| Proposed parking change: | NONE |
| 3. Existing landscape area: | 117,673 sq.ft. (excludes setbacks, R.O.W.) |
| Percentage of Site | 70 percent |
| Proposed landscape subtraction | 4,745 sq.ft. (building footprint) |

Mr. Scott Whyte
City of Beaverton
03.21.01

Percentage of Site: 2.8 percent

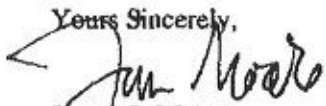
VIII. NEIGHBORHOOD REVIEW MEETING:

The required information per Development Code Section 50.10.1 for the Neighborhood Review Meeting that was held at the Murray Hills Christian Church on August 10, 2000 at 6:30 pm. was submitted on November 7, 2000 as part of the original Design Review submission to the City of Beaverton. These items are not being submitted again.

CONCLUSION

It is the hope of Murray Hills Christian Church and Yost Grube Hall Architecture that this narrative and the drawings and additional information included provide the Design Review Committee with sufficient documentation to make a finding that allows the Church to expand their facilities as requested. If there is any additional information of clarification necessary to help you in your review do not hesitate to contact me. Thank you for your time and efforts toward this worthy cause.

Yours Sincerely,


James C. Moore
Yost Grube Hall Architecture

Enclosures (a total of three copies of all documentation is provided)

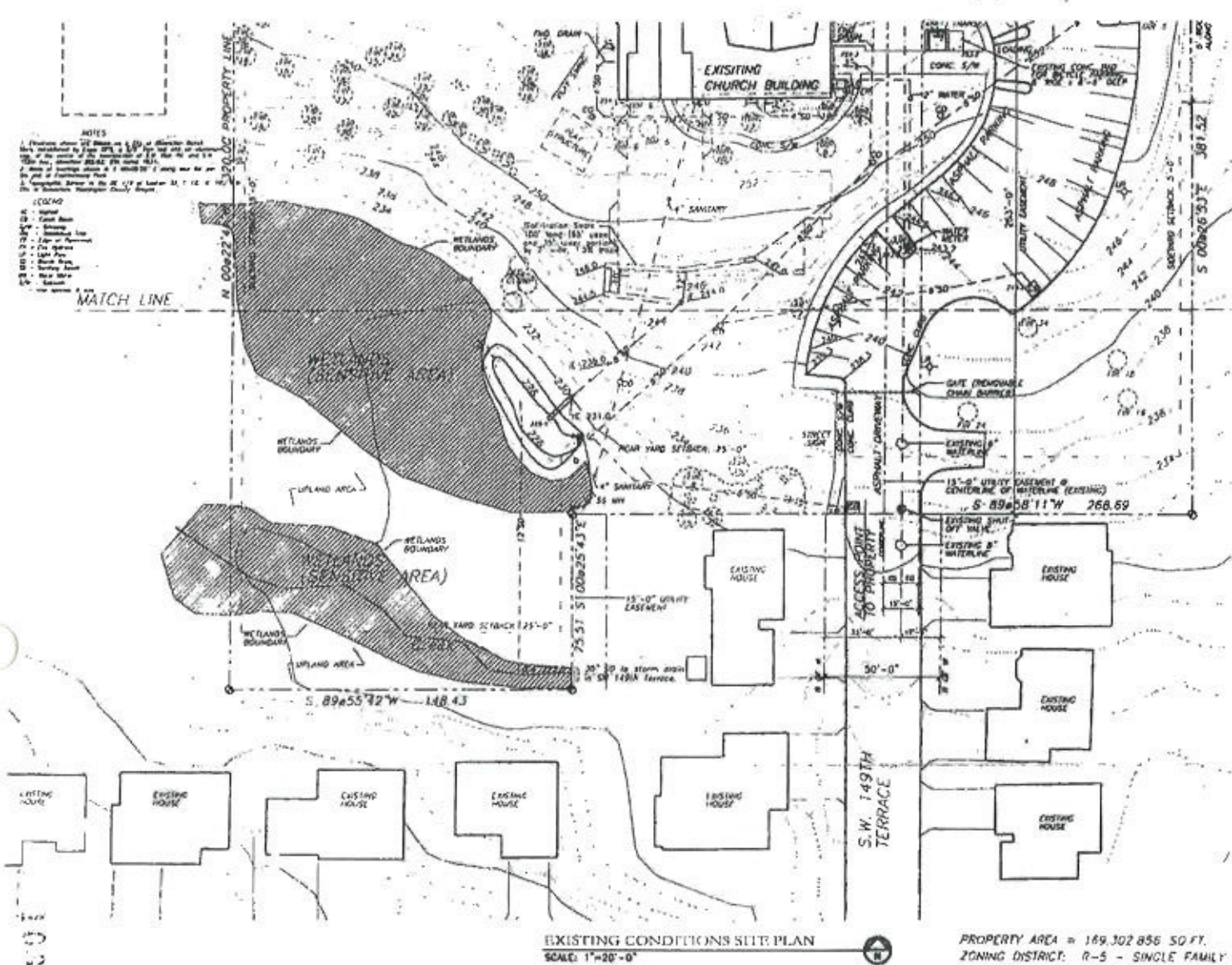
- A. Design Review checklist
- B. Building Height calculation method
- C. Unified Sewerage Agency "Service Provided Letter" and copy of letter to Unified Sewerage Agency from Otak Engineers dated February 7, 2001 with attached "Addendum to Natural Resource Assessment"
- D. Copy of July 7, 2000 letter from Yost Grube Hall to Sean Morrison of the City of Beaverton Transportation Department
- E. Report of Geotechnical Investigation dated March 15, 2001
- F. Neighborhood Issues:
Documentation of letter dated January 22, 2001 from Murray Hills Christian Church to the surrounding neighbors regarding site water drainage issues.
Responses to neighborhood issues as identified by specific neighbors.
Photographs of the existing Church site and surrounding neighborhood properties.
- G. Existing Conditions Site Plan (1"=20'-0")
Dimensioned Site Plan (1"=20'-0")
Grading Plan (1"=20'-0")
Utility Plan (1"=20'-0")
Landscape Plan (1"=20'-0")
Lighting Plan (1"=20'-0") * manufacturer illustration and specifications submitted previously (December 20, 2000)
Architectural Elevations (3/32" = 1'-0")
Architectural Floor Plans (1/16"=1'-0")

Mr. Scott Whyte
City of Beaverton
03.21.01

MURRAY HILLS CHRISTIAN CHURCH BUILDING EXPANSION

Item A.

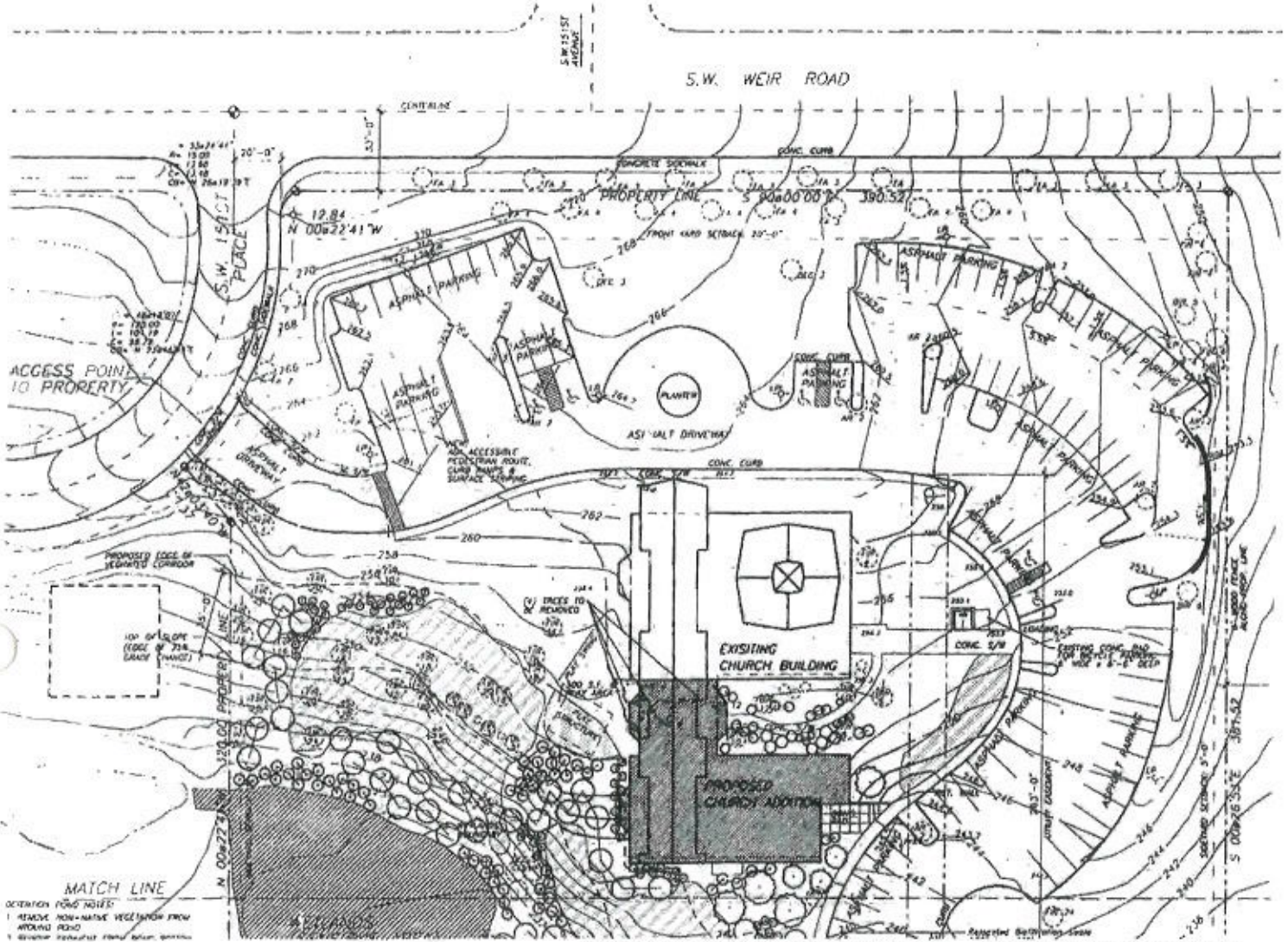
Design Review checklist



MURRAY HILLS CHRISTIAN CHURCH
15050 SW W ROAD
BEAVERTON, OREGON 97007

CONDITIONAL USE PERMIT PHASE

EXHIBIT
21A
GORDON



DIMENSIONED SITE PLAN (NEW WORK)
SCALE: 1"=20'-0"

PROPERTY AREA = 169,302.856 SQ. FT.
ZONING DISTRICT: R-5 - SINGLE FAMILY

MURRAY HILLS CHRISTIAN CHURCH

CONDITIONAL USE PERMIT PHASE

15050 SW WEIR ROAD
BEAVERTON, OREGON 97007

EXHIBIT
21B
GORDON

FUNCTIONAL CHARACTERISTICS

Traffic Pursuant to Chapter 60.60.10.7.D of the City Development Code, traffic impact analysis is required when the City Engineer or designee has determined that the proposed development is expected to generate 400 vehicle trips per day (vpt) or more in an average weekday. In response to the applicant's request for Conditional Use expansion, staff recognizes the primary use of the church site for worship services held every Sunday. This request for Conditional Use approval will expand existing church facilities. However, staff believes that such expansion will not significantly expand existing church operations to create an impact on existing streets that serve the site area.

During the weekdays, church facilities are used for various social gatherings. In addition, church facilities are used by a Montessori preschool, the operation of which is limited by current Conditional Use approval (CU 94:11) to a floor area of 700 square feet and a maximum enrollment of 20 students. The proposed expansion of church facilities will provide additional classroom space. However, there is no associated request to increase student enrollment at the Montessori school or a projected increase to gatherings that would significantly change existing church use or operations. Therefore, staff believes that no traffic analysis for this request is necessary because the trip threshold of 400 vpt for an average weekday is not attained. In addition, staff believes that any additional traffic created by the proposed expansion should be minimal to the extent that the proposed expansion will not have a negative impact on neighboring residential properties.

Noise: No significant issues related to noise have been identified with the proposed building expansion. The proposed expansion will be completely enclosed and the existing outdoor play area is to remain where located. No new outdoor play areas are proposed as part of the application for expansion.

Hours of Operation: Although the church is open seven days a week, primary use of the church site occurs on the weekends with two services held each Sunday. The first service begins at 9:00 AM and the second at 11:10 AM. The existing Montessori School operates from Monday through Friday 9:00 to 3:30 PM. In addition, the church provides a meeting place for various social groups and other community organizations as identified in the applicant's narrative. The proposed church expansion will increase the size of the fellowship hall. Accordingly, it is anticipated that the fellowship hall will be able

1 that the Development Code provides no methodology for determining the average
2 elevation of the finished grade. He further described the method used by staff to
3 determine the average elevation of the finished grade. He advised Commissioner
4 Maks that he is correct in his assumption that 33 feet is the average height
5 according to the applicable definition for building height. He noted that the south
6 elevation may reach a total height of 42 feet, and that he has no knowledge of the
7 City of Beaverton utilizing this particular methodology in the past.

8
9 Chairman Voytilla expressed concern that by utilizing the term "finished grade",
10 it would be possible for some individual to radically manufacture the site to suit
11 their needs.

12
13 Mr. Whyte agreed that while this possibility does exist, he is not certain how
14 likely this is.

15
16 Chairman Voytilla expressed his concern with establishing a method that is
17 reasonable for all height calculations.

18
19 At the request of Commissioner Maks, Mr. Whyte discussed the parking ratio as it
20 relates to the seating capacity of the facility.

21
22 Commissioner Maks discussed the parking and occupancy issue, observing that
23 the sanctuary and fellowship hall should not be used concurrently. He expressed
24 concern with adequate parking at special occasions, such as weddings or other
25 events, observing that in addition to those attending the event, parking needs to be
26 available for services such as flowers, photographers and food.

27
28 **APPLICANT:**

29
30 **JIM MOORE**, representing *Yost Grube Hall Architects*, introduced himself and
31 Ron Kampe of *Otak Engineers*, provided a description of the project, the church
32 facilities and their proposal for a building expansion. Observing that the existing
33 building had been constructed in 1989, he pointed out that the original builder is
34 available for comment or questions. He described the existing building, noting
35 that there has been a lot of growth due to the growth of the community and the
36 services offered by this church. He discussed the current use of the site, adding
37 that the proposed expansion would provide for greater educational opportunities,
38 as well as more adequate space for church potlucks. He mentioned that there are
39 no plans to expand the size of the existing Montessori School, adding that they
40 intend to maintain the 20-student limit allowed under the existing Conditional Use
41 Permit. He described the intent of the building design, which is to maintain the
42 integrity of the original building concept. He pointed out that no increase in
43 traffic is anticipated, adding that there would also be no increase in noise on the
44 site. He discussed the existing wetland conditions of the site, and related
45 documentation, including the storm water report and plans for landscaping.
46 Concluding, he offered to respond to any questions or comments.

EXHIBIT

22 B
GORDON



3/20/23

RE: Proposed Development at Murray Hills Christian Church, 15050 SW Weir Rd, Beaverton, OR 97007

Dear NAC Representative / Resident:

I am writing this letter on behalf of Ashcreek Cooperative Playschool, which is considering a modification of our Conditional Use Permit to allow up to 60 children and additional adults. This site is currently zoned Neighborhood Residential – Low Density – Residential Mixed B. The Ashcreek Cooperative Playschool has operated at the Murray Hills Christian Church for years, and this modification would allow growth in the number of families served at this location. The existing Conditional Use Permit was issued in 1994 and limits our school to 20 students and 2 staff members.

Prior to preparing specific engineering and site plans and making application to the City of Beaverton for the necessary review and approvals, we would like to discuss the proposal in more detail with the members of the Neighborhood Associations and surrounding property owners and residents. Therefore, you are cordially invited to attend a meeting on:

Date: 4/18

Time: 7:00

Location: Meeting held over Zoom - information available at:
<http://www.beavertonoregon.gov/NeighborsSouthwest>

Please note that this will be an informational meeting with an Ashcreek representative only and is not the venue to provide testimony to the City. You will have an opportunity to present testimony to the Planning Commission when an application is submitted to the City for review.

I look forward to seeing you at the meeting and hearing your thoughts on the proposed project.

Sincerely,

Ashcreek Cooperative Playschool Board of Directors



Ashcreek Parent Cooperative Playschool

15050 SW Weir Road Beaverton, OR 97007

NSW

NEIGHBORS SOUTHWEST NEIGHBORHOOD

CITY OF BEAVERTON NEIGHBORHOOD ASSOCIATION COMMITTEE MEETING MINUTES

NAC: Neighbors Southwest		DATE: 4/18/23
BOARD MEMBERS PRESENT:	QUORUM PRESENT: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<input checked="" type="checkbox"/> Chair: Andrew Aebi	<input type="checkbox"/> Treasurer:	
<input checked="" type="checkbox"/> Vice Chair & Recorder: James Gregory	<input type="checkbox"/> Recorder:	
<input type="checkbox"/> BCCI Rep:	<input type="checkbox"/>	
<input checked="" type="checkbox"/> City of Beaverton: Lani Parr	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
NAC GENERAL MEMBERSHIP PRESENT:		
See Zoom meeting register		
MEETING START TIME: 7:02 pm		MEETING ADJOURN TIME: 8:43 pm
RECORDER'S SIGNATURE		DATE: 21 April 2023

According to the Oregon Public Meeting and Records Laws, meeting minutes shall be the following:



- members present;
- motions, proposals, resolutions, orders, ordinances and measures proposed and their deposition;
- results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name
- the substance of any discussion on any matter; and
- subject to the Public Records Laws, a reference to any document discussed at the meeting.

Minutes need not be a verbatim transcript, and the meeting does not have to be recorded unless otherwise required by law.

Call to Order, Welcome / Introductions– Chair Andrew Aebi

- Andrew called the meeting to order at 7:02 pm
- New board member James Gregory was introduced; he is now serving as Vice President
- Lani Parr was introduced; she is Neighborhood & Public Involvement Program Manager for the City of Beaverton

Beaverton Police Report – Ofc. Fleckenstein

- Officer Fleckenstein was not available to provide the Beaverton Police Report.

Tualatin Hills Park & Rec District (THPRD) Report – Gery Keck

- THPRD summer registration is now open.
- Project updates:
 - Restrooms will be added to Shiffler, Greenway and Hazeldale parks (summer 2024)
 - Multi-purpose courts added at Mt. View Champions Park (summer 2023)
 - Dog run at Ridgewood Park.
 - No current projects for facilities in the NSW NAC boundary, however THPRD is working with developers in the South Cooper Mountain area to develop trail networks.
- Upcoming Events:
 - Pokemon event at Garden Home Rec Center
 - Harmon Swim Center women-only and sensory swim events
 - Eid ul-fitr cultural event at Tualatin Hill Rec Center
- Junior lifeguard program seeking volunteers.
- Details on any of the above at www.thprd.org.

Neighborhood Review Meeting

- Background:
 - The Ashcreek Cooperative Playschool, located within the Murray Hills Christian Church (15050 SW Weir Blvd), is seeking to modify a conditional use permit ("CUP") for that location.
 - The purpose of the Neighborhood Review Meeting is for the applicant to present information on the proposed CUP and for neighbors to ask questions of the applicant.

- Questions and Answers of Applicant:
 - Andrew introduced Jenna Hori, Daniel Hauser, and Sharon Jarman, board members of the Ashcreek Cooperative Playschool ("Ashcreek"), who made a brief presentation about the application.
 - Ashcreek is a cooperative preschool run by the parents and teachers.
 - The proposed modification of the CUP would change permit to allow up to 60 students and 10 teachers at the Murry Hills Christian Church (MHCC).
 - Terms of current CUP limit students at the location to 20.
 - No physical changes to the site are proposed.
 - The school operates between 9 am and 1 pm Monday through Friday, and children spend 1-2 hours per day outdoors.
 - Current CUP sets limits at 20 children, 2 teachers, and 700 square feet (SF).
 - Current use is approximately 25 children, 3 lead teachers/2 teacher assistants, and 1,600 S.F.
 - Modification requests change to up to 60 children, 10 teachers, and up to 2,515 SF at MHCC.
 - Ashcreek has no current plans to expand to 60 students.
 - A trip generation analysis memo prepared in support of the application has indicated that a traffic impact study is not required as part of the application review process.
 - No noise is generated by the school outside of their operating hours.
 - Ashcreek is preparing the application, but the CUP is applicable to MHCC and the location irrespective of tenant.
 - Tom Drakely, a MHCC trustee, said that the church has been contacted by neighbors about noise and MHCC has installed closed circuit TV system, fence and signage in an attempt to mitigate noise and trespass at the church.

- Discussion: Neighbors asking questions or making comments were requested to add their name and address in the Zoom meeting chat. Multiple neighbors asked questions and made comments, which are summarized below:
 - Is proposal for 75 students? No, 60 students.
 - Current playground and activities are alleged to be in violation of MCHH's current CUP.
 - Playground at MCCH is alleged to have been expanded well beyond what is allowed by the CUP.
 - Changes in CUP modification will have significant impacts on the neighbors.
 - Recommendation for no expansion of preschool,
 - Current operations at the location do not fit within the residential neighborhood.
 - Clarification of who is the applicant: Ashcreek is applicant, but CUP is applicable to the location, not the applicant.
 - Concerns about traffic and the use of SW 149th Terrace: People use SW 149th Terrace to access church, but it should only be for emergency access. MHCC and Ashcreek representatives noted efforts to prevent and discourage people from using SW 149th Terrace to access the location. Andrew recommended following up with GIS applications to provide wayfinding via SW Wier Road instead of SW 149th Terrace.
 - Concerns about traffic on nearby streets.

- Will the physical facility be expanded? No, only activities within the existing facility.
- Comments about Ashcreek's status as a nonprofit.
- Comments in support of the preschool and playground at MHCC.
- Follow-Up to NAC Discussion:
 - Multiple comments and questions were entered in the Zoom meeting chat (attached) and will be made available to the applicant.
 - Requests for continuation and in-person meeting with applicant were made.
 - Andrew noted that the agenda item is for informational only and an opportunity for neighbors to ask questions; the NAC does not take a position on the application.
 - Lani referred neighbors to Steve Regner, City of Beaverton planner (sregner@beavertonoregon.gov) is available to answer questions about the City's application review process.

City Update – Lani Parr, Neighborhood & Public Involvement Manager

- Fiscal Year 2023-24 Budget Development
 - This year, the city's priority will be on our financial health while keeping the community the center of our focus. This includes embracing the opportunity to explore strategies for a long-term fiscal sustainability plan that aligns city services with available resources." – City Manager Jenny Haruyama
 - Community members are invited to learn more about the city's financial outlook, funding concerns, and proposed recommendations during a series of upcoming briefings and public meetings.
 - The city is currently facing a \$10 million general fund deficit that will require revenue enhancements and expense reductions to balance the budget and maintain important operations.
 - We want community members to feel informed about the budget process and work happening to get us to where we need to be.
 - Save the date for community briefings on Thursday, Apr. 20 and Monday, Apr. 24. Locations, times, and other details will be available soon.
 - Other upcoming meetings: Apr. 25 (Council Budget Workshop), May 9 (Budget Committee Meeting), May 23 (Budget Committee Meeting), Jun. 6 (City Council Meeting), and Jun. 20 (City Council Meeting).
 - An explanation of the budget deficit, strategies to address shortfalls, and plans to preserve critical services are some of the topics that will be discussed.
 - Learn more: www.BeavertonOregon.gov/Budget

In the Matter of
Beaverton Neighborhood Program,
Neighbors Southwest NAC
Date: Tuesday April 18, 2023
Time: 7:00 p.m.
Media Platform: Zoom



1 MR. AEBI: Somebody had asked about the
2 agenda for the meeting so I went ahead and just put that
3 into the chat. So why don't we go ahead and get started.

4 So it is 7:02 p.m.. We'll call this meeting
5 to order. And we have two boards members with us this
6 evening. We have myself and then James you want to
7 introduce yourself.

8 MR. GREGORY: Yes, Andrew. Hello folks. My
9 name is James Gregory. I am a 25-year resident of
10 Beaverton. I live in the Murray Hills area and I'm new
11 to the Neighbors Southwest NAC board.

12 MR. AEBI: Thank you.

13 Lani, you want to introduced yourself. I
14 imagine you probably already did that be we are
15 privileged to have city staff joining us tonight.

16 So, Lani, you want to introduce yourself.

17 MS. PARR: Sure. I'm the neighborhood
18 and public involvement manager and it's a pleasure to be
19 here tonight.

20 And I do want to say a huge thank you to both
21 the chair and vice-chair. This is their first evening
22 in their roles as chair and vice-chair. So a big thank
23 you to both of you for doing this as volunteers.

24 Thank you.

25 MR. AEBI: Thank you very much, Lani.

1 So do we have Officer Fleckenstein for the
2 next agenda item?

3 MS. PARR: I don't see him. I that know
4 he definitely wanted to try to make it this evening. So
5 I'll send you a note when I -- if he gets -- when he
6 shows up.

7 MR. AEBI: All right. That sounds good.

8 So we'll come back to the Beaverton police
9 report when we get Officer Fleckenstein.

10 Do we have Gery Keck with us?

11 MR. KECK: Yep, I'm hear Andrew.

12 MR. AEBI: Thank you, Gery, for joining
13 us.

14 So we have ten minutes on the agenda for the
15 Tualatin Hills Park and Rec report. So why don't we go
16 through that and then when we're done with that then
17 I'll go back and see if Officer Fleckenstein is here but
18 why don't you take it away Gery.

19 [Report offered by Mr. Gery Keck.]

20 MR. AEBI: We have quite a few folks with
21 us tonight. I think probably most or all of you are
22 here for the neighborhood review meeting but any
23 questions of Gery?

24 MR. KECK: Well, thank you all. I'll be
25 back for the next meeting.

1 was chairing at that time.

2 So, Lani, do we have the applicant with us
3 this evening that can potentially could kick it off and
4 give a presentation and we can take questions from the
5 floor?

6 MS. PARR: We do. We have Jenna and
7 maybe Sharon might be speaking as well.

8 MS. HORI: Daniel Hauser will also be
9 speaking for Ashcreek.

10 If you would like I could just go ahead and
11 get rolling. I'll make a couple of quick comments.

12 Daniel, if you want to screen share and show
13 the presentation that would be -- or the slides that
14 would be awesome.

15 And I'd also like to ask folks if people
16 wouldn't mind putting your name and address in the
17 comments just so that I can have those as a record in
18 case we do need it I would really appreciate it.

19 I see some folks have that in there, their
20 name, but it's hard for me to see that information. If
21 you plan to comment, especially please provide your
22 address just so that we can get all our ducks in a row
23 for documentation that would be great.

24 So my name is Jenna Hori. I am a board member
25 at Ashcreek and I have been kind of on and off the board

1 for several years. So I have some history with this
2 school.

3 So the overall plan that we're here to present
4 tonight is just to expand our permit to allow us to have
5 up to 60 students and 10 teachers in the preschool that
6 is running out of Murray Hills Christian Church off of
7 Weir Road about Weir and 151st.

8 So Ashcreek Cooperative Playschool is an
9 independent cooperative preschool and we rent space from
10 the church building. So we were established in 2015 by
11 a group of parents who wanted a co-op style preschool in
12 this neighborhood.

13 Some of our original members and the teacher
14 we had started off with had gone to preschool together
15 somewhere in Tigard and we wanted this type of school
16 kind of closer by in our neighborhood. So we started
17 Ashcreek kind of in a similar style. It's a part-time
18 preschool with half day classes. So it's not a
19 full-time child care facility.

20 And the school, we have teachers on staff but
21 the school is run by parents who serve as volunteer
22 board members. So it's kind of volunteer run and the
23 leadership kind of transitions year-to-year as students
24 move through the school. And so we've been at Murray
25 Hills the whole time since 2015 when we started.

1 And when we originally leased the space we
2 weren't aware of the terms of this original conditional
3 use permit that allows a preschool to operate in this
4 location.

5 So we've since learned about that, the
6 original permit, from the 90's. I think it was 1994
7 caps the students at 20. So right now we're kind of in
8 this big process of expanding this permit just to allow
9 kind of a larger number of people.

10 We are not proposing, you know, any changes,
11 any physical changes to the site. We simply want to
12 kind of increase the cap for the number of people kind
13 of allowed to participate in preschool operations.

14 So to close out what I was trying to kind of
15 provide in terms of background of our school, you know,
16 in part because of this parent involvement aspect we
17 have parents that kind of participate in the classroom
18 as volunteer every day as assistant teachers.

19 It's just really become an important part of
20 peoples lives. The families that participate here form a
21 lot of friendships and just strong bonds and this is
22 really been sort of an important part of our families
23 lives during this early childhood period. So it's just
24 been a great school.

25 My third child just started attending a couple

1 of weeks ago finally. So I've had an awful lot of
2 children through there.

3 So I'll turn it over to Daniel, another one of
4 our board members, to talk a little bit about the
5 details of our school operations.

6 MR. HAUSER: Thank you, Jenna. And, yes,
7 hello everyone, Daniel Hauser with Ashcreek.

8 The project information, you know, as Jenna
9 noted we're located in the Murray Hills Christian Church
10 renting out space there for the preschool cooperative.
11 The address, just to be really explicit, is listed on
12 here. And it's certainly also available from a Google
13 search which is what found this map which is up here on
14 the screen.

15 And the hours that we're currently in
16 operation is from 9:00 to 1:00 each day, five days a
17 week, Monday through Friday. And so that is sort of our
18 school year schedule.

19 We also have a summer camp that is also
20 offered with similar hours for two sessions during the
21 summer.

22 We do spend time outside at recess, as any
23 preschool and in any place focused on play for children
24 should, where the kids are able to spend, depending upon
25 their class and decisions by the teachers in terms of

1 what's best for their development and growth, we are
2 usually outside any where from one to two hours per day
3 in total, right, for all three of our classes.

4 And here is a copy of the site plan so you can
5 kind of see where the preschool's entrances are. And
6 this shaded'ish area over here is where the playground
7 is. Right here is 151st and then up here just off the
8 screen is Weir.

9 There's going to be no changes, as Jenna
10 noted, as to the site itself, right. We're not changing
11 the parking lot. We are not adding new entrances or
12 access points to Weir or to similar streets.

13 The building structure is not substantively
14 changing in any way. There's not a doubling of the
15 footprint of the property or anything along those lines.

16 We do know that there's been some questions
17 around like traffic impact. And I know a trip
18 generation analysis memo was prepared by an engineer
19 that found that even if we were to reach 60 students,
20 which we are far from today, we wouldn't be required to
21 provide any additional traffic impact assessments
22 because there would be fewer than that threshold of
23 trips required.

24 So currently our conditional use permit at
25 Murray Hills Christian Church for a preschool is

1 approved for 20 children and two teachers and 700 square
2 feet. As was noted this was from a couple of decades ago
3 or even longer.

4 Right now how we're actually using the
5 property we have at its highest point during the week
6 about 25 kids are there playing and engaging with their
7 peers. And their ages range from 2 to 6 years old.

8 There three lead teachers and two occasional
9 assistant teachers that can help fill in for parent
10 shifts as needed. And we are using about 1600 square
11 feet.

12 In all three of those cases we've grown in
13 excess of the prior conditional use permit at the
14 property.

15 The new conditional permit modification we're
16 requesting brings us up from those prior levels to where
17 we would be able to, and the Murray Hills Christian
18 Church, would be able to have a child care -- a
19 preschool facility like this that would accompany 60
20 children, 10 teachers and we would be able utilize up to
21 2,515 square feet of the Murray Hills Christian Church
22 as existing property.

23 So that's really, I think, the core of our
24 conditional use permit modification request that we'll
25 be submitting to the city and that we want y'all's inputs

1 and insights and feedback on as part of this
2 neighborhood meeting.

3 It's really just to increase the number of
4 kids, teachers and the square footage that the preschool
5 facility is using at Murray Hills Christian Church.

6 So I think the simple version, from my
7 perspective to bring all this together, is that we've
8 provided preschool in this community since 2016 and we
9 want to be able to continue to do so just in compliance
10 with the city land use laws.

11 We want to be able to fill our existing
12 classrooms, which would put us just over 30 children at
13 school per day. That's really our goal right now.

14 It's not like the school is primed to, you
15 know, launch the hiring of three more teachers and a
16 doubling of our student body tomorrow. That is not
17 something that is in the cards for tomorrow or for next
18 school year, where it's even hard to envision right
19 now. But as we've seen in this neighborhood meeting
20 process already that these permit modifications are
21 expensive and time consuming, particularly for a group
22 of volunteer parents and our church. And so we think
23 it's really important to make sure that we set this out
24 in a way that's proactive and forward thinking about the
25 needs this community has, right.

1 Washington County and the City of Beaverton
2 are child care deserts, right, are areas where access to
3 affordable accessible high quality child care is really
4 hard to find, as we hear from many of the parents
5 participating in the school regularly.

6 And so we provide that kind of oasis. That
7 opportunity for them to engage in really play based
8 engagement with their kids and with their peers in the
9 classroom and we think that's an incredibly value to the
10 community.

11 So with that I will actually turn it back over
12 to Jenna to finish up a little bit of the presentation
13 and then we'll be happy to welcome questions.

14 MS. HORI: Okay. Thanks Daniel.

15 As he mentioned, you know, we don't have any
16 immediate plans to jump up to 60 students but the permit
17 was established almost 30-years ago and it's going to
18 cost us about \$11,000.00 to go through this application
19 process. And it will probably, hopefully, be in place
20 for, you know, a pretty long term.

21 So we just wanted to have this high ask so
22 that it can accommodate future growth, potentially plans
23 the church may have, and not have to go through that
24 again. We would really like to be at around 30-35
25 students. So not a huge change.

1 So I wanted to jump back in and kind of
2 address some concerns that I know that neighbors may
3 have. That is something that we'll probably get asked
4 about here in the question period but I know the church
5 has received a lot of feedback and concerns about some
6 noise due to the playground use. And one big aspect of
7 that seems be related to evening noise and the hours of
8 operation that the playground on the site is open to the
9 public.

10 So I wanted to sort of emphasize that a lot of
11 those concerns are unrelated to our school use. You
12 know, our school is operating from 9:00 to 1:00 in the
13 morning and we are kind of separate from anything that
14 might be going on in the evening or any other use
15 issues.

16 So I want to please ask people to consider
17 this permit on its own merits and as it relates to our
18 school operations and keep that separate from any other
19 concerns, maybe, that usage or issues in the
20 neighborhood outside of our operations.

21 I mean I know that there's a lot of kind of
22 thoughts or feelings about that but some of it may not
23 be related to this specific permit process. So I just
24 want to kind of make sure we are focused on,
25 specifically, our school operations for this purpose.

1 That's all that we really had to, I guess, say
2 about our application. So I guess we can turn it over
3 for questions and comments now, unless anyone from
4 Ashcreek or Murray Hills wants to --

5 MR. AEBI: Jenna, I might just quickly
6 share, for the benefit of the group, that I believe that
7 this agenda item is informational only and the NAC is
8 not actually taking a position on the permit
9 application.

10 So I thought it might just be helpful to spell
11 that out that the NAC will not be taking a position on
12 the permit application.

13 Before we just turn it over to questions
14 though I guess I did just want to ask, out of curiosity,
15 I understand the permit application for the school is
16 different than the usage during the evening, for
17 example, that may be related to the church itself but
18 how would neighbors plug-in if they have concerns about
19 noise in the evening outside of this permit process? Is
20 there some way to facilitate that?

21 I'm just asking ut of curiosity.

22 MR. DRAKELEY: This is Tom Drakeley. I'm
23 with one of the -- one of the trustees at Murray Hills
24 Christian Church. Excuse me for a minute.

25 MR. AEBI: Yeah, go ahead Tom. To the

May 3, 2023

VIA IN PERSON DELIVERY AND EMAIL: aslatinsky@BeavertonOregon.gov
Anna Slatinsky
Planning Division Manager
Community Development, City of Beaverton
P.O. Box 4755
Beaverton, OR 97076

VIA IN PERSON DELIVERY AND EMAIL: NeighborMail@BeavertonOregon.gov
Lana Parr
Program Manager
Neighborhood & Public Involvement Program
P.O. Box 4755
Beaverton, OR 97076

VIA IN PERSON DELIVERY AND EMAIL: NeighborMail@BeavertonOregon.gov
Franziska Elliott
Public Involvement Coordinator
Neighborhood & Public Involvement Program
P.O. Box 4755
Beaverton, OR 97076
NeighborMail@BeavertonOregon.gov

Re: Pre-Application for Major Modification of CUP at Murray Hills Christian Church; Neighborhood Review Meeting Scheduled to be held on Tuesday, April 18, 2023

Dear Ms. Slatinsky, Ms. Parr and Ms. Elliott:

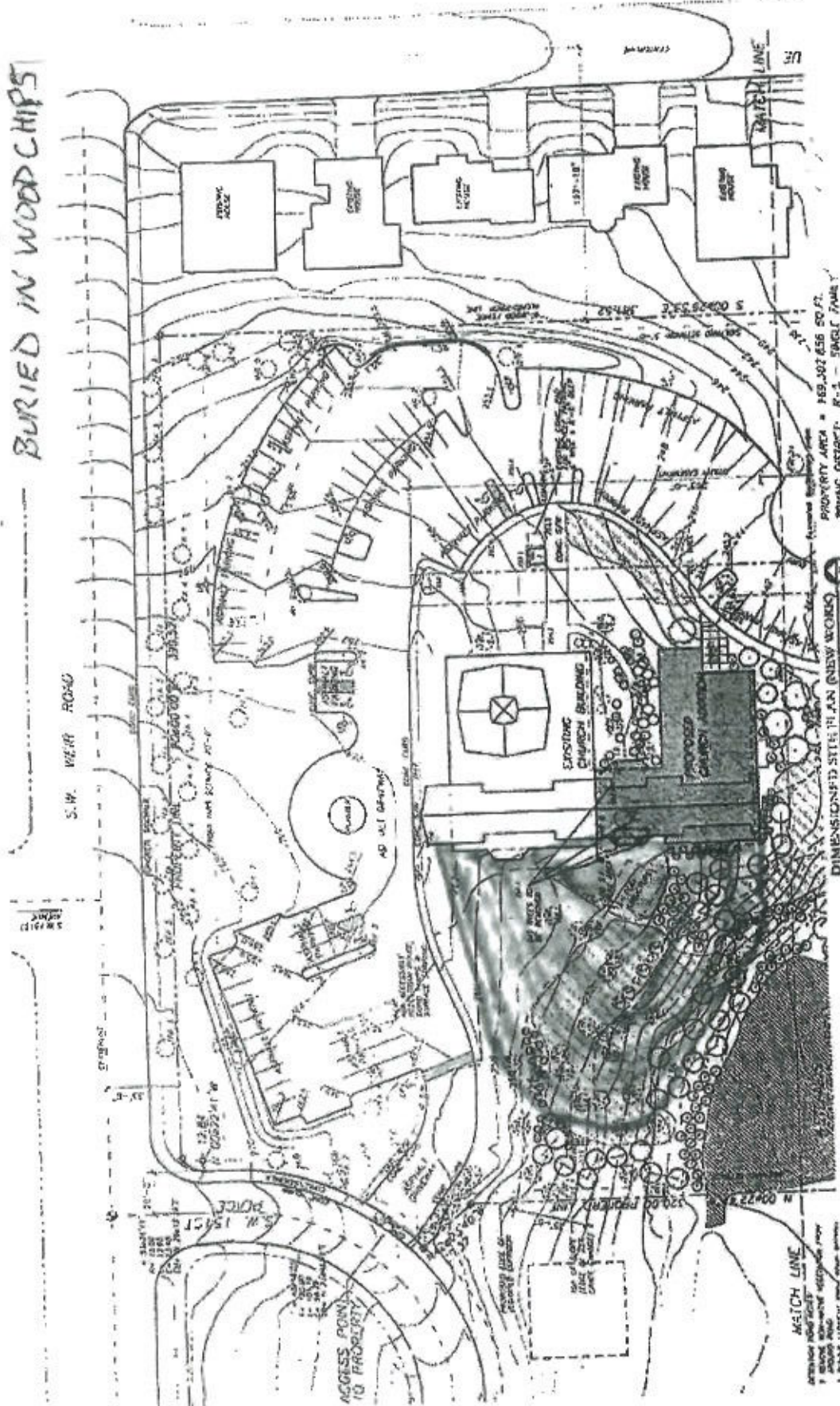
Attached hereto is a letter addressed to each of you dated May 2, 2023 from neighbors who reside adjacent to or in the close vicinity surrounding the Murray Hills Christian Church (MHCC) property. MHCC is the applicant for a major modification of its existing Conditional Use Permits.

Attached to the May 2, 2023 letter delivered to Ms. Slatinsky are thirteen (13) original signature pages bearing the signatures of a representation of concerned neighbors. Accordingly, only photocopies of these original signature pages could be attached to the letters to Ms. Parr and Ms. Elliott.





CURRENT - EXPANDED
PLAYGROUND AND
EQUIPMENT, GROUND
BURIED IN WOOD CHIPS



SHEET 3 OF 6
MARCH 21, 2001

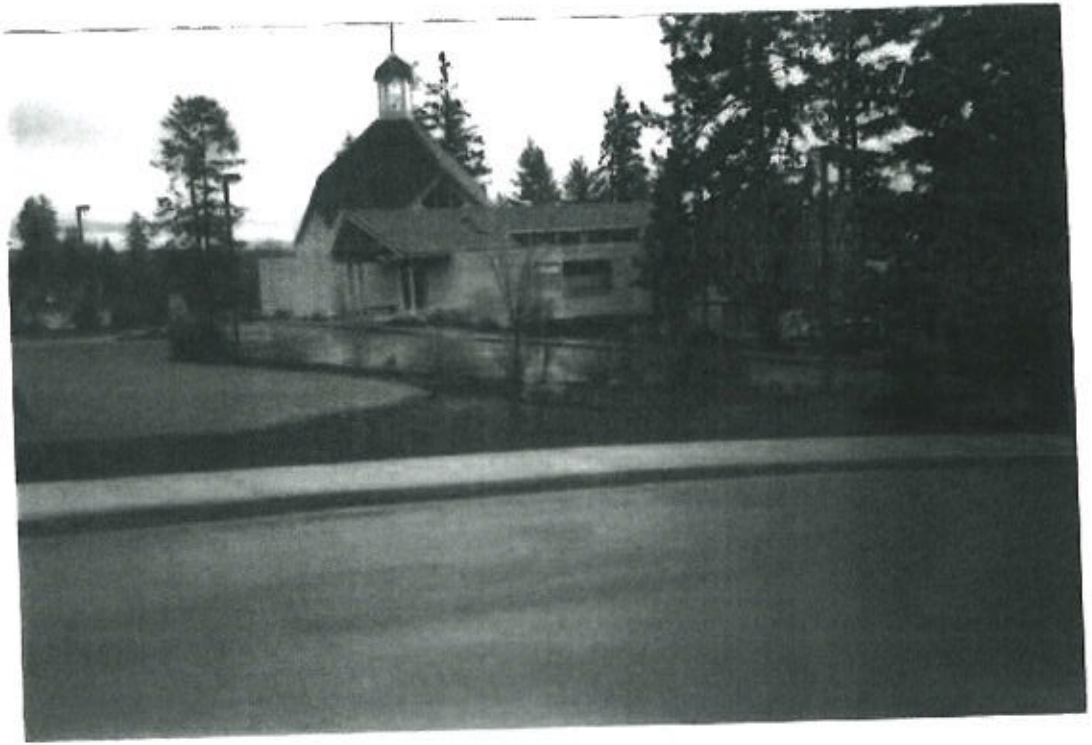
CONDITIONAL USE PERMIT PHASE

MURRAY HILLS CHRISTIAN CHURCH

15150 SW WYE ROAD
BEAVERHILLS, IN. 46013

PROPERTY AREA = 169,307.656 SQ. FT.
ZONING DISTRICT: R-1 - SINGLE FAMILY
DIMENSIONED SITE IN IAN (NEW WORKS)
SCALE: 1"=20'-0"

MATCH LINE
SEE SHEET 2 OF 6 FOR CONTINUATION



Anna Slatinsky, Lana Parr, Franziska Elliott
Page 2
May 2, 2023

The meeting was not held in-person as required by BDC 50.30 (2,3), but instead via internet Zoom. There was no health justification for not holding an in-person meeting, given that the Oregon Health Authority repealed all COVID restrictions on meetings well before April 18. Contemporaneously, the City was holding in-person public meetings, such as the City Budget Meeting on April 24th.

The Neighborhood Review Meeting was conducted in a manner to defeat its purpose as defined by the Beaverton Development Code. BDC Sec. 50.30 (1) requires the applicant to "take into consideration the reasonable concerns and recommendations of the neighborhood when preparing an application." BDC Sec. 50.39 (3)(D) provides "The attendees may identify any issues that they believe should be addressed in the proposed application." These requirements were not met, as plainly documented in the Meeting Minutes:

"The purpose of the Neighborhood Review Meeting is for the applicant to present information on the proposed CUP and for neighbors to ask questions of the applicant." Page 4.

"Andrew (Aebi) noted that the agenda item is for informational only (sic) and an opportunity for neighbors to ask questions" Page 5.

These pronouncements by the NAC chair, Andres Aebi, defining and limiting the purpose of the meeting are in direct conflict with the express requirements of BDC 50.30 (1) and (3)(D) quoted above.

As the Meeting Minutes document further, Mr. Aebi prevented surrounding neighbors from stating their "recommendations and concerns" and "identifying issues they believe should be addressed" by limiting them **only to asking questions** about the proposed application, and not allowing them to **express their concerns and recommendations or identifying issues to be addressed**. BDC 50.30 (1) provides: "The Neighborhood Review Meeting is intended to assist in producing applications that

Anna Slatinsky, Lana Parr, Franziska Elliott

Page 3

May 2, 2023

are responsive to neighborhood concerns, and to reduce the likelihood of delay and appeals." This did not happen.

Also contrary to BDC 50.30 (1), Mr. Aebi assumed the role of presiding moderator and used his assumed position to cut off neighbors who were trying to express their concerns. We have no doubt that Mr. Aebi's instructions stifled many neighbors from expressing their vigorous objections and concerns. The result was to deny the surrounding neighbors the very opportunity required by BDC 50.30 (1).

The Beaverton Development Code requires that **the applicant** "hold" the meeting for the benefit of surrounding neighbors. BDC 50.30(1, 2, 3). The Code does not give the Chair of the Neighbors Southwest NAC any authority to preside over the Neighborhood Review Meeting, as contrasted to the NAC meeting. It was the applicant MHCC which had the duty to "hold" the Neighborhood Review Meeting, not Mr. Aebi or the NAC. The result was that Mr. Aebi assumed the authority to preside which he did not have, and then proceeded in a manner which frustrated the purpose of the meeting as required by BDC 50.30 (1, 2).

Mr. Aebi announced the end of the Neighborhood Review Meeting even though there were neighbors who had not yet had an opportunity to speak. As stated previously, at least four neighbors requested that the meeting be continued at another time. Mr. Aebi refused these requests and stated that additional questions could be sent to the City. In doing so Mr. Aebi again violated the requirements of BDC 50.30 (1).

Also, importantly, at least one neighbor requested that all who chose to speak should give their addresses before speaking. Ms. Parr refused this request, even though BDC 50.30(4)(f) requires that the names and addresses of those attending be recorded. The Meeting Minutes fail to provide such as list. Additionally, a number of the people who were allowed to speak were not neighboring residents within 500 feet. Because of this a clear record could not be made in order to evaluate whether such speakers had a legitimate interest to give input which could be properly considered by the Planning Commission. It could not be determined at the Zoom format meeting whether such speakers resided within the required 500-foot radius or were even met the definition of "neighbors" in BDC 50.30(2). Input from such speakers is not what BDC 50.30 is intended to elicit for the Planning Commission's proper consideration.

Anna Slatinsky, Lana Parr, Franziska Elliott
Page 2
May 3, 2023

Of the many concerned neighbors, the following signed the May 2, 2023 letter to you:

Ron Sautler	Bob Churchill
Doug Gordon	Mohsen Shojaefar
Chris Hammond	Ann Faurot
Doug Yaeger	David Golder
Leslie Yaeger	LeeAnn Golder
Bob Kieffer	Matt Bloom
Debbie Kieffer	Becky Bloom

Please acknowledge your receipt of these letters to ron.sattler@gmail.com. We await your reply.

Thank you.

Sincerely,



Ronald Sattler



Douglas Gordon

cc: Sharon Jarman, Chair, Trustees, Murray Hills Christian Church

douglasgordon@comcast.net

From: douglasgordon@comcast.net
Sent: Friday, March 15, 2024 3:34 PM
To: Steve Regner
Subject: Murray Hills Church; Ashcreek Playschool LU32023-00557; Design Review Compliance Letter Application
Attachments: IMG_1561.HEIC; Murray Hills Church Signage for its Public Playground -Park.pdf

Mr. Regner,

I am writing in regard to the Type 3 Major Modification Revised Application of Ashcreek Playschool. In particular, this concerns Ashcreek's Design Review Compliance Letter Application. Please convey the following information to the Design Review staff who are processing the Application.

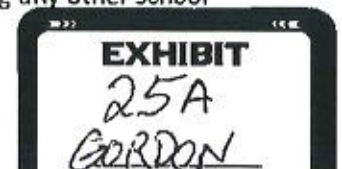
Note: Due to the size of the photos I would like to transmit, two additional emails will follow with additional photos attached.

There appears to be inaccurate or incomplete statements in the Design Review Compliance Letter Application; also the impact on the protected wetlands immediately adjacent to the playground is not addressed adequately. Until the Design Review staff have full and accurate information, the Application should not be approved.

At the top of the last page of the Application it is stated that "It has been determined that the existing play structure" on the church property is "out of compliance". A photo of the play structure is displayed, encompassing only one corner of the entire playground. This photo is itself misleading because it only depicts one piece of equipment among many others, in only one corner of the large playground. The playground appears to be at least approximately 7,500 sq. ft. in size. Moreover, the entire 7,500 sq. ft. playground, not just the one play station, was illegally constructed in violation of the 1994 and 2001 Conditional Use Permits approved by the City.

Very importantly, the Design Review staff should not approve the Application because the playground constitutes a nonconforming use which is not allowed in a residential zone without prior City approval. A number of years ago Church leadership without City Approval constructed the playground for public use and then posted signs inviting the public to use the playground. Attached are photos of the church's signs welcoming the public to use the playground. The Church leaders make no effort to monitor or regulate the amount of noise and activity on its playground at any time day or night. This large public playground was constructed without City Approval and is illegal. The public in fact has open access to the playground seven days a week, and is frequently present, from the time the Ashcreek students leave the playground between 1:00 and 2:00 pm until nighttime, and sometimes into the night. The playground noise is very disturbing and travels readily to surrounding homes, and degrades the tranquility and comfort within our neighborhood contrary to City policy and law. The City code protects residential zones as "noise sensitive areas" and the public usage as well as the Ashcreek outdoor playschool clearly violate this policy and protection for us. The trees and vegetation in the areas around and to the south and west of the church building do virtually nothing to mitigate the projection of the loud noise coming from the playground.

The Church leadership represented to the City Planning Commission in 2000-01 that it would not attempt to change or enlarge the existing 20 student Montessori School which was restricted to operating only "inside" the building. At that time no outdoor activities, let alone the playground, were proposed by Church leadership. This was a major point of contention between the church and surrounding residents in the 2001 proceedings, which is why the Planning Commission specifically stated in its 2001 CUP Order that the Church was expressly required first to apply for city approval before any future expansion of the Montessori School beyond 20 students or introducing any other school



program which would utilize church facilities. Church leadership clearly disregarded these Planning Commissions' restrictions stated in its 2001 Order.

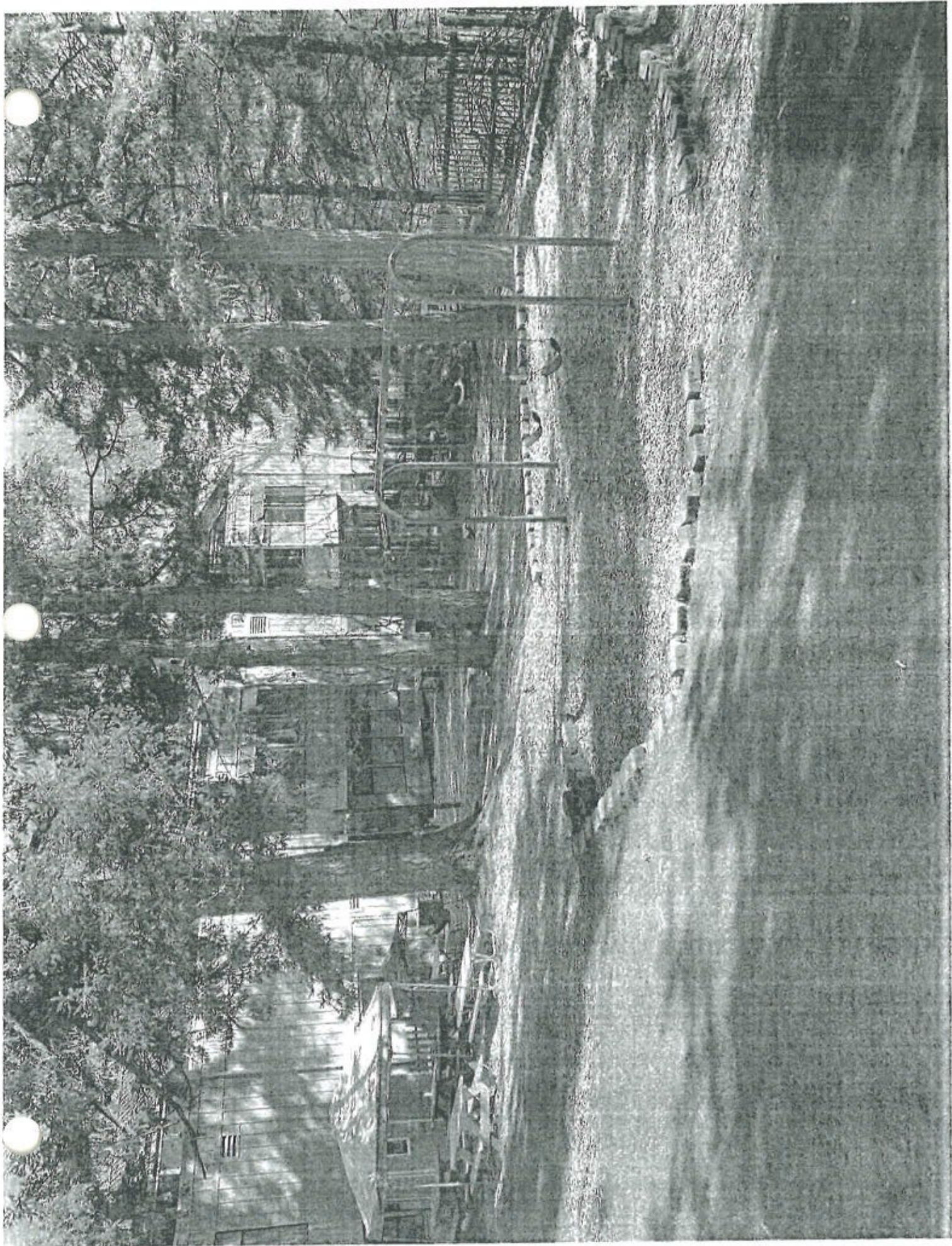
The impact of the playground on the protected wetlands is not adequately addressed in the Application. A definitive study is needed. Inasmuch as the playground is only approximately 20 yards from my house, it appears to me that the playground must be impacting the immediately adjacent wetlands conservation area (protected by recorded easements from the church and affected residential property owners including myself). The impacts include erosion from surface and subsurface, retarding or disrupting growth of foliage and frightening wildlife, including the deer and geese which inhabit the wetlands periodically. (At one time, several years ago, children were known to be exploring and playing in portion of the wetlands which is owned by the Church, and trails had been created. This appeared to be a violation of the terms of the Wetlands Conservation Easement of record, granted by the church and affected residential property owners. This has been reduced or discontinued in the last several years.)

Kindly acknowledge receipt of this email, and confirm that its contents will be conveyed to the Design Review staff responsible for the Ashcreek Compliance Letter Application.

Thank you.

Douglas Gordon
10050 SW 151st Place
Beaverton, OR 97007





douglasgordon@comcast.net

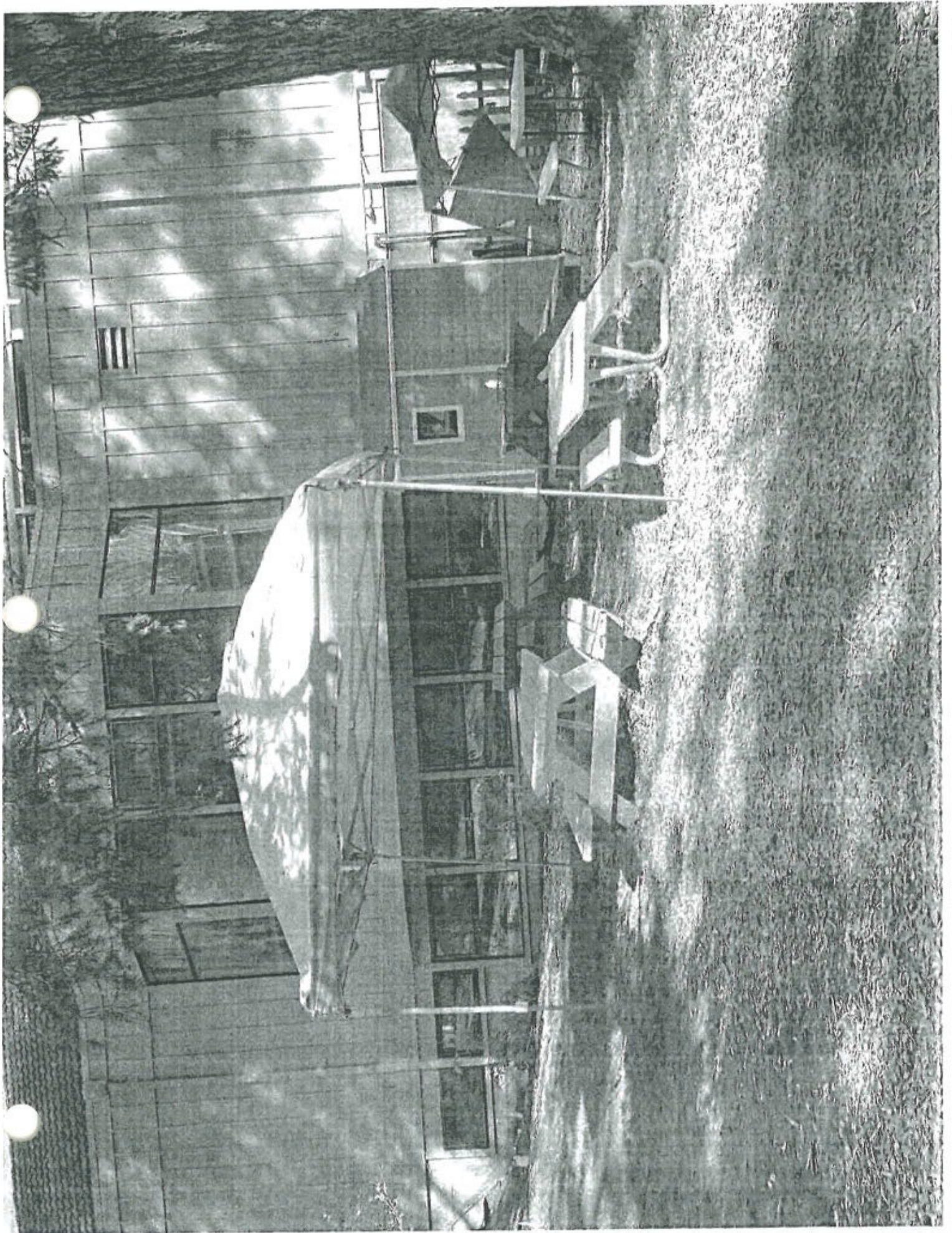
From: douglasgordon@comcast.net
Sent: Friday, March 15, 2024 3:48 PM
To: Steve Regner (sregner@beavertonoregon.gov)
Subject: Email No. 2 Murray Hills Church; Ashcreek Playschool LU32023-00557; Design Review Compliance Letter Application
Attachments: IMG_1540.HEIC; IMG_1542.HEIC; IMG_1551.HEIC

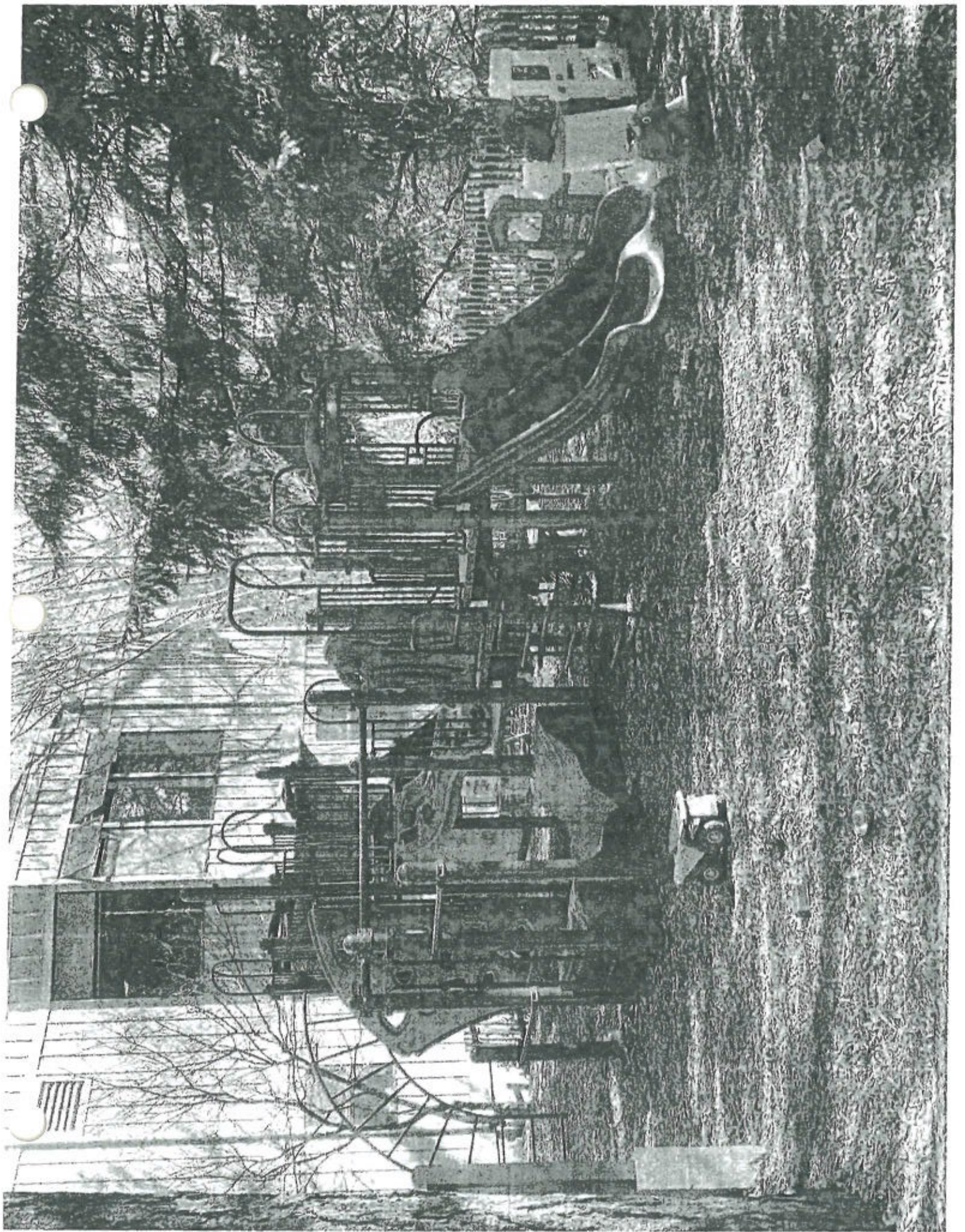
Mr. Regnar,

This is email no. 2 on the same subject attaching three additional photos.

Thank you.

Douglas Gordon
10050SW 151st Place
Beaverton, OR 97007





SUBMISSION BY DOUG GORDON

OCTOBER 2, 2024

CITY OF BEAVERTON

PLANNING COMMISSION

RE: MURRAY HILLS CHRISTIAN CHURCH/

ASHCREEK PLAYSCHOOL, LLC

Application/Project Name: LU32023-00557 Ashcreek

Application Numbers: CU32023—00555 /

DR12024-00090

PART (4) OF (4)

10050 SW 151st Place
Beaverton, OR 97007

June 3, 2024

HAND DELIVERY

Mr. Steve Regner
Senior Planner
City of Beaverton
12725 SW Millikan Way
Beaverton, OR 97005-1678

RE: Murray Hills Christian Church: Ashereek Playschool LU32023-00557 (CU32023-00555)

Dear Mr. Regner:

I am writing you for two reasons, both in connection with the Type 3 and Type 1 Land Use Applications of Ashereek Playschool, which has been leasing the playground and interior space from the Murray Hills Christian Church, at 15150 SW Weir Road. My house is next door to the church property on the east. I have lived here for 29 years. The large church playground is about 60 or 70 feet from my house, so I am first in line to receive the loud noise when Ashereek preschool is using the church playground, and also when the general public is there during afternoons and evenings.

The first reason is to provide you (and your staff) with an understanding of the level and intensity of the noise coming from the church playground, I am enclosing a thumb drive containing four recordings which I made from my house with my i-Phone. The first two are recordings of the Ashereek Playschool while on the playground. The second two are recordings of the general public using the playground after Ashereek preschool exits the playground, usually around 1:00 p.m.

The second reason is to invite you (and your staff) to visit my home so that you can personally listen while Ashereek Playschool is using the playground. This will allow you to assess how the livability of my property is being impacted by the excessive noise. I would request only that your visit not be announced in advance to the Church or Ashereek personnel.

The four attached recordings were made in April and May inside my home, on my deck and in my yard using my i-Phone. Each recording approximates what I hear. The noise heard on my deck and in my backyard is about the same noise that comes into my bedroom, living room and kitchen when the windows are open. When they are closed, I can easily hear the noise but of



Steve Regner
June 3, 2024
Page 2

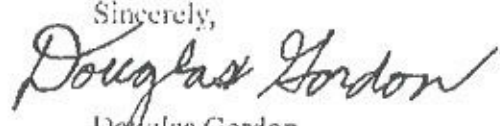
course it is muted by the windows. There is no escape from the noise when Ashcreek Playschool is present, and separately, during the afternoons and evenings when the general public is present. The noise level gets a boost because it ricochets off the church building, then travels virtually unimpeded across the adjoining large wetlands into many other neighbors' yards and homes.

The history of the playground is very important. According to one of the current church trustees, the sole reason the church expanded the small play area which existed prior to approximately 2015, into the current large playground, was to attract new members. The church then also displayed signage to welcome the public to use the playground. Their plan was quite successful, but only to the extent that the playground attracted the public. Public use of the playground continues to this day during the afternoon and evening, and morning till dark on weekends. This is not "incidental" use under any definition. The church congregation is mostly elderly, hence there are almost no congregants' children to use the playground. I personally see and hear the public usage and noise, so there is no speculation or guesswork. And although several neighbors have requested, the church leadership has declined to change its policy which keeps the playground open to the public. To my knowledge, in fact, the church policy is to allow the public to use the playground at any time until dusk, seven days a week, excepting when Ashcreek is there. And in fact, this is what happens, which brings with it the loud and excessive noise.

As you know, the legality of the expansion of the church playground, and its ongoing use as a public playground, are issues before the Planning Commission in this application process.

I am requesting your reply at your earliest convenience. Kindly acknowledge receipt of this email.

Thank you.

Sincerely,

Douglas Gordon

Enclosure: Thumb Drive

cc: Steve Regner via Email w/o enclosure

10050 SW 151st Place
Beaverton, OR 97007

August 9, 2024

VIA EMAIL - sregner@beavertonoregon.gov

Steve Regner
Senior Planner
City of Beaverton Planning Department
12725 SW Millikan Way
Beaverton, OR 97076

Re: Project Name: LU32023-00557 Ashcreek Playschool
Case File Nos: CU32023-00555 / DR12024-00090
Planning Commission Hearing Date: August 28, 2024

Dear Mr. Regner:

In accordance with the Public Hearing Notice for this matter I am submitting the following testimony and s to the Beaverton Planning Department in connection with the Ashcreek Playschool CUP Application described above. Murray Hills Christian Church is the property owner.

I am submitting the following testimony in opposition to is to the Ashcreek Application.

By necessity this submission is detailed and lengthy because proper consideration of the subject Application requires a close examination of the factual history of the church property uses and the Conditional Use Permit going back to 1994.

BACKGROUND INFORMATION

My wife and I purchased our home at 10050 SW 151st Place, and our lot adjoins the church property on the west. The current playground is situated 60 to 70 feet—thirty paces or so- from my house. Because of the steep slope of our lot,



Steve Regner
August 8, 2024
Page 2

the builder situated our house within five feet from the property line that we share with the Church where the playground is located.

The church property as well as a substantial number of homes on 151st Place, SW Gull Avenue, and SW 149th Terrace, share property boundaries adjacent to a two acre "Wet Lands Conservation Easement" granted to the City by the Developer, which prohibits any "substantial improvements" on the protected space.

The wetlands is a natural habitat for many birds and wild animals. It has been a wonderful and beautiful amenity, and before Ashcreek Playschool arrived on scene, our neighborhood liveability was enhanced with serenity, tranquility and a good measure of privacy. This changed for several reasons as discussed below.

For the Church, the Ashcreek Playschool is a business relationship. Ashcreek Playschool disavows any religious connection. The Church congregation has not grown, and like many other churches, its members are now seniors and their children have left the nest. It is apparent that the Church Trustees are seeking additional revenues, and they have become quite aggressive in doing so. Ashcreek Playschool is providing such revenues.

The Church leadership has never once initiated conversation with the surrounding residents to seek their input about the Church's decision to construct an extremely large public playground specifically for public use, and years later, leasing use of the public playground to Ashcreek Playschool.

Both myself and another neighbor with adjoining property asked for and received three meetings with the Trustees in 2022 and 2023 in an attempt to mitigate the damage to the liveability of our neighborhood due to the noise and traffic and other related negative effects arising from the Ashcreek Playschool operation. Although everyone was cordial, our efforts were unsuccessful. The Church leadership has declined to take any significant concrete action to mitigate the problems. They have made small investments to protect church property with sensors, lights and cameras and put additional fencing around the playground, but none of this addresses the main problems negatively impacting liveability for surrounding residents.

Please note that since the Montessori School was approved in the 1994 CUP, four new homes were built (including mine) on 151st Place. These are now the homes which are situated closest to the playground and are directly impacted. Hence the reasons underlying the Planning Commission's serious concern in 1994 about protecting liveability, are even greater today with the increasing density and number of homes adjoining or very close to the church property.

DISCUSSION OF OBJECTIONS

The following are two major objections to the Application.

A. The 1994 CUP RESTRICTS THE MONTESSORI SCHOOL TO OPERATING WITHIN THE CHURCH BUILDING, AND DOES NOT IN ANY WAY APPROVE THE OUTDOOR "PLAY AREA"

The Applicant's goal is to have the 1994 CUP "interpreted" by the Planning Commission to mean that the existence of the small "play area" next to the Church building was **approved** as a lawful use of church property. The Applicant then contends that such lawful status somehow has been carried forward to the present and now serves as the legal basis to have the existence of the current mega-playground also deemed lawful. Note that Ashcreek Playschool leases use of the playground.

These contentions have been positioned under the umbrella of Applicant's request for a favorable Design Review of the playground. I object to this procedure as improper, in part because the Church constructed and maintains a public playground, which is a nonconforming use in our "R-5" zone, but has failed to apply for and obtain a Conditional Use Permit. In actuality, this process is an attempt to evade scrutiny of the most important underlying point, which is that the playground is unlawful, and that Ashcreek Playschool should therefore be forced to cease and desist from utilizing the playground until it is approved as a nonconforming use.

I turn now to the 1994 CUP and its proper "construction" and enforcement. Many of the following principles involving the proper "construction" of 1994 Planning Commission Orders is consistent with and reinforced by the Beaverton

Code Sec. 10.20 which provides the rules to be followed in the "Interpretation and Application of Code Language."

Proper "construction" of the 1994 CUP is pivotal. The paramount component of a CUP is the Orders set forth by the decision-making authority be it the Planning Commission or City Council. Other language in the CUP outside of the Orders such as preamble recitations are just that, but they are not part of the Orders and have no legal efficacy here.

Universally applied standards reject use of any such attempt using "interpretation" to add to the plain meaning of the Orders in the 1994 CUP. This such so-called "interpretation" is legally improper because it represents an arbitrary and capricious exercise of authority, by disregarding and refusing to enforce Planning Commission's **actual** Orders. This is true for Orders, as well as ordinances and statutes alike.

See BC Sec.10.20, "Interpretation and Application of Code Language":

The Code shall be read literally. Sec. 3.

Terms not defined in the Code shall have the meaning set forth in Webster's Third New International Dictionary, 1993. Sec. 6 (B).

The Code shall be interpreted reasonably. Sec. 6(C).

Properly "construed", the Orders of the 1994 CUP approve the Montessori School but only "**within the existing church building**". (emphasis added) When enforcing the 1994 CUP, the City is by law required to apply the plain and obvious meaning to words of common use, such as "inside" the building. The term "inside" does not mean "outside" by any dictionary definition.

It is the duty of the City in "construing" its own Orders, to take the Orders of the 1994 CUP "as it finds it, without adding to it or subtracting therefrom." Cary v. Metropolitan Ins. Co., 141Or 388, 391, 17 P2d 1111. A corollary principle is: it is legally impermissible for the City "to adopt a rule of construction to make a plain (Order) ambiguous and then to construe it in favor of . . ." a person or party in order

to benefit that person/party. When the words used in an Order are clear and unambiguous, the Order must be enforced according to the common and plain meaning of its words, without any resort or reference to records or materials extrinsic or outside of the four corners or the Order itself.

Accordingly, it is legally improper for the Planning staff to extract anything from the 1994 Staff Report or the minutes of the Planning Commission which adds to or subtracts from the plain language of the Orders stated in the 1994 CUP.

When these principles are followed in this matter, the only legally proper conclusion is that the Orders of the 1994 CUP expressly restrict the operation of the Montessori School to "within the existing church building". This Order necessarily excludes the outside "play area".

B. THE BEAVERTON NOISE ORDINANCE APPLIES DIRECTLY TO THIS APPLICATION, AND THE ORDINANCE PROTECTS THE SURROUNDING NEIGHBORS FROM DAYTIME PLAYGROUND NOISE, CONTRARY TO THE CITY POLICY NOT TO ENFORCE THE ORDINANCE TO APPLY TO DAYTIME NOISE FROM THE PLAYGROUND

The Beaverton Noise Ordinance applies in this application proceeding and provides critical criteria for assessing the impact on liveability from the proposed tripling of the Ashcreek Playschool enrollment.

Thus far the Application itself fails to address the impact of playground noise in any meaningful way. It basically assumes that noise is not a problem. The Church trustees have told me that noise is not a problem, and that they refuse to build a sound barrier or go to any expense to provide any mitigation.

I have learned that the City has a policy which it is applying to the Application, and I presume that the Planning Staff is applying the same policy.

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The City's policy is based on an interpretation of the Noise Ordinance which is completely inconsistent with the express and clear terms of the Noise Ordinance. This must be rectified.

The City's Code Compliance manager, Kimberlee McArthur, explained the City's policy to me. When I spoke to her on October 19, 2022, she stated that "between 7:00 a.m. and 10:00 p.m. there is no regulation of noise within the city, pertaining to children, and especially children in care facilities." On July 2, 2024, in reference to the Ashcreek Playschool, she stated that "the kids can make as much noise as they want until 9:00 p.m."

Much of what Ms. McArthur told me is reiterated in the email of Code Compliance officer Kevin Pelatt dated June 18, 2024 addressed to David Golder, stating among other things in reference to the current Church playground and Ashcreek Playschool:

"The school does not violate the noise code. There are no illegally built structures that violate code."

There is no provision of the Beaverton Noise Ordinance which states that loud noise affecting residences is permitted during daylight hours (e.g. 7:00 a.m. to 9:00 or 10:00 p.m.), except for a few inapplicable exemptions.

The paramount purpose as stated in the Noise Ordinance is to protect residents, and it should be enforced to accomplish its purpose. BC Sec. 10.20(6)(C).

The City Council stated that the purpose of the Noise Ordinance in part is "to protect, preserve, and promote the health, safety, welfare, peace and quiet of the residents . . . of Beaverton through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures or endangers the comfort, repos, health, peace . . . to reasonable individuals of ordinary sensitivity." BC Sec. 5.15.020

The Beaverton Code requires that the Planning staff, as well as the Code Compliance staff, to follow the following rules of "Interpretation and Application of Code Language." BC Sec. 10.20.

"This Code shall be interpreted reasonably, reading questioned regulations in relation to other sections such that an interpretation must fully effectuate the intent and purpose of the regulations. BC Sec. 10.20(6)(C). "The Code shall be read literally. Regulations are not more or less strict than as stated." BC Sec. 10.20(3)

The City Council specifically found that "Loud or raucous noise . . . is harmful to the health, welfare and safety of its residents . . . interferes with the comfortable enjoyment of life and property . . . privacy of the home; and may cause or aggravate health problems." BC Sec. 5.15.010 (A)

The protections of the Ordinance apply to residences within designated residential areas, which are defined as a "**noise sensitive area**". BC Sec. 5.15.015 (D), (I) and (K).

The controlling Noise Ordinance provision which the Code Enforcement and Planning Department should apply to residences surrounding the Church playground is BC Sec. 5.15.030 (E):

" E. Noise – Sensitive Areas. The creation of any unreasonably loud and raucous noise adjacent to any noise-sensitive area while it is in use, and which unreasonably interferes with the workings of the noise-sensitive area or which disturbs the individuals in the noise-sensitive area."

The City Council declared that any violation of any of the 13 provisions of Sec. 5.15.030 is a "per se" offense, meaning it is an automatic offense without proof of criminal intent. As can be seen in the preamble to this Section, the City Council did intend its list of violations to be exclusive: "The following acts are declared to be per se violations of this chapter. **It includes, but is not limited to:**" (Emphasis added). It is clear that the City Council intended that that the Ordinance be given broad and wide-reaching application in order to achieve its purposes. The City's enforcement

policy on its face fails to adhere to the mandate in BC 10.20(6)(C) to effectuate the intent and purpose of the Noise Ordinance as clearly described above.

Instead, the City's enforcement policy is based on a clearly erroneous reading of BC Sec. 5.15.030 (C) which provides:

" C. Yelling, Shouting, and Similar Activities. Yelling, shouting, hooting, whistling, or singing in a residential area or in a public place, between the hours of 10:00 p.m. and 7:00 a.m., **or at any time or place**) so as to unreasonably disturb the quiet, comfort, or repose of reasonable individuals of ordinary sensitivities. This subsection is to be applied only to those situations where the disturbance is not a result of the content of the communication but due to the volume, duration, location, timing, or other factors not based on content." (Emphasis added)

The only correct reading of this section, Sec. 5.15.030 (C), is to prohibit yelling, shouting and similar activities "**at any time or place**" . . . "**in a residential area**". This plainly means all day, 24 hours a day, not just between 10:00 p.m. and 7:00 a.m. The Beaverton Code itself mandates this reading: "Regulations are not more or less strict than as stated." BC Sec. 10.20(3).

Sec. 5.15.030(E), quoted above, also expressly applies to residences in residential areas.

The City Council intended residences in Beaverton's residential areas to be given enhanced protection against loud noise, and therefore the Council assigned them the unique status of being "noise sensitive areas". BC Sec. 5.15.015(D).

By no means are Sec. 5.15.030 (C) and (E) in conflict and one does not supersede the other. Subsection (C) addresses the specific prohibition against yelling and shouting in residential areas to control nighttime noise but it also extends that same prohibition to "**any time or place**" which necessarily means such noise during the daytime in residential and public areas.

Said another way, the City Council in its judgment deemed shouting and yelling and similar activities to be particularly undesirable and offensive and therefore specifically classified them as a per se violation.

Both Sec. 5.15.030 (C) and (E) are complimentary and are legally and directly applicable to the Church playground and our surrounding residential neighborhoods.

The City's current noise enforcement policy nullifies both BC Sec. 5.15.030 (C) and (E) because it directly contradicts the express unambiguous language of the Ordinance. See BC Sec. 10.20(6)(C) also compels this result. Only the City Council has the jurisdiction and authority to amend the Noise Ordinance. The City policy to not enforce the Noise Ordinance is a creature of unelected city administrators who have no authority to disregard the sections of an ordinance for any reason. The Noise Ordinance must be enforced according to its terms.

The City's current unlawful noise policy is nothing more than an arbitrary and capricious "interpretation", most prominently articulated by the Code Compliance Director, Ms. McArthur.

Read reasonably and fairly, giving effect to the plain meaning of the words used, bot Sec. 5.15.030 (C) and (E) apply to the Church playground and the Ashcreek Application.

In conclusion, the Application totally fails to address the critical issue of the impact of playground noise upon surrounding residents and the liveability of their neighbors. On this basis along, the Application must be denied.

C. LOUD NOISE FROM THE PLAYGROUND PROJECTS DISTINCTLY FROM THE CHURCH PLAYGROUND AND IS DISTURBING THE TRANQUILITY AND ENJOYMENT OF RESIDENTS IN THEIR HOMES SURROUNDING THE CHURCH PROPERTY AND DAMAGING LIVEABILITY OF THE SURROUNDING NEIGHBORHOOD

The Church planned and constructed the existing mega-playground with the express intent that it be a public playground (as discussed and documented more thoroughly elsewhere). The Church posted signs inviting the community to use the playground. One states:

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"Playground open to the community. Adult supervision required."

Another sign posted later states:

"Murray Hills Christian Playground

This playground and equipment are for children 12 and under accompanied by an adult.

Playground open 10am to dusk"

The definitions in the Beaverton Code define a public place as any public or privately owned property upon the public is invited. The Church playground is a public playground, just as the Church intended and expressed in the signs that were posted and are **to be posted in the future.**

The noise projected from the Church playground while being used by Ashcreek Playschool is very loud in my home and yard, which adjoins the church property on the west. This is true for other neighbor's homes which either adjoin or are situated nearby the church property.

Because my house is only 60 to 70 feet from the playground equipment, the noise is so loud that **it can be easily heard in my bedroom, living room, family room and kitchen. I can also hear the noise even with the windows closed.** Because the noise is so loud and persists throughout the day and evening, seven days a week, for the past three years I have stopped using my decks. My wife and I used to have deck furniture set up, and like to have dinner outside, read and talk, and entertain friends there. For seven days a week, often from morning until dusk, there is no escape from the noise projected from the Church's public playground.

There is no question but that the loud noise projected from the church's public playground has damaged the liveability of our neighborhood, including my own home. In my opinion, the market value and saleability of my home has been damaged by the Church's public playground and the Ashcreek Playschool, not to mention my own enjoyment of my home and yard, and satisfaction with my formerly tranquil neighborhood setting.

The problem begins with the location of the playground, which is situated on a strip of the church property which adjoins a wide-open, undeveloped and legally protected wetlands several acres in size. Many homes are also situated to the south and west immediately adjoining the wetlands (including my house) or very nearby.

In addition, the existing mega-playground is approximately 8,500 square feet, according to the Beaverton Planning staff. It contains a huge play station with multiple slides, swings, climbing ladders and crow's nest. There are two large swings, each with two seats, one near the church wall and the other is the closest equipment to my property line, approximately 60-70 feet. I can see that swing while in use through the sparse foliage separating my property from that of the Church. See

There is nothing between the playground and these homes to deflect, absorb or mitigate the playground noise, so it readily carries across this open space into their homes and yards. The playground noise carries freely through the few trees and wild foliage which lightly screen the playground on the south and west sides.

Two factors also act to ensure that the playground noise carries as loudly and as far as possible. The first is that the entire playground abuts the west church building wall which is 100 feet long and two stories high! The playground noise bounces back off of the wall and is projected straight to into the neighbors' homes and yards.

Second, the church building and the playground are situated on the downward slope of a hill which stands about 40 feet above the bottom of the adjoining wetlands. This is the optimal situation to ensure that playground noise carries unmitigated and unimpeded across the wetlands into the neighbors' homes and yards.

CONCLUSION

Ashcreek Playschool wants to triple its enrollment to 60. That would be devastating to the liveability of surrounding properties because of negative impact from increased noise, traffic and degradation of the wetlands and the animal life there.

It would be a travesty to recommend approval of the Application given the incurable deficiencies in the Application, the incorrect process being attempted to gain approval of the public playground, the illegality of the public playground,

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violations of the noise ordinance which have not been addressed, the Planning staff's insufficient investigation and evaluation of the noise problem and violations, and the failure to correctly assess the negative impacts on the liveability of our neighborhood which we are suffering and which will worsen were the Application to be approved.

Based on the foregoing, I request that the Planning staff recommend that the Application be denied.

Please acknowledge receipt.

Respectfully submitted,

A handwritten signature in cursive script that reads "Douglas Gordon". The signature is written in black ink and is positioned above the printed name.

Douglas Gordon

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Find daycare, preschool, and school-age care.
High-quality, trusted providers nearby.

Age of child(ren)

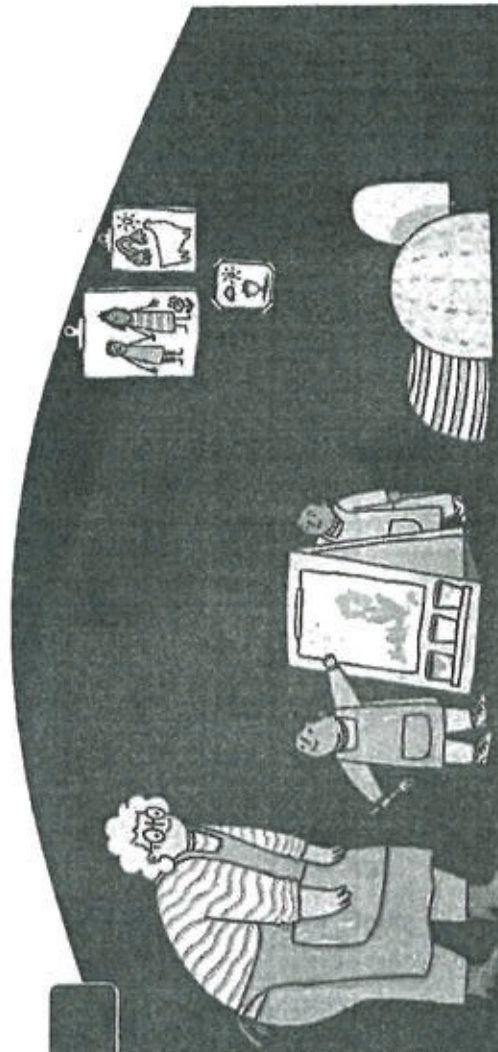
Zip Code

Age of child(ren) v

Beaverton, OR

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Quality & safety transparency.

97006

Advanced Search

Browse

6 months

6 - 12 months

1 year

2 years

3 years

4 years

5 years

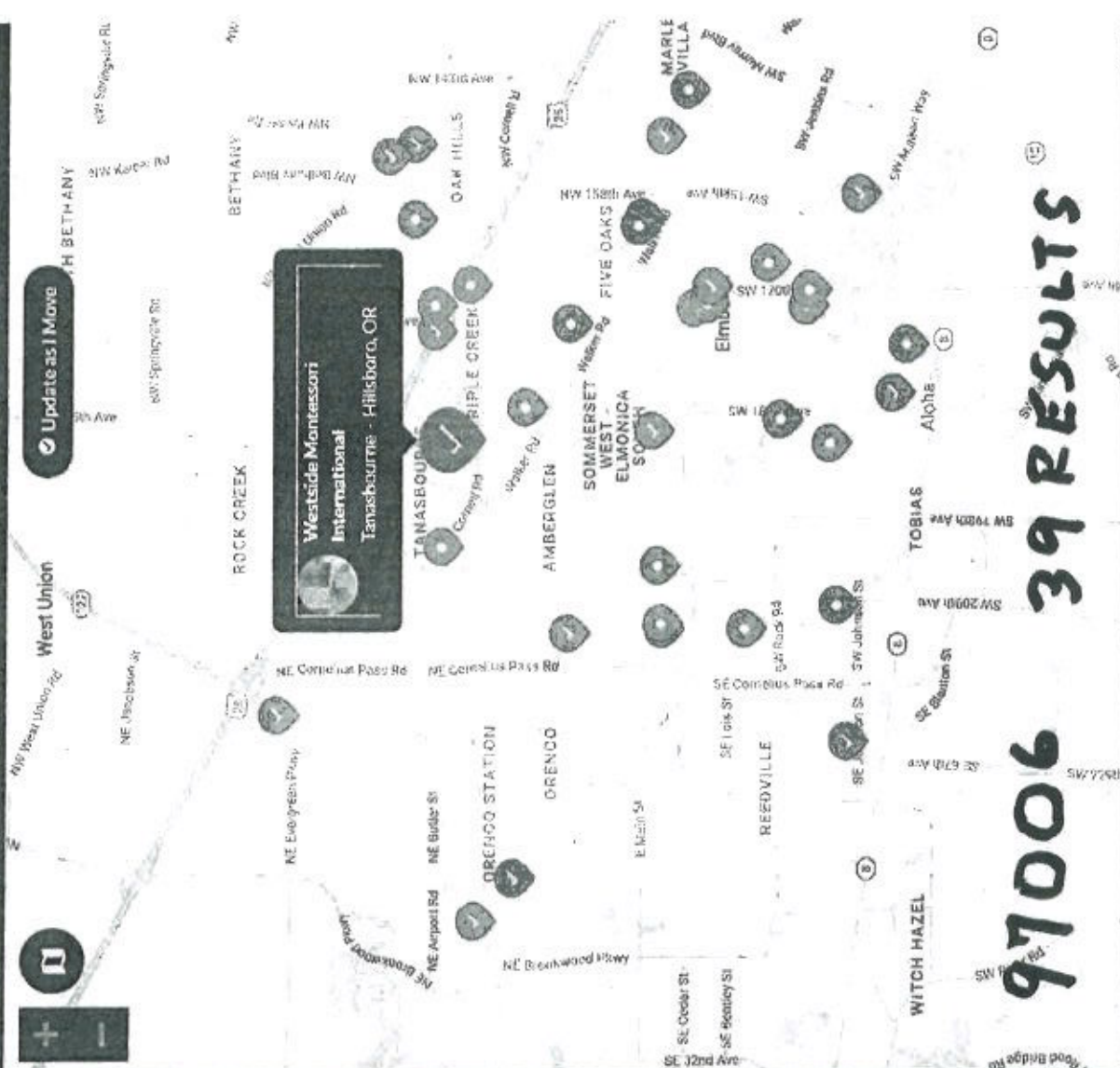
6 years

7 years

8+ years



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39 Results

Westside Montessori International

Now 97006 Tanasbourne Center Verified

Preschool 1 mo - 6 yr \$55
 ELEMENT FOR SY 2024-2025. SEATS ARE FILLING UP FAST! Montessori preschool and
 and hands-on learning curriculum for infants, toddlers, and...

are

Now 97006 Beaverton Center Verified 5.0

Preschool 24 mo - 2 yr 11 mo
 te a strong academic and social foundation. Teachers introduce math, literacy, and
 movement, art, pretend play, and group games. Children become an active part of...

Preschool 3 yr - 3 yr 11 mo
 strong focus on school readiness. Children are encouraged to think independently and
 it's day is filled with creating, experimenting, and imaginary play. Curriculum includes...

the age of five months. The oldest is now 32 months and my youngest is ten months old. We
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y (Hillsboro North)

97006 39 RESULTS

97007

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Browse

- 6 months

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1 year

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3 years

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5 years

6 years

7 years

8+ years

25 Results

erCare

Now Aloha Center Verified 0.5.0

Preschool 24 mo - 2 yr 11 mo
... a strong academic and social foundation. Teachers introduce math, literacy, and movement, art, pretend play, and group games. Children become an active part of...

Preschool 3 yr - 3 yr 11 mo
... strong focus on school readiness. Children are encouraged to think independently and it's day is filled with creating, experimenting, and imaginary play. Curriculum includes...

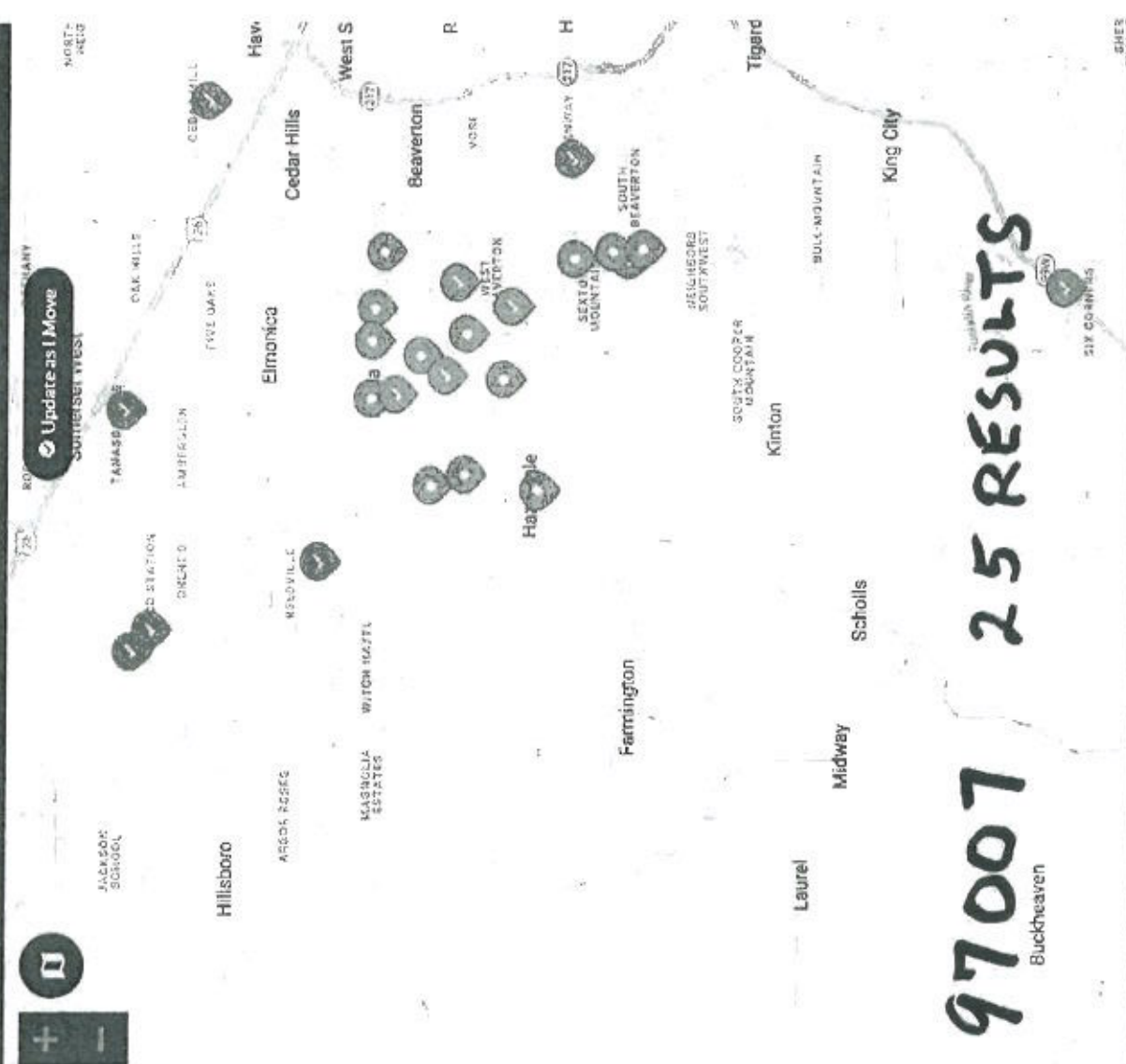
... since infancy and I have been incredibly impressed with the love, care and affection he has gives going to "school"! He L...

y of Sherwood

Now Sherwood - Tualatin North Center Verified

Preschool 2 yr 1 mo - 2 yr 11 mo
... your child to be ready for school, and that's why our parents—and their children—love stepping stone to Preschool, our Early Preschool program has a unique, indicator...

Preschool 3 yr 1 mo - 3 yr 11 mo
... an essential step on the path to kindergarten. We want the best for your child and their personal development with customized curriculum and lesson plans to meet thel...



97007 25 RESULTS

9 97008

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Curriculum

Languages

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Hours

12 Results

ssori at South Beaverton

h Beaverton Center Verified 5.0

Preschool 2 yr 6 mo - 4 yr 11 mo
K program designed to prepare children for kindergarten. Daily routine includes math, practical life skills. Children are encouraged to explore and pursue their individual...

Beaverton. My older one came from a different campus where he got almost no attention, due to...

ssori at Beaverton

h West Center Verified 5.0

Preschool 2 yr 6 mo - 4 yr 11 mo
K program designed to prepare children for kindergarten. Daily routine includes math, practical life skills. Children are encouraged to explore and pursue their individual...

ton. Mr. Jackie is a joy and all the teachers are friendly, transparent, honest and kind. We have...

nderCare

Now 9 Metzger Center Verified 5.0

Preschool 24 mo - 2 yr 11 mo
te a strong academic and social foundation. Teachers introduce math, literacy, and



9 97123

Q Advanced Search

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6 months

6 - 12 months

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2 years

3 years

4 years

5 years

6 years

7 years

8+ years



71 Results

ssori at Hillsboro

ville Verified 5.0

Preschool 3 yr - 6 yr
K program designed to prepare children for kindergarten. Daily routine includes math, practical life skills. Children are encouraged to explore and pursue their individual...

h Gardépost Hillsboro. They have incredible teachers and leadership that are strong...

y (Hillsboro North)

Now Hillsboro Center Verified

Preschool 3 yr - 3 yr 11 mo
an essential step on the path to kindergarten. We want the best for your child and their personal development with customized curriculum and lesson plans to meet their...

Pre-Kindergarten 4 yr - 4 yr 11 mo
most important thing to us and that is the focus of our Pre-K program. Building on problem solving, responsive listening, language usage, and social skills. Our Focus on...

y of Sherwood

hillsboro#childrens-house-alatin North Center Verified



97123 21 RESULTS

97124

Advanced Search

Browse

6 months

6 - 12 months

1 year

2 years

3 years

4 years

5 years

6 years

7 years

8+ years

23 Results

y (Hillsboro North)

New Hillsboro Center Verified

Preschool 3 yr - 3 yr 11 mo
an essential step on the path to kindergarten. We want the best for your child and help personal development with customized curriculum and lesson plans to meet their...

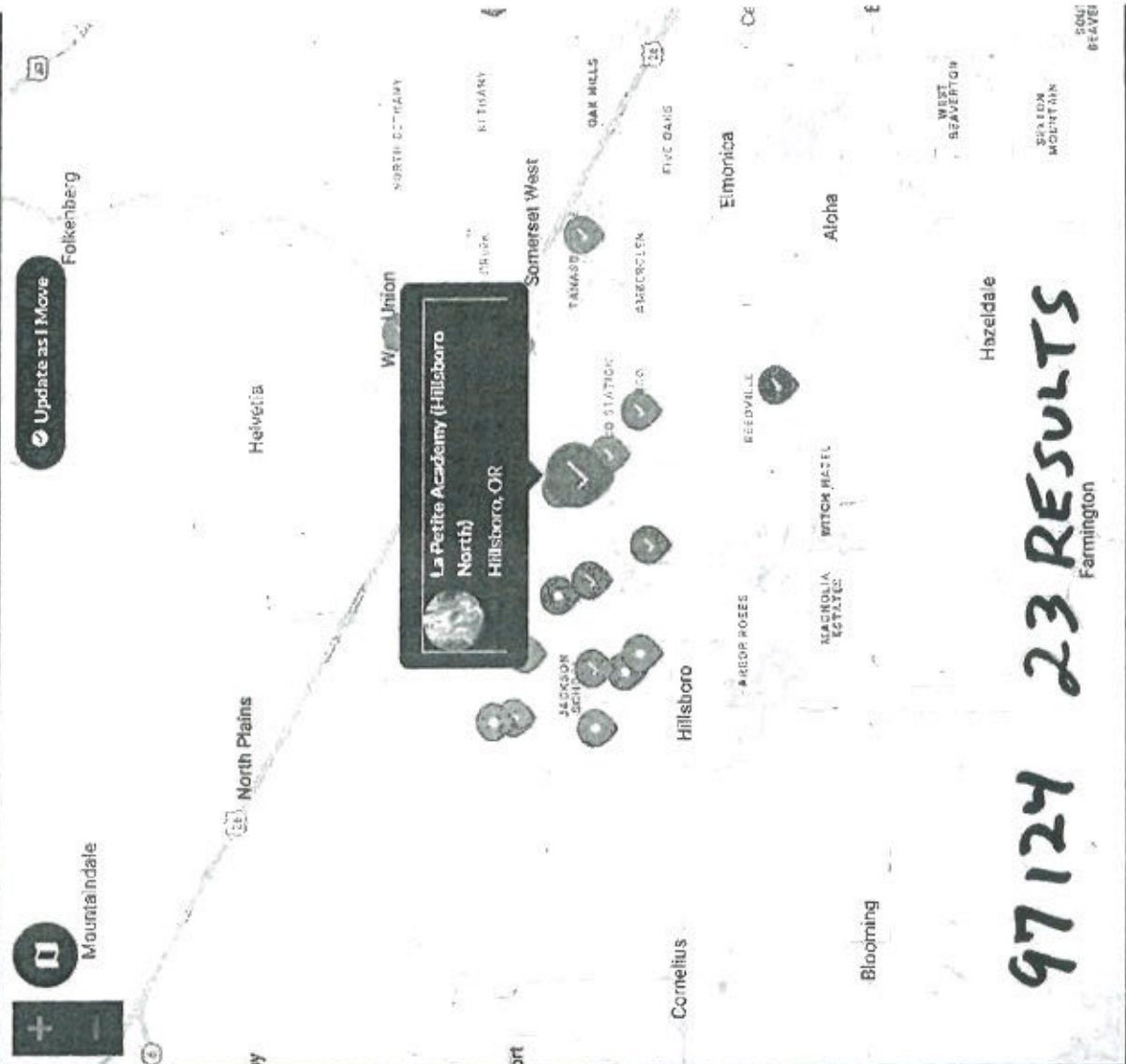
Pre-Kindergarten 4 yr - 4 yr 11 mo
most important thing to us and that's the focus of our Pre-K program. Building on problem solving, responsive listening, language usage, and social skills. Our focus on...

of Silicon Forest

boro Center Verified

Preschool 24 mo - 2 yr 11 mo
er with you to help your child learn important independent life skills like potty training attention to all aspects of your child's development.

Preschool 3 yr - 3 yr 11 mo
nnect letters, sounds and numbers, expanding their world through reading and math. It's early physical fitness and an understanding of nutrition. Our teachers support that...



La Petite Academy (Hillsboro North)
Hillsboro, OR

97124 23 RESULTS
Farmington

97223

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Browse

Hours

Facility

Languages

Curriculum

Religion

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26 Results

Beginnings

Now • Bull Mountain Center • Verified • 5.0

Preschool 24 mo - 2 yr 11 mo
te a strong academic and social foundation. Teachers introduce math, literacy, and movement, art, pretend play, and group games. Children become an active part of...

Preschool 3 yr - 3 yr 11 mo
strong focus on school readiness. Children are encouraged to think independently and it's day is filled with creating, experimenting, and imaginary play. Curriculum includes...

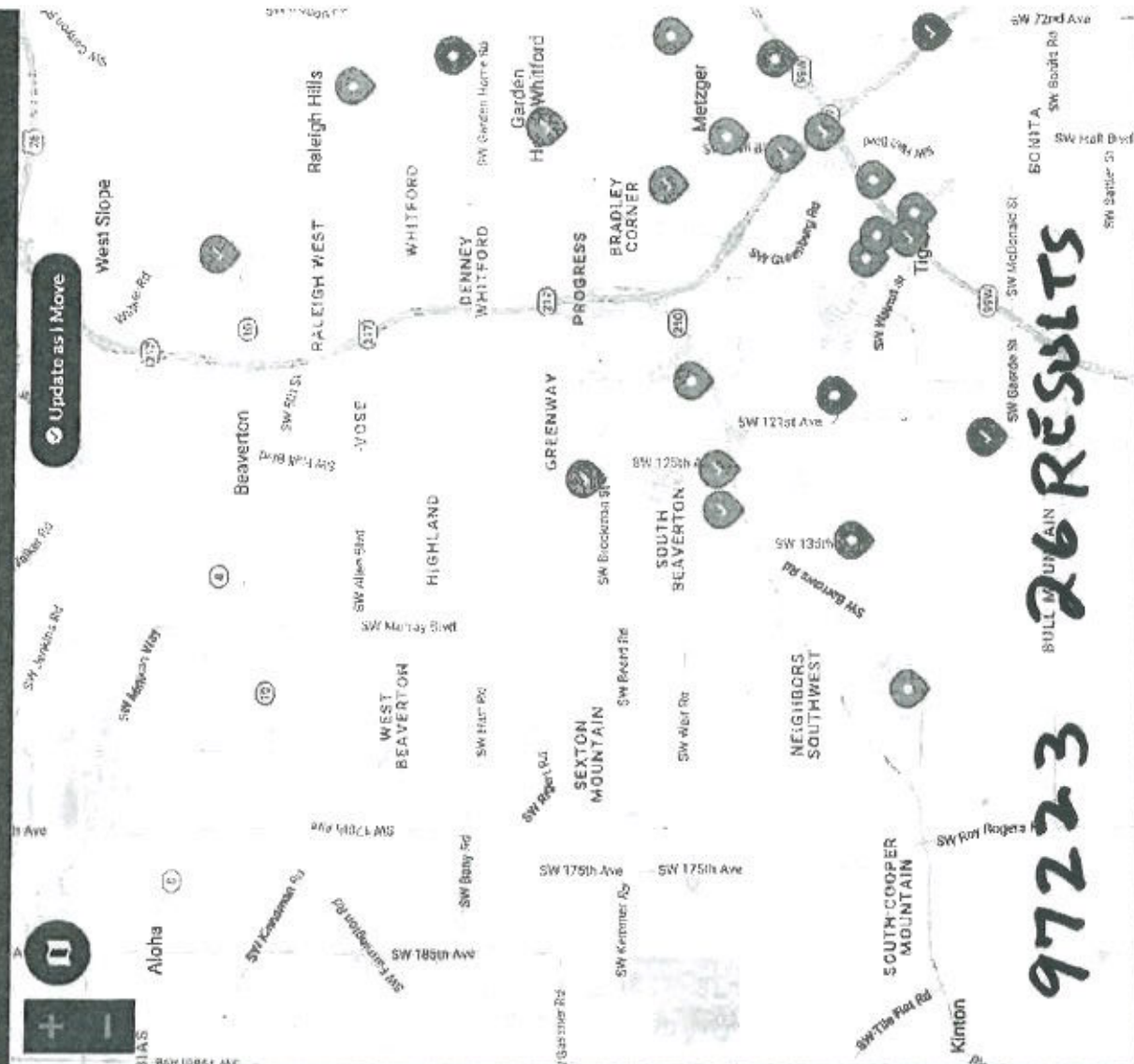
ives in San Diego and comes to spend two months with us. We work full time and read and ent to spend his days. We did...

nderCare

Now • Metzger Center • Verified • 5.0

Preschool 24 mo - 2 yr 11 mo
te a strong academic and social foundation. Teachers introduce math, literacy, and movement, art, pretend play, and group games. Children become an active part of...

Preschool 3 yr - 3 yr 11 mo
strong focus on school readiness. Children are encouraged to think independently and it's day is filled with creating, experimenting, and imaginary play. Curriculum includes...



26 RESULTS
97223

search?category=preschools&near=97224

97224

Advanced Search

Browse

6-12 months

1 year

2 years

3 years

4 years

5 years

6 years

7 years

8+ years

Update as I Move

19 Results

Day of Sherwood

Now **Sherwood - Tualatin North** Center **Verified**

Preschool 2 yr 1 mo - 2 yr 11 mo
If your child to be ready for school, and that's why our parents - and their children - love stepping stone to Preschool, our Early Preschool program has a unique, indicator...

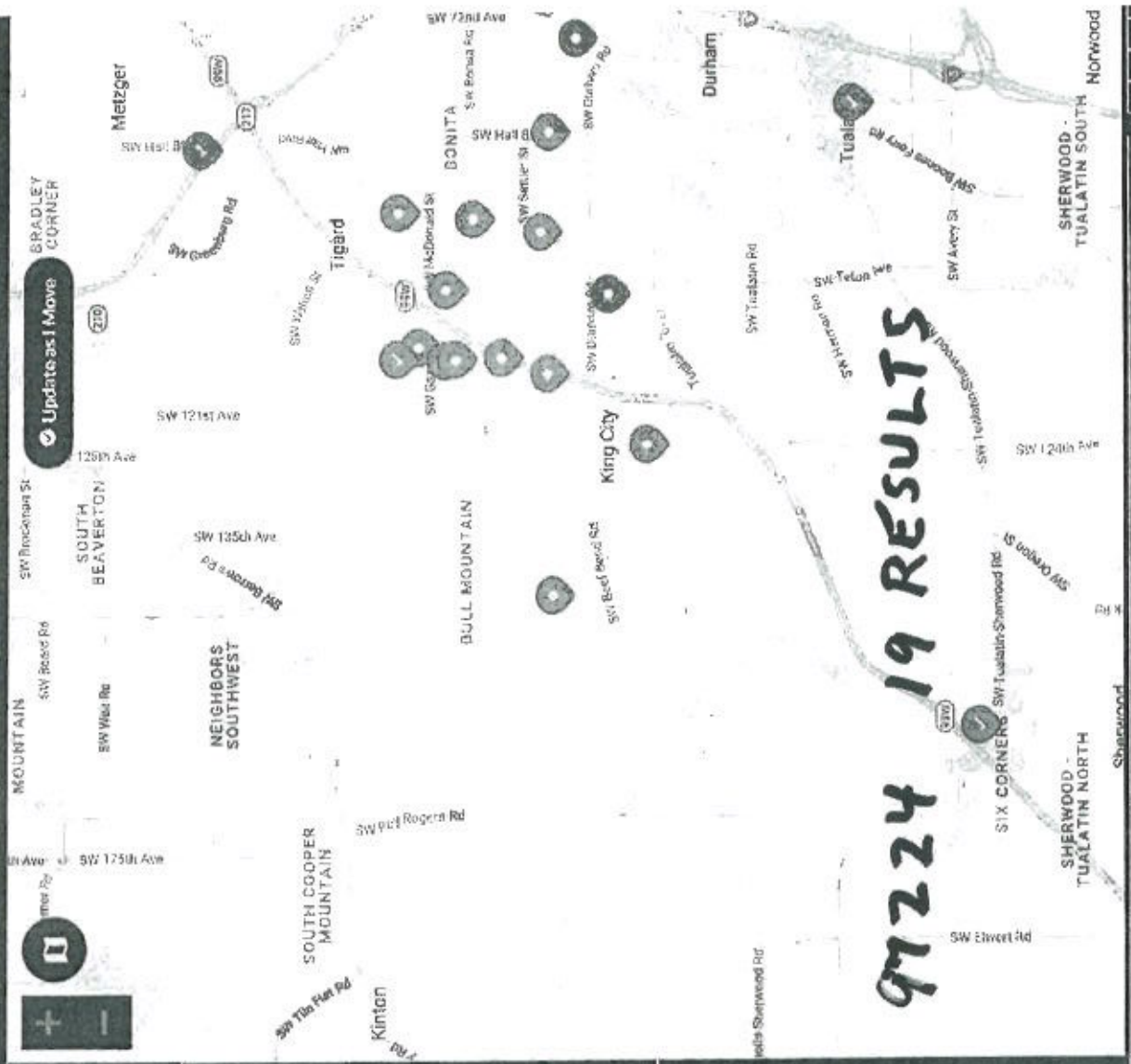
Preschool 3 yr 1 mo - 3 yr 11 mo
...an essential step on the path to kindergarten. We want the best for your child and help personal development with customized curriculum and lesson plans to meet their...

Day of Sherwood

Now **Sherwood - Tualatin South** Center **Verified** 5.0

Preschool 24 mo - 2 yr 11 mo
...a strong academic and social foundation. Teachers introduce math, literacy, and movement, art, pretend play, and group games. Children become an active part of...

Preschool 3 yr - 3 yr 11 mo
...strong focus on school readiness. Children are encouraged to think independently and it's day is filled with creating, experimenting, and imaginary play. Curriculum includes...



Search?category=pre-schools&near=97225

97225

Advanced Search

Browse

Hours

Facility

Languages

Curriculum

All Filters

11 Results

Kindergarten

New Cedar Mill Center Verified 5.0

Preschool 24 mo - 2 yr 11 mo
is a strong academic and social foundation. Teachers introduce math, literacy, and movement, art, pretend play, and group games. Children become an active part of...

Preschool 3 yr - 3 yr 11 mo
strong focus on school readiness. Children are encouraged to think independently and this day is filled with creating, experimenting, and imaginary play. Curriculum includes...

wonderful for my daughter. The staff got to know her quickly, not just her core teachers but me to her everyday. The di...

essori at South Beaverton

Beaverton Center Verified 5.0

Preschool 2 yr 6 mo - 4 yr 11 mo
Kindergarten program designed to prepare children for kindergarten. Daily routine includes math, practical life skills. Children are encouraged to explore and pursue their individual...

Beaverton. My older one came from a different campus where he got almost no attention, due to...





CAREERS STAFF ▶ English

SCHOOLS ▶ ENROLL ENGAGE QUICK SEARCH ▶

Home ▶ Departments ▶ Teaching & Learning ▶ Early Learning ▶ Pre-Kindergarten

PRE-KINDERGARTEN



EXHIBIT
28
GORDON

CAREERS STAFF

English

SCHOOLS ENROLL ENGAGE QUICK SEARCH

Pre-K requirements include the following:

- Students must be 4 years old on or before September 1.
- Families must meet income eligibility requirements (between 100%-200% of poverty level).
- Students must live within the school boundaries.

Families who do not meet the above requirements will be placed on the waitlist and only admitted if space is available.

Schools with Pre-K Programs 2024-2025

- Aloha Huber Park (full dual language)
- Barnes (full dual language)
- Beaver Acres
- Chehalam
- Elmonica
- Fir Grove
- Greenway
- Hazeldale (dual language available)
- Kinnaman
- McKay (full day)
- McKinley (dual language available)
- Raleigh Park (new site)
- Vose (dual language available)
- William Walker (dual language available)

2024-2025 PRE-K INTEREST FORM

CONTACT US





Pre-K Registration

Inscripciones de Pre-Kinder

First Day of Pre-K at Beaver Acres Elementary

Our pre-K program helps children develop a strong foundation for lifetime of learning using current research about early education and child brain development, our experience as educators, and what we know about the experiences of our families. We are committed to building culturally responsive, nurturing environments that are inclusive of all children — particularly children with developmental delays or disabilities, who speak languages other than English, children of color and children living in poverty.

As we work with children, we will:

- Consider what is known about child development and learning, what is known about each individual child, and what is known about the social, linguistic and cultural contexts in which each child lives.
- Concentrate on all domains of child development, focusing on the whole child and remembering that children construct their learning in progressions and on a developmental continuum.
- Work to develop each child's sense of self as the foundation of their social emotional growth.
- Remember that children learn through experiences on their way to developing the ability to translate what they know about their environment to abstract thoughts.
- Create opportunities for children to interact with interesting challenges in their environment through inquiry and play as a way to build their brains.
- Celebrate the ways that children learn from each other and create space for peer interaction as a tool for learning.
- Work to build relationships with each of our students because we know that a warm and nurturing bond with their teacher supports the development of empathy, self-regulation and a strong self-concept.
- View and work with every child in the context of their culture, their family and their community.
- Commit to connecting with families and caregivers, valuing their diverse perspectives and cultural knowledge. We will work with them as partners in their child's education.

Young children inspire us with their curiosity, playfulness and sense of wonder about the world around them. We see the core of our work as celebrating and understanding the strengths and great capacity of young children; working to sculpt their minds so they become powerful thinkers; and building pre-K programs worthy of their capabilities.



Must be 4 years old by September 1st
Debe de haber cumplido 4 años del 1 de septiembre



Pre-K Interest Form / Formulario de interés de Pre-K

Elementary School/Escuela primaria *

- Aloha Huber Park (Spanish Dual Language)
- Barnes (Spanish Dual Language)
- Beaver Acres
- Chehalam
- Elmonica
- Fir Grove
- Greenway
- Hazeldale (Spanish Dual Language)
- Kinnaman
- McKay
- McKinley (Spanish Dual Language)
- Raleigh Park
- Vose (Spanish Dual Language)
- William Walker (Spanish Dual Language)

Check one / Seleccione una

Student Information / Información del estudiante

First / Nombre *

Last / Apellido *

No

2024 Federal Poverty Guidelines / Guías Federales de Pobreza

Persons in household / Personas en el hogar	200% - Families need to be at or below this 200% guideline / Las familias necesitan estar en o bajo esta guía del 200%
1	\$30,120
2	\$40,880
3	\$51,640
4	\$62,400
5	\$73,160
6	\$83,920
7	\$94,680
8	\$105,440

EXAMPLE / EJEMPLO:

Question / Pregunta:

If I have 3 persons in my household, what is the max annual income we can earn?

Si tengo 3 personas viviendo en mi hogar, ¿cuál es el ingreso anual máximo que podemos ganar?

Answer / Pregunta:

Your income would need to be at or below \$46,060 to qualify for our Pre-K program.

Su ingresos tendrían que ser de \$46,060 o menos para calificar para nuestro programa Pre-K.

I affirm that to the best of my knowledge, all the information that I have provided is complete and correct. I understand that if I deliberately misrepresent my



Home > Services > Departments and Programs > Community Development > Economic Development > Incentives & Financing > City Programs > Childcare Startup Program > Center Based Childcare

Center Based Childcare

Grant Applications are now closed.

This program offers the following services to providers that are licensed by the state as "Certified Childcare Centers"

- Need assistance finding a commercial building? Look for our [Real Estate Location Services](#).
- Before you lease/buy, need help identifying upgrades to convert to a childcare center? Look for our [Pre-Lease Design Grant](#).
- Want assistance going through construction-related permit process? Check out our [Development Liaison Services](#).
- Want funding to help open or expand your childcare center? Check out our [Center-Based Childcare Grant](#).
- Need other assistance? We offer [Technical Assistance](#).

Eligibility Requirements

Business owners who are leasing or own their property are eligible for these services if they meet the following eligibility requirements:

- The primary commercial occupant of the space must be a childcare business that is licensed in the State of Oregon as a Certified Childcare Center.
- The building must be located within Beaverton city limits.
- The business must be open full time (at least 30 hours per week).
- The business is open to the public.

For example, a childcare facility cannot only their employer's children, or a childcare facility located within a member only.

EXHIBIT
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GORDON

- The building must be located within Beaverton city limits.
- The business must be open full time (at least 30 hours per week)
- The business is open to the public.
 - For example, a childcare facility serving only their employer's children, or a childcare facility located within a member-only building, may be ineligible.
- The business at least partially serves children age 0-5 years old.

Types of Services Available

Other services provided to center-based Childcare providers looking to open or expand in Beaverton include those below. For each, contact the project team at: 503-629-6437 or mailboxbusinessgrants@BeavertonOregon.gov

Real Estate Location Services

Business owners looking for a space to open a new "Certified Childcare Center" are eligible for assistance in identifying spaces available in Beaverton. If you need assistance looking for a space, please [contact us](#).

Pre-Lease Design Grant

Business owners looking to open a new "Certified Childcare Center" but are still in the stage of identifying a location may be eligible for a Design Grant. These grants provide in-kind design services to review a building before lease or purchase occurs to identify what plans are needed to retrofit it into a childcare facility. Activities include review of a building for conformance with required items such as number of bathrooms, sprinkler system, playground, fencing, updates to the parking lot, etc. Once businesses have a building in mind, they should contact the project team.

Development Liaison Services

The project team will provide liaison services to aid providers through the permitting process during construction of either new construction or rehabilitation. If doing any construction as part of your start-up or expansion, please [contact us](#).

Center-Based Childcare Grant

Facilities licensed by the state as "Certified Childcare Centers" are eligible for 50% matching grants to support start-up costs.

- **New Facilities:** Up to \$25,000 grant
- **Expanding Facilities:** Up to \$12,500 grant
 - Expanding is defined as a center-based facility that is increasing their overall licensed capacity by 20%, including an increase in children age 0-5 years old.

- Expanding is defined as a center-based facility that is increasing their overall licensed capacity by 20%, including an increase in children age 0-5 years old

The total amount for of the grant will be the lesser of either:

- The maximum grant amount, depending on the type of grant
- The combined total of all eligible expenses in the project budget, multiplied by the match percentage awarded

Example: Childcare Center Grant with a total budget of \$100,000

- Maximum grant = \$25,000
- $\$100,000 \times 50\% = \$50,000$

Result = \$25,000 grant [i.e. the lesser of a) and b) above]

Eligible Expenses

Grant funds may only be used to support construction costs related to exterior and/or interior building and site improvements. These include permanent changes to a building, as well as architectural services and permit fees.

Ineligible expenses include exploration of additional changes to the property that are not related to conversion to a childcare facility, such as movable furniture, supplies or payroll.

To apply for a Center-Based Childcare Grant, please select one of the buttons below. Please note that the applicant will be required to create a Submittable account, which is the software used to fill out the application. The login information for this account will then allow application and come back if needed. Please also note that the following documents will be required to upload:

- W-9 Form, for the applicant
- Owner Authorization Form, if applicant is not also the property owner

Technical Assistance

The City of Beaverton works with a variety of technical service providers that can help with everything from creating a business plan for a facility licensed with the state to creating your parent contracts. This assistance is usually available at no-cost from existing partners, however



Home | Services | Departments and Programs | Community Development | Economic Development | Incentives & Financing | City Programs | Childcare Startup Program | Home Based Childcare

Home Based Childcare

Grant Applications are now closed.

This program offers the following services to providers that are licensed by the state as "Registered Family Childcare" or "Certified Family Childcare"

- Home-Based Childcare Grant
- Development Liaison Services
- Technical Assistance

Eligibility Requirements

Business owners who are leasing or own their property are eligible for these services if they meet the following eligibility requirements:

- The primary commercial occupant of the space must be a childcare business that is licensed in the State of Oregon as either Registered Family Childcare or Certified Family Childcare.
- The building must be located within Beaverton city limits.
- The business must be open full time (at least 30 hours per week).
- The business is open to the public.
 - For example, a childcare facility serving only their employer's children, or a childcare facility located within a member-only building, would not be eligible.

EXHIBIT
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GORDON

or pay for a couple months to ensure adequate staffing of the business. Increased enrollment is the responsibility of the provider, and the expenses aided in start-up or expansion.

- Example ineligible expenses include items related to the residential use of the home, or items not related to the childcare business that the home would use.

To apply for a Home-Based Child Care Grant, please select one of the buttons below. Please note that the applicant will be required to create a Submittable account, which is the software used to fill out the application. The login information for this account will then allow application and come back if needed. Please also note that the following documents will be required to upload:

- [W-9 Form](#), for the applicant
- [Owner Authorization Form](#), if applicant is not also the property owner

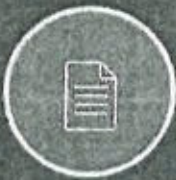
Other services provided to home-based childcare providers looking to open or expand in Beaverton include:

Development Liaison Services

The project team will aid home-based providers should they require any city permits for opening or expanding. If doing any construction part of your startup or expansion, please contact the project team at [503-629-6437](tel:503-629-6437) or [email the business grant team](#).

Technical Assistance

The City of Beaverton works with a variety of technical service providers that can help you with everything from creating a business plan, getting licensed with the state to creating your parent contracts. This assistance is usually available at no-cost from existing partners. If you are interested, please contact the project team at [503-629-6437](tel:503-629-6437) or [email the business grant team](#).



Permits & Licenses



Parking



Report a Concern



Sign up for Notifications

Ag

- For example, a childcare facility serving only their employer's children, or a childcare facility located within a member-only building, would be ineligible.
- The business at least partially serves children age 0-5 years old

Home Based Childcare Grant

Facilities licensed by the state as "Registered Family Childcare" or "Certified Family Childcare" are eligible for 50% matching grants on eligible costs.

- **New Facilities:** Up to \$7,500 grant
- **Expanding Facilities:** Up to \$5,000 grant
 - Expanding is defined as a facility licensed with the state as "Registered Family Childcare" is expanding to become licensed as "Certified Family Childcare"

The total amount for of the grant will be the lesser of either:

- The maximum grant amount, depending on the type of grant
- The combined total of all eligible expenses in the project budget, multiplied by the match percentage awarded

Example: A Home-Based Childcare Grant for a new facility with a total budget of \$30,000.

- Maximum grant = \$7,500
- $\$30,000 \times 50\% = \$15,000$

Result = \$7,500 grant [i.e. the lesser of a) and b) above]

Eligible Expenses

Grant funds may only be used for expenses directly related to the opening or expanding of a home-based childcare facility.

- Example eligible expenses could include construction (such as new doors, fencing or walls), equipment (tables, cribs, baby gates) or payroll for a couple months to ensure adequate staffing as the business increases enrollment. It is the responsibility of the business owner to pay for the expenses aided in start-up or expansion.
- Example ineligible expenses include items related to the residential use of the home, or items not related to the childcare business. Personal expenses of the home would use.

PETITION

**OF THE RESIDENTS OF
HEDLUND ACRES, FEATHERWOOD AND LEWISWOOD
NEIGHBORS SOUTHWEST NAC
TO
CITY OF BEAVERTON PLANNING DEPARTMENT
IN DIRECT OPPOSITION TO THE PROPOSED APPLICATION OF
MURRAY HILLS CHRISTIAN CHURCH TO EXPAND THE EXISTING
LIMITATIONS OF THE CHURCH'S CONDITIONAL USE PERMITS**

STATUS AS OF JULY 7, 2023

The City of Beaverton granted a Condition Use Permit No. 1994-0011 for Murray Hill Christian Church (MHCC), which was modified in 2001 by Conditional Use Permit No. 2000-0031:

1. The 1994 CUP allowed a Montessori school to operate **INSIDE** the church building limited to a maximum of 20 students, 2 staff members, utilizing 700 sq. ft. of interior building space. MHCC was found by the city to have violated the 1994 CUP by allowing Ashcreek Playschool to operate with 35 students, 5 staff members, using 1600 sq. ft. of interior space.
2. MHCC also violated the restrictions in 1994 and 2001 CUP's and Beaverton Code by:
 - Building a very large playground and installing large playground equipment;
 - Without city approval, allowing Ashcreek Playschool to operate **OUTSIDE** the church building by using the large playground;
 - Inviting the public to use the playground and its equipment so as to establish a **PUBLIC PLAYGROUND** in a residential zone without first obtaining a separate CUP as required by the Beaverton Code.

APPLICATION TO EXPAND SIZE OF PLAYSCHOOL

MHCC now seeks to modify Conditional Use Permit No. 1994-0011 to allow a playschool to operate **INSIDE** the church building and **OUTSIDE** on the large playground with a maximum of **60 (sixty) students, 10 (ten) staff members, unlimited number of parents, utilizing up to 2515 (two thousand five hundred fifteen) square feet of building space and unlimited time using the playground.**

OBJECTIONS

WE OPPOSE THE APPLICATION OF MHCC EXPAND THE PLAYSCHOOL ON THE FOLLOWING GROUNDS:

- The present church playground should first meet City code requirements and approval if it is to be continued;
- Playground noise can become loud and is audible on my property; if it becomes too loud it can be disturbing;
- In 1994 the City only approved the Montessori School to operate inside the church building, and the current playschool company should be required to operate inside the church building;
- The church allows the public to use the playground up to 10:00 p.m. daily. To secure and control access to the playground and its proper use it should be fenced, and locked by 6:00 p.m. daily;
- If the playground is allowed to be open to the public, it should first be required to have City approval as a public playground;
- Our neighborhood is zoned residential and is not zoned to allow the Church to conduct business and commercial operations on its property.

Name

Address

Douglas Gordon
Name
DOUGLAS GORDON

10050 SW 151ST PLACE
Address

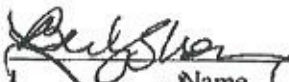
APPLICATION TO EXPAND SIZE OF PLAYSCHOOL

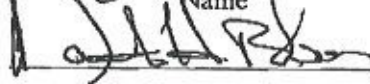
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- Playground noise is frequently very loud and is projected into many surrounding homes and yards, which is very disturbing to many of us;
- MHCC is operating the playground as a public playground to 10:00 p.m. every day of the year which significantly magnifies and extends the duration and intrusion from the noise and disturbance;
- Expansion of the CUP will impose an unsafe and unnecessary intrusion from significantly increased traffic causing increased daily congestion and noise in the church parking lot, on SW 149th Terrace, SW 148th Street, SW Gull Avenue, SW 151st Place and SW Weir Road;
- Our neighborhood is zoned residential is **not zoned** to allow MHCC to conduct business and commercial operations on its property; MHCC is permitted to be in our neighborhood as a guest for worship and worship-related activities; and
- MHCC has not demonstrated any need or demand to expand the capacity of the playschool beyond its existing CUP.



Name


Name

10190 SW 149th Terr. Bktn, OK 97007
Address
10190 SW 149th Terr, Bktn, OK
Address 97007

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Rajashekhara Gopal Rao
Name

Saoni Mitta
Name

Name

10145 SW 148th Ave Beaverton
OR 97007
Address

10145 SW 148th Ave
Address

Address


APPLICATION TO EXPAND SIZE OF PLAYSCHOOL

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- Our neighborhood is zoned residential and is not zoned to allow the Church to conduct business and commercial operations on its property.

	
Name	Address
<u>Michael Cortes</u>	<u>14990 SW Gull Dr</u>
Name	Address

APPLICATION TO EXPAND SIZE OF PLAYSCHOOL

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Jara Hammond
Name
[Signature]
Name

10145 SW 151st Place ; 97007
Address

10145 SW 151st PLACE, 97007
Address

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Dilshad Satohi
Name
Dilshad Satohi

15175 SW Sand P. Per Ln
Address

Name

Address

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Andrew G. McDaniel
Name

10095 SW 167th St
Address

Name

Address

APPLICATION TO EXPAND SIZE OF PLAYSCHOOL

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DEEPA RAO

Name

10165 SW 148th Ave Beavert

Address

OR 970

PRANTIK NAG

Name

10165 Sw 148th Ave Beavert

Address

OR 970

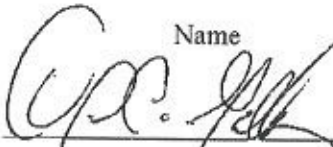

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Name	Address
	10175 SW 149th Terrace
Name	Beaverton, OR 97007
	Address
	10175 SW 149th Terr
	Beaverton OR 97007

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Name

Address

Sharon Walsh

10195 SW 149th Ter Beaverton OR

Address

92007

APPLICATION TO EXPAND SIZE OF PLAYSCHOOL

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Robert Churchill
Name
Peter Olsen
Name

15025 SW Gull Dr
Address
11
Address

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mb
Randal [Signature]
Name

05-14-23
Address

Mollie Banks
Name

5-14-23
Address

10000 SW 151st Place

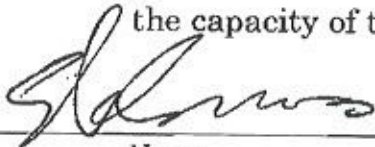
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Name

Erik Smowens

Name

10735 SW 152nd PL

Address

Address

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Emily S. Culley
Name

10079 SW 151 PL
Address

Brian C. [Signature]
Name

10079 SW 151ST PL BEAVERTON OR
Address

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MIKE BEENKEN

Name

10125 SW 148th AVE, BEAVER

Address

Name

Address

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Hai Ngo

Name

10055 SW 151 St PL

Address Beaverton OR 970

TRANG TRUONG

Name

10055 SW 151 St PL Beaverton

Address

OR 9700

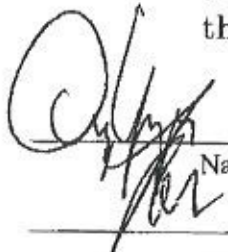
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 Doug Yaege 10070 SW 151st Place, Beaverton
Name Address
LESLIE YAEGER W W
Name Address

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Mahsen Shajaeifar
Name

15065 SW Gull Dr, Beaver
Address OR, 97007

Nasrin Mostajeren
Name

15065 SW Gull Dr, Beaverton, C
Address 97007

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Robert W. Keaff
Name

10115 SW 151st PL
Address

Debbie Keiffer
Name

10115 SW 151st Place
Address

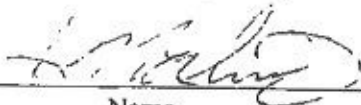
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Name

10073 SW 151st Place
Address

Name

Address

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TERRY CUSHING

Name

10150 SW 151ST PL

Address

Kelly Cushing

Name

10150 SW 151ST PL

Address

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- The present church playground should first meet City code requirements and approval if it is to be continued;
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- The church allows the public to use the playground up to 10:00 p.m. daily. To secure and control access to the playground and its proper use it should be fenced, and locked by 6:00 p.m. daily;
- If the playground is allowed to be open to the public, it should first be required to have City approval as a public playground;
- Our neighborhood is zoned residential and is not zoned to allow the Church to conduct business and commercial operations on its property.

Name

Address

JIRSL- YOUNG SHIM

10210 SW 149TH TERRACE

Name

BEAUCON, OR 97009
Address

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Name	Address
<u>Ronald A. Smith</u>	<u>10170 SW 149th Terr</u>
Name	Address

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Name

CHIH MING LEE

Name

Address

10025 SW 148th Ave
BEAVERTON OR 97007

Address

Jana Fox

From: Elizabeth Tuck <elizabethashh@yahoo.com>
Sent: Friday, October 4, 2024 3:57 PM
To: Jana Fox
Subject: [EXTERNAL] Letter in Support of Ashcreek Playchool

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Dear Beaverton Planning Commission Members,

I am writing to express my strong support for Ashcreek Playschool and Murray Hills Christian Church's conditional use permit application. As a member of the local community, I have witnessed firsthand the invaluable contributions that Ashcreek Playschool provides to families, children, and the neighborhood as a whole. I believe their continued operation is vital to maintaining the fabric of our community.

Ashcreek Playschool stands out as a provider of high-quality early childhood education at a tuition level that remains affordable for many families in the area. In addition, the school offers financial aid to families in need, ensuring that even more children have access to this nurturing environment. This affordability is critical in a time when the cost of childcare is rising rapidly, making it increasingly difficult for working families to find care they can afford without compromising on quality - especially knowing that Beaverton is considered a childcare desert.

Moreover, Ashcreek Playschool is more than just a school. It is a tight-knit community that fosters strong relationships among families, staff, and students—something that cannot easily be replicated. The sense of belonging, mutual support, and connection that exists within the school's community is unique and serves as a bedrock of stability for many families.

It is important to emphasize that Ashcreek Playschool is not seeking to expand its operations. Instead, the school is simply seeking to continue its operation with the correct permitting in place. The children's activities, including playground use, generate no more noise than typical backyard play and do not pose a disturbance to the surrounding area.

Ashcreek Playschool is also deeply committed to community outreach and improving the local area beyond its own immediate circle. The school regularly engages in initiatives that benefit the broader community, such as hosting free playdates, participating in Beaverton Pride, hosting a free community Trunk or Treat event, and always looking for more outreach opportunities, further demonstrating its positive impact on Beaverton as a whole.

I enrolled my son in Ashcreek Playschool for the 2021-2022 school year in January 2021. As a preschool teacher who had spent the last four years at home with my son, I was nervous at the idea of sending him to school, having worked in other schools that did not provide high-quality care. Often, parents see an image of the schools they send their children to, but this image does not reflect the day-to-day operations of the school. They have no way of knowing that the care their children receive is lacking. As soon as I met the teachers and some parents on my tour of Ashcreek Playschool, I knew it was the place for my son. Everyone was warm and welcoming. As a parent cooperative school, I would be able to

participate and see the culture of the classrooms firsthand. Additionally, I would never have been able to afford high-quality preschool for my son as a newly single mother without the low tuition rates and financial aid available at Ashcreek. Ashcreek's adult-to-child ratio is far below the legal requirements, so we are able to provide more opportunities for learning and individual care than many other preschools. My son also benefited from a six-child kindergarten class during his kindergarten year because of Ashcreek's transitional kindergarten and kindergarten class. He thrived in that small environment and benefited greatly from the academic advantages that come with a low child-to-teacher ratio. He entered his BSD public school at an incredible academic level, and it's because of the individualized care and attention he received at Ashcreek.

I loved the community at Ashcreek Playschool so much that I ended up on the staff within the first month of the school year starting. I have been the 2-3.5-year-old teacher at Ashcreek Playschool since the 2021-2022 school year. I honestly don't know where I would be without this community. I was lost in the midst of a divorce that broke me emotionally, and the amount of support and love my son and I received—and continue to receive—within our tight-knit community is astounding. I have never felt more supported and secure in my life, and it is because of this school. I know that I'm far from the only person whose life has been dramatically improved by the existence of this school and community, and I know it cannot be replicated. My son and I have made lifelong friends and connections, and it would be devastating to deprive future community members, children, and parents of this opportunity.

For these reasons, I respectfully urge the Beaverton Planning Commission to approve the conditional use permit application for Ashcreek Playschool and Murray Hills Christian Church. Their presence in the community enriches the lives of many and supports the well-being of countless families. The benefits provided by this school far outweigh any concerns, and continued operation is essential.

Thank you for your time and consideration,
Elizabeth Tuck

Jana Fox

From: Amy & Charise Sargent <acsargent.family@gmail.com>
Sent: Friday, October 4, 2024 4:45 PM
To: Jana Fox
Subject: [EXTERNAL] Ashcreek Playschool Conditional Use Permit

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Hello,

I am writing in the hopes that you will approve the permits that Ashcreek Playschool is seeking. Ashcreek has become such a huge part of my family's life, I can't imagine not having the option or if it had never existed. We have three small children. Benny is now 6 and in 1st grade at a neighborhood school and we have 2-year-old twins that attend Ashcreek, Emmy and Landon.

Benny attended Ashcreek from her 3rd birthday through Transitional Kindergarten (5) at Ashcreek. Her best friends and some of ours as parents were made there. This school builds community and coming out of Covid-19 these were the first people our Benny ever really knew. Emmy and Landon are thriving at school, they started this September and go three days a week. They love going to school and the friends they are making. Painting, reading, playing outside, and especially teacher Flibidith (Elizabeth).

The children play outside everyday rain or shine at Ashcreek, this may create some joyful noise, but school is in session from 9am to 1pm during the week. It is not too long of a day, not like an all-day daycare facility. It is so good for them to be outdoors and be active and just have fun!

It's proven that early childhood education provides long-term positive benefits for children including social-emotional development, school readiness, language and communication, cognitive development, upward mobility making them more likely to earn higher wages, live healthier lives, avoid incarceration, and raise strong families.

The city of Beaverton does not have enough childcare, less than 1 spot for every 3 families. When we looked for care in 2018-2019, we were shocked, and it's only gotten worse. What we found led to working opposite schedules and eventually one parent staying home. Try finding childcare/preschool for twins, we could never afford it if we found space. Ashcreek affords us the opportunity for our twins to have an early childhood education. Please approve the permits they are seeking so families can continue to experience the amazing community of Ashcreek Playschool, the teachers, the kids, the parents, and the church that lets us use their space. Thank you.

Amy and Charise Sargent
Parents of Benny, Landon, and Emmy Sargent
Ashcreek Playschool Family

**LU32023-00557 ASHCREEK
PLAYSCHOOL**

**EXHIBIT 2.21(A-F) ARE
AUDIO/VISUAL FILES. PLEASE
CONTACT CITY STAFF FOR
INSTRUCTIONS ON HOW TO
VIEW THIS EXHIBIT.**

Received
Planning Division
10/07/2024

EXHIBIT 2.22

10175 SW 149th Terrace
Beaverton, OR 97007

October 7, 2024

SENT VIA ELECTRONIC DELIVERY

Ms. Jana Fox
City of Beaverton
12725 SW Millikan Way
Beaverton, OR 97005-1678

RE: Project LU32023-00557 Ashcreek Playschool
Case File No. CU32023-00555 / DR12024-00090

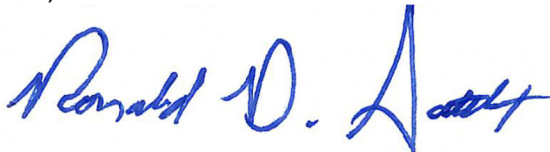
Dear Ms. Fox:

We hereby withdraw our request pursuant to Oregon Revised Statute 197.797.4(b) for a continuance of the hearing scheduled for October 9, 2024, on the above referenced matter.

Respectfully submitted,



David C. Golder
10175 SW 149th Terrace
davidcgolder@gmail.com
(503) 701-6465



Ronald D. Sattler
10170 SW 149th Terrace
ron.sattler@gmail.com
971-226-2071



Douglas Gordon
10050 SW 151th Place
douglasgordon@comcast.net
503-750-8787