

## REGULAR MEETING

June 11, 2001

### CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, June 11, 2001, at 6:35 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Fred Ruby, Evelyn Brzezinski, Dennis Doyle, Forrest Soth, and Cathy Stanton. Also present were Chief of Staff Linda Adlard, City Attorney Mark Pilliod, Human Resources Director Sandra Miller, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Police Chief David Bishop, Economic Development Manager Janet Young, Associate Planner Scott Whyte, City Utilities Engineer David Winship, Building Official Brad Roast, Senior Planner John Osterberg, Senior Planner Colin Cooper, Principle Planner Hal Bergsma, Project Engineer Jim Duggan, Deputy City Recorder Sue Nelson and City Recorder Darleen Cogburn.

### CITIZEN COMMUNICATION:

There was no one present who wished to testify.

### COUNCIL ITEMS:

Coun. Soth reported that the observance of Flag Day in Griffith Park was a good event and he appreciated the work of the Elks Club and other organizations for their effort to put it together.

### STAFF ITEMS:

There were none.

### PRESENTATION:

01189 Beaverton Arts Commission's Annual Art Awards Presentation

Susan Toler, President of the Beaverton Arts Commission (BAC), introduced the award winners for 2001 and expressed her appreciation to the merchants and management of the Beaverton Mall for the opportunity

to display art (list of awards in record). She presented an award to Beaverton Mall manager Howard Page from Mayor Drake and Council President Cathy Stanton. She acknowledged Pamela Atwood, Volunteer of the Year, who spent a great deal of time supporting BAC. She awarded the Fine Arts Department at Valley Catholic High School the Commission's Arts Education Award. She listed the teaching staff at Valley Catholic, who were highly talented and extremely dedicated instructors: Sister Juliana Monti, Chair of the Music Department; Sister John Therese Miler, Orchestra Director; Gail Andresik, Chair of the Art Department; Wendy Westerwelle Larson, Chair of the Drama Department; Dan Schaufler, Band and Jazz Band Teacher; and Patricia Edmonds, Calligraphy Teacher. She added that the President's Award was being presented to Michael Allen Harrison, the multi-talented musician who has for the past several years generously donated his time and talent to help raise money for the Arts Commission.

Toler presented two community awards to recognize visual and performing arts programs in the community. She announced that the first award went to the Beaverton Chamber of Commerce, which was a great promoter of the arts. She said the second community award went to School House Productions. She said Claudia Steiner-Fricker was the owner and director of School House Productions, which has been providing extra-curricular drama programs in six elementary and middle schools since 1997.

Toler said the next two awards went to two supporters and cheerleaders of the arts in Beaverton. She announced they were Coun. Evelyn Brzezinski for Member of the Year Award and Coun. Dennis Doyle for the Arts Leadership Award.

Toler announced the Outstanding Art Student Awards as follows: Katie Reed from Conestoga Middle School, Mary Fosse from Arts and Communications Magnet High School, Chris Meyers from Southridge High School, and the Outstanding Art Student winner Shaun Nakasone from Westview High School. She listed the many accomplishments of these fine students.

Toler introduced the Valley Catholic Varsity Coed Choir who sang classical folk songs.

Mayor Drake thanked Toler for the presentation and thanked the award winners for their work for the arts in Beaverton

RECESS:

Mayor Drake called for a brief recess at 7:05 p.m.

RECONVENED:

The meeting was reconvened at 7:15 p.m.

PRESENTATION AND PUBLIC COMMENT:

01190 Progress on Development of The Round at Beaverton Central

Mayor Drake said he was pleased to report on the progress the City had made on the development of The Round at Beaverton Central and asked Linda Adlard, Chief of Staff, to give the update.

Adlard reported that about 15 years earlier the citizens had given input into what they wanted to have happen in the downtown area of Beaverton. She reviewed the timeline of the development progress.

Adlard reminded them that in March of 2001, they conducted a survey on some issues and one of the questions was what they would choose for the future. She reported that 58% said to build more homes and apartments closer together especially along the light rail line, even if that increased the population density in Beaverton. She introduced Lonnie Dicus with Enron, Greg Galletly and John Morrow of Dorn-Platz, who were the only developers who took the risk of working with the City of Beaverton while the project was in bankruptcy. She said they would present what they purposed to do with the development. She encouraged the Council to ask questions and noted that there would be an opportunity for citizens to speak.

Dicus thanked the Council for staying with them and working to see the project through. He remarked that they hoped it would be the type of development that would stand out in the community. He felt it was important to acknowledge the hard work by the City staff, City Attorney, Adlard and Mayor Drake. He noted they felt lucky to be part of the project with the City and were very excited to get The Round going again and to work with Dorn-Platz.

Morrow said they were pleased and honored to be there, and noted the Council had been presented with a draft of the Development and Disposition Agreement (DDA). He noted that the DDA was close to completion and felt it satisfied the vision the City had for a number of years. He said he would review the original Request for Qualifications (RFQ) and compare it to what they proposed.

Morrow noted that General Electric (GE) would be their financial partner. He said Dorn-Platz was founded in 1946, initially as a residential brokerage firm and soon after that they became an accredited management organization. He reviewed the progression of their company, and said that in 1981 they developed much of downtown Glendale, CA, so they knew how to work with cities. He reported that they had built condos, mixed-use developments, etc., and reviewed the photos of other buildings they had done in various locations, and pointed out the

plazas in some of the developments. He noted they were proposing a health and fitness club at The Round and displayed photos of one they had done.

Morrow talked about Dorn-Platz's vision and the vision in the DDA. He displayed the drawing (in the record) and noted that the first phase would be to finish Building 1 and they expect to move tenants into the office building in February 2002 and into the apartments in October 1, 2001.

Mayor Drake pointed out that they were aggressive developers and the building had already started.

Morrow added they had submitted a Design Review package on May 29, and said he was looking forward to working with the City staff who were very helpful and willing to work with them. He noted that they had a first and second phase and a north and south phase. He said during the first phase they would complete the surface parking and the plaza would be completed in the second phase. He said the third phase to the north would be a 240-unit apartment building, and the second phase on the south side would be the health club and the parking structure. He added phase three on the south would be Building 3.

Morrow reviewed the architects' rendering of Building 1, displayed the drawing for the ground floor of the building and noted that the lobby had been moved from the original drawing. He said they were looking at a water feature in the lobby, and they wanted it to be something that was attractive as people rode by on the light rail.

Morrow reviewed the drawing of the site and described the plan for the building to progress. He displayed a drawing of the parking structure and noted there were two entries, and also displayed the diagram of the health club. He said the health club would face onto The Round and said they hoped that it would be a good visual from the street. He also displayed a diagram of the subterranean parking, with which potential tenants were pleased.

Morrow reviewed the artist's rendering of the buildings and noted that there would be covered walkways connecting the buildings and the light rail.

Morrow explained the proposed development schedule for the project and the intended development dates. He said he expected the completion to be at the end of 2004, and noted that they knew they had to comply with all the City's requirements.

Coun. Soth asked if they anticipated any hydrology issues with the underground parking.

Morrow stated they had dealt with similar situations and in some cases the underground parking was a better solution than taking all of the dirt out and then importing dirt.

Coun. Stanton noted they had been asking questions for years and this proposal made sense to them.

Adlard related this was a big day for Beaverton, going forward, and said anyone who was watching should call the Mayor's hotline, or the Mayor's office with any comments that would be passed on to the City Council. She cited on the consent agenda the DDA was not complete and they were still negotiating with MicroClimates and some changes would still be made. She noted Mark Pilliod, City Attorney, and she would review any issues that were not minor. She felt it was important to begin the process so that Dorn-Platz began with confidence.

Coun. Soth said he thought the agreement was between Dorn-Platz and GE Financial and was not a partnership.

Morrow clarified they would have two LLC's, which would join in a partnership as the development entity.

Coun. Ruby asked if the health club would be sold or leased to a private health club operator, such as 24-Hour Fitness, or was this facility for use by the tenants.

Morrow disclosed they had been in negotiation with 24-Hour Fitness to be the owner/operator of that facility.

Coun. Ruby noted that 24-Hour Fitness had a strong local presence in the City of Beaverton.

Coun. Doyle thanked staff for their work to bring this together and wished them all well in the process.

Coun. Soth commented that he had watched various proposals for the property over the last 20 years and congratulated them on the design proposals as well as the willingness to bring this together.

Coun. Brzezinski noted the Pilliod, Adlard and Dicus had been through a lot in the last few years and while she had read the DDA, she wanted to assure the citizens they had learned from everything they had been through and built it into the new DDA. She added she had a lot of confidence in the development team that was working on this project.

Morrow affirmed they had been tough negotiators and they had a good DDA.

Adlard explained that they took everything in the last DDA and from their experiences listed out what did not work and why it did not work. She noted the language was considered and improved. She said Dicus had brought with him a whole task force of attorneys and even though she did not understand all of the language, they had tried to cover all the issues.

She expressed that there was a risk of being so stringent in what was being negotiated that the gentlemen could not build the building and could not get it financed because of some of those things and that is where they started. She said the City had loosened up a bit with that. She added she was very comfortable that if they were to default, get off their time schedule, not have approvals or should the money not show up, that there were ways for the City to remedy this and she did not believe they would ever be back in bankruptcy court on this.

Dicus noted they had a lot of time and a lot of lawyers who worked on the agreement and he felt it was a good strong agreement and as important as that was, they had developers who wanted to build the project and he felt that they and the community had the determination to make it happen and they would put a lot of energy to make it happen the right way. He added they were optimistic.

Mayor Drake thanked Dicus, MicroClimates, and Dorn-Platz for sticking with them through the difficult times and noted that anything worth having was not easy. He said MicroClimates "stuck their necks out" a long way and could have walked away but they didn't. He stated that this was "our downtown" and it was time for Beaverton to redevelop it and have a place to be proud to come to. He noted that this would undoubtedly spur more redevelopment. He added the feeling of not succeeding the first time didn't feel good and it wasn't good for adjacent properties owners or the citizens. He said a lot of hard work put them where they currently were, and thanked the citizens for their patience.

Susan Toler, President of BAC, commented that as the President of BAC and member of the community she wanted to suggest an arts space at The Round and volunteered her assistance.

Jim McCreight, Chair of the Beaverton Chamber of Commerce, said for the last several years The Round had been a topic of discussion and concern in the community, and they were pleased to see progress being made. He said they hoped that the Chamber could play an active role in assisting the City and the developers introduce the project to the community. He noted the market would determine the success of the project, and suggested the Chamber with its many members could be potential occupants of the project. He added that if this project was completed as envisioned, possibly the performing arts could take advantage of the facilities that this project would offer.

RECESS:

Mayor Drake called for a brief recess at 8:00 p.m.

RECONVENED:

The meeting was reconvened at 8:10 p.m.

CONSENT AGENDA:

Mayor Drake said that AB 01207 would be considered separately.

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

- 01191 Resolution Supporting City 2001-2003 Transportation and Growth Management Grant Applications
- 01192 A Resolution Granting a Franchise for Telecommunications Service to Time Warner Telecom of Oregon, LLC
- 01193 A Resolution of Intent to Condemn Property for Hart Rd. Improvement Project
- 01194 Boards and Commissions Appointments
- 01195 Liquor License – Change of Ownership: Hyundai Oriental Food and Gifts
- 01196 Authorize Amendment to Intergovernmental Agreement with WCCLS Regarding the Provision of Telephone Reference Service
- 01197 Diversity Plan
- 01198 CPA 2000-0006/RZ2000-0008 13675 NW Cornell Road Comprehensive Plan Map Amendment and Rezone
- 01199 CPA 2001-0008/RZ 2001-0008 1275 SW 158<sup>th</sup> Avenue Comprehensive Plan Map Amendment and Rezone
- 01200 CPA 2001-0004/RZ 2001-0004 Peterkort Village/Venture Properties, Inc. Comprehensive Plan Map Amendment and Rezone
- 01201 Bid Award – Street Overlay Project for Fiscal year 2000/2001

Contract Review Board:

- 01202 Contract Change Order and Approval of Additional Funds for Legal Services Rendered by Jeannette M. Launer, Attorney at Law
- 01203 Ratification of Bid Award – Sorrento Water Works Expansion and the Murrayhill Pumping Station Upgrade
- 01204 Exemption from Competitive Bidding – Contract Award for Coordination of Beaverton's Festival Parade

Consultant Contract Award – Ratify Work Performed and Authorize Additional Geotechnical Engineering Services for Drilling of Two Groundwater Monitoring Wells for the Cobb Quarry

Rejection of Bids – 2001 Water Pressure Reducing Valve Modifications

Declare Exemption from Competitive Bidding, Authorize Disposition and Development Agreement with MicroClimates, Inc. and Beaverton – DPP, LCC. (Pulled for separate consideration at this meeting.)

Coun. Brzezinski commended staff for their work on the Diversity Plan.

Coun. Doyle welcomed Russell Davis to the Planning Commission.

Coun. Brzezinski pointed out that they should thank Chuck Heckman for his many years of work on the Planning Commission.

Mayor Drake explained that Heckman had resigned, but he had served the City very well over the years and has always been the stabilizer for the Planning Commission. He agreed with Coun. Brzezinski that Heckman's dedication should be commended.

**Question called on the motion. Couns. Brzezinski, Ruby, Stanton, Doyle and Soth voting AYE, motion CARRIED, unanimously. (5:0)**

Separate Consideration:

Declare Exemption from Competitive Bidding, Authorize Disposition and Development Agreement with MicroClimates, Inc. and Beaverton – DPP, LCC.

Coun. Soth MOVED, SECONDED by Coun. Doyle to approve AB 01207.

Coun. Soth explained that he asked that AB 01207 be considered separately because of all the problems over the past couple of years, and now to have MicroClimates and Dorn-Platz, as well as the staff work so hard and come through with this, it seemed anticlimactic to not have a separate motion to approve it.

**Question called on the motion. Couns. Brzezinski, Soth, Stanton, Ruby and Doyle voting AYE, motion CARRIED unanimously (5:0)**

PUBLIC HEARING:

APP 2001-0005 Murray Hills Christian Church; Appeal of Conditional Use Approval (CUP 2000-0031)

Mayor Drake noted that Joe Grillo, Community Development Director, would read the required procedural information.



Grillo read the procedural information (in the record).

Grillo asked if there were any who opposed the Council's authority to hear this matter.

There was no one who did.

Grillo asked if there were any Councilors that wished to abstain due to impartiality.

There were no abstentions.

Grillo asked if there was any ex parte contact by the Councilors.

Coun. Soth noted he had received contact asking for procedural information and he had also walked the site.

Coun. Stanton responded she had no communication with anyone but had driven through the site.

Coun. Doyle stated that he visited the site.

Mayor Drake explained that he would vote only in the case of a tie and noted that he regularly ran in the area of the Church property.

Grillo asked if there was anyone who objected to the Council hearing the matter.

There were no objections.

Grillo reported he would waive the staff report since the Council had seen the whole record and all reports. He announced they had a video they would show first.

The video was played.

Grillo noted the staff shot the tape and both Associate Planner Scott Whyte and Senior Planner John Osterberg were present that evening to answer any questions.

There were no questions from the Council at that time.

Mayor Drake opened the public hearing.

Applicant:

Joachim Grube and Jim Moore of Yost Grube Hall Architects, were there to present the application side. Grube noted that Pietro Belluschi was a well-known architect and listed the various buildings he has designed, as well as this one. He related that he had a friendship with the architect and

collaborated with him on the last six churches Belluschi designed. He explained Belluschi had designed this church in close cooperation with the neighborhoods and the congregation and noted that he was 87 years old, when he designed this Church. He displayed a set of slides, reviewed the philosophy of the architect and said that the Murray Hills Christian Church (Church) had all the hallmarks of Belluschi's style. He described the Church building, the landscaping and how the building was situated on the site, and noted the way the building was constructed to integrate it to the nature of the area. He stated that the extension of the building was a link to the continuation of the original design of the Church. He specified the siding materials, setback and etc., would be similar to what was original. He reiterated that the design was a successful extension of the architect's original design.

Jim Moore emphasized that they had been through the processes with the City and noted that the Church had hired OTEK Engineers to review the storm water analysis of the existing conditions and how these conditions were affected by the proposed construction. He noted a report was provided, outlining how the Church could improve the existing conditions in relation to the expansion. He reported a geo-technical report was done which studied the soils of the site. He noted that the slopes' stability analysis in this study was required by the Unified Sewage Agency (USA) and the study was favorable. He said USA approved the study, the landscape plan, the wetland mitigation and vegetation buffer that had been proposed. He added the City reviewed the information and concurred with the findings of the engineers and the application.

Coun. Soth commented in walking the site, it appeared that the extension at the south wall would be close to the swale that ran west to east and asked if that was correct.

Moore answered it was correct.

Coun. Soth replied with the hydrological study, and in the Planning record, it appeared that the neighbors were concerned about if that would be modified enough and if there would be water running through their property as well as the pipe.

Moore said that had been addressed.

Ron Kampe, OTEK Engineering, noted the Church had not conducted any maintenance with the original detention pond over the years and there was erosion in the berm. He added the grading around that area was flat and there was a good possibility some of that water could have approached the neighbors. He explained they had talked to the Church and they were sensitive to their neighbors concerns. He reported they had done an analysis of the pond and the pond would be able to handle the flows and run-off, and it should function well with required on-going maintenance.

Coun. Soth asked about what type of storm was it designed to accommodate.

Kampe said for the requirements for a 25-year storm, the developed run-off would not exceed the maximum quantity of run-off or the rate of run-off from the previously development, up through a 25-year storm. He reported they had designed the structure such that the run-off rate would be less than it was now, if the pond was operating as it was designed originally.

Coun. Soth made a suggestion that the south wall would be an ideal opportunity to take advantage of passive solar energy.

Kampe said there was a creek running through the south part of the pipe (to the pond), which clogged from time to time and noted that it was installed so the housing development could exist. He said the pipeline belonged to the City and the Church would not be responsible for the maintenance of the pipe.

Coun. Soth noted there was a manhole near the detention pond and wondered if that was for sanitary or storm drain.

Kampe answered it was sanitary.

Grube explained that it was not in the national designing register, but he tried to maintain Belluschi's design language and felt the exterior treatment of the façade should stay the same as the architect intended.

Grillo asked to introduce the slides into the record and have copies made.

Moore noted they would like copies.

#### Support of the application:

Evelyn Siler, Building Committee Chair for the Church, noted that she was also Chair in 1987 (when the Church was built). She commented she worked close to Belluschi and had gone to his home to review design proposals. She said she had gone with him to select the cherry paneling, and noted that he selected the materials for the building. She added he gave his personal check to pay for the stained glass that the Church could not afford.

Don Shick, Beaverton, stated he had been a Church member for 20 years and was a member of the Building Committee when the original Church was built and completed in 1989. He noted that Belluschi had designed forty-three religious structures and two were in Beaverton, which were St. Mathews Lutheran Church and Murray Hills Christian Church. He noted completion was in 1989 and this was the forty-first church Belluschi designed. He urged the Council to look favorably on the request for the addition.

Coun. Soth asked if he saw this as an extension of the Belluschi original design.

Shick replied it was the understanding of the original committee and the committee planning the addition that every detail of Belluschi architecture would be followed in the addition so that it would appear as the same unit.

Coun. Ruby asked if there was any idea or architectural notes about any expansion when it was built.

Shick answered there had been much discussion and they had planned and expected growth.

Pastor John Bristow agreed that the Church had grown, and reported that the conditions were crowded for their own programs. He noted the head of the Department of Architect from the University of Arizona had been on site, and said this was the first Church where he had not had space to unroll his blueprints. He said he regretted that they had to turn applicants away from the Vacation Bible School classes. He added that there was not any space available for their community programs for youths. He listed the various groups that use the Church including Neighborhood Associations (NAC's), grief support groups etc. as well as their own congregational groups. He added this was why they were seeking the addition.

Coun. Soth pointed out that at Planning Commission (PC) they raised the issue of traffic impact with the addition, and noted that staff did not see it to be problem. He asked if Pastor Bristow saw a problem with the need for parking with the meetings of other groups.

Bristow reported they had one access in and out, and their other access was an emergency access. He explained most of the meetings were staggered and he did not feel it would be an impact.

Billy Cook, Beaverton, stated he had been a member of the Church since 1978. He pointed out that church buildings enlarged when growth and money became available. He noted that when the Church moved (to the current location), it was to have additional space and now there was a strain to provide the type of environment that was needed to serve the congregation. He reported the national Church headquarters that loaned money for the Church expansion, had approved it and would underwrite it, and reported that the congregation had initially raised \$300,000. He added the Church was compatible with the neighborhood in south Beaverton and the proposed educational wing would not detract from the existing structure or adversely affect the desirability of the surrounding neighborhood. He stated that it would be a stabilizing influence in the community.

Cheryl Hainer, Beaverton, said she lived up the hill from the Church and noted that when they moved there seven years ago, they looked for a church that would meet the needs of their family. She related her children had participated in many of the Church activities and also were part of the Scout groups that used the facilities. She added that her family looked forward to continued use.

Janice VanDyke, Portland, noted they drove 20 minutes to go to this Church. She stated they drive for Meals on Wheels, and listed a variety of other activities including Christmas baskets and Food Bank assistance through the Church. She noted they helped sponsor Willamette West Habitat, which is sponsored by the Church and reported a variety of other activities such as Care-to-Share and quilts for shelters. She added when the Church members see a need where they can make a difference, they try to help.

Patrick O'Callaghan, Beaverton, who was on the Board of Directors for Avalon Park Homeowner's Association, said they appreciated the place to meet for their annual meeting. He emphasized he supported the Church expansion.

Coun. Soth asked where Avalon Park was, in relation to the Church building.

O'Callaghan said it was at 155<sup>th</sup> and Beard, only a few blocks away.

Bruce Perkins, Beaverton, said he was a native Oregonian, present on behalf of Boy Scout Troop 872. He reported that the Beaverton School District started charging them to use their facilities and the Church offered them a place to meet with no charge and asked for the Council's support for the building.

David Stockton, Beaverton, said he used to be the Chair of Scout 872, and noted they did the fall cleanup for the Church. He added the Church had been very supportive in allowing them to have their meetings there and most of the kids lived in that neighborhood.

Charlie Dougherty, Beaverton, said he was a neighbor of the Church and a member of the community the Church served. He related he was involved with the Scouts in the area and for the past few years the Church allowed the Scout troops as well as adults in the organization to meet there. He added the Church had supported them in the past and would in the future and he hoped they would be allowed to expand.

Doug Gordon, Beaverton, said his residence was immediately adjacent to the property on the west, and his observation was different from those on the south. He said the impacts were different, so he could not address their concerns. He noted they moved to their home about five years ago and elected to be neighbors of the Church. He stated in regards to the traffic issue, the Church expanded their parking facility, and the traffic

levels now did not seem to pose any safety or congestion issues. He added the main entrance to the Church was 10 to 15 feet from his property. He said it did not appear that the intention was to open the southern access to the property, which would turn the property into a through street. He added in regard to the landscaping, it seemed to be quite thoroughly addressed and that the Church had been diligent in maintaining the landscaping.

Coun. Soth asked if he was correct that Gordon would be the first house, to the south, of the driveway to the Church.

Gordon clarified that his house was on the west, immediately to the right of the driveway, and noted that he was not a member of the Church.

Andrea Sloan, Beaverton, said she was not a member of the Church, but spent several hours at the Church each month, involved in the Scouting programs. She noted they had scheduling problems at the schools and they went to Conestoga Recreation Center, which was fine until they started charging for use of the facility. She said they were thankful to the Church for their accommodations. She added the Scouts elected to send part of their cookie sale money to the Church for allowing them to be able to use their facility. She encouraged the expansion.

Deborah Sloan, Beaverton, said she was 10 years old and represented Scout Troop 1455. She reported that for the past two years the Church had let them meet there for free and they needed more room for all of the activities that they have there. She added she was for the expansion.

Stephen Galvan, Beaverton, noted he lived a couple of blocks from the Church and was not a member. He reported when he was vice chairman of the Beaverton Arts Commission and chaired the concert series, they relied heavily on Churches to provide venues for performances. He commented he taught voice and piano at the Church and at his recent recital they had close to 70 people enjoying the music. He reported that the Church had been very supportive of the activities on campus and of the neighborhood use of the facility. He added it was nice that a Church had an open heart and open arms to allow usage by the community and he encouraged the expansion.

Dal Norris, Beaverton, said he was in the Portlock Heights neighborhood and a member of the Church. He said when they moved into the area they liked the natural slope of the area, and noted the environment would be conducive to the size and proportion of the Church. He said the whole area was one of change and development and the Church did not look that big, except from the slope and grade.

Appellants:

The appellants, David Golder and Ron Sattler came forward to speak.

Ron Sattler, Beaverton, noted that he was the neighbor immediately to the south of the property. He said that they did not object to the architecture or architect or all of the good work that the Church did. He stated that if the Church did not expand they would not curtail any of the activities. He said if expanded, it would more than double the size of the Church. He noted that under the Conditional Use Permit (CUP) request, if there was a substantial modification to the CUP, then it would be treated as a new CUP, but the staff report had treated this as another CUP on the same property. He said the staff report discussed all the CUPs and then focused on the new addition. He said it does not zero in on the actual fact, which is to look at the new building, which will be more than double its existing size in its entirety. He said, regarding the height and the compatibility, currently the Church was dominant in the neighborhood and there was no more property adjacent to the Church to build on. He said it was a large building now, it was an R-5 zone, and would dominate the neighborhood if it were expanded. He added his experience as a realtor told him that it would not help his property values in the neighborhood. He said this would be the equivalent of ten to thirteen of the normal sized houses in the neighborhood.

Sattler said in talking about the height the staff report neglected one very important aspect of the structure. He said the structure had a roof and the staff report showed the only measurements that they had taken was to the gutter line, but the roof had a very large dome. He added the staff report definition for the requirement for elevation was, "The vertical distance from the average elevation of the finished grade to the highest point of the structure." He stated the spire was not included because the ordinances omitted Church spires, but the dome was included. He noted that, based on the submission of materials by the applicant, the lowest point of finished elevation was at 244 feet and the highest was at 265 feet with an average of 254.5 feet. He said from there, if you measured to the top of the dome, not including the spire, it would be about 309 feet to the top of the dome, which was an average height of 54.5 feet. He added this was an R.5 zone and the requirement there was 30 feet, and stressed 54.5 feet was much too high for residential zone.

Sattler stated one of the items that had been discussed was the access. He said since this was to be taken as a new CUP, they needed to look at what sort of thing the Comprehensive Plan discussed regarding the access for the Church. He quoted from the CUP for residential zoned property for a CUP (in the record). He said the current access was by 151<sup>st</sup> or 149<sup>th</sup> Terrace, which were both classified as local streets; neither one was a collector. He said the ordinance did not say adjacent to it, it said located on, which meant access. He stated there was not an access to Weir Road from the Church; the access was through local streets. He said throughout the process that evening they had not heard many specifics about the adherence in the proposed design to height regulations, traffic, scope and size of the project as compared to the rest of the neighborhood. He said they had talked about the Church's good

works, which he agreed with. He stated that if the expansion were not done, none of those good works would be curtailed.

David Golder, Beaverton, said he lived immediately south and adjacent to the Church property. He stressed that he did not object to the architect or the good works. He said his objection was to the size and appearance of the Church, it was not compatible and would have a major impact on the neighborhood. He said the square footage was a little over 13,400 square feet for the addition, resulting in a structure of almost 26,000 square feet. He pointed out that the south side of the structure would be 56 feet higher than his home, it would be somewhat close to his home even with the setback, and it would be over 76 feet in length. He said the homes in the area were approximately 2,000 to 2,500 square feet and the addition would be five to six times as large. He noted that the overall structure would be ten to thirteen times the size of the average home. He said if he was asking to expand his home or another residence by that much he felt it would be denied. He noted that the visual impact had been displayed on the slides. He said he had done some work on the landscaping but it would be more than a decade before his trees shielded the structure.

Golder said his other issue was the water issue and it was up for discussion at the Board of Design Review. He said the Church would be removing a great deal of land and the detention pond had overflowed into his yard and into the creek. He expressed his concern that the OTEK report, might not match reality. He pointed out that the drain for the storm water and detention pond currently overflows and had to be maintained by the City. He stated that it has flowed into his yard many times.

Mayor Drake said he would talk to the Director of Operations about the drain and have that reviewed. He asked if Golder had called the City in regard to this.

Golder said the City did check on it, but the problem was that the time that it did flood, they were talking about a brief rain that washed debris down there so quickly, that the creek went from a small creek to almost a raging river and it was inadequate. He said he had asked the City about this and was told that due to funding and the amount of impact, the likelihood of fixing that was very slim unless he was willing to pay for it himself, which he was told would be \$5,000 or more.

Coun. Stanton said when she was there that day she thought the shrubbery on the north side of his house hit the lower edge of his roof, already to his roofline.

Golder clarified that currently it was shielded, but it (the Church) was clearly visible from his front and back yards and through that kitchen window; through the barrier she was referring to. He said it would be visible with the current landscape plans because of the change in the amount of setback and the difference in the size between the two buildings (his home and the Church).



Golder said when he first looked at the property one of the reasons they bought it was because the Church was next door and he felt they would be a good neighbor. He said the bottom line was that they would not have bought the property with the proposed addition being shown, simply because it would be too close, too massive and too tall.

Coun. Stanton asked if the trees that were there went to his roofline.

Golder said there was one tree and basically the rest was brush.

Coun. Soth said there were two large Douglas Firs adjacent to his (Golder's) property, and he estimated that one was about 60 feet tall and the other was about 50 feet, and then there was about 20 feet of brushy area, consisting of various trees and brush. He added that extended to the end of his (Golder's) house so the area that would be visible under present circumstance was the area where his (Golder's) back yard was and the wood fence surrounding it. He reiterated that the landscaping was a BDR issue. He said those things (trees and brush) did shield him (Golder) for most of the year. He said from that perspective, he could understand his concern, but the big fir trees would shield much of his living area. He reported that he went around that way in order to see it better, and from the street the vegetation did obscure much of that area, in his view.

Coun. Soth addressed Sattler, and noted that he lived across the street on the east side and his view would be from the street side of his house, or the front yard, and screened by the vegetation on the east side of 149<sup>th</sup> Terrace,

Sattler said the location was correct, but the vegetation did not screen his upper story, one of the bedrooms, the living room, the entry way or any of the front yard because of the projection of the proposed addition to the south. He noted that from the south end it would be, (to the gutter line without considering the roof), 42 feet tall and it would be just north of the chain-gated area.

Coun. Soth commented that it would be at least 100 feet north of that.

Sattler disagreed and said it was considerably less than 100 feet. He stated that the whole area was not screenable because it was street and that it was only screenable if there was some landscaping proposed that would screen it. He said in the current proposal the maximum height for any of the trees proposed was 12 feet. He clarified that the building would be 42 feet with a 12-foot screen.

Coun. Soth reiterated that the landscaping would go before the BDR.

Coun. Doyle asked if the applicants had a chance to read through the staff report.

Sattler declared that the staff report did not remotely address the height issues, and did not even show when the property was annexed to the City. He said they could look at thousands of cases in the City where the height was addressed in other applications. He said several things were not addressed.

Mayor Drake asked staff to address the height issue.

Scott Whyte, Associate Planner, said the zoning code had two definitions for building height, and they used Definition "A," which staff believed was the applicable definition to apply to this request. He said staff believed 1988 was when the Church property was annexed and that was when they requested their first application. He explained Definition "B" was much more descriptive and said it was important for Council to know that elevations of the building were part of the application. He said the elevations were to scale, the PC fully understood what the height of the building was, and the height limits were disclosed in the Public Hearing notice. He said the height had been a matter of review and consideration by the PC.

Grillo noted that one of the appellants had indicated that they disagreed with the issue of the date of the annexation. He stated if there were information that staff was not aware of that would imply or show the Council that the staff was in error in regard to the date of annexation, they would be interested. He explained that staff was basing their information of their review of the record. He reiterated that staff was more than willing to understand that evening if there was something different that somehow the Church was annexed at a different date.

Mayor Drake said in Whyte's memo dated May 22, 2001, which was included in the staff report, on page four and five, the third paragraph down it said, "The subject property was annexed to the City prior to 1988." He asked Grillo if according to his research this information was correct and in his opinion Definition "A" was correct.

Grillo said he understood that to be correct. He added if the appellant had something that staff was not aware of and it needed to be corrected, they would like to see it.

Mayor Drake asked Sattler if he had any evidence to the contrary.

Sattler said that Whyte had stated that the first CUP on the Church was applied for in 1988, which was correct. He said the date for Definition "B" was January 1, 1988, therefore that did not tell them anything about the annexation. He said he was not relying on Definition "B," but Definition "A," the least restrictive definition for measuring height, which was the average elevation of the finished grade to the highest point of the building. He said that was what he was discussing when he mentioned the 54.5 foot item. He noted in the notice for the current meeting, the staff had indicated that

the height of the building was 32 feet. He said that may be the height of the proposed expansion, but it was not the height of the building.

Mayor Drake noted that what they were dealing with that evening was the expansion.

Sattler disagreed and stated that he had made it clear in his testimony that this was to be treated as a new CUP, which was not the expansion, but the look of the overall building; the existing plus the expansion.

RECESS: Mayor Drake called for a recess at 9:50 p.m.

RECONVENED:

The meeting reconvened at 10:05 p.m.

Mayor Drake asked Jim Duggan, Development Services Engineer, to respond to a couple of issues that had been raised.

Duggan said he could not find the exact date of annexation, but during the break he was able to find an older map, and it was obvious that the site was annexed to the City prior to July 1984. He clarified that the site was in the City well before the 1988 date of the original CUP application.

Mayor Drake asked Grillo to clarify the issue of how they had handled the CUP process for this application.

Grillo said, given Duggan's comments, the CUP Definition "A" in the staff report was the correct way to address the height. He said in regard to the comments made as to how staff handled the issue, there were two processes.

Mayor Drake clarified that Grillo would clarify what was currently in the staff report.

Grillo said he thought they were in agreement with the appellant, that given the proposed square footage to the application, it was the staff and the Planning Director's determination that the CUP did qualify for a major modification, therefore the process that they went through was a Type III, public hearing process from the PC. He pointed out that this was the same process that the original Church development would have gone through in 1988. He said in terms of the process, because of the proposed addition, staff recommended and advertised, and the PC held a Type III land use public hearing. He said from their standpoint they would be in agreement with the appellant.

Mayor Drake asked if the existing land use action (CUP) stood.

Grillo said that would be his next point. He continued that staff were working off of their interpretation (the Planning Director's interpretation), off

of an existing CUP for the property. He said given that staff were interpreting the Code as a revisit to a previously approved CUP. He explained that one could make the argument (which the appellant had), but in reviewing it, from the staff's point of view, the previous CUP went through analysis, a public hearing, and had been acted upon. He pointed out that it seemed somewhat illogical if not impossible to undo the previous CUP that had been acted upon. He said, therefore, as the staff had presented it to the PC and the Council, staff were not going to undo the previous CUP, they were looking at the modification only. He said that did not preclude the Council from listening to testimony from both sides, regarding the addition. He explained that Council could listen to the information about how the staff and PC analyzed the location, size and other characteristics.

Grillo said the last point got to the staff and Planning Director's interpretation, which was that the CUP needed to be located on a street that was a collector or a higher designation. He agreed that there was no testimony that would debate that Weir Road was a collector. He explained that the original access to the Church was off of Weir Road to the west and it was the staff's understanding that when the residential development occurred to the west, the developer provided public access off of a redefined point for the Church. He stated that staff's interpretation was that the CUP satisfied that; it was located on a collector street or higher and with subsequent land use actions that occurred in and around the Church, (particularly the development to the west), the City modified that. He continued that the City felt it maintained consistencies in terms of how the Church was considered to be on a collector street. He stated that was the Director's first interpretation. He said the second interpretation was that the definition did not require that access had to directly occur, and that was the interpretation they were relaying to the City Council.

Coun. Soth clarified that the original access was a drive off Weir Road.

Grillo said that was correct.

Mayor Drake asked for witnesses in support of the appellant.

There were none.

Mayor Drake asked if there were any public agencies to testify.

There were none.

Rebuttal:

Mayor Drake noted this rebuttal was by the applicant and would be limited to five minutes. He reminded the applicant that if there were anything new that was stated, other than a response to the appellant, the appellant would be allowed sur-rebuttal.

Mayor Drake noted there was a new person there to speak.

Peter Fry, Portland, said he was a planning consultant for the applicant and he would be very brief. He pointed out that their testimony had been to provide the Council information about how the facility behaved within the neighborhood. He said they had wanted to explain how the facility, the traffic impacts and the Church were an integral part of the neighborhood, and how it was the virtual center of the neighborhood. He said that would get directly to the criteria that the Church could be reasonable and compatible with the neighborhood, have a minimal impact on the livability and appropriate development of other properties in the neighborhood, and secondly with no adverse effect on neighborhood properties. He said the testimony showed that this Church has a positive impact on the neighborhood.

Fry noted that he wanted to point out some facts in the staff report that would address the height, spatial and visual arrangements, to show it was compatible. He said when the Church was expanded it would cover only seven percent of the site and the remainder would be in natural, park-like surroundings, picnic areas and the parking lot. He pointed out that if the Church was to "go away," the property would sustain 33 houses and not the 11 to 13 mentioned in the appellant's testimony.

Fry said the extension would have a 102-foot setback from the property line and the Code required a 30-foot setback, and if it were a house the setback would be 5-foot. He pointed out that one of the greatest values in this neighborhood was it was a hilly area, so it was inevitable to have one building on top of another and one would be below another, which was just the nature of the area. He stated that he felt the facility would fit well within the character of the area.

Moore noted that they did extensive work with staff to meet requirements, and expressed his appreciation for their efforts. He said they provided staff with elevation drawings and accurate building heights so staff could do the calculations. He pointed out that his firm were the original architects on the building and did the drawings, so they were confident they were accurate.

Grube clarified that Belluschi had an understanding of expansions and options for this building, and was aware of transition and the nature of all buildings. He said many of Belluschi's designs were additions to existing buildings, and reported that in the design stage they sketched expansion options and the one shown here was the only option.

Mayor Drake asked for any questions of staff.

Coun. Stanton said in regards to the Code book 60.40.10, height restrictions, (read from the Code in the record), and asked in terms of the height, when the appellants were referring to 50 feet, the Code basically

said the opposite, that 30 feet was accurate, and asked if that was correct.

Grillo said she was correct.

Mayor Drake closed the hearing.

**Coun. Soth MOVED, SECODED by Coun. Doyle, that APP 2001-0005 Murray Hills Christian Church; Appeal of Conditional Use Approval (CUP 2000-0031) be denied, and the Planning Commission be upheld in their findings.**

Coun. Soth noted that a number of the issues raised that evening by the appellants needed to be discussed at BDR. He said the drainage and the onsite storage, the detention pond, he was convinced that by the employment of an engineering firm, they would be cured or mitigated. He said as far as the wetland mitigation, those things do have to comply with current regulations, so some of that will need to be re-vegetated. He commented that he had noticed that some work had already gone into that. He said in regard to the issue of the perception of height, he was convinced that with the addition of landscaping, those things would be mitigated. He noted that another issue was the impact of exterior lighting; one condition was that no light directly would shine directly on adjoining property. He stated that he made the motion because he felt all of the issues raised by the appellants had been addressed or would be addressed at BDR.

Coun. Doyle noted that he was not used to putting conditions on these situations, but he was wondering what they could do in terms of making sure that staff took care of maintenance issues that had been raised. He wondered what type of language would be needed to be sure the maintenance was done as needed.

Mayor Drake noted specifically the plugged storm drain.

Grillo said the City and Clean Water Services (formerly United Sewerage Agency) have much more stringent erosion control standards, and lack of adequate erosion control during construction and immediately after until there was adequate vegetation, tends to be one of the leading causes of why storm drainage facilities tend to lose some of their capacity. He said at this point the City did not go out and monitor individual private facilities. He noted that the Church had heard the testimony and the Council had heard the response, and the ultimate response was how they (the Church) were going to handle their property. He said if they had a public facility it would be the City's responsibility to go in and clean and maintain the storm facility. He added it was dependent upon the property owner to maintain their own facility.

Mayor Drake noted on April 18, 2001, that was one of the conditions mentioned by the PC, and it specifically modified condition 5. He added that was upholding the decision of the PC.

Pilliod explained that in normal practice they would prepare a set of findings that incorporated both Council comments and the interpretations, which the City believed the decision, must rely on.

Coun. Soth said in his motion he neglected to mention that they would instruct staff to return to Council with an analysis and a set of findings.

**Question called on the motion. Couns. Brzezinski, Soth, Ruby, Doyle and Stanton voting AYE, motion CARRIED unanimously (5:0)**

ORDINANCES:  
Suspend Rules:

**Coun. Soth MOVED, SECONDED by Brzezinski that the rules be suspended, and the ordinances embodied in AB 01209, 01210 be read for the first time by title only at this meeting, and for the second time by title only at the next regular scheduled meeting. Couns. Soth, Stanton, Brzezinski, Ruby and Doyle voting AYE, the motion CARRIED unanimously (5:0)**

Mark Pilliod, City Attorney, read the following ordinances for the first time by title only:

First Reading:

- 01209 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance 2050, the Zoning Map for Property at 16079 SW Scholls Ferry Road; CPA 2001-0010/RZ 2001-0012
- 01210 An Ordinance Annexing A Parcel of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 2001-0004 (16079 SW Scholls Ferry Road)

Pilliod read the following ordinances for the second time by title only:

Second Reading and Passage:

- 01186A An Ordinance Amending and Repealing Portions of the City's Building Code and Pool Enclosure Ordinance (**\*Revised Title**)
- 01187 An Ordinance Vacating a Public Right-of-Way Between Properties Owned by the First Baptist Church at 5755 SW Erickson Avenue; SV 980001

**Coun. Soth MOVED, SECONDED by Coun. Brzezinski that the ordinances embodied in AB 00186A, 01187 now pass. Roll call vote.**

**Couns. Brzezinski, Soth, Ruby, Stanton and Doyle voting AYE, the motion CARRIED unanimously (5:0)**

EXECUTIVE SESSION:

No executive session was necessary.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 10:30 p.m.

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Darleen Cogburn

APPROVAL:

Approved this 13<sup>th</sup> day of August, 2001

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Rob Drake, Mayor



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