



# City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 5-11-09

Recording Secretary W. Smith

## TUALATIN CITY COUNCIL WORK SESSION MINUTES OF APRIL 27, 2009

**PRESENT:** Mayor Pro tem Chris Barhyte, Councilors Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Kent Barker, Chief of Police; Dan Boss, Operations Director; Nancy McDonald, Human Resources Director; Eric Underwood, Development Coordinator; Will Harper, Associate Planner; Carina Christensen, Assistant to the City Manager; Ginny Kirby, Recording Secretary

**ABSENT:** Lou Ogden \* [\* denotes excused]

**[Unless otherwise noted, MOTION CARRIED indicates all in favor.]**

### **A. CALL TO ORDER**

Mayor Pro tem Barhyte called the meeting to order at 5:36 p.m.

### **B. CONSENT AGENDA**

The Consent Agenda for tonight's Council meeting was reviewed by Council.

***The work session recessed at 5:37 p.m. to hold TDC work session.***

***The work session reconvened at 5:39 p.m.***

### **C. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

#### ***Sign Design Standards Follow-up***

Will Harper, Associate Planner, briefly went over the background of the Sign Design issues that had previously come to Council in December 2008. The goal this evening is to get direction from Council regarding development of standards for monument and pole signs in the Central (CC) and General Commercial (CG) planning districts. Mr. Harper gave a PowerPoint presentation that addressed the topics covered in the December 8, 2008 work session, an inventory of pole signs, and pole sign options.

Mr. Harper stated there are 77 existing "legal" pole signs; 24 of the existing signs are in the I5 freeway corridor and subject to Federal regulations. Monument signs tend to be more aesthetically pleasing than pole signs. Options to deal with that are: revise dimensional standards, new sign design standards, location restrictions, allow only monument-style freestanding signs and eliminate pole signs altogether.

Staff feels a sign design review process would be an efficient process to use. The single family residential architectural review process is a good model for a process to use for applying sign design standards. It would incorporate the legal land use aspects.

Mr. Harper then addressed the transitioning of existing signs. Options for this could be: revising pole sign standards and creating a sign design review process. New sign design standards allow signs to be redesigned within parameters and can even be lowered. An amortization program would require replacement of non-conforming freestanding signs within a specified time period.

Mr. Harper then covered different scenarios of sign design and pole sign standards and revisions, which included no change to standards, new freestanding sign standards for CC and CG and go through design process.

Councilor Harris asked about use – if a building was demolished, the sign remains and another business makes use of the existing sign; is there a legal precedent to force a sign to be demolished. Brief discussion followed regarding what could be rebuilt and what signage would be allowed. Councilor Truax noted an instance (not in Tualatin) when a business wanted a smaller, less obtrusive sign; however, the business was told if they wanted to change the size of the sign, they would have to remove the sign, it could stay only if the size stayed the same (they could change the text only; not size/height). Ms. Braden noted if a use wasn't "used" in a full year, than no longer conforming. Councilor Harris said he would be in favor of having some design standards.

Further discussion followed regarding existing signs and sign heights. One idea was that existing signs (non-conforming) could be modified; signs on arterials/collectors could have pole signs no higher than 15-feet. Major commercial/"larger commercial centers" (such as Haggen's) could have a sign 20-feet in height. Monument signs would be allowed on arterials. Collectors could have signs 15-feet in height in the CC planning district and possibly require some architectural standards.

Staff will bring back a "menu" approach for sign design standards on arterials at a future meeting.

#### ***TPAC Request for Review of "For Lease" Signs***

Doug Rux, Community Development Director, said that TPAC had a discussion regarding the proliferation of "For Lease" signs over the past 6 to 9 months. TPAC had talked about doing an inventory of all the "For Lease" and "For Sale" signs in the City. They also asked for a matrix of other agencies and how they are handling these types of signs. Mr. Rux stated that a complete inventory of these signs would take approximately 80 hours of staff time. A brief investigation showed Tualatin allows a bit larger signs than surrounding jurisdictions. A suggestion was to do an inventory and the Code Enforcement Officer could then cite offenders.

Councilor Davis asked if the City had temporary sign permits that give an expiration date; Mr. Rux responded that the City does not place an expiration date. "For Lease" signs are allowed at a maximum of 32 square feet. Discussion continued regarding type of sign, the size, and that some "For Lease" signs are not posted on buildings with actual tenant space for lease; spaces are available in a different building/city. Some signs are basically being used for "advertising"; people see them, call the listed number and are told the building where the sign is posted has no space, but there is space at another location. "For Lease" signs are not permitted signs.

Enforcement could be done now with what is on the books – sign size exceeding the 32 square feet and vision clearance issues. After further discussion it was decided to:

- \*Do some code enforcement; and
- \*Do survey of other cities and how they handle this issue.

***Council Communications & Roundtable***

Councilor Maddux said that the Chair of the Judiciary Committee was not going to move (regarding the proposed adult business legislation), so the potential measure is done for now.

**D. CITIZEN COMMENTS**

Not applicable.

**E. PUBLIC HEARINGS - *Legislative or Other***

Not applicable.

**F. PUBLIC HEARINGS - *Quasi-Judicial***

Not applicable.

**G. GENERAL BUSINESS**

**H. ITEMS REMOVED FROM CONSENT AGENDA**

Not applicable.

**I. COMMUNICATIONS FROM COUNCILORS**

**J. EXECUTIVE SESSION**

Pursuant to ORS 192.660(2)(d), an executive session to discuss labor relations began at 6:33 p.m.

**K. ADJOURNMENT**

The meeting adjourned at 6:48 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





# City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 5-11-09

Recording Secretary MS Smith

## TUALATIN CITY COUNCIL MEETING MINUTES OF APRIL 27, 2009

**PRESENT:** Mayor Pro tem Chris Barhyte, Councilors Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Kent Barker, Chief of Police; Dan Boss, Operations Director; Paul Hennon; Community Services Director; Don Hudson, Finance Director; Nancy McDonald, Human Resources Director; Will Harper, Associate Planner; Carina Christensen, Assistant to the City Manager; Ginny Kirby, Recording Secretary

**ABSENT:** Lou Ogden \* [\* denotes excused]

**[Unless otherwise noted, MOTION CARRIED indicates all in favor.]**

### **A. CALL TO ORDER**

Mayor Pro tem Barhyte called the meeting to order at 7:01 p.m.  
Councilor Harris led the pledge of allegiance.

### **B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

1. *New Employee Introduction: Lisa Thorpe, Program Coordinator, Finance*  
Don Hudson, Finance Director, introduced Lisa Thorpe. Ms. Thorpe is the new Program Coordinator in the Finance Department.
2. *Accreditation Presentation – Mr. Joe Simon*  
Police Chief Kent Barker introduced Mr. Joe Simon, Executive Director for Oregon Accreditation Alliance. Mr. Simon congratulated the Tualatin Police Department for all the hard work they have gone through to achieve this distinction. Mr. Simon recognized Jennifer Massey, Program Coordinator for the Police Department, for being the on-site manager of the accreditation. The accreditation is good for a period of three years. He complimented the City for this high level of performance.

Chief Barker stated how much he appreciated Mr. Simon's work on the accreditation process and also thanked Ms. Massey for all the hours of work she put in to make this possible.

3. *Paul Nagy Award*

Sherilyn Lombos, City Manager, presented Police Chief Kent Barker with the Paul Nagy award. Ms. Lombos noted that Chief Barker is one of twelve recipients of this award, which was established fifty years ago. The members of the Oregon

Association of Police Chiefs vote on presentation of this award. Chief Barker received this award because of his service to the State in the aftermath of the bombing in Woodburn in December. Ms. Lombos stated that Chief Barker has provided unparalleled leadership for both the City and Metro region. She thanked Chief Barker for his amazing work as Police Chief and stated that it is an honor to have him as our Chief.

4. *Proclamation Proclaiming the Week of May 10-16, 2009 as "National Historic Preservation Week" in the City of Tualatin*

Councilor Davis read the proclamation.

5. *Tualatin Tomorrow Presentation: Growth, Housing, Town Center*  
Doug Rux, Community Development Director and Beth Roach, Tualatin Tomorrow. Mr. Rux said they are here to speak to the main accomplishments for Tualatin Tomorrow: Growth, Housing, Town Center. Accomplishments, to date, include: implementation of the Tualatin Tomorrow Vision into the City's action plan and into the Town Center plan. The Street Trees update was also part of the Vision, as was the Urban Reserves/Rural Reserves (UR/RR) planning process.

Tualatin Tomorrow has been working on a vision for the UR/RR and Town Center; a viable downtown that includes incorporating the river front. Mr. Rux reiterated that this Thursday, April 29, 2009, is the 2<sup>nd</sup> Annual Tualatin Tomorrow Event at Meridian Park Hospital - Education Center, 5:30 p.m. to 8:00 p.m. Ms. Roach noted that the Annual Event is a "family friendly" event; there will be activities geared for children, they are welcome to attend. Councilor Beikman thanked Ms. Roach for all the hours of work she has put in on Tualatin Tomorrow thus far. It was reiterated that the Annual Event is a "drop in" event; no formal program, come anytime between 5:30 p.m. and 8:00 p.m.

### C. CITIZEN COMMENTS

*Kathy Newcomb, Cheyenne Way, Tualatin.* Ms. Newcomb said she first wanted to thank everyone for the legislation to get the Stars project "under control". Second, she was mainly asking about the Tualatin Road extension. Their house is one-half mile north of the potential project. Ms. Newcomb asked if the partnership is a legal, binding agreement. It states it has to be a unanimous agreement; and if no consensus, it would not go further. Ms. Newcomb said she understands this is not how the vote went; it was 60% in favor, not 100%. She said at TPARK they had not been notified of this potential project. Ms. Newcomb asked if an update could be provided regarding Mayor Ogden's and Tom Brian's intent that this project is being dropped, is there a letter from Mr. Brian going to be sent. Mayor Pro tem Barhyte said an update could be given at the next Council meeting on May 11, 2009 so everyone is on the same page with information. Ms. Newcomb said that would be appreciated.

*Jean Nations, Owner of Clean A. Maniacs, SW Coho Court, Tualatin.* Ms. Nations stated that both Texas and Ohio have proclaimed April 27, 2009-May 1, 2009 as National "Cleaning for a Reason" week. This is a week that some cleaning companies will be

offering free cleaning services for women dealing with cancer. If you know of anyone who could make use of this service, Ms. Nations asked for folks to contact her company.

**D. CONSENT AGENDA**

MOTION by Councilor Harris, SECONDED by Councilor Beikman to adopt the Consent Agenda as read:

1. Approval of Minutes for the Work Session and Meeting of April 13, 2009
2. Approval of 2009 Liquor License Renewal Late Submittal – Nacho Mama’s Mexican Restaurant
3. Approval of a New Liquor License Application for 501 Sports Café & Bar
4. Resolution No. 4877-09 Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 4857-09
5. Resolution No. 4878-09 Authorizing Mayor Ogden to Sign a Memorandum of Understanding Between the City and the Stafford Hamlet

MOTION CARRIED.

**E. PUBLIC HEARINGS** - Legislative or Other  
None.

***General Business was moved to this portion of the meeting.***

**G. GENERAL BUSINESS**

1. Resolution No. 4879-09 Authorizing Renaming the Tualatin/Durham Senior Center to the Juanita Pohl Center

Paul Hennon, Community Services Director, stated this issue is brought by the Senior Center Steering Committee, TPARK, and Durham City Council. Mr. Hennon introduced Stephen Ricker, Chair, Senior Center Steering Committee; Joe Lipscomb, Steering Committee member; and Debbie Whiteman, TPARK member.

Mr. Hennon said the reason for proposed name change is to appeal to a wider “audience”. It is a popular movement across the country to remove the word “senior” as this can be a barrier for those who don’t view themselves as “seniors”. Mr. Hennon noted that Juanita Pohl spent many years providing leadership in the City. The Pohl family made many monetary contributions to the Tualatin school, but the reason for wanting her name to be placed on the Center is to honor all her volunteer work.

Mr. Ricker stated this is in honor of her great contributions of time to the establishment of the Senior Center. Mrs. Pohl had a large hand in getting a grant that helped facilitate the building of the Center. Among her contributions are chairing the Center’s program committee and spending countless hours doing fundraising.

Mr. Lipscomb noted the growth of the Center in the last few years. Ms. Whiteman said that in discussions with TPARK, all were in agreement to move forward with the request to change the name of the Senior Center to the Juanita Pohl Center.

MOTION by Councilor Maddux, SECONDED by Councilor Beikman to adopt the resolution authorizing the renaming of the Tualatin/Durham Senior Center to the Juanita Pohl Center. MOTION CARRIED.

**F. PUBLIC HEARINGS - Quasi-Judicial**

1. Conditional Use Permit for the Stafford Hills Racquet & Fitness Club (SHR&F Club) as a Private Club Use and for Additional Building Height in the Low-Density Residential (RL) Planning District at 5916 SW Nyberg Lane (Tax Map 21E19C, Tax Lot 900) (CUP-09-01)

Resolution No.     - - -     Granting a Conditional Use Permit for the Stafford Hills Racquet & Fitness Club as a Private Club Use and for Additional Building Height in the Low-Density Residential (RL) Planning District at 5916 SW Nyberg Lane (Tax Map 21E19C, Tax lot 900) (CUP-09-01)

***[hearing continued to May 26, 2009]***

Mayor Pro tem Barhyte read language required by legislation before a comprehensive plan or land use regulation and opened the public hearing. Councilor Harris recused himself as his company has done some consultant work for this project.

Will Harper, Associate Planner, entered the entire staff report and attachments into the record. This is a Conditional Use Permit (CUP 09-01) by Zupancic for a 40-foot building height and for a racquet club. This property is located on the south side of SW Nyberg Lane, between 65<sup>th</sup> Avenue and the single family homes to the east. To the north (north side of Nyberg Lane) is Brown's Ferry Park and Stonestrow Apartment complex. There is greenway going through the westerly portion of the property, also affected by wetlands area contained on the property. Approximately five acres of the 15.6 acres are proposed for development.

The Zupancic Group is proposing a 91,000 square foot facility to house a racquet club facility. It features indoor and outside tennis courts, 2-story building, outdoor pool and pool terrace, and parking for 131 vehicles. The facility is proposed to be open from 5:30 a.m. to 10:00 p.m. Building height of 40-feet is being recommended by staff (this is 5-feet above allowed height). Staff is also proposing a larger setback; the minimum allowed is 60-feet. All improvements are subject to Architectural Review.

Mr. Harper noted citizen comments had been collected and included in the staff report. Comments from those concerned about the proposed facility were primarily from people who live in close proximity to this facility. Concerns covered setbacks to proposed buildings and the parking. Comments received regarding the parking were directed to adequacy of proposed parking area, and overflow parking and how would

it disturb surrounding neighborhoods. Also, concerns were expressed over lighting, both of parking areas and outdoor courts. Some concerns were expressed regarding the hours of operation.

Mr. Harper stated reiterated that only 5 acres of the 15 acre site are proposed for development. Properties to the east and south look down on the property of the proposed development. Buffering was also an issue expressed by residents. Mr. Harper said that the location of activities has been modified, an earlier site plan had the outdoor pool closer to area residents. Staff has proposed options to make this facility fit better into the area. They want to make sure there is a buffer on the south side where outdoor tennis courts would be located. Staff is also recommending that early morning parking all occur as far west as possible.

The applicant, Mr. Jim Zupancic, Zupancic Group, gave a PowerPoint presentation. The presentation covered the site plan, elevations, showed all attributes of the proposed facility (including indoor and outdoor tennis courts, clubhouse, pool, etc.), conditions of approval, buffering, site utilization, and planned programs. Mr. Zupancic said they want this to be a premier tennis facility.

The traffic study was extensive and showed that there will be acceptable levels of service through the year 2020; the parking study showed the planned parking area will serve the expected level of use. He noted building locations had been readjusted to allow for altered traffic paths in the parking lots. Also included is a large vegetation buffer. The east boundary of the site is where the subdivisions begin; with a total of approximately 800 homes. There are four homes directly affected by this proposed facility. The buffer has been increased in that area and the parking stalls have been adjusted to face away (west) to minimize the impact of headlights at night.

Mr. Zupancic continued with addressing staff's list of conditions for approval. (He noted he was taking them in reverse order.)

6. Lighting Plan. The lights will be downward facing so as to minimize impacts on surrounding properties.

5. Parking Management Plan. This is incorporated as part of the Architectural Review application.

4. Hours of Operation: The word "typically" will be added in the language as some events may go past the "regular" posted hours of closing at night.

3. Parking Restrictions. They anticipate most people will come between 6:00 a.m. and 8:00 a.m. There is a parking management plan that will be proposed (see 5. above). An anticipated issue may come if parking is restricted from the east side of the site, then likely to spill out to neighborhood streets.

2. East Border: Staff has asked that vegetation be 30-feet high to deal with the angle of view. Existing buffer of tall arborvitae and laurel will help, they are proposing to use fast growing cypress in the buffer area.

1. South Border (with Legacy Meridian Park Hospital): Hospital property is significantly higher (40' to 50') than the proposed facility.

Mr. Zupancic said that this will be a "green" building, 80 to 100 construction jobs will be created, 30-40 new family wage jobs will be created, and the facility will be a great "hallmark" for the City. He requested that the PowerPoint/handout be part of the record.

## PROPONENTS

*Kim Hay, West Linn.* Ms. Hay stated she teaches and coaches swimming. There is no pool in West Linn; this would be a great opportunity and wonderful facility. It would be great for kids. She whole-heartedly approves of the proposed facility.

*Sarah Goehler, Lake Oswego.* Ms. Goehler said she agreed with Ms. Hay. The area is sorely in the need of more facilities where children can learn to swim and to learn water safety.

*Bill Leong, Executive Director, Tennis Northwest.* Mr. Leong noted that tennis has been struggling for a number of years; there is an outcry from tennis players for more facilities. On behalf of the tennis playing population – he is in great support of this facility.

*Steve Bloch [not signed up–last name not clear], Lake Oswego.* Mr. Bloch said this would be a great family oriented facility. If more facilities available like this, many more families would take advantage.

*Brent Schafer, Chesapeake Drive, Tualatin.* Mr. Schafer stated he lives east of the proposed site. His family uses Browns Ferry Park often. This would be a great addition, a great asset. It would look better than the site does currently.

*Kathy C. [not signed up–last name not clear], Tigard.* Whole-heartedly in favor. She said she is in a “swim family” and would love to see this built. The family atmosphere would be wonderful.

*Bill Severson, 122<sup>nd</sup>, Beaverton.* Wasn't sure if he was in favor until seeing the presentation. Seeing the facility and jobs created, he is in favor now.

*Annie Miller, Director of Tennis – Lake Oswego for 25 years.* Ms. Miller stated she is heartily in favor. Impressed that Mr. Zupancic has listened to the neighbors. In Oswego a tennis facility backs up to six homes and there is a smaller buffer and there have been minimal issues. She said she is 3,000% in favor; they are overloaded, it would be great to have someplace for them to go. Also, a great idea to keep people fit in a variety of activities, good health benefits.

*Craig Hessler, Maricopa Drive, Tualatin.* Mr. Hessler stated he teaches tennis; lifetime involved in tennis. In favor of the facility, it has a huge upside. There is a groundswell of people looking for a place to go.

## OPPONENTS

*Julie Sepp, Mobile Place, Tualatin.* Ms. Sepp said that Mr. Zupancic stated in a neighborhood meeting that they were giving a generous setback of 10-feet. Come to find out from Planning Division that 10-feet is the required minimum. As part of the proposal is the City going to purchase wetlands, and can they afford to maintain if they do. Are there any hazardous materials such as gas, diesel, etc on this site. What is the impact going to be on the sewer system. How can this be approved, the City's original plan for the area is single family residential. The hours of operation are incompatible with the surrounding area. Noise will have a negative impact on their lives – causing sleep issues which can lead to many other health issues. There will

be impacts on wildlife when mature trees are cut.

The staff report says traffic will be 1,010 trips per day. Single family residential average daily trips are only 58 generated by homes. This does not take into consideration special events, Willowbrook, and when Nyberg Lane floods. She then expressed concerns if the project fails, given time. Then where will be a large vacant building which will equal a hazard and crime. Who will be liable. Single family homes are the only appropriate use for this property. She then stated she felt Councilor Beikman should recuse herself as Mr. Zupancic and Councilor Beikman are friends as they attend the same church and she and Councilor Beikman had a personal altercation in the past.

Councilor Beikman stated that Mr. Zupancic may attend her church, but many people from a great area attend; she does not know Mr. Zupancic.

*Doug Rasmussen, Mobile Place, Tualatin.* Mr. Rasmussen is concerned. He first bought in 2000 for the view, wildlife, and the ¼-acre pond on the property. He is worried his pond will fall dramatically; it dropped 3" to 4" after moving in from the surrounding development. He asked that his drawing be entered into the record. Mr. Rasmussen also wanted to know who he would go to if the pond does dry up... who is responsible. He stated that his quality of life will be affected; the ducks will be in danger... there is a duck crossing established from his pond to the pond across the street to the north. Mr. Rasmussen asked that Council reconsider this proposal and deny for anything but single family residential.

*Angela Wrahtz, Mobile Place, Tualatin.* Ms. Wrahtz stated that a new neighborhood association is forming, they have 178 signatures of people who want to be a part of it, she is aware they need 51% participation. Ms. Wrahtz went on to say that after reading the application, she had many concerns. She does not want this issue to be voted upon this evening; please hold the record open for the 7 days. Ms. Wrahtz feels that not all of the approval criteria of the TDC, requirement #4 (pg 65 of application) are being met for the following reasons:

- \* It will disrupt and interfere with the normal use of single family residences along the west side of Mobile Place.
- \* It limits/impairs the resale value of properties along the west side of Mobile Place. Sale prices would have to be considerably less for successful sale.
- \* The facility is being "billed" as a neighborhood recreation center, however this plan is for a regional facility.
- \* Quality of life will be damaged due to an extreme increase in traffic and parking problems that carry over into the neighborhoods. Traffic will backup on Nyberg Lane waiting at the traffic signal.

Ms. Wrahtz noted that there was no mention in the staff report of maximum capacity of the facility. The parking lot looks inadequate. She feels it will be a high-end, fee-prohibitive facility, not accessible to many. The headlights and noise in early hours of the morning will be very disruptive. She said there were inconsistencies in the application materials. The more than 10 unbuildable acres could be acquired by the City. She feels this facility is in conflict with the surround area; too large for this site, it is "on top of" Fox Hill 3. Ms. Wrahtz stated that substantial traffic is a big concern of all people who have emailed her. She asked that a decision be held off until some of these design problems can be addressed.

*Mark Coolican, Mobile Place, Tualatin.* Mr. Coolican said he feel TDC Section 40.030(l) language is overly broad. If the CUP is granted, this athletic club must be an athletic club and not replaced by anything else in the future. He asked if the pool water treatment used chlorine; concerned about the amount of chlorine that would be stored on-site. He asked that this be investigated and possibly have TVF&R report on the safety issues associated with storing chlorine. TDC Section 32.030 – in the event the CUP is granted, based on the uniqueness of this facility, can it be required to be a green LEED building.

*Barbara Fronsach [not signed up—last name not clear], 52<sup>nd</sup> Court, Tualatin.* Ms. Fronsach said they chose Tualatin due to the serenity of the area, they love living near Browns Ferry Park. She noted the family moved here just a couple of years ago from Florida. Very concerned about increased traffic and the safety of her children.

*Steve Tagmire, Natchez Street, Tualatin.* Mr. Tagmire stated he came tonight neither for or against the facility; and still feels that way. No question whether there is a need; the question is, is this the correct location for this facility. Mr. Tagmire said he feels the record should be left open for the 7 days. Early hours of operations could be very disruptive. If you have upwards of 40 employees, how much parking does that leave for actual members. Also, overflow parking for all events will be a problem.

#### REBUTTAL

Mr. Zupancic said he appreciated the continued input and would like to address concerns:

- \* Environmental Impacts: Mr. Zupancic believes in being stewards of the land. He said they have had several discussions with the Wetlands Conservancy and the Audubon Society.

- \* Soils: Extensive geotechnical studies have been performed; soils was determined to be suitable.

- \* RL Zoning: Under RL, uses permitted are broader than single family residential; the 5 acres could support 30 to 35 units. Previously a subdivision was proposed; that did not happen. On the far east side of the building it is lower, set into the hillside, no windows, therefore no light emanating.

Mr. Zupancic introduced Mark Vandehey, traffic engineer, Kittelson & Associates. The traffic has looked at three ways to do estimates. They took the highest of the three, which is approximately 25% higher than the other two. They also over estimated peak hours. They did not assume any of the traffic was coming from the neighborhood; they assumed all was coming from externally. An extensive traffic study was done of the neighborhood. The amount of daily traffic on 50<sup>th</sup> Avenue is within normal fluctuation. They feel the traffic is being adequately addressed.

Parking was the next concern Mr. Vandehey addressed. He said from their perspective there is more than adequate parking for the day-to-day use. For large events, staff has been asked for a parking management plan; this will be done.

Mr. Zupancic introduced Janet Otten, landscape architect. Ms. Otten stated that an on-site study was done and that an arborist had been consulted. She feels they have come up with the best buffer plan possible which incorporates existing plants and trees and then adding to the existing.

Mr. Zupancic said he recognizes this is a change and that they have gone to great lengths to address concerns.

***5 minute break taken at 9:25 p.m.***

Mr. Harper addressed questions and concerns raised by citizens. The issue Ms. Sepp brought up regarding required parking setbacks – in the RL planning district the minimum setback to an adjacent property line is 10-feet, as Ms. Sepp has stated. The impact on the sewer system was questions. Mr. Harper stated he had no answer other than this will be addressed specifically in the AR process and during permitting.

Trips per day was questioned; it is estimated at 1,010 trips per day. For single family, the trip numbers are addressed in the staff report. The issue of stacking multiple conditional use permits had been raised (one for the private club; one for the additional building height). The TDC does allow the one application to deal with different issues.

Mr. Rasmussen had a drawing that was passed out during his comments. The Kozlowski property (15 acres) had a partition (3 home lots) in the past. This partition was never platted and no additional homes ever built.

Mr. Harper said that staff has assisted Ms. Wrahtz and neighbors with the Neighborhood Association application process. This began last year and that application has not yet come in.

There was a question regarding maximum capacity of the facility. This would be best handled by the consultant; that information has not yet been provided and would most likely be looked at during the AR process.

There were several comments that the parking looks inadequate. Parking will be assessed during the AR review. The standards for health facilities/clubs are: one space per 1,000 square feet; approximately 93 parking spaces for this facility. It is not required to consider the pool or outdoor courts; this would push it closer to 130 spaces. All this is looked at in the AR review and could be altered at that time. The issue was brought up regarding setbacks due to additional building height – the part of the building that would be greater than 35-feet is the clubhouse, the parapet wall. The building height is not above allowed for the building closest to the east property line (35' or less, so does not have to meet the 1.5 times setback).

There would be great oversight required of storage of any chemicals on-site (chlorine) as part of development process.

Mayor Pro tem Barhyte stated that the record will be held open for 7 days (until 5:00 p.m. next Monday, May 4, 2009); the hearing will be continued to May 26, 2009. Council deliberation will take place on May 26.

**COUNCIL QUESTIONS**

Councilor Beikman reiterated that if the use is granted for the club, it will stay that use forever. Use granting is to the property. Same use – even with different owner; same use – private club – type of club stay the same.

The question was raised if the City could legally require the facility to have 2009 LEED certification. Mr. Rux said no, he didn't believe so and our code does not require that.

Councilor Maddux asked if there could be conditions on limits of attendance. The parking management plan states shall / may - no requirements on limits for attendance maximum at this time.

Councilor Davis asked about ownership/stewardship for the wetlands. Will Mr. Zupancic keep and maintain? Mr. Zupancic said a letter was received from Clean Water Services stating they would take over "maintenance" of the wetlands and will hold Zupancic Group responsible.

Councilor Truax asked how flooding on Nyberg Lane would be dealt with. In the past a portion or all of Nyberg Lane can flood. If it does flood, access to the facility could be hindered partially or completely. If this happens, there is potential to funnel traffic through neighborhoods. If flooding occurs, would outdoor pool and/or outdoor tennis courts be under water. Mr. Zupancic assured him they are extremely interested in the flooding. The east portion of the site is in the 100-year floodplain. It must be a balanced cut and fill. Flood elevation is 122.25-feet; the street is currently approximately 112-feet. The clubhouse is at 124-feet; building codes require that buildings be a minimum of 1-foot above flood level. Tennis courts are essentially a parking lot with a special coating. The building is designed to open the tall doors and flood waters can come in and go out, and cleanup is relatively quick.

Ray Yancey, architect, stated that the metal building portion where the indoor tennis courts are located is below the allowed height, the activity center will also be under the 35-foot height, as it is built into the grade. The building that will be in the floodplain will be "flood resistant" – concrete and sheet metal. It would just have to be power washed to be cleaned up. The electrical/mechanical will all be in the ceiling area.

Mayor Pro tem Barhyte asked how the pond would be fixed if it is impacted negatively. Mr. Zupancic said they do not believe there will be an impact to Mr. Rasmussen's pond. If there were, it would be mitigated. He said they do not want to have neighbors unhappy because their property is adversely affected. Mr. Zupancic stated that he can pledge that they will be a good neighbor to these folks.

Councilor Truax asked staff how many trips are generated by Willowbrook when it is operating. Paul Hennon, Community Services Director, noted that approximately 300 people participate in Willowbrook, which would generate approximately 600+ trips per day. Councilor Truax reiterated that his big concern is traffic. Willowbrook creates a traffic nightmare on Nyberg Lane. They are allowed to temporarily park on one side of the street. Concerns for evening hours when Willowbrook is using street parking and the projected evening use of the club facility is peaking. Mr. Zupancic commented that they are concerned that Willowbrook participants will want to park in the club parking lot.

Mr. Vandehey asked for clarification of "traffic nightmare". Councilor Truax clarified that so many people attend evening events for Willowbrook, so many cars park on Nyberg Lane (in bike lane), traffic sometimes has to be directed in and out of Browns

Ferry Park. Compared to the impact of over a 1,000 trips per day, he has great concerns of adding to the traffic problems at that time.

Mr. Vandehey said they can gather more traffic information while the record is held open. Discussion continued regarding potential traffic problems during the Willowbrook program. Mr. Vandehey reiterated that the 1,000 trips per day (500 each way) is a conservative estimate ("worst case"); and they can take a closer look at when special events may coincide.

Mayor Pro tem Barhyte asked about connectivity between the facility and the Meridian Park Hospital property. Mr. Zupancic noted there would be a service road on the west side of the property (for pedestrian traffic only).

Councilor Davis asked if outdoor courts are planned for immediate construction or at a later date; Mr. Zupancic said they are planned for now with down-lighting. She asked if there was any possibility of putting employee parking on the back/south side of the property. Mr. Zupancic noted that the service road is in coordination with PGE, as it is a PGE easement.

Mayor Pro tem Barhyte asked how much traffic on Borland Road would come through on 50<sup>th</sup> Avenue and on 57<sup>th</sup> Avenue. Mr. Vandehey stated that 50<sup>th</sup> Avenue traffic would be coming from Borland Road, which comprises approximately 20% of total trips (approximately 200 trips per day will have the potential of using 50<sup>th</sup> Avenue or 57<sup>th</sup> Avenue).

Mayor Pro tem Barhyte then asked about the maximum use of the facility. The "driver" for use is marketing. They can say there will be a limited membership, in that, if you can't get court time you won't be a member. Mr. Zupancic noted that a rough estimate from other clubs is that approximately 80-90 members per court. The intent is to stay very sensitive to member needs and neighborhood needs.

Councilor Truax asked about potable water use. It was stated that no study was done, as yet. As sustainable building techniques will be used, storm water runoff is intended to be used for landscape irrigation.

#### COUNCIL DISCUSSION

None.

Mayor Pro tem Barhyte continued the hearing to May 26, 2009; record open until 5:00 p.m., Monday, May 4, 2009. Bring materials to the office.

#### **H. ITEMS REMOVED FROM CONSENT AGENDA**

*Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.*

#### **I. COMMUNICATIONS FROM COUNCILORS**

None.

**J. EXECUTIVE SESSION**

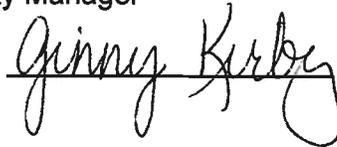
None.

**K. ADJOURNMENT**

The meeting adjourned at 10:20 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

A handwritten signature in cursive script that reads "Ginny Kirby". The signature is written over a horizontal line that is part of the "Recording Secretary" label.