

**Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon**

**Development Review Board – Panel A
Minutes–September 11, 2017 6:30 PM**

<p>Approved December 11, 2017</p>
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I. Call to Order

Chair Heberlein called the meeting to order at 6:30 p.m.

II. Chairman’s Remarks

The Conduct of Hearing and Statement of Public Notice were read into the record.

III. Roll Call

Present for roll call were: Ronald Heberlein, James Frinell, Fred Ruby, Joann Linville, and Jennifer Willard.

Staff present: Barbara Jacobson, Daniel Pauly, Jennifer Scola, Steve Adams and Chris Neamtzu

IV. Citizens’ Input

This is an opportunity for visitors to address the Development Review Board (DRB) on items not on the agenda. There were no comments.

V. Consent Agenda:

A. Approval of minutes of the July 10, 2017 meeting

Fred Ruby moved to approve the July 10, 2017 meeting minutes as presented. Joann Linville seconded the motion, which passed unanimously.

VI. Public Hearing:

A. Resolution No. 337. Villebois Regional Parks 7 & 8: Polygon Northwest – Applicant. The applicant is requesting approval of a Final Development Plan with Preliminary Development Plan Refinements and Type C Tree Plan for Regional Parks No. 7 and 8. The properties are located on the eastern edge of Villebois on Tax Lots 102, 192 and 200 of Section 15 and Tax Lots 13300, 13390, 13400, 15100, 29200 and 29290 of Section 15A, T3S, R1W, Clackamas County, Oregon. Staff: Daniel Pauly

Case File:	DB17-0011	Final Development Plan and Preliminary Development Plan Refinements
	DB17-0020	Type C Tree Plan

This item was continued to this date and time certain at the July 10, 2017 DRB Panel A meeting

Chair Heberlein called the public hearing to order at 6:35 pm and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Barbara Jacobson, City Attorney, reminded the Board, Staff, and the public that this was a continuation of the hearing that took place at the last DRB Panel A meeting, so everything that was entered into the record at that meeting had been incorporated into tonight's record.

Daniel Pauly, Senior Planner, announced that the criteria applicable to the application were stated on Page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Pauly presented the Staff report via PowerPoint, noting that his presentation would focus on the adopted policy and regulations that the Board was weighing the proposal against and where the City was in what had been an iterative process for park design in Villebois. The big question at the end of the last hearing was what changes could be made to what had been previously approved and adopted.

- The design and programming of the park was driven by the Villebois Master Plan, which was a legal component of the City's Comprehensive Plan. Having been adopted by ordinance, the Master Plan had the same legal status as any adopted policy or code. Therefore, the Board was looking at what the Development Code and Village Master Plan stated. The Villebois Master Plan section that covered parks included maps and diagrams, a table that listed all of the different park amenities, as well as text specific to many parks, including the ones being reviewed tonight. When designing the proposed parks, the design team, City Staff, and Parks Board were focused on compliance with the Master Plan. Any movement from the Master Plan was called a refinement, which was described in detail in the City's Development Code.
 - The Master Plan, including its park requirements, was carried forward into the Specific Area Plan (SAP) and subsequently into the Preliminary Development Plan (PDP), which was a subdivision-level approval. (Slide 3)
 - He noted there were some revisions to the parks in the PDP as a couple of wetlands had not been mapped originally, so some areas were removed from the park that would have otherwise been programmed to something else.
- Tonight, the Final Development Plan (FDP) was being reviewed. With regard to what could be changed or refined for FDP approval, the Code stated, "Changes to the nature or location of the park type, trails or open space that do not significantly reduce function, usability, connectivity, or overall distribution, or availability of these uses in the PDP, or Preliminary Development Plan."
 - "Significantly reduce" was the key language, and the Code broke down "significantly" in two ways. (Slide 5) Quantifiable significance was limited to a 10 percent reduction in four quantifiable matters, including the number of major amenities and specific

dimensions for major amenities, such as the play field that would be discussed tonight. Qualitative significance was more about conformance with the policies laid out in the Master Plan, such as connectivity, diversity, and sustainability, which were also reflected in the goals, policies, and implementation measures of the Master Plan. The question was whether the refinement met the spirit that was intended.

- The Code did not talk about significant change but rather, reduction. The refinement test focused on reducing any of the planned parks and amenities, which provided flexibility to expand or add parks and amenities as long as other components of the Master Plan were not affected
- The proposed refinements for Regional Park 7, the component northwest of Villebois Dr, had no reductions of any of the amenities in the Master Plan. However, there was an addition of a creative play area, entry plaza, and habitat amenities. The changes in design for Regional Park 7 were in conformance with the Refinement Code and Criteria.
 - The reduction in the lawn play area from 14,000 sq ft to 6,000 sq ft was from the previous proposal. The Master Plan actually called for 6,000 sq ft. Previously, more than was required by Code had been proposed, but the amount was being rolled back to what was called for in the Master Plan, leaving the remaining 8,000 sq ft as a meadow or a natural area.
- Regional Park 8 extended from the east side of Villebois Dr clear to Barber St along the Coffee Lake Natural Area. The main reductions were fewer drinking fountains, benches, and tables. Historically, when considering reductions, major amenities like play fields, play structures, and courts were the focus; so, there was more flexibility when minor, supportive items were reduced because they supported major features. For example, the half-court basketball court would be next to the play field, so one drinking fountain could be shared. Some preliminary designs had those major features separated, so having two separate drinking fountains made sense.
 - The reduction of tables and benches were minor, such as the reduction from 27 to 26 benches. These reductions were all within the Code allowance and made sense considering the iterative design and layout of the park.
 - As originally described in the Master Plan, the play field was to be 100 yards by 50 yards, or 45,000 sq ft. The Applicant proposed reducing the play field by 10 percent to 40,500 sq ft with rounded edges so it would flow better with the natural surroundings while still providing the amenity called for in the Master Plan.
 - Proposed refinements that resulted in equal exchanges from the Master Plan included:
 - Installing a permanent restroom in conjunction with the proposed parks maintenance facility instead of the screening area for port-o-potties called for in the Master Plan at the north end near the play field.
 - Exchanging one child play structure for creative play.
 - Because the total number of significant features remained the same, the proposed exchanges were in conformance and recommended for approval.
- Additions to Regional Park 8 included off-street parking and a parks maintenance building. An implementation measure in the Master Plan called for the assessment of parking needs, and the Applicant was able to fit in some parking along Villebois Dr, which was consistent with the Master Plan. Many parks required maintenance, and it

made sense to add a facility in an area of the proposed Regional Park 8 that would enable the Parks Department to maintain the area's parks over the years.

- He entered the following exhibits into the record:
 - Exhibit A5: Planning Division Memorandum dated September 11, 2017 detailing amendments to findings in the Staff report that reflected the change in the play field.
 - Exhibit B3: Memorandum and exhibits from the Applicant dated September 8, 2017 detailing neighborhood meeting results.
 - Exhibit D4: E-mail from Carol Hill dated September 11, 2017 expressing opposition to the project.
- Staff also recommended adding Condition of Approval PDA 5.

Chair Heberlein asked if there was a specific percentage threshold to consider regarding the reduction of the play field.

Mr. Pauly answered the refinement criteria for the quantifiable significance was defined as 10 percent in Section 4.125, Subsection 18 of the Development Code.

Ms. Willard noted that Section 4.140 of the Development Code had made numerous references to adherence to the Comprehensive Plan, and no references to adherence to a master plan. She asked Mr. Pauly for an explanation.

Mr. Pauly clarified that master plans were adopted as subcomponents of the Comprehensive Plan and there were a number of them.

Ms. Willard said the Master Plan for Villebois, specifically, had several elements that she believed enabled more flexibility in how this was applied.

Mr. Pauly replied this was an iterative process by its nature. Subsection 18 defined specifically the extent of the flexibility available at a SAP approval, a Preliminary Development Plan approval, or a FDP approval and specifically stated other changes had to go back through the same process as the original approval. There was specific language that provided clarity on applying the Villebois Master Plan and all of the regulations around it.

Ms. Willard noted Page 5 of the Master Plan specifically said, "the comprehensive parks and rec system that grows with the community" She believed that the Board had heard from the community that the community's growth was inconsistent with the Master Plan. She understood the Master Plan would have to be updated accordingly.

Mr. Pauly replied that was correct, adding the Code defined flexibility, which had been provided over the years. For example, the Master Plan called for a sports court in one park that was changed into a pickle ball court. While there was flexibility in the number of major amenities, it would not make sense, in the scheme of the regulations, to go back and do whatever they wanted at the last step. For the proposed Regional Park 8, they were at the very

last step of an iterative process which had a lot of involvement and careful consideration over the years.

Fred Ruby stated that one issue discussed in July was that when the Master Plan was adopted, the elementary school playing field was not slated to be located in this neighborhood. He asked if that was a supervening event that would provide some leeway or opportunity to have more flexibility in that it satisfied that component of the Master Plan.

Mr. Pauly replied that because the issue was raised in July, Staff had researched more detail. Most of the park language was adopted in 2006, when the comprehensive park planning was done for Villebois. A revision to the Master Plan was adopted in 2010 to move the elementary school to its present location on the east side. As noted in Staff's memorandum, an interior meeting room was also called for in Regional Park 8, but it was removed in 2010 due to the presence of the school nearby. There was no discussion that the school's sports fields would replace the proposed sports field in Regional Park 8. He believed that because the sports field was intended to be a play field available year-round for a variety of uses, as opposed to a programmed or scheduled sports field, as described in the record. However, the fields at the school would be off limits during the day due to security and programming by the school district, or Willamette United or Little League for their games. In addition to save money, the school district typically did not keep the fields irrigated and maintained for play during the summer when it was not in use by the district or the different leagues partnered with the district. There was clearly a use for the proposed play field at Regional Park 8 that the play field at the nearby school could not substitute. Per his research, it appeared intentional that both the school fields and the proposed play field in Regional Park 8 be kept in the Master Plan.

- He confirmed there would be no nets, striping, or fencing around play field.

Joann Linville asked how a play field or sports field was differentiated from a general open play area.

Mr. Pauly replied that the size, design, drainage, and maintenance that would keep the area available for a longer period, which differentiated the play field from general lawn play. The play field would be graded and have a subgrade for drainage, which would allow it to be playable more often than a general open area. The expanse of a play field was also much larger than a general open play area in Villebois.

Ms. Willard stated that in Chapter 3 of the Villebois Master Plan, Paragraph 12 of the implementation measures assigned responsibility to the developers to participate in planning and implementing wetland naturalization and enhancement, specifically for the Coffee Lake Wetland Complex adjacent to the proposed Regional Park 8. She asked if Mr. Pauly believed the proposed plan conflicted with that paragraph requiring the developer to preserve the wetlands.

Mr. Pauly replied no, because wetlands were not being dealt with here. The wetlands were preserved and, as previously indicated, the general lawn play in the southern portion of Regional Park 8 had been reduced to preserve a wetland that was previously identified. All of

the wetland in the Significant Resource Overlay Zone (SROZ), plus the 50-ft buffer, would not be touched by this proposal, which was outside that buffer. Although all the land adjacent to Coffee Lake Drive was wetland, it was not. The wetland boundary's location had been reviewed by scientists, and this development was being kept out of that area. Historically, there had been comments that Regional Park 7 would be subject to flooding; however, that design issue would be solved by installing a pipe to enable the water to return to the Coffee Lake area, resulting in better drainage for the area than it had today. The Applicant was removing invasive species and adding plants, so from a natural standpoint, the area would be enhanced, especially in the future as Metro moved forward with work on the property it owned. For these reasons, he believed the play field was consistent with the Master Plan.

Mr. Ruby asked if there was an eleventh hour effort to use the area for something other than the play field, sports courts, or active use element that quite a few citizens seemed to object to, did simply changing the character of the use of the park land violate the terms of the Master Plan. Was it written in stone that the park land had to be a playing field and basketball court, as opposed to a nature park, for example? Was there any kind of expedited process to simply change the character of use that would not completely upset the apple cart?

Mr. Pauly replied that the parks portion of the Master Plan was pretty detailed in its goal of a variety of active and passive uses by defining where those would be located. Particularly in the case of Regional Park 8, a 100-yd by 50-yd play field was written in the text, as well as in the table. There was no way around the play field without changing the Master Plan. The Applicant had proposed to reduce it to the extent that they could under the Master Plan. It had been designed to minimize formal use. It said soccer field, but there would not be any goals or lines. The Applicant had tried to make the play field fit within that notion of nature to the extent that they could, while still being true to the Master Plan, which was the Code the Applicant was required to comply with.

Mr. Ruby asked if the Board could simply deny the application on the grounds it believed the Master Plan should be modified.

Mr. Pauly replied no, because the responsibility of the Board was to apply the Code as it was today, which included the Master Plan.

Chair Heberlein asked if it would be the Applicant's responsibility to apply to change the Master Plan if that was desired by the Applicant.

Mr. Pauly replied if the Applicant or any other party desired to change the Master Plan, they could apply to do so, or City Council could elect to move forward with a change to the Master Plan. The City had that process. That said, because the Master Plan was adopted by ordinance, even if it were to change next week, by state law, the Board was obligated to review the proposal based on the ordinance in effect at the time of application.

Ms. Willard stated she did not agree with the City's interpretation of the adherence to the Master Plan. She believed the Master Plan did allow for flexibility, specifically Policy 9, which stated, "Parks and recreation spaces shall provide for flexibility over time to allow for adaptation of the future community's park, recreation, and open space needs." She believed that applied to the changes being discussed for proposed Regional Park 8 and did not believe it required a deviation from the Master Plan. She did not think the City had adequately provided a compelling argument for why it would require a deviation from the Master Plan, as she believed it was within the bounds and the vision spelled out in the Master Plan.

Mr. Pauly said he appreciated the point, noting it regarded how master plans and code interacted on a broader level. The Comprehensive Plan included a lot of broad statements about flexibility and design that could be interpreted a variety of ways. As a part of implementing the Comprehensive Plan, codes were adopted into the Development Code that provided clarity for these sorts of scenarios. Staff's point and recommendation was that the refinement process, as defined in Section 4.125, provided a level of flexibility at various iterations. There was an opportunity for review at the SAP, PDP, and FDP levels. The Code that gave that flexibility, specifically through the refinement process, was the implementation of what Ms. Willard was talking about. Because the Code implemented those policies in a more detailed manner, Staff did not write findings on every one of those policies.

Ms. Willard did not believe the Board, developers, and community should have been able to leave the July meeting with the impression that Regional Park 8 could materially change since they were now being told it could not. Everyone should have been told then, because this was very unsatisfying.

Mr. Pauly explained that immediately after the July meeting, Staff reviewed the record in more detail to see what could change. Some statements had been made that should have been corrected immediately in July, but Staff had gathered that information as quickly as possible, disseminated it to the design team, as well as the DRB, so they could be aware of what could change. The design team met five times with the neighborhood, so they were also able to get that message.

Ms. Willard replied that they were told Bucket 1, which was substantial deviation, was not allowed, and they did not even entertain it; therefore, she did not believe that qualified as allowing the community to give their input. At the July meeting, one item that was not in the Master Plan, but an acknowledged addition, was the parking lot, and the parking lot remained. She asked if any dialogue regarding the parking lot had even been entertained.

Mr. Pauly replied the Applicant could talk more about the parking lot and the discussion they had with the neighbors about the parking lot. During a more thorough review, Staff did find some specific language buried in the Master Plan that addressed the parking lot. He confirmed Ms. Willard had already read that language.

Mr. Ruby asked if the Board disagreed with the City's interpretation of the status of proposed Regional Park 8 and voted no, what the consequence would be procedurally.

Mr. Pauly responded that following the DRB's decision, the application would go to the City Council in one of two ways. The City Council could, by a motion of the majority, call it up if Council disagreed with the Board's decision. Or, depending on who disagreed, any interested party or the Applicant could appeal the DRB's decision to City Council.

Ms. Jacobson asked Mr. Ruby if that answered his question.

Mr. Ruby replied sort of, adding something needed to be done with the property. He asked if the Board voted not to approve it due to a disagreement with the City's interpretation of the Master Plan, Code, or based on persuasive testimony, what would happen next. Would the application automatically go up to Council for review?

Mr. Pauly responded that if it was not appealed or called up, a denial Code prohibited the Applicant from resubmitting a similar application for a period of time. At that point, the Applicant would either submit something completely different or wait out the time period and resubmit in a couple of years. In the meantime, the land would sit as is.

Ms. Jacobson clarified there was a requirement for a park to be built in this area, so hopefully, it would be worked out, although it could take some time.

Mr. Ruby asked if it would slow Polygon's construction of its houses.

Mr. Pauly replied Staff would have to review it, as he did not know the details of the Development Agreement. As mentioned at the last meeting, there was a development agreement about cost and that the development of parks was tied to the development of homes.

Chair Heberlein called for the Applicant's testimony.

Pam Verdadero, Polygon Homes, stated that back in July, Polygon agreed they needed to step back and meet with its customers that had expressed concerns about Regional Park 8, as well as not having the appropriate expectations set by Polygon. They had met with the group on several occasions and spent many hours together to address their issues and concerns. They discussed different elements of the park the customers wanted clarity on, areas that could be changed within the refinement, as well as items they agreed to disagree on. Polygon learned there was a strong will to come up with a positive outcome, and they appreciated the time, effort, and commitment from the group because they knew it took a lot of personal sacrifice to meet with Polygon. They had worked within the Refinement Plan and came up with what could and could not be changed. Some things fell in between, and Jim Lange with Pacific Community Design was present to address those items.

Jim Lange, Pacific Community Design, 12564 SW Main St., Tigard, OR, explained he had been involved in the project since 2001, had participated in the preparation of the original Master Plan, and also participated in the update to the Parks Master Plan in 2006, which was specifically requested by City Council. The 2006 Parks Master Plan became much more prescriptive and detailed compared to the parks plan in place previously. While the school's location had changed, the framework for the park plan was held very consistent between those changes and the changes Mr. Pauly described regarding the interpretive center and how that did or did not relate whether the school was there or not.

- After the hearing, the Applicant spent five meetings talking with a couple of different groups of people. He first attended the August 15th meeting, at which point they had gotten the issues on the table and tried to create a productive path for discussions about what could and could not be done and see if any recommendations could be found. He characterized the issues into four buckets.
 - Bucket 1 included things that went beyond a refinement. In its developments, Polygon was conditioned to build Regional Park 8 and obliged to bring the Board an application consistent with all other prior land use decisions or request a parks change.
 - The Applicant figured there would be items about which they would have to agree to disagree. That was a part of the process. Everyone was not going to agree on everything, so the Applicant knew there would be a second bucket of those items.
 - The Applicant hoped there would be a third bucket of items that could be done under a refinement that would enhance, not degrade, the park. The fourth bucket was things that were misunderstood and needed to be clarified because, in fact, the Applicant was doing some of the things that were desired.
 - The August 15th meeting ended with a plan to facilitate the next meeting, which the residents did a fantastic job facilitating themselves. The residents and the Applicant discussed the issues, lined up Post-It notes to try to determine if there was any obvious weighting of opinions, and came away with some issues that needed to be looked at in more detail. The Applicant spent a week on those items and had a meeting on August 31st to address them. One more was issue raised that affected two people specifically, so another meeting was held on September 6th to cover that last item.
 - In Bucket 1, the Applicant understood some people would not like an active park built, but the Applicant had to support the Master Plan, which was the plan before the Board.
 - Bucket 2 included items the Applicant and residents had agreed to disagree on. Residents wanted to remove lighting from the restroom, put a green roof on it, hide it with screening, move it as far away as possible, and make it for residents only.
 - Because adequate lighting was a safety issue, the Applicant did not agree with eliminating it. After speaking with Staff, it was determined the living roof was cost-prohibitive and problematic, but later, the Applicant came up with an alternate. There was a limit as to how far the restroom could be moved due to floodplain issues. The Applicant believed the restroom was there to support that gathering space and needed to be in close proximity.
 - The Master Plan originally had diagonal on-street parking, which was eliminated due to safety concerns as that parking was in the public right-of-way. The Applicant

considered how parking could be moved around. Currently, the proposed parking spaces were already into the floodplain, which pushed the limit. The parking lot was to support the active node of the park. If moved, its value for that purpose would be diminished. If eliminated, people would park where there was space, which would be on the other side of the road. The Applicant had to find a balance of trying to provide enough parking for the anticipated use, which was ad hoc usage, not organized sports games. The Applicant expected some people would drive there to utilize the trail, particularly in the future as it was extended as an element of a regional trail.

- The next item was the nature and size of the gazebo. The proposed gazebo spanned 32-ft, but there was room to interpret it as a refinement and make it smaller, but the Applicant felt it was the right size for the space. The living roof was addressed in another bucket.
- Overlook 39 was a little node adjacent to the trail that provided a seating area and was meant for people on the trail. It had been placed there because the Applicant wanted people to have something interesting to look at; it had a good view of the wetland; and was a good spot to people-watch. It did not encourage organized soccer or other sports activities, which the Applicant knew some residents did not want. The Applicant felt there was a disconnect there and believed the benefit to the trail outweighed the possibility that it might trigger unwanted activity. It was also important to have eyes on a park, as the more people could see into it, the less likely undesirable activities would take place. People would feel safer and therefore utilize the full parts of the park.
- There was physical space to put in a basketball court at Barber and Coffee Lake Dr. There were two trees there designated to be preserved that formed a natural limit as to how far north it could go. There was also a grade drop-off from the road down, so to get the basketball court up to the trail grade, the Applicant would have to fill the north corner and build a retaining wall around it. The court would have to stick up into the air a little bit, which would require a perimeter fence, but it was physically possible. The biggest issue the Applicant had with the basketball court was proximity. It was a really long stretch in there. The Applicant supported the idea of putting it closer to other amenities like the restroom so people would not use the bushes. Residents did not agree, so both parties agreed to disagree.
- Bucket 3 included things the Applicant could do. The play field was minimized with rounded edges, as noted by Staff, and shifted as far east as possible, while still preserving a buffer between the trail and the field to eliminate collisions. The Applicant also made the retaining wall a little more curvy, so it would look more natural.
 - The Applicant suggested moving the garbage enclosure from the upper side to the other side to move it away from the residents, who agreed. The move made no difference for the trash hauler.
 - The majority of time spent during the fourth and fifth meetings was on Regional Park 7. The goal was to minimize the play area, make it more natural, preserve the view sheds, and get rid of the storm drain pipe.

- The residents valued the views in all the directions, but during discussion, the Applicant learned people were comfortable with planting some trees, which were shown as red blobs. Rather than having the trees shown in the background of the exhibit, the Applicant proposed planting trees in clusters to help add some of the planting palette necessary to support the habitat, but not block the entire view.
- The Applicant also proposed replacing some formal, mowed, irrigated grass, shown with green hatched marks, with natural grass meadow plantings that might only be mowed once a year for fire prevention.
- He indicated the location of a catch basin, which had nothing behind it to allow the lower area to drain into it; instead water pooled up and ran into the street. The Applicant proposed replacing the originally proposed storm drain pipe with a bioswale that would wind its way through the area and include water-tolerant sedge and rush-type plantings. The area would slightly depressed so as to be lower than the surrounding meadow and install three footbridges, approximately 5- ft wide and 10-ft long, over it to connect to the paths.
- He indicated a segment of trail that would make more sense as a soft, bark chip trail, as opposed to concrete, because it would blend better with the natural wetland, grassy setting of the area. This change had not been incorporated into the Applicant's recommendation.
- Based on resident feedback, the Applicant proposed changing the color of the gazebo to Coastal Khaki to make it less visible. He displayed the color palette options viewed by the residents.
- Bucket 4 addressed misunderstood or items needing clarified. The Applicant already proposed no goals, lights, bleachers, benches or lines on the field. And, there were trees along Coffee Lake Dr.
 - He apologized for conveying to residents that the trail lighting was waist-high, bollard type lighting. While it was pedestrian-scale lighting, the dark sky fixtures were actually about 12-ft high and controlled with a dimmer/motion sensor, so they would not be glaring or bright all night long. The light fixtures would be the same as those seen in other regional parks.
 - The restrooms would be single-stall and he displayed the siding proposed for the trash enclosure.
- In the Applicant's memo, the Applicant tried to condense the requests in the application into Condition PDA 5. The exhibits used in the meetings with the neighbors were attached as a way to reinforce the message. The Applicant requested that the Board condition the application with those conditions so the changes could be incorporated in the design plan.

Ms. Willard believed the Applicant had done the best job possible designing the proposed park and fitting all of the elements into such a small space. However, she was worried because communication takes a giver and a receiver, and she felt like the Applicant was telling the neighbors, but she did not know if the Applicant or the City was listening to the response. She noted in Code Section 4.196, Paragraph G.5 allowed for variances for things built in the floodplain. She noted that basketball court and a considerable amount of the play field were

located within the floodplain and asked if the Applicant ever considered seeking a variance under Section 4.196, Paragraph G.5(c) for amenities built within same.

Trashcan or restroom enclosure slide displayed

Mr. Lange asked what goal that would accomplish.

Ms. Willard read the following excerpt from the Code, "...increased in threats to public safety, increased flood heights..." she noted the hard surfaces could make floods events worse, "...extraordinary public expense, create nuisances, or conflict with other laws and ordinances." She believed the paragraph that discussed creating nuisances, increasing public safety, or additional flood heights provided an avenue to seek a waiver or variance.

Mr. Lange confirmed Ms. Willard was asking if the Applicant considered using that provision to eliminate or remove those particular facilities and replied, no, they did not. He knew for a fact that when the Master Plan was done, those lines were known and the balancing of that was accepted at the time. People in a 100-year storm were not going to be out playing basketball or Frisbee. That accepted balancing of space and risk was met a long time ago.

Chair Heberlein noted the reduction of the main play area to 40,500 sq ft and asked if breaking the space up into two smaller spaces had been discussed.

Mr. Lange replied yes, and the Applicant communicated with the residents group that they needed to stay within the scope of a refinement. Cutting a play field in half changed the nature of what could be done there. The Applicant believed that was beyond the scope of a refinement as it would no longer be an active play field, but rather two grass areas. He confirmed the Master Plan defined what an active play field was versus just a grassy lawn.

Ms. Willard asked if there was a list of items that fell into Bucket 1.

Mr. Lange replied that the memo sent to the City included an attachment labeled Exhibit C, which was a copy of all the paper from the meetings with residents. The Applicant was provided a list that was a couple of pages long before the August 15th meeting that came from a session the group had outside of the Applicant's involvement. That list was the closest thing to getting everything in writing. In the Applicant's meeting, their goal was to end with nothing in Bucket 1, because the Applicant was obliged to support the Master Plan.

Ms. Willard stated that was the part of the listening she was getting at.

Mr. Lange responded it was a tough spot. Having participated in the Master Plan, there had been a lot of discussion. In fact, the parks plan that was in place was called up by City Council after parks had already been started, and an 18-month period was taken to review each park and each element in an exhaustive process. He understood the clear intent at the time.

Ms. Willard stated perhaps her question was for the City because toward the end of the Villebois Master Plan, possibly in Paragraph 23, it allowed review of a basketball court a year after it was built to see how it was being used and to reconsider it as part of the Master Plan.

Mr. Pauly confirmed Regional Park 2, Palermo Park, had been build prior to 2006. Some neighbors had complained about the noise, which was what he understood that language referred to.

Ms. Willard noted it was already built and the patterns, noise, and other issues were being taken into consideration. This park was not built yet, and the patterns, the noise, and other issues were not being considered.

Mr. Pauly replied Staff was taking into consideration what had been learned from Regional Park 2. He believed the neighbors ultimately ended up being happy with the basketball court.

Mr. Lange added there was a second component. The basketball court was located down low in what functioned as a detention basin in higher storms. It was new territory that worked out quite well because, when it was raining hard, people were not playing basketball.

Ms. Linville said she had not been at the five meetings and was trying to understand the Applicant's feeling of needing to function within the Master Plan. Looking at the list of comments the Applicant provided in the exhibit and the Buckets, she wondered how much of what happened in the meetings was actually because residents felt they had an issue with Polygon versus an issue with the park.

Ms. Verdadero replied that was a good question and she was glad the issue was raised. She tried not to ignore that fact when she first came up to speak. It was a grievance in those meetings, and she tried to encourage discussions with Polygon separate from the meaning of the meeting and subsequent meetings, which was to listen to the input and the things the residents wanted to see in the park if it went through. Once attention was called to that, it made the meetings more productive. However, she was sure an issue still existed. Some of the residents were definitely under the impression that nothing would be constructed there because of the expectation set by Polygon.

Chair Heberlein called for public testimony in favor, opposed, and neutral to the application. Because of the number of requests for testimony, each person was limited to three minutes.

Royden Saffores, 28457 Coffee Lake Dr, Wilsonville, OR, stated he had attended all meetings except for the last one concerning Regional Park 7, noting his concern was with Regional Park 8. The meetings were very contentious at the beginning. The residents were given no flexibility except for the refinement. He had communicated with Mr. Pauly, who quoted Development Code Section 4.125.18. Mr. Saffores had also read the Code and believed two other paragraphs provided more flexibility than just the one paragraph and that there was a way to make this change.

- He represented about 25 families and almost everyone went to all the meetings. Their goal was to stop the park completely. Their issue with Polygon was completely separate. They had expected the park to be a natural preserve, which they still wanted.

He read Development Code 2015, Section 4.171 Purpose, stating, “General regulation protection of natural features and other resources. The purpose of this Section is: To prescribe standards and procedures for the use and development of land to assure the protection of valued natural features”, which was what he saw across from where he lived. He continued, “To protect the natural environmental and scenic features of the City of Wilsonville; “To protect and enhance natural features, such as riparian corridors,” noting that even though the area was maybe not a wetland, it was part of a riparian corridor. He continued, “...streams, wetlands, swales, ridges, rock outcroppings, views, large trees, and wooded areas; To provide ample open space to create a constructed environment, capable and harmonious with the natural environment.” He noted the Section contained more, but he only had three minutes. He emphasized that in the original Concept Plan, the area was supposed to be for passive recreation opportunities like walking, hiking, biking, and viewing.

- The other parks were in the interior of Villebois and had athletic fields, pickle-ball and volleyball courts, etc. This park was on the outside, and he believed it would be more appropriate if it were like Graham Oaks Nature Park. He observed families with small children and babies often walking past his home, appreciating the beautiful natural area and habitat. A basketball court and the lawn area were not natural characteristics. The lawn had to be mowed, maintained, and fertilized with fertilizer that would go into the wetlands. This was not consistent with the idea that Wilsonville wanted to preserve natural areas.
- He said he had more to say but he only had three minutes.

Alex Pearson, 10265 SW Barber St, Wilsonville, OR, stated he was part of the Lennar property at the southern end of Regional Park 8, so he was not consulted nor included in any of the meetings. When he purchased his home he, like many homeowners in the HOA, knew a Master Plan was in place and expected that regional parks would be built. Although not consulted in this process, the proposed application development did affect the Lennar neighborhood. The tail of the Regional Park 8 came down Coffee Lake Dr right next to their homes. They were not at the last meeting. Their expectation was that there had been this process of a bit of refinement, which was discussed a lot. The Master Plan and preliminary plans had been approved.

- In April, Polygon presented some tentative plans to the HOA as part of a separate issue. They saw what was planned to be built there, and they saw the subject proposal as a refinement. The changes that have been proposed were very good and he was glad feedback from the community was being incorporated. To say no parks should be there was a disservice to other residents of Villebois who moved in and had expectations built on the Master Plan that had been in place a long time. He confirmed he was in support of the parks as designed.

Nik Stice, 28461 Coffee Lake Dr, Wilsonville, OR, stated his address was center to the proposed field. At the last DRB meeting, the Board decided to stay the decision to allow the Applicant to gather feedback from the residents affected by the proposed plan, primarily on the

weight of what he submitted, which was that Polygon did not list a proposed park in front of his house, and some of the neighbors were surprised by the proposal.

- He learned from this process that the group they had met with had designed the drawings, according to Polygon. The neighbors had been tasked to meet with a private firm, who messed up the process, but had been in the process for 13 years, to gather their feedback. The neighbors came to realize there was a fairly hard-nosed, decision-making process and the Applicant said they were going to put off the entire list of what the residents did not want to see, which was why those items were not listed in Bucket 1.
 - He had facilitated that process as well as the August 15th process where feedback was gathered because they could not do it successfully. The August 15th meeting had no agenda or formal planning process. The Applicant just received cannon fire from the neighbors out of their frustration. The DRB's request for the Applicant to receive feedback from the neighbors was entirely residential-driven, which was why the other group of people was not included in the process because he did not know how to contact them.
- He believed a significant misinterpretation existed of what the Master Plan allowed. The 10 percent was disheartening to say the least. The idea that they could not change the nature and characteristics of a grass seed and concrete basketball court and call it a different use of active play area was ridiculous in his opinion.
- He believed it fell in line with the Tonquin Trail Master Plan, which was proposed in 2013. He believed they would be remiss in saying that if Polygon was not utilized as a strategic partner in helping meet the financial requirements for developing the Tonquin Master Trail and taking a look at it further. It was not really for residential use, revenue could not be generated from it, and they had not provided a budget of ongoing maintenance and cost. He suggested stopping the process and reevaluating this; maybe a different use of space would fit with the 2013 Tonquin Master Plan.

Ms. Willard stated she was glad Mr. Stice shared how the meetings had gone. She was hoping to get some collaborative discussion going about Bucket 1, so to see it blank was concerning.

Mr. Ruby asked if Mr. Stice agreed that the area should be like Graham Oaks Nature Park.

Mr. Stice replied that was the majority consensus; that an active use, natural use, riparian zone that was not necessarily mowed grass seed would be a preferred use and an added value in the residents' opinion. The other half of Regional Park 8 was active, integrated, and involved in the landscape and the natural uses of the space, yet the residents' side was a field, a gazebo as big as tonight's meeting room, a parking lot, and a basketball court. It was a juxtaposition of where it was located. He believed they would look back and say the park was a nice use of space, and the Applicant was proposing it based on what a good park looked like, but did that align with the Tonquin Trail Master Plan in utilizing the natural spaces and highlighting the unique, natural key features of the area? He did not believe so. He believed they would think an opportunity had been missed to utilize and leverage Polygon to help the community achieve two goals, financially as well.

Adam Reiner, 28441 SW Coffee Lake Dr, Wilsonville, OR, stated his house was second from the edge of the corner. He was a mechanical engineer who was used to working with very detailed expectations and very clearly trying to find those requirements could be difficult. When a project was worked on over a long period of time, a person could get to a point where the expectations were clear to them, but sometimes a different source needed to provide clarity in defining the requirements. He believed the proposal needed to go to City Council; it needed to change. He appreciated the meetings he attended and the time taken to work with the residents to understand the requirements, but the understanding of those requirements needed to be fully clarified, and it needed to be very clear from the City Council.

Jamie Campbell, 28441 SW Coffee Lake Dr, Wilsonville, OR, stated she was married to Mr. Reiner and their house was right where the bathrooms, gazebo, and sport fields would be located, so the view would be ugly.

- She had lived in Wilsonville for 30 years and enjoyed all of the outdoor activities Oregon had to offer. She noted that Oregon was on fire and so she believed as much of Oregon's wildlife should be preserved as possible because so much had been destroyed. No one knew how much would be left in the next 10 to 20 years. An opportunity existed to save the natural wetland and wildlife in front of their house. Birds, pheasants, redwing blackbirds, robins, Stellar's Jays, and Western Meadowlarks lived there and to replace them with a soccer field or basketball court was sacrilegious.
- She understood work had been done with the planning committee, but they were very hard-nosed, rigid, linear, and set in their ways. They did not seem to want to work or listen to what the residents really wanted. They focused only on what they determined was within their reach of being able to change and still make it a park. They did not understand that none of the residents wanted a park, but rather a natural area without a basketball court, and bathrooms that would draw vagrants and make the neighborhood unsafe. Natural trails provided a safe neighborhood and encouraged wildlife to progress.

Adam Hill, 28329 SW Villebois Dr. N, Wilsonville, OR, stated he utterly disagreed with the Applicant's team. He reiterated that the DRB had an incredible opportunity before them. This was a jewel of Wilsonville and could be something great or something wasted. The residents were asking the Board to do one thing great and good to avoid mediocrity. He was told people in the neighborhood supported and opposed the park, so on Sunday night he decided to ask his neighbors. He had 27 signatures in three hours. The reason it took so long was mostly because most people were unaware of the proposal. He asked that the signatures be entered into the record.

- He read the petition, "We, the citizens of Wilsonville, have signed this petition to ask for more transparency and citizen engagement in the planning process of Parks 7 and 8, stressing the natural importance and financial cost of Parks 7 and 8, we would like the City to hear our voice in this process and hold off on any final decision." Basically, people wanted the area kept natural. Some residents moved in just last week and had no idea of the proposed park. The residents were under duress and did not want the revisions presented to the Board. Of the 27 people who signed the petition, only one said he would like to see a basketball court. The rest wanted the area to stay natural, like Graham Oaks Nature Park.

That was the unified vision in every meeting that was held. Of the 27 people, 25 had no idea what was happening.

James Frinell confirmed with Mr. Pauly that public notice had occurred in the neighborhood for the project prior to the first meeting, which would have included signs indicating there would be a hearing, to which people attended.

Mr. Hill noted that some of the homes were sold after the posting, so some people moved in after the posting. Some residents had been in the neighborhood only three weeks.

Lorna Fisher noted her full address was on the testimony card at the dais. She had basically given up and expected the development to occur, but she had problems with the floodplain issue. She and her husband had once purchased a home that was not supposed to be on a 100-year floodplain, which had been assured by King County in Seattle, but the property flooded every time it rained to the point where they had to be bought out by FEMA because of the construction that was going in. This 100-year flood plain had a great deal of construction going on above it. They were at the water table, and while she knew it would be drained, which was fantastic, it would not change the fact that was where the water level was. Buildings would need to be anchored in place, which told her the developers knew the area would flood. What was the point of having a field that would be marshy, muddy, and miserable most of the year in Oregon? The bathroom would not be accessible because there would be water around it.

- She asked what better buffer zone would exist between the wetlands and homes than one where the animals felt they had some quiet, rather than the sound of basketballs and people yelling and running in the park. A lot of the bird species had already disappeared in the two years since she moved in. One afternoon, she had seen about 12 different species of birds. Now, she only saw two or three species in an afternoon. Some things in the plan were great such as removing invasive species to allow more spaces for birds to nest, but take out the other stuff.
- The DRB had a chance to do something really unique and make a park that was not the same as every other park in Villebois. Many play structures and green spaces already existed and she loved them, but this was a chance to build something unique on the edge of the development, which was already having issues. Building it up would only continue the issues.
- She had gone to Africa with her mom a few years ago and they knew how to deal with wildlife and make things like this park work. They were not putting parks on the edge of the areas where the animals were, but rather allowed the natural habitat to come right up to the buildings because the animals then felt comfortable. Noise, lights, and activity from a park would not be a buffer.

Tricia Weigel, 10318 SW Lisbon St, Wilsonville, OR, stated she had lived in Villebois five years and had two small children. She worked at Lowrie Primary School. Her family was active in the community and loved living in Villebois. She assured that many people at the school and in the neighborhood were in favor of the park. It was difficult for families with small children to get out to meetings like this.

- She noted that people who did not live in a Polygon home were not invited to the Applicant meetings, so the feedback the DRB was hearing was only Polygon, and not from Legend or Lennar residents, as far as she knew from people she had spoken to. She had not heard about the meetings or saw any announcements of the meetings anywhere.
- She was in favor of the proposal. When they had been looking for homes in Wilsonville, they thoughtfully researched where they wanted to live and carefully looked at the Master Plan when they chose their home, which they purposefully bought knowing exactly what would be around it. Part of the reason they chose a home in a neighborhood with small lot sizes was because they had been assured the parks and amenities would be built based on what was laid out in the Master Plan. They had known for over five years that the park was going in and they had been looking forward to it. She was sad to hear so much opposition.
- She did not live in a Polygon home, so she did not know what promises Polygon might have made. She noted that they had also loved their view across the street of a beautiful forest with deer and giant trees, but they also knew when purchasing their home that the forest would no longer be there because they had done their research. She felt sorry for people who were told otherwise or perhaps did not look ahead to see that they would be living across the street from a park, but she believed some of that could have been avoided on their part.

Brant Walsh, 28795 SW Coffee Lake Dr, Wilsonville, OR, stated he did not know Ms. Weigel, but agreed with a lot of what she had said. He was also in favor of the proposal. He was sorry about the Polygon issue, and their miscommunication or lack of communication. He knew that people trying to sell a home sometimes said things they should not and that had been the experience the Lennar HOA had with Polygon in the past. He noted he was the HOA president.

- He was a family man and they had moved into the area last summer. They were very excited about the “land of parks” in Villebois and were looking to the long park that would be next to their home. It would fill a small void of features in their immediate neighborhood. Currently, they had to walk up to the Sophia Park area to access some features for the kids.
- They had been following the Villebois Master Plan even when living in Salem and knew what they were getting into. They were in favor of the parks with whatever minor alterations were allowed. He did not have a preference regarding the basketball court, but was in favor of the overall park and amenities.

Jill Cain, 29545 SW Coffee Lake Dr, Wilsonville, stated she had checked neutral on her testimony card. She attended the July meeting and heard many of the Polygon homeowners’ concerns about the park. She felt for them and thought it would be really terrible to have nothing there. Right now, she had a beautiful view as she was on the south side, near where Regional Park 8 would be located. She enjoyed the nature park atmosphere. When she originally moved in, she was told that it was likely that something little would be put in front of her property, and that in general, it would be kind of like Graham Oaks; that she was on the outskirts of Villebois, that the bike and walking trails would continue on, and the area would be a preserved wetland area. She had been there about two years and it was interesting they were going off the Master Plan from 2006, which sounded like a long time ago. Not many people currently living there had anything to do with creating the Master Plan.

- The Lennar homeowners were not included in any of those meetings, so she believed there was still a lot of room for discussion. She remembered seeing the little sign by the corner right before the July meeting, so she decided to attend the meeting because it was about the park that was affecting her area of the neighborhood. But that was the first she had ever heard of a meeting or an opportunity to have her opinion heard.
- She had a lot of little points written down. For instance, with the basketball court, she did not have a say here or there, but she felt like it made sense to put the court near the restrooms and facilities. She also wanted to preserve the view. She was in favor of some sort of a park, but she was concerned. She was sort of on the fence, but believed more talk and discussion was necessary.

Chair Heberlein called for the Applicant's rebuttal.

Ms. Verdadero stated this plan evolved from the Comprehensive Plan to the Master Plan to a conditioned park for Polygon. When the Applicant met here in July, it was agreed they would meet with the group that had issues with the park, all of whom were Polygon homeowners. She noted they were working within the confines of the refinement plan. There was some discussion offline about inviting other people to chime in and express opinions about this park. Some people were only concerned about what affected them directly in their view. In order to keep a concise timeline, the Applicant worked with the group that expressed concern at the July hearing.

- She clarified that Pacific Community Design did not create the collateral provided to the homebuyers that left the park off; a third party marketing company had created it.

Mr. Lange added that from a more technical standpoint, he believed the Board would find that the Applicant had addressed the City floodplain regulations in the application. Homes would not float away. The issue was when the roundabout was built, a pipe was left out. The pipe needed to be put in and the application anticipated extending the pipe all the way through Regional Park 7. They were asking to shorten that pipe and keep a water course through the park, but that would not change or create flooding, but would provide the outlet currently missing.

Ms. Jacobson noted if there were no more information the Board wanted from the Applicant or public, the hearing could be closed. The Board could ask Staff questions before or after.

Chair Heberlein understood from a timing perspective that the Board was on the clock to provide a decision for the resolution.

Mr. Pauly replied yes, 120 days, but if the Applicant agreed, there was some flexibility if the Board could not make a decision yet.

Ms. Linville noted the Staff report identified that unless the Applicant withdrew the application at this point, the Board did not have the flexibility under the current Master Plan to

make changes to the Master Plan. She asked what would happen with the application if the Board referred review of the Master Plan to City Council.

Ms. Jacobson said she knew the Board just received the materials late on Friday, and it was a lot to look at. Several Code sections were referenced in the Staff report that were difficult to read together and digest. She had heard all the Board members make good points about how the Staff report said one thing on one page and another thing on another page. One option the Board had was to continue the hearing if the Board felt it needed more time to digest the information or more detailed information from Staff on Code sections. She believed the Applicant was amenable to allowing the hearing to continue one more time.

- If the Board decided to make a decision against the application at this hearing, there were two options: the Applicant could appeal the decision or wait and resubmit something later. Staff could also look at the Master Plan and determine whether it would make sense to make any revisions based on the Board's decision. She could not tell the Board how to interpret the Code, as that was not her role. If the Board believed more time was needed to look at the application that was what it should do. If there were questions the Board wanted to pose to Staff in the interim, they could do so. If the Board decided in favor of the application, people who disagreed with the decision could appeal it to City Council and ask City Council to take another look at the Master Plan. The Board could also deny the request and ask City Council to take another look at the Master Plan. There was no great, straight forward answer; either the Board could deny the request and ask City Council to interpret the Master Plan and come back, or the opponents could appeal it to City Council and ask for the same thing if the Board voted in favor of the request.
- She confirmed the Board could make a decision on the application, either for or against, or continue the hearing to the next meeting, if the Applicant was willing, so the Board could spend more time looking at the proposed revisions and talk with Staff about any confusing Code sections.

Ms. Linville confirmed even then, the Board would have one option, to approve or deny the application regardless of how much time it might take.

Ms. Jacobson confirmed the Board could also propose some amendments.

Ms. Willard said she thought that was what the Board did last time. She asked if there was a more formal process to propose those amendments.

Chair Heberlein stated the Board voted last time to delay and allow the Applicant time to work with the community to try to come up with modifications to their application that would still satisfy the Master Plan.

Ms. Jacobson stated if the Board decided to vote on the application tonight, anyone on the DRB Panel could propose amendments.

Chair Heberlein understood any amendment would need to be done before he closed the public hearing.

Ms. Jacobson answered no, that would be part of the Board's deliberations. Procedurally, once the Board closed the public hearing, it was closed and then the Board was in decision-making mode. If the Board closed the public hearing, a motion with a second would need to be put on the table, which could be to approve it, but that would not necessarily mean the motion would pass. The motion was a mechanism to get into the discussion. On the other hand, if someone felt strongly that they wanted to make a motion to deny it, the Board could do the same thing to get into discussion. The third option would be to come up with a motion to approve with amendments, which would need to be seconded and then the Board would get into discussion. Once a motion and a second were on the table, the Board would discuss and vote. If the vote went down, the Board would come up with another motion.

Ms. Willard asked if the City would allow the Board's amendments to deviate from Staff's interpretation of the Master Plan.

Ms. Jacobson replied Staff did not make that call. She confirmed the Board would need to provide findings to put the DRB's rationale on the record, and then if someone wanted to appeal the Board's decision to City Council, they could do so.

Ms. Willard asked if the developer presented a plan that did not meet the criteria Staff had interpreted in the Master Plan, would it have been allowed to come to the Board for a vote.

Mr. Pauly said they could. Typically, Staff informed and worked with the Applicant with regard to the Code. However, if someone did not believe Staff, they could bring the proposal to the Board.

Ms. Jacobson said that was absolutely correct. Staff has had situations where an applicant disagreed on a few points and brought it to the Board to make the determination. In certain cases, they also appealed to it City Council.

Ms. Linville said she had one more question about the active areas and the Master Plan and the congruence between what was considered an active amenity. It sounded like it might have been a soccer field in the Master Plan. The nomenclature had changed a little bit to call it a play field or something else. The use had not been specified as soccer, necessarily. Was there that kind of flexibility with the basketball court where it could be another kind of active area?

Mr. Pauly said it could be a pickle ball or tennis court.

Ms. Linville asked if it had to be a sport court. She was not proposing an amendment, but was just trying to understand.

Mr. Pauly stated it was really hard to say without having a plan.

Ms. Linville said suppose it was an area similar to the water feature area at Memorial Park, where there was an active child play area; would having that kind of an area be within the confines of and consistent with the Master Plan versus having basketball?

Mr. Pauly replied the Board would want to look at the entire Master Plan. For example, was it geared towards the same age group, possibly; was it a similar level of activity; did it get to that spirit of the type of use envisioned there? If it were volleyball versus basketball, there would be flexibility. Going from an adult play feature to a child play feature would get into a question about that qualitative sense and would it meet the intent of the Master Plan design.

Chair Heberlein asked if there was a delay, would the Applicant look at modifying the proposed plan or would the delay be purely for the Board to have additional time to review and evaluate.

Ms. Verdadero reiterated that they were directed to work within the refinement plan. Their intention for this hearing was to have the Board hear what the Applicant modified within that refinement plan. If they were given different direction, that would be a different story. If the Applicant or the Board asked for more time, it would be to review materials.

Ms. Willard confirmed there would be no avenue for a waiver on anything in the proposal like there was in Stage 2 Development Plan the Board would review next.

Mr. Pauly explained that waivers did not apply in the Village Zone. Refinements were a version of waivers allowed in the Village Zone.

Ms. Jacobson clarified the Board could leave the hearing open to have additional time to receive additional feedback and get certain questions answered or to have a certain time to look at the proposal without taking additional testimony next time. The Board could close the record but continue the hearing, or keep the record open and continue the hearing.

Ms. Willard said she did not believe more time would make the plan clearer.

Chair Heberlein confirmed no Board member wanted to delay the hearing to have more time to review and closed the public hearing at 8.38 pm.

Chair Heberlein moved to approve Resolution No. 337 as defined with the addition of new Condition of Approval PDA 5 and a soft trail on Regional Park 7. Joanne Linville seconded the motion.

Mr. Frinell confirmed the motion included all of the recommended modifications by the Applicant. He asked if Staff agreed with the recommended wording change to PDA 5.

Mr. Pauly answered yes, noting it was written late Friday and it looked like there were some missing words at the end. The intent with PDA 5 was that Parks Maintenance Staff wanted the opportunity to plug in equipment at the shelter, but they were okay with being able to shut it off to avoid issues with people playing music or something. He confirmed Staff agreed the provided wording was acceptable.

Chair Heberlein confirmed the intent was that the motion would include PDA 5 as written, with the addition of adding a soft trail on Regional Park 7, as indicated by the Applicant.

Ms. Jacobson noted plus all of the additional exhibits Mr. Pauly read into the record.

Ms. Willard stated a couple of things did not sit right with her. The discussion assumed that the range of ages that could be appeal to was satisfied only with the active area and that kids only go to active areas. Graham Oaks was one of the most multi-generational parks she had ever seen. She felt like the opposite occurred in active parks which were too tailored to younger, kid-like, or active adult participation. It felt like a natural area was not kid friendly and she did not believe that was true.

Chair Heberlein asked if the trail already in the proposed park lacked passive, more Graham Oaks type of activities as well, adding the Board was just adding the ability for active play in the same vicinity.

Ms. Willard replied that was the argument, the trail already provided for multi-generational use.

Chair Heberlein asked about the fact that the Master Plan already defined what should be in the park; this was just the execution of what had been defined.

Ms. Willard said the Master Plan defined it in a pictograph that was intentionally drawn with almost cartoon-like font. It was meant to be diagrammatic. She did not think it was justification for doing something that could not be undone. The Villebois Master Plan and the table did not list anything for natural areas for calm. It was all active. It was all building development. None of it was maintaining. The language stated it was maintaining adequate areas of calm as part of their policies, but they did not have that in the matrix or diagrammatic. So, she believed strictly reading the matrix or diagrammatic was flawed because it did not account for what was stated in their words.

Mr. Ruby agreed. He believed there was lack of precision in the criteria the Board had been asked to apply that made it clear the Board was set in stone on installing the playing field and basketball court. More importantly, he believed the Board was entitled to take into account public testimony where through two meetings there seemed to be really strong public opposition to the people in that neighborhood, particularly the people along the lines of where the parks would be located, to having those kinds of uses in the park. Even the small amount of testimony in favor of those elements of the playing field and basketball court came from people

who did not live in that close proximity and their support had been somewhat tepid. He detected overwhelming public opposition to those features and a much stronger desire for a nature type park that would complement the important goal of preserving the beauty and tranquility of the Coffey Creek Natural Area. Even if it meant amending the Master Plan and going back to the drawing board, he did not see any crisis that would result from having the Applicant do exactly that, or the issue going up to Council to consider the full range of options. He respectfully opposed the motion.

Chair Heberlein agreed and said he thought in general, the Master Plan defined how the Board should interpret what was and was not acceptable. What weighting should the Board give to the neighbors directly adjacent versus the general community since it was assumed to be a regional park for the general community? There were three proponents, six opponents, and one neutral that seemed to lead more towards opposition. What would that weight provide in terms of the Board's decision making when it really felt the question was whether the Master Plan should remain as is or be revised to allow for different public sentiment or for additional time for public input to be provided in what was a regional park.

Mr. Ruby said he did not disagree. He believed that was the more fundamental question.

Ms. Linville asked if the Board had that option right now. A decision needed to be made on the application.

Ms. Willard said if the Board voted yes, the park would go in.

Chair Heberlein clarified if the Board voted yes, the application would go to Council and either someone who gave testimony or the Applicant could oppose.

Ms. Willard noted the Board was a quasi-judicial body, so its decision stood unless it was appealed. She read the Master Plan and this was an interpretation issue. She did not believe it was black and white that certain elements should be installed. She had a very different interpretation of the liberties allowed the developers.

Mr. Frinell stated he was initially against the playing fields and basketball court because he did not feel it fit with the nature park. But he now felt like the Board needed to follow the interpretation presented by Staff to follow the Master Plan. He hoped someone would appeal the decision.

Ms. Willard asked why he believed that was the Board's only recourse.

Mr. Frinell said he was using the interpretation Staff provided.

Ms. Willard said she read the rules and responsibilities of the DRB as well, and nowhere did it state that the Board had to have a strict interpretation of whether or not it applied to the Code or Master Plan. She asked if the Board could take comments.

Ms. Jacobson replied no, the hearing was closed.

Chair Heberlein understood if the motion did not carry, the Board could propose a different motion with a different condition, if there was something specific Ms. Willard wanted to deviate from in terms of the current plan. If the Board approved that change, it would then be up to the Applicant to appeal if they did not agree with the condition that was made.

Ms. Jacobson clarified that if the vote on the current motion failed, then effectively, the Board would have turned down the application. Someone could then raise a different motion if they wanted.

Ms. Willard said the questions she had asked could be used as justification for the amendments. She did not think she had provided enough context for them to hold as is. She believed that would require a significant amount of work and that doing nothing in this space would be better than the development that had been proposed. She wanted to see nothing happen until the Master Plan could be updated, if required, to allow something that worked for the community.

Mr. Ruby agreed, adding he believed if the Board denied the motion, things would happen. He did not think the area would be held in some kind of void forever or even for very much longer. Fundamental changes would be considered in terms of the use of the park, so it would not really be oppositional to deny the application, but instead, it would invite more fundamental reviews.

Ms. Linville asked if the application was denied, would the Board have to give concrete direction now to the Applicant for why it was denied.

Mr. Pauly said the Board would at least want to direct Staff because in the end, this would be appealable. If this went to the State Land Use Board of Appeals, the Board's decision would not stand without rationale.

Ms. Willard noted a couple of paragraphs from Chapter 3 Parks and Open Space in the Villebois Master Plan found on the internet stating:

“Existing natural features are celebrated in the parks and enhanced through tree plantings, wetland improvements and establishment of plantings as wildlife forage and habitat. Many of the edges of Villebois are preserved natural areas, such as Coffee Lake Natural Area and the Graham Oaks Natural Area. Trails along and into these areas are provided, as well as overlook points with seating for opportunities to stop and appreciate the natural areas.”

- She noted the next paragraph discussed how there were continually competing goals within Villebois for the limited space and went onto describe the provision of a mixed use center and the protection of natural resources. The language acknowledged that the margins were natural and the interior was mixed use. She did not believe asking for that was a deviation.

Mr. Frinell called the question.

Motion carried 3 to 0 to 2 with Jennifer Willard and Fred Ruby opposed.

Chair Heberlein read the rules of appeal into the record.

Mr. Pauly responded to a question from the audience that the cost of an appeal by a private resident was about \$3,000, adding citizens could talk to City Council about the fees.

Adam Hill submitted a copy of his petition for the record.

Chair Heberlein called for a short recess and reconvened the meeting at approximately 9:05 pm.

B. Resolution No. 342. Hilton Garden Inn: Dave Kimmel, Planning Design Group – Representative for RR Hotels Portland LLC – Applicant/Owner. The applicant is requesting approval of a Stage II Final Plan Revision, Building Height and Minimum Lot Size Waivers, Site Design Review, Type C Tree Plan and Class 3 Sign Permit for construction of a new four-story, 118 room hotel with associated parking and landscaping improvements. The subject property is located on Tax Lot 10201 of Section 24CB, T3S, R1W, Clackamas County, Oregon. Staff: Jennifer Scola.

Case Files:	DB17-0013	Stage II Final Plan Revision
	DB17-0014	Waivers (2) – Building Height & Minimum Lot Size
	DB17-0015	Site Design Review
	DB17-0016	Type C Tree Plan
	DB17-0017	Class III Sign Permit

Chair Heberlein called the public hearing to order at 9:07 pm and read the conduct of hearing format into the record. All Board members except James Frinell declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Jennifer Scola, Associate Planner, announced that the criteria applicable to the application were stated on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Ms. Scola presented the Staff report via PowerPoint, noting the project’s location, briefly describing the history and features of the existing site, currently occupied by a Quality Inn, and reviewing the requested applications with these key comments:

- The 2.37 acre site, which sloped westward leaving the west building approximately 5 ft lower than the eastern one, would be leveled out to be suitable for the construction of a

singular building. The site was currently covered by trees, shrubs, and plants according to the Quality Inn's landscape, with the densest area of the tree canopy in the northeastern corner. The trees were mainly Douglas fir which helped provide screening to the nearby single-family homes to the north and east. A handful of the trees would be saved with the application.

- Ultimately, the existing Quality Inn would be demolished and the site redeveloped with a new 118-room hotel and associated amenities, including a breakfast service and bar for guests, a meeting space, pool, and spa.
- In 1985, the subject property and assisted living facility to the east and south were included in a Master Plan approval for a resort-type complex with 160 motel units throughout five buildings with a coffee shop and a convention hall. In addition, it would have had 60 units of apartments or condominiums across six buildings.
- The first phase of the plan was built in 1986 when the existing 64-unit hotel was constructed. Overall, the first phase took a slight departure from the initial approval and only involved two hotel buildings and nearly 100 less units.
- The original plan was further changed in 1999 when the 60 apartment and condo units across six buildings were eliminated and replaced with the assisted living facility currently on site.
- Stage II Final Plan. The site is zoned Planned Developmental Commercial (PDC) and a hotel and motel use is permitted outright within the zone. All activities would be enclosed in the building with the exception of an outdoor seating area and a small sports court, both of which were incidental to the main business and screened from offsite; therefore, meeting the performance standards of commercial development within the zone.
 - The hotel was proposed to be 77,865 sq ft with a building footprint of 21,120 sq ft, which was approximately 20 percent of the lot area.
 - The building met all setbacks for commercial hotel developments, which was 30 ft for the front and rear, and 24 ft for each side, and complied with the PDC standards with the exception of the height and minimum lot size, which were requested waivers that were tied to one another.
- Waiver-Minimum Lot Size. Staff researched the City's policy to limit unit count this way and found the standard dated back to the early days of the city without clear reasoning as to why. The Applicant requested to waive the minimum required lot size of 1,000 sq ft per unit due to changes in the hospitality industry's economic climate. With the site's 2.37 acres, a hotel operation would be limited to 103 guest rooms. The Applicant believed 118 guest rooms would be the minimum necessary to make the redevelopment of this site, along with corresponding food service, meeting spaces, and other hotel amenities, economically viable.
- Waiver-Building Height. The Applicant also requested a waiver to the 35-ft height maximum in the PDC zone to allow a maximum building height of 58 ft. The main mass of the building was proposed to be 51 ft, or four stories, with the height reaching 58 ft at the penthouse stair.
 - According to the Applicant, accommodating structural mechanical systems for a hotel building required at least 10 ft to 12 ft floor-to-floor, and four-star hotel brands typically required a minimum of four stories from an economic- and quality-perception perspective. Moreover, with a total of 118 rooms and supporting services, a minimum

building size and number of stories was required to completely house the operation. The Applicant's project manager was present tonight to provide additional information on the economic drivers that prompted the waivers.

- Site Design Review. Traffic. To address concerns about increased traffic, the City's clear standards on intersection performance needed to be maintained with new developments rather than standards actually limiting increased volumes.
 - Based on the project's projected traffic impacts, three study intersections were identified and included in the Traffic Impact Analysis by DKS: Wilsonville Rd/Town Center Lp W, SW Parkway Ave/Memorial Dr, and Memorial Dr and the access to the project. All three intersections would continue to meet or exceed the City's required level of service (LOS) D operating standard by existing street improvements at the studied intersections with existing, planned, and this proposed development.
 - Overall, the project would add an estimated 30 new PM peak hour trips, 24 of which would be through the Wilsonville Rd interchange area.
- Parking. Staff had also received questions on parking overflow for the hotel, specifically its impact on adjacent neighborhoods. Residents were frustrated over the nearby, multi-family tenants parking on the street in the single-family home area. No on-street parking spaces were proposed as part of the subject application, but the Applicant was proposing nearly double the minimum parking requirement.
 - The proposed parking encircled the hotel making it direct and convenient for guests and patrons. Applying the hotel parking standard of 1 per 1,000 sq ft of hotel area resulted in minimum of 79 required spaces. The Applicant proposed 143 parking spaces, 40 of which would be located at the adjacent assisted living facility through a shared parking agreement.
 - The Applicant also proposed 24 bike parking spaces, 12 outdoors in racks, and 12 long-term, indoor spaces. Staff received updated material the day the packets went out and the long-term bike parking would be contained in a room across from the conference rooms and be limited to key-card access.
 - Staff proposed replacing the language in Condition PDA-5 to read: "Of the total spaces available for employee, student, and commuter parking, at least 5 percent, but no fewer than two, shall be designated for exclusive carpool and vanpool parking." The change was because the amount of vanpool and carpool spaces calculated initially was based on all of the parking provided, not just the eventual parking for commuters and employees.
- Pedestrian Access and Circulation. A primary entrance for the hotel was located along Memorial Dr with a secondary access point to the off-site, shared parking area. A walkway encircled the hotel building to the greatest extent feasible, creating a continuous pathway system with the exception of the area in front of the guest rooms on the northern side of the hotel.
 - The northern side of the hotel would be bordered by landscaping and a retaining wall, which would help level the grade and retain a few of the Douglas firs in the northeastern corner of the site.
- Utilities. The development would connect to existing utilities. A sewer line running south would ultimately be abandoned and a sanitary sewer main running east would be

rerouted. The Applicant proposed a vegetated storm water basin in the southwestern corner of the site that was included in their landscaping plan. Conditions of approval would ensure stormwater and water mains met City standards.

- An additional 2 ft would be added to the public utility easement along Memorial Dr to bring the easement to 8 ft to meet the current standards for public utility easements on collector-level roadways, of which Memorial Dr was one.
- Building Design. The building architecture was generally consistent with newer hotel buildings throughout the area, and used different colors and building materials to create visual interest on the different facades of the building.
 - A light-colored brick provided a base for the building. The porte cochere would be constructed of prefinished metal, giving the entrance a sleek and modern look. Painted cement fiber board panel siding was proposed in three different colors for the upper floors, consistent with Hilton Garden Inn branding. The materials were chosen in part for their durability, but also to sustain a fresh appearance due to the minimal maintenance needed.
 - Overall, the proposed design was believed to provide a contemporary, yet compatible look within the context of the immediate area and other recent developments in Wilsonville.
- Outdoor lighting. The Applicant proposed using the prescriptive method and the proposed lighting met Code requirements. The photometric site plan showed the proposed lighting would not exceed the maximum luminance levels at the property line. Additionally, all lighting was fully shielded or at wattages below the stated maximums for developments within Lighting Zone 2 (LZ2). Compliance would be ensured at building permit review and all lighting types, colors, and sizes were consistent with the modern design of the hotel.
- Landscaping and Screening. The Applicant's proposed landscaping met the required screening standards, specifically around the parking lot, softening the view from adjacent properties. In the planting areas along the perimeter of the site, the Applicant proposed a mixture of large shrubs, the majority of which were evergreen species that would reach at least 6 ft tall at maturity.
 - Along the lot lines facing the freeway and Memorial Dr, a secondary row of medium-sized shrubs was proposed that would further buffer the appearance of the hotel from the right-of-way. The shrubs would grow between 4 ft and 6 ft, and the majority would be evergreen.
- Type C Tree Plan. The Landscape Plan also included trees required as mitigation for tree removal with a variety of trees planted along the perimeter of the site and near the building to soften the visual appearance.
 - The four mature Douglas fir being preserved in the northeastern corner would provide a backdrop that would visually reduce the scale of the development and help buffer the appearance from nearby residential areas.
 - Overall, the proposed landscaping would cover 22,286 sq ft or 22 percent of the site.
 - Regarding tree removal, 100 trees were inventoried on site and of those, 72 trees were proposed for removal, many of which would need to be removed in order to

accommodate sufficient space to build a singular building and the grading required for construction.

- Twenty-three trees were proposed for retention and the Applicant requested 17 tree credits for the combined diameter of 123 inches for the four Douglas fir in the northeastern corner, leaving a minimum of 55 trees required for mitigation which, per the Landscape Plan, the Applicant would exceed.
- She was told, just before this presentation, that the adjacent property owner might have signed off on or had been alerted to the desire to remove a few other trees on the assisted living facility as part of a construction agreement for the auxiliary parking spaces and the trash enclosure. Those trees were not included in the removal replacement plan of this application and would need to be incorporated into a modification or as a different application.
- She confirmed that the trees along SW Parkway Ave, west of the tree-protection fence line, were staying. The trees along SW Parkway Ave were not included with the 23 trees proposed to be retained because those trees were on a separate parcel outside of the property line boundaries. The 23 trees to be retained were within the fenced area.
- Class III Sign Permit. The Applicant requested two signs, one on the south façade and one on the west. In the Staff report, the maximum sign area for the south elevation was calculated incorrectly. Slide 20 showed the corrected length of the southern façade, resulting in a maximum allowable area of 72 sq ft. However, the Applicant fell well below the maximum allowable sign area with the proposed 47-sq ft sign for the south façade.
 - The west elevation was allowed up to 96 sq ft for wall signage and the Applicant was proposing only 51.5 sq ft, also falling well under the maximum.
 - The Applicant also requested two, free-standing signs, one along Memorial Dr and one along Parkway Ave. Both signs also met the Sign Code standard as each would be at or below the maximum of 20 ft in height. The sign on SW Parkway Ave would be 20 ft high exactly, and the one along Memorial Dr would be 4 ft high. Each sign was subject to a maximum allowable sign area of 64 sq ft and both fell well below that cap with the SW Parkway Ave sign being 58 sq ft and the Memorial Dr sign being 22.75 sq ft.
 - Staff had received additional information on the proposed directional sign, thus bringing it into conformance with the Code standards. The modified sign, which was shown on Slide 22, would be less than 4 ft in height, less than 6 sq ft in area, and was intended for internal circulation and wayfinding.

Joann Linville confirmed with Staff that the Applicant owned the current hotel. She asked if the access point off of Memorial Dr was the only access point to the Marquis Wilsonville Assisted Living facility.

Ms. Scola replied the living facility had another access point south on SW Parkway Ave.

Ms. Linville said she wanted to know if a second access point existed given the shared parking arrangement. She asked for the current square footage of the Quality Inn's footprint.

Ms. Scola replied she did not have it.

Ms. Linville said the proposed building looked smaller than the existing two buildings, but she could not determine that from the proposal. Staff's presentation said the footprint of the proposed facility would be 21,120 sq ft, or 20 percent of the lot, but the Staff report on page 5 indicated it was 21,134 sq ft.

Ms. Scola believed the Staff report was correct.

Chair Heberlein asked what evaluation criteria and justification Staff used to propose accepting the waiver for maximum height. Sixty-five percent, from 35 ft to 58 ft, was a big change.

Ms. Scola replied Staff relied heavily on information submitted by the Applicant. The Applicant had cited economic changes that necessitated having a bigger hotel with more rooms to make the redevelopment viable. She recommended asking the Applicant for their reasoning on requesting the waiver.

Chair Heberlein said his question was more for Staff and how the character of the neighborhood was addressed with this significantly-sized building that was larger than most other buildings in Wilsonville. How was it evaluated by Staff and deemed to be acceptable?

Daniel Pauly, Senior Planner, replied the Holiday Inn was an example. In the early days of the city, hotels were approved well above the height limit. Even in Town Center, a number of recent height waivers had been granted. Historically, it was something DRB had been open to, so when the Applicant approached Staff about the issue, Staff replied that they did not have any strong policies as to why the Applicant could not request it, since these changes had been approved historically. And, it added to the flexibility, Section 4.140 discussed accommodating and be flexible with current designs and standards for this level of hotel. Staff did not really have any reason to tell the Applicant that it would not work.

Chair Heberlein noted the traffic table on Slide 9 and asked if the Existing + Stage II was all of the development approved in Wilsonville.

Ms. Scola replied that would be for projects that obtained Stage II approval in the area.

Chair Heberlein asked if that also included Villebois and Frog Pond West or just Villebois.

Steve Adams, Development Engineering Manager, replied Stage II was what was approved. The Master Plan for Frog Pond had been approved, but no subdivision had come in for approval yet, so no Stage II existed for Frog Pond yet. The three lots next to the Piazza and the Chang Property on the north side were the only properties to receive Stage II approval in Villebois. The rest of Villebois, more than 90 percent, was all included in the Existing + Stage II + Project.

Jennifer Willard asked if the traffic study showed any indication that the Memorial Dr/Parkway Ave intersection needed a 3-way stop or any other traffic-calming measure.

Mr. Adams replied no. At Memorial Dr/Parkway Ave, the standard was LOS D and the traffic there was light, resulting in LOS A and A in both directions as shown. With such little traffic going northbound on Parkway Dr, there was no need for a three-way stop on Memorial Dr.

Chair Heberlein asked what the threshold was for moving from LOS D to F, looking at Wilsonville Rd/Town Center Lp, specifically.

Mr. Adams replied LOS D goes to LOS E, and then F. He did not know the exact numbers for the break-off points.

Chair Heberlein asked what the City's the threshold was from LOS D to E. Was 43.7 only .3 away from being LOS E, or did the City have 10 to 15 seconds before hitting an unacceptable threshold.

Mr. Adams replied he did not have the number at hand and would have to do some research. If it did trip to LOS E, that project would be responsible for improving the intersection. The Code said that for levels less than LOS E, a developer did not bear any responsibility, and the subject project was good. But if another redevelopment project came in, Quality Suites expanded, or things in Frog Pond triggered a need, the intersection would have to be looked at to see what improvements could be done to bring it back down to LOS D again.

Chair Heberlein asked if any discussion had taken place about including the other side of I-5 in the traffic analysis.

Mr. Adams replied no, because by Code, only the intersections most likely to be used by the project were considered. The distribution of traffic in Figure 3 on Page 13 of the Traffic Study showed an estimated 30 percent of the traffic using northbound I-5 from Wilsonville Rd, with 50 percent using the northbound on ramp and 50 percent using the southbound off ramp. On Wilsonville Rd, 10 percent was estimated to go beyond the southbound off ramp/on ramp, so 5 percent would go out to and 5 percent coming back from Wilsonville Rd. The same 10 percent figure was estimated for I-5 south of Wilsonville Rd, so again 5 percent entering the freeway from and 5 percent getting off the freeway to Wilsonville Rd. The numbers were fairly small—50 percent of 30 new trips—15 trips, 7.5 each way. The impact was not huge. Most of the problem, as everyone was aware, was traffic trying to get on the southbound on ramp. He believed a hotel would not have a lot of people checking out from 4 pm to 6 pm and going south on Wilsonville Rd, but possibly employees would. He expected most of the traffic from 4 pm to 6 pm would be people going to a local restaurant or checking into the motel. He did not see a lot of demand for the southbound on ramp.

Ms. Linville asked if the Main St/Parkway Ave intersection should have been looked at in the traffic study.

Mr. Adams replied that intersection was included in the Black Bear Diner traffic study last year. Black Bear Diner had significantly more trips than the Denny's that was there. Because it was studied just last year, and he believed it came in at LOS A/A, Staff did not feel looking at it again so soon was warranted. He had purposefully held off on having the traffic counts done until Black Bear Diner opened, which was about a week or a week-and-a-half before the subject studies were done, so the most accurate number of trips could be recorded. A lot of business happens right when a place opens. Everyone was interested in trying it out. He believed the study showed a fairly high number of trips through the Town Center Lp and Wilsonville Rd interchange.

Fred Ruby confirmed the Board had received Mr. Adams' email today which responded to the citizens about the vanishing sidewalk at the Honda dealership. He appreciated Mr. Adams' complete response. He believed the citizen's concern was really valid. He had walked there, and the sidewalk did vanish, and it was not unreasonable to assume that with a bigger hotel and slightly more affluent customer base that people would be interested in walking to the Black Bear Diner. It was hazardous now; there was no place to walk.

Mr. Adams said there was a fog line, a little bit of asphalt, and a ditch. He had sent the same information to Nancy Kraushaar, Community Development Director, and they were meeting tomorrow to discuss it further. The key thing was money. If Council believed it was a real safety concern and wanted to spend \$200,000 to fix the problem, the City would be happy to fix it. Right now, it was not in any master plan or budget, so Council approval was needed and the money needed to be found.

Mr. Ruby stated if it was at all helpful, he would chime in to say that at least one DRB member saw somebody walking in the bike lane where the sidewalk vanished and felt it was a safety hazard, so the concern was well placed.

Mr. Adams said when dealing with the Black Bear Diner, one of the key reasons why Staff agreed to restripe Parkway Ave between Main St and Holly St was because at least bike lanes existed for a cyclist to be and, though technically one was not supposed to walk in a bike lane, at least it was safer than walking on the edge of a road. The striping was done for minimal dollars, but getting the sidewalk in without redevelopment occurring and then finding the money for it had been troubling the City for years. As mentioned in his email regarding the storm drainage—nothing existed, so if curb and gutter needed to be put in to make it an actual street made, the storm drainage would double the cost.

Chair Heberlein called for Applicant testimony.

Dave Kimmel, Planning Consultant, PDG Planning Design Group, 1335 SW 66th Ave, #201, Portland, OR, 97225, representing the Applicant, stated the architect, arborist, and owner were present to answer any questions. He thanked Staff for their assistance, noting a considerable amount of time had been spent at various meetings prior to the preapplication conference and

afterward with concept design items, so that it met the Wilsonville context and the overall architecture. The Applicant's project was presented via PowerPoint with these key comments:

- He clarified that the ownership had changed a few years ago, but the current owner would be redeveloping the property.
- One reason the owners chose to go with Hilton Garden Inn, as opposed to some other brand, was that a lot more flexibility existed with the exterior architecture for that brand, so it did have to be a "prototype" exterior to meet brand standards. The architects could discuss how they went about the process and what they chose to do to make sure the design was more Wilsonville specific.
- The initial plans were to redevelop the entire building by going up a couple of stories, but that became complicated because the building was built in 1986. Seismic and other issues required the Applicant to take down most of the structure and put in new footings. By the time that was done, in addition to learning that the elevator in the building on the west side, which was about five feet lower, could only access the floors in ½-floor increments, requiring additional ramps for full access for everyone, including those with disabilities, it forced the Applicant back to redevelopment. The Applicant met again with Staff and had a number of discussions on how to solve the problem.
- One issue in trying to make a more modern motel was to not have a 9-ft ceiling in the lobby. A nice open lobby was wanted and minimums were 12 ft to 15 ft high, especially for a four-star motel, and 8.5 ft to 9 ft ceilings in the rooms were also unwanted. To accommodate air conditioning, heating and other mechanical and electrical services, a larger space was needed between one floor and the other, so the 35-ft height was restrictive.
- On display tonight was the result of more than two years' of design reiterations and ideas from various motels, like the Hilton and others, the owners looked at. The Hilton Garden Inn was selected because it was a four-star hotel that allowed food and beverage. The pool had to be moved indoors, which was an advantage, plus other things were needed for amenities.
- He had been in contact with and spoken to several times with Marquis. When the property was developed, the trash enclosure was placed on Marquis' property, so it was not currently on motel property. In redeveloping, the trash enclosure would be relocated to the east side of the motel property. A couple of trees in that area and adjacent to the property line needed to be replaced to accommodate parking and additional things.
 - Marquis was in agreement, and the Applicant was currently working to provide construction easements, and the new, revised on-site shared access needed to be redesigned to accommodate two-way traffic and the trees that would be saved there.
 - As part of the Applicant's landscape plan, the Marquis' landscaping would be replaced and upgraded and new paving and other things etc. constructed on Marquis' property as part of the Applicant's project. They were in the process of writing the legal part of the construction easement, although the area had been agreed to verbally.

Corey Morris, Carlton Hart Architecture, 830 SW 10th Ave, Suite 200, Portland, OR, 97205,

continued with the PowerPoint, stating he would share a bit more about the design, address the height issue, and explain what was behind the design that was driving those issues.

- Referencing the Site Plan, he noted the gray area was the footprint of the existing building. He believed Mr. Adams and Mr. Kimmel had done an adequate job of familiarizing the DRB with the overall layout of the building. A variety of things, including the fire marshal and ease of access had driven the location of the building, as well as the trees that could be saved and having an overall circulation for vehicles and pedestrians around the building. The courtyard in the middle had outdoor amenities and a sport court.
- The Landscape Plan indicated the trees that would be saved in the brighter green, which included all the trees in the right-of-way along Parkway Ave and those adjacent to the property on the Marquis parcel.
 - As Staff mentioned, the architects were providing above and beyond the Code minimum required for landscaping and tree mitigation. The intent was a four-star, high-class facility, so the Applicant would augment landscaping above the minimum to provide a nice development and a nice experience.
- The landscaping was considered within the framework of the height requirement. Mr. Kimmel had outlined several issues from an architectural engineering and economic perspective. The 32-ft height Code limit would drive toward a three-story building at a minimum. Standard for these motels was at least four stories, regardless of the footprint. The structure and various practical requirements for building a four-story building drove the architects to something much taller than 7 ft floor-to-floor required by Code.
 - From the primary view, entering town from the south, northbound on I-5, he indicated the trees that would remain and trees that would be added as shown on the landscape plan. The straight-on views of the project were a bit more accurate than that shown by Staff, as they were done by Carlton Hart's landscape architect.
 - The additional landscaping, the scale of the tall trees that were at least 70 ft, if not up to 100 ft, balanced out the taller building proposed.
 - He showed the landscaping just after installation, as well as at 10 to 15 years' maturity.
- On the building itself, the architects tried to do things that minimized or made the taller scale of the building fit into the look of other commercial buildings and the scale seen along the freeway.
 - The building had a brick base and the multi-colors of the cement panel siding gave the building a modern look without being too high-tech or urban. One nice thing about the Hilton Garden brand was that while few things were prescriptive, like the signage and brick base, flexibility also existed. The architects tried to make the rest of the building not look cookie-cutter, rubber-stamped, or like every other Hilton Garden Inn.
 - They had looked at the cladding and colors of other taller buildings in Wilsonville and worked with those options. They were not out of Chicago, dropping big buildings into Wilsonville's environment; their firm was local and considered materials and palettes that would be consistent with a northwest look.
 - The height of the building gave the project a taller parapet. In certain spots, mechanical equipment would be placed behind the parapet, so no big, screened box would be needed for mechanical equipment.
 - The taller parapet toward the back would be for the stair to the roof required by the fire department for roof access. The taller building provided a prominent gateway when entering Wilsonville from the south, indicating a significant destination.

- The architectural and landscape elements brought the building into scale and made it fit into its context.
- He indicated the location of the long-term bike parking in the building, adding that it would be accessed by staff with card keys, which fulfilled a Code requirement requiring long-term bike parking to be attended and secured.

Ms. Linville asked Staff what was adjacent to the private drive on the south end of the property and to where did the drive lead?

Mr. Pauly confirmed it was the entrance to the Marquis off of Parkway Ave.

Ms. Linville confirmed an entrance existed off of Memorial Dr as well and said she had not realized it was a private driveway.

Chair Heberlein asked the architects to expand on the economic climate justification for a 58 ft height. From the report, it sounded like a building any lower than that was not economically feasible for a four-star hotel and he asked if that interpretation was correct.

Mr. Kimmel replied three stories was the absolute minimum, but four stories were typically required as a minimum, partly driven also by the site. If the building was three-stories to get the desired number of rooms, which was supposed to be 120, the proposal had 118 which was the compromise with Hilton. In a three-story hotel, parking and circulation for fire access on the site became problematic, and landscape percentages were dramatically reduced. For economic feasibility, the hotel only worked as a four-story facility in most sites because of the additional parking and the sprawl.

Mr. Morris added that from an architectural perspective, their work with all the different brands in that market target had a minimum of four stories. From a hotel brand's perspective, the stature of making it look like a hotel and not a motel was an architectural approach that drove the market share and attained a certain class of facility and accommodation.

Chair Heberlein confirmed there were no further questions for the Applicant and called for public testimony in favor, against, or neutral to the application.

Rob Brown, 8670 SW Rogue Lane, Wilsonville, OR, stated he had been at his residence for a little over 26 years. He noted that three minutes seemed like an inadequate amount of time when the public had been put off until 10 pm, and requested five minutes for his testimony.

- His first observation, which he would take to the mayor and City Council, was that the City's annual report stated, "The City of Wilsonville has been recognition for 19 consecutive years as Tree City USA by the National Arbor Foundation." "Mayor Tim Knapp said, "Trees help clean the air, conserve the soil, water, reduce heating and cooling costs, bring nature closer to where we live, ultimately contributing to a better sense of place and quality of life in Wilsonville.'" Charlotte Lehan said, "Trees also improve the visual appeal of the neighborhood, increase property values and provide wildlife habitat."

- This particular building was simply four stories in the wrong area. It would take out between 55 to 72 trees depending on what a tree credit was. It would have a very significant impact on the neighborhood by bringing in a bar, restaurant, and a lot of additional parking. He did not believe adequate time was given to address the neighbors given that only four or five were in attendance tonight.
- Polygon had held four or five meetings. R&R Development had held zero meetings. They indicated to the DRB that perhaps they did not have to hold meetings because they were not within 250 ft of the commercial zone line. If considered a bit more clearly, the DRB might find that was incorrect. The shared parking element with Marquis was literally abutting the neighborhood's property lines. For a number of neighbors, at least 2.5 or possibly 3 stories would look into their back yards.
 - There would be noise, auto lights, and loud nighttime parties that went along with it. There were safety issues that they would not have time to address at this meeting. Because of the crowding in the neighborhood from the apartment complex, parking was already an issue. A lot of children played in the area. Traffic would increase with people coming in and out of a hotel. Because of his occupation, he traveled a lot and stayed in hotels much like the proposed one; sometimes guests were in a hurry when leaving and were not as attentive as they should be.
- He believed that this particular hotel, while it would be lovely and well-built, was simply placed in an area it did not belong. The reason for the variance indicated that. The Code was put in place for a reason. The site was designed to be a resort area in 1984 or 1985. The Applicant was looking to make a substantial change to what should be in that neighborhood.
- Neither the Holiday Inn nor Phoenix Inn had any homes anywhere near them whatsoever. And yet, if anyone traveled there, the noise, garbage, loud cars, and drinking was prevalent. It was always there. That would come to a neighborhood with many people. It would have a severe impact upon them.
 - In the essence of progress for building a structure that he was sure needed to be four stories to be profitable, the big picture, which was quality of life, was being overlooked. A quality of life existed in the neighborhood for those who had lived there for many years, and they would like to maintain it. They had opened up and shared with a lot of people that were now becoming neighbors in their apartments and rentals.
- Gridlock was probably the wrong term, but he did not believe enough study had been done yet on the traffic implications of the project.
- The project had been very quietly, very efficiently, forced, at 10 pm at night, into a decision, and he did not believe enough time had gone into looking at all its implications. The owner had taken zero time to introduce himself. The Foggs from Marquis met with each of the neighbors individually. Parker Johnstone had a meeting, individually, with all the neighbors. The current owners had done none of that. It was as if they wanted to rush it through while nobody was listening or looking, which was fundamentally wrong. If the DRB's job was to represent the neighbors, they needed to allow for more conversation at the very least, even if it resulted in the hotel being built.
- He vehemently believed the study of the hotel's implications were very inadequate.

- Page 16 of the applicant's material talked about the neighborhood, and the Applicant noted a Honda dealership, Marquis, and Marquis. To the east of the site were three residences; directly beside the Honda dealership were at least five more residences. The Applicant totally ignored those as if people were not there, but they were there and he had been there 27 years. Some of his neighbors had been there more than that, some slightly less.
- The DRB should take it that into consideration and put a bit more time and effort into decisions about something being built that had such dramatic variances to the Code. It needed more time and a lot more thought put into it.

Tim Aufenthie, 8660 SW Rogue Lane, Wilsonville, OR, said his backyard directly faced the existing motel. He could see it clearly every evening. Some nice, mature trees existed between his home and the motel. The tree removal of the project concerned him, on top of seeing a four-story building out his back door. When he moved into the lower part of the neighborhood in 1985, he was involved in the development of the existing motel. No one had talked about putting in a project that was four stories. As he moved up the hill to his current residence 20 years ago, he assumed what was there would stay. They worked with Phil Fogg when Marquis came in. He was a great guy to work with and everything was fine.

- The entire neighborhood had huge trees and all the trees to be removed were between his home and the proposed project. No big fir trees existed in front of the hotel facing the freeway now. He wanted the DRB to think about the quality of life, noise, and pollution from the freeway. Everything would drift into their neighborhood.

Edgar Martinez, 31040 SW Salmon Lane, Wilsonville, OR, said he had been a Wilsonville resident for 10 years, and he and his wife were raising a family of two. He had recently resided in Daydream Ranch by the river. Something not mentioned in the studies, besides the traffic study being completed before the Black Bear Diner was built, was that Renaissance Homes had recently built 33 homes, with the last home being completed within the last two months, and each home averaged two cars and added more traffic. In addition, homes were for sale in Daydream Ranch that were not accounted for in the traffic that would add to the hotel. Peak traffic times were discussed, but every hotel had a late checkout, which would add to his commute as well as when leaving his neighborhood.

- Besides the hassle of traffic when trying to leave his neighborhood, dollars were not being spent in his neighborhood anymore. He could choose Amazon Prime and not have to spend money in Wilsonville because he did not want to deal with traffic; that was what it was coming to. His neighborhood would start discussing how to deal with the traffic, and Amazon Prime would be suggested. It did not help the neighborhood or the community.
- Although the traffic study discussed big parking structures and spaces, it did not account for the big semi-trucks seen on the weekend. Eight parking spots would be occupied by one truck. On top of that, nothing was mentioned about the weight or the streets being reinforced. More traffic and congestion also increased pollution.
- Wilsonville was a great place to live and he wanted to keep it that way. He knew the DRB would do a good job representing the citizens tonight.

Michael Mengelkoch 8490 SW Memorial Dr, Wilsonville, OR, stated his residence was about four houses away from the proposed project. His neighbors already mentioned things he wanted to discuss. He believed a lot more of the neighbors would be at the meeting if they were aware it was happening. One neighbor had walked by the site and just happened to see a sandwich board stating there was going to be a proposed change on that property and, if more information was wanted, to call a number. The neighbor called the City. The sandwich board had a place for fliers, but there were no fliers. He was concerned that no one in the neighborhood had been notified. He planned on talking to his neighbors about the project.

- One thing that really bothered him about this proposal was the removal of the trees. Removing 72 or 77 fir mature trees, which were about 100 ft tall and probably 100 years old, was proposed. He did not know how the developers could say they would mitigate the tree removal by planting a 10-ft tall tree which would not clean the air like the existing trees would for a very long time. If the facility's footprint was smaller, he did not know why the trees had to be removed.
- He was concerned about the increase in building height to as high as 51 ft or 58 ft depending on the part of the building. Maybe what got lost was, on the western side of the building, the developers wanted to bring the ground up 5 ft and then they wanted to go 51 ft or 58 ft on top of that. For those who lived there, it would be a significant change. When they looked in the building's direction, they saw a grove of trees but, if this project was built, they would just be looking at a huge building.

Paul Rands, 8650 SW Rogue Lane, Wilsonville, OR, stated he lived next to Mr. Aufenthie and was about the fourth closest property to the project. He objected to the lack of notification. A sandwich board on his block said, "Your tax dollars at work," referring to a street project done a couple of weeks ago. An identical sandwich board apparently notified people of developments like this one. He had lived on his property for almost 28 years, and received several notifications every year. Almost everyone had notified them of issues or changes much farther than the 250 ft, which a City employee had said was the limit for requiring notification. That was a shock to him because of all the notifications in 28 years, probably more than 100 had been farther than that, in most cases much farther. The precedent was that residents in that neighborhood would have a chance to think about a proposal and come talk about it. Last week he received notification of modifications to bike lanes from Memorial Park to Boones Ferry Park, which was much farther away. That was the type of notification they were aware of and appreciated.

- He objected to the lot size change and the height. It changed the nature of the neighborhood. He believed every property owner in the Daydream Ranch area would be affected by the proposed project, not just him, even though he was practically next to the project. Every neighbor should have received mail notification with adequate time to talk at the hearing.
- He was concerned about traffic and wondered if the convention center traffic had been considered.
- He was also concerned about trees and those on the adjacent lot which supposedly was not part of this issue but was brought up by City personnel. A neighbor moved a tree and the amount of noise increase from I-5 was shocking. The rationale seemed to be the project

would not be economically feasible unless the owners were allowed to do as proposed. Allowing the tree removal pretty much allowed the next request.

Chair Heberlein asked if the Applicant had any rebuttal or responsive testimony to present.

Mr. Kimmel said he appreciated the comments from the neighbors, especially regarding the potential detrimental effects associated with the restaurant/bar. He explained it would not be an open bar and restaurant, but for guests only. It was not a bar one would go to and party all night because it would close at 10 pm and was for hotel guests and their guests. People would not come from other parts of Wilsonville to party and dance. It was a different bar arrangement than what might have been presupposed.

- The other comment that was most consistent was about the removal of trees. The trees to be removed were adjacent to the existing building. The trees along the property to the north and along Memorial Drive on the edges of the property would remain. Only four of the trees in the parking area of Marquis property on the east side of the Applicant's property would be removed. The rest of the larger trees on Marquis property would remain. He wanted to make sure the neighbors were aware of that. Because not all trees on the Marquis property and the Marquis property itself were represented on the slide, which could be confusing.

Chair Heberlein asked how many of the trees slated for removal were tall Douglas firs in the interior of the property that would be removed due to parking lots or the hotel itself.

Damon Schrosk, Arborist, Treecology, 23506 S Bonney Rd, Colton, OR, 97017, said several Douglas fir would be removed that were where the proposed building and its associated driveway would be located. He confirmed a lot of the other trees on the west and central north area to be removed were small, ornamental types. Several trees were in poor condition due to past treatment. The majority of Douglas fir, approximately 15 trees, was on the east side of the property.

[1:16:00] – Yes!! Thank you for clarifying WHERE!!

Mr. Morris said that while 75 trees sounded like a lot, if three-quarters were vine maples that had not been maintained well and were not significant trees, 12 were significant. It was unfortunate they were part of a development project, but the Applicant would over-replace them with more mitigation trees to make up for it.

Ms. Willard understood that usually a forest considerably denser than this was needed to actually mitigate noise and asked if it was a true statement.

Mr. Schrosk replied he knew of studies that said 100 ft of dense vegetation was needed to drop 1 decibel level. Often it was due to perception. The foliage was 40 ft high and did not provide the same noise-deadening.

Ms. Willard asked if any data existed to show that the building would actually be a bigger noise barrier than the trees.

Mr. Morris replied he did not have any data on that. Anecdotally, he would say it would provide quite a bit of sound deadening, adding there could be some argument to plot that out. Having an acoustician do the measurement would be somewhat challenging. He had tried to do that before for other things. Rather than the two lower buildings that were perpendicular to the freeway, the proposal was for an L-shaped building that provided a much more solid face toward the freeway. The height was like the sound walls built along the freeway, which were not very tall and deflected the sound upwards.

Mr. Kimmel said, from past development experiences, the structure needed to be something very solid. He did not know how much the mitigation might be or vary from what existed, but the sheer height and solid portion of the building would certainly deflect and mitigate. When he had to do something similar for a drive through to mitigate noise, it had to be solid concrete or solid wood in order to deflect the noise. Vegetation simply did not provide the acoustical nature it was perceived to provide. He tried that argument once earlier in his career and the acoustic engineers he hired wished him good luck with it and that it did not actually work. It had to be solid to be provable. How much impact or mitigation the taller building would be for the neighbors, he could not say. He did not know if it could be quantified without having a building there, and having a prior study and a secondary study. He was unsure if it could be quantified.

Chair Heberlein asked if Mr. Kimmel had a response to the lack of public input during the development or planning phase for the application.

Mr. Kimmel said no requirement existed to have a neighborhood meeting that they were aware of or they would have certainly had one. As far as public notification, City Staff did the mailing to appropriate neighbors. He was unaware there was a question or issue and believed if somebody brought it up after the application was submitted, the Applicant would be more than happy to meet with them to discuss whatever issues the neighbors might have had. The Applicant did not intend to avoid that, there just was not a neighborhood notification requirement on this application, he believed, because the property did not directly abut a residential neighborhood. The Marquis development abutted the neighborhood, but not the Applicant's property. He would have to direct the question to Staff, but the owners would have been happy to meet the neighbors. There was no intent to hide or sneak the application under the table. They had been talking to the City and others for approximately two years or more

Chair Heberlein asked if Mr. Kimmel would be open to that at this stage of the development.

Mr. Kimmel replied it would be difficult to answer. He would need the owner's input and they were preparing to submit for building, seek bids and start construction because of an approximately one-year construction timeframe. The longer it went out, the costs would go up, and it would become a problem. The current motel was becoming more and more economically unfeasible due to its size and age and the inability to retrofit or modernize it to bring it up to

standards better than a two-star motel. They did not want it to become like the Snooz Inn at the top of the hill.

Ms. Linville understood the arborist only had to work with the subject property and not the adjacent property. On the larger map of the vicinity, almost as much space existed between the subject property and the adjacent homes along Memorial Dr as the subject property itself—the area east of the current buildings. The map showed the subject property and how close the homes were to the subject property. She asked what the tree composition was on that fairly significant piece of property between the subject property and the homes.

Chair Heberlein noted she was referencing Page 3 of the Staff report.

Mr. Schrosk said the area was largely Douglas fir dominated and included a Pacific yew tree.

Ms. Linville asked how dense the area was.

Mr. Pauly replied Staff believed it provided screening with a lot of mature trees.

Ms. Willard asked where the 40 spaces to be shared with the neighboring property were envisioned.

Mr. Kimmel stated the spaces were furthest to the east and were currently shared access as well.

Mr. Pauly stated the shared access agreement was recorded in 2002.

Chair Heberlein confirmed the Applicant's plan was not to generate new parking spaces in the shared parking facility, only existing parking spaces would be used as part of the agreement.

Mr. Kimmel added no additional parking on Marquis property would be added or changed. The only trees were the four along the edges. For some reason, when the property was divided and Marquis was developed, the trash enclosure was on Marquis' property and, in order to comply with the requirements of the Code, the trash enclosure had to be moved onto the hotel property. The existing trash enclosure would be demolished, new landscaping added in that area, and two of the trees removed. Nothing farther to the east would be removed, remodeled, or changed. The current parking was overflow parking and had an existing shared access.

Chair Heberlein confirmed there were no further questions for the Applicant.

Ms. Willard asked if the hotel occupied when the traffic study was done and if it included the trip counts coming to the existing hotel, or were they removed with some algorithm.

Mr. Adams replied the traffic study was done about one week after Black Bear Diner opened, so there was a lot of traffic was from there. The hotel was open. The traffic study looked at what

additional impacts the new hotel would bring. Regarding Mr. Rands' question about whether the study included the convention center, he noted the manual based on Code 3.10, which included the convention center, stated, "Hotels or places of lodging that provide sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms, or convention facilities, limited recreational facilities, pool/fitness room, and/or other retail and service shops." All of that was included in the estimated trips being generated by the hotel. When looking at additional data, it stated, "Hotels surveyed were primarily located outside central business districts in suburban areas," which was what this hotel was; the studies in the manual were very similar to the proposed hotel.

Chair Heberlein asked if Staff had gone to the location and looked at it from the eyes of the neighbors as much as practical to assess whether a significant impact existed on what would be seen by the residents.

Ms. Scola replied that on a couple of occasions, she walked around on the Quality Inn site as well as the Marquis Assisted Living parking area. She referred to the aerial view and noted how dense the tree canopy was on the parcel with the shared parking. Viewing the trees was different from onsite but, as the Applicant stated, the trees to be removed on the adjacent Marquis property would be incidental to the improvements needed for the project, and the bulk of the tree canopy would remain as is, which was fairly dense in terms of screening for the hotel and nearby properties.

Mr. Pauly said the Code had a very specific standard for screening commercial from residential. Between the distance and the existing vegetation in the application, Staff did not see any issue with meeting the standard.

Mr. Ruby noted page 6 of the Staff report addressed building height variance and that Chair Heberlein had asked what other criteria the DRB should look at when considering such a variance request. In prior development reviews where height variances or waivers had been requested, additional criteria had been pointed to in the Code regarding whether the height variance would block views of important natural features like Mt. Hood. No such criteria were referenced in the Staff report, which stated the Applicant was requesting the height waiver because, economically, it was difficult to run a high-class hotel these days. He accepted that the Applicant's statement was true, but he found it puzzling that the evaluation of such a significant height variation by Staff would not include additional criteria. And, perhaps Staff had considered it, but it was not in the Staff report. If he were an affected resident, it was mainly swapping one hotel for another, but the height difference would be the most significant variation.

Ms. Scola directed everyone to Request B, DB 17-0014, beginning on page 44 of 73 of the Staff report, where the standards were discussed and the Applicant's two waivers were analyzed. Staff reviewed whether or not the Applicant took advantage of advances in architectural design and function and land-use design, whether they were producing a comprehensive development that was equal to or better than what would happen in traditional lot and land-use

development, and whether the site would be enhanced by virtue of an increased unit count and height waiver, versus if a hotel application were submitted according to standards and without any waiver requests. Staff provided response Findings B1 and B2 under Request B, which went into a bit more depth on the standards.

Mr. Pauly stated the standard Mr. Ruby was referring to, Exceptions and Modifications – Height Limits, Section 4.181, did not apply to this application, as he recalled.

Mr. Ruby said it was referred to indirectly on pages 47 and 48.

Mr. Pauly responded that in this case, it did not block the view of anything but I-5.

Chair Heberlein noted if there was a site line from the fourth floor down to a resident's backyard, it might not be blocking a sight.

Mr. Pauly replied that would have more to do with screening. In this case, tall trees existed on the site, in most of the residents' backyards, and on the Marquis side, in addition to another row of trees on the other side of the parking area. Two to three layers of mature, tall trees existed as a buffer.

Mr. Brown stated from the audience that the public was given 17 minutes to discuss their concerns. They had six people speaking for the development. The public did not have access to the information the Board was reading. The public had been given no time to look at any of it. Was it not a reasonable assumption that if the people affected by this and given all this information and an adequate amount of time to look at it, there would be a great deal more turn out and more interest and it would be more equitable to the residents? A lot of discussion went into the moving of a basketball stadium. The proposed project impacted an entire neighborhood. It would only seem fair to delay anything, at least until adequate information could be disseminated to those impacted by it, and time allowed for them to ask for yet another meeting. This had been pushed along. Despite the kind words of the architect and the engineer, everyone who had a financial interest in this was speaking on behalf of it. No one was looking at the quality-of-life aspect, or given the information to make a fair analysis. It could be a great project, but the residents did not know. It was kind of dumped on them and swept under the rug.

Chair Heberlein said he appreciated the feedback and would allow Staff to respond. He assumed the regular notification with signboards was provided and that the signboards included references as to where all the planning information could be obtained.

Mr. Pauly said Mr. Rands' comments about notice had been addressed. Staff was in a pickle sometimes when it came to these sorts of notices because of the legal aspect. If notice were provided beyond the 250 ft notice for one application, and not for the next application, an attorney would probably agree that the City had opened itself up for liability. Staff needed to be consistent with what the Code said about the 250-ft radius. In this case, he admitted Staff did

not ask or encourage the Applicant to do a neighborhood meeting. It was not required by Code. Staff often suggested it, but he did not recall doing so in this case. No Code requirement existed for neighborhood meetings. It was a standard 250-ft radius and the Code did not require notice to be posted on the site; it was something Staff did as additional outreach. Whatever Staff did needed to be consistent with the Code and consistent from application to application. He understood that the City did do outreach and notify extensively for many other things where nothing was set in Code as to who should be notified, Staff always erred on over-notifying. In a case where it was defined by Code and had very legal meaning and legal standing through the notification process, Staff needed to be extra careful. He confirmed that the city attorney had nothing more to add.

Mr. Martinez stated from the audience that the courtesy notification referred to coincided with neighborhood paving which led to some confusion. He had received four different notifications for the repaving. It created confusion about whether it was related to what was happening at the hotel. He recalled receiving a knock on the door the day before the streets were closed to inform him he could not park on there the next day.

Mr. Brown continued from the audience stating it was not 250 ft from the adjacent parking to the nearest private residence; it was about 10 ft. The City did not take into account the adjacent parking.

Ms. Jacobson stated if more testimony was to be received from the audience, the Board would need to request it, and audience members would need to come up to the microphone and identify themselves.

Mr. Pauly added, and also allow the Applicant rebuttal.

Chair Heberlein called for any other questions for Staff. Seeing none, he asked if the Board wanted to continue the hearing to allow for additional time to review the site, visibility or anything else.

Mr. Pauly clarified that the 120-day clock was not an issue yet as the deadline was April 18th.

Ms. Willard believed trees would be lost to upgrade the hotel to make it current; there was no way around it, but if she were a neighbor, she would appreciate more dialogue with the developer.

Chair Heberlein stated when he did his site visit, he did not go onto Marquis property and look at the tree coverage from as close to a neighbor's vantage point as he could get. He would not oppose continuing the hearing to give himself more time to look at it in more detail and potentially allow the Applicant to do some outreach with the community, if they so desired.

Ms. Jacobson noted the DRB needed to decide if the hearing would be continued with the record open or close the record to give the Board more time.

Chair Heberlein responded that would be a question for the Applicant as to whether they would be willing to entertain public discussion with neighborhood and whether that would result in any change to the application. If no change was made to the application, there was no point in leaving the public hearing open. It would just be a matter of having more time for the Board to assess the application based on the criteria presented to them.

Mr. Kimmel believed there was some confusion with the neighbors in that the gentleman said the project site was within 10 ft of the property. But on the aerial photo, the property line could be seen, and it was a long way away from 10 ft from the residential property. The existing screening did not really change that much. The Applicant had met all the Code criteria requirements. He was unsure if they were in a position this late in the game to have a continuance to basically start over in terms of a neighborhood discussion. They would not be changing the application because the trees were not on the Applicant's property. They did not have anything to do with that screening. If Marquis Development wanted to make a change, the neighbors could be impacted from that screening, but it would not be impacted by the Applicant's development. That screening would remain; it was where the existing parking was located. The 10 ft might be there now, but it was also the other 100 ft of screening that was on the adjacent property. He did not want to start all over and try to redesign a building because they would never get it done in 30 days.

Chair Heberlein stated that based on Mr. Kimmel's comments, he would like to declare the public hearing closed, unless there was any disagreement from the Board.

Ms. Linville stated that without a motion to continue, she did not believe there was any other option.

Chair Heberlein declared the public hearing closed at 10:53 p.m. He asked whether the Board wanted to continue to allow other Board members to have additional time to look at the site.

Ms. Willard said she had walked the site previously, so she was good.

Mr. Frinell stated he was good.

Ms. Linville said the aerial view was not fabricated in any way. She would probably get a better view at it from the aerial view than from standing among the trees.

Ms. Willard added the lines between the properties were very blurry.

Ms. Linville agreed that was her concern when she went to look at the property and drove through the parking lot. She did not know where the line was; she could not see it, so the aerial view was a better way for her to be able to see.

James Frinell moved to approve Resolution No. 342 with the terms and conditions as stated in the Staff report, changing Condition PDA 5 to state, "Of the total spaces available for employee, student, and commuter parking, at least 5 percent, but not fewer than two, shall be designated for exclusive carpool and vanpool parking." Joann Linville seconded.

Ms. Linville confirmed there would be no pull-through parking spaces on the subject property for trucks, etc.

Mr. Pauly understood the spaces were not designed nor intended to serve the trucking/RVing public.

Ms. Linville understood that currently there were parking spaces at the Quality Inn that could be used for pull-through vehicles.

Ms. Willard did not believe a rig could be navigated through the property as it was currently configured, even if parking existed.

Ms. Linville said it did not matter what was currently there.

The motion carried 4 to 1 with Ron Heberlein opposed.

Chair Heberlein read the rules of appeal into the record.

VII. Board Member Communications

- A. Results of the July 24, 2017 DRB Panel B meeting
- B. Results of the August 28, 2017 DRB Panel B meeting
- C. Recent City Council Action Minutes

There was no discussion.

VIII. Staff Communications:

There was none.

IX. Adjournment

The meeting adjourned at 10:58 pm.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for

Shelley White, Planning Administrative Assistant