

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

**Development Review Board – Panel A
Minutes–April 13, 2015 6:30 PM**

<p>Approved May 11, 2015</p>

I. Call to Order

Chair Mary Fierros Bower called the meeting to order at 6:30 p.m.

II. Chair’s Remarks

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

III. Roll Call

Present for roll call were: Mary Fierros Bower, Lenka Keith, Kristin Akervall, James Frinell, and City Council Liaison Julie Fitzgerald. Ronald Heberlein was absent.

Staff present: Barbara Jacobson, Steve Adams, and Daniel Pauly

IV. Citizens’ Input This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

V. City Council Liaison Report

Councilor Fitzgerald reported that during the recent work session, City Council discussed system development charges (SDCs), which generates revenue for the City to accommodate necessary improvements. There had not been a change in SDC charges since about 2007, so Council would be reviewing and comparing Wilsonville’s SDCs to other cities to determine what changes might be necessary.

- The Leadership Academy continued to meet and was a very active group of about 30 citizens. The next meeting would be held April 17, 2015.
- She noted that she was the Council liaison to the Transit Master Plan Task Force, a diverse committee of more than a dozen citizens who have an interest in transit. The Transit Master Plan was a way to evaluate how the SMART bus routes work, how the fees were funding the program, connections to TriMet, and how SMART was serving the public in the most efficient way.
 - Most of the revenue for the SMART Transit Program was generated by business taxes, and Council/Wilsonville was really appreciative of the businesses that fund the SMART Program. The program started 26 years ago because citizens decided to replace TriMet as the local transportation system, and so far SMART has continued to be less expensive than TriMet.
- She reminded that the World of Speed Grand Opening would be April 24, 2015.

VI. Consent Agenda:

A. Approval of minutes of January 13, 2015 DRB Panel A meeting

Lenka Keith moved to approve the January 13, 2015 DRB Panel A meeting minutes as presented. Kristin Akervall seconded the motion, which passed 3 to 0 to 1 with James Frinell abstaining.

B. Approval of minutes of February 9, 2015 DRB Panel A meeting

James Frinell moved to approve the February 9, 2015 DRB Panel A meeting minutes as presented. Lenka Keith seconded the motion, which passed 3 to 0 to 1 with Kristin Akervall abstaining.

VII. Public Hearing:

- A. Resolution No. 301. Montague Park: Stacy Connery, AICP, Pacific Community Design, Inc. – Representative for Rudy Kadlub, RCS – Development – Applicant/ Owner.** The applicant is requesting approval of a Zone Map Amendment from Public Facility (PF) to Village (V), a Preliminary Development Plan, Final Development Plan, Type C Tree Plan and Specific Area Plan (SAP) Refinement for development of a 2.9 acre private neighborhood park with public access. The subject property is located on Tax Lot 3100 of Section 15AC, T3S, R1W, Clackamas County, Oregon. Staff: Daniel Pauly

Case Files:	DB15-0001	Zone Map Amendment
	DB15-0002	Preliminary Development Plan
	DB15-0003	Final Development Plan
	DB15-0004	Type C Tree Plan
	DB15-0005	Specific Area Plan (SAP) Refinement

The DRB action on the Zone Map Amendment is a recommendation to the City Council.

Chair Fierros Bower called the public hearing to order at 6:38 p.m. and read the conduct of hearing format into the record. Chair Fierros Bower, Lenka Keith, and Kristin Akervall 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.

Kristin Akervall declared for the record that she was a Villebois resident, but that would not affect her decision.

Daniel Pauly, 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.

Mr. Pauly briefly described the proposed park site's location, noting that the name, Montague Park, was to honor a longtime Wilsonville resident, but was given a more European pronunciation. He presented the Staff report via PowerPoint with these key additional comments:

- On March 12th, the Parks and Recreation Advisory Board reviewed the park's plans and recommended that the DRB support the park design with some additional considerations regarding how complementary the pickle ball and basketball uses would be, as well as the potential for adding a drinking fountain component to the proposed water bottle fill station.
- He briefly reviewed the hierarchy of park types found in Villebois Village Master Plan, noting that Montague Park would be the last of the neighborhood parks to receive land use approval, pending the changes for Neighborhood Park 5 which would be discussed in the coming months.
- He reviewed the application requests as follows:
 - The Zone Map Amendment was fairly straightforward as the site still had Public Facility zoning consistent with other portions of the Dammasch State Hospital campus. This amendment would update the zoning to a Residential Village Comprehensive Plan designation like all of Villebois.
 - SAP-Central Modification and Master Plan Refinements
 - Phasing Update. Four phases had been built or partially built from the phasing plan previously submitted, and as proposed, this project would be Phase 5. Besides making Phase 5 as the next phase constructed, the Applicant also changed Phases 6 and 7, which were adjacent to existing development and expected to be built in applications coming forward or currently under review.

- He entered the SAP Central Phasing Plan Update distributed to the Board into the record as Exhibit B3, which would replace Sheet 9 in the plans originally submitted. The big change was that Phase 6 on Exhibit B3 was formerly identified as Phase 13. The phasing plan had been adjusted based on updated knowledge of how the SAP was likely to be built out. Exhibit B3 would update all references to phasing throughout the Staff report.
- The Master Plan Refinement. He displayed a list of specific neighborhood and regional park amenities from the Master Plan, noting the preliminary list of amenities was more than a decade old now, so as the community was involved and the final design reviewed, some changes were requested.
 - Per the Code, refinements were allowed as long as the changes to the nature of the location of park type, trails, or open space, did not significantly reduce function, usability, connectivity, or overall distribution or availability of park uses in the surrounding neighborhood. The Code did not necessarily address restricting changes to park amenities.
- He described the Applicant's proposed changes to the amenities in Montague Park, which included the addition of amenities not currently listed in the Master Plan, as follows:
 - Replace drinking fountains with water bottle filling stations due to the prevalent use of personal water bottles and because filling stations more sanitary than traditional drinking fountains. The Applicant could speak to whether they would be adding a traditional drinking fountain as well. Initially, Staff was supportive of the water bottle fill station as a replacement.
 - Exclude barbecues, which were seen as a safety and maintenance issue, especially by the City's new Parks Director, as well as within the industry. Given the modern prevalence of smaller propane or other heat source barbecues that people bring into parks, Staff supported eliminating barbecues as did the Parks Board.
 - Add a pickle ball court. Pickle ball had become a growing sport and there was a lot of demand for facilities.
 - A basketball hoop was preliminarily planned as part of the pickle ball court, but the compatibility of sharing the same court was a concern, due to the need to remove the net and retrieving balls that might go over the fence, but there were different ideas the Applicant could speak to.
 - One idea was to make the basketball net adjustable to give smaller children the opportunity to play since larger courts were generally used by older children and adults.
 - Add a circuit training area in a natural setting of the park.
 - Add a nature play area.
 - Exclude restrooms, which were a nice amenity in a park, but might be more appropriate for a public park. Montague Park was intended to primarily serve immediately surrounding neighbors who would have nearby access to restrooms in their homes.
 - For visitors, a public restroom was proposed in Regional Park 5, which the City fully supported. That restroom would be as close as 900 ft, and 1,500 ft, at its furthest point, away from Montague Park. Other restrooms were nearby as well.
 - Staff tried to understand why a restroom was put in this neighborhood park. It was unclear if the restroom idea came before or after the neighborhood park designation or the designation as a private park.
 - The park's amenities were to support gatherings at the amphitheater, which was not as large as originally proposed. Now, the proposed capacity, both in terms of programming and seating would not draw a large crowd like in a large park where there would be restrooms. Less formal, more local, ad hoc performances were now envisioned not, rather than big, organized events.

- There was no precedent for restrooms being open to the public on a private HOA park. Most public neighborhood-scale parks, such as Courthouse Park or River Fox, did not have public restrooms.
- Restrooms were expensive to build and maintain, which would be a burden to a relatively few property owners to maintain for the broader public when they had access to facilities in their homes nearby.
- The pattern throughout Wilsonville in terms of public restrooms was that overall, larger parks, such as Memorial Park and Murase Plaza that hold large events and have water features, and Town Center Park, all have restrooms. A couple smaller parks have restrooms, although it was unclear why. Boones Ferry Park was an older park that did get quite a bit of use. Canyon Creek Park had a restroom, but park maintenance personnel said it did not get a lot of use yet it still required City maintenance two to three times per week. The HOA would have to hire someone or find a volunteer from the HOA to regularly maintain the restroom in Montague Park.
- With availability nearby, the nature of the park, and balance with the expense, the City, as well as the Parks Board, supported omitting the restroom as an amenity at Montague Park, which was part of the refinement request.

Ms. Akervall asked about the location of Regional Park 5 and when the restrooms would be completed.

Mr. Pauly indicated the locations of Regional Park 5, as well as the newest park, Edelweiss Park, which currently had pickle ball courts. The application for the restrooms was being actively worked on, so the restrooms would likely be built either this summer or next.

Ms. Akervall asked about the City's plans for the port-a-potties at another park near the Piazza.

Mr. Pauly stated Mr. Kadlub, who was present, knew a lot more about the current and future plans. He understood accommodations were made to put port-a-potties near the Piazza during large events held there. The facilities would come and go, and were unlocked as part of the rental of the space for a planned event. He indicated the Piazza's location on the map, adding the Applicant could provide more information about the situation with the restroom facilities near the Piazza.

- He confirmed there were no plans for port-a-potties in Hilltop Park (Montague Park) as there would not be events large enough to attract a large crowd to warrant that need.

Ms. Akervall asked how big Canyon Creek Park, which had a restroom, was compared to the proposed park.

Mr. Pauly replied Canyon Creek Park did not have many amenities. There was a trail under the power lines, a picnic table, and open area. There was no playground and not a lot of parking. It was not designed as a destination place but rather maybe where a jogger could stop on a run. The Parks Department believed joggers using the trails were the typical users at that park.

Mr. Pauly continued with his presentation of the Staff report as follows:

- He reviewed the Preliminary Development Plan (PDP) and Final Development Plan (FDP) together, noting that working with the contours of the park was an important aspect of the park design, as well as the existing trees, especially the rows of trees that were planted on the east side of the property.
 - The trails and paths through the park which were amenities in their own right did a good job connecting the different amenities while also allowing passage through the park.
 - Per the Master Plan, no parking was allowed next to parks in Villebois by design to ensure a view shed was maintained into those parks from the public realm.

- For Montague Park, primarily because the view shed was diminished due to grade differences and the density of the residential development surrounding it, on-street parking was provided around the park with pedestrian access from those residential areas.
 - There was no constant sidewalk along the street frontage of Orleans Ave, which had less traffic than Costa Circle. There was a through passage along Costa Circle, but rather than duplicating another path right along the street, intermittent pathways were provided for access.
 - A key consideration was the intention that not a lot of people would drive to this park, as the design reflected. The parking would serve what would likely be row homes or apartments across the street.
- He presented several slides, describing and indicating the location of key amenities within the park with these key additional comments:
 - The single pickle ball court on the northwest side of the park was designed into the ground to help address noise concerns.
 - The feasibility of the basketball hoop was still being explored and would not be required if the DRB found it would not work. Having an adjustable basketball hoop for smaller children was not feasible and there was no easy way to take the pickle ball net up and down to make it a dual-use court.
 - If feasible, the old Dammasch State Hospital flagpole would be relocated next to the paved plaza near the picnic shelter as a reminder of the history of that former use.
 - The proposed shelter was more urban-looking than some other shelters, but it would provide a nice interface between what would be quite a dense area and the more natural setting of the park.
 - The natural picnic area with picnic tables would provide a view of Mt Hood.
 - In response to some comments received, the Applicant was willing to move some benches around to ensure parents had plenty seating while watching their children play on the child play structure and in the nature play area across the path.
 - The Applicant was also willing to put electricity on both sides of the stage in the amphitheater.
 - Artificial turf would be used for the putting green due to maintenance concerns, but the Applicant would try to make a seamless transition into the natural plantings around it.
- Type C Tree Plan. Of the 85 trees on site, approximately 70 percent were proposed for removal. A little more than half were being removed due to health reasons. The arborist recommended removal, expressing both in writing and in person that the hedgerows, the planted rows of the cedar and Douglas fir, had health concerns and were not sustainable long-term. The Applicant had hoped the trees would be in better condition and be able to be maintained.
 - Displaying Tables 1 and 2 from the application (Slide 25), he reminded that P stood for Poor condition, and when compared to the species, more Douglas fir and western red cedar were being removed.
 - In the Moderate rating, five were being removed due to condition. He noted that the vast majority of the 20 Moderate trees proposed for removal were in a single row located right where the amphitheater was proposed.
 - Because of the grading for and design of the amphitheater, the overall park design to allow views of Mt Hood, and the poor condition of trees within that row, the decision was made to take out the entire row of trees, which would result in a better long-term design for the park. No Good trees were identified in the row of trees.
 - He reminded that the Poor, Moderate, Good, and Important tree ratings were based on the Master Plan and had been used consistently throughout all phases of Villebois.
 - Two Good trees proposed for removal due to condition. One tree's removal had to do with adjacent removals and decreasing the risk of tree failure due to exposure to the elements. The

other Good tree had a fungus. Although currently in Good condition that fungus would deteriorate the health fairly quickly so it was removed.

- The one Good tree being removed due to construction was necessary for Orleans Ave to be straight.

Chair Fierros Bower requested clarification about the removal of two Good trees due to condition.

Mr. Pauly cited the arborist's report, which stated, "One is a Douglas fir without major defects but has grown up competing with adapting to shelter from the adjacent trees. Removal of the adjacent trees because of poor condition for the purposes of construction necessitates removal of this tree, which would represent an increased risk for failure with exposure from adjacent tree removal." Essentially, putting a Douglas fir that had grown in a forest out in the open would increase its risk of failure. He continued, "The other is also a large Douglas fir with a relatively vigorous crown, but with basal swelling and mushrooms at the base of the tree, which were positively identified as Velvet-Top Fungus. This fungus causes extensive butt rot and infected trees in extreme decay may result in stem breakage or wind throw, especially losing large limbs and such." The report suggested, "Infected trees should be removed from the area with the target potential because of the hazardous condition."

Ms. Akervall confirmed the entire row of evergreen trees would be removed and asked if it was possible to save some of the trees to stand in for the trees behind the amphitheater.

Mr. Pauly noted grading was required for the amphitheater.

Ms. Akervall confirmed the construction equipment could damage any unremoved trees.

Mr. Pauly reiterated that because the trees had all grown up together, taking some neighboring trees out would increase the risk to any trees left.

- He noted some conditions of approval unique to this particular project.
- He explained that the general rule in Villebois was that parks and streets must be done prior to the issuance of 50 percent of the building permits for the development. In this case, however, because the PDP was the park that condition was not included. Typically, the City had the building permits to hold should there be any issues down the road. Therefore, some conditions of approval addressed the legal documents associated with this project that needed to be recorded. An operational agreement was required, the public access easement had to be recorded and bond had to be posted.
 - The operation and maintenance agreement defined not only the park, but also the adjacent right-of-way, who maintained the street trees, etc. This agreement was done for all phases in Villebois and needed to be done for Montague Park.
 - The public access easement that would be granted over the park needed to be recorded. Because the City did not have that 50 percent to go back to, the condition simply required that the easement be recorded prior to the Building Department issuing a grading permit.
 - Because there was no completeness, a condition also required bond to be posted prior to that grading permit to guarantee construction within 18 months of pulling those permits.

Chair Fierros Bower called for the Applicant's testimony.

Rudy Kadlub, President, Costa Pacific Communities, Master Developer of Villebois, stated the Applicant concurred with Staff's recommendations, adding that the landscape architect and engineers were present and available for any technical questions.

- Regarding trees, the designations of Poor, Medium, Good, and Important were designated in 2003 or 2004, when the Parks Master Plan was done. Those designations had not changed, so the couple of trees that were Good 12 to 15 years were not so good now and would be removed for conditions.

- He confirmed that all the trees that were being removed were for health purposes. No bad trees were being kept. Trees being removed would be replaced at 1:1 or greater ratio.

Ms. Akervall asked Mr. Kadlub if he had any comments regarding the basketball/pickle ball shared space and how it might or might not work.

Mr. Kadlub stated the basketball standard was added as an afterthought because there would be a court there and the Applicant believed adding the basketball hoop would add diversity. The Parks Board raised a concern about whether having a basketball hoop would be realistic there; for example, would it get in the way and would the pickle ball net need to be taken down, which could become a maintenance issue.

- A homeowner who lives behind the park appeared at the Parks Board meeting was concerned about the noise that a bouncing basketball might generate, but the Parks Board still decided to pursue it to see if it could work.
 - The intent was to depress the pickle ball court below grade and use a 3-foot retaining wall to reduce the visual height of the fence on top of the retaining wall and muffle the sounds of a bouncing basketball.
 - If there was enough room, maybe the hoop could go on the backside of the fence, not in the court, which would pose the danger of someone running into the pole while playing pickle ball. Those things would have to be addressed and a consideration of the feasibility, part of which would be determined when the grades and construction drawings were finalized.

Ms. Akervall said she was also concerned about the safety of the pickle ball net interfering with basketball play or the pickle ball net being damaged while being taken down and put back up, adding it might not get put back up. It might be difficult for both activities to share the space.

Mr. Kadlub stated the Applicant considered installing an adjustable basketball hoop so smaller people could use it. There were a lot of moving parts to consider. It was not always possible to be all things to all people, so it might end up just being a really nice pickle ball court.

Lenka Keith inquired about the cost differences for installation and maintenance for a drinking fountain versus water bottle refill station, or having both. It might be nice to have a drinking fountain so everyone would not have to bring a water bottle.

Mr. Kadlub replied the Applicant was fine with the drinking fountain. He believed the Parks Director had suggested the water-filling station instead of a drinking fountain for health purposes, but it was immaterial for the Applicant. A water-filling station made sense since almost everyone carried a bottle around these days.

Ms. Akervall asked how the pet water fountain at the bottom of some of Villebois' water fountains fit into the proposed drinking fountains/water bottle filling stations, and whether dogs would be able to drink from the water bottle filling station, which obviously should be avoided. There should be a means of getting animals water while keeping things hygienic for people.

Christina Grant, Otten Landscape Architects, said she had a cut sheet for one manufacturer's version of a combination bottle-fill and drinking fountain, which would be the option, not two separate facilities.

- With regard to animals, she explained the fill station would be higher than the drinking fountain to avoid cross pollination. Any pet add-on option would be down at the base.

Mr. Kadlub clarified that this was not the location of the Villebois off-leash dog park, which they still hoped to have in the future, so they did not want to encourage that use either. He confirmed dispensers would be included for dogs.

Chair Fierros Bower confirmed that even though the park was open to all Villebois residents, it was primarily for residents who were within walking distance and could run home to use the restroom.

Mr. Kadlub added the park was not exclusive for any particular location, but was intended to serve the neighborhood it was in, which was a high density neighborhood. It would be a big park surrounded by a lot of residences. He noted that both the Piazza and Regional Park 5 were two blocks away and each would have restrooms.

- Using Slide 10, he indicated that Sophia Park, which had a restroom, was located two blocks southwest of the Piazza, but was not on the map. He explained that when SAP Central was approved, there was no intent to put a restroom in the Piazza, but there would be a public restroom in the mixed-use building closest to Montague Park. The restroom would be in the middle of that building in the post office for residents of the Village Center. When the Piazza was approved for development a couple of years ago, the condition of approval was to provide a port-o-potty during the summer months, from May 15 to October 15, which was done the first year.

This past year, the port-o-potty remained there year-round and was maintained by the servicing agent. It sat behind the mailboxes, in the proximate location of the future permanent restroom.

Ms. Akervall confirmed that once the multi-use building was completed, the port-o-potty would be gone because the building would house a public restroom. She reviewed that the park to the north, indicated by the star on the displayed map, had a proposed restroom, and a restroom was also at Sophia Park which was only two blocks farther off the map.

- She asked about the proposed restroom locations for Montague Park and Regional Park 5 in the original Villebois Master Plan.

Mr. Kadlub replied that the park indicated with a star on the map was a neighborhood center park, and three such parks were included in the Master Plan, Sophia Park, this one, and then one on the east side.

Stacey Connery, AICP, Pacific Community Design, noted that originally in the Master Plan for the parks, restrooms were considered optional in the neighborhood parks identified with restrooms and would be evaluated later because if a restroom was provided the park would be public. This park would stay neighborhood scale, owned by the homeowners association (HOA), and the uses had been sized for that neighborhood scale of a park, so the relevancy of the restroom had been minimized.

Chair Fierros Bower called for public testimony in favor of, opposed, and neutral to the application.

Les Modell, 11342 SW Barber St, Wilsonville, OR, stated he was a dues paying member of the Villebois Village Center Master HOA, so he was, in fact, financially responsible for that park. He understood that this proposed park would not be turned over to the City in the foreseeable future. Unlike Sophia Park, for example, whose facilities were maintained by the HOA and then dedicated to the City after a few years, Montague Park would remain the responsibility of his HOA in perpetuity. All things being equal, he would agree that having a restroom in the plan would be worthwhile to consider. However, all things were not equal. Many of the voices demanding that restrooms be built would not, themselves, ever have to pay for that amenity. For the record, he agreed with the position taken by his HOA Board, the developer, and City Staff in eliminating the restroom that was in the Concept Plan. Since the HOA would privately carry the burden, he respectfully requested that the City discount the request from those citizens whose interests were not supported by their own financial responsibility. He thanked the Board for the opportunity to speak.

Bob Dorband, 29085 SW Costa Circle West, Wilsonville, OR, circulated an 8-page handout which included his statement, several attachments, and a photograph taken from his deck, all of which related to the location of the pickle ball court. He read statement into the record with these additional comments:

- He was concerned that very little buffer existed between the proposed pickle ball court and the residential units with balconies. This was a very dense area. There were about five or six row houses each with four or five units, so there were a lot of people who lived very close to this particular park.
- He understood some steps were being taken to mitigate the sound from the pickle ball court, but nuisance issues could potentially arise in the future. The other pickle ball at Edelweiss Park was within eyesight of the proposed pickle ball court, and had a large buffer between it and the homes. There was a large green space, a full-size road, and the front lawns of the residences. The same was true of the basketball court there as well. All the basketball courts in Villebois and public parks in Wilsonville were very separated from residential units.
- The proposed pickle ball court was, literally in his backyard. The proximity of the court was his concern, not its existence. He loved parks, but did not want to be in a position at some point where the use of it caused problems for him and many other surrounding neighbors. Had he known the park would have this particular use, it might have affected his decision to move to that particular unit.
- He noted he had no other issues with the park. He and his wife understood the need for removal of the trees and were very much in favor of the park itself. His one concern was the proposed pickle ball court as he did not want something to become unpleasant in the future.
- He hoped the Board would take his concerns into consideration when determining whether to approve the park as submitted.

Mr. Pauly entered Mr. Dorband's handout into the record as Exhibit D2, including the picture taken from deck showing pickle ball court area.

Chair Fierros Bower called for the Applicant's rebuttal.

Mr. Kadlub stated that in working with the professional landscape architects to include all of the required amenities in the park, the proposed area for the pickle ball court really was the only spot flat enough to put such a court. He was okay if the Board chose to not have a court there, but it would not work to relocate it anywhere else in the park because of the grades or existing trees being preserved.

James Frinell asked if the pickle ball court was proposed by the Parks and Recreation Board.

Mr. Pauly replied it was supported by the Parks Board. There were some comments at the Parks Board hearing from the neighbors, particularly about the basketball noise. He said that he was a pickle ball player and admitted it was kind of noisy, but it was not like an anvil, though his wife would not let him practice in the garage after the kids went to bed. He reminded that this amenity was not listed in the Master Plan; it was an add-on. From the regulatory side, if it was left out, it was not an issue in regards to the Master Plan. No sport courts were listed in the Master Plan, other than the putting green.

Chair Fierros Bower understood the court would be sunk into the ground and inquired if that would help with the sound.

Mr. Kadlub replied the concrete wall would serve as a sound barrier, similar to a sound wall next to the freeway.

Patrick Espinosa, Pacific Community Design, explained that he had worked on the design of this park, in particular the grading. He noted the pickle ball court was roughly 4 or 5 ft lower than the adjacent alley. He believed some parts were even lower as the alley gained elevation toward the end of the alley to the

southwest. He said was not an acoustic engineer, but knew it would help dampen the noise, he was just unsure to what extent.

Mr. Pauly believed there would probably be some hour regulations that would be enforced.

Mr. Kadlub noted the pickle ball court would not be lit at night, so people should not be playing pickle ball after dark. He added the Applicant could consider additional evergreen landscaping between the court, alley, and townhomes, if that would be helpful.

Chair Fierros Bower asked if there was an option to install something else if there were complaints and concerns from the neighbors that it was too noisy.

Mr. Kadlub replied that they would not want to spend \$100,000 and then have to tear the court out. It would be depressed with a retaining wall around it. The options were to add additional landscape buffer or eliminate it; the decision was up to the Board.

Ms. Akervall liked idea of additional landscaping. She mentioned the water feature proposed on Villebois Drive North and inquired if it were relocated near the proposed pickle ball court if it would provide ambient noise to help drone out some of the pickle ball sound.

Mr. Kadlub explained that the entrances to and from the park were carefully planned as it related to how movement would occur within the neighborhood. The bubblers there were more of a Zen, kind of meditation area and probably would not create a lot of ambient noise. A constant fountain that would be loud enough to drown out the pickle ball noise would likely be more of an annoyance than the two hours a day someone was playing pickle ball. He displayed the park site plan and indicated where additional landscaping could be placed, such as a hedgerow of evergreens up along the fence to shield the view and add some noise-cancelling benefit. He described the design of the pickle ball court, noting the retaining wall, fence, and existing large trees, along with the additional landscaping. In his opinion, it would be a nonissue. However, if there was going to be a sport court of any type that was the location it needed to go in that park. The slope really dropped off from the shelter all the way down to Costa Circle. There were some flat spots, but using them would require the removal of more trees.

Mr. Frinell asked if a pickle ball court was proposed in the next park discussed earlier.

Mr. Pauly replied that he had not seen one in any drawings; there was a skateboard park and some other features. The next park was a larger park, similarly sized to Edelweiss Park and would be a City-owned park. The City and another developer were working on final designs, which would be coming before the Board, in the coming months.

Chair Fierros Bower asked if there were any pickle ball courts in the other parks that had been developed in Villebois.

Mr. Pauly replied that Edelweiss Park had one.

Mr. Kadlub said he had received comments from homeowners in the Village Center that more than one court was needed for tournament play, and the homeowners specifically requested and encouraged a second court.

Mr. Pauly confirmed he had heard the same from the pickle ball community in town

Ms. Akervall noted she had sent an email to Staff about adding power on each side of amphitheater and benches around the play area. She noted there did not seem to be much seating close to the natural play area and play structure.

Mr. Kadlub confirmed the Applicant was fine with adding the electrical and that there was a bench by the play structure and on the opposite side facing the natural play area. A good location for an additional bench would be east from there, between the two trees next to the walkway.

Ms. Akervall confirmed there would be power outlets in the picnic shelter for portable barbecues.

Mr. Kadlub stated there would be power along the built-in shelf in the picnic shelter for casseroles, warming dishes, etc., that would be all on battery. The Applicant elected not to do a sink, as done in Sophia Park, since the idea was residents would come from their house and bring their portable barbecue, hotplate, or cooler etc. He clarified the look of the picnic shelter was not to be more urban looking, but a bit more rural and natural looking. The shelter had kind of a scurled, wavy siding with a darker stain. The slope faced toward the street, and the high open areas had the best view of Mt Hood in the whole community. Dropping the roof down kind of protected from the prevailing winds that come from the northwest and the sheer would be on the wall where the shelf was.

Chair Fierros Bower confirmed there was no further questions and closed the public hearing at 8:00 pm.

Kristin Akervall moved to amend the Staff report by adding Exhibits B3 and D2. James Frinell seconded the motion, which passed unanimously.

James Frinell moved to adopt Resolution No. 301 with consideration of the Board's discussion. Kristin Akervall seconded the motion.

Mr. Frinell recommended that the pickle ball court be eliminated and possibly found in some other location.

Ms. Keith concurred, noting her concerns regarding the distance between the pickle ball court and the nearest residential units. Seeing it on the picture provided by Mr. Dorband (Exhibit D2), it seemed like it was in someone's backyard. She was unsure how the noise level compared to racquetball or basketball, but noted they could be annoying. It sounded like the pickle ball court would probably get a fair amount of attention, which meant it would be used more than a couple of hours a day, probably, so this might not be the best choice for the location.

Ms. Akervall stated she was a Villebois resident and a pickle ball player. She admitted the pickle ball court would be in demand as there were often people waiting to play at the other court. She would like to see another pickle ball court in Villebois, but wondered if it could be included in another park, perhaps with more buffer; however, working it into another park could result in sacrificing something else.

Mr. Frinell agreed the pickle ball court would be nice to have, but he feared the mitigation proposed would not be enough.

Ms. Keith agreed it was a great amenity, but he did not believe the community should have an amenity at the cost of the immediate, adjacent residents.

Chair Fierros Bower agreed.

Ms. Akervall asked what would replace the pickle ball court if the Board asked that it be eliminated.

Mr. Pauly imagined it would be a landscaped area, something quiet. It would have to be something pretty passive due to possible noise complaints. He understood it was a fairly flat part of a non-flat park, but it was close to those residences.

Ms. Akervall inquired if it would be possible to swap the putting green and pickle ball court locations.

Barbara Jacobson, Assistant City Attorney, reminded the Board had closed hearing.

Mr. Pauly stated that, aesthetically, the fence around the pickle ball court from the roundabout would probably be an eyesore. There was maybe potential to reopen the hearing if the Board need to discuss the resolution of what the design would be if the pickle ball court was eliminated.

Ms. Akervall added it would be close to the amphitheater and no one would want to have the noise conflict there either. She requested that the hearing be reopened for the Board to learn what would replace the pickle ball court.

Ms. Jacobson said if reopening the hearing was critical to the Board's vote, she advised doing so.

Kristin Akervall moved to reopen the public hearing for Resolution No. 301 to further discuss the pickle ball court with the Applicant. James Frinell seconded the motion, which passed unanimously.

Ms. Akervall asked the Applicant if Board removed the pickle ball court, what would go in place of it.

Mr. Kadlub replied that there was no Plan B. The pickle ball court could be moved to the southeast so it would be right in front of the shelter on that grassy knoll play area, but that would eliminate the major green play area in the park, which was a primary amenity. The pickle ball court could, perhaps, be put in the area where the natural play area was located, but the court's size was quite a bit different than what was there now, so some trees would be removed. He was fine if the park was approved without the pickle ball court, but he expected that the City would receive calls from a lot of homeowners in the Village Center who anticipated having a pickle ball court there.

Mr. Pauly confirmed the pickle ball community was very involved in looking at the new Memorial Park Master Plan and there would be a lot of comments about eliminating the pickle ball court. However, the Board needed to decide what was best design for the context of this location, not just whether or not to have another pickle ball court in Villebois.

Kristina Durant, Otten Landscape Architects, added there were three existing trees, two evergreens northwest in the court, and the large deciduous tree just south of it. The Applicant considered moving the court down, but could not interfere with those trees. The north-south orientation was the recommended sort of requirement for tournament play. The Applicant could remove the grass access around the whole back side of the court and just thicken up the vegetation between the court and alley. She noted that behind the line of trees on the property line, there was a planting bed in the empty space along the alley, so the Applicant could thicken up that buffer. The size of court would interfere with any lawn play in the area near the shelter if relocated to center circle. She questioned how moving the court that distance would reduce the noise impact.

Mr. Kadlub noted there would not be the same grade difference there, so it might even increase the noise, even though it was farther away. He explained that a lot of thought went into the design of the park and where things were oriented and how they interacted with each other. The whole circulation pattern of the

sidewalks and how children would play and ride their bikes around the shelter and where the play area and natural play area were situated, where the amphitheater was, and then where the active play was and dealing with the grades and the existing trees, so there were not a lot of alternatives other than to eliminate the pickle ball court, but there were a lot of other people who really wanted it, too. If it were eliminated, it would probably become a passive grassy area. After spending months designing the park, he did not want to make a design session during the hearing. He noted he did not want to delay the approval because the Applicant did want to build the park this summer.

Ms. Durant agreed the area would become a quiet lawn space if the pickle ball court was not there.

Chair Fierros Bower inquired how much sound mitigation could be expected if a hedge or landscaping were added.

Ms. Durant replied it would be a lot, but she did not know how to quantify it necessarily. For the units above the court, there would be a limit to the buffering, but tall evergreen trees would help eventually.

Chair Fierros Bower clarified that in addition to the court being sunk down 4 to 5 ft and the buffer added in the area north of the court, the area on the other side of that property line would be planted.

Ms. Durant clarified the area on the other side of the fence had probably already been planted because it was a separate project. She added the requirement for the pickle ball court was a 10-foot chain link fence it to keep the ball in that would be screened with vegetation regardless.

Mr. Kadlub clarified it was 10 ft from the playing surface, so with the 4-ft retaining wall, the 6-ft fence would be on top of that.

Ms. Keith asked if anything else could go in place of the pickle ball court that would be more active, like Bocce ball.

Ms. Akervall understood it was hard for the Applicant to redesign everything on the spot. It was obvious so much thought had gone into the plans, so part of her wanted to trust that thought and the Applicant's experience and expertise; but, she did not want to lose out on an amenity for the neighborhood.

Chair Fierros Bower reminded that the residents had indicated that they wanted this type of amenity, the pickle ball court there.

Ms. Keith noted the question was whether the residents would be willing to live this close to it.

Mr. Pauly explained that the Master Plan did not have to be reopened if an amenity was added in the future. The Board would not be preventing an amenity from happening in the future; the difficulty would be determining who would pay to construct it at that point. Right now, there was a commitment from the developer to build this amenity but funds would have to be raised in the future to build a different amenity. There was flexibility in the park over time.

Ms. Keith suggested restricting the hours, but then somebody would have to police it.

Chair Fierros Bower asked if the HOA would be able to restrict hours.

Mr. Kadlub answered rules could be set, but Mother Nature really set the hours, being dawn to dusk.

Mr. Pauly asked if the Board forwarded the zone change to City Council would there be potential to return with something in a month for the Board to finalize, as long as it did not delay the timeline much.

Mr. Kadlub replied if the Board voted to eliminate the court, the Applicant would have to come back with something different.

Ms. Akervall stated she would feel more confident if Board had some more concrete information in writing or more testimony about how planting extra landscaping would help reduce noise.

Janet Otten, Otten Landscape Architects, explained that it had been her experience over the years that plantings take a while to grow up and did not really dampen any noise. Plantings did not create a sound barrier like the solid wall. Neighbors within 60 ft of the court would always have that feeling, knowing the court was there. The court could be screened to dampen the noise a little bit, but there would not be a solid dampening of the noise.

Mr. Kadlub confirmed it would be more of a visual screen than a sound screen.

Mr. Pauly stated the Board had a number of component applications, but the Zone Map Amendment had the most critical timeline. It was straightforward, so the Board could recommend forwarding that to City Council. Typically, the Council did like to know everything at that point, but considering a new amenity in lieu of the pickle ball court would be feasible. If the zone change was put off until after the Board met again, then it would be a couple weeks before Council and then 30 days after that to be finalized which would really affect the timeline. Forwarding the zone change was an option, and then the Board could come back and focus on what was going to happen with that amenity if the Board recommended removal of the pickle ball court.

Ms. Akervall said she liked that idea, adding that now was the chance to build the best park possible and to get the amenities everyone wanted. She would feel comfortable going forward with the zoning and postponing the other until the Board had some more information and suggestions.

Chair Fierros Bower and Mr. Frinell agreed.

Ms. Jacobson advised on the proper procedure to create two different resolutions, allowing the recommendation regarding the Zone Map Amendment to continue to City Council and continuing the remaining case files related to the pickle ball court to the next DRB B meeting in May.

Mr. Pauly explained the pickle ball court affected three of the five applications, essentially. The Type C Tree Plan was not affected by the pickle ball court, but could be if the design was changed; for example the number of mitigation trees might change slightly. Therefore, the Zone Map Amendment was the only application not affected by the court.

Chair Fierros Bower closed the public hearing at 8:28 pm and restated the original motion (Page 11).

The main motion failed 0 to 4.

Kristin Akervall moved to reopen the public hearing for Resolution No 301. The motion was seconded by Lenka Keith and passed unanimously.

Ms. Jacobson described the motion procedure for separating the case files in order to address the pickle ball court at the next meeting.

Kristin Akervall moved to continue the public hearing for Case Files DB15-0002, DB15-0003, DB15-0004, and DB15-0005 to May 11, 2015 date certain, leaving the public hearing open for further discussion regarding the pickle ball court. James Frinell seconded the motion, which passed unanimously.

Kristin Akervall moved to close the public hearing on Case File DB15-0001 Zone Map Amendment. The motion was seconded by James Frinell and passed unanimously.

Mr. Pauly suggested the resolution specifically recommending the Zone Map Amendment to City Council be numbered Resolution No. 302. Resolution No 301 would be amended to remove references to the Zone Map Amendment and presented at the continued hearing. He read into the record the proposed language for Resolution No. 302, or as otherwise numbered by Staff. The resolution solely addressed recommending approval of the Zone Map Amendment and, if approved, would be prepared for Chair Fierros Bower's signature immediately following the meeting.

Kristin Akervall moved to approve the Zone Map Amendment as recommended in the Staff report for Case File DB15-0001. The motion was seconded by James Frinell and passed unanimously.

Ms. Jacobson reiterated that Case Files DB15-0002 through DB15-0005 were being continued to the May 11, 2015 DRB B meeting. Additional testimony would be received on those files, but not on the zoning.

Chair Fierros Bower read the rules of appeal into the record.

VIII. Board Member Communications

- A. Results of the February 23, 2015 DRB Panel B meeting
- B. Results of the March 23, 2015 DRB Panel B meeting

Staff updated that City Council had upheld the DRB Panel B's decision on the Downs Appeal, which was reviewed by that Board on the February 23, 2015.

IX. Staff Communications

There were none.

X. Adjournment

The meeting adjourned at 8:41 pm.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for
Shelley White, Planning Administrative Assistant