

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

Approved
April 25, 2016

**Development Review Board – Panel B
Minutes–March 28, 2016 6:30 PM**

I. Call to Order

Chair Aaron Woods 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: Aaron Woods, Richard Martens, Shawn O’Neil, Samy Nada, Samuel Scull, and Council Liaison Julie Fitzgerald

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

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 at its last meeting, City Council:

- Reviewed and approved the property tax exemptions for subsidized housing in Wilsonville, which was done once a year to ensure the exemptions were being met. Those properties included Autumn Park Apartments, Charleston Apartments, Creekside Woods, Raingarden, and Wiedemann Park Apartments.
- Approved the Bicycle Wayfinding Plan, which was a signage display and placement system that would better direct bicyclists to trails and other destinations in the city.
- Reviewed feedback from the community on the Parkway Ave Cul de Sac Project.
- She added that the Budget Committee, comprised of City Council and five appointed citizens, held its first meeting. Two to three additional meetings would be held to review, discuss, and ultimately vote on the City’s 2016-2017 budget.

The following item was added to the agenda.

VI. Welcome new DRB Members Samuel Scull and Samy Nada!

Chair Woods welcomed Samy Nada and Sam Scull as new members of the Development Review Board (DRB) and invited them to introduce themselves.

Samy Nada said he has lived in Canyon Creek Estates in Wilsonville for almost eight years and worked for Mentor Graphics.

Sam Scull said he has lived in Oregon for six years total and in Wilsonville for almost three years and worked at Gaylord Industries in Tualatin. He looked forward to working with the DRB and being involved in the process.

VII. Election of 2016 Chair and Vice-Chair

- Chair

Aaron Woods nominated Shawn O’Neil for 2016 Chair. Sam Scull seconded the nomination.

Richard Martens moved to close the nominations. Motion died due to the lack of a second.

Shawn O’Neil nominated Richard Martens for 2016 Chair. Aaron Woods seconded the nomination.

Mr. O’Neil believed having Board co-chairs presented a different opportunity. He respected his colleagues on the Board, adding they all bring a lot of knowledge. A vice chair seemed to be the backup person while alternating chairs in meetings allowed for more involvement.

Barbara Jacobson, City Attorney, believed the idea was worthy of discussion, but explained that the City’s Code currently called for chair and vice chair positions. The Code could be amended in the future if the DRB wanted to make that recommendation.

Shawn O’Neil was elected as the 2016 DRB-Panel B Chair by a 4 to 0 to 1 vote with Shawn O’Neil abstaining.

- Vice-Chair

Shawn O’Neil nominated Richard Martens for 2016 Vice-Chair. Aaron Woods seconded the nomination.

There were no further nominations.

Richard Martens was elected as the 2016 DRB-Panel B Vice-Chair by a 4 to 0 to 1 vote with Richard Martens abstaining

VIII. Consent Agenda:

- A. Approval of minutes of January 25, 2016 meeting

Shawn O’Neil moved to approve the January 25, 2016 DRB Panel B meeting minutes as presented. Richard Martens seconded the motion, which passed 3 to 0 to 2 with Sam Scull and Samy Nada abstaining.

IX. Public Hearing:

- A. **Resolution No. 324. 14-Lot Single-Family Subdivision: Beth Ann Boeckman and Karen and Marvin Lewallen – Owners.** The applicant is requesting approval of a Comprehensive Plan Map Amendment from Residential 0-1 dwelling units per acre to Residential 4-5 dwelling units per acre, a Zone Map Amendment from Residential Agriculture-Holding (RA-H) to Planned Development Residential 3 (PDR-3), a Stage I Master Plan, Stage II Final Plan, Site Design Review, Type C Tree Plan, Waivers and Tentative Subdivision Plat for a 14-lot single-family subdivision located at 28500 and 28530 SW Canyon Creek Road South. The subject site is located on Tax Lots 900 and 1000 of Section 13B, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Daniel Pauly

Case Files: DB15-0108 – Comprehensive Plan Map Amendment
DB15-0109 – Zone Map Amendment
DB15-0110 – Stage I Master Plan
DB15-0111 – Stage II Final Plan
DB15-0112 – Site Design Review
DB15-0113 – Type C Tree Plan
DB15-0114 – Waivers

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

Chair Woods called the public hearing to order at 6:49 p.m. 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.

Mark Kochanowski asked from the audience if the site visit was just of the subject site or the adjacent properties as well.

Chair Woods responded he had looked at the subject property, as well as the entire area in question.

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 presented the Staff report via PowerPoint, briefly reviewing the site's history and noting the project site's location and surrounding features, as well as the applications before the Board with these key additional comments:

- **Comprehensive Plan Map Amendment.** The subject site was part of the 1964 Bridal Trail Ranchettes Subdivision, which was subdivided primarily into two-acre lots prior to being incorporated into the city. He described the Comprehensive Plan amendments that changed the designated density of the surrounding properties from zero-to-one dwelling units per acre (du/ac) to four-to-five du/ac, noting that currently, 12 of the original 19 of the Bridal Trail Ranchettes lots had been approved by the City for increased density. The findings supporting the increased density changes cited the limited amount of vacant residential land in the city for people worked and desired to live in Wilsonville
 - The owners of the subject property and their development partner now desired the same change in density to four-to-five du/ac for the same reasons argued for the other ordinances adopted nearby (Slide 6), including the need for residential development within the city, lack of vacant land, a preference to build on available land within the urban growth boundary (UGB) rather than expanding the UGB, and the fact that this area had services available and was close to shopping and employment. Slide 7 showed the density designations surrounding the subject area. He noted that Area L, the Frog Pond West Plan, had one of its densest portions along the creek due to the availability of services and proximity to employment and the city center.
- **Zone Map Amendment.** The planned residential zones were based on density and corresponded with the Comprehensive Plan Density Zone. In this case, contingent on the Comprehensive Plan change, the recommendation was to rezone to PDR-3, the same zone designation as the neighboring Bridal Trial Ranchettes properties for the Renaissance at Canyon Creek and Cross Creek Subdivisions.
- The Stage I Preliminary Plan identified the general layout of the subdivision, including lots and parks, and was tied to the Stage II Final Plan.
- He reviewed the key components of the Stage II Final Plan as follows:
 - Increased traffic and traffic safety was always a topic of concern on residential streets. Traffic was a sensitive topic due to closing off of Morningside Ave within the last year to address vision clearance issues and the resulting changes in traffic patterns at the Canyon Creek Rd/Daybreak St intersection. Traffic engineers consider functional standards, as well as safety. Many things in the City Code promoted pedestrian safety, including ensuring there were sidewalks, landscape buffers, enhanced requirements for crosswalks and marked crosswalks, etc. Although the proposal would add trips, no City standard regulated the number of cars permitted on residential

streets. The City worked to design the safest environment possible knowing that traffic did increase over time.

- The City's level of service (LOS) standard was LOS D and currently, the main intersection studied functioned at LOS B. The traffic report indicated only a minor increase in delay during the peak hour, so from a functional standpoint, nothing in the City standards would be grounds for not approving the project based on the traffic study.
- All the utilities were present, which was often not the case for a new residential development. Being able to take advantage of existing infrastructure was a positive aspect. There were no issues with the stormwater, water, sewer, etc.
- Parks and Open Space. The City's requirement that 25 percent of residential development be open space was more than met by the Significant Resource Overlay Zone (SROZ) area in the project. To meet the City's required quarter-acre of usable open space, the Applicant proposed a park area outside the SROZ between Lots 4 and 5, which included a trail, propane barbecue, and picnic table. The Applicant did not want to make the park too formal so it was purposely designed to blend with the natural environment and maintain a natural feel.
- Setbacks and Lot Coverage. There was no request for any variation from the established lot coverage. At this point, neither the architecture for the single-family homes nor how they would be plotted on land was being reviewed. Only the setbacks or maximum building envelope was being considered. In this case, the standard lot coverage was the same for the zone, which was 50 percent.
 - The Applicant was requesting a waiver to go from 5-ft to 7-ft side yard setbacks on many of the lots. However, on Lots 1 and 2 on the north property line adjacent to the existing home, the Applicant proposed keeping the setback at 10 ft, which was more than required by the PDR-3 Zone, but the same as that required under the current RAH zoning. The Applicant proposed keeping that building envelope the same as would be allowed, for example, if there was a tear down on the existing lot and a new home was built.
- He reviewed the figures regarding the proposed density and density transfer, describing how the Applicant had arrived at the proposed 14 units, which was the minimum density for the non-SROZ area plus the permitted density transfer from the SROZ. (Slide 18) The density transfer essentially preserved some of the economic value for the SROZ area.
- Lot Size and Shape. The proposed lot sizes all met the minimum 5,000 sq ft for the PDR-3 Zone.
 - The Applicant was requesting a waiver to the average 7,000 sq ft lot size. When working with only 14 lots, getting to an average lot size could be difficult without it becoming the minimum.
 - The lot shapes were fairly standard, some being narrower, some wider, but all met the lot depth access and the minimum lot width of 40 ft as defined in the PDR-3 Zone.
- The impact to the SROZ was limited to a soft-surface trail that would be provided into the SROZ area so residents had some access to observe the area.
- Pedestrian access and circulation was carefully reviewed to ensure parking areas had pedestrian connections and that people could safely walk around and connect to other parts of the neighborhood. Sidewalks would be provided on all the frontages, both private and public streets and on the frontage of the existing Canyon Creek Road South, which also had a planting strip along with the public street.
- The parking standard was more than met. Under Code, only one parking spot was required for single-family residential. In this case, exterior parking was also provided in driveways, which exceeded the minimum requirement. In addition, there was some on-street parking, as well as garage parking.
- Streets and Access Improvements. The maximum that could be built on a private street was four homes. The Applicant only proposed two homes with access off the private street, which would not continue to the south.
 - The required public street would curve around to serve the remaining homes. The Code required the public street to be designed so the street could continue to the north in the future if needed.

- Fire and garbage truck access was discussed extensively with both the fire district and Republic Services. The fire district had no issues with fire truck turnaround and access to the homes.
 - Republic Services was unable to turn their trucks around to serve Lots 2, 3, and 4, so those residents would need to bring their collection bins down to the corner with Lot 14. The garbage truck would only turn around in the private street tract, but would not service homes on the private street or on the northern public stub street. So the garbage collection bins from Lots 5 and 6 on the private street would need to be brought to the public street as well. Lot 1 would be serviced from Canyon Creek Rd. Other subdivisions had similar situations with trash collection.
- He confirmed Lot 1 would have vehicle access to Canyon Creek Rd, but Lots 10 and 11 would take access off the new street which was proposed to be named McGraw Ave.
- He confirmed sidewalks would be on both sides of the public street and that on-street parking would be on one side of the street.
- He confirmed there would be sidewalks on the private road as well, though he recommended allowing flexibility about whether to have the sidewalk on the side of Lot 7. In one rendition, two lots would take access off the private drive, but there were no pedestrian destinations off the private street. If the Applicant wanted to install a sidewalk, they could, but it was not required. However, Staff wanted to make sure the front walks of every home had access to a sidewalk and the pedestrian network.
- The Site Design Review addressed the landscaping in the planter strips, as well as the park. All of the landscape materials, street trees, and fixtures were appropriate for the site. As mentioned, the park was designed to provide a nice transition from the formal subdivision into the SROZ, but still have it functional so people could move around, throw a Frisbee, etc. and also have room for the propane barbecue and picnic table for neighborhood gatherings.
- Type C Tree Plan. Although the street location affected some trees, the Applicant did make an effort to preserve trees where practical, including Tree 30, a large fir tree, as well as some larger trees down on the southern edge of the site. Trees 33, 34, and 37 were apple trees. There was some overhang of some Douglas fir trees on the property to the north that needed to be protected. Staff recommended approval of the Tree Plan as the Applicant did a good job of preserving trees where possible.
- Two waivers were being requested. The first was a request to reduce the side yard setback from 7 ft to 5 ft. Reducing the side yard setback would provide more flexibility to have a wider home, especially with the 40-ft lot width allowed per the Code, as well as a 10-ft space between the homes to allow light, air, and enough room for people to walk through their side yards or store items in a semi-dense neighborhood.
 - The Applicant explained that adding an extra 2 ft to the minimum 40-ft lot width would not result in going from a 30-ft wide house to a 26-ft wide house, which would make quite a difference.
 - Another consideration was that Staff saw this type of waiver routinely, for example, at Renaissance at Canyon Creek. A 5-ft side yard setback seemed like an industry standard, but that was what he had been presented by the Applicant. He noted the Applicant had not requested the side yard setback waiver for the north side of Lots 1 and 2 to maintain that currently allowed setback from the property to the north.
- The average lot size waiver was directly related to the number of lots and the permitted density. The relatively low number of lots, large amount of area in SROZ, and open space, made it difficult to make the math work to get the minimum density plus the permitted density transfer, and meet all the other standards and still get 7,000 sq-ft lots on average. With a 100-lot subdivision, where one could have a number of different sized lots, it was pretty easy to meet an average lot size. However, when dealing with a small number of lots and trying to design around other features, it was difficult to get the lots large enough to average out at 7,000 sq ft.
 - By waiving the average lot size standard, the Applicant would be able to meet the minimum standard and all the other lot dimensional standards.

- The Tentative Subdivision Plat would essentially implement the other lot dimensions: the 14 privately-owned lots, the public street, and two tracts for the private street, as well as the park and open space, which would be owned by the homeowners association.
- He entered the Planning Division memorandum dated March 28, 2016 into the record as Exhibit A4 and reviewed the recommended changes to the Staff report, which included errata and the addition of a finding and Condition PDF 7 to address additional considerations for protecting existing trees, including the two trees on the north property line.
- Following distribution of the Staff report, Staff received public testimony via email dated March 21, 2016 regarding the last minute changes from 15 to 14 lots. The email and the Applicant's response were entered into the record as Exhibit D6, which was distributed to the Board.

Shawn O'Neil asked if Exhibit C2, the Engineering Division Memorandum dated March 17, 2016 from Steve Adams to Mr. Pauly that discussed the volume of traffic on the proposed McGraw Ave was based in part or relied on the DKS Canyon Creek Subdivision Trip Generation Memorandum dated December 9, 2015, which was Exhibit B1 of the Applicant's notebook and Page 109 of the Addendum to the Staff report.

Steve Adams, Development Engineering Manager, responded yes, it estimated 14 PM peak hour trips.

Mr. O'Neil confirmed that Mr. Adams reviewed the integrity of the DKS report to make sure it met standards and that in Mr. Adams' judgment, the report was well put together and accurate. He asked what date the engineer was at the location when the study was done, citing Page 206 of the report.

Mr. Adams stated the report was dated December 9th, 2015 and the engineer did the study on Tuesday, November 7, 2015, adding that counts were always done on a Tuesday, Wednesday, or Thursday.

Mr. O'Neil stated that according to his calendar November 7, 2015 was a Saturday. He noted the engineer was at the location between 4:00 pm and 6:00 pm, which was defined as high travel areas.

Mr. Adams confirmed that was the high travel area as defined by the City's Code and was the time that all developments were studied.

Mr. O'Neil believed the City should examine changing that because a majority of Wilsonville residents worked in Portland and Salem and did not even hit the community coming home until after 6:00 pm. His concern was that if the City was relying on a study done on a Saturday, as opposed to a Tuesday, during a time period that did not reflect the average traffic that most people experience when working in Portland and Salem, it would be an inaccurate report. He suggested explaining the date might help.

Mr. Adams explained that DKS had a relatively new person, Jordan Kettelson, and it was probably just an error on her part in putting it together and he had not caught the exact day of the week. He was 99 percent sure the study occurred on Tuesday because every traffic study done in the City for the last 14 years by DKS had been done on a Tuesday, Wednesday, Thursday, or over an entire seven-day period.

Mr. O'Neil asked if Mr. Adams was testifying to having been present.

Mr. Adams countered that he was testifying that every report he had ever read from DKS had been done on a Tuesday, Wednesday, Thursday, or over an entire seven-day period.

Mr. O'Neil asked if the traffic study was only done at one set time period, at one location, on one set day.

Mr. Adams replied that was a decision he makes in association with Nancy Kraushaar. A bigger development, such as a Fred Meyer or Argyle Square, might warrant a seven-day study, and a moderate development might warrant a two or three-day study. It depended on how much they believed traffic could be impacted by a particular development.

Mr. O'Neil asked if Mr. Adams would agree it would be important to have a traffic report that had integrity and was accurate

Mr. Adams answered he would.

Richard Martens asked if the boundary of the SROZ on the eastern side of the tract, which separated what was being developed and what was being maintained as the natural area, was set by another authority prior to Staff entering into it and whether its location was a variable at all.

Mr. Pauly replied there had been no controversy about the SROZ boundary, which was established years ago and essentially followed the drip line of the native trees. The Applicant had concurred with the City's current mapping of where that zone was located. He confirmed the SROZ had been mapped prior to review of the application.

Samy Nada asked which side of the public street would have parking.

Mr. Adams replied that would be up to the developer. City Code only specified that for a 28-ft wide street, there be parking on one side only, however, which side was not specified, but left to the developer.

Mr. Nada noted the absence of a mailbox kiosk and asked if that was left to the developer to decide as well.

Mr. Adams answered that that would be a question to ask the developer; however, typically the mailboxes were established on the non-parking side of the street for easy access, which would be his recommendation.

Samuel Scull understood the setback waiver, reducing the area between houses from 7ft to 5 ft, was industry standard.

Mr. Pauly clarified he could not say it was an industry standard, but Staff received that request for most similar developments.

Mr. Scull asked if previous Ordinances, 570, 604, and 738, had the same spacing. (Slide 6)

1:09:20

Mr. Pauly replied he knew that Renaissance at Canyon Creek, the largest of those developments, had the same request for a 5-ft setback, as well as some of the lots across the street from the subject site-

Chair Woods called for the Applicant's presentation.

Annemarie Skinner, Emerio Design, 8285 SW Nimbus Ave, Suite 180, Beaverton, OR 97008, thanked Staff, noting the Applicant met with Staff three or four times, adding Mr. Pauly prepared an excellent Staff report. The Applicant agreed with all the findings in the Staff report, all the recommended conditions of approval, and the suggested changes Mr. Pauly had presented tonight.

- She said Mr. Pauly covered most of her presentation. The Applicant had spent a lot of time looking at the site to put together the best layout that made sense with the SROZ, which had to be preserved, and the Applicant wanted to make it the focal point of the development. They wanted the proposed park

to keep the natural feel, which was why they did not propose replacing all of the natural vegetation with domestic lawn. The area would remain in its natural state so it would flow nicely into the SROZ area. The McGraw Ave entrance was specifically designed so anyone entering the subdivision would immediately see the beautiful, natural park vegetation of the area.

- Staff's findings and the Applicant's findings, specifically on Page 15 and Pages 25 through 33, emphasized the need for more housing in Wilsonville, and the project did comply with the Comprehensive Plan goals established by the City for that purpose.
- The current zoning, the RAH Zone, was actually a holding zone designed specifically for further development at a higher density, and that was based on the very definition of the RAH in the City of Wilsonville's Code.
- The plan as submitted did meet the Code requirements with the exception of the two waivers that had been requested. As Mr. Pauly had noted, and in response to questions on the side setback waiver, when Mr. Pauly said industry standard, she tended to concur with that. She worked with many other jurisdictions besides Wilsonville and the 5-ft side setback was fairly standard in all other jurisdictions, whereas 7-ft was not as standard.
 - She reemphasized that the surrounding developments also requested that same waiver, which were approved. The 5-ft side setback provided a more aesthetically-pleasing house as opposed to the 7-ft because a 26-ft wide house on a 40-ft lot was too narrow. Granting the waiver would give an additional 4-ft to the actual house for a 30-ft-side house instead.
- The Applicant had worked specifically with the neighbor to the north, Mark Kochanowski, and appreciated his concerns. They had made efforts to increase the side setback on Lots 1 and 2 to 10 ft, which was the existing side setback for the current zone, meaning theoretically, if there were no changes at all, someone could build a house within 10 ft of the side setback regardless of the proposed development.

Chair Woods asked if Ms. Skinner had a conversation with Brendon and Kristen Colyer.

Ms. Skinner replied Mr. Pauly did forward her some emails on March 18th and the Applicant revised their layout accordingly. Previously, there had been a total of 15 lots in the subdivision and a waiver request for a minimum lot size reduction down to approximately 3,600 ft. In response to the emails received from the Colyers, Wards, George Johnston, and Mark Kochanowski, the Applicant reduced the number of lots to 14, which was the minimum density, and increased the lot size to meet the minimum 5,000 sq ft lot size, which completely eliminated that waiver request, and increased the side setback on Lots 1 and 2 to 10 ft, so there was no waiver request for that side setback. Instead, the Applicant wanted to make that setback even more than the minimum required, which was 7 ft. Those changes were largely a direct result of those four communications. After those changes were made, she emailed the new site plan to the individuals whose email addresses she had so they could review it ahead of time. After that email, there was one additional response from Erin Ward, and her main suggestion was to reduce the number of lots to six. Ms. Skinner had relayed that suggestion to the Applicant, but he was not amenable to that suggestion.

Mr. O'Neil noted email correspondence mentioned concerns about traffic and the safety of children. He asked if any changes had been made to the design after reading those communications.

Ms. Skinner replied there was not a lot the Applicant could change. There was only one access. It had a curve and was not a straight-through shot, which always slowed traffic.

Mr. O'Neil asked if DKS was the engineer retained by the Applicant.

Ms. Skinner clarified it was important to note that the applicant did not retain the traffic engineer. The traffic engineer was a third-party objective engineer retained by the City of Wilsonville. The Applicant

had nothing to do with choosing the traffic engineer. She confirmed the report prepared by the third-party engineer should be accurate.

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

Peter Hurley stated he was a Planning Commissioner, but was not speaking on behalf of the Planning Commission. He noted he had previously served two terms on the DRB and lived in an adjacent neighborhood. He wanted the Board to remember that it was a quasi-judicial governing body being asked to make waivers to what the current rules were. When doing so, the Board had to figure out why they were allowing those waivers. As residents of Wilsonville, or as a judge would do, when making a judgment on a waiver, the Board needed to consider how it would benefit the community, and in terms of planning, it had to do with livability.

- If the Board was going to grant waivers to the developer, they needed to know what the developer, who like every developer would be gone in six months, would do to benefit Wilsonville and bring something better than what was already listed in the Code.
- He noted the proposed level of density was at the highest level with the smallest number of lots that were approved in Frog Pond, and there had been requests to not even have it at that level.
 - Metro was constantly pushing for higher and higher density, and people did not realize that in the entire State of Oregon only 2.8 percent of the entire state was developed, including railroads and gravel roads. He wondered what Wilsonville was getting for the higher density.
- The parking in the proposed development met minimums but might not be enough. Parking on only one side of the street, combined with driveways, might not allow for two or three cars additional for guests at the 13 houses.
- Traffic studies were only as good as the data that was entered and the modeling software used. When he was on the DRB, they reviewed Fred Meyer, which looked like it was always going to have free-flowing traffic. However, just two weekends ago, it took a friend two hours to get from Villebois to Fred Meyer on a non-holiday weekend, so the traffic impacts needed to be thought about.
- He questioned when 5-ft to 7-ft setbacks had become quasi-industry standard, because in the ten years he had sat on these Boards, developers kept coming in and asking for waivers. It was not the rule of the land; it was a waiver from 7 ft to 5ft. He cited Villebois as an example, noting it was denser now than originally planned for because even he as a DRB member had allowed 5-ft instead of 7-ft setbacks, thinking if someone wanted to live there, it was their choice. Ten years later, he wondered how the community of Wilsonville had benefited by doing that.
- In the ten years he had been doing these meetings, boards had gone from talking to an empty room to many people attending, this time for 13 little houses. He hoped the Board would take that into consideration.
- When he was on the DRB, his rule of thumb was if this many waivers were needed for something that did not bring anything new and different, it probably was not meant to be. The DRB's job was not to make the numbers work for the developer, but to make sure that the development brought a benefit to the community.

Mark Kochanowski, 28450 SW Canyon Creek Rd South, Wilsonville, 97070, stated he lived in the small ranch house just north of the proposed property. He circulated six pictures of the property which he described with the following additional comments (Exhibit D7):

- Photo 1 titled, "3 bedrooms 11 feet from property line" The south side of his home had three bedrooms, a master and guest bedroom, and his 12-year old boy's room. Tree #1, a large 30-to-40-year-old cedar, was closest to Canyon Creek Rd South. Tree #2 was closer to his house, but both hugged the property line which had a little wire fence on the other side. He had not pegged the property line yet, having just moved in in October.
- Photo 2 titled, "Backside View of our Home/Bedroom Area" had a black line running through the pictured arborvitae indicating the property line of the proposed property area. Tree #2 had large

branches that hung over his property 15 to 20-ft. His concerns regarded the homes on Lots 1 and 2. The home on Lot 1 would tower over his bedroom area; who knows, the garage, driveway, patio noise, whatever. And the house on Lot 2 would be back toward his pool area and farther away.

- Photo 3 titled, “Backside View Area of Boeckman/Dev Area” showed the tree/property line looking toward Canyon Creek South, which showed the branches of Tree #2 coming over, but he did not know where the roots were. The development would be built at the left side of the photo.
- Photo 4 showed three graphics. The top image was of lot layout of the Canyon Creek Development located two properties north of him where his neighbor, Kristen Colyer lived. He was unaware how much SROZ and math went into it, but Canyon Creek had 13 homes built in 2006. Going down the street, the layout teed off left and right, but the four houses on the left and four houses on the right ran in one direction.
 - The middle image showed the layout of the Scott Miller ultra-high density program, a 14/15home development, which confused him because last week, he heard the minimum was 13 homes. His concern with this 14-home proposal was Lots 1 and 2, shown as red boxes. Whether the setback was 5-ft, 7-ft, or 10-ft, if Ms. Beckman’s house burned down 99 times, she would not hug her home up to 10-ft of the property line next to his bedrooms. He was tired of hearing about him getting 10 feet. It was ultra-high-density, coming right up to every 10-ft line around the whole box, so it was changing the whole game of those seven ranchettes.
 - The bottom image showed what he would call a 13 Home Modified-Scott Miller “Relaxed” Proposal. If he could have his wish, he would remove the houses on Lots 1 and 2, which were boxed out in gray.
 - Photo 5 titled, “A Much more neighbor-Friendlier Development” was of the development two properties north of him, including his neighbor, Kristen Colyer’s house. The basketball hoop pole was about where the property line was located. He noted his immediate neighbor next to him got to see the backyards of their houses with 23 ft to 32 ft distance to the rooflines of the adjacent properties, which was not bad. Initially, he did not think a 15-home development would be too bad, but the sides of the proposed homes would be like a big railroad box view, seen in the next photo. When he compared the development to his neighbor, he did not think it was too bad and that he could live with it. However, when he saw the new proposal with the 14 homes, with two or three properties right against his line, he could not sleep.
- Photo 5 “A UHD – Scott Miller Development” showed the Villebois East Plan he would have in his side yard next to his bedrooms. The image was taken about 10 ft away, using Kristen Colyer’s house as an example, and indicated the view, the noise, and the lack of livability that would come with the proposed development.
- He also distributed and displayed a Word document outlining his key concerns, which he discussed with these comments:
 - His biggest concern was livability, privacy, peace of mind. He wondered if he would have to listen to garage door motors at 5:00 am with House 1 right on top of him. For Ranchettes #3 and #4, the whole game was being changed with this proposal.
 - When he measured the houses in the seven Ranchettes, unfortunately, it was a 9-ft and 11-ft distance from his bedroom walls to his property line, so his setback was the shortest and was the most impacted.
 - His second key issue was the old trees. He wanted them protected; he did not want them cut or chopped off and top-heavy so he would have to spend money to remove them so that they would not fall over.
 - Issue #3 was livability, privacy, and peace of mind regarding the house on Lot 2, which would overlook his backyard and swimming pool, but he would be happy if the house on Lot 1 was removed.
 - Issue #4 regarded the Boeckman property and whether there was a well on it that might need to be decommissioned. He was on well water and wanted his water source protected.

- He believed the proposed development was simply a big moneymaker for people who would be coming and then going. Waivers would just jam more properties in and unfortunately, there was the SROZ. He hoped the Applicant could find medium income families to buy the \$650,000 homes quickly. He would let his wife explain how they were trying to sell their house in that price range or less.

Kristen Colyer, 7750 SW Summerton St, Wilsonville, OR 97070, said she was a teacher who was present to represent the voices of the children in the neighborhood. She thanked Mr. O’Neil for mentioning the traffic. She noted the study taken on November 7th was prior to the Renaissance Homes being built and occupied. Eleven homes had been built so far with a minimum of two cars per house, and she heard five or six more homes would be built.

- Her concern was about the traffic and safety of the neighborhood children. The traffic study was done only at one point of entrance at Daybreak St, but not at the other entrance traffic used at Morningside Ave then coming down Summerton Ave to Canyon Creek Rd.
 - No parent wanted to have to chase their children on bikes or worry about them, but rather wanted them to have that utopia of being a young child running around the neighborhood. Parents already had enough to worry about with their children being out in the neighborhood. Cars were an added concern for her and her husband, as well as other parents who could not attend tonight’s hearing. They wanted their children to continue to safely play off sidewalks, riding bikes, and throwing a football.
- She noted the picture Mr. Kochanowski had taken of her house with the basketball hoop, noting her side yard was right up on Summerton Ave and she would appreciate Staff taking that into consideration with the high-density housing being proposed tonight.

Laurie Barr, 28450 SW Canyon Creek Rd, said she was the co-owner of the property to the north with her husband, Mark, and she agreed with everything her husband had stated, as well as Ms. Colyer.

- She added that prior to moving into their home in October, she lived in Villebois for the past ten years. For the first seven years, it was a wonderful neighborhood, a utopia where she could raise her child who was three when they moved in. She was sad to see what had happened to Villebois in the last three years. The traffic was tremendous. The houses were getting crammed in there. She did not feel her son was safe riding his bicycle; crime had increased and she did not want to see that happen to their current neighborhood.
- She agreed the traffic study was flawed, and that like Ms. Colyer, they needed to let their kids run around.
- Her and her husband’s biggest concern was their privacy, particularly with the home on Lot 1. People would be looking right into their backyard, right into their bedroom. Since they could not move their house, her request was that the Board not approve some of the waivers being requested; it was too dense. Specifically, she asked that Lot 1 and preferably, Lot 2 were not approved to be developed, so they would have some backyard to buffer her house, like the Colyer’s house.

George Johnston, 7897 SW Daybreak St, Wilsonville, OR, noted Daybreak St was where all the traffic would be going through. He asked if after the Board forwarded its recommendation to City Council he would need to have everything in for City Council or could he go to City Council and add more information.

Mr. Pauly replied he could testify at City Council.

Mr. Johnston understood he could testify at Council and that would be on the record without making a request for the application to be open.

Barbara Jacobson, City Attorney, clarified that Mr. Johnston's testimony tonight would already be on the record and City Council would consider everything that came into the DRB. City Council typically limited what they would hear to what was already on the record, so any important items for the record should be stated now in front of this body. She confirmed Mr. Johnston could request to leave the application open and not be voted on tonight by the DRB. She added that as long as Mr. Johnston touched on the subjects he was concerned about, that would create the record. City Council might or might not allow additional testimony.

Mr. Johnston asked if the Board was going to leave the application open or close it tonight.

Chair Woods replied the Board would make that decision after all of the testimony had been heard and the Board had further discussion.

Mr. Johnston said he had some questions so the Board might want to leave it open. He asked if SW Canyon Creek Rd was a safety corridor.

Mr. Adams stated he did not know of any streets in Wilsonville that were designated as a safety corridor per se; he did not even know if it was in the Code.

Mr. Johnston asked if Mr. Adams understood what the term meant.

Mr. Adams responded at a State level, a safety corridor generally meant that the price of a ticket was double because it was designated as an important way to move through.

Mr. Johnston said he understood a "safety corridor" to mean that different traffic studies were done at a specific high-traffic time, such as afternoon rush hour, on a particular street, which was why he asked if Canyon Creek Rd was designated a safety corridor.

Mr. Adams reiterated he was unfamiliar with the term safety corridor with any City project.

Mr. Johnston asked if the engineer had done manual counts at a specific time or if the counts were done with a counter going across the road.

Mr. Adams responded he would need to double-check; however, he had seen it done both ways, manually and with the camera.

Mr. Johnston stated people in the area used that intersection at least two or three times per day. He explained that heading westbound on Daybreak St to turn right on Canyon Creek Rd, one must cross into the crosswalk and bike lane to look left for traffic because there was no line of sight because of a fence, a pole and trees. The car must actually enter the lane of travel to determine if it was safe to proceed, which made the intersection unsafe.

- He wanted to provide more information, but he thought the hearing was going to be closed.
- He believed the application should be denied because of traffic. There was no egress out of the subdivision; everything came in but nothing was safe going out. He believed the other points had been made.
- He confirmed that after the proposal was voted on by the DRB and City Council, it would go to the Land Use Board of Appeals (LUBA), not the State Board of Appeals.

Ms. Jacobson clarified that LUBA cases could be remanded back to the City or upheld. If upheld, they could go to the Court of Appeals.

Mr. Johnston noted the City did not allow speed bumps. He believed speed bumps were best when children were present. A speed bump should be installed on Daybreak St to slow cars down, especially, if this application was approved.

Chair Woods asked if Mr. Johnston was asking for a traffic study on Canyon Creek Rd.

Mr. Johnston replied he would like a new traffic study, but he wanted a line of sight. He added that the northern portion of Canyon Creek Rd was 35 mph, as opposed to 30 mph at Daybreak St. Drivers coming from the north end of Wilsonville perceived the speed limit to still be 35 mph, which further diminished the line of sight. He believed the speed limit used to be 25 mph and it was raised to 30 mph. The City removed the ingress on the other street because of line of sight, and it was not in a safety corridor.

- He asked what would happen if the neighboring property owner adjacent to the private drive wanted to develop in the future. Why was one street private and narrower and the other a City street?

Mr. Pauly explained that he had looked at this issue carefully due to Code regarding the continuation of streets. In this case, the length of the street was a factor and another street might come off Canyon Creek Rd S to serve the public street. The private street was not likely to be continued because just the location of the SROZ would likely lead to that street being single-loaded and it would probably not be built like that, so it made sense to do a private drive there and bring another street off Canyon Creek. There was nothing compelling in his review to say that it had to be a public street.

Mr. Johnston asked if there was a creek and water on property.

Mr. Pauly replied there was a riparian area on the eastern portion of the site. He was not sure where the property line fell as far as there being water on the property.

Mr. Adams explained the lots extended down the hill, and almost all the lots on Canyon Creek Rd South did touch or go slightly passed Boeckman Creek, so most did touch the water.

Mr. Johnston asked where the EPA, DEQ, and Corps of Engineers reports were.

Mr. Pauly replied the homes were not impacting it, which was what the City's SROZ was all about. The City's natural resource professionals had reviewed the application and did not raise any concerns. They were experts and he trusted their judgment.

- He entered the six photos from Mr. Kochanowski and the one-page document noting his key concerns into the record as Exhibit D7.

Chair Woods confirmed there were no further questions and called for the Applicant's rebuttal.

Annemarie Skinner, representing the Applicant, made the following comments:

- She emphasized that only two waivers were being requested. One was for the side setback from 7 ft to 5 ft. All of the lots met the Code requirements and no waivers were being requested for minimum size, minimum lot width, minimum depth, and minimum parking requirements.
 - The second waiver was for the minimum average density, and there was no way possible to meet the City's mandated minimum density requirement and also meet the average minimum density size of 7,000 sq ft. The numbers, which were included in her findings, just did not work, thus the waiver.
 - To meet the average minimum lot size of 7,000 sq ft, the development would have to be reduced to seven lots, which did not meet the minimum requirement for number of lots. A waiver to request a minimum number of lots was not permitted.
- She addressed high-density concerns by stating that four to five lots was not high density.

- The Comprehensive Plan had a number of requirements for changing the Comprehensive Plan designation, most of which dealt with a public need. A number of items had been submitted by Mr. Pauly in the Staff report, as well as the findings submitted by the Applicant related to the public need for housing. Providing more housing was a State goal.
- She clarified Mr. Hurley's statistic about only 2.8 percent of Oregon being developed was a mandate of the State of Oregon. The City of Wilsonville was complying with the State's mandate by directing development in the UGB area to preserve the areas outside of the UGB for forest and farm. That was the goal of the State and why they had set up Metro and an urban growth boundary. In keeping with that, the City of Wilsonville changed the game essentially when they designated the lots as RAH. The very definition of RAH was a holding zone for future higher-density development.

Scott Miller, Applicant, noted comments made about developers being fly-by-night guys that were here today, gone tomorrow and stated he was an 18-year resident of Wilsonville. He had owned a home off Canyon Creek on Arnold Court for two years, and then built a house on Oak Patch Court, also off Canyon Creek Rd, where he had lived with his family for 12 years. He was now in Villebois.

- His goal in developing this site was to add another great community to Wilsonville and also to move back to it. He wanted one of the lots for himself, so he and his wife could retire there.
- They intentionally looked at the site over a number of months with a lot of comments and input from City Staff to make sure they were meeting everything and providing the best design possible. He liked the way the subdivision was laid out, which was why he wanted to move his family back there.
- He had served with Wilsonville Youth Sports for a number of years and in many different capacities. He loved the community. He was not a fly-by guy, he was a Wilsonville guy and he wanted to make that known.

Samy Nada asked if any development was built after the traffic study was conducted.

Mr. Pauly replied that traffic studies did take into consideration anything that already had approval, but was not yet built.

Chair Woods closed the public hearing at 8:33 pm.

Richard Martens moved to approve Resolution No 324, including the Staff report as amended by Exhibit A4, and the addition of Exhibits D6 and D7. Chair Woods seconded the motion.

Chair Woods noted there had been a lot of testimony, both from the Applicant, as well as the residents, regarding issues with traffic and asked for the Board's input on moving forward.

Mr. O'Neil stated that as a Wilsonville resident, his concern was that for a little over a year the Board had been provided with traffic studies and yet traffic was increasingly getting worse. He did not trust the reports. He understood DKS was supposed to be an independent organization that provided accurate reports for the City to take into consideration.

- He understood a wrong date in the report might not be a big deal to some, but if the Board was talking about changing the lives of the community and relying on reports that could not be trusted, he was going to fight against them until some legitimacy was seen in the traffic studies and traffic reports.
- He believed more affordable housing did need to be built for the elderly and first-time homebuyers. However, in order to convince long-time city residents that it was worth developing the community to allow that to happen, there needed to be legitimate, candid, honest reporting on traffic studies and there was not. Until there were, he would speak out about it, even if it put a developer's plans in jeopardy while he sat on the Board.

Mr. Martens stated it would seem the traffic report related to this particular proposed development, and DKS' estimate was that trips in and out would total 14 during peak hours. He understood there might be a question with regards to the report's legitimacy, but it would certainly seem to pass the smell test.

Mr. O'Neil retorted not on a Saturday between 4:00 pm and 6:00 pm when most people did not live and work in the community. Many residents worked in Portland and Salem and did not hit Wilsonville until after 6:00 pm.

Mr. Martens responded he did not know that and was not sure the Board knew that.

Mr. O'Neil replied he knew it because his wife worked in Portland and grumbled each night when she got home at 6:30 pm. He himself commuted for years out of Salem and it took time to get home.

Mr. Martens stated the Staff was very clear that the traffic report did not happen on a Saturday but, rather, a Tuesday. He had no reason to believe it was not accurate.

Chair Woods said he had concerns about the layout of the proposed development. In his opinion, it did not look good; it seemed pretty tight. There had been a couple of revisions to the proposal and even though the numbers panned out and were a part of the overall requirement, he believed the Board needed to look at a bit more than that. He wondered if some of the proposed park area could be used or encroached upon to make the layout more amenable overall.

Mr. Pauly clarified that the 40-ft wide lots abutting the creek were just above the minimum. The requirement for a quarter-acre of usable open space that was not the SROZ or backyards was different than Renaissance at Canyon Creek or Cross Creek. By the time that minimum park area was incorporated, the development would either have one 80-ft-wide lot or two 40-ft-wide lots. It was not ideal, but he did not see any other design options besides a large lot. The Applicant was meeting the minimum, so unless there was a better place to put the usable open space on the lot, it was just above the minimum.

Mr. Nada agreed Lot 1 looked different than everything else, which was part of the subdivision. There was a fence around it from one side. He would rather have a different layout.

Mr. O'Neil asked if keeping the hearing open would result in any further refinements.

Mr. Pauly stated the Board would want to give clear direction and understand the math the Applicant was working with. He did not know the willingness of the applicant to reduce the number of lots. If it dealt with the reorientation of lots, the Board would need to also be mindful of the 120-day land use clock, which expired June 16, and the Application still needed to have two readings at City Council.

Ms. Jacobson believed the first City Council meeting in May had been cancelled due to the lack of a quorum, but the mayor was going to call in to address one item. The Board would need to determine whether the two Council meeting would fit within that timeframe.

Mr. O'Neil understood there would not be a sufficient amount of time.

Mr. Pauly replied the application could come before the DRB Panel B in April, which would leave a fairly short turnaround time to prepare the application.

Ms. Jacobson stated that assuming there were no other issues, the timing would allow for both hearings at City Council.

Chair Woods restated the motion.

Motion failed 1 to 4 with Shawn O'Neil, Sam Scull, Aaron Woods, and Samy Nada opposed.

Mr. Pauly stated if the motion was being denied, some direction was needed on the findings.

Mr. O'Neil said it would be helpful to know what the Applicant would be willing to do. He was inclined to make a motion to allow the opportunity for further refinement, but was not sure he could provide enough direction in that motion tonight to help, nor did he know the willingness of the Applicant or the City to address that carefully.

Ms. Jacobson explained that what was within the Board's purview was to determine whether to recommend the Comprehensive Plan and Zoning Change and also whether to approve or deny the waivers. A motion could also be made to continue the hearing to have Staff work further with the Applicant and keep the record open. The DRB did not have the authority to layout where the lots would go, however, the Board could say they were not amenable to the waivers if the Board did not find sufficient justification for some or all of them. Continuing the hearing to ask Staff to work with the Applicant to address some concerns was an option if the Board could express what the main concerns were.

Mr. Pauly added the Board should be as specific as possible, even if they did not have all the answers as to what was not quite right. Any specificity regarding the Board's concerns would be helpful.

Mr. Martens said he did not believe it was the DRB's job to stop development if there were objections to developing property because property would be developed. It was not within the Board's authority to stop a project simply because they did not like the layout, unless it violated something specific, which was why the City had Staff to work that out. In his opinion, the criteria had been met and the waiver being requested was routine and minor. He believed the application needed to be readdressed as it was presented

Mr. O'Neil responded he was not focused at all on the lot layout with the exception of the traffic study. Traffic was his concern. He strongly believed that the City and the engineer did not take a thorough examination of traffic and that it was a historic problem that needed to be addressed. He was willing to examine if there was a better way because he did not think the City currently did a sufficient job and believed the DKS did a poor job in assessing this. He was not trying to stop development, but trying to ensure development was done in a way that allowed the community to enjoy their quality of life and he was concerned about safety, particularly of children.

Mr. Martens said he did not dispute the need for looking at how the traffic studies were done, but he believed it presented the DRB with the dilemma that the only option was to halt a development. It was like swatting flies with a sledgehammer. If not allowing a development to happen was the only way to deal with an issue related to traffic studies, he was not comfortable with the Board taking that approach.

Mr. O'Neil said he was uncomfortable with City taking the position that traffic engineering was an afterthought; more attention needed to be paid to it when development occurred. Because the DRB was a citizens' review board, a message must be sent or the Board was not doing its job.

Chair Woods suggested that either Mr. Martens or Mr. O'Neil propose a motion based upon their comments that the Board could put forward.

Mr. O'Neil stated he was not able to do it.

Chair Woods declared that it appeared the Board was at an impasse. He reminded that the first motion had been denied and the Board had to come up with another motion, whether it was for Staff to go back and work with the Applicant or to provide more clarity in the areas the Board did not feel comfortable with.

Mr. O'Neil asked if there was any place within the process that the Board could get input from the Applicant so as not to waste anybody's time with a useless motion.

Shawn O'Neil moved to continue Resolution No 324 to the April 25, 2016 Development Review Board meeting, directing Staff and the Applicant to work together to consider traffic studies and concerns, as well as the placement of the lots and some of the public testimony presented.

Mr. O'Neil added that he hoped Mr. Johnston would be able to submit his concerns in writing.

Mr. Adams sought direction about the type of traffic studies the Board wanted to see; he had only heard that the date was the 7th, which he believed should have been the 17th, so there was a typing error.

Mr. O'Neil stated he did not trust a study that was done one time and at one location between 4:00 pm and 6:00 pm with the wrong date.

Mr. Pauly stated in the end, the question was whether the intersection met Level of Service D, yes or no.

Mr. Adams asked how many traffic studies were wanted, reiterating that he would like more direction.

Mr. O'Neil stated Staff had submitted a faulty report for the Board to look at. Based on the testimony of residents that lived in the community, Staff did not properly take into account the traffic. He suggested Staff send people out there between 4:00 pm and 7:00 pm on Mondays and Fridays.

Mr. Pauly asked if safety was the concern, noting the City could not prevent vehicles from using streets because children used them as playgrounds. As a parent he understood that perspective, but he explained that no City Code limited the number of cars on a particular street because it was a children's playground.

Mr. O'Neil asked why traffic reports were even submitted. He understood a DKS traffic study was supposed to be used for the Board to review and asked if it should be thorough and accurate.

Mr. Pauly replied it should reflect whether or not it met the City's standard of Level of Service D.

Mr. O'Neil responded he did not buy that report and, in his opinion, it did not meet that standard.

Ms. Jacobson asked if Mr. O'Neil's concern would be addressed for this particular application, notwithstanding that he might want different things going forward with the City, if the City had DKS go out a second time, verify that it was on a weekday and expand the timeframe until 7:00 pm. Then the Board would have the preexisting traffic study with the corrected date, as well as a second day.

Mr. O'Neil stated that although his particular concern was traffic, other members of the Board had other concerns which resulted in the denial of the earlier motion, which was why he wondered if his motion was a waste of time because his concern was narrowly tailored to the traffic and safety concerns. The other Board members might not agree with his opinion, so he did not know if it was worth continuing the hearing.

Ms. Jacobson responded that addressing Mr. O'Neil's concern would be one issue and the other Board members would need to express what they were concerned about should there be a second to the motion. The Board could then decide whether giving the Applicant and Staff an additional two weeks to work on those concerns would help alleviate them. Otherwise the Board would be giving the Applicant nothing except a no. She agreed Mr. O'Neil had done a fine job at that with his motion.

Shawn O'Neil restated his motion was to continue Resolution No 324 to the April 25, 2016 Development Review Board meeting, directing Staff and the Applicant to present further refinement based on public testimony and comments from the Board regarding the traffic studies, setback waiver, density, layout, and traffic safety concerns.

Mr. O'Neil clarified that he wanted to keep the record open, he did not anticipate that the Board would hear the same testimony presented. The record had been fairly thorough. His motion was meant to offer up any additional information to address the concerns raised, not for retestifying to things already presented.

Samy Nada seconded the motion.

Chair Woods called for further discussion and clarification about the Board's concerns other than traffic

Mr. Nada stated with regard to the side yard setback waiver, he would prefer that the setback be 7-ft as the rule stated.

Mr. Scull agreed, adding his primary concern was the waiver on the setbacks. His secondary concern was the traffic flow and safety issues.

Mr. Martens clarified that the result of that would be a narrower house, sometimes referred to as a snout house, resulting in basically a big garage door with a little bit of house on the side.

Mr. Nada suggested maybe having one less property. [lot]

Chair Woods reiterated his concern overall was density and the layout, as well as the traffic up and down the street with the children.

Motion passed 4 to 1 with Richard Martens opposed.

X. Board Member Communications

A. Results of the February 8, 2016 DRB Panel A meeting

There were no comments from the Board.

XI. Staff Communications

There were none.

XII. Adjournment

The meeting adjourned at 9:02 p.m.

Respectfully submitted,

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