

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

**Development Review Board – Panel B  
Minutes–June 22, 2015 6:30 PM**

<p><b>Approved</b> July 27, 2015</p>
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**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, Dianne Knight, Richard Martens, Shawn O'Neil and Council Liaison Julie Fitzgerald. Cheryl Dorman was absent.

Staff present: Blaise Edmonds, Michael Wheeler, and Barbara Jacobson

**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 on the June 15, 2015 City Council meeting, noting that Council:

- Heard from the group that conducted an extensive telephone survey on the Recreation and Aquatic Center survey to learn more about the public's interest in the center and provided more information to guide future decisions regarding the scale and scope of the center.
- Heard another update from Planning Staff on the Frog Pond Concept Plan based on additional public testimony. At the last Planning Commission meeting, the lot sizes reviewed under Option E were 8,000 SF to 12,000 SF for large lots, 6,000 SF to 8,000 SF for medium lots, and 4,000 SF to 6,000 SF for small lots. Option E also included no apartments. Council expected to see yet another land use option, Option F, in the future.
- She noted Council had been spending a lot of time working on the Basalt Creek Concept Plan and recently had held a joint meeting with the Tualatin City Council where extensive information about options for using the land between the cities was reviewed to help determine the most appropriate place for the boundary between Tualatin and Wilsonville. There was still a lot more work to do.

**Shawn O'Neil** asked about the anticipated timing for the Recreation and Aquatic Center.

**Councilor Fitzgerald** replied that because of the project's scale, Council was trying to determine if it should go to the voters. Although the operation plan would generate a decent amount of revenue, the center would still require tax payer support. It could be a year before a decision was made.

**Mr. O'Neil** asked if the concept plan would be similar to the Canby pool, which became self-supporting by charging fees for education, private parties, etc.

**Councilor Fitzgerald** said a concept that was self-supporting might be in the future. Now, the issue was determining how big the aquatic center should be, which would be determined by taxpayers.

**Barbara Jacobson, Assistant City Attorney**, noted a study was available and added that the aquatic center would not be self-sustaining for several years, but it would eventually with an operator taking it over. She confirmed that the cost of the study was available in the public record.

#### **VI. Consent Agenda:**

A. Approval of minutes of the April 27, 2015 DRB Panel B meeting

**Shawn O'Neil moved to approve the April 27, 2015 meeting minutes as presented. Dianne Knight seconded the motion, which passed unanimously.**

#### **VIII. Public Hearing:**

A. **Resolution 305. Site Design Review for Two Single-Family Dwellings: Rupp Family Builders Inc. – representative for Brock Ludlow – owner/applicant.** The applicant is requesting approval of a Site Design Review Plan for development of two single family dwellings on two lots of record within the Old Town Overlay Zone. The site is located at 31020 SW Boones Ferry Road on Tax Lot 800, Section 23DB, T3S-R1W, Clackamas County; Wilsonville, Oregon. Staff: Michael Wheeler

Case Files: DB15-0023 –Site Design Review

**Chair Woods** called the public hearing to order at 6:40 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.

**Michael Wheeler, 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. Wheeler** presented the Staff report via PowerPoint, noting the site's location and surrounding features. His key additional comments were as follows:

- The subject property was located within the Old Town Overlay District which required design review for any new construction and remodels. A photograph taken in 2013 of the existing mobile home and accessory building was included in the meeting packet. (Slide 12) Both structures would be removed to accommodate the building of two new homes.
- The Applicant proposed building two dwelling units on the property. The existing and proposed site plans for the property, which had been divided into two lots.
  - The house to the north would have a Craftsman-style architectural appearance, and the roof pitch, exterior materials, glazing, and panel doors all complied with the review criteria.
  - The house on the smaller, southern lot would be a Prairie-style home with vertical pillars at the entry porch, clean lines, and simple window designs.
  - Exhibits B and C of the Applicant's Narrative Package indicated the Craftsman home would have cedar shake siding tucked into the front gable of the upper story. The panel siding and trim would be consistent on the Prairie home.
  - The design styles of the two dwellings satisfy the requirement that architecture within the zone must be chosen from traditional dwelling designs that appeared in the Willamette Valley between 1880 and 1930.
  - Pages 12 and 13 of the Staff report indicated the roof pitches and materials of each dwelling.
- The property is zoned Residential Agricultural Holding (RAH) and located within the Old Town Overlay Zone, which preempted the setbacks required by the Code in RAH zones. The Applicant's proposal did conform to the overlay zone's requirements for setbacks, maximum building height, lot coverage, and material requirements, which were listed on Page 8 of the Staff report.

- Both dwellings' entries would face and be accessed from Boones Ferry Rd.
- The parking requirements were satisfied by space both within and in front of the garages of each dwelling.
- The one issue was that Criterion 4 required that 15 percent of the site to be landscaped; therefore, a condition of approval was added requiring that landscaping be installed.
- Staff found that the Applicant's proposal complied with all of the review criteria applicable to the Old Town Overlay Zone and recommended approval of the request.

**Dianne Knight** asked if interior floor plans for the Prairie style house were available, noting there appeared to be stair access to the top floor, which suggested an Accessory Dwelling Unit (ADU).

**Mr. Wheeler** answered that no floor plans were submitted as the Applicant was not required to do so. The access could be to an office use, but Applicant could configure the upper level and access to it any way they chose. He confirmed the upper level could be an ADU in the future, which required approval through a separate process. Tonight's hearing only regarded the design review of the structures.

**Richard Martens** understood if the application was approved as presented, the upper level could not become a rental unit without some additional review.

**Mr. Wheeler** confirmed a separate application would be required for a Class I Review. Home occupations were allowed outright, so the space could be used as a home office. An ADU required Class I review process due to the additional parking that would need to be provided, and a detached structure must be of an architectural style similar to the main home.

**Mr. Martens** understood the Board was not reviewing the application as the Planning Commission. However, he was surprised to see the lots were zoned RAH and asked for an explanation of the zoning.

**Blaise Edmonds, Manager, Current Planning**, explained years ago, the Planning Commission considered rezoning the entire Old Town area into a planned development zone. However, the residents in the area opposed the rezoning, as they believed it would alter the ambience of the neighborhood given the anticipated infill of apartments or row houses. Therefore, the area remained an RAH zone with a special set of setbacks because most of the lots were not the minimum 30,000 sq ft size typically seen in RAH zones. Most of the subdivision was platted in 1908 with 5,000 sq ft lots, so special setbacks were established to better accommodate the lots in the area.

**Mr. Martens** understood the historic overlay provided much of the criteria for development instead of the Development Code.

**Mr. Edmonds** replied the Overlay criteria that were codified were the decision criteria. The neighborhood put together the Old Town Master Plan, but some elements were not yet codified in the Development Code. Staff had reviewed the application against the existing Development Code. Part of the Board's role in the site design review was to review the architecture and fit of the proposed structures, part of which was subjective because the criteria were not always clear and objective.

**Mr. Martens** asked if 40 feet was the minimum lot width, noting one lot was 40-ft wide and the other was 50-ft wide.

**Mr. Wheeler** clarified that new lots were not being created. According to the County tax assessor's records, both parcels were created prior to the current requirement for a 75-ft minimum street frontage. Both lots of record were recorded either in or prior to 1908. Lots that were 40 ft or 50 ft wide could not be created under the existing Code.

**Mr. Martens** said he saw nothing in the Staff report regarding sidewalks or curbs and assumed they were not part of the Overlay zone's requirements.

**Mr. Wheeler** confirmed such improvements were not part of the proposal. The development was brought before the Board only because of the Old Town Overlay requirements, not because of improvements beyond the scope of the lots' capabilities; no special approval was needed. The two proposed houses were not part of a planned development and not subject to street frontage requirements.

**Shawn O'Neil** asked if there were access points from Boones Ferry Rd to the driveways.

**Mr. Wheeler** clarified the driveways would be right on Boones Ferry Rd.

**Chair Woods** called for the Applicant's presentation.

**Garrett Rupp, Rupp Family Builders**, said Staff did a good job describing the proposal. His client wanted to build a single-family dwelling on each of his existing two lots of record and was willing to comply with the Old Town Overlay architectural requirements.

**Chair Woods** noted that no exterior lighting was shown.

**Mr. Rupp** replied Staff had added a condition of approval that an Exterior Lighting Plan, which had been provided, would have to be approved by the Board. He confirmed the lighting plan addressed porch and front door lighting, as well as carriage house lighting on the left and right of the garage doors.

**Chair Woods** called for public testimony.

**Monica Keenan**, 9460 SW 4<sup>th</sup> Street, said she lived in Old Town and was speaking as a representative of the steering committee that worked with Staff for about six years developing the revised Old Town Neighborhood Plan. The committee worked diligently to overcome some of the various Code issues including the different lot sizes. The efforts began after an application was submitted to the DRB for an infill project that had quite a few apartments and ADUs were used to multiply the units on the property. The committee conducted an inventory of the neighborhood to determine the average lot size and suggested parameters that would maintain Old Town as a single-family neighborhood bordered by apartments on the north and south sides. It appeared that the committee still had quite a bit of work to do with Staff in order to implement the important elements of the Plan so they would be utilized when reviewing applications for Old Town.

- The challenge with the subject application was that two lots were proposed on one typical lot whereas in the Old Town Plan, which was approved in 2011, only one dwelling unit was preferred. The lot coverage was also very high compared to the Old Town Plan due to the smaller size of the lots. The committee's basis for evaluating the neighborhood was an average lot size of 5,000 sq ft with smaller houses to maintain the scale and massing. The desired setbacks were 10 ft from the side of the home to the lot line and 15 ft from the front of the home, but maintaining that 10 ft distance to the edge of the lot line, not 5-ft, in order to maintain Old Town's scale and massing.
- She appreciated the questions about the zoning in Old Town. It had been a challenge over the last five years to change the Code to support the Old Town Plan. She asked the DRB to help minimize the density or lot coverage of the proposed homes, perhaps, increase the lot setbacks on the homes and continue to ensure the public record was clear that the secondary entrance would need to be reviewed as an ADU.

- One of the five major goals in the Old Town Plan included ensuring ADUs were reviewed and not used as a density mechanism, but as traditionally intended for family members, etc., which was difficult to get drafted into the Code.
- The original Old Town Overlay dictated that the homes must reflect the architecture of the 1880s to the 1930s, which became a problem due to the 1970s ranch homes in the neighborhood. Another goal of the Old Town Plan was to allow 1970s era architecture. The Plan included a recipe book for reviews of setbacks and seven architectural styles in the neighborhood that come up for reuse, redevelopment, or new development. Under the Plan, owners would not have to try to make a ranch house look as if it were from the 1880s.
- For Old Town, having only one single-family dwelling unit on this particular lot was preferred. She reiterated that the committee needed to make appointments with Staff to get the Plan implemented to maintain the appropriate setbacks to preserve the neighborhood's massing and scale.

**Mr. Martens** said he was uncertain about Ms. Keenan's preferred outcome as opposed to what had been adopted, since the DRB must follow the codes that have been adopted.

**Ms. Keenan** asked that the DRB review the application against the guidelines in the Old Town Plan that was adopted in 2011. Under the Plan and based on how the lot had been developed over the years, the preferred outcome would be continue to be a single lot with one single family home and an ADU instead of dividing the lot into two with minimum setbacks. The proposal increased the density of the neighborhood and exceeded the lot coverage dictated in the Old Town Plan, especially along the Boones Ferry Rd frontage. The homes would be tall, narrow, and very close to the street. The challenge was that the Plan was not included in the criteria the DRB must review. The criteria allowed a 5-ft side setback, but the revised Old Town Plan required a 10-ft side setback.

**Mr. O'Neil** noted the Board had been asked to consider a number of proposals and asked Staff if the DRB had the authority to implement them as a condition of approval.

**Mr. Edmonds** said as mentioned, a lot of work had been done on the Old Town Plan and it was a fantastic plan, but as noted, many elements were not yet embodied in the Development Code, which served as the Board's guidelines for review at this time. Code text amendments were needed to implement those elements discussed from the Old Town Plan.

**Barbara Jacobson** added the specific differences in the Development Code developed for Old Town must be followed, but if certain elements had not been adopted into the Code, the Board must default to the existing Development Code used to address those other areas. In other words, if the Old Town Overlay overrode something in the Development Code, the Board would follow the Overlay criteria; otherwise the existing Development Code must be used. Unfortunately, until the Old Town Plan was adopted, property owners must be able to move forward with their plans.

**Lynda Andre**, 31050 SW Boones Ferry Rd, Wilsonville, said she was concerned about additional ADUs and understood any ADUs would need to be approved prior to being built.

**Mr. Edmonds** clarified that ADUs were approved with a Class I Review, which was essentially an over-the-counter administrative review. No notices would be sent to surrounding neighbors. The current Code required ADUs to remain under 800 sq ft and this application proposed an ADU up to 600 sq ft.

**Mr. Wheeler** indicated that the neighborhood wanted to preserve a 600 sq ft maximum for ADUs in the Old Town Overlay. At the same time that the Old Town Plan was being considered, the City was also considering a revision of the ADU standards, which increased the maximum to 800 sq ft with no changes to the parking and appearance requirements.

**Mr. Edmonds** added that an ADU could be either an inside dwelling unit or detached. He understood Ms. Andre was requesting that she be informed, and noted that even though the ADU would undergo a Class I Review, the Board could condition that a notification be sent so neighbors have the opportunity to comment.

**Ms. Jacobson** said the DRB could require a notification and address concerns; however, no public hearing would be conducted.

**Mr. Edmonds** explained that notifications were required for Class II Administrative Reviews, but the Code stated ADUs were to undergo a Class I Review which had no public notice. The Code was designed to allow ADUs for grandparents or returning college students without a review by the DRB. Some subdivisions had restrictions, but the intent of the Code was to create affordable housing for people who wanted to extended family live or rent out a portion of their house.

**Mr. Wheeler** added the only requirement was that detached units must look like the main dwelling and one additional parking space must be provided. The standards were clear and objective; no discretionary criteria existed that deserved to be reviewed through a notice. Everyone had the opportunity to say whether they like a project, but it was clear whether the project complied.

**Ms. Jacobson** said it was up to Staff to decide whether to send a courtesy notice to anyone at the meeting who would like to receive one, but providing notice was based on criteria in the Code. She confirmed the DRB could recommend Staff send a notice, but could not require it as a condition of approval.

**Mr. Martens** believed this discussion was in regard to the exterior stairs and suggested the Applicant be invited to explain why the stairs exist.

**Mr. Edmonds** suggested finishing public testimony, noting the Applicant could respond during rebuttal.

**Douglas Muench**, 30950 SW Fir, Wilsonville, agreed with Ms. Keenan and Ms. Andre. He was concerned about ADUs being built in the neighborhood, noting that two homes were built near his home that had ADUs. He understood the application satisfied the Code, but if the ADU was built, people would be going up and down the staircase and those living next door would not have much privacy.

- He was concerned with parking, though he understood the project satisfied the Code. The first house had one parking space, while most homes in the neighborhood had two or three cars. Parking was a premium and parking issues get worse with each development. The other house barely had two parking spaces; it was really just one space with a bit more width. He questioned where additional vehicles would park.
  - Six years ago, the Wilson Village Development proposed 27 homes on just over two acres and without any parking considerations. He was glad the development never happened because it would have been a nightmare. Many exceptions would have been necessary to make the development work.
- He concluded he was concerned about the quality of the neighborhood, which did not have a lot of parking, so it would be nice to consider more parking.

**Mr. Edmonds** confirmed that both the driveway and garage were each considered one parking spot.

**Mr. Muench** said the driveway was just over 12-ft wide, which was not very big. He believed parking was a concern in every neighborhood.

**Mr. Edmonds** noted that Staff did not have floor plans, so the Applicant could explain whether the garage was a tandem garage.

**Rose Case**, 9150 SW 4<sup>th</sup> Street, Wilsonville, said she spoke with the developer of the multi-unit housing about parking. The developer indicated parking had been addressed and would not be a problem. However, the parking was only partially addressed and had become a nightmare. One issue that was not addressed was how people drive and park. Requiring two spaces for parking did not work. The owner's continuous work on the property prevented residents from parking in their parking spots, so they park elsewhere. The City could say traffic would not be a problem and there would be adequate parking, but the problems would exist unless people were guaranteed their parking in situations like this. There had been times when she was unable to get out of her driveway until she found someone to move their vehicle. Just because the number of parking spots met the Code did not mean there was adequate parking in reality. She asked the DRB to consider this for all applications because there was often more than one car, as well as trailers, boats, and campers that needed parking, unless something prohibited them. Parking would not be fun.

**Mr. Edmonds** asked if parking was allowed on Boones Ferry Rd in front of the homes.

**Ms. Case** replied parking was provided on the old Becker property but that area filled very fast at times and then vehicle parking extended down to Fir Ave. There were homes on both sides of Boones Ferry Rd that need parking for residents and guests. Old Town did not have the capacity even though the parking standards look good on paper.

**Chair Woods** confirmed there was no further public comment and called for the Applicant's rebuttal.

**Mr. Rupp** stated he had no specific responses to concerns about the Code requirements as the application complied with the criteria. He noted floor plans were not required for a design review and the parking and architectural requirements had been met.

**Chair Woods** asked why the stairway was created the way it was to the second level.

**Mr. Rupp** replied it was another means of egress/ingress, adding the idea was that it could be used as a home office. He supposed that it could be used as an ADU in the future, but that was not clear because the floor plans were not yet complete. Floor plans were not integral to the design of the elevation.

**Ms. Knight** asked the Applicant to describe the garage and if the 12-ft wide garage would be tandem.

**Mr. Rupp** said a tandem garage was discussed at one time, but the floor plans were not complete since they were not required for design review. The garage would provide a minimum of one parking space, as would the driveway.

**Mr. O'Neill** asked if there had been discussion about the possibility of an ADU in the future.

**Mr. Rupp** stated that had been discussed with Staff, adding that ADUs were the right of any property owner as long as they complied with the Building Code.

**Ms. Knight** asked about the procedure Staff used when working with the Old Town Plan created by the neighborhood versus the Development Code. It did not seem like the Plan and the Code were congruent, so the same issue would come up every time an Old Town application was reviewed.

**Mr. Wheeler** said about five years' worth of work had been done, and in September 2011, the City Council adopted the Old Town Neighborhood Plan as part of a Comprehensive Plan amendment. The Old Town Plan was a suggestive code, not yet codified into a regulatory form as seen in the Development Code. The Plan was multifaceted and included appendices such as the Pattern Book referred to previously.

- The most recent work done in cooperation with the Old Town neighborhood was in November 2013 where drafts of proposed language were prepared and circulated back for comment, but since then it had been suspended.
- He agreed there was a lot of work to be done. The Plan was very aspirational in terms of what it set out to achieve. ADUs were a good example of the disparity between what the Plan wanted to accomplish and what the current citywide Code already did, so that needed to be revisited.
- The Applicant was subject to the regulations that were in effect on the day they applied, which Staff had presented.

**Mr. Edmonds** added that with regard to the evolution of the architecture, the requirement for mid-Willamette Valley architecture styles range between 1880 and 1930, and the Applicant proposed a Craftsman style within that range. Mr. Wheeler had done a considerable amount of research on the Prairie style, which was also from that period of time. Both homes were American architecture, there were a considerable number of historical American architectural homes. He believed the Applicant was trying to achieve the American style, though it might not have reflected the American style set forth in the Old Town Plan, but there was considerable discussion about trying to avoid having a hybrid style looking house.

- He believed the designer did a good job, except for one recommendation to add more window trim to avoid the "cookie cutter" look of a window placed into a wall, even though the Prairie style would have that very clean look.
- He noted Mr Wheeler was concerned about the side elevations and what could be seen from public view. Staff did not want the fronts of the homes to be nice, while the sides looked like a tract home. Grids were added into the windows to all side elevations so it wrapped around house. There was a lot of discussion between Staff and the Applicant to fit the house in that mid-Willamette Valley architecture.

**Chair Woods** asked what input was received from Old Town residents about the application.

**Mr. Edmonds** replied that one couple, the neighbors to the south, talked to Staff about their concerns regarding their privacy and foot traffic noise on the stairs, which were setback 5-ft from the Applicant's property line.

**Ms. Knight** asked if landscaping could be added specifically on the side of the home where the staircase was located to reduce noise.

**Mr. Edmonds** noted a condition of approval required 15 percent landscaping, but stated the Board could add the requirement. He believed the landscaping would need to be some form of conifer, so it retained its screening year round, such as a juniper, though it would take a while for a five-gallon plant to screen the two-story doorway and stairs.

**Mr. Martens** noted there was a 5-ft setback as well.

**Mr. O'Neil** noted Staff had mentioned that a draft had been sent for comment in 2013 and asked who had suspended the talks. Was the Old Town neighborhood waiting for the City or was the City waiting for them?



**Mr. Wheeler** said he was unsure; he would have to research the Long Range Planning Manager's notes regarding what occurred in 2013.

**Ms. Keenan** responded it was a valid question, adding it was a mutual decision due to burnout on the residents' part and Staffing changes, which prolonged the process. She assured everyone would be focused on getting back on track with the work. The neighborhood had its comments ready and would get designated Staff; if needed, the neighborhood would request that Council designate Staff to get the work done because it was important.

**Chair Woods** thanked Ms. Keenan for the clarification.

**Mr. O'Neil** confirmed that Boones Ferry Rd was the only access point for Tualatin Valley Fire & Rescue (TVF&R).

**Chair Woods** closed the public hearing at 7:36 pm.

**Richard Martens moved to approve Resolution No. 305 with a condition of approval to remove the outside staircase from the design. Chair Woods seconded the motion.**

**Ms. Knight** was concerned the Applicant could just add the staircase later under the administrative review; she was did not know if the Board was achieving anything by adding the condition.

**Mr. Edmonds** explained the DRB could make a motion to deny the staircase, but the Applicant had a right to appeal to the City Council as to why a staircase is needed. He noted this was an interesting case, because no interior floor plans were reviewed; only the architecture, adding even the floor plans in Villebois were not reviewed where the architecture was tightly controlled. No interior floor plans were reviewed for homes in the City of Wilsonville. He asked why Mr. Martens believed the staircase should be removed.

**Mr. Martens** replied that exterior staircases were not part of and actually seemed to be in conflict with the historic architecture required for the area, so the staircase should be removed. Based upon public testimony, there was concern about parking and the presence of the staircase could become a convenient, back door way to have an ADU, whether they applied for one or not. Only until someone filed a complaint or pursued some type of legal process, a tenant could be living in the home, an extra car, etc.

**Ms. Knight** noted in her opinion, a Prairie style house indicated a Frank Lloyd Wright style, which was usually a single level home and not a two story. In the Wilsonville area, Frank Lloyd Wright constructed several Usonian homes that were very simple and would not have an exterior staircase like the one shown.

**Mr. O'Neil** expressed concern about TVF&R's access, as keeping the stairway would add more for TVF&R to have to get through if there was a fire.

**Chair Woods** agreed those were all good reasons for removing the staircase.

**Ms. Knight** said she was skeptical about removing the staircase now, because the Applicant could install it later.

**Mr. Martens** responded it would require a lot more to add a staircase later than it would during an administrative process now.

**Mr. Edmonds** responded Staff had no decision criteria regarding exterior stairways for ADUs. The criteria regarded parking, square footage, and architectural compatibility.

**Mr. Wheeler** believed if a staircase was added later when the Applicant applied for the ADU approval, there would need to be proof of an additional parking space available while still meeting the Prairie-style architectural standards. An alternative to eliminating the stairway would be to enclose it, installing a door at the bottom of the stairwell and upon entry, the stairs would rise to the interior of the ADU. Eliminating the stairway was not an issue of satisfying the architecture, but a matter of whether the Board would prejudge an ADU that was not before the Board as a request. [1016 4:46] He believed the Applicant should speak to any changes the Board wanted because those changes had not been discussed on the record.

**Mr. Martens** added that while the Board should not prejudge, but it should not “grease the skids” to make it simple to have an ADU.

**Chair Woods** asked if the motion needed to be modified.

**Mr. O’Neil** believed the Board should vote.

**Chair Woods** restated the motion and called the vote.

**The motion failed 1 to 3 with Dianne Knight, Shawn O’Neil, and Chair Woods opposing.**

**Chair Woods** asked Staff for any other suggestions on how to approach the stairwell issue. He did not believe anything could be done about the street or fire access.

**Mr. Edmonds** replied that Mr. Wheeler’s suggestion to enclose the staircase might work, though architecturally speaking, it might look more imposing.

**Mr. Wheeler** explained it would just be an extension of the front façade of the home. He noted the shallow roof above the garage and the second story with a set of windows. Staff briefly discussed options for the stairwell, noting the 5 ft setback met the setback and was measured from the stairway, which was part of the house. Therefore, the Applicant could widen the house to enclose the stairway clear to the roofline, if necessary, to create the function needed. Without an actual design, however, it was difficult to discuss.

**Chair Woods** understood enclosing the stairwell so it was not seen was a suggestion, but asked for Staff’s consideration about whether the stairway should be there at all.

**Mr. Edmonds** replied the Board had voted against eliminating the stairwell.

**Ms. Knight** stated the stairwell seemed compliant with Code, so she did not see how the Board could eliminate it.

**Ms. Jacobson** explained the Board had to decide if the design met the design criteria. If not, the Board could ask Mr. Rupp to meet with the Applicant and return with an alternative design. Or, the Board could move to approve the application with Staff’s recommendation, but clarify that no ADU was being approved, and that before an ADU was approved, the parking and fire access should be examined, which would be done anyway.

**Ms. Knight** suggested continuing the hearing so Staff and the Applicant could consider other options, potentially an enclosed stairway as well as the parking.

**Mr. Edmonds** clarified that the parking met minimum parking requirements of the Development Code, so Staff had no further discussion. Individuals were allowed to park on a public street in front of a house, even though people might compete for those spaces. The City did not police how people parked. Additionally, no comments or concerns were received from TVF&R, which was capable of fighting any house fire regardless of having an exterior staircase going to a second floor. Exterior staircases were not required for accessing second floors in the Fire Code.

**Mr. O'Neil** explained the issue was that the access point behind the house in the alley went away at some point.

**Mr. Wheeler** replied that was an issue in the early 1900's.

**Mr. O'Neil** said that with the only access being from Boones Ferry Rd, he was concerned about access behind the proposed houses.

**Mr. Edmonds** responded that TVF&R used a hose lay distance for accessing all points of a home when approaching from the front and if they had direct access to a public street.

**Ms. Jacobson** confirmed that TVF&R had been notified of the application and had not provided any conditions.

**Mr. Wheeler** confirmed that TVF&R was notified by a Development Review Team notice that was mailed to agencies requesting comments in advance of preparing the Staff report. He noted Villebois had alleys that provide access to garages but that other areas of the city had no alleys at all with back yards backing up to back yards or side yards, so fire access from the rear was not a requirement. The requirement for those hose distances was measured from required hydrants that were spaced at specific distances to provide adequate fire protection to homeowners. He assured that fire protection was present. He reminded the Board was considering the appearance of the structure, not whether two lots should be created or developed because the two lots were legal lots of record dating to before the City was incorporated.

**Ms. Jacobson** stated the Board needed to consider that its jurisdiction was the design criteria. If the argument was building compatibility with the staircase and the Board wanted to see more work on the staircase, the hearing could be continued. However, if the Board agreed with Staff's analysis that the design was compatible, the motion would be to accept the resolution as presented. The ADU issue, as far as what the stairs would be used for, was not before the Board this evening.

**Ms. Knight** said she did not believe an exterior stairway was in keeping with the character of the house style.

**Dianne Knight moved to continue the hearing to the July 27, 2015 DRB-B meeting date certain to determine different architectural options for the exterior of the home as it related to the exterior stairway. Chair Woods seconded the motion.**

**Mr. Wheeler** asked who would be responsible for the determination and what the parameters were for such review.

**Chair Woods** expected that the City would review the plan.

**Mr. Edmonds** clarified that the Applicant would have to provide a different exterior design of the stairs. He noted Staff did not have any decision criteria and neither he nor Mr. Wheeler were licensed architects. Staff could only present what the Applicant had presented to them.

**Mr. Wheeler** noted that Staff had no authority over the Applicant. Staff had reviewed the Applicant's proposal against the review criteria, and if the Board disagreed with Staff's recommendation and could arrive at findings contrary to Staff's conclusions, the Board needed to express those findings and ask whether the Applicant was willing to address the Board's concerns.

**Ms. Jacobson** suggested reopening the hearing to ask if the Applicant was willing to come up with some alternative designs, but noted a vote was needed on the current motion.

**The motion carried 3 to 1 with Shawn O'Neil opposed.**

**Mr. O'Neil** stated clarification was still needed about what the Board was asking of the Applicant, but the Board had already voted. He believed that clarification was needed before the Board made a decision on the motion, which was why he voted in opposition. The motion did not help the Applicant, City or the Board. He assumed that what the Board wanted the Applicant to do would have been incorporated in the motion.

**Mr. Edmonds** understood the Board wanted options relative to the stairs and architecture of the house and to see how the architecture and stairs would fit together. He noted it was the responsibility of the Applicant's design team to provide the designs.

**Mr. O'Neil** said his concern was that the Applicant's testimony might change the Board's position on the motion.

**Ms. Jacobson** agreed the hearing should be reopened to hear from the Applicant, adding if they did not want to do anything different, the Board would have to vote to approve the application as presented or deny it.

**Shawn O'Neil moved to reopen the public hearing. Dianne Knight seconded the motion, which passed unanimously.**

**Chair Woods** called the Applicant forward.

**Mr. Rupp** stated the Applicant did not care about the stairs, adding they were not integral to the design. The front façade exterior elevation design was created to meet the design review criteria; if the Board did not like the stairs, neither did the Applicant. He confirmed the Applicant was okay with the Board approving the resolution with the stairs and doors were removed from the design.

**Mr. Wheeler** noted the Board was approving the appearance of the structure and the elements could not be moved around or added elsewhere later. For the record, the Applicant's testimony needed to confirm what would be removed.

**Mr. Rupp** said the Applicant could encompass the stairs to enclose them and/or move them and/or change the front façade elevation to be relevant with the Prairie-style architecture as indicated on the plans minus the exterior stair. This would not change the elements of the Prairie architecture home they already designed, there just would not be a south facing exterior door and staircase.

**Matt Greiner, Rupp Family Builders**, explained that the entire upper story could be expanded proportionally to fit within the setback to the south. He briefly described how the south side of the home would become slightly larger with a door potentially into the garage on the main level. If an exterior staircase was a design issue, then it would be removed and everything else would be as shown on the other elevations, but without an upper door and probably not a window either for the neighbor's privacy. The only exterior window that provided an outside view faced the south and was probably in the kitchen. The other windows on the south façade, the skylights and hallway windows, were too high to see out of.

**Mr. Rupp** agreed the first and second floor roofs would be extended, so everything would be proportional.

**Mr. Greiner** added if his suggested design was approved as a condition, he did not know how he could show how the elevations would look without continuing the hearing. If the staircase was the only issue, the DRB would need to continue the hearing so the Applicant could present a new design.

**Ms. Jacobson** stated the DRB could make a motion to vacate the last vote based on the Applicant's communication and then revote on approving the application with the condition that the staircase not be visible from the exterior.

**Mr. Greiner** stated the project could be built so it looked just like the house with the stairs being an interior part of the house and not an architectural feature. He confirmed the staircase would be part of the footprint, but it would not be seen from the outside.

**Mr. Jacobson** suggested that Ms. Knight should make the motion to vacate since she made the previous motion.

**Chair Woods** closed the public hearing at 8:15 pm.

**Dianne Knight moved to vacate the Board's last motion. Shawn O'Neil seconded the motion, which passed unanimously.**

**Chair Woods** called for a new motion.

**Mr. Edmonds** suggested Dianne make the new motion together with the other conditions of approval.

**Mr. O'Neil** said he didn't appreciate staff suggesting to a commissioner how to present a motion or who should make a motion...

**Dianne Knight moved to approve Resolution No. 305 with the condition that the architecture be amended so that the exterior stairway was no longer visible. Chair Woods seconded the motion.**

**Mr. Martens** noted the Applicant had initially suggested eliminating the stairs, so he did not understand why the conversation evolved to somehow hide the stairs. He suggested the motion be revised to eliminate the exterior stairs as presented. He acknowledged there would be stairs within a two-story house.

**Mr. O'Neil** said he also understood that the Applicant had said they would remove the stairs.

**Ms. Knight** said her concern was that the Applicant could put the stairs in at a later date. If the Applicant was planning to build a staircase, she preferred that the stairway not be seen from the exterior, so that the house looked like a whole house without stairs stuck on the side of it.

**Ms. Jacobson** confirmed that the Applicant had agreed to do either. She understood the motion was to have no exterior staircase.

**Chair Woods** said the issue was whether to enclose the stairs so they were not visible or eliminate the stairs altogether.

**Mr. Martens** understood the current motion was for the stairs to not be visible or apparent.

**The motion failed 2 to 2 with Dianne Knight and Chair Woods in favor and Shawn O'Neil and Richard Martens opposed.**

**Richard Martens moved to approve Resolution No. 305 as presented, including the conditions presented by Staff and an additional condition that the exterior staircase as presented be eliminated. Shawn O'Neil seconded the motion, which passed 3 to 1 with Dianne Knight opposed.**

**Chair Woods** read the rules of appeal into the record.

**IX. Board Member Communications**

A. Results of the May 11, 2015 DRB Panel A meeting

**X. Staff Communications**

There were none.

**XI. Adjournment**

The meeting adjourned at 8:25 pm.

Respectfully submitted,

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