

**Wilsonville City Hall
29799 SW Town Center Loop E
Wilsonville, Oregon 97070**

Approved

May 29, 2014

**Development Review Board – Panel B
Minutes – March 24, 2014 6:30 PM**

I. Call to Order

Chair Andrew Karr called the DRB-Panel B meeting to order at 6:30 p.m.

II. Chairman's Remarks

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

III. Roll Call

Present for roll call were: Andrew Karr, Cheryl Dorman, Aaron Woods, and City Council Liaison Julie Fitzgerald. Dianne Knight and Jhuma Chaudhuri were absent.

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

IV. Citizens' Input This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There was none.

V. City Council Liaison Report Councilor Fitzgerald reported on March 17, 2014, City Council:

- Discussed medical marijuana dispensary issues and would consider a provision allowed by the State legislature to place a one-year moratorium on such dispensaries in April.
- Heard a great presentation from Tualatin Valley Fire and Rescue about the services being provided to Wilsonville and how the current inventory of physical area facilities was meeting the city's growing residential needs.
- Held a public hearing on the appeal of DRB-Panel A's decision regarding the Wilsonville Devco application for a coffee kiosk. After a lengthy discussion and review of voluminous records, the Council agreed with the DRB that the onsite circulation pattern designed to accommodate a 40-ft truck and proposed to the DRB was unacceptable. The backing of such a large truck would not have been safe, so the DRB had properly found that the applicant had not met Development Code requirements with respect to the issue.
 - Based on findings by the DRB, the applicant had contacted vendors and obtained agreements that no delivery trucks larger than 30-ft would be allowed to service the location. The applicant also retained Kittleson & Associates to perform computer-generated turn simulations to show that the smaller truck required much more limited backing maneuvering, and that its operation could be contained completely within the Wilsonville Devco land without crossing curb cuts. This information was not provided during the DRB hearing. Based on the new evidence, Council imposed a condition to limit vehicles to 30-ft or less.
 - City Council did not find that the Code language was broad enough to allow the application to be denied based on impacts to neighboring property, drivers driving in the wrong direction, or pedestrians who fail to use sidewalks to access the site. Council found that the applicant had done everything possible to ensure safe passage of vehicles and pedestrians within the site itself. Although Council agreed with the DRB that the site is constrained and not ideal, the proposed use was within the allowed zoning and did not violate Code requirements given the new circulation pattern and smaller truck use not previously presented to the DRB.
 - Council added two additional conditions with regard to safety and site circulation, requiring an additional "Do Not Block" marking on the pavement to prevent conflicts within the drive thru circulation between Carl's Jr. and the Human Bean, and prohibiting the Applicant from using the

neighboring Chevron property for delivery, parking or turnaround without express Chevron approval pending resolution of the ongoing easement dispute.

VI. Election of 2014 Chair and Vice-Chair

- Chair
- Vice-Chair

Chair Karr moved to defer the election of the Chair and Vice-Chair to the next DRB-Panel B meeting. Aaron Woods seconded the motion, which passed unanimously.

VII. Consent Agenda

- A.** Approval of minutes of October 28, 2013 meeting

Cheryl Dorman moved to approve the October 28, 2013 DRB-Panel B meeting minutes as presented. The motion was seconded by Aaron Woods and passed unanimously.

VIII. Public Hearing

- A. Resolution 272. Renaissance Boat Club Type C Tree Removal: Renaissance Development – applicant.** The applicant is requesting a modification to the approved Type C Tree Removal Plan, together with a mitigation plan for previously approved Tract ‘B’ for Renaissance Boat Club. The subject site is located at 8455 SW Metolius Lane on Tax Lots 800, 850, 860, 870, 880 and 900 of Section 24, T3S, R1W, Clackamas County, Oregon.
Staff: Michael Wheeler.

Case File : DB14-0031 – Type C Tree Removal

Chair Karr called the public hearing to order at 6:39 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 3 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 with these key comments:

- He described two items distributed to the Board and entered into the record as follows:
 - A one-sheet document to replace Pages 5 and 6 of 12 of the Staff report which corrected the project issue summary and conditions related to tree mitigation to accurately reflect the tree replacement numbers provided by the Applicant.
 - The language stated the Applicant proposed replacing 238 trees, but the drawing only showed 228 trees. The narrative explained that the Applicant would either find room for the 10 additional trees or pay the mitigation fee of \$8 per tree into the City’s Tree Fund. Those changes were reflected in the summary of project issues on Page 5 and reiterated in revised Conditions PD 3 and PD 4. The Applicant could confirm where these numbers were illustrated.
 - Exhibit H1.1: A three-page letter dated March 21, 2014 from Morgan Holen & Associates, LLC.
- On October 28, 2013, a modification to the previously approved Type C Tree Removal Plan (Exhibit F1.1) was approved to remove an additional 115 trees from the development site with the condition that the Applicant return to the DRB with a mitigation plan to illustrate how the impacted area would be replanted to satisfy neighbors who testified with concerns about the appearance and loss of the buffer area.

- The Applicant's subject request further modified the Type C Tree Removal Plan approved in October, due to findings by the Applicant's certified arborist, Morgan Holen, and also addressed the mitigation requirements for the 115 trees approved for removal and the additional 81 trees requested for removal in the subject application.
- He reviewed Table 1 (Slide 7), provided by the Applicant, noting 199 replacement trees were required in 2013 to mitigate for trees removed as part of the construction plans, to enable development of the site.
 - The Applicant now proposed a total of 437 mitigation trees, which met the minimum 25 percent required by the 2008 approval. A total of 1,746 trees were being removed with 238 trees added to the initial 199 replacement trees.
 - The Applicant provided an extensive narrative with accompanying graphics, which he had worked through to understand the functions within the site, such as the Significant Resource Overlay Zone (SROZ), the site itself, and an Impact Area that was somewhat protected, just upland from the SROZ boundary.
- The illustration provided in the arborist's report (Slide 9), illustrated the trees proposed for preservation shown in red, which included 59 trees outside the SROZ and 12 trees shown in the grove of the green shading. However, the illustration did not address questions regarding the location and number of the trees, which resulted in the Final Plat Tree Plan (Slide 31).
- He displayed several site photos provided by the Applicant, noting the streets and sidewalks had been constructed, but the views into neighboring properties were most important.
- The Applicant provided the 2007 Tree Mitigation Plan, the arborist's methodology for counting trees in the two southern plantation groves (Slide 22) and the 2008 Tree Inventory, which showed no trees in one area but a note stating tree removal, resulting in the City being very cautious about what the extent of the removal would be, especially with the SROZ being near, and imposing the condition.
 - The 2013 Tree Inventory included a shaded area indicating where trees would be removed due to the cut and fill required by FEMA. The area to the west was going to be left as a buffer, but testimony tonight about the quality of that buffer would explain why the buffer was proposed for removal.
- The current Landscape and Mitigation Tree Planting Plan showed a more elaborate planting scheme, including a detailed plant count of the 30-ft buffer.
 - The 2014 Tract B Net Tree Inventory and Exhibit D2 (Slides 27 and 28) were also provided to show the view of the enhanced buffer from the west across the property that would blend in with the existing trees on the neighboring site.
- The Final Plat Tree Plan illustrated the tree count methodology to show the number of trees on the site. Most of the trees shown as red and purple dots had been removed above the Tract B boundary in the subject buffer area.
- Based on the Applicant's submittal and demonstration of compliance with the Tree Code and the purposes that led to the approval of the residential development project in 2008, Staff concluded that the Applicant had satisfied the tree removal criteria and provided an adequate mitigation plan.

Aaron Woods noted Page 16 of 16 of the Applicant's stated the 10 trees would be mitigated by payment, not one way or another.

Mr. Wheeler explained he had retooled the conditions in the summary because the table was clear about the 238 trees being replaced, but the narrative stated that 228 trees would be planted and then the remaining trees would be mitigated by paying into the Tree Fund. The Applicant could explain why there was a difference and if needed, the conditions could be amended to make it clearer. The compilation of proposed mitigation trees appeared in two places, on Pages 14 and 16.

Chair Karr called for the Applicant's testimony.

Ben Altman, SFA Design Group, 9020 SW Washington Square Drive, Portland, OR, 97222,

representing the Applicant, Renaissance Development, noted Jeff Shrope of Renaissance Development was in the audience. He stated Staff had summarized the request, but he wanted to clarify the mitigation numbers. The table best described the evolution of the tree removal mitigation. In 2008, 194 trees were being replaced, and in 2013, 199 trees were being replaced. He clarified that the total tree replacement for mitigation was 437 trees and that 238 trees was the number needed above the prior approved mitigation to bring the total to 437 trees.

- Regarding the additional 10 trees, the Applicant had developed the Landscape Plan showing 228 trees, but realized another 10 trees needed to be planted. At that point, the Applicant chose not to revise the Landscape Plan, but would determine whether to plant the trees or pay the mitigation fee when securing the removal permit. The important piece was that the Applicant was covering the 437 replacement trees.
- He noted that Amy Schnell of Renaissance Homes had met with the neighbors to ensure they understood the mitigation plan before tonight's meeting and the neighbors had questions about the health of the remaining trees and other things; he deferred to Morgan Holen to address those issues.

Morgan Holen, Morgan Holen & Associates, LLC, 3 Monroe Parkway, Suite P220, Lake Oswego, OR, stated she was the consulting arborist on the project. She explained that while she was contracted by Renaissance in 2013, she had been part of the project since its beginning. Originally, Walt Knapp was the arborist, and she had worked closely with Mr. Knapp on the project at that time. Currently, Mr. Knapp continued to work with her on the project.

- During the preliminary site clearing, both she and Mr. Knapp visited the site to evaluate the standing trees as clearing progressed to look for trees suitable for retention. These trees would have a good height to diameter ratio and high crown ratios, both of which minimize wind throw potential.
 - Trees in the 30-ft buffer were in a very narrow vegetative strip. The Douglas firs had very poor height to diameter ratios, small live crowns, and the bases were covered with English Ivy, making them very risky with exposure from adjacent tree removal, so the Douglas firs were recommended for removal.
 - Bordering these trees to the west was a row of red alders on the property line and adjacent property. These trees were also recommended for removal, but Renaissance and the neighbors noted that retaining the red alders was highly desirable for aesthetics. Upon further review, the red alders had better height to diameter ratios and relatively longer live crowns, although they were a bit one-sided to the west. She recommended that Renaissance retain the trees during the clearing of the hazardous trees in the buffer and have her onsite to monitor the tree removal activity and provide on the ground recommendations for protecting the red alders.
- Stumps might need to be removed in order to plant the vegetative buffer, but leaving the stumps in the ground was recommended as much as possible to avoid pulling on the interconnected root systems. Where stump removal was necessary, she advised grinding the stump to remove only the stump's surface enough to create a planting area. She would also monitor while that work was in process and document it in written reports to demonstrate that the trees were well protected during the adjacent tree removal.
- Following the tree removal, she recommended to Renaissance that she conduct a tree risk assessment to reassess the red alders at that time and provide them her findings and recommendations.
 - She believed the red alders had a good chance of being preserved, especially when the vegetative strip was replanted which would provide the trees with some shelter on the east side. She noted it was the property owner's threshold of risk they were willing to accept, so conducting the tree risk assessment and providing findings at that point would be helpful.

Chair Karr asked how many red alders were present.

Ms. Holen responded there were six red alders total as indicated in the tree survey conducted in 2014, which she noted in a colored photo. She confirmed she was recommending that she be onsite during the removal of the other trees in the 30-ft buffer and then she would do a risk assessment on the five or six red alders. She reiterated she would be on site during the clearing as well as the stump removal and treatment.

Cheryl Dorman asked how she determined what would be planted in the 30-ft buffer.

Ms. Holen replied the Applicant's understood that a quick screening was desired and Leland Cypress is a great species for quick screening because they grow very fast. Their long lateral branches close in the gaps even when at a reasonable spacing. The trees were nice evergreens and appropriate for the site's characteristics.

Ms. Dorman understood she had met with the homeowners.

Ms. Holen clarified she had not, but Renaissance did. She added that Renaissance was open to other species recommended by the neighbors based on her discussion yesterday with Amy Schnell.

Ms. Dorman noted Ms. Schell was not present, so she looked forward to hearing from the homeowners about the recommendation.

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

Susan Fiske, 8500 SW Miami, stated her property was adjacent to the site and her property had the buffer zone. She wanted to put some of her concerns on record because she did not see the email she copied to Mike Wheeler in the record.

- One thing she addressed in her email was the red alders and other trees on her property. In one of the letters, the Applicant stated that the reason they needed to now remove the 30-ft buffer of trees was because of the potential for wind throw due to the trees that were recently removed. The removal of the 30-ft buffer of trees would essentially leave her trees standing alone, so she was concerned whether the wind throw would now affect her trees.
- Her other concern regarded the root structure, which Ms. Holen just addressed. She had heard of developments where trees were removed and the roots were cut through, resulting in damage to neighboring roots. Her row of trees, which were on the property line, was the only buffer for her home and all homes on the riverfront property. The neighbors all thought the trees were very pretty, especially since the leaves were popping out, which was a nice sight to see. They would like to keep those trees as healthy as possible.
 - With regard to Leland Cypress being planted, Ms. Schnell visited her along with several other neighbors a couple weeks ago and provided a list of about five different types of trees that would be planted there. Ultimately, she believed it would look very pretty, although the view would look pretty barren for her for the time being, especially now that she would be trying to sell her home. It would not look good now, but it would look good in the long run with the variety of trees proposed.

Ms. Dorman asked if Ms. Fiske was satisfied with the trees the Applicant was going to plant and if she had further input.

Ms. Fiske stated Ms. Schnell had a list of trees the Applicant would be planting, and based on that list, it seemed like a nice variety and she believed that ultimately, it would look good. It was not only the Leland Cypress being planted. She clarified that many of the trees shown in the pictures were actually hers when fully leafed out. The smaller trees were those the Applicant would be planting which would ultimately

grow and look nice.

Chair Karr confirmed there was no further public testimony and called for the Applicant's rebuttal.

Mr. Altman stated that the list at the bottom of Slide 7, under Table 1 was the list of species proposed primarily along the western edge of the site, replacing the trees being removed. A total of 90 trees was proposed, which was quite a bit more than what was originally in the buffer, but a lot of trees had been removed behind the buffer. The other trees in the total would outline the edge of the impact area of the SROZ. The heavy planting was on the west edge, wrapping along south of the pathway over to the east side.

Mr. Wheeler asked which drawing captured the intent of the proposed planting graphically. Sheet 24 of 24 was a Landscape and Mitigation Tree Planting Plan (Slide 26), but there were many plans for the different regions and he wanted to make sure he understood. A specific note in the buffer identified Leland Cypress, but—

Mr. Altman explained that Exhibit D2 (Slide 28) best reflected the planting along the western buffer and south side of the picnic area. The elevation drawing on the left showed the cypress trees and the trees on the abutting property. The smaller evergreens on the back side represented those trees being planted. Sheet 24 represented the total of the 427 trees, because ten were not shown.

- He indicated the buffer area on the site and the screen fencing that ran along the 15-ft easement west of Lot 29, and showed how the planting wrapped around the back side of the picnic area. The double lines indicated the 25-ft impact area, where the plantings would be, along with the area accessing the path from the road to the picnic area.
- He confirmed that the intended plantings were captured in a blend of Sheet 24 and the colored rendering (Exhibit D2).

Ms. Dorman asked how mature the mitigation trees were that would be planted.

Mr. Altman replied the City had a minimum size for replacement trees based on the caliper and height of the tree, which was different depending on the species. Recommended sizes were included within the planting plan but the tree sizes would vary in height. He believed six foot was the minimum height for evergreens, so 6-ft to 8-ft trees would be mixed to avoid having the same tree heights in a specific area.

Chair Karr confirmed the cypress tree minimum was 10-ft to 14 ft high.

Mr. Altman added bigger trees would be planted along the buffer to provide better protection against wind throw much sooner.

The Board discussed adding a condition of approval for Ms. Holen to be onsite and confirmed the condition was acceptable with Mr. Altman.

Chair Karr closed the public hearing at 7:20 pm.

Chair Karr moved to accept the Staff report with the addition of the sheet replacing Pages 5 and 6 of Staff report and Exhibit H1.1, and adding the following two conditions of approval:

- **Arborist Morgan Holen shall be onsite during tree and stump removal and treatment to monitor those processes;**
- **A tree risk assessment shall be required on the existing red alders after the removal of the other trees in the western 30-foot buffer.**

Aaron Woods seconded the motion, which passed unanimously.

Chair Karr moved to approve Resolution No. 272. The motion was seconded by Cheryl Dorman and passed unanimously.

Chair Karr read the rules of appeal into the record.

IX. Board Member Concerns and Communications

- A. Results of the December 9, 2013 DRB Panel A meeting
- B. Results of the January 13, 2014 DRB Panel A meeting
- C. Results of the February 10, 2014 DRB Panel A meeting
- D. Results of the March 10, 2014 DRB Panel A meeting

X. Staff Communications

There were none.

XI. Adjournment

The meeting adjourned at 7:25 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription for
Shelley White, Planning Administrative Assistant