

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

**Development Review Board – Panel B  
Minutes–October 28, 2013 6:30 PM**

<p><b>Approved</b> March 24, 2014</p>
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**I. Call to Order:**

Chair Andrew Karr called the DRB-Panel B meeting to order at 6:28 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, Dianne Knight, Cheryl Dorman, Jhuma Chaudhuri, Aaron Woods and City Council Liaison Susie Stevens.

Staff present were: Chris Neamtzu, Barbara Jacobson, Steve Adams, Michael Wheeler, and Amanda Hoffman.

**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 Stevens reported on the City Council's recent actions with these comments:

- The work session meeting on October 21<sup>st</sup> included reports and discussion about trash enclosures and form-based code.
  - A question from a business owner in the north Wilsonville area prompted Staff to review trash enclosure regulations. The report focused on restaurants around the city and it was enlightening to see some of the issues that would have to be addressed. A number of photos showed grease and trash going into the storm drains instead of trash bins and proper receptacles. The Development Review Board (DRB) Panels would likely see updated regulations when reviewing future development applications because most businesses and developments produce some type of trash or recyclables.
  - Form-based codes are more visual rather than text oriented, and the City would experiment using this format for the Coffee Creek area. A pattern book would be created for the design of the development and buildings. Development applications must meet the criteria set forth in the pattern book, which would streamline the review process quite a bit. If form-based code proved successful, the City might continue using it in the future. While the outcome was uncertain, trying a new innovative way of reviewing developments was exciting.
- On October 29<sup>th</sup>, the City Council would meet with the Tualatin City Council to talk about the Basalt Creek development area located at the far north side of Wilsonville and far south side of Tualatin. The City boundary lines would likely change depending on what happens. It appeared that Tualatin wanted some residential there, but Wilsonville sought more industrial development, but she believed there would be a mix of both uses at some point. It was exciting to have the two Councils work together and have Basalt Creek be a joint project.
- At the last meeting, Council held the second reading for the Future Study Area, formerly known as the Living Enrichment Center. The Future Study Area would now be a residential zone, although more than half of the acreage would remain open space with trails through the wooded areas instead of planned parks. Keeping the wildlife habitat alive, functioning and in place would be nice. This

would be another development that would come before one of the DRB panels as the development moved forward.

- She appreciated citizens present for the meeting, adding it was really important to have citizen engagement no matter what the City Council, DRB, Planning Commission, or Library Board was addressing.

**Chair Karr** inquired about the timeframe for the new form-based codes for Coffee Creek and if the City expected to establish form-based codes as rule after Coffee Creek.

**Chris Neamtzu, Planning Director**, explained the City received \$63,000 from the State of Oregon's Transportation and Growth Management (TGM) Code Assistance Program to create the new tool and Staff anticipated working through March 2014 to create the pattern books. Form-based Code was typically in main streets and mixed-used retail areas rather than industrial. Staff came up with this concept over a year and a half ago and the City just received the money so the project had been percolating for a long time, but had not really gotten any momentum until recently.

- City Council authorized adding form-based code to the Planning Division's Work Program and Staff would be engaging the DRB through work sessions and providing opportunities for input. The TGM Program had preselected consultants so Staff would be working with architect Marcy McNelly of Urbsworks and Planner Keith Liden were on the team, which had a lot of talent and extensive experience in creating form-based code in other communities around the country. It would be a first for the City of Wilsonville, and it was a little hard to comprehend exactly what it would look like, but he believed it would make sense as they got started and saw some examples. Staff hoped to shorten the timeline for and add a little certainty to the review process, which would be geographically defined to the Coffee Creek area to start. If they love the project and the process, it had the potential to be expanded.
- Hundreds of cities all over the country were using form-based codes in portions of their communities. A website called "Form Based Code Institute" provided more information. Miami was a big implementer of form-based codes, as well as many big cities across the country. He was not too familiar with cities that were using it in Oregon yet. He had only followed it a little, but would learn lot more in the upcoming six to eight months.

## **VI. Consent Agenda:**

### **A. Approval of minutes of September 23, 2013 meeting**

**Chair Karr moved to approve the DRB-Panel B September 23, 2013 minutes as presented. Jhuma Chaudhuri seconded the motion, which passed 4 to 0 to 1 with Cheryl Dorman abstaining.**

- B. Resolution 263. Retherford Meadows Temporary Use Permit: Westlake Consultants, representative for Lennar Homes, owner.** The applicant is requesting approval of a Five-Year Temporary Use Permit for a model home sales office (Lot 43) in Retherford Meadows Subdivision prior to final plat and two additional model homes after final plat (Lots 44 and 69). An associated Temporary Parking Area for five vehicles is proposed on Lot 42. The subject site is located on Tax Lots 300, 380 and 3000 of Section 15, T3S, R1W, Clackamas County, Oregon. Staff: Amanda Hoffman

Case File: DB13-0040 – Temporary Use Permit

**Chair Karr** confirmed there was no public testimony regarding the resolution.

**Chair Karr moved to adopt Resolution 263. Dianne Knight seconded the motion, which passed unanimously.**

## VII. Public Hearing:

- A. **Resolution 264. Healthy Restaurant: Argyle Capital, LLC – applicant/owner.** The applicant is requesting approval of a Stage II Final Plan and Site Design Review for construction of a healthy restaurant. The subject site is located on Tax Lot 600 of Section 2DD, T3S, R1W, Washington County, Oregon. Staff: Blaise Edmonds.

Case File : DB13-0038 – Site Design Review  
DB13-0042 – Stage II Final Plan

**Chair Karr** 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** stated he was standing in for Mr. Edmonds and presented the Staff report via PowerPoint with these key comments:

- The proposal was for an approximately 2,300-ft healthy restaurant with a drive-thru located on a small parcel at the northwest corner of Argyle Square between Elligsen Rd and Robert Burns Drive and west of Argyle Ave. The Applicant submitted a narrative describing the project along with an extensive packet of drawings, some of which were included in his PowerPoint.
- He made corrections to errata appearing in the Staff report as follows:
  - Summarily, any references to streets stating, “Burns Way”, “Burns Drive”, “Jack Burns Drive”, or “Jack Burns Blvd” were incorrect and would be corrected to consistently state, “Robert Burns Drive”, the name of the street directly abutting the project.
  - On Page 4 of 38 he proposed changing the third line of the Summary Finding 5 to state, “The proposed monument sign next to the south side of the restaurant ~~will~~ **must** meet the requirements of the Argyle Square Master Sign Plan.”
  - On Page 19 of 38, delete “PFA 10” in the second line from the top.
  - Finding B35 on Page 27 of 38 should state, “...shown on Plan Sheet E1 (**Exhibit B6**) and the lighting cut sheets are found in Exhibit **B8 B7**.”
- The Applicant’s project was on a site designed and in the Master Plan for a fast food restaurant. The proposal was for a slow, fast food restaurant designed to engage customers to enjoy and savor the healthy food that would be provided.
- The Site Plan indicated the two primary oak trees that would be retained and the vegetation on the fringes of the site in the public right-of-way to the west and north. The America’s Tire Center facility was just to the east of the subject pad with that employee parking shown on the right of the photo. The property line was pretty close to the edge of the landscape improvements shown on the right of the pad as well.
- He reviewed photos showing views from the site, noting how well-vegetated the embankment was having been planted when Argyle Square was originally developed. The entrance to the site showed an existing curb cut built sometime between when the Burger King and America’s Tire were built.
  - A monument sign was already in place and earmarked for the proposed facility, although managed by the Argyle Capital Property owner.
  - One photo showed the approximate property line and three existing parking spaces (Slide 7) that were probably installed when Burger King was built, since they already existed when America’s Tire was completed.

- Larger drawings in the packets showed the elevations, architectural elements of the building, the floor plan and some details of the proposal. Most dramatic were the renderings of the architecture. The aerial view indicated an outdoor seating area for the customers that would be accessed by two entrances from the west and south.
  - Regarding his proposal to amend the language in Summary Finding 5, he noted all the parameters for signage were approved years ago in the Master Sign Plan for Argyle Square, and while the Applicant had illustrated the proposed monument sign, it might not comply without modification.
  - The color and materials board was available for circulation and was correctly reflected in the renderings. The earthy colors would lend themselves nicely to an architectural style Mr. Edmonds called a mid-century modern style, which would likely fit very nicely amongst the existing architecture of Argyle Square.
- Extensive landscaping was being proposed to surround the facility, including a living wall growing material on elements of the panels surrounding the outdoor seating area.
- The Staff report discussed the menu board along the drive-thru route on the east side of the building, noting no permit was needed as the menu board was not viewable from the street or other sites, so it was not considered a sign.
- The Lighting Plan demonstrated the proposed lighting would be in compliance with the City's Dark Sky ordinance provisions within the Development Code.
- He concluded that Staff recommended approval of the proposed requests with the recommended conditions of approval found beginning on Page 5 of the Staff report.

**Dianne Knight** noted the last traffic study was done in 2002 and asked how long the City allowed traffic studies to remain valid.

**Steve Adams, Development Engineering Manager**, replied the 2002 traffic study was last reviewed in 2010 when America's Tire was developed. Though ten years had passed, the City typically would not do a full study again because traffic counts only change a little. Moreover, the pad was first approved for a fast food restaurant and this particular restaurant would be something below that, so the traffic impacts actually would be less. He noted the restaurant's foot print had also been reduced by about 500 sq ft.

**Jhuma Chaudhuri** asked what his comment about the traffic not changing very much in a ten year period was based on.

**Mr. Adams** replied the traffic studies were based on a manual produced by traffic engineers that gave an average of how much traffic could expect to be generated from each type of business. Those figures are updated once every five to eight years, but also include all the previous data to show trends. Although the manual was in its 9<sup>th</sup> Edition, reviewing all the previous editions would reveal traffic increasing or decreasing with a certain type of use, but it was more of a gradual than a dramatic change; therefore the traffic studies did not really change much with the same use being planned.

**Ms. Chaudhuri** asked if the manual took the population of the city into account.

**Mr. Adams** answered no, the manual only considered the use of the building and how much traffic the building might generate.

**Aaron Woods** asked if the 9<sup>th</sup> Edition mentioned in the Staff report was the same report he was talking about from 2010.

**Mr. Adams** replied the 9<sup>th</sup> Edition came out last year, so the 2010 traffic report was based on the 8<sup>th</sup> Edition. When this project started, the 9<sup>th</sup> Edition had just been received a week or two prior, so he compared it to the report from 2010 and 2002. He noted that in 2010, the site for America's Tire was

supposed to be a gas station, which generates huge amounts of traffic and America's Tire only generates a handful of traffic, so that saved a bunch of trips. The net change that has occurred in Argyle Square from the original traffic study until now was pretty much a wash.

**Ms. Knight** asked if the parking would be adequate if the restaurant was not going to be quite like fast food or where there certain formulas that might change.

**Mr. Wheeler** responded the parking minimum required was based on square footage and the calculation in the Staff report yielded that 29 spaces were required and 35 spaces were being proposed. The project was in compliance and would not be anywhere close to using the maximum amount of spaces. The discussion regarding that information was on Page 20 of 38.

**Mr. Neamtzu** clarified Ms. Knight was asking because the slower nature of the food service might result in cars queuing, which he believed was a good question for the Applicant. He understood the Applicant had a way to manage that time delay.

**Ms. Chadhuri** said that when she visited the site she noted the site was next to Burger King and Panda Express, both of which had drive-thrus, and a connecting lane existed between the three restaurants. She asked if the safety of that lane could be analyzed because essentially people could come in from multiple accesses to go to any drive-thru so there was a potential for crossing traffic.

**Mr. Wheeler** indicated the drive-thru lanes for Burger King and the proposed restaurant on the displayed Site Plan, noting that the entry for either restaurant was from Robert Burns Drive turning left or right and queuing up. The Applicant's narrative indicated queuing space in the drive-thru lane itself for eight vehicles. He added it would be best to allow the Applicant to address the issue directly.

**Ms. Chadhuri** noted another entrance further down that could not really be seen that went into Panda Express and they all connected on a small road.

**Mr. Wheeler** indicated the queuing lanes for the proposed site along with Burger King and Panda Express using the aerial photo on Slide 2, which showed Panda Express' drive thru exit on the lower left. People would not likely come through America's Tire parking lot or Burger King to get into the queue for the proposed restaurant, though it was possible given the mall concept of Argyle Square. He noted the City had received no complaints about queuing or blocking traffic. If the internal private drives were blocked, Argyle Square would hear about it and want to express that to their lessors.

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

**Linn West, Architect, 1500 Valley River Dr., Suite 220, Eugene, OR 97401**, noted that the Staff report incorrectly reported the restaurant's square footage as 2,300 sq ft. The correct square footage was 2,998 sq. ft. He explained the Applicant chose to have a lower number of parking spaces to help create more landscaping to the north, or rear area, to provide some outdoor areas that people could enjoy visually and as a seating area in better weather. The Applicant chose not to create a sea of asphalt around the restaurant but to enjoy the space and greenery around it as much as possible.

- He was not a part of planning Argyle Square, but understood the concern about queuing on the secondary road. When they started designing the project, it became obvious they needed to ensure cars were not stacking up at Robert Burns Drive; the road kept traffic out of that area but it had to be dealt with internally amongst the tenants.

**Ed Gerdes, 456 Charlton St., Eugene, OR, 97401** said he was one of the owners of the proposed healthy restaurant. He noted Staff had been defining the restaurant as a fast food restaurant primarily

because the Code only had definitions for a sit down restaurant or a fast food restaurant. A middle ground option had developed in the community over the last five to eight years called a fast casual restaurant, which was a healthier food option and exactly what was being proposed. Due to a lack of terms in the Code, the project was being referred to as fast food; but the Applicant did not see it as fast food, but as fast casual.

- Fast casual had certain characteristics such as the food would be prepared fresh each time a person orders, so no heating lamps would be used to keep food warm in a bag in advance of the customer's order. In the fast casual world, each order was made fresh and this restaurant would have more than 50 percent certified organic food, so it would be much healthier. For inside orders, customers would order at the counter, sit down, and the food would be brought to their table, which was part of the fast casual concept. The food had a higher value of quality and nutrition.

**Chair Karr** asked what the average stay of a customer would be at the proposed restaurant.

**Mr. Gerdes** replied that during the lunch rush, customers would usually be in and out in about 30 minutes, but they usually linger more for dinner and stay longer in the evening. The entire inside environment would be built in a way to encourage the customer to enjoy the environment with a lot of recycled and re-milled materials, such as agricultural waste product that had been compressed into building materials, which would be used on the walls and for the booths, benches, and table tops.

**Chair Karr** understood the Applicant was expecting more of the lunch customers to go through the drive-thru and more of the dinner customers to park and stay.

**Mr. Gerdes** replied they did not know what to expect with the drive-thru because currently, they did not own any. The only reason a drive-thru was proposed was because the zoning allowed for a drive-thru when it was first approved, so they decided to build a drive-thru and see what it could do to their business and if it could help serve guests more appropriately. That particular area tends to be more of a driving traffic area, not a walking or bicycle area. Their other restaurants have a lot of bicycle and walking customers, but the proposed restaurant did not lend itself in that way, so the Applicant was taking advantage of the opportunity provided.

**Cheryl Dorman** commended the Applicant for taking different approach to fast food dining, adding it was very interesting. She believed they were taking a risk because of the location on the freeway and in the shopping center to attract that type of business.

**Mr. Wood** asked how much of the food would be locally sourced.

**Mr. Gerdes** responded the food would be locally sourced as much as possible. All of the company's red and black beans were grown exclusively in Oregon. In the last few years, they had contracted with local Oregon farmers for more than 500,000 pounds of beans that were served in their restaurants. The company manufactured all of its sauces and dressings in Oregon, along with its tofu and tempeh. The chicken was manufactured here in Portland. The salmon was wild pacific salmon and the greens were all organic and tended to come from California, but they buy locally in the spring and summer. The rice came out of California as rice was not grown in Oregon.

**Ms. Dorman** said she had done a little research since the proposal was unique, but she was not sure of the name of the restaurant or what their menu would include.

**Mr. Gerdes** stated that they had used healthy restaurant because when submitting the application, the Applicant had not locked down the property 100 percent, but now all the contingencies had been taken off of their lease and they were moving full speed ahead. The name of the restaurant would be Café Yumm,

which was founded in Eugene in 1997. They have two locations in Portland, one on the Portland State University campus and one in downtown Portland which was the first Gold LEED certified restaurant for retail in the state of Oregon. The proposed restaurant would also be built to the Gold LEED certified standards. The Applicants also have a Beaverton location and their first Café Yumm outside of the state of Oregon just opened on Friday in downtown Seattle.

**Ms. Knight** asked if there was any concern about the adequacy of the parking, considering the number of clients that might be there in the peak evening hours.

**Mr. Gerdes** replied one nice aspect of Argyle Square was that all the parking is available for all the tenants. This parcel was designed with 35 spaces, but American Title was right next door and would be closed in the evenings so that parking would become available along with more parking across the street.

**Ms. Dorman** asked what the seating capacity was.

**Mr. West** responded the inside would seat a little more than 60 people and the outside had a potential for 25 to 30 people.

**Mr. Woods** said he did not notice anything in the packet about external signage and asked if the Applicant planned or had thought about having outside signage especially now that they knew the name.

**Mr. West** replied that they did not have anything other than what was proposed. There would be one monument sign in front of the front door and one on the street but nothing on the building itself or illuminated.

**Mr. Woods** said that the information provided to the Board discussed that the Applicant wanted the restaurant to be alluring and appealing, drawing people into the restaurant. He asked what they planned to do to get people into the new concept of fast casual restaurant.

**Mr. Gerdes** replied the architectural design itself would be very appealing, noting the prow on the southwestern side of the building that would be a very prominent feature. There would be lots of windows resulting in a lot of natural light inside of the restaurant flowing in from the west and south. The architectural feature would be very visible from Robert Burns Drive and Elligsen Rd. The natural growing walls surrounding the outdoor seating area would be very attractive against the yellow color of the building. Color scheme was very important both inside and outside their restaurants. Those two features alone would make it look very attractive. He noted that people recognize a Panda Express when looking at the building even without signage because of the certain purple colors and square and rectangular configurations, and that was exactly what they were doing with the prow, natural vegetation, and color scheme of the building itself.

**Mr. West** added that the inside would have a lot of natural, exposed woods and a lot of sustainable products would be used, including floor coverings, seating, and all the cabinetry. As Mr. Gerdes indicated, sustainability was a primary reason for the use of materials, but they also wanted it to look as natural as possible. The prow area would be the seating area and from that area, customers could look out and see the living walls because of all the glass.

**Mr. Woods** asked where the trash enclosures were located.

**Mr. West** replied the enclosures would be in the northwest portion of the property. The enclosure was a ways away from the restaurant itself, primarily because the trucks picking up the recycling needed a place where they would not have to maneuver through the drive-thru to get to the rear of the restaurant.

The Applicants had worked with the local recycling people who agreed the enclosure's location was adequate. The Applicants would also work with Staff on a waste management plan as City Council was considering being able to remove the coverings for trash enclosures. There would be very little garbage and mostly recycled products leaving the restaurant.

**Mr. Gerdes** added one unique aspect of their restaurants was that except for the bathrooms, there were no garbage cans. Everything was put in a tub and then their staff would recycle everything that could possibly be recycled or composted.

**Chair Karr** asked if composting would be done on site.

**Mr. Gerdes** replied the Applicants arrange with either local farmers or the local trash collection company to do the composting. In Eugene, the local trash collector collected the compost from each of their restaurants and at their downtown Portland location, they worked with the city to create a compost program because they did not have one. Having to work together to create the program was put it into their lease. After creating that program for their Portland location, the Buffalo Wild Wings adjacent to them was also composting.

**Mr. Wheeler** corrected the second line of the Request paragraph on Page 1 of 38 of the Staff report to state, "~~2,298~~ **2,998** square feet". All other representations were found to be correct.

**Chair Karr** called for public testimony in favor, opposed and neutral to the application. Seeing none, he closed the public hearing at 7:20 pm.

**Chair Karr moved to accept the amended Staff report with the following corrections:**

- **All incorrect references to the access street should state "*Robert Burns Drive*".**
- **The square footage in the first paragraph on Page 1 of 38 should state, "~~2,298~~ **2,998** square feet".**
- **The last sentence of Summary Finding 5 on Page 4 of 38 should state, "The proposed monument sign next to the south side of the restaurant will *must* meet the requirements..."**
- **On Page 19 of 38, delete "PFA 10" in the second line from the top.**
- **Finding B35 on Page 27 of 38 should state, "...shown on Plan Sheet E1 (*Exhibit B6*) and the lighting cut sheets are found in Exhibit B8 *B7*."**

**Cheryl Dorman seconded the motion, which passed unanimously.**

**Dianne Knight moved to adopt Resolution 264. The motion was seconded by Aaron Woods and passed unanimously.**

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

The Board took a brief recess and reconvened at 7:30 pm.

- B. Resolution 265. Renaissance Boat Club: Renaissance Development – applicant.** The applicant is requesting approval of a Type C Tree Removal Plan for previously approved Tract 'B' of a 33-lot residential planned development (Renaissance Boat Club, formerly known as Willamette Landing). 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 Files: DB13-0039 – Type C Tree Removal Plan



**Chair Karr** called the public hearing to order at 7:30 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** explained the application was a bit of housekeeping in a way because it involved a portion of tree removal for a project site granted approval in 2008, currently known as Renaissance Boat Club and formerly known as Willamette Landing. He presented the Staff report via PowerPoint, reviewing the site's location and key surrounding features on two aerial maps with the following key comments:

- He explained that the substance of the project's design was not at issue. When the development was being designed initially, the tree farm planted on the site for tax shelter purposes was so dense that it precluded identifying what trees would be removed. The Applicant has continued to employ the resources of an arborist and a natural specialist and the reports of those professionals were provided in the Applicant's submittal.
- In the 2013 Arborist Report, identified an additional 115 trees proposed for removal beyond the original tally. In 2010, a total of 1665 trees were removed. The Tree Removal Permit granted earlier this fall was for 1550 trees, and this report added another 115 trees.
- The Applicant's methodology had changed slightly. Two aerial photos included in the arborist's report identified the trees anticipated for removal on the western boundary and northeast portion of the site. (Slides 8 & 9)
- The drawings submitted by the Applicant were updated versions of what Staff had been using since 2008. He indicated an area within the plantation tree planting that would be left untouched. The drawings included a Grading Plan and Tree Removal and Protection Plan, which used an "x" to indicate the trees proposed for removal. The only item left to address regarded some of the plantation trees within the Significant Resource Overlay Zone (SROZ) boundary.
  - Staff needed the Applicant to show exactly where the additional 115 trees requested for removal were located, trusting that their professionals had put the tally together correctly.
  - He believed many were indicated with an "x" and shown in the two areas of the aerial photos.
- He showed how deeply south the original plantation went into the SROZ, resulting in the condition that those trees in the plantation area not be removed because they were not defined and Staff did not know if they really needed to be removed. The Applicant was to identify the trees and return to the hearing body to get the approval as appropriate.
  - He confirmed the City delayed the decision on the subject trees by condition of approval. The Applicant could have returned to the hearing body at any time with the material needed to make that assessment, but the tree removal permit for the primary portion of the property was not issued until late August/early September. The situation was not right for consideration until they removed those trees and could get down in there.
- The Landscape Plan noted and illustrated the 254 trees that were required to be planted. Removing trees in Tract B would result in 29 trees that would either need to be mitigated on site, if the opportunity exists, or require the Applicant to pay a fee in lieu of to the tree fund for the mitigation.
- The 2008 Arborist Report included a table showing that 1550 trees needed to be removed, but it did not include Tract B, even though it was mentioned in the table, it was not in a removal column.
- Displayed was the original plot methodology used for the three plantation areas to determine how many trees were present and being removed on a per square foot basis. The aerial photo was part of the original plantation tree removal and protection plan.
- Condition PD 5 required that tree protection and fencing be installed along the SROZ boundary. Staff did not allow that fencing to be installed until the Board's approval; otherwise people and equipment

would have been in the area Staff was trying to protect until they knew which trees could in fact be removed.

- He clarified temporary fencing would be installed along the SROZ and then when the project received its final inspection, the protection measures would be removed.
- Staff recommended approval of the removal of the 115 trees with the conditions of approval that began on Page 5 of the Staff report.

**Chair Karr** confirmed the arborists had done a complete study of all the trees to determine their health and that was where the other 115 trees were coming from.

**Mr. Wheeler** replied that the original 2008 Arborist Report was included in the packet and Arborist Morgan Holen was on staff with the original arborist firm and has continued in that role with this project, although she now owned the business that supported the project.

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

**Ben Altman, SFA Design Group representing the Applicant along with Amy Schnell from Renaissance**, stated Staff had summarized the application quite well so there was not a lot that he could add. He noted the majority of the trees not identified by the an "x" on the plan were going to be removed in the area where the Applicant was doing the balanced cut and fill for the flood plain portion of the site. Most of the net trees were in that area and none of the trees were below the south end of the SROZ.

- He noted the 30-ft buffer where nothing would be done. Once all the trees were removed and the balanced cut and fill was done, a picnic area was proposed and they anticipated doing some additional plantings there and along the path down to the dock, with some additional planting possible along the west boundary to fill in understory and enhance the area and overall quality of the remaining forest area.
- Amy Schnell was coordinating with the two adjacent property owners just west of the site who were the most impacted by the development. The Applicant was still working out the final details on how to treat that western edge and once that was worked out, a condition of approval required the Applicant to submit those details to Staff for approval under a Type I review process.
- He stated the Applicant supported Staff's recommendation along with the conditions of approval.

**Ms. Knight** asked Mr. Altman to talk a little bit about the development; what some of the attributes were and how it would enhance the surrounding homes.

**Mr. Altman** stated the development was laid out around the pond area. The pond was originally a cattle watering facility back when Day Dream Ranch was operating. The original property owner was a forester who had planted all those trees as part of his lifestyle, but when he passed away, they were never maintained and had overgrown. When doing the inventory initially, one could not even see through the area due to so many trees. Now that it had been opened up, the Applicant could go in and do the final tree removal.

- The rest of the site was laid out to provide the connection between the proposed streets and the existing Day Dream Ranch development. The project was centered around the pond, which would have water in it all the time and be maintained as a water feature. The development was also oriented toward the river with the new boat dock. Renaissance was a top quality builder and the proposed homes would be equal to or better than any homes already present.
- Quite a bit of additional landscaping was included in the project, including around the pond and down in Tract B, once it was cleared and the Applicant could know how to best enhance that area.
- The other feature being provided was a pathway connection that would run east/west off of Metolius Ln. and would link to the pond and Memorial Park. The pathway would have a public easement over it so people from Day Dream Ranch would be able to access the park through the site and be able to

enjoy the pond area as they walk through. It would be a top quality project and the Applicant looked forward to finishing.

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

**John and Taya Hill, 8560 SW Miami St., Wilsonville, OR 97070** said he had a couple questions regarding the project. His first question was whether the Applicant would say which trees would be removed because he did not see that information.

**Mr. Wheeler** stated the trees being removed were in the material put into the record and submitted and presented by the Applicant this evening.

**Ms. Chaudhuri** asked if Mr. Hill had concerns about particular trees.

**Mr. Hill** answered yes; the trees he was most concerned about were in the western-most section, which would affect their neighborhood the most. He thought that he heard there would be a 20-ft buffer.

**Mr. Wheeler** clarified there would be a 30-ft buffer that would not be removed.

**Mr. Hill** stated that was considerably less than the width of the Council chambers and did not seem like much of a buffer. It was mentioned earlier that there were so many trees they could not see through them, but now there would not be and they would be able to see through them quite well. Additionally, many of the trees had not seen sunshine in a long time and would be barren after the trees that were near them and grew with them were removed. It had a fair amount of effect on his neighborhood. He did not know what to say specifically, but he believed the buffer should be thicker. He added that he tried to listen and maybe he missed it, but the specific trees being removed seemed quite vague.

**Chair Karr** stated there was a plan and asked how Mr. Hill could get access to the plan.

**Mr. Wheeler** replied the plan were available to view at City Hall Monday through Friday 8 am to 5 pm. He confirmed the plan was also shown via PowerPoint, but the trees that were going to be removed in the plantation area were not indicated with "x". That was why the other plots were explorations by the arborist of which trees were proposed for removal in two different regions. As a condition of the proposal, the Applicant must come in with a final plan for the tree removal permit and actually show Staff where the trees were located.

- He clarified Staff had the list of trees proposed for removal in the arborist report along with the methodology expressed in that report, but it was not transferred onto the map.
- He explained the protocol and next steps, stating the Applicant would prepare an application for a Type A Tree Removal Permit that would have a final plan as expressed in Condition PD 2. Staff would review that plan and issue the permit if the plan was in compliance with the Board's approval. There would be no public notice.

**Barbara Jacobson, Assistant City Attorney**, asked if there was a way for the citizens to look at what was happening. If Mr. Hill was interested in seeing which trees that would be removed, how he would find that information once Staff had the drawing?

**Chair Karr** confirmed Mr. Hill lived in one of the houses near plantation tree area and that he wanted to know how the request would affect his house.

**Mr. Hill** stated there was all the noise and activity, and they paid a substantial amount of taxes to have this nice area to themselves, and now with the project going on, they would like to keep some semblance

of privacy in their neighborhood. He believed he heard Mr. Altman state that who would be most affected by the project was uncertain, and that the Applicant might consider changing the buffer area on the western-most portion. Mr. Hill saw what happened to the L-shaped property (Grading Plan, Slide 12), and what was there before did not compare to what would be there now. With all the neighbors in the back, it was like a big park because they did not have fences between their houses and the forest was the border of their neighborhood. He did not want it to look like the back yard of the L-shaped property which was why they were there. He believed that a little concession on the trees would be a good thing. He asked what company the arborist owned.

**Mr. Wheeler** explained the arborist was the same arborist that reviewed the trees in 2008 which was owned at the time by Walter Knapp and Associates. Morgan Holden was on the staff of Walter Knapp and she was now the associate that owns the arborist company and continues to be the arborist for the project.

**Mr. Hill** inquired about any financial benefits of the arborist's opinion of which trees should be removed.

**Mr. Wheeler** confirmed the arborist's company was completely separate from the development company.

**Ms. Chaudhuri** confirmed that the L-shaped house he was talking about was shown backed to the road.

**Mr. Hill** replied that house was next to nothingness at the moment, and looked really bad. It would soon be next to someone else's home. The view from their cul-de-sac now was open, but there would be houses kids, cars, etc. and the only buffer they would have would be what was left of the trees they were now trying to remove.

- He clarified that his property was the lot shown in the bottom right corner of Slide 12 where the arrow was located. He had the third house over, but noted there were no fences and that their backyards were like a big park.

**Susan Fiske, 8500 SW Miami St, Wilsonville, OR 97070** stated she was one of the two homes that would be impacted most; she shared riverfront and almost the entire west side of the proposed development. She asked what percentage of the remaining trees the 115 trees represented. She asked if any drawings exist of the views of the buffer zone, because as Mr. Hill explained, everyone in the neighborhood had a view of that area and they would like to know that they still would have the forest view. One reason she bought her home was because of the privacy and trees, so she would like to see a drawing of what it would look like once the trees were removed. She noted Mr. Altman had clarified that the trees in the buffer area would remain and she was glad to hear that.

- She heard that one had 14 days to appeal a decision, but sometimes there was not adequate time to digest the material at a meeting to state anything, so she wanted to know if the 14 days applied to them as well. She wanted to ensure they could listen to everything being presented and then write in with any comments that they might have afterwards.

**Ms. Jacobson** explained Ms. Fiske would need to state her general feelings about the development for the record if she opposed anything, because no new testimony or evidence could be presented later. They would not need to decide now whether or not to appeal the decision — they would have 14 days to do that — but anything they would want considered at the appeal would need to be stated on the record now, so when it came up for hearing, it would be in front of the body that was hearing the appeal.

**Ms. Fiske** agreed that made sense, adding it was just a general consensus of the neighborhood that they did want as many trees to remain and to provide that buffer zone between their park-like setting and the development.

**Steven Anderson, 8590 SW Miami St., Wilsonville, OR 97070** stated that he was speaking on behalf of his neighborhood, noting some of the concerns had already been heard. The inventory that was presented indicated about 480 trees would remain in the area, but it would be difficult to know if there would really be 480 trees left behind. He might have misunderstood the arborist report, but that seemed to be the total of what would be left after removal. Their only concern was that so far, it seemed like it had been clear cut, all the trees had been taken out in the area that the development had began, but they were very interested in having trees remain. They had experienced a dramatic change in their neighborhood since the trees had been removed because the deer that had the habitat there were now looking for a place to be and even the squirrels found were heading in their direction.

- The most important thing was the area bordering the neighborhood's easterly boundary where trees had been removed and the future potential of the remaining trees being removed; specifically the 30-ft buffer was great, but 40 ft would be better. He asked if the trees would be thinned in that area or if they would all remain. They did not know exactly what that meant because they thought they were coming to the meeting to hear about the plan and there would be pictures on the wall so they could view which trees would be taken out and what would stay, and they were not getting that information. They were very interested in knowing what was going to happen to their neighborhood.
- Another area of concern regarded the lack of full planning for the buffer between the property lines which needed retaining walls and a fence. They thought there would be some trees in the buffer zone that was six feet wide along some of the border, but they had been removed. It would be nice to know what the plans were for the landscaping and improvements soon.
- Some fairly big elevation changes exist in that area that would require a retaining wall or some type of planted vegetation as well as fencing. The buffer area had a dramatic drop off to the east so there was a higher elevation at Ms. Fiske's home and then it dropped off with quite a few trees.
- The neighborhood wanted know more specifically what was actually going to be done at that drop off; whether the buffer would include the retention of all of the trees or would some be removed; and whether some of the 480 trees that seemed to be in the inventory in the arborist report would remain on site. Based on what they had heard, there would not be that many trees left. He believed it was reasonable to actually see a plan for them to review and understand before the actual tree removal was done, which was why they came this evening.

**Ms. Knight** asked if the City or developer had any reviews with the community.

**Mr. Anderson** understood the approval for the tree removal was five years ago and they had not heard of any update since that time, but at that time there were trees that were going to be retained, that was the understanding that they had, but very few trees had been retained in the development thus far. It was pretty much all clear cut.

**Ms. Dorman** understood that the Applicant was before the Board for tree removal only, not for site design, which would be in the future and reviewed by a DRB at that time.

**Mr. Wheeler** clarified that approval had already been granted for the project. The Board was reviewing the remnant of the project's approval because at the time, there was no inventory at the level of detail that they had provided for review tonight. The original inventory supplied by the Applicant indicated the total retained trees were 460 trees. The updated inventory from the current arborist report dated August 2013 changed that resultant retention from 460 to 345 trees, which corresponded with the additional 115 trees proposed for removal tonight.

- In his presentation, he had highlighted the 30-ft wide area of existing plantation trees would remain and be the buffer retained by the Applicant. He displayed the Flood Plain Mitigation Plan noting the area directly east of the triangle area and buffer would be removed because the soil would be cut down and a new bench wall will be built to protect the proposed lots from inundation by the river



- should that ever occur. That grading also created a place for the pedestrian way and picnic area.
- The composite of the drawings provided information on what trees would be removed or retained, although that information was not in one place.
- He agreed Mr. Anderson's questions were appropriate, adding the Applicant would be required to provide Staff the final plan, but once the Board's decision was made tonight and the appeal period passed without appeal, there would be no notice to the property owners about the number of trees in a plot. The number would be provided and if it matched that would be the permit issued.

**Chair Karr** asked at what point the tree listing could be obtained, confirming that the Board could delay the decision until they get the listing.

**Mr. Anderson** asked if Staff knew how many trees were included in the buffer area.

**Mr. Wheeler** responded no, adding that was the problem with the plantation which was a mass planting. There was a methodology in the 2008 tree inventory of how the Applicant calculated how many trees there were; basically they measured a square, counted the number of trees within it and replicated that to the square footage of the project within the plantations to say how many trees there were and how many they would remove.

**Mr. Anderson** asked if the 345 trees was a firm number below which the Applicant would not be allowed to remove more trees or was it an approximate number.

**Mr. Wheeler** replied that 360 trees had already been removed; they were only discussing the removal of 115 trees; page 4 of the Arborist Report stated that the total number of trees retained from the original 2,010 would be 345 trees; 254 additional trees would be planted as part of the Landscape Plan, and that did not account for Tract B which was being discussed. The Applicant received a waiver to the "one for one" requirement in their original approval, so they were only required to mitigate for 29 trees, which they could either plant or pay the tree fund for them if there was not enough room to establish them and have them be healthy trees.

**Mr. Anderson** appreciated the Board's willingness to hear the neighbor's concerns and thanked them for any consideration to retain the buffer as thick and as wide as possible.

**Chair Karr** called for the Applicant's rebuttal.

**Mr. Altman** noted the Applicant had known about these concerns since 2008 and was getting to the point where they had an area they knew they would be working with. He clarified that until they got everything cleared in the area, they could not be sure what the buffer would actually look like. The existing trees were closely spaced together and basically had no limbs on the lower portion because they had been so tightly grown together. The 30-ft buffer actually extended down to the SROZ toward the river, and no trees within that area would be removed. They did not inventory that area because they were never removing any of those trees, so the 345 trees were in the area above the SROZ line.

**Mr. Wheeler** noted that one tree in the SROZ was marked with an "x", but it was not a tree by measurement. It was not six inches in diameter and was in the way of the gangway being rebuilt to the boat dock.

**Mr. Altman** stated the Grading Plan identified all the trees outside of the cut/fill area that would be removed. He noted the trees identified simply to show those that would be impacted by the pathway to the boat dock, but there were trees that would be preserved along the west boundary. As discussed, after it is cleared and the cut was done, a rock bank would be installed along the south of Lots 29 to 33. The

specific details had not been designed nor for around the picnic area, but they would likely mitigate the 29 trees within that area. They intended to do some additional understory planning along the western boundary, but until they could open it up and see what it looked like, it would be difficult to come up with the final design. The intent would be to coordinate with the nearby owners, so they were part of that process. He noted the Applicants understood the owners had enjoyed trees adjacent to their properties that they never owned, so there was a line in there where the Applicants were not completely obligated to provide everything that the neighbors might want, but they were willing to work with the owners on details to screen and buffer as much as they could. He noted the line between Lot 29 and the adjacent properties was actually a utility easement, which the Applicant really could not do anything with because it had to be preserved for the City to access the storm line.

**Ms. Dorman** asked if the space on the other side of the buffer would be green space or a native or park like area.

**Amy Schnell, Renaissance Homes**, responded the idea was to create a well planted, park like area and much of the pathway, if not all of it, was public pathway. She had been coordinating with Susan Fiske and attempted to contact the Stevens, which were the two home owners abutting the Applicant's property. In addition to the buffer zone, a six-foot fence would be built to create some privacy for the home owners that had been lost in the development. Obviously, they could not recreate the trees that had been removed but she reminded that this was a Christmas tree farm that was never maintained. The trees were not specimen trees for the most part. They would be keeping some beautiful specimen trees that were well worth saving, but the majority of the trees had no limbs for the first 30 ft. So, the idea was to do a lot of understory planting to really create something that was thick and lush to compensate for that. She reiterated that the 30 ft buffer would remain and more plants would be added to it. A park like setting with more trees and smaller, shorter plantings would be on the other side of the buffer.

**Ms. Chaudhuri** asked if the Tract B area included the buffer zone.

**Mr. Altman** answered yes and added that Tract B went clear to the river, but included everything along the graded line and down south of the lots and along the western boundary.

**Ms. Chaudhuri** asked if the trees listed in the inventory by number and condition were the trees in Tract B or if they were all the trees that the arborist had looked at.

**Mr. Altman** responded the arborist report included all of the trees. Table 1 on Page 3 of the arborist report showed the trees specifically in Tract B. Table 2 was the update of the overall inventory from the 2008 inventory with the addition of the Tract B inventory.

**Ms. Chaudhuri** asked if all the trees were numbered in the Tract B area and if they corresponded to the inventory.

**Mr. Altman** replied the trees that had been identified to be preserved were tagged and flagged, and those were the ones specifically listed; there was one proposed for removal. Those trees were specifically identified to protect and the area where the cut fill would take place, included the 115 trees. Some were being removed for health reasons, but the net majority were in the cut fill area.

**Mr. Wheeler** indicated that all of the area east of the buffer was a cut, an area where the soil was a slope and would be cut to where it would be flat, so there would be not opportunity to keep existing trees in that region.

**Chair Karr** understood that was the area the Applicant was going to put the park like setting.

**Mr. Altman** added it would replanted once the cut was made to create the picnic area. Again, the Applicant would have a much better idea about how best to provide and reinforce the west buffer because they would be able to see through the trees much more given the ones being removed on the east side.

**Chair Karr** confirmed the plantation trees were planted 5 ft to 8 ft apart.

**Ms. Schnell** confirmed that a large amount of replanting would be done. The Applicant's idea was never to come and clear cut and not replant, although it appeared that they had clear cut the other portion of the site, many trees still remained, including along open space Tract C which leads to the park and several around the pond. Many more trees would be planted throughout the process. She understood this kind of tree removal was a big shock, but she asked that the Applicant be allowed to get all the way through the process so everyone could see all of the good that would be done as a result of the project.

**Mr. Altman** noted the Landscape Plan did not show the enhancement or the buffer, but the Applicant would be providing Staff with a revised plan of that area once it was cleared out and they determined what would work best. As one neighbor commented, there was a differential in the two sites, with the project site being lower than the adjacent properties, which added to the overall design dilemma about how best to screen something that was above them, but they would figure it out.

**Chair Karr** understood the Applicant was building a wall along Lots 29, 30, and 31 so they could then cut and fill to level it; so it would be a step down from the houses' back yard to the park like area.

**Ms. Schnell** replied it was actually to reinforce the back of the lots against any water.

**Mr. Altman** added there was a rock wall from the back of the lots that sloped toward the river that was designed for protection against any flood waters.

**Chair Karr** confirmed that the park-like setting would be below that wall's elevation.

**Mr. Neamtzu** understood the Applicant could not save trees in the cut area, which was to balance the Willamette River flood plain issues in a separate section of Code. He heard a couple people testify that a 40-ft buffer was more desirable, and asked how much buffer could they get back in addition to the 30 ft area already proposed and whether the buffer could reach 40 ft or beyond.

**Ms. Schnell** replied that was a little difficult to answer at this point, because they had not been able to delve very far into that area. The idea was to create a buffer, but if it were to stand as it did now with spindly trees that had no limbs, not a lot of visual buffer would exist. Once they could get in and do the selective removal, they would try to thicken it and make it as lush as possible using the arborist's recommendations for the understory replantings.

**Mr. Altman** reminded that three things were being done in that area: the cut/fill to set the final grade, creating a picnic area for the residents of the proposed development and providing a buffer to the west to the greatest degree possible. The picnic area would be enhanced by providing a buffer on the west side.

**Mr. Wheeler** confirmed that many of the pathways would be public, but understood in the original approval that a segment of the pathway from the curve on the east side of the lower road would be private and there would be a gate.

**Ms. Schnell** clarified that the gate would be to the boat dock, but the upper portion from the road to the picnic table pad would be public as far as she understood.



**Ms. Dorman** asked if there was a place for the current residents to access that area.

**Ms. Schnell** replied that they would be able to access it through the park and on the other side, through Salmon, Sandy and Metolius Ln. Not only did the pathway go around the pond and connect to the park, but the pathway would come off private street A on the other side of Lot 33 and curve down behind Lots 33, 32, 31, and 30 to the picnic table pad.

**Ms. Dorman** asked if neighbors wanting to access the picnic area would have to go around behind those residences, since a fence would be installed, or would there be access through the fence.

**Ms. Schnell** answered no, adding that in her discussions with Ms. Fiske, she understood that the neighbors really did not want people to walk through, which was why that area was being fenced. The homeowners on Miami would have to walk around, because they did not want people to walk through their front and back yards.

**Mr. Altman** noted only two properties abut the west boundary of the development, as well as the utility easement, so it was not set up to have the public go through there.

**Ms. Schnell** confirmed that a 6-ft tall cedar fence would be installed on the west side of the property line. The public pathway would extend south of the lots south of Street A and the path from that walkway to the boat dock would be private.

**Chair Karr** confirmed the fence would be placed on the east side of the easement and it would continue along Lot 29.

**Ms. Schnell** added, as she described to Ms. Fiske earlier today, the fence would extend down south as far as it was feasible, obviously when the bank dropped the fence would stop.

**Chair Karr** asked how many rows of trees were in the 30-ft buffer, adding he was trying to envision what trees with no limbs in the bottom 30 ft would look like.

**Mr. Altman** believed there were at least three rows given the spacing.

**Ms. Schnell** confirmed the trees were staggered.

**Chair Karr** reviewed the proposed features and added that having something behind the buffer that approached 30 ft high would be desired.

**Ms. Knight** believed it was hard to make a good, educated decision and visualize how it would all work out without having anything before the Board.

**Chair Karr** asked if a 10-ft fence would matter and if the Applicant would be opposed to a taller fence.

**Ms. Schnell** responded the Applicant proposed an 8 ft fence, but City Code did not allow anything higher than 6 ft fence. She confirmed a taller fence would require Board approval and a special building permit.

**Ms. Chaudhuri** believed Ms. Dorman's point was that the Board could not visualize what they were deciding on, so she suggested the Board continue the hearing and request more materials to get a better idea, not only for the Board but for the neighbors that would be affected, so they could be comfortable with what the developer would be doing before the Board made their decision.

**Ms. Dorman** understood the Applicant would not know until they were able to get into the area to do it.

**Ms. Knight** believed there were certain elements, such as the park-like setting, that the Applicant could create some visuals for so the neighbors and Board would have an idea of what that would look like.

**Ms. Schnell** replied that was what the Applicant had tried to depict thus far, without actually going in and removing the other trees in that area and with the constraints of the rock buttress they needed to install. There would be certain limitations as far as what they could provide at this point; a further landscape plan could be provided

**Ms. Knight** asked about receiving an elevation to visualize how it might look when standing on the other side.

**Ms. Schnell** noted one significant conflict was that any continuance would prohibit the Applicant from building a road that they were waiting to build and needed to build to continue. Part of the road intersects the elbow right between Lot 1 and Lot 33, and because the elbow of that road touched Tract B they were unable to continue with the building of that road until Tract B was identified and approved. A continuance would significantly put them at a disadvantage due to the coming wet weather and there were significant concerns at this point. She was happy to provide further landscape details, but she understood that the 30-ft buffer could not extend any further because of the rock buttress that had to be built and the construction constraints in that area. She was at a loss for what further depictions they could provide, because she truly had been in contact with as many homeowners as possible trying to give them information as it became available. It was one of those projects with unknowns until they got into it, so it was a bit of a conundrum at this point. She confirmed some of the homeowners she had contacted were present.

**Ms. Dorman** understood the 40-ft was not feasible with the rock wall, but confirmed the Applicant would be willing to install a higher fence if allowed. She asked if the Applicant believed that would make a difference having spoken to the residents.

**Ms. Schnell** responded that her initial discussions with Ms. Fiske today only regarded a 6-ft fence, and she was unable to do anything but leave a message for the Stevens. The Applicant had wanted to build a taller fence adding they fully understood the shock that the development was to the homeowners which was why a taller fence was suggested.

**Ms. Chaudhuri** noted that the entire Tract B did not seem to be the issue, only the edge of it. She asked if there was a way to separate that portion out.

**Mr. Altman** suggested modifying Condition PD 1 to allow the Applicant to move forward with the tree removal but return with a specific planting plan and mitigation plan for the western boundary for the Board's approval, rather than having them reviewed by Staff. That would allow the Applicant to continue working with neighbors and for them to see the plan once that area was better defined. It was really an odd situation. A rendering could be provided, but he was uncertain how accurate it would be. He would rather put together something that made sense with regard to the final product, but the Applicant was also facing some time constraints, particularly with the good weather, to get the site work completed and a continuance would really hamper that. He reiterated the Applicants were willing to come back with a plan for the Board's approval for that area.

**Chair Karr** asked if a mitigation plan going through that approval process would have citizen input.

**Mr. Neamtzu** replied it could come back to the body for more testimony. Ms. Schnell was offering to negotiate in goodwill and hopefully would be able to find a solution acceptable to the immediate neighbors. He was sympathetic about the winter weather— it was a difficult decision because the cutting and balancing of the flood plain was an integral part of the project; it was essential and had to happen. These trees were on top of ground that needs to be affected in order to make the project not cause flooding downstream. The tree removal should not have been deferred in an area that was part of the cut to balance the flood plain, which resulted in this awkward interplay of issues before the Board tonight.

- He believed Mr. Altman's suggestion provided a solution and that Ms. Schnell had some good ideas. The mitigation, buffering, and planting plans, photographed documentation, additional tree surveys, additional screening, and a higher fence could all be considered and worked through with the neighborhood over the course of the next couple of weeks, and then brought back to the Board for some final resolution on the mitigation plans. However, that would require a decision on the tree removal portion, which gave the neighborhood discomfort because there would still be an interim period without an answer. Everyone working together toward some common goal was best path at this time, and the City and the Board would do their best to make sure all issues are addressed as part of the mitigation plan. He believed it was a good compromise, given where they found themselves this evening, although the citizens present might not agree.

**Mr. Wheeler** noted Mr. Altman proposed altering Condition PD 1, but suggested the change be made in Condition PD 4. Language regarding the assumed amount for mitigation and requiring its installation or the payment would be replaced by a return to a hearing before the DRB for review of the mitigation plan proposed to satisfy the already approved waiver.

**Chair Karr** noted that buffering, screening and possibly a higher fence had been discussed because the Board could rule on a higher fence at that time.

**Mr. Wheeler** cautioned the Board about presupposing the conditions because the Board needed a mitigation plan where the scope was removal, the final grades and replacement or payment, and then all the other elements in order to respond to the testimony heard.

**Ms. Schnell** noted a taller fence would not be appropriate in all areas and asked that it be left to the next hearing. In some areas, a taller fence or a fence at all would not work, specifically at the Metolius Ln intersection to ensure proper sight distance. The fence would still run along the western boundary of Lot 29.

**Mr. Neamtzu** added that fencing closer to river would cause an impediment to the movement of animals so the City would not want to block wildlife passage. He confirmed no fence could extend into the SROZ.

**Ms. Chaudhuri** asked to hear feedback from the neighbors about the proposed idea.

**Mr. Hill** believed if the taller fence was a simple cedar fence, it would be really ugly in a couple years.

**Ms. Chaudhuri** clarified the Board was not deciding on a fence tonight, but on a plan for the buffer area to be reviewed at a future date. She asked if that was amenable.

**Mr. Hill** replied that after listening to everything and trying to listen to everyone's side, the best win-win situation would be to somehow approve the top corner and allow the Applicant to ~~the~~ build ~~the~~ road so they could build the wall needed to protect the property and land and save the rest of the decision for a later time. That would allow everyone time to consider what is best. The neighbors expected the buffer area to be a lot worse than it was when they came to the meeting, but it seemed another 10 ft on the buffer area would not be the end of the world. He also heard that the Applicant was not to have touched the

utility easement on the west side, but it was all cleared out so that had definitely been intruded upon. He also heard the Applicant say that they were not sure how it would look once they cut the buffer down to 30 ft and he was concerned that they would say, “It was not so good—sorry.” He had tried to calculate how many trees were in that area to determine what it would look like, and it seemed it would be quite clear. It seemed the Applicant should be able to build another 10-ft into their engineering, which would add another 25 percent of buffer, and two more trees thick might help.

**Ms. Dorman** replied that it sounded like an additional 10-ft buffer would go into the rock wall, which was needed to shore up the houses, so that did not sound like an option.

**Mr. Hill** replied by asking if the rock wall needed the other 10 ft. That would be the easiest solution. He understood there was some logistical or legal problem with letting the Applicant move ahead by approving that corner they needed to build so they could continue with the road. If there was some way the Board could allow them to move forward with the road, then the neighbors and everyone would be able to come up with a great plan and everyone could be happy.

**Ms. Dorman** replied the challenge was that the limbs on the plantation trees were so high that she was not sure leaving another 10 ft of trees would gain much of a buffer. Those trees were packed so tight that the benefit would only be seen when the trees planted for mitigation start to grow; it would take a while.

**Ms. Knight** noted that was why having an elevation shot of the whole landscape area, the park like setting, would make huge difference. No one knew what was being planned there, so once the elevation could be seen, the neighbors might feel better; it could look better than leaving all the trees.

**Ms. Dorman** said she was very empathic that the neighbors were losing the forest they were very used to, but from what she was hearing and seeing, it was a better alternative than tract row of other homes as seen in other areas.

**Mr. Hill** stated he has told people that Wilsonville’s City Council was excellent and did a great job of planning the city. Staff had done a good job of making sure the Applicant’s project was nice. It was not as bad as the neighbors expected, but at the same time, they were concerned that if a fence was installed, that it was a good fence. He added if they could not make adding the space safe for the future resident, then maybe there was a way to fill in between the trees or add larger trees instead of planting smaller ones.

**Chair Karr** explained that was the purpose of returning later with a mitigation plan as the Applicant would come back with a plan of what they were going to do. The challenge now was the Applicant did not know what it would look like until they got in there and started taking trees out. They had to cut and fill, so they could not leave trees. Once that process was completed, the Applicant could start to architect (sic) the park like setting and the 30-ft buffer of trees would still remain. In his opinion, the 30-ft buffer of trees would be a buffer of trees above 30-ft, and below 30 ft it would just be a bunch of sticks.

**Mr. Hill** stated that from their view it did not look like that.

**Chair Karr** understood the tree farm was built to be harvested, and that all the trees would be removed because they were designed and planted to be harvested. Trees could not be planted five feet apart, allowed to grow to 60-ft tall, and be expected to live, which was why so many of them were in bad condition. He appreciated Mr. Hill’s input.

**Ms. Knight** appreciated everyone’s input, adding that having public comment at the hearings was so important.

**Ms. Fiske** appreciated hearing about the buffer zone because she was very unclear before tonight's meeting whether that area was going to be protected or not. She also appreciated Ms. Schnell's calls and keeping her in the loop on a few of the items presented. She confirmed she and Ms. Schnell did speak earlier that day about the fence, which was a concern of hers. For security reasons, she wanted to make sure that people using the park did not have access to their neighborhood. She understood they would discuss the fence issue later, and asked for a better idea of what a 6-ft versus 8-ft fence would look like, and about the longevity of a cedar fence and if other alternatives could be used. It would also be nice to have plantings on the west side of the fence to have something beautiful to look at, and especially to have a filler in that 30 ft where there were no limbs or branches. She believed the understory could be done on both sides of the fence so there would be greenery on both sides for everyone to view. Finally, she assumed that Renaissance would be maintaining the fence.

**Mr. Anderson** appreciated the opportunity to respond, adding it was not the neighborhoods intention to delay the construction of the subdivision, but certainly to do everything they could to mitigate the removal of a lot of trees. They had an understanding that more trees would be remain and that there was a fair amount of cut and fill that needed to be done in the project, so there were not many trees left. The idea of a proposed mitigation offering later was a great idea. He would dispute the statement that all the limbs were gone 30 ft up because when they looked at the forest, a lot of green was seen and that was what they were trying to preserve; not all the limbs were gone 30 ft up. As an understory was built over time or thick and lush vegetation was planted, that would be a big help because this area was an important part of their neighborhood. He appreciated the proposal of a mitigation plan, which he supported.

**Mr. Neamtzu** asked Mr. Anderson to describe the western edge of the 30 ft buffer strip, and if the branches went to the ground.

**Mr. Anderson** responded that standing in the back yard of Ms. Fiske's, Mr. Hill's or his property, one would see a thick vegetation of trees. The trees were not mammoth; they were close together and impinged if developing a healthy forest, but from their view point, they were beautiful trees that offered a very nice buffer. He explained there was an elevation drop of about 12 ft to 14 ft so, if there was a loss of limbs on the lower parts, the neighbors could not see them as their view started about 15 ft up on the trees. It was a great green edge and dense forest that was very healthy for the deer.

**Mr. Neamtzu** noted that receiving timber tax deferral required having a harvest plan, and the plan would be to cut every tree that was part of that harvest plan. No tax benefit would be given without having a plan stating all the trees would be cut for timber at some point.

**Mr. Anderson** added that 40 ft would be better than 30 ft for the buffer. He was not sure whether the amount of earth gained in that 10-ft was significant, but thicker was certainly better for the neighbors.

**Chair Karr** closed the public hearing at 9:05 pm.

**Chair Karr moved to amend Condition PD 4, adding language to state that the Applicant shall present a mitigation plan for the western boundary of the property to be reviewed by the DRB at a later date. Jhuma Chaudhuri seconded the motion.**

The Board reviewed what would be involved in the mitigation plan and confirmed that the Applicant would not be delayed with the Board's action. The Board was basically approving the Applicant's request and asking them to return with the mitigation plan for the western area to discuss additional details. The Applicant would also consult with the homeowners who would have a chance to view and develop the plan since it was returning for another public hearing. The Applicant could still move forward with the tree removal and building, even though this was a condition of approval because the condition stated that

in going through the process, the Applicant had to meet these conditions.

**Ms. Dorman** asked if the Board needed to include an end date for the Applicant to return to the Board.

**Mr. Neamtzu** explained that the conditions were tied to the recording of final plat and that was still many months down the road. He noted the Applicant was motivated by the things they needed from the City.

**Mr. Wheeler** added that in the original approval, the mitigation plan either had a portion that would be installed and a portion that would have a payment made, and both were already tied to prior to final plat approval. The Board's requested mitigation plan would add to that, and reference that time.

**Motion passed unanimously.**

**Dianne knight moved to adopt Resolution 265. Aaron Woods seconded the motion, which passed unanimously.**

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

**VIII. Board Member Concerns and Communications: None**

**IX. Staff Communications:**

**Mr. Neamtzu** noted that a couple of the DRB terms were expiring and he was glad to see that Commissioners Knight and Dorman were accepting another term. The Commission was doing an outstanding job. He was very proud of the work they had done and how well they worked together. He believed the process could always be improved upon and asked the Board to let the Staff know about areas or issue to focus on and what tools the Board might need to do its job better. He was interested in hearing from those that had attended the training, noting Staff was prepared to do more. He was also willing to send Board members to training sessions about planning in general on behalf of the City to help make them better Board members. He invited the Board to inform him of any books or resources they might find intriguing and he would be happy to get them.

The Board expressed appreciation for Ms. Jacobson and her guidance.

**Ms. Jacobson** said she was also glad to see the terms renewed, and agreed the Board was working so well as a team. She said she was always available any time for questions, before or after meetings, and she was more than willing to sit down and brainstorm. She asked the Board to let her know if there was more training she could give on anything.

**Chair Karr** expressed his appreciation for the Board's different mind sets and recognized that was why they worked so well together.

**X. Adjournment**

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

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