

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

**Development Review Board – Panel B
Minutes–February 25, 2013 6:30 PM**

Approved March 25, 2013

I. Call to Order

Acting Chair Andrew Karr called the 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, Dianne Knight, Jhuma Chaudhuri, Aaron Woods, and City Council Liaison Susie Stevens. Cheryl Dorman was absent.

Staff present: Chris Neamtzu, Blaise Edmonds, Barbara Jacobson, Daniel Pauly, and Amanda Hoffman.

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

V. City Council Liaison Report

Councilor Stevens reported about the following events and City Council actions:

- An open house would be held for the new SMART Operations and Maintenance Building on Boberg Rd tomorrow night from 5 pm to 7 pm. SMART has moved out of the Tualatin Valley Fire and Rescue Building on Elligsen Rd.
- Council recently approved the purchase of two 18-passenger natural gas buses to join the SMART fleet. Most of the money used to purchase the buses was grant money, so the outlay from the City was fairly minimal.
- Council approved a change in parking ordinance to allow motor home parking on city streets one night only for the purpose of loading or unloading the vehicle.
 - The police would monitor the overnight parking by noting the presence of a vehicle on the first night and have the authority to issue a ticket if the vehicle was still there the next night. Enforcement would be complaint-driven. As long as there was safe passage on a street, parking is allowed anyway.
- Council also approved an engineering contract to begin the redesign of the Memorial Park parking lot to make the lot safer, more efficient and eliminate some of the draining issues. The proposal would come before one of the DRB panels with the work anticipated to begin this summer.

VI. Consent Agenda:

A. Approval of minutes of January 28, 2013 meeting

Dianne Knight moved to approve the January 28, 2013 DRB-Panel B meeting minutes as presented. Jhuma Chaudhuri seconded the motion, which passed unanimously.

VIII. Public Hearings:

- A. Resolution No. 245. Les Bois Row Homes: Polygon Northwest Company – applicant.**
The applicant is requesting approval of Final Development Plan (FDP) for PDP - 1 Central (Les Bois Row Homes) for detached row houses and duplexes. The site includes Tax Lots 14300 – 1440 and 14600 – 15200 in Section 15DB, T3S, R1W, Clackamas County, Oregon.

Staff: Blaise Edmonds

Case File: DB12-0083 – Final Development Plan

Chair Karr called the public hearing to order at 7:55 p.m. and read the conduct of hearing format into the record. Dianne Knight and Jhuma Chaudhuri disclosed that they are residents of Villebois. 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.

Blaise Edmonds, Manager of Current Planning, 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.

Daniel Pauly, Associate Planner, reviewed two PowerPoint slides (Exhibit A2) describing the differences between small cottage homes, cottage homes, and detached row houses. He also briefly explained the background regarding each housing type.

Mr. Edmonds noted Mr. Pauly's presentation applied to all the public hearings before the Board this evening. He presented the Staff report via PowerPoint, Exhibit A2, with these key additional comments:

- The following corrections were made to the Staff report:
 - As noted by Aaron Woods, the tax lot numbers on the agenda page, the green cover for the public hearing, and the signature page for Resolution No 245 were corrected to state Tax Lots 14300 through 1440, **14400**. A revised Resolution No. 245 had been furnished with the correct tax lot number.
 - "Cottages" and "small cottages" should be replaced with "detached row houses" throughout the entire Staff report, including the conditions of approval.
- He reviewed several photos showing the subject site and surrounding streets and existing structures. The subject site consisted of 17 lots along Barber St, in addition to three existing row houses built two or three years ago, however, the project created by Costa Pacific was not completed.
 - The critical core of Villebois, in terms of density, occurs as one approached the Piazza where the intent was to start creating more row houses and higher density apartments. Of the 17 lots, 4 duplexes were approved.
 - Barber St is like collector street with street side parking and bike lanes as well as alleys on the backside of the proposed homes.
 - The lots were platted, so changes were proposed to the lots' dimensions. The Applicant is proposing to build out the project that the previous developer was unable to complete.
 - The existing homes can be classified as American style. The homes were about three stories high with balconies above porches and red, blue, yellow, and white coloring. The homes had six to seven feet of separation between the units with a transparent three to four foot high fence.
 - The sidewalk and storm water retention swales have already been constructed and some trees have already been planted.
- Each proposed detached row house would have a garage to accommodate two cars. The duplexes would have the single-car garage with adequate space between the alley and garage for onsite parking for a second car.
 - Villebois' Parking Code requires only one car per house and the Applicant was providing parking for two cars per house with additional street parking. Approximately 22 on street parking spaces would be provided with 11 on street spaces on each side of Barber St.

- Staff report mentioned the existence of private side yards which would require easements. Homeowners would be responsible for maintaining their own side yards as maintenance would not be part of the homeowners' agreement (HOA).
 - Since the variety of landscaping planted between the yards was unknown, Staff recommended a solid fence be constructed at the public view sheds. The fence should match the solid fence design seen throughout Villebois. The fences could also have a gate. The backside of the yards was not so much of a concern because it was not a public view shed, so a more transparent fence could be used.
 - A rainwater/storm water detention component would be installed at the corners of the row houses for the drainage of the roofs as part of the Rainwater Master Plan for Villebois.
- The 2009 approved streetscape showed a wide range of colors and taller units with a similar design, described as an American style with a hint of New Orleans style given the above balcony and colors.
- The proposed streetscape depicted the proposed homes, which were primarily French and English and one-story shorter, as well as the proposed duplexes.
 - Under the Village Center Architectural Standards, the Applicant was required to raise the main floor of the house 2-feet above finished grade.
 - In most cases in Villebois, it was only a 10-inch requirement, and for whatever reason, the existing homes were only elevated 10- or 12-inches above grade. If the homes were raised 2-feet, they would have been even taller, which might not have been a good thing.
 - The Applicant raised the proposed homes 2-ft above grade, so the baseline must have brick or masonry, not exposed concrete. The brick or masonry should match the style of the house.
- The proposed home designs have been reviewed by Stephen Coyle, the consultant architect who confirms that Villebois homes meet the intent of the French or English style.
 - Proposed floor plans for the French-style cottages included a two-car garage and a 4-ft by 4-ft covered porch. English-style houses usually have stoops instead of the 4-ft by 4-ft porch. To offset the small outdoor area of other units, a condition of approval required a 6-ft pad in front of the house to project outdoor living in the front of the house, similar to other such areas in Villebois.
 - The proposed duplexes would be two per lot, three-stories high with French styling, which was the previously proposed duplex design. Other architectural details included using metal instead of plastic gutters, elevating the house and similar textures and colors.
- The parking diagram was displayed to show the placement of vehicles.
- The slide depicting detached row houses in San Francisco was displayed. Although the Applicant did not propose elevating the subject homes 8 to 10 ft above grade, steep pitched roofs were proposed as illustrated in the slide.
- On Barber St, most of the architecture standards for row houses are geared toward giving a prominence to the house, elevating the house, the colors and textures. The Applicant tried to avoid having too many different varieties of houses and stayed with French and English styles that look similar.
 - In reviewing the plan, the proposed homes would blend into the streetscape because the two existing row houses at the end of the street have rooflines and porches at the same height so there are no existing houses that interrupt the rooflines in the middle of the proposed housing. Likewise, on the other side of the street, the three-story duplex would be next to the one existing row house and would tie in with the massing and height of the adjacent building. The rest of the proposed row houses have the same alignment of porches and roof pitches.
- The Final Development Plan contained no other waivers and was equivalent to Site Design Review, or architectural review, throughout the rest of the city.
 - The landscaping treatment along the fronts of the houses in the prior approval would be the same, except the previous approval had a landscape plan between the homes. In this case, that space was treated as a private yard, which would not be maintained by the HOA and was not part of the Board's review. There would be no landscaping in the alley except for rainwater swales.

- The Applicant met all the criteria for approval for the architectural standards, which implemented the overall Villebois Master Plan.

Dianne Knight asked whether the architect that reviewed the plan looked solely at the architectural drawings or at how the project's architecture might fit in with the surrounding area.

Mr. Edmonds replied the architect reviews the house according to the Village Center Architecture Standards. The master plan for Villebois is the holistic view of Villebois and the implementing standards carry that plan out, similar to how the City's Comprehensive Plan works with the City Zoning and Development Code. Once standards are developed citywide or for Villebois, the standards must be followed, and projects must be in compliance with the Comprehensive Plan, or in this case, with the Village Master Plan. There was no reason to look at the holistic approach because complying with the standards, which have been reviewed and vetted through public hearings, accomplished that.

Jhuma Chaudhuri asked whether the architect, in terms of the specific streetscape, looked at the homes next to the currently existing homes; are there standards that dictate this or was it lot specific?

Mr. Edmonds replied the standards were lot specific, explaining the architect reviews each house to determine whether it meets the French or English standards. A professional architect was retained to ensure consistency with what was envisioned for Villebois by reviewing the original concept plans for the community. He understood comments about a holistic approach; however, this was not a design standard used to review the proposed houses because considering the holistic approach is not mandated by the Code. Those standards were already in place to create the homes.

Mr. Pauly added that both the Architectural Pattern Book and Village Center Architectural Standard have rules of adjacency, saying one block cannot look the same as the next block in the interest of creating diversity.

Mr. Edmonds said the rules of adjacency were tricky, and there are mixed signals in that row houses could look identical. In the Arbor homes, the row houses are attached and have the same color, which is typically what people think row houses look like. There were no real rules of adjacency in a row house. On the contrary, the San Francisco example presents similar row houses with different colors and trims. The Applicant decided to go with similar massing and roof pitches, but different colors because people want some individual variety.

Ms. Knight asked whose responsibility it was to ensure the intent and integrity of the architecture was being met.

Mr. Edmonds replied the responsibility lies within the Village Center Architectural Standards, and it was a question of reviewing the standards in light of the houses subject to review. The rules and standards were already set. Many site design criteria could be subjective; however, the Villebois Architectural Standards were clearer and more objective than any area of Wilsonville. The styles of homes could be English, American, or French; other styles, perhaps German, could be introduced in the future. However, the standards were in place and City planners could not create new standards or introduce their ideas. Mr. Coyle looks at the proportions of the house, window placement and other elements to determine whether a home's style is consistent with what is allowed in the standards. Corrections must be made if the house does not comply with the standards.

Ms. Chaudhuri noted her emailed question to Mr. Edmonds asking whether this situation has happened before in Wilsonville, when one builder starts a project but does not complete it, and another builder finishes the project later. She shared the Mr. Edmonds had answered no, this was the first time with

multiple...

Mr. Edmonds replied that typically, most developments in Wilsonville subdivisions have begun and ended with the same developer. In some developments, a developer might have filled in because the financial obligations could not be fulfilled by the original developer. However, no Code standard precluded another developer from finishing a project. The previous developer could not make it financially and could not build out the project, and only three homes were built. The Applicant expressed interest in building the project out, but did not want to build three-story homes because they did not sell. He chose to build two-story homes with which he has had success. It was the economy of things; proposals might not be what was previously expected.

Ms. Knight asked if Staff recommended a three-story home.

Mr. Edmonds replied Staff talked to the Applicant earlier in the discussion due to concerns about the difference between two- and three-story homes, and encouraged him to come back with plans that included three-story homes. The Applicant did not believe the homes would sell or be marketable, and he did not want to risk his investment by building three-story homes. It was an economic decision by the Applicant. In Staff's eyes, there was no other option but to recommend approval because the Applicant has met the architectural standards.

- The Applicant originally had some homes with lower roofs, a short American home with a 5:12 pitch roof that did not fit at all. The Applicant was required to redo the design and returned with solely French and English homes, which was good. The Applicant did work to get a better product.
- He clarified that the architectural standards did not say anything specific about two- versus three-story in this part of the neighborhood. In the Village Center, the height standards go up to 65 feet because of the density around the Piazza.

Mr. Pauly added the standards encourage designs to go to the maximum height; however, the maximum height was not required.

Mr. Edmonds stated some standards are required, while others are optional, which encourages the developer to think outside the box and not build the status quo.

Chair Karr called for the Applicant's presentation.

Jim Lange, Pacific Community Design, 13445 SW 110th Avenue, Tigard, OR thanked Staff for their great work on the challenging applications. He noted that included in the packet was correspondence with adjoining owners clarifying some parts of the application.

- One issue being addressed involved the temporary fence installed to create a boundary between an existing house and vacant lot. Now that a house would be built next door, the fence needs to be torn down and built to the right standards. The Applicant did not realize a strip of landscaping exists between the fence and sidewalk that needs to be finished for the same reason. The Applicant asked that a condition for approval be added requiring the reconstruction of the adjoining fences to match the standard and the completion of the landscaping.
 - He indicated the location of the fencing in question, noting it would need to be reconstructed with the proper material and a gate added and the patch of landscaping that would pull everything together. He clarified that the submittal regarding landscaping the fronts of the houses indicated a lapse over into the neighbor's property. Polygon would gladly fix the fence and clean the area up.
- He distributed a one-page handout notating slight revisions being requested for the Board's review and made these comments:

- An error existed about which side of the lots were active and passive, which caused the neighbors concern. Newly proposed Condition PD12 would clarify the intent by stating, “The active side yards shall be located on the east side of each home, except Lots 1 and 20.”
- Newly proposed Condition PD13 attempted to address the fencing issue; however, issues about the landscaping area just discussed were made known after Condition PD13 was created, so that area would need to be added.
- He believed Condition PF8 was old language from the original approval of Le Bois that required some utility relocations to occur. Because those relocations did happen when the lots were created the condition could be deleted.

Mr. Edmonds stated the old conditions were already adopted conditions of approval and were only included in the Staff report to reflect what had been approved. The only conditions proposed in the Staff report were the PD conditions. The City Engineer, Building Official, and Natural Resources Manager chose not to provide new conditions of approval. The prior conditions of approval were still in effect from 2009 and still apply to the Applicant’s project.

Mr. Lange withdrew the request to modify Condition PF8. He attempted to describe the lot standards in the Architectural Pattern Book as follows:

- When starting with a master plan, it is possible to get so prescriptive that the project is not realistic for a future market because the project will not be built for 10 years. It is also possible to be so loose that the document is meaningless.
- Early on, the Master Plan tried to capture ranges of lots and memorialize them in the pattern books and architectural standards to say that a clustering of lots sizes would be called small and another cluster would be called medium. This was not intended to say that every small lot would have the same house on it. It was fully expected that product would evolve and change sizes and depths.
- Polygon was evolving their product as reflected in other applications. Besides the variation in elevations, Polygon had two cottage product types within what is currently planned to be built today, not to mention what was planned four years from now.
- The small product has two different product lines, and each has five or six different elevations, and the mediums also have different product lines, all of which would evolve over time. It was difficult to see on the plan, but slight alterations exist in depth and width that are intended specifically to allow the product to evolve, even though it was still classified as a small lot.
- Without a doubt, the easiest thing for Polygon to have done would be to build the original plan. Polygon has been very successful in the marketplace and believe they understand today’s buyers. The proposed application represents what Polygon believes they could achieve.
- He presented the Applicant’s architectural style selection process via PowerPoint with these comments:
 - The Applicant originally approached Staff with five or six different housing styles; however, Staff advised they would be more comfortable if the style selection was narrowed a bit. Staff was also concerned about the height. Polygon was clear about what they believed would sell so the proposed styles were selected in part because they had the highest roofs.
 - One purpose of the architectural standards was to prevent a hodgepodge of architecture, resulting in houses with no distinct style. The standards focus on styles, and the elements on the building must reflect the style and be integrated together. This has been a successful part of the planning effort and the Applicant’s houses were true to their style and would look very nice.
 - It was always difficult to tell whether a developer was being holistic or micro, and it depended on individual views. He displayed an aerial photo showing the site of the subject application, as well as the site of the subsequent application, Resolution No. 246. He explained the Applicant was trying to create a look on either side that is a good framework for the park and shows it off.
 - Polygon also wanted to expedite the process of getting the streetscape into the Village core. Even though Polygon might not be participating in some of the applications, they believe in

the overall vision of Villebois and the sooner all the parts were put in place, the community, residents would be better off, and Polygon would be better able to sell homes. Part of Polygon's ambition was to help implement the streetscape now, rather than five years from now.

Mr. Edmonds entered the Applicant's PowerPoint into the record as Exhibit B3 and requested that the presentation be emailed to Planning Staff. He noted Mr. Lange's handout was not an exhibit, but corrections to the record if the Board approved the project and wanted to modify conditions.

Ms. Knight noted the existing homes were shown grayed out in the visual the Applicant presented, which was a bit misleading because in reality, the existing homes are very brightly colored while the proposed homes' exterior coloring looked very neutral. She asked whether the color palette would be blended with the existing homes.

Mr. Lange stated he could not address the color palette because he was not involved in those discussions. He explained the gray scale was used to graphically represent that the homes were not part of the application, not an attempt to hide the colors. The exterior colors were derived from the style of the house. It would be challenging to make the proposed houses match a yellow house.

Ms. Chaudhuri noted Costa Pacific was listed as the land owner on the application and inquired about the business relationship between Polygon and Costa Pacific.

Mr. Lange explained Polygon would purchase the lots from Costa Pacific and then build on them.

Ms. Chaudhuri asked how the project was expected to impact home values of Lots 3, 11, and 12, which have existing homes.

Mr. Lange replied that as an engineer, he may not be qualified to answer that question. He believed that having a complete neighborhood would help home values.

Ms. Knight asked if the reason for not building the three-story product was because Polygon believed it would have a difficult time selling them.

Mr. Lange apologized for Fred Gast not being present. The Applicant was not aware of these issues until an email was received this afternoon, and by then, Mr. Gast had already committed to something else. Mr. Gast could explain the product design.

- He tended to agree with Staff, that some of this was not related to the Development Code or part of objective standards the project needed to meet. The Applicant wanted to get the application approved, however, Mr. Gast desires to engage constructively with the community. If the Board would like Mr. Gast to answer the Board's questions, Mr. Lange asked that hearing be continued.

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

John Gurnick, 11964 SW Lausanne St, Wilsonville, OR, stated he has a couple concerns about the overall design, or architectural theme. He believed a couple things had been excluded from the presentation. Only one side of a four-sided building was shown, so he inquired about how the houses would be finished.

- He has lived in Villebois for about five years and was concerned that this was becoming the standard or dominant theme. It should be the other way around; the Applicant should integrate their project more with the elements already in place, especially in a central location. Seventeen lots were a large number to be building on.

- When looking at the houses themselves, he did not see the overall integration, look and feel that was projected in the perspective presented by Staff. He requested more detail about how all four sides of the homes would look. He heard that no new rules were being created but he did not believe they were abiding by the existing rules in terms of the overall theme of the neighborhood. These were his concerns as a concerned resident.

Mr. Edmonds stated he was unclear as to the overall rules in the neighborhood as they were not in the Development Code for Villebois. He asked if Mr. Gurnick could point to the part of the Code he was discussing.

Mr. Gurnick answered no, he was talking about the overall look of the houses; the three existing houses have a distinct look and the 17 proposed houses have an entirely different look and feel, which was becoming more of the standard as opposed to the Applicant attempting to integrate into the existing standard that has been a phased approach.

Mr. Edmonds clarified that was an opinion that the Board would have weigh.

Mr. Gurnick said another concern was the amount of misinformation and corrections made to the Staff report; therefore, he would have had a difficult time understanding all the clarifications that were being made.

Ms. Jacobson agreed that was a valid point, adding that would be clarified before adopting the Staff report on the record to make it easier to understand.

Mr. Gurnick asked to see one of the other three exterior sides of the proposed design.

Mr. Edmonds replied he did not have a presentation that showed the three other sides. When side by side next to an adjacent house on a side yard, except for the wraparound, the first four to eight feet on the two sides have to match the front of the house. The back side and the sides could be a different texture, such as lap siding or stucco board, because it was not visible to a public view shed. Any side of the house adjacent to a tract of property, public street, or park is required to have an enhanced version, which includes the same type of windows, window grid, siding, textures, and colors as presented on the front elevation of the house. For side yards that face an alley or not part of a public view shed, that enhanced elevation is not required. This technique is applied everywhere in Villebois. If the Board chose to continue the item, the Applicant could provide PowerPoint views of the other three sides of the duplexes and houses.

Mr. Gurnick believed that was a valid point because the Applicant was attempting to fit into the theme of a neighborhood and build out from front to back; so the rear end of the houses should be shown.

Les Modell, resident of Lot 3 with the big yellow house, stated that his submission was part of the current record. He stated that Mr. Lange's organization has done a wonderful job answering his questions. He explained that while he would prefer seeing houses similar to his house for the sake of continuity, he was far more eager to see the development finished. He agreed with Mr. Lange that if the lots remain vacant, the value of Mr. Model's house would be severely affected, and the more the development was built out, the better chance his property values have of improving. When he purchased the house, there were severe drops in property values, and he hoped property values would rebound. However, he had no intention of moving, so that was not an issue.

- He noted that Slide A1.1 showed the side view of the property. He did not believe that was as much of an issue because the space between the houses was only 7-ft and the sides would not be visible from the street. The rear views appear to be a garage to the alley and roofline, which was fairly normal.
- In all other ways, he felt comfortable with the design Polygon was doing.

- He submitted a diagram he supplied to Polygon earlier that showed the specific areas involved in the landscaping and fence issue, which Mr. Lange had discussed. He also offered to email the diagram to Staff.

Mr. Edmonds entered the diagram into the record as Exhibit D4.

Aaron Woods confirmed Mr. Modell's primary purpose for attending the meeting was to let the Board know that he was anxious to have homes built.

Lesley Anderson, 11307 SW Barber St, Wilsonville, OR, resident of the blue row house, stated she was excited for the project to continue and for houses to be built, though when she first received the letter and saw the Applicant's proposal, she was disappointed because the developer switched to Polygon. She clarified that she liked the Polygon homes in their area; but this was not the style of house she wanted on her street. She liked the three existing houses, adding she lives next door to the plum purple house on the corner. She has talked periodically with Rudy Kadlub, the builder at Costa Pacific, about when the building would continue, and he had responded they were working on things. She understood the community had to go on and supported that, but living next to the project site, she is concerned about the houses being Polygon's style, and the coloring does not match, thereby making the three existing houses the misfits when they were actually the original homes on the block. She does have an issue with that and as a homeowner was entitled to vouch her opinion, but it seemed like the project was going to move forward. At the same time, she was excited to have the community finished.

- She was also concerned about parking in the neighborhood. For example, the adjacent purple house has no parking in front because the corner was extended with landscaping. That household had three cars which all park on the street, and the apartments use street parking as well. Once the houses were built, the apartment car owners would no longer be able to park on the street. The apartment community was required to have space for one car per unit; however, most apartment residents have more than one car per household. There were not enough garages for the apartments, but she inquired if the parking issue had been considered as parking was an issue for everyone.
- She clarified that the existing houses were not all three-story homes; her house has two stories, although it looks like it has three. She noted the original proposal was not to have only three-story homes. The homes with a deck were three stories.

Mr. Edmonds stated parking has been a big test for Villebois, which was designed to be a European-style community with a different culture and lifestyle that emphasized walking and biking, and possibly owning one car. As the community was being built out, people continue to own two cars. There were no additional parking provisions that would be created. In other public hearings, there has been active testimony about people using their garages as storage. The vision was to have fewer cars to be more sustainable and have a different lifestyle than other suburban subdivisions.

- He noted the Applicant's request to keep the hearing open if the Board wanted to consider additional testimony from the Applicant. If the Board was leaning toward not approving the Application, Mr. Lange requested the opportunity for his client to come back and testify.

Ms. Knight believed the hearing should remain open to allow Mr. Gast to address some of the concerns.

Mr. Woods agreed it was important.

Mr. Lange stated that based on what he has heard he would request a continuance. He believed he and the Applicant could work with Staff on some of the technical items, like the conditions, and return with a clean document. He understood that more input was needed from Polygon, adding that Mr. Gast was unable to be present, but was willing to return and offer input.

Mr. Edmonds clarified that Staff would make corrections and amend the conditions for the next hearing in the interest of having a clean Staff report with all the corrections incorporated. He would probably need to work with Mr. Lange on including the additional landscaping. Following a brief discussion, he noted that if there was no quorum on the March 25th, given spring break, a Panel A Board member would be recruited to become familiarized with the project.

Chair Karr moved to continue the public hearing on Resolution No. 245 to March 25, 2013 date and time certain. The motion was seconded by Aaron Woods and passed unanimously.

- B. Resolution No. 246. Toulouse Street Detached Row Homes: Stacy Connery, Pacific Community Design for Polygon Northwest Company – applicant.** The applicant is requesting approval of a Preliminary Development Plan (PDP) Refinement and Amendment with Specific Area Plan Refinement, Tentative Subdivision Re-plat and Final Development Plan (FDP) for PDP - 1 Central (Toulouse St. Row Homes) for detached row houses. The site includes Tax Lots 8200, 8300, 8400 and 8500, Section 15DB, T3S, R1W, Clackamas County, Oregon. Staff: Amanda Hoffman

Case Files: DB12-0077 - Preliminary Development Plan Refinement and
Amendment with Specific Area Plan Refinement
DB12-0078 - Tentative Subdivision Re-plat
DB12-0079 - Final Development Plan

Chair Karr called the public hearing to order at 7:55 p.m. and read the conduct of hearing format into the record. Dianne Knight and Jhuma Chaudhuri disclosed that they are residents in Villebois. 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.

Mr. Edmonds stated that in view of the previous public hearing, the Board could chose to have Staff present the Application, but he suspected the Applicant might request a continuance on this Application because it could have similar issues. The procedure would be for Staff to put their presentation on the record, and then the Applicant could choose whether to ask for a continuance.

Ms. Jacobson stated these were three completely different projects and recommended moving forward with the Staff report. If there were issues that could not be answered, the Applicant could request a continuance.

Jim Lange, Pacific Community Design, 13445 SW 110th Ave, Tigard, OR, said he suspected the issues would be the same, so to save time, Fred Gast should probably be present to answer the Board's questions. However, he was willing to proceed with the hearing if the Board believed it would be a good use of time.

Aaron Woods questioned why the issues would be similar for a change from a four-lot attached row house development to a three detached homes.

Mr. Lange replied if the Board wanted clarification about the product line, its height, how Polygon saw it fitting in the marketplace, and why the change from the previous plan was being requested, Mr. Gast would be the best person to respond.

Jhuma Chaudhuri stated her major concern with the prior proposal was the integration with the existing. However, there were no existing homes in the subject area.

Mr. Edmonds stated in the interest of efficiency, the Staff report would still need to be put on the record. He suggested the Board hear the Staff presentation and then decide if the issues were the same.

Amanda Hoffman, Assistant 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.

Ms. Hoffman presented the Staff report via PowerPoint with the following key additional comments:

- The Applicant proposed changing the four attached row houses that were originally approved to three detached row houses.
- The location of the proposed project off Toulouse St was displayed. The lots would be located inside the corner of Villebois Dr and Toulouse St, with the Piazza located at the corner of Villebois Dr and Barber St.
- The difference between the proposed project and the previously presented project is the change from four lots to three lots. The request included a subdivision replat as well as the PDP amendment with an SAP refinement for the density.
- The attached houses that were previously approved were displayed. Those houses would have faced the apartment complex with their garages served by the alley on the rear side. The newly proposed houses would also face the apartments and be served also by the alley with a two car garage. Street parking was also available on Toulouse St. The homes were very similar in design to those discussed for Central [in the prior hearing] although this was a much smaller project and the surrounding area was virtually developed.

Jhuma Chaudhuri confirmed that Lot 12 (Slide 7) would become housing.

Mr. Edmonds noted Rudy Kadlub's sales trailer was currently on Lot 12, but three-plexes, similar to that currently at corner of Villebois Dr and Toulouse St, were proposed on Lot 12.

Ms. Knight confirmed that all existing buildings, both homes and apartments, were three-stories high.

Ms. Hoffman noted the front of the homes would be visible when standing at the orange-colored apartments. (Slide 9)

Mr. Edmonds stated that Staff was not sure why the homes were sited this way. He could not imagine building an elaborate house front that faced apartments.

Chair Karr added that when driving down Toulouse St, the side of the house would be visible.

Mr. Edmonds noted the side of the house would have the enhanced view, which included the grid in the window and landscaping with street trees.

Mr. Woods inquired about the architectural style of the three houses.

Mr. Hoffman replied the proposed houses were English and French. Staff asked that the American style be removed because those houses were shorter.

Chair Karr noted the prior applicant was going to have one quad-plex facing another.

Ms. Knight asked what the small building was in the picture (Slide 9)

Mr. Edmonds replied it was a trash enclosure. One house's front door would face the trash enclosure, but nothing could be done because the trash enclosure was on another property and would remain.

Ms. Knight asked if the Board could do anything about the way the project was sited.

Ms. Hoffman responded that Staff was processing a replat to reduce the lot number.

Ms. Knight questioned whether this was good policy and planning.

Mr. Edmonds said this was the first time he looked at the picture showing the site next to the apartments.

Chair Karr stated that when he drove by, he thought the units would be facing the other way.

Mr. Edmonds explained if the homes faced the other way, the residents would not have access to their garages.

Ms. Knight understood there was an alley for the other homes.

Ms. Hoffman explained that alley was not accessible to the garages.

Mr. Edmonds confirmed that this was the only way the houses could be located.

Barbara Jacobson, Assistant City Attorney, acknowledged that a house design existed with a garage in the front for Villebois, but no street existed, only an alley.

Chair Karr asked if one would rather stare at an alley, or at the garbage building.

Ms. Chaudhuri commented the plot of land was awkward.

Ms. Hoffman agreed it was just an infill piece.

- She noted the following changes to the conditions of approval, striking PDB 3, 4, and 6, and renumbering PDB 5 to PDB 3. Conditions PDB 3 and PDB 4 were not applicable to the project. Looking at the overall requirements, the homes all access an alley and do not have access to a public street. Regarding PDB 6, it appeared that the tract to the north between the subject lot and the attached homes was part of the other development with the attached row homes.

Chair Karr noted the following corrections, amending the request titles of the conclusionary findings of the Staff report as follows:

- The top of page 12 of 44 should state, "REQUEST A: ~~DB12-0080~~ **DB12-0077**..."
- Page 24 of 44 should state, "REQUEST B: ~~DB12-0081~~ **DB12-0078**..."
- Page 30 of 44 should state, "REQUEST C: ~~DB12-0082~~ **DB12-0079**..."

Ms. Hoffman confirmed landscaping and a walkway were proposed along the front of the houses. About 20 ft exists between the front of the houses and the apartments. The separation made it appear more like a front yard. She verified that Lot 3 was not directly in front of the garbage enclosure.

Chair Karr noted Sheet C1.3 indicated the visual distance from the porch on Lot 1 to the side of the existing four-plex as greater than 15 feet.

Ms. Hoffman confirmed the property line was about three feet from the back of the trash enclosure. The distance between apartment wall and front porch of the house was approximately 25 feet.

Chair Karr called for the Applicant's presentation.

Jim Lange, Pacific Community Design, 13445 SW 110th Ave, Tigard, OR, thanked Staff again for their efforts on the application. He agreed it was a difficult site and believed the building separation was about 25 ft. He believed the State was involved in the building that the houses would face.

Mr. Edmonds explained the building units were special housing the State dispersed through Villebois, but now it did not appear that the units would be special housing.

Chair Karr asked how the Applicant planned to sell the units with the garbage located so close. He asked if a fence would make it more appealing.

Ms. Knight suggested planting trees to screen the trash enclosure.

Mr. Woods asked if the Applicant had considered the issue.

Mr. Lange agreed the garbage issue was challenging, but the Applicant would not propose the project if they did not believe it could be done. He reiterated that they were trying to get the community more complete, and something needed to go in that space. Polygon did not believe they could execute what was originally approved, but believed they could execute the proposed plan.

Mr. Woods noted the Board had discussed things anecdotally, but in looking at going from four units to three units and the size of the lot, he did not see much else that could be done unless Mr. Gast had other ideas.

Mr. Edmonds suggested some sort of division between the apartments and single-family units, such as a fence or additional landscaping.

Mr. Lange stated he would want to discuss that with his client. He explained there are two thoughts along those lines, anytime a gap exists; a space between uses, putting up a fence diminishes the amount of space available in some ways because two smaller spaces are created.

Ms. Chaudhuri believed that landscaping was probably the better suggestion.

Ms. Hoffman noted a decent amount of landscaping was proposed between the single-family homes and apartments, as shown on Sheet L1.0, as well as in front of the trash enclosure. She confirmed that 32TCA was a variegated lemon thyme.

Chair Karr called for public testimony in favor of, opposed and neutral to the application. Seeing none, he closed the public hearing at 8:26 p.m.

Chair Karr moved to approve the Staff report, striking Conditions PDB 3, PDB 4 and PDB 6 and renumbering Condition PDB 5 to PDB 3 and correcting the request titles of the conclusionary findings as follows:

[Note: deleted language struck through; additional language in bold, italicized text.]

- The top of page 12 of 44 should state, "REQUEST A: ~~DB12-0080~~ ***DB12-0077***..."
- Page 24 of 44 should state, "REQUEST B: ~~DB12-0081~~ ***DB12-0078***..."
- Page 30 of 44 should state, "REQUEST C: ~~DB12-0082~~ ***DB12-0079***..."

Dianne Knight seconded the motion, which passed unanimously.

Ms. Knight said she was worried about trash enclosure as she did not know how to resolve the issue.

Chair Karr believed the picture made the proposal look worse because when the four lots are divided into three lots, the house is shifted over and allowing landscaping to be placed along the trash enclosure. Having three units was better than creating a four-plex; however, he was concerned about who would buy the house, but that was not for him to decide.

Ms. Knight believed the proposal was probably better suited because the piece of land was not as desirable.

Dianne Knight moved to approve Resolution No. 246. Aaron Woods seconded the motion, which passed unanimously.

Chair Karr read the rules of appeal into the record.

- C. Resolution 247. Costa Circle West Detached Row Homes: Stacy Connery, Pacific Community Design for Polygon Northwest Company – applicant.** The applicant is requesting approval of a Preliminary Development Plan (PDP) Refinement and Amendment with Specific Area Plan Refinement, Tentative Subdivision Re-plat and Final Development Plan (FDP) for PDP - 2 Central (Costa Circle West Row Homes) for detached row houses. The site includes Tax Lots 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700 and 1800 in Section 15AD, T3S, R1W, Clackamas County, Oregon.
Staff: Daniel Pauly
Case Files: DB12-0080 - Preliminary Development Plan Refinement and
Amendment with Specific Area Plan Refinement
DB12-0081 - Tentative Subdivision Re-plat
DB12-0082 - Final Development Plan

Chair Karr called the public hearing to order at 8:30 p.m. and read the conduct of hearing format into the record. Dianne Knight and Jhuma Chaudhuri disclosed that they are residents in Villebois. 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.

Daniel Pauly, Associate Planner, announced that the criteria applicable to the application were stated on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Pauly presented the Staff report via PowerPoint with these key additional comments:

- The application regarded 13 detached row homes along Costa Circle West on the western edge of the Village Center. The new Piccadilly Park was located across from the development and similar homes were built on the opposite side of the park.
- The previous 2009 approval included 15 row houses divided into a five-, four-, and two, three-unit buildings. In the current application, there was approximately 6.5 ft to 8 ft between the buildings. A couple units on the northern part located where the curve of the road changes were farther apart due to the curve of the road, which is allowed by Code.
- Similar to the Toulouse Street row homes, a minor change in density product type was proposed from the decrease of two units, and all related criteria were met for that request.
- The Applicant was requesting to replat the subdivision to match where the homes would be located and the number of lots.

- Row homes in the Village Center outside of address overlays are allowed to be detached or attached. All the proposed row houses were a similar height and were English or French revival style which created a consistent height along the street frontage, helping to provide more of a row house look.
 - The architecture of the individual house was reviewed by Stephen Coyle and met the relevant adjacency rules.
 - As seen in other applications, a low stone or masonry wall was proposed along the sidewalk providing further continuity along the street.
- Landscaping is also considered when reviewing the Final Development Plan in the Village Center.
 - He noted that between all but one home, a columnar tree would be planted to help shield the space between the homes and provide a continuous look along the street. The house that was the exception could not have the tree due to the placement of needed utilities and sidewalks.
 - Two significant trees were preserved in a shared open space on the south side of SW Toulouse St and Costa Circle Dr.
- The rear of Lots 1 through 8 faces the parking lot of the Charleston Apartments resulting in the backsides of the houses to be within the public view shed. For this reason, a proposed condition of approval required that the rear of the houses receive the enhanced architectural treatment as well as landscaping in the alleys.
- The utilities were installed according to the previous plat and a number of new private utility easements were necessary to connect the realigned lots with existing services. A condition of approval ensures that these easements were addressed appropriately, including the revised CC&Rs.
- Each space between a houses was an active yard and had a use easement over half of the portion of the yard on the neighboring property. However, between Lots 1 and 2 and Lots 9 and 10, the yard was not active for either home, which raised the question of who would maintain the dark alley between the houses. A condition of approval required that this maintenance be addressed in the CC&Rs, as it had not been clearly stated.
- One neighbor's rainwater planter was located in another neighbor's use area. The rainwater planter was behind a fence, but Staff recommended new Condition of Approval PDC13, stating, "All rainwater planters shall not be within the active side share use easement of a neighboring row house."

Mr. Woods requested clarification about who would maintain the inactive yard space; it was mentioned that the CC&Rs would cover it.

Mr. Pauly stated that for the City's purposes, it did not matter maintains the area as long as someone has the responsibility. The intent was to avoid conflict between the neighbors about who is supposed to maintain that area. Working out the details would be up to the developer and homeowners association, but typically the house with the larger yard would have that responsibility.

Chair Karr confirmed Staff's condition of approval stated that the CC&Rs needed to address the issue.

Mr. Pauly confirmed the affected lots were Lots 1 and 2 and Lots 9 and 10. Lot 1 was a corner lot on Zurich St, and Lot 9 was a corner lot on Toulouse St.

Chair Karr confirmed Condition PDC 11 essentially required the Applicant to submit a landscaping plan to address landscaping at rear of houses because of parking lot.

Mr. Pauly added the requirement was consistent with what is expected in the case of an enhanced side yard. He confirmed the enhanced exterior elevations would be required, with upgraded windows, board and batten siding for English style homes and stucco for French style homes, rather than lap siding.

Ms. Chaudhuri noted the change from three-story to two-story homes and asked where the homes would be in relationship to Village Center.

Mr. Pauly stated the project was located at the edge of the Village Center and was a transition from the Village Center to areas in Villebois with more predominantly single-family homes. The subject lots were slightly narrower for the same product as the lots across from the park. He believed the proposed homes would create a more continuous look along the street. No American style homes were proposed, which also provided more continuity among the roof heights.

Chair Karr called for the Applicant's presentation.

Jim Lange, Pacific Community Design, 13445 SW 110th Ave, Tigard, OR thanked Staff for their time and efforts in working through the details. He explained that the dead space between the homes could be addressed one of two ways. He did not believe someone would get two yards due to how the interior space is designed. He believed the space would be maintained by HOA. Integrating that maintenance into the CC&Rs was a good solution because it eliminated questions. He stated he was available to answer any questions from the Board.

Chair Karr confirmed there were no questions for the Applicant. He then called for public testimony in favor of, opposed and neutral to the application. Seeing none, he closed the public hearing at 8:45 p.m.

Chair Karr moved to approve the Staff report with the addition of new Condition PDC 13 stating, "All rainwater planters shall not be within the active, side use easement of a neighboring row house." Jhuma Chaudhuri seconded the motion, which passed unanimously.

Chair Karr moved to adopt Resolution No. 247. The motion was seconded by Aaron Woods and passed unanimously.

Chair Karr read the rules of appeal into the record.

VIII. Board Member Concerns and Communications

A. Results of the February 11, 2013 DRB Panel A meeting
There were none.

IX. Staff Communications:

Blaise Edmonds, Manager of Current Planning noted that the Ferrari dealership was coming to town. The dealership was moving to a building north of Super 8 Hotel, which would be a very high-class building. The zip line for Wilsonville Family Fun Center was going back to DRB Panel A to consider a condition to further assess noise and hours of operation since the facility is located next to the new Jory Trail Apartments.

X. Adjournment

The meeting adjourned at 8:49 p.m.

Respectfully submitted,

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