

**PLANNING COMMISSION  
WEDNESDAY, DECEMBER 11, 2019  
6:00 P.M.**

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

*Minutes approved as  
presented at the  
01/08/2020 PC  
Meeting*

**Minutes**

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**I. CALL TO ORDER - ROLL CALL**

Chair Jerry Greenfield called the meeting to order at 6:03 p.m. Those present:

Planning Commission: Jerry Greenfield, Eric Postma, Peter Hurley, Simon Springall, Kamran Mesbah, and Ron Heberlein. Phyllis Millan was absent.

City Staff: Miranda Bateschell, Amanda Guile-Hinman, Daniel Pauly, and Chris Neamtzu

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**CITIZEN'S INPUT** - This is an opportunity for visitors to address the Planning Commission on items not on the agenda. There was none.

**ADMINISTRATIVE MATTERS**

A. Consideration of the November 13, 2019 Planning Commission minutes

Chair Greenfield confirmed there were no changes to the minutes, and called for a motion after hearing some Commissioners would abstain due to their absence at the November 13<sup>th</sup> meeting.

Commissioner Springall moved to accept the November 13, 2019 Planning Commission minutes as presented. Commissioner Hurley seconded the motion, which failed 3 to 0 to 3 with Commissioners Mesbah, Heberlein, and Postma abstaining.

Commissioner Springall moved to continue consideration of the November 13, 2019 Planning Commission minutes to the January 2020 Planning Commission meeting. Commissioner Hurley seconded the motion, which passed unanimously.

Staff noted that even with Commissioner Millan present in January, there would not be a majority present to approve the minutes in January.

Amanda Guile-Hinman, Assistant City Attorney, confirmed that no vote was required if there were no objections or changes to the minutes.

**II. INFORMATIONAL**

A. SROZ Regulations and Background (Rappold)

Miranda Bateschell, Planning Director, noted that over the last year or two a number of questions had come up during project discussions on master planning, concept planning, and the Residential Code Modernization Project regarding open space standards and natural resource protections and management overall. She thought it would be helpful to have Mr. Rappold provide an overview on the Significant Resource Overlay

Zone (SROZ), and what the Natural Resources Program was working on to provide a more holistic picture how these different elements interface to provide some clarity about open space standards for future talks about the residential zoning standards modifications, as well as future master planning efforts.

Kerry Rappold, Natural Resources Manager, gave an overview of the Significant Resource Overlay Zone (SROZ) via PowerPoint. He reviewed the efforts in creating and adopting a program that complied with Statewide Planning Goal 5 and Metro's Title 3 and Title 13 requirements and how the City's Code standards helped protect wetlands, riparian corridors, and wildlife habitat. He also described SROZ review process and criteria.

Discussion and feedback from the Planning Commission as well as Mr. Rappold's responses to Commissioner questions was as follows:

- Appropriate Potential Tree Height (APTH) was the ultimate mature height of a specific tree type. (Slide 9)
- Most built mitigation sites were working well, though some had not been well maintained. The City had a five-year maintenance and monitoring requirement, and little monitoring was done beyond that five-year period but the sites were likely still contained within a conservation easement. Fortunately, the City did not have that many mitigation sites.
- Mr. Rappold confirmed the City did do ongoing water monitoring in the creeks, adding that he managed the City's compliance for the National Pollutant Discharge Elimination System (NPDES) Program. One requirement of the NPDES permit was ongoing instream monitoring for both water quality and temperature. Through the temperature monitoring, the City had been able to demonstrate, at least for Boeckman Creek, that the Total Maximum Daily Load (TMDL) temperature requirement could be met. Like any urbanized area, Wilsonville had some limitations, especially in terms of the benthic community, macroinvertebrates, and other things that contribute to a healthy aquatic resource, but the City was fortunate to have areas that provide rearing and migratory places for salmonids.
  - While Natural Resources did not have a robust dataset in terms of the water temperature trends, there had not been a significant increase over the last five years. The City partnered with United States Geological Survey (USGS) on a study done on the Willamette River above Willamette Falls, and the City's temperature numbers were very consistent with the USGS numbers.
- The SROZ program was great as a zoning instrument, but there were not enough references to ongoing monitoring, which was clearly happening, and curves to show trends on whether or not the program was working, such as lost or improved habitat, water temperature, water quality, base or storm water flow, erosion in certain areas, etc.
  - Mr. Rappold confirmed annual reports were created for NPDES compliance that had the most relevant information directly related to water quality monitoring, instream and outfalls, as well as temperature, which was not required. From a temperature perspective, the river was more of a problem than Boeckman Creek. The river had extreme temperature fluctuations and did not have the stratification expected in a river, which was a huge challenge when talking about salmonids and their ability to survive long-term. Wildlife habitat was more difficult to gauge in terms of quantifying the number of species and the quality of the habitat. There were certainly changes occurring with climate and what was being seen today versus ten years ago.

Commissioner Mesbah:

- Hoped Wilsonville would adopt Seattle's model, noting that Urban Forestry Report included issues with climate change, as well as species selections and so forth. Stormwater was closely tied to urban forestry, which was why he kept asking about monitoring. He confirmed the reports were available on the website, adding he would be very interested in checking the reports on an annual basis because the issue was determining whether all the City's efforts were working. The SROZ presentation there was very good, but it did not address tracking results to see if it was doing any good.
  - Mr. Rappold explained the presentation was on the regulatory program and how the City looked at development. He noted the NPDES Reports were in the Natural Resources Program section of the City's website.

- Asked if the Natural Resources Inventory and Plan included a plan document with goals and objectives and metrics to measure whether or not the City was meeting its objectives?
  - Mr. Rappold clarified the plan was part of adopting the SROZ regulations and was comprised of inventory pages specific to every resource category and every resource site, as well as the Economic – Social – Environmental – Energy (ESEE) Analysis where staff went through the extensive steps of looking at the SROZ from a number of perspectives, including the economics, resource protection, etc., all of which fit into how the City ultimately adopted a code like this.
    - While the City was adopting regional goals and objectives, the SROZ program was very specific in terms of local resources because it was developed to apply to development. There was no other program exactly like it.
    - He confirmed the City did not have a vision for Boeckman Creek in the Natural Resources Plan.
- Noted Wilsonville would benefit from having a Natural Resources Plan with goals, objectives, and metrics and monitoring tied to the plan’s objectives to indicate how the program was working.
- Stated that allowing property owners to tell the City whether a function, like a wetland, was no longer there was asking for abuse. He emphasized that the idea of restoring locally significant—or locally precious resources—required more discussion and more education for residents, because a small wetland could be crucial to the quality of a small stream that received whatever came out of that wetland; even through a pipe. It did not need to be connected; it could be base flow from a small wetland area. When seeing that verbiage, he worried that the City was ducking some of these issues. He was sure Staff put pressure on applicants to ensure they were doing everything possible, but he was worried functions were being lost in the regenerative processes the City could have in place, instead of what was in a site right now.
  - Mr. Rappold agreed those were all legitimate concerns, adding he worked with wetland resource professionals on how to go about looking at a site, and asked what the City could do, even if it was not protected under the Code, to try to preserve that resource and incorporate it into a development site. Sometimes it worked and sometimes it did not, and then it was subject to whatever the state and federal agencies would allow.
- Noted the issue had come up at the Oregon American Planning Association (APA) Legal Issues Summit a few days ago, where a representative from the state mentioned that sometimes these small resources were lost because they were small and below the standards, etc., but locally, they had a very big impact. It was important for the Planning Commission to remember that when development planning, the City was creating legal rights when approving developments. The time to look at some of these resources, and claim them as a community resource that should not be developed, was before the City approved those rights. Once something was approved, whether it was a plat or whatever, the City had created a right for the property owner that could not be called back very well. He encouraged putting a lot of forethought into all of the processes regarding the areas the City claimed to be developable one way or another.
  - Mr. Rappold said those were good points, adding that Staff needed that guidance and direction with regard to how to go about doing some of these things.

Commissioner Springall:

- Agreed the City needed to have monitoring processes and be able to understand the long-term trend of what was happening to the natural areas in the city. When he was on the Development Review Board (DRB) some years back when both SROZ areas in Villebois were addressed and Grande Pointe had detailed adjustments for the SROZ. It seemed a carefully developed plan, and he guessed Natural Resources must have worked with the applicant to help make those specific adjustments to the wetlands and zone areas.
- Suggested the SROZ information also be presented to the DRBs because the Boards approved specific developments, while the Planning Commission addressed bigger picture, master plan type concepts.
  - Mr. Rappold responded he had taken it to the DRB in the past, but it had probably been a few years. He agreed the DRBs, in many respects, would be best served by the presentation and trying to understand how to apply it to development applications and the land use process.

- He added that Staff did do some trends analysis work in regards to the City's water quality monitoring and were starting to ramp up more on that, and DEQ was becoming more interested in it. It was important to see how the City was doing as far as trends, and whether the conditions and the situation were improving.

Chair Greenfield:

- Also appreciated Commissioner Mesbah's concerns and agreed with the direction discussed. He asked if the five percent or two percent was of the total resource area, the entire area, or just the area concerned with that particular development piece.
  - Mr. Rappold clarified it was five percent of the area defined as the Area of Limited Conflicting Use (ALCU); the entire area defined as the resource unit, such as an upland forest, like ten acre upland forest, like in Villebois, or the small amount of fringe area along the edge of a riparian corridor. For the upland forest resource category, five percent of ten acres was half an acre, such as indicated on Slide 16. He emphasized that was a starting point. The City did not have to necessarily allow them to use the entire five percent.
    - He explained that once a property owner used that five percent, no more was allowed; they could not come back and do additional alterations, so in some respects, it was a first come, first served basis. Villebois was kind of a unique situation, in terms of a large master planned area like Frog Pond is. Many times the City was just dealing with smaller developments maybe on one side of a riparian corridor, and if there was wildlife habitat, the other side of the riparian corridor would get that same opportunity. It all depended on where development was occurring and at what point it was proposed.
- Commented that it was easiest to deal with at the beginning stages of the development.

B. House Bill 2001/2003 (Pauly)

Miranda Bateschell, Planning Director, explained that House Bills 2001 and 2003 passed earlier this year during the State legislative session. The Department of Land Conservation Development (DLCD) presented the bills at the City Council work session about six weeks ago, but was unavailable to present to the Planning Commission this evening because they were presenting to Metro's Policy Advisory Committee. Staff would follow up with DLCD with any questions they might be unable to answer from the Commission. She noted Staff had participated through the legislative session and tracked the bills closely, particularly with early drafts as there were a number of things staff wanted to have Wilsonville's perspective included on with regard to local planning. Staff provided some positive feedback and direction that was actually reflected in some of the bills, so it was good to have been involved.

- She explained Staff had listened to the DLCD's presentation a handful of times already, so Mr. Pauly would introduce the bills based on the DLCD presentation to give the Commission a sense of what was included in each bill. Because the bills would have implications for the City's Planning Division and Planning Work Program over the next few years, staff wanted to start early and give the Commission an overview of what was involved, how Staff would be working with Wilsonville's state representatives moving forward, how the City would be tracking this and then integrating it into the Work Program.

Daniel Pauly, Planning Manager, presented the Update on Oregon's Housing Initiatives HB 2001 and HB 2003 via PowerPoint, describing the role of the Rulemaking Advisory Committee, the background leading to the house bills, and highlighting the bills' impacts on the City's Development Code.

Discussion and feedback from the Planning Commission was as follows with responses to Commissioner questions as noted:

- Wilsonville was considered a large city, as were most all cities within Metro, except small towns under 1,000 like Maywood Park, so the large city requirements would apply. He noted two maps included in the meeting packet identified where these changes would be seen throughout the state. (Attachments 3 and 6)

- The end of the ECONorthwest memo (Attachment 7) talked about evaluating feasibility and regulatory barriers, and considering development feasibility during middle housing code development could help ground the process and Code in reality and, what follows underneath that was a process of educating the residents on the reality of the House Bills to avoid any panic commentaries about losing everything in neighborhoods, etc. The assessments needed to generate ground-truthing that could be used in public outreach in preparation for hearings to inform about the potential impacts, the impacts of the City's vision inclusive for Wilsonville, and how to manage it so it was impactful in a good way.
  - Mr. Pauly noted Staff envisioned the initial steps of the process would include public outreach and education around what it would look like on the ground, the impacts, and the City preferences to have to keep this type of development compatible with existing and the type of neighborhood envisioned in the future.
- With regard to the Housing Production Strategies of HB 2003, had there been discussion about limitations, if any, in terms of what specific actions could be developed by a city; whether or not they had to be limited to things the city could influence, i.e. the amount of space in the city. For example, if a city needed more land to address its specific housing needs, but the urban growth boundary did not allow for it, what would happen then?
  - Mr. Pauly expected that the feasibility of a strategy would certainly be part of the review, adding Staff did not know all the answers as it this was new. He imagined those questions would certainly come up during the rulemaking process, and as things start to get developed and reviewed.
    - Ms. Bateshell added that during HB 2003, the definition around the Housing Production Strategy was less defined than some of the strategies outlined in HB 2001 around what was considered middle housing, where would it go, what would be allowed. No definition was provided for the Housing Production Strategy in HB 2003. One of the Technical Advisory Committees (TAC) that would be providing input and doing work for the Rulemaking Advisory Committee (RAC) was set up specifically to talk about the Housing Production Strategy and Wilsonville Staff would be a member of that TAC. Many more conversations would occur on what the Housing Production Strategy meant, what would be incorporated in it, and the type of strategy. She assured the comment would be passed along and hopefully, the dialogue and discussion was a fruitful one as they went through the process.
    - She noted that on the website for the DLCD Rulemaking Advisory Committee (Slide 6), people could sign up to receive email updates about the process and notifications about when the meetings in Salem were scheduled. Each meeting would be recorded so anyone interested in the Committee's discussions, decisions, or recommendations could watch the meetings.
- Staff anticipated the timeline related to equitable housing and HB 2001 going quite smoothly with regard to master planning Frog Pond East and South.
- The City would have a better idea about the rulemaking in late 2020, but there was little to no risk with the City's Residential Code Modernization Project because they were working on the PDR zones which already allow all those housing types. The rulemaking was not expected to have a big impact on those particular zones.

Chair Greenfield:

- Remarked it was difficult to get one's footing when the ground was moving and that was kind of the situation. He was unclear and therefore, concerned about, what all this potentially meant for the density calculations in the City's planning. Housing had been such a front and center issue for the Commission, particularly with the community. How was the Commission to think about density in a situation where a lot could mean one to four dwelling units?
  - Mr. Pauly agreed that was a concern, adding that defining what area zone meant was one of the headline rulemaking questions asked at every meeting he had attended. Considering certain middle housing products and duplexes like ADUs that did not count toward density was a potential. He was uncertain how it would go in the rulemaking, adding it could potentially go a couple of different ways. He encouraged the Commission to stay tuned and stay engaged on where that discussion went.

- Commented it was very hard to formulate specific questions when the whole thing was a huge question.

C. City Council Action Minutes (Nov. 4 & 18, 2019)

There were no comments.

D. 2020 PC Work Program

Miranda Bateschell, Planning Director, said the Work Programs draft often changed once they get a couple of months into the year, and as things start moving around based on project timelines; however, staff had outlined a number of different topics for the Planning Commission's review.

Daniel Pauly, Planning Manager, clarified the Wilsonville Housing Variety Implementation Plan was the working title for the HB 2001 work.

Eric Postma and Peter Hurley were recognized for their years of service on both the Planning Commission and DRB and were presented with awards. Christ Neamtzu, Community Development Director, and Miranda Bateschell, Planning Director, expressed appreciation on behalf of the City, noting how the Commissioners had impacted development and policy in the City and highlighting their skills and commitment to the community. Both Commissioners expressed that it had been an honor to serve the City and both commended City Staff for their fine work and professionalism. A cake reception followed.

### III. ADJOURNMENT

Chair Greenfield adjourned the regular meeting of the Wilsonville Planning Commission at 7:36 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for  
Tami Bergeron, Administrative Assistant-Planning