

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, May 16, 2016. Mayor Knapp called the meeting to order at 7:22 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Councilor Starr
Councilor Fitzgerald
Councilor Stevens
Councilor Lehan

Staff present included:

Jeanna Troha, Assistant City Manager
Barbara Jacobson, City Attorney
Sandra King, City Recorder
Nancy Kraushaar, Community Development Director
Eric Mende, City Engineer
Delora Kerber, Public Works Director
Jon Gail, Community Relations Coordinator
Dan Pauly, Associate Planner
Stephan Lashbrook, SMART Director

Motion to approve the order of the agenda.

Motion: Councilor Starr moved to approve the order of the agenda. Councilor Lehan seconded the motion.

Vote: Motion carried 5-0.

MAYOR'S BUSINESS

The proclamation declaring Public Works Week was read into the record by the Mayor.

Mayor Knapp reported that he, Stephan Lashbrook, and Mark Ottenad had recently returned from Washington, D.C. where they met with the city's elected representatives about city issues and federal grants. The Mayor recounted the regional meetings he attended on behalf of the City.

COMMUNICATIONS

A. Metro Councilor Dirksen – Metro Quarterly Update

Using a PowerPoint slide show Councilor Dirksen discussed the programs, projects, and activities Metro is involved in.

B. Laura McKinney – OIT

Ms. McKinney talked about the recent accomplishments of OIT and the additional degrees offered on their four campuses. Ms. McKinney spoke about the recent accomplishments experienced on the Wilsonville campus.

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C. Frank Lonergan Republic Services Presentation to Wilsonville Community Sharing

Frank Lonegran of Republic Services presented a check in the amount of \$546.00 to Wilsonville Community Sharing. On behalf of Wilsonville Community Sharing, Carrie Finnegan and Michelle Ripple thanked Council and Republic Services for their support.

D. Through A Child's Eyes (TACE) Update – Alan Kirk

Alan Kirk explained the creation of TACE and its purpose to benefit the inmates of Coffee Creek Correctional Facility. On behalf of OrePac, Mr. Kirk presented a check in the amount of \$5,000 to Wilsonville Rotary for the 2016 July TACE program.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS – There was none.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – (Park & Recreation Advisory Board Liaison) announced the date of the next Parks and Recreation Board meeting, and the Queen of the High Road Half Marathon and 5K run.

Councilor Fitzgerald – (Development Review Panels A & B Liaison) invited the public to attend the Wilsonville Festival of the Arts scheduled for the first weekend in June. She announced the cancellation of the DRB Panel B meeting originally set for May 23rd. The Councilor reported on the approvals given by both Panels at their last meetings.

Councilor Stevens – (Library Board and Wilsonville Seniors Liaison) announced the Library summer reading program begins June 6th as well as the other events hosted by the Library. She said that voters may drop off their ballots at the Library on Tuesday, and noted the Budget Committee meeting date.

Councilor Lehan– (Planning Commission and CCI Liaison) reported on the decisions made by the Commission at their last meeting. The Councilor noted the activities that will take place during the Memorial Day Weekend at historic cemeteries.

CONSENT AGENDA

Ms. Jacobson read the titles of the Consent Agenda items into the record.

A. **Resolution No. 2582**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Canby Excavating, Inc. For The Charbonneau High Priority Utility Repair Phase I Project (Capital Improvement Project #1500, 2500, & 7500).

B. Minutes of the April 18, 2016 and May 2, 2016 Council Meetings.

Motion: Councilor Fitzgerald moved to approve the Consent Agenda. Councilor Stevens seconded the motion.

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Vote: Motion carried 5-0.

PUBLIC HEARING

A. **Ordinance No. 776** – *to be continued to June 20th Council Meeting*

An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 3, Right-Of-Way And Public Easement Management Section, By Amending Section 3.410, Franchise Required, And Adding A New Section 3.415, Franchise Fees.

Staff recommended continuing the Ordinance to the June 20, 2016 Council meeting to provide additional time for preparation.

Motion: Councilor Lehan moved to continue Ordinance No. 776 to the June 20, 2016 City Council meeting. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 5-0.

Ms. Jacobson read the titles of Ordinance No. 790 and 791 into the record for first reading noting the public hearing could be held concurrently, however, the votes should be made separately.

B. **Ordinance No. 790** 1st reading

An Ordinance Of The City Of Wilsonville Approving A Comprehensive Plan Map Amendment From Residential 0-1 Dwelling Units Per Acre To Residential 4-5 Units Per Acre On Approximately 4.37 Acres Located At 28500 And 28530 SW Canyon Creek Road South – Comprising Tax Lots 900 And 1000 Of Section 13B, Township 3 South, Range 1 West, Clackamas County, Oregon, Beth Ann Boeckman And Karen And Marvin Lewallen – Owners, Scott Miller, SAMM-MILLER LLC – Applicant.

C. **Ordinance No. 791** 1st Reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Residential Agriculture-Holding (RA-H) Zone To The Planned Development Residential-3 (PDR-3) Zone On Approximately 4.37 Acres Located At 28500 And 28530 SW Canyon Creek Road South- Comprising Tax Lots 900 And 1000 Of Section 13B, Township 3 South, Range 1 West, Clackamas County, Oregon, Beth Ann Boeckman And Karen And Marvin Lewallen – Owners. Scott Miller, SAMM-MILLER LLC – Applicant.

Mayor Knapp opened the public hearing at 8:42 p.m. and read the land use hearing format.

Councilor Fitzgerald indicated she attended portions of two public hearings on the matter, but that would not influence her decision.

The staff report was prepared by Dan Pauly. Mr. Pauly indicated a correction was necessary in the first “whereas” paragraph in Ordinance 790 to correct “Daren” to read “Karen”. Following review at their March 28th and April 25th meetings, Development Review Board Panel B recommended approval of a Comprehensive Plan Map Amendment and a Zone Map Amendment for the subject properties. The DRB also approved a Stage I Master Plan, Stage II Final Plan, Site Design Review, Type C Tree Plan, Waiver and Tentative Subdivision Plat for the development of a 14-lot single-family subdivision.

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For areas of the City designated as residential on the Comprehensive Plan Map, planned densities are indicated in dwelling units per acre. The applicant requests a change of the planned residential density of the subject properties from 0-1 dwelling units per acre to 4-5 dwelling units per acre.

The subject properties are part of the 1964 Bridle Trail Ranchettes subdivision where each lot was approximately 2 acres. When the City adopted the current Comprehensive Plan Map the density for this area reflected the existing subdivision. Beginning in the mid 2000's, the City approved a series of requests for many of the Bridle Trail Ranchette lots to increase the density from 0-1 to 4-5 dwelling units an acre.

Contingent on approval of the Comprehensive Plan Map Amendment for an increased density of 4-5 dwelling units per acre, the subject properties would receive a corresponding PDR zoning of PDR-3. The City approved the same zoning for other portions of Bridle Trail Ranchettes with increased density.

The two proposed ordinances will change the comprehensive plan map, and zone map amendment for two properties on Canyon Creek Road South which would result in a 14 lot subdivision, that was approved by the DRB. The DRB approval is contingent upon the action taken by the City Council.

Mr. Pauly identified the location of the two lots on the east side of Canyon Creek South, at Day Break Street and showed an aerial of the property. The east portion of the property is a sloped forested riparian area and is part of the City's SROZ with a flatter open area on the western portion of the property towards the street.

The subject properties are part of a subdivision that pre-dated the City called Bridal Trail Ranchettes containing 2-acre lots along Canyon Creek Road South. When the current Comprehensive Plan Map was adopted the density for this area reflected the existing subdivision, then in the beginning of the mid 2000's many of the Bridal Trail Ranchettes were approved to increase the density from the 0-1 to 4-5 units per acre per the Comprehensive Plan. Currently 12 of the original 19 Bridal Trail Ranchettes lots have been approved for the increased density. The development record for the 12 developed lots was outlined beginning with Renaissance at Canyon Creek through Ordinance No. 570. Notes from the findings for that staff report talked about the need for additional single family homes, to provide work force housing and to provide housing for people working in Wilsonville, it also talked about the limited amount of vacant residential land within the City.

In early 2006 Ordinance No. 604 changed the Comp Plan Designation for approximately 4 acres on the east side of Canyon Creek Road which is now the 13 lot Cross Creek Subdivision and similar findings were made for that development as well.

Most recently, when the Renaissance development occurred one lot did not want to develop at that time, however they made a request in 2004 for a similar change to the Comprehensive Plan and Zone Map amendments and they are now part of the Renaissance development.

The owners of the subject properties desire a similar change for these two lots that were part of the original Bridal Trail Ranchette subdivision. The change to the Comprehensive Plan density would be a PDR-3 which is the same zone as the surrounding neighborhoods of Renaissance Homes, Canyon Creek, and Cross Creek.

Mr. Pauly described the process the DRB used to arrive at the 14 units. The total site is 4.3 acres, with a little more than 2 acres in the SROZ. Beginning with the area that is not in the SROZ, with the minimum density required is 9 units on that land with a maximum of 11. To encourage preservation as well as

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preserve economic value of the land, the Code permits a transfer of density out of the SROZ into the buildable areas of the lot. What is permitted is 50% of the maximum Comprehensive Plan density, which in this case the maximum density allowed for that area in the SROZ would be 10 units, so half of that would be 5 units. The proposed 14 units end up being the minimum density from the non-SROZ area plus the permitted density transfer from the SROZ. In addition to the requirement to preserve the SROZ the applicant is required to provide ¼ acre of usable park area, which will provide a gathering space and reflect the fact that it is next to the natural area.

The street will curve to the north with the potential to connect to Cross Creek in the future. The DRB approved a waiver to the average lot size but the lots will meet the minimum lot size and setbacks called for in the Code. A number of mature trees will be preserved within the lots.

Mayor Knapp invited comments and questions from the Council.

Councilor Starr asked if the project was approved the first time at the DRB.

Mr. Pauly said the DRB held two public hearings. There was a lot of public comment regarding traffic safety, and character of the neighborhood. The DRB held a second hearing to take additional testimony, and receive additional information from the applicant. After serious consideration of the record and testimony the DRB did approve the application.

Councilor Starr asked if the application was rejected the first time, and the neighbors did not want to see this development happen.

Mr. Pauly responded the immediate neighbor had concerns, while other neighbors were concerned about the increase in traffic. At the original hearing there was a motion to approve the application which failed 1-4. After further discussion the DRB thought some things could be fixed and wanted to give the applicant the opportunity to do so. DRB members were concerned about the setback, since the applicant had requested a waiver initially for a 5-foot side yard rather than the required 7 feet. Since then the applicant has changed her plans and will provide the 7 foot setback. At the end of the first hearing the DRB passed a motion 4-1 to continue the first hearing to allow staff and the applicant to address the DRB's concerns.

Councilor Starr wanted to know if there were concerns about the additional traffic that will be coming into the neighborhood.

Mr. Pauly said there were concerns about the accuracy of the traffic report, but it was verified the report was conducted on the appropriate days and time of day. The professional findings were that traffic safety would be adequate and the additional traffic would not negatively impact the capacity of the local streets. He noted an impartial third party conducts the traffic studies.

Mr. Pauly felt the key, as discussed in the record, is the character of the neighborhood, and the strong testimony from the applicant. The lot size, the type of home, and the distance between homes will be greater than the surrounding developments such as Renaissance, and Canyon Creek and Cross Creek. The proposal is in keeping with the character of the surrounding development and neighborhood. Twelve of the nineteen original Bridal Trail Ranchettes have been subdivided, these additional two will make fourteen, and there are discussions for developing an additional lot in the future.

In determining what is appropriate in this location – the 2 acre lot or 5,000 square foot lots – the Comprehensive Plan language is helpful in guiding where it is appropriate to have different sizes of lots

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in the City. These lots are near the center of town, near employment centers and are a good location for infill housing from the perspective of the Comprehensive Plan language. In terms of what would be appropriate between single family and multi-family, the testimony supports consistency with what is in place now: single family homes at a more suburban density.

Councilor Starr asked for clarification on the accommodations made for a neighbor.

Mr. Pauly explained the neighbor recently purchased their home and they have been involved throughout the process. The trend of development was occurring in the neighborhood when this person purchased their home and the testimony in the record noted they did know or should have known this type of development was happening. He has had many conversations with the new neighbor, provided information about the process, providing feedback, and setting expectations as well as explaining what the Code contains. It comes back to the language in the Comprehensive Plan and what is appropriate for the site from a broader planning perspective. The DRB realized these same issues and considered them carefully, taking into consideration the concerns of the neighbor and weighed a lot of information to make their decision.

Councilor Lehan asked what the current zoning and density is.

Mr. Pauly responded the current zoning and density is 0-1 unit per acre and the proposal is 4-5 units per acre.

Councilor Fitzgerald commented originally there were a number of two-acre lots several decades ago, and the owners of those lots went before the Council in 2000 and asked to develop those into the smaller lot size, which now has become the Renaissance development and Canyon Creek. Leaving some two-acre lots the owners chose not to develop in 2000, but now they would like to do that. It is a real conundrum can the community say “no, you cannot do that”. I think that would be a challenge because the other two acre lots qualified to develop into this kind of a neighborhood.

Mr. Pauly commented through the history there was no policy choice to have lots this size and location in Wilsonville, the density that was assigned were the current conditions at the time the Comprehensive Plan was adopted, there was no purposeful decision to put two acre lots at this location.

Councilor Fitzgerald asked for clarification on the setbacks and the accommodation made to reflect the neighbor’s concerns.

Mr. Pauly explained the original request was for five foot setbacks; however, staff requested the applicant provide a ten-foot setback from the new neighbor’s property to the north. The required setback under the current zoning RA-H (residential agricultural holding zone) is ten feet. The neighbor wanted to insure the trees on his property were not damaged by the development. The DRB rejected the five foot setback waiver, which they felt didn’t have a real strong reason besides being able to fit a wider home on a narrow 40-foot lot, and the fact that Renaissance and Canyon Creek homes have the five foot setbacks, it has been a waiver that has historically been granted by the DRB in the zones that require the seven foot side yard setbacks, so they thought it made sense to request the waiver. When the DRB said no to the five foot setback waiver, the applicant returned with the seven foot setback which applied all around including the original ten foot setback.

Councilor Stevens asked where the trees will be preserved. Mr. Pauly identified the trees along the north property line and noted there will not be any development in the SROZ.

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Councilor Lehan asked about the RA-H zoning designation.

Mr. Pauly clarified the RA-H is a holding zone that is applied everywhere in the City that is expected to redevelop. It is intended as a holding zone where additional development may happen.

Councilor Lehan said the zone change was not arbitrary, in other words, it is a holding zone now, so everybody knew, the realtors knew, the property owners next door knew or should have known it was a holding zone and was not a permanent zone. A holding zone is temporary until it gets a permanent designation.

Mayor Knapp asked to see the plat map and asked if lot one would be accessed from Canyon Creek and what the shading areas on lots 3, 4, 5, and 6 indicated. Mr. Pauly said the shaded area is the non-buildable area of the lots due to the SROZ buffer area and the SROZ. A deck or development could be built into the buffer area as long as there are not impacts to the natural areas.

Ms. Jacobson added after the first DRB hearing an additional traffic study was conducted because the DRB questioned the validity of the first traffic study.

Mayor Knapp invited the applicant to make their presentation.

Kelly Hoseni, attorney with Miller Nash 111 SW 5th Avenue, Suite 3400, Portland, Oregon 97204 representing Sam Miller on the application. Ms. Hoseni mentioned the current zone on the property is a holding zone, and this property, as well as all of the Ranchettes that up to this point had not been developed, are on the buildable land inventory in the Comprehensive Plan as residential lands that are meant to be redeveloped at higher density to meet the City's housing goals.

Anne Marie Skinner, 8285 SW Nimbus Avenue, Suite 180, Beaverton, OR 97008 of Emerio Design is the architect on the project. Ms. Skinner responded to questions raised by the Councilors about the property owner to the north and items that are being provided to accommodate his requests. Care has been taken to preserve the roots of the trees on his property along the north boundary line, language has been added to the Conditions of Approval regarding the construction activity around those trees to insure the trees are preserved, this language was added to the narrative that the applicant submitted. In addition, the applicant is providing enhanced landscaping along the north boundary of lots 1 and 2 along with the six-foot sight obscuring fencing on the northern boundary to help address the privacy issue. Ms. Skinner indicated she had met with the property owner to the north inquiring if he was aware of the RA-H Zoning, and he stated did not make himself aware of that property zoning before making his purchase.

Ms. Skinner stated the development is no different than the Renaissance, or Cross Creek developments except for the additional requirement to provide ¼ acre of usable park space. Great care was taken in laying out the homes around the required park area creating the focal point of the site layout as an extension of the SROZ. The proposal is very similar and compatible with the two developments in the area.

Scott Miller, 10211 SW Barber Street, Wilsonville, applicant, commented the proposal was an opportunity to work with two landowners that were ready to develop their property. Great pains have been taken to insure this development would fit in with the surrounding developments, and blend in with the neighborhood across the street.

Mayor Knapp invited the public to address the Council.

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Ben Altman, 29515 SW Serenity Way, Wilsonville. Mr. Altman spoke to the transition issue of the holding zone. He explained this property was originally platted in Clackamas County prior to the city's incorporation. When the land was platted, the CC&Rs adopted with the plat had a 25 year expiration window with the anticipation that they may re-develop in the future. When the city was incorporated and the initial planning was done, there was actually a shadow plat done for the Ranchettes in the original Comp Plan, the 1970 plan actually has a shadow plat that shows redevelopment of the site in terms of more urban density. They probably did not anticipate this density because they thought 4 units per acre was high density in 1970; but there has always been anticipation of that property transitioning to urban. When the 1980 Comp Plan was adopted it retained the RA-H holding zone as did all other large lot vacant property in the city as a transition zone, and that really was tied with the overall strategy of matching the concurrency policies that property was not rezoned until they were ready for development.

So there is a long history on this site where it was always an anticipation of urban development and the transition, again, there was not a density set at the time in 1980, just leaving it at the 2-acre existing plat anticipating that would resolve itself overtime with the appropriate density.

The Mayor invited additional comments, hearing none he asked for a motion to close the hearing.

Motion: Councilor Fitzgerald moved to close the public hearing. Councilor Stevens seconded the motion.

Vote: Motion carried 5-0.

Mayor Knapp declared the public hearing closed at 9:46 p.m.

Motion: Councilor Lehan moved to adopt Ordinance No. 790 on first reading. Councilor Fitzgerald seconded the motion.

Councilor Lehan was in favor of adopting the ordinance because it passed the DRB, who looked at the application in great detail and the applicant is making an effort to protect the natural resources on the property. She was glad Mr. Altman spoke of the history of this site. It is a natural evolution for the property to move into the current urban setting and fit in with the neighborhood.

Councilor Starr wished he had had the history earlier, if this was the intent from the beginning it is hard to argue against it. He was concerned to see a higher density because it will contribute to higher square foot price for land and to the housing issue, but there was no reason to say no. He thanked Mr. Altman for the history of the property.

Councilor Stevens said she liked the idea of more single family homes in town, and that the housing will be next to the green space resulting in a high quality of life for the home owners.

Councilor Fitzgerald thought it was useful to hear the history from Mr. Altman and that although property owners have different points of view, the city must be as fair as possible with each property owner. She pointed out the owners of the two-acre lots can maintain their acreage as long as they want to. The Councilor wanted to know how a person considering the purchase of a property can find out the future uses of a property.

Ms. Jacobson recommended potential property purchasers to come into the Planning office to verify the zoning, and to learn what is planned for the property in the future.

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Councilor Fitzgerald suggested including a statement about this on the Planning Department website.

Ms. Troha indicated an educational piece can be put into a future issue of the Boones Ferry Messenger.

Councilor Fitzgerald agreed with the statement Councilor Starr made and she supported the decision made by the DRB and the findings that went into studying the application.

Mayor Knapp agreed with the discussion. He felt the development as proposed is consistent with what is going on around it, it should fit in with the adjoining uses and densities and transportation patterns, and it will contribute to the growth of the neighborhood. There is a demand in the community for homes at affordable prices which means homes on smaller lots, and it is likely there will be a demand for this development. He liked the embracing of the SROZ which will be attractive amenity, and he did not see any basis for questioning or denying the application.

Vote: Motion carried 5-0.

Ordinance No. 791 Motion.

Motion: Councilor Stevens moved to adopt Ordinance No. 791 on first reading. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 5-0.

CONTINUING BUSINESS

- A. **Ordinance No. 789** – 2nd Reading continued to the June 6th Council meeting.
An Ordinance Of The City Of Wilsonville Approving A Minor Amendment To Wilsonville's 2013 Transportation Systems Plan (2016 TSP Amendment).

Mayor Knapp asked if there was anyone present to testify, there was none. The Mayor explained staff has requested the ordinance be continued until the June 6th Council meeting.

Motion: Councilor Stevens moved to continue the second reading of Ordinance No. 789 to the June 6, 2016 Council meeting. The motion was seconded by Councilor Starr.

Vote: Motion carried 5-0.

CITY MANAGER'S BUSINESS

Ms. Troha noted Council asked staff to come back with analysis on the use of photo radar at Wilsonville Road and Boones Ferry Road. Staff is in the process of conducting the analysis and will come back to Council with pros and cons regarding its use, as well as history of its use in other communities.

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LEGAL BUSINESS

Ms. Jacobson reported she, Mr. Cosgrove and Ms. King had discussed earlier the very large packet that Council had to review, and Council's concern that it was hard to follow, so we are looking at alternatives. One may be rather than attaching the entire record the information would be available either by link, CD, or by separate volume with the large background pieces such as the DRB record, as a separate volume so that the Council did not have to look through 500 pages of supplemental materials. She asked Councilors to send their suggestions to staff.

Councilor Fitzgerald suggested additional bookmarks to break down larger documents further.

ADJOURN

Mayor Knapp adjourned the meeting at 9:54 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor